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**A case initiated with respect to a higher special service rank  
required for the office of a college director**

On 28 December 2020, the 1st Panel of the Constitutional Court initiated the case “On compliance of Annex 1 to Cabinet Regulation No 810 of 13 December 2016 on classification of offices of officials with special service ranks working in institutions of the Ministry of the Interior and the Prisons Administration, insofar as it requires a Group 2.1, Level VII college director to hold a higher special service rank – colonel, with the first sentence of Article 91 and the first sentence of Article 106 of the *Satversme* of the Republic of Latvia”.

**Contested Provision**

Pursuant to Annex 1 to Cabinet Regulation No 810 of 13 December 2016 on classification of offices of officials with special service ranks working in institutions of the Ministry of the Interior and the Prisons Administration, the office of Group 2.1, Level VII college director requires a higher special service rank – colonel.

**Provisions of Superior Legal Force**

The first sentence of Article 91 of the *Satversme* of the Republic of Latvia (hereinafter – the *Satversme*): “All human beings in Latvia shall be equal before the law and the courts.”

The first sentence of Article 106 of the *Satversme*: “Everyone has the right to freely choose their employment and workplace according to their abilities and qualifications.”

**Facts of the Case**

The case has been initiated following an application filed by Ainars Penčs. The Applicant served in the State Fire and Rescue Service until 2011. After that an employment agreement was signed with the Applicant on filling the office of the Director of the Fire Safety and Civil Defence College; the employment agreement was terminated in 2019. The employment agreement was terminated on account of the fact that there had been no

grounds for signing the agreement, as, pursuant to the contested provision, the office of the Director of the Fire Safety and Civil Defence College, allegedly, may only be filled by an officer with a special service rank.

The Applicant has appealed to the Constitutional Court because, in their opinion, the contested provision affects the basic rights granted to them under the first sentence of Article 91 and the first sentence of Article 106 of the *Satversme*.

It is the Applicant's opinion that the contested provision unjustifiably requires an officer filling the office of the director of a college subordinated to institutions in the structure of the Ministry of the Interior to hold a special service rank, because responsibilities of this office do not include the performance of direct functions of the State Fire and Rescue Service. The College Director only performs economic and administrative functions, and the College Director does not have to perform functions requiring the officer to hold a special service rank.

### **Legal Proceedings**

The Constitutional Court has requested the Cabinet of Ministers to submit a written reply stating the facts of the case and the legal reasoning by 26 February 2021.

**The case is to be prepared by 28 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/web/viewer.html?file=https://www.satv.tiesa.gov.lv/wp-content/uploads/2020/12/2020-66-03 Lemums par ierosinasanu.pdf#search=](https://www.satv.tiesa.gov.lv/web/viewer.html?file=https://www.satv.tiesa.gov.lv/wp-content/uploads/2020/12/2020-66-03_Lemums_par_ierosinasanu.pdf#search=)**

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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](http://www.satv.tiesa.gov.lv).

**Zanda Meinarte**

Public relations specialist  
of the Constitutional Court

[Zanda.Meinarte@satv.tiesa.gov.lv](mailto:Zanda.Meinarte@satv.tiesa.gov.lv)  
67830759, 26393803