



The third case initiated with respect to a norm that provides that in civil procedure the Senate’s decision to refuse initiation of cassation legal proceedings may be drawn up in the form of a resolution

On 19 September 2019, the 3rd Panel of the Constitutional Court initiated the case “On Compliance of Section 464 (4¹) of the Civil Procedure Law with the First Sentence of Article 92 of the *Satversme* of the Republic of Latvia”.

The Contested Norm

Section 464 (4¹) of the Civil Procedure Law provides that the decision adopted at the assignments hearing of the Supreme Court regarding initiation of cassation proceedings, refusal to initiate cassation hearings, on transferring a case for hearing in cassation procedure by the Supreme Court in expanded composition, as well as refusal to accept an ancillary claim may be drawn up in the form of a resolution in conformity with the provisions set out in Section 229 (2) of this Law.

The Legal Norm of Higher Legal Force

The first sentence of Article 92 of the *Satversme* of the Republic of Latvia (hereinafter – 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 case was initiated on the basis of an application by Jānis Pīlāts. The Senate, by a decision of the assignments hearing that was adopted, *inter alia*, on the basis of the contested norm, refused to initiate cassation legal proceedings on the basis of his cassation complaint.

The Applicant holds that the contested norm is incompatible with the first sentence of Article 92 of the *Satversme* since it provides that the Senate may draw up the decision to refuse initiation of cassation proceedings in the form of a resolution, without

providing reasoning of the decision. The restriction on fundamental rights established in the contested norm might have the aim of ensuring faster and more effective hearing of disputes. However, it is maintained that this restriction on fundamental rights is disproportionate.

Legal Proceedings

The Constitutional Court recognised that it was not necessary to request the institution, which issued the adopted act, – the *Saeima*, to submit a written response since, on 18 July 2019, Case No. 2019-13-01 “On Compliance of Section 464 (4¹) of the Civil Procedure Law with the First Sentence of Article 92 of the *Satversme* of the Republic of Latvia” was initiated and the *Saeima* already had submitted to the *Satversme* a written reply presenting the facts of the case and legal reasoning.

The term for preparing the case is 19 February 2020. The Court will decide on the type of procedure and the date for hearing the case after it 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 judgement 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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