



A case initiated with respect to joining Ilūkste Region to Augšdaugava Region

On 1 December 2020, the 2nd Panel of the Constitutional Court initiated the case “On Compliance of Sub-para 10.2., 10.6., 10.7., 10.8., 10.17., 10.18., 10.21. and 10.23. “Annex to the Law on Administrative Territories and Populated Areas “Administrative Territories, Administrative Centres thereof and the Units of Territorial Division”” with Article 1 and the Article 101 of the *Satversme* of the Republic of Latvia, the Third and Sixth Part of Article 4 as well as Article 5 of the European Charter of Local Self-Government”.

The Contested Norms

Sub-para 10.6., 10.7., 10.8., 10.17., 10.18., 10.21. and 10.23. 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*, Bebrene rural municipality, Dviete rural municipality, Eglaine rural municipality, the town of Ilūkste, Pilskalne rural municipality, Prode rural municipality, the town of Subate and Šēdere rural municipality are part of Augšdaugava 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 Ilūkste 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 10.2., 10.6., 10.7., 10.8., 10.17., 10.18., 10.21. and 10.23. of this Annex, *inter alia*, Bebrene rural municipality, Dviete rural municipality, Eglaine rural municipality, the town of Ilūkste, Pilskalne rural municipality, Prode rural municipality, the town of Subate and Šēdere rural municipality are part of Augšdaugava Region. The Ilūkste Regional Council holds that the contested norms infringe upon its right because, pursuant to these norms, Bebrene rural municipality, Dviete rural municipality, Eglaine rural municipality, the town of Ilūkste, Pilskalne rural municipality, Prode rural municipality, the town of Subate and Šēdere rural municipality

have been joined to Augšdaugava Region without properly examining the possibility of maintaining Ilūkste Region as an independent local government or by establishing a new region – Sēlija Region. In adopting the contested norms, the *Saeima*, allegedly, has violated the principle of good legislation and local government, likewise, it has failed to abide by the principle of subsidiarity and to consult properly with the Ilūkste Regional Council and its inhabitants. The contested norms are said to be incompatible with Article 1 and Article 101 of the *Satversme*, the third and the fourth part of Article 4, as well as 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 1 February 2021.

The term for preparing the case is 1 May 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/2020/12/2020-64-0106_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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