



A case initiated regarding an administrative court's right to vary decisions of the Competition Council

On 17 March 2017, the Constitutional Court initiated a case “On compliance of Section 253(3) of the Administrative Procedure Law with the first sentence of Article 92 of the Constitution of the Republic of Latvia”.

Contested Norm

Section 253(3) of the Administrative Procedure Law provides that a court, in cases provided for by law, may vary an administrative act and determine its specific substance.

Norm of Higher Legal Force

First sentence of Article 92 of the Constitution: “Everyone has the right to defend their rights and lawful interests in a fair court.”

The Facts

The case has been initiated on the basis of two identically worded applications filed by the Administrative District Court. As indicated in the applications, the court is currently examining administrative cases in which the applicants, inter alia, ask that the Competition Council's decisions be varied to reduce the fines imposed on them.

According to the interpretation of the contested norm, a court may vary a decision and determine its specific substance only if such competence is provided for by regulations. However, neither the Competition Law nor other legal norms regulating competition directly provide for an administrative court's right to vary decisions of the Competition Council.

The Applicant holds that the contested norm, which unnecessarily restricts an administrative court's competence to vary decisions of the Competition Council, is incompatible with the person's right to a fair trial.

Legal proceedings

The Constitutional Court has requested the Saeima to submit by 17 May 2017 to the Constitutional Court a written reply, presenting the facts of the case and legal substantiation.

The term for preparing the case is 17 August 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 on the Constitutional Court. Judgements, decisions and other information regarding the Constitutional Court are available on the Constitutional Court's website www.satv.tiesa.gov.lv.

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