



Satversmes tiesa

Press release

Case No 2023-01-03

30.01.2023

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A case has been initiated on provisions reducing the final felling diameter

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On 27 January 2023, the 3rd Panel of the Constitutional Court initiated the case “On Compliance of Annex 7 to Cabinet Regulation No 935 of 18 December 2012, Regulations Regarding Felling of Trees in Forests”, insofar as it Reduces the Final Felling Diameter According to the Dominant Tree Species and Site Index, with Article 115 of the Constitution of the Republic of Latvia”.

THE CONTESTED PROVISIONS

Annex 7 to Cabinet Regulation No 935 of 18 December 2012, Regulations on Felling of Trees in Forests:

No	Dominant tree species	Site index			
		Ia	I	II	III, IV and V
		average diameter (cm) of the first level trees of the dominant tree species			
1.	Pine	30	30	30	30
2.	Spruce	26	26	26	26
3.	Birch	25	25	25	25

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.”

### FACTS OF THE CASE

The case was initiated on the basis of an application from the Latvian Fund for Nature, World Wide Fund for Nature and the Latvian Ornithological Society (hereinafter – the Applicants).

The Applicants are legal persons governed by private law, foundations and associations respectively, and their purpose is, inter alia, to protect the environment and nature and to promote the conservation of biodiversity in forests. The Applicants point out that Annex 7 to Cabinet Regulation No 935 of 18 December 2012, Regulations on Felling of Trees in Forests, in so far as it reduces the final felling diameter according to the dominant tree species and site index, allows certain tree species to be felled sooner. That is, these provisions permit felling of younger forests, which is contrary to the right of a person to live in a favourable environment enshrined in Article 115 of the Constitution.

According to the Applicants, first of all, the obligation of the State to establish and ensure an effective system of environmental protection enshrined in Article 115 of the Constitution has been infringed, since neither the right of the Applicants to participate in the decision-making process related to the environment, nor the principles of precaution and assessment have been respected. Second, the principle of sustainability has been infringed. Third, a reasonable balance has not been struck between the public interest in living in a benevolent environment, on the one hand, and the promotion of economic development, on the other.

### JUDICIAL PROCEDURE

The term for preparing the case is **27 June 2023**.

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 (in Latvian) is available here:  
[https://www.satv.tiesa.gov.lv/wp-content/uploads/2023/01/2023-01-03\\_lemums\\_par\\_ierosinasanu-1.pdf](https://www.satv.tiesa.gov.lv/wp-content/uploads/2023/01/2023-01-03_lemums_par_ierosinasanu-1.pdf)

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This press release has been prepared to inform the society on the work of the Constitutional Court. Further details on the latest developments and cases opened and examined by the Constitutional Court are available on the website of the Constitutional Court [www.satv.tiesa.gov.lv](http://www.satv.tiesa.gov.lv). We invite you to follow the Court's activities on our Twitter account [@Satv\\_tiesa](https://twitter.com/Satv_tiesa) and our *YouTube* [channel](#).

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