



**A case initiated with respect to the procedure for granting the rights of an expert
of the Latvian Council of Science**

On 25 February 2019, the 4th Panel of the Constitutional Court initiated a case “On Compliance of Para 3 of the Cabinet Regulation of 12 December 2017 No. 724 “Regulation on the Qualification Criteria of the Experts of the Latvian Council of Science, Establishing of Experts’ Committees and Organising of the Work thereof” and the decision of 15 January 2018 by the Latvian Council of Science No. 19-1-1 “The Procedure for Granting the Rights of an Expert of the Latvian Council of Science”” with Article 1 and Article 64 of the *Satversme* of the Republic of Latvia”.

The Contested Norms

Para 3 of the Cabinet Regulation of 12 December 2017 No. 724 “Regulation on the Qualification Criteria of the Experts of the Latvian Council of Science, Establishing of Experts’ Committees and Organising of the Work thereof” (hereinafter – Regulation No. 724) provides that with respect to the outcome of research activities referred to in Para 2 of this Regulation, which is being assessed in deciding on granting the right of an expert, the quality criteria in the respective branch of science, the procedure for assessing these criteria and for granting the rights of an expert is determined by the Latvian Council of Science.

On the basis of the aforementioned norm, the Latvian Science Council adopted the decision of 15 January 2008 No. 19-1-1 “The Procedure for Granting the Rights of an Expert of the Latvian Council of Science” (hereinafter – the Procedure).

The Norms of Higher Legal Force

Article 1 of the *Satversme* of the Republic of Latvia (hereinafter – the *Satversme*):
“Latvia is an independent democratic republic.”

Article 64 of the *Satversme*: “The *Saeima*, and also the people, have the right to legislate, in accordance with the procedures, and to the extent, provided for by this *Satversme*.”

The Facts

The case has been initiated with respect to an application by an administrative district court. The applicant is reviewing an administrative case, which has been initiated on the basis of a person’s application requesting that the Latvian Council of Science were imposed the obligation to grant her the rights of an expert. Para 3 of Regulation No. 724 and the Procedure are applicable in the aforementioned administrative case.

The Applicant notes that Section 18 (5) of the law “On Scientific Activity” grants to the Cabinet the authorisation to regulate the qualification criteria for experts as well as other matters related to establishing of experts’ committees and the activities thereof. Allegedly, the Cabinet does not have the right to deviate from this procedure chosen by the legislator and to sub-delegate the right to issue external regulatory enactments to the Latvian Council of Science. Thus, Para 3 of Regulation No. 724 and also the Procedure, allegedly, had been issued by violating the authorisation granted by the legislator.

The Legal Proceedings

The Constitutional Court has requested the Cabinet and the Latvian Council of Science to submit written responses presenting the facts of the case and the legal substantiation by 25 April 2019.

The term for preparing the case is **25 July 2019**. The Court shall decide on the procedure for hearing the case and the date after the case has been prepared.

The press release was prepared with the aim to facilitate understanding of cases heard by the Constitutional Court. It shall not be regarded as part of the ruling and is not binding to the Constitutional Court. The

judgements, decisions and other information regarding the Constitutional Court are available at the homepage of the Constitutional Court www.satv.tiesa.gov.lv.

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