



A case initiated with regard to expropriation of property for public needs

On 19 May 2016 the 1st Panel of the Constitutional Court initiated the case “On Compliance of Law “On Expropriation of Part of Immoveable Property “Kaktiņi” in Lēdmane Parish, Lielvārde County for Public Needs to Implement Reconstruction Project of State Road E22 in the Section Rīga (Tīnūži) – Koknese with Article 105 of the Satversme of the Republic of Latvia.”

Contested Norm

The contested law provides that part of immoveable property “Kaktiņi” (0.96 ha) is to be expropriated for public needs, to implement the reconstruction project of the state road E22 in the section Rīga (Tīnūži) – Koknese.

Norm of Higher Legal Force

Article 105 of the Satversme: “Everyone has the right to own property. Property shall not be used contrary to the interests of the public. Property rights may be restricted only in accordance with law. Expropriation of property for public purposes shall be allowed only in exceptional cases on the basis of a specific law and in return for fair compensation.”

The Facts

Ilze Spila, the applicant, owns immoveable property “Kaktiņi”, the expropriation of which for public needs; i.e., reconstruction of a state road, is envisaged in the contested law. The applicant did not object to expropriation of property. The applicant had informed both the Ministry of Transport and the Saeima that she wished to have the expropriated property replaced by another immoveable property of equal value. Allegedly, this possibility is provided for also by Law on Expropriation of Immoveable Property for Public Needs. However, the legislator had rejected such possibility. The applicant holds that this violates her right to own property.

Legal Proceedings

The Constitutional Court has invited the Saeima to submit to the Constitutional Court a written reply on the facts of the case and the legal substantiation by 22 July 2016.

The term for preparing the case is 19 October 2016. The Court shall decide on the type of procedure and the date for hearing the case after the case has been prepared.

The press release was prepared with the aim to facilitate understanding of the cases examined by the Constitutional Court. It shall not be regarded as part of the judgement and is not binding to the Constitutional Court. The judgements, decisions and other information regarding the Constitutional Court are available at the home page of the Constitutional Court www.satv.tiesa.gov.lv.

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