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**A case initiated with respect to determining the amount of judges' remuneration**

On 21 December 2016 the 2<sup>nd</sup> Panel of the Constitutional Court initiated case “On Compliance of Section 4(9) and Section 6<sup>1</sup> (1) of “Law on Remuneration of Officials and Employees of State and Local Government Authorities” with Article 83 and Article 107 of the Satversme of the Republic of Latvia”.

**Contested Norms**

Section 4 (9) of “Law on Remuneration of Officials and Employees of State and Local Government Authorities” (hereinafter – Law on Remuneration): “The monthly salary of a judge shall be determined by linking it to the monthly salary of a highly qualified lawyer of state direct administration institutions, applying a respective coefficient. The salary of a prosecutor shall be determined by linking it to the monthly salary of judge of a district (municipal) court, applying a respective coefficient.”

Section 6<sup>1</sup> (1) of Law on Remuneration: “The monthly salary of a judge of a district (municipal) court shall be determined by equalling it to the maximum amount of a head of legal structural unit at a state direct administration institution (12<sup>th</sup> group of monthly salaries) pursuant to Annex 3 to this Law.”

**Norms of Higher Legal Force**

Article 83 of the Satversme: „Judges shall be independent and subject only to the law.”

Article 107 of the Satversme: “Every employed person has the right to receive, for work done, commensurate remuneration which shall not be less than the minimum wage established by the State, and has the right to weekly holidays and a paid annual vacation.”

## **Facts of the Case**

The case has been initiated on the basis of an application by the Council for the Judiciary. Pursuant to Section 89<sup>1</sup> of the law “On Judicial Power”, the Council for the Judiciary is a collegial authority, which participates in the development of the policies and strategies of the judicial system, as well as the improvement of the organisation of the work of the judicial system. It is noted in the application that the system of judges’ remuneration for work belongs to the policy of the judicial system; therefore the Council for the Judiciary has the right to submit an application to the Constitutional Court.

Law on Remuneration was adopted in 2009, and it had had the purpose to establish a fairer approach to determining remuneration for employees of state and local government institutions. *Inter alia*, judges’ remuneration for work was equalled to the maximum amount of the head of a legal structural unit at a state direct administration institution.

Article 107 of the Satversme is said to protect judges’ right to receive payment that would be commensurate for work done. Likewise, commensurate remuneration for judges’ work is said to fall also within the content of judges’ independence defined in Article 83 of the Satversme.

Remuneration that would be commensurate for a judge’s status, functions, and responsibility should be determined for a judge. By comparing a judge’s remuneration for work with remuneration of a head of a structural unit at a state direct administration institution, allegedly, the differences between the status, functions, and responsibility of a judge and an employee of a direct administration institution have not been taken into account. The Council for the Judiciary holds that by a number of amendments to Law on Remuneration the actual remuneration of the head of a legal structural unit at a state direct administration institution has increased, but the real value of a judge’s remuneration during his term in office has decreased. Therefore the previous uniform approach to determining remuneration that had existed in Law on Remuneration had been distorted and the contested norms no longer comply with Article 83 and Article 107 of the Satversme.

## **Legal Proceedings**

The Constitutional Court has requested the institution that issued the contested act – the Saeima – to submit by 21 February 2017 to the Constitutional Court a written reply, presenting the facts of the case and legal substantiation.

The term for preparing the case is 21 May 2017. The Court shall decide on the type of procedure and the date for hearing the case after the case has been prepared.

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The press release was prepared with the aim to facilitate understanding cases heard by the Constitutional Court. It shall not be regarded as part of a ruling 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](http://www.satv.tiesa.gov.lv).

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