



A case initiated with respect to joining the rural municipalities of Daudzese, Jaunjelgava, Sece, Sērene, Staburags and Sunākste as well as the town of Jaunjelgava to Aizkraukles Region

On 16 October 2020, the 2nd Panel of the Constitutional Court initiated the case “On Compliance of Sub-para 8.5., 8.7., 8.8., 8.16., 8.17., 8.19. and 8.20. 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 and the Third and Sixth Part of Article 4 and Article 5 of the European Charter of Local Self-Government”.

The Contested Norms

Sub-para 8.5., 8.7., 8.8., 8.16., 8.17., 8.19. and 8.20. of “Annex to the Law on Administrative Territories and Populated Areas “Administrative Territories, Administrative Centres thereof and the Units of Territorial Division”” provide that, *inter alia*, the rural municipality of Daudzese, the rural municipality of Jaunjelgava, the town of Jaunlegava, the rural municipality of Sece, the rural municipality of Sērene, the rural municipality of Staburags and the rural municipality of Sunākste are part of Aizkraukle 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 third part of Article 4 of the European Charter of Local Self-Government (hereafter – the Charter) “Scope of local self-government”: “Public responsibilities shall generally be exercised, in preference, by those authorities which are closest to the citizen. Allocation of responsibility to another authority should weigh up the extent and nature of the task and requirements of efficiency and economy.

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 Jaunlegava 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 8.5., 8.7., 8.8., 8.16., 8.17., 8.19. and 8.20. of this Annex, *inter alia*, the rural municipality of Daudzese, the rural municipality of Jaunjelgava, the town of Jaunlegava, the rural municipality of Sece, the rural municipality of Sērene, the rural municipality of Staburags and the rural municipality of Sunākste are part of Aizkraukle Region.

The Jaunlegava Regional Council holds that the contested norms infringe upon its rights because, pursuant to these norms, the rural municipality of Daudzese, the rural

municipality of Jaunjelgava, the town of Jaunlegava, the rural municipality of Sece, the rural municipality of Sērene, the rural municipality of Staburags and the rural municipality of Sunākste have been joined to Aizkraukle Region without properly examining the possibility of maintaining Jaunjelgava Region as an independent local government. In adopting the contested norms, the *Saeima*, allegedly, violated the principles of good legislation and local government, likewise, it did not comply with the principle of subsidiarity and did not consult properly with the Jaunjelgava Regional Council and its residents. The contested norms are said to be incompatible with Article 1 and Article 101 of the *Satversme* as well as with the third and the sixth part of Article 4 as well 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 16 December 2020.

The term for preparing the case is 16 March 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 in Latvian is available here:

https://www.satv.tiesa.gov.lv/wp-content/uploads/2020/10/2020-58-0106_Lemums_par_ierosinasanu.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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