ARTURS GAVEIKA

SCHENGEN ACQUIS
(Schengen Law)

Rezekne Academy of Technologies

PostDoc Latvia

NACIONĀLAIS ATTĪSTĪBAS PLĀNS 2020

EIROPAS SAVIENĪBA
Eiropas Reģionālās attīsītības fonds

IEGULDĪJUMS TAVĀ NĀKOTNĒ

Research project ***The EU's external border security, Latvian internal security***
Nr.1.1.1.2./VIAA/1/16/127

Arturs Gaveika

Schengen *acquis*

(Schengen Law)

(Monograph)

2020

A. Gaveika. *Schengen acquis (Schengen Law). Monograph.* Rezekne: Rezekne Academy of Technologies. 2020, p. 244.

Printed in Rēzekne: SIA RA Drukātava.
Translated to English by PhD candidate Martins Spridzans.

Recommended for publication by the Scientific Council of Rezekne Academy of Technologies on June 16, 2020 by Protocol No 16.1/12

Since October 2017 to October 2020, Rezekne Academy of Technologies has been implementing the European Regional Development Fund Postdoctoral Research Support Project "EU External Border Security, Latvian Internal Security" No.1.1.2/VIAA/1/16/127. Project executor is postdoctoral researcher Dr. iur. Arturs Gaveika. The cooperation partner of the project is the State Border Guard College of Latvia.

Reviewers:
Dr. iur., Prof. **Birutė Pranevičienė**
Dr. iur., Prof. **Vitolds Zahars**
Dr. iur., Assoc. Prof. **Ilona Bulgakova** (Sworn advocate)

ISBN 978-9984-44-247-1

CONTENTS

FOREWORD

The research was devoted to problematic issues within the context of the European Union's external borders regulatory framework in Latvia. The problematic issues researched concern the national, the EU's and international legislation matters from the perspective of Latvia as a subject of international rights, sovereignty, territorial jurisdiction and national borders and in the context of the freedom of movement within the implementation of the Schengen Acquis activity area. For the first time in Latvia the interconnection of EU external borders regulatory framework with EU and international rights doctrines concerning national borders has been analysed.

State border is a component of any state's sovereignty and security based on internationally recognized principles of state borders integrity and inviolability. State borders' security is ensured by the state border regime with its main and the most essential part i.e. the procedures by which persons and goods cross the state borders and the procedures how other activities are carried out on the border.

The regulatory framework of state borders' determination and border control has the decisive role in determining the regime of state border. Such regulatory framework should be developed in the system of European Union's legislation by harmonizing and linking national and international rights in Latvia and other Schengen Associated Member States with international responsibilities and legal liabilities with third countries.

A routine Schengen evaluation in Latvia, took place between July 2012 and May 2013 and April 2018. The questions being considered during this evaluation were related to the quality of national regulatory framework, its efficiency and relevance to Schengen Acquis requirements. This research is topical due to necessity of alignment and consolidation of regulatory framework of external borders of Latvia in order to increase the capacity of state administration institutions and the capabilities to secure the country's external border security, lawfulness in immigration control, national security in general, meeting the requirements of the EU, Schengen Member States and third countries. Such improvement is possible after a careful consideration the legal framework and its practical implementation and which is determined of relevance by the selected field of research. The theme of the monograph has not been researched in judicial literature in Latvia, especially from the aspect of state and public safety as well as the current and potential tasks of the Ministry on the Interior in the context of the EU. The National Security Concept of 2019 marks the capacity and capacity of the State border security authorities, law enforcement authorities,

foreign affairs services, as well as the National Armed Forces and the State Border Guard to react in case of threats.

The results of this research have been reflected in regular publications, conferences and other scientific activities e.g. The research project of Police Academy of Latvia „Management of emergency situations" in 2009 and 2008, in implementation of the European Return Fund 4th Priority „Support to Community standards and return management in the implementation of the best practices" which also encompassed training materials development and training and the author of research participated as a project manager, Postdoctoral Research Support Project "EU External Border Security, Latvian Internal Security" (No.1.1.2 / VIAA / 1/16/127. 2017 – 2020).

Monograph contains the main issues related to regulatory framework of the EU's external borders in Latvia concerning national sovereignty, state's territory and legal liabilities to the State border, Schengen *acquis* guidelines and the role in EU external borders' establishment. The work also contains the concept and legal evolution of state border, determination of external land borders, border regime and border control, Latvian maritime border demarcation and border control, Latvian airspace border and airspace control system, prevention of emergency situations at the EU external borders, the competence and the role of the State Border Guard in ensuring external borders' security.

The development of the regulatory framework of Latvia's external border is determined by international regulatory framework, the EU's regulatory framework and influence of Latvian bilateral relations as well as the need to balance the free movement of persons which is essential part of human rights in order to ensure the legislation in relation to Latvian external border regime within international and national legal framework. This is evidenced as a problematic issue in regulatory framework, law practices and border control implementation both in Latvia and other EU countries.

By improving the EU, Schengen Acquis and national regulatory framework, by judicial harmonization of the basic concepts and terminology, standardisation of legal practice at the internationally recognised principles of law in the context of the external borders there is a possibility for further strengthening of Latvia's judicial status in the EU context. Furthermore it facilitates Latvian law enforcement agencies within the scope of their responsibilities to implement national borders security, ensuring the free movement of persons and law enforcement functions, thereby demonstrating Latvia as reliable and responsible EU and the Schengen Member State in the area of common security and democracy.

In the context of the EU external borders, the regulatory framework of the state border demarcation, determination and border control implementation in Latvia has been researched. The research has been also carried out on the regulatory framework and court jurisprudence concering the State Border Guard as well as other state administration institutions.

On the basis of research findings the author suggests improving the legislation of the EU, the Schengen *acquis* and Latvian external borders control by harmonizing legal concepts and terminology, unifying legal practice according to uniform and internationally recognized standards. Such improvement of legislation in the future would allow law enforcement agencies, within its competence in the implementation of the border security, ensure free movement of persons, and the law enforcement functions which would help to strengthen Latvia's status as a judicial state in the area of security and democracy of the EU and Schengen Associated Countries.

CHAPTER 1

The concept of state border within international context

Each country as an organization of sovereign power is bound to a certain territory. Ancient Greek word *politeiā* (*πολιτεία*) describes the term *country* in more structural meaning aspect rather than specific territory (Platons, p 15). The territory of the country is one of the main elements of each sovereign country as an entity of international law. Each country must respect the territorial integrity (Fogels, 2009, p 175) of other countries. Scientist of Latvian national legislation professor K. Dišlers, while studying the notion of sovereignty, did not divide the country into an integral part of sovereignty, but detailed the other elements of sovereignty such as national sovereignty, sovereignty of people, sovereignty of state institutions, sovereignty of the state power, legal sovereignty, national sovereignty (Dišlers, 1931, p 74). Professor K. Dišlers examines the concept of sovereignty in more detail from the point of view of administrative law (Dišlers, 2004, pp 13 - 18), although the emphasis of the state on the concept of sovereignty in content has been observed since ancient times, as evidenced by prof. R. Cipelius believes that in state theory sovereignty is referred to as the basis for the idea of inviolability (Cipeliuss, 1998, p 65) of this territory and referring to T. Hobbes (Leviatans in chapter 21) he points out as follows: *"Everyone entering a sovereign territory is subject to its rights"* (Hobbes, 1651).

Within the studies on national legislation S.Pufendorf stressed that those who travel to another country are subject to the respective authority, and give up part of their natural freedoms (Pufendorf, 1729, Chap VII, pp 291 - 298). The sovereignty principles of the state were laid down in Montevideo 1933 Convention on the rights and duties of the states. According to Article 1 of this convention the state, as a person of international law, should possess the following qualifications: a permanent population, a defined territory, government and capacity to enter into relations with other states (Montevideo Convention on the Rights and Duties of States. Signed at Montevideo, 26 December 1933, Art 1).

The territory of the country is defined by the country itself or it is being determined (specified) by international law, respectively in the form of border agreements. The territory is usually understood as the surface of the land or water, but when defining national boundaries both in border agreements and in the national regulatory framework, countries include the concept of the state border

into the spread of its jurisdiction not only in the context of land territories but also the airspace and the subterranean depths. As emphasized also by professor T.Jundzis, the land, its depths, forests, waters and other natural resources are the national wealth of the Republic belonging to the people of Latvia (Jundzis, 2000, pp 392 - 393), this statement had been emphasized by V.Vītiņš in the beginning of 20th century as well (Vītiņš, 1993, p 23).

The concept of "national sovereignty" is significant in the sphere of international communication, and this concept must be regarded as primarily a category of international relations (Колосов, Кузнецов, 1998, p 57). D.Bleiere points out that a democratic state is a politically organized nation, which is a sacred state power within a state, but autonomy is the ability of such a nation to operate on other politically organized peoples in order to fully realize its interests (Bleiere, 2001, p 31). Such an assertion could not be accepted, as autonomy means the sovereignty of a separate sovereign state of the state, as can be seen from examples of the former Union of Soviet Socialist Republics (hereinafter referred to as the USSR) and Yugoslavia's individual autonomy. In the author's view, the concept of "national sovereignty" is nowadays associated with the concept of "state autonomy" in constitutional law. With this concept it is possible to emphasize the essence of the main national sovereignty - political and legal independence in international relations, although absolute independence is not possible, since any country as a subject of international law is limited by international treaties and obligations (Мартенс, 2008, pp 7 - 251). The content of the concept of sovereignty in Article 2 of the constitution of Latvia has changed since the adoption of the Constitution in 1922. International treaties and growing interdependence are increasingly restricting the sovereignty of all countries, as countries transfer part of their competences to international organizations. Consequently, the notion of sovereignty as absolute, unlimited power has changed. Today, absolute national sovereignty would simultaneously mean the isolation of the country. However, while transferring the competences of the EU, Member States do not lose the traditional constitutive elements of statehood - permanent residents, certain territories, governments, and the ability to enter into international relations with other countries. The EU also has no right to change the territory of its Member States and therefore, legally and effectively, the borders of the Member States continue to exist (LR Satversmes 2009.g. 7.apr. tiesas spriedums par likuma „"Par Lisabonas līgumu", ar ko groza Līgumu par Eiropas Savienību un Eiropas Kopienas dibināšanas līgumu" atbilstību Latvijas Republikas Satversmes 101.pantam", 2009, p 4).

Dr. D.Bleiere emphasizes the internal and external dimension of sovereignty, where internal sovereignty relates to the rule of law in its territory,

first of all with the right of the people of the state to choose the form of government they consider most appropriate, while external sovereignty is associated with protection against intervention, international equality the legal aspect and the possibility of implementing an autonomous foreign policy (Bleiere, 2003). With regard to internal sovereignty, according to Dr. D.Bleiere's point of view, the choice of citizens, but not of the entire population, affects the form of government, which largely depends on the country's democratic apparatus, but not on sovereignty. In addition, dictatorial states can be sovereign, even though their citizens and their citizens do not have a democratic right to choose the form of government. Often, efforts to implement the principle of self-determination of peoples are contrary to another well-established principle of international law - the principle of the territorial integrity of the country (of which the nation seeks to separate), as is evident from the example of the collapse of the former USSR, when at the outset the Baltic republics and many other republics separated from previously so united and powerful superpower. According to law scientist J.Grigelonis, in the international practice the principle of territorial integrity and integrity of the state is recognized as more significant (Grigeļonis, 2009, p 109). Although there are, in principle, exceptions that are determined by political, historical or other aspects, including also in the case of Latvia, by concluding a border treaty with Russia and implementing the principles of the Organization for Security and Cooperation in Europe (OSCE) that countries which have ethnic conflicts or external territorial disputes, including claims for territorial recovery, or internal jurisdictional disputes, must settle these disputes peacefully (Study of NATO Enlargement, 1995, Chapter 1).

The borders of countries' territories and their regime are usually determined by national laws and international treaties of which peace agreements must first be mentioned (Bojārs, 2004, p 308). We can agree with the opinion of Latvian diplomat J.Seskis opinion that peace agreements, by which a war is being terminated, were still acts of arbitrariness, in which the interests and intentions still exist i.e. it is like the winner's dictation to the defeated. It does not matter whether the two opponents were sitting at one table when drafting a peace treaty, because it is not a compromise, but an order. An example of this is the Brest-Litovsk Peace Treaty, in which there was no place for the people's self-determination. This treaty tore the land and people of Latvia into three pieces that were destined for destruction. But there were also some exceptions in this case, such as Germany, whose borders are drawn to the principles of most of the peoples' self-determination, since the German people's national consciousness is so strong that it cannot be imposed on the will of others (Seskis, 1991, p 197),

although Germany also had to cope with the winner's will in some other historical periods.

Professor J. Bojārs points out that according to Fon Glenn there are seven main ways of acquiring the territory, namely, discovery the territory, occupation, expansion by growing, voluntary cession, peace agreements, forced cession or seizure by force (Bojārs, 2004, p 296). We can agree with this statement except for peace agreements, which are in fact the legal acts of borders determination and hence this may be the result of a legally established form of acquisition of any of the aforementioned territories. After summary of the views from several different lawyers of different ages, the conclusion can be drawn that the definition of territories, and hence the definition of national borders, take place through the interdependence of peoples' self-determination rights, external international relations, rights and processes.

The right to self-determination of the peoples should be attributed to the use of the territory since the "time immemorial": the principle of *antiquitas, vetustascujus contraria memoria non existit*, the discovery of new territories, the plebiscite, the voluntary assignment, the purchase, lease, gift and partly increase of territory, but the external influences - seizure or occupation as a result of the use of military force (conquest, occupation) (Bojārs, 2004, pp 297 - 303), limitation of the benefit, acquisition of colonies.

The brightest manifestation of such interaction is the international legal dispute which would also fully apply to Latvia in the case of the Border Treaty (Paparinskis, 2009, pp 243 – 248). Territories can be divided into two main categories: areas subject to the jurisdiction of a country and territories not subject to the jurisdiction of any country. The latter owns a common territory to which no State has the right to extend its jurisdiction and which cannot be seized, such as the high seas and space, and a territory not yet subject to its jurisdiction by any state, such as still undiscovered islands and even territories (Bojārs, 2004, pp 295 - 316) that are responsible or take responsibility for the management of territories whose peoples have not yet reached full self-government, recognize the principle that the interests of those living in these areas are primary and, as a sacred duty, commit themselves to maximize the promotion of these territories, the well-being of citizens within the framework of the International Peace and Security System established by these Statutes for this particular purpose.

In these territories, relations between States are governed by the rules and principles of international law where the UN Declaration on Principles of International Law must be taken into account in the field of national borders: *"Each State must refrain from threats to use force or its use for the purpose of violating the international borders existing in another country or as an*

international dispute, as well as territorial disputes and state border issues, the means of resolution. Each country must equally refrain from threatening to use force or for violating international demarcation lines, such as conciliation lines that are identified or comply with international agreements to which one party is a party or to be followed by another country" (Griģeļonis, 2000, p 15). It should be noted that national diplomatic missions in the territory of another country, vessels and aircraft registered in that country, are also subject to national jurisdiction. Furthermore, national jurisdictions, although limited, are subject to certain areas outside their national borders such as contiguous zones, exclusive economic zones, continental shelf, etc.

The United Nations Charter, the United Nations Declaration on Principles of International Law and the Vienna Convention on the Law of Treaties actually contain many norms of international law that, in the 1918 version of the US President Wilson's doctrine, became partly systematized during the First World War (Bojārs, 2004, p 129). In this doctrine on February 11, 1918 four principles of justice were defined i.e. peace, the right of peoples to territorial integrity, the settlement of territorial disputes through treaties and respect for peoples' self-determination on the international scene. On July 4, the same year, Wilson clarified these principles in the form of four goals in the context of the territory and hence of the borders: "Every territorial issue, sovereignty, economic agreement or political affairs must be resolved by accepting free settlements from the people directly affected by this Treaty, but not by any other nation or country on the basis of a national interest or advantage which would otherwise have to be solved for the sake of its external influence or power" (Seskis, 1991, p 154). It was also reflected in the principles of the Pact of Peoples' Union (Bojārs, 2004, pp 322 - 327) on 20th January, 1920 and peace agreements: openness of the treaty, freedom of the sea, international economic regime, arms control and limitation of military rule, responsibility for warfare, respect for humanitarian law, principle of self-determination of peoples, establishment of international arbitration tribunals, which had to be used to address territorial issues at that time in Central Europe, the Balkans, the Middle East, and elsewhere (Seskis, 1991, p 157).

The territory is one of the hallmarks of an independent sovereign state, to which national jurisdiction extends. The boundaries of the national territory are usually determined by mutual agreement between neighbouring countries and other interested countries, thus concluding an international agreement in accordance with the 1969 Vienna Convention on the Law of Treaties (Griģeļonis, 2000, p 15). The competence and procedures for the conclusion of international agreements in Latvia are governed by the 1994 Law on International Treaties of the Republic of Latvia (On international agreements of the Republic of Latvia:

Law of the Republic of Latvia, 1994, Art 7, p 4), the purpose of which is to determine the conclusion, performance, denunciation and other issues related to international agreements of the Republic of Latvia, including the conclusion of the border agreements as separate type of agreements of the Republic of Latvia.

The process of concluding contracts is based on international legal norms and principles, and even if the boundary of a national territory is determined not by agreement with other countries, but by acting unilaterally, the actions of that State must be based directly on the rules of international law. There is a territorial implication of international law, assuming that the state border is surrounded by national territories and is subject to the laws of the state that are binding on the inhabitants of the territory of the country. The general principles of international law concerning the border regime are set out in Section III "Inviolability of frontiers" of the Helsinki Final Act in 1975. It says: *The participating States regard as inviolable all one another's frontiers as well as the frontiers of all States in Europe and therefore they will refrain now and in the future from assaulting these frontiers. Accordingly, they will also refrain from any demand for, or act of, seizure and usurpation of part or all of the territory of any participating State* (Griģeļonis, 2000, p 109). The final act of the Helsinki Final Act does not mention the rights of peoples to self - determination, but their essence is open to the people's right to freely choose and develop their political, social, economic and cultural systems, as well as the right to determine their laws, administrative rules, practices and policies in the 1989 Vienna Final Document (Bojārs, 2004, p 293).

The principle of border inviolability, as enshrined in the Helsinki Final Act recognizes the limits of the status quo as immutable. However, it is also agreed unanimously that the limits established in violation of international law are not protected by the principle of inviolability of borders. In the referring court judgment, the Cabinet of Ministers emphasizes in particular that referring to the principle of inviolability of borders it did not agree with the Russian Federation's understanding of the content of this principle referring to the Helsinki Final Act, also referring to the declarations of the West, expressed after the adoption of the Helsinki Final Act, and underlined the right of the Baltic States to renew their statehood. In the judgment of the Constitutional Court on the border treaty with the Russian Federation, it is indicated that Article 3 of the Constitution was adopted in order to prevent (impede) the possible separation of Latgale from Latvia. Article 3 of the Constitution does not include a constitutional ban on amending Latvia's state borders, as it is not possible, in accordance with international law on ensuring the inviolability of borders. Similarly, the borders of Latvia were changed after the entry into force of the Constitution both during the interwar period and after the restoration of independence (Judgment of the

Constitutional Court “On the Law” On Authorization of the Cabinet of Ministers to Sign the Draft Agreement between the Republic of Latvia and the Russian Federation on the State Border of Latvia and Russia, initialed on August 7, 1997, 2007, pp 7.2.,7.3.). In its reply to the Constitutional Court, the Cabinet of Ministers refers to the referendum to the Final Act of Helsinki as referring to the declarations of the West, which was expressed after the adoption of the Helsinki Final Act, and emphasized the right of the Baltic States to renew their statehood and agree on borders with neighbouring countries. As George Ford said in his speech in Helsinki in 1975 On August 1, The principles enshrined in the Helsinki Final Act of the OSCE confirm the basic principles of inter-state relations, including the possibility of amending borders for peaceful means. No boundless invincibility can be established forever, sovereign states have the right to conclude any international agreement, including the territory and borders (Latvijas Republikas Ministru Kabineta Atbildes raksts Lietā Nr.2007-10-0102, p 2.6.1.).

In its reply, the Cabinet of Ministers concluded that due to the facts set out, the Abrene as an ethnographic land belonging to the Latvian state (Latvijas Republikas Ministru Kabineta Atbildes raksts Lietā Nr.2007-10-0102, p 3.2.4.) is not historically justified. However, according to the author's point of view, this conclusion does not follow from the interpretation of the ethnographic principle of rather controversial analysis of the area analysed in the replies, because at the same time the Abrene’s historical affiliation with the Latvians is pointed out, as opposed to some economic and military strategic interests for a very limited period of time, which in reality should not be regarded as legitimate counterarguments from the internationally accepted principles of determining territories, hence borders as well.

It can also be justified by Prof. A. Fogel’s statement that the term “national territory” is closely linked to the concept of “state territory”. As for the nations of one nation, these concepts coincide, as the territory of the country is simultaneously the territory of the nation living there (Fogels, 2009, p 175). With similar and even more radical views, the deputy of the Citizens’ Congress of the Republic of Latvia Edgars Alksnis said: “Despite the continued annexation of the Abrene district by the Russian Federation, the borders of Latvia are not to be changed, the closure of new border agreements by renouncing part of the territory of Latvia is in conflict with the legal succession of Latvia and the interests of its Citizen's Union. Decisions made by the actual administrative institutions and officials acting in the territory of the Republic of Latvia to waive the right to a part of the territory of the Republic of Latvia are in conflict with Articles 3 and 77 of the Satversme and hence are invalid, and not legally effective. The waiver of the territory of t*he Republic of Latvia in favour of the occupying country is a*

criminal offense, both in accordance with the Penal Law of the Republic of Latvia and the Criminal Law currently in force in the Republic of Latvia" (Alksnis, 2007).

Unfortunately we have to recognize that the Abrene question has not been analysed and used in the experience of international territorial disputes and the possibilities of the UN International Court of Justice, although international territorial and border disputes occur quite frequently, also nowadays (Cameroon v. Nigeria: Equatorial Guinea intervening, 1998).

The following principles are important in determination of the borders of a state: the state border is determined on the basis of two or more mutual agreements on the determination of the border (for example, border crossing points). In this case, the author also agrees with the conclusions of I. Ziemele that amendments in the articles of the border agreements are permissible from the point of view of international law, bearing in mind the risks associated with the diametrically opposite views of the parties on the legal basis governing such amendment, but such changes in the constitutional law should be handed over to the people for voting (Ziemele, 2008, p 15). From the author's point of view, the State border regime should be supplemented also with the provisions of the regime in the aspect of international law as:

1) the inviolability of the national territory, where the state border serves to isolate the territory from other territories as a warning to other states or subjects of international law and citizens of other countries on the expiration of the jurisdiction of one state and the commencement of another state's jurisdiction;
2) the international recognition of the state border, which manifests itself in the international recognition of the state border line, the territorial separation of two or more countries or the separation of the state from other legal systems, the location of such a state border line in nature is coordinated between neighbouring countries and legally based on multilateral international agreements;
3) the international identification of the state border, which is closely connected with the international recognition of the state border and is manifested in an internationally developed legal procedure in two mutually independent but complementary processes via border delimitation and demarcation;
4) maintenance of the state border, which must understood as the procedure of international cooperation, ensuring the maintenance of the land border established in accordance with the international agreements concluded by the Republic of Latvia as well as the

> preservation of the border signs and other border structures or elements including compliance with the requirements of international agreements (Law on the state border of the Republic of Latvia, 2009, Art 5).

According to the Law on the State Border of Latvia, the maintenance of the state border is not included in the conditions of the state border regime, but is rather generally defined by a separate law which on the one hand, is as a condition of the regime, but on the other hand, as the procedure for the implementation of this condition is not fully specified.

Furthermore, in defining the State border, such crucial terms as delimitation, demarcation, re-demarcation, rectification are not defined in the list of terms in Section 1 of the State Border Law, but are used to determine the competence of state administration authorities in delimiting the state border, demarcation and other related activities, periodically mixing these terms with terms or words not accepted in international law, such as “measuring”, “fixing”, “marking”, “restoration”. The recommendations made officially on the author's part in the Draft Law on the State Border of the Republic of Latvia in 2009 were not taken into account, due in part to the reluctance to take any additional initiative, even in the definitions of terminology, to the Ministry of Foreign Affairs, thus showing the narrow institutional interests, and without taking into account the overall national needs.

In response letter (Letter from the State Border Guard Nr.23/1-1/364, 2010) it was mentioned that the necessity include definitions of terms such as „demarcation”, „delimitation”, „re-demarcation” and „rectification” in the law on the State Border of the Republic of Latvia is the competence of the Ministry of the Foreign Affairs of the Republic of Latvia within the competence of the ministries in determination of the state borders of the Republic of Latvia in compliance with article 32. The Ministry of Foreign Affairs didn’t accept it as necessity to include definitions in the law of the above mentioned terms. Given that these terms relate to the process of determining the state border, they are uniformly defined in the sources of international public law and are treated in the same way among all subjects of public international law, including the Republic of Latvia and its neighbours, the legislator of the Republic of Latvia considered it pointless to include them in the Law. Whereas the term “intergovernmental demarcation commission” (Fogels, 2009, p 176) has been introduced by the Law following the proposal of the Geospatial Information Agency of the Republic of Latvia, while the tasks and duties of the interstate demarcation commissions, including in connection with the determination, restoration, amendment of the border, etc., will be determined in the Republic of Latvia’s international treaties

on state border regimes and state borders maintenance procedures (Letter from the State Border Guard Nr.23/1-1/364, 2010).

Furthermore, in the reply letter it is also possible to find false and contradictory arguments regarding the meaning and essence of the concept of the state border regime, arguing that the concept of the state border regime should be understood as a set of legislative acts: *"... the state border regime in the law is intended as the comprehensive inviolability and border crossing of the Republic of Latvia related set of external regulatory enactments. The inter-state treaties establishing determination of the borders will determine the common procedure for the examination and maintenance of borders and border zones, they can be interpreted in a narrower sense and should not be regarded as the subject of a State border regime defined by the Law"* (Letter from the State Border Guard Nr.23/1-1/364, 2010).

The determination of the border of Latvia is defined in Law on the State Border of the Republic of Latvia article 3 as follows:

(1) The State border shall be determined in accordance with the international agreements concluded by the Republic of Latvia;
(2) in order to determine and restore the State border in accordance with the international agreements concluded by the Republic of Latvia, representatives of the Republic of Latvia shall be nominated for work in the Interstate Demarcation Commission (hereinafter - demarcation commission), as well as in expert commissions and other technical working groups created for the ensuring of the activities of the demarcation commission;
(3) Representatives shall be nominated for work in the demarcation commission, expert commission or other technical working group, taking into account the competence of the State administrative institutions specified in regulatory enactments;
(4) The composition of the demarcation commission and the expert commission on the Latvian side, and the State border demarcation documents shall be approved by the Cabinet;
(5) Unless otherwise specified in international agreements, the State border in the Baltic Sea shall coincide with the outer edge of the territorial sea, which shall be taken as the point of reference, using the base line. The co-ordinates of the base line points shall be determined by the Cabinet." (Law on the State border of the Republic of Latvia, 2009, Art 3).

Unfortunately these provisions are not fully systematized, some separate procedures of border determination have been formulated, the main principles

(Dubure, Fogels, Fridrihsons, 1998, p 214) on determining the state border which Latvia as an international body should assume have not been included. The definition of these principles should be based, as a matter of principle, on the universal principles of international law as defined by the UN and other international laws, since almost all countries nowadays are members of the UN (Fogels, 2009, p 45).

According to the author's point of view, the following principles should be observed in determining the state border:

- ensuring national security and international security of the Republic of Latvia;
- mutual respect and dignity for national sovereignty, territorial integrity an inviolability of the borders;
- multilateral and mutually beneficial cooperation between sovereign countries;
- peaceful settlement of national border disputes;
- national equality and non-interference in national affairs.

In international practice, the determination of the state border takes place in several stages. The first stage is the delimitation of the state border (from the Latin *"delimitation"* - *identification, installation*), which must be understood as the international agreement on the borders between two or more countries and their placement on a geographic map - in the annex of the border agreement (Kalniņa, Čerņevska, p 163).

In addition, the boundary line of the country marked on the map is described in detail in the annex in a textual form. Similarly, the term delimitation is also defined by prof. J. Bojārs: "*The delimitation of the border is the setting of a border on the map according to the terms of the international agreement, describing in detail the location of the border and attraction in nature in the annex*". However, this definition should be clarified as delimitation should be understood as a detailed description of the state border in the border treaty or (and) maximum precise State boundary lines for special topographical maps, which are annexed to the border agreement.

Prof. A. Fogels defines delimitation as determining the state border in an international agreement and its marking on a geographic map, including a description of the boundary line. This definition of the delimitation term is broadly correct, albeit rather general, and too laconic. In other countries, the scientific sources for delimitation are defined as the marking of the state border line on large-scale maps with precise mapping of terrain, hydrography and settlements.

The final delimitation document is an agreement on the state border (border agreement), a description of the state border and a map. A map with a

marked national border line is an integral part of the agreement on delimitation of the state border.

The agreement on delimitation of the national border must be ratified in either or several Contracting States (Сухарева, Крутских, 2004, p 145). Unfortunately, the Law on the State Border does not define this concept at all, but in Article 3 of the Law the definition and renewal of the state border, which in essence is a matter of delimitation, is defined as the competence of the demarcation commission.

After delimitation the demarcation is usually carried out (from the French *"demarcation"* - *separation*), by marking the national boundary in nature (Kalniņa, Čerņevska, pp 16, 1024).

Prof. J. Bojārs defines demarcation as a boundary in nature. It is carried out by cross-border mixed commissions, marking the border with special borderlines. The boundary demarcation is fixed in a special protocol with descriptions, diagrams and photographs (Bojārs, 2004, p 308). The definition of professors A. Fogels is more legally justified: *"Demarcation is the marking of a state border in nature with corresponding borderlines. The demarcation is done by a special commission composed of representatives of the respective bordering countries in accordance with the international agreement and delimitation materials*" (Fogels, 2009, p 176). In its turn in the foreign scientific literature on demarcation this process is considered to be as the determination and marking of the state border line in the area with borderlines in accordance with the agreements on the delimitation of the state border and the maps and annexes of the borderline descriptions. The demarcation is carried out by a specially created mixed commission (Сухарева, Крутских, 2004, p 145).

The author acknowledges the term defined in Belarusian scientific literature on the most successful formulation of the demarcation term (Залесский, Соболевский, 2003, p 36). Summarizing the above mentioned, the exact demarcation of the state boundary in nature should be considered on the basis of the delimitation agreements and topographical maps of the annexes with a national border line designation and textual description of the state boundary line in the nature, as well as the marking of the state border in the nature with borderline signs.

The concept of demarcation is closely linked to the concept of a demarcation line, the legal content of which in fact is minimal, as the demarcation line is understood as a line in the contested territory of two or more countries until the conclusion of a border treaty as a permanent state border. Such a term could also have been used in the practice of Latvia and neighbouring countries, for example, with regard to the Latvian-Russian border, although no bilateral

intergovernmental agreement with the Russian Federation since the regaining of Latvia's independence has been used. Several agreements that were concluded between Latvia and Russia by 2007 have been used alternately for the term "borderline" (Agreement between the Government of the Republic of Latvia and the Government of the Russian Federation on Cooperation in Border Guard Issues, Art 1; Pogrebņaks, 2000, p 113).

Only in the national regulatory framework Latvia unilaterally used the term of the demarcation line in the 1994 Law on the State Border of the Republic of Latvia (Law on the state border of the Republic of Latvia, 2009, Art 2), although in the practice of international relations this term is widely used, including at a time when Latvia concluded a peace agreement with Russia on 1 February 1920 (Feldmanis, 2000, p 12).

From the point of view of the author, this concept is not given proper attention in Latvian law practice, although in the practice of international law this concept is used very often in terms of territorial disputes, peace-keeping and the prevention of military conflicts *(„A line defining the boundary of a buffer zone or area of limitation. A line of demarcation may also be used to define the forward limits of disputing or belligerent forces after each phase of disengagement or withdrawal has been completed. See also area of limitation; buffer zone; disengagement; peace operations."* The free Dictionary by Farlex).

The installation of the state land border includes its inspection, marking in nature and strengthening in accordance with the procedure established by law. Measurement of the state land border includes the determination of the state boundary line and the geodetic coordinates of national border markers and the drawing up of boundary demarcation maps. The survey of the state land border is carried out in accordance with international agreements concluded by the Republic of Latvia on the determination of the state border. The national land border is marked in nature and secured with border signs and other reinforcement structures or elements (for example, border dams, stitches, fences in accordance with international agreements concluded by the Republic of Latvia on the determination of the state border. In fact, it is carried out on the basis of the agreement on the state border, specially created by mixed commissions, which mark the state border with national borders.

Demarcation documents include a protocol - a description of the demarcation line, the mapping of the boundary line, the protocols for each set border mark with diagrams and photographs, a list and a catalogue with coordinates of border marks. Demarcation documents come into force after their approval by the governments of neighbouring countries (Law on the state border of the Republic of Latvia, 2009, Art 31).

With the ratification of an international treaty and the approval of demarcation documents, the process of determining and marking the state border is completed. At the state border detection and marking stages, processes such as the rectification and redemption of the state border, which may take place after a time when the demarcation of the state border has already taken place, are also included.

Professor J. Bojārs defines re-demarcation as the restoration of the state border in the nature in accordance with existing agreements, restoration of damaged border markers, development of a new border description and protocols (Bojārs, 2004, p 308). This definition in the second part relating to the development of a new boundary description is inaccurate, as the description basically remains unchanged, but with the protocol, if necessary, some of the changes in the description are documented due to the restoration of border markers, that is re-demarcation.

According to definition of Professor Bojārs re-demarcation is the maintenance of a boundary line by restoring or repairing damaged boundary marks over time, replacing border marks with other types of border signs, installing additional signs (Gaveika, Doctoral Thesis, 2014), checking and, in individual cases, specifying the demarcated line.

Also, this definition in the phrase *"keeping the border line in the order"* is imprecise, since the borderline is primarily a geometric concept and is more correct with respect to topographical maps. Secondly, in the nature, the border line in most cases is not visually visible at all, but sometimes it is noted with ditches and borderlines, for example, the state border line with the Republic of Estonia and the Republic of Lithuania, the polygonometric (centre) columns (On Agreement of the Government of the Republic of Latvia and the Government of the Republic of Belarus on the State Border Regime of Latvia-Belarus, 2013) with the Russian Federation and the Republic of Belarus or other border signs and warning signs (informational signs). On the other hand, word *ordering* is apparently aimed at the state border zone. The width of the State border strip of the Republic of Latvia is: 12 metres with the Republic of Belarus; 12 metres with the Russian Federation; 6 metres with the Republic of Estonia; 5 metres with the Republic of Lithuania (Regulations Regarding the State Border Strip, the Borderland and the Border Area, as well as Samples of Indication Signs and Information Signs of the Border Area, the Borderland and the State Border Strip, and the Procedures for Installing Them, Cabinet Regulation No.550, Adopted 14 August 2012), maintaining (Law on the state border of the Republic of Latvia, 2009, Art 5) which means clearing of the state border line from trees and shrubs,

equipping with engineering structures (bridges, paths, etc.), but sometimes also ploughing the border strip of the state border.

The author agrees with several definitions on re-demarcation to be found in foreign literature and supplements the definition as follows: *re-demarcation is the survey of demarcation of the state border in the area and the restoration with borderlines on the basis of pre-drawn bilateral documents: the description of the state borderline, topographical maps, border marking protocols, rules, terms and procedures of re-demarcation* (Сухарев, Крутских, 2004, p 521) Consequently, the re-demarcation also includes the restoration and repair of lost and damaged border signs, the installation of additional border signs, new topographic maps of landmarks, protocols for changes to certain section of the state border line, and border marking protocols (Залесский, Соболевский, 2003, p 132). It is carried out in order to restore the border line in the area, respectively, marking with signs on the basis of existing agreements, i.e. the reduction of the demarcation (restoration, renewal) of the state border.

The re-demarcation of the state border ensures renewal national border signs, its restoration, replacement and additional installation, as well as the compilation of the State border line descriptors and national border marking protocols. Although the re-demarcation term is not used in the Law on the State Border of the Republic of Latvia, its essence is apparent in the Article 5 of Law of the Republic of Latvia, which stipulates: *"In accordance with concluded international agreements of the Republic of Latvia, the restoration of the state land border is performed (to eliminate the faults detected during border inspection), if necessary, with the respective neighbouring country's authorized representatives. If necessary state land border maintenance activities exceed competence the Republic of Latvia specified in the international agreements in accordance with the procedures specified in the regulatory enactments, they initiate transnational cooperation in order to resolve issues of maintenance or restoration of the state border* (Law on the State border of the Republic of Latvia, 2009, Art 5).

In the aspect of defining and demarcating the state border, the concept of rectification is also important, which Latvian law scholars have not paid special attention to. Whereas according to the definitions of the lawyers of other countries (Павловский, Ковалёв, Ермолович, 2003, pp 37, 38) supplemented by the author, rectification should be regarded as insignificant amendment or refinement of the State border line, which is related to the necessity for its deviation in the area from a situation previously determined by the border treaty.

Rectification of the State Border, prior to the delimitation of the relevant state border sections, is used for the construction of tunnels, hydroelectric plants,

bridges and other structures and for the satisfaction of other economic interests of transnational states on or near the state border (Залесский, Соболевский, 2003, p 136).

The Ministry of Foreign Affairs of Latvia according to the decision of the Parliament or the Cabinet of Ministers is engaged in interstate talks on the determination or renewal of the state border and border crossing points and the determination of the state border regime. Due to the definition and installation of new border crossing points, the question of rectification of the state border becomes important.

The Ministry of Foreign Affairs also organizes and directs a demarcation commission within the framework of the identification and renewal of the state border (Law on the state border of the Republic of Latvia, 2009, Art 31, pp 1., 2). At the same time, the law does not define the competence of state institutions, because there is no specified institution which, during the maintenance of the state land border, carries out an inspection of the state land border in the nature, that is, checking its location in the area, comparing it with demarcation documents, analysing the visual condition, detection of damages or inconsistencies, detecting and determining future actions for the prevention of defects or damage, and, in accordance with international agreements concluded by the Republic of Latvia, organize the restoration of the state land border (checking the deficiencies or damages detected), if necessary, in cooperation with the relevant authorized representatives of the neighbouring country (Law on the state border of the Republic of Latvia, 2009, Art 5).

The delimitation, demarcation, rectification and re-demarcation processes of the State border have international character and are implemented jointly, at least by two-state commissions consisting of representatives of national governments, state and border guarding institutions. For example, a Mixed Demarcation Commission was established for the delimitation and demarcation of the State border between Latvia and Belarus, consisting of representatives of 10 states (institutions) and 4 representatives from border local governments for Belarus (On the State Border of the Republic of Belarus, 1992).

After the restoration of the independence of the Republic of Latvia (Republic of Latvia, Parliament, 1990), one of the main tasks was to restore the state border. Since one of the main features of a sovereign state is its ability to control its borders, in 1990 the Council of Ministers adopted a resolution establishing that the land borders of Latvia should be restored throughout their existence until 16 June 1940 (Republic of Latvia, Cabinet of Ministers, 1992).

The Council of Ministers, by the decision of 23 September 1991 (Republic of Latvia, Cabinet of Ministers, 2001), adopted measures for the first phase of the

determination of the state border - the survey of the state border. The survey work was completed in 1992. These works were necessary for the State border to be taken over by the Ministry of Defence and for the Ministry of Foreign Affairs to enter into bilateral talks with all four neighbouring countries of Latvia on the restoration or establishment of the state border. This was followed by measures for the alienation of the land border of the State border and the transfer to the Ministry of Defence (Republic of Latvia, Cabinet of Ministers, 1990). Thus, the mixed commission established by the Republic of Estonia, established under the Agreement between the Republic of Latvia and the Republic of Estonia on the Restoration of the State Border, commenced its work on July 17, 1992, and completed its work on December 21, 1999, the demarcated state border, the border marks and structures erected were transferred to the guarding of border guard institutions.

The re-demarcation of the boundary between the Republic of Latvia and the Republic of Lithuania was carried out on the basis of the "Agreement on the Restoration of the State Border between the Republic of Latvia and the Republic of Lithuania" concluded on 29 June 1993, Land Border re-delimitation Documents of year 1994, the "Instructions on re-demarcation of the state border between the Republic of Latvia and the Republic of Lithuania", decisions of the State Commission for Restoration of the State Border between the Republic of Latvia and the Republic of Lithuania and other instructions (Republic of Latvia, Cabinet of Ministers, 2002).

On the basis of the fact that by June 16, 1940 Latvia did not have a state border with Belarus (because Latvia was then bordered by Poland), it was necessary to establish the state border with Belarus (Указ Совета Министров от 1997 года №1000; Republic of Latvia, 1994). The completely demarcated state border between Latvia and Belarus was in announced in 2008 (Republic of Latvia, Cabinet of Ministers, 2009). The delimitation of the state border between Latvia and Russia was completed in March 2007 (Republic of Latvia, 2007), but the mixed demarcation commission started demarcation of the state border only in February 2011 and completed in 2017.

Hence the conclusion can be drawn that only legally defined and demarcated state border between the countries will promote and facilitate the further construction works of border installations, the alignment of border infrastructure, the fight against illegal migration, internationally organized crime, and will promote state security in general.

CHAPTER 1: Conclusions

1. In the process of self-determination of the people the principle of territorial jurisdiction is important, the implementation of which in turn requires the people to have the territory of the state and therefore the determination of the state borders. The determination of the state border between the countries is influenced by political conditions, economic interests, mutual relations, international situation, traditions and customs, but the determination of the state border in the nature - also geographic peculiarities.
2. The term "border" shall be understood as all territorial and spatial propagation inherent in material and non-material systems. The boundary is a gap between systems. By the border line and the vertical plane that coincides with it, the states as entities of international law are separated from each other, cooperate with each other and also define each other. By contrast, the concept of "state" reflects a grand socio-political formation with system-specific features such as community, relative autonomy, persistence and interdependence of system-forming elements.
3. In determining the state border according to the author's point of view, the following principles must be observed:
   - ensuring national security and international security of the Republic of Latvia;
   - mutual respect and respect for national sovereignty, territorial integrity and inviolability of the borders;
   - multilateral and mutually beneficial cooperation between sovereign countries;
   - peaceful settlement of national border disputes;
4. An essential aspect of determining the state border is the determination of the state border regime. The state border regime Between Latvia and Russia should be established by a separate agreement.
5. From the perspective of the author, the State border regime should be supplemented also with the provisions of the regime in terms of international law, such as:
   - the inviolability of the national territory, where the state border serves the demarcation of the state territory from other territories as a warning to other states or subjects of international law and citizens

of other countries on the expiration of the jurisdiction of one state and the commencement of another state's jurisdiction;

- international recognition of the state border, which manifests itself in the international recognition of the state border line, the territorial separation of two or more countries or the separation of the state from other legal systems, the location of such a state border line in nature is coordinated between neighbouring countries and is legally based on multilateral international agreements;
- the international determination of the national border, which is closely linked to the international recognition of the state border and manifests itself in an internationally developed legal procedure in two mutually independent but complementary processes in delimitation and demarcation;
- maintenance of the state border must be understood as the procedure by which international cooperation ensures the maintenance of the state land border established in accordance with the international agreements concluded by the Republic of Latvia as well as the preservation of the border signs and other building structures or elements and compliance with the requirements of the said agreements.

CHAPTER 2

International Legal Framework concerning The free Movement of persons

Human rights issues (Gaveika, 2007, pp 95 – 110) are being addressed in any process of persons' migration, but within the EU it also concerns the rights of the EU citizens provided to cross borders freely (Gerardo Ruiz Zambrano prêt Office national de l'emploi (ONEM) (Tribunal du travail de Bruxelles, 2010, C-34/09).

The regulatory framework concerning human rights has the most direct impact and role in the regulatory framework for national borders and border controls, which refer to the main components of the national border regime, the procedures by which persons cross national borders.

The UN Universal Declaration of Human Rights states that every person has the right to leave anyone, including his or her country and return to his country, has the right of free movement and choice of residence, seek asylum from persecution in other countries (UN, Universal Declaration of Human Rights, 1948), and use this asylum (The 1951 Refugee Convention, 1951), except where it is pursued for non political crimes or crimes contrary to UN fundamental principles and purposes.

The Declaration of Human Rights should also establish an indirect restrictive rule on migration: "When exercising their rights and freedoms, each person must be subject to only the restrictions imposed by law and whose sole aim is to properly recognise and respect the rights and freedoms of others and to satisfy the fair claims of morality, public order and general welfare in a democratic society" (UN, Universal Declaration of Human Rights, 1948, Art 29).

The UN International Covenant on Civil and Political Rights stipulates that every person should not be arbitrarily deprived of the right to enter his country and that anyone legally in the territory of a country has the right to move and choose his or her place of residence in that territory and that those rights should not be subject to any restrictions, except those provided for by law and associated with national security, public order, the protection of the rights and freedoms of people, human health and morality, or other people (International Covenant on Civil and Political Rights, 1966, Art 12), which, according to Advocate General Julian Kokott compared to the analogous rules of EU law, entails a significantly

wider scope of restrictions than only threats to public policy or security and national security, as in its conclusions, referring to the Directive Council of 25th February, 1964 on the harmonisation of special measures on the movement and residence of aliens, which are justified by public order, national safety and health (Council Directive 64/221/EEC of 25 February 1964 on the co-ordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health).

In paragraph 2 of the conclusions, the Advocate General, referring to Article 96 of the Schengen Convention, points out that such a threat may include:

- an alien convicted of a criminal offence for which deprivation of liberty is intended for at least one year;
- an alien for whom there are grounds for believing that he has committed serious criminal offences referred to in Article 71 of the Schengen Convention (concerning drug trafficking) or for which there is evidence that he intends to commit such offences (Opinion of Advocate General Kokott delivered on 8 September 2005).

Further, referring to the case-law **(**Judgment of the Court of 28 October 1975. Roland Rutili v Ministre de l'intérieur), the Advocate General states that a restriction on the free movement of persons can be justified only if there is a genuine and sufficiently serious threat to a fundamental interest of society (Opinion of Advocate General Kokott delivered on 8 September 2005). Unlike the Council in 1964, Feb 25 Directive 64/221/EEC, which, in addition to public policy and national security, defines in sufficient detail the risk to public health as a reason for refusing entry, does not establish such a risk in the Schengen Convention as a reason for refusing entry. However, Article 5 (1) (e) of the Schengen Convention on the grounds for refusal of entry and entry at the border also provides for a threat to international relations, which is not further regulated and must be interpreted broadly.

From the point of view of international law, the obligations of UN Member States under the UN Charter are indisputably superior to any other obligation under domestic or international contract law, including those of the Council of Europe and the EU, as stated in Case T-315/01 Yassin. Abdullah Kadi v Council of the EU and EC, the concept of public order and public security encompasses both internal and external security (Judgment of the Court of First Instance (Second Chamber, extended composition) of 21 September 2005. Yassin Abdullah Kadi v Council of the European Union and Commission of the European Communities, pp 3, 4).

Article 2 of the Declaration on the Human Rights of Individuals who are not nationals of the country in which they live states that it cannot be interpreted

as justifying the unlawful entry and residence of an alien or as distinguishing between nationals and aliens. However, such laws and regulations must not be inconsistent with a country's international obligations, including in the area of human rights. Article 5 of the Declaration states that *"Subject to national legislation and due authorization, the spouse and minor or dependent children of an alien lawfully residing in the territory of a State shall be admitted to accompany, join and stay with the alien"*. But before this declaration, in 1973, Directive 73/148/EEC on the abolition of restrictions on movement and residence within the Community for nationals of Member States with regard to establishment and the provision of services stated that The Member States shall, acting as provided in this Directive, abolish restrictions on the movement and residence of:

(a) nationals of a Member State who are established or who wish to establish themselves in another Member State in order to pursue activities as self-employed persons, or who wish to provide services in that State;
(b) nationals of Member States wishing to go to another Member State as recipients of services;
(c) the spouse and the children under twenty-one years of age of such nationals, irrespective of their nationality;
(d) the relatives in the ascending and descending lines of such nationals and of the spouse of such nationals, which relatives are dependent on them, irrespective of their nationality (Council Directive 73/148/EEC of 21 May 1973, Art 1).

Later, the exercising the freedom of movement was included in the Directive 2003/86/EC on the right to family reunification which clarified the rules on the determination of the status of family members and the right to family reunification, while providing for the right of a Member State to reject an application for entry and residence of family members on grounds of public policy, public security or public health (Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification).

In addition, with regards to specific cases, as stated in the CJEU judgments in Cases C 356/11 and C 357/11 TFEU, Article 20 TFEU must be interpreted as if it admits that a Member State rejects a third country national the issue of residence permit requested for family reunification if the intention of this third country national is living with his spouse who is also a third-country national who is lawfully residing in the Member State together with a child from her first marriage who is Union citizen as well as their child born in their marriage who is a third country national if only such rejection (it must be decided by the court),

does not influence the rights of the child to exercise the status of Union citizen. Article 7 (1) (c) of Directive 2003/86 / EC must be interpreted in the light of the fact that Member States may require that the breadwinner proves having constant and sufficient means of subsistence to satisfy the needs of his family, in the light of Articles 7 and 24 and paragraph 3 of the EU Charter of Fundamental Rights, require Member States to seek feedback and to weigh up the best interests of the child (CJEU - C-356/11 and C-357/11, O, S v Maahanmuuttovirasto, and Maahanmuuttovirasto v L).

One of the most important international legal instruments restricting illegal immigration is UN Convention 55/25 "Against Transnational Organized Crime", with Annex 3 i.e. the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Organized Crime – hereinafter the Protocol) (United Nations Convention against Transnational Organized Crime, 2000).

The Protocol also plays an important role in the lawfulness of border crossing, since Article 11, paragraph 4, of the Protocol requires Member States to impose sanctions on commercial carriers for breach of the obligations referred to in Article 11, paragraph 3 of the Protocol. The Immigration Law of Latvia requires a commercial carrier to return the alien at its own expense to the country of origin or to the country that issued the travel document or to any other country where the alien's entry is guaranteed. It should be noted that the term "immigrant" is not clearly defined neither in international nor in Latvian laws (Immigration Law, 2002, Art 2, 21), despite the fact that in many countries, including in Latvia, too, there is a rather broad regulatory framework for limiting illegal immigration.

In Germany, for example, immigrants are considered to be *"persons crossing the border for the purpose of resettlement"*, in Japan they are defined as *"aliens arriving from abroad"*, in the United States as *"aliens who enter the country legally on a permanent basis"* (Тюркин, 2004, p 33). According to the explanation provided by the Latvian Glossary, "immigrant" means an alien immigrant who settles in another country for permanent residence (Explanatory dictionary of Latcian Language, 2006).

International law on asylum plays a special role in international law governing the free movement of persons, since it is most directly concerned with respect for human rights and the crossing of national borders.

At the beginning of 20th century of the year, the problem of refugees became an issue for the whole of humanity, and many countries began to take responsibility for the protection and assistance of refugees for humanitarian reasons (Gromovs, 2009, p 12).

Following the UN General Assembly resolution of 1951, the Office of the United Nations High Commissioner for Refugees (UNHCR) (UNHCR The UN Refugee Agency, 2020) was established and its Statute was adopted (Statute of the Office of the United Nations High Commissioner for Refugees, 1950), and on June 28, 1951, the Convention Relating to the Status of Refugees was adopted which specified and unified international standards and became the main international legal act in the field of asylum (The 1951 Refugee Convention, 1951, Art 31), on the basis of which the Asylum Law of Latvia (Asylum Law, 2016) was also adopted.

However, despite extensive international and EU asylum regulations, abuse of asylum rights at the EU external border in Latvia continues to progress (by 2020, the highest number of asylum seekers was in 2017 due to the Syrian war and the Mediterranean migration crisis: 395 asylum seekers, of which 39 have been granted refugee status and 259 have alternative status, and 364 have been granted asylum in 2014, of which 3 have been granted refugee status and 21 have alternative status, 185 asylum applications, 61 asylum seekers returned from EU countries, refugee or alternative status granted to 36 persons, 2012 - 193 applications, refugee or alternative status granted to 30 persons, 57 applications in 2009, 64 applications in 2010) (OCMA Asylum seekers, 2020; Public reports of the State Border Guard, 2012 - 2020).

In 2011 there were 335 asylum applications, 27 (8%) were granted refugee or alternative status, 171 (51%) were denied any status (Rjabcevs, 2011). Abuses of the asylum procedure are mainly linked to attempts by individuals to use the asylum procedure to continue their transit to the most advanced countries to avoid liability for illegal crossing of the state border, the use of false documents or smuggling, as confirmed by case law, such as Longa Yonkeu v. Latvia, who was detained on suspicion of using false documents while crossing the Lithuanian border, was subsequently convicted, but subsequently sought asylum on the grounds of fear of persecution by the Cameroonian authorities (Resolution CM/ResDH(2014)251 Execution of the judgment of the European Court of Human Rights Longa Yonkeu against Latvia).

The European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), in particular Protocol 4 (Convention for the Protection of Human Rights and Fundamental Freedoms, 1950, Art 2) thereof, proclaimed the free movement of persons as one of the human rights and fundamental freedoms, which is also included in the Constitution: *"Everyone has the right to leave Latvia freely. Anyone holding a Latvian passport outside Latvia is under state protection and has the right to return to Latvia freely"* (The Constitution of Latvia, 1922, Art 43, 97, 98). The exercise of these rights shall not

be subject to any restrictions other than those provided for by law and necessary in a democratic society in the interests of public security, public order, crime, health and morals or the rights and freedoms of others (Convention for the Protection of Human Rights and Fundamental Freedoms, 1950, Art 2).

All these and other international human rights law contains a universal provision that states that states must respect and respect fundamental human rights and freedoms, irrespective of race, sex, language and religion, in accordance with the principle of the promotion of human rights, which is a fundamental principle of international law (Charter of the United Nations, 1945, Art 1, 55).

As a result, natural rights, like human rights, are within the legal systems of most countries. The human rights guaranteed in Chapter VIII of the Constitution largely overlap with the human rights enumerated in the ECHR. However, the Convention also contains such human rights, which are not directly found in Article 98 of the Satversme – prohibition (Citizenship Law, 1994, Art 8) of expulsion of citizens from the state and prohibition of collective expulsion of foreigners (Krastiņš, 2005, pp 47 – 48; Balodis, 2011, p 293).

Nowadays, these rules have become customary rules of international law and apply not only to citizens but to citizens in general who have a "genuine link" (Internationale Court of Justice, Nottebohm (*Liechtenstein v. Guatemala*, Judgment of 18 November 1953) with the state. Furthermore, expulsion should be distinguished from the concept of extradition (Council of Europe: European Commission on Human Rights. *Cemal Kemal Altun v. Germany*, 12 March 1984), where extradition is a criminal offense and may extend even to citizens where international treaty obligations provide so (Criminal Procedure Law, 2005, Art 696).

In accordance with Article 89 of the Constitution, Latvia recognizes and protects fundamental human rights in accordance with the Constitution, laws and international treaties binding on Latvia, including the ECHR and the case law of the European Court of Human Rights, which is the most effective rights protection measure in the world (Balodis, 2011, p 14). In this case, it is the duty of EU citizens to fully respect EU law, which in conflict of laws prevails not only over national law but also over national constitutions (Antoine – Gregoire, 2008).

The doctrine of the principle of the primacy of EU law over the constitutional rules of the Member States has been applied by the European Court of Justice in case Internationale Handelgesellshaft (Judgment of the Court of 17 December 1970. Internationale *Handelsgesellschaft mbH v Einfuhr- und Vorratsstelle für Getreide und Futtermittel*).

Certain law experts point out that the EC Treaty does not provide a written list of fundamental rights, but does so in the European Charter of Fundamental Rights.

The CJEU refers to the ECHR, which must be ratified by all Member States before accession (Article 2 TEU), although the ECHR is not part of EU primary law. The ECHR provides an interpretation tool and interpretation methodology, although there is still much uncertainty in the field of human rights. It remains to be seen what legal implications the EU Charter of Fundamental Rights will have in the future, although the ECJ has established effective protection of a number of freedoms, including the protection of freedom of movement (Elberts, Freija, Jarve et. al., 2008, p 24).

In the area of free movement of persons the European Social Charter and the Community Charter of the Fundamental Social Rights of Workers which provide free movement, equal treatment and social protection for EU citizens in fundamental rights are very important.

Part II of the Single European Social Charter sets out clearly the individual, civil, political, economic and social rights enjoyed by EU citizens, which require, as a first step, the free movement of persons within the EU (Meinhards, 2000, p 247). However, Latvia has ratified the European Social Charter in 2001 only in ten articles of Title Two, which did not include the provisions on the free movement of persons affected by Article 18 and in particular Article 19 of the Charter, which were partially ratified only in 2013 (On the European Social Charter, 2001, Art 2).

The rights of free movement of persons originated from the international human rights, the establishment of external borders of the European Union was particularly affected by the processes of European integration (Antane and others 2003, p 242).

As regards the right of free movement of persons in the Treaty on the Coal and Steel (Terminology Commission Decision No 20, 2003), the issue of some rights to free movement of labour was raised in rather generalized and declarative way, without concern to border crossing issues between Member States (The European Coal and Steel Community, 1951).

The unification of Europe continued with the establishment of the European Economic Community (hereinafter - EEC) and the European Atomic Energy Community in the Treaty of Rome. The freedom of movement of persons and freedom of movement of persons, services and capital is explored in the third title of the EEC Treaty “Free movement of persons, services and capital”. The rights of free movement are concerned in conjunction with the movement of services and capital, which provides that freedom of movement means that it shall

involve the abolition any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other working conditions. With respect to free movement the Title III of Treaty in Article 3 defines that *it shall include the right, subject to limitations justified by reasons of public order, public safety and public health* (Treaty establishing the European Economic Community, 1957). Also, the Treaty does not deal with the border issues of the Member States, but emphasizes the provisions of public policy, public security and health in the implementation of the above mentioned freedoms, as specified in the Council Directive of 25 February 1964 on the harmonization of special measures concerning the movement and residence of foreign nationals which are justified by public order, public safety and health protection (Directive 64/221/EEC, 1964).

In 1968, with the establishment of the Customs Union, the last customs barriers were eliminated. However, this economic integration would not be possible without effective checks carried out at the external borders by the customs authorities (Transport and Travel, 2012). Although the external border regime was not yet fully addressed, the EC emphasized the need for increased control of external borders in the interests of all the Member States.

The initial meaning of the freedom of movement of persons began to change in 1985. The Schengen Agreement (fully operational in 1990, but binding on all EU Member States under the Amsterdam Treaty in 1998) (The Schengen Agreement, 1985) and 1990 Convention implementing the Schengen Agreement or the Schengen Convention (started working in 1995) (Schengen Convention, 1990). Originally until 1998 these laws were working separately from other European integration processes, but now they are in force in most European countries, covering more than 400 million inhabitants, in the area of 4 268 633 km² (European Commission, 2016) and are the most important international legal instruments in the context of the free movement of persons.

The Schengen Agreement did not define either the internal borders or the definition of the external border, but, by using the term "common borders of the Member States", the rules of crossing and monitoring of the common borders of the Member States were highlighted, and Article 24 provided the transfer of border checks intensity from the common borders of the Member States to the external borders (Schengen Agreement, 1985, articles 1, 3, 4, 6, 7, 24).

The Schengen Convention initially defined the internal borders as the common land borders of the Contracting Parties, the internal flights of their airports and the regular carriage of their seaports only from or to the ports of other Contracting Parties without calling at ports outside these territories, and defined the external borders as the land and sea borders of the Contracting Parties and the

airports and seaports other than the internal borders (Schengen Convention, Article 1).

In 1986 the Single European Act was adopted, the main objective of which was to create a single market in Europe, by stating that the internal market comprises an "area without internal frontiers", which ensures the free movement of goods, persons, services and capital (Single European Act, 1986), or otherwise known as four freedoms of movement.

On February 7, 1992 The Maastricht Treaty was signed, which established the European Union and established the EU citizenship foundations i.e. envisaging that all its citizens should be free to move, educate, work and travel in any of the EU Member States (Treaty on European Union, 1992).

However, only in 1999 in Tampere, the EU leaders agreed on a series of specific measures to create the EU as a single "area of freedom, security and justice", guaranteeing the fundamental rights to EU citizens (Alehno, 2004, p 149) and fair treatment of citizens of other countries legally residing in the EU. Perhaps, therefore, the opinion of some legal experts on the framework of EU citizenship was not so unanimous even in Western Europe: "*... we will enter the era of government. We are waiting for an era of policy defined by the executive, perhaps even a Caesar-style policy ... to keep up the progressive development of the horizons and not to blow it away with fuzzy well-being formulas such as the "Europe of Citizens", the term "administration of Europe" would be much more precise"* (Dreier 2002, p 62.)

With the right of EU citizens to move freely throughout the EU, cross-border mobility has increased significantly, thereby exacerbating the need to completely abandon personal checks at internal borders (Vildberg, 2004, p 160).

In 1997 the EU Member States signed the Amsterdam Treaty, which aimed to lift the remaining barriers to the freedom of movement of persons and guarantee security in the territory of EU Member States: *"to achieve balanced and sustainable development, in particular by creating an area without internal frontiers"* (Treaty of Amsterdam, 1999).

The Treaty of Amsterdam also put forward the idea of the Schengen acquis communautaire (National Language Agency, 2004, p 11), the Schengen acquis (from the French version of the Schengen acquis) (Švalkovska, 2004, pp 12 - 13) to be taken over for each Member State. However, legal literature does not have a wider legal basis for the content and meaning of the Schengen acquis (Vītoliņš, 2008, p 1).

In 1999, the EU Council defined the concept of the Schengen acquis in the sense of the Schengen Agreement and the Convention, the Accession

Protocols, the decisions and declarations of the Schengen Executive Committee, the decisions of the Central Group (Council Decision 2007/801/EC).

International communications were more and more limited by strengthening of national borders and reinforcement of border control, economic and cultural ties between many European countries in the 20th century. In the international context, especially from third countries perspective, a term such as Fortress Europe (European Fortress) (Шенгенские соглашения, 2016) has emerged, which, in the author's view, is exaggerated, as the strengthening of the external borders is a necessary condition not only for the EU and the Schengen Agreement in the interests of the Member States but also in the interests of third countries by ensuring legal certainty in Europe by preventing illegal immigration and international crime.

The following laws and regulations have also developed into the further development of the idea of free movement of persons: the Treaty establishing a Constitution for Europe (Treaty establishing a Constitution for Europe, 2004) Council of Europe, 1999 the decision to create an area of freedom, security and justice (Tampere); 2001 the EU Constitution (Laeken); 2002 a decision on a Common Migration and Asylum Policy (Seville) (Apap, 2008); The Hague Program (The Hague Program COM / 2005/0184), which could be considered as the most significant conceptual document for the enlargement of the Schengen area to 10 EU Member States, including Latvia.

In 2007, EU leaders reached an agreement on a so-called reform treaty, called the Treaty of Lisbon (hereinafter - TFEU) (Lisbon Treaty, 2007). The treaty has led to many discussions about the issues of preserving the sovereignty of the Member States (on agreement between EU Heads of State and Government on the Reform Treaty, 2007), including in Latvia. We can agree with the Constitutional Court that the TFEU *expressis verbis* pointed out to respect for the identity and sovereignty of the Member States, which is emphasized even more than in the existing treaties (Constitutional Court judgment on the Treaty of Lisbon, 2009). The TFEU clarifies the EU Citizenship establishment - every citizen of a Member State is an EU citizen, and not vice versa. EU citizenship complements the nationality of the country concerned and does not replace it (Deksnis, 2008, p 87).

The TFEU lists the rights of EU citizens whose right to move and reside freely within the territory of the Member States (Article 2(2) (a) TFEU) is the first item in the list of EU citizens' rights. Freedom is not only the right to move and reside freely within the territory of the Member States (Jundzis, 2008, p 68) and personal mobility, but also the fundamental right to safety, equality before the

law, freedom of opinion, freedom of expression and information, and the right to good administration.

The sense of sovereignty has changed over time, but the notion of sovereignty is recognized as a legal concept, albeit with fuzzy, yet identifiable boundaries.

In the context of this concept, the delegation of state functions to supranational organizations, which has become the EU with its international organization status, is particularly important (Bojārs, 2010, p 96).

Prof. I.Ziemele offers in Article 89 of the Constitution of Latvia (Satversme) the use of "normative acts" instead of the term "law" and thus also incorporating EU acts in the content of this article (Ziemele, 2005, p 34). However, the term "normative acts" in accordance with Section 1 of the Administrative Procedure Law can be understood both by external and internal normative acts.

It must be concluded that the preconditions for the concept of external borders are dual:

- essential components of the human rights system - the practical implementation of the free movement of persons, facilitating the burden of European border regimes;
- the development of global economic integration processes and the need to balance the free movement of persons with the national border regime between the Member States concerned by strengthening the borders with third countries in order to ensure the legal order at the same time in many countries and in several regions (Anderson, 2002, pp 11-19), which also occurred among several EU countries such as Germany and Denmark, overcome the difficulties of integration and the negative consequences of easing border crossings (Klatt, 2006, p 242).

When analysing the TFEU one can argue the legal correctness of the phrase *"an area without internal frontiers"*, as there are national borders as long as there is a state. The phrase *"area without internal frontiers"* does not comply with a number of other EU and Schengen acquis laws, as TFEU provides for the possibility of internal and external borders, and the Schengen Convention defines the concepts of external and internal borders. In the case law, the use of the phrase *"area without internal frontiers"* can not be absolutized as the Schengen Convention also permits border control at internal borders (Schengen Convention, 1990, Art 2), and at the same time emphasizes the increased control of persons at the external borders, which is the main conceptual part of the national border regime (ECJ Judgment of 14 June 2012 in Case C 606/10).

However, the definition of the *external border* of the Schengen Convention is, in essence, unclear, as it is formulated by the method of exclusion and without the definition of the concept of *internal borders*.

Definition of this type is very different from the understanding of the concepts of national borders of many countries in Europe (Topaloglou, 2009) on the North American continent (Sullivan, 2016) and Asia (Saroch, 2003, pp 119 - 160) by understanding country's borders as the complex legal concept from scientific concept, in the historical, geographical, functional and political terms, which are largely similar in nature or even identical in the definitions of the regulatory framework of many countries, since they are basically based on transnational border agreements, and each sovereign state with a state border basically understands the geometric isolation of a country's territory (space) from other countries or such as Poland (Law of the Republic of Poland on the Guarding of the State Border)and in Lithuania (Law on the State Border of the Republic of Lithuania and its Defence, 2000), etc.

The Schengen Convention, the "area without internal frontiers" (Schengen Convention, 1990, Preamble) has spread to both the international and national dimensions, creating a misunderstanding of the meaning of the concept of a State border in national and constitutional law. Legislative allegations that the EU does not have its own territory or its own citizens but has a certain public authority (Jundzis, 2008, pp 66 - 73) may lead to a misleading picture of the importance of national borders as EU countries have their own borders is determined on the basis of international agreements and these agreements are also valid now, although other treaties relating to national border regimes may be denounced or amended in time.

In Latvia, for example, certain agreements and arrangements regarding the scope of the State border regime with Estonia (Concerning the Agreement between the Government of the Republic of Latvia and the Government of the Republic of Estonia on the state border crossing points and the denunciation of the Agreement on Amendments to the Agreement between the Government of the Republic of Latvia and the Government of the Republic of Estonia on the State Border Crossing Points, 2011) and Lithuania (Concerning the Agreement between the Government of the Republic of Latvia and the Government of the Republic of Lithuania on Co-operation in the Joint Control Points at the State Border and the Protocol on Amendments and Additions to the Agreement between the Government of the Republic of Latvia and the Government of the Republic of Lithuania on Co-operation in Control of the State Border Joint Checkpoints, 2011) after the abolition of border checks at internal borders were denounced, but border agreements currently are and will also be valid in the future.

CHAPTER 2: Conclusions

1. The regulatory framework of human rights in the implementation of the free movement of persons has the most direct influence and significance in the part of the national border and border control regulatory framework, which concerns the main component of the state border regime - the procedures by which persons cross national borders.
2. The European Union's political activities in the European integration process initially focused primarily on the economic component of free movement of persons and on the free movement of labour force without stressing the importance of controlling the internal and external borders of the Member States of the European Union.
3. The regulation framework of free movement of persons since the mid-20th century is being included in many of the European Union's primary and secondary regulatory enactments. However only with the conclusion of the Schengen agreement and the coming into force of the Schengen Convention, the principles of the free movement of persons of the European Union began to influence the development of the concept of the external and internal borders hence affecting the basis of the notion of the state border i.e. the state border regime as the main component regulating the border crossing of persons.
4. The usage of the notions *public order, public security, public health and international relations* in the implementation of persons' the free movement rights and the determination of the legality of border crossing are not specific and homogeneous in regulations of the European Union, even within the framework of several interrelated laws and the framework of Schengen acquis.
5. The Schengen Agreement does not include the definitions of *external* or *internal* borders, however the term *common borders* is being used. It contributed to the inclusion of the definitions *internal* and *external* borders in the Schengen Convention hence further forming the basis for the concept of the Schengen acquis, which in turn was incorporated into the legal order of the European Union by the Treaty of Amsterdam, thus becoming legally binding in all the Member States of the European Union.
6. The Lisbon Treaty only partially consolidated the regulatory framework of free movement of persons. The risk of misinterpretations and legal cases still exists, for example, the term *area without internal frontiers* has

been preserved in European law for decades, which leads to delusive viewpoints on the abolishment of national borders and, consequently, the apparent loss of sovereignty. The phrase *area without internal frontiers* should be substituted by a more precise term - *area without internal border controls* or *area of free movement of persons.*

CHAPTER 3

Legal aspects of the Schengen Agreement and the Schengen Convention

Since joining the EU, Latvia successfully took action in strengthening external borders thus ensuring the accession of Latvia to the Schengen Area (Schengen Convention, 1990).

The implementation of Schengen Acquis requirements (EC Decision 2007/801/EC, Art 1) was started on 21 December 2007 on land and maritime borders, but in March 2008 it was started at the international airport "Riga", thus giving Latvian society greater opportunities for economic and social development.

However, the abolition of internal borders control creates more opportunities for the increase of crime and illegal immigration (see Table 1. On the Integrated border management plan of the Republic of Latvia for years 2019-2020).

The threat of illegal immigration in Latvia in comparison to other EU Member States is increasing. Taking into account the level of socio-economic development, small territory, population quantity, and geographical location of Latvia among the Baltic States it is important to avoid mistakes in immigration control processes as it has happened in the biggest European countries.

The crucial role in the internal security system of Latvia is played by the institutions subordinated to the Ministry of the Interior i.e. the State Border Guard, the Office of Citizenship and Migration Affairs, the State Police and other law enforcement agencies (Terehovičs, 2007, p 180) whose the legal framework, competence, responsibility and cooperation capabilities will depend on appropriate conditions to form secure the EU external borders and migration environment without causing negative consequences for national security and economy during circumstances of free movement of persons across internal borders.

Table 1. On the Integrated border management plan of the Republic of Latvia for years 2019 – 2020.

	Results in 2016	Results in 2017	Results in 2018	Forecast for 2019	Forecast for 2020
Border checks					
Number of persons' border checks	4 120 000	4 552 631	4 875 560	5 000 000	5 100 000
Number of vehicles' border checks	1 230 000	1191277	1246753	1250000	1250000
Number of trains' border checks	25 900	23 241	26 972	27000	28 000
Number of vessels' border checks	10 569	10960	11689	11 100	11000
Number of false document detections during border checks and immigration control	47	67	166	130	140
Number of foreigners refused entry due to not fulfilling the entry requirements	791	1064	1685	1800	1850
Border surveillance					
Number of detained persons for illegal border crossing/ cases of smuggling goods across the border	376/22	111/41	202/17	150/20	150/20
Immigration control					
Number of persons verified while performing immigration control inside the county	56541	55 692	55 805	54 000	30 000
Number of persons verified whilst performing random checks on transit roads, airports and seaports	190 979	156 135	142 897	150 000	150 000
Foreigners who have violated residence regulations in the country (detected inside the country and upon departure from the country)	1670	1919	2093	2000	2000
Return of foreigners and work with asylum seekers					
Number of asylum applications processed	170	397	185	180	180
Number of forced returns	415	272	184	180	180
Number of voluntary return decisions issued (within the competence of the State Border Guard)	801	954	1185	1200	1250
Cross-border crimes					
Number of wanted persons detained	181	520	639	500	500
Number of wanted vehicles detained	17	80	103	90	100

Control of foreigners' residence is a problem growing more topical year by year, although Latvia is not among the countries which have a socially beneficial environment for foreigners. This is evidenced by drastically increased violations statistics during the temporary reintroduction period of border checks at internal borders, illegal immigration threat growth on the external borders in transit through Latvia to other EU countries since Latvia joined the Schengen Area (EC, 2012, Report on Migration and Asylum in Latvia, 2011; Report on migration and asylum situation in Latvia in 2018; Report on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2016/399 as regards the rules applicable to the temporary reintroduction of border control at internal borders (COM(2017)0571 – C8-0326/2017 – 2017/0245(COD)).

According to the Schengen Convention the state border of Latvia as external EU Member State's border is considered to be the state border with the Russian Federation, the Republic of Belarus, the sea border, including ports and airports. Latvia is responsible not only at national level but also at the EU and Schengen Area level for strengthening of national borders as well as respective jurisdictional efficiency. Border checks at the internal borders with the Republic of Estonia and Lithuania have been abolished, thus a significant violations "filter" has been lost there is no longer possibility to determine whether the person has left the country or still is in the country and this creates serious risks of illegal immigration and the spread of crime (Matvejevs, 2009, p 95).

Currently, on all the EU's external borders in Latvia on border crossing points, the "green" border and territorial sea border units performing border control organize their work according to the Schengen Convention, the Schengen Borders Code (Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code)), and the Visa Code (Regulation EC No 810/2009) of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code)) as well as other Schengen *acquis*, international and national legislation.

Major threats of illegal immigration are on the Latvian - Russian and Latvian-Belarusian borders. Russia as a transit country is used not only for the citizens of East and Central Asia, but even for citizens of Africa. In contrast, Belarus as a transit country is used for illegal immigrants mostly from Ukraine, Moldova, Caucasus, Central Asian and Eastern countries. Illegal immigration risk direction is also the airport "Riga", where the annual flow of persons is increasing rapidly (Public reports of the State Border Guard, years 2010 - 2019).

The requirements to increase the performance quality of the State Border Guard continue to grow (Gaveika, 2011 pp 189 - 199), thus performance quality improvement should be based on efficient, harmonious laws and regulations as well as having perfect knowledge of legislation.

A very active work on the implementation of the EU's and the Schengen Acquis determined standards (Regulation (EC) No 2007/2004) in regard to operational capacity of structural units are carried out in order to promote crime prevention and strengthening the internal security (Integrated management concept of State Border of the Republic of Latvia, year 2013 - 2018).

In particular continuous developments are carried out in order to improve officials' competence (Schengen Convention, 1990 Art 6; Schengen Borders Code, Art 15) in fulfilment of their professional daily tasks as well as vocational training. In such developments within the EU funds modernized infrastructure and technical equipment is used in order to improve operational capabilities (On implementation of Schengen Facility, 2007).

Figure 1. June 14, 1985 – signing the Schengen Agreement: Catherine Lalumière (France), Waldemar Schreckenberger (Germany), Paul De Keersmaeker (Belgium), Robert Goebbels (Luxemburg) & Wim van Eekelen (Netherland). https://www.schengenvisainfo.com/schengen-agreement/.

Approximately five million people use the right to move to another EU member state every year, not counting those who work every day in a neighboring country or those who go abroad to study (Manuscript, 2004). Belgium, Luxembourg, the Netherlands, Germany and France signed the Schengen Agreement on 14 June 1985 in Schengen Castle on the banks of Moselle river, which is one of the most significant achievements of the free movement of persons on the international scene (*Figure 1*.).

Given the geopolitical significance of this agreement and its direct impact on constitutional law and the sovereignty of the Member States, this would fall within the EU's primary legislation, as pointed out by individual experts - the founding treaties, (Treder, 1998, p 132) since it establishes a single space for the free movement of people.

The Schengen Agreement (1984) consists of a preamble and 33 articles, which are merged into two sections. The agreement abolishes systematic border checks at signatories' common borders, providing for "normal visual observation" of road transport, which does not require its stopping, only reducing speed when crossing the border.

The control is optional, and it must be done in specially designed places, without delaying the movement of other transboundary vehicles, which contradicts the separate EC claims that large-scale infrastructures remain at border crossing points at internal borders, which often results in significant speed limits.

The EC believes that Member States must eliminate all of these obstacles to ease traffic. From a control and enforcement standpoint, the positive requirement of the Member States was to require drivers who cross the border to comply with border police and customs regulations to attach a green disc of 8 cm in front of the vehicle's windscreen (Schengen Agreement, 1984, Art 2, 3, 12). Such a requirement is no longer applied in the modern Schengen area, as there is no regular border control at internal borders, and this provision actually lost its meaning, although it is still in the text of the agreement.

Significant was Article 5 of the treaty, which allowed the use of dual controls on international highways. Two neighbouring countries were able to use either a common border check with the simultaneous participation of competent officials in a single border check or by carrying out an inspection on their territory only by competent officials of each neighbouring country and only to inbound persons and vehicles, thus saving time and resources for border checks. Such joint border inspection posts were also established on the borders of Latvia with Estonia (On the denunciation of the Agreement between the Government of the Republic of Latvia and the Government of he Republic of Estonia on State border

crossing sites, 2011, Art 1) until December of 2007 when these countries completely abolished border control at internal borders.

Article 6 of the Treaty laid down a facilitated regime for the crossing of persons in relation to the inhabitants of the territories adjacent to the internal borders of the Member States, allowing them to cross the border outside the border inspection posts in virtually any place and time. This norm was further developed in Article 3 of the Schengen Convention for the concept of local border traffic, which can be extended not only to internal, but in some cases even to the external borders, as is also known in Latvia in the functioning of the border crossing points for local traffic on the state border with Belarus (Agreement between the Government of the Republic of Latvia and the Government of the Republic of Belarus, 2010). According to the agreement, from 1 February 2012 (came into force in 2011), border residents may cross the border with a valid travel document and a local border traffic permit, but a visa is not required. This partly disassociates the implementation of the so-called "compensatory mechanism" provided for in the second section of the Treaty, which includes rules, measures and actions at the external borders and between Member States which would help to prevent the negative consequences of the free movement of persons, that is, crime and illegal immigration prevalence (Schengen Agreement, 1985, Art 9, 17 - 20, 24). Such a "compensatory mechanism" can be triggered by strengthening the status of the EU's external borders by developing and unifying the relevant regulatory framework, reinforcing immigration control in the Member States, achieving more effective and more professional border control, improving infrastructure and other measures (Concept of Integrated Management of the State Border of the Republic of Latvia, 2012) as detailed in Articles 2, 6, 7, 8, 27 and other articles.

On December 18, 2019, the Comprehensive Latvian State Border Integrated Management Plan for years 2019-2020 was approved. the Integrated Management approach to national borders supports the establishment of a legal and institutional framework for the activities of the authorities involved, develops common risk analysis products and agrees on common control mechanisms, contributes to more efficient resource management and training provision, enables more efficient use of infrastructure and equipment, and developing cooperation with civil society

Unlike the treaty, the Schengen Convention is a larger legislative act, consisting of 142 articles, which are included in 8 titles. The first title consists of the so-called norms of law - definitions. One article formulates important concepts that are used in the convention, such as internal and external borders, third country, border control, etc. (Schengen Convention, 1990, Art 1).

One of the key concepts of the Schengen Convention, which is directly related to the concept of the EU's external border, is the concept of "border control", but it is defined in an ambiguous manner, meaning "control at a border that, irrespective of other considerations, justifies intention to cross the border". The phrase "border control" is not precise as it is not clear whether it is intended to be a border control at the state border or it is in the vicinity of the state border, for example in the border area, as permitted by the Schengen Convention for the implementation of customs control measures, the transportation of narcotic substances and weapons, cross-border pursuit of criminals.

More specifically, the content of the concept of "border control" is set out in the Schengen Borders Code and includes border checks and border surveillance (2016). However, these definitions are also unclear, since it is not clear to which external or internal borders the terms mentioned to refer.

Differences in the number of different concepts, such as "border checks" (Schengen Convention - control of persons), from other checks and its criteria ambiguity cases (Schengen Borders Code, 2016, Art 21), uncertainty in the legal status of border areas, diversity of definition of threats ("public order or national security", "threat to international relations" (Schengen Convention, 1990, Art 2, 5, 6), "threat to public health" (Schengen Borders Code, 2016, Art 2), "serious threat to public policy or internal security" (Schengen Borders Code, 2016, Art 23) and other inaccuracies have led to different interpretations of several basic concepts of the Schengen acquis and, therefore, inconsistency in the implementation of the Schengen Convention.

In the conclusions of case C 348/09, it was concluded that sexual violence against fourteen year old minor, the satisfaction of violent libido and rape do not fall within the concept of serious (primary) national security reasons in cases where these activities do not directly jeopardise the peace and physical security of the population in general or in a large part of it, even despite the fact that the perpetrator has been punished with a long-term prison sentence and has not even recognised his fault, which increases the risk of recurrence, thus the threat to the public (Yves Bot, Oberbürgermeisterin der Stadt Remscheid I Case C-348/09 *P. I. Oberverwaltungsgericht für das Land Nordrhein-Westfalen*, 2012).

Contrary to the interpretation of Article 96 of the Schengen Convention on public order and public security, which provides that such a threat may arise from an alien who has been convicted of an offense punishable by imprisonment for at least one year or a foreigner who is reasonably supposed to that he has committed serious criminal offenses, Article 28 of Directive 2004/38 already defines public policy and public security concepts.

Article 2 of the Directive states that a Member State may not decide on the expulsion of Union citizens or their family members irrespective of their nationality, who have the right to reside on its territory, except for serious public order or public security reasons (Directive 2004/38/EC, Art 28). By contrast, paragraph 3 of Directive 2004/38 provides that an expulsion decision cannot be adopted against EU citizens unless the decision is based on serious national security considerations defined by the Member States where the citizens: (a) have resided in the host Member State for the preceding 10 years; (b) are minors, except where expulsion is necessary in the best interest of the child.

Comparison of the above concepts Article 28 (2) and (3) of Directive 2004/38 clearly indicate the distinction between concepts of public policy and public security, of which the second indicates a higher degree than the first in relation to the circumstances under which the extension to the EU citizens protection may not be applied. The application of both concepts in the field of criminal law corresponds to two distinct criminal law situations. Each Member State defines its public policy with its national law, as it defines the type of conduct prohibited by criminal penalties.

In that regard, it is clear that all provisions of criminal law relate to public policy in such a way that they are mandatory by virtue of their nature and cannot be chosen individually by their will. They are designed precisely to expose individual will, the consequences of which are considered harmful to society's values. Failure to comply with these rules results in a disturbance of the public policy of the Member State, which is greater or less depending on the nature of the criminal offense, since the public order disorder is usually reflected in the penalties imposed by the national legislature for the purpose of punishing the prohibited conduct.

In each particular case, this assessment and, where applicable, the weighing takes the form of a de facto sanction, which, in the light of the circumstances specific to each case, characterizes the degree of actual offense committed (Yves Bot, Oberbürgermeisterin der Stadt Remscheid I Case C-348/09 *P. I. Oberverwaltungsgericht für das Land Nordrhein-Westfalen*, 2012).

Latvian Police Lawyer Dr. A.Matvejevs points out that public order is an order in public places, which manifests itself in the fulfilment of obligations specified by human subjects in the exercise of their subjective rights and legal norms. Less dangerous offenses that impede public order and public security are classified as administrative violations, for which the Latvian Administrative Violations Code provides administrative liability (Matvejevs, 2009, pp 122 - 123).

The problem of the interpretation of the basic concepts of the Schengen acquis is also reflected in some EC complaints concerning complaints by

individuals crossing the internal borders of the border area in 2010 due to possible regular inspections carried out in certain internal border areas without barriers to traffic flows at the border crossing points at internal borders and to hinder notification of planned reintroduction of border control at internal borders (EC: On the application of Schengen Borders Code, 2009).

However, somewhat later, the European Commission, concerned about the risk of illegal immigration in Africa by the political crisis in Africa, proposed to provide for stricter application of the Schengen rules and a more structured decision-making mechanism for the temporary reintroduction of border control at internal borders if there is a serious threat to public order or internal security (EC: on strengthening the Schengen Area, 2011).

In exceptional circumstances, border control at internal borders (Schengen Borders Code, 2016, Art 15) may be temporarily restored if there is a serious threat to public order or internal security. The possibility of reintroducing border control at internal borders at EU level has been used several dozen times. In 2018, only by November border control has been restored in six Schengen countries (Temporary Reintroduction of Border Control, 2018). In most cases, the reintroduction of border control has taken place in connection with large-scale sporting events, political demonstrations or high-level political meetings (EK. Schengen governance - strengthening the area without internal border controls, 2011).

The opportunity to reintroduce border control at internal borders in the Schengen area was used at least 122 times in 2019 (Member States' notifications of the temporary reintroduction of border control at internal borders pursuant to Article 25 et seq. of the Schengen Borders Code).

In most cases, the reintroduction of border control was linked to the threat of terrorism and illegal migration, large-scale sporting events, political manifestations or government level political meetings (EC. Schengen governance: strengthening the area without controls at internal borders, 2011).

For example, in order to avoid possible threats to the NATO Parliamentary Assembly's Spring Session in Riga from 2010 From May 28 to June 1, temporary border control at the internal borders was restored and for 397 persons were found breaches related to use of travel documents at internal borders (Regulations by the Cabinet of Ministers on the temporary reintroduction of border control at internal borders, 2010).

Abolishing persons control at the internal borders allows the border crossing not only citizens but also foreigners who can enter and stay in the Schengen territory for up to 3 months if they have a valid travel document and visa (if required) (Schengen Convention, 1990, Art 5). Article 10 of the Schengen

Convention defines the need for visas for foreigners - a uniform Schengen visa is introduced throughout the EU common area, which is valid in all Schengen countries when it is issued for entry into one country (Visa regulations by the Cabinet of Ministers, 2010).

But in this respect, it is important in the context of:

1) referring the concept of "first entry" not only to the first entry (Nicolae Bot, Préfetdu Val-de-Marne, C-241/05, 2006) into the Schengen area, but also to the first entry after the end of the six month period counting from the first entry, as well as any other first entry after any new the end of the six month period from the first day of the first entry which, in the meaning and interpretation of this provision, may cause problems for border crossing parties, as no such information is indicated in the visa (Visa regulations, 2011);
2) the refusal of aliens to enter the Schengen territory if they constitute a threat to public order and security, information obtained from the Schengen Information System at all border inspection posts at the external borders in all Schengen area countries.

In the Opinion of Advocate General Mengozzi in Case C 84/12, the conditions for entry in Article 21 and Article 32 (1) of the Visa Code, as well as the risk assessment and grounds for refusal, which are likely to lead to incorrect decision making visa issuance procedure (2013). In addition to the Schengen border code and the Visa Code, the threats to the policy, internal security, public health and international relations of the Member State identified in the grounds for refusing entry are set out in the Visa Code in addition to the conditions for issuing a visa, such as the absence of a threat of illegal immigration, the validity of the purpose of entry, the lodging of a visa application authenticity of documents, medical insurance and availability of means of subsistence (Visa Code, 2009, Art 21, 32).

The third part of the Schengen Convention, Police and Security, is devoted to law enforcement cooperation, police surveillance and pursuit, including the crossing of internal borders, by continuing to observe individuals or following criminals in hot pursuit (Matvejevs, 2006, pp 49 – 60, 149 - 171).

Persons crossing internal borders should be perceived as meeting the conditions of entry and have already been inspected at one of the Member States' external borders. However, regardless of the accuracy and integrity of border controls in a Member State, when aliens stay in the territory of the Schengen Convention Member States may change the legal basis for stay (the validity of the travel document or visa expires, the travel document is lost, the legal basis for

stay, etc.). In such cases, individuals continue to move freely throughout the Schengen area, creating a significant risk of illegal immigration.

The provisions of the Schengen acquis require the Member States to implement systematic "compensatory" measures when removing border control at internal borders (Gaveika, 2009, pp 127 - 133).

Until the abolition of border control at the internal borders, border checks were essential for the prevention of delinquency, since all persons were fully registered during the border checks and the law enforcement agencies were able to determine the fact of entry and exit of the persons. When carrying out border checks at all borders, the illegal entry into the country did not create a high risk and it was insignificant (Public reports of the State Border Guard on years 2002 - 2011). Unfortunately, in the case of the restoration of border control Regulations by the (Cabinet of Ministers on the temporary reintroduction of border control at internal borders, 2010) at internal borders, the number of offenses is increasing sharply (in 7 days period in 2007 when systematic border checks were carried out - 184 offenses were detected, and in 2010, during the same period when the border checks were restored - 376 offenses were detected) (Gaveika, 2018), which in general indicates that "compensatory measures" are ineffective, furthermore, given the fact that the public is warned in advance in all Member States about the time and place of the restoration of border checks.

It is the task of a Member State of the Schengen Convention to inform the EC six weeks in advance (except in cases of urgency) that it assesses the validity of such measures and informs the public (Schengen Borders Code, 2016, Art 26 - 30) in the future, but the task of informing the public in the Ministry of Internal Affairs in Latvia (Law on the State border of the Republic of Latvia, 2009, Art 28).

Consequently, the actual extent of cross-border delinquency at internal borders, when border checks are not carried out, cannot be precisely determined.

The fourth part of the Schengen Convention "Schengen Information System", which provides for a global information system for combating delinquency and cooperation between the Member States, is very important in the work of law enforcement authorities. The use of the SIS involves significant changes in the regulation of the immigration process in each of the Schengen Member States (Grenzüberschreitende polizeiliche Zusammenarbeit zwischen den Schengen-Staaten im EU Rahmen, 1999, S 147) in order to strengthen public order and security in the territory of the Member States by ensuring the availability of reports to the competent institutions and authorities (Law on operation of the Schengen Information System, 2007, Art 1) of the Member States, although these reports sometimes lack sufficient justification for public

order interests to ban entry for specific persons (ECJ case on 31st January 2006 C-503/03 *Commission v Spain*, 2003).

The SIS is a common database of law enforcement agencies, in which, by 2012, more than 40 million alerts (up by about 3% per month) from 28 countries (Schengen Inforamtion System, 2014), including Romania and Bulgaria, were entered, although they are still not members of the Schengen area (EU Council Decision of 29 June 2010 on the implementation of the provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulgaria and Romania, 2010).

Since 2008 by 2013 the total number of SIS alerts increased from 22.9 to 44 million (Schengen. Your gateway to free movement in Europe, 2013). The capacity of the SIS database was limited due to technical limitations. It was planned that by 2008 December 31 a new system of SIS II with the use of biometrics and the integration of national information systems will come into operation, which ultimately only started in 2013 in May (the Ministry of the Interior of the Republic of Latvia).

Currently, the Schengen Information System is used by law enforcement authorities of 28 European Union and European Economic Area countries (Iceland, Norway, Switzerland, and Liechtenstein) and the total number of alerts in the Schengen Information System exceeds 40 million. At the end of 2017, SIS contained approximately 76.5 million records, it was accessed 5.2 billion times and secured 243,818 hits (when a search leads to an alert and authorities confirm it) (Schengen Information System, 2020).

The sixth part of the Schengen Convention, entitled "Protection of Personal Data", aims to protect the human right to privacy. The SIS operation law in Latvia specifies the authorities responsible for including the reports in the system and the institutions that have access to the reports already included, as well as the priority requirements (Law on operation of the Schengen Information System, 2007, Art 12, 14) of the reports, also introducing new information technology solutions, incl. the use of biometric data (Biometric data protection system law 2009, Art 1) and ensuring the protection of personal data - auditing at least once every four years.

With regard to the protection of personal data, the author does not agree with Ē.Krutova's statement that it is not possible to provide control in the practical work or information indirectly not used outside the purpose of the provision, as the SIS information is nevertheless protected both by the personalization of users and the control of cases and objectives of the system's use. Disagreeable is Ē.Krutova's opinion that the SIS and the Prüm information system (as regards the use of DNA profiles in the fight against terrorism and cross - border crime)

(Krutova, 2011, pp 145 - 149) would be indistinguishable as the DNA is also a biometric data and the creation of separate information systems for individual biometric data or specific issues (crimes types) is destructive.

Chapter 7 of the Convention establishes responsibility for examining asylum applications and seeks to standardize and unify the application of asylum law in the light of the Geneva Convention on Refugee Status and the Dublin Convention, which basically implements the Schengen Convention's asylum provisions, including several directives. Chapter 7 of the Convention establishes responsibility for examining asylum applications and seeks to standardize and unify the application of asylum law in the light of the Geneva Convention on Refugee Status and the Dublin Convention, which basically implements the Schengen Convention's asylum provisions, including several directives.

Directive 2001/55 was adopted at first. This directive envisages compulsory standards so that in case of mass inflow the refuges could get temporary protection. Owing to other three directives almost in all member-states were introduced unified compulsory standards for asylum seekers hosting *(Hosting directive),* for third countries citizens or non-citizens' qualifying as refugees or persons who need international protection *(Qualification directive),* and refugee status conferring or annulment for certain proceeding of the member-states *(Proceeding directive)*.

It is appropriate to agree to M.Baldwin-Edwards' opinion, that in spite of various legislative acts, the tendency of malicious use of Asylum Law is increasing rapidly not only in the states of the Mediterranean region affected by migration crisis, like Greece (Baldwin-Edwards, 2006), but also states unattractive to asylum seekers like Latvia, which is at the moment is mostly used for trials of illegal transit (Djačkova et.al., 2011). This is the evidence of necessity of further thoroughly elaborated development of Schengen Acquis (Guild, Harlow, 2002), what will be partially accomplished through Directive 2008/115EC *(Deportation directive)* and with further suggestions of the EU Parliament in improving the standards of asylum procedure, therefore achieving the more peculiar framework of the main parts of the EU external borders regime – solving the board crossing problem regarding to asylum requesting procedure.

According to the primary rights requirements proceeding from Part 1, Article 63 of the European Community Treaty (ECT) and stipulating that adopted on this basis secondary legislative acts shall comply with Geneva Convention, Directive 2001/55, the statements of preambles of Qualification directive and Proceeding directive there is an unambiguous reference to conclusion made on the special meeting of the European Council in Tampere, that the total being established European asylum system shall be based fully and absolutely

application of Geneva Convention. The statements of preambles of these directives is emphasized, that these shall respect the acknowledged by Charter of fundamental rights and principles, and the member-states shall use and apply international legislative instruments in relation with the persons whom these directives refer to. Therefore Hosting, Qualification and Proceeding directives include essential compulsory standards referring to the asylum seekers and considering of their requests. Moreover, Paragraph 2 Article 24 of Hosting directive unambiguously stipulates that necessary assets are to be allocated to the member-states in order to achieve the specified compulsory standards for asylum seekers hosting. Likely Article 36 of Qualification directive says that the member-state shall ensure the respective institutions and organizations' employees with necessary training.

Taking into account the stated above, it is legally ensured that attitude of the member-state, which shall follow the compulsory standards of Hosting, Qualification and Proceeding directives, toward asylum seekers and the principle of considering asylum seekers' requests are to be fulfilled according to the requirements of Charter, Geneva Convention, and European Convention for the Protection of Human Rights and Fundamental Freedoms.

However, despite numerous laws and regulations, trends in the abuse of asylum rights are developing rapidly, not only in Mediterranean countries affected by the migration crisis, such as Greece (Baldwin-Edwards, 2007), but even in countries not yet attractive to asylum seekers such as Latvia, which are currently used for illegal transit (Djačkova, Andersone, Laganovska, 2011, p 35). This demonstrates the need for further development of a balanced, carefully thought-out asylum framework (Guild, Harlow, 2002, p 140), which is partly being implemented within Directive 2008/115 EC (Return Directive) and subsequent EU Parliament proposals to improve standards of asylum procedure (Bouteillet-Paquet, 2011, pp 82 – 87), thereby achieving more specific regulation on border crossing solving problems with the asylum application procedure. Furthermore in the Directive 2013/33/EU in the context of the aggravation of the illegal migration crisis (Gaveika, Bulgakova, 2016) the resources of the European Refugee Fund and of the European Asylum Support Office should be mobilised to provide adequate support to Member States' efforts in implementing the standards set in the second phase of the Common European Asylum System, in particular to those Member States which are faced with specific and disproportionate pressures on their asylum systems, due in particular to their geographical or demographic situation (Directive 2013/33/EU).

The status of certain countries in the functioning of the Schengen Convention should also be noted, namely, within the context of the UK and

Irerand The United Kingdom and Ireland joined the EU, but didn't join the Schengen Agreement. These countries did not agree with certain provisions of the Schengen Agreement that resulted in refusing to join the Treaty, although they have concluded their Common Travel Area and have similar basic principles to the Schengen Agreement, i.e., these countries carry out border checks only at the external borders. Switzerland, Norway, Liechtenstein and Iceland on the contrary are members of the Schengen Convention but have not joined the EU. Croatia, Cyprus, Bulgaria and Romania are EU Member States and are preparing to join the Schengen area. The planned date for the accession of Bulgaria and Romania to the Schengen Convention was set in autumn 2011, then postponed until March 2012 to April 2012 (The second overview on the Schengen Area activities in May 1, 2012) but has not yet been implemented. Cyprus has not joined the Schengen area because of a territorial conflict because it is currently divided into two politically independent parts of Greece and Turkey. Liechtenstein is not an EU member state, but its membership in the Schengen area began (Council of the European Union. Schengen enlargement: Liechtenstein to become 26th member State, 2011) with the removal of claims by the EC as "tax havens", offshore firms and banks activities.

CHAPTER 3: Conclusions

1. The Schengen Agreement and the Schengen Convention are one of the most significant achievements for free movement of persons on the international scale. Taking into consideration the geopolitical importance of these treaties and the most direct impact on constitutional rights and the sovereignty of the Member States, they should be part of the EU's founding treaties, since they create a single space for the free movement of persons.
2. Until the abolition of border control at the internal borders, border checks were essential for the prevention of crime, since all persons were fully registered at the borderchecks and the law enforcement agencies were able to determine the fact of entry and exit of persons.
3. An essential achievement of the Schengen agreement is the introduction of a "Compensatory measures" by providing such regulations, measures and actions that would help to prevent the negative consequences of the free movement of persons. In the event of border checks being restored at

internal borders, the number of offenses is increasing rapidly. The number of offenses is also increasing every year in the control of immigration at internal borders, which in general shows an insufficient effectiveness of the "compensatory measures".

4. One of the main concepts of the Schengen Convention, "border control", is defined uncertainly, meaning *"control at a border that, irrespective of other considerations, justifies the intention to cross the border*". The phrase "border control" is not specific, since it is not explicitly stated whether it is a border check at the state border, which the Schengen Convention does not define separately, or it is a control near the national border, for example in the border area, as permitted by the Schengen Convention for the control of customs drug trafficking and weapons trafficking, cross-border pursuit of criminals.
5. At the EU level, there are no unified and precise definitions of the threats to national policies, internal security, public health, international relations identified by the Schengen Borders Code as grounds for refusing entry, but the Visa Code further sets out the conditions for issuing a visa, such as the absence of illegal immigration threats, the justification for the purpose of entry, the authenticity of the visa application documents submitted, the medical insurance and the availability of means of subsistence.

CHAPTER 4

Schengen *acquis* and its implementation in Latvia

As a result of the experience and current developments in the application of the Schengen Convention, the need to systematise many legislative acts and even certain provisions arising during the Schengen Convention came into being in a single system (Vītoliņš, 2008, pp 1 - 4) called the Schengen acquis (Council Decision 1999/435/EC of 20 May 1999) which plays an important role in the development of the EU external borders legal framework. Analysing the content of Council Decision 1999/435/EC, it must be concluded that the Schengen acquis includes 99 Council Decisions, 37 Declarations, 5 Central Group Decisions, 78 Executive Committee Decisions which have to be fully (Protocol integrating the Schengen acquis in to the framework of the European Union; OJ C 340, 10 November 1997) transposed by the States wishing to join the EU.

By signing the EU Accession Treaty (Treaty on Accession to the EU, 2003), Latvia also made a commitment to adopt the acquis communautaire - the set of EU legal acts in force at the time of accession. Annex I (Act to Treaty on Accession to the EU, 2003) to the Act of Accession listed in detail the provisions of the Schengen acquis applicable in Latvia in the following 63 legal acts (in regulations, decisions, declarations, directives along with the Schengen Agreement and the Schengen Convention) adopted between December 1993 and November 2002.

The final stage of the implementation of the provisions of the Schengen acquis was of particular importance for Latvia. On 6 December 2007, the EU Council adopted a decision on the full application of the provisions of the Schengen acquis in nine EU Member States (Council Decision 2007/801/EC). By the end of 2007, the Schengen acquis was supplemented by a further 16 legislative acts, apart from numerous amendments to previous legal acts.

The Ministry of Foreign Affairs of Latvia by systematizing the Schengen acquis, has reduced the number of legal acts almost twice since 2014 and has published only those acts which are binding on Latvia (Schengen acquis included in the European Union system, as well adopted as, or otherwise related to which, upon accession, shall be binding upon and applicable to the new Member States).

Therefore, we can agree with some experts that there is less and less reason to talk about the Member States of the Schengen Agreement or the Schengen

Convention, but about the countries that apply the provisions of the Schengen acquis (Vītoliņš, 2008, pp 1 - 4).

The Schengen acquis also presents a number of significant problems as the range of legislation contained in the Schengen acquis is very wide, many provisions in different versions and formulations are repeated at the same time in several legal acts, but sometimes also contradictory and difficult to understand due to the regular use of references to other legislation.

The conceptual problems of the Schengen acquis are also evidenced by the findings of some experts, such as Advocate General Roiss Harabo Colomer, on the role of case-law in the development of the Schengen acquis in identifying inaccuracies, shortcomings and problems. He implicitly acknowledges these problems in his conclusions in the criminal proceedings against Leopold Henri Van Esbroeck (Opinion of Mr Advocate General Ruiz-Jarabo Colomer delivered on 20 October 2005), recognizing that the Schengen acquis did not contain any specific rule on the application of the principle *non bis in idem* - a person convicted in one Member State of a final judgment should not be convicted of the same offense. In the event of a conviction, the sentence has already been served, and can no longer be enforced under the law of the Member State of origin (Schengen Convention, 1990, Chart 3).

The Schengen acquis does not formally include case law, although it could help to better understand and apply legal provisions. This is also evidenced by the Latvian professor J.Bojars acknowledgment that, in order to strengthen EU democracy through the courts, the Treaty of Amsterdam extended the jurisdiction of the European Court of Justice to cases previously outside its jurisdiction in areas of individual law such as asylum, immigration and free movement of persons. Other Latvian legal scholars also refer to case law as a mandatory part of EU primary law (A guide for legal practicioners, 2008, p 23).

The list of Schengen acquis does not mention another group of legal regulations - international (non-EU) law, which is binding on the EU, thus also Latvia, which is a member state of almost 300 international treaties and member of more than 50 international organizations (Fogels, 2006, p 337) where borders and border control legislation takes a significant proportion.

International law is also regarded by EU law scholars as primary EU law (Craig, deBúrca, 2011, p 337, also based on case law (Case T-315/01 Yassin Abdullah Kadi) (Yassin Abdullah Kadi v Council of the European Union and Commission of the European Communities, Case T-315/01, 2005) including as regards the right balance between the right of free movement of persons and the EU's internal security, and C 402/05 P and C 415/05 P referring to *jus cogens*, which is perceived as an international public policy which is binding on all

subjects of international law, including UN instances, and from which it cannot be derogated (Joined Cases C-402/05 P and C-415/05 P: Judgment of the Court (Grand Chamber) of 3 September 2008).

Other experts sought to systematize the regulatory framework of the Schengen acquis by areas of activity such as border control, visas, residence (right of residence), police cooperation, judicial cooperation, SIS (Vītoliņš, 2008, pp 1 - 4).

The final stage in the preparation of the implementation of the provisions of the Schengen acquis was of particular importance for Latvia, when the so-called Schengen inspections were carried out in order to determine the readiness of the respective Member States to abolish controls at the EU internal borders. The legal mechanism for these checks was set up already in 1998 by the establishment of a Standing Committee on Schengen Evaluation and Implementation (hereinafter referred to as "the Committee") under the auspices of the Executive Committee the proper application of the acquis in the countries already implementing the Schengen acquis (The Schengen *acquis* - Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (SCH/Com-ex (98) 26 def.)).

The Committee produced a detailed report and assessed the preparedness of the candidate countries in all the areas covered by the SCH/Com-ex (93) 22 rev (The Schengen *acquis* - Decision of the Executive Committee of 14 December 1993 concerning the confidential nature of certain documents (SCH/Com-ex (93) 22 rev.) decision of 14 December 1993.

The evaluation covered the following areas: control at the external borders; surveillance of external land and sea borders; visas; residence permits; alerts on wanted persons; police cooperation; mutual assistance in criminal matters, including expulsion; drug control; Application of the SIS, in particular the SIRENE Manual; protection of personal data; expulsion and readmission; border crossing procedures at airports (The Schengen *acquis* - Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (SCH/Com-ex (98) 26 def.)).

Some of these areas were rather confusing and largely general, due to the large, non-systematic nature of the Schengen acquis, as:

1) The Common Manual was not on the list of the Schengen *acquis*, apparently due to its confidentiality status (Decision 2002/353/EK, 2002) until 2002. In addition, the Common Manual is mentioned separately from the Common Consular Instruction, although both parts of these laws and regulations were contained in the same law;

(2) Mutual cooperation in criminal matters was limited to one type of cross-border crime – "narcotics", which is itself defined in very general terms with just one word;
(3) the emphasis was solely on the application of the Common Manual and the SIRENE Manual, although the Schengen acquis also contains a Manual on cross-border police cooperation (SCH/COM-ex (98) 52 of 16.12.1998); Manual of documents to which a visa may be affixed (SCH/COM-ex (98) 56 of 16.12.1998); Manual of documents to which a visa may be affixed (SCH/COM-ex (99) 14 28.4.1999); Schengen Handbook on police and security cooperation - Police cooperation (SCH/COM-ex (97) 6 Rev 2 of 24 June 1997) (1999/435/EC: Council Decision of 20 May 1999);
4) The phrase "return and readmission policy" is incorrect, given that the areas to be examined in the Schengen evaluation mainly refer to the activities of law enforcement authorities, which have no legislative function and thus do not define policies in these or other areas.

Spain, as the country holding the Presidency of the Council of the EU, initiated the enlargement of the EU in 2002. In order to clarify and clarify the requirements to be met by the candidate countries prior to accession, "Recommendations and Best Practices for the correct application of the Schengen acquis" were developed in 2002 and merged into the Schengen Catalogue (hereinafter - the Schengen Catalogue). It is drawn up in two columns, on the one hand the level required by the acquis and, on the other, the optimum practice in the Member States, even if it is desirable it is not set as mandatory (EU Schengen Catalogue, 2002).

The catalog stagnated to some extent unitl it was updated only in 2009. It was supplemented by adding the areas as Integrated Border Management concept and Return and readmission (EU Schengen Catalogue External borders control Return and readmission Recommendations and best practices, 2009). Furthermore, this Catalogue is not part of the Schengen acquis. The range of issues to be examined in the course of the Schengen evaluation of Latvia and other countries was, and still is, almost identical to the best practices identified in the Catalog, using it as mandatory rules thus proving the need for further consolidation and concretization of the Schengen acquis.

The Schengen evaluation working group "Sch-eval" approved the Schengen evaluation commission visit plan on 10 January 2006, in Brussels. The purpose of the evaluation activities was to test the readiness of the law enforcement authorities to fully apply the requirements of the Schengen acquis

and to abolish border controls at the Latvian - Lithuanian and Latvian - Estonian borders (Bērziņa, 2006).

Concerning border control in Latvia, checks were carried out on land borders, air borders and sea borders, and the scope of the SIS was evaluated. On the basis of the results of the Schengen inspections, the EU Council recognized that the conditions necessary for the application of the Schengen acquis have been fulfilled in the Member States concerned, including Latvia. Although Latvia successfully passed the Schengen evaluation test in 2006 and no significant shortcomings were recorded in official reports, the Latvian State Border Guard staff, contrary to the requirements of the Schengen Convention and the Code, were found to have insufficient professionalism in such areas as administrative law, interviewing (questioning persons crossing the border), dealing with emergencies, verification of documents and detection of counterfeit documents, the use of information technology and foreign languages skills (VRS 2006.g. 29.dec. nr.1479). The priority tasks of the Latvian State Border Guard for the professional training of border guards for 2007 included only the following issues: improvement of document examination skills (19 border guards), training of document experts (6 border guards), training of officers of the criminal investigation service (47 border guards), with a total of just 220 officials (VRS 2007.g. 26.janv. nr.119). Professional training of border guards in the Regional Boards of the State Border Guard at that time provided non-differentiated, superficial training of all categories of border guards in weapon and shooting training, first aid, physical training, routine training, basic knowledge, which was just a small part of questions laid down in the Catalogue thus not providing sufficient competence development for border guards (Gaveika, 2008, pp 7-15).

EC on November 16,2010 drafted proposals for a Regulation establishing a Schengen evaluation mechanism intended to reinforce the Schengen evaluation mechanism and to establish a framework for the coordinated reintroduction of checks at internal borders in the event of an emergency, amending the Code (EC: on strengthening the Schengen Area, 2011) accordingly.

Each Member State is being evaluated at least once every five years, including unannounced visits (inspections) to monitor the correct implementation of any additional measures (COM/2011/0559 final - 2010/0312 (COD)). If serious deficiencies are identified, support measures may be taken - the EC, Member States, FRONTEX or other agencies such as Europol or the European Asylum Support Office (EASO) can provide technical and financial assistance. If, despite these support measures, the most significant deficiencies are not remedied, a decision may be taken to authorize the temporary reintroduction of internal border control (EC: on strengthening the Schengen Area, 2011).

The regular Schengen evaluation started in Latvia in 2012 and until May 2013 (Council of the European Union. Preparation of the Schengen evaluation in 2012), before which the Schengen evaluation (Pētersone, 2011) simulation was carried out (VRS 2012.g. 10.jan. nr.39.). Analyzing the results, it should be noted that about 70% of all shortcomings were again related to the lack of competence of the staff and are generally similar to those found in 2006 (Gaveika, 2007, pp 21, 22).

Strategy of the Ministry of the Interior (MoI) 2007-2009, referring to numerous EU and national laws, including The Bologna Declaration envisaged the main goal of the Latvian State Border Guard - to establish a system of state border guarding in accordance with the requirements set for the EU external borders, fulfilling the provisions of the Schengen Agreement (Gaveika, 2009, Thezis). In order to achieve this goal, the MoI has identified compliance with the provisions of the EU and Schengen *acquis*, which is related to the improvement of administrative capacity, as one of the most important operational priorities of the State Border Guard of Latvia (Strategy of the Ministry of the Interor for years 2007. - 2009., 2006).

The updating and improvement of the system of training and professional development of border guards is definitely noteworthy. Namely, in 2018, changes were made by integrating the requirements of the Common Core Curriculum for Border and Basic Training of the Coast Guard in the EU, approved and updated by the Frontex Agency on 12 June 2017, in the Border Guard College continuing education program. Two new qualification upgrading programs were developed and 11 existing ones were updated (Public reports of the State Border Guard, 2018).

From 9 to 27 April 2018, the current Schengen evaluation took place in Latvia and identified a number of shortcomings identified in previous checks related to the professionalism of staff: more in-depth training for first-line border guards on the identification of forged and falsified documents, visa the policy, use of VIS and entry conditions; train border guards on how to find relevant materials, such as document alerts, updated risk analysis and relevant manuals; further improve border guards' knowledge of the security features of stamps and documents, with regular in-service training ensure that all border guards receive the necessary training as soon as they are deployed (or in shortest period after) at the border crossing point (CounciloftheEuropeanUnionBrussels, 8 March 2019 (OR. en)7288/19SCH-EVAL 54FRONT 101COMIX 152).

President of the European Commission José Manuel Durão Barroso, while speaking in the European Parliament debate in already in 2007, pointed out that globalization presents particular challenges. One of them is mass migration,

which is a new challenge for all law enforcement agencies and cannot be addressed by each Member State individually (Durau Barozu, 2007). Latvia agreed on the importance of clearly defining and defining the responsibilities, duties and tasks of all parties involved in the development of the new Schengen evaluation mechanism, so that they can contribute to the effective use of the mechanism while ensuring a balanced impact (Cabinet of Ministers meeting conclusions, 2011, Jan). Already in 2002, the management plan (Council of the European Union, EU external borders management plan, 2002) for the management of the external borders of the EU Member States identified a number of shortcomings and problems in the Schengen acquis system that have not yet been resolved and some of which the author analyzes below.

For example, Article 5 of the Schengen Convention states that foreigners admitted to the common area of free movement may not be "considered as a threat to public policy, national security or the international relations of any of the Member States". It is not at all easy to apply the same principle at the external borders, as individuals are assessed on the basis of national criteria, which differ from one Member State to another (Council of the European Union, EU external borders management plan, 2002, p 28). The concept of public order is a rather complex, much-debated legal concept (Dubure, Fogels, Fridrihsons, et. al., 1998, p 230), and is found in several Schengen acquis legislation and case law (Case C-33/07, 2007). Because of problems of interpretation, attempts to balance the provision of public order with the free movement of persons have become the subject of several judicial precedents, both within the individual Schengen Member States (Latvijas Republikas Satversmes Case No 2004-26-01, 2005) and at EU level (C-503/03, 2006). Public order can be understood to mean both the order in public places, which is expressed in the exercise of subjective rights and the duties of citizens, the constant protection of the rights and freedoms of citizens, the monitoring of the compulsory fulfilment of all statutory duties of officials and citizens, and other interpretations. No explanation of the concept of public order can be found either in the Schengen acquis or even in the national legislation of some countries, although it is directly from Western European countries - France and Germany - in the 18th centuryspread in Eastern Europe and other countries (Бельский, 2004, p 231).

Many differences between national laws and administrative practices lead to contradictions and conflicts. For example, the interpretation of the rules on SIS alarms varies from one Member State to another. These factors inevitably affect the homogeneity of the management of the external borders from the point of view (Council of the European Union, EU external borders management plan, 2002, p 29) of internal security of the common area of free movement, since national

databases such as expulsion and expulsion register (Regulations regarding the register of expelled aliens and entry bans, 2013) exist alongside the SIS with similar tasks and often not integrated problems arise.

Although Article 6 of the Schengen Convention provides for checks on all persons crossing the external borders at entry and exit, in practice the checks on persons leaving the border are less stringent, although prohibitions on the exit of those who may pose a security risk should be introduced or unobtrusive supervision of such persons should be performed (Council of the European Union, ES dalībvalstu ārējo robežu pārvaldīšanas plāns, 2002, p 30). It should be noted that insufficient attention is paid to the border checks of emigrants, as, for example, the amount of administrative fines imposed by the Latvian State Border Guard but paid by the offenders is less than half of the fines imposed. As a result, the objectives of the administrative penalties imposed are not achieved.

The Post doctoral Research Support Project "EU External Border Security, Latvian Internal Security" No.1.1.2/VIAA/1/16/127 involved also survey of border guard officers. Within the framework of this project, a survey of junior officers of the State Border Guard of Latvia, including heads of structural units, was conducted in 2019 to find out the views of the officials (employees) of the State Border Guard on matters related to the legal practice and regulatory issues in border control, illegal immigration control and other areas, as well as to clarify the role of Latvian Border Guard officials (employees) in the protection of the rights of asylum seekers (refugees) and other persons. In general, the majority of the State Border Guard officials consider that the external legal framework, both in the field of illegal immigration prevention and in the area of asylum and refugees generally is in order. The respondents' answers indicated that the main problems are the legal understanding and uniform application of these legal acts in practical situations both in the structural units of the State Border Guard and other cooperation institutions.

One of the problems identified was the lack of knowledge to find out the content of legal provisions through legal methods.The respondents strongly argued that officials of the Latvian State Border Guard who have both theoretical and practical knowledge and skills in the relevant field should always participate in the creation of legal provisions related to the restriction of illegal immigration, with the mandatory involvement of experts of the practical side. The respondents believe that the implementation and observance of laws and regulations developed by theoreticians often cause problems. The majority of the respondents agree that the legal framework for the operation of information communication technologies and databases is sufficient and in line with modern requirements and the functions of the State Border Guard, and ensures that the rights of individuals are respected.

According to the respondents, regarding the area of asylum and refugees, the State Border Guard officials are capable of performing the activities required in the asylum procedure and the capacity of the State Border Guard, the knowledge and skills of the State Border Guard officials are sufficient for the effective asylum procedure.

The main recommendations for the improvement and uniform application of the legal framework were related to the need for clarification of normative acts in order to have a common understanding in all structural units of the State Border Guard and other co-operation institutions related to the restriction of illegal immigration and asylum.

Responses were also given to the need to streamline the legislative process by providing high quality internal legislation that is binding on all institutions involved and clarifying the implementation of joint operations / actions. It was pointed out that training would be needed both within the State Border Guard units and joint training with cooperation partners, in which the legal framework would be clarified, with the addition of experts in the specific field (Gaveika, Post – doctoral Research project, The EU's external border security, Latvian internal security. Nr.1.1.1.2./VIAA/1/16/127, 2017).

Schengen acquis and Integrated border management plan of the state border of the Republic of Latvia for 2019-2020 defines that the risk analysis system of the State Border Guard is based on the FRONTEX Recommendations – Common Integrated Risk Analysis Model - CIRAM, the Recommendations and Risk Indicators developed by the FRONTEX Risk Analysis Network to rapidly achieve objectives on a hierarchical basis and align them with EU requirements (Order by the Cabinet of Ministers No 651, 2019). Risk analysis is the activity carried out by the departments of the State Border Guard to assess the existing and potential threats within their area of competence and their impact on the performance of the State Border Guard functions and tasks (Regulations on risk analysis systems, 2009) which in turn derive from FRONTEX's competence to perform risk analysis, coordinate information exchange based on risk analysis and threat assessment (Regulation (EU) 2016/399, Art 4).

Despite the fact that risk analysis is a mandatory norm in law enforcement, it is a legal concept (in the field of criminology) that needs to be defined in detail, revealing the content and methodology of its application. Recommendations for international guidelines and the modest regulatory framework for the risk analysis system are unconsolidated and confusing, but the informative materials are mostly in English. The State Border Law of Latvia (2009) defines risk analysis (On the State Border of the Republic of Latvia, 2009, Art 6) as a part of the border guard system. An ordinary border guard whose duties are not directly related to risk

analysis as a basic duty often has no idea of its structure or place in the border guard system.

Latvian academic, professor T.Jundzis looks at risk analysis in a global context: “Risk analysis allows us to draw attention to several global risk groups that the European Union will have to overcome in the next decade. These are: the struggle for and power of the world power; widening economic disparities and risks of poverty; depletion of resources and risks of their redistribution; ignoring cultural differences and identity insults; information society risks; terrorism and transnational crime; military rivalry and armament” (Jundzis, 2011, p 44).

The concept of risk analysis is included in another, not defined and rather vague concept “integrated management of external borders”, which was once introduced in the Laeken EP conclusions of 14 and 15 December 2001, defined as “integrated management system for external borders” and to be understood as activities carried out by the authorities of the Member States with the aim of “controlling and monitoring borders, analyzing risks, providing personnel and premises”.

This concept is enshrined in the Treaty on the Functioning of the European Union and Article 77 refers to its “gradual introduction” on the basis of the principle enshrined in the Tampere conclusions and enshrined in the Laeken conclusions that foresees “better management of the European Union's external border control, to ensure fight against terrorism, prevention of illegal migration and trafficking in human beings” (Apap, 2008). To ensure uniform and high-quality control of the external borders, a European External Borders Fund was set up with the aim of developing a common integrated border management system covering all measures relating to policy, legislation, systematic cooperation, the sharing of equipment and technology by the competent authorities of the Member States at different scales, in cooperation with each other and, where appropriate, with other stakeholders, using a tiered border security model and an integrated EU risk analysis (European Parliament and of the Council Decision 574/2007/EC).

The external border management plan required a common standard for the training of border guards (Order by the Cabinet of Ministers No 651, 2019). One of the missions of FRONTEX is to assist Member States in the training of their national border guards, including the establishment of common training standards (Regulation (EU) 2016/1624, Art 8). Only in 2007 the Common Core Curriculum for basic training for EU Border Guards in the form of a comprehensive body of methodological material (Frontex Agency, Rondo ONZ, po 302) introduced. This curriculum sought to define training objectives, professional skills to be achieved, common approaches and achievable training outcomes, common guidelines and

approximate thematic fields of training as well as specialization in air, sea and land modules thus encompassing vast information amountsthat its mastering (applied to average border guard level). The usefulness and effectiveness of the practical implementation of this curriculum is rather questionable. Furthermore, the terminology of this program is extremely inadequate, sometimes too general, sometimes even incomprehensible in practical terms, giving the impression that it seeks to conceal any issues that might be useful in each case for the professional qualifications of border guards. Despite the questionablility and the quality of curriculum implementation, FRONTEX also did not define and enacted by by law a a legally binding and specific standard of professionalism for all border guards but limited it only to Article 16 (1) of the Schengen Borders Code wording that *Member States shall ensure that the border guards are specialised and properly trained professionals, taking into account common core curricula for border guards established and developed by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States ('the Agency') established by Regulation (EC) No 2007/2004. Training curricula shall include specialized training for detecting and dealing with situations involving vulnerable persons, such as unaccompanied minors and victims of trafficking. Member States, with the support of the Agency, shall encourage border guards to learn the languages necessary for the carrying-out of their tasks.*

The plan for the management of the external borders of the EU Member States envisaged the revision of the Common Manual on Control of External Borders (hereinafter - the Common Manual) to clarify the legal status of its provisions and make it a regulatory resource alongside other legal instruments. In this respect, a legislative initiative was needed to include some of the best practices identified in the Common Manual on the basis of the Catalogue and thus to make them binding (Council of the European Union, EU external borders management plan, 2002, pp 107, 108).

Unfortunately, the intentions of the plan to establish a legally binding status for the Common Manual have not yet been implemented, which in some cases served as a precedent for court cases, such as the UK v Council where the UK bases its view on two Measures based on the Schengen acquis. The first type of measure is the Schengen integral measure, while the second type is the Schengen related measure. The first type of measure is inseparably linked to the Schengen acquis, such as, for example, measures amending the Schengen acquis in which the United Kingdom does not participate. By contrast, the second type of measure is inseparably linked to the Schengen acquis and may be adopted in order to attain the objectives of the Schengen acquis. The integrity of the Schengen acquis is not jeopardized if the United Kingdom participates in the

implementation of the second type of measures (Opinion of Advocate General Trstenjak, 2007, Case C-77/05).

However, the common EU rules on the control of persons at the borders, including both border controls and border surveillance, set out in the Code, should be considered as a positive development in consolidating and codifying the Schengen acquis, although the rest of the Schengen acquis. Perhaps the EC therefore considered it necessary to ensure uniform application of border control rules by all Member States' authorities competent to carry out border control tasks by developing a Practical Handbook for Border Guards (updated in 2019) with common guidelines, best practices and recommendations on border control issues serves just as a suggestion (Practical Handbook for Border Guards, 2019, pp 1, 2).

CHAPTER 4: Conclusions

1. The Schengen Agreement and the Schengen Convention (including Accession Treaties and Protocols), the international law of the Member States on the crossing of borders and national borders, and the case law of the Schengen acquis should be considered as primary sources of EU law.
2. The legal force of several EU soft law instruments, such as the Catalogue, becomes legally binding in the application and Schengen evaluation process, which demonstrates the need for a comprehensive, legally binding and concrete regulatory framework in the context of a significantly enlarged Schengen area.
3. The notion of competence of authorities and officials, which is used but not defined in the Schengen acquis and which, according to the author, should be understood as a uniform system of powers, professionalism and compliance of officials and authorities, plays a particularly important role in the implementation of the Schengen acquis.
4. Border checks on emigrants are given insufficient attention. The amount of administrative fines imposed by the SBG, but paid by the offenders, is less than half the amount of the fines imposed. As a result, the objectives of the administrative sanctions imposed by the SBG are not achieved. This problem is not only specific to fines imposed by the SBG and is complex to deal with, concluding international agreements on legal aid and providing for the possibility of recovering fines.

CHAPTER 5

Schengen Borders Code and its implementation in Latvia

The Schengen Borders Code (Regulation (EC) No 562/2006) was the first codified legislative act of its kind in the history of EU law to include rules on the crossing of external and internal borders, affecting not only EU citizens but also "third country" (Schengen Borders Code, 2016, Art 20) citizen and nationals, pursuing two main ideas:

1) no border checks on internal border crossing for EU citizens and third country nationals;
2) standardization of external borders crossing. Also in the second version, the Code was adopted by an EU Regulation and has direct effect (Manual for practical work with EU related issues, 2008) or force of law in each Schengen Member State and it does not require ratification or any transformation in the national regulatory framework.

The provisions of the Schengen Borders Code are without prejudice to the provisions of the Directive on the right of EU citizens and their family members to move and reside freely within the territory of the Member States (Directive 2004/38/EC). However, due to the specificities of the implementation of visas related measures, the provisions of the EU (Consolidated version of the Treaty on the Functioning of the European Union, TITLE IV) Schengen Borders Code do not apply throughout the EU. Outside the scope of the Code are the United Kingdom and Ireland. Denmark is also formally non-compliant with the provisions of the Code but, as a party to the Schengen Convention, has incorporated and enforced most of the provisions of the Code into national law. For non-EU countries - Norway, Iceland, Liechtenstein and Switzerland - the Schengen Borders Code provides for the further development and harmonization of the provisions of the Schengen acquis in the context of the free movement of persons (Schengen Borders Code, 2016, pp (37) - (42)).

The Schengen Borders Code defines the external borders of the EU, *which are land, including river and lake borders, sea borders and airports, river ports, seaports and lake ports, provided they are not internal borders and internal borders: (a) the common land borders, including river and lake borders, of the Member States; (b) domestic airports within the Member States; (c) sea, river and*

lake ports of the Member States which operate a regular ferry service (Schengen Borders Code, 2016, Art 2).

These definitions can be considered as vague since they do not reveal the exact legal status of the external and internal borders of the EU and do not define the nature and the differences in the regime of these borders.

The definition of "river and lake borders" in the definition of the external borders of the Code is incorrect as this definition should be understood as the delimitation of the territory of rivers and lakes as separate geographical entities. However, in reality, the national border line either passes through or crosses these geographical features (in the border rivers along the river axis (midline), talweg or coast).

On the other hand, the definition of airports and ports as external borders is incorrect, since international law still today refers to the state border, but not to the infrastructure, and airports and ports are usually not even close to the state border but within national territory. Rather, airports and ports should be defined in the context of the regime (Latvian Border Law, 2009, Art 26) of border crossing points (Schengen Borders Code, 2016, Art 2), which is not included as legal concept in the Schengen Borders Code, however, in the case of border checks, certain rules of the regime are contained in several chapters in a non-systematic way, confused with the principles of border checks.

The superficiality of the definitions of external and internal borders is also evidenced by the fact that alongside the ports and airports mentioned in the definitions, it would be logical to specify road border crossing points and railway stations, but they are not specified (there are three railroad border crossing points in Latvia in Kārsava, Zilupe and Indra as well as for luggage and goods border checks in Rīga, Daugavpils and Rezekne) (Regulations by the Cabinet of Ministers, 2010 No 704. pp 3.1., 3.2.).

In the Schengen Borders Code, the definition of internal borders, like the definition of external borders, incorrectly mentions river and lake borders as common borders between Member States, but in the continuation of the definition with the phrase "National airports of the Member States, ports of sea, rivers and lakes of the Member States used for regular ferry traffic" There are several shortcomings. It is not clear from the phrase "domestic airports of the Member States" whether this refers to domestic flights within a single Member State (meaningless in the context of the concept) or to flights between Member States.

Moreover, in the context of this provision, the preamble provides a different definition of 'internal flight': 'any flight exclusively to or from the territory of a Member State and not landing in the territory of a third country'. By contrast, the term "third country" is not defined in the Schengen Borders Code,

but “third country national” means any person who is not a Union citizen, within the meaning of Article 20 (1) of the Treaty (Levits, 2001). However, in the Schengen Convention, a third country is any country that is not a Contracting Party (or not a member of the Schengen Convention).

In accordance with Article 1 of the Schengen Convention and Article 2 (3) of the Code, the Latvian Border Law (2009) made it necessary to divide flights into internal and external flights, although this law does not define internal and external flights at all, the Code does not include a term for external flights. In the State Border Law (2009), the legislator had to determine the meaning of internal and external flights, for example, internal flights can be taken to any airport or aerodrome, but external flights from a non-Schengen third country can only be used for international flights. Airports and aerodromes with border control points, i.e. official border crossing points, which in Latvia are considered to be airports in Rīga, Daugavpils, Liepāja, Ventspils, Tukums and Lielvārde according to the Cabinet of Ministers regulations (for military purposes) (Regulations by the Cabinet of Ministers, 2010 No 704, p 5).

The sea border is an external border, because according to the Convention on the Law of the Sea, the principle of peaceful passage (United Nations Convention on the Law of the Sea, 1982, Art 19) through the territorial sea, including crossing the sea border, is allowed to ships of any country, but in the context of the state border regime crossing the border is only allowed in the locations provided for this purpose (Latvian Border Law, 2009, Art 11).

The Convention on the Law of the Sea uses the terms ship, warship, merchant ship, pirate ship, but there is no definition or classification of ships. Only the term “cruise ship” (Schengen Borders Code, 2016, Art 2, p 16) is included in the Code, whereas in national legislation the term “ship” is included only in the 2006 Maritime Code (Latvian Maritime Code, 2006, Art 1.[1]).

It may be noted that the term “ferry” is used in the Code but is not defined, although ferry traffic to the EU and to Latvian ports is quite intensive. The glossary contains the following statement: “Ferry means a water vehicle for transferring land vehicles, cargo and passengers across water obstacles (lake, river, bay and sea)” (Justs, Baltutis, 2008, p 752). According to the author, a sea ferry should be a licensed vessel used for the regular carriage of passengers and vehicles between two or more ports with published timetables. The term “ship” should be used in the Schengen Borders Code as persons and belongings can travel not only by ferry but by any ship.

The Schengen Borders Code includes the term “third-country national” to be understood as any person who is not a Union citizen. Persons enjoying the right of free movement under Union law’ means: a) Union citizens within the meaning

of Article 20 (1) TFEU, and third-country nationals who are members of the family of a Union citizen exercising his or her right to free movement to whom Directive 2004/38/EC of the European Parliament and of the Council (21) applies; b) third-country nationals and their family members, whatever their nationality, who, under agreements between the Union and its Member States, on the one hand, and those third countries, on the other hand, enjoy rights of free movement equivalent to those of Union citizens (Schengen Borders Code, 2016, Art 2, pp 5, 6). In the Latvian Immigration Law, a person who is not a Latvian citizen or non-citizen is a foreigner. This means that it can be both a third-country national and a national of an EU Member State, the European Economic Area. However, it should be borne in mind that not all EU countries are parties to the Schengen Convention, and that there are countries which are party to the Schengen Convention but are not EU Member States. The term "third country" in the Code covers non-Schengen countries. This is currently also the case in Ireland.

Concerning the nationality status of persons, the European Convention on Nationality (European Convention on Nationality: Council of Europe, Strasbourg, 6.XI.1997. CETS No 166), as Latvian academic professor J.Bojārs points out, contains a number of "thoughtful, difficult to implement, and others - unclear and unspecified norms". Therefore, states, especially superpowers, who quite rightly regard citizenship as the basic instrument of the people's sovereignty, are reluctant to subject it to international regulation (Bojārs, 2004, p 399).

With the integration of the Schengen acquis into the EU legal order, the term "foreigner" was more often replaced by "third country citizen" or "third country national". There are different interpretations of the term "foreigner" in international, EU and national law. For the purposes of international law, in the Declaration on the Rights of Persons who are not Nationals of the State in which they reside (Declaration on the human rights of individuals who are not nationals of the country in which they live, 1985, Art 1), the term "alien" is used in Article 1 as a person who is not a national of the State in which he or she is.

The European Convention for the Protection of Human Rights and Fundamental Freedoms covers all persons who do not have the right to a nationality in the country of transit, residence or residence, refugees, own-initiative nationals or stateless persons, whether they hold the citizenship of another country. For the purposes of the Schengen Convention (Schengen Convention, 1990, Art 1) "alien" shall mean any person who is not a national of a Member State of the European Community. In essence, the term "third-country national" has the same meaning as in Articles 20 to 22 of the Treaty on the Functioning of the EU, meaning that it is any person who is not an EU citizen, i.e. not a national of any EU Member State (Consolidated version of the Treaty on the

Functioning of the European Union, 2009, Art 20, p 1). EU legislation and documents use both concepts.

It should be noted that, in the context of expulsion, persons who enjoy the same right to free movement as EU citizens under the relevant provisions of EU law (Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004, Art 2, p 1) should be excluded from the category of third-country nationals. For the purposes of the Directive on common standards and procedures in Member States for returning illegally staying (Directive 2008/115/EC of the European Parliament and of the Council of 29 Dec 2008) third-country nationals, "third-country national" means any person who is not an EU citizen within the meaning of Article 20 (1) of the EC Treaty has the right to free movement within the EU as defined in Article 2 (5) of the Schengen Borders Code.

Most of the international law uses the term "alien" in a broader sense, while EU law uses the term "third-country citizen" or "third-country national" in a narrower sense. Consequently, the concept of "alien" is not to be defined in itself, but as opposed to the term "citizen". Under this approach, a person who does not hold the nationality of a particular country should be considered an "alien". Thus, a stateless person and a refugee status are also included in this category, and thus one can agree with a Latvian academic professor J.Bojārs that the definition of an alien in the Latvian Citizenship Law until 2013, when the term stateless person was not included, was incomplete and legally unsatisfactory (Bojārs, 2004, p 322).

Moreover, the Immigration Law of Latvia, which is particularly important for the implementation of the Schengen Convention, does not include term "alien" but includes terms "foreigner" - a person who is not a Latvian citizen or non-citizen (Immigration Law, 2002, Art 1 p 1) of Latvia and "Union citizen" - a foreigner who has the citizenship of any of the European Union Member States, Member State of the European Economic Area or the Swiss Confederation (Immigration Law, 2002, Art 1 p 12).

The Law on Citizenship of the Republic of Latvia (Citizenship Law, 1994, Chapter One) in May 2013 amended the word "alien" by "citizen of another country". This law still considers a foreigner, or a third country citizen within the meaning of the Schengen Convention identical to the concept of "foreigner" in the Immigration Law.

The term "alien" (any person who is not a national of one of the Member States of the Communities) is also used in the Convention determining the State responsible for examining a request for asylum lodged in one of the Member States of the European Communities. There is incorrect translation of the word "alien" from English (Convention determining the State Responsible for

Examining Applications for Asylum logded in one of the member States of the European Communities, 1990, Art 1 p 1a) version to Latvian, which should rather be understood as "third-country national" meaning any person who is not a national of a Member State of the European Union, the Republic of Iceland or the Kingdom of Norway as defined in Directive 2003/110/EC on assistance in cases of transit for the purposes of removal by air (Art 2 p a) the way it used in Directive 2001/51/EC (Art 2, 3) supplementing Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985 and the Asylum Law of Latvia (third country national or stateless person - a person other than the Republic of Latvia, Member State of the Union, European Economic Area or a citizen of the Swiss Confederation and a stateless person who has been granted this status by one of these States) (Asylum Law, 2016, Art 1 p 10).

There is also this overlap in the case law, where the term "alien is used in the context of the Schengen Convention and Law on Citizenship of Latvia and the term "foreigner" as used in the Immigration Law of Latvia (Judgment of the Latvian Administrative Court, 2010, No A42821109 A03529 – 10/43, p 8).

Harmonization of the concepts of nationality of the persons analyzed within the Schengen acquis is essential for determining the status of the person required to fulfil the conditions for crossing the border and applying the relevant legal framework, where the definition and framework of legal status of persons should be absolutely correct to eliminate any diversity and subjectivity of interpretation.

Schengen Borders code includes the term'border control' meaning the activity carried out at a border, in accordance with and for the purposes of this Regulation, in response exclusively to an intention to cross or the act of crossing that border, regardless of any other consideration, consisting of border checks and border surveillance" (Schengen Borders Code, 2016, Art 2, p 2) which was identically included in the Schengen Convention meaning a check carried out at a border in response exclusively to an intention to cross that border, regardless of any other consideration which from Latvian translation should be understood as border checks - checks on persons and vehicles at border crossing points in accordance with the Schengen Borders Code.

However, under the Code, the term 'border control' (Schengen Borders Code, 2016, Art 2, p 9) now covers a broader range of activities, both at border crossing points and at the 'green' border, and includes border checks and border surveillance.

Border checks are carried out at border crossing points, but border surveillance is the surveillance of the "green" border, so the concept of "border control" in the previous Latvian State Border Law (1994) had to be amended.

Analysing the concept of “border checks” contained in the Schengen Borders Code, it can be concluded that its legal provisions are, in spirit, similar to the terms ‘border control’, ‘control’, ‘control of persons’ (Schengen Convention, 1990, Art 1, 2, 4, 6), ‘checks’ (Schengen Convention, 1990, Art 2) used in the Schengen Convention. Only with the entry into force of the Schengen Borders Code has there been a significant, albeit incomplete consolidation of the provisions of the Schengen acquis and the codification of the terminology of the Schengen acquis (Gaveika, 2011, pp 470 – 478).

Other provisions of the Schengen Borders Code contain superficial attempts to supplement the concept of border controls systematically, thus also the concept of border checks with the content of tactics and methods of criminological (partly also criminalistics) operation- Border control comprises not only checks on persons at border crossing points and surveillance between those border crossing points, but also an analysis of the risks for internal security and of the threats that may affect the security of external borders. It is therefore necessary to set out the conditions, criteria and detailed rules governing checks at border crossing points and surveillance at the border, including checks in the Schengen Information System (SIS), outlining how and with what methods, techniques and objectives border controls should be carried out (Schengen Borders Code, 2016, Preamble p 8).

In addition, Article 7 (entitled 'Border checks on persons') in the Schengen Borders Code replaces, for incomprehensible reasons, the word ‘checks’ in all paragraphs of this Article and confines itself to the competence (Schengen Borders Code, 2016, Art 7 p 1) of border guards (including English (Regulation (EC) No 562/2006, Art 7) and German (Grenzübertrittskontrollen von Personen - border checks on persons) (Verordnung (EG) Nr. 562/2006). As a result, doubts arise as to whether the term ‘border checks’ in the title is the same as ‘checks’ in the text. Even in these superficial terms, the problem of harmonization of legal norms is acknowledged by legal scholars, drawing attention to the necessity of introducing EU norms and, on the other hand, the limited freedom of creativity of the law by the national legislator (Рейнгольд, 2008, p 6).

The term “border surveillance” of the Schengen Borders Code defines border surveillance between border crossing points and border crossing points at fixed hours, in order to prevent persons from circumventing border checks with the main objective of preventing unauthorized border crossings, combating cross-border crime and taking measures against persons who crossed borders illegally (Schengen Borders Code, 2016, Art 2, p 11, 13). It is clear from the Code that border surveillance applies not only to external borders but also to internal borders, although this is not explicitly stated.

In the report on the application of the Schengen Borders Code in relation to internal borders in 2010, the EC identified three issues of concern:

(1) Obstacles related to possible regular and systematic checks being carried out at internal borders;
(2) Obstacles to traffic flows at road crossing-points at internal borders;
(3) Delayed notification of a planned reintroduction of border control at internal borders, with the tendency for Member States to remove all obstacles to facilitate the flow of traffic (EC representation in Latvia, Press and information unit: On application of the Schengen Borders Code, 2010) under Article 22 of the 2006 Schengen Borders Code, but without taking into account the obligations and powers of inland checks, in accordance with Article 21 of the Schengen Borders Code. Such EC statements were rather populist and unobtrusive as no clear and unambiguous criteria for border checks near internal borders were set.

Moreover, the Schengen Borders Code at that time provided that the abolition of border control at internal borders does not affect the police powers exercised by the competent authorities of the Member States under national law, unless they are equivalent in effect to border controls (extending to border areas): *does not impose border controls; is based on general police information and experience with regard to possible threats to public security and is specifically designed to combat cross-border crime; are designed and executed in such a way that they are distinct from the systematic checks on persons at the external borders; are made on a random basis*.

Subsequently, in 2013/2014, the subsequent migration crisis in the Mediterranean showed the inability of the EC and other EU institutions to anticipate and prevent negative consequences in a timely manner, largely due to a lack of regulatory framework in the Schengen Borders Code and other legislation.

The EC's rather vague statement and case law confirm that the Schengen Borders Code and its subordinated regulatory framework contain an unacceptably high number of regulatory “loopholes” (Kūtris, 2008). Thus, in Joined Cases C-188/10 and C-189/102 (Judgment of the Court (Grand Chamber) of 22 June 2010. Aziz Melki (C-188/10) and Sélim Abdeli (C-189/10)), it was concluded that Article 67(2) of the Treaty on the Functioning of the EU and Articles 20 and 21 of the Schengen Borders Code preclude national legislation Member States' police authorities shall have the right to verify the identity of any person, irrespective of their behaviour and specific circumstances posing a risk to public order, within 20 km of the internal land border, in order to verify compliance with their statutory

obligation to hold and present permits and documents, without providing the necessary framework for these powers, which would guarantee that the exercise of these powers does not in practice have the same effect as border checks.

In the present case, the operative part contains inaccuracies both in the wording 'permits and documents', without explaining what is meant by them, nor in the legal basis of the 20 km area, since neither the Schengen Convention nor the Code specifically provides for such. However, international law (including bilateral treaties) allows such border areas to be defined by their respective regimes

In the context of the reintroduction of border control, the term “threat to public health” in the Schengen Borders Code, - disease which may potentially develop into an epidemic as defined by the International Health Regulations of the World Health Organization (Schengen Borders Code, 2016, Art 2, p 21) and referred security measures regarding to border checks (Schengen Borders Code, 2016, Art 7 p 2) performed on external borders just like “a serious threat to national security” is not mentioned among the reasons for reintroducing border control. Moreover, the content and meaning of the threats to “public policy” have not been revealed within the Schengen acquis. In contrast, the regulatory framework of third countries, such as Russia, for reasons of national security (also at the request of neighbouring countries) provides for the possibility of closing the state border altogether and temporarily suspending the movement of persons across the border (О Государственной границе Российской Федерации: Закон РФ от 1 апреля 1993). A similar norm is included in the Belarusian regulatory framework (О Государственной границе Республики Беларусь: Закон Республики Беларусь от 21 июля 2008 г. № 419-З).

Furthermore, the term “public health risk” in the Schengen Borders Code is too narrow in its scope as it only covers public health threats from disease but may also result from various emergencies (Gaveika, 2011) such as natural and technological disasters (accidents).

In the context of border crossing, the concept of the validity of travel documents is crucial for the implementation of the entry conditions referred to in Article 6 of the Schengen Borders Code.

The validity of the travel document begins with the implementation of the key elements of the EU external border regime - the person's border crossing process, to objectively and accurately identify a person, determine his / her status (nationality) and decide on his / her border crossing legality.

Given the potential of threats to all EU and Schengen Convention Member States, including threats to public order, public health and other risks, a person may also be denied border crossing despite the existence of valid travel

documents. Unfortunately, neither the Schengen Borders Code nor the Schengen Convention explicitly defines the concept of travel documents nor the specific criteria for a valid travel document.

In many Member States of the Schengen Convention, such as France, Norway, Italy, Germany, persons are allowed to enter with a new travel document (passport), but taking the old one with a valid visa in it, as this is in the national interest (Judgment of the Latvian Administrative Court, 2009, No A42668107 (A1705-09/4), p 2, 3). Defining the concept of valid travel documents within the Schengen acquis would ensure uniform interpretation across Member States and avoid many lawsuits in this area, especially at airport border crossings where travel documents are very diverse but the time to determine their validity in pre-flight procedures is very limited.

One of the issues to be treated differently, not only from the point of view of improving administrative practice, but also by specifying what is regulated by the Schengen Borders Code, is the administrative practice of the Latvian Border Guard applying administrative sanctions under Article 190.[13], "Residing in Latvia without a valid visa, a residence permit or valid travel document" where the objective part of the infringement is determined by the fact that a valid Schengen visa is inside a no valid passport. According to Latvian regulations, such documents are not valid for entry into the country (Immigration Law, 2002, Art 4 p 2) and a new visa or residence permit must be obtained when changing the passport.

Thus, an alien who presents two passports at the border crossing point, one valid but without a valid visa and the other passport wich is not valid (e.g. annulled because there is no space for a border crossing), but with a valid visa in it it is found to be an offender within the meaning of that Article of the Administrative Violations Code.

Closely related to this problematic issue is the application of Article 114.[2] of the Code of Administrative Violations regarding "Transportation of Persons to the Republic of Latvia without Travel Documents" imposed against carriers. However, in many other Schengen countries, such documents are recognized as valid for entry because the Schengen acquis does not explicitly regulate this issue, leading to different legal practices in EU Member States, to which Latvian courts refer, and often with diametrically opposed judgments on Immigration Law provisions.

Application of court decisions is mainly based on the application of legal principles and the assessment of aggravating and mitigating circumstances of the parties: Latvian Administrative Court decision No A42585808143/AA43-0070-11/6 - left unchanged decision of the State Border Guard; Decision

No. A42760008143/ AA43-0315-11/15 - maintaining the decision of the State Border Guard, but reducing the amount of the fine imposed; decision No A42759908143/AA43-0331-11/17 - a violation has been acknowledged, but the decision of the State Border Guard (SBG) has been cancelled, the administrative violation case has been terminated, a warning has been issued to the violator (Judgments of the Latvian Administrative Court No A42585808143/AA43-0070-11/6 (07.02.2011.) – the decision taken by SBG was not cancelled); No A42760008143/AA43-0315-11/15 (24.03.2011.) - the decision taken by SBG was not cancelled but the amount of imposed fine was decreased); No A42759908143/AA43-0331-11/17 (25.03.2011.) – the violation was detected, the decision taken by SBG was not cancelled, a warning was issued to the violator.

A major reform of the Schengen Borders Code was carried out at the beginning of 2009 regarding the use of the Visa Information System (Regulation (EC) No 81/2009, Art 1) (hereinafter - VIS), including the conditions of use of the VIS and information on issued visas and visa refusals. In addition, the VIS allows the verification of biometric data of persons crossing the border at border crossing points in order to verify that the visa data are indeed in conformity with the visa holder.

In Latvia, the processing of biometric data is governed by the Law on the Biometric Data Processing System, which defines biometrics as a set of physical characteristics and characteristics of an individual (digital image of the face, fingerprints or fingerprints). However, the statutory content of the concept of biometrics is superficial and incomplete, as it does not disclose the full set of biometrics (biometrics are also covered by several other data - iris, facial biometrics, ear geometry, voice, DNA (Law on Development and Use of the National DNA Database, 2005, Art 1 p 4) profile, etc.) that are not are already being used in practice in other EU countries (Pelzl, 2015). Even before the adoption of the Law on the Biometric Data Processing System, the Concept of the Use of Biometric Data of Individuals in Latvia listed biometric data in a more comprehensive way (Concept of the use of persons biometric data in Latvia, 2006).

The EU regulatory framework does not offer a specific definition of biometrics and it does not fully specify “that passports and travel documents shall contain a highly secure facial image storage medium”. Member States shall include two flat fingerprints in interoperable formats (Council Regulation (EC) No 2252/2004). The expression ‘passports and travel documents’ in fact refers only to travel documents, which are considered to be passports, identity cards, visas and other officially recognized travel documents, as defined internationally by the ICAO Convention (Convention on International Civil Aviation (ICAO

Convention). Done at: Chicago. Date enacted: 1944-12-07. In force: 1947-04-04, Annex 1, 5, 7, 9, 15), to which most of the countries have joined and it has higher legal force than EU regulatory framework.

The lack of systematization in the EU regulatory framework, even on one specific biometrics issue, has created an unacceptable diversity of biometrics usage, even within the Schengen States, which negatively affects both border control procedures and the standardization of the technical equipment used and other issues. Although the ICAO Convention (Annex 9) does not provide a definition of the concept of biometrics, the content of the application of biometrics is more universal and specific (Information centre of the Ministry of the interor: ERAF project „Developmnent of biometric data processing system") than in the EU regulatory framework.

In 2008, the Latvian Information Centre launched an ERDF project to develop a Biometric Data Processing System (Schengen Borders Code, 2016, Art 17) and played a crucial role in the effectiveness of the Visa Code as both the Visa Code and the VIS are based directly on the use of biometrics in travel documents and border checks at border crossing points also for the purposes of Article 7 (Border checks on persons) of the Code.

The Schengen Borders Code requires the Member States to cooperate with each other, maintain close and constant cooperation for the effective implementation of border control and the exchange of information charged with coordinating the FRONTEX organization. The FRONTEX budget and, consequently, the cooperation activities are evolving with each passing year: the FRONTEX budget for 2007 - EUR 40.98 million; EUR 118,187 million in 2012 (including EUR 19,627 million in staff costs, EUR 155000 in representation expenses, and EUR 333 331 million in 2019) (FRONTEX budget, 2007 – 2019). However, the question of efficiency, justifying the adequacy of the financial resources spent on staff, equipment, transport, service and other purposes, is worthy of noting since the financial results of the cooperation organized by FRONTEX are not systematized in a detailed and publicly accessible way.

An indisputablly positive achievement of international co-operation is the increase in staff experience and thus professionalism. International cooperation in the Baltic Sea Region is more successful in the context of the EU external borders security since third countries are also involved in this cooperation. "Baltic Sea Region Border Control Cooperation" (BSRBCC) The Baltic Sea Region Border Control Cooperation (BSRBCC) constitutes a flexible instrument to tackle issues of regional security, illegal immigration, crime and environmental protection in maritime areas (BSRBCC - Baltic Sea Region Border Control Cooperation,

2020), such cooperation is not regulated by the Code and is limited only by Frontex and Member States' cooperation with each other.

For the cooperation among law enforcement institution (including border control authorities) such institutions as the European Police Office (Europol) (Convention based on Article K.3 of the Treaty on European Union, on the establishment of a European Police Office (Europol Convention), 1995), the European Judicial Cooperation Unit (Eurojust) (This document represents the consolidated version of Council Decision 2002/187/JHA) to enhance the fight against serious crime (in the context of border crossing - trafficking in human beings), the Standing Committee on Operational Cooperation on Internal Security (Cosi) (2010/131/: Council Decision of 25 February 2010 on setting up the Standing Committee on operational cooperation on internal security) and other liaison bodies were established whose role in the security of the EU's external borders is indisputable.

However, within the Schengen Borders Code no an appropriate framework for cooperation on the security of the EU external borders provided, although Latvia's, like other Schengen Convention member states primary goals are related with increasing individuals safety, increasing EU MS joint cooperation initiative, approximation of national laws and regulations and the prevention of threats (The United Nations Convention against Transnational Organized Crime, 2002).

CHAPTER 5: Conclusions

1. The Schengen Borders Code (2006 and 2016) and the Visa Code (2009) are the first codified legislative acts in the history of EU law to consolidate the rules on persons' border crossing of covering a substantial part of the Schengen acquis.
2. The definition of airports and ports as external borders in the Schengen Borders Code is incorrect because in international law national borders are understood to be a continuous, closed line and its coinciding plane, but not an infrastructure object. Moreover, neither airports nor ports are usually located directly on the national border, but within the national territory. Airports and ports are to be seen in the context of the border crossing point regime, which is not included as legal concept in the Schengen Borders

Code, but with regard to border checks, certain rules of the regime are grouped in a non-systematic way mixed with border control principles.

3. For the purposes of the Schengen Convention, ‘alien’ means any person who is not a national of a Member State of the European Community. However, not all EU countries are members of the Schengen Convention and there are non-EU members of Schengen Convention.
4. For the purposes of the Directive on common standards and procedures in Member States for returning illegally staying third-country nationals, the term “third-country national” shall mean any person who is not an EU citizen within the meaning of Article 17 (1) who have the right to free movement within the EU, as defined in Article 2 (5) of the Code.
5. The Immigration Law of Latvia, which is particularly important for the implementation of the Schengen Convention, does not include the term ‘alien’ but the terms ‘Union citizen’ and ‘foreigner’ (a person who is not a Latvian citizen or a non-citizen of Latvia). Citizens of the Union who are nationals of a Member State of the European Union, of a country in the European Economic Area or of the Swiss Confederation are also to be considered as aliens by definition. In its turn, in May 2013, the Latvian Citizenship Law replaced the word ‘alien’ with ‘citizen of another country’, which is still considered a foreign national (a citizen), which is essentially identical to the term ‘foreigner’ in the Immigration Law. Harmonization of the concepts of ‘alien’, ‘third-country national’ and ‘foreigner’ in the Schengen acquis within the framework of the Schengen acquis is crucial for determining the status of a person required to fulfil border crossing conditions and to apply the relevant legal framework.
6. The lack of systematisation in the EU regulatory framework for the use of biometrics in context of border crossing documents has created too much diversity in the use of biometrics at Schengen level, which negatively affects both the border control procedures and the standardization of the technical equipment used. Although the ICAO Convention does not provide a definition of the concept of biometrics, it defines the content of the application of biometrics in a more universal and specific way than in the EU regulatory framework.

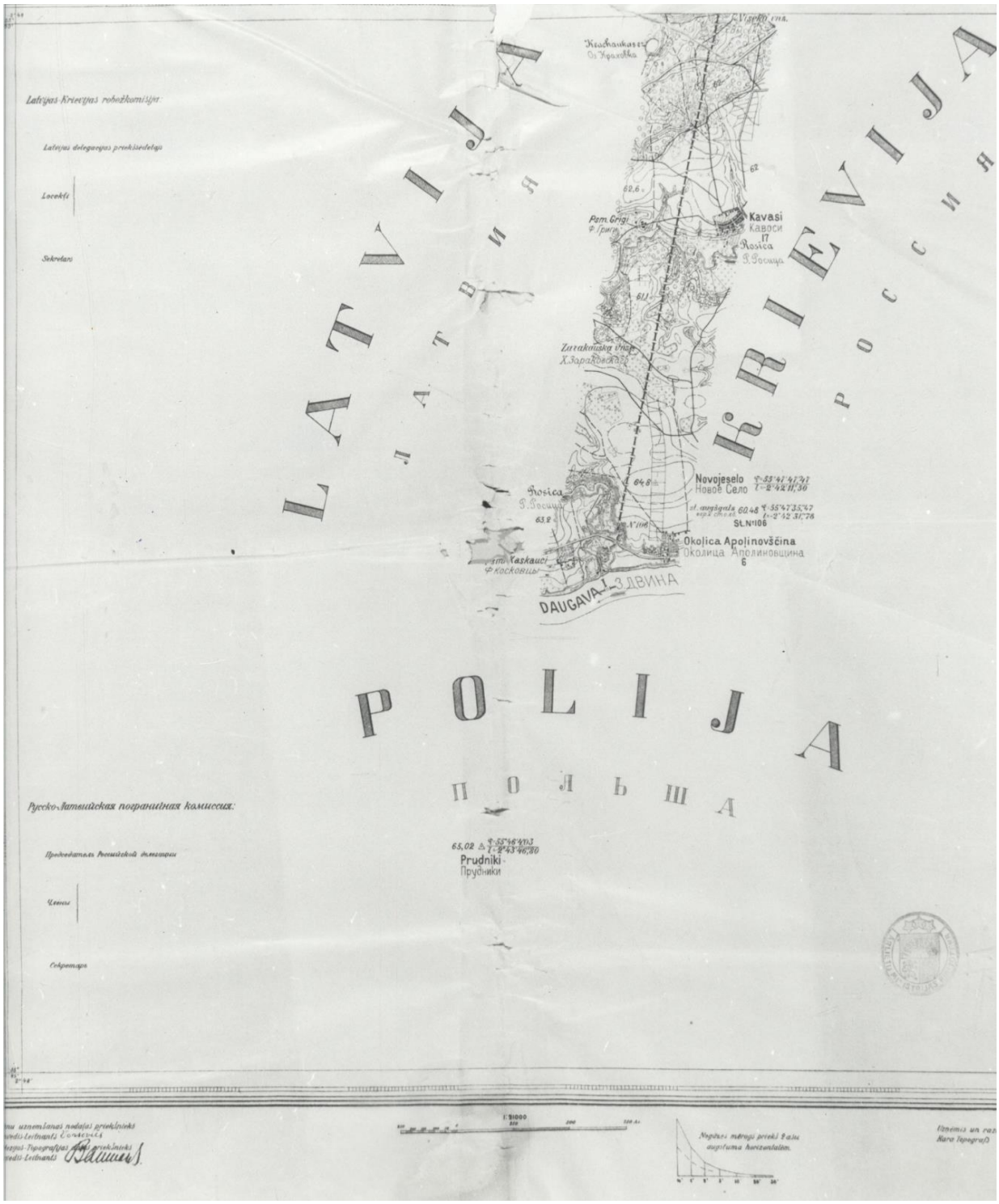
   The Schengen acquis requires uniform and clear rules on the concepts and definition of valid travel documents.

CHAPTER 6

Legal Evolution of the Concept of the State Border of the Republic of Latvia

The definition of the state border was neither included in the national regulatory framework of Latvia in the 1920s and 1930s nor in the international border treaties concluded at that time.

Following the signing of the Peace Treaty with Russia in 1920, the formal obstacle to the recognition of Latvia *dejure* by the Western powers within the framework of the People's Union, which took place in 1921 disappeared. Article II of the Peace Treaty reads as follows: "*On the basis of the proclaimed right of all peoples of the Russian Socialist Federal Republic of Russia to free self-determination, notwithstanding the complete separation from the State of which they are a part, recognizes the independence, autonomy and sovereignty of the State of Latvia and voluntarily and forever relinquishes all sovereign rights over Russia over the people and land of Latvia* (Balodis, 1991, pp 13 – 18) and according to Article III of this Treaty the State border with Russia (Latvia's Russian border. Description of the state border between Latvia and Russia 1921 - 1923. Archive of the history of Latvia, F.1313 – 2 – 790; see also Scheme 1) was determined, Jaunlatgale (Pitalovo) county (Balčs, 1928). The treaty was in fact a compromise that defined an ethnographic boundary as a whole, except for the small Pitalova district, where Latvians had long been a minority, but to which Latvia insisted on economic (railway junction) and strategic (border straightening) motives (Stranga, 2000, p 63). Article III of the Peace Agreement between Latvia and Russia contains a general description of the state border, defining the geographic locations of the state border line and notes (Puga, 2010, pp 160, 161) 1, 2, 3 on some principles by which the state border is demarcated. In turn, certain provisions of the state border regime were settled much later in the bilateral agreements of neighbouring countries, for example, in the agreement of July 22, 1926 on the investigation and resolution of conflicts occurring on the border of Latvia and the USSR (Bojārs, 2004, p 306).



Scheme 1. Annex to Article 3 of the Peace Treaty between Latvia and Russia, page 25 of the border plan.

In its efforts to regain statehood, Latvia proclaimed sovereignty in 1989 and independence (Declaration of the Supreme Council of the Soviet Socialist Republic of Latvia “On the Restoration of the Independence of the Republic of Latvia”, 1990, p 4) in 1990 developing its relations with the USSR in accordance

with the Peace Treaty of 11th August, 1920 which still is in force (Lēbers, 2005), hereby recognizes the independence of Latvia forever (Declaration of Independence of Latvia, 1990, p 4). If Saeima of Latvia wishes to amend Article 3 of the Satversme (Constitution) in the future, in order for such an amendment to have the force of law, it must be approved by referendum (The Constitution of Latvia, Art 77).

The Constitutional Law of 21 August 1991 "On the State Status of the Republic of Latvia" established that Latvia is an independent, democratic republic, in which the sovereign power of the State of Latvia belongs to the people of Latvia and whose state status is determined by the Constitution of 15 February 1922.

After the August 1991 coup in Moscow, Russia was the first to recognize Latvia's independence (on the August 24, 1991 Russian Federation recodnised the restoration of Latvian independence). The following priorities of the defence system were identified as the main priorities of the Defence and Home Affairs Commission of the Supreme Council of Latvia in 1990:

1) ensuring internal order and stability;
2) ensuring control and protection of state borders (sea, air, land) (Jundzis, 1995, p 204). During the inter-state negotiations between Latvia and the USSR, the generally recognized principles of international law were emphasized, including also "the integrity and inviolability of the national territory" (On the intergovernmemental discussions between Latvia and the USSR, 1990).

On the proposal of the Defence and Home Affairs Commission, the Presidium of the Supreme Council adopted a decision "On the establishment of a working group for the elaboration of the border guarding concept and relevant draft laws" (National Armed Forces. Army of Latvia 1991 until nowadays. 1991). By Resolution No 51 of 3rd July 1990 the Council of Ministers established the Customs Department (On creation of the Customs Department of the Republc of Latvia; MP 1990, 3rd july decision No 51), and on the 23rd August 1990 adopted a Resolution "On Measures to be re-established on the land border of the Republic of Latvia" (On activities to restore the land border of the Republic of Latvia; MP 1990, 23rd August decision No 108). It was emphasized in that decision that the land borders with the neighbouring countries were to be rebuilt along their entire length, on the basis of the boundaries fixed by international treaties as they existed on 16 June 1940 (Jundzis, 1995, p 204).

In October 1990, the first customs officers appeared on the borders of Latvia, with whom also police officers were on duty to ensure order and the smooth execution of customs duties. Customs and militia officers were also

essentially the first representatives of state institutions to perform the functions of border guards (Vahers, Bērziņa, 2006, pp 151 – 162), although the state border and its regime had not yet been determined by international or national regulations.

On October 11, 1990, the Presidium of the Supreme Council adopted the Resolution "On Establishment of the Border Guarding Department of the Republic of Latvia" within the Ministry of the Interior in order to ensure state border control and customs control, as well as to protect the internal market (Jundzis, 1995, p 205 - 209).

Latvia was the first of the Baltic Republics to adopt the Law "On the State Border of the Republic of Latvia" (Par Latvijas Republikas valsts robežu: LR 1990.gada 20.decembra likums, Art 2) (hereinafter - the State Border Law (1990)) on December 20, 1990, declaring that the State Border shall be considered definitively determined at that moment, once the description of the national border the act and the border line map has been signed by the intergovernmental mixed border committees. Both the State Border Law (1990) and the State Border Law of the Republic of Latvia of 1994 stipulated that the state border was determined by the treaties concluded by Latvia until June 16, 1940, as well as later interstate treaties on the restoration or establishment of the border. However, in places where the state border of Latvia does not comply with the interstate treaties concluded before 16 June 1940, it shall be recognized as a temporary demarcation line until the conclusion of the new interstate treaties and shall be subject to all norms related to the state border (State Border Law of the Republic of Latvia, 1994 Art 2) which was not included as an important element in the law adopted in 1990.

Considering that until 1940 On June 16, Latvia did not have a state border with Belarus, because at that time Latvia bordered with Poland, with which it had no border agreement (Jēkabsons, 2003, pp 69 – 79), it was necessary to determine the state border of Latvia with Belarus. Therefore, it cannot be stated unequivocally that after the restoration of the independent state of Latvia, the border between Latvia and Estonia, Latvia and Lithuania, which existed before the occupation, was restored, according to the Latvian legal scholar Dr.iur. A.Plotnieks (Plotnieks, 2009, p 126), because the present Latvian-Belarusian border and part of the Lithuanian border until October 1939, when Poland was occupied by the USSR (Feldmanis, 2008), was the Latvian-Polish border. However, in this case too, both neighbouring states confirmed that the state border between Latvia and Belarus runs along the administrative border of Latvia and Belarus, which at the time of signing the treaty coincided with the state border of Latvia as it was on June 16, 1940 (Pogrebņaks, 2000, p 80).

The State Border Law (1990) formed the definition of the state border: “The State Border of the Republic of Latvia is a line and a vertical surface coinciding with that line separating the terrestrial and aquatic territory, its subsoil and airspace from its neighbours and neutral waters of the Baltic Sea” (Law “On the State Border of the Republic of Latvia”, 1990, Art 1). The State Border Law (1990) acknowledged the procedures for marking the pre-war border of Latvia and established the border, the state border and border regime, as well as the procedures for border guarding. The definition of the state border was incomplete and imprecise, especially with regard to the waters and neutral waters of the Baltic Sea, which did not comply with the Convention on the Law of the Sea (Chapter 2).

Possibly that the legislature considered the high seas to be neutral waters, but neither Latvia nor the other Baltic States or Nordic countries have any offshore areas in the Baltic Sea (Овлащенко, 2006), although Latvia's territorial sea boundaries were to be determined under a border agreement with Estonia (Agreement between the Republic of Latvia and the Republic of Estonia on the Establishment of a Sea Border in the Gulf of Riga, the Irbe Strait and the Baltic Sea: 12.07.1996, Art 1) but exclusive economic zone boundaries - in accordance with a trilateral agreement (Agreement between the Government of the Republic of Estonia, the Government of the Republic of Latvia and the Government of the Kingdom of Sweden on a common sea border crossing point in the Baltic Sea: 30.04.1997).

The state border regime in the State Border Law (1990) was defined in a very general and vague manner, confusing it with the types of regime of the State Border Zone and other border areas. The non-separation of the state border regime from the types of border area regimes is also evident in Dr.iur. A. Fogel’s explanations who describes only certain regime provisions of the border areas.

As noted by law expert and witness if the 20th century the 1990s activities Latvian academic professor Dr.iur. T.Jundzis, the government at that time opposed the creation of a special border guard service, because it would undoubtedly cause a sharp negative reaction of the USSR and further destabilization of the already tense political situation, and did not hurry to implement the Law on the State Border of the Republic of Latvia. It should also be taken into account that Latvian maritime borders were still considered as USSR borders and were protected by USSR border guards (Jundzis, 1995, pp 205, 206). The State Border Law (1990) also contained many other shortcomings and inaccuracies both in terminology and in certain unenforceable rules, such as the demarcation of the state border, despite the fact that at the time the law was adopted no border agreement with neighboring countries had yet been concluded.

In the period from 1990 until 1995 border agreements with Lithuania (On the law of restoration of the border between the Republic of Latvia and Lithuania, 1995), Estonia (Rectification of the border agreement between the Republic of Latvia and Lithuania; AP 1992.g. 9.jūnija lēmums), Belarus (Border angeement the Republic of Latvia and Belarus,: 21.02.1994), and later also the Border Agreement with Russia, initiated in 1997 (Agreement of the Republic of Latvia and Russian fereration on Latvian – Russian border, 2007, May 29, No 85.), signed on 30th March 2007 (Agreement of the Republic of Latvia and Russian fereration on Latvian – Russian border 27.03.2007) and entered into force on 30th May 2007.

As a result, some of the provisions of the State Border Law (1990) regarding the definition and partly the marking of the state border became obsolete, as did several other enforceable or questionable norms, such as the rights of border guards to use state and public organizations, companies, companies, individuals communications and means of transport to track and apprehend border violators (State Border Law, 1990, Art 23 p 3). The law also contained provisions defining the tasks and competences (State Border Law, 1990, Chapter 3) of the border guarding service (authority), which is the subject of a separate legal act, and such provisions were to be incorporated into a separate regulatory act in a special law Plotnieks, 2008, p 111) which would determine the legal basis and functioning of the authority - Border Guard Law, which was adopted only in 1997 (Art 1).

By 1994, Latvia's border guard system had basically stabilized, several border treaties and agreements had been concluded with neighbouring countries, and the legal problems and tasks of the original state border had largely been resolved.

In 1994, a new State Border Law of the Republic of Latvia came into force, similar in content to the previous law, but significantly improved in terms of both terminology and regulations and was in force until 2009. The State Border Law (1994) established the definition - the state border is a continuous and closed line and a vertical surface coinciding with that line, which delimits the land and water territory of Latvia, its subsoil and airspace from neighbouring countries and the Latvian Exclusive Economic Zone in the Baltic Sea (Latvian Border Law, 1994, Art 1).

Latvian legal scholar Professor Dr.iur. J.Bojārs, critically considering the definition of the state border included in the State Border Law (1990), rightly states that the border regime is usually determined by national laws and international treaties, because it affects the jurisdiction of two neighbouring countries. However, in further analysing the content of the state border regime,

prof. J.Bojārs (Bojārs, 2004, pp 308, 309) refers to the regulations of the Republic of Latvia border area regime and border land regime (Regulations on the border land and border area regimes of Latvis, No 499, 2002), which were issued under the State Border Law (1994), not 1990 the law on state borders. In addition, the subject-matter of those rules was the border and frontier regime, whereas the state border regime was governed by the law itself (State Border Law, 1994, Art 6).

Taking into account the requirements of the Schengen acquis regarding the strengthening of the EU external borders in the legal sphere, in 2007, after long delays due to various political and legal problems, an agreement "On the Latvian-Russian State Border" was signed.

Unlike other land border agreements with neighbouring countries, this Agreement includes the definition of a state border: "Latvia - Russia border" means a line and a vertical surface coinciding with that line separating the territories of two sovereign states, the Republic of Latvia and the Russian Federation (land, subterranean depths and airspace). Concerning the land border, a similar definition of the state border is found in the current State Border Law (2009): "State border of the Republic of Latvia - a continuous and enclosed line and the vertical surface territory, subsoil and air space shall be delimited from neighbouring countries and from the Exclusive Economic Zone of the Republic of Latvia in the Baltic Sea." (State Border Law, 2009, Art 1 p 1)

Similar definitions of the state border are in the laws of the neighbouring countries of Belarus (О Государственной границе: Закон Республики Беларусь 21 июля 2008 г. № 419-З.), Russia (О Государственной границе Российской Федерации: Закон Российской Федерации N 4730-1 от 01.04.93 г.) and other countries such as Poland (Ustawa z dnia 12 października 1990 r. o ochronie granicy państwowej. Stanprawny: 18.11.2012.).

With regard to the sea border, the situation was ambiguous, as Article 1 (9) (b) of the State Border Law (1994) stated that the territorial sea of Latvia was 'the waters of the Gulf of Riga from the baseline to the state border' The agreement between Latvia and Estonia of 12 July 1996 concerning the delimitation of the sea border in the Gulf of Riga, the Irbe Strait and the Baltic Sea, and was inconsistent with Article 3 of the Convention on the Law of the Sea, which stipulates that each State has the right to determine the breadth of its territorial sea up to a limit of 12 nautical miles from the baselines. Under the Maritime Border Agreement between Latvia and Estonia, the parties had agreed on a maritime border for the territorial seas, the EEZ, the continental shelf or any other maritime area that the parties could establish, thus not establishing a territorial sea border between the parties under Article 15 of Convention on the Law of the Sea but by establishing a single sea border. Therefore, the following

Law on State Borders (2009) contained the following regulation: “The territorial sea of the Republic of Latvia:

(a) 12 nautical miles from the baseline, unless otherwise specified in international agreements;
(b) Baltic Sea waters of the Gulf of Riga baselines to the state border determined in accordance with the Agreement of 12 July on the Establishment of a Sea Border for the Gulf of Riga, the Irbe Strait and the Baltic Sea” (State Border Law, 2009, Art 1 p 9, 10), it is currently in compliance with both the Convention on the Law of the Sea and the sea territories border agreements concluded by Latvia.

Following the accession of Latvia to the Schengen area, many laws and regulations were amended or re-enacted, necessitating the adoption of a new State Border Law (2009) that would fully comply with the Schengen acquis. The State Border Law (2009) incorporated a number of provisions, concepts and terminology of the Schengen acquis, including the Schengen Borders Code (2006). More than 50 Cabinet of Ministers regulations issued under the 1994 Law expired, and 12 new Cabinet regulations came into force, which generally ensure the enforcement and transparency of the new law, as most of the provisions of the former State Border Law (1994) were incorporated into the new law in a consolidated form, thus greatly facilitating the understanding and application of the provisions of the law (Gaveika, 2012, p 286).

The concept of state border is based on the concept of state border regime, which serves as a legal mechanism for the security and inviolability of the state border. The State Border Law (2009) establishes a state border regime to ensure the inviolability of the state border on land, sea and air space, to control the state border crossing and to prevent persons from illegally crossing the external border and transferring goods and goods across the external border, which includes:

1) the procedures by which persons cross the state border, as well as the procedures by which goods and goods are moved across the state border;
2) the procedures by which land vehicles and rail transport cross the state border;
3) the procedures by which aircraft cross the state border in airspace;
4) procedures for the passage of ships through the State border and for entering and staying in the territorial sea, inland waters and ports (State Border Law, 2009, Art 9).

The concept of the state border regime has been considerably improved compared to the previous state border laws of Latvia and in its present wording is generally systematized and specified. Similar national border regimes are defined

in the national regulations of neighbouring and other countries. However, the concept of state border as defined by the State Border Law (2009) should be complemented by the procedures for dealing with state border incidents and for the execution of economic, rescue or other activities along the state border line, drawing on the legal experience of other neighbouring countries (О Государственной границе Российской Федерации:Закон Российской Федерации N 4730-1 от 01.04.93 г., Art 7) where such arrangements are considered as part of the national border regime.

In addition, the state border regime is the subject of an agreement or treaty between two neighbouring states (possibly at the intersection of three neighbouring countries), since the state border, like the state border regime, affects the jurisdiction of at least two neighbouring countries (Bojārs, 2004, p 309).

The concept of border control plays a crucial role in ensuring the state border regime. The terms of Article 1 of the State Borders Act (2009) do not include the definitions of the terms 'border control' and 'border surveillance', but the term 'checks' which is meaningfully identical to the term 'border checks'of the Schengen Borders Code (Schengen Borders Code, 2016, Art 2, pp 10, 11). The term 'border surveillance', which is a structural part of 'border control' under the Schengen Borders Code (2016), is not defined in law but is used in Article 14 of the State Border Zone control rules and extends to any (external and internal) borders but in Articles 15 and 16 apply only to the control of the frontier zone regime at the external land borders. The Code defines 'border surveillance' in general as border surveillance between border crossing points and border crossing point surveillance after the end of working hours in order to prevent persons from circumventing border checks, which should be more specifically defined in the State Border Law (2009) the objectives of ensuring the effective functioning of the territorial framework and the border guard system as provided for in Article 6 of the State Border Law (2009) "Border guarding system".

The notion of a state border regime plays a crucial role in determining liability for violations of the state border and state border regime. The state border regime is a basic part of the concept of the state border, which should include not only the present procedure for persons and property crossing the state border, but also the procedure for conducting any activities at the state border, the procedure for investigating border incidents, and the order in which the state border is maintained. The mechanism of legal liability for violations of the state border and its regime plays an important role in strengthening the legal status of the state border. The number of violations of the state border (and thus of the regime) at the external land border has increased since 2007: in 2012, 190 third-country

nationals were apprehended for illegally crossing the state border, in 2011 - 247, which is 170% more than in 2010, 2007 - 98 2018: Number of searched detainees - 520; Number of criminal proceedings sent to the Prosecutor's Office for prosecution - 93; Number of persons apprehended when crossing the border (number) / Preventing the illegal movement of goods across the state border (number) - 111/41; Number of aliens who have violated the conditions of stay in the country (ascertained both internally and when leaving the country) -1919 (Public reports of the State Border Guard, year 2010 – 2019).

In general two offender groups of i.e. illegal immigrants and smugglers of excise goods can be mainly highlighted. The need for stronger accountability for violations of the EU external border and border regime is increasingly urgent, while systematically exploring the strengthening of criminal liability for illegal crossing of the external border.

On April 1, 2013, amendments to the Latvian Criminal Law came into force, which provide for criminal liability for illegal crossing of the state border if committed intentionally, by a group of persons or by means of a vehicle or disregarding the entry ban in Latvia (Latvian Criminal Law, 1998, Art 284).

It is necessary to introduce criminal liability for intentional unlawful crossing of the state border not only when a person intentionally commits such an offense, but also when intentional unauthorized crossing of an external border occurs, for example, without complying with the legitimate requirements of competent officials or possessions not complying with the entry ban not only in Latvia but also in the EU. Inconsistency of the legislator is visible in excluding responsibility for violation of the state border regime from the Criminal Law in 2004 (Latvian Criminal Law, 1998, Art 283), by relaxing the sanction for illegal crossing of the state border, which is in essence a violation of the state border regime, but already in 2007 and 2008 strengthening the sanctions for the illegal trafficking of a person across the state border in a separate article (Latvian Criminal Law, 1998, Art 285), committed for the purpose of trafficking in human beings, even though trafficking in human beings was made subject to liability under another article of the Criminal Law for the same period (Latvian Criminal Law, 1998, Art 154.[1]). Nor can the provisions of Article 194.[1] of the Latvian Administrative Violations Code be regarded as systemically arranged, since one article with the same sanction provides for liability for violations of different regimes - state border, border, border zone, border control or border crossing point regime. The types of regime listed in the State Borders Law (2009) are differentiated and have different regime rules.

The state border regime is at the heart of the concept of state border and can be distinguished from the border area regimes. The territory of a state is an

indispensable condition for the sovereignty and existence of a state, and the security of the state border ensures the security of the state itself. Consequently, violations of the state border are mostly attributable to crimes against the state and not to the order of state administration, because the territory of the state, and thus also the state border, is an integral attribute of the state as a subject of international law.

Chapter X of the Criminal Law "Crimes against the State" should include criminal liability for intentional unlawful crossing of the state border, violation of the state border regime or attempting to illegally change the state border area in the geographical area, in addition to calls to destroythe territorial unity of the Republic of Latvia (Border Guard Law, 1997, Art 13 p 1) with the following wording: Article 83.

Intentional unlawful crossing of the state border, intentional violation of the state border regime or attempt to illegally change the location of the state border in the area. Intentional unlawful crossing of the state border, intentional violation of the state border regime or attempting to illegally change the location of the state border - punishable by imprisonment of up to three years or by arrest or forced labour, or by a fine of up to sixty minimum monthly wages, "By excluding from the Criminal Law Section 284" Illegal Crossing of the State Border".

Improvements in legal accountability, especially criminal liability, would create a stronger liability mechanism for violations of the state border, which, together with a clarified and systematically regulated normative regulation of administrative liability, would contribute to increasing state border security, effective enforcement of the state border regime, more effective fight against illegal immigration and smuggling.

This need for stricter legal liability also stems from the requirements of the Schengen Convention (Schengen Convention, 1990, Art 26, 27) and the Code, which provide for the introduction of penalties for the unauthorized crossing of external borders at or outside the designated border crossing points and for them to be effective, proportionate and dissuasive (Schengen Borders Code, 2016, Preamble p 6, Art 2, p 3).

Other provisions of the Schengen acquis also provide for the strengthening of the EU's external borders by means of a regulatory framework, such as Directive 2001/51/EC supplementing Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985, even providing for specific sanctions against carriers for transporting persons across the external border, fines of between EUR 3 000 and EUR 500000 (Directive 2001/51/EC).

CHAPTER 6: Conclusions

1. The State Border Law (1990) was the first of its kind after the collapse of the USSR, not only in the Baltics but also in the wider region. However, it did not fully determine the state border by not defining the state border as a closed line and by not explicitly defining the content of the state border regime, but by including the border zone regime and excluding the procedure for dealing with border incidents.
2. The State Border Law (1994) was amended and adapted several times with the changes in the geopolitical situation and the introduction of EU legislation into the national legislation system. The state border is defined in this law similarly to the later State Border Law (2009), except for sea borders, as the border agreement on the territorial sea border in the Gulf of Riga, the Irbe Strait and the Baltic Sea was concluded with Estonia in 1996 and Exclusive Economic Zone in 1997.
3. State Border Law (2009) clarified and reorganized the legislation concerning the sea border, which now also conforms to the Convention on the Law of the Sea.
4. State Border Law (2009) defines external and internal borders by referring to the Schengen Borders Code, which does not essentially disclose the judicial nature of the concepts of external and internal borders in Latvia, as the definitions are mentioned as references without particularly specifying the relevant articles and paragraphs of the Code.
5. The regime of the state border within the State Border Law (2009) provides a relatively more complete definition than in the previous analogous laws. However, the content of the current state border regime should also be complemented by the procedures for dealing with state border incidents and for the conduct of economic or other activities along the state border line, drawing on the legal experience of other neighbouring countries where such procedure is considered as an integral part of the concept of national border regime.
6. The state border regime is the subject of an agreement or treaty between at least two neighbouring countries, since the state border, like the state border regime, concerns the jurisdiction of at least two neighbouring countries.
7. The provisions of Article 194.[1] of the Latvian Administrative Violations Code are not systematically harmonized, as the same article defines the

same liability the same for different violations of regimes. In addition, the concept of national border regime forms the basis of the concept of national border and is distinct from the regime of border areas.

8. The territory of a state is an inalienable condition for the sovereignty and existence of a state, and the security of the state border ensures the security of the state itself. Therefore, border incidents are mostly referable to crimes against the state rather than to the regime and, in view of the stricter border controls emphasized by the Schengen acquis, necessitate stricter criminal liability for violations of the state border regime.

9. Neither the Latvian Administrative Violations Code of nor the Latvian Criminal Law establish liability for attempts to illegally change the state border area, although the State Border Guard Law includes the rule of law "to prevent any attempt to change the state border area illegally".

CHAPTER 7

Legal regulation of the border between the Republic of Latvia and the Russian Federation

During the Latgales' Congress of Latvians in May 1917 the decision was made that the historical regions of Latgale, Vidzeme and Kurzeme are one nation with one language and all should unite in one state. On November 8 of the same year, in a "Decree on Peace" written by bolshevik leader Lenin the right of self-determination of peoples and the preconditions for their implementation were determined, such rights and preconditions appeared in universal international law only at least half a century later (Bojārs, 2004, p 171).

In the right of self-determination the principle of territorial jurisdiction is very important. As described by the legal science researcher V.Vītiņš the principle of territorial jurisdiction gives states the right to prevent acts in their territory that could cause damage to the other country. State power is indivisible, and only one higher state power without any other state intervention affects all parts of the country's territory (Vītiņš, 1993, pp 23 – 24).

The term "state", in its turn, reflects a grand socio-political formation with such characteristic features of the system as communality, relative autonomy, persistence and interdependence between the elements of the system (Vedins, 2008, p 407).

Latvia was not recognized *de iure* by Western countries in 1919, because even after the formation of the League of Nations, the Western countries hoped that the Russian Empire would be restored with its Latvian territory as a natural and integral part of the unified empire. The original Eastern border of Latvia was determined by the Latvian Freedom Fights (1918-1920), when Soviet Russian troops were pushed east to Latvia in the desired distance, actually to the ethnic borders which Latvia (and Latgale) itself had declared in 1917-1918.

In Moscow, on January 30, 1920, a ceasefire agreement was concluded between the warring parties, which stipulated that the troops of the two countries would occupy the contracted demarcation line within ten days of its conclusion. After description this line it can be seen that Latvia has already determined the approximate eastern border of the country by the obstacles created by nature, at the time already anticipating the difficulties to guard the eastern border (Feldmanis, 2000, p 11).

Boundary determination was most strongly influenced by secret treaties, where the imperialist aspirations and strategic interests of the contracting parties, as well as the intrinsic delimitation of the nature and the traditions of history, manifested itself in an impatient manner (Seskis, 1991, p 127). In this manner the determination of the state border was characterized by Latvian diplomat J.Seskis at that time.

At the time of the signing of the ceasefire agreement, the war continued, because at the last moment Russia was trying desperately to depend on a favourable land corner. On February 1, 1920, in front of the superiority of Latvian troops, the parties concluded an additional ceasefire agreement. Thus, Article 2 stated: "The demarcation line between the Latvian and Russian armies is actually determined by the front line occupied by the armies of both parties at noon - 12 o'clock on 1st February 1920".

The first international agreement on Latvia's border with Soviet Russia was the August 11, 1920 Peace Treaty, which stipulated that the demarcation of borders would be based on the ethnographic principle (Puga, 2010, p 135).

The second paragraph of Article IV of the peace agreement with Russia states: "*To aoid drawing up and staying on its territory for anyorganisation and goup qualifying for the role of government in thewhole or part of the other ....*" (Bojārs, 2004, p 306).

A similar provision is also included in the 1991 Latvia - Russia Relations Agreement. Article 8 of the Agreement states that*"... the Contracting Parties undertake to prohibit, by law, the establishment and operation on their territory of organizations and groups which are aimed at the violent destruction of the sovereignty and statehood of the other Contracting Party and the violent seizure of power"* (Agreement between Latvia and Russain Soviet Federative Socialist Republic intergovernmental relations, 1991, Art 8).

In the descriptive part of the Constitutional Court judgment it is stated that the Cabinet of Ministers of the Republic of Latvia, referring to the principle of inviolability of borders, has not agreed with Russia's understanding of the content of this principle. The Constitutional Court pointed out that Article 3 of the Constitution of the Republic of Latvia (hereinafter – the Constitution) was adopted to prevent (hinder) possible separation of Latgale from Latvia.

Article 3 of the Constitution does not include the constitutional prohibition on Latvia to amend the state borders, because according to international law it is impossible to ensure the inalterability of borders. Likewise, the borders of the State of Latvia have been changed after the coming into force of the Constitution both during the interwar period and after the restoration of independence. Therefore, the border treaty with Russia does not contradict Article 3 of the

Constitution, as it does not create a transnational border that modifies the boundaries defined in Article 3 of the Constitution in 1922, but fixes the border between Latvia and Russia in the form of a written international treaty at the time of signing the de jure territories (Constitutional Court by the Cabinet of Ministers in case No 2007-10-0102).

The principles of the OSCE Helsinki Final Act confirm the basic principles of inter-state relations, including: the possibility to amend the border by peaceful means and the right of sovereign states to conclude any international treaties, including also about the territory and borders (hereinafter - reply to the Constitutional Court by the Cabinet of Ministers in case No 2007-10-0102).

In its reply to the Constitutional Court, the Cabinet of Ministers concluded that due to the historical facts available the historical justification of Abrene as an ethnographic land of Latvia could not be found (hereinafter - reply to the Constitutional Court by the Cabinet of Ministers in case No 2007-10-0102, p 3.2.4.).

However, from the author's point of view, such a conclusion does not follow from the interpretation of the ethnographic principle of spatially contradictory analysis, which is quite contradictory in the written reply, because at the same time Abrene's historical affiliation to Latvians is indicated, opposing it to some economic and military strategic interests in a very limited period of time, which should not in fact be regarded as justified counter-arguments from internationally accepted principles of territories and consequently borders delimitation. This is also confirmed by Dr. Fogels assertion that the concept of "state's territory" is closely related to the concept of "national territory". For the nations of one nation, these concepts coincide because the territory of the state is also the territory of the nation that lives there (Fogels, 2009, p 175).

Similar and even more radical views have also been made by the deputy president of the Civil Congress, E.Alksnis: "The conclusion of new border agreements, renouncing part of the territory of Latvia, is in conflict with the legal continuity of the Latvian state. Decisions taken by the actual administrative institutions and officials operating in the territory of the Republic of Latvia regarding the waiver of the right to a part of the territory of the Republic of Latvia are in conflict with Articles 3 and 77 (On non-recognition of the annexation of the city of Abrene and six parishes of Abrene district, LR AP 1992, January 22 decision) of the Constitution and are null and void, as well as without legal consequences.

The abandonment of part of the territory of the Republic of Latvia for the benefit of the occupying state is a criminal offense under both the Penal Law of the Republic of Latvia and the Criminal Law currently in force in the Republic of

Latvia.” The analysis proposed in the Constitutional Court's judgment on the state continuity or continuity doctrine, the ethnographic aspect of the determination of the country's territory, and the interpretation of the state border's inalterability make it necessary to conclude on the necessity and importance of a clear and unambiguous definition of the state territory.

The “fathers” of the Constitution consolidated the sovereignty of the people and the territory of the state respectively in the first articles of the Constitution and provided a mechanism in which both of these elements protect each other (Ziemele, 2009, p 62). From the point of view of grammatical interpretation, Article 3 of the Constitution *expressis verbis* defines the territory of the State of Latvia with reference to the boundaries defined in international treaties and refers to the two independent theses of the structure of Article 3 of the Constitution: First, “The territory of Latvia is composed by Vidzeme, Latgale, Kurzeme and Zemgale”, secondly [determined], within the borders set by international treaties (Bojārs, 2004, p 171).

Nowadays, when Latvia has concluded all border agreements with the exception of the Maritime Border Treaty with Lithuania, the development of the International Maritime Law is mostly determined by the Latvian territorial sea and by the development of international air law the state air space can also be determined.

From the point of view of state administration and sovereignty and due to the quite frequent use of the term of the territory of the state in both national and EU law, a more specific understanding of the territory of Latvia is possible. The definition of a specific territory of Latvia was not possible at the beginning of the 20th century during the period of adoption of the Constitution, as indicated by Dr. J.Pleps (Pleps, Pastars, Plakane, 2004, pp 129 – 135), but it is possible now since it has sufficient doctrinal basis for Latvian contract law and international law.

It has to be admitted that the case-law of the international territorial disputes has not been analyzed and used in the case of Abrene and the dispute before the International Court of Justice of the United Nations has not been settled, although the precedent of international territorial and border disputes has been in the 20th century (Prescot, 1978, pp 27, 35 – 40), in the middle of the 19th century and nowadays, incl. also in Europe, such as the dispute between Denmark and Sweden on the continental shelf (regulated by the United Nations in 1984), the dispute between Ukraine - Romania on delimitation of the sea border (due to the ownership of the Snake Island) in the Black Sea (settled in 2009), Finland - Sweden dispute on Tana - Tenojoki rivers (not yet settled) (Лунден, 2011, pp 185 – 186, 190).

The border treaty with Russia, signed in Moscow on March 27, 2007, was adopted and approved by law on May 17, 2007, in compliance with the OSCE principle of border inalterability. But with the Constitutional Court decision of 29th November 2007 the statement "with regard to the principle of inviolability of boundaries adopted by the Organization for Security and Cooperation in Europe" is found to be inconsistent with the first part of Article 68 of the Constitution and invalid from the moment of publication of the judgment (Agreement between the Republic of Latvia and the Russian Federation on the State Border of Latvia and Russia: 17.05.2007., Art 1).

In the Latvian-Russian Border Treaty, the state border between states means *the line and the vertical surface coinciding with this line separating the territories of two sovereign states - the Republic of Latvia and the Russian Federation (land, water, subterranean depth and air space).* The parties of the State Border Treaty determined, as confirmed in the "Description of the State Border of the Republic of Latvia and the Russian Federation" and with the red colour marked in "The State border delimitation map of the Republic of Latvia and the Russian Federation" in scale 1:50000 (Agreement between the Republic of Latvia and the Russian Federation on the State Border of Latvia and Russia: 17.05.2007., Art 1).

In order to define and install the Latvian-Russian state border in line with the border treaty and prepare demarcation documents, the neighbouring countries established the Joint Demarcation Commission of Latvia and Russia on the basis of parity principle, assigning it: to develop the state border demarcation procedure; to determine the exact location of the boundary line in the nature according to the Border Treaty and the description of the state border and the delimitation map attached thereto; to create and manage working groups for border demarcation; install boundary marks; to determine the exact location of the middle line at the border (through straightened riverbeds) or in the river branches, streams and ditches of the rivers; to determine the exact location of the boundary line in the lakes; to clarify the ownership of islands in rivers; prepare draft border demarcation documents; address other issues related to border demarcation work by covering parity of demarcation expenses (On the appointment of representatives to the Joint Demarcation Commission of Latvia and Russia; October 7, 2009, Cabinet Order No 675).

On April 21, 2018, Latvian-Russian state border demarcation documents came into force. Consequently, the process of demarcation of the common border of both countries has ended, lasting eight years. In the course of the demarcation process, marking the 283.6 km long line in the nature, 648 border signs were

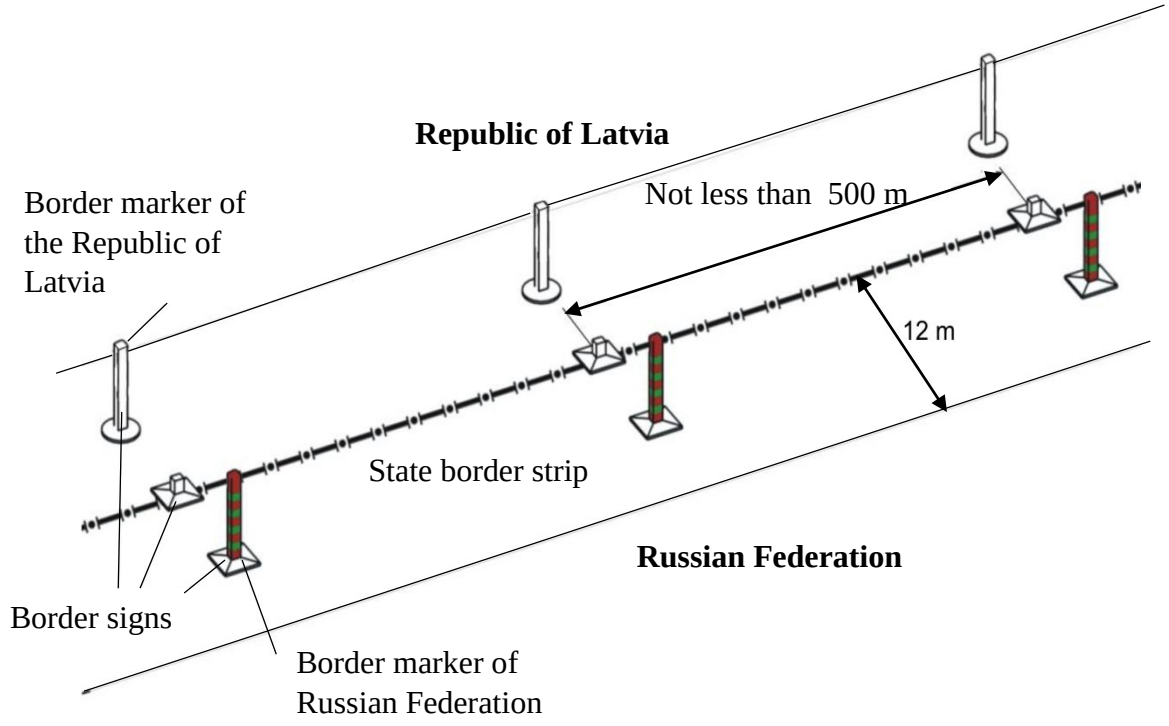
installed, as well as the exact location of the middle line in the border rivers. The location of the boundary lines in the lakes islands possession was determined.

In accordance with the Law on Demarcation, the Joint Demarcation Commission drafted several documents (Demarkācijas komisijas nolikums, 2009), including the Instruction on the Marking of the Latvian-Russian State Border in Nature (hereinafter - the Instruction), which determined how the state border in nature was marked with border marks (Instruction on marking Latvian – Russian border in nature. Pleskava: 2010.g. 27.maijs, p 1).

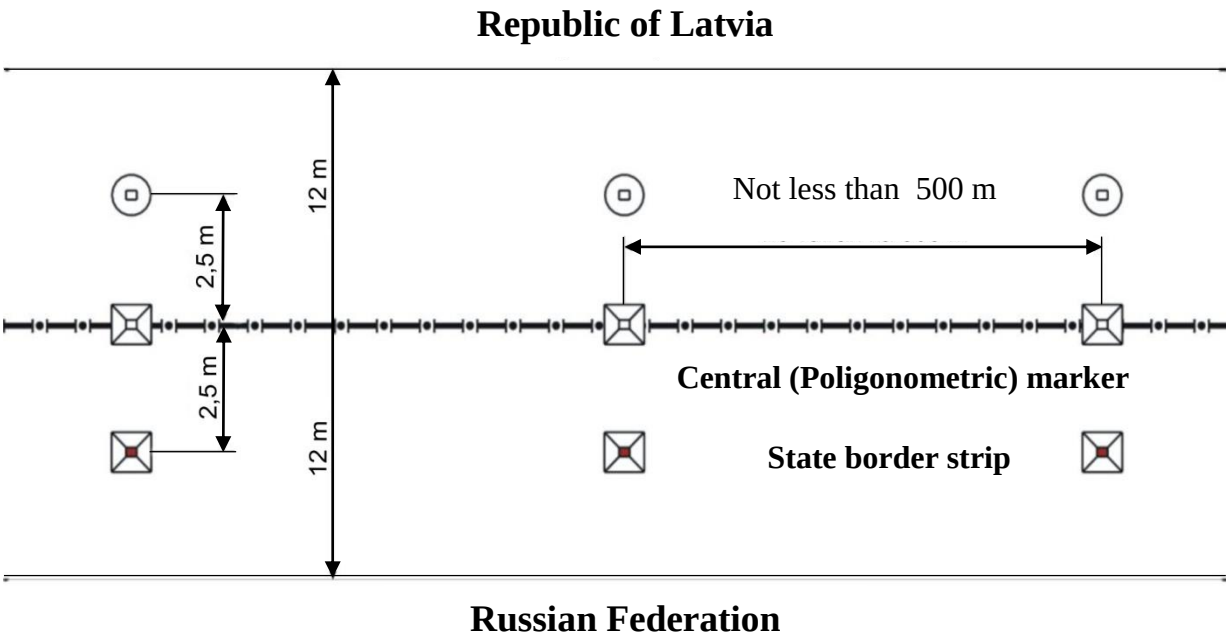
On the dry land border sign is usually made up of the Latvian border marker, the Russian border marker and the Central border marker (also called polygonometric (Cepurniece, Gūtmanis, Lukstiņš, 1969, p 518) pillar). The border marker between Latvia and Russia is installed 2.5 metres on either side of the border so that the line connecting these pillars coincides with the bisector of the turning angle of the border but at straight sections of the border it is perpendicular to the border line.

The central marker is the centre of the board sign and shall be installed directly on the border line at the point where it passes through the line joining the border markers of the two countries forming a single connecting line. The distance between the landmarks on the land section of the border shall be no more than 1000 m (Instruction on marking Latvian – Russian border in nature Pleskava: 2010.g. 27.maijs, Art 2 p 3). However, there are several drawbacks in the Instruction, for example, with regards to the distance between markers the essential condition that the markers should be set at a direct line of sight (with the naked eye) has not been included, as it was foreseen during the demarcation (Agreement on border determination between the Raoublic of Latvia and Belarus, 1994) of the Latvian-Belarusian (Павловский., Ковалёв, Ермолович, 2003, p 42) border. Furthermore, all appendices to the Instruction are in Russian only, which is contrary to the principle of parity mentioned in Article 9 of the same Instruction, Latvian-Russian Border Treaty, Article 4 of the Constitution and Latvian State Language Law.

To ensure visibility between the boundary markers, a 12 m wide (6 m on each side of the boundary) boundary strip, which is mostly a relative distance between tree crowns, is cut and cleared from the strains (see Scheme 2).



View from top



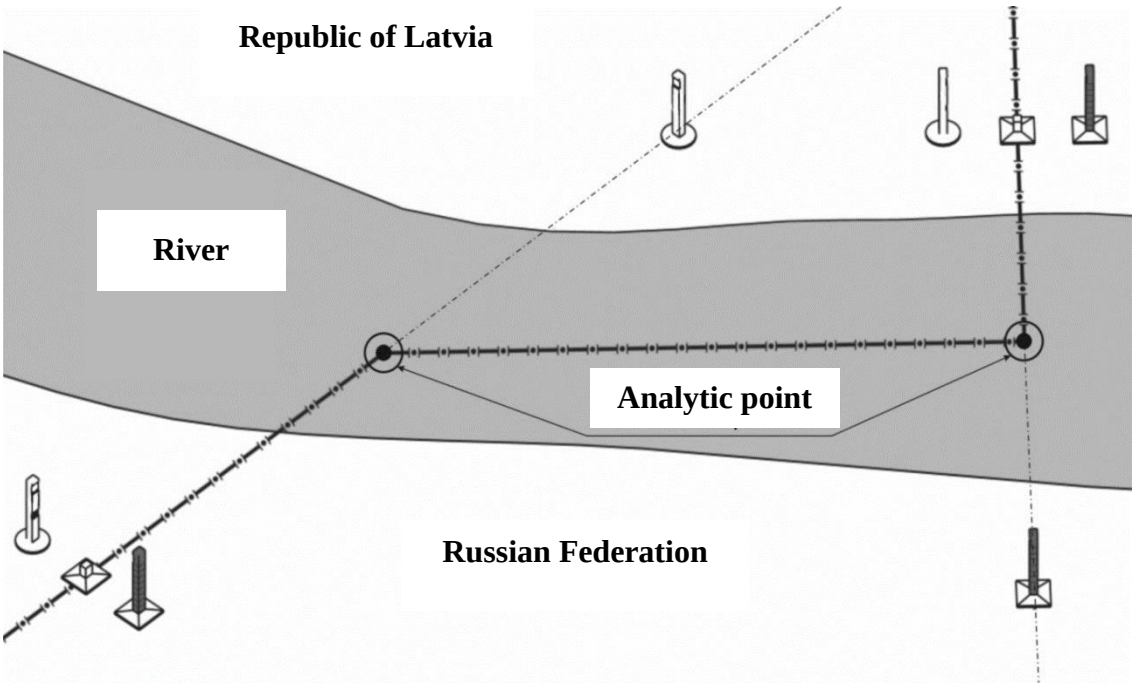
Scheme 2. Scheme of border demarcation on land border.

The national boundaries along rivers (straightened riverbeds) or main branches, streams and ditches are usually determined in the middle (Agreement between the Republic of Latvia and the Russian Federation on the State Border of

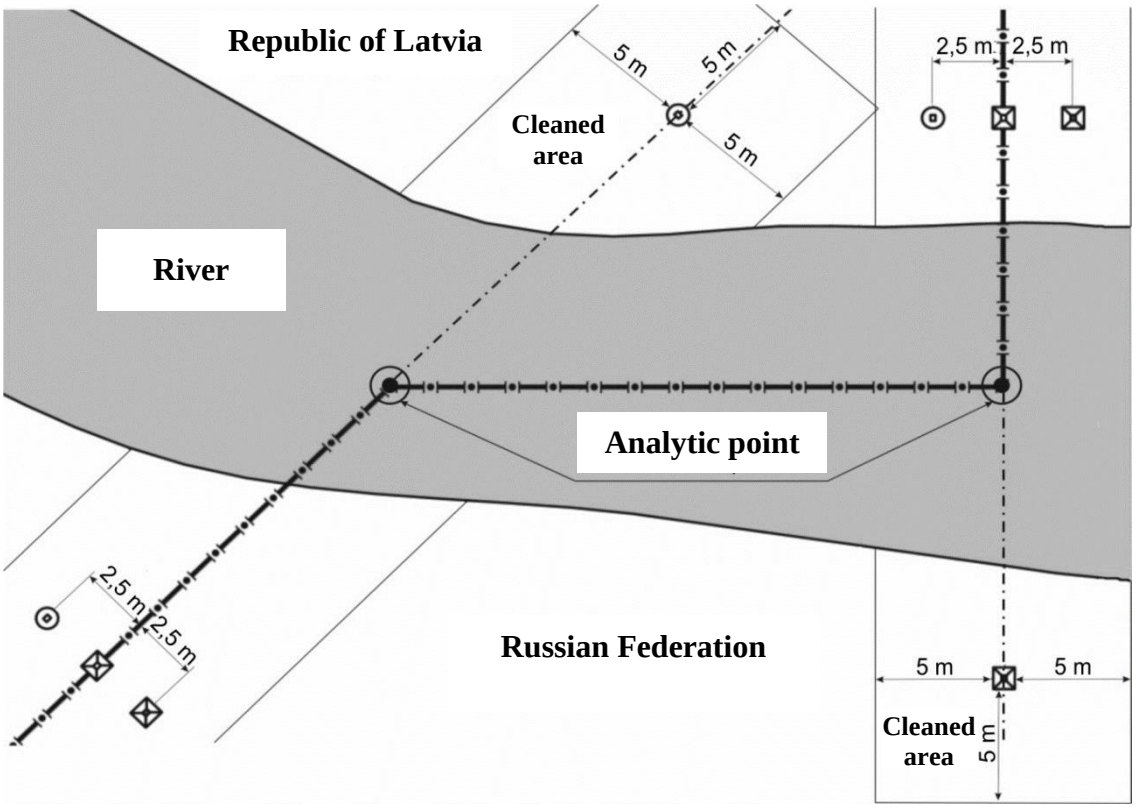
Latvia and Russia: 17.05.2007., Art 3) of rivers. In this case, the phrase "(for straightened riverbeds)" is not clear enough, but the phrase "in the middle" is imprecise because:

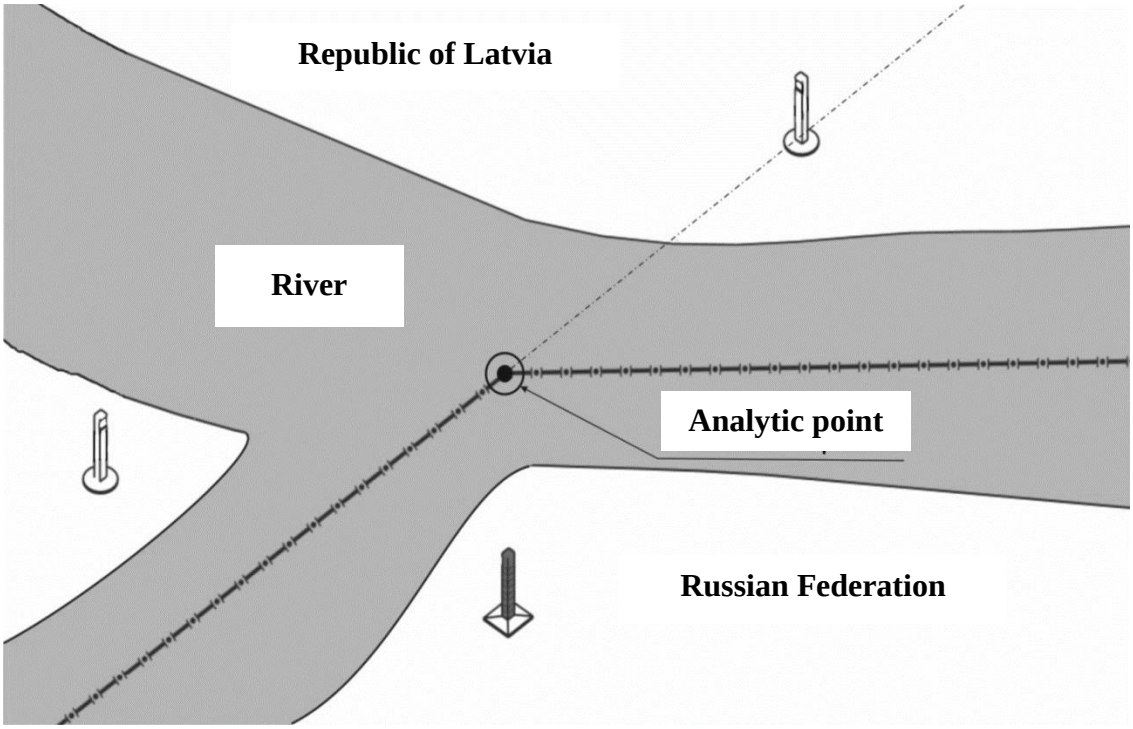
(1) When determining the middle of a river (including streams), the condition that the center is defined by the surface of the water during the lower water level must be specified (Рачковский, Горулько, Давыдик, Аксенов, 2003, p 39);
(2) River basins are generally delimited either by the thalweg of the river or by the the middle of the main fairway (Border Guard Law, 1994, Art 3 p 4), which, although mainly concerns navigable rivers, should also be considered from a methodological point of view.
(3) the method of demarcation of the state border along rivers with the use of analytical points is not possible unless the distances from the border markers on the river bank to the section of the national border line on the river are specified, such conditions have not been stipulated in the Instruction.

Latvian academic professor Dr.iur. J.Bojārs states that the border of navigable rivers runs along thalweg or fairway, the deepest navigable place (Bojārs, 2004, p 310). In this case, the alignment of the fairway and the thalweg to the deepest navigable areas is inaccurate, since the fairway may not always follow the deepest interconnections, nor may the deeper points be connected by straight line sections. The claim that if the location of the fairway changes as the riverbed changes, the boundary line moves accordingly with the thalweg is questionable. This principle, according to prof. J.Bojārs has been confirmed by Kansas v. Missouri precedent. However, it cannot be generalized and considered a norm, rather an exception, as for the Latvian-Russian (and similarly neighbouring countries) state border any natural changes that may occur in border rivers, streams and ditches do not alter the nature-demarcated state border line, as well as the ownership of islands, unless the neighbouring countries agree otherwise (Agreement between the Republic of Latvia and the Russian Federation on the State Border of Latvia and Russia: 17.05.2007., Art 4) (see Scheme 3).

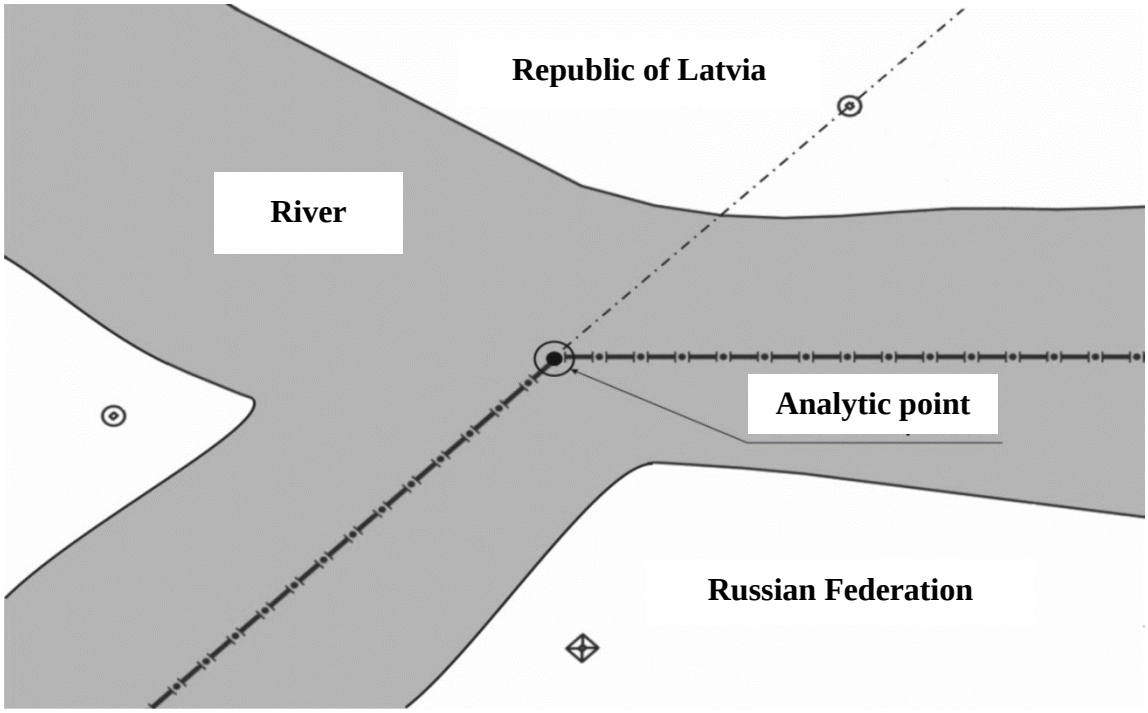


View from top





View from top



Scheme 3. Scheme of border demarcation on (along) border rivers.

Border markers among neighbouring countries are installed on the banks of the state-owned border rivers, streams and lakes. In accordance with the State Border Marking Instruction, the border may be marked with:

1) Border signs – Orange colour buoys that are mounted directly on the border along with a bullet mark. The buoys may be fitted with retro-reflecting devices. Latvia has approved yellow buoys, which are used to mark the state border zone with Belarus and are also intended for the state border with Russia. Consequently, the installation of additional orange buoys directly on the boundary line is not useful as it effectively duplicates the designation of the boundary line in nature;
2) Border signs – orange colour poles mounted on ice instead of buoys (with further reflection of the seasonal change of landmarks - buoy in demarcation documents);
(3) Special border signs (landmarks in between border markers, pyramids, boulders, other off-site objects and items) (Instruction on marking Latvian – Russian border in nature. Pleskava: 2010.g. 27.maijs, Art 5).

In some cases, the state border may be marked with a 0.2 m wide white line drawn along the road, pedestrian and railway bridges, dams and other structures crossing the state border or on their technological axis (Bojārs, 2004, p 310), irrespective of the location of the border in the water body; crossing roads and hard-footed crossings. Such border signs shall be considered to be special border signs, although they shall be listed separately in Articles 5 and 6 of the Instructions on State Boundaries. It should be noted that the demarcation methodology used for demarcation, which should be included in the appendix to the instruction, was not approved by any of the regulations of the Demarcation Commission until May 2018.

Furthermore, the attribution of special border signs to the lake variation is imprecise in the installation of border markers, as special border signs may be installed on the national border in exceptional places where, due to the specificity of the terrain and historical monuments and nature preservation, the use of these special border signs is governed by agreements between neighbouring countries (in the description of the state border). For example, at the Latvian - Belarusian and Latvian - Estonian national borders there are only a few special border signs (two at the Estonian border), which are installed as large stones and have a hole (Gaveika, 2001) filled with lead for the geodesic coordinates. With regard to special national border signs, the author would propose to classify them

accordingly, divided into two main groups: special border markers and special state border signs.

In addition, the extension of margins to special border signs mentioned in Article 5 (3) of the Instructions is also incorrect because international (Рачковский, Горулько, Давыдик, Аксенов, 2003, p 4) classification of border signs provides separate types of border signs as intermediate border markers, which are also widely distributed at the state border with Belarus and Estonia.

The shape, size and installation procedure of the Latvian border marker (border sign) were previously determined by the now abrogated "Regulations on the State order Signs", which according to these rules were to be installed on the borders of Belarus and Russia (Noteikumi par valsts robežzīmi: MK 1998.g. 13.jan. noteikumi nr.6. p 1). By May 2020, no new rules on the state border had yet been adopted, although such rules would be necessary as the state emblems contained the border signs.

The order of determining the coordinates and height of the border signs is determined by the Instruction. In the work of the Latvian-Russian Joint Demarcation Commission, the systematization of coordinates and sections of the state border on the basis of internationally accepted state border classification is not envisaged within orographic, geometric and astronomical borders, although it is actually applied on Latvian – Estonian borders, where, in order to optimize and save the means of demarcation, the border line was in many cases straightened out, creating as long straight sections as possible (Papildprotokols Latvijas Republikas un Igaunijas Republikas līgumam par valsts robežas atjaunošanu, 200, p 3.11.).

Latvian law scholar Dr. iur. A.Fogels explains the orographic borders as a boundary line drawn by the particular features of the terrain, a broken or zigzag line that runs along river beds, seashore, slopes and ridges (Fogels, 2009, p 176). However, this explanation should be clarified by stating that the orographic border is a curved or broken national boundary between any two major border signs that follow natural or artificial features (river fairway or thalweg, ditch or shore, road or railway edge, embankment, walls, etc.). The orographic boundary line generally includes all straight sections between major border signs at the edges of rivers, lakes, streams, ditches or roads and the relevant turning points of the boundary line on water bodies or on land.

Geometric Boundaries A.Fogels explains it as a straight line drawn from one point to another without regard to the terrain. However, this explanation should be clarified by specifying that the geometric boundary is a straight line between any two major border signs. In the author's view, another type of geometric boundary could be distinguished, such as geographical boundaries,

which would be straight boundaries more than two major border signs. For example, the total length of the Latvian-Estonian border is 343.02 km, of which the geometric border is 267.384 km, while the orographic border is only 75.633 km (Additional protocol to the agreement of restoration of the border between Latvia and Estonia, 2000, p 3.11.). For other frontiers, the proportion of geometric frontiers is also higher, since orographic frontiers are usually defined by frontier rivers.

The problem of land ownership, which has been and still is characteristic to any neighboring country's border demarcation, including also with Russia. After the conclusion of the Latvian-Russian Border Treaty, it was revealed that Russia strengthened rights not only to the Abrene (former Jaunlatgale) district, but also a part of the territory of the Liepna and Pededze parishes in those times.

Landowner V.Belcane in 1996 sent an application to the Parish Land Commission asking for restitution of his father's land. In the same year, 21.1 ha of land was given to the legal owner, but three years later, in 1999, the commission cancelled the minutes of the meeting because it appeared that in October 1997 Latvian and Russian expert delegations approved such a state border line when suddenly 8,2 hectares have become part of Russian territory. In addition, Liepna Parish has never been in Abrene County (Latvijas Krievijas robeža. Valsts robežas apraksts 1921-1923. Latvijas Valsts vēstures arhīvs - F.1313 – 2 – 790.), so there has never been a Russian border on its territory (Ar robežlīgumu Krievijai atdoti zemesgabali arī ārpus Abrenes, 2014).

Taking into account that no similar cases have been identified in the past, and that there is no law regulating the possibility of offsetting with equivalent land in certain situations, and the fact that with V.Belcane had been concluded voluntarily agreement to settle her property rights and Compensation of part of the land with equivalent land in the territory of Latvia (Krauklis, 2014) after a long collision of legislation within 15 years there was a special law adopted (Par citas valsts teritorijā esošas nekustamā īpašuma zemes daļas kompensēšanu: LR likums, 2010).

The problem of expropriation of land is still relevant due to inconsistencies in the delimitation of the state border, which in 1998 was set 6 m (Par Latvijas Republikas un Krievijas Federācijas valsts robežas joslas noteikšanu, 1998 p 1). wide, but already in 2000 - 12 m (Grozījumi Ministru kabineta 1998.gada 29.decembra noteikumos Nr.503 "Par Latvijas Republikas un Krievijas Federācijas valsts robežas joslas noteikšanu") wide.

During the execution of the demarcation work, border crossing shall be carried out in accordance with the Regulations on Crossing the State Border of Latvia and Russia for personnel, transport and technical means performing

demarcation work, as well as their temporary stay in the territory of the other state. In this and other respects, the important legal aspect of defining a state border is the establishment of a state border regime, which would also make individuals liable for illegally crossing the state border, as well as justifying settling border incidents between neighbouring countries, usually by separate treaty. The state border regime between Latvia and Russia should also be determined by a separate agreement on the state border regime, the project of which was to be prepared already in the first half of 2011. Similar agreements had to be concluded with Lithuania and Estonia, but by 2020 they had not yet been concluded.

During the execution of the demarcation work, border crossing shall be carried out in accordance with the Regulations on Crossing the State Border of Latvia and Russia for personnel, transport and technical means performing demarcation work, as well as their temporary stay in the territory of the other state (Upmacis, Obuhovs, 2010). In this and other respects, the important legal aspect of defining a state border is the establishment of a state border regime, which would also make individuals liable for illegal crossing the state border, as well as justifying settling border incidents between neighbouring countries, usually by separate treaty (Agreement between the Republic of Latvia and the Russian Federation on the State Border of Latvia and Russia: 17.05.2007., Art 6). The state border regime between Latvia and Russia should also be determined by a separate agreement on the state border regime, the project of which was to be prepared already in the first half of 2011 (VRS 2011.gada darba plāns). Similar agreements had to be concluded with Lithuania and Estonia, but by 2020 they had not yet been concluded (MK 2012.g. 16.feb. rīkojums nr.84, 124.4.punkts).

The demarcation works of the Latvian - Russian state border were planned to be completed by 2015 (including) (Rinkēvičs, 2012). The task of the State Procurement Agency Ministry of Interior was to organize the restoration and reconstruction of the state border, to prepare the necessary legal, regulatory and technical documentation and to arrange the ownership of land under the border roads as well as under the state border zone (Nodrošinājuma valsts aģentūras 05.12.2012. reglaments Nr.6/2012 p 24.3.). The competence for carrying out state border maintenance tasks was assigned to the Ministry of the Interior (Latvian Border Law, 2009, Art 5, 31(3)), although neither the State Procurement Agency nor the State Border Guard laws and regulations specifically define the competence of state border maintenance.

The agreement between Latvia and Russia on the travel of citizens was one of the first acts of the bilateral agreement, which directly affected both the conditions of the state border regime regarding persons' border crossing and to a large extent also the conditions of the border crossing point regime. This

agreement specified the documents required for crossing the border and the conditions for issuing and using visas.

Some parts of the provisions of this agreement have become obsolete, for example, the rule that in urgent cases the competent authorities of both countries issue visas free of charge within 24 hours is not relevant, as in the cases (Latvijas Republikas Valdības un Krievijas Federācijas Valdības Vienošanās par pilsoņu savstarpējiem braucieniem: 14.12.1994) specified in Article 18 of the agreement visas can be issued by border guards at border crossing points (Visa regulations by the Cabinet of Ministers; August 30, 2011 No 676, No 144).

Border conflicts are settled diplomatically, while border issues and other day-to-day issues are dealt with by special officials from neighbouring countries, which in Soviet practice were called border commissioners (Bojārs, 2004, p 310) A similar institute of authorized border representatives in Latvia has been established with all neighbouring countries. The duties of authorized border representatives were usually performed by the heads of the local State Border Guard administrations. On the state border with Russia (Latvijas Republikas valdības un Krievijas Federācijas valdības vienošanās par robežas pārstāvju darbību: 19.07.1994., Art 1), until the demarcation of the state border was completed, a special position of the State Border Guard was foreseen (Par Latvijas Republikas pilnvarotajiem robežas pārstāvjiem; MK 2011.g. 14.sep. rīkojums nr.452.). The main function of the Plenipotentiaries is to promote the development of good neighbourly relations and co-operation between countries, to maintain law and order, to settle border incidents and to deal with all issues related to the state border.

Technically, the Authorized Border Representatives - plenipotentiaries, whose operational functions have been based on practical experience of international cooperation of border control authorities, is carrying out a state border surveillance mission, although there is still no agreement on a state border regime with Russia where a systematic state border regime content would be settled. The abovementioned agreement is incomplete in terms of the border regime, which means that the operational capacity of the authorized border agents cannot be fully exploited in all other matters of international bilateral cooperation, including border control and immigration control.

Several issues of cooperation in the aspect of the state border regime are also envisaged in other acts of bilateral agreements, for example, the agreement of Latvia and Russia on cooperation in border guarding, which provides regular information on current national legal regulations on state border issues, establishment of working groups, fostering of other competent authorities in the

fight against crime (Par Latvijas Republikas valdības un Krievijas Federācijas valdības vienošanos par sadarbību robežapsardzības jautājumos (1996)).

An important cooperation agreement between the EU and Russia was concluded in 2005, which, while mostly involving economic and trade cooperation between the countries, also contains a number of commitments in the area of cross-border crime, border crossing and customs (Protokols, kurš pievienots partnerības un sadarbības nolīgumam, ar ko izveido partnerību starp Eiropas Kopienām un to dalībvalstīm, no vienas puses, un Krievijas Federāciju, un ar kuru ņem vērā jauno Dalībvalstu pievienošanos ES. LV, 2005. nr.110, Aart 78, 81, 82). In 2008, the Agreement of 2 June 1993 on Customs Border Crossing Points was extended (Latvijas Republikas valdības un Krievijas Federācijas valdības protokols par Latvijas Republikas valdības un Krievijas Federācijas valdības 1993.gada 2.jūnija vienošanās par muitas robežas caurlaides punktiem darbības pagarināšanu. LV, 2008. 22.jūl., nr.111.). With Latvia's accession to the Schengen area, several motorway border crossing points on the state border with Russia - in Aizgārša, Opoļi, Kruti and Punduri, which have been operating since September 1, 1992 - were closed (Par muitas robežas caurlaides punktu un valsts robežas pārejas punktu izvietojumu uz Latvijas Republikas valsts robežas; MP 1992. 12.aug. lēmums nr.327).

In the field of readmission, the implementation of the Agreement between the European Community and the Russian Federation on readmission (Latvijas Republikas valdības un Krievijas Federācijas valdības protokols par 2006.gada 25.maija Nolīguma starp Eiropas Kopienu un Krievijas Federāciju par atpakaļuzņemšanu īstenošanu: 09.07.2009.), which succeeded in resolving the legal basis for the return of Russian nationals after long delays, is very important. By comparison, a similar agreement between Russia and Lithuania had already been concluded in 2003 (Антонова, Яковлев, 2004, p 152). The legal alignment of the readmission process gained particular relevance and importance in 2011 due to the sharp increase in illegal border crossings (Hoņavko, 2011).

In order to combat cross-border crime, a bilateral agreement was signed in 2011 on cooperation in the fight against crime, in particular in its organized forms, including cooperation in combating terrorism, drugs, firearms, counterfeiting, smuggling, corruption and other serious crimes, including exchange with information obtained during operational activities (Latvijas Republikas valdības un Krievijas Federācijas valdības līgums par sadarbību cīņā pret noziedzību, it īpaši tās organizētajās formās. LV, 2011.).

In 2011, an Agreement on cooperation in the field of emergency prevention and elimination was reached. The legal achievement of this agreement in defining the notion of an emergency situation (Latvijas Republikas valdības un

Krievijas Federācijas valdības vienošanās par sadarbību ārkārtējo situāciju novēršanas un likvidēšanas jomā. 20.12.2010.), which was not clearly defined in the Latvian regulatory framework until 2013, is important. Article 7 of this agreement also lays down the rules for the crossing of the border of the assistance teams and their stay in the territory of the requesting State, which for example stipulates that border checks on members of the teams providing aid in emergency situations shall be carried in priority status (Par ārkārtējo situāciju un izņēmuma stāvokli, 2013, Art 7 p 2). In this case, there is a clear contradiction with the State Border Law (2009), which provides for the crossing of the border only for rescued persons during search and rescue operations, although the head of this operation has the authority to decide to cross the border outside border crossing point to transport the rescued persons to the medical institution, if there is a real danger to the life or health of the rescued persons, simultaneously informing the SBG on such fact. However, such a provision is not provided for in the bilateral agreement referred to above.

At the end of 2010, several bilateral agreements and treaties were concluded with Russia on border control and mutual legal cooperation (Latvijas Valsts prezidenta kanceleja, 2012), significantly developing opportunities for coordinated partnership between neighbouring countries, which will facilitate further successful demarcation of border, border control, adjustment of border infrastructure, fight against illegal immigration and cross-border crime, as well as contributing to national security in general.

CHAPTER 7: Conclusions

1. In the process of self-determination of the people, the principle of territorial jurisdiction is important, the implementation of which, in its turn, requires determination of the state territory, thus also the state borders. The determination of the state border between countries is influenced by political circumstances, economic interests, mutual relations, international situation, traditions and customs, and the determination of the state border in nature also by geographical peculiarities.
2. The term „border" should be understood as characteristics of territorial and spatial distribution inherent in all tangible and intangible systems. The

border is a separation between systems. At the border line and the vertical plane that coincides with it, states as subjects of international law differ from each other, cooperate with each other and also define each other. The term „state", in its turn, reflects a grand socio-political formation with such characteristic features of the system as communality, relative autonomy, persistence and interdependence between the elements of the system.

3. The instruction on the demarcation of the Latvian-Russian state border does not contain the essential condition that the border signs should be set at a direct line of sight (with the naked eye), as was intended for the demarcation of the Latvian-Belarusian state border. In addition, all appendices to the Instructions are in Russian only, which is contrary to the principle of parity mentioned in Article 9 of the same Instructions and other laws and regulations.
4. The phrase „straightened riverbeds" is not correct in the Latvian-Russian Border Treaty, but the phrase „defined in the middle" is imprecise because: when determining the middle of a river (including streams, ditches) it is necessary to specify water level period; rivers are usually delimited either by the thalveg or by the middle of the main fairway (fairway). The method of demarcation of the state border by rivers with the use of analytical points is not possible unless the distances from the border markers on the river banks to the state border line are specified, nor are such conditions stipulated in the Instruction.
5. The alignment of fairway and thalweg with deeper navigable areas is inaccurate since the fairway may not always follow the deepest interconnections and the deeper points may not be connected by straight line sections. The contention - if the location of the fairway changes as the riverbed changes, then the boundary line moves along the middle of the thalweg, is questionable. This principle, according to prof. J.Bojars, has been reinforced by Kansas v. Missouri precedent. However, it cannot be generalized and considered as a rule, but rather as an exception, as for the Latvian-Russian border, any natural changes that may occur in border rivers, streams and ditches do not alter the nature of the demarcated state border or possession of islands unless neghbouring countires agree otherwise.
6. The methodology for installing border signs by 2013 has not been approved by any normative acts of the Demarcation Commission. In addition, the attribution of special border signs to lake border signs is incorrect, as special border signs are to be installed on the national border

in exceptional cases. The attribution of an intermediate border sign to special border signs is also inaccurate because the classification of border signs in international demarcation practice provides for a separate type of border sign - intermediate border signs (border markers).In the normative framework of the Joint Demarcation Commission, systematization of state border sections based on the internationally accepted national border classification is not intended on the orthographic, geometric and astronomical boundaries, although it is actually applied, just like on the borders of other neighbouring countries. The normative framework of the Joint Commission on Demarcation does not provide for the systematization of national border sections based on internationally accepted national border classifications within orographic, geometric and astronomical boundaries, although it is practically applied, as is the case with other neighboring countries.

7. The shape, size and installation requirements of the Latvian border signs (border markers) were previously determined the Cabinet of Ministers of 1998, January 13 „Regulations on the State Border signs", these regulations have already expired. The border signs approved by these regulations were intended to be installed on the borders of Belarus and Russia. Several dimensions of the Latvian border marker in Annex 5 to the Instruction no longer correspond to those mentioned in the Cabinet of Ministers regulations, although the externally border marker is very similar to the border marker with the ones Belarusian border has been demarcated.
8. The determination of the state border regime is an essential legal aspect of determining the state border. The state border regime between Latvia and Russia should be determined by a separate agreement. An important legal aspect of defining the state border is the establishment of the state border regime. The state border regime between Latvia and Russia must be determined by a separate treaty.
9. The institute of authorized border plenipotentiaries, whose operational functions have been formed on the basis of the long-term practical experience of international cooperation of border control institutions, fulfill the mission of ensuring the state border regime. At present, the issues of the state border regime are not systematized and comprehensive, but are dispersed in many agreements and treaties concluded at different times. As a result, the operational capacity of the authorized border plenipotentiaries is also not fully exploited in international bilateral cooperation on border control and immigration control.

10. A legal achievement of the Cooperation Agreement on Prevention and Management of Emergencies (2011) is the definition of the concept of emergency. Article 7 of the Arrangement provides that border checks on persons providing assistance in emergency cases shall be carried out on priority basis. In this case, there is a clear contradiction with the State Border Law (2009), which provides for border crossing only for persons rescued during search and rescue operations, not for rescuers, although the head of this operation has the right to decide on crossing the state border, notifying the SBG, which is not foreseen in the bilateral agreement referred to above. Amendments should be made to the State Borders Law (2009) in accordance with international legislation.

CHAPTER 8

The legal framework governing the state borders between the Republic of Latvia and the Republic of Belarus

The state border between Latvia and Belarus is described in border treaty (hereinafter - Latvian - Belarusian Border Treaty, 1994) concluded in 1994 between Latvia and Belarus, at the intersection of borders between Latvia, Belarus, Russia ("Friendship Kurgan") is basically in line with the border determined in 1920 Peace Treaty Article 3 which, in turn, accounts for about 30% of the 1920 border between Latvia and Russia.

Article 3 of the Peace Treaty with the Latvian-Belarusian Border Treaty has lost its force since neither Latvia nor Belarus has ever touched upon the issue that Belarus could be bound by Article 3 of the 1920 Latvia-Russia Peace Treaty in the part that affecting the borders of both countries on the basis of the succession of Belarusian law, i.e. there is a mutual silence agreement that countries do not consider Belarus to be the successor of the rights of the Russian Federation and the USSR to Part 3 of the Latvia-Russia 1920 Peace treaty.

The Latvian - Belarusian Border Treaty did not change the territory of Latvia, nor did the Latvian - Belarusian Border Treaty be disputed, so its further analysis is not necessary (MK Atbildes raksts LR Satversmes tiesai lietā Nr.2007-10-0102, p 3.6.3.). Although some Belarusian historians believe that the former Daugavpils, Rezekne and Ludza counties used to live in the former times by Belarusians (Інстытут беларускай гісторыі і культуры, 2019).

The author agrees with prof. D.A.Lēber's point of view (Lēbers, 2005) that the unilateral amendment of the status of the border has no basis in international law, as noted in several works of law scientists and even in the international conference on borders held in Moscow in 1994 (Островский, Постнов, 1994, pp 72,73) Borders created in violation of international law are not protected by the principle of inviolability of borders (Conference on Security and Cooperation in Europe: Final Act, 1 August 1975).

The representative of the Soviet Belarus, commenting (United Nations Conference on Succession of States in Respect of Treaties, Analytical Compilation of Comments by Governments. U.N. Doc. A/Conf. 80/5, 1977) on Article 11 of the Vienna Convention on the Succession of National Laws on International Treaties of 1978, which contained provisions on the boundaries

established by the treaty (Vienna Convention on Succession of States in respect of Treaties, 1978), stated that these rules are "applicable in cases where the succession of national law has arisen under international law, thus excluding cases of aggression or occupation".

Prof. D.A.Leber points out that Russian scientists have also stated that states have committed themselves to refusing to recognize unlawful territorial changes and that this follows from the principle of inalterability of borders. Thus, in order to answer the question of which of the two borders is protected as inalterable, the meaning of the principle of *uti possidetis* (as you possess) confirms the inalterability of borders. Essentially, the *uti possidetis* is the forerunner of the principle of inalterability of modern borders, and it emerged as a means to safeguard stability in Latin America in the 19th century and early 20th century decolonization process in Africa (Lēbers, 2005).

At least two principles of national border security are derivable from the above analysis: inviolability of the state border and inalterability of the state border. In the State Border Law (2009) and other national regulatory framework, none of the principles is specifically regulated, although the term "state border inviolability" is used in the purpose of the State Border Law (2009).

State border security plays an important role in building a space of peace and good neighbourly relations around the country. Therefore, in addition to the principles of inviolability and immutability of the state border, principles such as ensuring national and international security should be included in the regulatory framework; respect for national sovereignty, territorial integrity and equality; solving state border issues and border incidents by peace; guaranteeing human rights and freedoms; mutually beneficial and multilateral international co-operation in ensuring national border security.

The State Border Law (2009) of Latvia and the Law on the State Border of the Republic of Belarus both similarly define the meaning of the state border since also the Belarusian law on defines the state border as the line and the vertical surface coinciding with this line, which determines the territories of the Republic of Belarus (land, water, subterranean and air space). The law does not regulate any of these types of territory separately. The land regime in Belarus is governed by the Belarus Land Code, the water area (includes inland waters - lakes, rivers and other bodies of water, part of the border and other water bodies of Belarus) - Water Code (Article 100), subterranean depths extending from the surface of the earth to Land Centre (to technically accessible depth), and their regime - Earth Sub code (Article 1), Airspace and its regime - Air Code (Article 1), in which Belarus determines its airspace as an airspace above the state areas, including the troposphere, the stratosphere, and the part of the space above (Рачковский et. al.,

2010, pp 8, 9). The upper boundary of the airspace, as claimed by Belarusian law scholars, is not defined in either the national regulatory framework or international practice, which the author disagrees with and is analyzed in the chapter above.

By the state border and its legal regime, the whole Latvian-Belarusian border can be divided into two parts. The first part is the border of the former USSR with Poland. Since Belarus regained its state sovereignty, the border between Belarus and Poland is still regulated by the border treaty of August 16, 1945 between the USSR and the Polish People's Republic, while the state border regime is governed by the agreement between the Soviet Union and the Government of the Polish People's Republic on Soviet Poles on February 15, 1961 national border regime, cooperation and mutual assistance in border issues, which could be considered one of the most striking examples of national border inalterability, irrespective of the socio-political system in each country and the absence of a country like the USSR.The second part of the state border is the administrative border of the former Belarusian SSR with the Soviet republics of the USSR, but now with sovereign states: Latvia, Lithuania, Ukraine and (Рачковский et. al., 2010), which, with the formation of the Commonwealth of Independent States in December 1991 and the collapse of the USSR, fully regained independence, although foreign troops were still in the territories (Bojārs, 2004, p 275). Belarus completed the determination of state border with Lithuania in 2008, but with Latvia in 2009 (Рачковский et. al., 2010, p 80).

Belarus, on the other hand, started the process of defining the state borders with the Declaration of Belarusian SSR AP “On the State Sovereignty of the Republic of Belarus” of July 27, 1990 (Постановление Верховного Совета Республики Беларусь, 1993). Belarusian law scholars have to be agreed with that the formation of the state border legal framework is based on the constitution and constitutional norms, which in Belarus basically correspond to the values of modern law science and which should also be taken into account from the point of view of legal experience, creation of international and constitutional law:

Belarus has full power in its territory; it is independent in the implementation of internal policies and foreign policy; it upholds its independence, territorial integrity, constitutional system, ensures legality and legal order (Конституция Республики Белорусь, 1994);

The territory of Belarus is a space of people's existence, self-determination, sovereignty and prosperity (Залесский, Соболевский, 2003, p 156); its territory is united and unbreakable; Belarus in foreign policy is guided by the equality of states, the use of force and threats, the inalterability of the state border, peaceful settlement of disputes, non-interference in the internal affairs of

other countries and other generally recognized principles and norms of international law (Конституция Республики Белорусь, 1994).

To conclude, the above principles are mostly inherited from the Decalogue of Helsinki, or "Declarations on the Principles for Member States to Relationships", which are analyzed by Prof J.Bojārs, pointing out the extremely positive historical consequences of these principles (Bojārs, 2006, p 718).

The first Belarusian normative act regulating the activities of the Border Guard and other state administration institutions on issues of state border control was the Law "On the State Border of the Republic of Belarus" of 4 November 1992 (expired in 2008). It was followed by MP Decree No. 599 of 5 November, approving the laws on the determination of the Belarusian state border (Рачковский, et. al., 2008, p 41), while the powers of determination of the state border were assigned to the State Border Guard Committee, the Ministry of Foreign Affairs, MP for the Land Resources, Geodesy and Cartography Committee and the State Border Delimitation and Demarcation Commission (Постановление Совета Министров Республики Беларусь, 1993).

In 2018, many amendments and additions to the Belarusian regulatory enactments in the field of further strengthening of border security were initiated, aiming at the simplification of border procedures and regimes on the one hand, for example, to promote tourism and to improve the efficiency of institutions involved in border procedures, to update the regulatory framework and to clarify terminology (В законодательство по вопросам пограничной безопасности предлагается внести изменения, 2018).

The Latvian-Belarusian Border Treaty signed in Minsk on February 21, 1994 stipulated that the border line between Latvia and Belarus would go along the administrative border of Latvia and Belarus, which at the time of signing the agreement coincides with the Latvian state border, as it was on June 16, 1940 until Latvia was included in the USSR (Халиманович, 2002), which was previously the Polish border of Latvia in accordance with the peace treaty of 18 March 1921 between the USSR, Poland and Ukraine (Тихомиров, 2019), until September 20-22, 1939, when the Red Army occupied the territory of Poland near the borders of Latvia (Jēkabsons, 2003, pp 69 - 79).

The Latvian-Belarusian Border Treaty does not include the definition of the state border. An integral part of the Latvian - Belarusian Border Treaty is the delimitation map on scale 1 : 50,000 (Geospatial information agency of Latvia, 2008), but on completion of the demarcation, a demarcation map of 1 : 10,000 (Latvian - Belarusian Border Treaty, 1994). The peculiarity of the Latvian - Belarusian Border Treaty is that it was decided to be guided by its position in determining the border in 1940. June 16 The Baltic States were incorporated into

the USSR (LR ĀM, 2019) in early August 1940. In fact, the state border between Latvia and the Russian SSR was recognized after the demarcation of 1923 at the state border station from the present intersection (Agreement between the Government of the Republic of Latvia, the Government of the Republic of Belarus and the Government of the Russian Federation on the Determination of the intersection of borders of State Borders of the Republic of Latvia, the Republic of Belarus and the Russian Federation, 2010) of the state border of Belarus, Latvia and Russia to the river Daugava (Zapadnaja Dvina) and beyond to the intersection (Agreement between the Government of the Republic of Latvia, the Government of the Republic of Belarus and the Government of the Republic of Lithuania on the Determination of the intersection of borders of State Borders of the Republic of Latvia, the Republic of Belarus and the Republic of Lithuania, 1998) of the Belarusian-Latvian-Lithuanian border, which includes part of the former Polish border (Didrihsone, Zvirgzdiņš, 2008) as it existed until June 17, 1940 from the village of Shafranov on the present side of Belarus (Peace treaty between Latvia and Russia, 1920).

According to the border treaty, a 10 m wide zone (5 m on both sides of the border line of the country or the water level of rivers and other reservoirs) is defined along the state border, the meaning and purpose of which is not specified. In May 1994, Latvia, for its part, along the border of the Belarusian state, also set a 5 m wide boundary band from the border line (On determination of the borders between the Republic of Latvia and Belarus, 1994). In addition, the state border regime was restricted only by the prohibition of economic activity in this band, and it was introduced only in 2001, defining a 12 metres state border zone (Regulations on the border line, border land, border area and informative signs installation and mainenance, 2001), counting from the border line, the content of which regime did not change until 2010. By contrast, Belarus, with the exception of the Border Line for the maintenance of structures and communications, also provides for a lane that is directly along the national border and intended for demarcation of the state border and installation of border marks (Огосударственной границе Республики Беларусь, 2008, Art 1), and may have a width of 3, 5, 8 metres (Рачковский, et. al., 2008, p 83), or different depending on terrain and peculiarities of possible structures.

The first composition of the Latvian-Belarusian border demarcation commission from the Latvian side was established in 1995 (On commitee of Latvian – Belarussian border demarcation group, 1995) and in Belarus (Teikmanis, 2005) - approved in 1997 (Об образовании Белорусской части Смешанной комиссии по демаркации государственной границы между Республикой Беларусьи Латвийской Республикой, 1997).

The demarcation of the state border was launched in June 1997, two years after the entry into force of the Latvia-Belarus Border Treaty and lasted more than ten years. EC financial support, which enabled Latvia to complete the demarcation of the state border by July 1, 2007, played a key role. Belarus, for financial reasons, could not start the demarcation for a long time. However thanks to the EU support TACIS (Technical Assistance for the Commonwealth of Independent States) programme (TACIS, 2008) according to the contract of October 25, 2005 (Контракт, 2005), Belarus started demarcation work from November 2005 and completed them in early October 2006 (Приложение „Наука и военная безопасность" к журналу „Армия", 2006).

The role of the Ministry of Foreign Affairs and the Latvian Geospatial Information Agency played a decisive role in demarcation work from Latvia, which provided the geodetic coordinates of boundary marks within the framework of demarcation works and their representation on maps (Ģeotelpiskās informācijas likums, 2009). During demarcation works, 417 border signs have been installed, the border demarcated by 172,912 km, also arranging border infrastructure and approving demarcation documents on February 18, 2009 (On approval of the documents of the border demracation between Latcian and Belarus, 2009). Due to the rather long demarcation process, parallel redemarcation works, such as moving the boundary walls, restoring damaged boundaries, etc. were also required to be completed. Sometimes measurements of the state border had to be done again to be as accurate as modern technologies allow, often in very boggy and unreachable border sections. However, this was a very important work for the EU, which was carried out in close cooperation with the Ministry of the Interior and the Ministry of the Foreign Affairs (Kļaviņa, 2019).

Cooperation between Latvia and Belarus, as well as their law enforcement institutions, is governed by a number of international agreements and agreements. The first agreement on Border Cooperation was concluded in Riga on August 18, 1992, even before the Latvian-Belarusian Border Treaty and was in force until May 19, 1995. In 1993, however, an agreement with an identical name was in force (Latvijas Republikas valdības un Balkrievijas Republikas valdības vienošanās par sadarbību robežu jautājumos), valid until the entry into force of the Agreement on the State Border Regime of the Republic of Latvia and the Republic of Belarus. On the basis of Article 4 of the Agreement on Cooperation on Border Issues, the border plenipotentiary apparatus (Latvijas Republikas valdības un Baltkrievijas Republikas valdības vienošanās par pilnvaroto robežas pārstāvju darbību, 1995) of both countries was set up by agreement.

Issues that cannot be resolved within the framework of the activities of the border guard plenipotentiaries of both neighbouring countries are settled through diplomatic channels. The main tasks of the Border Guard plenipotentiaries both on the Latvian and Belarus side are: to take measures to ensure compliance with the state border regime, implementation of international agreements and agreements; to prevent and regulate border incidents (Залесский, Соболевский, 2003, p 104); to promote the development and development of business-friendly and friendly relations with neighbouring border guard agencies; to address the borderline issues in a spirit of cooperation and mutual assistance.

When analyzing the border incidents that have been the subject of unilateral or bilateral investigations, it should be noted that the most common border incidents are illegal crossing of the state border of persons, vehicles and cargo, which can be divided into two main groups: illegal crossing of state border by negligence, intentional illegal crossing of state border, most often goods illegal transboundary movement across national borders.

The State Border Law (2009) does not include the definition of a border incident, although it is used in relation to the competence of the MFA in cases where these border incidents are not resolved by border guards. However, in the content of the competence of border guard's plenipotentiaries in the Article 7 of the State Border Law (2009) "Plenipotentiary Border Representatives of the Republic of Latvia" the resolution of border incidents is not included, although it should be considered as the main function of the Border Guard plenipotentiaries apparatus.

Based on the European Framework Convention on Cross-border Co-operation of Territorial Communities or Regulatory Bodies, an important agreement between neighbouring countries to improve future co-operation is the Framework for Cross-Border Co-operation (The European Framework Convention on Transfrontier Co-operation between Territorial Communities or Authorities, 1980), which defined the concept of "cross-border co-operation" and identified 13 areas of co-operation, many of which relate to the border guard authorities of both countries competence (Vienošanās starp Latvijas Republikas valdību un Baltkrievijas Republikas valdību par pārrobežu sadarbības pamatprincipiem, 1998).One of the most significant cooperation agreements between Latvia and the EU Member State and the third country on the example of Latvia and Belarus is the Agreement on Co-operation in the Fight against Organized Crime, Illicit Traffic in Narcotic Drugs, Psychotropic Substances and Precursors, Terrorism and Other Criminal Offenses in which the Member States of the Treaty to Combat Illegal Immigration exchange information with each other on: facts about attempts to cross the state border or attempts to do so; on

documents permitting crossing the state border, facts of counterfeiting; on the open routes of illegal migration; on organizing illegal migration (Agreement between the Government of the Republic of Latvia and the Government of the Republic of Belarus on Cooperation in the Fight against Organized Crime, Illicit Traffic in Narcotic Drugs, Psychotropic Substances and Precursors, Terrorism and Other Criminal Offenses, 2007).

The Government of Latvia and the Government of Belarus, having regard to the necessity to organize border crossing of persons, vehicles, cargoes and belongings, concluded in 1993 an agreement on border crossing points, whereby national governments agreed to establish border crossing points on the Latvian-Belarusian border (On checkpoints between Latvia and Belarus, 1993). It should also be noted that this agreement was not very successful in terms of legal wording and regulation of border crossing, as the neighbouring countries agreed on border crossing points, without determining their status, which will be border crossing points and which will be border crossing points for local traffic. In 2007, the aforementioned agreement was amended by changing the status of the border crossing point "Piedruja - Druja" to the border crossing point for local traffic, as well as opening the following additional border crossing points for local traffic: Vorzova - Ļipovka; Kaplava - Pļusi; Meikšāni - Gavriļino, referred to as border crossing points for local border traffic in Latvian normative regulations, but daily are called as border crossing points and differ from international border crossing points with border crossing intensity as well as the fact that the customs functions are performed by the state Border Guard (Protocol between the Government of the Republic of Latvia and the Government of the Republic of Belarus on Amendments to the Agreement between the Government of the Republic of Latvia and the Government of the Republic of Belarus on Border Crossing Points, 18 August 1993, 2007).

The agreement on the facilitation of cross-border travel between residents of the border regions of Latvia and Belarus (Agreement between the Republic of Latvian and Belarus on simplification of reciprocal traffic of the inhabitants of border areas, 2010) continued the development of cooperation between neighbouring countries in the area of border crossing, which was initiated by the 1994 Agreement on simplified border crossing for border residents and the 2008 Agreement on Mutual Travel of Citizens (Agreement between the Government of the Republic of Latvia and the Government of the Republic of Belarus on Mutual Travel of Citizens, 2008).The agreement on a simplified procedure for issuing visas to border residents is essential for the legal arrangement of border crossing (Agreement between the Republic of Latvian and Belarus on simplified visa issue procedures, 2002). The agreement provides for residence in the border area of the

second state due to participation in cultural, sporting and other events, real estate property in the border area, visits to relatives, serious illness or death of relatives, attendance of relatives burial sites, provision of medical or other assistance, rituals and local traditions, and in other cases where border residents need to be in the border area of the second country. The said agreement and other agreements in the area of border crossing of persons facilitate the legally regulated and controlled migration process, where the involvement of liaison officers to work in Latvian embassies is important, accelerating the process of movement of people, because visas are issued in a simplified procedure; contributes to overall security and preventive protection against illegal migration.

Considering the importance of co-operation in the prevention of disasters, natural disasters, other emergencies and their consequences in raising the level of welfare and security of the population of neighbouring countries, an agreement on co-operation in the prevention of disasters, natural disasters, other emergencies (Agreement between the Republic of Latvian and Belarus on prevention and ccoperation in case of natural disasters and other emergency situations, 2003) was concluded in 2003; the elimination of the consequences of the arrangements for cooperation and the competence of the institutions in this area.

Practice shows that international co-operation at the level of the Latvian Border Guard and Belarusian "zastavas" (Division; Border guarding point) is actively developing (Strategy of the State Border Guard activities 2017 - 2019). Better co-operation is predominantly between top-level leaders, but closer cooperation is needed at all levels, ranging from heads of institutions to border guards and chiefs of border control points, and this cooperation should be legally regulated in the cooperation plans, the powers and competences of the officials concerned.

It is necessary to develop response capabilities, to reduce the time needed to get to any illegal border crossing point in order to organize mutual action quickly and efficiently in any offense. Already now, Latvia and Belarus are transit countries for illegal migration, and the migratory pressure is not diminishing with the increase in the flow of persons.

CHAPTER 8: Conclusions

1. Belarus shall not be regarded as a successor to the Russian Federation and the USSR in respect of Article 3 of the Peace treaty between Latvia and Russia signed in 1920. The Latvian-Belarusian Border Treaty was not disputed hence further analysis in the context of the national territory is not necessary.
2. State Border between Latvia and the Russian SSR was recognized after the demarcation results of 1923 (has not changed to the present day) and the state border stretches from the present border intersection between Belarus, Latvia and Russia (Friendship Kurgan) along the border river's entry in the river Daugava (Zapadnaja Dvina) and from further to the intersection of the Belarusian-Latvian-Lithuanian border, which in turn includes a part of the former Polish border which was until 17 June 1940 from the village of Shafranov on the Belarusian side.
3. A unilateral amendment of the state border status has no basis in international law. National borders created in violation of international law are not protected by the principle of inviolability of borders, as follows from the meaning of Article 11 of the 1974 Vienna Convention on the Transfer of States to International Treaties.
4. At least two principles of state border security must be defined: inviolability of the state border and inalterability of the state border.
5. The State Border Law (2009) and other national regulatory frameworks do not define any of the principles, although the term "state border inviolability" is used in the law. In its turn, the principle of inalterability of the state border, which is structurally derived from the concept of sovereignty, determines both the integrity and sovereignty of the state territory in their mutual legal relationship. The principle of inalterability of the state border includes three essential elements: recognition of the state border on the basis of international law; abandoning any claim to other territories both in the present and in the future; abandoning any threats to the state border of other countries by using force and other threats.
6. In the context of national security system state border security plays an important role in creating a space of peace and good neighbourly relations around the country. The principles of state border security should be applicable to any state administration institution, any legal or natural

person and should be included in the State Border Law (2009) Article 8 “State Border Security”.

7. Cooperation between law enforcement institutions of Latvia and Belarus in the field of border control is generally developed. It covers both conceptual and general cooperation as well as cooperation in specific directions, areas and forms. Better co-operation is predominantly among top-level leaders, but closer cooperation is needed at all levels, in particular at the level of the management of Border Surveillance Units and Border Crossing Points and Border Guards, specifically regulating and extending the powers and competences of officials from these departments.
8. Latvia’s accession to the EU and joining the Schengen area provide additional opportunities to develop and improve cooperation between Latvian and Belarusian border control institutions. The conclusion of a bilateral treaty on state border regimes will bring additional benefits both in terms of cooperation and in the alignment and consolidation of bilateral regulatory frameworks, as well as in bringing Belarus closer to EU law and democratic traditions of free movement of persons.

CHAPTER 9

Legal background of the border areas of the Republic of Latvia adjacent to external land border

State border security cannot be achieved without the introduction of appropriate border and border area regimes, which are sometimes stipulated in international treaties as well as in national regulations regarding the border area. Agreements, which mainly concern the procedure for the crossing of persons and property are one of the main parts of the state border regime, were also concluded between Latvia and Russia (Agreement between the Government of the Republic of Latvia and the Government of the Russian Federation on Mutual Travel of Citizens: 14.12.1994.), Latvia and Belarus.

The regulatory framework of the state border regime is of a dual nature. Although international border regulation is to be regarded as primary, it does not preclude national regulation of the state border regime, which should be at least consistent with, or at least not conflict with, international law, and such national legislation on state border regime is usually included in state border law, as it is the case in Latvia in all versions of the State Border Law, as well as in the neighboring countries of the external borders of Russia (О государственной границе: Федеральный закон Российской Федерации N 309-ФЗ 30.12.2008.) and Belarus (Закон Республики Беларусь от 21 июля 2008 г. № 419-З).

In international practice it is usually acceped that up to several kilometers (12 - 30 km) wide of border area (border zone) (Gaveika, 2012, p 424) can be defined along the national border line. Less frequently, the border area also includes a border land up to 5 km with appropriate regime rules that are stricter than the border area.

A similar border division was in Latvia before its incorporation into the USSR: “The rear of the border was divided into border zones: 2 km wide border zone and 15 km wide border zone. In the 2 km border land, border guards had police rights. There was also a 12 nautical mile offshore customs border. All residents were registered in the border area, but newcomers or newcomers had to register with the nearest border guard post within 24 hours. The Minister of the Interior was able to expel untrustworthy residents from the border area for a certain period of time or permanently” (Anderson, 1983, p 13).

Sometimes countries, such as Russia and Ukraine (О государственной границе Украины: Закон Украины от 4 ноября 1991 года №1777-XII), do not

separate the border area and the border land, but only define the border, which, depending on the legal order, is up to 5 km from the state border (in Ukraine border area in municipality territories is similar to Latvia).

However, the border zone along the state border is defined by many states under appropriate regime rules and is usually 3-12 m and directly across the state border line. The Schengen acquis does not specifically define the regime of national borders and border areas. The Schengen Catalogue states that a properly functioning border control and protection based on risk analysis (Schengen Catalogue, Chapter 1, p 2.3.) is a key element of the overall border security strategy in border management. The Schengen Convention, on the other hand, defines the most important elements of border management:

1) systematic control of all persons crossing the external borders;
2) effective border surveillance (security) between border crossing points (Schengen Convention, 1990, Art 6). It is up to each EU Member State to define the specific border conditions and requirements in the form of a border regime (including by concluding relevant agreements with neighboring countries) and to define the border area regimes through its national regulatory framework to enforce mutual treaty obligations and to ensure border control and state security in general since in border areas the cooperation may be governed by agreements between neighboring authorities and the provisions of Article 39 of the Schengen Convention on police cooperation shall not affect bilateral agreements already concluded between Member States of the Schengen Convention and their neighboring countries. In this case, the Schengen States shall inform each other of such agreements. This article provides for the possibility of defining a border region in the form of an admission, while other sources do provide for the possibility of defining a border area, although the regime of these territories is not systematically regulated.

In Latvia, the following regimes are established and applied to the state border and border areas: the state border regime, state border zone regime: state borderland regime; border area regime; regime of the border crossing point.

In order to mark the country's land border in nature along its entire length, as well as to create the conditions necessary for the existence of a border guarding system at the external border, the Cabinet of Ministers has defined state border zone in the width of 12 m with Russia and Belarus, with Estonia – 6m and with Lithuania - 5 m) Regulations on the State Border zone, the Borderland and the Border Area, as well as the Reference Signs and Informative Signs of the State

Border zone, the Borderland and the Border Area the Republic of Latvia and the Procedure for their Installation, 2012, No 550, p 2).

The regime of the state sorder zone defines that the stay of persons in the State Border Zone is prohibited, except when it is related to:

1) border surveillance;
2) maintenance and restoration works of the State land border, fortification of structures and elements of the State Border Zone, which have been coordinated with the State Border Guard;
3) maintenance works on cross-border communications (eg pipelines, communication lines, power lines), road and railways, coordinated with the SBG;
4) geodesy and cartography works coordinated with the State Border Guard;
5) disaster relief operations, of which the State Border Guard shall be informed (Latvian Border Law, 2009, Art 14).

The state has exclusive ownership of land in the state border zone. Land owned by private persons in the State Border Zone, as specified in the State Border Law of Latvia (2009), may be alienated by agreement, but if it is not, it shall be alienated in accordance with the Law on Alienation of Real Estate for the needs of society. One of the reasons for revising the expired law „On Forced Expropriation of Real Estate for State or Public Needs" (Law on Expropriation of Real Estate Necessary for the Needs of the Society: LR likums. LV, 2010. 3.nov.), was that the expropriation of real estate for public use was in accordance with the Act on Forced Expropriation of Real Estate for State or Public Needs adopted in 1923 (Laganovskis, 2010). It was outdated and did not provide the expanded explanation of State needs (Constitutional Court October 21 judgment in case No 2009-01-01, Art 1 p 1), as evidenced by a number of rather complex legal proceedings (Constitutional Court 6 December 2005), including the expropriation of land, such as for the Terehova border crossing point (Par zemes atsavināšanu Terehovas robežkontroles punkta vajadzībām: LR likums. LV, 2002. 18.jūn., nr.91).

The legislator has not laid down any rules on the border zone regime for the internal borders of the EU, limiting the border zone and its regime necessity to the external borders only (Latvian Border Law, 2009, Art 13), which significantly complicates border and border zone maintenance and does not facilitate security of internal borders (inviolability). Sometimes it has resulted in regular demolition and destruction of border signs on internal an external borders (SBG Ludza board 2012, 20th July decision on starting administrative violation case No 304 – L0003), which negatively affects the image of the country.

Article 194.[2] of the Latvian Code of Administrative Violations defines liability for damage, destruction or removal of the State Border or Border Number Plates. Having in mind that not only border markers can be bordermarks, this rule should be clarified by defining liability for damage to, or blasphemy of, the state border, as well as other state symbols, where blasphemy should be understood not only as breaking, breaking, destruction, as required by the Criminal Law (Latvian Criminal Law, 1998, Art 93), but also defamation of state symbols by leaving obscene inscriptions and drawings on them or otherwise grossly damaging the image and dignity of the state. Given that border usually contain the emblem (Latvian Code of Administrative Violations, 1984, Art 201.[44]) of the state (a coat of arms and a fragment of the national flag), the liability should be equivalent to the responsibility for blasphemy of the emblem of the state.

Pursuant to Article 13 of the State Border Law (2009), no national border zone is defined along water bodies (lakes, ponds, etc.) and public rivers (the list of which is in the Annex to the Civil Law) (Civil Law, 1937, Annex 1). The rest of the watercourses (private, etc., which are not listed in the Annex to the Civil Code) national border zone has been defined, including the shore or coastline (Skujiņa, 2020) to the border, and at the same time are inland waters under the State Border Law (2009) Article 8 (a) definition. For the sake of security of the external land border, it would be necessary to amend the second part of Article 13 of the State Border Law (2009) stating that if the state border is defined by a river, stream or canal the border zone should de defined starting by the watercourse shoreline or coastline

The land and water surface area between the watercourse crest or shoreline and the national border shall additionally be included in the national border zone, such as in Belarus (Gaveika, 2014, Doctoral thesis). It is necessary to amend the Annex to the Civil Law (list of public rivers) by deleting the public rivers or sections along the state border line from the list of public rivers, which would apply to the Daugava, Aktica, Asūnīca, Sarjanka (Latvia-Belarus border section), River Ludza, Pernovka and Zilupe (Latvia - Russia border section).

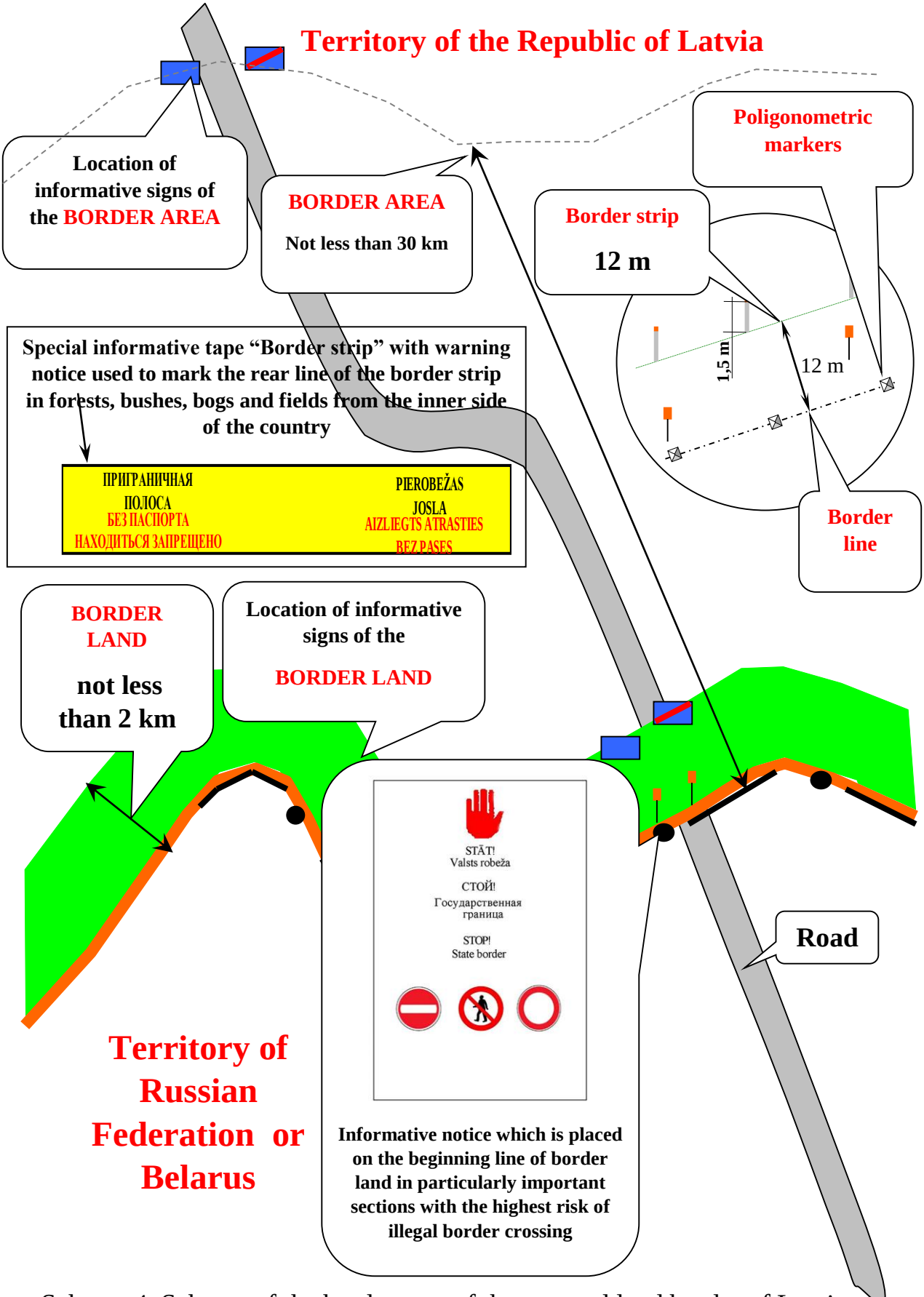
The Schengen Borders Code does not provide a specific concept of the border land, but, just like the border zone, it is considered to be a border surveillance implementation, hence also the regime implementation territory in which the conditions and criteria of the Schengen Borders Code and detailed rules governing border surveillance, with the main purpose of which is to prevent unauthorized border crossings, to combat cross-border crime and to take measures against persons who have crossed the border illegally are being implemented (Schengen Borders Code, 2016, Art 13, p 1). The border land is defined in 26 administrative territories and territorial units (Regulations Regarding the State

Border Strip, the Borderland and the Border Area, as well as Samples of Indication Signs and Information Signs of the Border Area, the Borderland and the State Border Strip, and the Procedures for Installing Them, Cabinet Regulation No. 550, Adopted 14 August 2012, p 3) along the external land border of Latvia with several regime regulations:

- prohibition to build imprisonment and psychiatric institutions;
- obligation to authorize with the State Border Guard of the public events, hunting, shooting, blasting or pyrotechnic works, building structures, fences, embankments, ditches, communication towers or other objects.

The State Border Guard has the right to close country or forest roads and trails across the external border or create obstacles and signposts to rural or forest roads, lanes, crossings and bridges crossing an external border by notifying local authorities and landowners (Latvian Border Law, 2009, Art 16; Scheme 4. Scheme of the border area of the external land border of Latvia in Scheme).

It can be concluded that the border land at the internal borders is not defined and that border surveillance at the internal borders is not necessary according to the legislator's opinion, although the Border Guard Law provides certain tasks directly specific to the border surveillance which cannot be referenced exclusively to external borders and for which the law pargrapgh would be applied as follows: *„to guard the state border, border signs and other border structures, to prevent any attempt to illegally change the location of the state border in the area", „to prevent and repel armed attacks in the territory of Latvia in territorial, inland waters and airspace, to prevent armed provocations and criminal threats on the state borders, provide assistance to border residents, monitoring land, water and airspace adjacent to national borders", etc*. (Border Guard Law, 1997, Art 13).



Scheme 4. Scheme of the border area of the external land border of Latvia.

The provisions of the Schengen Borders Code concerning border areas, especially at internal borders, are also unclear and contradictory. For example, Article 22 provides that internal borders may be crossed at any point and that persons, irrespective of their nationality, are not subject to border checks. Article 23, on the other hand, states that the abolition of border control (and hence border surveillance as well) at internal borders shall not affect the police powers exercised by the competent authorities of the Member States (not being border control authorities) is not equivalent to border checks, and this applies also to border areas (Schengen Borders Code, 2016, Art 22 – 23). Moreover, the definition of border surveillance does not refer to either external or internal borders (Schengen Borders Code, 2016, Art 2), but the phrase „border surveillance between border crossing points and surveillance of border crossing points after the end of fixed working hours" makes this definition even more ambiguous, as it does not specify the working time frame and does not specify whether border surveillance should be carried out at all.

The Schengen Convention, on the other hand, provides that the abolition of checks on persons at internal borders does not affect the obligation to hold, carry and produce the statutory permits and documents (Schengen Convention, 1990, Art 2). Consequently, the enforcement of this provision requires an appropriate legal mechanism that can be more effectively enforced in border areas or within the country. A person staying in the borderland shall keep with him / her and upon request of the official of the State Border Guard shall present a special permit, which allows staying in the borderland except when such a permit is not required (Latvian Border Law, 2009, Art 16(1)).

The system of issuing Special Permits is essentially aimed at preventing persons from crossing the state border illegally, as well as from the illegal movement of goods and goods across the state border. In case of refusal of a special permit, a corresponding decision shall be made, which shall also state the reasons, and such reasons were, until the amendments to the State Border Law 2012 (2009), only an enhanced border control regime or an emergency situation in the border area.

Following the amendments, the grounds for denying and revoking special permits were supplemented with a substantial preventive provision that the permits is denied or revoked to a person who was or was found guilty of committing an offense related to trafficking in human beings, terrorism, espionage, border, smuggling, illegal activities involving narcotic drugs or psychotropic substances, weapons, explosives, explosive devices or radioactive substances, as well as illegal crossing of the state border, and as a result the person loses his or her legal right to be in the border area. In this case, there is a striking

analogy with the rules of the regime that existed in Latvia before its incorporation into the USSR before the Second World War (Anderson, 1983, p 413).

In order to receive a temporary permit, a person shall submit an application to the State Border Guard structural unit specifying information about himself / herself: personal data, declared place of residence, reason for staying in the relevant border area and time period, information on the person receiving the permit (Regulations on the Procedure by which the State Border Guard Issues and Revokes Special Passes and Samples of Special Passes, 2010, No 673, p 3). In the author's view, the permit should include at least the approximate actual time of arrival of the person in the border area, which would allow the State Border Guard to monitor the implementation of the regime more effectively. Unfortunately, the rules also do not provide for a notarized signature when applying for a permit, which in many cases could ease the bureaucratic procedure.

As regards the Borderland, the State Border Law (2009, Art 17 (1), (2)) stipulates that the use of a vessel or vehicle, fishing, fishing, swimming and other activities in the inland waters bounded by an external border shall be permitted only during daylight hours and during, that the use of the vessels and vehicles registered with the State Border Guard in the inland waters along the external land border is allowed. Article 194 of the Latvian Administrative Violations Code, „Border Violation of the Rules Governing Border Security," sets liability for violation of the border zone, borderland, border area and border crossing regime, but does not refer to border types - the EU external or internal border.

Ilegal crossing of the state border, which affects only one part of the state border regime - the procedure of persons and property crossing the state border - as of April 1 (Latvian Criminal Law, 1998, Art 284 (1)), 2013 can be qualified as a criminal offense and can be justified:

1) the continuous increase in the number and severity of violations of the state border (Public reports of the State Border Guard, year 2010 – 2019);
2) there is no reduction in the number of cases of organized cross-border movement of persons, although such offenses are subject to criminal liability (Latvian Criminal Law, 1998, Art 285);
3) reinforced surveillance of the external borders of the EU arising from the needs of the Common Security Area and the requirements of the Schengen acquis (Ec, IP/11/1036 Event Date: 16/09/2011).

Liability for other violations of the state border regime in 2013 is excluded Latvian Administrative Violations Code, 1984, Art 194.[1]) from the Latvian Administrative Violations Code, but is not included in the Criminal Law, except

for liability for illegal crossing of the state border, which applies only to one part of the state border regime system border, violations.

The State Border Law (2009) defines border area along the external land border, not less than 30 km from the state border, in the interests of external border security. It shall comprise the border zone (Latvian Border Law, 2009, Art 19) and the border land, and, in addition to the administrative territories and territorial units situated in the border land, shall comprise 111 other such units (Regulations Regarding the State Border Strip, the Borderland and the Border Area, as well as Samples of Indication Signs and Information Signs of the Border Area, the Borderland and the State Border Strip, and the Procedures for Installing Them, Cabinet Regulation No. 550, Adopted 14 August 2012, p 4).

The Border Regime requires persons to show their document (s) certifying the person's identity and right to reside in Latvia; to inform the State Border Guard about military maneuvers, which the State Border Guard may also disapprove, if the respective border zone is subject to increased border control, a state of emergency or a state of exceptional case is declared (Latvian Border Law, 2009, Art 20).

Initially, until the March 21, 2012 amendments, the State Borders Act (2009) defined the border also along the internal land border of the EU not less than 15 km from the state border (Latvian Border Law, 2009, Art 19). However, the legislator now foresees the illegal crossing of borders only at external borders, although the Schengen Convention requires the fight against cross-border crime at all borders.

The Border area regime states that a person, while staying in a border area, is obliged to keep with him/her and at upon the request of an official of the State Border Guard to show document (documents) certifying the person's identity and right to reside in Latvia (Latvian Border Law, 2009, Art 20). Pursuant to the Law on Identity Documents, persons within the territory of Latvia are not obliged to carry identification documents and present them upon request of law enforcement officials, although Section 12 of the Police law and Section 15, Paragraph one of the State Border Guard Law stipulates the rights of officials of these law enforcement institutions to verify identity documents.

The obligation on foreigners to present a valid travel document and other documents proving the person's residence status and legality, as well as the liability under the Latvian Administrative Violations Code for failure to comply with these requirements citizens of other EU Member States and persons enjoying the right of free movement and residence within the EU was included in the state Border Law until March 21, 2012 thus creating unequal treatment between

nationals of other EU Member States and persons enjoying the right of free movement and residence in the EU.

In this context, the EU Court of Justice had stated in preliminary rulings on the right of persons to move and reside freely within the territory of the EU Member States that a document per se does not confer the right to move and reside freely within the EU and it only justifies the the exercising of free movement rights (Judgment of the Court (First Chamber), 2005, Case C-215/03) and the Member States have the rights to request to produce documents.

However, the EU Court has ruled against the requirement in the Treaty establishing the European Community for a national of a Member State or a foreign national to produce an identity document in another Member State, unless such a requirement is imposed on nationals of that Member State. As is clear from the ruling of the EU Court of Justice in Case C-378/97 W*IJSENBEEK*- Urteil des Gerichtshofes vom 21.September 1999, Member States may only require the production of relevant documents in order to ascertain their identity and their right of free movement and residence if such disclosure is also required of their own nationals.

In order to ensure equal treatment, all persons are obliged to present documents proving their identity and legal status in Latvia when staying in the border area. Consequently, the Border area and its regime along the internal land border, where border control has been abolished, were excluded by the legislator in its amendments of 21 March 2012, partly in response to political pressure from the European Commission (Draft on ammendments to the State border law of Latvia, 2011, VSS-1246, TA-1068).

Instead of abolishing only one rule of the border area regime for the verification of identity documents, the legislator completely abolished all the few border area rules at internal borders that would be absolutely necessary, such as emergencies, exceptional situations, reintroduction of border checks and other cases, as an integral part of the compensation mechanism for the negative effects of the free movement of persons across internal borders, in the strengthening of the internal security and the external borders of the Member States of the Schengen Convention.

This position is also partly due to the generality and diversity of interpretation of the EU regulatory framework, as well as to the ill-considered actions of the European Commission (EK pārstāvniecības Latvijā Preses un informācijas nodaļa. EK: Par Šengenas robežu kodeksa piemērošanu. LV, 2010. 15.okt., nr.164). without adequate compensatory legal instruments or measures to further reduce the possibilities of maintaining law and order at internal borders.

A similar situation has developed from time to time between Germany and Denmark since the 1950s (Proceeding of the International Conference Riga, November 9-11, 2005, 2006, p 242), including under the risk of illegal migration. The deterioration of law and order near the internal borders is evidenced not only by the worrying crime statistics during the reintroduction of border checks, but also by the day-to-day (Kontrabandista aizturēšanā robežsargi spiesti pielietot dienesta ieroci, 2017), sometimes manifested even when offenders attempt to use weapons. In addition, the issue of the verification of identity documents at internal borders is also topical, since the abolition of border control at internal borders does not affect the obligation for Member States of the Schengen area to carry or carry identity documents as laid down in the Schengen Borders Code (Schengen Borders Code, 2016, Art 23, p c)) and Convention (Schengen Convention, 1990, Art 2 p 3).

The legislator, in an attempt to interpret the border area regime correctly and not to treat border guards as equivalent in effect to border controls, abolished the border area regime altogether, despite the fact that border checks, and thus documentary checks, are near the border line, ie at border crossing points.

In the Schengen Borders Code (Schengen Borders Code, 2016, Art 23, p a)) it is stated that the abolition of border control at internal borders shall not affect the powers of the police exercised by the competent authorities of the Member States under national law, unless they are equivalent in effect to border controls:

1) do not aim at border control;
2) are based on general police information and experience regarding possible threats to public security and is specifically aimed at combating cross-border crime;
3) are designed and executed in such a way that they are distinct from the systematic checks on persons at the external borders;
4) are made on a random basis.

In this case, the criteria for the similarity of the measures taken with the border checks are rather vague, open to interpretation and thus contradictory, even as regards the need to combat cross-border crime. In addition, the State Border Law (2009) provides for the establishment of a border guard system as a set of measures involving the coordination and enforcement of border control at the external border and the internal border, internal border and internal measures to compensate for the abolition of border control, information Exchange, cooperation in combating cross-border organized crime, as well as threat and risk analysis (Latvian Border Law, 2009, Art 6 (1)) in the field of border protection, or a border management system whose management needs to be further developed

(Border guarding information system "RAIS 2009" izstrāde (Projekts Nr.3DP/3.2.2.1.1/09/IPIA/IUMEPLS/024).

Analyzing the statistics of illegal crossing of the „green" border, it can be concluded that approximately every third time (Public reports of the State Border Guard 2007 – 2019) there are fails apprehend the border trespassers (mostly smugglers, less often illegal immigrants) and they are usually situations where the violator is carefully planned on both sides of the neighboring countries, which help the perpetrator to get within a short distance of the border by vehicles to exit the search area. On March 1, 2012 shortcomings were identified in the persecution and detention of 3 Syrians who crossed the green border illegally: low response from locals and driver of a passenger bus was detected for not reporting suspicious persons.

There was also unacceptable interpreter's arrival time detected (24 hours under contract); the border plenipoteniaries had given the Russian side a period of readmission that was insufficient to obtain convincing evidence, etc (VRS Viļakas pārvaldes 2012.g. 20.marta vēstule nr.23/2-7/269, (nepublicēta)).

Border surveillance involves the control of large areas, where cooperation with the local population plays an extremely important role, and this can also be demonstrated by general knowledge and recommendations of criminological science (Vilks, Ķipēna, 2004, p 82). Due to the high level of unemployment and the difficult financial situation of border residents, an important motivation for cooperation would be the introduction of the border guards' assistant position under the Border Guard Law by analogy with the Police assistant (Law on the Police, 1991, Art 30).

In order for the Border Guard to be able to respond to the detected violation at any time and place, standardization of tasks of the units, standardization of operating methods and tactics according to standard situations, systematically and consolidated in the respective internal regulations, as in other countries, such as Finland (Staņa, 1986, pp 9 – 83) and formerly the USSR (Устав Пограничных войск по охране государственной границы СССР. Часть 2 Пограничная застава, 1987, pp 5 – 8). should be performed. The most important normative act, which determined tactics and methods of operation of border guards, was the State Border Guard Service regulation (Par LR Valsts robežsardzes Dienesta nolikumu, VRS 1998.g. 17.nov. pavēle nr.431 d/v. (zaud. spēku)), which was abrogated. Furthermore, the latest of the State Border Guard internal regulations regarding duties tasks, tactics and methods of assignment of units and border guards is still fragmented (VRS 2012.g. 9.maija pavēle nr.529.), incomplete or do not stipulate any specific tasks of the State Border Guard. In this case, in drawing up the internal rules (Robežkontroles un imigrācijas kontroles

dienesta organizācijas kārtība, 2012) of the State Border Guard, a certain proportion of specific knowledge of legal sciences, such as forensic science (Kavalieris, Konovalovs, Mašošins, 1998, pp 181 – 188) criminology and criminal investigation, should be used.

CHAPTER 9: Conclusions

1. The concept of the external land border of Latvia is based on the security and inviolability of the state border as a single legal system based on a set of closely interrelated rules of the state border and border area regimes involving at least two neighboring countries. The state border regime is the subject of an international treaty.
2. The provisions of Article 39 of the Schengen Convention on cooperation do not affect existing or future bilateral agreements between Schengen States and their neighbors, providing for the possibility of having border area territories at both the external and internal borders of the EU, although its regime is not specific and stipulated in structured manner. Each EU Member State is responsible for defining the border area regimes.
3. The Schengen Borders Code does not define border area specifically, although such a term is used and directly refers to border surveillance, thus implicitly specifying that there may be an area between the border crossing points and the inner territory of the Member State where border surveillance functions are performed. In addition, paragraph 8 of the preamble to the Code lays down the criteria and detailed rules governing checks at border crossing-points and surveillance, which in turn is possible through the implementation of well-defined rules of procedure and the competence of the authorities concerned.
4. The legislator has not envisaged the border zone regime for the internal borders of the EU, limiting the necessity of the border zone and its regime only refererencing to the external borders, which significantly hinders the maintenance of the border and border zone, destruction of border signs, thus having a negative impact on the country's image.
5. In the interest of security of the external land border, it would be necessary to amend Section 13 (2) of the State Border Law (2009), stipulating that

if the state border is defined by a river, stream or canal the border line should be defined starting of the edge or shoreline. The land and water surface area between the watercourse edge or shoreline and the national boundary should be additionally included in the national border zone.

6. The definition of „border surveillance" in the Schengen Borders Code does not explicitly refer to external or internal borders, but the phrase „border surveillance" between border crossing points and border crossing points after a fixed period of operation" is unclear and casts doubt on the need for border surveillance during working hours.
7. From 2013, the illegal crossing of the state border, which affects only one order of the state border regime - the procedure by which persons and property crossing the state border - can be qualified as a criminal offense. However, liability for other violations of the state border regime in 2013 is excluded from the Latvian Adminstrative Violations Code, but it is not included in the Criminal Law, except for liability for illegal crossing of the state border, which applies only to one part of the state border regime system – persons border crossing.
8. Border surveillance involves the control of large areas where cooperation with the local population is of the utmost importance. The regulatory framework that would facilitate such cooperation is not developed, but is limited to a few episodic operational activities. The introduction of the border guard assistant's position within the Border Guard Law by analogy with the Police assistants position is required.
9. The only consolidated national law specifying tactics and methods of operation of border guards was the State Border Guard Service regulations, which had been abrogated.The rest of the State Border Guard's internal regulations regarding tactics and methods of operation are fragmented and incomplete. Regulations concerning Border Surveillance Units' tactics and border surveillance operational methods in border area and border land are not explicitly regulated by EU law and the Schengen acquis, but only by general requirements. When drawing up the internal rules of the State Border Guard in organizing border control and immigration control, a certain proportion of cognitions should be used from the legal sciences, such as forensics, criminal investigation, criminology as well as other sciences.

CHAPTER 10

Sea territories and borders of the Republic of Latvia

Sea border of Latvia is 498 km long and according to the Schengen acquis it is the external border of the European Union. According to their juridical status sea territories are divided into:

1) certain sea territories of the country - territorial sea; sea territories subject to limited national jurisdiction under the rules of international law - contiguous zone, Exclusive Economic Zone, continental shelf;
2) sea territories which are not subject to any national jurisdiction - the high seas (Gaveika, 2014, pp 141 – 154).

Under the jurisdiction of Latvia are included not only internal waters but also territorial sea, which is also the territory of Latvia (Fogels, 2009, p 191) including Exclusive Economic Zone (Marine Environment and Protection Management Law. Law of the Republic of Latvia, 2010, Art 1) in the Baltic sea which is not the territory of Latvia but it has the priority right to use natural resources and it can stretch up to 200 nautical miles. The Exclusive Economic Zone is an area adjacent to the territorial sea, in which, under the United Nations Convention on the Law of the Sea, there is a coastal state's right and jurisdiction (The United Nations Convention on the Law of the Sea, 1982) and the right to explore, obtain, preserve and use living and non-living natural resources, both at sea and on the seabed and in the subterranean depths, to explore and use the Exclusive Economic Zone according to European Union legislation.

The State Environmental Service or other the issuer of a permit (license) in cooperation with the State Border Guard and the National Armed Forces control the use of the sea and the protection of the marine environment. Although Article 3 of the Marine Environment and Protection Management Law envisages rights for Latvia within the continental shelf and the Exclusive Economic Zone the, the control mechanism for the provision of such rights and the delimitation of the competence of the institutions in the Latvian legislation, neither the National Armed Forces law nor the Border Guard Law, where the tasks specific for this field or in another the regulatory framework is still not clearly defined (Gaveika, 2014, pp 141 – 154).

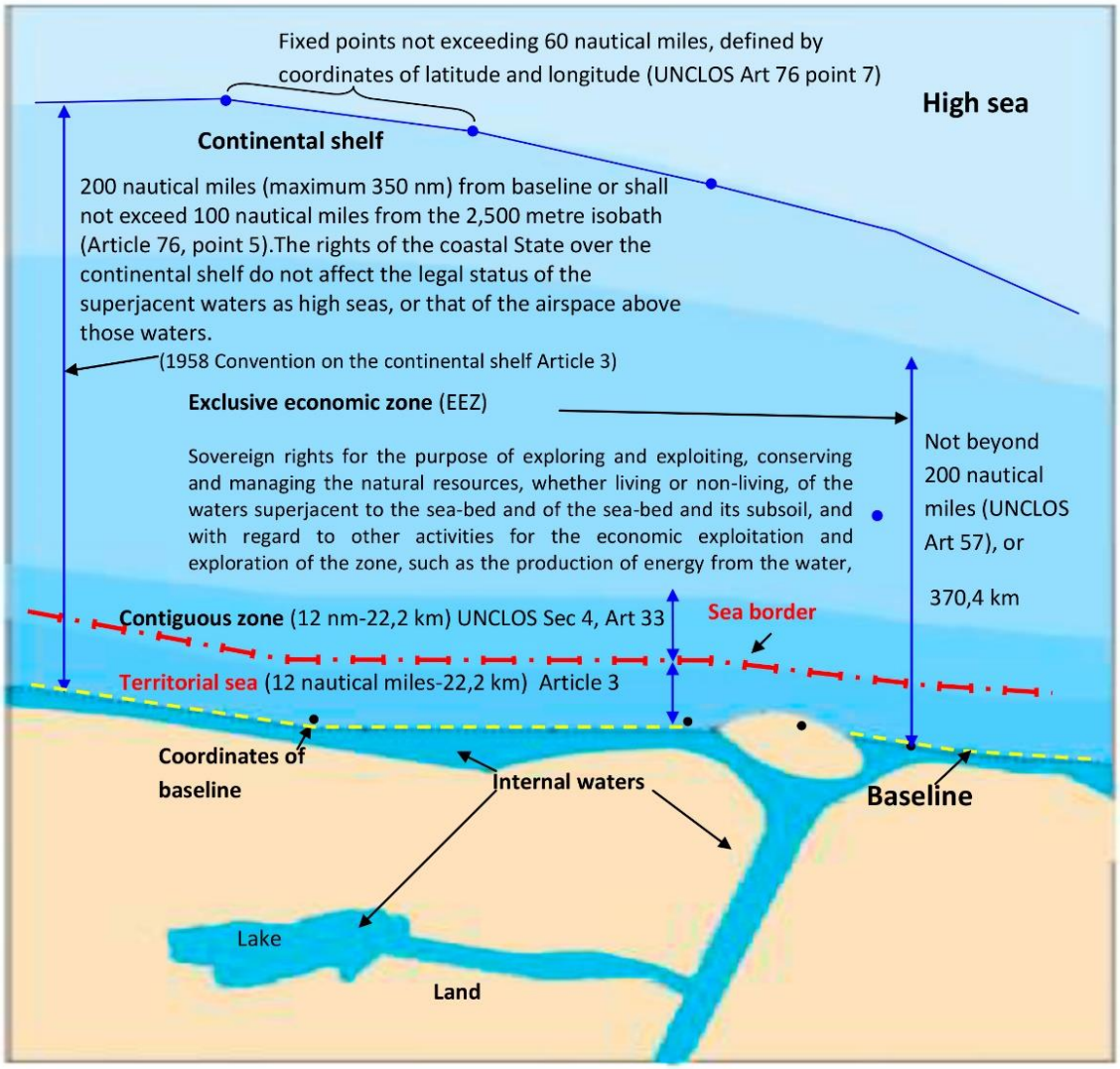
In addition, the phrase “controlling the use of the sea” in Article 19 of the Marine Environment Act is imprecise as it does not specify which marine areas it

applies to, but the term "referring to border guard" (Marine Environment and Protection Management Law. Law of the Republic of Latvia, 2010, Art 3, 19(8)) is incorrect if it considers border and immigration control activities.

The United Nations Convention on the Law of the Sea defines exclusive rights for coastal state on the continental shelf (up to 350 nautical miles from the baseline) for exploration and the use of its natural resources, while stipulating that other states have no rights without explicit consent of coastal State to explore the continental shelf and use its natural resources if the coastal state does not do it. However this does not affect the legal status of the waters and airspace over these waters.

The United Nations Convention on the Law of the Sea prohibits coastal states from exercising their right to the continental shelf to interfere with the freedom of navigation of other countries (Gaveika, 2014, pp 141 – 154; Scheme 5. Principal scheme of sea territories in accordance with the United Nations Convention on the Law of the Sea).

In 2010, the Marine Environment and Protection Management Law came into force. Before the adoption of this law, discussions about deleting the term "continental shelf" from the text of the law were discussed, based on the argument that Latvia does not have a continental shelf within the meaning of the United Nations Convention on the Law of the Sea. However, the term "continental shelf" is retained in the text of the law, although not in the list of terms in Article 1 of the Law, but in Article 3 the definition of the continental shelf is given: "*The continental shelf of Latvia is the surface of the seabed and the subsoil in the submarine, which is the natural continuation of the terrestrial territory lies immediately after the borders of the territorial sea of Latvia and extends along the border of the continental shelf of Latvia and the Exclusive Economic Zone with Estonia, Lithuania and Sweden*. In this wording, this provision is incorrect, as Latvia's right to the continental shelf is extended to the seabed and subterranean depths located outside the territorial sea of Latvia and therefore does not define the right of Latvia to the part of the continental shelf under the territorial sea, although Latvia should have there even wider rights to explore the continental shelf and to use its natural resources also under the territorial sea, as evidenced by the United Nations Convention on the Law of the Sea, the continental shelf of the coastal state is the seabed and its subterranean divisions located beyond its territorial sea boundaries throughout the natural continuation of its land area up to the subterranean boundary of the continent or 200 nautical miles from the baselines from which the breadth of the territorial sea is measured The United Nations Convention on the Law of the Sea, 1982).



Scheme 5. Principal scheme of sea territories in accordance with the United Nations Convention on the Law of the Sea.

In addition, the natural resources of the continental shelf are the property of Latvia (Marine Environment and Protection Management Law. Law of the Republic of Latvia, 2010). In the case of the continental shelf, the judgment of the International Court of Justice in the dispute between Denmark and Germany in 1967, which determined not only the main principles for determining the boundaries of the continental shelf of the countries, but also touched on important issues such as the protection of the environment of the oceans and seas, is important (International Court of Justice, The North Sea Continental Shelf Case. Judgement of 20 February 1969; Блищенко, Дориа, 1999, p 188).

Moreover, Latvia as the European Union Member State must assume responsibility for the implementation of such jurisdiction and can be justified by relevant judicial decisions, such as the Prodest and Aldewereld cases, which emphasize the special relationship of employment law with the legal system of

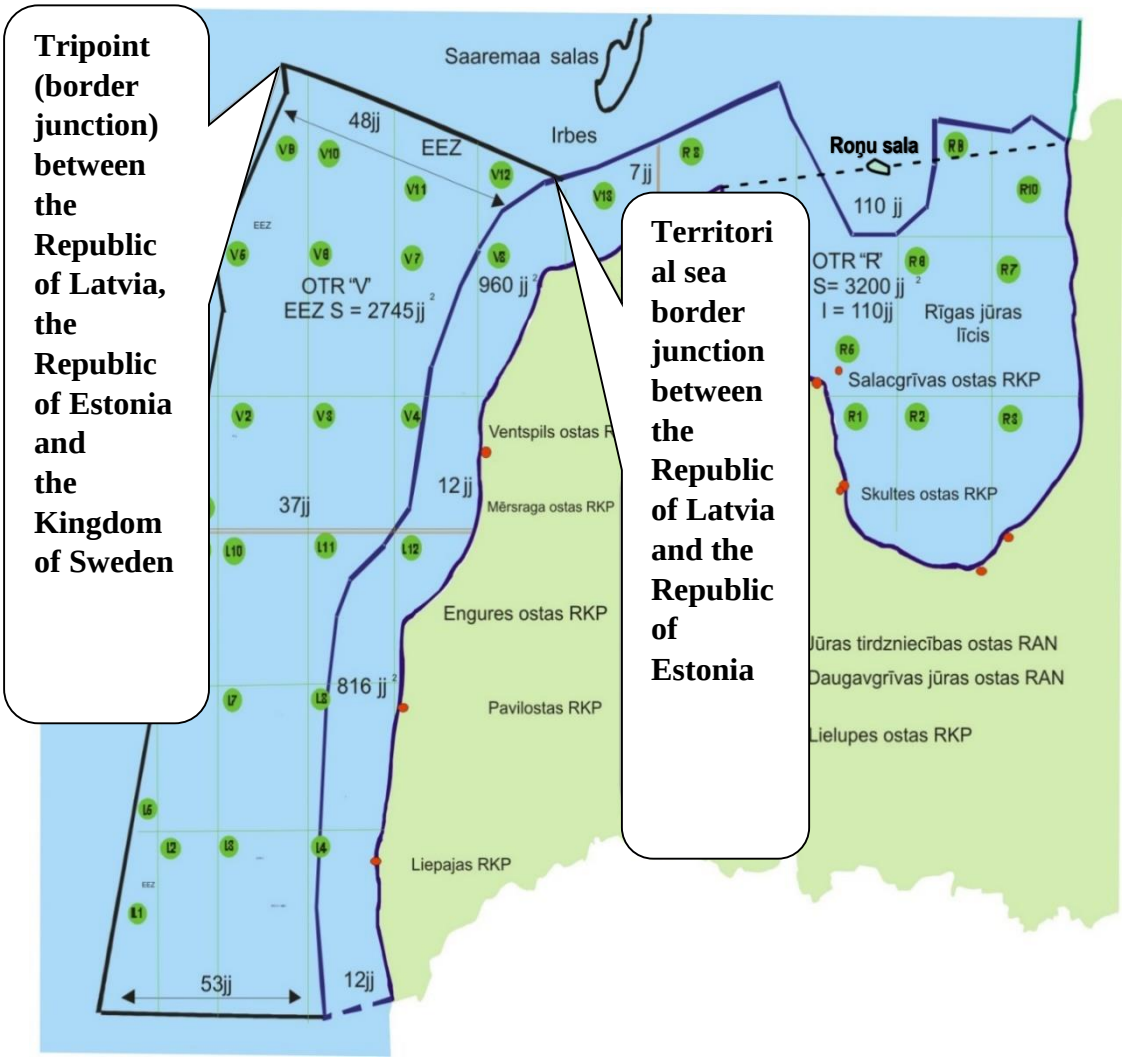
the respective Member State. According to Advocate General P.C.VILLALÓN, the continental shelf, as an area of European Union Member States' sovereignty, has to be regarded as "the territory of the Union". The applicability of Community law in the area of competence granted by the Member States to the exploitation of the resources of the continental shelf and the legal position of employed workers cannot be different from that of stricto sensu workers in the territory of the country (Advocate General P.C.VILLALÓN [*Pedro Cruz Villalon*] conclusions in Case C-347/10, 2011) under Regulation No 1408/71 (1971).

Dr. A. Fogels believes that the continental shelf is the seabed and subsoil of the adjacent submarine seabed (including the islands) to the depths of up to 200 meters beyond the territorial seas, or beyond that limit to the point where the depth of the waters permits the extract of natural resources. He further explains that the starting line for measuring the continental shelf is the external border of the territorial sea of the coastal State (Fogels, 2009, p 191), however such definition is not precise with regard to the first paragraph of Article 76 of the United Nations Convention on the Law of the Sea. A.Fogel's reference to a depth of 200 meters apparently follows from the 1958 Geneva Convention on the Continental Shelf Convention on the Continental Shelf, Art 1), to which Latvia had acceded in 1991.

However, in the United Nations Convention on the Law of the Sea, this criterion is no longer used, but it is stated that the continental shelf does not exceed 350 nautical miles of the baselines from which the breadth of the territorial sea is measured or does not exceed 100 nautical miles of 2500 m of the isobath (line connecting depths of 2,500 meters). Consequently, the depth criterion of 200 m is no longer relevant for determining the boundaries of the continental shelf. The 1952 Convention on the Continental Shelf (1958) was replaced by the United Nations Convention on the Law of the Sea where the principle of equal distance (equidistance) is not emphasized as to the delimitation of the continental shelf border, but the United Nations Convention on the Law of the Sea stipulates that states should proceed from all possible sources of international law spectrum, without distinguishing one of them in particular. This does not mean that the principle of equidistance should not be applied by delimiting the boundaries of the continental shelf, but this means that the parties can also rely on other possible arguments (Lejnieks, 1999).

The Agreement between Estonia, Latvia and Sweden on a Common Sea Border Point (Par līgumu spēkā stāšanos. 02.02.1998. ĀM dienesta informācija) in the Baltic Sea stipulates that the straight line referred to in Article 3 (Latvijas Republikas un Igaunijas Republikas līgums par jūras robežas delimitāciju Rīgas jūras līcī, Irbes šaurumā un Baltijas jūrā: 12.07.1996., Art 3) of the Agreement on the Establishment of a Sea Border in the Gulf of Riga, the Irbe Strait and the Baltic

Sea (hereinafter – Latvian – Estonian sea border agreement) coincides with the boundary point of the continental shelf and with Exclusive Economic Zone in the following geographical coordinates: 58° 01,440' N 20° 23,755' E (Agreement between the Government of the Republic of Estonia, the Government of the Republic of Latvia and the Government of the Kingdom of Sweden on a Common Maritime Border Crossing in the Baltic Sea: 30.04.1997; Scheme 6).



Scheme 6. The scheme of the sea territories and borders of Latvia.

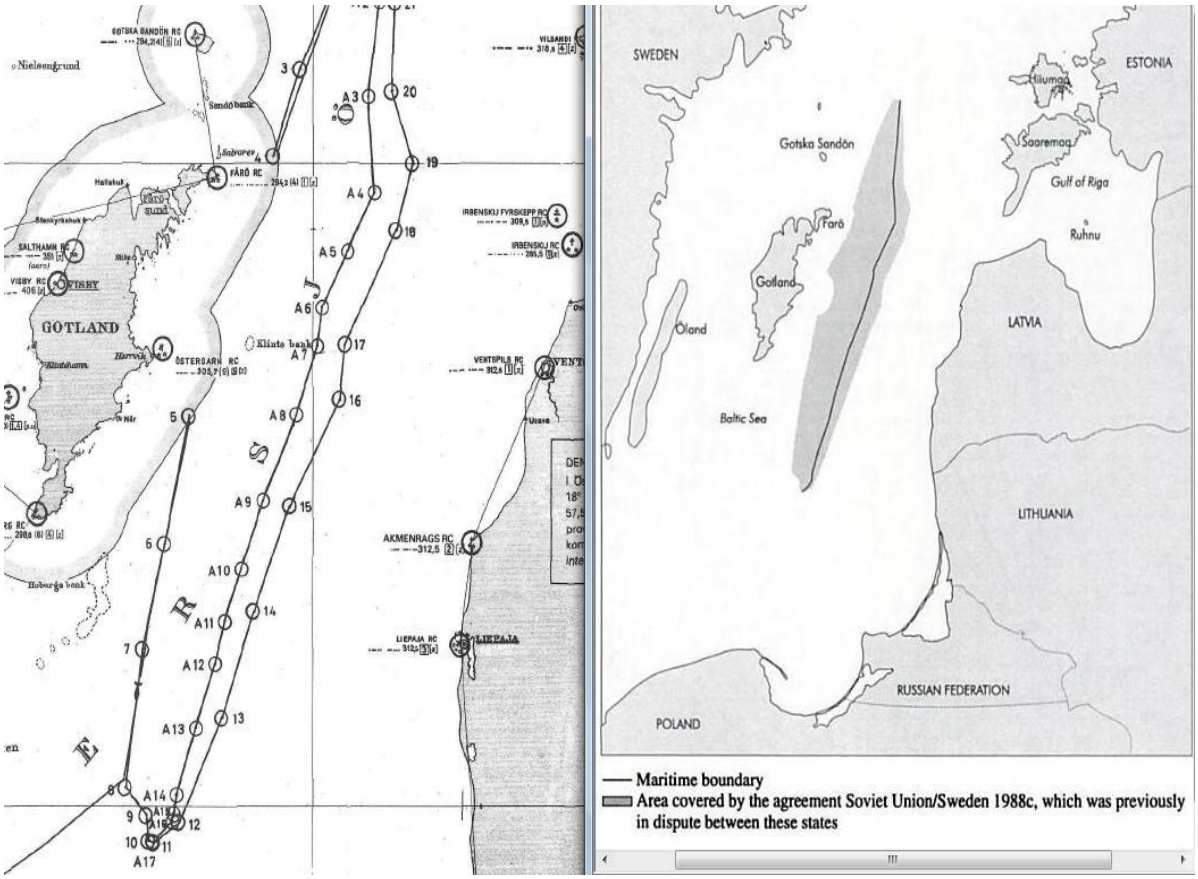
Each State has the right to determine the breadth of its territorial sea up to a limit of 12 nautical miles measured from the baselines (The United Nations Convention on the Law of the Sea, 1982, Art 2, 3). The territorial sea of Latvia, 4 nautical miles from the coast, before World War II was called territorial waters, and it was also part of the country's territory, beyond which the „open sea", which belonged to no one began. In contrast, „closed waters" (now inner waters), which were limited by land on all sides, were part of the national territory (Vītiņš, 1993, pp 23 – 24).

The Convention on the Law of the Sea states that waters off the coast of the territorial sea baseline are national waters. Inner seawater is also the waters of ports up to the line joining the points (The United Nations Convention on the Law of the Sea, 1982, Art 8) of the most seaward facing structures of the port. Inner sea waters are part of the national territory over which the sovereignty of the State is fully exposed.

A similar situation is encountered in Latvia's dispute with Lithuania regarding the delimitation of maritime borders. All neighbouring countries, except Lithuania, have concluded agreements on territorial sea borders and the Exclusive Economic Zone. The agreement with Lithuania on the definition of maritime borders, despite long-term negotiations and harmonization of draft agreements, is still not concluded. Professor J.Bojārs points out that the possible solutions would be, firstly, ratification of the current border treaty by Latvia, while at the same time reaching an agreement on the joint use of oil fields; secondly, resumption of negotiations on the sea border or ad hoc settlement of disputes, as the boundaries of the Latvian and Lithuanian Exclusive Economic Zone and the continental shelf never existed, however, they were set at the level of interdepartmental level in the USSR and have never been challenged (Scheme 7).

The United Nations Convention on the Law of the Sea states that if the two countries' rivers are opposite or adjacent to each other, then neither country nor the other has the right, unless there is another agreement between them, to extend its territorial sea beyond the median line drawn so that each of its points is equidistant from the nearest points of the baseline, from which each country begins to measure the latitude of the territorial sea. However, the abovementioned provisions do not apply if, due to historically established legal bases or other special circumstances, the territorial sea of both countries needs to be demarcated other than that specified in this Convention.

In the author's view, the use of the Equal Distance Method is not objective. Each country baseline consists of straight sections, the length of which is not limited to the United Nations Convention on the Law of the Sea. M.Lejnieks points out that the principle of equidistance (equal distance) for the delimitation of the continental shelf (including the Exclusive Economic Zone has not been applied in the current formulation of border agreement. In case of referring to the UN International Court of Justice or Arbitration, Latvia's arguments for fair dispute resolution would be arguments about the historical maritime borders, although they were only up to 4 nautical miles from the coasts, fishing areas, oil and other deep-sea minerals and fish resources explored by Latvia during the Soviet era and as J.Bergholz notes, taking into account historical, geological, geographical and other factors (Bergholcs, 1999, p 99).



Scheme 7. A part of EEZ in USSR times.

(The first round of negotiations between Sweden and the USSR on delimitation of the continental shelf took place on November 12 and 17, 1969 at the initiative of Sweden, but only in 1988 Sweden concluded the border agreement with the USSR on the division of jurisdiction in the Baltic Sea. The border established in the treaty served as a temporary external border of the Latvian EEZ, pending the conclusion of a mutual delimitation treaty between Latvia and Sweden.

** In concluding an agreement with Amoco, the Latvian parties consulted with Sweden, and Sweden agreed that the former border with the USSR was to be the temporary border between Latvia and Sweden.*

*** In the Memorandum of Understanding of 24 January 1992, Latvia, Lithuania, Estonia and Russia agreed with Sweden to extend the fishing conditions contained in the 1988 Agreement by allocating former USSR fishing quotas between the four countries in the Swedish EEZ.)*

By concluding a treaty on the restoration of the state border Estonia and Latvia agreed within Article 13 to determina the sea border by a separate treaty (ĀM paziņojums. Sakarā ar Igaunijas un Latvijas jūras robežu. Publicēts: LV, 1995. 18.apr., nr.59). The situation got worse in March 1993, when Estonia passed the Sea territories law (*Merealapiiride seadus*). At a meeting of the Latvian and Estonian working groups in Tallinn on March 27, 1995, the Latvian side submitted a detailed proposal to resolve the border issue in the Gulf of Riga, in the light of the Convention on the Law of the Sea under which both sides had

agreed to declare the Gulf of Riga and the Irbe Strait as common historical gulf (ĀM paziņojums. Sakarā ar Igaunijas un Latvijas jūras robežu. Publicēts: LV, 1995. 18.apr., nr.59.).

The territorial sea belonging to Estonia was also defined around Ruhnu. On 25 November 1923 (Feldmanis, 2011, p 101) Ruhnu Island came under the jurisdiction of Estonia, when the Swedish minority, who was a majority on the island, opted for Estonian jurisdiction (Ruhnu Vald. Vispārīgi dati par Roņu salu, 2020). In addition, Ruhnu Island is geographically located on a straight line from the Estonian-Latvian land border to the Kolka Cape, only about 40 km from the Latvian coast, 66 km from the Kuressaare Island (Lukas, Rebane, Grosberg, 2004, p 421). of Estonia and about twice as far from the Estonian land territories. In fact, the Gulf of Riga, within the boundaries of the above-mentioned line, would be considered as the historical Gulf of Latvia (Авраменко, 2001, p 11). Mr J.Bergholcs points out that historically several Latvian cities, including Riga, have been members of the Hanseatic League, thus emphasizing the historical context of the Gulf of Riga.

In fact, the Gulf of Riga, within the boundaries of the above-mentioned line, would be considered as the historical Gulf of Latvia. Mr J.Bergholcs points out that historically several Latvian cities, including Riga, have been members of the Hanseatic League (Bergholcs, 1997, p 8), thus emphasizing the historical context of the Gulf of Riga. Russian law scholar A.Ovlaschenko also believes that the determination of the status of the Gulf of Riga should be based on the concept of historical waters (bays) formulated in international legal doctrine (Овлащенко, 2006). The most common method of resolving disputes was the negotiation of the border agreements between Latvia and Estonia, whereby flexibility, dynamism, respect for the equality and sovereignty of the participants, and sometimes concessions, lead to results (Овлащенко 2008, p 129).

With regard to the monitoring of the state border, the tasks of the State Border Guard are to protect the state border, border signs and other border structures, to prevent any attempt to unlawfully change the location of the state border in the area; in cooperation with the National Armed Forces, to prevent and repel armed attacks in the territory of Latvia, in territorial and inland waters, to prevent armed provocations on the state border; to observe land borders, waters and airspace adjacent to the state border (Border Guard Law, 1997). Foreign vessels have the right to cross the state border and enter the territorial sea, observing the principle of peaceful passage in accordance with the United Nations Convention on the Law of the Sea (Latvian Border Law, 2009), but the coastal State has the right to determine the shipping regime, customs and sanitary arrangements, organization of transhipment operations, tax arrangements and

legal regime in inland waters, as well as enforcing criminal jurisdiction. However, the issue of the collision of two jurisdictions is more complicated in the Exclusive Economic Zone and on the continental shelf, since it is not explicitly regulated in international maritime legislation.

The peculiarity of the territorial sea border surveillance, which is very different from land border surveillance, is the possibility of legally crossing the sea border without border checks, that is, if the Latvian sea border is crossed with the aim of crossing the territorial sea of Latvia, observing the principles of peaceful passage. This means that, in fact, the state border is crossed, but border checks are not carried out if a ship sails from the territorial sea of Latvia without calling any port of Latvia. Unlike the land border, where border crossing points are located mostly in the immediate vicinity of the state border, sea borders and border crossing points never coincide, and the ship is present relatively long time in the territory of Latvia, before it is subject to border checks. This further proves the necessity to develop amendments to the Border Guard Law and to give the State Border Guard specific powers in the supervision of sea territories and inland waters under the jurisdiction of Latvia (Gaveika, 2014).

At present, the Inland Vessel Traffic Regulations (Noteikumi par kuģošanas līdzekļu satiksmi iekšējos ūdeņos No 158, 2005) provide that the traffic in the waters is supervised, within their competence, by the State Police, the State Environmental Service and the State Border Guard (in port waters and border waters). Neither the Border Guard Law, nor the Maritime Administration and Maritime Safety Law (Jūrlietu pārvaldes un jūras drošības likums, Chapter B) provide for the task of the Border Guard to monitor water traffic outside the port waters in the waters under Latvian jurisdiction (Border Guard Law, 1997, Art 13 p 10)). Article 117 of the LAVC provides for liability only for infringements committed in inland waters and not in the territorial sea or the EEA. The risks of terrorism and other threats, the requirements of the International Ship and Port Security (Noteikumi par kuģu un kuģošanas kompāniju, ostu un ostas iekārtu aizsardzības funkciju izpildi un uzraudzību No 748, 2007) Code (ISPS Code) (Starptautiskais kuģu un ostas iekārtu aizsardzības kodekss, 2002) should be taken into account to enhance port security as well as the threat of security incidents.

There is also another international norm closely related to the above code - the Convention on the International Regulations for Preventing Collisions at Sea, 1972, which regulates the navigation of vessels also in coastal waters under Latvian jurisdiction outside the port waters and inland waters (COLREG-72). In accordance with the Border Guard Law, border guards have the right to inspect the identity documents of any person on the basis of the laws governing inland waterway traffic if there is reason to believe that the driver has violated the rules

governing inland waterway traffic (Border Guard Law, 1997, Art 15). The regulation of inland waterways in the EU is based on the European Code for Navigation on Inland Waterways (Code Européen des Voies de la Navigation Intérieure (CEVNI)), the provisions of which do not need to be incorporated into national law. In order to exercise their jurisdiction, governments may issue certain additional regulations to implement the CEVNI (The United Nations Convention on the Law of the Sea. (A historical perspective), 2020). In general, all inland waterways vessel traffic regulations are determined by the Inland Waterways Traffic Regulations, which regulate water traffic and safety regulations in Latvian inland waters and 3000 m wide coastline from the coast to the Gulf of Riga and the part of Latvian coast of the Baltic Sea (Noteikumi par kuģošanas līdzekļu satiksmi iekšējos ūdeņos, 2005, p 3).

In the light of international practice, CEVNI does not foresee the competence of specific authorities in the field of water traffic monitoring. Currently, border guards do not have the right to deal with administrative offenses involving liability for water traffic offenses in the case of undersized craft outside the port area. The clutter is caused by the term „border waters" contained in Cabinet Regulations, which is defined as an inland water area that defines a state border (Noteikumi par kuģošanas līdzekļu satiksmi iekšējos ūdeņos, 2005, p 2.10.) in accordance with international treaties and is in conflict with Article 1 (8) of the State Border Law (2009, Art 1 p 8).

Similarly, in the case of persecution of an offender who crosses the port waters during the pursuit, officers of the SBG shall have the right to suspend recreational craft or undersized boats and to conduct an inspection if there is reason to believe that the driver has violated inland navigation rules which would be topical in the context of COLREG-72 un SOLAS-74 conventions.

The question which matters is is how to bring an action - whether, as in the Nordic countries, in rem against a ship's master or, as in the countries of the Common Law system, against a ship.

Article 74 of the Civil Procedure Law provides that only natural or legal persons who exclude movable property from being a party to the proceedings may be parties to the proceedings, unless the property is endowed with legal personality, such as the estate. Article 842 of the Civil Code classifies ships as movable property, but neither the Civil Code nor the Maritime Code formally grants the ship legal personality. The authors of the Maritime Code decided that a formal claim against the captain could create even more legal uncertainty and misunderstanding than bringing a claim directly against a ship, and thus opted for the second option, to introduce actio in rem (Lejnieks, 2006, p 616) in Latvia. This is also evidenced by the COLREG-72 regulation: „Nothing in these Regulations

shall relieve the ship, its owner, the master or the crew of their liability" (COLREG-72).

The regulations of the Cabinet of Ministers on port formalities (2012), in contrast to the Regulations on formalities related to the entry and exit of ships from the port (2005), have become a significant consolidating normative act (in total consisting of 121 articles) also regarding the competence of the State Border Guard in ports - port formalities. These regulations define the field of maritime surveillance inside and outside ports, impose an obligation to inform the State Border Guard about unauthorized persons on board, however it does not determine the rules for staying, moving and operating in the territorial sea and in the Exclusive Economic Zone.

Unlike the neighbouring country of Lithuania, which determines the border area (including regime) on the land in the country 5 km from the sea coast, with a sea border much shorter than Latvia, the Law on the State Border (2009) merely states in general terms that the state border regime includes the procedures by which vessels cross the state border, as well as enter and stay in the territorial seas, inland waters and ports.

The Cabinet of Ministers Regulations "Procedures for Foreign Warships Entering, Staying in and Leaving the Territorial Sea, Inland Waters and Ports of Latvia" establishes competence for foreign warships not previously regulated in this area. If the foreign warship team or its passengers intend to disembark from a foreign warship and stay in the territory of Latvia, the National Armed Forces inform the SBG about the necessity of border check on persons disembarking and boarding a foreign warship and coordinates the time and place (Procedures by which foreign warships enter, stay and leave on the territorial sea, 2010) to perform border checks according to Schengen acquis requirements.

In the surveillance of the sea border, the Cabinet of Ministers Regulations "Procedures for the Control, Inspection and Detention of Ships in Latvian Waters" would be important, but Paragraph 1 of these Regulations states that these regulations apply only to the Coast Guard (Ships control, inspection and detention procedures in waters of Latvia, 2004, pp 1, 8, 9, 12). These rules do not provide for any competence of the SBG in the control, inspection and detention of ships, although they carry out a large part of the Coast Guard's tasks and in practice there are often duplication or overlaps which may result in certain tasks being left outside.

The Law on National Armed Forces (hereinafter - NAF Law) states that the NAF aims to protect Latvia's sovereignty, territorial integrity and its inhabitants from aggression. During the war, the NAF also included the State Border Guard (Law on National Armed Forces. The Border Guard Law

determines the right of the SBG to use NAF technical means, vessels and aircraft for performing tasks at sea in accordance with the procedure established by the Cabinet (Procedures by which the State Border Guard Performs Border Surveillance Tasks at Sea, Using the Technical Means, Watercraft and Aircraft of the National Armed Forces, 2010, pp 2, 3). However, both NAF (Flotile Ships) and SBG ships are regularly at sea; marine video surveillance system is available for both SBG and NAF Flotilla, surveillance at sea is performed both by NAF Flotile Coast Guard and SBG.

Cabinet of Ministers Instruction "Procedures for Cooperation of State Administrative Institutions in State Security Issues" (Procedures for Cooperation of State Administration Institutions in Issues of State Border Security, 2010, p 2) specified the competence of SBG, State police, State Revenue Service and Food and Veteriany Service in the field of state border security, but did not foresee competences and their boundaries - control of the marine environment. In addition, Section B.1 of the Schengen catalogue recommends that the surveillance and control of the sea border be entrusted to law enforcement authorities (EU Schengen Catalogue, 2002, p 1.1.).

The Convention on the Facilitation of Maritime Traffic (Convention on Facilitation of International Maritime Traffic, 1965 FAL Convention) is essential for the surveillance of the maritime border. However, with the accession of Latvia to the Schengen Convention, the Latvian sea border has become the external border of the Schengen area, for which more stringent border control is required. Under the supervision of the Territorial Sea, special attention might be paid to the legal regime of the contiguous zone (The United Nations Convention on the Law of the Sea, 1982), which has little attention paid not only in the work of Latvian law scientists but also to the national regulatory framework, without foreseeing this zone or the respective competences and responsibilities of the institutions (Gaveika, 2014).

For example, the tasks of the SBG include search and rescue deriving from a longstanding maritime tradition where each ship provides assistance to the other ship in distress, and is now also enshrined in the Law of the Sea, which imposes an obligation on ships to provide assistance under Safety of Life at Sea (SOLAS), International Convention on Maritime Search and Rescue (SAR-79), International Aviation and Maritime Search and Rescue Manual (IAMSAR Manual), National Law - Maritime Administration and Maritime Safety Act (Art 46) and Human Search Regulations and rescue in the event of aviation and maritime accidents, which define Latvia's (Rules on the search and rescue of persons in the event of an aviation or maritime accident, 2003, p 14.3.) area of responsibility (differs from-EEZ), and SAR operations are reported and

conducted by the Latvian MRCC, which cooperates with many government agencies, including the SBG. Similarly, the tasks of the SBG include the elimination of oil spills, which are not related to the control of the state sea border, but which are direct implementation of Latvia's environmental interests and regulated by the International Convention for the Prevention of Pollution from Ships (MARPOL-73/78) and the Maritime Safety Act, as well as the National Oil and Hazardous or Noxious Oil Pollution Preparedness Plan (On the National Preparedness Plan for Oil, Hazardous or Noxious Substances Pollution at Sea, 2010), which requires SBG captains to take the necessary action to prevent, reduce and eliminate pollution of the marine environment.

An essential feature of maritime border surveillance is the direct dependence of maritime border surveillance activities on weather conditions which are less pronounced at land borders. Subject to the requirements of SOLAS (p 8 (1)), masters of ships shall have the right to refuse to perform a border surveillance task. Precisely for security reasons, the job description of the captain of the ship imposes duties not only on the border surveillance task but also on the actual and foreseeable hydro-meteorological and navigational conditions on the border surveillance route prior to patrolling.

CHAPTER 10: Conclusions

1. The depth criterion (200 m) is not relevant for the delimitation of the continental shelf as the 1958 Convention on the Continental Shelf has been superseded by the 1982 United nations Convention on the Law of the Sea (UNCLOS) which does emphasize as the piority the principle of equidistancy (equal distances) in the delimitation of the continental shelf border. The UNCLOS requires the parties to be guided by all possible sources of international law without highlighting any of them. Agreements on the territorial sea border, which is the EU's external border and exclusive economic zone, have been signed with all neighbouring countries, except for Lithuania. The method of equidistance i.e. as the line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial sea of each of the two states is measured or equal distance is not a priority of maritime borders delimitation since the base line of each state is determined by each state individually, and, if the base line is formed of straight sections subjectivity

increases since the length straight line is not limited by UNCLOS. The Parliament should reject the Latvian and Lithuanian sea border project as inappropriate to Latvian interests.

2. The definition of the continental shelf in the Marine Environment Protection and Management Law is imprecise, as the Latvian right to the continental shelf extends to the seabed and subsoil beyond the territorial sea of Latvia, and thus does not determine Latvia's right to the continental shelf below the territorial sea. The continental shelf must be regarded as the territory of the EU for the purposes of the application of the rights conferred on it by the Member States in the exploitation of its resources and the legal position of employed workers cannot be different from that of stricto sensu workers.
3. The definition of the continental shelf in the Marine Environment Protection and Management Law is unclear, as the rights of Latvia over the continental shelf is applicable to the seabed and subsoil outside the territorial sea border of Latvia therefore there have not been specified any rights of Latvia over a part of the continental shelf beneath the territorial sea. The third article of Marine Environment Protection and Management Law of Latvia needs to be amended as follows *"Latvian continental shelf is the seabed and subsoil in underwater areas as a natural continuation of the territory which is situated in Latvian territorial sea and exclusive economic zone."* Continental shelf should be regarded as the territory of the EU resources and legal position of workers being employed and it should not differ from employees' stricto senso working in the inland territory of country.
4. Although Article 3 of the Marine Environment Protection and Governance Law sets out Latvia's rights on the Continental Shelf and the EEZ, the mechanism for monitoring compliance with these rights, the delimitation of institutional competencies in the NAF Law and the Border Guard is still not regulated precisely and exhaustively.
5. A territorial sea belonging to Estonia was designated around Ruhnu Island. However, the issue of Ruhnu Island's jurisdiction is noteworthy, at least for the maritime areas, as it was only on November 25, 1923, that Ruhnu Island came under Estonian jurisdiction. In addition, Ruhnu Island is geographically located on a straight line from Estonia - the land border of Latvia to the Kolka Cape, and twice as far from the land territory of Estonia as from the land territory of Latvia. In fact, the Gulf of Riga within the aforementioned line would be considered as the only historical Gulf of Latvia in this part of the Gulf of Riga. Legal scholars point out that the

determination of the status of the Gulf of Riga must be based on the concept of historic waters (bays) as formulated in the doctrine of international law.

6. Article 27 of UNCLOS provides for specific cases where a ship is subject to the jurisdiction of a coastal State when the ship is in the territorial sea of another State, that is to say, when the consequences of the crime extend to the coastal State, which essentially reproduce the provisions of the 1958 Convention. However, in the EEA and on the continental shelf, the issue of collision between two jurisdictions is more complicated because it is not well regulated. Given that the coastal State may have control over customs, financial, immigration and sanitary regulations in the adjoining area, national rules should also provide for appropriate regime rules and liability for violations that are currently not provided at all.
7. As regards the border control authorities of the sea borders, there is no de facto regulatory framework for the control of the border regime in the territorial sea and also on the coast. The State Border Law (2009) provides only in a general way that the State Border regime includes the procedures for the passage of vessels across the State border and for entering and staying in the territorial sea, inland waters and ports. Separate regulations of the Cabinet of Ministers are needed in this sphere, defining specific regime rules in the territorial sea, considering that the sea border is the external border of the EU in Latvia.
8. The waters under Latvian jurisdiction include not only inner waters and the territorial sea, which is the territory of Latvia, but also the EEZ of the Baltic Sea, which is not Latvian territory, but in which Latvia has a priority right to exploit natural resources. Control of this territory still requires the development of a legal framework to determine the optimal division of competences of public authorities, whereby control tasks in the fields of immigration, economic interests and environmental protection should be assigned to the State Border Guard and in the field of national security and territorial sovereignty to the NAF by including these tasks in the Border Guard Law and the NAF Law respectively.
9. In United Nations Convention on the Law of the Sea exists definition as “contiguous zone” which may not extend beyond 24 nautical miles from the baselines from which the breadth of the territorial sea is measured” unfortunately such definition is not included regulatory framework of Latvia. It is necessary to include in law on the state Border of Latvia the term *“contiguous zone”* in the following formulation – *“the waters of the Baltic Sea in the exclusive economic zone of Latvia within 24 nautical*

miles from the baseline, where Latvia has the right to the customs, fiscal, immigration and sanitary controls.

10. Convention on Facilitation of International Maritime Traffic (FAL) defines the facilitation of movement of people and cargoes, however according to its main goal it is in conflict with the Schengen Acquis, which requires enhanced border controls at the external borders and strengthening of borders status. If an EU Member State establishes its international legal obligations incompatibility with EU law, it must take all necessary steps to eliminate the incompatibilities.
11. The tasks of the SBG in the surveillance of the state border as defined by the Law on Border Guard should be extended to the surveillance of the sea border. The sea border is not demarcated with landmarks, and the border with the relevant regime along the sea border is not defined. Estonian Maritime Law and the experience of other jurisdictions should be used where border guards have specific tasks in fisheries control, environmental pollution control, maritime and coastal communications construction control, maritime control, marine exploration control.
12. Regulations of the Cabinet of Ministers of June 1, 2004 No 508 "Procedures for the Control, Inspection and Detention of Ships in Latvian Waters" are important for the surveillance of the sea border, howevet these regulations apply only to the Coast Guard only. In contrast, the SBG does not provide for any control, inspection and detention of ships, even though the SBG actually performs a large part of its Coast Guard tasks. A model for the protection and control of the sea border should be developed as a single part of the national border security system, combining:
    - the civilian component (implemented by the SBG and other civilian institutions);
    - military component (implemented by NAF Naval Force and Air Force).
13. In order to improve and establish the legal basis for the exercise of the functions specified by the SBG in the surveillance and control of the sea border in the waters under Latvian jurisdiction, Point $10.^1$ of Section 13 of the Border Guard Law should be extended to all waters under Latvian jurisdiction. Furthermore the competence of Section 15 Point $1.^1$ should not only be related to ports but to inner waters, the territorial sea. Additionally the Border Guard Law should include supervision rights on how regulations and international laws concerning Latvian waters are observed.

CHAPTER 11

National Sovereignty and Airspace Borders

The territory of the country is that part of the globe which is in a state's sovereignty and is delimited by its land, sea and air borders. Prof. J.Bojārs explains the state border as a line in nature and a vertical plane located along this line, which determines the prevalence of the state's land, sea, subterranean depths, airspace and territorial sovereignty of the country (Bojārs, 2004, p 307).

The lack of this explanation is that there is no indication that the state border line should be closed, as stipulated in the Law on State Borders of the Republic of Latvia in 2009 (State Border Law, 2009, Art 1, p 1). In turn, the line underlying the state border is actually a geometric line, as law researchers indicate in Russian Federation (Капустин, 2007, p 203) Belarus (Горулько and Others, 2010, p 8) and in other countries (Sullivan and Others, 2009, p 1, 3), as well as it is defined in legislation for example in Estonia (Riigipiiri seadus Vastu võetud, § 2) Poland (Ustawa z dnia 12 października, 1990, Art 2, 3) Serbia (Law on Protection of State border, Art 2.) etc. Therefore, in the context of state sovereignty and the concept of the state border, it is essential to understand the meaning of the concept of the territory of the country with the differentiation of its sovereignty, for example, in relation to marine areas. The territory of the country is bounded by land, water and air borders. The territory of the country includes land, internal and territorial waters, subterranean depths and airspace above them (Bojārs, 2004, p 296).

Prof. J. Bojārs also gives more concrete explanations of elements of the territory of the state:

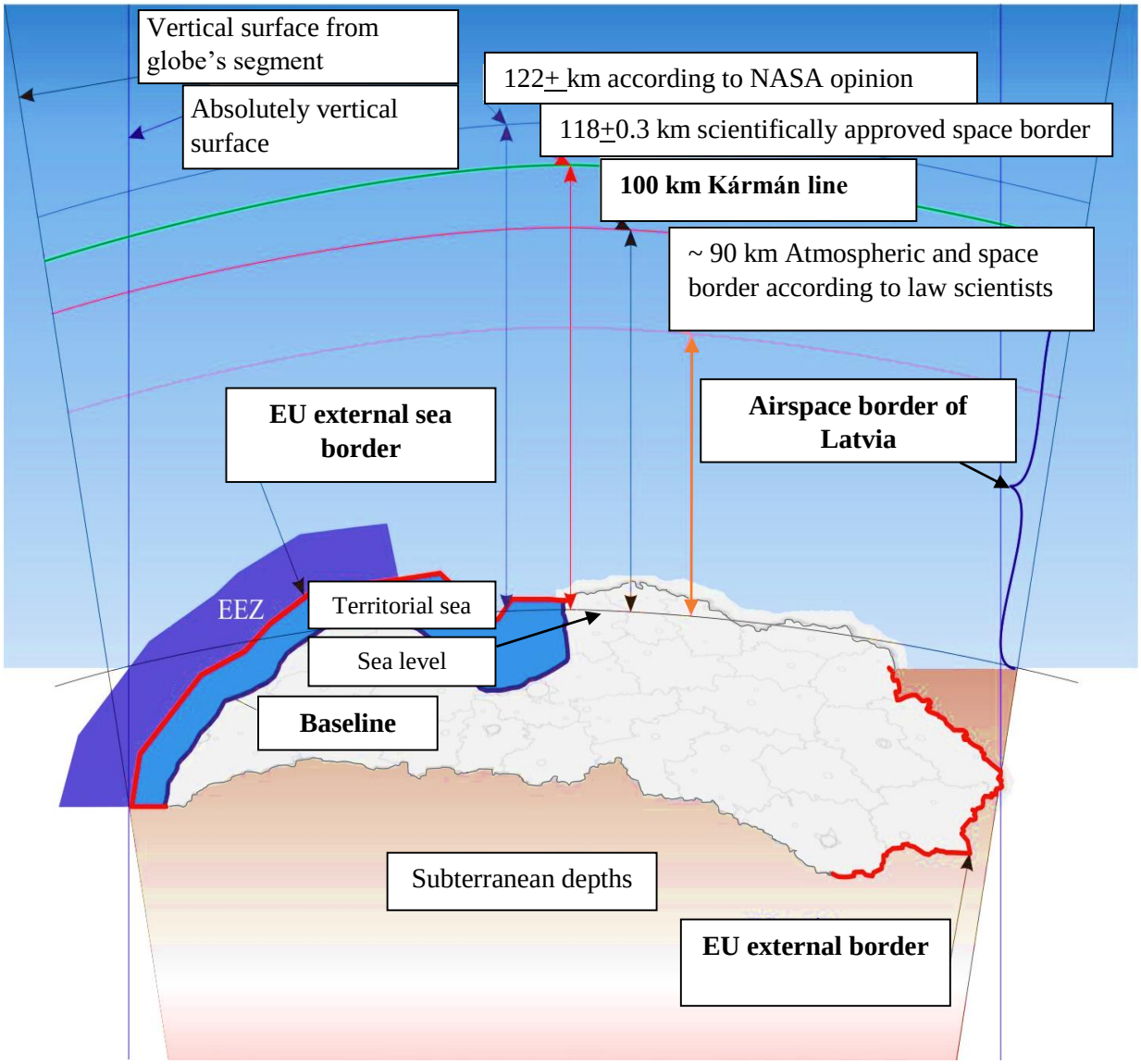
1) land territory includes the land part of the country of the visa covering its borders;
2) the territory of the waters consists of internal (inland) and territorial waters covered by its bordersor territorial sea, which for Latvia is:
   (a) Waters of the Baltic sea in width of 12 nautical miles (hereinafter NM) (International Conventionforthe Safety of Life at Sea, 1974, sec 1) counting from the baselineunless otherwise specified in the international agreements
   (b) The waters of the Gulf of Riga, from the baseline to the state border, determined in accordance with the provisions of the

Republic of Latvia and the Republic of Estonia signed on July 12, 1996 agreement on establishing a sea border in the Gulf of Riga, the Irbe Strait and the Baltic Sea (State Border Law, 2009, Art 1), which is in general is in accordance with the requirements and concepts of the UN Convention on the Law of the Sea (hereinafter - UNCLOS) (Art 2).

The national airspace under the ICAO convention includes airspace above the national land and territorial waters under its sovereign or suzerain power (Conventionon International Civil Aviation (ICAO Convention), Art. 2) without setting the upper limit of this space. From a physical point of view, according to professor J.Bojārs, the air space consists of a troposphere (8-10 km in the polar and 8-18 km in tropical regions), the stratosphere (6 to 16 km to 45-55 km high), and the mezzo-sphere (at an altitude of 50-80 km) (Bojārs, 2004, p 304). In another scientific publication professor J.Bojārs points out the lower boundary of the space about 90 km above sea level, which could be the lower orbital or perigea of the earth's arbiter, and refers to the space term "space" set out in the 1967 Space Convention, which covers the entire cosmic space above the lower perigee (Bojārs, 2004, p 162), although the Space Convention, which apparently was intended to be the Treaty on the Principles Governing the Exploration and Use of National Spaces, Moon and Other Celestial Bodies (Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space, 1963) space and atmospheric boundaries are not determined.

In 1979, the USSR submitted to the UN General Assembly proposals for the designation of an airspace and space boundary at a height of 100 to 110 km above sea level (United Nations General Assembly, 1979, which, however, did not achieve further consolidation at the Conventional level. L.Pereks, referring to the discussion initiated by the UNGA in 1977, points out that the atmospheric and space boundary could be 90 to 110 km above sea level (Perek, 1977, p 123).

Similar views are also found in other scientists' works. 20th century late and the 21st century At the beginning of the ongoing discussions and scientific studies, the space-Earth boundary was recognized at a height of 100 km above sea level, also recognized by the International Federation of Air Navigation (Fédération Aéronautique Internationale), sometimes referred to as the Karman Line (Karman, 1995; also the author's Scheme 8).



Scheme 8. Airspace borders of Latvia.

However, in 2009, scientists at the University of Calgary, Canada, recognized the limit of 118 km above sea level as a result of scientific research on the physical boundary of the atmosphere and the cosmos (ionosphere) (Sangalli and Others, 2009, p 10). In contrast, the United States National Aeronautics and Space Administration (NASA) believes that the atmospheric and space limit is 122 km above sea level, after which it is no longer possible to use atmospheric aerodynamic properties for flight, when the lifting force comes from the aerodynamic effect of the air on those aircraft surfaces that are stationary in flight conditions (Aviation and Space. Tagged: Space magazines, 2012). EU Regulation No 923/2012 does not set the ceiling for Member States' airspace, but the list of terms states that the territory of a Member State is a land territory and adjacent

territorial waters that are in the sovereign or suzerain power, mandate or protection of a state (Commission Implementing Regulation (EU) No 923/2012 of 26 September 2012 establishing common rules and regulations for air navigation services and procedures and amending Implementing Regulation). EU legislation does not set the ceiling for Member States' airspace, but the regulation is a positive example of harmonization between the EU and international law. The essential criterion for international recognition of a State as a subject of international law is its ability to effectively control its territory. As the International Arbitration Court found in the "Island of Palmas" case (The Island of Palmas Case (or Miangas), 1928), similarly to the Greenland conflict between Denmark and Norway, the Danish-Swedish controversy over the continental shelf, the dispute between Finland and Sweden on the Åland Islands, etc., the territorial principle serves both to limit state power in the space and also to share competence among members of international cooperation (Bojārs, 2004, p 305).

We can agree on Dr. D.Bleier's view that in the course of European integration, the sovereignty of its Member States has increased. Germany is the most visible example, but in several other countries EU membership has also helped to increase the legitimacy of a national state. Integration is a means of strengthening national sovereignty, although integration through increased influence can reduce self-sufficiency. However, the abandonment of integration processes can reduce the impact without increasing autonomy (Bleiere, 2003). It has to be noted that Latvia's sovereignty has increased not only under the control of air borders, but even in space, as evidenced by the recent agreement between Latvia and the European Space Agency with the aim of establishing a legal basis for cooperation between the parties in the area of space exploration and peaceful use and to lay down conditions for the implementation of projects of common interest(Agreement between the Government of the Republic of Latvia and the European Space Agency for Cooperation in the Field of Space for Peaceful Purposes, 2009).

An important and significant factor according to the professor J.Bojārs is the emphasis and attribution of the spatial boundaries of the state territory to the segment form, because in the geometric sense the phrase "the vertical surface that coincides with this line" is defined in the definition of the state border, as well as in the corresponding definitions of other countries, is incomplete, because due to the fact that the globe is spherical (although slightly stretched in the direction of the equator as a result of centrifugal forces), the vertical surface corresponding to the national boundary line should not be completely vertical.In this case, it should be assumed that a given country renounces a significant part of its airspace, but unjustifiably adds a subterranean space to another neighboring country. Also, the

word “surface” in the definition of the state border is not precise, because from the point of view of geometry terminology it is a plane or split plot.

The spatial emphasis of the state territory is also on the work of other lawyers, for example, prof. R.Cipelius's work: “The territory of the state is not two-but three-dimensional, therefore it is not an area, but a body that is in the space above and below the surface of the earth”. Although prof. R.Cipelius does not include the area of the sea (water) in this explanation, but in the future justifiably extends the territory of the country to the sea: “By expanding coastal waters to 12 nm, the sea borders today are heavily internal to the current borders of arms and technical sea management. The unlimited territory's sovereignty is up to the baseline, that is, up to the waterline line at peak speed (Cipelius, 1998, p 68).

Already in the 19th century in the works of Russian law researchers the territory of the country was explained in the spatial sense, including the land as well as the sea, i.e. the space within which the national law operates (Капустин, 1873, p 202).

The territory of the country is inviolable, arising from the rights of many centuries of international customs, gaining a written attachment in Title IV of the Declaration of the Final Act of the Helsinki Conference on Security and Cooperation in Europe, 1975, stipulating that Member States will respect the territorial integrity of each Member State and refrain from any unconnected activities the principles and objectives of the United Nations Charter against the territorial integrity, political independence or unity of any Member State, incl. from any activities that would force you to use force or threaten to use force (Declaration of the Final Act of the Helsinki Conference on Security and Cooperation in Europe, 1975, on the principles on which the Member States will govern mutual relations).

However, state power is not exclusive even in its territory, such as the United States (Bojārs, 2010, pp 71 - 80) exercises its jurisdiction over foreign commercial enterprises if the natural or legal persons of the receiving state suffer from their actions. By contrast, the EU, like most international organizations, has become an international treaty (Jundzis, 2008, p 73) and the single market (Karnīte and Other, 2004, pp 83 - 92), has become the basis for its integration, and has set certain limits of state power through greater freedom of movement of workers across borders through the Maastricht Treaty (Treaty on European Union, 1992) the Treaty of Nice (Treaty of Nice Amending the Treaty on European Union, 2001) and the agreements on judicial cooperation, for example, in the rules on the issuance of their own nationals to the country where they committed crimes.

The Latvian State Border Security Coordination Council coordinates the cooperation of state institutions in the field of border security (Regulations of the Latvian State Border Security Coordination Council, 2003, No 532). In its turn, the Cabinet of Ministers, in accordance with the second part of Article 49 and the third paragraph of Article 49.1 of the Law „On Aviation", determine the procedure for requesting the forced landing of aircraft in the interests of public order and security and the procedure for the taking of a decision on the conduct of hostilities against extreme necessity aircraft in the territory of Latvia in order to prevent damage to national security interests and if there is reason to believe that the aircraft is used as a weapon for the destruction of humans (Procedures by which public order and security may require the forced landing of an aircraft and how a decision is taken regarding the conduct of combat operations against an aircraft in the territory of the Republic of Latvia; Cabinet Regulations No.290 from April 18, 2006).

In this case the Minister of Defense shall take a decision regarding the carrying out or non-action of a combat operation in the territory of Latvia if this is the only opportunity to prevent damage (Law on Aviation, Law of the Republic of Latvia, 1994). The Law "On Aviation" defines the territory of Latvia as the land territory of the Republic of Latvia, its internal and territorial Baltic Sea waters and airspace. In this case, the phrase "territorial Baltic waters" should be defined as "territorial sea". The term "State border" and the term "national territory" are closely and logically related concepts. In the Open Skies Treaty, land is considered as a territory of a Member State, incl. islands as well as internal and territorial waters within the sovereign territory of a Member State.

CHAPTER 11: Conclusions

1. Understanding of sovereignty concept has changed over time. In the context of this concept, particularly important is the delegation of national functions to "supranational" organizations as the European Union has become with the status of an international organization.
2. Within the boundaries of its territory (and in some cases also outside it), the state exercises its territorial superiority, which is one of the elements of sovereignty, and includes the following norms: the State's land and natural resources cannot be used by another state without the express

consent of the sovereign state; the state cannot be compelled to deprive the territory belonging to it; the boundaries of the national territory are inviolable and their inviolability is governed by the fundamental principles of international law and international treaties; the State enjoys the highest authority over all natural and legal persons on its territory; within the territory of the country, the public authority of any other state is excluded except where national jurisdiction may extend beyond national territory, such as sea, airspace, spacecraft and their crews, their nationals, diplomats, consular officers and their own contingent of troops, in some cases even in the territory of other countries; the highest state power in the territory of the country is implemented through the system of public authorities in the legislative, executive, judicial and administrative fields; the territory of the state is not only a space separated by the state border, in which the state exercises its power, but also nature with its components - land, water, airspace, subterranean depths and natural resources that are used in the national economy and form the material basis of the territory of the country.

3. The territory of the country is bounded by land, water and air borders. The territory of a country is sometimes understood as the surface of land or water. However, states, within the boundaries of national borders, both in border agreements and within national regulatory frameworks, include the prevalence of their jurisdiction not only in territories but also in the spatial sense of the subterranean depths of technical capabilities and airspace (100 km above sea level) within the concept of state border.

4. Latvia's sovereignty has been strengthened not only in airspace and border control, but even in space, as evidenced by the agreement between Latvia and the European Space Agency with the aim of establishing a legal basis for cooperation between the parties in space exploration, peaceful use and the implementation of projects of common interest.

5. In the spatial sense, the phrase “the vertical surface corresponding to this line” in the definition of the Latvian State border, as well as in the corresponding definitions of other countries, is not absolutely precise, because due to the fact that the globe is in a spherical shape, the vertical surface corresponding to the state border line should not be absolutely vertical. In this case, it must be assumed that a given country renounces its significant part of the airspace but unjustifiably adds another suburb of the neighboring country. The word “surface” in the definition of the state border is not precise and should be replaced by a “plane” or “split plane” from the point of view of geometric terminology.

CHAPTER 12

Legal framework for emergency situations on the state border of the Republic of Latvia

Emergency situations can be seen both as a theoretical concept and as a legal term. The UN after analysing the constitutions of 36 countries around the world, concluded that the conditions for declaring an emergency situation could be divided into 7 groups:

1) external threat;
2) civil war, rebellion;
3) violations of public order and peace;
4) threat to the state constitutional system;
5) natural disasters;
6) threat to the state or its economy;
7) interruptions in the activities of particularly important sectors of economy or government.

Threats to the country's stability can be caused by the escalation of the general criminogenic situation and the problems of corruption that have the most direct impact on national security (Gjorgjevič, 2019).

The classification of extraordinary legal regimes is essential from the point of view of law enforcement (police) powers, since, for example, international law provides for police officers to continue to exercise their legal order in the event of war and occupation, while the occupying power must not instruct police officers to perform other duties (Parliamentary Assembly. Session: *1979* - 31st Session - First part. Report *Resolution* N°*690)*, even though the United Nations Organization provides for the possibility for the member states of this organization to use military force as well as other measures for maintaining and restoring international peace and security.

The European Security Strategy states that large-scale aggression against EU Member States is unlikely or impossible. However, Europe faces other threats: terrorism, the proliferation of weapons of mass destruction, regional conflicts, organized crime, and massive illegal immigration from conflict-affected regions.

Article 15 of the European Convention on Human Rights states that "in the event of war or any other extreme public situation threatening the life of a nation, any Member State may take measures derogating from the Convention to

the extent that it is inevitably required by the nature of the emergency, provided that: these measures are not in contradiction with its other obligations under international law". It can be concluded that there may emergency circumstances that seriously undermine the security of the state and society and which are the basis for additional restrictions on the human rights of the population.

The main tasks of NATO's civilian emergency response are: civilian support for military and crisis prevention operations, support to national authorities in civil emergencies and protection of civilians, for example in times of war, crisis and disaster (NATO Handbook, 2006).

Special attention should be paid to the timely diagnosis, prevention and control of emergencies, as in recent years, both in the world and in the EU, there has been an increase in hate crime and terrorism. The greater the social tension, the lower the level of security, and vice versa. Although the term "radicalization" is more commonly used in connection with radical Islamic ideology, it can be used to refer to any radical extremist process. The objective of EU civil protection is to promote enhanced civil protection cooperation in the field of large-scale emergencies inside or outside the EU, also taking into account the specific needs of individual, remote and other regions of the EU. Cross-border cooperation should be carried out within the remit of territorial administrative units or administrative bodies, as determined by national law, in particular as regards terrorism and cross-border crime. The 2008 EU Council Decision defines a "crisis situation" as any situation where the competent authorities of a Member State have good reason to believe that there is a criminal offense that poses a serious direct physical threat to persons, property, infrastructure or authorities in that Member State, in particular in situations related to the fight against terrorism (Council Framework Decision 2008/919/JHA).

The 2008/617 EU Council Decision provides for mutual assistance with special intervention units, which will be made up of law enforcement resources using them for crisis management. However, the name of such units is not correct because the word "intervention" means military invasion, interference in domestic affairs, conquest or occupation. In addition, the crisis is explained as human criminal activity and its consequences, with particular emphasis on terrorism. The word crisis is usually used in economic, political, energy and humanitarian crises, which can also not cause sudden and substantial threats. The legislation of the Republic of Latvia defines the term "crisis" as a common definition in the context of national and public threats.

With regard to potential emergency situations at the EU's external and internal borders, the EU had Rapid Border Intervention Teams (RABITs) (Regulation (EC) No 863/2007) (500-600 border guards) capable of providing

assistance to a Member State in the event of an emergency. However, no Member State had asked for a RABIT unit for assistance. RABIT unit increased to ~ 1800 border guards in 2012, gaining new name EBGT (European Border Guard Teams) (Gaveika, 2014, pp 186 – 187), but with the year 2016 with the escalation of the migration crisis in the Mediterranean region due to the Syrian war and other conflicts, the European Border and Coast Guard teams were established.

In all neighbouring countries, the role of border control authorities in emergency situations is to provide support and to facilitate border crossings for different rescue units in neighbouring countries. At present, Latvia has concluded agreements with all neighbouring countries and even other distant third countries in the field of disaster prevention and prevention: Lithuania (including fire-fighting and rescue operations), Estonia (including emergency assistance in case of catastrophe or catastrophic disaster), Russia, Belarus, Azerbaijan, Sweden, Hungary, Ukraine, and Uzbekistan (Gaveika, 2014, pp 186 – 187).

The internal security environment of Latvia is characterized by stability, the sustainability of which depends on the awareness and anticipation of the potential development of threats. Currently, a number of legal acts regulate the management of national threats and the elimination of their consequences in the event of an emergency, as well as national defence management in the event of an emergency situation or in the state of exception:

1) the Constitution of Latvian defines special emergency situations, state of exception, war, the likelihood of "extraordinary circumstances" as special emergency situations, providing the President with the right to military defence if another country has declared war on Latvia or the enemy attacks the borders of Latvia (Latvian Constitution (Satversme), 1922);
2) The Law "On Emergency situation and State of Exception" stipulates that an emergency situation is a special legal regime, during which the Cabinet of Ministers has the right to limit the rights and freedoms of state administration and local government institutions, natural and legal persons in accordance with the procedures and to the extent prescribed by law; responsibilities. A state of emergency may be declared in the case of a country threatened by a disaster, its threat or a threat to a critical infrastructure if the state, society, the environment, economic security or human health and life are seriously threatened. The law does not prescribe a more detailed systematization of possible extraordinary situations, but the Cabinet of Ministers has the right to establish a special regime for entry into and exit from Latvia, restrictions on the movement of persons,

vehicles and cargo across the state border or the prohibition of such movement, as well as the reintroduction of border control on the internal borders of the country which is not intended to deal with emergency situations (Gaveika, 2014, pp 186 – 188);

3) The National Security Law includes the emergency and and state of exception situations. In the event of an emergency or state of exception, mobilization may be announced to deal with national security and national defence tasks, as well as to eliminate emergency situations and their consequences (Border Guard Law, 1997, Art 13).

The Law on National Security, like the Law "On Emergency situation and State of Exception," provides for a regime not defined in the Constitution - an emergency. Conversely, the constitutional state of emergency and the state of war in their course of action allow restrictions on the fundamental human rights enshrined in the Constitution and, in the event of the introduction of non-exceptional emergency situations, to be referred to in Article 116 of the Constitution, but it is also general and refers to many other articles of the Constitution, covering a very broad field of human rights without sufficiently clear arguments. For example, the rule that forced labour is not considered to be involved in the elimination of disasters and their consequences and employment under a court ruling is unclear, although forced labour is provided for in the Sentence Execution Code of Latvia, the State Probation Service Law and the Criminal Law (forced labour in the place of residence), but without a specific indication, whether the concept of forced labour includes works to deal with disasters and their consequences. In its turn, the Cabinet of Ministers Regulations "Procedure for Compensation of Legal and Natural Persons for Expenses and Losses Caused by Involvement of Person's Resources in Response Measures, Fire Extinguishing or Rescue Measures and Procedure for Calculation of Compensation Amount" only apply to fires and rescue operations. These rules do not specify whether resources are also human resources, but as a means of mobilizing forces and resources in emergencies could be used to improve the regulation. In Germany, it has a system of around 80,000 volunteers and 800 professionals working for the Federal Technical Relief Agency, and volunteers are not only involved in rescue and emergency response efforts, but also provide support to law enforcement agencies, and this example would be a good solution for using public-private partnerships to prevent and deal with emergencies (Gaveika, 2014).

Emergency situations are often linked to the need for civil protection measures in Latvia. According to Civil Protection and Disaster Management Law

the term disaster is defined as an accident which has caused human casualties or endangers human life or health, caused damage or threat to people, the environment or property, and also inflicted or inflicts significant material and financial losses and exceeds the daily capacity of the responsible State and local government authorities to prevent the devastating conditions (Civil protection and disaster management Law, 2016, Art 1 p 2).

In the case of chemical pollution, fire and other similar events, the SBG can provide only the minimum, but not the necessary assistance, as it does not have (nor is it required by law) equipment and protective equipment in case of fire and chemical pollution. The scope of the assistance should be set in the regulatory framework to such an extent that it does not interfere with the performance of the core functions of the SBG also in the event of disasters (ICAO Convention, 1944, Art 3; MK 2010.g. 21.sep.noteikumi nr.877. LV, 2010. 23.sep., nr.151, 19., 21.punkts) and emergencies, similarly to the NAF (Cabiner regulations No 946 of october 5, 2010, LV, 2010. 14.okt., nr.163, 4.punkts).

The Latvian Veterinary Medicine Law stipulates that if there is a risk that the epizootic may spread further to Latvia or its neighbouring countries, the Cabinet of Ministers instructs the SBG to temporarily restrict or suspend cross-border traffic (Latvian Veterinary Medicine Law, 2001, Art 31) and introduce quarantine (Epidemiological Safety Law, 1997, Art 5, 36), but this is not provided for in the Schengen acquis and should be foreseen in the Schengen Borders Code; Latvian Forest Law foresees emergency situations due to forest fire, mass reproduction of forest pests and disease spread (Law on Forests, 2000, Art 27, 28).

The task of the State Border Guard in cooperation with the National Armed Forces, is to prevent and repel armed invasions in the territory of Latvia, territorial and internal waters, as well as airspace, to prevent armed provocations on the state border (Border Guard Law, 1997, Art 13).

Although armed conflict and armed provocation on state border terms are not included in the law “On Emergency situation and State of Exception”, but they would be applicable to both conditions for the implementation of the state of emergency, threat of external enemy and internal unrest, or military crisis - military invasion or war, if another country has declared war on Latvia or the enemy is attacking the borders of Latvia [8], providing for a much stricter legal regime than in case of emergency (Laws of War: Pacific Settlement of International Disputes (Hague I), 1907).

Although the terms of the military invasion, armed invasion, armed provocation and warfare in the Law “On Emergency situation and State of Exception” have not been established, but separate measures of the Exceptional Legal Regime and reference to international human rights, where humanitarian

law deriving from the 1907 is particularly important The 1949 Hague Convention, the 1949 Geneva Convention (Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the field of 12 august 1949) and its 1977 Additional Protocols (Additional Protocol of 8 June 1977 to the Geneva Conventions of 12 August 1949 relating to the Protection of Victims of Local Armed Conflict (Protocol II)) are equally applicable to acts of war and armed conflicts, whether international or internal. Armed conflict within the meaning of international humanitarian law is equated to war and differs from it only by its scale of expression. Therefore, the national regulatory framework would require a more detailed systematization of military threats and external enemy threats, depending on the scale of the manifestation and the level of threat.

In order to ensure the rule of law in public administration, the Administrative Procedure Law provides that one of the basic objectives is to subject independent, impartial and competent judicial authorities to the control of the activities of the executive power relating to specific public-law relations between the state and a private individual (Administrative Procedure Law, 2001, Art 2). Thus, each private individual can ascertain the lawfulness of the restrictions created during the special administrative legal regime introduced for the management of the state of emergency, but the Constitutional Court (Constitutional Court Law, 1996, Art 1) is competent to verify the legitimacy of the extraordinary legal regimes established by laws.

The Crisis Management Board (Statute od crisis management board: MK 2011.g. 18. jan. noteikumi nr.42) in Latvia is the body responsible for organizing emergency operations at national level. An analysis of Chapter IV of the Instructions on Notification of State Emergency and National Emergency Procedures on Emergency Reporting reveals that an emergency involves major human casualties; a catastrophe or crime that has caused significant damage; an emergency incident related to a threat to the environment, human health or safety and public order at local or regional level; an incident that has a significant impact on the operation of the sector and involves two or more ministries in dealing with its consequences; a disaster or accident that has occurred in another country and has been reported to an international body; a case when an international institution or a foreign country has provided information on a crisis (conflict) situation or a catastrophe that poses a threat to national security or the interests of Latvia (Procedures by which the highest officials of the State are notified in case of emergency; MK 2010.g. 28.sep. instrukcija nr.16).

This classification is the most complete of the analyzed legal acts and best discloses the nature of the concept of emergency situation and would be generally acceptable if it were supplemented with the provision that a specific legal regime

is needed to prevent such an emergency or its consequences. The conclusion can be drawn that the Instruction is the only regulatory act that offers a partial classification of emergency situations.

In accordance with the concept of the necessary legislative amendments in the field of state defence management during the state of emergency and state of exception (Koncepcija par nepieciešamajiem tiesību aktu grozījumiem valsts aizsardzības vadības jomā ārkārtējās situācijas un izņēmuma stāvokļa laikā; MK 2010), the Law On Emergency situation and State of Exception entered into force in 2013. The purpose of this law is to ensure effective action by state officials and authorities in the event of a state threat so that they are able to protect the population and the area from the threat situation or its consequences by promulgating a special legal regime and thereby effectively addressing or eliminating the threat.

Border control has a high crime prevention potential, the professional implementation of which by law enforcement authorities plays a very important role in the prevention of crime at the state border (Алексеев, Герасимов, Сухарев, 2001, p 251). Therefore, the introduction of a special legal regime for emergencies should be proportionate and balanced and should not replace unprofessionalism, poor administration and public administration, or even weak policy, which, within the scope of this research, directly addresses the SBG as a key public authority for EU external border security In Latvia.

CHAPTER 12: Conclusions

1. The EU regulatory framework states that crises are linked to human activities and their consequences. Both the EU and Latvia's bilateral agreements with neighboring countries, as well as the national regulatory framework, mostly use the term “emergency situation”, but this is not provided in the Constitution of Latvia.
2. The concept of emergency should be included in the Schengen acquis in a harmoniously classified way, as emergency situations can affect not only the interests and competences of law enforcement authorities but also other entities and are often of a cross-border nature.
3. Armed conflict refers to acts of war or military conflict, in which case the legal regime corresponding to the state of exception is applicable. In order

to achieve a uniform interpretation, the terms “invasion”, “armed invasion”, “armed conflict”, “border incident” require the appropriate classification of these concepts in EU law or national law.

4. Taking into account the diversity of manifestations of emergency situations, it is necessary to systematize emergency situations by sector in a single regulatory act, such as the Law on Emergency situation and State of Exception, in two basic forms: emergency situations in the case of disasters and legal order of emergency situations, with the respective tasks of the competent authorities as appropriate management, action, cooperation mechanism and supplies. It is also necessary to define emergency situations in the area of national border security and migration that may occur at or near the state border.

CHAPTER 13

Competence of the State Border Guard of the Republic of Latvia in the Security of the EU External Borders

The main purpose of public administration is to regulate public relations in such a way that all the functions of the state (Načisčionis, 2018, p 41), which are either entrusted to an existing body or are executed by a special body of state power, are fulfilled. The law enforcement (Dišlers, 2002, p 44) state function is one of the permanent state functions with autonomy, uniformity and stable repeatability (Бельский, 2004, pp 26 – 32), and the state has the right to police action in all cases where private forces are unable to do something or do it inadequately (Моль, 1868, p 216).

Nowadays, the concept of community policing, which is understood to mean community and problem-oriented policing that follows the principles of democratic governance and is conducted in strict accordance with the requirements of the law, with respect for human rights and professional ethics (Code of Ethics for State Border Guard Officials and Employees, 2008, No 41), is increasingly influenced by law enforcement agencies on the basis of public support and in acceptable manner for public (Melnis, Garonskis, Matvejevs, 2006, pp 72 – 84).

Community policing applies not only to the police, but also to any police authority, including the State Border Guard of the Republic of Latvia, whose activities are also aimed at protecting the public and individuals against threats (protection against threats - Gefahrenabwehr) (Vildbergs, Krasts, 2002, p 232).

As a negative phenomenon for the democratic society, 9 policing institutions with more common than different features (Indrikovs, 2013) have to be identified in the Latvian public administration system, where not all institutions have powers in all spheres of police activities, because each institution has its own competences. The unclear separation of tasks and responsibilities in the laws between these institutions, the variety of terminology in the laws create significant problems in the achievement of operational goals and operational efficiency in Latvia (Indrikovs, 2007, p 18).

The abolition of internal border controls posed new tasks to the institutions of the Ministry of the Interior and the need for structural and other reforms, incl. also in the regulatory framework (Blūzma, Buka, Deksnis, 2004, p 188), which

continues today and is a priority in the Ministry of Interior strategy (Ministry of Interior Strategy 2012 - 2014), where one of the priorities is the security of the state border (Ministry of Interior Strategy 2018 - 2022). The functions of the State Border Guard in ensuring the inviolability of the State border and preventing illegal migration (Border Guard Law, 1997, Art 2) derive from border surveillance, border checks, prevention of illegal migration, crime prevention and activities with asylum seekers. In this case, the term "crime prevention" should be defined more broadly - as the prevention of crime, which the State Border Guard, as a police authority, has jurisdiction not only by the nature of its functions but also by the method of legal regulation (Matvejevs, 2006, p 18).

Therefore, it would not be a mistake to consider border control authorities as police (border police or police unit), as is the case in most EU countries with the exception of a few countries such as Malta, Portugal, Slovakia, Finland, Lithuania, Poland (Pavloviča, Pogrebņaks, 2005, pp 43 – 151) and the United Kingdom (United Kingdom: UK Border Agency, 2020) the existence of which is largely due to the rather broad and specific proportion (Bulgakova, 2002, pp 7 - 11) of police tasks in these countries due to the extent of the external, mainly land border, border control tasks.

In Germany, for example, the Bundesgrenzschutz (Border Guard) existed (Am 30. Juni 2005 wird das Gesetz zur Umbenennung des Bundesgrenzschutzes in Bundespolizeiverkündet, Grenzschutz, 2020) until more stringent surveillance of the EU's external land borders was needed until 10 Eastern European countries joined the EU in 2004. The activity of the State Border Guard as an independent authority is mostly related to the scope of border control of the external land borders of the EU, as all 16 tasks of the State Border Guard mainly concern the land borders, incl. three tasks apply only to land borders and one task "in cooperation with the National Armed Forces to prevent and repel armed invasions in the territory of Latvia, territorial and inland waters, as well as airspace" (Border Guard Law, 1997, Art 13) and the norm of the National Armed Forces Law inclusion of the State Border Guard into structure (National Armed Forces Law, 2005, Art 3(3)) of National Armed Forces Law refers to military protection of the country and thus a military function that would not fall within the jurisdiction of law enforcement authorities in the context of the UN Code (Code of Conduct for Law Enforcement Officials. General Assembly res. 34/169 of 17 Dec. 1979) of Conduct for Law Enforcement Officials, the Declaration on Police (Declaration on the police. Resolution 690 (1979) on the Declaration on the Police. 1979 Parliamentary Assembly of the Council of Europe May 8 (2nd session, 31st session)) and the 1949 Geneva Convention governing Civil Protection in War and the exclusion of police personnel.

The activities of the State Border Guard as a direct administration institution, as well as the activities of other Latvian institutions, are more specifically regulated by the statute of the State Border Guard. The work of the State Border Guard is headed by the Chief of the State Border Guard, who is appointed and dismissed by the Cabinet of Ministers (Statute of the State Border Guard: Cabinet of Ministers Feb 15 Regulation No.122, p 2) on the recommendation of the Minister of the Interior in accordance with the Regulations of the State Border Guard.

The structural units of the SBG include the State Border Guard Central Board, Regional Boards of the State Border Guard and the State Border Guard College (State Border Guard College Regulations: Cabinet of Ministers 2006 November 30, Regulation No. 988, p 1), for which such subordination competences are not defined in the State Border Guard Regulations, although the State Border Guard College performs the common tasks of the State Border Guard which are:

- Providing theoretical, practical and methodological assistance to the units of the State Border Guard;
- Carrying out research in the field of national border security;
- Organizing cynology and sports work at the State Border Guard College and the State Border Guard;
- Participating in the tasks of the State Border Guard in accordance with the procedures determined by the Chief of the State Border Guard (State Border Guard College Regulations: Cabinet of Ministers 2006 Nov 30 Regulation No. 988, p 7).

The Statute of the State Border Guard envisages that the State Border Guard is an armed direct administration institution under the supervision of the Minister of the Interior, which implements the state border security policy and, within its competence, the state migration policy (Statute of the State Border Guard: Cabinet of Ministers Feb 15 Regulation No.122, p 1). The State Border Guard took over Immigration police functions in 2002 (On immigration police. September 14, 1994, Cabinet by the Ministers order No 418-r). Policy implementation in should be defined as the implementation of specific functions (tasks) under the Border Guard Law, as policy implementation (Stucka, 2006, pp 83 – 84) is more within the competence (Ministry of the Interior regulations, pp 5.1., 5.1.4., 5.1.6.) of the ministry also in accordance with the ministry's task set in the State Administration Structure Law (Public Administration Structure Law, 2002, Art 18(1)).

One of the priorities of the Ministry of the Interior, which relates directly to the State Border Guard, is readiness for the correct application of the Schengen

acquis, which in turn derives from five EU priorities: preventing and combating serious crime and organized crime terrorism and cyber crime, strengthening management of external borders and prevention of man-made and natural disasters (European Union's internal security strategy European Parliament resolution of 22 May 2012 on the European Union's Internal Security Strategy (2010/2308 (INI)).

Latvia's National Security Concept of 2019, following the aggression of the Russian Federation against Ukraine and Georgia and hostile policy towards the Baltic States, emphasizes that Latvia's external borders are not only the external borders of the EU and Schengen zones, but also the external borders of NATO (Saeimas paziņojums Par Nacionālās drošības koncepcijas apstiprināšanu, Rīgā 2019. gada 26. septembrī). The Latvian National Security Concept of 2011 does not address border management and immigration issues at all, unlike the 2008 concept, which focused on these issues (a separate chapter) in the context of EU integration and free movement of persons (Gaveika. 2008, pp 185 – 200; Gaveika, 2009, pp 48 – 69).

The proportion and importance of the tasks included in the concepts proves the functional necessity of the State Border Guard as a law enforcement institution or the performance of the state administrative-police functions that can be performed by competent officials in the state service. Latvian law scholar Prof. K.Dišlers did not elaborate on the notion of competence, but stressed the importance of honesty and responsibility and the power to hold office as not only exercising rights but also duties the official is entitled to perform whilst exercising his service rights thus it must be done as duty responsibility (Dišlers, 2002, pp 153, 165).

Latvian law scholar Prof. J.Načisčionis define competences as the object of administrative law research include objectives, tasks, rights, duties, powers and responsibilities of public administration institutions, classifying them into general competencies (Cabinet, public administration institution, local governments), sector competence (ministry), special competence (department) (Načisčionis, 2018, p 171).

The Schengen acquis also imposes competence requirements. For instance Schengen Borders Code stipulates Member States shall ensure that the border guards are specialised and properly trained professionals, taking into account common core curricula for border guards established and developed by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States ('the Agency' - currently renamed as European Border and Coast Guard agency') established by Regulation (EC) No 2007/2004. Training curricula shall include specialized training for detecting and dealing with

situations involving vulnerable persons, such as unaccompanied minors and victims of trafficking. Member States, with the support of the Agency, shall encourage border guards to learn the languages necessary for the carrying-out of their tasks (Schengen Borders Code, Regulation (EU) 2016/399, Art 16).

The national regulatory framework imposes requirements on both the competence of authorities (Latvian Border Law, 2009, Art 1 p 11) and the competence of officials (Regulations on border crossing point regime Nr.697, p 2.1.) in several legal acts, but, without explicitly and clearly defining the content of the concept of competence, is limited to certain requirements of professional competence dispersed in many Schengen Acts. For example, the Schengen Borders Code refers to the competence of border control authorities to prosecute and to cooperate with border control authorities (Schengen Borders Code, 2016, Art 16) of other countries as requirements of competence. On the other hand, in the Schengen Catalog, the competence of officials includes compliance (as far as possible - compliance with the position), professionalism, which refers to training with partially specific, but not all, topics (Schengen Catalogue, 2008, pp 3., 4.). Consequently, the Schengen acquis emphasizes the importance of the professional competence of officials (Gaveika, 2007, pp 11 – 20).

In 1997, the Cabinet of Ministers stipulated that the transition of the Border Guard of the Ministry of the Interior to professional service, i.e. without compulsory active military service, should be completed by January 1, 1998 (Par Iekšlietu ministrijas Robežsardzes pāreju uz profesionālo dienestu; MK 1997.g. 9.jūlija rīkojums nr.350). This so-called "professionalization" and demilitarization of the Border Guard was formally completed during December and December 1997 (Ūdre, 2006, p 44) by training the personnel recruited on a permanent basis (around 1000 people) in short one-month basic courses. However, it must be acknowledged that it is not possible to ensure that a sufficient number of persons receive a full vocational education (Gaveika, 2006, pp 31 – 40) in a year that meets professional standards (Cabinet of Ministers, 2010, Regulation No.461). As a result, up to November 2012, some 200 officials with the special service rank still continued to serve without the necessary professional qualifications.

It should be noted that neither the Border Guard Law nor the regulations of the State Border Guard determine the competence of the institution in the professional training and education of officials (LR Valsts kontroles Otrais revīzijas departaments. 2011.g. 14.feb. Revīzijas ziņojums Nr.5.1-2-27/2011). The problem of the professionalism of the State Border Guard was topical both in 2007 during the Schengen evaluation before Latvia's accession to the Schengen area and now especially in professional development, knowledge of foreign

languages, co-operation, communication and management skills (Gaveika, 2008, pp 5 – 15).

By 2020, the number of powers (tasks, rights and obligations) established by the Border Guard Law (Pogrebņaks, 1999, pp 33 – 43) has increased from 29 to 60 (Gaveika, 2011, pp 189 – 199) since 1999, which indicates a sharp expansion of the competence of the State Border Guard. Article 15 of the Border Guard Law "Rights of Border Guards" establishes not less than 27 rights, but Article 15 „Right of border guards to place detained persons in a temporary holding room" - 8 rights. The use of the word "right" does not give sufficient legal force to a number of legal provisions, since the word "right" in this case gives a certain freedom to choose whether or not to perform certain acts. For example, the right to check persons' documents, put stamps, perform vehicle examination, guard, search and escort detained persons is by definition their content and purpose as mandatory and should be statutory obligations, for example the verification of identity documents, stamping, etc. is mandatory to identify a person, determine a person's status, the justification and legitimacy of crossing the state border.

Similar provisions on the duty of search of persons are laid down in Sections 183 and 265 of the Latvian Criminal Procedure Law - if there is reason to believe that the detainee has a weapon, the Latvian Code of Administrative Violations (Art 256) and the Detention of Persons Act (Law on Procedure for Holding Detained Persons, 2005, Art 3(5)), including border guards and other law enforcement officers.

Article 17 of the Border Guard Law, entitled "Use of Physical Force, Special Means and Use of Service Dogs", sets out eight rights with two prohibitions, Article 18 "Use of firearms" - seven rights with three prohibitions (Border Guard Law, 1997, Art 18(3)). Similar rules for the use of firearms, special means, physical force and service animals are also laid down in special law enforcement regulations of other law enforcement agencies, such as the Law on Police (Art 13, 14), the Law on the State Revenue Service, 1993, Art 16.[1],16.[2]) and the Military Service Law (Art 13).

In most cases these norms are repeated in similar or identical versions of all the above mentioned laws, where the most extensive and qualitative regulation is directly in the Law on Police, which includes norms that do not exist in the Border Guard Law, but would also be relevant to Border Guard tasks to render harmless an animal endangering human life or health; to pull out a firearm and prepare it for shooting, unless its use or use is excluded in a particular situation (Law on Police, 1991, Art 14 p 7), (similar rule in the Military Service Law, 2002, Art 13(9)).

The regulatory framework regarding the competence of law enforcement agencies in the use of firearms, special purpose vehicles, service animals and physical force should be consolidated in a single legislative act or incorporated into the Arms and Special Weapons Circulation Act, following the UN Principles on the Use of Force and Firearms by Law Enforcement Officers (Adopted by the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990).

From the rather extensive list of rights in the Border Guard Law (about 42 in total), several rights are partly reproduced in other normative regulations (Criminal Procedure Law, Latvian Administrative Violations Code, Law on Detention of Detained Persons and elsewhere). In addition, the general obligations of the officials of the institutions of the Ministry of the Interior are laid down in the Law On the Career Course of Service of Officials with Special Service Ranks Working in Institutions of the System of the Ministry of the Interior and the Prisons Administration, which in essence partially repeats the duties specified in the special laws of the institutions of the Ministry of the Interior. For example, in the Law on the Police the duties are set out in Article 9 "General duties of a police officer", Article 10 "Basic duties of a police officer", and Article 11 "Additional duties of a police officer" (Law on Police, 1991, Art 9 – 11). The second part of Article 14 of the Border Guard Law, in fact, repeats the norms of Article 6, Paragraphs 1 and 2 of the Law On the Career Course, and the third paragraph of Article 14 of the Border Guard Law, repeats the norm of Article 6, norm 3 of the Law.

The analysis of the above-mentioned laws and regulations shows the need for a systematic arrangement of the general obligations of all law enforcement officials on the basis of the UN Code of Conduct for Law Enforcement Officials, the European Parliament Committee of Ministers Resolution 690 on June 3, 1982 "the Police Declaration" and the European Police Code of Ethics (Indrikovs, 2007, p 15). The auditing of a substantial part of the rights of law enforcement agencies as obligations also follows from professor K.Disler's conclusions that official power does not consist only of rights but also of duties (Dišlers, 2002, p 165).

In addition, the application of legal principles is imperative (Briede, 2003, p 85) in the activities of public officials, which also determine the mandatory nature of several existing rights and the need to define rights as obligations. The Law on the Remuneration of Officials and Employees of State and Local Government Institutions (Art 2(6,8), 3 p 9 (6), 3.[1] (1)) and other regulations (Ministru kabineta noteikumi Nr. 806, 2016) also emphasize the fulfillment of duties and official duties. Article 14 (in four parts, four sentences) of the Border

Guard Law is very general and incomplete in nature. Responsibility for law enforcement work involves limiting human rights, thus responsibilities and rights must be specifically and clearly enumerated in law.

The principles of the State Border Guard's activities, powers, rights and responsibilities and other competences are determined by the Border Guard Law which has been in force for more than 22 years. During this period Latvia has joined the European Union and joined the Schengen area. The normative basis of border guards' activities has developed considerably and has changed dramatically.

The Border Guard Law sets out only a few principles of law, which in its current wording cannot meet the high requirements arising from the international, European Union and Latvian regulatory enactments. In addition to the functions, tasks, competences and powers of the institution and officials, the Border Guard Law determines the institution's operating principles:

1) The operation of the border guard is organized in accordance with legality, humanity, human rights, openness, unity and on the basis of citizens' assistance;
2) The Border Guard protects the rights and legitimate interests of persons irrespective of their nationality, social, property and other status, race and nationality, gender and age, education and language, attitude to religion, political and other beliefs;
3) Border guard ensures that the rights of persons to move from one country to another country are respected;
4) The Border Guard enables the detained persons to exercise their rights to legal protection (Border Guard Law, 1997, Art 3).

By, 2014, there have been 19 amendments to the Border Guard Law made. From 1999 to 2004 amendments to the law were made regarding Border Guard cooperation with other institutions, Border Guard tasks, Border Guard resources for carrying out tasks at sea, the use of physical force, special means and service dogs, use of firearms, border guards' assistants, and border guards' rights to accommodation and prohibitions to border guards.

In amendments of April 22, 2004, in relation to the accession of Latvia to the EU in Article 4 Cooperation of the Border Guard with Other Institutions the scope of cooperation issues was widened related to the control of compliance with the rules of entry, residence, departure and transit of aliens and stateless persons, and the cooperation with other state and municipal institutions, merchants and international organizations, unions or communities (Border Guard Law, 1997, Art 4). Thus, the principle of the unity of the operation system of the structural units of the State Border Guard was emphasized, which is impossible without

close cooperation within the State Border Guard, as well as the principle of national and international cooperation and non-interference in the internal affairs of neighbouring countries.

During the period from September 20, 2001 to May 16, 2005, amendments to the law supplemented the rights of border guards with the right to guard, escort and hold under guarding detained persons; the right to be present on the technical means of the National Armed Forces, watercraft and aircraft; rights related to the control of compliance with the regulations on entry, residence, exit and transit of aliens and stateless persons and prevention of violations; the right to operate outside the border area, border control and border crossing points.

The implementation of such competences is not possible without the principle of non-discrimination and the principle of justice, the promotion and observance of human rights and fundamental rights principle (Kēnigs, 2010, p 65), and respect for the principle of humanity.

The amendments of 16th May 2005 clarified and expanded the definition and functions of the Border Guard to ensure the inviolability of the State Border and the prevention of illegal migration, which have been preserved in this version until now. Thus, the principles that are essential for national sovereignty were emphasized which derive from international law: the principle of the inviolability of the state border; national sovereignty, territorial inviolability and integrity principle (UN Charter, 1945).

With the amendments of May 16, 2005 6.[1] article a border guard is defined as an official of specialised civil service, however as of 2001 this definition is excluded from the law. By the fifth part of Article 15, in the exceptional case, if a person cannot comply with the state border crossing regulations, but the identity of this person has been clarified, the Border Guard chief had acquired the right to authorize the said person to cross the state border if he/she complies with international law, interests of the State of Latvia or is related with force majeure or humanitarian considerations. Such amendments highlighted the principle of promoting and respecting human rights and fundamental freedoms, the principles of humanity (Kēnigs, 2010, p 65), good faith and goodwill *(pacta sunt servanda)* principle (Border Guard Law, 1997).

Further amendments were introduced on November 10, by supplementing the Chapter I of the Border Guard Law Article 5: „Participation of border guards in international missions and operations", where the legal basis for the participation of border guards in international missions and operations was determined, the decision on the sending and sending of the order, as well as the conditions for the participation of border guards in these missions and operations were determined.

The amendments of year 2005 supplemented the tasks of the border guard to control compliance with the rules on entry, residence, departure and transit of aliens and stateless persons in the territory of Latvia, to carry out pre-trial investigations within the scope of their competence. To bring the Law on Border Guards closer to the requirements of the European Union and the Schengen *acquis* respectively, amendments to the *Saeima* (Parliament) were submitted on 4 July 2007, which clarified the terminology by replacing the terms *alien* and *stateless person* with the term *foreigner* as defined in Immigration Law since 2002. Section 17 on the use of physical force, special means and use of service dogs in accordance with the requirements of the EU and the Schengen *acquis* (Anderson, Apap, 2002, pp 125 - 126, 147), the officials of the State Border Guard have the expanded right to use special means and use service dogs to restrain detainees if they do not obey or resist border guards during the escorting procedures, accommodation and removal procedures or there is reason to believe that they can escape or harm others or themselves.

The rights of border guards in the area of combating illegal immigration and controlling the residence of foreigners (Amendments to the Border Guard Law, 2007, Art 15, 17) have significantly improved. The mentioned amendments emphasized the necessity of the principle of international cooperation and the professionalism of the State Border Guard and the need for efficiency and unity.

With the amendments to the Border Guard Law of April 28, 2014, the Border Guard Law abolished the prohibition on border guards to unite in trade unions (On the compliance of the first part of Article 49 of the Border Guard Law with Article 102 and the second sentence of Article 108 of the Satversme (Constitution) of the Republic of Latvia Constitutional Courts' 23.04.2014. judgment LV, 82, 28.04.2014.). Although border guards are forbidden to participate in political parties and movements, the defence of border guards' rights can be implemented in public organizations as trade unions by observing border guard's choice of free will. Thus, the principle of the independence of political parties and public organizations can be implemented.

With the amendments to Border Guard Law of 13th November, 2008 the number of mandates (tasks, rights and obligations) stipulated in the Border Guard Law on has increased from 29 to 60 (Gaveika, 2010, pp 189 – 199) since 1999, which indicates a sharp increase in the competence of the State Border Guard and the importance of the regulatory framework in the operation of the institution. Article 15 of the Border Guard Law "Border Guards' Rights" defines not less than 27 rights, in Article 15.^{1} "Rights of Border Guards to place detainees in a temporary custody room" - eight rights. The use of the word *right* in the aforementioned articles of the law does not confer sufficient legal force on many

legal norms, because the word *right* in this case gives a certain freedom of choice to perform or not to perform certain activities. For example, a number of rights in terms of content and meaning are mandatory and should be defined as obligations in the law.

Furthermore, the general duties of officials of the institutions of the Ministry of the Interior system are set out in the Law On the Career Course of Service of Officials with Special Service Ranks Working in Institutions of the System of the Ministry of the Interior and the Prisons Administration (hereinafter – the Law On the Career Course), which, in essence, partly repeats the obligations set out in the special laws of the Ministry of the Interior. For example, Section 14, Paragraph two of the Border Guard Law actually reproduces the norms of Section 6, Paragraphs 1 and 2 of the Law On the Career Course; Section 14, Paragraph three of the Border Guard Law repeats the norm of Section 6, first and second paragraphs of the Law On the Career Course, and the Fire Safety and Fire-fighting Law Article 37 all four duties of officials actually duplicate the general duties (Iekšlietu ministrijas sistēmas iestāžu un Ieslodzījuma vietu pārvaldes amatpersonu ar speciālajām dienesta pakāpēm dienesta gaitas likums, 2006, Art 6) of the officials specified in Section 6, Paragraphs 1, 2, 3, 4 and 6 of the Law On the Career Course.

The analysis of the aforementioned normative acts shows the necessity to systematically arrange the general obligations of law enforcement officers on the basis of the UN Convention on the Rights of the Child of 1979. December 17 Resolution No.34/169 "Code of Conduct for Law Enforcement Officials", Declaration on Police (Declaration on the police. Resolution 690 (1979); Mits, 2001 pp 64 – 69), Committee of Ministers of the Council of Europe, 1982. Notes of June 3rd on Resolution 690 "Declaration on the Police" and 2001 September 19 Recommendation 10 on the European Police Code of Ethics (Indrikovs, 2007, p 15).

The significant extension of the powers of the State Border Guard officials and the requirements of the abovementioned international regulatory enactments to the officials of internal affairs authorities determined the necessity of the State Border Guard units' systems (Matvejevs, 2005, p 65) operations efficiency, unity, co-operation, transparency of activities and public assistance (Matvejevs, 2006, pp 25 - 32).

Analyzing the content of these principles, the conclusion can be draw that out of the 11 general principles (Art 4) of law established by the Administrative Procedure Law, only four principles are similar or directly laid down in the Law on Border Guard: the principle of respect for the rights of individuals, the principle of equality, the principle of the rule of law and law disclaimer principle.

Moreover, unlike the Border Guard Law and other regulatory enactments in which the legal principles are only named, the Law on Administrative Procedure defines the essence and purpose of the legal principles.

Consequently, it is doubtful whether the Law on Border Guard is to duplicate the principles of law established in the Administrative Procedure Law, which, in addition, partly overlap with the principles of state administration established by the Law on State Administration (Art 10), partly repeats itself also in the Administrative Liability Law (principle of equality, principle of legality, principle of innocence, principle of procedural justice) (Charter 5).

It is also necessary to agree with the opinion of Latvian law scholar professor V.Eglitis that the beginning stage of understanding and exploration of the principles of rights has passed, the criteria for the application of the principles must be developed and a hierarchical system of principles must be developed, in which there would be a horizontal and vertical structure. If the system is based on the formal activity of the legislator, then it is possible to distinguish between the principles included in the law and the principles not included in the law (Eglītis, 2002, pp 23 – 27).

From the author's point of view, auditing the essential part of the rights of law enforcement authorities by defining them as obligations follows also from professor K. Dišlers believes that the post is not only lawful, but also duties: what an official has the right to do within the limits of his competence in the exercise of his service rights, this very often he needs to do as his official duty (Dišlers, 2002, p 165). Moreover, the application of the legal principles in the activities of officials is mandatory (Par tiesību normu pielietošanu. LR IeM 2012.g. 25.jūlija vēstule Nr.1-42/2182) which also defines the imperative nature currently defined rights and the need to define rights as obligations because "public law of a democratic state overcomes the principles of ensuring public protection against the state (in particular human rights), public control over the state, in particular the principle of priority of the law, the principle of law disclaimer, the principle of separation of powers, including the control of judicial power over executive power and the rationality and efficiency of state activity (special internal organization principles) (Briede, 2003, p 85). In addition performance of service duties and responsibilities is emphasized in the Law on Remuneration of Officials and Employees of State and Local Government Institutions (Art 2(6), (8), 3 p 9 and (6^3), Art $3.^1$ (1)) and on the basis of this law was developed the Law on officials of the Ministry of the Interior System and the Prison Administration, with special service levels, pay monthly salaries and special allowances.

Taking into account the analogy with customs law, which contains 8 special customs law principles (Gulbis, Čevers, 2007, p 36) and the specifics of

the competence of the State Border Guard in applying international and European regulations (HUDOC. European Court of Human Rights. Longa Yonky v. Latvia, No 57229/09, 15 November 2011), as well as the necessity of the legal competence of officials in applying the principles of law and public administration, some general and several special legal principles should be emphasized which should be included in the new Border Guard Law.

Since 1997, the State Border Guard, with the support of the Ministry of the Interior (Par Iekšlietu ministrijas darbības stratēģiju 2007.-2009.gadam: MK 2006.g. 7.nov. rīkojums nr.880), has focused its activities on strengthening Latvia's EU external border (eastern border) and developing infrastructure in accordance with EU standards. In order to successfully join the Schengen area, the Ministry of the Interior had set 31 priorities, 15 of which were implemented by the State Border Guard. The main priorities were improvement of infrastructure and security, professionalization of the State Border Guard, reform of the regulatory framework (Par Rīcības plānu Šengenas *acquis* prasību īstenošanai likumdošanas jomā; MK 2006.g. 7.apr. rīkojums nr.234) in line with the requirements of the Schengen *acquis* and structural reform (Par imigrācijas nodaļu likvidēšanu un nodarbināto skaita samazināšanu: VRS 2009.g. 26.marta pavēle nr.359) of the State Border Guard, which was also greatly affected by the economic crisis. As a result of reforms and with limited budgetary resources, the State Border Guard was able to regroup its activities from the EU internal borders to the external ones without losing operational efficiency and ensuring full compliance with the EU (including the Schengen acquis) requirements.

CHAPTER 13: Conclusions

1. Ensuring the inviolability of the state border and preventing illegal migration is in essence a law enforcement function that includes:
   - activities aimed at the protection of the objects and values set out in the regulatory framework (mainly laws), such as the state border, national security, public security, public order, personal security, human rights and freedoms;
   - measures of legal effect which are fully based on the principle of law and regulation, or the principle of the lawfulness of administration,

which derives from the principle of reservation of law and the principle of priority of law;
- legal procedural (administrative, criminal and civil) arrangements for the enforcement of law enforcement measures;
- special authorization from professional public bodies.

2. The existence of independent border control authorities as separate national administrations is based on a rather broad and specific scope of police tasks in those EU countries with external land borders, mainly due to the high proportion of land border control tasks.
3. The task of the State Border Guard, in cooperation with the National Armed Forces, to prevent and repel armed invasions in the territory of Latvia covers both state border security and state military defence and thus a military function not applicable within the jurisdiction of UN Code of Conduct for Law Enforcement Officials and the Declaration on Police. Moreover, the provision of Section 3, Paragraph 3 of the Law on National Armed Forces regarding inclusion of the State Border Guard in the National Armed Forces during the war is incorrect, because according to the Police Declaration in case of war or occupation the police officer continues to perform his official duties and is subject to the 12 August 1949 provisions of the Geneva Convention on the Protection of Civilian Persons in Time of War and the Police may not be involved in resistance movements or employed for military purposes, but this does not preclude close cooperation with the National Armed Forces in war or exceptional circumstances.
4. The number of powers established in the Border Guard Law has increased dramatically since 1999, which indicates a significant expansion of the competence of the State Border Guard. From a rather extensive list of rights, a number of rights are to be regarded as obligations, giving them a legally binding character as they are directly linked to the obligation to observe and apply the principles of law.
5. The Border Guard Law defines four very generally defined principles for the operation of an institution. Of the 11 general principles of law established by the Administrative Procedure Law, only four are similar or explicit in the Border Guard Act. The Border Guard Law does not need to duplicate the essence of the legal principles established in the Administrative Procedure Law, which, in addition, partially overlap with the public administration principles established in the State Administration Structure Law. A new Border Guard Law is required to be adopted that would harmoniously be included in the legal basis of State

Border Guard activities. The new Border Guard Law does not need to repeat those principles of law that are binding on any state administration institution, any law enforcement authority and are already determined both in national and international regulatory enactments. However, having in mind the specifics of the State Border Guard's activities both nationally and internationally, in order to ensure the systemic exercising of the powers, rights and obligations of the State Border Guard, the author proposes to develop a new Border Guard Law and include the following principles of law:

General principles of public administration:

- the principle of non-discrimination and fairness;
- the principle of promotion and respect of human rights and fundamental freedoms;
- the principle of humanism;

Special principles of governance (specific only to the State Border Guard) arising from the principles of international law, including the application of the Schengen acquis and the experience operation of principles of border control institutions in other countries:

- the principle of the inviolability of the state border;
- the principle of national sovereignty, territorial integrity and inviolability;
- the principle of peace preservation, peaceful coexistence and peaceful settlement of border incidents;
- the principle of equality of the neighbours, respect for the right of self-determination and equality of nations;
- the principle of international cooperation and non-interference in the internal affairs of neighbouring countries;
- the principle of good faith and goodwill (pactasuntservanda);
- the principle of the independence from political parties and public organizations;
- the principle of the unity of the operation of the structural units of the State Border Guard;
- the principle of centralized autocracy;
- the principle of openness of the State Border Guard and public assistance;
- the principle of rational use and efficiency of the methods and resources of the State Border Guard.

GENERAL CONCLUSIONS

1. Determination of state border between the countries is affected by political circumstances, economic interests, relations, international situation, traditions and customs, but the determination of State border in nature is affected by geographical peculiarities. The term "state border" has one of the central roles in international law, and it consists of two relatively independent concepts of "a border" and "a state". The term "border" shall have a meaning of all territorial and geographical characteristics belonging to tangible and intangible systems. The concept of "a state" represents magnificent socio-political formations with such characteristics typical to a system as community, relative autonomy, stability and interdependence of elements forming the system.
2. Territory of a state is usually delimited by land, sea and air borders. We usually understand the concept "the territory of a state" as ground or water surface, however in most countries' definitions of national borders as well as in border agreements and national regulatory framework, the concept of national borders within its jurisdiction is defined as land and water depths within technical capabilities and the air space until the space border (118 km above sea level in the end of 20th century it was recognized as a result of scientific research). The sovereignty of Latvia since joining the EU and NATO has developed not only in the context of maritime areas, airspace and border control, but even in space, as evidenced by the contract with the European Space Agency for space exploration and peaceful use in 2009.
3. It is essential to define specifically the term "the territory of country" both for national sovereignty and national borders as well as its diverse marine areas and air space. Such specific definition has not been defined in Latvian national regulatory framework, however it is used in the National Armed Forces Law and the law on the Sate Border Law of Latvia where concept of territory should be defined in Article 1 of the law by the following supplement: *"The territory of the Republic of Latvia is the land, subsoil, internal waters, territorial sea and airspace above the 118 km altitude surrounded by the state border of the Republic of Latvia, where the Republic of Latvia is sovereign and applies its jurisdiction in accordance with international and national law.*" Within its borders (sea areas - outside the territorial sea), the State exercises its territorial supreme command, which is one of the elements of sovereignty, and includes the following conditions: state-owned land and natural resources can not be used in any other country, without the expressed consent of the sovereign state, the state can not be forced be deprived of its own territory, which is a space of state's existence, national borders are inviolable and the inviolability is defined by the principles of international law and international agreements, the country enjoys supremacy over all natural and legal persons who are within its territory, any other country's public power is excluded in the national territory, the supreme governing in national territory is being implemented by the public authority system in legislative, executive, judicial and administrative spheres, in some cases, national jurisdiction can also spread outside the national territory, such as sea, air and space crafts and their crewmembers, citizens, diplomatists, consuls, diplomatic missions (with the exception of procedural jurisdiction of the host country) and its troops in some cases even in the

territory of other countries, in some cases countries (e.g. the United States) distribute its jurisdiction over foreign enterprises if in performance of their activities the receiving State's physical or legal persons have suffered.

The territory of a country is not only a national border as demarcated land and space segment of the earth and the atmosphere in which the State exercises its leading role, but also the nature with its components - land, water, sky and the depths of the earth, and all the natural resources that are used in the economy and make the country's territory's material basis. Within the territory of the country the country may use all compulsory over their citizens (also for Latvian non-citizens), foreign nationals and stateless persons, unless international agreements define otherwise.

4. Two national border security principles have been established in Latvian regulatory framework: the inviolability of national borders and irrevocability of national borders. State border's irrevocability principle structurally originates from the concept of sovereignty, by its complex nature defines the integrity of the national territory and sovereignty in its relationship between legal link and it contains three essential elements: recognition of border on the basis of international law, to abjure any claims for other territories in the present and in the future, to abjure any threats to other country's borders by force and threats. There is no basis for unilateral amendment of state border's status in international law, as pointed out in several scientific works (J.Bojārs, A.Fogels, M.Paparinskis, J.Seskis etc.). National borders that have been established in breach of international law are not protected by borders irrevocability principle, as defined in the 11th article of the 1978 Vienna Convention on Sucession of States in respect of Treaties.

5. Border security is based on the country's borders and border area's territory regime closely related in condition system of the state border regime affecting at least two neighbouring countries' jurisdictions. Since the restoration of independence of Latvia there were no border agreements signed with any neighbouring countries, except with the Republic of Belarus signed in 2013. Border delegates fulfil monitoring mission of state border regime in international cooperation. The resources of this mission are not used in full, as the formation of border delegates functions has been based on long-term international cooperation in basic and practical experiences in border control and on individual, unsystematic state border regime conditions defined in many and diverse bilateral treaties and agreements concluded at different time periods. The content of state border regime should be supplemented by several state border regime conditions and requirements that must be included in bilateral agreements on the state border regime with each neighbouring country of Latvia i.e.:
   - *common procedures of neighbouring countries by which persons and goods crossing the state border;*
   - *state border demarcates the territory country from other territories and is a warning to other subjects of international law on the ending of one national jurisdiction and the beginning of other country or territory and jurisdiction;*
   - *delimitation and demarcation are two interrelated processes in defining international determination and recognition of state border under internationally established judicial procedures;*
   - *maintenance of state border means the maintenance and preservation procedures of demarcated state border, border signs as well as support*

buildings and elements to fulfil contractual obligations laid down in international agreements;

- *procedures for peaceful settlement of border incidents based on the principles of international law, mutual respect, responsibility and equality.*

6. In development of state border regime agreements content and interpretation of the definitions of delimitation, demarcation, re-demarcation and rectification play a crucial role in determining and ensuring the state border regime. The above mentioned definitions have not been defined in the Law on state border of the Republic of Latvia but are used in public administration competence regulations mixing terms with internationally not accepted terms as *"land survey"*, *"strengthening"*, *"marking"*, *"renewal"*, such terms should be replaced with the following terminology:
   - *delimitation – a detailed description of state border in border agreement and a precise description of border line in special topographical maps, which are attached to border agreement;*
   - *demarcation - the demarcation of the exact border and marking with the border signs on the basis of delimitation agreements and the annexes to existing topographic maps, with a marked line of the border and the border line's textual description within the natural occurrence;*
   - *demarcation line - a line between two or more nations disputed territory for the purposes of peacekeeping, prevention of territorial disputes and military conflicts until the border agreement on permanent national borders is signed;*
   - *redemarcation - the renewal of border demarcation with border signs on the basis of pre-agreed bilateral statements: description of the border line, topographic maps, landmarks' protocols, the regulatory framework on re-demarcation conditions and procedures;*
   - *rectification - a slight modification or clarification of border line related to border's deviation in the area from the previous status as previously defined in border agreement due to one or both of the neighbouring countries economic and other interests, such as new border crossing points, tunnels, hydroelectric power plants, bridges and other constructions on the border or in the vicinity.*

7. There are a number of inaccuracies revealed in the current border demarcation regulations with the Russian Federation:
   7.1. The phrase "straightened riverbed" in Latvian - Russian border agreement is incorrect, but the phrase "defined in the middle" is inaccurate, since, when estimating the middle of a river (including streams, ditches) there must included condition that the centre on the water's surface determined in the period of lowest waters. Borders on rivers are generally determined either by the middle or by the main fairway, which should be taken into account from the point of view of methodology and practice although it mainly refers to the navigable rivers.
   7.2. Fairway and the middle of waters regarding as equal to the deepest navigable sites is not accurate, because the fairway is not always able to go through connection lines of the depth and the deepest site may not be connected by a straight line sections. The statement that, if the fairway location changes due to the changes in the river bed, then respectively with the middle also moves the border line is questionable. This principle, according to the professor J.Bojārs has been embedded with Kansas to Missouri precedent, but it can not be

generalized and considered as the rule, rather the exception, as on the Latvian - Russian (and other neighbours), borders any natural changes do not alter the demarcated state border line as well as island ownership, unless the neighbours agree otherwise.

7.3. Methodology of border markers installation on Latvian - Russian border demarcation and instructions that should be included in Annex were not corroborated by any demarcation commission act. There is also incorrect reference to special border markers in relation to lake borders since marking with special markers are established on the border in exceptional cases, where it is not possible to mark with standard markers due to terrain characteristics, as well as historical monuments and natural preservation of the state border sign with other border signs. Special state border signs should be classified and subdivided into two groups: Special border markers and special state border signs.

8. Agreements on the territorial sea border, which is the EU's external border and exclusive economic zone, have been signed with all neighborouring countries, except for Lithuania. The method of equidistance i.e. as the line every point of which is equidistance from the nearest points of the baselines from which the breadth of the territorial sea of each of the two states is measured or equal distance is not a priority of maritime borders delimitation since the base line of each state is determined by each state individually, and, if the base line is formed of straight sections subjectivity increases since the length straight line is not limited by UNCLOS.

The Parliament should reject the Latvian and Lithuanian sea border project as inappropriate to Latvian interests. This viewpoint is supported by scientists as prof. J.Bojārs, M.Lejnieks, L.Eglāja and others. Latvian arguments for a fair resolution of the dispute may be arguments on the historic maritime borders, natural resources and explorations done Latvia in an earlier time. Taking into consideration the fact that Latvia and Lithuania joined the 1982 UNCLOS such dispute could be resolved by the UN Charter 33 article dispute settlement means, but until that time there might be a temporary demarcation line and an agreement on the use of natural resources could be concluded.

9. In United Nations Convention on the Law of the Sea contains the definition "contiguous zone" that may not extend beyond 24 nautical miles from the baselines from which the breadth of the territorial sea is measured". Unfortunately such definition is not included regulatory framework of Latvia. It is necessary to include in law on the state Border of Latvia the term *"contiguous zone"* in the following formulation – *„contiguous zone - the waters of the Baltic Sea in the exclusive economic zone of Latvia within 12 nautical miles from the external border of the territorial sea where Latvia has the right to excecute the customs, fiscal, immigration and sanitary controls.*

10. The definition of the continental shelf in the Marine Environment Protection and Management Law is unclear, as the rights of Latvia over the continental shelf is applicable to the seabed and subsoil outside the territorial sea border of Latvia, therefore there have not been any rights of Latvia specified over a part of the continental shelf beneath the territorial sea. The third article of Marine Environment Protection and Management Law of Latvia needs to be amended as follows *"Latvian continental shelf is the seabed and subsoil in underwater areas as a natural continuation of the territory which is situated in Latvian territorial sea and exclusive*

economic zone." Continental shelf should be regarded as the territory of the EU resources and legal position of workers being employed and it should not differ from employees' *stricto senso* working in the inland territory of country.

11. Convention on Facilitation of International Maritime Traffic (FAL) defines the facilitation of movement of people and cargoes, however according to its main goal it is in conflict with the Schengen Acquis, which requires enhanced border controls at the external borders and strengthening of borders status. If an EU Member State establishes its international legal obligations incompatibility with EU law, it must take all necessary steps to eliminate the incompatibilities. According to the Court of Justice of the EC in case Commission v Italy Commission, Case 10/61, [1962] ECR, p.11 in relations with other FAL convention's states European Community law is applicable and such fact should be communicated to the United Nations International Law Commission on the need for such disclaimer should be introduced in FAL 3.15. standard as follows: *"The authorities, with the exception of the European Union, can not impose any penalties on the owner of the ship if passenger's document during document control is recognized as not valid and the passengers is banned from entering the country."* This provision would resolve the legal conflict, which led to many legal precedents, including in Latvia.

12. The analysis on vessels' classification shows a significant problem in harmonisation of maritime law regarding ships' classification, which adversely affects the implementation of rights of the sea, especially in the enforcement of legal order during border control. Under maritime law, in ships' classification simultaneously different methodological foundations are used. Broadest classification is in 1974 International Convention for the Safety of Life at Sea (SOLAS) according to the purpose of ship as follows – *"passenger ship", "cargo ship", "tanker", "fishing ship",* according to the type of technological equipment – *"nuclear ship"* and according to their age – "*new ship", "existing vessel*". Above mentioned classification must be supplemented with:

"Warship - a vessel intended for military operations";

"Recreational craft - a cruise ship, recreational vessel or water sports vessel";

"Submersible craft (submarine) - vessel designed for underwater exploration and rescue and military operations.";

"Ferry - a vessel for regular transportation of passengers, vehicles and goods according to published timetable."

Schengen Borders Code includes *"regular ferry connection"* defined as *"any ferry connection between the same two or more ports situated in the territory of the Member States, not calling at any ports outside the territory of the Member States*. Due to the fact that between the ports can be any watercraft traffic, the term "*ferry"* should be replaced with the term *"ship"*, for example, according to Maritime Code of the Republic of Latvia definition as *any craft – engineering technical device, structurally intended for use on water.*

13. The regulatory framework on free movement of persons has been included in many EU primary and legislation acts. Free movement of persons as a balance between human rights and the harmonization of the regulatory framework the EU's external border regime must be achieved at such level and coverage to ensure the respect for human rights and the EU legal order and national security, and international law enforcement. The Treaty of Lisbon only generally consolidated the regulatory framework on the free movement of persons. A variety of legal interpretations and risk

of several judicial cases still exist. For decades the phrase "area without internal borders" was used in the EU regulatory framework", which creates a false perception of the possible elimination of national borders, and hence a partial loss of sovereignty.

14. The definition of the Schengen acquis is incomplete since itt currently is being understood, and de facto applied as a very wide range of legislation that has not been formally included in the Council of the European Union Decision of 20 May 1999 (1999/435 / EC) concerning the definition of the Schengen acquis and which, together with the Schengen Agreement and the Schengen Convention includes not less than 79 regulatory enactments - regulations, decisions, declarations and directives.

The Schengen acquis does not formally incorporate case law, however it should be incorporated into the content of the Schengen acquis. Legal scholars (J.Bojārs, D.Elberts, D.R.Harabo Kolomera) refer the case law to the primary law of the European Union as a mandatory part of it. The following groups of legal framework should be included in the primary law of the European Union:

1) founding and accession agreements;
2) general principles of law;
3) customary law;
4) case law
5) Schengen Agreement and Schengen Convention
6) International conventions concerning the Member States of the Schengen Convention in the field of border crossing of persons and in the field of state borders.

15. In order to prevent conflicts between international law and national laws there is European Convention on Information on Foreign Law 1968. An important step in conflict resolution is the unification of the concepts and terminology of the Schengen Acquis regulatory framework. It is necessary to start with basic concepts and perform common terminology harmonization as follows:

- *"Competence - complex condition the official's professional qualifications, experience, attitudes and implemented powers that guarantees efficient implementation of public administration institution's functions in accordance with the requirements of regulatory framework.*
- *Public order - constant and precise execution of community's obligations set in regulatory framework applicable to all persons;*
- *Integrated management of external borders - coordinated implementation of border control and immigration control measures according to common standards of the EU's external borders in all Member States of the Schengen Convention;*
- *Risk Analysis – a criminological analysis of national border security, illegal immigration and public order risks' identification and development of recommendations for the effective operation of the competent authorities."*

16. The definitions in Schengen acquis as *"border control", "border checks", "persons' control", "checks"* have not been harmonized in EU and national regulatory framework of Member States. The definition "*border checks"* in Schengen Borders Code, is similar in the meaning to the Schengen Convention's definition *"border control*". However, the Schengen Borders Code, in contrast to the Schengen Convention, within the definition "*border control*", includes two separate, but closely

related definitions, "*border checks*" and "*border surveillance*". This leads to non-systemic attempt to supplement the content with border law enforcement agencies operating methods and tactics content, generally determining how, and by what methods, border control should be performed, which generally should be referred to the main part of the border regime - the procedure by which persons, vehicles, belongings and goods cross the border. Amendments in the Law on State Border should me made by replacing the term *"checks"* with the term "*border checks"* in accordance with the Schengen Borders Code and the term *"border surveillance" – surveillance between border crossing points and the surveillance of border crossing points after the opening hours, in order to prevent persons from circumventing border checks, as well as ensuring the regime of border and border areas"* should also be introduced there.

17. Schengen Borders Code (2016) and the Visa Code (2009) are the first codes of such kind in legislative history the EU which includes summarized and consolidated persons crossing rules and includes a significant part of the framework of the Schengen Acquis. A number of EU recommendations, such as the Schengen Catalogue, legal force gains its legally binding nature application during the Schengen evaluation process, which shows a legally binding and specific need for the development of the regulatory framework in greatly extended operating conditions of the Schengen area:

17.1. There is no such concept as "*foreigner"*, in Schengen Borders Code, instead the term "*third country nationals*" is being used. Furthermore, the *"third country*" concept definition is not included in the Code, but the definition "*third-country national means any person who is not a Union citizen within the meaning of Article 17(1) of the Treaty"* hence a third country is any country which is not an EU Member State. Within Schengen Convention "*third country*" is defined as any country that is not a "Party" (non-Schengen country). In Citizenship Law and Immigration Law of Latvia definition "*foreigner"* (emphasised by prof J.Bojārs) is incomplete and legally unsatisfactory. Immigration Law the term "*foreigner*" (such term not included in international law) should be replaced with the term "alien - a person who is not a Latvian citizen, Latvian non-citizen, national of the EU, the European Economic Area and the Schengen Member State, national, stateless person or refugee in one of the these countries". It is necessary to exclude from the Citizenship Law, the term "foreigner" and from the Immigration Law, the term "citizen of the Union - a foreigner who holds a citizenship of a Member State of the European Union, the European Economic Area or Swiss Confederation" as inconsistent with the concept of EU citizenship.

17.2. Schengen Borders Code provisions relating to border areas, especially to the internal borders are rather vague and contradictory. Its Article 20 defines that *Internal borders may be crossed at any point without a border check on persons, irrespective of their nationality, being carried out.* In contrast, Article 21 defines that *The abolition of border control (hence the border checks) at internal borders shall not affect the exercise of police powers by the competent authorities of the Member States under national law, insofar as the exercise of those powers does not have an effect equivalent to border checks*. While the Schengen Convention states that *abolition of persons' controls at internal borders shall not affect the obligation to hold, carry and produce national law*

permits and documents provided. Thus, to control the observation of such provision there is a need for appropriate regulatory framework which can be effectively implemented in the border areas. The width of such border areas could be set up to 15 km and its regime could be determined by each Member State.

18. Border surveillance at any borders should have such regime arrangements that would result from the border regime, bilateral agreements with neighbouring countries, and would be introduced in Schengen Acquis as a specific provision of the Schengen Convention to member states' rights to determine the regime of border areas, which do not *restrict the rights of law-abiding persons in EU internal border crossing*. Strengthening of the status The European Union's external borders includes "*compensatory measures",* which also include the improvement of the legal framework and additional legal system to measures of law enforcement near internal borders. Deterioration of legal order near internal borders is confirmed not only by increasing number of violations detected during temporary renewal periods of border checks, but also in everyday life. The legislature did not intend any of the border land regime conditions in terms of the internal borders. Such conditions were referred only to external borders where the control of external borders and border zone regime maintenance is very difficult and decreases border security. The abolition of border land regime at internal borders has led to regular demolitions of border markers, not only on internal borders, but sometimes also on the external borders where regular border control is performed thus negatively affecting the country's image and reputation.

19. The existence of border control authorities and certain public authorities is based on a very broad and specific volume of policing roles related to guarding of the EU external borders mostly due to high ratio of tasks on land borders. Ensuring the inviolability of the state border and prevention of illegal migration is essential function of law enforcement institutions, which includes:

- *activities that focus on the protection of objects and values that are set by the regulatory framework (based on rules), as well as related to national border, national security, public safety, persons' safety, human rights and freedoms;*
- *implementation of legal measures which are entirely based on legal and regulatory basis, or the legitimacy of the principle derived from the principle of legality and rule of law in priority;*
- *legal procedural (administrative, criminal and civil) law enforcement procedures for implementation of the national mandate.*

20. The number of the statutory powers (tasks, rights and responsibilities) of the State Border Guard of Latvia has doubled since 1999, thus evidencing a dramatic expansion of the State Border Guard's jurisdiction. There is a need to organize systematically law enforcement officials' general duties regulation in accordance with the UN Resolution of 17 December 1979 Nr.34/169 "on law enforcement officers Code of Conduct", the Council of Europe Declaration on the Police, the Council of Europe Committee of Ministers on June 3, 1982, comments on 690th resolution "Declaration on the Police" and the September 19th, 2001, 10th recommendation "The European Code of Police Ethics". Moreover, the application of the principles of law are obligatory requirements for officials which are determined by the currently defined rules as mandatory. The

regulatory framework on, firearms, special devices, service animals and the use of physical force which is separate for each law enforcement institution in a special regulatory framework should be consolidated into a single legislative act in accordance with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

21. From 11 principles set out in the Administrative Procedure Act's general principles of law, set out in the State Administration statutory principles on public administration, only four principles are partly defined by law on State Border Guard: *Private rights observation principle, the principle of equality, the rule of law, the principle of legality.* Therefore, in addition to the national border inviolability and principles of irrevocability in Latvian State Border law Section 8, "Border Security" such state border security principles should be included that should apply to any government authority, to any natural or legal persons i.e.*: ensuring national and international security, respect for the sovereignty of other countries, international equality, territorial integrity and the integrity of the preservation of peace, peaceful co-existence and settlement of border incidents, non-discrimination and equity, human rights and fundamental freedoms, the promotion and observance of humanity, international cooperation and non-interference in the internal affairs of neighbouring countries, integrity and good faith (pacta sunt servanda)*. Furthermore, the Border Guard Law should include special operating principles for border guar officials:
    - *independence from political parties and public organizations;*
    - *integrity and uninterruptible performance of the State Border Guard units' operating system;*
    - *transparency of State Border Guard assistance providing to public;*
    - *personal data protection;*
    - *rational use of resources of the State Border Guard and the use of efficient operational methods and its operational eficiency.*

22. Cooperation with the local inhabitants of border areas particularly in border surveillance related issues has extremely important role. Regulatory framework that would facilitate such co-operation is limited to certain episodic operational activities. Thus it requires specific staff members for the State Border Guard (border guards' assistants) who are not included in the regular staff but work by analogy with the police officer's assistant. Such assistant would have the lowest rights (perhaps limited) and would receive remuneration for the work at hourly rates.

23. In relation to airspace and air border regulatory framework of the Republic of Latvia:
    23.1. The reference of airspace regime only to border areas is not sufficient, because the border is set just 30 km from the border, and only along the external land borders. Thus, the condition the state border regime – *"the procedure for aircraft crossing the state border in air space"* should be, and defined as follows: *"Procedures by which aircrafts cross the state border in airspace and reside in airspace in compliance with the general principles of international air law and ICAO (International Civil Aviation Organization) Convention, Annex 9,"* but in the law "On Aviation" the concept of "*The airspace of the Republic of Latvia - airspace above the State Border of Latvia is airspace surrounded by land, including islands, internal waters and territorial sea"* should be included.

23.2. The lack of systematization in EU external borders regulatory framework in relation to the use of biometrics in person's border crossing documents has led to unacceptable application of diversity in use of biometry even in Schengen countries which in terms of cooperation reflected negatively on the border checks and procedures applied to standardization of technical equipment. Although the ICAO Convention does not provide definition of biometry, the content of the use of biometrics is more universally and specifically defined in comparison to the EU regulatory framework. The author offers the following definition of biometry, *"biometric data – individual, person-specific physiological and anthropometric characteristics on which information is stored in digital format in identification and other documents, as well as in data carriers for further use in law enforcement activities."*

23.3. In relation to EU external border crossings in the court practice of Latvia the problem arised in connection with the Immigration Law, Article 4, second paragraph, the first rule *"valid visa in valid travel document"*, which was included in the Immigration Law of 2010, as amended on April 22, to address the high rate of legal collisions due to the liability of carriers for transportation of passengers with not valid travel documents. This problem is still not resolved, although the number of cases in the courts has decreased slightly. For complete solution of this problem there should be a clear and complete definition of what a valid travel document (s) is in ICAO Convention, or at least in the Schengen acquis. Reasons of transportation of persons without valid travel documents at air border crossing points is caused by limited time for passengers' check-in procedures and border checks.

24. The EU had offered proposals to strengthen the Schengen evaluation mechanism and establish a mechanism for coordinated control reintroduction at internal borders in exceptional circumstances by amending the Schengen Borders Code. However these suggestions have been handled rather narrowly without complex approach to the reform of the Schengen acquis, and without regard to the Schengen obligations with third countries in the field of emergency situations:

24.1. The definition of emergency situations has been established in the EU and Latvian bilateral agreements with neighbouring countries, in national regulatory framework of the National Security Law, the Law on State of Emergency, the Civil Protection Law, Forest Law, the Law on Veterinary Medicine, as well as a number of Cabinet regulations, however it has not been used in the Constitution of Latvia. Veterinary Law Article 31 states that if there is a danger that the epizootic disease can spread further in Latvia or in neighbouring countries, the Cabinet of Ministers instructs the State Border Guard to temporarily restrict or suspend traffic across national borders, which is also a bilateral arrangement with the neighbouring countries, however such provision is not set in Schengen acquis. Definition of emergency situation should be included in Schengen acquis, for example, in the Schengen Borders Code as a universal standard. There is no external regulatory framework that would define emergency situations within state border security and immigration control or in the vicinity of the border. The concept of emergency situations should be included and classified in the Schengen acquis, since emergency situation may not only affect

law enforcement but also other subjects' interests and competences, and they often have cross-border nature. The author offers the following definition of the concept of an emergency, *"Emergency situation in the field of border security is any dangerous, sudden situation on the border or in the vicinity, as well as within the country, which is a reasonable basis to believe that there has been, is being or will be carried out a criminal activity and / or a disaster may occur, which may cause a significant risk to the system border guarding and the border security, may provoke spontaneous and uncontrolled human migration, pose a direct physical threat to people and to prevent such situation restrictive rights are required with multi-institutional participation"*. Taking into consideration the diversity of possible emergency situations it is necessary to systematize possible emergency situations by fields in one legal act, such as the draft law *"On emergency situation and state of exception"* in two basic types: emergency situations in relation to disaster relief and emergency situations in relation judicial order. Both could be systematized in detail i.e. the competent authority shall determine tasks, action, management, cooperation mechanisms as well as support measures.

24.2. According to the National Security Law, Article 22, third paragraph of emergency situation is announced in cases of natural disasters or accidents, epidemics, epizootics, epiphytoties, public disorder, terrorism and armed conflict in cases where significant risk to the public, the environment or economic security. In this case it is necessary to make amendments to the above mentioned article by excluding the fragment that emergency situation can be announced in the event of armed conflict, since in accordance with the National Security Law, Article 22, fourth paragraph of Article 62 of the Constitution of Latvia "On State of Emergency" armed conflict is related to military activities or military conflict when there is a regulatory framework on emergency situation. In order to achieve a uniform interpretation of the definitions of the invasion and military activities, it is necessary to have appropriate classification of these concepts, including them in EU law or in the National Security Law as follows:

- *"Armed attack on the country" – the usage of one or more armed forces against another state in contrary to the UN Charter, which calls for individual or collective defence and in the context of international law is considered as an act of aggression;*
- *Armed invasion in country - planned and prepared military action from the neighbour or the side of neighbouring country with intent to violate sovereignty, exacerbate the situation on the border, and cause armed conflict;*
- *Armed conflict - international conflict resolution with the use of armed force, or warfare in a narrow sense, which may take the form of armed clashes on the border and the border area by violation of the state border regime and other national sovereignty, or the ethnic, religious and other conflict resolution by use of armed forces that does not result in war without a formal declaration of war;*

- *Invasion in the country - targeted invasion of one or more non-military formations or forces in a foreign land, air or water in the territory without its consent, as well as violation of the state border by invading another country's territory for political purposes;*
- *Border conflict - an open clash between neighbouring groups of persons or institutions on national borders, national sovereignty and national borders inviolability violation that threatens to escalate into armed conflict or war and its resolution is in the competence of border delegates;*
- *Border incident - an accident, associated with one or other of the neighbouring residents, authorities illegal activities contrary to the state border regime and are being investigated unilaterally or bilaterally on the scene of border incidents, by participation of both parties' border delegates and other representatives, processing respective documentation, estimating material damages and by providing apologies to the other party by diplomatic or other means."*

KOPSAVILKUMS

Valsts robežas noteikšanu starp valstīm ietekmē politiskie apstākļi, ekonomiskās intereses, savstarpējās attiecības, starptautiskais stāvoklis, tradīcijas un paražas, bet valsts robežas noteikšanu dabā – arī ģeogrāfiskās īpatnības. Jēdziens „valsts robeža" ieņem vienu no centrālajām vietām starptautiskajās tiesībās un sastāv no diviem savstarpēji saistītiem jēdzieniem „valsts" un „robeža".

Valsts teritoriju norobežo sauszemes, ūdens un gaisa robežas. Valstis, nosakot valstu robežas, gan robežlīgumos, gan nacionālajā normatīvajā regulējumā valsts robežas jēdzienā iekļauj savas jurisdikcijas izplatību telpā – zemes un ūdens dzīlēs tehnisko iespēju dziļumā un gaisa telpā līdz kosmosa robežai 100 km augstumā virs jūras līmeņa, kā to 20.gs. beigās atzina Starptautiskā aeronavigācijas federācija, kaut gan zinātniskie pētījumi 2009.gadā apliecināja, ka kosmoss (fiziskā robeža) sākas 118 km augstumā virs jūras līmeņa.

Valsts pārvaldes, it sevišķi tiesībsargājošo iestāžu, darbībā nepieciešama konkrēta valsts teritorijas izpratne, ņemot vērā valsts teritorijas dažādo suverenitātes diferenciāciju jūras teritorijās un gaisa telpā, kas izriet no mūsdienu starptautiskajām un Eiropas Savienības tiesībām un kas nebūtu pretrunā ar Satversmes 3.pantā vispārīgāk noteikto Latvijas valsts teritorijas jēgu. Termins „valsts teritorija" bieži sastopams starptautiskajā, ES un nacionālajā normatīvajā regulējumā, t.sk. Nacionālo Bruņoto spēku likumā, Latvijas Republikas valsts robežas likumā, likumā „Par aviāciju" u.c. Latvijas teritorija ir Latvijas Republikas valsts robežas ieskauta sauszeme, zemes dzīles, iekšējie ūdeņi, teritoriālā jūra un gaisa telpa virs tiem 100 km augstumā virs jūras līmeņa. Šajā telpā Latvijas Republika ir suverēna un izplata savu jurisdikciju saskaņā ar starptautiskajiem un nacionālajiem tiesību aktiem. Savas teritorijas robežās (jūras teritorijās – arī ārpus teritoriālās jūras) valsts īsteno savu teritoriālo virsvadību, kas ir viens no svarīgākajiem suverenitātes elementiem.

Latvijas normatīvajā regulējumā sastopami divi valsts robežas drošības pamatprincipi: valsts robežas neaizskaramība un valsts robežas negrozāmība, kas nav skaidri definēti. Valsts robežas negrozāmības princips, kas strukturāli izriet no suverenitātes jēdziena, pēc savas kompleksās dabas nosaka gan valsts teritorijas integritāti, gan suverenitāti to savstarpējā tiesiskajā saiknē un iekļauj trīs svarīgus nosacījumus: valsts robežas atzīšanu uz starptautisko tiesību pamata; atteikšanos no jebkādas pretendēšanas uz citām teritorijām kā tagadnē, tā arī nākotnē; atteikšanos no jebkādiem citu valstu valsts robežas apdraudējumiem, pielietojot spēku un draudus. Valsts robežas vienpusējiem grozījumiem nav pamata starptautiskajās tiesībās, kā tas atzīmēts vairākos tiesību zinātnieku darbos. Valstu robežas, kas izveidotas, pārkāpjot starptautiskās tiesības, netiek aizsargātas ar robežu negrozāmības principu, kā tas izriet no 1978.gada Vīnes konvencijas par valstu pārmantojamību attiecībā uz starptautiskajiem līgumiem 11.panta jēgas.

Valsts robežas drošības pamatā ir valsts robežas un pierobežas teritoriju režīmu savstarpēji cieši saistītu noteikumu sistēma, kas valsts robežas režīmā skar vismaz divu kaimiņvalstu jurisdikciju. Kopš neatkarības atjaunošanas Latvijai ne ar vienu kaimiņvalsti, izņemot ar Baltkrievijas Republiku, nebija un vēl joprojām nav noslēgti valsts robežas režīma līgumi. Valsts robežas režīma saturs ir jāpapildina ar vairākiem valsts robežas režīma noteikumiem un normām, kas jāiekļauj divpusējos līgumos par valsts robežas režīmu ar katru Latvijas kaimiņvalsti:

- *kaimiņvalstu kopējā kārtība, kādā personas un mantas šķērso valsts robežu;*

- *valsts robeža norobežo valsts teritoriju no citām teritorijām un brīdina citus starptautisko tiesību subjektus par vienas valsts jurisdikcijas beigšanos un citas valsts vai teritorijas ar citu tiesisko režīmu jurisdikcijas sākšanos;*
- *valsts robežas starptautiskā noteikšana un atzīšana starptautiski izstrādātā tiesiskā procedūrā divos savstarpēji tieši saistītos procesos - delimitācijā un demarkācijā;*
- *valsts robežas uzturēšana, ar ko jāsaprot kārtība, kādā, veicot starptautisko sadarbību, nodrošina atbilstoši noslēgtajiem starptautiskajiem līgumiem noteiktās un demarķētās valsts robežas saglabāšanu, kā arī robežzīmju un citu nostiprinājuma būvju vai elementu saglabāšanu un atbilstību līgumsaistībām;*
- *robežincidentu miermīlīgas atrisināšanas kārtība, kas balstās uz starptautisko tiesību principiem, savstarpēju cieņu, atbildību un līdztiesību.*

Valsts robežas režīma līgumu sagatavošanā pamatjēdzienu *delimitācija, demarkācija, redemarkācija* un *rektifikācija* saturam un interpretācijai ir svarīga loma valsts robežas noteikšanā un turpmāk - režīma nodrošināšanā, kas Latvijas Republikas valsts robežas likumā nav definēti, bet kurā būtu jāiekļauj šāda terminoloģija:

- *„delimitācija - valsts robežas detalizēts apraksts robežlīgumā un precīzs valsts robežas līnijas apzīmējums speciālās topogrāfiskās kartēs, kuras ir robežlīguma pielikumā;*
- *demarkācija - precīza valsts robežas noteikšana un iezīmēšana dabā ar robežzīmēm, pamatojoties uz delimitācijas līgumiem un to pielikumos esošām topogrāfiskajām kartēm, kurās ir iezīmēta valsts robežas līnija, un valsts robežas līnijas atrašanās dabā tekstuālu aprakstu;*
- *demarkācijas līnija - līnija divu vai vairāku valstu apstrīdamā teritorijā teritoriālo strīdu, miera saglabāšanas un militāro konfliktu novēršanas gadījumos līdz robežlīguma slēgšanai par pastāvīgu valsts robežu;*
- *redemarkācija - valsts robežas demarkācijas atjaunošana ar robežzīmēm, pamatojoties uz iepriekš noslēgtajiem divpusējiem līgumiem: valsts robežas līnijas aprakstu, topogrāfiskajām kartēm, robežzīmju protokoliem, redemarkācijas nosacījumu un kārtības normatīvo regulējumu;*
- *rektifikācija - nenozīmīga valsts robežas līnijas grozīšana vai precizēšana, kas saistīta ar nepieciešamību tās novirzei apvidū no stāvokļa, kāds iepriekš bija noteikts robežlīgumā, sakarā ar vienas vai abu kaimiņvalstu ekonomiskajām un citām interesēm, piemēram, jaunu robežšķērsošanas vietu, tuneļu, hidroelektrostaciju, tiltu un citu būvju celtniecību uz valsts robežas vai tās tuvumā.*

Pašreizējā valsts robežas demarkācijas normatīvajā regulējumā ar Krievijas Federāciju ir vairākas nepreciziātes:

- robežas pa upēm parasti tiek noteiktas vai nu pa talvegu, vai pa galvenā kuģu ceļa vidu (fārvateru), kas no prakses viedokļa būtu jāņem vērā, lai arī galvenokārt attiecas uz kuģojamām upēm;
- fārvatera un talvega pielīdzināšana dziļākajām kuģojamām vietām nav precīza, jo kuģu ceļš ne vienmēr var iet pa lielāko dziļumu savienojuma līnijām, kā arī dziļākās vietas var arī nebūt savienotas ar taisnu līniju posmiem. Apgalvojums - ja fārvatera vieta mainās, mainoties upes gultnei, tad attiecīgi līdz ar talvega vidu pārvietojas arī robežas līnija, ir apšaubāms. Šis princips, kā apgalvo prof.

J.Bojārs, nostiprināts ar Kanzasa pret Misūri precedentu, taču tas nevar būt vispārināts un uzskatīts par normu, drīzāk izņēmumu, jo attiecībā uz Latvijas - Krievijas (arī citu kaimiņvalstu) valsts robežu jebkuras dabiskas izmaiņas nemaina dabā demarķēto valsts robežas līniju, kā arī salu piederību, ja vien kaimiņvalstis nevienojas citādi;

Sakarā ar to, ka robežstabs satur valsts simboliku, robežzīmes jāapstiprina ar Ministru kabineta noteikumiem, paredzot gan izmēru precizēšanu, gan jaunāko tehnoloģiju izmantošanu, izgatavojot robežstabus no viegla un izturīga materiāla ar iemontētu valsts simboliku. Pašlaik valsts robeža ar Krieviju tiek demarķēta ar robežstabiem, kas izgatavoti no plastikāta, taču to forma, izmēri un izskats nav apstiprināts attiecīga līmeņa normatīvajā regulējumā.

Ar visām kaimiņvalstīm, izņemot Lietuvas Republiku, ir noslēgti līgumi par teritoriālās jūras robežām, kas ir Eiropas Savienības ārējā robeža, un Ekskluzīvo ekonomisko zonu. Vienādu attālumu metodes izmantošana nav prioritāra jūras robežas noteikšanā starp valstīm, kā to nosaka Jūras tiesību konvencija. Latvijas Republikas argumenti taisnīgam strīda risinājumam par jūras robežu ar Lietuvas Republiku varētu būt argumenti par vēsturiskajām jūras robežām, dabas resursu apgūšanas un izpētes darbiem, kurus Latvija veica agrākā laikā. Ņemot vērā, ka gan Latvija, gan Lietuva ir pievienojušās 1982.gada Jūras tiesību konvencijai strīda risināšanai varētu izmantot kādu no ANO Statūtu 33.panta noteiktajiem strīdu izšķiršanas līdzekļiem, bet līdz tam laikam var noteikt pagaidu demarkācijas līniju un noslēgt vienošanos par dabas resursu izmantošanu.

Jūras tiesību konvencijā kā atsevišķs tiesisks institūts ir paredzēta „pieguļošā zona" līdz 24 jūras jūdzēm no bāzes līnijas, no kuras tiek mērīts teritoriālās jūras platums, bet tā nav paredzēta un nav noteikta Latvijas normatīvajā regulējumā. Latvijas Republikas valsts robežas likuma 1.pantā nepieciešams iekļaut terminu *„pieguļošā zona" – Baltijas jūras ūdeņi Latvijas Ekskluzīvajā ekonomiskajā zonā 12 jūras jūdžu platumā no teritoriālās jūras ārējās robežas, kurā Latvijai ir tiesības veikt muitas, finanšu, imigrācijas un sanitāro kontroli"*.

Kontinentālā šelfa definējums Jūras vides aizsardzības un pārvaldības likumā ir neprecīzs, jo Latvijas tiesības uz kontinentālo šelfu tiek attiecinātas uz to jūras dibenu un zemes dzīlēm, kas atrodas ārpus Latvijas teritoriālās jūras robežām, un līdz ar to netiek noteiktas Latvijas tiesības uz kontinentālā šelfa daļu zem teritoriālās jūras. Jūras vides aizsardzības un pārvaldības likuma 3.panta pirmo daļu nepieciešams izteikt šādi: *„Latvijas kontinentālais šelfs ir jūras dibena virsma un dzīles zemūdens rajonos, kas ir Latvijas sauszemes teritorijas dabiskais turpinājums un atrodas Latvijas teritoriālās jūras un ekskluzīvās ekonomiskās zonas robežās"*. Kontinentālais šelfs jāuzskata par ES teritoriju, bet tā resursu izmantošanā un nodarbināto darba ņēmēju tiesiskajā stāvoklī nevar atšķirties no valsts teritorijā *stricto sensu* strādājošo stāvokļa.

Konvencija par jūras satiksmes atvieglošanu *(FAL)*, kura nosaka personu un kravu pārvietošanās formalitāšu atvieglojumus, pēc savas galvenās idejas faktiski disonē ar Šengenas *acquis,* kas pieprasa pastiprinātus robežkontroles pasākumus uz ārējām robežām un šo robežu statusa nostiprināšanu. Ja Eiropas Savienības dalībvalsts konstatē savu starptautiski tiesisko saistību nesaderību ar Eiropas Savienības tiesību normām, tai jāveic viss nepieciešamais, lai nesaderību novērstu.

Kuģošanas līdzekļu klasifikāciju analīze liecina par būtisku jūras tiesību harmonizācijas problēmu kuģu klasifikācijā, kas negatīvi ietekmē jūras tiesību īstenošanu, it īpaši tiesiskās kārtības uzturēšanā veicot robežkontroli. Plašāka klasifikācija ir 1974.gada Starptautiskajā konvencijā par cilvēka dzīvības aizsardzību uz jūras *(SOLAS)*: pēc kuģu

pielietošanas mērķa – *„pasažieru kuģis”, „kravas kuģis”, „tankkuģis”, „zvejas kuģis”*, pēc tehnoloģisko iekārtu veida - *„atomkuģis”* un pēc to vecuma - *„jauns kuģis”, „esošs kuģis”*. Šo klasifikāciju būtu jāpapildina ar:

- *„karakuģis – kuģis, kas paredzēts militārajām darbībām”;*
- *„atpūtas kuģis – kruīza kuģis, izklaides kuģis vai ūdenssporta kuģošanas līdzeklis”;*
- *„zemūdens kuģis (zemūdene) – kuģis, kas paredzēts zemūdens izpētes, glābšanas un militārajām darbībām”.*
- *„jūras prāmis – kuģis regulārai pasažieru, transportlīdzekļu un kravu pārvadāšanai ar publiskotiem kustības sarakstiem”.*

Brīvas personu pārvietošanās normatīvais regulējums ir iekļauts daudzos Eiropas Savienības primārajos un sekundārajos normatīvajos aktos. Brīvas personu pārvietošanās kā nozīmīgas cilvēktiesību jomas normatīvā regulējuma harmonizācija un līdzsvarojums ar Eiropas Savienības ārējās robežas režīma normatīvo regulējumu ir jāpanāk tādā līmenī un aptvērumā, kas nodrošinātu gan cilvēktiesību ievērošanu, gan Eiropas Savienības dalībvalstu tiesisko kārtību un drošību, gan starptautisko tiesību ievērošanu. Vēl joprojām saglabājies dažādu interpretāciju un juridisko kāzusu risks, piemēram, vairāku desmitu gadu laikā Eiropas Savienības normatīvajā regulējumā lietotā frāze *“telpa bez iekšējām robežām”*, kas rada maldīgus uzskatus par valstu robežu iespējamo likvidēšanu un līdz ar to suverenitātes daļēju zaudēšanu.

Šengenas *acquis* jēdziena definējums ir nepilnīgs, jo jau tagad ar šo jēdzienu saprot un praksē *de facto* lieto ļoti plašu normatīvo aktu klāstu, kuri formāli nav iekļauti Eiropas Savienības Padomes 1999.gada 20.maija lēmuma (1999/435/EK) par Šengenas *acquis* definīciju sarakstā un kurā līdz ar Šengenas līgumu un Šengenas konvenciju ietilpst ne mazāk kā 100 normatīvie akti - regulas, lēmumi, deklarācijas, direktīvas. Šengenas *acquis* formāli nav iekļauta tiesu prakse, bet tā būtu iekļaujama Šengenas *acquis* saturā.

Šengenas robežu kodekss (2006) un Vīzu kodekss (2009) ir pirmie Eiropas Savienības tiesību vēsturē tāda veida kodificētie normatīvie akti, kuros konsolidētā veidā ir apkopoti personu robežšķērsošanas noteikumi un iekļauta nozīmīga Šengenas *acquis* regulējuma daļa. Vairāku Eiropas Savienības ieteikumtiesību, piemēram, Šengenas Kataloga juridiskais spēks iegūst tiesiski saistošu raksturu piemērošanas un Šengenas novērtēšanas procesā, kas liecina par juridiski saistoša un konkrēta normatīvā regulējuma izstrādes nepieciešamību ievērojami paplašinātās Šengenas zonas darbības apstākļos.

Šengenas robežu kodeksa normas attiecībā uz pierobežas teritorijām, it īpaši pie iekšējām robežām, ir neskaidras un pretrunīgas. Tā 20.pants nosaka, ka iekšējās robežas var šķērsot jebkurā vietā un personām neatkarīgi no viņu valstspiederības nepiemēro robežpārbaudes. Savukārt 21.pants nosaka, ka robežkontroles (tātad arī robežuzraudzības) atcelšana pie iekšējām robežām neietekmē kompetento iestāžu pilnvaras saskaņā ar attiecīgās valsts tiesību aktiem, ja vien pilnvaru īstenošana nav līdzvērtīga robežpārbaudēm, kur līdzvērtīguma kritēriji nav skaidri noteikti. Savukārt Šengenas konvencija nosaka, ka personu kontroles atcelšana pie iekšējām robežām neietekmē pienākumu turēt, nēsāt un uzrādīt dalībvalstu tiesību aktos paredzētās atļaujas un dokumentus. Tāpēc šīs normas izpildes kontrolei nepieciešams attiecīgs tiesisks regulējums, kas efektīvāk var tikt īstenots tieši pierobežas teritorijās, kuras platumu līdz 15 km un režīmu dalībvalstis varētu noteikt patstāvīgi. Savukārt Šengenas robežu kodeksa 22.panta norma „*dalībvalstis likvidē visus šķēršļus netraucētām satiksmes plūsmām autoceļu robežšķērsošanas vietās pie iekšējām robežām”*

jāizsaka šādi: *„dalībvalstis, izvērtējot sabiedriskās drošības un citus apdraudējumus, var likvidēt šķēršļus netraucētām satiksmes plūsmām autoceļu robežšķērsošanas vietās pie iekšējām robežām*", jo 21.pants tomēr pieļauj nesistemātiskas pārbaudes pie iekšējām robežām.

Robežuzraudzībai pie jebkurām robežām būtu nepieciešami tādi režīma noteikumi, kas izrietētu no divpusējiem valsts robežas režīma līgumiem ar kaimiņvalstīm. Šengenas *acquis* būtu jāiekļauj konkrēta norma par Šengenas konvencijas dalībvalstu tiesībām noteikt tādus pierobežas teritoriju režīmus, kas papildus neierobežo likumpaklausīgu personu tiesības Eiropas Savienības iekšējo robežu robežšķērsošanā. Eiropas Savienība ārējās robežas statusa nostiprināšanā paredz „kompensējoša mehānisma" izveidi, kas iekļauj arī tiesiskā regulējuma pilnveidi un papildus tiesiskās kārtības pasākumus iekšējo robežu tuvumā. Tiesiskās kārtības pasliktināšanos iekšējo robežu tuvumā apliecina ne tikai pieaugošais likumpārkāpumu skaits robežpārbaužu atjaunošanas periodos, bet arī ikdienā. Latvijā likumdevējs nav paredzējis nekādus robežas joslas režīma noteikumus attiecībā uz iekšējām robežām, attiecinot tos tikai uz ārējām robežām, kas apgrūtina robežas un robežas joslas uzturēšanu un neveicina iekšējās robežas drošību. Valsts robežas joslas režīma atcelšana pie iekšējām robežām veicināja robežzīmju regulāru demolēšanu ne tikai uz iekšējām, bet dažreiz pat uz ārējām robežām, kur ir regulāra robežkontrole. Tas negatīvi ietekmē valsts tēlu un autoritāti. Par šādiem likumpārkāpumiem paredzēta atbildība Latvijas Administratīvo pārkāpumu kodeksa 194.^{2} pantā (naudas sods). Ņemot vērā to, ka robežzīmes var būt ne tikai robežstabi, šī norma jāprecizē, nosakot atbildību nevis par *„robežstaba"*, bet gan par *„valsts robežas robežzīmes"* bojāšanu, tāpat kā citu valsts simbolu bojāšanu vai zaimošanu, kur par zaimošanu būtu jāuzskata ne tikai noraušana, saplēšana, salaušana un iznīcināšana, kā noteikts Krimināllikumā, bet arī *„valsts simbolu apgānīšana, rupji aizskarot valsts tēlu un cieņu"*, un, ņemot vērā to, ka robežzīmes parasti satur valsts simboliku (ģerboni un valsts karoga fragmentu), atbildība būtu nosakāma Krimināllikuma 93.pantā līdzvērtīgi atbildībai par valsts simbolu Latvijas valsts ģerboņa karoga un himnas zaimošanu.

Valsts robežas pārkāpumu skaits uz Eiropas Savienības ārējās robežas Latvijā palielinās. Tāpēc arvien aktuālāka ir nepieciešamība pēc stigrākas atbildības par Eiropas Savienības ārējās robežas režīma pārkāpumiem. Valsts robežas režīms ir nošķirams no pierobežas teritoriju režīmiem. Valsts teritorija tās robežās ir neatņemams valsts suverenitātes nosacījums un valsts robežas drošība ir valsts drošības pamatā. Līdz ar to valsts robežas pārkāpumi lielākoties ir attiecināmi uz kriminālpārkāpumiem pret valsti, bet ne pret pārvaldības kārtību.

Robežkontroles institūciju kā atsevišķu valsts pārvaldes iestāžu pastāvēšana balstās uz visai plašu un specifisku policejisku uzdevumu apjomu tajās Eiropas Savienības dalībvalstīs, kurās ir sauszemes ārējās robežas un galvenokārt ārējo sauszemes robežu robežkontroles uzdevumu lielā īpatsvara dēļ. Valsts robežas neaizskaramības nodrošināšana un nelegālās imigrācijas novēršana pēc būtības ir tiesībaizsardzības funkcija, kas ietver darbības, kas vērstas uz to objektu un vērtību aizsardzību, juridiskas iedarbības pasākumus, tiesiski procesuālo (administratīvo, krimināltiesisko un civiltiesisko) kārtību tiesībaizsardzības pasākumu īstenošanā, profesionālo valsts institūciju speciālu pilnvarojumu.

Robežsardzes likumā noteikto pilnvaru (uzdevumi, tiesības un pienākumi) skaits kopš 1999.gada ir palielinājies vairāk nekā divas reizes, kas liecina par Valsts robežsardzes kompetences krasu paplašināšanos. Tiesību principu pielietošana amatpersonu darbībā ir obligāta, kas arī nosaka vairāku pašreiz definēto amatpersonu tiesību obligāto raksturu. Savukārt šaujamieroču, speciālo līdzekļu, dienesta dzīvnieku un fiziskā spēka pielietošanas normatīvais regulējums, kas lielākoties atkārtojas vairāku Latvijas tiesībsargājošo iestāžu

speciālajā normatīvajā regulējumā, ir jākonsolidē vienā normatīvajā aktā atbilstoši ANO pamatprincipiem spēka un šaujamieroču pielietošanā tiesībsargājošo amatpersonu darbā un citam starptautiskajam regulējumam cilvēktiesību jomā.

Tiesu prakse liecina par tiesību principu pielietošanas problemātiku tiesībsargājošo iestāžu, t.sk. Valsts robežsardzes darbībā. Ņemot vērā Valsts robežsardzes darbības funkcijas un specifiku, Robežsardzes likuma 3.pantā jāiekļauj Valsts robežsardzes īpašie iestādes darbības principi: *neatkarība no politisko partiju un sabiedrisko organizāciju darbības; Valsts robežsardzes struktūrvienību darbības sistēmas vienotība un darbības nepārtrauktība; Valsts robežsardzes darbības atklātība un sabiedrības palīdzība; personu datu aizsardzība; Valsts robežsardzes darbības metožu un resursu racionāla izmantošana un darbības efektivitāte.*

Robežuzraudzības veikšana saistīta ar lielu teritoriju kontroli, kur sadarbībai ar vietējiem iedzīvotājiem ir ārkārtīgi svarīga loma. Normatīvais regulējums, kas sekmētu šādu sadarbību, ir ierobežots ar atsevišķiem epizodiskiem operatīvās darbības pasākumiem. Nepieciešama Valsts robežsardzes darbinieku (robežsargu palīgu), kuri nebūtu iekļauti iestādes amatu sarakstā, institūta ieviešana pēc analoģijas ar policijas darbinieka palīga institūtu, nosakot zemākā amata robežsarga pilnvaras (var būt arī ierobežotas) un paredzot atlīdzību par izpildīto darbu pēc stundu tarifa likmes.

Latvijas Republikas gaisa telpas un gaisa robežu normatīvajā regulējumā:

- Valsts robežsardzes uzdevums *„sadarbībā ar Nacionālajiem bruņotajiem spēkiem novērst un atvairīt bruņotus iebrukumus Latvijas teritorijā, teritoriālajos un iekšējos ūdeņos, kā arī gaisa telpā”* attiecas uz valsts militāru aizsardzību un līdz ar to - karadarbības funkciju saskaņā ar Satversmes 44.pantu, kas kā pamatfunkcija nav piekritīga tiesībaizsardzības iestādēm ANO tiesībsargāšanas amatpersonu darbības kodeksa un Deklarācijas par policiju kontekstā. Savukārt Nacionālo bruņoto spēku likuma 3.panta trešās daļas norma par Valsts robežsardzes iekļaušanu Nacionālo bruņoto spēku sastāvā kara laikā būtu jāizslēdz no šī likuma, jo saskaņā ar Deklarāciju par policiju kara vai okupācijas gadījumā policijas darbinieks turpina veikt savus dienesta pienākumus, un attiecībā uz policiju tiek piemēroti 1949.gada 12.augusta Ženēvas konvencijas noteikumi par civiliedzīvotāju aizsardzību kara laikā un policijas darbinieku nevar iesaistīt pretošanās kustībā vai nodarbināt militāros nolūkos, izņemot valsts noteiktos mobilizācijas pasākumus, kas savukārt attiecas ne tikai vienīgi uz atsevišķu institūciju, piemēram, Valsts robežsardzi;
- gaisa telpas režīma attiecināšana tikai uz pierobežas teritorijām ir nepietiekama, jo pierobeža ir noteikta tikai 30 km no valsts robežas un tikai gar ārējo sauszemes robežu. Līdz ar to valsts robežas režīma daļa – *„kārtība, kādā gaisa kuģi šķērso valsts robežu gaisa telpā”* jāpapildina un jānosaka šādi: *„kārtība kādā gaisa kuģi šķērso valsts robežu gaisa telpā un uzturas gaisa telpā saskaņā ar starptautisko gaisa tiesību normām un ICAO* (*International Civil Aviation Organization*) *konvencijas 9.pielikumā noteiktajiem vispārīgajiem principiem”;*
- sistematizācijas trūkums Eiropas Savienības ārējo robežu normatīvajā regulējumā attiecībā uz biometrijas izmantošanu personu robežšķērsošanas dokumentos ir veicinājis nepieļaujamu daudzveidību biometrijas pielietošanā pat Šengenas valstu mērogā, kas no sadarbības viedokļa negatīvi atspoguļojas gan uz robežpārbaužu procedūrām, gan pielietojamā tehniskā aprīkojuma standartizāciju. Kaut arī ICAO konvencija nesniedz biometrijas jēdziena

definējumu, biometrijas pielietošanas saturs tajā ir noteikts universālāk un konkrētāk nekā Eiropas Savienības normatīvajā regulējumā.

Eiropas Savienības ārējo robežu šķērsošanā Latvijā tiesu praksē problēma rodas sakarā ar Imigrācijas likuma 4.panta pirmās daļas otrā punkta normu „*derīga vīza derīgā ceļošanas dokumentā*", kas bija iekļauta Imigrācijas likumā ar 2010.gada 22.aprīļa grozījumiem, lai rastu risinājumu biežajām kolīzijām sakarā ar pārvadātāju atbildību par pasažieru pārvadāšanu ar nederīgiem dokumentiem. Minētā problēma vēl joprojām nav atrisināta, kaut arī tiesās izskatāmo lietu skaits ir nedaudz samazinājies, bet tās risinājums būtu iespējams, skaidri un pilnīgi nosakot derīga ceļošanas dokumenta(u) nosacījumus Šengenas *acquis*, jo tieši lidostu robežšķērsošanas vietās ierobežotā pasažieru reģistrācijas un robežpārbaužu laika dēļ šādas problēmas rodas visbiežāk.

Eiropas Savienībā bija piedāvāti ierosinājumi stiprināt Šengenas novērtēšanas mehānismu un izveidot mehānismu saskaņotai kontroles atjaunošanai pie iekšējām robežām ārkārtas apstākļos, attiecīgi grozot Šengenas robežu kodeksu. Taču šie Eiropas Savienības ierosinājumi ir traktēti ārkārtīgi sašaurināti un bez kompleksās pieejas Šengenas *acquis* reformēšanā un neņemot vērā Šengenas valstu saistības ar trešajām valstīm ārkārtējo situāciju jomā:

- gan Eiropas Savienības tiesībās, gan Latvijas divpusējos līgumos ar kaimiņvalstīm, gan nacionālajā normatīvajā regulējumā likumā tiek lietots termins „ārkārtējā situācija", bet tas nav paredzēts Latvijas Republikas Satversmē. Veterinārmedicīnas likumā noteikts - ja pastāv draudi, ka epizootija var izplatīties tālāk Latvijā vai tās kaimiņvalstīs, uz laiku var ierobežot vai pārtraukt satiksmi pāri valsts robežai, kas paredzēts arī divpusējās saistībās ar kaimiņvalstīm, bet nav paredzēts Šengenas *acquis*. Latvijas normatīvais regulējums detalizētāk neparedz ārkārtējās situācijas valsts robežas drošības un imigrācijas kontroles jomā uz valsts robežas vai tās tuvumā;
- ārkārtējās situācijas jēdziens klasificētā veidā būtu jāiekļauj Šengenas *acquis,* jo ārkārtējās situācijas var skart ne tikai tiesībsargājošo iestāžu, bet arī citu subjektu intereses un kompetences, un tām bieži vien ir pārrobežu raksturs. Autors piedāvā šādu ārkārtējās situācijas jēdziena definīciju valsts robežas drošības jomā: *„Ārkārtējā situācija valsts robežas drošības jomā - jebkura bīstama, pēkšņi izveidojusies situācija uz valsts robežas vai tās tuvumā, kā arī valsts iekšienē, kura dod pietiekamu pamatu uzskatīt, ka ir veikta, tiek veikta vai tiks veikta noziedzīga darbība un/vai notikt katastrofa, kas var radīt būtiskus draudus robežapsardzības sistēmai un valsts robežas drošībai, izsaukt stihisku un nekontrolētu cilvēku migrāciju, radīt tiešus fiziskus draudus cilvēkiem un šādas situācijas novēršanai ir nepieciešama personu tiesību ierobežojoša režīma ieviešana un vairāku institūciju līdzdalība"*. Ņemot vērā ārkārtējo situāciju izpausmju daudzveidību, nepieciešama ārkārtējo situāciju sistematizācija pa jomām vienā normatīvajā aktā, piemēram, likumā „Par ārkārtējo situāciju un izņēmuma stāvokli" divos pamatveidos: ārkārtējās situācijas katastrofu gadījumā un ārkārtējās situācijas tiesiskās kārtības jomā, kuras var sistematizēt sīkāk, attiecīgi nosakot kompetentu institūciju uzdevumus, rīcības, vadības un sadarbības kārtību.

Robežsardzes likums paredz Valsts robežsardzei sadarbībā ar Nacionālajiem bruņotajiem spēkiem novērst un atvairīt bruņotus iebrukumus Latvijas teritorijā, teritoriālajos un iekšējos ūdeņos, kā arī gaisa telpā, novērst bruņotas provokācijas uz valsts robežas, kas saskaņā ar Latvijas Republikas Satversmes 62.pantu un likumu „Par ārkārtējo situāciju un izņēmuma stāvokli" attiecas uz apdraudējumu no ārējā ienaidnieka puses, kad ir piemērojams izņēmuma stāvoklim atbilstošs tiesiskais režīms. Lai panāktu vienveidīgu interpretāciju bruņotu iebrukumu un citu uz valsts robežas iespējamo konfliktu jēdzieniem, ir nepieciešama iebrukuma un robežincidenta jēdzienu klasificēšana Eiropas Savienības tiesībās vai nacionālajās tiesībās šādi:

- *bruņots uzbrukums valstij – vienas vai vairāku valstu bruņota spēka pielietošana pret citu valsti pretēji ANO statūtiem, kas rada nepieciešamību pēc individuālas vai kolektīvas aizsardzības un starptautisko tiesību izpratnē ir agresijas akts;*
- *bruņots konflikts – starpvalstu pretrunu risināšana ar bruņota spēka lietošanu, kas var izpausties bruņotās sadursmēs uz valsts robežas un/vai pierobežā, rupji pārkāpjot valsts robežas režīmu un citas valsts suverenitāti, vai arī tāda savstarpējo pretrunu risināšana ar bruņotu spēku, kas nepāriet karā;*
- *iebrukums valstī – vienas vai vairāku valstu nemilitāru formējumu vai spēku mērķtiecīga iekļūšana citas valsts sauszemes, gaisa vai ūdeņu teritorijā bez tās piekrišanas, kā arī valsts robežas pārkāpšana, iebrūkot citas valsts teritorijā;*
- *robežkonflikts – atklāta sadursme starp kaimiņvalstu personu grupām vai institūcijām uz valsts robežas, valsts suverenitātes un valsts robežas neaizskaramības aizskārums, kas draud pāraugt bruņotā konfliktā vai karā;*
- *robežincidents – negadījums, kas saistīts kaimiņvalsts iedzīvotāju, iestāžu nelikumīgu darbību, pārkāpjot valsts robežas režīmu, un ir izmeklējams vienpusējā vai divpusējā ceļā robežincidenta vietā, piedaloties abu pušu robežpilnvarotajiem un citiem pārstāvjiem, attiecīgi to dokumentējot, paredzot materiālo zaudējumu atlīdzināšanu un atvainošanos citai pusei diplomātiskā vai citā ceļā.*

BIBLIOGRAPHY
(LIST OF LITERATURE, LEGISLATION AND LEGAL PRACTICE DOCUMENTS)

BOOKS:

Books in English and other foreign languages:

1. Anderson E. Armed Forces of Latvia and historical Background. Canada, Toronto: Printed by amber Printers and Publisher LTD, 1983, 832 pp.
2. Hobbes T. Leviathan. Leviathan or the Matter, Forme, & Power of a Common-Wealth Ecclesiastical and Civill. Thomas Hobbes of Malmesbury Printed for Andrew Crooke, at the Green Dragon in St. Paul's Churchyard, 1651. Release Date: October 11, 2009 [EBook #3207]. Available: http://www.gutenberg.org/files/3207/3207-h/3207-h.htm.
3. Prescot J.R.V. Boundaries and Frontiers. London: Croom Helm, 1978, 210 pp., ISBN 085664-417-X.
4. Pufendorf S. Law of Nature and Nations. Eight books. Printed J.Walthok, R.Wilkin and I.Bowicke, S.Birt and T.Ward and T.Osborn, 1729. Available: http:// www. books.google.lv/books?id=7MchAQAAMAAJ. Chap VII pp 291-298
5. Treder L. Methoden und Technik der Rechtsanwendung: eine systematische Einführung mit Beispielen. Heidelberg Müller, 1998, 309 S., ISBN 9783825220426.
6. Grenzüberschreitende polizeiliche Zusammenarbeit zwischen den Schengen-Staaten im EU Rahmen. Heranführung der Staaten Mittel-und Osteuropas. Weimar: Thüringerr Polizeiverwaltungsamt, 1999, p.147.
7. Авраменко И.М. Международное морское право. Ростов-на Дону: Феникс, 2001, 448 с., ISBN 5-222-01529-7.
8. Бельский Л.С. Полицейское право. Лекционный курс. Под ред. канд. юрид. наук Куракина А.В. Москва: Дело и Сервис, 2004, 235 с., ISBN 5-8018-0239-8.
9. Блищенко И.П., Дориа Ж. Прецеденты в международном публичном и частном праве. Москва: МНИМ, 1999, 472 с., ISBN 5-88720-020-0.
10. Залесский А.Р., Соболевский В.Г. Унифицированный словарь терминов, применяемых в пограничных войсках. Минск: Харвест, 2003, 272 с., ISBN 985-13-1655-5.
11. Лунден Т. Конфликты по вопросам границ. Северная Европа, проблемы истории. (отв.ред. Чернышева О.В., Комаров А.А.). Российская Академия наук. Институт всеобщей истории. Москва: Наука, 2011, 456 с., ISBN 978-5-02-037587-1.
12. Мартенс Ф.Ф. Современное международное право цивилизованных народов. В 2-х томах. Том 2, под ред. Томсинова В.А.. Москва: Зерцало, 2008, 251 с., ISBN 978-5-8078-0153-1; ISBN 978-5-8078-0155-5.
13. Моль Р. (Пер. Попов А.). Энциклопедия государственных наук (репринтная копия). Сант-Петербург Москва: М.О. Вольф, 1868, 599 с. Pieejams: http://www.bibliard.ru/vcd-680-1-708/goodsinfo.html.
14. Тюркин М.Л. Международные стандарты как основа регулирования миграции населения. Зарубежный опыт, его особенности, приемлемость опыта для России, Историко-правовой анализ миграционных систем России, США, Франции и ФРГ. Монография. Москва: ВНИИ МВД России, 2004, 543 с. Pieejams: http://www.dissercat.com/content/migratsionnaya-sistema-rossii-kontseptualnye-organizatsionno-pravovye-osnovy

Books in foreign languages with several authors:

15. Anderson M., Apap J. Police and Justice Cooperation and the new European Borders. The Hague, London, New York: Kluwer Law International, 2002, 303 pp., ISBN 90-411-1893-4.
16. Guild E., Harlow C. Implementing Amsterdam Immigration and Asilym Rights in EC Law. Oxford-Portland: Hart Publishing, 2002, 325 pp., ISBN 1-84113-116-4.
17. Lukas M., Rebane J., Grosberg R. Life in Estonia: Handbook 2003-2004. 2004, p.421
18. Paul Craig and Gráinne de Búrca. EU Law: Text, Cases, and Materials. Fifth. Ed. Oxford University Press, 2011, 1320 pp., ISBN 978-0-19-957699-9.
19. Антонова М.Л., Яковлев В.А. МВД Российской Федерации, Федеральная миграционная служба. Международные договоры Российской Федерации по вопросам миграции. Москва: Типография МВД России, 2004, 392 с.
20. Большой юридический словарь. Под ред. Сухарева А.Я., Крутских В.Е. Москва: ИНФРА, 2004, 704 с., ISBN 5-16-000169-7.
21. Колосов Ю., Кузнецов В. Международное право. Москва: Международные отношения, 1998, 593 с., ISBN 5-7133-0945-2.
22. Комментарий к закону „О Государственной границе Республики Беларусь". Павловский А.А., Ковалёв Е.П., Ермолович В.Ф. и др. Минск: Амалфея, 2003, 512 с., ISBN 985-441-323-3.
23. Комментарий к Закону Республики Белорусь от 21 июля 2008 года „О Государственной границе Республики Беларусь". Рачковский И.А. (предисловие), Горулько А.Г., Давыдик В.В, Аксенов П.И. и др. В рамках совместного проекта ЕС и Госпогранкомитета (Усиление условий предоставления убежища в Республике Беларусь – ЭНЕЙ-2). Минск: Тесей, 2010, 552 с., ISBN-978-985-463-367-1.
24. Криминологическая профилактика: теория опыт проблемы (Монография). Алексеев А., Герасимов С., Сухарев Я. Москва: Норма, 2001, 496 с., ISBN 5-89123-516-1.
25. Устав Пограничных войск по охране государственной границы СССР. Часть 2 Пограничная застава. Москва: 1987, 208 с.

Books in Latvian:

26. Balodis A. Latvijas un latviešu tautas vēsture. Rīga: Neatkarīgā teātra "Kabata" grāmatu apgāds, 1991, 432 lpp., ISBN10: 9163001144, ISBN13: 9789163001147.
27. Baltiņš M. (priekšvārds) (2004). Valsts valodas aģentūra. Glossary of European Union Terminology. Eiropas Savienības terminu vārdnīca. Rīga: Grāmatu apgāds „Madris", 2004, 246 lpp.
28. Bergholcs J. Jūras tiesības: publiskās tiesības. Rīga: Jumi, 1999, 99 lpp., ISBN 9984-606-49-X.
29. Bergholcs J. Jūras tiesības: publiskās tiesības 1. Rīga: Zvaigzne ABC, 1997, 64 lpp., ISBN 9984-04-472-6.
30. Bleiere D. Mazas valsts ārpolitiskā autonomija. Latvija pasaules politikā: iespējas un ierobežojumi. 2.izd. Rīga: LĀI, 2001, 31 lpp.
31. Bojārs J. Starptautiskās publiskās tiesības I. (3.pārstrādātais izdevums). Rīga: Zvaigzne ABC, 2004, 754 lpp., ISBN 9984-36-361-9.
32. Bojārs J. Starptautiskās publiskās tiesības II. Rīga: Zvaigzne ABC, 2006, 844 lpp., ISBN 9984-37-378.
33. Bojārs J. Starptautiskās privāttiesības I. Rīga: Zvaigzne ABC, 2010, 423 lpp., ISBN 978-9934-0-1143-6.
34. Briede J. Administratīvais akts. Rīga: Latvijas Vēstnesis, 2003, 176 lpp., ISBN 9984-731-32-4.

35. Cipeliuss R. Vispārējā mācība par valsti. (13.pārstr. izd.). Rīga: AGB, 1998, 355 lpp., ISBN 10:9984-9169-79, ISBN 13:9789-9849-169-72.
36. Dišlers K. Ievads administratīvo tiesību zinātnē. Rīga: Tiesu namu aģentūra, Poligrāfists, 2002, 276 lpp., ISBN 9984-671-31-3.
37. Dišlers K. Latvijas valsts orgāni un viņu funkcijas. Rīga: Tiesu namu aģentūra, 2004, 204 lpp., ISBN 9984-671-66-6.
38. Feldmanis A.E. Masļenku traģēdija – Latvijas traģēdija. Latvijas 50 gadu okupācijas muzeja fonds. Rīga, Talsi: Talsu tipogrāfija, 2000, 259 lpp., ISBN 9984-9332-2-9.
39. Fogels A. Modernās starptautiskās tiesības. Rīga: Zvaigzne ABC, 2009, 294 lpp., ISBN 978-9984-40-192-8.
40. Gaveika A. The legal Regulation of the European Union external Borders in Latvia (Doctoral Thesis). University of Latvia. 2014.
41. Grigeļonis J. Mūsdienu starptautiskās un tirdzniecības tiesības. Starptautiskais civilprocess. Rīga: AGB, 2000, 286 lpp., ISBN 9984-663-25-6.
42. Gromovs J. Patvēruma likuma komentāri. Rīga: PMLP, 2009, 304 lpp., ISBN 978-9984-39-950-8.
43. Jēkabsons Ē. Latvijas un Polijas robeža 1919.-1939.gadā. DU Humanitārās fakultātes XII Zinātnisko lasījumu materiāli. Vēsture. VI sējums, I daļa. Daugavpils: Saule, 2003, 132 lpp.
44. Jundzis T. Latvijas Drošība un aizsardzība. Rīga: Junda, 1995, 572 lpp., ISBN 9984-01-012-0.
45. Kēnigs M. Cilvēktiesības. Rīga: Tiesu nama aģentūra, Poligrāfists, 2010, 136 lpp., ISBN 978–9984–7906–8-8.
46. Krutova Ē. Starpvalstu sadarbība transnacionālo organizēto noziegumu izmeklēšanā. Rīga: [b.i.], 2011, 153 lpp., ISBN 978-9984-49-462-3.
47. Levits E. (priekšvārds). Konsolidēts Eiropas Kopienas dibināšanas līgums un Nicas līgums. (Mācību līdzeklis sabiedrisko zinātņu studentiem). Rīga: Jāņa Sēta, 2001, 335 lpp., ISBN 9984-657-086.
48. Likumdošanas akti par Latvijas Republikas valsts robežu un robežkontroli. Rīga: Latvijas Policijas akadēmija, 1999, 188 lpp., ISBN 9984-545-86-5.
49. Matvejevs A. Šengena. Informatīvie materiāli. Rīga: Latvijas Policijas akadēmija, 2006, 212 lpp.
50. Matvejevs A. Policijas darbības teorijas attīstības tendences. Rīga: Petrovskis un Ko, 2009, 327 lpp., ISBN 9984-689-08-5.
51. Načisčionis J. Administratīvās tiesības. Rīga: Biznesa augstskola Turība, 2018, 518 lpp. ISBN 978-9934-543-16-6.
52. Pavloviča K., Pogrebņaks A. Eiropas Savienības valstu robežapsardzība. Rīga: Latvijas Policijas akadēmija, 2005, 154 lpp.
53. Platons. Valsts. Pagātnes domātāju darbi. No sengrieķu valodas tulkojis G.Lukstiņš. Zariņa V., Ķemeres I. priekšvārds „Platons un viņa dialogs „Valsts"". Rīga: Zvaigzne ABC, [B.g.], 191 lpp., ISBN 9984-22-064-8.
54. Plotnieks A. Tiesību teorija un juridiskā metode. Rīga: Izglītības soļi, 2009, 312 lpp., ISBN 9984-712-92-3.
55. Puga A. Eiropa: Latvijas un Krievijas 1920.gada miera līgums. Dokumenti, liecības un atziņas. Rīga: Zvaigzne ABC, 2010, 205 lpp., ISBN 978-9934-0-1550-2.
56. Pogrebņaks A. (sast.), Fogels Z. (red.). Latvijas Republikas un kaimiņvalstu līgumi un vienošanās par robežapsardzību. Rīga: LPA, 2000, 177 lpp., ISBN 9984-655-08-3.
57. Pogrebņaks A. Latvijas Republikas Valsts robežsardzes Dienesta nolikums I daļa „Dienesta organizācija". Rīga: Latvijas Policijas akadēmija, 1999, 245 lpp., ISBN 9984-655-49-1.

58. Pogrebņaks A. Likumdošanas akti par Latvijas Republikas valsts robežu un robežkontroli. Rīga: Latvijas Policijas akadēmija, 1998, 188 lpp., ISBN 9984-545-86-5.
59. Seskis J. Latvijas valsts izcelšanās pasaules kara notikumu norisē. Atmiņas un apcerējumi (1914.-1921.). Rīga: Balta, 1991, 344 lpp.
60. Somijas Robežsarga rokasgrāmata (Somija). K.Staņa tulk. Helsinki: 1986. Izdota Rīgā: Latvijas Policijas akadēmija, 1998, 83 lpp.
61. Stranga A. Latvijas – Padomju Krievijas Miera līgums 1920.gada 11.augustā. Latvijas – padomju Krievijas attiecības 1919.-1925.gadā. Rīga: LU žurnāla „Latvijas Vēsture" fonds, Poligrāfists, 2000, 258 lpp., ISBN 9984-643-20-4.
62. Stucka A. Administratīvās tiesības. Rīga: Juridiskā koledža, 2006, 209 lpp, ISBN 9984-9664-8-8.
63. Šengenas katalogs (Ārējo robežu kontrole, Izraidīšana un atpakaļuzņemšana: Ieteikumi un labākā prakse). ES Padome. Ģenerālsekretariāts. Februāris – 2002. Rīga: Valsts valodas centrs, 2011, 67 lpp.
64. Vedins I. Zinātne un patiesība. Rīga: Avots, 2008, 704 lpp., ISBN 978-9984-800-63-9.
65. Vītiņš V. Vispārējs tiesību pārskats (2.izd.). V.Birkava priekšvārds un komentāri 1939.gada izdevumam „Vispārējs tiesību pārskats". Rīga: Verdikts, 1993, 335 lpp.
66. Zahars V. Latvijas kriminālpolitika: retrospekcija un nākotnes vīzija. Monogrāfija. Daugavpils: Saule, 2011, 136 lpp., ISBN 978-9984-14-456-6.
67. Ziemele I. Starptautiskās tiesības un cilvēktiesības Latvijā: abstrakcija vai realitāte. Rakstu krājums. Rīga: Tiesu nama aģentūra, 2005, 678 lpp., ISBN 9984-671-76-3.

Books in Latvian with several authors:

68. Antāne I., Akers A. Konstantinova u.c. (2003). Eiropas Savienības mazā enciklopēdija. Rīga: Valērija Belokoņa izdevniecība, 2003, 242 lpp. ISBN10- 9984-948-26-9.
69. Djačkova S., Andersone Dž., Laganovska K. Latvijas Cilvēktiesību centrs (Projektu finansē Eiropas Bēgļu fonds). Patvēruma meklētāju aizturēšana un aizturēšanas alternatīvas Latvijā. Rīga: 2011, 78 lpp., ISBN 978-9984-9920-6-8.
70. Gulbis A., Čevers A. Muitas darbības pamati: mācību līdzeklis. Rīga: RTU, 2007, 234 lpp., ISBN 9984-32-288-2.
71. Latvijas Republikas Satversmes komentāri. VIII nodaļa. Cilvēka pamattiesības. Autoru kolektīvs prof. R.Baloža zin. vadībā. Rīga: Latvijas Vēstnesis, 2011, 864 lpp, ISBN 978-9984-840-19-2.
72. Pleps J., Pastars E., Plakane I. Konstitucionālās tiesības. Rīga: Latvijas Vēstnesis, 2004, 732 lpp., ISBN 9984-731-39-1.
73. Eiropas Savienības tiesību piemērošana. Rokasgrāmata praktizējošiem juristiem. 2.papild. izd. Elberts D., Freija I., Jarve K. u.c. Rīga: Tiesu namu aģentūra, 2008, 395 lpp., ISBN 978-9984-790-41-1.
74. Eiropas tiesības. Blūzma V., Buka A., Deksnis B., Jarinovska K., Jundzis T., Levits E. Rīga: Juridiskā koledža, 2004, 388 lpp.
75. Ievads Eiropas Savienības tiesībās: tiesu prakse un komentāri. Alehno I., Buka A., Butkevičs J., Jarinovska K., Škoba L. Rīga: Tiesu namu aģentūra, 2004, 506 lpp., ISBN 9984-731-28-6.
76. Ilustrētā svešvārdu vārdnīca. Andersone I., Čerņavska I., Kalniņa I., Nātiņa D., Puriņa R., Vjatere L. (sastādītājas). Rīga: Avots, 2005, 892 lpp., ISBN 9984-757-37-4.
77. Juridisko terminu vārdnīca. Dubure V., Fogels A., Fridrihsons I. u.c., Darba grupas vadītājs un redaktors Krastiņš I. Rīga: NORDIK, 1998, 302 lpp., ISBN 9984-510-45-X.
78. Kriminālistika. 2.daļa. Kriminālistikas taktika. Mācību grāmata. Kavalieris A., Konovalovs J., Mašošins J., u.c. Rīga: Latvijas Policijas akadēmija, 1998, 227 lpp., ISBN 9984-545-65- 2.

79. Latviešu valodas skaidrojošā vārdnīca. Rīga: LU, 1993 - 2006, versija1.8.2.Pieejams: http://www.ailab.lv/Vardnica/
80. Latvija tu zeme svētā tevi sargāt mūsu gods. Ūdre D. (izd. sast.). Izd. sag. piedalījās Švarcs Dž., Redisons I, Svirskis A. u.c. Rīga: Nordik, 2006, 128 lpp., ISBN 9984-792-29-3.
81. Latvija Eiropas Padomē – 10 gadi. Latvia in the council of Europe – 10years. Krastiņš U. (sast.), Riekstiņa L. (red.). Rīga: EP Informācijas birojs, 2005, 47.-48.lpp.;
82. Militāru svešvārdu vārdnīca. Justs F., Baltutis U. (sast.). Rīga: Avots, 2008, 1231 lpp.
83. Robežlīgums: Spriedums. Materiāli. Komentāri. Rīga: Latvijas Vēstnesis, 2009, 640 lpp., ISBN987-9984-840-06-2.
84. Svešvārdu vārdnīca. Tulkojuši Cepurniece S., Gūtmanis A., Lukstiņš G., Strazdiņa V., Vīlipa R. Papildinājis Feldhūns A. Rīga: Liesma, 1969, 702 lpp.
85. Svešvārdu vārdnīca, 25000 vārdu un terminu. Sastādītāji: Kalniņa I., Čerņevska I., Kalniņa I. u.c. Rīga: Avots, [B.g.], 1024 lpp., ISBN 978-9984-800-31-8.
86. Vahers J., Bērziņa I. Lūzums, no milicijas līdz policijai. Rīga: LR Iekšlietu ministrija, Nordik, Preses nams, 2006, 295 lpp., ISBN 9984-792-16-1.
87. Vildbergs H.J., Krasts V. Salīdzinošās administratīvās tiesības. Lietas un risinājumi. 2.pārstr. un papild. izdev. Rīga: EuroFaculty, N.I.M.S., 2002, 440 lpp., ISBN 9984-725-61-8.
88. Vildbergs H. J., Messeršmits K., Niedra L. Pilsonis tiesiskā valstī. Vācu konstitucionālo un administratīvo tiesību pamati. No vācu val. tulk. Niedre L., zin. red. Krasts V., lit. red. Paegle L. Rīga: Eurofaculty, N.I.M.S., 2004, 233 lpp., ISBN 9984-725-94-4.
89. Vilks A., Ķipēna K. (zin. redaktori). Latvijas Neatkarīgo kriminologu asociācija. Kriminoloģija. Mācību grāmata. Rīga: Nordik, 2004, 517 lpp., ISBN 9984-751-58-9.

ARTICLES WITHIN BOOKS OR ON THE INTERNET:

90. Temporary Reintroduction of Border Control (2018). https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/schengen/reintroduction-border-control_en
91. Alksnis E. Paziņojums par Latvijas-Krievijas robežu. Rīga: 2007. Pieejams: http://www.ltn.lv/~pilsonis/doc/%5Bpilsonis.lv%5Dpplkr.doc
92. Antoine - Gregoire J.L. Pamattiesību ievērošana Eiropas Savienībā. 2008. Pieejams: http://circa.europa.eu/irc/opoce/fact_sheets/info/data/citizen/respect/article_7173_lv.htm
93. Apap J. Ārējo robežu pārvaldība. 2008. Pieejams: http://circa.europa.eu/irc/opoce/fact_sheets/info/data/policies/freedom/article_7307_lv.htm
94. Ar robežlīgumu Krievijai atdoti zemesgabali arī ārpus Abrenes. Pieejams: http://www.apollo.lv/zinas/ar-robezligumu-krievijai-atdoti-zemesgabali-ari-arpus-abrenes/385620
95. Bleiere D. Suverenitāte globalizācijas un reģionālās integrācijas laikmetā. Publicēts portālā 2003.gada 5.jūlijā. Pieejams: http://www.politika.lv/temas/6982/
96. Eiropa kustībā. Brīvība, drošība un taisnīgums visiem. Tieslietas un iekšlietas Eiropas Savienībā. EK, Preses un Komunikāciju ģenerāldirektorāts. Manuskripts, 2004. Pieejams: http://ec.europa.eu/archives/publications/booklets/move/42/lv.pdf
97. EC: On the application of Schengen Borders Code, 2010 EK pārstāvniecības Latvijā Preses un informācijas nodaļa. Eiropas Komisija: Par Šengenas Robežu kodeksa piemērošanu. Informācija Eiropas institūcijās. Publicēts: LV, 2010. 15.okt., nr.164. Pieejams: https://www.vestnesis.lv/index.php?menu=doc&id=219625
98. EK. Schengen governance - strengthening the area without internal border controls EK. Šengenas pārvaldība – zonas bez kontroles pie iekšējām robežām stiprināšana. *Brisele:* 2011, 16.sep., COM(2011) *561* galīgā redakcija. EK paziņojums. Pieejams: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri

99. EC: on strengthening the Schengen Area EK. Par Šengenas zonas stiprināšanu. Publicēts: LV, 2011. 28.sep., nr.153. Informācija Eiropas institūcijās. Pieejams: http://www.es.gov.lv/news/sengena-komisija-ierosina-eiropas-pieeju-lai-labak-aizsargatu-pilsonu-brivu-parvietosanos [aplūkots 2012.gada 20.janvārī].
100. EK paziņojums presei. Reference: IP/11/1036 Event Date: 16/09/2011. Pieejams: europa.eu/rapid/press-release_IP-11-1036_lv.htm
101. Feldmanis I. Latvijas okupācija, vēsturiskie un starptautiski tiesiskie aspekti. [B.g.]. Pieejams: http://www.mfa.gov.lv/lv/Arpolitika/latvijasvesture/okupacijas-aspekti/
102. Fogels A. Valstu (Latvijas) suverenitātes un starptautiskās Kopienas interešu starpjomas tiesiskā regulējuma aspekti. No: Starptautiskā zinātniskā konference „Tiesību harmonizācija Baltijas jūras reģionā 20.-21.gs. mijā." Rīga: 2006, 672 lpp., ISBN 9984-643-77-8.
103. Gaveika, A. Bulgakova, I. (2016). Asylum Law Regulation and Currentevents of Its Application in Latvia. VI th International scientific and practical conference „Border Security and Management". 11. – 12.05.2016. Journal of internal Security and civil Defence Sciences. Rēzekne: RTA, pp.53 – 63. ISBN 978-9934-8388-4-2. Pieejams: http://journals.rta.lv/index.php/BSM/ article/view/1700/1520
104. Gaveika A. Latvijas Republikas valsts robežas un pierobežas režīmu tiesiskais regulējums. No: LU 1.Juridiskās zinātnes doktorantu un zinātniskā grāda pretendentu zinātniski - praktiskā konference 11.06.2010. Rakstu krājums "Juridiskās zinātnes aktuālās problēmas". Rīga: LU, Zvaigzne ABC, 2012, 432 lpp., ISBN 978-9934-0-2032-2. 418.-432.lpp.
105. Gaveika A. Robežsardzes likuma un LR valsts robežas likuma evolūcija sauszemes ārējo robežu robežkontroles kontekstā. No: Valsts robežsardzes amatpersonu un Valsts robežsardzes koledžas studējošo I zinātniski - praktiskā konference „Valsts robežsardze: attīstība, problēmas, risinājumi" 5. – 6.05.2011. Rēzekne: Latgales druka, 2011, 322 lpp., 189.-199.lpp.
106. Gaveika A. Ārkārtas situāciju novēršanas tiesiskās reglamentācijas tendences un problēmas uz Latvijas Republikas ārējām robežām. Rīga: Tēzes LU II Juridiskās zinātnes doktorantu un zinātniskā grāda pretendentu zinātniski-praktiskai konferencei 2011.gada 17.jūnijā (nepublicētas).
107. Gaveika A. Latvijas Republikas robežsargu profesionālā sagatavošana Eiropas Savienības ārējo robežu kontroles kontekstā. No: Valsts robežsardzes koledžas 3.starptautiskā pētnieciskās konference "Inovācijas robežsargu profesionālajā sagatavošanā" 5.-7.05.2010. Rēzekne: Latgales druka, 256 lpp., ISBN 978-9984-49-038-0. 7.-18.lpp.
108. Gaveika A. Šengenas Konvencija, mūsdienu izaicinājumi. No: Daugavpils Universitātes Starptautiskā zinātniskā konference "Valsts un tiesību aktuālās problēmas". Daugavpils: Saule, 2010, 512 lpp., ISBN 978-9984-14-505-1. 127.-133.lpp.
109. Gaveika A. VRS personāla profesionālās sagatavošanas turpmākās attīstības redzējums (aktualitātes un problemātika). Tēzes publiskotas IeM konferencē 2009.gada. 27.novembrī.
110. Gaveika A. Robežsardzes personāla augstākās izglītības problēmas Eiropas Savienības un Šengenas Konvencijas kontekstā. No: Starptautiskā zinātniski - praktiskā konference „Policijas augstākās izglītības vadības problēmas". Rīga: LPA, 2007, 156 lpp., ISBN-9984-712-82-6. 11.-20.lpp.
111. Gaveika A. Nacionālās drošības jēdziena tiesiskais regulējums. No: LPA studējošo VII zinātniskā konference 2009.gada 24.martā. Rīga: LPA Konferences rakstu krājums, 2009, 48. - 69.lpp.

112. Gaveika A. Šengenas konvencijas nozīme Eiropas Savienības integrācijā, sabiedriskajā drošībā un labklājībā. No: Starptautiskā zinātniski-praktiskā konference „Latvija un Eiropa: reģionālās attīstības iespējas, risinājumi un perspektīvas" 27.-28.03.2008. Daugavpils: Alise-T, 2008, 630 lpp., ISBN 978-9984-763-81-1. 185. -200.lpp.
113. Gaveika A. Izglītības reformas problēmas Latvijā. No: Latvijas Policijas akadēmijas starptautiskā zinātniski - praktiskā konference "Policijas izglītība Latvijā un Eiropā". 20.05.2006. Rīga: Konferences rakstu krājums, LPA, 2006, 321 lpp., 31.- 40.lpp.
114. Indrikovs Z. Policijas tiesību jēdziens. No: DU 55. starptautiskās zinātniskās konferences tēzes. 2013. Pieejams: http://dukonference.lv/files/programme/Programma_55_konference.pdf
115. Jundzis T. Latvijas PSR Augstākās Padomes Deklarācija par Latvijas valsts suverenitāti. No: Rakstu, atmiņu un dokumentu krājums par neatkarības deklarāciju. Rīga: Fonds Latvijas Vēsture, 2000, 392.-393.lpp. Pieejams: http://www.historia.lv/alfabets/L/la/neatkar_atj/dok/1989.07.28.htm
116. Kļaviņa G. Ģeotelpiskā informācija laikā un telpā. 2011. Pieejams: http://map.lgia.gov.lv/index.php?lang=0&cPath=4_44&txt_id=108
117. 2017.06.03 Kontrabandista aizturēšanā robežsargi spiesti pielietot dienesta ieroci 2017. http://www.rs.gov.lv/?id=1031&top=0&from=2017-6&rel=5047
118. Laganovskis G. Īpašuma atsavināšanu regulēs jauns likums. Skaidrojums. 2010.g. 3.nov. Pieejams: http://www.lvportals.lv/skaidrojumi.php?id=220541
119. Latvijas Valsts prezidenta kanceleja. Valsts prezidenta oficiālā vizīte Krievijā. 2010. Pieejams: http://www.president.lv/pk/content/?cat_id=7515&lng=lv
120. Lejnieks M. *Actio in rem* Latvijā - Kāpēc, kad un kā?. No: Starptautiskā zinātniskā konference „Tiesību harmonizācija Baltijas jūras reģionā 20.-21.gs. mijā". Rīga: 2006, ISBN 9984-643-77-8. 204.–209.lpp.
121. Lēbers D.A. Krievijas un Latvijas teritoriālais strīds Abrenes jautājumā. 24.05.2005. Pieejams: http://vip.latnet.lv/lpra/abrene_loebers.htm (Crimes against Humanity. Latvian Site Noziegumi pret cilvēci)
122. Lejnieks M. Starptautiskās tiesības un jūras robežlīgums. 18.09.1999. Pieejams: http://www.diena.lv/arhivs/starptautiskas-tiesibas-un-juras-robezligums
123. LR ĀM. Latvijas okupācija, vēsturiskie un starptautiski tiesiskie aspekti. Pieejams: http://www.mfa.gov.lv/lv/Arpolitika/latvijasvesture/okupacijas-aspekti/ .
124. LR ĀM. Sadarbība aizsardzības jomā. [B.g.]. Pieejams: http://www.mfa.gov.lv/lv/helsinki/jaunumi/latvijas/ZinasNoLatvijas-Template/?pg=4156
125. LR IeM informācijas centrs. ERAF projekts: „Biometrijas datu apstrādes sistēmas izveide". [B.g.]. Pieejams: http://www.ic.iem.gov.lv/?q=lv/node/467
126. Nacionālie bruņotie spēki. Par NBS. Vēsture. Latvijas armija no 1991.gada līdz mūsdienām. Pieejams: http://www.mil.lv/Par_mums/Vesture/1991.aspx
127. Mani dati Šengenas informācijas sistēmāhttps://www.mfa.gov.lv/ministrija/mani-dati-sengenas-informacijas-sistema
128. OCMA Asylum seekers, 2020, available at: https://www .pmlp.gov.lv / en / home / statistics / asylum-mekletaji.html
129. Paparinska M. viedoklis lietā Nr.2007-10-0102. Oksfordā 2007.gada 4.oktobrī. No: Robežlīgums: Spriedums. Materiāli. Komentāri. Rīga: LV, 2009, 640 lpp., ISBN 987-9984-840-06-2. 243.-302.lpp.
130. Pētersone K. (VRS sabiedrisko attiecību nodaļa). Šengenas novērtēšanas imitācija uz jūras un gaisa robežām . 2011.12.07. Pieejams: http://www.rs.gov.lv/?rel=2021&id=1031&top=-4

131. Par Šengenas konvencijas finanšu programmas *(Schengen Facility)* realizāciju. Valsts robežsardze: 2007. Pieejams: http://www.rs.gov.lv/index.php?id=745&sa=&top=539&doc=4115
132. Rinkēvičs E. (Ārlietu ministrs). Par Latvijas un Krievijas kopīgās demarkācijas komisijas darba un tās lēmumu īstenošanas finansējumu 2012. - 2015.gadam. Informatīvais ziņojums. 23.08.2011. Pieejams: www.mk.gov.lv/doc/2005/AMzino_260712.1837.docx
133. Rjabcevs A. (PMLP). Par patvēruma meklētāju skaitu Latvijā 2011.gadā. Publicēts: LV, 2012. 11.jan., nr.6. Pieejams: http://www.vestnesis.lv/index.php?menu=doc&id=242632&laidiens_id=10919
134. 2010.06.02Robežsargi atjaunotās robežkontroles laikā pārbaudījuši 130 000 personas. http://www.rs.gov.lv/index.php?id=1031&top=-6&rel=1326
135. Robežapsardzības informācijas sistēmas "RAIS 2009" izstrāde. Informācija par VRS projekta Nr.3DP/3.2.2.1.1/09/IPIA/IUMEPLS/024 „Robežapsardzības informācijas sistēmas "RAIS 2009" izstrāde" realizāciju. Pieejams: http://www.rs.gov.lv/index.php?doc=4640
136. Ruhnu Vald. Vispārīgi dati par Roņu salu. [B.g.]. Pieejams: http://ruhnu.ee/visparigi-dati-par-ronu-salu/?lang=lat
137. EK. Šengenas pārvaldība – zonas bez kontroles pie iekšējām robežām stiprināšana. *Brisele:* 2011, 16.sep., COM(2011) *561* galīgā redakcija. EK paziņojums. http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri
138. Schengen. Your gateway to free movement in Europe Šengena, tavi vārti uz brīvu pārvietošanos Eiropā. ES: Consilium (Publikāciju birojs). Belģija: Brisele, 2011. Pieejams: http://www.consilium.europa.eu/uedocs/cms_data/librairie/PDF/QC3011151LVC.pdf.
139. Šengena. Tavi vārti uz brīvu pārvietošanos Eiropā. ES: Consilium (Publikāciju birojs). Belģija: Brisele, 2013. Pieejams: http://www.consilium.europa.eu/uedocs/cms_data/librairie/PDF/QC3012122LVC.pdf
140. Schengen Information System https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/schengen-information-system_en Pieejams: http://www.vp.gov.lv/?id=620
141. Bērziņa I. (VRS). Apstiprināts Šengenas novērtēšanas komisijas vizīšu plāns. 2006.01.17. Pieejams: http://www.rs.gov.lv/?id=1031&sa=&top=-4&rel=1
142. Zviedrijas - PSRS ekskluzīvās ekonomiskās zonas robeža – kam izdevīga? Pieejams: http://doktrina.wordpress.com/2011/01/12/zviedrijas-psrs-ekskluzivas-ekonomiskas-zonas-robeza/
143. Baldwin-Edwards M. Migration between Greece and Turkey: From the „exchange of populations" to non-recognition of borders". University of Pittsburgh, 2006/3. Available: http://aei.pitt.edu/7043/1/Migration_between_Greece_and_TurkeyV3a.pdf
144. Dr. Bouteillet-Paquet D. Synthesis Report. Steps to Freedom. Monitoring detention and promoting alternatives to detention of asylum seekers in the Czech Republic, Estonia, Latvia, Lithuania, and Slovakia. Riga: Latvian Centre for Human Rights, 2011, p.82 -87.
145. BSRBCC - Baltic Sea Region Border Control Cooperation. Available: http://www.cbss.org/Civil-Security-and-the-Human-Dimension/baltic-sea-region-border-control-cooperation
146. Council of Europe. Human Rights and Rule of Law. European Social Charter. [B.g.]. Available: http://www.coe.int/t/dghl/monitoring/socialcharter/default_en.asp.

147. Council of the European Union. Schengen enlargement: Liechtenstein to become 26thmember State. Brussels: 2011. 13.dec., 18446/11, Presse 489. Pieejams: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/126860.pdf
148. Gaveika A. The State Border Concept as Element of National Sovereignty of the Republic of Latvia and its Legal Evolution. In: European Integration and Baltic Sea Region Studies: University-Business Partnership through the Triple Helix Approach (Volume II). Germany, Berlin: Berliner Wissenschafts – Verlag, 2012, 344 p., ISBN 978-3-8305-3028-2. p.282.–291.
149. Gaveika A. Tendencies and topicality of implementation of Schengen Borders Code provisions. In: European Integration and Baltic Sea Region: Diversity and Perspectives: international scientific conference: 26 -27 September, 2011. Riga: University of Latvia, Zelta rudens, 2011, 650 p., ISBN 9984-45-398-9. p.470 - 478.
150. Guild E., Bigo D. Mechanisms Collenively Specifying the Indimidual: The Schengen Border System and Enlagement. In: Anderson M., Apap J. Police and Justice cooperation and the new European Borders. The Hague, London, New York: Kluwer Law International, 2002, 147 p., ISBN 90-411-1893-4. p.125-126.
151. Historie der Bundespolizei. 2012. Verfügbar: http://www.bundespolizei.de/DE/06Die-Bundespolizei/Historie/
152. Temporary Reintroduction of Border Control (2018). https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/schengen/reintroduction-border-control_en.(acess: 2018).
153. The Community Charter of Fundamental Social Rights of Workers - December, 9th 1989. Available: http://www.aedh.eu/plugins/fckeditor/userfiles/file/Conventions%20internationales/Community_Charter_of_the_Fundamental_Social_Rights_of_Workers.pdf. Title I, Fundamental Social Rights of Workers.
154. The second overview on the Schengen Area activities in May 1, 2012Otrais pusgada pārskats par Šengenas zonas darbību 2012.g.1.maijs – 2012.g. 31.okt.; 2012.g. 23.nov. EK paziņojums EP un Parlamentam. Brisele: COM (2012) 686 final. Pieejams:http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0686:FIN:LV:PDF
155. The United Nations Convention on the Law of the Sea. (A historical perspective). Available: http://www.un.org/Depts/los/convention_agreements/convention_historical_perspective
156. The free Dictionary by Farlex. Available: http://www.thefreedictionary.com/line+of+demarcation
157. UNHCR the UN Refugee Agency. History of UNHCR A Global Humanitarian Organization of Humble Origins. [B.g.]. Available: http://www.unhcr.org/pages/49c3646cbc.html
158. United Kingdom: UK Border Agency. [B.g.]. Available: http://www.frontex.europa.eu/partners/national-authorities
159. 14 June 1985 – signing the Schengen Agreement: Catherine Lalumière (France), Waldemar Schreckenberger (Germany), Paul De Keersmaeker (Belgium), Robert Goebbels (Luxemburg) & Wim van Eekelen (Netherland). https://www.schengenvisainfo.com/schengen-agreement/
160. Grenzschutz.2020. https://www.bundespolizei.de/Web/DE/_Home/home_node.html
161. Grenzüberschreitende polizeiliche Zusammenarbeit zwischen den Schengen-Staaten im EU Rahmen. Heranführung der Staaten Mittel-und Osteuropas (1999). Seminar. Weimar: Thüringerr Polizeiverwaltungsamt, S.147.
162. Gaveika A. Инновации профессионального образования сотрудников МВД Латвии в контексте Европейского Союза и Шенгенской Конвенции. No: Starptautiskais

zinātniski-praktiskais seminārs „Inovācijas robežsargu profesionālajā sagatavošanā” (Innowacje w szkoleniu zawodowym funkcjonariuszy Straży Granicznej). Polija, Kentšina: Centrum szkolenia Straży Granicznej, 5.-6.11.2008. 74 lpp., 5.-15.lpp.
163. Інстытут беларускай гісторыі і культуры. Как менялись границы беларуси в XX веке. [B.g.]. Pieejams: http://inbelhist.org/?p=2834
164. В законодательство по вопросам пограничной безопасности предлагается внести изменения http://pravo.by/novosti/novosti-pravo-by/2018/october/30855/
165. Овлащенко А.В. Правовой режим морских пространств Латвии. Диссертация. Автореферат. Артикул: 221198. Москва, МГИМО, 2006. Pieejams: http://www.dissercat.com/content/pravovoi-rezhim-morskikh-prostranstv-latvii
166. Тихомиров А.В. Фактор Беларуси в процессе советско-польского мирного урегулирования 1920—1921 гг. Pieejams: http://www.rsijournal.net/faktor-belarusi-v-processe-sovetsko-polskogo-mirnogo-uregulirovaniya-1920-1921-gg/

PERIODICALS:

167. Bulgakova I. Robežsardzes darbības pilnveidošanas aspekti. Administratīvā un Krimināla Justīcija, 2002, nr.2(19), 7.-11.lpp.
168. Feldmanis I. Latvijas diplomātija cīņā par valsts starptautisko atzīšanu (1918-1921). Latvijas Vēsture: jaunie un jaunākie laiki, 2011, nr.2, 101.lpp.
169. Policija un cilvēktiesības. Eiropas aktualitātes. Cilvēktiesību žurnāls, LU Juridiskās fakultātes Cilvēktiesību institūts, 2000, nr.13/14, 64.–71.lpp.
170. Eglītis V. Tiesību principu un konstitucionālo tiesību principu ģenēze un izpratne. Administratīvā un krimināla justīcija, 2002, nr.3(20), 23.-27.lpp.
171. Indrikovs Z., Policijas jēdziens demokrātiskā valstī. Administratīvā un Krimināla Justīcija, 2007, nr.3(40), 13.-20.lpp.
172. Jundzis T. „Lisabonas līgums” un Eiropas Savienības konstitucionālie pamati. Likums un Tiesības, 2008, nr.2, 66.-73.lpp.
173. Jundzis T. „Lisabonas līgums” un Eiropas Savienības kopējās ārpolitikas un drošības politikas tiesiskais regulējums. Likums un Tiesības, 2008, nr.3, 68.lpp.
174. Kūtris G. Likumu robi un Eiropas konstitucionālās tiesas. Eiropas konstitucionālo tiesu konferences XIV kongress. Jurista vārds, 2008, nr.24(529). Pieejams: http://www.juristavards.lv/index.php?menu=DOC&id=177319
175. Lēbers D.A. Krievijas un Latvijas teritoriālais strīds Abrenes jautājumā Padomju varas laika sekas. Jurista vārds, 2005, nr.19(374).
176. Matvejevs A. Policijas tiesību normas un ar tām regulējamās sabiedriskās attiecības. Administratīvā un Krimināla Justīcija, 2006, nr.4(37), 14.-26.lpp.
177. Matvejevs A. Policijas darbība kā pārvaldes darbības veids. Administratīvā un Krimināla Justīcija, 2006, nr.1(34), 25.-32.lpp.
178. Matvejevs A. Valsts policijas darbības efektivitātes vērtēšanas tiesiskie kritēriji. Administratīvā un Krimināla Justīcija, 2005, nr.3(32), 65.lpp.
179. Melnis E., Garonskis A., Matvejevs A. Development of the Policing in Latvia. Jurisprudencija 1, 2006, (79), p.72 – 84. Available: https://www.mruni.eu/lt/mokslo_darbai/jurisprudencija
180. Meinhards H. Eiropas Savienības Pamattiesību harta. Pirmais solis ceļā uz Eiropas konstitūciju. Cilvēktiesību žurnāls. Policija un cilvēktiesības, Eiropas aktualitātes, 2000, nr.13/14, LU Juridiskās fakultātes Cilvēktiesību institūta izdevums, SIA „Mācību grāmata”, 298.-299.lpp.
181. Vītoliņš V. Ieskats Šengenas acquis attīstībā. Jurista Vārds, 2008, nr.5(510), 1.-4.lpp.
182. Ziemele I. Starptautiskās tiesības un cilvēktiesības Latvijā: abstrakcija vai realitāte. Rakstu krājums. Rīga: Tiesu nama aģentūra, 2005, 34.lpp.

183. Ziemele I. Latvijas – Krievijas valsts robežas jautājums un Latvijas nepārtrauktības doktrīna. Jurista Vārds, 2008, nr.27, 11.-15.lpp.
184. Dreier H. (2002). Das Europa der Administrationen. Frankfurter Allgemeine Zeitung, Num. 46, S.62.
185. Gjorgjevič G. (Ministry of Defense, Republic of Macedonia). Corruption corrodes Security. Per Concordiam (Journal of European Security and Defense Issues), 2012, Volume 3, Issue 1, ISSN 2166-322X (print), p.22.-23.
186. Dreier H. Das Europa der Administrationen. Frankfurter Allgemeine Zeitung, 2002, Num. 46, S.162.
187. Островский И., Постнов В. Какие государственные границы нужны России. Дипломатический Вестник, 1994, No.9-10, с.72-73.
188. Овлащенко А.В. Морская политика. Санкт-Петербург, Институт Морского Права, 2008, с.129.
189. Рейнгольд В. Влияние унификации и гармонизации на эволюцию договорного права. Балтийский юридический журнал. Рига: БМА, 2008, nr.3(13), с.6.
190. Приложение „Наука и военная безопасность" к журналу „Армия" № 283, 12 октября 2006 года.
191. Халиманович Н. Отношения между Республикой Беларусь и Латвийской Республикой в политической и торгово – экономической областях (1991 – 2001гг). Белорусский журнал международного права и международных отношений 2002, № 2, с.64-69.

REGULATIONS:

International conventions, codes, declarations and other legal documents:

192. UN Charter (full text). 1945. Available: https://www.un.org/en/sections/un-charter/un-charter-full-text/: ANO Statūti. 1945.g. 26.jūn., Sanfrancisko. Available: http://www.humanrights.lv/doc/vispaar/anostat.htm
193. LR AP deklarācija. 04.05.1990. Par Latvijas Republikas pievienošanos starptautisko tiesību dokumentiem cilvēktiesību jautājumos. Politisks dokuments. Ziņotājs, 1990. 24.maijs, nr.21. (deklaratīvs akts bez juridiska spēka).
194. European Code for Inland waterways (CEVNI): UN, New York and Geneva, 2007. Available: www.unece.org/trans/doc/.../TRANS-SC3-115r2e.pdf
195. ISPS Code Starptautiskais kuģu un ostas iekārtu aizsardzības kodekss: 2.12.2002. starptautisks dokuments. LR spēkā no 01.07.2004. LV, 2004. 28.jūn., nr.100.
196. United Nations Convention against Transnational Organized Crime New York, 15 November 2000. Available: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&clang=_en: Konvencija pret transnacionālo organizēto noziedzību: ANO, 15.11.2000. LR spēkā no 29.09.2003. LV, 2001. 29.sept., nr.87.
197. Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. Havana, Cuba, 27.08. – 7.09.1990. Available: http://www2.ohchr.org/english/law/prosecutors.htm
198. The Community Charter of Fundamental Social Rights of Workers. 9.12.1989. Available: http://www.aedh.eu/plugins/fckeditor/userfiles/file/Conventions%20internationales/Community_Charter_of_the_Fundamental_Social_Rights_of_Workers.pdf. Title I, Fundamental Social Rights of Workers.
199. Concluding Document of the Vienna Meeting of the Conference on Security and Cooperation in Europe (CSCE). The Concluding Document of the Vienna Meeting of the CSCE was adopted 19.01.1989. Available: http://web.archive.org/web/19990220113731/http://www.osceprag.cz/docs/chronos.htm

200. Declaration on the human rights of individuals who are not nationals of the country in which they live (Deklarācija par to personu tiesībām, kuras nav tās valsts pilsoņi, kurā viņas dzīvo): ANO, 13.12.1985. LR spēkā no 24.03.1992. Pieejams: http://www.un.org/documents/ga/res/40/a40r144.htm
201. United Nations Convention on the Law of the Sea 1982. https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf ANO Jūras tiesību konvencija: 10.12.1982. starptautisks dokuments. LR spēkā no 22.01.2005. LV, 2004. 17.nov., nr.183.
202. Declaration on the police. Resolution 690 (1979) on the Declaration on the Police. 1979 Parliamentary Assembly of the Council of Europe May 8 (2nd session, 31st session). http://semantic-pace.net/tools/pdf.aspx?doc=aHR0cDovL2Fzc2VtYmx5LmNvZS5pbnQvbncveG1sL1hSZWYvWDJILURXLWV4dHIuYXNwP2ZpbGVpZD0xNjEwMSZsYW5nPUVO&xsl=aHR0cDovL3NlbWFudGljcGFjZS5uZXQvWHNsdC9QZGYvWFJlZi1XRC1BVC1YTUwyUERGLnhzbA==&xsltparams=ZmlsZWlkPTE2MTAx
203. Office of the United Nations High Comissioner for Human Rights. Code of Conduct for Law Enforcement Officials. Adopted by General Assembly resolution 34/169 of 17 December 1979. Available: http://www2.ohchr.org/english/law/ codeofconduct.htm
204. International Convention on Maritime Search and Rescue (SAR-79): Starptautiskā konvencija par meklēšanu un glābšanu uz jūras: 27.04.1979. starptautisks dokuments. LR spēkā no 30.12.1998. LV, 2003. 7.marts, nr.37.
205. Vienna Convention on Succession of States in respect of Treaties. 23.08.1978. Entry into force 6.11.1996. (Pievienojušās 37 valstis, LR nav pievienojusies). Available: http://untreaty.un.org/ilc/texts/instruments/english/conventions/3_2_1978.pdf
206. Additional Protocol of 8 June 1977 to the Geneva Conventions of 12 August 1949 relating to the Protection of Victims of Local Armed Conflict (Protocol II). International document. Effective in Latvia from 24.06.1992. LV, 2002, June 19, Art. No 92. 08.06.1977. 1977.gada 8.jūnija papildu protokols pie 1949.gada 12.augusta Ženēvas konvencijām, kas attiecas uz lokāla rakstura bruņotu konfliktu upuru aizsardzību (II protokols): 08.06.1977. starptautisks dokuments. LR spēkā no 24.06.1992. LV, 2002, 19.jūn., nr.92.
207. United Nations Conference on Succession of States in Respect of Treaties, Analytical Compilation of Comments by Governments. U.N. Doc. A/Conf. 80/5, 1977, p l 13. Available: http://untreaty.un.org/cod/diplomaticconferences/succ-treaties-1978/
208. International Covenant on Civil and Political Rights. Available: https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx
209. Par pilsoniskajām un politiskajām tiesībām ar fakultatīvo protokolu: Starptautiskais pakts, ANO, 1966.g. 16.dec., stājies spēkā 1976.g. 23.martā. LR spēkā no 22.09.1994. LV, 1994. 10.maijs, nr.55.
210. Conference on Security and Cooperation in Europe: Final Act, 1.08.1975. International Legal Materials, 1975, No.1292. Available: http://www.unhcr.org/ refworld/category, LEGAL,OSCE,,,3dde4f9b4,0.html
211. Starptautiskā konvencija par cilvēku dzīvības aizsardzību uz jūras (International Convention for the Safety of Life at Sea, as amended 1974, (SOLAS-74): 01.11.1974. starptautisks dokuments. LR spēkā no 20.08.1992. LV, 2007. 12.dec., nr.199.
212. Starptautiskā konvencija par piesārņojuma novēršanu no kuģiem, kas grozīta ar tās 1978.gada protokolu: 2.11.1973. starptautisks dokuments. LR spēkā no 20.08.1992. LV, 2008. 23.jūl., nr.112.

213. Konvencija par starptautiskajiem kuģu sadursmju novēršanas noteikumiem (COLREG-72): 20.10.1972. starptautisks dokuments. LR spēkā no 20.05.1992. LV, 2004. 18.aug., nr.130.
214. Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations: G.A. res. 2625, Annex, 25 UN GAOR, Supp. (No. 28), U.N. Doc. A/5217 at 121 (1970). 24.10.1970. Available: http://www1.umn.edu/humanrts/instree/principles1970.html [skatīts 2013.gada 29.aprīlī].
215. Convention on Facilitation of International Maritime Traffic, 1965 FAL Convention. 1965.g. Adopted in Latvia since 24.09.1997.
216. The Schengen Agreement of 14 June 1985. Agreement between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of controls at the common frontiers. Available: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:42000A0922%2802%29:en:HTML
217. Konvencija, ar ko īsteno Šengenas līgumu (1985.gada 14.jūnijs) starp Beniluksa Ekonomikas Savienības valstu Valdībām, Vācijas Federatīvās Republikas Valdību un Francijas Republikas Valdību par pakāpenisku kontroles atcelšanu pie kopīgām robežām. Ministru un valsts sekretāru kopīgā Deklarācija, tiekoties Šengenā 1990.gada 19.jūnijā. Available: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:42000A0922%2802%29:LV:HTML
218. Convention on the Continental Shelf: Geneva, 1958, April 29, Entry into force on June 10, 1964. UNO series of agreements, volume 499, 311pp.
Available: www.vvc.gov.lv/.../Konvencijas/Convention_on_the_Continental_Sh,
219. The 1951 Refugee Convention. Available: https://www.unhcr.org/ protection/travaux/4ca34be29/refugee-convention-1951-travaux-preparatoires-analysed-commentary-dr-paul.html
220. Statute of the Office of the United Nations High Commissioner for Refugees. Available: https://www.refworld.org/docid/3ae6b3628.html
221. European Treaty Series-No. 5 Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocols No. 11 and No. 14*. Available: https://rm.coe.int/1680063765
222. Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the field of 12 august 1949: 12.08.1949. International document. LR in force since 24.06.1992. LV, 2002. 30 July.No.46. Information on entry into force is published in official publisher "LatvijasVēstnesis" 1999, No.243.
223. Charter of the United Nations. 1948. Available: https://www.un.org/en/charter-united-nations/
224. Convention on International Civil Aviation (ICAO Convention). Done at: Chicago. Date enacted: 1944-12-07. In force: 1947-04-04. Available: http://www.jus.uio.no/english/services/library/treaties/07/7-01/international-civil-aviation.xml#treaty-header1-1
225. UN, Universal Declaration of Human Rights, 1948. Available: https://www.un.org/en/universal-declaration-human-rights/
226. Montevideo Convention on the Rights and Duties of States: Signed at Montevideo, 26.12.1933. Entered into Force 26.12.1934. Available: http://www.taiwandocuments.org/montevideo01.htm
227. Laws of War: Pacific Settlement of International Disputes (Hague I), 18.10.1907. Available: http://avalon.law.yale.edu/20th_century/pacific.asp
228. NATO Handbook 2006. Public Diplomacy Division NATO1110 Brussels, Belgium. Available: https://www.nato.int/docu/handbook/2006/hb-en-2006.pdf

229. Договор между СССР и Правительством Польской Народной Республики о режиме советско – польской государственной границе от 15 февраля 1961 г. Available: http://arc.pravoby.info/documentf/

Joint international regulatory enactments of the Republic of Latvia and the Republic of Estonia:

230. Agreement between the Government of the Republic of Latvia and the Government of the Republic of Estonia on the crossing of the state border and the denunciation of the Agreement on Amendments to the Agreement between the Government of the Republic of Latvia and the Government of the Republic of Estonia on the State Border Crossing: Law of the Republic of Latvia. LV, May 19, 2011, no.88.
231. Papildprotokols Latvijas Republikas un Igaunijas Republikas līgumam par valsts robežas atjaunošanu: 31.05.2000. starptautisks dokuments. LV, 2000. 15.nov., nr.406/408.
232. Agreement between the Government of the Republic of Estonia, the Government of the Republic of Latvia and the Government of the Kingdom of Sweden on a Common Maritime Border Crossing in the Baltic Sea: 30.04.1997. starptautisks dokuments. LV, 1997. 23.dec., nr.336/340.
233. Igaunijas Republikas valdības, Latvijas Republikas valdības un Zviedrijas Karalistes valdības līgums par kopīgo jūras robežas punktu Baltijas jūrā: 30.04.1997. starptautisks dokuments. LV, 1997. 23.dec., nr.336/340.
234. Latvijas Republikas un Igaunijas Republikas līgums par jūras robežas noteikšanu Rīgas jūras līcī, Irbes šaurumā un Baltijas jūrā: 12.07.1996. starptautisks dokuments. LR spēkā no 10.10.1996. LV, 1996. 30.aug., nr.146.
235. Latvijas Republikas un Igaunijas Republikas līgums par jūras robežas delimitāciju Rīgas jūras līcī, Irbes šaurumā un Baltijas jūrā: 12.07.1996. starptautisks dokuments. LV, 1996. 16.jūl., nr.120.
236. Līgums par valsts robežas atjaunošanu starp Latvijas Republiku un Igaunijas Republiku: 20.03.1992. starptautisks dokuments. LR spēkā no 13.09.1993. Pieejams: http://www.likumi.lv/doc.php?id=65315

Joint international regulatory enactments of the Republic of Latvia and the Republic of Lithuania:

237. Par Nolīguma starp Latvijas Republikas valdību un Lietuvas Republikas valdību par sadarbību, veicot kontroli valsts robežas apvienotajos kontrolpunktos, un Protokola par grozījumiem un papildinājumiem Latvijas Republikas valdības un Lietuvas Republikas valdības nolīgumā par sadarbību, veicot kontroli valsts robežas apvienotajos kontrolpunktos, denonsēšanu: LR likums. LV, 2011. 19.maijs, nr.88.
238. Latvijas Republikas valdības, Baltkrievijas Republikas valdības un Lietuvas Republikas valdības vienošanās par valstu robežu krustpunkta noteikšanas kārtību: 25.03.1998. starptautisks dokuments. LV, 1998. 29.maijs, nr.157/158.
239. Līgums par valsts robežas atjaunošanu starp Latvijas Republiku un Lietuvas Republiku: 25.05.1995. starptautisks dokuments. LV, 1995. 29.jūn., nr.84.

Joint international regulatory enactments of the Republic of Latvia and the Russian Federation:

240. Latvijas Republikas valdības un Krievijas Federācijas valdības vienošanās par sadarbību ārkārtējo situāciju novēršanas un likvidēšanas jomā: 20.12.2010. starptautisks dokuments. LV, 2011. 20.jūl., nr.112.
241. Latvijas Republikas valdības un Krievijas Federācijas valdības protokols par 2006. gada 25. maija Nolīguma starp Eiropas Kopienu un Krievijas Federāciju par atpakaļuzņemšanu

īstenošanu: 09.07.2009. starptautisks dokuments. LR spēkā no 26.09.2009. LV, 2009. 11.nov., nr.179.
242. Agreement between the Republic of Latvia and the Russian Federation on the State Border of Latvia and Russia: 17.05.2007 Par Latvijas Republikas un Krievijas Federācijas līgumu par Latvijas un Krievijas valsts robežu: 27.03.2007. starptautisks dokuments. LR spēkā no 30.05.2007. LV, 2007. 29.maijs, nr.85.
243. Protokols, kurš pievienots partnerības un sadarbības nolīgumam, ar ko izveido partnerību starp Eiropas Kopienām un to dalībvalstīm, no vienas puses, un Krievijas Federāciju, un ar kuru ņem vērā jauno Dalībvalstu pievienošanos ES: 27.04.2004. starptautisks dokuments. LR spēkā no 01.03.2005. LV, 2005. 14.jūl., nr.110.
244. Latvijas Republikas valdības un Krievijas Federācijas valdības protokols par Latvijas Republikas valdības un Krievijas Federācijas valdības 1993.gada 2.jūnija vienošanās par muitas robežas caurlaides punktiem darbības pagarināšanu: 25.06.2008. starptautisks dokuments. LR spēkā no 25.06.2008. LV, 2008. 22.jūl., nr.111.
245. Latvijas Republikas valdības un Krievijas Federācijas valdības līgums par sadarbību cīņā pret noziedzību, it īpaši tās organizētajās formās: 20.12.2010. starptautisks dokuments. LV, 2011. 29.jūn., nr.99.
246. Latvijas Republikas Valdības un Krievijas Federācijas Valdības Vienošanās par pilsoņu savstarpējiem braucieniem: 14.12.1994. starptautisks dokuments. LR spēkā no 18.01.1995. LV, 1994. 22.dec., nr.149.
247. Līgums par Latvijas Republikas un Krievijas Padomju Federatīvās Sociālistiskās Republikas starpvalstu attiecību pamatiem: 13.01.1991. starptautisks dokuments. LR AP un Valdības Ziņotājs, 1991. 9.maijs nr.17.
248. Upmacis I., Obuhovs A. Instrukcija kopīgām demarkācijas darba grupām. Rīga: 3.03.2011. (nepublicēts).
249. Upmacis I., Obuhovs A. Instrukcija pat Latvijas un Krievijas valsts robežas demarkācijas kartes sagatavošanas kārtību. Maskava: 2.12.2010. (nepublicēts).
250. Upmacis I., Obuhovs A. Instrukcija pat Latvijas un Krievijas valsts robežas iezīmēšanu dabā. Pleskava: 27.05.2010. (nepublicēts).
251. Upmacis I., Obuhovs A. Noteikumi par Latvijas un Krievijas valsts robežas šķērsošanu demarkācijas darbus veicošajam personālam, transporta un tehniskiem līdzekļiem, kā arī to pagaidu uzturēšanos otras valsts teritorijā. Jūrmala: 26.02.2010. (nepublicēts).
252. Upmacis I., Obuhovs A. Latvijas – Krievijas kopīgās demarkācijas komisijas Nolikums. Maskava: 25.11.2009. (nepublicēts).
253. Upmacis I., Obuhovs План выполнения работ по демаркации Латвийско - Российской Государственной границы, (nepublicēts).
254. Upmacis I., Obuhovs A. Robežzīmes Nr.143 protokols, (nepublicēts).
255. Par Latvijas Republikas valdības un Krievijas Federācijas valdības vienošanos par sadarbību robežapsardzības jautājumos (1996). Available: https://likumi.lv/ta/id/28194-par-latvijas-republikas-valdibas-un-krievijas-federacijas-valdibas-vienosanos-par-sadarbibu-robezapsardzibas-jautajumos
256. Latvijas Republikas valdības un Krievijas Federācijas valdības vienošanās par robežas pārstāvju darbību: 19.07.1994. starptautisks dokuments. LR spēkā no 17.08.1994. LV, 1994. 16.aug., nr.95.
257. Miera līgums starp Latviju un Krieviju. 14.09.1920.starptautisks dokuments. Rīga: Valdības Vēstnesis, 1920, 1.-8. lpp. 1920. gada Latvijas—Krievijas miera līguma 3.panta pielikums ar Latvijas-Krievijas robežlīniju.

Joint international normative acts of the Republic of Latvia and the Republic of Belarus:

258. On Agreement of the Government of the Republic of Latvia and the Government of the Republic of Belarus on the State Border Regime of Latvia-Belarus: Latvijas Republikas valdības un Baltkrievijas Republikas valdības līgums par Latvijas - Baltkrievijas valsts robežas režīmu. 10.04.2013. starptautisks dokuments. Pieejams: http://www.mfa.gov.lv/lv/Arpolitika/bilateral/?branch=3&mode=out&state=ALL&status=0
259. Latvijas Republikas valdības un Baltkrievijas Republikas valdības vienošanās par Latvijas Republikas un Baltkrievijas Republikas pierobežas teritoriju iedzīvotāju savstarpējo braucienu vienkāršošanu: 23.08.2010. starptautisks dokuments. LR spēkā no 01.12.2011. LV, 2010. 10.nov., nr.178.
260. Agreement between the Government of the Republic of Latvia, the Government of the Republic of Belarus and the Government of the Russian Federation on the Determination of the intersection of borders of State Borders of the Republic of Latvia, the Republic of Belarus and the Russian Federation, 2010: Latvijas Republikas valdības, Baltkrievijas Republikas valdības un Krievijas Federācijas valdības vienošanās par Latvijas Republikas, Baltkrievijas Republikas un Krievijas Federācijas valsts robežu krustpunkta noteikšanu: 28.01.2010. starptautisks dokuments. LV, 2010. 21.sept., nr.149.
261. Par Latvijas Republikas un Baltkrievijas Republikas valsts robežas demarkācijas noslēguma dokumentu spēkā stāšanos: ĀM 2009.g. 17.marta dienesta informācija nr.41/210-1945. LV, 2009. 19.marts, nr.44.
262. Par Latvijas Republikas un Baltkrievijas Republikas valsts robežas demarkācijas dokumentu apstiprināšanu; MK 2009.g. 18.febr. rīkojums nr.122. LV, 2009. 27.febr., nr.33.
263. Agreement between the Government of the Republic of Latvia and the Government of the Republic of Belarus on Mutual Travel of Citizens, 2008: Latvijas Republikas valdības un Baltkrievijas Republikas valdības vienošanās par pilsoņu savstarpējiem braucieniem: 31.01.2008. starptautisks dokuments. LR spēkā no 01.08.2008. LV, 2008. 13.marts, nr. 41.
264. Agreement between the Government of the Republic of Latvia and the Government of the Republic of Belarus on Cooperation in the Fight against Organized Crime, Illicit Traffic in Narcotic Drugs, Psychotropic Substances and Precursors, Terrorism and Other Criminal Offenses: Latvijas Republikas valdības un Baltkrievijas Republikas valdības līgums par sadarbību cīņā pret organizēto noziedzību, narkotisko vielu, psihotropo vielu un prekursoru nelegālu apriti, terorismu un citiem noziedzīgiem nodarījumiem: 17.05.2007. starptautisks dokuments. LR spēkā no 21.11.2007. LV, 2007. 16.dec., nr.196.
265. Protocol between the Government of the Republic of Latvia and the Government of the Republic of Belarus on Amendments to the Agreement between the Government of the Republic of Latvia and the Government of the Republic of Belarus on Border Crossing Points, 18 August 1993, 2007: Latvijas Republikas valdības un Baltkrievijas Republikas valdības protokols par grozījumiem 1993.gada 18.augusta Latvijas Republikas valdības un Baltkrievijas Republikas valdības vienošanās par robežas caurlaides punktiem: 19.01.2007. starptautisks dokuments. LV, 2007. 7.jūn., nr.91.
266. Latvijas Republikas valdības un Baltkrievijas Republikas valdības vienošanās par sadarbību katastrofu, dabas stihiju, citu ārkārtēju situāciju novēršanā, kā arī to seku likvidēšanā: 8.07.2003. starptautisks dokuments. LR spēkā no 01.06.2004. LV, 2003. 2.dec., nr.169.
267. Latvijas Republikas valdības un Baltkrievijas Republikas valdības vienošanās par vienkāršotu vīzu izsniegšanas kārtību pierobežas iedzīvotājiem: 27.11.2002. starptautisks dokuments. LR spēkā no 06.01.2003. LV, 2003. 24.janv., nr.13.

268. Agreement between the Government of the Republic of Latvia and the Government of the Republic of Belarus on the Basic Principles for Cross-Border Cooperation: Vienošanās starp Latvijas Republikas valdību un Baltkrievijas Republikas valdību par pārrobežu sadarbības pamatprincipiem: 18.05.1998. starptautisks dokuments. LR spēkā no 9.07.1998. LV, 1998. 28.jūl., nr.219.
269. Latvijas Republikas valdības, Baltkrievijas Republikas valdības un Lietuvas Republikas valdības vienošanās par valstu robežu krustpunkta noteikšanas kārtību: 25.03.1998. starptautisks dokuments. LR spēkā no 17.03.1999. LV, 1998. 29.maijs, nr.157/158.
270. Latvijas Republikas valdības un Baltkrievijas Republikas valdības vienošanās par sadarbību robežu jautājumos: Apstiprināta MK 3.07.1996. Available: http://www.mfa.gov.lv/lv/Arpolitika/bilateral/?mode=out&state=ALL&branch=3&print=on
271. Latvijas Republikas valdības un Baltkrievijas Republikas valdības vienošanās par pilnvaroto robežas pārstāvju darbību: 7.09.1995. starptautisks dokuments. LR spēkā no 19.07.1995. MK 1995.g. 19.jūl., rīkojums nr.395. LV, 1995. 26.jūl., nr.110.
272. Līgums par valsts robežas noteikšanu starp Latvijas Republiku un Baltkrievijas Republiku: 21.02.1994. starptautisks dokuments. LR spēkā no 19.05.1995. LV, 1994. 12.nov., nr.133.
273. Latvijas Republikas valdības un Baltkrievijas Republikas valdības vienošanās par robežas caurlaides punktiem: 18.08.1993. starptautisks dokuments. LR spēkā no 18.08.1993. LV, 1999. 14.jūl., nr. 229/230.

EU legislation:

274. Consolidated version of the Treaty on the Functioning of the European Union. 2009. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012E/TXT
275. Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community. Lisbon: 2007.g. 13.dec., ES OV C 306, 2007.g. 17.dec. http://eur-lex.europa.eu/lv/treaties/dat/12007L/htm/12007L.html,sk.30.04 2016.: Lisabonas Līgums, ar ko groza Līgumu par Eiropas Savienību un Eiropas Kopienas dibināšanas līgumu. Lisabona: 2007.g. 13.dec., ES OV C 306, 2007.g. 17.dec. Available: http://eur-lex.europa.eu/lv/treaties/dat/12007L/htm/12007L.html
276. Communication from the Commission to the Council and the European Parliament - The Hague Program. COM / 2005/0184 final. Available: http://eur-lex.europa.eu/ LexUriServ/LexUriServ.do?uri=CELEX:52005PC0184:lv:HTML
277. Agreement on the Reform Treaty between EU Heads of State and Government. Information in European bodies. LV, 2007, Oct. 23, No.170. Available: http://lv.lv/index.php?menu_body=DOC&id=165078sk.30.04 2016.
278. Treaty establishing a constitution for EuropeES OV nr.C310, 2004, 16.dec. http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2004:310:SOM:lv:HTML. Līgums par Konstitūciju Eiropai. ES OV, nr.C310, 2004.g. 16.dec. Available: http://eur-lex.europa.eu/ JOHtml.do?uri=OJ:C:2004:310:SOM:lv:HTML
279. Līgums starp Beļģijas Karalisti, Dānijas Karalisti, Vācijas Federatīvo Republiku, Grieķijas Republiku, Spānijas Karalisti, Francijas Republiku, Īriju, Itālijas Republiku, Luksemburgas Lielhercogisti, Nīderlandes Karalisti, Austrijas Republiku, Portugāles Republiku, Somijas Republiku, Zviedrijas Karalisti, Lielbritānijas un Ziemeļīrijas Apvienoto Karalisti (Eiropas Savienības dalībvalstīm) un Čehijas Republiku, Igaunijas Republiku, Kipras Republiku, Latvijas Republiku, Lietuvas Republiku, Ungārijas Republiku, Maltas Republiku, Polijas Republiku, Slovēnijas Republiku, Slovākijas Republiku par Čehijas Republikas, Igaunijas Republikas, Kipras Republikas, Latvijas Republikas, Lietuvas Republikas, Ungārijas Republikas, Maltas Republikas, Polijas

Republikas, Slovēnijas Republikas un Slovākijas Republikas pievienošanos Eiropas Savienībai. Par Līgumu par pievienošanos ES: 16.04.2003. starptautisks dokuments. LR spēkā no 1.05.2004. LV, 2003. 12.nov., nr.159.
280. Līguma par pievienošanos ES Akts par Čehijas Republikas, Igaunijas Republikas, Kipras Republikas, Latvijas Republikas, Lietuvas Republikas, Ungārijas Republikas, Maltas Republikas, Polijas Republikas, Slovēnijas Republikas un Slovākijas Republikas pievienošanās nosacījumiem un pielāgojumiem Līgumos, kas ir Eiropas Savienības pamatā; OV L 236, 2003. 23.sep. Available: http://europa.eu.int/eur-lex/lex/lv/treaties/dat/12003T/
281. Treaty of Nice Amending the Treaty on European Union, the Treaties establishing the European Communities and certain related Acts. (2001/C80/01). Available: http://eur-lex.europa.eu/lv/treaties/dat/12001C/htm/C_2001080EN.000101.html
282. Protocol integrating the Schengen acquis into the framework of the European Union; OJ C 340, 10 November 1997. Available: http://eur-lex.europa.eu/en/treaties/dat/11997D/htm/11997D.html
283. Treaty of Amsterdam. OJ C 340 of 10 November 1997: Amsterdamas līgums, ar ko groza līgumu par Eiropas Savienību, Eiropas kopienu dibināšanas līgumus un dažus ar tiem saistītus aktus. Amsterdama, 1997.g. 2.okt.). Available: http://extranjeros.empleo.gob.es/es/normativajurisprudencia/UnionEuropea/Tratados/documentos/amsterdam_en.pdf
284. Treaty on European Union. OJ C191, 29 July 1992: Līgums par Eiropas Savienību. Māstrihta, 1992. Available: http://eur-lex.europa.eu/lv/treaties/dat/11992M/htm/11992M.html
285. Single European Act (1986). OJ, L 169 of 29 June 1987. Available: http://eur-lex.europa.eu/en/treaties/index.htm#other
286. Treaty establishing the European Community (consolidated version). Protocol annexed to the Treaties establishing the European Community and the European Atomic Energy Community. Protocol (No 36) on the privileges and immunities of the European Communities (1965): Līgums par vienotas Eiropas Kopienu Padomes un vienotas Eiropas Kopienu komisijas izveidi. Protokols par privilēģijām un imunitāti Eiropas Kopienās. Available: http://eur-lex.europa.eu/lv/treaties/index.htm#other
287. European Convention on Nationality: Council of Europe, Strasbourg, 6.11.1997. CETS No.166. Available: http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=166&CL=ENG
288. Council OF Europe. Eurepean Social Charter (Revised): Strasburg, 3.05.1996. Eurepean Treaties – CETS No.163. Available: http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=163&CL=ENG
289. Convention determining the State Responsible for Examining Applications for Asylum logded in one of the member States of the European Communities, 1990: Konvencija, ar kuru nosaka valsti, kura ir atbildīga par vienā no Eiropas Kopienu dalībvalstīm iesniegta patvēruma pieteikuma izskatīšanu), 97/C 254/01: 15.06.1990. starptautisks dokuments. LR spēkā no 01.05.2004. LV, 2004. 21.apr., nr.62.
290. Studyof NATO Enlargement. 1995, Chapter 1: Purposes and Principles of Enlargement. NATO On-linelibrary: BasicTextsStudyon NATO Enlargement. Available: http://www.nato.int/docu/basictxt/enl .
291. The Community Charter of Fundamental Social Rights of Workers: 9.12.1989. Available: http://www.aedh.eu/plugins/fckeditor/userfiles/file/Conventions%20internationales/Community_Charter_of_the_Fundamental_Social_Rights_of_Workers.pdf [skatīts 2012.gada 12.janvārī].
292. Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of

Germany and the French Republic on the gradual abolition of checks at their common borders. 1990. Available: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:42000A0922%2802%29:en:HTML
293. Single European Act (1986). Official Journal (turpmāk – OJ) L 169 of 29 June 1987. Available: http://eur-lex.europa.eu/en/treaties/index.htm#other
294. The Schengen Agreement of 14 June 1985. Agreement between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of controls at the common frontiers: Līgums starp Beniluksa Ekonomikas Savienības valstu Valdībām, Vācijas Federatīvās Republikas Valdību un Francijas Republikas Valdību par pakāpenisku kontroles atcelšanu pie kopīgām robežām (Šengenas līgums): OV, L 239, 22/09/2000, 0013.-0018.lpp. Available: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:42000A0922%2802%29:en:HTML
295. Convention based on Article K.3 of the Treaty on European Union, on the establishment of a European Police Office (Europol Convention). Available: https://op.europa.eu/en/publication-detail/-/publication/7c311754-43ef-48b8-b513-210ca15bfd0b/language-en/format-HTML
296. Treaty establishing the European Economic Community (Rome, 25 March 1957). Available: http://www.cvce.eu/viewer/-/content/cca6ba28-0bf3-4ce6-8a76-6b0b3252696e/
297. Treaty Establishing „The European Coal and Steel Community" and annex I-III Paris, 18 April 1951, Wages and mowement of workers. Available: http://eur-lex.europa.eu/lv/treaties/index.htm#founding

EU Regulations:

298. Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32016R1624
299. Schengen Borders Code (2016). Available: https://eur-lex.europa.eu/legal-content/LV/TXT/?uri=CELEX:32016R0399 .(acess: 2018).
300. Amended proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis /* COM/2011/0559 final - 2010/0312 (COD)*. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52011PC0559: Grozīts priekšlikums. Eiropas Parlamenta un Padomes regula par novērtēšanas un uzraudzības mehānisma izveidi, lai pārbaudītu Šengenas acquis piemērošanu. Brisele: EK COM/2011/0559 galīgā redakcija - 2010/0312 (COD) 2011.g. 16.sep. Retrieved from http://www.ipex.eu/IPEXL-WEB/dossier/document/COM20100633FIN.do
301. Regulation (EC) No 81/2009 of the European Parliament and of the Council of 14 January 2009 amending Regulation (EC) No 562/2006 as regards the use of the Visa Information System (VIS) under the Schengen Borders Code. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32009R0081
302. Eiropas Parlamenta un Padomes Regula (EK) Nr.81/2009, ar kuru Regulu (EK) Nr.562/2006 groza attiecībā uz Vīzu informācijas sistēmas (VIS) izmantošanu saistībā ar Šengenas Robežu kodeksu. Available: http://eur-lex.europa.eu/Notice.do?mode=

dbl&lang=lv&ihmlang=lv&lng1=lv,en&lng2=bg,cs,da,de,el,en,es,et,fi,fr,ga,hu,it,lt,lv,mt,nl,pl,pt,ro,sk,sl,sv,&val=488065:cs
303. Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (Vīzu kodekss). Available: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32009R0810:EN:NOT
304. Regulation (EC) No 863/2007 of the European Parliament and of the Council of 11 July 2007 establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers. Available: http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/l14124_en.htm
305. Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code). Available: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006R0562:EN:NOT
306. Consolidated text: Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02004R2252-20090626: Eiropas Parlamenta un Padomes Regula (EK) Nr.2252/2004 (2004. 13.dec.) par drošības elementu un biometrijas standartiem dalībvalstu izdotās pasēs un ceļošanas dokumentos. Grozīta ar Eiropas Parlamenta un Padomes Regulu (EK) Nr. 444/2009, 2009. 28.maijs, OV, L142. Pieejams: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004R2252:LV:HTML
307. 1971 June 14 Council Regulation (EEC) No. 1408/71 (31971R1408) on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community. Available: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31971R1408:lv:HTML: Eiropas Kopienu Padomes 1971.gada 14.jūnija Regula (EEK) Nr. 1408/71. (31971R1408) par sociālā nodrošinājuma sistēmu piemērošanu darbiniekiem un viņu ģimenēm, kas pārvietojas Kopienā. Pieejams: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31971R

EU directives:

308. Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013L0033
309. Directive 2008/115/EC of the European Parliament and of the Council of 29 Dec 2008: Eiropas Parlamenta un Padomes 2008.g. 16.dec. Direktīva Nr.2008/115/EK par kopīgiem standartiem un procedūrām dalībvalstīs attiecībā uz to trešo valstu valstspiederīgo atgriešanu, kas dalībvalstī uzturas nelikumīgi. ES OV, L 348. Pieejams: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:LV:PDF
310. Council Framework Decision 2008/919/JHA of 28 November 2008 amending Framework Decision 2002/475/JHA on combating terrorism OJ L 330. pp 21–23. 9.12.2008. OV L 330, 09/12/2008. Available: http//data.europa.eu/eli/dec_framw/2008/919/oj
311. Padomes 2005.g. 1.dec. Direktīva 2005/85/EK par minimāliem standartiem attiecībā uz dalībvalstu procedūrām, ar kurām piešķir un atņem bēgļa statusu. OV, L362, 2005. Pieejams: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005
312. Padomes 2004.g. 29.apr. Direktīva 2004/83/EK par obligātiem standartiem, lai kvalificētu trešo valstu valstspiederīgos vai bezvalstniekus kā bēgļus vai kā personas, kam

citādi nepieciešama starptautiska aizsardzība, šādu personu statusu un piešķirtās aizsardzības saturu. OV, L304, 2004. Pieejams: http://eur-lex.europa.eu/ LexUriServ/ LexUriServ.do?uri=OJ:L:2011
313. Directive2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32003L0110
314. Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air: Padomes 2003.g. 25. nov. Direktīva 2003/110/EK par palīdzību tranzīta gadījumos, lai veiktu izraidīšanu pa gaisa ceļu. OV L 321 , 06/12/2003. Pieejams: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003 L0 110:LV:HTML
315. Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32003 L0086&from=EN ES
316. Padomes 2003.g. 27.jan. Direktīva 2003/9/EK, ar ko nosaka obligātos standartus patvēruma meklētāju uzņemšanai. OV, L031, 2003. Pieejams: eur-lex.europa.eu/ LexUriServ/LexUriServ.do?.
317. Padomes 2001.g. 20.jūlija Direktīva 2001/55/EK par obligātajiem standartiem, lai pārvietoto personu masveida pieplūduma gadījumā sniegtu tām pagaidu aizsardzību, un par pasākumiem, lai līdzsvarotu dalībvalstu pūliņus, uzņemot šādas personas un uzņemoties ar to saistītās sekas. OV, L212, 2001. Pieejams: eur-lex.europa.eu/ LexUriServ/LexUriServ.do?uri
318. Directive 2001/51/EC supplementing Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985: Padomes 2001.g. 28.jūn. Direktīva 2001/51/EK, ar ko papildina 26.pantu Konvencijā, ar kuru īsteno 1985. gada 14. jūnija Šengenas Līgumu. OV, L 187, 10.7.2001., 45.lpp. Pieejams: http://www.mfa.gov.lv/ lv/eu/ arhivs/3883/3749/4004/4009/?print=on.
319. Council Directive 73/148/EEC of 21 May 1973 on the abolition of restrictions on movement and residence within the Community for nationals of Member States with regard to establishment and the provision of services. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31973L0148:
320. Council Directive 64/221/EEC of 25 February 1964 on the co-ordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31964L0221

EU decisions and other legal documents:

321. "Practical Handbook for Border Guards" Brussels, 8.10.2019C(2019) 7131 final https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/policies/ borders-and-visas/schengen/docs/c2019-7131-annex.pdf
322. Council of the European Union Brussels, 8 March 2019 (OR. en)7288/19SCH-EVAL 54FRONT 101COMIX 152 Padomes Īstenošanas lēmums, kurā izklāsta ieteikumu par to trūkumu novēršanu, kas konstatēti 2018.gada izvērtēšanā par to, kā Latvijapiemēro Šengenas acquisārējās robežas pārvaldības jomā. Available: https://data.consilium. europa.eu/doc/document/ST-7288-2019-INIT/lv/pdf
323. European Union's internal security strategy European Parliament resolution of 22 May 2012 on the European Union's Internal Security Strategy ((2010/2308 (INI)). Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52012IP0207 Eiropas

Parlamenta 2012. g. 22. maija rezolūcija par Eiropas Savienības iekšējās drošības stratēģiju (2010/2308(INI)). Pieejams: https://www.consilium.europa.eu/media/30750/qc3010313lvc.pdf
324. ES Padomes 2010.gada 29.jūnija Lēmums par Šengenas acquis noteikumu īstenošanu saistībā ar Šengenas Informācijas sistēmu Bulgārijas Republikā un Rumānijā. (2010/365/ES). http://eur-lex.europa.eu/Notice.do?mode=dbl&lang=lv&ihmlang= lv&lng1=lv,lv&lng2=bg,cs,da,de,el,en,es,et,fi,fr,hu,it,lt,lv,mt,nl,pl,pt,ro,sk,sl,sv,&val=518813:cs: 2018).
325. 2010/131/: Council Decision of 25 February 2010 on setting up the Standing Committee on operational cooperation on internal security. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32010D0131: ES Padomes 2010.g. 25.febr. Lēmums, ar ko izveido Pastāvīgo komiteju operatīvai sadarbībai iekšējās drošības jautājumos (2010/131/ES). Pieejams: http://eur-lex.europa.eu/Notice.do?mode=dbl&lng1=lv,lv&lang=&lng2= lv =508902:cs
326. Consolidated version of the Eurojust Council Decision. 2002/187/JHA on the setting up Eurojust, as amended by Council Decision 2003/659/JHA, and Council Decision 2009/426/JHA of 16 December 2008 onthestrengtheningofEurojust. Available: http://eurojust.europa.eu/doclibrary/Eurojust-framework/ejdecision/Consolidated%20version%20of%20the%20Eurojust%20Council%
327. Council Decision 2008/617/JHA of 23 June 2008 on the improvement of cooperation between the special intervention units of the Member States of the European Union in crisis situations Available: https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:210:0073:0075:EN:PDF
328. ES Padomes 2008.g. 23.jūn. Lēmums 2008/615/TI par pārrobežu sadarbības pastiprināšanu, jo īpaši apkarojot terorismu un pārrobežu noziedzību. Pieejams: http://eur-law.eu/LV/Padomes-Lemums.
329. Eiropas Parlamenta un Padomes 2007.g. 23.maija Lēmums nr.574/2007/EK, ar ko laikposmam no 2007.g. līdz 2013.g. izveido Eiropas Ārējo robežu fondu kā daļu no Vispārīgās programmas Solidaritāte un migrācijas plūsmu pārvaldība. OV, L144, 06/06/2007. Pieejams: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri= OJ:L:2007:144:0022:0022:LV:PDF
330. 2007/801/EC: Council Decision of 6 December 2007 on the full application of the provisions of the Schengen acquis in the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32007 D0801 ES
331. ES Padomes Lēmums 2002/353/EK (2002.g. 25.apr.) par slepenības atcelšanu attiecībā uz II daļu Kopīgajā rokasgrāmatā, kuru pieņēmusi Izpildu komiteja, kas izveidota ar Konvenciju, ar kuru īsteno 1985.g. 14.jūn. Šengenas Līgumu. Pieejams: ccvista.taiex.be/showDoc.asp?celex=32002D0353&country=5.
332. 1999/435/EC: Council Decision of 20 May 1999 concerning the definition of the Schengen acquis for the purpose of determining, in conformity with the relevant provisions of the Treaty establishing the European Community and the Treaty on European Union, the legal basis for each of the provisions or decisions which constitute the acquis. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31999D0435&qid=1587728818705 ES
333. The Schengen acquis - Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen

(SCH/ Com-ex (98) 26 def.). Available: https://op.europa.eu/en/publication-detail/-/publication/fb0963fb-86e9-4a52-a0b6-93b06b1204d7
334. Protocol integrating the Schengen acquis in to the framework of the European Union; OJ C 340, 10 November 1997. Available: http://eur-lex.europa.eu/en/treaties/dat/11997D/htm/11997D.html
335. The Schengen acquis - Decision of the Executive Committee of 14 December 1993 concerning the confidential nature of certain documents (SCH/Com-ex (93) 22 rev.). Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A41993D0022
336. EU Schengen Catalogue External borders control Return and readmission Recommendations and best practices. 2009. Available: file:///C:/Users/ARTURS~1.GAV/AppData/Local/Temp/4._catalogue_borders_2009.pdf ES
337. EU Schengen Catalogue. 2002. Available: https://www.consilium.europa.eu/media/30987/catschvol2en.pdf
338. Council of the European Union. Schengen enlargement: Liechtenstein to become 26th Member State. Brussels, 13.12.2011., 18446/11. Available: http://www.consilium.europa.eu/uedocs/cms_data/docs/..
339. ES dalībvalstu ārējo robežu pārvaldīšanas plāns; ES Padome. 14.06.2002, 10019/02. 9834/1/02. Pieejams: www.consilium.europa.eu/uedocs/.../en/.../71141.doc -

Legislation of the Republic of Latvia:

Laws:

340. The Constitution of Latvia: Latvijas Republikas Satversme, 1922: LR likums. Available: http://www.likumi.lv/doc.php?id=57980
341. Declaration of the Supreme Council of the Soviet Socialist Republic of Latvia "On the Restoration of the Independence of the Republic of Latvia": 1990 Latvijas Padomju sociālistiskās Republikas AP Deklarācija "Par Latvijas Republikas neatkarības atjaunošanu": LR 1990.g. 4.maija deklarācija. Ziņotājs, 1990. 17.maijs, nr.20.
342. 1991. gada 21. augusta Konstitucionālais likums "Par Latvijas Republikas valstisko statusu".
343. Administrative Liability Law: Administratīvās atbildības likums Latvijas Vēstnesis, 225, 14.11.2018. Available: https://likumi.lv/ta/id/303007-administrativas-atbildibas-likums
344. Satversmes tiesas likums: LR likums. Available: http://www.likumi.lv/doc.php?id=63354
345. Civilās aizsardzības un katastrofas pārvaldīšanas likums. 2016. Available: https://m.likumi.lv/doc.php?id=282333
346. Grozījumi Pilsonības likumā. LV, 2013, 23.maijs, Nr. 98.
347. Law "On Emergency situation and State of Exception": Likums Par ārkārtējo situāciju un izņēmuma stāvokli. LV, 2013. 27.marts, nr.61.
348. European Social Charter. Available: http://www.coe.int/t/dghl/monitoring/socialcharter/default_en.asp: Par Pārskatīto Eiropas Sociālo hartu: LR 2013.gada 14.februāra likums
349. National Security Law: Nacionālās drošības likums: LR likums. LV, 2010. 29.dec., nr.473/476.
350. Law on the Circulation of Weapons and Special Means: Ieroču un speciālo līdzekļu aprites likums: LR likums. LV, 2010. 17.nov., nr.183.
351. Sabiedrības vajadzībām nepieciešamā nekustamā īpašuma atsavināšanas likums: LR likums. LV, 2010. 3.nov., nr.174.
352. Jūras vides aizsardzības un pārvaldības likums: LR likums. LV, 2010. 28.okt., nr.183.

353. Par citas valsts teritorijā esošas nekustamā īpašuma zemes daļas kompensēšanu: LR likums. LV, 2010. 17.sep., nr.148.
354. Law on Remuneration of Officials and Employees of State and Local Government Institutions: Valsts un pašvaldību institūciju amatpersonu un darbinieku atlīdzības likums: LR likums. LV, 2009. 18.dec., nr.199.
355. Latvian Border Law, 2009: Latvijas Republikas valsts robežas likums: LR likums. LV, 2009. 2.dec., nr.189.
356. Asylum Law, 2016. Available: https://m.likumi.lv/doc.php?id=278986. Patvēruma likums: LR likums. LV, 2016. 19.janv. LV 2, 05.01.2016.
357. Biometric data protection system law: Law of the Republic of Latvia. LV, May 21, 2009, No 90: Biometrijas datu apstrādes sistēmas likums: LR likums. LV, 2009. 21.maijs, nr.90.
358. Par pilnvarojumu Ministru kabinetam parakstīt 1997.gada 7.augustā parafēto Latvijas Republikas un Krievijas Federācijas līguma projektu par Latvijas un Krievijas valsts robežu: LR likums. LV, 2007. 19.feb., nr.29.
359. Agreement between the Republic of Latvia and the Russian Federation on the State Border of Latvia and Russia: 17.05.2007. Law.: Par Latvijas Republikas un Krievijas Federācijas līgumu par Latvijas un Krievijas valsts robežu: LR likums. LV, 2007. 29.maijs, nr.85.
360. Law on operation of the Schengen Information System: Šengenas informācijas sistēmas darbības likums: LR likums. LV, 2007. 14.jūn., nr.102.
361. Law On the Career Course of Service of Officials with Special Service Ranks Working in Institutions of the System of the Ministry of the Interior and the Prisons Administration: Iekšlietu ministrijas sistēmas iestāžu un Ieslodzījuma vietu pārvaldes amatpersonu ar speciālajām dienesta pakāpēm dienesta gaitas likums: LR likums. LV, 2006. 30.jūn., nr.101.
362. Law on Procedure for Holding Detained Persons: Aizturēto personu turēšanas kārtības likums: LR likums. LV, 2005. 20.okt., nr.167.
363. Law on Development and Use of the National DNA Database: DNS nacionālās datu bāzes izveidošanas un izmantošanas likums: LR likums. LV, 2004. 7.jūl., nr.106.
364. Maritime Code. Available: https://likumi.lv/ta/en/en/id/76358: Jūras kodekss: LR likums. LV, 2003. 18.jūn., nr.91.
365. Immigration Law: Imigrācijas likums: LR likums. LV, 2002. 20.nov., nr.169.
366. Fire Safety and Fire-fighting Law: Ugunsdrošības un ugunsdzēsības likums, 2002. Latvijas Vēstnesis, 165, 13.11.2002. Available: https://m.likumi.lv/doc.php?id=68293
367. Maritime Administration and Maritime Safety Law: Jūrlietu pārvaldes un jūras drošības likums: LR likums, LV, 2002. 31.okt., nr.168.
368. Public Administration Structure Law: Valsts pārvaldes iekārtas likums: LR likums. LV, 2002. 6.jūn., nr.94.
369. Par zemes atsavināšanu Terehovas robežkontroles punkta vajadzībām: LR likums. LV, 2002. 18.jūn., nr.91.
370. Military Service Law: Militārā dienesta likums: LR likums. LV, 2002. 30.maijs, nr.91.
371. Administrative Procedure Law: Administratīvā procesa likums: LR likums. LV, 2001. 14.nov., nr.164.
372. Veterinary Medicine Law: Veterinārmedicīnas likums: LR likums. LV, 2001. 16.maijs, nr.75.
373. Nacionālās drošības likums: LR likums. LV, 2000. 14.dec., nr.473/476.
374. Law on Forests: Meža likums: LR likums. LV, 2000. 16.marts, nr.98/99.
375. Valsts valodas likums: LR likums. LV, 1999. 21.dec., nr.428/433.
376. Law on National Armed Forces: Nacionālo bruņoto spēku likums LR likums. LV, 1999. 24.nov., nr.388/389.

377. Latvian Criminal Law: Krimināllikums: LR likums. LV, 1998. 8.jūl., nr.199/200.
378. Epidemiological Safety Law: Epidemioloģiskās drošības likums: LR likums. LV, 1997. 30.dec., nr.342/345.
379. Border Guard Law: Robežsardzes likums: LR likums. LV, 1997. 27.nov., nr.329/330.
380. Constitutional Court Law: Satversmes tiesas likums. LR likums. LV, 1996. 14.jūn., nr.103.
381. Par līgumu par valsts robežas atjaunošanu starp Latvijas Republiku un Lietuvas Republiku: LR likums. LV, 1995
382. State Border Law of the Republic of Latvia: Latvijas Republikas valsts robežas likums: LR likums. LV, 1994. 10.nov., nr.132, [stājās spēkā 24.11.1994.; zaudējis spēku 16.12.2009.].
383. Citizenship Law: Pilsonības likums: LR likums. LV, 1994. 11.aug., nr.93.
384. About the State Revenue Service: Par Valsts ieņēmumu dienestu: LR likums. LV, 1993. 11.nov., nr.105.
385. Par Latvijas Republikas valstisko statusu: LR likums. Ziņotājs, 1991. 24.okt., nr.42.
386. Law on the Police: Par policiju: LR 1991.g. 4.jūn. likums. Ziņotājs, 1992. 24.sep., nr.37.
387. Par Latvijas Republikas valsts robežu. LR 1990.g. 20.dec. likums. Ziņotājs, 1991. 14.marts, nr.9, [stājās spēkā 20.12.1990.; zaudējis spēku 20.01.1994.].
388. Latvian Code of Administrative Violations: Latvijas Administratīvo pārkāpumu kodekss: LR likums. Ziņotājs, 1984. 20.dec., nr.51.
389. Civil Law: Civillikums: LR likums. 1937.g. 28.janv. Available: http://www.likumi.lv/doc.php?id=90224&from=off

Decisions of the Saeima (Parliament) and the Supreme Council:

390. Latvia's National Security Concept of 2019. Saeimas paziņojums "Par Nacionālās drošības koncepcijas apstiprināšanu" Rīgā 2019. gada 26.septembrī. Available: https://likumi.lv/ta/id/309647-par-nacionalas-drosibas-koncepcijas-apstiprinasanu
391. Par Nacionālās drošības koncepcijas apstiprināšanu; Saeimas 2011.g. 10.marta lēmums. LV, nr.45.
392. Nacionālās drošības koncepcija; Apstiprināta Saeimā 2008.g. 2.okt. sēdē. Lēmums par Nacionālās drošības koncepcijas apstiprināšanu publicēts Saeimas materiālu 65.laidienā. LV, 2008. 23.okt., nr.165.
393. Par Līguma par valsts robežas atjaunošanu starp Latvijas Republiku un Igaunijas Republiku ratificēšanu: LR AP 1992.gada 9.jūnija lēmums. Pieejams: http://www.likumi.lv/doc.php?id=65315
394. Par Abrenes pilsētas un sešu Abrenes apriņķa pagastu aneksijas neatzīšanu: LR AP 1992.gada 22.janvāra lēmums. Pieejams: http://www.likumi.lv/doc.php?id=72436
395. Par Latvijas Republikas likuma "Par Latvijas Republikas valsts robežu" spēkā stāšanās kārtību; AP 1990.g. 20.dec. lēmums. Pieejams: http://www.likumi.lv/doc.php?id=64905
396. Par Latvijas Republikas un Padomju Sociālistisko Republiku Savienības starpvalstu sarunām; AP 1990.g. 10.jūl. lēmums. Pieejams: http://www.likumi.lv/doc.php?id=76194

Regulations, decisions, orders of the Cabinet of Ministers:

397. Strategy of the Ministry of the Interior for years 2018 - 2022. Valsts robežas drošība. Available: http://www.iem.gov.lv/files/text/Strategija_IeM.pdf
398. Noteikumi par Iekšlietu ministrijas sistēmas iestāžu un Ieslodzījuma vietu pārvaldes amatpersonu ar speciālajām dienesta pakāpēm mēnešalgu un speciālo piemaksu noteikšanas kārtību un to apmēru, 2016. Pieejams: https://likumi.lv/ta/id/287422-noteikumi-par-iekslietu-ministrijas-sistemas-iestazu-un-ieslodzijuma-vietu-parvaldes-amatpersonu-ar-specialajam-dienesta-pakapem

399. Noteikumi par izraidīto ārzemnieku un ieceļošanas aizliegumu reģistru; MK 2013.g. 5.marta noteikumi nr.122. LV, 2013., 20.marts, nr.56.
400. Regulations Regarding the State Border Strip, the Borderland and the Border Area, as well as Samples of Indication Signs and Information Signs of the Border Area, the Borderland and the State Border Strip, and the Procedures for Installing Them, Cabinet Regulation No. 550, Adopted 14 August 2012. Available: https://likumi.lv/ta/en/en/id/250857: Noteikumi par Latvijas Republikas valsts robežas joslu, pierobežas joslu un pierobežu, kā arī pierobežas, pierobežas joslas un valsts robežas joslas norādījuma zīmju un informatīvo norāžu paraugiem un to uzstādīšanas kārtību; MK 2012.g. 14.aug. noteikumi nr.550. LV, 2012. 16.aug., nr.129.
401. Visa regulations by the Cabinet of Ministers; August 30, 2011 No 676: Vīzu noteikumi; MK 2011.g. 30.aug. noteikumi nr.676. LV, 2011. 13.sep., nr.144.
402. Krīzes vadības padomes nolikums; MK 2011.g. 18.jan. noteikumi nr.42. LV, 2011. 20.jan., nr.11.
403. Noteikumi par Latvijas ūdeņu izmantošanas kārtību un kuģošanas režīmu tajos; MK 2010.g. 21.dec. noteikumi nr.1171. LV, 2011. 6.jan., nr.3.
404. Kārtība, kādā Valsts robežsardze veic robežuzraudzības uzdevumus jūrā, izmantojot Nacionālo bruņoto spēku tehniskos līdzekļus, peldlīdzekļus un gaisakuģus; MK 2010.g. 30.nov. noteikumi nr.1076. LV, 2010. 3.dec., nr.192.
405. Kārtība, kādā Nacionālie bruņotie spēki piedalās avārijas, ugunsdzēsības un glābšanas darbos, kā arī neatliekamos ārkārtējo situāciju izraisījušo notikumu seku likvidēšanas pasākumos; MK 2010.g. 5.okt. noteikumi nr.946. LV, 2010. 14.okt., nr.163.
406. Kārtība, kādā starptautisko publisko tiesību subjektiem piešķir atļauju izmantot Latvijas Republikas gaisa telpu publisko funkciju veikšanai paredzēto ārvalstu gaisa kuģu lidojumiem 1944.gada 7.decembra Konvencijas par starptautisko civilo aviāciju 3.panta izpratnē; MK 2010.g. 21.sep. noteikumi nr.877. LV, 2010. 23.sep., nr.151.
407. Noteikumi par formalitātēm, kas saistītas ar kuģu ienākšanu ostā un iziešanu no tās; MK 2010.g. 7.sep. noteikumi nr.839. LV, 2010. 14.sep. nr.145, [zaudēja spēku 01.06.2012.].
408. Noteikumi par bāzes līniju punktu koordinātām; MK 2010. 17.aug. noteikumi nr.779. LV, 2010. 20.augusts, nr.131.
409. Kārtība, kādā ārvalstu karakuģi ienāk un uzturas Latvijas Republikas teritoriālajā jūrā, iekšējos ūdeņos un ostās un iziet no tiem; MK 2010.g. 10.aug. noteikumi nr.759. LV, 2010. 18.aug., nr.130.
410. Noteikumi par robežšķērsošanas vietām un tajās veicamajām pārbaudēm; MK 2010.g. 27.jūlija noteikumi nr.704. LV, 2010. 12.aug., nr.127.
411. Regulations on border crossing point regime Robežšķērsošanas vietas režīma noteikumi; MK 2010.g. 27.jūl. noteikumi nr.697. LV, 2010. 4.aug. nr.122.
412. Noteikumi par Latvijas Republikas valsts robežas joslu, pierobežas joslu un pierobežu, kā arī pierobežas, pierobežas joslas un valsts robežas joslas norādījuma zīmju un informatīvo norāžu paraugiem un to uzstādīšanas kārtību; MK 2010.g. 27.jūlija noteikumi nr.674. LV, 2010. 30.jūlijs, nr.120, [zaudēja spēku 01.09.2012].
413. Regulations on the Procedure by which the State Border Guard Issues and Revokes Special Passes and Samples of Special Passes: Noteikumi par kārtību, kādā Valsts robežsardze izsniedz un anulē speciālās caurlaides, un speciālo caurlaižu paraugiem; MK 2010.g. 27.jūl. noteikumi nr.673. LV, 2010. 30.jūl., nr.120.
414. Regulations by the Cabinet of Ministers on the temporary reintroduction of border control at internal borders, 2010 on May 12, 2010 No 254. LV, May 14, 2010, No 76.
415. Noteikumi par Profesiju klasifikatoru, profesijai atbilstošiem pamatuzdevumiem un kvalifikācijas pamatprasībām un Profesiju klasifikatora lietošanas un aktualizēšanas kārtību; MK 2010.g. 18.maija noteikumi nr.461. LV, 2010. 28.maijs, nr.84.

416. On the appointment of representatives to the Joint Demarcation Commission of Latvia and Russia; October 7, 2009. Cabinet Order No.675. LV, 2009. 9.okt., No 161.
417. Noteikumi par kuģu un kuģošanas kompāniju, ostu un ostas iekārtu aizsardzības funkciju izpildi un uzraudzību; MK 2007.g. 13.nov. noteikumi nr.748. LV, 2007. 22.nov., nr.188.
418. State Border Guard College Regulations: Cabinet of Ministers 2006 Nov 30 Regulation No 978: Valsts robežsardzes koledžas nolikums; MK 2006.g. 30.nov. noteikumi nr.978. LV, 2006. 5.dec., nr.193.
419. Noteikumi par kuģošanas līdzekļu satiksmi iekšējos ūdeņos; MK 2005.g. 1.marta noteikumi nr.158. LV, 2005. 18.marts, nr.46.
420. Statute of the State Border Guard: Cabinet of Ministers Feb 15 Regulation No.122: Valsts robežsardzes nolikums; MK 2005.g. 15.feb. noteikumi nr.122. LV, 2005. 18.feb., nr.28.
421. Kuģu kontroles, pārbaudes un aizturēšanas kārtība Latvijas ūdeņos; MK 2004.g. 4.jūn. noteikumi nr.508. LV, 2004. 4.jūn., nr.90,
422. Noteikumi par cilvēku meklēšanu un glābšanu aviācijas un jūras avārijas gadījumā; MK 2003. 2.dec. noteikumi nr.674. LV, 2003. 5.dec., nr.172.
423. Latvijas Republikas pierobežas režīma un pierobežas joslas režīma noteikumi; MK 2002.g. 4.nov. noteikumi nr.499. LV, 2002. 7.nov., nr.162, [zaudēja spēku 31.07.2010.].
424. Noteikumi par Latvijas Republikas un Baltkrievijas Republikas valsts robežas joslas noteikšanu; MK 2001.g. 30.jan. noteikumi nr.43. LV, 2001. 2.feb., nr.19, [zaudēja spēku 31.07.2010.].
425. Par Latvijas Republikas un Krievijas Federācijas valsts robežas joslas noteikšanu; MK 1998.g. 29.dec. noteikumi nr.503. LV, 1999. 5.maijs, nr.1, [zaudēja spēku 31.07.2010.].
426. Par Latvijas Republikas un Baltkrievijas Republikas valsts robežas joslas noteikšanu; MK 1994.g. 31.maija noteikumi nr.108. LV, 1994. 14.jūn., nr.70, [stājās spēkā 15.06.1994.; zaudēja spēku 03.02.2001.].
427. Noteikumi par valsts robežzīmi; MK 1998.g. 13.jan. noteikumi nr.6. LV, 1998. 15.jan., nr.10, [zaudēja spēku 16.08.2010.].
428. Par muitas robežas caurlaides punktu un valsts robežas pārejas punktu izvietojumu uz Latvijas Republikas valsts robežas; LR MP 1992. 12.aug. lēmums nr.327, [zaudējis spēku 28.07.1995.]. Pieejams: http://www.likumi.lv/doc.php?id=75275
429. Par pasākumiem, kas veicami, lai nodrošinātu divpusēju starpvalstu līgumu izpildi par sauszemes robežas atjaunošanu; LR MP lēmums. LV, 1992. 4.maijs, nr.139. Pieejams: http://www.likumi.lv/doc.php?id=202290
430. Par pasākumiem, kas veicami, lai atjaunotu Latvijas Republikas sauszemes robežu; MP 1990.g. 23.aug. lēmums nr.108. [stājās spēkā 23.08.1990.; zaudējis spēku 23.04.1992.]. Pieejams: http://www.likumi.lv/doc.php?id=72712
431. Par Latvijas Republikas Ministru Padomes Muitas departamenta izveidošanu; MP 1990.g. 3.jūl. lēmums nr.51. Pieejams: http://www.likumi.lv/doc.php?id=76123
432. On the Strategy of the Ministry of the Interior for years 2012. - 2014; MOI order of 2012, March 30 nr.1-12/622. Available: www.iem.gov.lv/files/text/Iem_strategija_ 2012_ 2014.pdf
433. Concept of Integrated Management of the State Border of the Republic of Latvia. Rīga: 16.07.2012. Available: http://www.mk.gov.lv/lv/mk/tap/?pid=40257019.(acess: 2018)
434. Ministru kabineta rīkojums Nr. 651 Rīgā 2019. gada 18. decembrī (prot.Nr. 59 51. §). Par Latvijas Republikas valsts robežas integrētās pārvaldības plānu 2019.-2020.gadam. Available: https://likumi.lv/ta/id/311584-par-latvijas-republikas-valsts-robezas-integretas-parvaldibas-planu-2019-2020-gadam
435. Valdības rīcības plāns; Deklarācijas par Valda Dombrovska vadītā Ministru Kabineta iecerēto darbību īstenošanai (IeM sadaļa). MK 2012.g. 16.feb. rīkojums nr.84. LV, 2012. 21.feb., nr.29, [stājās spēkā 16.02.2012.].

436. Par Nacionālo gatavības plānu naftas, bīstamo vai kaitīgo vielu piesārņojuma gadījumiem jūrā; MK 2010.g. 21.maija rīkojums nr.283. LV, 2010. 27.maijs, nr.83.
437. Par robežkontroles pagaidu atjaunošanu uz iekšējām robežām; MK 2010.g. 12.maija rīkojums nr.254. LV, 2010. 14.maijs, nr.76.
438. Koncepcija par nepieciešamajiem tiesību aktu grozījumiem valsts aizsardzības vadības jomā ārkārtējās situācijas un izņēmuma stāvokļa laikā; MK 2010.g. 22.marta rīkojums nr.161. LV, 2010. 24.marts, nr.47.
439. Par Latvijas Republikas un Baltkrievijas Republikas valsts robežas demarkācijas dokumentu apstiprināšanu; MK 2009.g. 18.feb. rīkojums nr.122. LV, 2009. 27.feb., nr.33.
440. Par Iekšlietu ministrijas darbības stratēģiju 2007.-2009.gadam; MK 2006.g. 7.nov. rīkojums nr.880. LV, 2006. 10.nov., nr.181.
441. Par Rīcības plānu Šengenas acquis prasību īstenošanai likumdošanas jomā; MK 2006.g. 7.apr. rīkojums nr.234. LV, 2006. 11.apr., nr.58.
442. Koncepcija par fizisko personu biometrijas datu izmantošanu Latvijā; MK 2006.g. 25.janv. rīkojums nr.45. LV, 2006. 27.jan., nr.17.
443. Par Latvijas Republikas un Lietuvas Republikas valsts robežas redemarkācijas dokumentu apstiprināšanu; MK 2002.g. 10.apr. rīkojums nr.185. LV, 2002. 17.apr., nr.58.
444. 18.07.2001. MK rīkojums Nr. 354 "Par Latvijas Republikas un Igaunijas Republikas valsts robežas redemarkācijas dokumentu apstiprināšanu" Latvijas Vēstnesis, 110 (2497), 20.07.2001
445. Par Iekšlietu ministrijas Robežsardzes pāreju uz profesionālo dienestu; MK 1997.g. 9.jūl. rīkojums nr.350. LV, 1997. 11.jūl., nr.180/181.
446. On immigration police. September 14, 1994, Cabinet by the Ministers order No 418-r. LV, 1994. 22.sep., No111: Par Imigrācijas policiju; MK 1994.g. 14.sept. rīkojums nr.418-r. LV, 1994. 22.sept., nr.111.

Instructions of the Cabinet of Ministers and documents of other institutions:

447. On the Integrated border management plan of the Republic of Latvia for years 2019-2020. Order by the Cabinet of Ministers No 651 in Riga on December 18, 2019 (Protocol No. 59 51. §). Available: https://likumi.lv/ta/id/311584-par-latvijas-republikas-valsts-robezas-integretas-parvaldibas-planu-2019-2020-gadam
448. Communication from the Saeima on the approval of the National Security Concept, 2019. Available: https://likumi.lv/ta/id/309647-par-nacionalas-drosibas-koncepcijas-apstiprina sanu
449. Kārtība, kādā valsts augstākās amatpersonas apziņojamas valsts apdraudējuma gadījumā un par ārkārtas notikumiem valstī; MK 2010.g. 28.sep. instr. nr.16. LV, 2010. 1.okt., nr.156.
450. Starptautiskie daudzpusējie līgumi, kuriem Latvijas Republika pievienojusies pēc 1990.gada 4.maija. ĀM 1999.g. 27.jūl. informācija. LV, 1999. 30.jūl., nr.243.
451. Kārtība, kādā valsts pārvaldes iestādes sadarbojas valsts robežas drošības jautājumos; MK 2010.g. 5.maija instrukcija nr.5. LV, 2010. 7.maijs, nr.72. 2 p
452. ĀM paziņojums. Sakarā ar Igaunijas un Latvijas jūras robežu. Publicēts: LV, 1995. 18.apr., nr.59.

Normative acts of the Ministry of the Interior and the State Border Guard:

453. Public reports of the State Border Guard, 2012 – 2019.
454. Informatīvais ziņojums par IeM kompetences jautājumiem. Neformālā tieslietu un iekšlietu padome. Izskatīts MK 2011.g. 18.jan. Sanāksmes kopsavilkums Ungārijas prezidentūras mājas lapā. 2011.g. 20.-22.jan. Pieejams: http://www.iem.gov.lv/ lat/eiropas_savieniba/eiropas_savienibas_padome/.

455. Par darba grupas izveidi. VRS 2012.g. 9.maija pavēle nr.529, (nepublicēta).
456. Par Šengenas novērtēšanas imitācijas rezultātiem uz Latvijas Republikas jūras un gaisa robežām un konstatēto trūkumu novēršanu; VRS 2012.g. 10.jan. pavēle nr.39 (nepublicēta).
457. Par Valsts robežsardzes darba plānu. VRS 2011.gada darba plāns. VRS 2011.g. 8.feb. pavēle nr.70, (nepublicēta).
458. Riska analīzes sistēmas noteikumi; VRS 2009.g. 20.jūl. noteikumi nr.40, 2.punkts.
459. Par imigrācijas nodaļu likvidēšanu un nodarbināto skaita samazināšanu. VRS 2009.g. 26. marta pavēle nr.359, (nepublicēta).
460. Par LR Valsts robežsardzes Dienesta nolikumu. VRS 1998.g. 17.nov. pavēle nr.431 d/v. (zaudēja spēku).
461. Code of Ethics: Valsts robežsardzes amatpersonas un darbinieka Ētikas kodekss; VRS 2008.g. 22.nov. noteikumi nr.41. Pieejams: http://www.rs.gov.lv/bildes_upl/VRS%20etikas%20kodekss.pdf
462. Valsts robežsardzes Reglaments nr.12. 21.04.2008. Pieejams: http://www.rs.gov.lv/doc_upl/Valsts%20robezsardzes%20reglaments.pdf

Legislation of other countries:

463. Riigipiiri seadus Vastu võetud 30.06.1994. (Translation of the border law of the Republic of Estonia by the assitance of the cadets of Estonian Academy of Security Sciences). Available: https://www.riigiteataja.ee/akt/122032011011
464. Merealapiiride seadus. Vastu võetud (Igaunijas Jūras teritoriju robežu likumu). 10.03.1993. (õ) 26.11.2008. Available: http://www.estlex.ee/tasuta/?id=23
465. Ustawa o ochronie granicy państwowej (Polijas Republikas 1990.g. likums „Par valsts robežas apsardzību"). Tekst ujednolicony na 12.11.2011. Available: http://www.bankier.pl/firma/narzedzia/akty-prawne/dziennik-ustaw-2009/pozycja-0067.html
466. Конституция Республики Белорусь 1994 года (с изменениями и дополнениями, принятыми на республиканских референдумах 24 ноября 1996 г. и 17 октября 2004 г.). Available: http://zakanadaustva.narod.ru/constitution1994.html
467. О Государственной границе Российской Федерации (с изменениями на 27 декабря 2019 года). 1994. Available: http://docs.cntd.ru/document/9033575
468. О Государственной границе Республики Беларусь: Закон Республики Беларусь от 21 июля 2008 г. № 419-З (Национальный реестр правовых актов Республики Беларусь, 2008 г., № 184, 2/1516). Available: http://newsby.org/news/2008/07/21/text11760.htm
469. Об образовании Белорусской части Смешанной комиссии по демаркации государственной границы между Республикой Беларусь и Латвийской Республикой; Постановление Совета Министров Республики Беларусь от 7 марта 1997 г. N174. Available: http://busel.org/texts/cat4xd/id5twdcnn.htm
470. О мерах по обеспечению выполнения Закона Республики Беларусь "О Государственной границе Республики Беларусь"; Постановление Совета Министров Республики Беларусь от 09.07.1993 N 447. Статус документа – отменен. Available: http://www.lawbelarus.com/repub2008/sub43/text43143.htm
471. О Государственной границе Российской Федерации: Закон РФ от 1 апреля 1993 г. N 4730-I. Available: http://femida.info/11/fzoggrrf003.htm
472. О государственной границе Украины: Закон Украины от 4 ноября 1991 года №1777-XII. Available: http://base.spinform.ru/show_doc.fwx?rgn=9270
473. О придании границе Республики Беларусь с Российской Федерацией, Украиной, Литовской Республикой и Латвийской Республикой правового статуса

Государственной границы; Постановление Верховного Совета Республики Беларусь от 11 июня 1993 г. № 2379-XII. Available: http://spravka-jurist.com/base/part-ez/tx_wssgie.htm

LEGAL PRACTICE:

Case law:

UN International Court of Justice rulings:

474. Internationale Court of Justice Report of Judgements, advisory Jpinions and Orders Maritime Delimitation in the Black Sea *(Romania v. Ukraine)*. Judgement of 3 february 2009. Pieejams: http://www.icj-cij.org/docket/files/132/14693.pdf
475. ANO Starptautiskās tiesas lēmumu, konsultatīvo slēdzienu un secinājumu izdevums par 1997.-2002.gadiem ST/LEG/SER.F/1/Add.2. Pieejams: http://www.icj-cij.org/ home page/ru/files/sum_1997-2002.pdf.
476. Maritime Delimitation and Territorial Questions between Qatar and Bahrain *(Qatar v. Bahrain)*, Summary of the Judgment of 16 March 2001 (ANO Starptautiskās tiesas lēmums par jūras robežas delimitāciju starp Kataru un Bahreinu 2001.gada 16.martā). Available: http://www.icj-cij.org/docket/index.php?sum=443&code=qb&p1=3&p2=3&case=87&k=61&p3=5
477. Request for Interpretation of the Judgment of 11 June 1998 in the Case concerning the Land and Maritime Boundary between Cameroon and Nigeria *(Cameroon v. Nigeria)*, Preliminary Objections *(Nigeria v. Cameroon)* (ANO Starptautiskās tiesas lēmums par sauszemes un jūras robežu strīdu starp Kamerūnu un Nigēriju 1998.gada 11.jūnijā). Available: http://www.icj-cij.org/docket/files/101/7181.pdf
478. Permanent Court of Arbitration. The Island of Palmas Case (or Miangas). Award of the Tribunal. The Hague, 4 april 1928. Available: http://untreaty.un.org/cod/riaa/cases/vol_ii/829-871.pdf
479. International Court of Justice, The North Sea Continental Shelf Case. Judgementof 20 February
480. Internationale Court of Justice. Nottebohm (Liechtenstein *v.* Guatemala). Judgment of 18 November 1953. Available: http://www.icj-cij.org/docket/files/18/2057.pdf

Judgments of the European Court of Human Rights:

481. Resolution CM/ResDH(2014)251 Execution of the judgment of the European Court of Human Rights Longa Yonkeu against Latvia. Available: https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-148897%22]}HUDOC. European Court of Human Rights. *Longa Yonky v. Latvia*, 57229/09, 15 November 2011. Available: http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-107452#{%22itemid%22:[%22001-107452%22]} Fakti lietā "Longa Yonkeu pret Latviju". Available: http://www.am.gov.lv/lv/Jaunumi/zinas/2011/novembris/15-3/fakti/
482. The European Court of Human Rights (Second Section). *Timishev v. Russia*, Application No. 55762/00, 55974/00, Judgement of 13 December 2005. Available: http://www.humanrights.is/project/humanrightscases
483. Council of Europe: European Commission on Human Rights. *Cemal Kemal Altun v. Germany*, 12 March 1984. The UN Refugee Agency. Available: http://www.refworld.org/docid/3ae6b6f7c.html

Judgments of the Court of Justice of the European Union:

484. Judgment of the Court (Fifth Chamber), 17 January 2013. Mohamad Zakaria. Request for a preliminary ruling from the Augstākās tiesas Senāts. Regulation (EC) No 562/2006 - Community Code on the rules governing the movement

of persons across borders (Schengen Borders Code) - Alleged violation of the right to respect for human dignity - Effective judicial protection - Right of access to a court. Case C-23/12. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri= CELEX:62012CJ0023

485. EST 2012 June 14 Judgment in Case C 606/10, REFERENCE for a preliminary ruling under Article 267 TFEU, by the Conseil d'État (France), made by decision of 15 December 2010, received at the Court on 22 December 2010, in the proceedings Association nationale d'assistance aux frontières pour les étrangers (ANAFE) pret Ministre de l'Intérieur, de l'Outre-mer, des Collectivités territoriales et de l'Immigration. Available: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62010CJ 0606:LV:HTML,
486. Case C-106/11: Judgment of the Court (Eighth Chamber) of 7 June 2012 (reference for a preliminary ruling from the Hoge Raad der Nederlanden - Netherlands) - M.J. Bakker v Minister van Financiën (Social security for migrant workers - Legislation applicable - Worker holding Netherlands nationality working, for an employer established in the Netherlands, on board dredgers flying the Netherlands flag which operate outside the territory of the European Union - Residence in the territory of another Member State - Affiliation to the Netherlands social security system). Available:https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62011CA0106
487. Judgment of the Court (Grand Chamber) of 17 January 2012. A. Salemink v Raad van bestuur van het Uitvoeringsinstituut werknemersverzekeringen. Reference for a preliminary ruling: Rechtbank Amsterdam - Netherlands. Social security for migrant workers - Regulation (EEC) No 1408/71 - Worker employed on gas-drilling platform on the continental shelf adjacent to the Netherlands - Compulsory insurance - Refusal to pay invalidity benefit. Case C-347/10. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62010CJ0347
488. Judgment of the Court (Grand Chamber) of 22 June 2010. Aziz Melki (C-188/10) and Sélim Abdeli (C-189/10). References for a preliminary ruling: Cour de cassation - France. Reference for a preliminary ruling - Article 267 TFEU - Examination of whether a national law is consistent both with European Union law and with the national constitution - National legislation granting priority to an interlocutory procedure for the review of constitutionality - Article 67 TFEU - Freedom of movement for persons - Abolition of border control at internal borders - Regulation (EC) No 562/2006 - Articles 20 and 21 - National legislation authorising identity checks in the area between the land border of France with States party to the Convention Implementing the Schengen Agreement and a line drawn 20 kilometres inside that border. Joined cases C-188/10 and C-189/10. Digital reports (Court Reports - general) ECLI identifier: ECLI:EU:C:2010:363. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/ ?uri=CELEX:62010CJ0188
489. Joined Cases C-402/05 P and C-415/05 P: Judgment of the Court (Grand Chamber) of 3 September 2008 - Yassin Abdullah Kadi, Al Barakaat International Foundation v Council of the European Union, Commission of the European Communities, United Kingdom of Great Britain and Northern Ireland (Common foreign and security policy (CFSP) - Restrictive measures directed against persons and entities associated with Usama bin Laden, the Al-Qaeda network and the Taliban - United Nations - Security Council - Resolutions adopted under Chapter VII of the United Nations Charter - Implementation within the Community - Common Position 2001/154/CFSP - Regulation (EC) No 881/2002 - Measures directed at persons and entities included in a list drawn up by a body of the United Nations - Freezing of funds and economic resources - Committee of the Security Council established by paragraph 6 of Resolution 1267 (1999) of the

Security Council (Sanctions Committee) - Inclusion of those persons and entities in Annex I to Regulation (EC) No 881/2002 - Actions for annulment - Competence of the Community - Joint legal basis of Articles 60 EC, 301 EC and 308 EC - Fundamental rights - Right to respect for property, right to be heard and right to effective judicial review). Available: https://eur-lex.europa.eu/legal-content/ EN/TXT/?uri=CELEX%3A62005CA0402

490. Case C-33/07: Judgment of the Court (First Chamber) of 10 July 2008 (reference for a preliminary ruling from the Tribunal Dâmbovița - Romania) - Ministerul Administrației și Internelor - Direcția Generală de Pașapoarte București v Gheorghe Jipa (Citizenship of the Union - Article 18 EC - Directive 2004/38/EC - Right of citizens of the Union and their family members to move and reside freely within the territory of the Member States). Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62007CA0033
491. Opinion of Mr Advocate General Tizzano delivered on 27 April 2006. Nicolae Bot v Préfet du Val-de-Marne. Reference for a preliminary ruling: Conseil d'État - France. Convention implementing the Schengen Agreement - Article 20(1) - Conditions of movement of nationals of a third country not subject to a visa requirement - Maximum stay for a period of three months during the six months following the date of first entry into the Schengen Area - Successive stays - Definition of "first entry'. Case C-241/05. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62005CC0241
492. Judgment of the Court (Second Chamber) of 9 March 2006. Criminal proceedings against Leopold Henri Van Esbroeck. Reference for a preliminary ruling: Hof van Cassatie - Belgium. Convention implementing the Schengen Agreement - Articles 54 and 71 - Ne bis in idem principle - Application ratione temporis - Concept of "the same acts' - Import and export of narcotic drugs subject to legal proceedings in different Contracting States. Case C-436/04. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62004CJ0436
493. Judgment of the Court (Grand Chamber) of 31 January 2006. Commission of the European Communities v Kingdom of Spain. Freedom of movement for persons - Directive 64/221/EEC - National of a third country who is the spouse of a national of a Member State - Right of entry and residence - Restriction imposed on grounds of public policy - Schengen Information System - Alert issued for the purposes of refusing entry. Case C-503/03. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62003CJ0503
494. Judgment of the Court of First Instance (Second Chamber, extended composition) of 21 September 2005. Yassin Abdullah Kadi v Council of the European Union and Commission of the European Communities. Common foreign and security policy - Restrictive measures taken against persons and entities associated with Usama bin Laden, the Al-Qaeda network and the Taliban - Competence of the Community - Freezing of funds -Fundamental rights - Jus cogens - Review by the Court - Action for annulment. Case T-315/01. Available: http://curia.europa.eu/juris/showPdf.jsf?text=&docid=59906&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=3845920
495. Judgment of the Court (First Chamber) of 17 February 2005. Salah Oulane v Minister voor Vreemdelingenzaken en Integratie. Reference for a preliminary ruling: Rechtbank te 's-Gravenhage - Netherlands. Free movement of persons - Right of entry and residence for nationals of Member States - Requirement to present an identity card or a passport - Pre-condition for recognition of right of residence - Penalty - Detention order for the purpose of deportation. Case C-215/03. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62003CJ0215

496. Judgment of the Court No C-378/97. WIJSENBEEK- Urteil des Gerichtshofes vom 21.September 1999. Strafverfahren gegen Florus Ariël Wijsenbeek. Nationale Regelung, die aus einem anderen Mitgliedstaat kommende Personen zur Vorlage eines Reisepasses verpflichtet. Rechtssache C-378/97. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:61997CJ0378_SUM&from=MT
497. Council of Europe: European Commission on Human Rights. Cemal Kemal Altun v. Germany, 12 March 1984. The UN Refugee Agency. Available: http://www.refworld.org/docid/3ae6b6f7c.html
498. Judgment of the Court of 28 October 1975. - Roland Rutili v Ministre de l'intérieur. - Reference for a preliminary ruling: Tribunal administratif de Paris - France. - Public policy. - Case 36-75. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A61975CJ0036
499. Judgment of the Court of 17 December 1970. Internationale Handelsgesellschaft mbH v Einfuhr- und Vorratsstelle für Getreide und Futtermittel. Reference for a preliminary ruling: Verwaltungsgericht Frankfurt am Main, Germany. Case 11-70. Available: http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!CELEXnumdoc&numdoc=61970J0011&lg=en

Opinion of the Advocates General:

500. Advocate General P.Mengoci (Paolo Mengozzi) conclusions in Case C-84/12. 2013. Rahmanian Koushkaki v Bundesrepublik Deutschland. Available: https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62012CC0084:LV:HTML
501. Advocate General's Opinion in Case C-348/09 P. I. v Oberbürgermeisterin der Stadt Remscheid. Court of Justice of the European Union. PRESS RELEASE No 20/12 Luxembourg, 6 March 2012. Available: https://eulaws.eu/?p=1377
502. Advocate General P. C. VILLALÓN. [Pedro Cruz Villalon] conclusions in Case C-347/10 A. Saleminkpret Raad van bestuur van het Uitvoeringsinstituut werknemersverzekeringen provided on Seprember 8, 2011 Rechtbank Amsterdam (Netherlands) request to provide preliminary ruling. Available: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62010CC0347:LV:HTML
503. Opinion of Advocate General Sharpston delivered on 30 September 2010. Gerardo Ruiz Zambrano v Office national de l'emploi (ONEm). Reference for a preliminary ruling: tribunal du travail de Bruxelles - Belgium. Citizenship of the Union - Article 20 TFEU - Grant of right of residence under European Union law to a minor child on the territory of the Member State of which that child is a national, irrespective of the previous exercise by him of his right of free movement in the territory of the Member States - Grant, in the same circumstances, of a derived right of residence, to an ascendant relative, a third country national, upon whom the minor child is dependent - Consequences of the right of residence of the minor child on the employment law requirements to be fulfilled by the third-country national ascendant relative of that minor. Case C-34/09. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62009CC0034
504. Opinion of Advocate General Trstenjak delivered on 10 July 2007. United Kingdom of Great Britain and Northern Ireland v Council of the European Union. Regulation (EC) No 2007/2004 - Establishment of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union - Validity. Case C-77/05. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62005CC0077
505. Opinion of Advocate General Kokott delivered on 8 September 2005. European Parliament v Council of the European Union. Immigration policy - Right to family

reunification of minor children of third country nationals - Directive 2003/86/EC - Protection of fundamental rights - Right to respect for family life - Obligation to have regard to the interests of minor children. Case C-540/03. European Court Reports 2006 I-05769. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1587468460722&uri=CELEX:62003CC0540

506. Opinion of Mr Advocate General Ruiz-JaraboColomer delivered on 20 October 2005. Criminal proceedings against Leopold Henri Van Esbroeck. Reference for a preliminary ruling: Hof van Cassatie - Belgium. Convention implementing the Schengen Agreement - Articles 54 and 71 - Ne bis in idem principle - Application rationetemporis - Concept of "the same acts' - Import and export of narcotic drugs subject to legal proceedings in different Contracting States. Case C-436/04. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62004CC0436

Judgments of Latvian courts:

507. Par Robežsardzes likuma 49.panta pirmās daļas vārdu "apvienoties arodbiedrībās" atbilstību Latvijas Republikas Satversmes 102.pantam un 108.panta otrajam teikumam Available: https://likumi.lv/ta/id/265861-par-robezsardzes-likuma-49-panta-pirmas-dalas-vardu-apvienoties-arodbiedribas-atbilstibu-latvijas-republikas-satversmes-102-pan...
508. Constitutional Court by the Cabinet of Ministers in case No.2007-10-0102: LR Satversmes tiesas 2009.g. 21.okt. spriedums lietā Nr.2009-01-01 „Par likuma „Par nekustamo īpašumu atsavināšanu Terehovas robežkontroles punkta vajadzībām" 1.panta 1.punkta atbilstību LR Satversmes 105.pantam". Available: http://www.satv.tiesa.gov.lv/.
509. LR Satversmes 2009.g. 7.apr. tiesas spriedums par likuma „"Par Lisabonas līgumu, ar ko groza Līgumu par Eiropas Savienību un Eiropas Kopienas dibināšanas līgumu" atbilstību Latvijas Republikas Satversmes 101.pantam". LV, 2009. 9.apr., nr.56.
510. Latvijas Republikas Satversmes tiesas 2007.g. 29.nov. spriedums "Par likuma "Par pilnvarojumu Ministru kabinetam parakstīt 1997.gada 7.augustā parafēto Latvijas Republikas un Krievijas Federācijas līguma projektu par Latvijas un Krievijas valsts robežu" un likuma "Par Latvijas Republikas un Krievijas Federācijas līgumu par Latvijas un Krievijas valsts robežu" 1. panta vārdu "ievērojot Eiropas Drošības un sadarbības organizācijas pieņemto robežu nemainības principu" atbilstību Latvijas PSR Augstākās padomes 1990.gada 4.maija deklarācijas "Par Latvijas Republikas neatkarības atjaunošanu" preambulai un 9. punktam un 2007.gada 27.martā parakstītā Latvijas Republikas un Krievijas Federācijas līguma par Latvijas un Krievijas valsts robežu un likuma "Par Latvijas Republikas un Krievijas Federācijas līgumu par Latvijas un Krievijas valsts robežu" atbilstību Latvijas Republikas Satversmes 3. pantam". LV, 2007. 30.nov., nr.193.
511. Latvijas Republikas Satversmes tiesas 2005.g. 6.dec. spriedums "Par Ministru kabineta 2005.gada 11.janvāra noteikumu Nr.17 "Grozījumi likumā "Par nekustamā īpašuma piespiedu atsavināšanu valsts vai sabiedriskajām vajadzībām"" un 2005.gada 9.jūnija likuma "Grozījumi likumā "Par nekustamā īpašuma piespiedu atsavināšanu valsts vai sabiedriskajām vajadzībām"" atbilstību Latvijas Republikas Satversmes 1. un 105.pantam". LV, 2005. 20.dec., nr.203.
512. Latvijas Republikas Satversmes tiesas 2004.g. 6.dec. spriedums "Par Imigrācijas likuma 61. panta sestās daļas atbilstību Latvijas Republikas Satversmes 92.pantam". LV, 2004. 8.dec., nr.195.
513. Latvijas Republikas Ministru kabineta Atbildes raksts LR Satversmes Tiesai Lietā Nr.2007-10-0102. Par likuma „Par pilnvarojumu Ministru kabinetam parakstīt 1997.gada

7.augustā parafēto Latvijas Republikas un Krievijas Federācijas līguma projektu par Latvijas un Krievijas valsts robežu" atbilstību Latvijas Republikas Augstākās padomes 1990.gada 4.maija deklarācijas „Par Latvijas Republikas neatkarības atjaunošanu" preambulai un 9.punktam un par 2007.gada 27.martā parakstītā Latvijas un Krievijas robežlīguma atbilstību LR Satversmes 3.pantam. Available: http://www.satv.tiesa.gov.lv/.
514. Latvijas Republikas Satversmes tiesas 2004.g. 7.jūl. spriedums Lietā Nr.2004-01-06. 07.07.2004. Par Latvijas Administratīvo pārkāpumu kodeksa 114.2 panta atbilstību 1965.gada 9.aprīļa Konvencijai par starptautiskās jūras satiksmes atvieglošanu. LV, 2004. 9.jūlijs, nr.108.
515. Administratīvās apgabaltiesas 2011.g. 25.marta spriedums Lietā Nr.A42759908. Rīga. Available: http://www.tiesas.lv/files/..
516. Administratīvās apgabaltiesas 2011.g. 24.marta spriedums Lietā Nr.AA43-0315-11/15. Rīga. Available: http://www.tiesas.lv/files/..
517. Administratīvās apgabaltiesas 2011.g. 7.feb. spriedums Lietā Nr.A42585808. Rīga. Available:http://www.tiesas.lv/files/..
518. Administratīvās rajona tiesas 2009.g. 30.nov. spriedums Lietā Nr.A42668107 (A1705-09/4). Rīga. Available: http://www.tiesas.lv/files/AL/2009/11..
519. VRS Ludzas pārvaldes 2012.gada 20.jūlija Lēmums par lietvedības uzsākšanu administratīvā pārkāpuma lietā Nr.304 – L0003 (Norauta plāksne ar LR valsts ģerboņa simboliku Draudzības Kurgānā), (nepublicēts).

Other materials of legal practice:

520. External border control and immigration control events(Migration and Home Affairs, 2020. Available: https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/border-crossing_en.
521. The Baltic Sea Region Border Control Cooperation (BSRBCC). 2020. Available: http://www.bsrbcc.org/pages/home.php
522. FRONTEX Budget 2005 – 2019. Available: https://frontex.europa.eu/about-frontex/key-documents/?category=budget
523. 2018.04.16. Vērtē Latvijas atbilstību Šengenas acquis prasībām Available: http://rs.gov.lv/?id=1031&top=0&rel=5521
524. Gaveika A. Research project, 2017.The EU's external border security, Latvian internal security. Nr.1.1.1.2./VIAA/1/16/127. Available: http://www.rta.lv/pecdoktoranturas_petniecibas
525. ES Padomes 2012.g. 19.-20.dec. Šengenas jautājumu darba grupā (Briselē) apstiprinātie Šengenas komisiju ziņojumi par Latvijas jūras un gaisa robežu novērtēšanu: Doc. 13994/12 SCHEVAL 109 FRONT 124 COMIX 511 RESTREINT (LV) (jūras robežas); doc. 14341/12 SCHEVAL 116 FRONT 132 COMIX 528 RESTREINT (LV); doc. 14564/12 SCHEVAL 121 FRONT 137 COMIX 544 RESTREINT (gaisa robežas).
526. Report on migration and asylum situation in Latvia in 2018. Available: http://providus.lv/article/zinojums-par-migracijas-un-patveruma-situaciju-latvija-2018-gada.
527. Report on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2016/399 as regards the rules applicable to the temporary reintroduction of border control at internal borders (COM(2017)0571 – C8-0326/2017 – 2017/0245(COD)
528. Otrais pusgada pārskats par Šengenas zonas darbību 2012.g.1.maijs – 2012.g. 31.okt.; EK paziņojums EP un Parlamentam 23.11.2012. Brisele: COM (2012) 686 final. Available: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0686:FIN:LV:PDF

529. Par Šengenas novērtēšanas imitācijas rezultātiem uz Latvijas Republikas jūras un gaisa robežām un konstatēto trūkumu novērtēšanu; VRS 2012.g. 10.jan. pavēle nr.39. (VRS iekšējais norm. akts – nepublicēts).
530. Kopējā pamatprogramma ES robežsargu pamatapmācībai. Warsaw: FrontexAgency, Rondo ONZ, 302 lpp.
531. Durau Barozu Ž.M. Eiropas Parlamenta debates; 2007.g. 12.dec., Brisele. Available: http://www.europarl.europa.eu/RegData/seance_pleniere/compte_rendu/traduit/2007/12-12/P6_CRE%282007%2912-12_LV.pdf
532. Communication from the Commission to the Council and the European Parliament - The Hague Programme: Ten priorities for the next five years The Partnership for European renewal in the field of Freedom, Security and Justice /* COM/2005/0184 final */. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52005DC0184
533. Par Latvijas un Krievijas kopīgās demarkācijas komisijas darba un tās lēmumu īstenošanas finansējumu 2012.-2015.gadam; Informatīvais ziņojums 26.07.2012. (Ārlietu ministrs E.Rinkēvičs). Available: www.mk.gov.lv/doc/2005/AMzino_260712.1837.docx
534. Par migrācijas un starptautiskās aizsardzības jomu Latvijā 2008.gadā; Bērziņa K. Statistikas ziņojums. Rīga: 2010, 84 lpp. (nepublicēts).
535. Par tiesību normu pielietošanu. LR IeM 2012.g. 25.jūl. vēstule nr.1-42/2182, (nepublicēta).
536. Council of the European Union. Preparation of the Schengen evaluation in 2012 - Programmes, participants, technical details - an overview Brussels, 13 January 2012 5090/12 SCH-EVAL 1. COMIX 6. Indicative calendar.
537. Par Iekšlietu ministrijas 2011.gada pārskata sagatavošanas pareizību; LR Valsts kontroles Otrais revīzijas departaments. 14.02.2011. Revīzijas ziņojums Nr.5.1-2-27/2011, Rīga. Available: http://www.lrvk.gov.lv/upload/Zin_IeM_28Apr2012.pdf
538. TACIS (Technical Assistance for the Commonwealth of Independent States) – palīdzības programma (Krievijas un pārējo Padomju Sociālistisko Republiku Savienības pēcteču ekonomiku reorganizācijai). Available: http://www.am.gov.lv/lv/Jaunumi/Pazinojumi Presei/2008/
539. Par Latvijas Republikas valsts robežas likuma normu komentēšanu; VRS 2010.gada 21.janvara vēstule Nr.23/1-1/364. (VRS GP Robežapsardzības pārvaldes priekšnieka atbildes vēstule autoram, (nepublicēta).
540. Par jūras, gaisa un sauszemes robežu Šengenas novērtēšanas laikā konstatēto trūkumu novēršanu; VRS 2006.g. 29.dec. pavēle nr.1479, (nepublicēts).
541. VRS GP Preses un sabiedrisko attiecību dienests (I.Bērziņa). 2006.01.17. Apstiprināts Šengenas novērtēšanas komisijas vizīšu plāns. Available: http://www.rs.gov.lv/?id=1031&sa=&top=-4&rel=1
542. Pelzl G. Federal Police Headquarters Potsdam. Border Checks 2015. 14482. Potsdam: 2011. (unpublished).
543. Контракт от 25 октября 2005 года № 2003/069-577 в рамках Программы ТАСИС Европейской Комиссии. Available: http://naviny.by/rubrics/society/2006/03/10/ic_news_116_234026/print/

Draft regulatory enactments:

544. USSR: Working paper Approach to the solution of the problems of the delimitation of air space and outer space. A/AC.105/C.2/l.121, 26 March 1979.; UN General Assembly. Commitee on the Peaceful uses of outer Space. Available: http://www.oosa.unvienna.org/pdf/limited/c2/AC105_C2_L121E.pdf
545. Priekšlikums Eiropas Parlamenta un Padomes regulai par novērtēšanas mehānisma izveidi, lai pārbaudītu Šengenas acquis piemērošanu, COM/2010/0624 gal. red., COD

2010/0312. Available: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0624:FIN:LV:HTML.
546. Par likumprojektu „Grozījumi Latvijas Republikas valsts robežas likumā"; MK 2011.g. 14.jūn. sēdes protokols Nr.36 „Likumprojekts, likumprojekta anotācija". VSS-1246, TA-1068. Available: http://titania.saeima.lv/..
547. Par nekustamā īpašumā esošas zemes daļas kompensēšanu: LR likumprojekts. Krauklis V.A. (Tautsaimniecības, agrārās, vides un reģionālās politikas komisijas priekšsēdētājs). Available: http://titania.saeima.lv/LIVS/
548. Paskaidrojuma raksts MK rīkojuma projektam "Par Latvijas Republikas un Baltkrievijas Republikas valsts robežas demarkācijas dokumentu apstiprināšanu". Teikmanis A. (Valsts sekretārs). Available: www.mk.gov.lv/doc/2005/..

ARCHIVE MATERIALS:

549. Latvijas Igaunijas robežas karte. Balčs J. (Mērniecības daļas valsts robežu darbu vadītājs), Rīga, 1928.g. 2.jūl. VRS Vēstures izpētes nodaļas arhīva fondu materiāls, (kopija).
550. Balčs J. Latvijas Igaunijas robežas karte. Rīga: 1928.g. 2.jūl. VRS Vēstures izpētes nodaļas arhīva fondu materiāls (oriģināls).
551. Didrihsone I., Zvirgzdiņš K. (Fondu analītikas daļas darbinieki). 1679. fonda 218. apraksta Latvijas valsts robežu dokumenti priekšvārds. 26.05.2008. Available: http://www.arhivi.lv/sitedata/LVVA/aktualitates/Jaunieguvumi/1679%20f%20218%20apr%20prieksvards.pdf.
552. Latvijas Valsts vēstures arhīvs, 1313. f. 2. apr. 255.l.p, 76.lpp. robežas nospraušanas pabeigšanas protokols, 1313. f. 2. apr. 257.l.p. Latvijas un Lietuvas robežas apraksts, 1313.f. 2.apr. 258.l.p. Latvijas un Lietuvas robežas karte, (kopija).
553. Latvijas Krievijas robeža. Valsts robežas apraksts 1921-1923. Latvijas Valsts vēstures arhīvs - F.1313 – 2 – 790. Valsts robežsardzes Vēstures izpētes nodaļas arhīva fondu materiāls, (fotokopija).

Printed in Rēzekne: SIA RA Drukātava
Kr.Valdemāra ielā 8a, LV-4601, Latvia
www.radrukatava.lv