



A case initiated with respect to restrictions on combining the offices of a local government's councillor

On 1 March 2019, the 2nd Panel of the Constitutional Court initiated the case “On Compliance of Para 4 of Section 38 (2) of the law “On Local Governments” with the First Sentence of Article 91 of the *Satversme* of the Republic of Latvia”.

The Contested Norm

Para 4 of Section 38 (2) of the law “On Local Governments” provides that in addition to the restrictions for combining offices stipulated in the law “On Prevention of Conflict of Interest in Activities of Public Officials”, a councillor of the local government council may not hold the office of the head of a local government institution or his or her deputy, except in institutions performing the autonomous functions of the local government laid down in Para 4, 5 and 6 of Section 15 of the law “On Local Governments”: to provide for the education of residents, to maintain culture and facilitate the preservation of traditional cultural values and the development of creative folk activity, and to ensure access to health care, as well as to promote a healthy lifestyle of residents and sport.

The Norm of Higher Legal Force

The first sentence of Article 91 of the *Satversme* of the Republic of Latvia (hereinafter – the *Satversme*): “All human beings in Latvia shall be equal before the law and the courts.”

The Facts

The case was initiated with respect to an application by the councillor of the Rauna Regional Council Aivars Damroze. The applicant had been made administratively liable for violating the prohibition established by the contested norm because, while being a councillor of the local government, was also in the position of the head of an institution of social care and rehabilitation.

The applicant notes that, pursuant to the contested norm, a councillor of a local government council has the right only to take the position of the head of a local government's institution that performs the autonomous functions of a local government indicated in the contested norm. However, a councillor of a local government council has no right to take the position of the head of a local government's institution, which performs similar yet other autonomous functions, *inter alia*, the function of social care. The applicant holds that the differential treatment of the restrictions on combining the offices of a local government's councillor lack a legitimate aim.

Legal Proceedings

The Constitutional Court has requested the Saeima to submit by 3 May 2019 a written reply on the facts of the case and legal reasoning.

The term for preparing the case is 1 August 2019. The Court shall decide on the form and the date of proceedings 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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