



**A case initiated with respect to joining the rural municipality of Garkalne to
Ropaži Region**

On 28 October 2020, the 2nd Panel of the Constitutional Court initiated the case “On Compliance of 32.1. 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 Sixth Part of Article 4 and Article 5 of the European Charter of Local Self-Government”.

The Contested Norm

Sub-para 32.1. 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 Garkalne is part of Ropaži 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) “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 Garkalne 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 32.1 of this Annex, *inter alia*, the rural municipality of Garkalne is part of Ropaži Region

The Garkalne Regional Council is of the opinion that the *Saeima*, in adopting the contested norm, has violated the principle of good legislation, the principle of local government and the principle of separation of powers, likewise, that it has failed to consult properly with the Garkalne Regional Council and did not identify the views of the region’s residents. Hence, the Council holds that the contested norm is incompatible with Article 1 and Article 101 of the *Satversme* as well as the sixth part of Article 4 and Article 5 of the Charter.

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 29 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/2020/10/2020-61-0106_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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