



Satversmes tiesa

Press Release

Case No. 2022-05-01

11.02.2022.

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A case initiated regarding the regulation of the Civil Procedure Law that does not provide for the possibility to decrease the state fee for legal persons or exempt them from paying the fee

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On 11 February 2022, the 2<sup>nd</sup> Panel of the Constitutional Court initiated the case “On Compliance of Section 43 (4) of the Civil Procedure Law with the First Sentence of Article 92 of the Satversme of the Republic of Latvia.”

#### THE CONTESTED NORM

- The contested norm provides: “A court or a judge, upon consideration of the material situation of a natural person, shall exempt him or her partly or fully from the payment of court expenses in the State income, as well as postpone the adjudged payment of court expenses in the State income, or divide the payment thereof into instalments.”

#### THE NORM OF HIGHER LEGAL FORCE

The first sentence of Article 92 of the Satversme of the Republic of Latvia (hereafter – the *Satversme*): “Everyone has the right to defend his or her rights and lawful interests in a fair court.”

#### THE FACTS

The case has been initiated on the basis of an application submitted by a merchant, registered in the British Virgin Islands, IMEX PROVIDER LTD (hereafter – the Applicant). It follows from the application and the documents annexed to it that the Applicant had submitted a claim to a court of general jurisdiction requiring compensation of damages, at the same time requesting to be exempt from paying the state fee. The first instance court dismissed this request and ordered the Applicant to pay the state fee in full. The Applicant, being unable to pay the state fee in the amount set, decreased the amount of the claim and paid the state fee in smaller amount, set for the claim with decreased amount. It is alleged that the Civil Procedure Law does not provide for the possibility to exempt legal persons from paying the state fee. Therefore the Applicant cannot bring a claim to court regarding the amount of losses that it wants to demand from the defendant. Hence, the contested norm is said to deny the Applicant, substantially, the right to a fair trial, included in the first sentence of Article 92 of the *Satversme*.

#### LEGAL PROCEEDINGS

The Constitutional Court has requested the *Saeima*, the institution, which issued the contested act, to submit to the Constitutional Court **by 11 April 2022** a written reply, presenting the facts of the case and legal substantiation.

- The term for preparing the case is **11 July 2022**.

The Court will decide on the type of proceedings for hearing the case and the date after the case has been prepared.

- The decision on initiating the case is available here:

[https://www.satv.tiesa.gov.lv/wp-content/uploads/2022/02/2022-05-01\\_lemums\\_par\\_ierosinasanu.pdf](https://www.satv.tiesa.gov.lv/wp-content/uploads/2022/02/2022-05-01_lemums_par_ierosinasanu.pdf)

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The press release was prepared to inform society about the Constitutional Court's work. More detailed information about recent developments, cases initiated and heard by the Constitutional Court is available on the Constitutional Court's webpage [www.satv.tiesa.gov.lv](http://www.satv.tiesa.gov.lv). Please follow also information published on the Court's *Twitter* account [@Satv\\_tiesa](https://twitter.com/Satv_tiesa) and *Youtube* [channel](#).

#### Zanda Meinarte

Public relations specialist

of the Constitutional Court

Zanda.Meinarte@satv.tiesa.gov.lv

67830759, 26393803

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