



Satversmes tiesa

Press Release

Case No 2021-01-0106

07 January 2021

A case initiated with respect to joining Auce Region to Dobele Region

On 6 January 2021, the 1st Panel of the Constitutional Court initiated the case “On compliance of sub-paragraphs 16.2, 16.5, 16.11, 16.14, 16.18, 16.19 and 16.20 of Annex “Administrative Territories, their Administrative Centres and Units of Territorial Division” to the Law on Administrative Territories and Populated Areas with Articles 1 and 101 of the Constitution of the Republic of Latvia, Article 4(3), (6) and Article 5 of the European Charter of Local Self-Government”.

CONTESTED PROVISIONS

According to sub-paragraphs 16.2, 16.5, 16.11, 16.14, 16.18, 16.19 and 16.20 of Annex “Administrative Territories, their Administrative Centres and Units of Territorial Division” to the Law on Administrative Territories and Populated Areas, Dobele Region comprises Auce town, Bēne parish, Īle parish, Lielauce parish, Ukri parish, Vecauce parish, and Vītiņi parish.

PROVISIONS OF SUPERIOR LEGAL FORCE

- Article 1 of the Constitution (Satversme) of the Republic of Latvia (hereinafter – the Constitution):
“Latvia is an independent democratic republic”.
- Article 101 of the Constitution:
“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.”



- Part 3 of Article 4 – "Scope of local self-government" – of the European Charter of Local Self-Government (hereinafter – the Charter):
"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."
- Part 6 of Article 4 – "Scope of local self-government" – 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 "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 Auce 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. According to sub-paragraphs 16.2, 16.5, 16.11, 16.14, 16.18, 16.19 and 16.20 of this Annex, Dobele Region comprises Auce town, Bēne parish, Īle parish, Lielaucē parish, Ukri parish, Vecauce parish, and Vītiņi parish.

It is the opinion of the Auce Regional Council that the contested provisions infringe on its rights as they result in Auce Region ceasing to exist as an independent municipality and in the territorial division units it currently comprises – Auce town, Bēne parish, Īle parish, Lielaucē parish, Ukri parish, Vecauce parish and Vītiņi parish – being joined to Dobele Region without proper substantiation as to why Auce Region cannot continue to exist as an independent municipality. In adopting the contested provisions, the *Saeima*, allegedly, has violated the principles of good legislation and self-government, has not observed the principle of subsidiarity, and has failed to duly consult with the Auce Regional Council and the residents of the region. In the Council's opinion, the contested provisions are incompatible with Article 1 and Article 101 of the Constitution, Article 4(3), (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 6 March 2021.

- The case is to be prepared by 6 June 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/2021/01/2021-01-0106_lemums_par_ierosinasanu.pdf

This release has been prepared to inform the public about the work done by the Constitutional Court. More detailed information on current issues, cases initiated and decided by the Constitutional Court is available on the website of the Constitutional Court at www.satv.tiesa.gov.lv. You are also invited to follow the information on the Court's *Twitter* account [@Satv_tiesa](https://twitter.com/Satv_tiesa) and *Youtube* [channel](#).

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