



The Constitutional Court terminates legal proceedings in a case with respect to a norm that does not envisage the rights of parties in a case to request recusal of judges in the stage of initiating cassation proceedings in civil procedure

On 15 September 2020, the Constitutional Court decided to terminate legal proceedings in case No. 2020-22-01 “On Compliance of Section 464 (1) of the Civil Procedure Law with the First Sentence of Article 92 of the *Satversme* of the Republic of Latvia”.

Section 464 (1) of the Civil Procedure Law:

“In order to decide on an issue regarding the initiation of cassation proceedings, cassation complaints, cross complaints and protests after expiry of the time period for submitting the explanations provided for in Section 460, Paragraph one and Section 463, Paragraph three of this Law shall be examined at the Supreme Court assignments hearing by a judicial collegium established in accordance with the procedures laid down by the Chairperson of the Department in the composition of three judges.”

The 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

The applicant, limited liability company “Vecpilsētas celtnes un būves”, appealed in cassation procedure against a judgement in a civil case, delivered by the appellate instance court. The collegium of Judges of the Supreme Court Department of Civil Cases, in the procedure established in the contested norm, decided to refuse initiation of cassation legal proceedings on the basis of the applicant’s cassation complaint.

The applicant notes that the contested norm does not envisage the right of the parties in a case to be informed about the Judges who are going to decide on the matter of initiating

cassation legal proceedings and to request their recusal. Therefore, allegedly, the contested norm is incompatible with the first sentence of Article 92 of the *Satversme*.

On 16 July 2020, the Constitutional Court delivered the judgement in case No. 2019-23-01 “On Compliance of the First Part of Section 464 of the Civil Procedure Law with the First Sentence of Article 92 of the *Satversme* of the Republic of Latvia” (hereafter – Case No. 2019-23-01), by which the contested norm was recognised as being compatible with the first sentence of Article 92 of the *Satversme*.

The Court’s Findings and Decision

The Constitutional Court found that the subject of claim in case No. 2020-22-01 was identical to the one, with respect to which a judgement had been delivered in case No. 2019-23-01, because the claim with respect to which the judgement was delivered in case No. 2019-23-01 was the same as the one included in the application by Ltd. “Vecpilsētas celtnes un būves” and no facts of the case or arguments had been included in the application that had not been examined on their merits in case No. 2019-23-01. Therefore, in accordance with Para 5 of Section 29 (1) of the Constitutional Court Law, the legal proceedings in case No. 2020-22-01 must be terminated.

The Constitutional Court held:

to terminate legal proceedings in case No. 2020-22-01 “On Compliance of Section 464 (1) of the Civil Procedure Law with the First Sentence of Article 92 of the *Satversme* of the Republic of Latvia”.

The decision is not subject to appeal: https://www.satv.tiesa.gov.lv/wp-content/uploads/2020/04/2020-22-01_Lemums-par-tiesvedibas-izbeigsanu.pdf

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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