Satversmes tiesa

Press Release • Case No 2021-22-01 • 2 June 2021

A case initiated with regard to a possibility for legal entities to be released from payment of a security deposit in civil proceedings

On 28 May 2021, the 3rd Panel of the Constitutional Court initiated the case "On compliance of the second sentence of Section 444[1](3) of the Civil Procedure Law (in the wording which was in force from 1 March 2018 until 19 April 2021) with the first sentence of Article 92 of the Constitution of the Republic of Latvia".

Contested Provision

Second sentence of Section 444[1](3) of the Civil Procedure Law (in the wording which was in force from 1 March 2018 until 19 April 2021): "A court or a judge, having taken into account the financial situation of a natural person, may completely or partly release the person from payment of the security deposit."

Provision of Superior Legal Force

First sentence of Article 92 of the Constitution (*Satversme)* of the Republic of Latvia (hereinafter – 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 the company SIA "WINNER" (hereinafter – the Applicant).
The Applicant had filed an ancillary complaint along with a request for release from the obligation to pay the security deposit payable at submission of the complaint. This request was denied. In the Applicant's opinion, the contested provision violates the right to a fair trial, which is enshrined in the first sentence of Article 92 of the Constitution, as it does not provide for the possibility for legal persons who are experiencing financial difficulties to be released from the obligation to pay the security deposit for the submission of an ancillary complaint.

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 **28 July 2021**.

- The case is to be prepared by **28 November 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/2021/05/2021_22_01_lemums_par_ierosinasanu.pdf#search=2021-22-01

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 and *YouTube* channel.

Zanda Meinarte
Public Relations specialist
at the Constitutional Court
Zanda.Meinarte@satv.tiesa.gov.lv
67830759, 26393803

Video about the Constitutional Court:

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