



A case initiated regarding regulation on noise in the vicinity of auto racing tracks

On 10 January 2017 the 1st Panel of the Constitutional Court initiated case “On Compliance of Para 2 of Annex 2 to the Cabinet Regulation of 7 January 2004 No. 16 “Procedure for Assessing and Managing Noise”, insofar it Applies to Moto Racing Tracks Located within a Territory, where Individual Residential Houses and High-Rise Residential Houses are Built, with Article 111 and Article 115 of the Satversme of the Republic of Latvia”.

Contested Norm

The contested norm of the Cabinet Regulation defines the threshold values of environmental noise of open-air moto racing tracks located within the territory, where individual residential houses (mansions, low-rise houses, and farmsteads), and high-rise residential houses are built. The admissible range of noise in different situations is from 65 dB (A) to 75 dB (A). The contested norm also provides that the noise caused by an open-air auto and moto racing track is assessed by using only the threshold values of environmental noise, without assessing noise indicators inside premises.

Norms of Higher Legal Force

Article 111 of the Satversme: “The State shall protect human health and guarantee a basic level of medical assistance for everyone.”

Article 115 of the Satversme: “The State shall protect the right of everyone to live in a benevolent environment by providing information about environmental conditions and by promoting the preservation and improvement of the environment.”

Facts of the Case

The case is initiated on the basis of an application by the Administrative District Court. A person, living in the vicinity of Kandava karting circuit, turned to the Administrative District Court. The operation of the circuit was suspended in 2014, as it did not meet the requirements on admissible level of noise defined by the Cabinet Regulation that was in force at the time. However, in 2015 amendments were introduced to the Cabinet

Regulation, *inter alia*, including also the contested norm and envisaging higher threshold values of admissible noise. Following the amendments to the Regulation, the circuit renewed its operations. The person, by turning to the Administrative District Court, requested, *inter alia*, revoking the decision by Kandava Regional Council on renewing operations of the circuit.

The Administrative District Court holds that the Cabinet has not implemented due measures for limiting noise. Article 111 and Article 115 of the Satversme enshrine the positive obligation of the State to ensure such environmental conditions, where a person's right to health would be guaranteed. If the threshold value of admissible noise reaches a level, which in the respective environment causes threat to a person's health, then the fundamental rights defined in Article 111 and Article 115 of the Satversme are violated. The Cabinet, contrary to the guidelines of the World Health Organisation, has defined such threshold values of noise that create high risks to persons' health. Thus, it is alleged that the contested norm is incompatible with Article 111 and Article 115 of the Satversme.

Legal Proceedings

The Constitutional Court has requested the Cabinet to submit by 10 March 2017 to the Constitutional Court a written reply, presenting the facts of the case and legal substantiation.

The term for preparing the case is 10 June 2017. 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 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.

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