



Satversmes tiesa

Press release

• Case No. 2022-16-05

• 05.05.2022

A case has been initiated against the Minister's order suspending the amendments to the binding regulations on increasing the entry fee in Jūrmala

On 3 May 2022 the 2nd Panel of the Constitutional Court initiated a case "On the Decision of the Minister of Environmental Protection and Regional Development of 16 December 2021 No. 1 2/168 "On the Binding Regulation of the Jūrmala City Council of 30 September 2021 No. 38 "Amendments to the Jūrmala City Council Regulation of 12 September 2017 No. 1 2/168" suspension of the Operation of the Binding Regulation No. 1 "On Entry of Vehicles into the Special Regime Zone in the Administrative Territory of the City of Jūrmala"" with Article 115 of the Constitution of the Republic of Latvia and the Section 10, Paragraph three and Section 12, Paragraph one, Clause 6 of the Law "On Taxes and Fees".

THE CONTESTED ACT

By the contested act the Applicant's Binding Regulation No. 38 of 30 September 2021 "Amendments to the Jūrmala City Council Binding Regulation No. 1 of 12 January 2017 "On Entry of Vehicles into the Special Regime Zone in the Administrative Territory of Jūrmala City"" (hereinafter – the Regulation) has been suspended.

PROVISION WITH A HIGHER LEGAL FORCE

Article 115 of the Constitution of the Republic of Latvia (hereinafter – the Constitution): "The State shall protect the right of everyone to live in a benevolent environment by providing information about environmental conditions and by promoting the preservation and improvement of the environment."

Section 10, Paragraph three of the Law "On Taxes and Duties": The binding regulations of local governments regarding the levying of local government fees must provide for their

payment procedures, the objects subject to fees, rates, exemptions, and reliefs, and also other requirements laid down by other laws and Cabinet regulations.

Section 12, Paragraph one, Clause 6 of the Law on Taxes and Fees: A local government council has the right to levy local government fees on the entry of vehicles in special regime areas within its administrative territory in accordance with the procedures laid down in Cabinet regulations.

THE FACTS OF THE CASE

The case has been initiated upon application of Jūrmala state city municipality council. The Regulations provide, inter alia, to increase the amount of the fee for entry of vehicles into the special regime zone in the administrative territory of Jūrmala City to EUR 3.00 per day without a limitation of the number of entries and to extend the period of application of the said fee to one calendar year. The Minister indicates in the contested act that the Applicant has essentially imposed a fee for the use of municipal streets. However, municipalities are not delegated to set fees for the use of municipal roads and streets. The Applicant has also failed to assess the security provided by it and its proportionality to the amount of the fee.

The Applicant indicates that the contested act is in conflict with the direct power of the legislator contained in Section 10, Paragraph three and Section 12, Paragraph one, Clause 6 of the Law "On Taxes and Fees" to local governments to determine local government fees, the procedure for their payment, objects subject to fees, rates, exemptions and incentives, as well as other requirements. The contested act also infringes the right of the inhabitants of a municipality to live in a benevolent environment established in Article 115 of the Constitution.

JUDICIAL PROCEEDINGS

The Constitutional Court has requested the institution which issued the contested act, i.e., the Parliament, to submit to the Constitutional Court its written reply presenting the facts of the case and legal reasoning by **4th of June, 2022**.

- The term for preparing the case is **3rd of October, 2022**.

The Court shall decide on the procedure and date for hearing the case after the case is prepared.

- The decision on initiation of the case is available here: https://www.satv.tiesa.gov.lv/wp-content/uploads/2022/05/2022-16-05_lemums_par_ierosinasanu.pdf

This press release has been prepared to inform the society on the work of the Constitutional Court. More detailed information on the latest developments, cases opened and examined by the Constitutional Court is available on the website of the Constitutional Court www.satv.tiesa.gov.lv. We invite you to follow the information also on the Court's *Twitter* account [@Satv_tiesa](https://twitter.com/Satv_tiesa) and the Court's *YouTube* [channel](#).

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A video [on the Constitutional Court](#).