



A case initiated with respect to joining the town of Iecava and the rural municipality of Iecava to the Bauska Region

On 3 September 2020, the 2nd Panel of the Constitutional Court initiated the case “On Compliance of Sub-para 13.8. and 13.9. 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, the First Part of Article 101 of the *Satversme* of the Republic of Latvia as well as the Sixth Part of Article 4 and Article 5 of the European Charter of Local Self-Government”.

The Contested Norms

Sub-para 13.8. and 13.9. 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 town of Iecava and the rural municipality of Iecava are part of the Bauska Region.

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 part of Article 4 of the Charter: “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 Iecava 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 13.8. and 13.9. of this Annex, the town of Iecava and the rural municipality of Iecava are part of the Bauska Region.

The Iecava Regional Council holds that the contested norms infringe upon its rights because, pursuant to these norms, the town of Iecava and the rural municipality of Iecava have been joined to the Bauska region without proper assessment of the aims for changing the boundaries of the administrative territory and the social economic substantiation for it. The *Saeima*, in adopting the contested norms has violated the principles of good governance and local government, has failed to comply with the subsidiarity principle and, also, did not engaged in proper consultations with the Council and inhabitants of the Iecava Region. Thus, the principles of good legislation, local government and proportionality have been violated. The contested norms are said to be incompatible with Article 1 and the first part of Article 101 of the *Satversme*, the sixth part of Article 4 as well as Article 5 of the Charter, substantially breaching the principles of good legislation, local government and proportionality.

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 3 November 2020.

The term for preparing the case is 3 February 2021. The Court will decide on the type of procedure and the date for hearing the case after it has been prepared.

The decision on initiation of the case is available here:

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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