



Satversmes tiesa

Press Release

Case No 2021-09-01

23 March 2021

A case initiated with regard to the provisions setting the fine to be paid for using a state road section if the road user charge has not been paid

On 19 March 2021, the 1st Panel of the Constitutional Court initiated the case "On the compliance of Section 9¹(2) of the Law on the Road User Charge in the wording which was in force until 30 June 2020, and of Section 149⁴⁰(2) of the Latvian Administrative Violations Code in the wording which was in force from 1 January 2017 until 30 June 2020 with Article 1 and the first sentence of Article 92 of the Constitution of the Republic of Latvia".

CONTESTED PROVISIONS

- Section 9¹(2) of the Law on the Road User Charge in the wording which was in force until 30 June 2020: "The minimum fine specified for the respective violation in the Latvian Administrative Violations Code shall be imposed on the person referred to in Paragraph one of this Section for a violation registered with technical means without stopping the vehicle."
- Section 149⁴⁰(2) of the Latvian Administrative Violations Code in the wording which was in force from 1 January 2017 until 30 June 2020 provided that a fine of one hundred and eighty to three hundred and sixty Euro is imposed on the driver of the vehicle, and five hundred to one thousand Euro – on the carrier, for using a state motor road section specified in the law if the road user charge has not been paid.

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".
- First sentence of Article 92 of the Constitution: "Everyone has the right to defend their rights and lawful interests in a fair court."

FACTS OF THE CASE

The case has been initiated on the basis of an application filed by Rēzekne Court. Rēzekne Court is examining an administrative violation case, in which legal proceedings were initiated following an individual's complaints against several decisions of an official of the State Police. These decisions, pursuant to the contested provisions, impose administrative fines on the individual for using a state motor road section specified in the law without paying the road user charge.

The Applicant holds that the amount of the monetary penalty to be imposed on the individual pursuant to the contested provisions does not comply with the principle of proportionality and, furthermore, it is not subject to change, that is, the court is not entitled to assess the nature and seriousness of a particular violation to set a proportionate fine. Therefore, allegedly, the legal regulation contained in the contested provisions is contradictory to the European Union legislation and incompatible with Article 1 and the first sentence of Article 92 of the Constitution.

COURT PROCEDURE

The Constitutional Court has requested the *Saeima* to submit a written reply stating the facts of the case and the legal reasoning by 19 May 2021.

- The case is to be prepared by 19 August 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/2021/03/2021-09-01_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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