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**A case initiated with respect to joining the Salacgrīva Region to the Limbaži Region**

On 14 September 2020, the 2<sup>nd</sup> Panel of the Constitutional Court initiated the case “On Compliance of Sub-para 23.1, 23.2., 23.8., 23.12. and 23.13. 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 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 23.1, 23.2., 23.8., 23.12. and 23.13. of “Annex to the Law on Administrative Territories and Populated Areas “Administrative Territories, Administrative Centres thereof and the Units of Territorial Division”” provide that the rural municipality of Ainaži, the town of Ainaži, the rural municipality of Liepupe, the rural municipality of Salacgrīva and the town of Salacgrīva are part of the Limbaži 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.”

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.

Local governments shall be elected by Latvian citizens and citizens of the European Union who permanently reside in Latvia. Every citizen of the European Union who permanently resides in Latvia has the right, as provided by law, to participate in the work of local governments. The working language of local governments is the Latvian language.”

The sixth part of Article 4 of the European Charter of Local Self-Government (hereafter – 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 Salacgrīva 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 23.1, 23.2., 23.8., 23.12. and 23.13. the rural municipality of Ainaži, the town of Ainaži, the rural municipality of Liepupe, the rural municipality of Salacgrīva and the town of Salacgrīva are part of the Limbaži Region.

The Salacgrīva Regional Council holds that the contested norms infringe on its rights because, by these norms, the units of territorial division, which currently belong to the administrative territory of the Salacgrīva Region, have been joined to the Limbaži Region. The Salacgrīva Region is being liquidated as a separate territorial unit, which is said to significantly worsen the situation of the region’s inhabitants as well as decrease their right to regulate their own lives and to keep their local identity. In adopting the contested norms, the Regional Council and inhabitants had not been properly consulted with. Hence, the principle of a democratic state, the principle of self-government and the principle of good legislation are said to be violated.

## **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 16 November 2020.

**The term for preparing the case is 14 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:** [https://www.satv.tiesa.gov.lv/wp-content/uploads/2020/09/2020-51-0106\\_Lemums\\_par\\_ierosinasanu.pdf](https://www.satv.tiesa.gov.lv/wp-content/uploads/2020/09/2020-51-0106_Lemums_par_ierosinasanu.pdf)

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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](http://www.satv.tiesa.gov.lv).

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