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**The Constitutional Court terminates legal proceedings in the case regarding a norm that regulates the decision to refuse initiating appellate legal proceedings in a case of an administrative violation**

On 25 April 2018, the Constitutional Court adopted the decision in case No. 2018-01-01 “On Compliance of the Seventh Part of Section 289<sup>20</sup> of the Latvian Administrative Violations Code with the First Sentence of Article 92 of the *Satversme* of the Republic of Latvia”.

**The Contested Norm**

Section 289<sup>20</sup> (7) of the Latvian Administrative Violations Code: “If judges unanimously recognise that none of the grounds for initiating appellate procedure referred to in Section 289<sup>17</sup> (3) of this Code exists, the judges shall adopt a decision on refusal to initiate appellate procedure. The decisions shall be drawn up in the form of a resolution, indicating the judges, who adopted the decision. The decision shall not be subject to appeal. The applicant shall be informed about the decision that has been adopted.”

**The Norm of Higher Legal Force**

The first sentence of Article 92 of the *Satversme*: “Everyone has the right to defend his or her rights and lawful interests in a fair court.”

**The Facts of the Case**

The applicants were made administratively liable and were punished, *inter alia*, by a monetary fine. They have submitted an appellate complaint regarding the judgement by the first instance court. However, in all three cases, the judges of the appellate instance court refused to initiate appellate legal proceedings by a decision that had been drawn up in the form of a resolution. It is noted in the applications that, thus, the applicants had been denied access to the appellate instance court and the right to a motivated court’s ruling had not been ensured. Therefore the contested norm is said to be incompatible with the first sentence of Article 92 of the *Satversme*.

On 15 March 2018, the Constitutional Court passed the decision in Case No. 2017-16-01 “On Compliance of the Fifth and the Seventh Part of Section 289<sup>20</sup> of the Latvian Administrative Violations Code with the first sentence of Article 92 of the *Satversme* of the Republic of Latvia” (hereinafter – Case No. 2017-16-01), by which the contested norm, insofar it did not set a court’s obligation to include in the decision to refuse initiation of appellate legal proceedings in a case of administrative violations the reasoning for this decision, was

recognised as being incompatible with the first sentence of Article 92 of the *Satversme*. In its judgement in the case No. 2017-16-01, the Constitutional Court also ruled that the contested norm, insofar it did not set a court's obligation to include in the decision to refuse initiation of appellate legal proceedings in a case of administrative violations the reasoning for this decision, with respect to persons, who until the date when this judgement entered into force had turned to the Constitutional Court, had to be recognised as being void as of the moment when the infringement upon the fundamental rights of the submitters of the respective constitutional complaint occurred.

### **The Court's Findings and Decision**

The Constitutional Court found that in the case No. 2018-01-01 the subject of the claim was identical to that, with respect to which a judgement already had been pronounced in case No. 2017-16-01. Moreover, in the judgement in case No. 2017-16-01, the Constitutional Court has already ruled on the issue of the validity of the contested norm with respect to the applicants in case No. 2018-01-01. Therefore, pursuant to Para 5 of Section 29 (1) of the Constitutional Court Law, legal proceedings in case No. 2018-01-01 shall be terminated.

### **The Constitutional Court held:**

to terminate legal proceedings in case No. 2018-01-01 "On Compliance of the Seventh Part of Section 289<sup>20</sup> of the Latvian Administrative Violations Code with the First Sentence of Article 92 of the *Satversme* of the Republic of Latvia".

The decision is not subject to appeal.

The text of the decision [in Latvian] is available on the homepage of the Constitutional Court:  
[http://www.satv.tiesa.gov.lv/wp-content/uploads/2018/01/2018-01-01\\_Lemums\\_izbeigsana.pdf](http://www.satv.tiesa.gov.lv/wp-content/uploads/2018/01/2018-01-01_Lemums_izbeigsana.pdf)

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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 on the homepage of the Constitutional Court [www.satv.tiesa.gov.lv](http://www.satv.tiesa.gov.lv).

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