



A case initiated with respect to joining Babīte Region to Mārupe Region

On 22 December 2020, the 1st Panel of the Constitutional Court initiated the case “On compliance of sub-paragraphs 27.1 and 27.3 of Annex “Administrative Territories, their Administrative Centres and Units of Territorial Division” to the Law on Administrative Territories and Populated Areas with Article 1 and Article 101 of the *Satversme* of the Republic of Latvia and Article 4(6) and Article 5 of the European Charter of Local Self-Government”.

Contested Provisions

Pursuant to Sub-paragraphs 27.1 and 27.3 of Annex “Administrative Territories, their Administrative Centres and Units of Territorial Division” to the Law on Administrative Territories and Populated Areas, Mārupe Region comprises, *inter alia*, Babīte rural municipality and Sala rural municipality.

Provisions of Superior Legal Force

Article 1 of the *Satversme* of the Republic of Latvia (hereinafter – the *Satversme*): “Latvia is an independent democratic republic.”

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

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.”

Article 4(6) “Scope of local self-government” of the European Charter of Local Self-Government (hereinafter – 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 “Protection of local authority boundaries” of the Charter: “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.”

Facts of the Case

The Case was initiated following an application filed by the Babīte Regional Council. On 10 June 2020, the *Saeima* adopted the Law on Administrative Territories and Populated Areas. Administrative territories, their administrative centres and units of territorial division are determined in the Annex to the Law. Pursuant to Sub-paragraphs 27.1 and 27.3 of the Annex, Mārupe Region comprises, *inter alia*, Babīte rural municipality and Sala rural municipality.

It is the opinion of the Babīte Regional Council that in adopting the contested provisions the *Saeima*, allegedly, has violated the principle of a democratic state, the principle of self-government and the principle of good legislation; furthermore, it has failed to duly consult the residents and take account of the information provided by the Council. Therefore, it is the opinion of the Council that the contested provisions are incompatible with Article 1 and Article 101 of the *Satversme* and Article 4(6) and Article 5 of the Charter.

Legal Proceedings

The Constitutional Court has requested the *Saeima* to submit a written reply stating the facts of the case and the legal reasoning by 22 February 2021.

The case is to be prepared by 22 May 2021. The Court will decide on the type of proceedings and the date of hearing once the case has been prepared.

The decision to initiate the case is available here: https://www.satv.tiesa.gov.lv/wp-content/uploads/2020/12/2020-65-0106_Lemums_par_ierosinasanu.pdf

The press release was prepared for the purpose of facilitating the understanding of cases examined by the Constitutional Court. It is not to be deemed part of the judgment and is not binding on the Constitutional Court. The judgments, decisions and other information on the Constitutional Court is available at www.satv.tiesa.gov.lv.

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