



A case initiated with respect to joining Aloja Region to Limbaži Region

On 27 October 2020, the 2nd Panel of the Constitutional Court initiated the case “On Compliance of Sub-23.3., 23.4., 23.5., 23.6., 23.14. and 23.15 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 Sentence of the Second 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 of 23.3., 23.4., 23.5., 23.6., 23.14. and 23.15. 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 Aloja, the town of Aloja, the rural municipality of Braslava, the rural municipality of Brīvēznieki, the rural municipality of Staicele and the town of Staicele are part of 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.”

The first sentence of the second part of Article 101 of the *Satversme*: “Local governments shall be elected by Latvian citizens and citizens of the European Union who permanently reside in Latvia.”

The sixth part of Article 4 of the European Charter of Local Self-Government (hereafter – the Charter) “Scope of local self-government”: “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 Aloja 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 23.3., 23.4., 23.5., 23.6., 23.14. and 23.15. of this Annex, the rural municipality of Aloja, the town of Aloja, the rural municipality of Braslava, the rural municipality of Brīvzemnieki, the rural municipality of Staicele and the town of Staicele are part of Limbaži Region.

The Aloja Regional Council holds that the contested norms infringe on its rights because, pursuant to these norms, the rural municipality of Aloja, the town of Aloja, the rural municipality of Braslava, the rural municipality of Brīvzemnieki, the rural municipality of Staicele and the town of Staicele have been joined to Limbaži Region without properly examining the possibility of retaining Aloja Region as an independent local government. Allegedly, the *Saeima*, in adopting the contested norms, has violated the principle of good legislation and local-government, likewise, it has failed to comply with the subsidiarity principle and to consult properly with the Aloja Regional Council and its residents. The contested norms are said to be incompatible with Article 1 and the first sentence of the second part of Article 101 of the *Saeima* as well as with 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 28 December 2020.

The term for preparing the case is 27 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 is available here: https://www.satv.tiesa.gov.lv/wp-content/uploads/2020/10/2020-60-0106_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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