



**A case initiated with respect to the joining of the rural municipality of Carnikava
to Ādaži Region**

On 27 August 2020, the 2nd Panel of the Constitutional Court initiated the case “On Compliance of Sub-para 11.2. of “Annex to the Law on Administrative Territories and Populated Areas “Administrative Territories, Administrative Centres thereof and the Units of Territorial Division”” with Article 1 and the First Part of Article 101 of the *Satversme* of the Republic of Latvia and the Sixth Part of Article 4 and Article 5 of the European Charter of Local Self-Government”.

The Contested Norm

Sub-para 11.2 of “Annex to the Law on Administrative Territories and Populated Areas “Administrative Territories, Administrative Centres thereof and the Units of Territorial Division”” provides that the rural municipality Carnikava is part of Ādaži Region.

The Norms of Higher Legal Force

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

The first part of Article 101 of the *Satversme*: “Every citizen of Latvia has the right, as provided for by law, to participate in the work of the State and of local government, and to hold a position in the civil service.”

The sixth of Article 4 of the European Charter of Local Self-Government (hereafter – the Charter) “Scope of local self-government”: “Local authorities shall be consulted, insofar as possible, in due time and in an appropriate way in the planning and decision-making processes for all matters which concern them directly.”

Article 5 of the Charter “Protection of local authority boundaries”: “Changes in local authority boundaries shall not be made without prior consultation of the local communities concerned, possibly by means of a referendum where this is permitted by statute.”

The Facts

The case was initiated on the basis of an application submitted by the Carnikava Regional Council. On 10 June 2020, the *Saeima* adopted the Law on Administrative Territories and Populated Areas. The Annex to the Law defines the administrative territories, their administrative centres and the units of territorial division. In accordance with sub-para 11.2. of this Annex, the rural municipality of Carnikava is part of the Ādaži Region.

The Carnikava Regional Council holds that in adoption of the contested norms, the local government Council’s opinion as well as the information provided by other institutions had not been identified and reviewed due procedure, hence, the *Saeima* has violated the principle of local government and also the principle of good governance. Thus, the contested norms are said to be incompatible with Article 1 and Article 101 of the *Satversme* as well as with the sixth part of Article 4 and Article 5 of the Charter.

The Legal Proceedings

The Constitutional Court has requested the *Saeima* to submit a written reply on the facts of the case and the legal reasoning by 27 October 2020.

The term for preparing the case is 27 January 2021. The Court will decide on the type of procedure and the date for hearing the case after it has been prepared.

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he 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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