



**A case initiated with respect to joining the rural municipality of Mazsalaca to the
Valmiera Region**

On 2 September 2020, the 2nd Panel of the Constitutional Court initiated the case “On Compliance of Sub-para 41.14., 41.15., 41.18., 41.22. and 41.23. “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 Sentence 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 Norms

Sub-para 41.14., 41.15., 41.18., 41.22. un 41.23. 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 of Mazsalaca, the town of Mazsalaca, the rural municipality of Ramata, the rural municipality of Sēļi and the rural municipality of Skaņkalne are part of the Valmiera 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 sentence 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 Mazsalaca 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 41.14., 41.15., 41.18., 41.22. and 41.23. the rural municipality of Mazsalaca, the town of Mazsalaca, the rural municipality of Ramata, the rural municipality of Sēļi and the rural municipality of Skaņkalne are part of the Valmiera Region.

The Council has noted the right of a local government to exist as an institution follows from the principle of local government, whereas because of the contested norms the Mazsalaca Regional Council would cease to exist. The Council holds that the contested norms infringe upon its rights because, by these norms, the rural municipality of Mazsalaca, the town of Mazsalaca, the rural municipality of Ramata, the rural municipality of Sēļi and the rural municipality of Skaņkalne are included in the Valmiera Region without duly assessing the possibility to keep these territories as an independent Mazsalaca Region.

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 Mazsalaca Region. The contested norms are said to be incompatible with Article 1 and the first sentence of Article 101 of the *Satversme*, 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 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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