

REPORT ON THE WORK
OF THE
CONSTITUTIONAL COURT
OF THE REPUBLIC OF
LATVIA
2023



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INTRODUCTION

This report provides an overview of the Constitutional Court's work from 1 January 2023 to 31 December 2023.

The report is introduced by a foreword by the President of the Constitutional Court, Aldis Laviņš. The statistical indicators of the Court's work are then examined.

The second Section of the report contains information on the case-law of the Court. It contains, first of all, information on the development of case-law in the cases heard during the reporting period, as well as brief descriptions of those cases. The cases are divided into the following areas of law: fundamental rights, State law, tax law, European Union law, civil procedure and criminal procedure. Decisions of the Court to terminate legal proceedings, as well as decisions of the panels of the Court on initiating or refusing to initiate a case are also examined here.

The third Section of the report describes the dialogue of the Constitutional Court with society and State institutions, as well as the dialogue of courts in the European judicial area and international cooperation. Report also highlights those judges and employees of the Constitutional Court who have been awarded the highest awards of the Judicial System, recipients of the Constitutional Court's awards also were honoured. This is followed by speeches by the President of the Constitutional Court, Aldis Laviņš, and the President of the Constitutional Court of the Republic of Lithuania, Danutė Jočienė, at the solemn hearing on the occasion of opening the judicial year of the Constitutional Court 3 February 2023. Report also publishes an obituary of the first President of the Constitutional Court, Aivars Endziņš (1940-2023). Report concludes with a list of publications of the Constitutional Court judges and employees.



TABLE OF CONTENTS

Foreword.	10
1. Statistics.	15
2. Case-law	21
2.1. Fundamental rights.	22
Case No. 2021-45-01	25
Case No. 2022-02-01	26
Case No. 2022-20-01	27
Case No. 2022-28-03	28
Case No. 2022-31-03	29
Case No. 2022-33-01	30
Case No. 2022-34-01	31
Case No. 2022-36- 01	32
2.2. State law (institutional part of the Constitution)	34
Case No. 2022-13-05	35
Case No. 2022-17-01	37
Case No. 2022-41-01	38
2.3. Tax law	40
Case No. 2022-16-05	40
Case No. 2022-22-01	41
2.4. European Union law	43
Case No. 2020-33-01.	45
Case No. 2022-06-03.	46
2.5. Civil procedure.	48
Case No. 2022-03-01.	49
Case No. 2022-05-01.	50
2.6. Criminal procedure.	51
2.7. Decisions to terminate court proceedings.	52
Case No. 2020-02-0306.	52
Case No. 2022-19-01.	54
Case No. 2022-25-05.	54
Case No. 2023-03-01.	56
Case No. 2023-12-01.	57
2.8. Decisions by the panels.	58
3. Dialogue.	75
3.1. Dialogue with the public.	77
3.2. Dialogue with public authorities.	88
3.3. Judicial dialogue in the European judicial area.	91
3.4. International co-operation.	97
3.5. Awards.	102
3.6. Opening of the judicial year of the Constitutional Court.	103
3.7. In memoriam.	114
3.8. Publications.	116



FOREWORD



The Constitutional Court has completed a productive year of work, hearing important cases for Latvian society, considering a wide range of fundamental rights and legal interests, as well as conducting a dynamic dialogue in the Latvian and international judicial space, taking into account the geopolitical context. Inspired by the vibrant vision of last year's Song and Dance Festival, we have "risen together" to improve the standard of fundamental rights protection for everyone, and to strengthen the sense of security, satisfaction, belonging and social peace.

In pursuance of the Constitutional Court's mission – to adjudicate cases on the compliance of laws and other regulatory enactments with the Constitution of the Republic of Latvia (hereinafter – the Constitution) and to protect the fundamental rights of every person in Latvia – an unprecedented number of working days were spent last year in hearings held in cases of importance to Latvian society, with the participation of the parties in cases, thoroughly questioning the parties and summoned persons. As a result, the dialogue with the public has also acquired new forms, with the Court holding press conferences more frequently, both after cases decided in public proceedings and, in many cases, on decisions which were taken in written proceedings but which contain important lessons for society as a whole.

Each individual is considered to be of highest value in Latvia, therefore the fundamental rights of every person are and will be defended by the Constitutional Court. We have stressed this also in the past year, recognizing that every person in need still lacks sufficient support to satisfy all their essential needs and that the minimum income threshold system, together with the measures of the social security system, does not ensure that everyone has the opportunity to live a life in dignity. The legislator has to introduce and continuously improve a social assistance system that ensures transparent, effective and targeted support.

During these difficult times, we also need to be on guard in our daily vigilance of democracy, which is why I consider the findings of the Constitutional Court in the case concerning the restrictions that prevented a member of parliament who had not been vaccinated

against Covid-19 from fully participating in the work of the Saeima (The Parliament of the Republic of Latvia) to be particularly important. The Court emphasized the important role of the people's representative – a member of parliament – in Latvia as a country with a parliamentary democracy. Even a view expressed by just one or a few members of Saeima is relevant to the work. A member of parliament can only fully represent the people, including expressing the will of the people, if he or she is allowed to exercise the rights that are crucial to the work of the Saeima.

The protection of democracy and other constitutional values that form the inviolable core of the Constitution guarantees the existence of the nation and thus also constitutes the constitutional identity of our country. The Constitutional Court has emphasized the importance of the constitutional identity of the State for the protection of democracy and the rule of law throughout Europe, both in the case of restrictions imposed on private higher education institutions regarding the implementation of study programmes in foreign languages and important international fora. Membership of the European Union means unity in diversity, that is why at national constitutional identities and common European values are complementary elements that do not divide, but allow for a balance in the application of national law, European Union law and international law to safeguard democracy and the rule of law. Following a request for a preliminary ruling from the Constitutional Court, the Court of Justice of the European Union concluded that the protection of the national language was an objective that could justify restrictions on the freedom of establishment and freedom to conduct business. Consequently, the Constitutional Court recognised that the benefit to society from the restriction of the fundamental right of an entrepreneur outweighed the adverse consequences arising for private higher education institutions due to the restriction of their right to carry out commercial activities. This case is a clear example of how the national constitutional identity may coexist alongside the requirements of the EU legal framework.

Unfortunately, 2023 is still overshadowed by Russia's aggression in Ukraine. In such circumstances, the

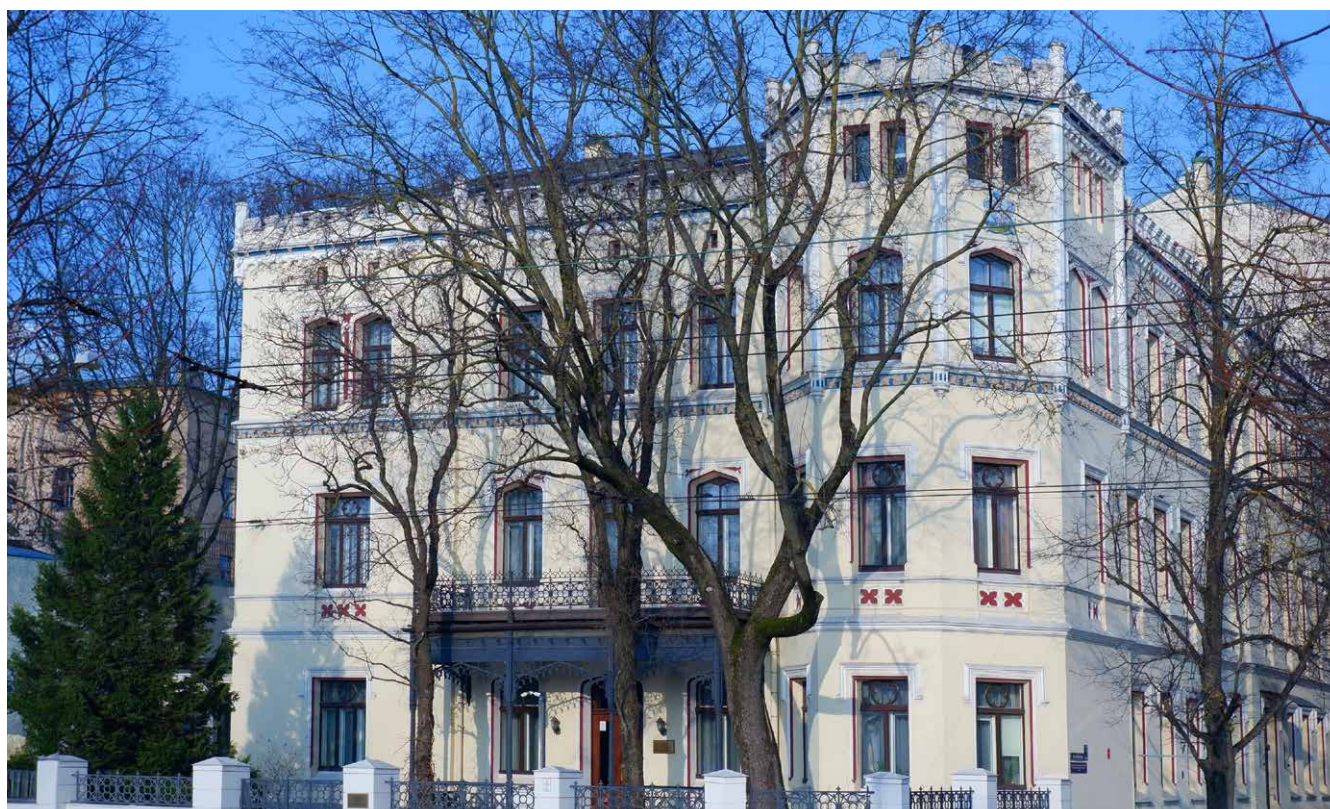
geopolitical background has acquired not only political but also legal significance, including in the cases pending before the Constitutional Court. For example, in the case of norms imposing an obligation on local governments to dismantle objects glorifying the Soviet regime, the Constitutional Court specified the principle of continuity of the Latvian State and its importance for historical justice and restoration of the statehood of the Republic of Latvia founded in 1918. In the above case, the Constitutional Court also took into account the geopolitical context, recognizing that the adoption of the contested norms was motivated by the increasingly active use of objects praising the Soviet regime for propaganda purposes and the increasingly serious threat to Latvia's statehood, which needed to be eliminated. I am therefore convinced that the role of the Constitutional Court in strengthening Latvia's security has also increased significantly.

Last year, the Constitutional Court pursued dynamic international cooperation, as unity and the maintenance of supranational dialogue are particularly important in ensuring democracy, the rule of law and the protection of security in the current context of geopolitical challenges. There is a whole range of legal issues that are difficult to resolve in isolation within the national legal system. From the point of view of the development of Latvian constitutional law, the judges of the Constitutional Court must be constantly at the centre of the development of legal thought. Although the institutions that conduct constitutional review may differ from country to country, the functions of constitutional review are similar throughout the European legal space. The dialogue within the European legal area and at the international level is very

important because we can only ensure more consistent and effective protection of fundamental rights if we have a constant exchange of ideas with our counterparts in other countries belonging to the Western legal circle.

The Constitutional Court organises its work in such a way as to ensure constant communication with international, supranational and other national courts, as well as with the organisations that unite these courts. Bilateral meetings with Dutch, Finnish and Lithuanian counterparts were held in 2023. The trilateral dialogue and cooperation among the constitutional courts of the Baltic States is also of continuing importance as an essential prerequisite for strengthening the sustainability of democracy and the rule of law, as well as for the protection of fundamental rights and human dignity in the region. The Constitutional Court continued to support the integration of the legal systems of Moldova, Ukraine and Kosovo into a unified European legal area, including by sharing its experience in the dialogue with the Court of Justice of the European Union and the European Court of Human Rights. Last year, the judges of the Constitutional Court even met with the judges of the Court of Justice of the European Union on several occasions and discussed both the current case law and problems with the effective application of European Union law, as well as the organisation of court work and research methods. It is essential that cooperation is developed simultaneously at both the judicial and administrative levels.

One of the most important events of the year was the international conference "The Role of the Judiciary in Execution of Judgments of the European Court of Human Rights" organised by the Constitutional Court



and the Supreme Court, which was dedicated to the Latvian Presidency of the Committee of Ministers of the Council of Europe. Through this conference, we promoted the protection of the values on which the European Convention for the Protection of Human Rights and Fundamental Freedoms and its application have been based for more than 70 years.

The international cooperation of the Constitutional Court also includes active participation in the World Conference on Constitutional Justice, which is a strategically important forum for maintaining the rule of law and promoting dialogue among constitutional courts around the world. In the past year, the Constitutional Court has devoted a great deal of effort to shaping the agenda of the organization's executive body (the Bureau), representing the interests of all European constitutional courts. We have drafted a resolution to highlight the need for new mechanisms to restore the international legal order and to protect the rule of law and fundamental rights more effectively at a time when the traditional system of adjudicating crimes of aggression and war has been paralyzed by the actions of certain subjects of international law. I believe that the world family of constitutional courts, through its position, can strengthen the international community's understanding of the fundamental principles that would contribute to the restoration of the international legal order and ensure a comprehensive, just and lasting peace, as well as to bring to justice those responsible for the crimes committed by the aggressor state. We have the power to make laws to rule the world, not weapons!

In our dialogue with the constitutional authorities, we emphasized that we all – each in our branch of government – serve a common primary goal – the rule of law – and that it is in Latvia's interest for all constitutional bodies to work together purposefully to develop democracy. I express my sincere satisfaction with the active dialogue between the Constitutional Court and state institutions, as this dialogue helps to strengthen the values of a state governed by the rule of law and public confidence in state power. Such a dialogue is essential for the cooperation of state institutions in ensuring the protection of the fundamental rights of the citizens of Latvia, the implementation of the principle of good legislation, the effective conduct of the Constitutional Legal proceedings and the enforcement of rulings. The dialogue between the Constitutional Court and the judiciary is also an important instrument for strengthening a unified legal system. Last year, we met with judges of all regional courts in Latvia, as well as judges of other courts.

Throughout the year, the judges and staff of the Constitutional Court worked on possible amendments to the Constitutional Court Law at their own initiative to improve the efficiency of the judicial process and align it with contemporary standards in the protection of fundamental rights. Also, to ensure the highest possible standard of protection of the rights of every member of Latvian society, the Constitutional Court

has come forward with various proposals in the past year. We have drawn attention to the fact that the Constitutional Court still lacks procedural means that would allow it, if necessary, to apply to the European Court of Human Rights to obtain an interpretation of a rule of law applicable in a difficult legal situation, as Latvia has not ratified Protocol 16 to the European Convention for the Protection of Human Rights and Fundamental Freedoms. I believe that the consideration and ratification of this Protocol by the Saeima should become a national priority, which will provide greater opportunities to protect the human rights of every Latvian citizen.

To facilitate access to the Constitutional Legal proceedings for every citizen of Latvia and to ensure the protection of fundamental rights of the most vulnerable people, we have called upon the responsible institutions to review the legal regulation on state-provided legal assistance in the Constitutional Legal proceedings. It includes abolishing the obligation of a person to apply to the Constitutional Court before requesting assistance, as well as by providing the Court Administration with the competence to assess whether the fundamental rights established in the Constitution may have been infringed by a legal norm that may not comply with a legal norm of higher legal force and whether legal assistance in the Constitutional Legal proceedings should be provided to a given person.

The Constitutional Court continued its dialogue with Latvian society, addressing a wide range of groups. For the second time, the Constitutional Court opened its doors to everyone in Latvia during the Night of Museums. I am delighted to hear from many visitors that this is “the court of us all”, which is open, listens to everyone and does not shy away from conversation. This inspired us to discuss with representatives of different fields how to bridge the gap or “darkness” between the state power and society in our annual “Conversations about Latvia”. In support of children and young people at risk, the members of the Constitutional Court participated in the charity marathon “Dod pieci!”.

Looking back on such a busy year, we have confirmed that our common priorities are the defence of democracy and national security. I wish everyone to appreciate that our lives are not determined by weapons and undemocratic means of influence but by the power of the Constitution and the law! Let us be vigilant and collectively protect the dignity, fundamental rights, democracy, justice of every individual, and our free Latvia!

Aldis Laviņš
President of the Constitutional Court



1



STATISTICS



From the left: judges of the Constitutional Court Anita Rodiņa and Artūrs Kučs, Vice-President of the Constitutional Court Irēna Kucina, President of the Constitutional Court Aldis Laviņš, Judges of the Constitutional Court Gunārs Kusiņš, Jānis Neimanis and Jautrīte Briede.

495 applications were received by the Constitutional Court from 1 January 2023 to 31 December 2023. Of these, 296 were found to be clearly inadmissible or were answered in accordance with the procedures set out in the Freedom of Information Law. 199 applications to initiate a case were referred to the Constitutional Court panels and 47 cases were initiated.¹

Most cases – 40 – were initiated on the basis of constitutional complaints from individuals. Six cases were brought on applications from the courts – five on applications from administrative courts and one following an application by a court of general jurisdiction. One case was initiated following an application by Ombudsman. Several cases were initiated on identical or similar points of law.²

The highest number of the initiated cases concerned the compliance of legal provisions (acts) with the general principles of law included in the Article 1 of the Constitution – 22 cases, furthermore 8 cases were initiated regarding the principle of legal equality and the principle of non-discrimination under Article 91 of the Constitution –, in 15 cases the right to a fair trial under Article 92 of the Constitution was examined, in 11 cases the right to property under Article 105 of the Constitution was examined, equally 11 cases concerned the right to protection of national minorities under Article 114 of the Constitution. Cases have also been initiated on compliance of legal provisions (acts) with Articles 64, 96, 101, 106, 109, 110 and 115 of the Constitution, as well as Article 4 of Protocol 4 to the European Convention for the Protection of Human

Rights and Fundamental Freedoms and Article 49 of the Treaty on the Functioning of the European Union.

The most often contested were provisions of the Criminal Procedure Law – in 30 applications, the Civil Procedure Law – in 20 applications, the Immigration Law – in 16 applications, and the Education Law – in 13 applications.

During the review period, the Constitutional Court examined 22 cases. Judgments were delivered in 17 cases, and decisions to terminate proceedings were delivered in five cases. The Court's assessment runs to 649 pages.

In Case No. 2021-44-01 and Case No. 2022-32-01, the Constitutional Court adopted a decision to refer to the Court of Justice of the European Union for a preliminary ruling. Case No. 2021-44-01 concerns an appeal against a court decision in cases concerning criminally acquired property, while Case No. 2022-32-01 should be assessed the reversal to person of the burden of proof in cases of criminal property.

The judgments assess the constitutionality of 49 legal provisions (acts).³ 23 legal provisions (acts) were declared to be compatible with the Constitution, and 26 legal provisions – incompatible with the Constitution. The contested provisions have been most frequently declared to be incompatible with Article 1 of the Constitution – 11 legal provisions, as well as with Article 92 of the Constitution – seven legal provisions. The judges of the Constitutional Court have appended 14 separate opinions to the judgments.⁴

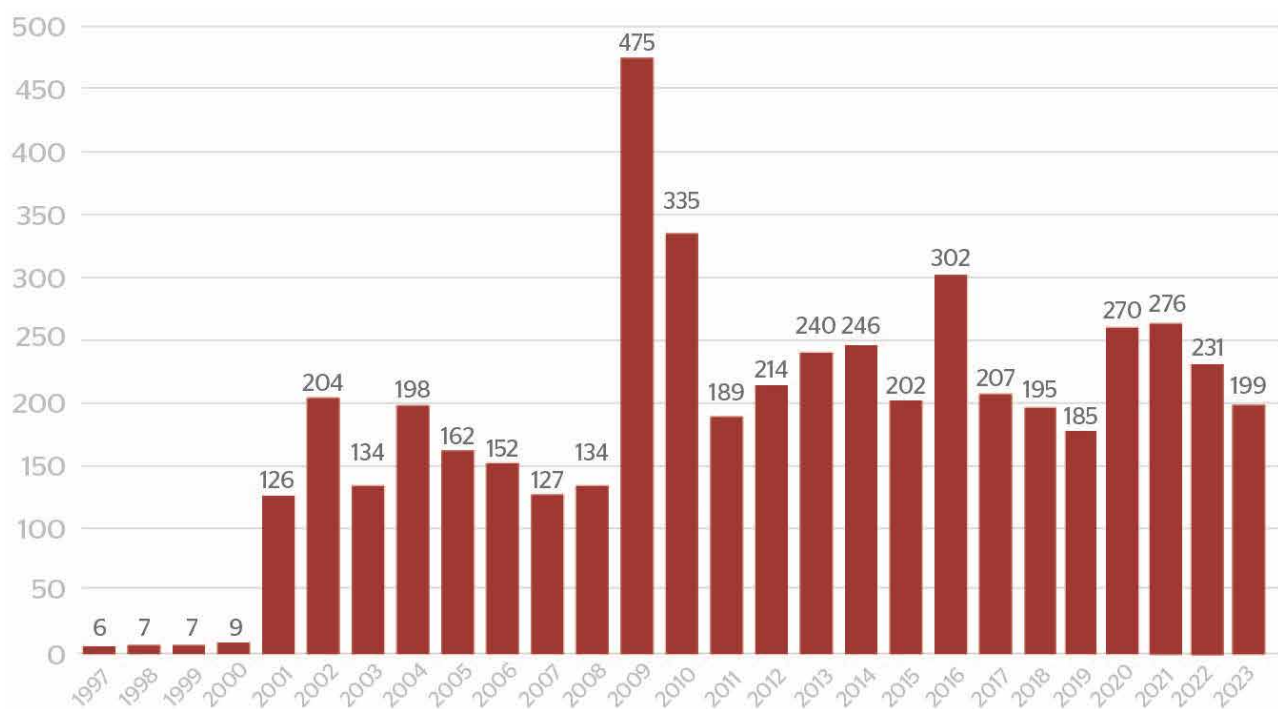
1 In 2022, 44 cases were initiated and 231 applications to initiate proceedings were referred to the panels.

2 Cases No. 2023-02-01, No. 2023-03-01, No. 2023-05-01, No. 2023-06-01, No. 2023-07-0106, No. 2023-08-01, No. 2023-11-0106, No. 2023-13-01, No. 2023-14-01, No. 2023-16-01, No. 2023-17-01, No. 2023-18-01, No. 2023-19-01, No. 2023-20-01, No. 2023-21-01, No. 2023-22-01, No. 2023-23-01, No. 2023-24-01, No. 2023-25-01, No. 2023-26-01, No. 2023-28-01, No. 2023-29-03, No. 2023-30-03, No. 2023-31-01, No. 2023-32-01, No. 2023-37-01, No. 2023-38-01, No. 2023-39-01, No. 2023-41-01 and No. 2023-45-01.

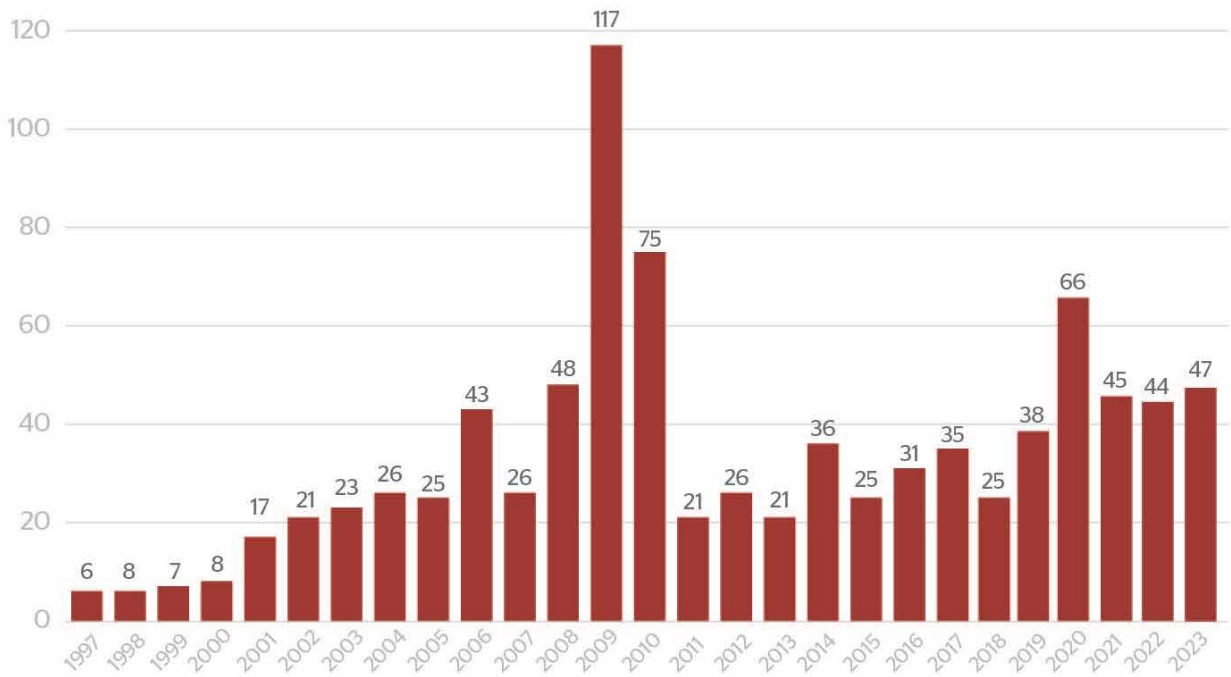
3 The legal proceedings in Case No. 2020-33-01 on compliance of the Third Sentence of Article 5, Paragraph one of the Law on Higher Education with Article 1 and 105 of the Constitution and the legal proceedings in Case No. 2022-02-01 on compliance of Article 42, Paragraph three of the Law "On the Time Period of Coming into Force and the Procedures for the Application of the Introduction, Parts on Inheritance Rights and Property Rights of the Renewed Civil Law of 1937 of the Republic of Latvia" with Article 1 and the first sentence of Article 92 of the Constitution were terminated.

4 Including the separate opinions of judge Artūrs Kučs of the Constitutional Court in 23 December 2022 on the judgment of 15 December 2022 in Case No. 2021-41-01, as well as the separate opinions of judges Artūrs Kučs and Anita Rodiņa in 23 December 2022, Jānis Neimanis in 28 December 2022 and Gunārs Kusiņš in 29 December 2022 on the judgment of 15 December 2022 in Case No 2021-36-01.

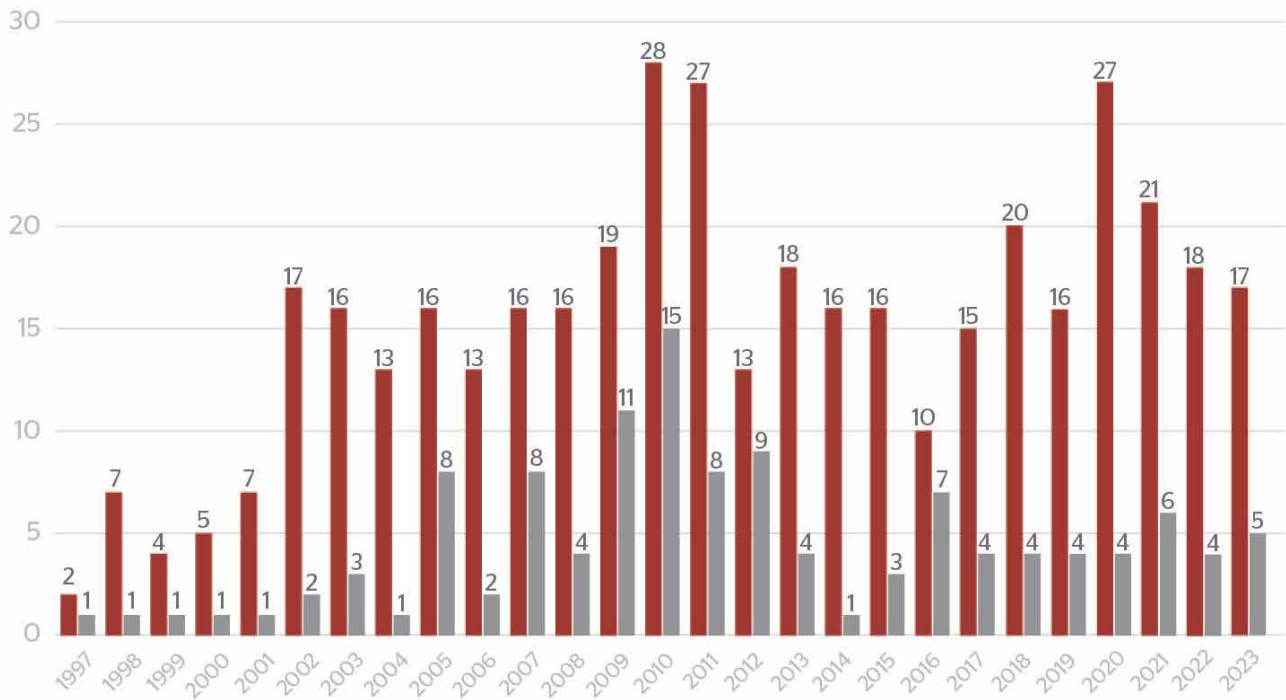
Number of applications received



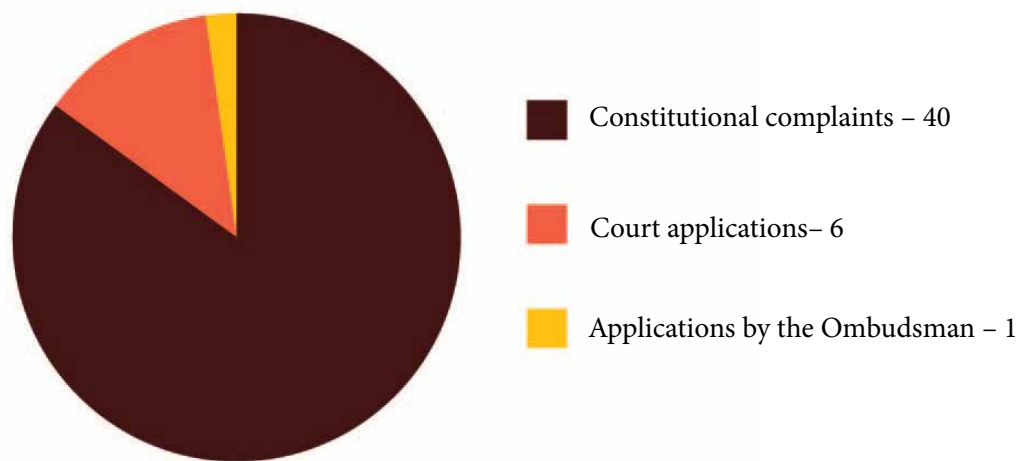
Number of cases initiated



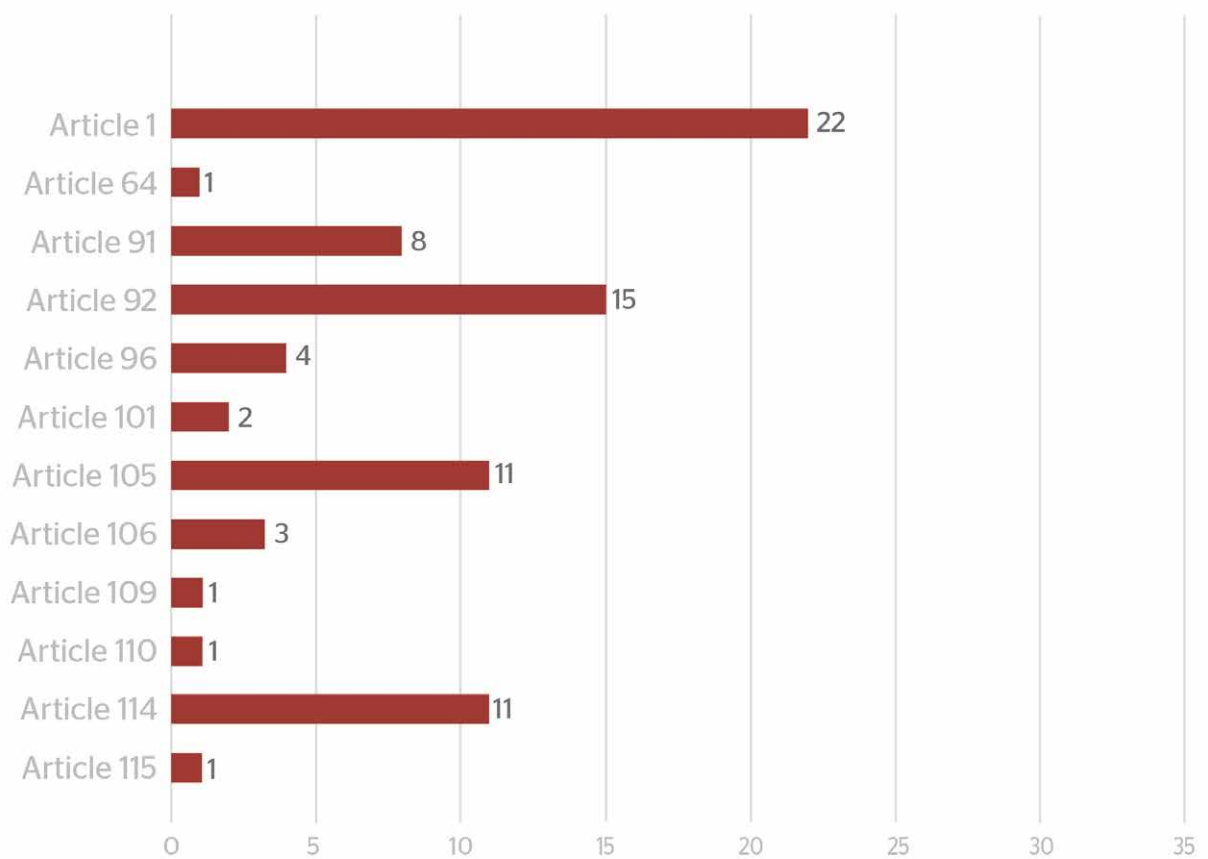
Number of cases examined
(judgments and decisions to terminate proceedings)



Number of cases initiated by type of application



Cases initiated by Article of the Constitution



2



CASE-LAW

2.1. FUNDAMENTAL RIGHTS

Principle of legal equality

The compliance of the contested provisions with the principle of legal equality enshrined in the first sentence of Article 91 of the Constitution was assessed in three cases.

The main question in Case No. 2022-31-03 was whether the principle of legal equality is complied with by a legal regulation which provides that the lower salary rate for pre-primary education teachers differs from the rate for teachers employed in primary and secondary education. This was the first case in which the Constitutional Court had specified the principle of equal pay. The Court held that this principle applies not only to the same or similar work, but also to work of equal value. Therefore, the court verified whether preschool teachers and teachers employed at the primary and secondary level perform work of equal value. Having evaluated the necessary skills, personal investment and responsibility for the work of pedagogues, as well as the working conditions, the court concluded that the mentioned pedagogues perform work of equal value and thus are in the same and according to certain criteria comparable conditions. The court also recognized that the different treatment of preschool teachers does not have a legitimate purpose, because according to the court's jurisprudence, the stability of the state budget and local government budgets in itself cannot be used as a justification for different treatment of groups of persons who are in the same conditions and comparable according to certain criteria.⁵

In Case No. 2022-33-01 on the prohibition for a soldier of professional military service to be a member of a political party, the Constitutional Court examined soldiers in comparison to other groups of persons for whom such a prohibition is not provided – employees of the state administration and employees in the state service who participate in ensuring public security and order, as well as personnel of the National guard and reserve soldiers. The Court concluded that soldiers were in different and incomparable circumstances to

the other groups of persons mentioned above, and therefore the prohibition on their membership of a political party was not contrary to the principle of legal equality.

Case No. 2022-36-01 assessed the calculation of the period of deprivation of nationality in cases where a person has acted in bad faith in the process of acquiring nationality. In accordance with the contested provision, the 10-year period of deprivation of citizenship for persons who have acquired Latvian citizenship before 1 October 2013 starts from 1 October 2013. In this case, the Constitutional Court applied Article 91 of the Constitution in two aspects, assessing: 1) whether the contested provision gives rise to unjustified equal treatment of groups of persons in different circumstances (persons who acquired or renewed citizenship by *concealment of facts* before 1 October 2013, as opposed to those persons who obtained or renewed citizenship in the same way after the mentioned date) 2) whether the contested norm results in unreasonably different treatment of groups of persons in the same and comparable circumstances (persons who obtained or renewed citizenship before October 1 2013, by *deliberately providing false information*, as opposed to those persons who obtained or renewed citizenship in the same way after that date).⁶ The Court concluded that in both cases the legislator had acted in accordance with the principle of legal equality. Significantly, the Court in this case added to its case-law on nationality. The Court considered loyalty and the resulting good faith as one of the central elements of citizenship, as well as the state's discretion to revoke a person's citizenship in connection with their dishonest conduct at the time of acquiring or renewing citizenship. At the same time, the court referred to its previously expressed opinion on the assessment of proportionality in the case of a mandatory administrative act (including a decision on deprivation of citizenship). In particular, the applier of legal provisions is obliged to assess the proportionality of the mandatory administrative

⁵ See, for example, Case No. 2017-15-01, Case No. 2018-14-01 and Case No. 2018-21-01.

⁶ See the description of Case No. 2022-36-01 for further explanation.

act in atypical cases when the decision in question significantly affects the fundamental rights of a person.

Right to a fair trial

During the reporting period, two cases were examined concerning the right to a fair trial guaranteed by the first sentence of Article 92 of the Constitution – Case No. 2022-03-01 on supervision of arbitration proceedings and Case No. 2022-05-01 on exemption of a private law legal entity from the obligation to pay the state fee for filing a statement of claim. As both cases involve civil procedure, information on them is included in the “Civil procedure” section of the report.

Right to participate in the work of the State and local government

The right to participate in the work of the State and of local government provided for in Article 101 of the Constitution was discussed last year in Case No. 2022-20-01 on the restrictions on performing the functions of a member of the Saeima for those members who have not been vaccinated against Covid-19. This is the second case examined by the Constitutional Court on the right of a person elected to the Saeima to perform the duties of a deputy – previously this issue was examined in Case No. 2019-08-01 on the impeachment of a Member of the Saeima who had been handed over for criminal prosecution. The Court thus further developed the case-law on the role and rights of a member of parliament in a democratic state governed by the rule of law. Having assessed the scope of restrictions imposed on a Member of the Saeima, the Court recognised that the contested provision denied the rights which are of decisive importance for the work of a Member – the right to participate in meetings of the Saeima and its committees, the right to speak and the right to vote. The Court also analysed for the first time the role of the quorum in ensuring the decisiveness of the Saeima, underlining the importance of each Member. In addition, it should be noted that in this case, the

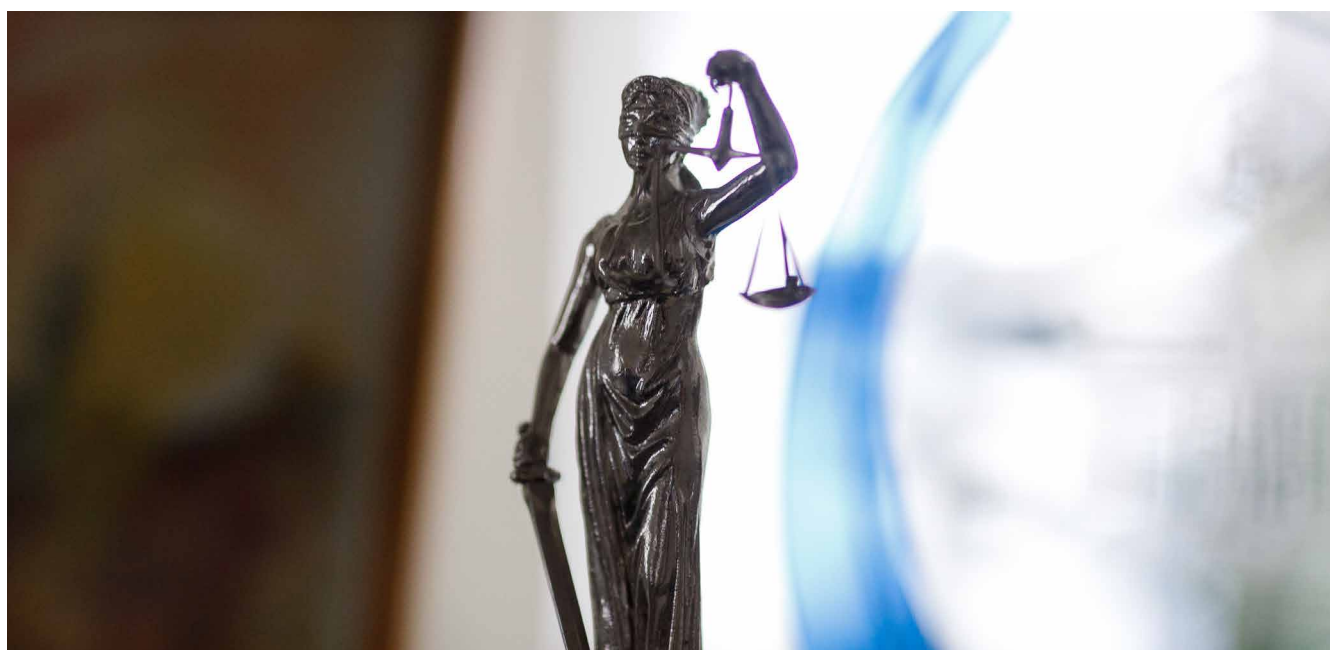
limitations of the functions of a member of the Saeima were assessed for the first time in connection with the state's duty to protect human health contained in Article 111 of the Constitution.

Compliance of the contested provisions with Article 101 of the Constitution was also assessed during the review stage in Case No. 2022-17-01 on the reform of the management of the ports of Riga and Ventspils and in Case No. 2022-41-01 on the dismantling of objects glorifying the Soviet and Nazi regimes. Since Article 101 of the Constitution has been examined in these cases in the context of the right of local governments, namely, the autonomous competence of local governments and other fundamental principles regulating the activities of local governments, information on them is included in the section “State Law (Institutional Part of the Constitution)”.

Right to freedom of association

The right to freedom of association provided for in Article 102 of the Constitution has been considered in the case-law of the Constitutional Court quite rarely – in Case No. 2012-16-01 on the prohibition for a judge to be a member of a political party, in Case No. 2013-15-01 on the prohibition for border guards to form trade unions, in Case No. 2017-18-01 on the right of churches to form a religious association, as well as in Case No. 2022-33-01 on the prohibition for a soldier of professional military service to be a member of a political party, examined last year.

In Case No. 2022-33-01 the Court established the right balance between democratic participation and political party membership on the one hand, and national defense and the political neutrality of the National Armed Forces on the other. Although a person's right to participate in political processes is one of the most important rights in a democratic legal state and political parties are the basis of a pluralistic society, the



participation of a professional military serviceman in a political party could lead to the merging of the political and military spheres. Among other things, this could reduce public trust in the National Armed Forces – such trust is essential for the National Armed Forces to be able to effectively fulfill the function of national defense.

When assessing the proportionality of the ban imposed on soldiers, the Constitutional Court also took into account the current geopolitical situation in the Baltic Sea region. This situation has long been affected by Russia's provocative and aggressive military and hybrid activities. In such a geopolitical context, the need for a politically neutral National Armed Forces is particularly acute. In addition, Latvian society is polarized on geopolitical issues, which makes it particularly important to preserve the political neutrality of the National Armed Forces and public trust in them.

Right to property

Last year, four judgments were added to the case-law of the Constitutional Court on the right to property guaranteed by Article 105 of the Constitution.

Case No. 2022-02-01 on land use rights is a continuation of the cases No. 2008-36-01, No. 2010-22-01 and No. 2017-17-01 on compulsory lease of land. Both the institute of forced lease and the institute of land use rights that replaced it were created to regulate the legal relations between the persons involved in shared ownership – such relations exist when there is a building belonging to another person on the land belonging to one person. In the previously examined cases, the contested provisions were recognised as incompatible with the right to property, whereas in Case No. 2022-02-01, the provision establishing the land use rights institute was recognized as appropriate, while the provisions establishing the fee for use of land were recognised as incompatible. Namely, the land use fee is four percent of the cadastral value of the land, while the remuneration determined for the land owner after deducting the real estate tax is 2,5 percent of the cadastral value of the land in use. The Court concluded that such a fee cannot be considered to fulfill the function of remuneration.

In Case No. 2022-28-03 it was examined whether the measure established to limit the infection of Covid-19 – the ban on importing minks into the territory of Latvia is consistent with the right to property. Together with Case No. 2020-26-0106 on the prohibition to organise gambling and Case No. 2021-24-03 on restrictions on the operation of large shopping centres, this was the third case in which the Constitutional Court assessed the compliance of the measures restricting the Covid-19 infection with the right to property. Similar to the previous cases, the Court concluded that the entire society benefits from the mentioned measures and the legal interests of individual entrepreneurs cannot be placed above the interests of the whole society. The Court recognised that persons who come into contact

with minks are at high risk of disease. The rapid, uncontrolled spread of Covid-19 infection not only threatens human health, but also poses a significant risk to society as a whole, as both, this infection and the emergence and spread of new SARS-CoV-2 variants could overload the health sector and threaten the continuity of healthcare and treatment services.

The compatibility of the contested provisions with the right to property was also assessed in Case No. 2020-33-01 on the language of education in private higher education institutions and Case No. 2022-06-03 on the term of mandatory purchase of electricity. As these cases relate to the application of European Union law, information on them is included in the “European Union law” Article of the report.

Right to social security

The case-law of the Constitutional Court on the right to social security guaranteed by Article 109 of the Constitution supplemented during the review period by one judgment adopted in Case No. 2022-34-01. It re-evaluates the legal regulation of the minimum income threshold set by the state, which was recognized as inconsistent with the Constitution in Case No. 2019-24-03.

During the proceedings in the Case No. 2022-34-01, the normative regulation was amended and the numerical minimum income threshold formulated in the contested provision was replaced with the procedure for determining the minimum income threshold. The Constitutional Court examined both wordings of the contested provisions – the original and the new.

Contrary to the regulation assessed in Case No. 2019-24-03, the Constitutional Court concluded that now the legislator had fulfilled the obligations formulated in the previous judgments of the Constitutional Court and had settled the most important issues related to the determination of the minimum income threshold – the purpose of the minimum income benefit, the method of determining the minimum income threshold and the application criteria, as well as had defined the duty of regular review. However, the contested provisions in their original wording did not ensure regular review of the threshold, therefore, in this respect the Court found the regulation incompatible with Articles 1 and 109 of the Constitution. On the other hand, with the amendments adopted during the legal proceedings, the legislator had already eliminated this problem by introducing an annual revision of the minimum income threshold.

However, after evaluating the overall quantity of the guaranteed revenue, the Constitutional Court concluded that even in combination with other measures of the social security system, the procedure for determining the minimum income threshold provided for in the contested norms expressed in the new version does not create an opportunity for every person in need to build a life in accordance with human dignity. Therefore, the

Court recognised that the contested provisions, also in their new wording, did not comply with Articles 1 and 109 of the Constitution.

Righ to education and freedom of creative activity

During the review period, the case-law of the Constitutional Court on the right to education and freedom of creative activity was supplemented during the review period by the judgment in Case No. 2021-45-01. This is the seventh case on the language of education,⁷ in addition, it addresses for the second time the regulation on languages of delivery of study programmes in higher education institutions.⁸

In Case No. 2019-12-01, the Constitutional Court had recognised the previous legal regulation on the language of implementation of study programmes as incompatible with Articles 112 and 113 of the Constitution, as the legislator had not considered less restrictive means for the rights of persons. The Court also referred to two less restrictive means of achieving the legitimate aim.

In Case No. 2021-45-01, the Constitutional Court primarily assessed the contested provisions in the light of the execution of the judgment adopted in Case No. 2019-12-01. The court recognized that the legislature had not adequately evaluated the previously indicated alternative means in due process, nor had it taken into account the rights of minorities. Consequently, the Court concluded that there had been a significant breach of the principle of good legislation and that the restriction on fundamental rights contained in the contested provisions had not been established by a duly adopted law.

Case No. 2021-45-01

Information about the case

On 28 June 2023, the Constitutional Court pronounced a judgment in Case No. 2021-45-01 “On Compliance of the Third, Fourth and Fifth Parts of Article 56 of the Law on Higher Education with Article 105, 112 and 113 of the Constitution”.

The case concerned the legal provisions determining the language of implementation of study programmes of higher education institutions.

The case was initiated on the application of twenty members of 13th Saeima. It indicates that the contested provisions provide for the implementation of study programmes in the State language, except for certain cases when the implementation of study programmes in foreign languages is permissible. This limits the autonomy of universities and the academic freedom of teaching staff.

First, the Constitutional Court recognised that the right to education provided for in Article 112 of the Constitution, in conjunction with the right to freedom of scientific creativity provided for in Article 113 of the Constitution, included both the autonomy of higher education institutions and academic freedom. By restricting the possibilities of higher education institutions to establish and implement study programmes in foreign languages, the contested provisions restrict the autonomy of higher education institutions. At the same time, they restrict the academic freedom of university staff, i.e. the freedom to develop and teach courses in foreign languages.

Secondly, the Constitutional Court noted that by judgment of 11 June 2020 in Case No. 2019-12-01, it recognised as unconstitutional the legal regulation on the language of implementation of study programmes, which had been in force previously. The judgment concludes that the legislator had not considered the possibilities of using other, less restrictive means of the rights of individuals to achieve the legitimate goal. Therefore, the Court first decided to examine whether the legislator had ensured that the judgment was properly enforced. Namely, in accordance with the principle of good law-making, the legislator must assess the means less restrictive of the fundamental rights of a person indicated in the judgment of the Constitutional Court in order to achieve the legitimate aim. If the legislator, evaluating these means, recognizes that another solution is more appropriate, it is entitled to choose it within its discretion, justifying this choice.

Having examined the process of adoption of the contested provisions, the Constitutional Court concluded that the legislator had not properly assessed the alternative means indicated in the judgment of the Constitutional Court. For example, the legislator has determined the fulfillment of quality criteria as a prerequisite for the right to implement study programs in foreign languages, but has not evaluated whether these criteria will not disproportionately limit the autonomy of universities and the academic freedom of teaching staff. The legislator should also have assessed how the contested provisions protect the State language in higher education. Also, the legislator has not assessed the compliance of the contested norms with the right to the protection of minorities. There has thus been a fundamental breach of the principle of sound legislation. Therefore, the limitation of fundamental rights contained in the contested provisions is not established by a duly adopted law and the contested provisions, as far as they apply to universities and their teaching staff, do not comply with Articles 112 and 113 of the Constitution.

7 See Case No. 2004-18-0106, Case No. 2018-12-01, Case No. 2018-22-01, Case No. 2019-12-01, Case No. 2019-20-03 and Case No. 2020-33-01.

8 See Case No. 2019-12-01.



In a democratic State governed by the rule of law, there is mutual respect between the constitutional bodies. It would not be permissible that the Constitutional Court's judgement is not executed or is executed only formally.

Case No. 2022-02-01

Information about the case

On 2 May 2023, the Constitutional Court pronounced a judgment in Case No. 2022-02-01 “On the compliance of Paragraphs one and two of Article 38 and Paragraph one of Article 42 of the Law “On the Time Period of Coming into Force and the Procedures for the Application of the Introduction, Parts on Inheritance Rights and Property Rights of the Renewed Civil Law of 1937 of the Republic of Latvia” with Articles 1 and 91 as well as with the first and third sentences of Article 105 of the Constitution, and on compliance of Paragraph three of Article 42 of the Law “On the Time Period of Coming into Force and the Procedures for the Application of the Introduction, Parts on Inheritance Rights and Property Rights of the Renewed Civil Law of 1937 of the Republic of Latvia” with Article 1 and the first sentence of Article 92 of the Constitution”.

The legal norms regulating the right of the building owner to use the land under the building – owned by another person – and determining the fee for using this land were assessed in the case.

The case was initiated following constitutional complaints. They state that the applicants own land

on which structures belonging to other persons are located. The land use rights that replaced the compulsory lease are unclear. However, the land use fee is disproportionately low – the legislator has not taken into account the expenses that reduce the landowner's income. The applicants had relied on the land use charge to be at least six per cent of the cadastral value of the land. In addition, the legislator should have set a different land use fee depending on the object located on the land, and there was no reason to set a different regulation for a private person and a legal entity under public law. The legislator also unjustifiably provided that the rent fixed in the agreement or court decision shall not apply from 1 January 2023. Thus, the challenged norms do not comply with the right to property, the principle of legal equality, the principle of protection of legal trust, as well as the right to a fair trial.

First, the Constitutional Court recognised that the legislator had established a new institute of property rights – land use rights. This legal institution was created to ensure that the owner of a building, whose building is located on land owned by another person, is able to possess and use his immovable property without hindrance. Although the mutual legal relations of persons involved in shared ownership were previously regulated by the institute of compulsory land lease, the landowner cannot have a protected legal expectation that the legal regulation of the relevant sector will never be changed. In addition, society as a whole benefits from the fact that the legislator has chosen land use rights as a means of regulating the legal relations between the owner of the land and the owner of the structure on his land. Such regulation not only ensures the protection of the rights and legal interests of the participants in legal relations of shared property, but also introduces clarity and predictability in the real estate market. Consequently, Paragraph one of Article 38 of the Law “On the Time Period of Coming into Force and the Procedures for the Application of the Introduction,

Parts on Inheritance Rights and Property Rights of the Renewed Civil Law of 1937 of the Republic of Latvia” (hereinafter – the Law on Entry into Force) complies with Article 1 and the first and third sentences of Article 105 of the Constitution.

Secondly, the Constitutional Court stated that the amount of the land use fee is four percent of the land’s cadastral value per year, if there is no other agreement between the parties. On the other hand, the compensation determined for the land owner after deducting the real estate tax is 2,5 percent of the cadastral value of the land in use. Also taking into account the landowner’s obligation to pay income taxes, administration and legal assistance expenses, as well as the fact that there is a risk of not receiving the statutory land use fee in full and the cadastral value bases have not changed since 2012, the statutory land use fee cannot be considered for one that would fulfill the function of compensation. The court emphasized that taking care of the observance of state and public interests in legal relations is primarily the duty of the state. The state cannot fulfill this duty by disproportionately restricting the rights of a group, such as landowners. Thus, the state must choose such means for the settlement of these legal relations, which would reduce the burden imposed on the landowner. Consequently, the second part of Article 38 and the first part of Article 42 of the Law on Entry into Force are incompatible with Article 1 and the first and third sentences of Article 105 of the Constitution.

Thirdly, the Constitutional Court terminated the proceedings in the part concerning compliance of Paragraph one of Article 38 of the Law on Entry into force with Article 91 of the Constitution and compliance of Paragraph three of Article 42 of the Law on Entry into force with Article 1 and the first sentence of Article 92 of the Constitution, as these contested provisions did not affect the fundamental rights of the applicants.

Legal regulation that does not ensure balance between the parties to the legal relationship of shared property inevitably leads to a disproportionate restriction of the fundamental rights of one or the other party.

Case No. 2022-20-01

Information about the case

On 7 December 2023, the Constitutional Court pronounced a judgment in Case No. 2022-20-01 “On Compliance of Article 2 of the law “On Temporary Additional Requirements for the Work of Members

of the Saeima and Local Government Councils” with Article 96 and Article 101, Paragraph one of the Constitution”.

In the case was assessed a legal provision which restricts the right of a non-Covid-19-vaccinated Member to participate fully in the work of the Saeima.

The case was initiated following a constitutional complaint. It states that at the time when the applicant was a member of 13th Saeima, the contested provision allowed to participate in the work of the Saeima only a Member who presented either a Covid-19 certificate on vaccination or re-vaccination or a certificate on postponement of vaccination for a certain period and a certificate on a negative test result. As a result of the contested provision, from 15 November 2021 to 31 March 2022 the applicant was prevented from participating in meetings of the Saeima and its committees, both in person and remotely. The contested provision is therefore incompatible with the right to participate in the functioning of the State. At the same time, the application stresses that vaccination cannot be imposed as a condition to continue to perform his/her duties. Consequently, the contested provision also infringes the right to respect for private life.

First of all, the Constitutional Court recognised that the right to participate in Saeima sittings, the right to speak and the right to vote are of decisive importance in the activities of a member. The rights of a Member would be significantly undermined if he were prevented from orally defending his initiatives and from convincing other Members of the importance of his ideas and proposals.

Evaluating the restriction on participating in remote meetings of the Saeima and its commissions, the Constitutional Court stated that such a restriction was aimed at increasing the scope of vaccination against Covid-19. On the other hand, the goal of increasing the scope of vaccination was to achieve a reduction in the number of persons infected with Covid-19, or in cases where the infection did occur, the course of the disease would be mild and there would be no need to be treated in a hospital. In this way, the workload of hospitals and the entire health care system was eased. The Court stressed that vaccination is the most effective way to protect oneself and the general public from being infected with Covid-19 and suffering a particularly severe course of the disease or even death. Even a single vaccination could have a positive impact on the overall coverage of Covid-19 vaccination in a country.

Further, the Constitutional Court concluded that Saeima was the only constitutional institution of the State power established through elections. Members of the Saeima represent the nation, draw attention to issues that concern them and defend their interests. Thus, every Member of the Saeima has a special role to play in Latvia as a democratic state governed by the



rule of law. Also, an opinion expressed by only one or a few members of the Saeima is essential in the work of the Saeima. At the same time, the court emphasized that a member of the Saeima can represent the nation and express its will only if he is provided with the opportunity to use those rights that are of decisive importance in the work of a member of the Saeima. Although some of the rights of the member were preserved for the applicant, the possibility to exercise them is not comparable to the right of a member to participate in the sessions of the Saeima and its commissions, the right to speak and the right to vote. Consequently, the adverse consequences caused by the limitation of the applicant's right to participate in the remote sittings of the Saeima and its commissions were greater than the public benefit.

Evaluating the restriction to participate in the face-to-face meetings of the Saeima and its commissions, the Constitutional Court stated that this restriction was established to protect both public welfare and the rights of other people – to ensure epidemiologically safe conditions in the premises of the Saeima and reduce the spread of the Covid-19 infection among Saeima deputies and employees. However, the court did not get an explanation as to why the legislator did not react in a timely manner and did not evaluate the necessity of maintaining the restriction of the Saeima member's rights, in circumstances when the stabilization of the situation and the gradual reduction of the incidence of Covid-19 could already be predicted. It is not clear why the requirement for a Covid-19 certificate was maintained for one month longer for Member of the Saeima than for most other employees. Thus, the legitimate aims of the contested provision could have been achieved by another, less restrictive, but equally effective means.

Taking into account the above, the Constitutional Court held that the contested provision was incompatible with the first part of Article 101 of the Constitution.

The exercise of the rights of every Member contributes to the effective functioning of democracy - the legitimacy of the legislator and the plurality of opinions in the Parliament in accordance with the expressed will of the sovereign.

Case No. 2022-28-03

Information about the case

On 21 December 2023, the Constitutional Court adopted a judgment in Case No. 2022-28-03 "On Compliance of Paragraph 244 of the Cabinet Regulation No. 662, adopted 28 September 2021 "Epidemiological Safety Measures for the Containment of the Spread of Covid-19 Infection" with Article 105 of the Constitution".

In the case was assessed a legal provision which banned the import of mink into Latvia in order to limit the spread of Covid-19 infection.

The case was initiated following a constitutional complaint by traders. It states that the business activities of the applicants are the import and breeding of mink and the harvesting, processing and export of mink fur. As a result of the contested provision, the applicants were no longer able to import mink into Latvia for the purposes of their commercial activities. Thus, the contested provision disproportionately restricts the right to engage in a business activity arising from the right to property.

First, the Constitutional Court recognised that among farm animals, it is the mink bred for fur production that

is most likely to be infected by humans or other animals and to transmit the SARS-CoV-2 virus. This is due to both the species' inherent susceptibility to the virus and the specificities of mink farming. The introduction of infected mink into Latvia could lead to an even wider spread of the virus and thus endanger human health. In addition, the rapid, uncontrolled spread of the Covid-19 infection poses a significant threat to the entire society, as both it and the emergence and spread of new variants of the SARS-CoV-2 virus could cause an overload in the health sector and threaten the continuity of health care and treatment services.

Secondly, the Constitutional Court pointed out: since the SARS-CoV-2 virus spread very quickly and its spread was associated with the movement of animals, people, vehicles and other materials, the ban on importing minks into Latvia could reduce the possible spread of the SARS-CoV-2 virus and its variants. Neither the ban on importing mink only from certain countries where mink infection with Covid-19 was detected during the relevant period, nor the provision of quarantine for imported mink, nor the import permit system could ensure that mink infected with Covid-19 are not imported into Latvia and that they do not come into contact with people. On the other hand, the ban on moving minks between shelters in Latvia cannot be considered as an alternative measure, as it obviously cannot prevent the importation of minks infected with Covid-19 from abroad.

Thirdly, the Constitutional Court emphasized that the ban on the import of minks benefited society as a whole, and in many respects, since the relevant regulation protected both the people themselves from falling ill and the health care system from being overburdened. Taking into account the spread of the virus causing the Covid-19 infection and the threats it poses to the health system, the legal interests of individual entrepreneurs cannot be placed above the interests

of the entire society. Consequently, the restriction on fundamental rights included in the contested provision is proportionate and the contested provision complies with the first three sentences of Article 105 of the Constitution.

If there is a risk that the health and well-being of persons may be harmed, then the state is obliged to take reasonable and appropriate measures to protect the fundamental rights of persons even before the negative consequences have occurred.

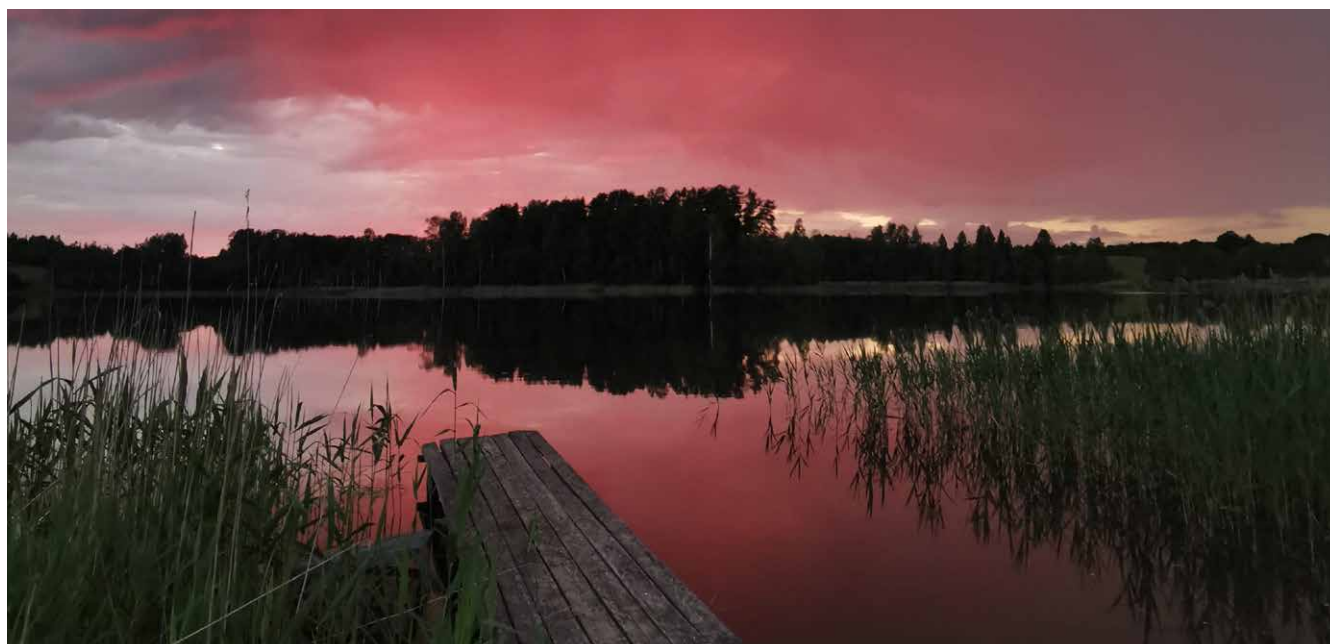
Case No. 2022-31-03

Information about the case

On 29 June 2023, the Constitutional Court pronounced a judgment in Case No. 2022-31-03 "On Compliance of Paragraph 3 of Table 4 of Annex 1 and Paragraph 7 of Annex 3 of Cabinet Regulation No. 445 adopted 5 July 2016 "Regulations Regarding Remuneration of Teachers" with the first sentence of Article 91 and Article 107 of the Constitution".

The case concerned the legal provisions determining the lowest salary rate for pre-school teachers.

The case was initiated on the application of thirty-eight members of 13th Saeima. It indicates that the contested provisions provide for a different lowest salary rate and a different workload corresponding to one monthly salary rate for pre-school teachers compared to teachers employed in other general education levels. Such



differences are not justified, because preschool teachers have similar and in certain situations even the same requirements as other teachers. Thus, the contested provisions are incompatible with the principle of legal equality and the right to receive remuneration commensurate with the work performed.

First, the Constitutional Court recognised that one of the elements of social justice is the principle of equal pay. This applies not only to cases where employees perform the same work, but also to cases where employees perform work of the same value, but different in content. Having compared preschool education pedagogues with pedagogues employed in other levels of general education, the court concluded that their skills and level of responsibility are equivalent. Also, the working conditions and the environment in which the pedagogue is located, as well as the difficulty of the work to be done in solving everyday problems and situations, require equal effort and investment from the pedagogues, regardless of the level of general education they work at. The differences that can be found in the work of preschool education pedagogues and general primary education and general secondary education pedagogues are related to the form of educational organization, methods and techniques to be used, but they are not considered essential. The work of all educators, regardless of which level of general education they work in, is focused on one common goal – to ensure quality general education. Thus, preschool education teachers, general primary education teachers and general secondary education teachers perform work of equal value.

Secondly, the Constitutional Court pointed out that the gradual equalization of the lowest salary rate for preschool teachers may be based on considerations related to the need to ensure the stability of the state budget and local government budgets. However, such arguments are not sufficient to justify the legitimate aim of the differential treatment. The stability of the state budget and local government budgets in itself cannot be used as an excuse for different treatment of groups of persons who are in the same conditions and comparable according to certain criteria. Thus, no legitimate purpose can be seen, due to which the disputed provisions have determined a different attitude towards preschool education teachers, providing for a different lowest monthly wage rate. Consequently, the contested provisions are incompatible with the first sentence of Article 91 of the Constitution.

Judge Gunārs Kušīņš appended a separate opinion to the judgment. They indicate that there are several differences in the work of preschool education pedagogues and general elementary education and general secondary education pedagogues, which are essential. Therefore, the mentioned groups of persons are not in mutually comparable conditions.

The Judge of the Constitutional Court, Jānis Neimanis, also added a separate opinion to the judgment. The

Judge pointed out that the Cabinet of Ministers had not acted arbitrarily in establishing small differences in remuneration, as the differences were based on rational facts related to the purpose of pay differentiation. The recognition that the work of different professions is of equal value cannot automatically demand an identical, standard salary.

Teachers of preschool education, teachers of general primary education and teachers of general secondary education perform work of equal value.

Case No. 2022-33-01

Information about the case

On 18 October 2023, the Constitutional Court adopted a judgment in Case No. 2022-33-01 “On Compliance of Article 10, Section two and Article 15 Section one, Paragraph 1 of the Military Service Law with the first sentence of Article 91 and Article 102 of the Constitution”.

The case concerned the legal provisions prohibiting a serviceman in the professional service from being a member of a political party.

The case was initiated following a constitutional complaint. It indicates that the contested provisions prevent the applicant, as a soldier in the professional military service, from joining other persons in a political party in order to defend her views. Thus, the contested provisions disproportionately restrict the right to freedom of association, as well as violate the principle of legal equality, since the prohibition to form political parties is not imposed on other groups of persons comparable to soldiers.

First, the Constitutional Court recognised that the right to freedom of association enshrined in Article 102 of the Constitution provides individuals with the opportunity to protect their legal interests by joining together to achieve common goals. One of the forms of expression of the right to freedom of association is membership in a political party. Political parties are an integral part of democracy, which forms the basis of a pluralistic society – they represent the different opinions of society and contribute to the balancing of various interests in political decisions.

Secondly, the Constitutional Court stated that the National Armed Forces perform the function of national defense. One of the means by which this function is effectively performed is through the political neutrality of the Armed Forces. This means that the National Armed Forces do not influence political decisions and implement decisions made

in the field of national defense without reservation. Also, the political neutrality of the National Armed Forces means that they are not subject to political influence and used to achieve the goals of individual political parties. Political neutrality is also important in the relations between soldiers – its purpose is to prevent divisions among soldiers. Therefore, the ban on being a member of a political party ensures that a soldier does not get involved in the acquisition and exercise of political power, does not influence political decisions, and is not used to achieve the goals of a political party. This maintains the separation of the political and military spheres and promotes public confidence in the National Armed Forces. The public must be able to trust that the defense of the state will be implemented in the interests of the entire society, not only the part of the public represented by the specific political party. At the same time, the court emphasized that the legislator did not completely limit the soldier's political rights. A soldier can, for example, vote in the Saeima, municipal and European Parliament elections, as well as participate in popular voting and proposing laws. Also, a soldier can support legislative initiatives. In addition, the legislator has not completely limited the soldier's right to freedom of association, as a soldier can found associations and foundations that do not have a political character and be a member of relevant associations and foundations.

Thirdly, the Constitutional Court concluded that soldiers were in different and incomparable circumstances with other groups of persons to which the prohibition provided for in the contested provisions did not apply – employees of the state administration and employees in the state service participating in ensuring public security and order, as well as for personnel of the National guard and reserve soldiers.

Taking into account the above, the Constitutional Court held that the contested provisions, in so far as

they prohibited a soldier to be a member of a political party, were compatible with the first sentence of Article 91 and Article 102 of the Constitution.

The Judge of the Constitutional Court Jānis Neimanis added the a separate opinion to the judgment. They state that soldiers of the regular forces of the National Armed Forces, reserve soldiers and personnel of the National Guard are comparable to each other. In addition, the restriction of the soldier's freedom of political association is not justified by concerns about the political neutrality of the National Armed Forces and other reasons stated in the judgment. Political discussions and agitation that interfere with the operation of the armed forces can be prevented by less restrictive means.

The Judge of the Constitutional Court, Jautrīte Briede, also added a separate opinion to the judgment. In the Judge's view, the Court should not have assessed the compliance of the contested provisions with the first sentence of Article 91 of the Constitution – instead, the Court should have indicated that such an assessment could not change the result of the judgment.

National armed forces must be politically neutral as they protect democracy and constitutional values.

Case No. 2022-34-01

Information about the case

On 5 October 2023, the Constitutional Court pronounced a judgment in Case No. 2022-34-01 "On Compliance of Article 33, Paragraph one of the Law on Social Services and Social Assistance and Article 2²,



Paragraph two and three of the Law “On Social Security” with Article 1 and Article 109 of the Constitution”.

The case concerned the legal provisions establishing the minimum income threshold and the procedure for its review. In particular, the contested provisions established a lower minimum income threshold until 30 June 2023 and provided for a review of this threshold no less than once every three years (hereinafter – the initially contested provisions). However, from 1 July 2023, the contested provisions provide for the method of determining the minimum income threshold and the lower limit, as well as for the threshold to be reviewed annually (hereinafter – the new contested provisions).

The case was initiated on the application of twenty members of 13th Saeima. According to the applicant, the legislator has not provided for an objective method of determining the minimum income threshold, has not ensured regular review of this threshold, as well as has not created an opportunity for every person in need to build a life consistent with human dignity. The legislator has also infringed the principle of good legislation, as it has not taken into account the judgments of the Constitutional Court in cases No. 2019-24-03, No. 2019-25-03 and No. 2019-27-03.

First of all, the Constitutional Court recognized that the legislator has identified the purpose of social assistance and the guaranteed minimum income benefit, the method of determining the minimum income threshold and the application criteria, as well as the regularity of its review. When determining the minimum income threshold, the legislator has relied on a balanced, scientifically based and recognized methodology.

Secondly, the Constitutional Court concluded that the legislator, by providing for the review of the minimum income threshold once a year in the new disputed norms, has fulfilled its obligation to ensure regular review of this threshold. However, the legislator did not fulfil this obligation with the initially contested provisions, therefore, the provisions are incompatible with Article 1 and Article 109 of the Constitution.

Thirdly, the Constitutional Court indicated that the minimum income threshold and, respectively, the guaranteed minimum income allowance from 1 July 2023 would be 125 *euros* for the first or only person in the household and 87.50 *euros* for the remaining persons in the household; however, from 1 January 2024 it would be 137 *euros* and 95.90 *euros*, respectively. Such a minimum income allowance does not even cover expenses for a food basket. The mentioned expenses are also not covered by the food packages issued in addition to the allowance, while soup kitchens and free lunches for students are not available to every needy person. The minimum income allowance cannot be considered sufficient for the purchase of clothing. At the same time, the support measures provided by the legislator provide every needy person with housing, health care,

education, as well as participation in social and cultural life and political processes, at least to a minimum extent. However, although the legislator has determined support measures for the provision of certain basic needs in the minimum amount, in general, every needy person does not have access to sufficient support to satisfy all the necessary basic needs. Therefore, the procedure for determining the minimum income threshold provided for in the new disputed provisions, together with other measures of the social security system, does not create an opportunity for every poor person to build a life in accordance with human dignity. Therefore, they are incompatible with Articles 1 and 109 of the Constitution.

At the same time, the Constitutional Court emphasized that the social assistance system must be such that the guaranteed minimum income allowance, together with other measures of the social security system, can satisfy the basic needs of poor persons in such a minimum amount that they can help these persons to get out of the poverty trap on their own. However, this system cannot create conditions that would reduce the desire of poor people to participate in meeting their basic needs and improve their living conditions.

Judge Jautrīte Briede of the Constitutional Court added a separate opinion to the judgment. The judge did not agree with the court's conclusion that the procedure for determining the minimum income threshold provided for in the new disputed provisions together with other measures of the social security system does not create an opportunity for every needy person to build a life in accordance with human dignity.

If a person is unable to provide a dignified life for oneself, the State is obliged to provide social assistance on the basis of community solidarity.

Case No. 2022-36-01

Information about the case

On 30 November 2023, the Constitutional Court adopted a judgment in Case No. 2022-36-01 “On Compliance of Paragraph 7 of Transitional Provisions of the Citizenship Law with the First Sentence of Article 91 of the Constitution”.

In the case, the legal provision was assessed, which determines the counting of the term of citizenship deprivation in cases where a person acted dishonestly in the process of acquiring citizenship.

The case was initiated on the application of the Senate. It states that in accordance with the Citizenship Law, a person is deprived of Latvian citizenship if he has deliberately provided false information or withheld facts related to the conditions for obtaining or

renewing Latvian citizenship, and the decision to revoke Latvian citizenship is made if no more than 10 years have passed since its acquisition or renewals. However, the contested provision establishes that for persons who have acquired Latvian citizenship before 1 October 2013, the aforementioned 10-year period shall commence from 1 October 2013. In the opinion of the applicant, persons who acquired or renewed citizenship before October 1 2013 are not in an equal situation with persons who did so later. In particular, for some persons the term for the deprivation of citizenship exceeds 10 years, while for other persons this term is 10 years long. Thus, the principle of legal equality has been violated.

First of all, the Constitutional Court recognised that, depending on the grounds for deprivation of citizenship, the contested provision distinguished the following groups of persons:

1) persons who *have concealed facts*⁹ and thus obtained or renewed citizenship before October 1 2013, against those persons who obtained or renewed citizenship in the same way after the mentioned date. The time limit is the same for both groups, i.e. citizenship can be withdrawn within 10 years. Consequently, the contested provision provides for equal treatment of groups of persons in different circumstances;

2) persons who have *knowingly provided false information* and thus acquired or renewed citizenship before 1 October 2013, as opposed to persons who have acquired or renewed citizenship in the same way after that date. Since persons who have acquired or renewed citizenship by knowingly providing false information could have their citizenship revoked already from the entry into force of the Law on Citizenship, the contested provision creates a difference in treatment of persons who have acquired citizenship in this way before and after 1 October 2013. In particular, the contested provision provides for differential treatment of groups of persons who are in equal and comparable circumstances according to certain criteria.

Having assessed the equal treatment of persons who had acquired or renewed citizenship by concealing facts before and after 1 October 2013, as well as the different treatment of persons who had acquired or renewed citizenship by knowingly providing false information before and after 1 October 2013, the Constitutional Court concluded that the legislator had observed the principle of proportionality and the contested provision complied with the first sentence of Article 91 of the Constitution.

The Constitutional Court noted, inter alia, that loyalty, as one of the central elements of citizenship, required a person to act in good faith or lawfully in the process of

acquiring citizenship. Therefore, the state has the right to introduce such a legal regulation, which provides for depriving a person of his citizenship in connection with his dishonest behavior at the time of acquiring or renewing citizenship – even in the event that the person becomes stateless after the depriving of citizenship. It is the citizens, actively participating, who shape and determine the life of the state, including by participating in the formation of constitutional institutions in accordance with the provisions of the Constitution. It is therefore important that these important functions are performed only by persons who have become citizens in good faith or through legal means.

The Constitutional Court also emphasized that the institution and administrative courts have the obligation to assess the proportionality of the mandatory administrative act – the decision on the deprivation of citizenship – in atypical cases when the decision in question significantly affects the fundamental rights of a person. The assessment of proportionality includes, for example, what kind of connection the specific person has with Latvia. However, a person who has acquired Latvian citizenship through dishonest means cannot have a protected legitimate expectation of retaining citizenship. The principle of protection of legal expectation protects only those rights, the exercise of which a person could have a legitimate, justified and reasonable expectation. A person who has acted dishonestly at the time of renewal or acquisition of citizenship cannot fail to know that in fact he does not belong to the circle of citizens of Latvia or is not entitled to become a citizen. If a person himself acts illegally, then he cannot have a legal trust.

Loyalty, as one of the central elements of citizenship, requires a person to act in good faith or lawfully in the process of acquiring citizenship.

9 According to case-law, citizenship could initially be revoked only for knowingly making false statements, but not for concealing facts. In order to clarify the legal framework, the legislator amended the Citizenship Law, providing that citizenship can also be revoked for concealment of facts. Amendments to the law entered into force on October 1 2013.

2.2. STATE LAW (INSTITUTIONAL PART OF THE CONSTITUTION)

During the reporting period, the Constitutional Court examined three cases on issues of State law – cases No. 2022-13-05, No. 2022-17-01 and No. 2022-41-01. These cases assess various aspects of the interaction between local and central authorities.

In Case No. 2022-13-05 was evaluated the order of the Minister of Environmental Protection and Regional Development, which suspended the binding regulations of the Kekava District Council, which prohibited the organization of gambling in the entire administrative territory of Kekava District. The Constitutional Court had already assessed initiatives of local governments to restrict the organisation of gambling within their administrative territory (see, for example, Case No. 2018-17-03). However, the case examined at the review stage differed from the previous ones in that the restriction on the organization of gambling was intended not as a limitation of the use of the territory in the territory plan or as an individual decision not to issue a permit or to cancel an already issued permit for the opening of a place of organization of gambling, but as a general ban on the organization of gambling included in the binding regulations. The Court disagreed with the Minister's view that a local government has no right to prohibit the organisation of gambling in its entire administrative territory, and held that local governments are in principle entitled to adopt binding regulations in which, in addition to the places and territories already established by the legislator where gambling is not permitted, they establish other such places and territories. Moreover, they can do so to an unlimited extent, as long as such behavior is based on rational considerations that justify the necessity of the given limitation. At the same time, the court recognized that, in the specific case, the Kekava District Council, while foreseeing the prohibition of organizing gambling in the entire Kekava District, had not carried out an assessment of all the places and territories included in the administrative territory of the district, weighing all the interests involved in each of them and properly justifying why in each of these places and territories, the organization of gambling is prohibited. Therefore, the Minister's order on the suspension of the relevant binding regulations of the

Kekava Municipality Council was found to be lawful.

In both other cases – Case No. 2022-17-01 and Case No. 2022-41-01 – one of the issues to be assessed was whether and to what extent the legislator had the right to interfere in the exercise of autonomous competences of local governments, as well as whether the decisions adopted by the legislator could be regarded as an unconstitutional restriction of the principle of financial autonomy of local governments.

In Case No. 2022-17-01 on the reform of the management of the free ports of Riga and Ventspils, the Constitutional Court recognized that the legislator had initially foreseen that the management of the port of Riga and the port of Ventspils is a function of the state administration. Consequently, the implementation of these port management functions is not related to any of the autonomous competences of the respective municipalities defined by law. Thus, the contested provisions do not violate the principle of autonomy of the competences of the local government.

The principle of financial autonomy of local government was examined in the present case in the context of the State's obligation to provide local governments with a variety of sources of funding for the exercise of their autonomous competences and the right of local governments to decide on the use of these funds. The applicants had argued that the contested provisions adversely affected several sources of financing of local governments. First of all, it was argued that according to the disputed norms, local governments should transfer to the possession of the port authority also such properties that are not directly related to the operation of the port. The Constitutional Court disagreed with this argument, noting that the Latvian legal system allowed land belonging to a local authority, which was not necessary for the performance of port functions, to be excluded from the possession of the port authority and, accordingly, from the port territory. In other words, such properties should not be transferred to the Port Authority. Secondly, it was claimed that as a result of the reform of the port management model, the right of the Ventspils municipal council to earn revenue from

its own piers and buildings, which were once leased to the port authority, was limited. The court recognized that the said applicant had obtained such revenues only because it had not fulfilled the legal obligation to transfer the port's common hydrotechnical structure to the possession of the port authority. Failure to comply with such an obligation does not give the Ventspils Municipality a legal basis to consider that the berths necessary for the performance of the port's functions should be retained in the possession of the municipality and used as a source of funding for the implementation of the municipality's autonomous competences. Thirdly, the applicants argued that the revenue generated by the capital companies from the management of the ports would no longer be allocated to the exercise of the municipality's autonomous competences. The Court pointed out that the income of capital companies from the management of ports cannot be regarded as a source of funding established by law for the exercise of the autonomous competences of a municipality. Consequently, the Court held that the legislator had not infringed the principle of financial autonomy of a local government.

In Case No. 2022-41-01, the Constitutional Court examined whether the obligation imposed on the applicant – the Daugavpils City Council – to dismantle two memorials to soldiers of the Red Army located in its administrative territory, was compatible with the principle of local municipality arising from Articles 1 and 101 of the Constitution. The Court generally agreed with the applicant that monuments, art objects and other similar objects are part of the municipality's amenities and an essential element of the city's spatial development, which is also related to culture, and that, consequently, dealing with monuments (including their removal) is within the autonomous competence of the municipality. At the same time, the Court pointed out that the limits of autonomous competence of local governments are affected, among other things, by the principle of state continuity established in the Declaration on the Restoration of the Independence of the Republic of

Latvia of May 4, 1990. Taking this into account, the autonomous competence of local governments did not cover the preservation or maintenance of monuments glorifying the Soviet regime, but only actions aimed at preventing the symbolic impact of such objects (for example, dismantling or moving them to museums). Therefore, the court concluded that the provision of the obligation to dismantle the mentioned objects in the disputed provisions limited the applicant's autonomous competence in the area of improvement of the territory, but did not prevent it in essence. Although limitations of the autonomous competence of local governments have been assessed in the case-law of the Constitutional Court already before (see, for example, Case No. 2016-23-03), the finding that in such cases it should be assessed whether such competence is not denied in substance is a further development of the previous case-law.

Regarding the principle of financial autonomy of the local government, the Constitutional Court established, for the first time, that in order to achieve such goals that require united and solidary cooperation between all levels of the state, the said principle does not prevent the legislator from requiring that the relevant measures be at least partially financed from the local government budget. The Court concluded that in the specific case, the financial burden on the applicant's budget caused by the contested provisions was not such as to prevent the municipality from implementing its autonomous functions or other tasks.

Case No. 2022-13-05

Information about the case

On 20 April 2023 the Constitutional Court adopted a judgement in Case No. 2022-13-05 "On the Order of the Minister of Environmental Protection and Regional Development of December 21, 2021 No. 1-2/11040 "On the binding regulation of Kekava District Council dated September 8, 2021 No. 22/2021 "On the suspension of activities of the organization of gambling in Kekava district" compliance with Paragraph 11 of Paragraph two of Article 41 and Paragraph ten of



Article 42 of the Law on Gambling and Lotteries, as well as Paragraph one of Article 49 of the Law “On Local Governments”.

In the case, the order of the Minister of Environmental Protection and Regional Development, which suspended the operation of the binding regulations of the Kekava District Council, was assessed – the aforementioned regulations prohibit the organization of gambling in the administrative territory of the Kekava District. The Minister considered that a municipality was not entitled to impose a ban on the organisation of gambling throughout its administrative territory.

The case was initiated on the application of Kekava Municipality Council. It states that the Gambling Law clearly defines the places where gambling is allowed, while the decision-making regarding all other municipal territory is the exclusive competence of the municipality. Therefore, the minister, by suspending the operation of the binding regulations, did not act legally.

First, the Constitutional Court recognised that the Law on Gambling allowed a local authority to decide on restricting the organisation of gambling in its administrative territory in three ways. Local government can: 1) establish appropriate restrictions on the use of the territory in the spatial plan; 2) adopt an individual decision on the authorization to organise gambling, assessing on a case-by-case basis whether the organisation of gambling in a particular place does not cause significant prejudice to the interests of the State and the inhabitants of the administrative territory concerned; 3) adopt binding regulations in

which, in addition to the places and territories already established by the legislator where gambling is not allowed, it establishes other places and territories of this type. Moreover, these forms of restriction on the organisation of gambling are not mutually exclusive, but complementary. Namely, all these legal solutions can work together and provide a meaningful control of the spread of gambling.

Secondly, the Constitutional Court emphasized that the municipality has the right to determine an unlimited number of places and territories in which it is not allowed to organize gambling, moreover, such a restriction can be established in every place or territory of the municipality, with the exception of those places where, in accordance with the Law on Gambling, the municipality's permit for the organization of gambling is not required for opening. However, the municipality's action must be based on rational considerations justifying the need for the restriction. In particular, the municipality must duly justify why, in each of the places and areas concerned, the organisation of gambling should be prohibited, taking into account various circumstances, including the interests of the inhabitants of the municipality's administrative area. The organization of gambling in the entire territory of the municipality could be prohibited only if the municipality, after evaluating each place and territory included in its administrative territory, comes to the conclusion that the prohibition of organizing gambling in each of these places and territories is necessary and, in general, it covers the entire territory of the municipality.



Finally, the Constitutional Court concluded that the applicant did not individually assess the specific places and territories within its administrative territory and adequately justify why the organization of gambling is prohibited in each of them. Thus, the applicant has not acted in accordance with the authorization laid down in the Gambling Law. Consequently, the Minister's order on suspension of the binding regulations is in compliance with Paragraph 11 of Paragraph two of Article 41 and Paragraph ten of Article 42 of the Gambling Law, as well as Paragraph one of Article 49 of the "Law on Local Governments".

When designating places and areas where gambling is not allowed, the municipality must duly justify why gambling should be prohibited in each of them.

Case No. 2022-17-01

Information about the case

On 9 November 2023, the Constitutional Court pronounced a judgment in Case No. 2022-17-01 "On Compliance of Article 4 Section 3 Paragraphs 1 and 3; Article 4 Section 5 and 9; Article 7 Section 1¹; Paragraph 16 Subparagraph 1 and 2 of the Transitional Provisions of "Law on Ports", Article 11 section 2 of the "Amendments to the Law on Ports" of 10 February 2022, as well as Article 4 Section 1 of Free Port of Ventspils Law with Article 1 and first sentence of Article 101 of the Constitution".

In the case were evaluated legal provisions implementing the reform of the management of the ports of Riga and Ventspils. According to it, the property of local governments in the territory of the port of Riga and Ventspils port is transferred to the new port authorities without compensation, and the procedure for the use and expropriation of this property is determined.

The case was initiated on the applications of twenty-two members of 13th Saeima and Ventspils City Council. It is indicated therein that the contested provisions restrict the right of the Municipality to possession of its land, which is included in the territory of the port, and the right of the Municipality to expropriate the immovable property belonging to it. Thus, the possibilities of the municipality to manage a part of its territory are limited and as a result of the application of the disputed provisions, the municipality's ability to perform its functions will be negatively affected. For these reasons, the contested provisions do not comply with the principle of local municipality, and the principle of good legislation has not been observed in their adoption.

First, the Constitutional Court noted that the obligation of the State to respect the principle of autonomy of local

government competences, the principle of financial autonomy and the principle of consultation follows from the principle of local government contained in Article 1 and the first sentence of Paragraph two of Article 101 of the Constitution. According to the principle of autonomy of competences, the public authorities must refrain from interfering in the exercise of the autonomous competences of the municipality. From the principle of financial autonomy follows the obligation of the state to provide municipalities with a variety of funding sources for the implementation of autonomous competences and the right of municipalities to decide on the use of these financial resources. On the other hand, from the principle of consultation follows the obligation of the legislator to involve local governments in the consultation process regarding those issues that affect the principle of local government.

Secondly, the Constitutional Court recognized that the choice of the institutional management model of ports is the competence of the legislature. The choice of institutional governance of ports by the legislator and the involvement of local authorities is a matter of expediency. In Latvia, port land and water areas are mainly owned by the state and local authorities, which have transferred their management to the port authority. According to the contested provisions, the Port Authority is a legal person governed by private law – a capital company, the capital shares (stocks) of which belong to the State and may also belong to the respective local government.

Thirdly, the Constitutional Court concluded that the administration of the Port of Riga and the Port of Ventspils had been a function of the State administration from the very beginning. Since the implementation of the management functions of the Port of Riga and the Port of Ventspils is not related to any of the autonomous competences of the local government established by law, the contested provisions do not violate the principle of autonomy of competences of the local government.

Fourth, the Constitutional Court disagreed with the argument of the Ventspils Municipal Council that the possession of the Port Authority should be transferred also to such municipal properties which were not directly related to the port activities. The port area shall include land necessary for the successful operation and development of the port and for the essential interests of the community as a whole. Therefore, land owned by a local government that is not needed for the port's functions can be excluded from the port authority's possession and, consequently, from the port area.

The Constitutional Court also rejected the argument that the Ventspils Municipal Council was restricted in its right to receive revenue from the berths and structures owned by it and leased to the Port Authority. The Law on Ports long ago stipulates that the common hydrotechnical structures of the port, including piers, must be transferred to the possession of the relevant



port authority. Ventspils City Council has not fulfilled this obligation. Therefore, the actual situation in which the common hydrotechnical structures of the port of Ventspils have been preserved in the possession of the municipality does not give the municipality of Ventspils a legal basis to believe that the piers, which are necessary for the performance of the functions of the port, should be preserved in the possession of the municipality and used as a source of funding for the implementation of the autonomous competences of the municipality.

According to the Ventspils Local Government Council, transferring to the Port Authority such immovable property located in the territory of the port, which until the adoption of the contested provisions was in the possession of the Local Government, would restrict the disposal of the Local Government with its property. However, the Constitutional Court once again emphasized that there is no reason to include such properties in the port territory that are not necessary for the performance of the port's functions. However, the management of real estate used for commercial activities specific to port functions is a function of the port authority, not the local government. Similarly, the prohibition on alienation of land owned by the local government to third parties is limited to land that must be in the possession of the port authority.

The argument that the revenues generated by the capital company from the management of the ports would no longer be allocated to the implementation of the municipality's autonomous competences was also considered unfounded. As the Constitutional Court indicated, the revenue that a capital company may derive from the management of a port cannot be regarded as a source of financing established by law for the implementation of the autonomous competences of a municipality.

Taking into account the above, the Constitutional Court recognised that the legislator had not infringed the principle of financial autonomy of a local government.

Fifth, the Constitutional Court did not find a violation of the principle of consultation or the principle of good

law-making. It can be concluded from the materials for the development and adoption of the disputed provisions that the initial development of these norms was based on research and the legislator ensured that the opinions of local governments were heard.

Consequently, the Constitutional Court recognised the contested provisions as compatible with Article 1 and the first sentence of Paragraph two of Article 101 of the Constitution.

The choice of the institutional governance model for ports by the State should not be subordinated to the interest of the local authority to participate in the exercise of port management functions.

Case No. 2022-41-01

Information about the case

On 7 December 2023, the Constitutional Court adopted a judgment in Case No. 2022-41-01 "On Compliance of Article 4, Section 2, Article 5 Section 2 and 5 and Article 8 Section 1 of the Law "On the Prohibition of Exhibiting Objects Glorifying the Soviet and Nazi Regimes and the Dismantling Thereof in the Territory of the Republic of Latvia" with Article 1 and Article 101 of the Constitution".

The case concerned legal provisions that oblige municipalities to dismantle objects that glorify the Soviet regime and to partly finance the dismantling from their own budget.

The case was initiated on the application of the Daugavpils City Council. It states that according to the contested provisions the Daugavpils State Municipality is obliged to demolish two objects – memorials to the soldiers of the Red Army. According to the local government, these objects were neutral and did not glorify the Soviet regime. By ordering the local

government to dismantle them, the State is interfering in the autonomous functions of the local government and thus violating the principle of local government. Similarly, the obligation to partially finance such a task by the local governments themselves infringes the principle of financial autonomy of the local government.

First, the Constitutional Court recognised that monuments, art objects and other similar objects were part of the local government's amenities and an essential element of the urban space, which was also related to culture. Consequently, the management of monuments falls within the autonomous competence of the local government. The competence of the local government to take care of the public outdoor space from both a functional and aesthetic perspective, as well as to take care of culture, covers not only the installation and transformation of objects determined by the local government, but also their dismantling, if necessary.

Secondly, the Constitutional Court emphasized that a monument or an object comparable to it is a reminder of the memory of historical events and persons. This reminder is usually not politically or ideologically neutral. After the Second World War, the objects dedicated to the Red Army were installed with the aim of transforming the memories and emotions of Latvian citizens about the crimes of the occupying power and reminding them of the permanent presence of the Soviet power.

Thirdly, the Constitutional Court noted that since 4 May 1990 local governments, as state administration institutions, were bound by the principle of state continuity enshrined in the Declaration on the Restoration of Independence of the Republic of Latvia. Thus, local governments had to exercise their autonomous functions also in accordance with this principle. Given the origins of the objects praising the Soviet regime, the local government's autonomous function of cultural care did not cover these objects. Only the actions of local governments aimed at preventing the symbolic influence of objects were allowed, for example dismantling objects or placing them in accredited museums. With the disputed provisions, the legislator has specified the duty of local governments arising from the principle of state continuity to stop the negative and illegal influence on the statehood of Latvia caused by objects glorifying the Soviet regime, imposing a specific obligation on local governments to dismantle such objects in a certain order and within a certain period.

Fourth, the Constitutional Court rejected the applicant's arguments that the contested provisions had not been adopted in due procedure and the obligation to dismantle the objects disproportionately restricted the autonomous competence of the local municipality. Even though the disputed provisions limit the autonomous competence of the applicant in the area of improvement of the territory by determining what type of objects

may not be exhibited in the public outdoor space, the autonomous function of the municipality to take care of the improvement of its territory is not denied in essence. The discretion of local governments is limited, as after the restoration of Latvia's independence, local governments have dealt differently with objects that glorify the Soviet regime. In addition, the legislator's decision on the concretization of the principle of state continuity contained in the disputed provisions at the specific moment and on specific deadlines for implementation was motivated, among other things, by the increasingly active use of objects glorifying the Soviet regime for propaganda purposes and the ever-increasing threat to Latvia's statehood.

Finally, the Constitutional Court recognised that the obligation of the State to respect the financial autonomy of local governments follows from the principle of local government. Consequently, the Court examined whether the contested provision provides for adequate funding for the performance of the obligation to dismantle the objects. The Court pointed out that in order to prevent the consequences of the occupation and to promote the unity of the society, such a goal-oriented and solidary cooperation between all levels of the state, which would cover both direct and indirect state administration, is necessary. The legislator has established this model by providing that the dismantling of the objects is to be financed equally from the state budget and the local government budget. In fact, it is the State that has borne the greatest financial burden, as it also finances the evaluation of the sites and the protection of their artistic parts. On the other hand, when evaluating the actual impact of the financial burden caused by the dismantling of objects on the budget of the municipality of Daugavpils, the court did not find that this burden would have prevented the municipality from implementing its autonomous functions or other tasks, since the costs of dismantling were equivalent to 0,018 percent of the municipality's planned budget expenditures in 2022.

Taking into account the above, the Constitutional Court concluded that the contested provisions comply with Article 1 and the first sentence of the Paragraph two of Article 101 of the Constitution.

**The consequences
of the occupation are a burden
that unfairly affects the entire
society and are still felt today.
Preventing these consequences
and promoting the unity of society
requires a single goal-oriented and
solidary cooperation between all
levels of the state.**

2.3. TAX LAW

During the reporting period, the Constitutional Court examined two cases concerning different aspects of tax law. Case No. 2022-22-01 referred to the question of whether it is permissible to apply a higher fine in case of a repeated tax violation, even if the decision on the previous tax violation has been appealed to the court and the legal proceedings have not yet been concluded. However, Case No. 2022-16-05 concerned a decision of the Jurmala City Council to increase the fee payable for entering the special regime zone in the administrative territory of Jurmala City and to extend the period during which such fee is payable.

In Case No. 2022-22-01, the Constitutional Court applied the findings of its previous case-law on compliance of the legal presumption of fact with the presumption of innocence¹⁰ to the contested provision, which allowed the law enforcers to take into account a previous tax infringement, for which the court appeal proceedings had not yet been concluded, as a circumstance allowing to double the applicable fine in case of a tax infringement. Concluding that according to the contested provision the legal presumption of fact that a person is guilty cannot be rebutted, the Court declared the contested provision incompatible with the second sentence of Article 92 of the Constitution.

However, in Case No. 2022-16-05, the Constitutional Court for the first time assessed the validity of reasons and the amount of a fee imposed by a local authority.¹¹ More precisely, the central issue of the case was in which cases the Minister of Environmental Protection and Regional Development may legally suspend the operation of binding regulations of the municipality regarding fees. The Court concluded that the Jurmala State City Council was entitled to establish a special regime zone within its administrative territory for the purpose of protecting a favorable environment and to impose a fee for the entry of vehicles to protect such a zone. The Minister's order would have been legal if it contained arguments that the rate of the municipal

tax was clearly disproportionate to the provision provided by the municipality. Considering that the disputed ministerial order did not contain arguments for such obvious disproportionality, nor for procedural violations in the adoption of the decision to increase the toll rate and extend the period of application, the ministerial order was declared illegal.

Case No. 2022-16-05

Information about the case

On 27 November 2023, the Constitutional Court pronounced a judgment in Case No. 2022-16-05 "On the Order of the Minister of Environmental Protection and Regional Development of 16 December 2021, No. 1-2/168 "On the binding regulation of the municipal council of the city of Jurmala dated 30 September 2021, No. 38 "Amendments to the binding regulations of Jurmala City Council of 12 January 2017 No. 1 "On the entry of vehicles into the special regime zone in the administrative territory of the city of Jurmala"" suspension of operation" with Article 115 of the Constitution and the Paragraph three of Article 10 and Paragraph 6 of Paragraph one of Article 12 of the Law "On Taxes and Fees".

The case evaluated the order of the Minister of Environmental Protection and Regional Development to suspend the binding regulations of the Jurmala City Council, which increased the fee for entering the special regime zone in Jurmala from two *euros* to three *euros*, and also determined that the fee must be paid all year round. The minister believed that the municipality violated the authority given to it and set a fee for the use of highways and streets, and also did not justify the necessity of the rules.

The case was initiated on the application of the Jurmala City Council. It states that the contested order infringes the right of the inhabitants of the local government to live in a favorable environment. The levy imposed by

¹⁰ See, for example, Case No. 2012-15-01.

¹¹ Whether the municipality fee is set in compliance with the authorization given by the legislator has been assessed, for example, in Case No. 2015-13-03 and Case No. 2018-08-03



the local government is aimed at reducing harmful emissions from vehicles. The legislator has established an unequivocal authority for municipal councils in their administrative territory to impose tolls for the entry of vehicles into special regime zones. Moreover, the increase in the toll rate is proportionate.

First, the Constitutional Court indicated that, when verifying the legality of the Minister's Order, its compliance with Paragraph one of Article 49 of the "Law on Local Governments" should be assessed. The arguments on Article 115 of the Constitution and provisions of the Law "On Taxes and Fees" provided in the application indicate, in essence, why the local government considers that the considerations included in the contested order are unfounded.

Secondly, the Constitutional Court recognised that Paragraph 11 of the Cabinet Regulation No. 480 adopted 28 June 2005 "Regulations on the Procedure by Which Local Governments May Impose Local Government Fees" provided local governments with a legal means by which they could implement the obligation established in Article 115 of the Constitution to protect the right of persons to a favorable environment. The local government was entitled, firstly, to establish a special regime zone to protect a favorable environment and, secondly, to charge a fee for vehicles entering such a zone. The purpose of the toll is to protect the special regime zone from the adverse effects of vehicles.

Thirdly, the Constitutional Court indicated that the remuneration in the form of local government fees was paid only for the provision of services by local governments. The guarantee provided by the municipality to the person who pays the fee for entering the special regime zone in Jurmala is the possibility to enter the territory with a vehicle that causes damage to the surrounding environment, which has a special status for the purpose of protecting the environment. In addition, the special regime zone is part of the territory of the Jurmala State City, which, due to its high environmental quality and recreational opportunities has also been granted the status of a health resort.

Fourth, the Constitutional Court emphasized that the rate of the fee must not be manifestly disproportionate. The rate must be balanced with society's ability to pay this fee, otherwise entry into the special regime zone would be possible only for a narrow, wealthy part of society. The contested order does not contain any arguments as to the fact that a fee of 3 euros would be manifestly disproportionate to the provision made by the local government. In addition, the local government has established different types of passes, thus specifically assessing the proportionality of the fee rate for persons who need to enter the special regime area frequently.

Finally, the Constitutional Court rejected the Minister's arguments that the local government had not justified the necessity of the new regulation, had not assessed its impact on the business environment in the territory of the local government, as well as had not carried out consultations with private persons.

Consequently, the Constitutional Court concluded that the contested ordinance did not comply with Paragraph one of Article 49 of the Law "On Local Governments".

In order for the municipal fee for entering a special regime zone not to become an entry ban, its rate must be balanced with society's ability to pay this fee - otherwise, entry into a special regime zone would be possible only for a narrow, wealthy part of society.

Case No. 2022-22-01

Information about the case

On 3 May 2023, the Constitutional Court adopted a judgment in Case No. 2022-22-01 "On Compliance of Article 32⁴ Section 2 Paragraph 2 of the Law "On Taxes

and Fees” with the Second Sentence of Article 92 of the Constitution”.

In the case, the legal provision was assessed, which in the case of a repeated tax violation provides for the assumption that a person is considered guilty in the previous case before the court judgment entered into force.

The case was initiated on the application of the Senate. It indicates that the contested provision contains a presumption of a person’s guilt in a previous tax violation – even if there is a legal proceeding for it. Thus, contrary to the presumption of innocence, the contested provision requires a person to be presumed guilty until his guilt has been established in accordance with the law.

First of all, the Constitutional Court recognized that the presumption of innocence as a procedural guarantee of a fair trial also applies to the situation when a premature conclusion is made about a person’s guilt in a previous offense, although its examination has not been fully completed. The presumption of innocence is also applicable when a repeated tax violation is established.

Secondly, the Constitutional Court indicated that the contested provision did not oblige the tax administration and the court neither to reassess the fact that a previous tax infringement had been committed, nor to take into account the fact that the administrative act on a previous tax infringement was still being examined in court. The tax administration and the court must rely on the conclusion made in the previous tax violation case about the taxpayer’s guilt, even though this guilt has not been established by a legally binding court judgment. Thus, the contested provision establishes the legal presumption of fact that the taxpayer has committed a previous tax offence, although the decision on imposing a fine has been appealed and the final court judgment has not yet entered into force.

Thirdly, the Constitutional Court concluded that the presumption of innocence allowed the legislator

to include the legal presumption of a fact in legal provisions if it was necessary to achieve a specific legitimate aim and proportionality was respected – including by providing a person with an opportunity to rebut the legal presumption of a fact. However, in the specific case, such an opportunity is not provided. The disputed provision provides for an indisputable legal presumption of fact – even if the parties to the case of a repeated tax violation present evidence of the circumstances of the previous tax violation, they do not constitute the actual composition of the repeated tax violation case. Such factual circumstances are not given legal significance by the disputed norm, and the court does not have to evaluate them when considering the case of repeated tax violation. Consequently, there are no effective mechanisms for protecting the right of a person to be considered innocent before the administrative process in the case of a previous tax violation has been concluded.

Taking into account the above, the Constitutional Court held that the contested provision was incompatible with the second sentence of Article 92 of the Constitution.

Judge Jautrite Briede of the Constitutional Court added a separate opinion to the judgment. They indicate that a wider limitation of the presumption of innocence is permissible in relation to the imposition of a fine in a tax violation case. Also taking into account the fact that the person in the case of a repeated tax violation has access to sufficiently effective means of legal protection, as well as a number of other circumstances, the judge concluded that the limitation of the presumption of innocence in these cases is proportionate.

The presumption of innocence also applies to a situation where a premature conclusion is made about a person’s guilt in a previous offense, although its examination has not been fully completed.



2.4. EUROPEAN UNION LAW

During the review period, the Constitutional Court examined two cases related to the application of European Union law – Case No. 2020-33-01 and Case No. 2022-06-03.

In Case No. 2020-33-01 the Constitutional Court assessed whether legal provisions restricting the right of private higher education institutions to implement study programmes in foreign languages were compatible with Article 1 and the first three sentences of Article 105 of the Constitution.

European Union law served to precise the protections guaranteed by the fundamental rights. When considering the case, the Constitutional Court turned to the Court of the European Union with a request to provide a preliminary ruling on two questions, by which the Constitutional Court essentially wanted to clarify, first, whether the limitation set for private universities to implement study programs in foreign languages is compatible with the freedom of establishment provided in the Treaty on the Functioning of the European Union (hereinafter – TFEU) and the freedom to conduct a business in the sense of the Charter of Fundamental Rights of the European Union (hereinafter – the Charter), and, second, what considerations should be taken into account when assessing whether the legislation in question is justified, suitable and proportionate with regard to its legitimate purpose of protecting the official language as a manifestation of national identity.

When examining the case following the judgment of the Court of Justice of the European Union (hereinafter – CJEU) in Case C-391/20, the Constitutional Court noted that it follows from the obligations assumed by Latvia with its membership in the European Union that the rights enshrined in Article 105 of the Constitution must be précised in conjunction with the freedom to conduct a business under Article 16 of the Charter and the freedom of establishment enshrined in the Article 49 of the TFEU. The Constitutional Court specified that Article 16 of the Charter provides for freedom to conduct a business, which protects the freedom to conduct economic or commercial activities, freedom

of contract and free competition. In this sense, the freedom of doing business contained in Article 16 of the Charter and the freedom of establishment contained in Article 49 of the TFEU may overlap with the right to property contained in the first three sentences of Article 105 of the Constitution, but this does not mean that the content of these provisions is identical.

The Constitutional Court concluded that, according to its case-law, the restriction of property rights must be manifested in such a way that some rights that have already been established for the entrepreneur are negatively affected. This means that the first three sentences of Article 105 of the Constitution protect the right to engage in an already started commercial activity, but their scope does not include the right to start a commercial activity. Therefore, the right of citizens of European Union member states and companies who wanted to conduct a business by establishing private universities in Latvia and providing higher education services to start commercial activities does not fall within the scope of the first three sentences of Article 105 of the Constitution. However, when specifying the first three sentences of Article 105 of the Constitution in connection with the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Charter and the TFEU, it can be established that their scope includes the right to continue an already started commercial activity on the basis of a license.

The Constitutional Court pointed out that the regulation contained in the contested provisions restricts the freedom of establishment for citizens of other member states who, before the entry into force of the mentioned provisions, used this freedom and established universities in Latvia that offer an educational program in a language other than Latvian. These citizens would have to adapt their educational programs to the requirements arising from the national legal framework, which can lead to significant costs. Therefore, the disputed provisions limited the right of private universities that already provided higher education services to carry out the commercial activities they started on the basis of a license.



Following the judgment of the CJEU, the Constitutional Court stated that the goal of promoting and stimulating the use of one of the official languages of a member state, set forth in the contested legal provisions, is considered a legitimate goal to limit the freedom of establishment established in Article 49 of the TFEU. Provisions obliging higher education institutions to use the national language in principle are an expression of the national identity of the member states, which promote the use of the national language in the entire relevant population and ensure that this language is also used at the university level.

In Case No. 2022-06-03, the Constitutional Court assessed the legal provisions on State aid awarded to an electricity producer. Namely, whether Article 105 of the Constitution is complied with by legal provisions that establish a 10-year time limit for the purchase of electricity within the framework of compulsory procurement.

The Constitutional Court recognized that the mandatory procurement system is a State aid mechanism, according to which, upon receiving the relevant permit, the electricity producer is granted the right to sell electricity at a certain tariff. In Latvia, State aid in the form of compulsory procurement is implemented in compliance with the requirements arising from the legislation of the European Union, either in connection with the production of electricity in cogeneration or the production of electricity using renewable energy resources. The Constitutional Court stated that, when determining measures for the implementation of European Union law, member states must also observe the principle of protection of legal expectations. The right to refer to this principle belongs to every legal subject who has been given

reasonable expectations based on specific promises by a state institution. Thus, when determining whether the contested provision restricts rights that fall within the scope of the right to property contained in the first three sentences of Article 105 of the Constitution, the principle of protection of legal trust is also important.

The Constitutional Court reminded that the evaluation of the compatibility of support measures with the internal market is the exclusive competence of the European Commission and its activity is reviewed by the Union courts.

Further, the Constitutional Court found that at the moment when the applicant obtained the right to sell the produced electricity within the framework of mandatory procurement, this right was not limited by any specific term. In addition, it should be taken into account that such State aid, the duration of which was not limited to a specific term, for the period up to the moment when the legal provisions set the term for the granting of State aid, was also recognized as compatible with the internal market by the Commission's decision. Thus, the right of claim regarding the sale of produced electricity within the framework of mandatory procurement, granted to the applicant by administrative acts, is within the scope of the right to property within the meaning of the first three sentences of the Article 105 of the Constitution.

The Constitutional Court recognised that limiting the right to sell the electricity produced within the framework of compulsory purchase to 10 years was aimed at ensuring that the State aid was not economically unjustified and that the costs of end consumers were reduced, the State budget resources were saved, and the Latvian economy was generally strengthened.

Also, such a restriction is aimed at ensuring that, with a specific term of 10 years, the entrepreneur would be interested in increasing the efficiency of his activity and continuing his commercial activity even after the end of the state aid period.

The Constitutional Court pointed out that State aid should not be awarded to an entrepreneur who, already from the beginning of the project, is interested in operating on the market only as long as the State aid is granted. Realizing that the State aid is limited to a period of 10 years, the electricity producer should organize its commercial activity in such a way that even after the end of the State aid period it can continue its commercial activity.

Article 107(3)(c) TFEU allows Member States to establish aid schemes to promote energy efficiency and the production of electricity from renewable energy sources. The main purpose of State aid, which tends towards climate neutrality and environmental protection in general, is to ensure that, as a result of State aid measures, the positive effect of the aid exceeds the negative effect of the aid, which is manifested in the distortion of competition. Consequently, State aid must be such as to maintain a competitive market and prevent disproportionate and unjustified market distortion.

The Constitutional Court concluded that the State enjoys a wide margin of discretion to review the State aid scheme, including setting a deadline for the implementation of State aid. Member states are not obliged to implement State aid schemes for the promotion of the use of produced energy, and the State enjoys a wide margin of discretion in deciding how to achieve the objectives that lead to the creation of State aid schemes in this area. The Cabinet of Ministers has not acted arbitrarily in exercising its discretion and setting a 10-year deadline for the implementation of the compulsory procurement right. In particular, the 10-year period is recognised as not exceeding the normal depreciation period of the equipment. Therefore, the entrepreneur has no reason to legally rely on the fact that the current situation will be maintained. It can be amended by European Union institutions or national authorities – when national authorities implement European Union law – using their discretion.

Case No. 2020-33-01

Information about the case

On 9 February 2023, the Constitutional Court pronounced a judgment in Case No. 2020-33-01 “On Compliance of the Third Sentence of Section 1 of Article 5, Section 3 of Article 56 and Paragraph 49 of Transitional Provisions of the “Law on Higher Education Institutions” with Article 1 and Article 105 of the Constitution”.

The case concerned legal provisions restricting the right of private higher education institutions to implement study programmes in foreign languages.

The case was initiated on the application of twenty members of 13th Saeima. It states that the restriction to implement study programs in foreign languages negatively affects the right of private universities to conduct commercial activities. Thus, the rights of the mentioned universities to property are disproportionately restricted, as well as the principle of protection of legal trust is violated.

First, the Constitutional Court terminated the proceedings on compliance of the third sentence of Paragraph one of Article 5 of the Law on Higher Education Institutions with Article 1 and Article 105 of the Constitution, since this contested provision does not restrict the right of private higher education institutions to implement study programmes in foreign languages.

Secondly, the Constitutional Court established that the study programmes of private higher education institutions were conducted in Latvian, English and Russian.

Latvia belongs to the European cultural space, and one of the languages of this space is English. It is also one of the official languages of the European Union and the international language of science. The legal regulation, which, in addition to the existing exceptions from the obligation to implement study programs in the national language, would grant the right to implement study programs in the official languages of the European Union to those universities whose study programs have reached certain quality criteria, and would provide for exceptions, for example, in certain branches of science or studies of a certain level, would strengthen the skills of the official languages of the European Union and Latvia's belonging to the European cultural space, as well as less restrict the property rights of private universities. The legislature has not considered the possibility of using such an alternative means. Consequently, Paragraph three of Article 56 of the Law on Higher Education Institutions and Paragraph 49 of the Transitional Provisions, insofar as these provisions applied to the implementation of study programmes in private higher education institutions in the official languages of the European Union, were incompatible with Article 1 and the first three sentences of Article 105 of the Constitution.

At the same time, the Constitutional Court drew attention to the fact that the popularity and use of the English language is growing rapidly. The rapid spread of the English language in many areas of social life in the world and in Latvia, the belief of society and individuals about the need for the English language, as well as the dominant position of the English language in the Internet environment, affects the communication habits of young people and reduces the attractiveness of using and learning the Latvian language. Therefore, the legislator should create such a legal regulation that would preserve the role of the national language in higher education, while at the same time promoting

the development of higher education and science in the European cultural space.

Thirdly, the Constitutional Court noted that the situation of the State language in Latvia was still affected by the consequences of the forced Russification practiced during the Soviet occupation. The position of the Latvian language in several sociolinguistic functions currently does not correspond to the status of the State language, and this is explained mainly by the linguistic self-sufficiency of Russian speakers and its wide spread in the information space. Therefore, the legislator, by limiting the implementation of study programs in foreign languages that are not the official languages of the European Union, has ensured a fair balance between the right of private universities to conduct commercial activities and the need to strengthen the use of the national language in higher education. In addition, the legislator has ensured a transition to the new legal framework in accordance with the principle of protection of legal expectations. At the same time, the Court took into account that such legal regulation, which limits the use of foreign languages in the study process, can affect the protection of the rights of minorities. However, Paragraph three of Article 56 of the Law on Higher Education Institutions provided for an exception from the obligation to implement study programmes in the State language and ensured the possibility of implementing study programmes aimed at preserving the identity of national minorities.

Taking into account the above, the Constitutional Court held that Paragraph three of Article 56 of the Law on Higher Education Institutions and Paragraph 49 of the Transitional Provisions, in so far as these provisions applied to the implementation of study

programmes in private higher education institutions in foreign languages other than the official languages of the European Union, were compatible with Article 1 and the first three sentences of Article 105 of the Constitution.

Judge Jānis Neimanis of the Constitutional Court added a separate opinion to the judgment. It is indicated in them that by the contested provisions the legislator restricted the freedom of private higher education institutions and colleges to engage in activities, which is established in Article 106 of the Constitution, and not the right to property of these subjects, which is established in Article 105 of the Constitution.

The legislator, while respecting the need to protect the national language, should promote the learning of the official languages of the European Union, so that the Latvian State and society can fully participate in the European cultural space.

Case No. 2022-06-03

Information about the case

On 21 March 2023, the Constitutional Court adopted a judgment in Case No. 2022-06-03 “On Compliance of Paragraph 53¹ and the word “10 years” of the Cabinet Regulation No. 221, adopted 10 March 2009





“Regulations on Electricity Production and Price Determination by Production of Electricity in Cogeneration” and Paragraph 68 and the word “10 years” of the Cabinet Regulation No. 561, adopted 2 September 2020 “Regulations on Electricity Production, Supervision and Price Determination by Production of Electricity in Cogeneration” with Article 105 of the Constitution”.

The case concerned the legal provisions that set a 10 year time limit for the purchase of electricity within the framework of compulsory procurement.

The case was initiated following a constitutional complaint. It states that the applicant owns a cogeneration plant and was granted the right to sell electricity under compulsory purchase in 2009. However, the contested provisions fix a period of 10 years for that right, whereas the applicant relied on a period of at least 20 years. Thus, the right to property is disproportionately limited.

First of all, the Constitutional Court recognized that the limitation of rights provided for in the disputed provisions is aimed at ensuring that the state support is not economically unreasonable and that the costs of end consumers are reduced and State budget funds are saved. Also, such a restriction is aimed at ensuring that the entrepreneur is interested in increasing the efficiency of his activity and continuing his commercial activity even after the end of the state aid period. State aid should not be given to such an entrepreneur who is already interested in operating on the market at the time of project initiation only as long as he receives state aid.

Secondly, the Constitutional Court noted that, in general, State aid was prohibited because it could distort competition. However, in certain cases, state support may be permissible – including in the field of energy, where it is an important tool for moving policy toward climate neutrality. The key is to ensure that the positive effects of the aid outweigh the negative effects of the State aid, which manifests itself in the distortion of

competition. One of the ways to avoid such a distortion is to determine the duration of the State aid.

Thirdly, the Constitutional Court took into account that initially no time limit had been provided for the right to sell electricity within the framework of compulsory procurement. However, as the court emphasized, the entrepreneur has no reason to legally rely on the fact that the current situation will be maintained. It may be amended by the European Union institutions or national authorities exercising their discretion. Thus, the electricity producer cannot rely on the fact that the term of the state aid will not be revised.

Taking into account the above, the Constitutional Court concluded that the restriction on the fundamental rights of a person included in the contested provision was proportionate and the contested provision complied with the first three sentences of Article 105 of the Constitution.

State aid must be economically justified and comply with the principle of justice.

2.5. CIVIL PROCEDURE

During the review period, the Constitutional Court has rendered two judgments in which legal issues related to civil procedure have been assessed. They deal with the regulation of arbitral proceedings in Latvia, as well as the right of a legal entity under private law to request its release from the obligation to pay the State fee for filing a claim.

The Constitutional Court has already examined several cases in which the constitutionality of provisions affecting the supervision of the arbitral proceedings of the Latvian Arbitration Court has been assessed.¹² In these cases, the Court concluded that in the case of concluding an arbitration agreement, the freedom of a person to renounce the fundamental rights contained in Article 92 of the Constitution extends only to the extent that it does not threaten the functioning of the legal system of a democratic State under the rule of law. The first sentence of Article 92 of the Constitution envisages both the obligation of the State to create an effective legal framework that would ensure the possibility of preventing significant procedural violations that occurred in the arbitration process, and also its obligation not to recognize the result of an arbitration process in which such violations have occurred.¹³ Already in these cases the Constitutional Court drew the legislator's attention to the fact that in some cases the Latvian mechanism for monitoring arbitral proceedings was not effective, therefore it would be necessary to establish the grounds and procedure for challenging an arbitral award.¹⁴

In Case No. 2022-03-01 the Constitutional Court had to assess whether the provisions of the Civil Procedure Law, which do not provide for the possibility to submit an application to a court of general jurisdiction for annulment of an arbitral award in the case when

substantial violations have been committed in the arbitral proceedings, comply with the right to a fair trial. In this judgment, the Constitutional Court supplemented its case-law and indicated: since the State is obliged to ensure the supervision of arbitration proceedings, a person has the relevant fundamental right, namely the right to have the arbitration proceedings supervised by the State, as well as the right to require the State to fulfil this obligation. Moreover, in Case No 2022-03-01, the Court placed particular emphasis on the importance of the principle of fairness in relation to the State's obligation to supervise arbitral proceedings. The Court stated that the need to ensure, among other things, the equality of the parties, the independence and objectivity of the arbitrators, and the opportunity for the parties to be heard in the arbitration process, is aimed at ensuring that this process is fair and complies with the principle of justice. This principle is respected if the measures taken by the legislator to monitor the arbitration process apply to all of these processes and the objections of their participants against significant procedural violations that occurred in them.

In Case No. 2022-05-01 the Constitutional Court evaluated whether the right to a fair trial was met by a provision of the Civil Procedure Law that did not provide for the right of a private legal entity to request that the court decide to exempt this person from paying the state fee for filing a lawsuit. A similar legal issue has already been assessed by the Constitutional Court in the recent Case No. 2021-22-01 on the provision of the Civil Procedure Law, which did not provide for the right of a private legal entity to request that the court decide on the release of this person from the payment of bail for filing a side complaint.¹⁵

¹² See the Constitutional Court's judgement of 17 January 2005 in Case No. 2004-10-01 and the judgement of 28 November 2014 in Case No. 2014-09-01.

¹³ See Paragraph 5, 8 and 9 of the Constitutional Court's judgement of 17 January 2005 in Case No. 2004-10-01, as well as Paragraph 14.1 of the judgement of 28 November 2014 in Case No. 2014-09-01.

¹⁴ See Paragraph 10 of the Constitutional Court's judgement of 17 January 2005 in Case No. 2004-10-01 and Paragraph 22 of the judgement of 28 November 2014 in Case No. 2014-09-01.

¹⁵ See the Constitutional Court's judgment of 23 February 2022 in Case No. 2021-22-01.

In both cases, the Constitutional Court concluded that the status of a legal person in the Latvian legal system had been granted to various legal entities – both those established for the purpose of making profit and those which existed for other, non-profit-making purposes. However, even a legal person established for profit, even though it has not been declared insolvent, may find itself in financial difficulties which affects its ability to pay the state fee for filing a claim. The presumption of the solvency of a legal person governed by private law is not sufficient to exclude an assessment of its ability to make the payment requested.

Similarly to the Case No. 2021-22-01, in the Case No. 2022-05-01 the Constitutional Court emphasized that the first sentence of Article 92 of the Constitution provides for the obligation of the legislator to take necessary measures to ensure access to court for any person, including a legal person governed by private law, whose financial resources are insufficient to pay the state fee for filing a claim. In Case No. 2022-05-01 the Constitutional Court also drew attention to the fact that the possibility to request a full or partial exemption from the payment of a particular fee was not the only means to ensure access to court for a private law legal person whose financial resources were insufficient to pay the state fee for filing a claim. For example, the State may establish a regulation that provides for the postponement of the payment of the state fee for filing a claim or dividing it into terms. The legislator, within the framework of his freedom of action, must choose in what way to ensure access to the court also for such a private law legal person whose financial resources are not sufficient to pay the state fee for filing a claim.

Case No. 2022-03-01

Information about the case

On 23 February 2023, the Constitutional Court adopted a judgment in Case No. 2022-03-01 “On Compliance of Articles 534, 534¹, 535, 536 and 537 of the “Civil Procedure Law” with the First Sentence of Article 92 of the Constitution”.

The case examined the framework for the supervision of arbitration.

The case was initiated following a constitutional complaint by a trader registered in the Russian Federation. It states that an arbitral court registered in the Republic of Latvia rendered an award ordering the applicant to repay the loan and the penalty. The applicant learned about the arbitral judgment from the information system of the courts of the Russian Federation, which published a notice that the St. Petersburg Arbitration Court would consider the recognition and enforcement of the arbitral judgment in the Russian Federation. However, the applicant has never entered into any transactions with the specific creditor, not even an arbitration agreement, and in addition, other procedural violations have also been found during the arbitration process. The applicant

submits that the Civil Procedure Law does not provide for proper supervision of the arbitration proceedings and thus the right to a fair trial is not guaranteed.

First, the Constitutional Court recognised that the right to a fair trial enshrined in the first sentence of Article 92 of the Constitution required that in the arbitral proceedings, inter alia, equality of the parties, independence and impartiality of the arbitrators, as well as the parties’ opportunity to be heard be ensured. In addition, the State has an obligation to provide the parties to the arbitration with an opportunity to remedy material procedural irregularities in the arbitration and an obligation not to recognize the result of an arbitration in which such irregularities have occurred. In particular, the State is obliged to supervise the arbitral proceedings, giving the individual the opportunity to protect his or her rights. This duty of the State is a prerequisite so that, if a person refuses to consider a dispute in a state court, the functioning of the legal system of Latvia as a democratic legal state is not threatened.

Secondly, the Constitutional Court emphasized that the need to ensure equality of the parties, independence and impartiality of the arbitrators, as well as the possibility for the parties to be heard in the arbitration proceedings was aimed at ensuring that the proceedings complied with the principle of fairness. The principle of fairness is respected if the measures taken by the legislator to monitor the arbitral proceedings apply to all arbitral proceedings and to the objections of the parties to those proceedings to substantive procedural irregularities that have occurred in those proceedings.

Thirdly, the Constitutional Court concluded that the mechanism of supervision of arbitration proceedings established by the legislator did not cover cases when the interested party did not apply to a court of general jurisdiction for enforcement of the arbitral award for a long period of time, when the arbitral award was recognised and enforceable abroad or when it was not necessary to apply to a court of general jurisdiction for enforcement of the arbitral award with an application for issuance of an enforcement order. Consequently, the measures taken by the legislator to monitor arbitration proceedings do not cover all arbitration proceedings and the objections of the parties to those proceedings to the substantive procedural irregularities that have occurred in those proceedings and, in this respect, are not in conformity with the principle of fairness. Consequently, the contested provisions, insofar as they do not provide for supervision of arbitral proceedings in the above-mentioned cases, are incompatible with the first sentence of Article 92 of the Constitution.

Judge Jānis Neimanis of the Constitutional Court added a separate opinion to the judgment. It is indicated therein that the applicant, before applying to the Constitutional Court, had not exhausted all possibilities to defend his rights by means of general

legal remedies. However, the Constitutional Court did not state reasons why it did not terminate the proceedings in the case.

A separate opinion to the judgment were also added by Judge Gunārs Kušīņš of the Constitutional Court. The Judge noted that the judgment did not adequately explain how the applicant's fundamental rights had been infringed. Moreover, the Constitutional Court, without sufficient grounds, assessed situations which, according to the legal regulation and certain factual circumstances, were only theoretically possible.

Independence and impartiality, as well as the principles of equality and fairness of the parties, must be respected throughout the arbitration process. Otherwise, the arbitration process would not be fair.

Case No. 2022-05-01

Information about the case

On 17 February 2023 the Constitutional Court adopted a judgment in Case No. 2022-05-01 "On Compliance of Paragraph four of Article 43 of the "Civil Procedure Law" with the first sentence of Article 92 of the Constitution".

In the case was assessed a legal provision which does not provide a private-law legal person with the right to request the court to decide on its exemption from the obligation to pay a state fee for filing an application for a judicial remedy.

The case was initiated following a constitutional complaint by a trader. It states that the applicant brought an action before a court of general jurisdiction, at the same time requesting a partial exemption from the payment of the state fee. However, the court rejected the request on the basis of the contested provision. Having been unable to pay the State fee in the prescribed amount, the applicant reduced the amount of the claim and paid the State fee in a lower amount. The applicant considers that the right to a fair trial has not been ensured.

First, the Constitutional Court recognized that the right to a fair trial derives from the legislator's duty to ensure access to the court for every person – including a legal entity under private law – if its financial resources are not sufficient to pay the state fee for filing a lawsuit. In the present case, the applicant was unable to pay the full amount of the State fee of 176 839,33 *euro* and therefore amended its application at first instance, abandoning the claim for the most part.

Secondly, the Constitutional Court indicated that the grounds for full or partial exemption of a person from the State fee for filing a claim may be duly established objective circumstances, *inter alia*, the financial situation of the particular person, which prevents from paying the State fee. Consideration may also be given to the subject matter of the claim, the claimant's reasonable prospects of a favorable outcome, the effect of the requested payment on the individual's right to effectively defend his rights, the form of the private law legal entity concerned and whether or not that legal entity has the purpose of making a profit, as well as its financial capabilities of participants or shareholders. In addition, there may be other alternatives to ensure access to justice for a private-law legal person whose financial resources are insufficient to pay the State fee. For example, payment of state duty can be deferred or staggered.

Thirdly, the Constitutional Court concluded that the legal regulation established in the Civil Procedure Law did not provide for the right to request a full or partial exemption from the state fee for a private law legal person which had not been declared insolvent, but which was unable to pay the fee in order to apply to court for protection of its rights. The legal framework does not provide for other alternatives to ensure access to justice for such a private-law legal person. It is therefore not ensured that such a private-law legal person can enforce its rights in court. Thus, the legislator has failed to properly and in accordance with the general principles of law and other provisions of the Constitution establish a legal framework that would ensure access to justice for every person. Consequently, the contested provision, in so far as it does not provide for the right of a private law legal person to request the court to decide on its exemption from the obligation to pay the state fee for filing a claim, is incompatible with the first sentence of Article 92 of the Constitution.

The legislator is also obliged to ensure access to justice for a person who does not have sufficient financial means to pay certain mandatory fees related to the proceedings.

2.6. CRIMINAL PROCEDURE

During the reporting period, the Constitutional Court initiated more than twenty cases in the field of criminal law and criminal procedure law related to rules on proceedings concerning illegally obtained assets. The cases may be classified as follows:

- 1) cases on appeals against court decisions in criminal proceedings (for example, Case No. 2021-44-01);
- 2) cases related to access to the procedural materials (for example, Case No. 2022-01-01);
- 3) cases on the subject matter of proof, the legal presumption of fact and the burden of proof (for example, Case No. 2022-32-01).

In none of the specified groups of cases, the case review has not been completed at the moment. The Constitutional Court referred these cases to the CJEU for a preliminary ruling.

In the first category of cases on appeals against court rulings, a provision of the Criminal Procedure Law was challenged, which prohibits the appeal of the decision of the district court on illegally obtained assets (in special *in rem* proceedings). Such a question of law has already been assessed once in Case No. 2017-10-01, where the Constitutional Court recognised the provision as compatible with Article 91 of the Constitution. However, the difference in the cases that have been reopened is that the court of first instance terminated the proceedings for criminal property, while the court of appeal, by its ruling, was the first court to declare the property to have been illegally obtained. Therefore, the applicants submit that the substantive review of the lawfulness of decisions unfavorable to them is not ensured (compliance with Article 92 of the Constitution is contested).

In the second category of cases, the regulation on access to the materials of the proceedings, which has already been examined once before the Constitutional Court in Case No. 2016-13-01 and which the legislator had corrected, is questioned. The problem with the case is that the materials in the case can be inspected with the

permission of the person directing the proceedings and to the extent specified by him, and the decision of the person directing the proceedings to reject the request for inspection of the case materials can be appealed to a district (city) court, the decision of which is not subject to appeal. Under this regulation, private persons are allowed to inspect the materials in proceedings on illegally obtained assets, but only partially. The Constitutional Court will have to assess whether the specific regulation complies with the right to a fair trial.

Finally, the third category of cases will address, for the first time, the legal issues of the subject-matter of proof, the legal presumption of fact and the burden of proof in special proceedings *in rem*. The common factor of the whole case is that the proceedings regarding illegally obtained assets were initiated by the decisions of the official directing the criminal proceedings, where the property was recognized as illegally obtained and confiscated for the benefit of the State. The applicants have argued that the contested provisions introduce a lower standard of proof – “preponderance of probability”, which allows the initiators of proceedings to prove the criminal origin of property beyond reasonable doubt in pre-trial proceedings.

In the above-mentioned cases, the Constitutional Court referred to the CJEU since it had doubts, first, whether the relevant provisions of the Criminal Procedure Law fall within the scope of application of Directive 2014/42 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union and Framework Decision 2005/212; second, whether the contested norms are compatible with the right to an effective remedy and the principle of presumption of innocence within the meaning of Articles 47 and 48 of the Charter of Fundamental Rights of the European Union.

2.7. DECISIONS TO TERMINATE COURT PROCEEDINGS

In 2023, the Constitutional Court adopted five¹⁶ decisions to terminate legal proceedings – in cases No. 2020-02-0306, No. 2022-19-01, No. 2022-25-05, No. 2023-03-01 and No. 2023-12-01.

In Case No. 2020-02-0306, the decision to terminate the proceedings was adopted on the basis of Article 29 Paragraph 1 Subparagraph 1 of the Constitutional Court Law, as the applicant withdrew its application.

In Case No. 2022-19-01, the decision to terminate the proceedings was adopted on the basis of Article 29 Paragraph 1 Subparagraph 3 of the Constitutional Court Law, as the applicant had not complied with the time limit for filing a constitutional complaint established in Paragraph four of Article 19² of the Constitutional Court Law.

In Case No. 2022-25-05, the decision on termination of proceedings was adopted on the basis of Article 29 Paragraph 1 Subparagraph 1 and 3 of the Constitutional Court Law, as the contested act had become invalid and the applicant also withdrew its application.

In this decision, the Court also provided important findings to be taken into account in the future when interpreting the time limit for submitting an application established in Paragraph two of Article 19³ of the Constitutional Court Law. In particular, the Court recognised that in this provision the legislator did not regulate the legal situation when the order adopted by the Minister of Environmental Protection and Regional Development on the suspension of the operation of the binding regulations of the local government – the spatial plan – is later revoked by the Minister. In order to ensure the protection of the rights of those persons who have applied to the Ministry of Environmental Protection and Regional Development in accordance with the procedure established in Article 27 of the Territorial Development Planning Law, they have the right to apply to the Constitutional Court. In such a case, when the Minister subsequently revokes the order after verifying whether the six-month time limit has

been complied with, the suspension of the operation of the spatial plan is deemed to have suspended the six-month time limit for lodging a constitutional complaint at the same time.

In Case No. 2023-03-01, the decision to terminate the proceedings was adopted on the basis of Article 29 Paragraph 1 Subparagraph 5 and 6 of the Constitutional Court Law. In particular, the applications contain a claim which, *inter alia*, has already been adjudicated in Case No. 2022-02-01, but the other claims are not subject to further proceedings.

In Case No. 2023-12-01, the decision on termination of legal proceedings was adopted on the basis of Article 29 Paragraph 1 Subparagraph 2 of the Constitutional Court Law, as the contested legal provision had become invalid.

Case No. 2020-02-0306

Information about the case

On 2 March 2023, the Constitutional Court adopted a decision to terminate legal proceedings in Case No. 2020-02-0306 “On Compliance of Subparagraph 18.12 of the Cabinet Regulation No. 378 adopted 17 May 2011 “Procedures for Advertising Medicinal Products and Procedures by Which a Medicinal Product Manufacturer is Entitled to Give Free Samples of Medicinal Products to Physicians” with Articles 100 and 105 of the Constitution and Article 288(3) of the Treaty on the Functioning of the European Union”.

The case was initiated following a constitutional complaint by a legal person. It states that the applicant is part of a group of companies representing one of the largest pharmacy chains and retail drug companies in Latvia. The applicant published a promotion on its website and in its monthly newspaper, offering a 15 percent price reduction on the purchase of any medicine if at least three items are purchased. However, the Health Inspectorate, *inter alia*, on the basis of the contested provision, prohibited the applicant from

¹⁶ In comparison, in 2022 there were four decisions to terminate proceedings, and in 2021 – seven.



disseminating the abovementioned communication. The application indicates that the contested provision thus disproportionately restricts the applicant's right to freedom of expression enshrined in Article 100 of the Constitution, as well as the right to property enshrined in Article 105 of the Constitution. Also, when adopting the contested provision, its compatibility with the requirements of Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (further – Directive 2001/83) was not assessed.

In its reply, the Cabinet of Ministers indicated that the legitimate aim of the restriction of the fundamental right included in the contested provision is the protection of public health by reducing the irrational use of over-the-counter medicines. If the State were to tolerate advertising measures that encourage irrational use of medicines, the objective pursued would not be achieved. Thus, the benefit which society derives from the restriction of fundamental rights contained in the contested provision outweighs the harm caused to the applicant.

In this case, the Constitutional Court adopted a decision on referring questions to the CJEU for a preliminary ruling. The CJEU, in its judgment of 22 December 2022 in Case C-530/20 “EUROAPTIEKA”, concluded that Directive 2001/83/EC must be interpreted as not precluding a national provision that prohibits the inclusion, in advertising to the general public of medicinal products that are neither subject to medical prescription nor reimbursed, of information which encourages the purchase of medicinal products by justifying the need for that purchase on the basis of the price of those medicinal

products, by announcing a special sale, or by indicating that those medicinal products are sold together with other medicinal products, including at a reduced price, or with other types of products.

The Constitutional Court, in its decision to terminate legal proceedings in Case No. 2020-02-0306, indicated that, pursuant to Article 29 Paragraph 1 Subparagraph 1 of the Constitutional Court Law, proceedings in the case may be terminated until the judgment is pronounced upon the applicant's written request. The provisions of the aforementioned Article give the Constitutional Court the right to terminate proceedings in a case, but do not impose an obligation to do so.

According to the principle of disposition, the party to the case can also refuse to continue the legal proceedings. However, the applicant's written request for termination of legal proceedings in itself is not always a basis for the termination of legal proceedings. In particular, it may be necessary in certain cases to continue the proceedings in order to remedy an infringement of a person's fundamental rights or a serious threat to the public interest. Similarly, in deciding whether it is necessary to continue the proceedings, the constitutional significance of the question of law to be examined in the case in question must also be taken into account.

Observing the principle of disposition and the applicant's request for the termination of the legal proceedings, as well as the fact that the case materials do not indicate that the contested provision would affect essential public interests, the Constitutional Court recognized that there is a reason to terminate the legal proceedings in the case.

Case No. 2022-19-01

Information about the case

On 30 May 2023, the Constitutional Court adopted a decision on termination of legal proceedings in Case No. 2022-19-01 “On Compliance of Paragraph 3 of Article 16 of the Advocacy Law of the Republic of Latvia with the First Sentence of Article 106 of the Constitution”.

The case was initiated following a constitutional complaint by a natural person. The application in the case was filed by a sworn advocate in respect of whom a decision on the termination of criminal proceedings had already entered into force several years ago, which, according to the contested provision, constituted grounds for her exclusion from the number of sworn advocates. However, the Latvian Council of Sworn Advocates (hereinafter – the Council) had not adopted a relevant decision by the time of the examination of the case by the Constitutional Court. The applicant indicated that the contested provision restricts its right to freely choose an occupation and the infringement of its fundamental rights is expected in the future, i.e., it will arise at the moment when the Council adopts the relevant decision.

However, The Saeima, stated that it has not only the rights, but also the obligation to establish strict requirements for the activities of sworn advocates, so that other persons are ensured the rights and freedoms guaranteed by the Constitution. In the event that a person who committed a criminal offense, but against whom the criminal proceedings were terminated on a non-rehabilitative basis, could hold the position of a sworn advocate, the public's trust in persons belonging to the judicial system, as well as in the state itself and in the democratic legal state system, would decrease.

The Constitutional Court examined whether the contested provision infringed the applicant's fundamental rights and – if it did – when the infringement had occurred. The Court found that the contested provision restricts the fundamental rights included in the first sentence of Article 106 of the Constitution. According to this provision, a person who has been a sworn advocate may no longer be a sworn advocate and may no longer maintain this profession if criminal proceedings against him/her for the commission of a deliberate criminal offence have been terminated on the basis of one of the non-rehabilitating circumstances specified in Article 380 of the Criminal Procedure Law.

Specifying the content of the disputed provision, the Constitutional Court concluded that at the moment when the decision on the termination of the criminal proceedings for the commission of an intentional criminal offense on a non-rehabilitative basis comes into force, the person no longer meets the requirements set for a sworn advocate. In such a case, even though the Board may not yet have taken a decision to exclude

the person from the number of sworn advocates, a legal obstacle to the person's being a sworn advocate has already arisen at the time when the decision to terminate the criminal proceedings on non-conviction grounds entered into force. If it were to be accepted as a correct opinion that the contested provision creates legal consequences only through the act of application of law – the council's decision – it would lead to the fact that a person who does not meet the requirements set by law for a sworn advocate can legally practice as a sworn advocate as long as the council is not made a decision on its exclusion from the number of sworn advocates.

A circumstance which, according to the decision of the legislator, is incompatible with the essence of the status of an advocate had already occurred before the adoption of the council's decision. Thus, in this case, not the decision of the council, but the occurrence of the legal basis specified in the contested norm is an obstacle that prevents a person from acting as a sworn advocate.

The Court stressed that the importance of the institution of the advocates and the independence of the Bar must also be taken into account, which in turn means that any person belonging to the family of sworn advocates must himself comply with the rules of law. If a sworn advocate finds himself in a legal situation where he no longer meets the legal requirements for the position, then his first duty is to realize that this situation has specific legal consequences, and to immediately inform the council about the relevant circumstances.

Therefore, the Constitutional Court concluded that in the specific case the violation of the fundamental rights of the person has already occurred, and not only is expected in the future, because the person's right to occupation is violated not by the decision of the council expected in the future, but by the previously adopted decision, by which the criminal proceedings against the person were terminated on a non-rehabilitative basis. Therefore, the six-month deadline for submitting a constitutional complaint is counted from the moment the court decision enters into force.

Taking into account that the decision on termination of criminal proceedings in respect of the applicant had already entered into force several years ago, the Constitutional Court recognised that the applicant had not complied with the time-limit for filing a constitutional complaint established in Paragraph four of Article 19² of the Constitutional Court Law and the proceedings in the case should be terminated.

Case No. 2022-25-05

Information about the case

On March 8, 2023, the Constitutional Court made a decision to terminate the proceedings in Case No. 2022-25-05 “On the Order of the Minister of Environmental Protection and Regional Development

of March 22 2022, No. 1-2/2224 “On the binding regulation of Riga City Council of December 15 2021, No. 103 “Binding regulations for the use and construction of the territory of Riga” suspension of operation” compliance with Article 1 of the Constitution, the fourth part of Article 4 and Article 8 of the Charter of European Local Governments, Paragraph one of Article 49 of the Law “On Local Governments” and Paragraph three of Article 27 of the Territorial Development Planning Law”.

The case was initiated on the application of the Riga City Council. It states that the Order No. 1-2/2224 of 22 March 2022 of the Minister of Environmental Protection and Regional Development (hereinafter – the Minister) (hereinafter – the Order No. 1-2/2224) on the suspension of the Riga City Council Binding Regulation No. 103 of 15 December 2021 “Binding Regulations on the Use and Development of the Territory of Riga” (hereinafter – the Riga Spatial Plan) is unlawful. Namely, in the process of developing and adopting the spatial plan, the Riga City Council has complied with the requirements of higher legal acts. In his reply, the Minister pointed out that the order on the suspension of the Riga Spatial Plan was lawful because the Riga City Council had violated the requirements of several legal acts in the process of drafting and adopting the spatial plan.

On 15 February 2023, the Minister issued Order No. 1-2/915 which canceled Order No. 1-2/2224. After the issuance of the above-mentioned Order No. 1-2/915 the Constitutional Court received an application of the Riga City Council, by which it withdrew its application and requested the Court to terminate the legal proceedings in Case No. 2022-25-05.

The Constitutional Court also received several applications from persons to continue the proceedings in Case No. 2022-25-05. It is noted that the persons had started protection of their rights by general legal remedies by applying to the Ministry of Environmental Protection and Regional Development (hereinafter – the Ministry) in accordance with the procedure established in the Law on Territorial Development Planning. The submissions also expressed views on the illegality of certain provisions of the Riga Spatial Plan. The Constitutional Court noted that Paragraph one of Article 29 of the Constitutional Court Law was aimed at ensuring the economy of legal proceedings. However, the text provided in the mentioned Article gives the Court the right to terminate the proceedings in the case, but does not provide for the obligation to do so. In particular, it may be necessary in certain cases to continue the proceedings in order to remedy an infringement of a person’s fundamental rights or a serious threat to the public interest. Similarly, in deciding whether it is necessary to continue the proceedings, the constitutional significance of the question of law to be examined in the case in question must also be taken into account. Thus, it is necessary to check whether there are circumstances that require the continuation of the legal proceedings.

The Court ruled that the case was brought on the legality of the Minister’s order, but not on the legality of another legal act – the Riga Spatial Plan. It follows from this order that several persons have submitted an application to the Ministry pursuant to Paragraph one of Article 27 of the Law on Spatial Development Planning and have pointed out that certain provisions of the Riga Spatial Development Plan do not comply with the requirements of higher legal acts. However, these persons have not used the right contained in Paragraph four of Article 27 of the said law to appeal to the Constitutional Court.

According to Paragraph two of Article 19³ of the Constitutional Court Law, an application on the spatial planning or local planning of a local municipality may be submitted to the Constitutional Court within six months after the date of entry into force of the relevant binding regulations.

The Riga Spatial Plan entered into force on 22 December 2021, but the Minister’s order suspended its operation. However, when the Minister’s order was revoked, the Riga Spatial Plan was reinstated. More than six months have passed since the Riga Spatial Plan entered into force, but there was also a period when it was suspended.

In Paragraph two of Article 19³ of the Constitutional Court Law, the legislator has established a deadline for submitting an application, but has not regulated the legal situation when an order on suspension of the operation of a spatial plan is later revoked by the Minister. Thus, in order to ensure the protection of the rights of persons who have applied to the Ministry in accordance with the procedure established in Article 27 of the Law on Spatial Development Planning, they should retain the right to apply to the Constitutional Court. Namely, when checking whether the six-month deadline has been observed, it can be considered that when the operation of Riga’s Spatial Plan is stopped, the counting of the six-month deadline for submitting a constitutional complaint has been stopped at the same time.

Taking into account such circumstances, the Constitutional Court did not find that the persons who had applied to the Ministry in accordance with the procedure established in Article 27 of the Law on Territorial Development Planning had no possibility to apply to the court to remedy the infringement of their fundamental rights. In addition, when evaluating the need to continue legal proceedings, the Constitutional Court also did not find the existence of a significant threat to public interests, as well as the constitutional significance of the legal issue under consideration.

Thus, taking into account the fact that the Minister’s order has lost its force, the principle of dispositiveness and the applicant’s request for the termination of the legal proceedings, as well as the fact that there are no circumstances due to which the legal proceedings in



the case should be continued, the Constitutional Court recognized that there is a reason to terminate the legal proceedings in the case.

Case No. 2023-03-01

Information about the case

On 7 November 2023 the Constitutional Court adopted a decision on termination of legal proceedings in Case No. 2023-03-01 “On Compliance of Paragraph two of Article 38 of the Law “On the Time Period of Coming into Force and the Procedures for the Application of the Introduction, Parts on Inheritance Rights and Property Rights of the Renewed Civil Law of 1937 of the Republic of Latvia” with the first sentence of Article 91 of the Constitution and of Paragraphs one and two of Article 38 with the Article 1 and the first and third sentences of Article 105 of the Constitution and Compliance of Paragraph three of Article 42 of the Law “On the Time Period of Coming into Force and the Procedures for the Application of the Introduction, Parts on Inheritance Rights and Property Rights of the Renewed Civil Law of 1937 of the Republic of Latvia” with Article 1 and the first sentence of Article 92 of the Constitution”.

Case No. 2023-03-01 merged two cases initiated on the basis of constitutional complaints by private individuals.

The applications state that the right to use land provided for in the Law “On the Time Period of Coming into Force and the Procedures for the Application of the Introduction, Parts on Inheritance Rights and Property Rights of the Renewed Civil Law of 1937 of the Republic

of Latvia” (hereinafter – the Law of Entry into Force) is unclear and unnecessary. On the other hand, the land use fee is said to be disproportionately low and, when determining it, expenses that reduce the income of the land owner are not taken into account. The applicants believed that the land use fee would be at least six percent of the land’s cadastral value. The legislator, by determining the land use fee and the moment from which it will be applied, also violated the principle of legal equality and the applicants’ right to a fair trial.

The Constitutional Court recognized that the applications contain such a claim, which, among other things, has already been decided in the judgment in Case No. 2022-02-01 – namely, the request for compliance of Paragraphs one and two of Article 38 of the Law on Entry into Force with Article 1 and the first and third sentences of Article 105 of the Constitution. The claim in the present case is therefore identical to that already adjudicated in Case No. 2022-02-01. Taking into account the above and the fact that the Constitutional Court has decided on the validity of the relevant legal provisions, the proceedings on this claim must be terminated.

The Constitutional Court also concluded that the applicants have asked to evaluate the compliance of Paragraph two of Article 38 of the Law on Entry into Force with the first sentence of Article 91 of the Constitution. However, in the judgment in Case No 2022-02-01 it was recognised that there was no need to assess the constitutionality of this provision of law, as it had already been recognised as incompatible with other Articles of the Constitution. In the present case, the applicants have not raised such arguments, and no

such considerations have been established from the case-file, which would indicate the need to assess the compatibility of Paragraph two of Article 38 of the Law on Entry into Force with the first sentence of Article 91 of the Constitution. The opposite of the principle of procedural economy would be a practice where, in the presence of similar factual and legal circumstances, the Constitutional Court would decide on the same issue several times. Thus, the legal proceedings are terminated in this part of the claim as well.

The Constitutional Court also terminated the proceedings in the part of the claim on compliance of Paragraph three of Article 42 of the Law on Entry into Force with Article 1 and the first sentence of Article 92 of the Constitution. The Court held that the legal framework laid down in that provision did not fall within the scope of the principle of *res judicata* and did not affect the applicants' right to a fair trial.

Case No. 2023-12-01

Information about the case

On 7 November 2023 the Constitutional Court adopted a decision to terminate legal proceedings in Case No. 2023-12-01 "On Compliance of Paragraph one of Article 3 of Law "On State Pensions" with the First Sentence of Article 91 and Article 109 of the Constitution".

The case was initiated following an application by the Senate, which is pending in the cassation procedure as an administrative case initiated following a person's application for the issuance of a favorable administrative act on the granting of an old-age pension. The State Social Insurance Agency has refused to grant a pension to the specific person, as it has established that she does not live in Latvia and therefore does not meet all the conditions contained in the disputed norm to grant a state old-age pension.

The applicant indicated that the contested provision, in so far as it provides for granting a state old-age pension only to a person residing in the territory of Latvia, is incompatible with the first sentence of Article 91 and Article 109 of the Constitution. The legislator has not fulfilled the positive obligation arising from Article 109 of the Constitution to ensure the implementation of a person's right to social security in case of old age, because, when adopting the contested provision, he did not observe the principle of legal equality.

The Saeima requested to terminate the proceedings in the case, as the Law of 15 June 2023 "Amendments to the Law "On State Pensions"" had eliminated the infringement of the rights of a person.

The Constitutional Court concluded that by the above amendments the legislator had supplemented Article 3 of the Law "On State Pensions" with Paragraph four. This provision provides that a person who permanently lives outside the territory of Latvia and who does not

have the right to a pension in accordance with the provisions of the first part of this Article, has the right to an old-age and survivor's pension, if in accordance with this law the insurance period required for granting a pension has been accumulated. With these amendments, the legislator has essentially changed the regulation contained in the first sentence of the paragraph one of this Article regarding the circle of persons entitled to the state old-age pension. Thus, the condition contained in the first sentence of Paragraph one of Article 3 of the law "On state pensions" is no longer applicable to persons who until now were denied the right to a state old-age pension only because they lived outside the territory of Latvia at the time of requesting the pension.

At the same time, the Constitutional Court recognised that by the second sentence of Paragraph 81 of the Transitional Provisions of the Law "On State Pensions" the Saeima has also prevented the adverse consequences arising from the violation of rights for a person whose application for the issuance of a favorable administrative act on the granting of an old-age pension is under consideration by the Senate, as well as other for persons who have initiated the protection of their fundamental rights with general means of legal protection. Thus, recognition of the contested provision as invalid from a certain point in the past is not necessary. Moreover, on the basis of the Law of 15 June 2023 on Amendments to the Law "On State Pensions", the State Social Insurance Agency has adopted a decision granting an old-age pension to a person whose application for a favorable administrative act on granting an old-age pension is pending before the Senate. As a result, both the specific person and the State Social Insurance Agency believe that the legal dispute for which the application was submitted has been resolved and there is a reason to terminate the proceedings in the administrative case. Therefore, the Constitutional Court concluded that there are no such circumstances, due to which the proceedings in the case should be continued.

2.8. DECISIONS BY THE PANELS

From January 1 2023 to December 31 2023, 199 applications for initiating a case were submitted to the panels of the Constitutional Court for consideration.

As usual, constitutional complaints account for the largest share of applications. In 2023, 185 constitutional complaints were submitted to the Constitutional Court, which accounted for more than 90 % of all applications received by the Court. About 80 % of the constitutional complaints were submitted by natural persons, the remaining 20 % by legal persons governed by private law (limited liability companies, joint-stock companies, associations, foundations, as well as foreign-registered companies).

As in previous years, the second most active applicant were the courts, whether it was dealing with a specific civil case, an administrative offence case, a criminal case or an administrative case. A total of 13 applications were submitted by the courts. Additionally, one application was submitted by the Ombudsman.

In 2023, the trend observed in previous years continued – the President of Latvia, the Saeima and the Cabinet of Ministers – did not submit applications to the Constitutional Court – in their status as applicants as referred in the Article 17 Paragraph 1 Subparagraphs 1-12 of the Constitutional Court Law, namely. Similarly, in 2023, no applications were received from at least 20 members of the Saeima, a municipal council, The Council of the State Audit Office, the Judicial Council, the Prosecutor General and a judge of the Land Registry Department when registering immovable property or rights related to it in the land register.

As part of state-paid legal aid, in accordance with the Law on State Ensured Legal Aid, legal aid was granted by preparing one application to initiate a case.

The applications submitted covered almost all the fundamental rights contained in Chapter VIII of the Constitution. The applications did not request an assessment of compliance of the contested provisions with Articles 98, 99, 100, 102, 103 and 112 of the Constitution.

According to Article 20 Section 7 of the Constitutional Court Law, a decision on initiating or refusing to initiate a case is adopted within one month from the date of submission of the application. In complex cases, the court can extend this period by up to two months. In 2023, the panels took 12 decisions¹⁷ to extend the time limit for the examination of the application submitted. Of these applications, one was brought by a court of general jurisdiction and the others by private individuals. After an in-depth evaluation and receiving additional information about five applications submitted by private individuals, decisions were made to initiate cases.¹⁸

Article 20 Section 7¹ of the Constitutional Court Law provides that if a panel decides to refuse to initiate a case and a judge – a member of the panel – votes against such a decision of the panel and, in addition, has motivated objections, the examination of the application and the adoption of the decision shall be referred to a hearing session in the full composition of the court. In 2023, one application was examined at the Action Meeting.¹⁹ A decision was taken on this application to open Case No. 2023-04-0106.

In 2023, the panels considered almost 50 resubmitted applications. For five of them²⁰ the panels made a decision to initiate the case.²¹ All of the applications on which these cases were brought were brought by private individuals.

17 For example, in 2022, the Constitutional Court panels adopted 23 decisions on extending the time limit for examining an application, and in 2021 – 11 decisions.

18 Case No. 2023-04-0106, No. 2023-06-01, No. 2023-07-0106, No. 2023-31-01 and No. 2023-39-01.

19 Application for initiation of proceedings No. 231/2022.

20 Case No. 2023-36-03 was initiated by the joint examination of applications No. 132/2023 and No. 133/2023.

21 Case No. 2023-01-03, No. 2023-09-01, No. 2023-34-01, No. 2023-36-03.

All decisions on initiating cases are available in the Article “Initiated and pending cases” of the website of the Constitutional Court under the relevant case.²² However, those decisions on refusal to initiate a case, which indicate significant aspects of the application of the Constitutional Court Law, are published in the Article “Decisions of the Panels on Refusal to Initiate a Case” of the website of the Constitutional Court²³. These decisions allow for a better understanding of the Constitutional Court Law and facilitate the preparation of an application that complies with the requirements of the Law. During the review period were published more than 60 anonymized²⁴ decisions of panels.

Decisions to initiate proceedings

Various legal issues are affected in the proposed cases. As in previous years, the most important cases in 2023 are those relating to fundamental rights. Namely, the proposed cases were related to: tree felling claims; land use rights and fees for the use of such rights; re-receipt of permanent residence permit for citizens of the Russian Federation; prohibition of raising farm animals for the purpose of obtaining fur; the right to an old-age pension for persons whose permanent residence is not in Latvia at the time of requesting a pension; the right to receive general education in minority educational programs; restrictions on the organization of gambling in the administrative territory of Riga; the right of a person to perform the work of a teacher, if he was punished for an intentional less serious criminal offense; the consequences of not submitting the annual report for entrepreneurs who sell the produced electricity within the framework of mandatory procurement; the right of the municipality to regulate the protection of greenery in the city territory; lack of rights for the defender to sign a complaint to the court in an administrative violation case; the rules for the admission of six-year-old children to Grade 1; the right to be an insolvency administrator, if the criminal proceedings against a person for committing an intentional crime have been terminated on a non-rehabilitative basis; the apartment owner's obligation to pay the difference in water consumption of the entire residential building; the right to be a forensic expert, if the criminal proceedings against the person for committing an intentional crime have been terminated on a non-rehabilitative basis.

A case related to tax law issues regarding the right of citizens of other countries to receive real estate tax benefits and a case regarding taxation of lottery and gambling winnings with personal income tax.

The issues of Criminal procedure law are related to the circumstances of the subject of proof in the process of illegally obtained assets, the appeal of court decisions made in the process of illegally obtained property, and

the addition of new evidence in the court of appeals in this procedure.

In 2023, the Constitutional Court also initiated several cases on compliance of the same legal provisions with provisions of higher legal force. The applications for the initiation of such cases contained a request similar to the cases already initiated in court, a description of the factual circumstances and the legal justification. Therefore, in two panel decisions on initiating the case for the sake of procedural economy, it was indicated that it is not necessary to re-invite the institution that issued the contested act to submit a response letter with an outline of the factual circumstances of the case and the legal justification. At the same time, another approach was also used in the decisions of the Constitutional Court panels on initiating cases. Namely, finding that in a similar case the Saeima has already been invited to submit a reply, the Panel invited the Saeima to submit a reply in the event that it receives any additional considerations.²⁵

If the application submitted to the court is recognized as complying with the law of the Constitutional Court, then the Panel initiates the case on its basis. As a result, the decisions to initiate the case usually do not include an extensive assessment of the content or form of the application. However, in some cases the panels have ruled on certain requests of the applicants or have provided new findings on the compliance of the application with the requirements of the Constitutional Court Law.

In 2023, for the first time the Constitutional Court, following a private individual's constitutional complaint, initiated a case regarding the compliance of the Cabinet of Ministers' regulations with the right to live in a favorable environment under Article 115 of the Constitution. The Panel assessed the right of a person to submit such an application and, referring to the case-law of the Court, indicated that not only natural persons, but also associations and groups of persons had the right to apply to the Constitutional Court to challenge the compliance of normative legal acts related to the environment with Article 115 of the Constitution. The Court finds that the applicants are three legal persons governed by private law – two foundations and an association. The foundations aim to protect the natural environment, including flora, fauna, water, air, soil and other natural resources, in particular by preserving important ecological processes, genetic, species and ecosystem diversity, and to promote the reduction and sustainable use of natural resources, building a future where people and nature live in harmony. On the other hand, the purpose of the activity of the association that submitted the application

22 <https://www.satv.tiesa.gov.lv/cases/>

23 <https://www.satv.tiesa.gov.lv/decisions/>

24 Decisions of the panels on applications submitted by private individuals are anonymized.

25 See for example: Decision of 9 February 2023 of the 1st Panel of the Constitutional Court to initiate proceedings on application No. 4/2023 and Decision of 7 December 2023 of the 3rd Panel to initiate proceedings on application No. 183/2023.



is to promote the preservation of conditions that would allow the long-term existence of all bird populations naturally associated with the territory of Latvia. The application also indicated that the applicants had participated in the process of drafting and adopting the contested regulation. The Panel therefore found that the applicants had standing to bring the application.²⁶

The panels' decisions on applications No. 34/2023, No. 36/2023 and No. 59/2023, provide a broader assessment of the moment at which the applicants suffered an infringement of their fundamental rights. In particular, the said applications challenged the ban on raising farm animals for fur, and the law stipulated that this ban would come into force several years later – on 1 January 2028. The panels recognized: even though the disputed provisions stipulate that the ban on the extraction of fur from farm animals will come into effect on January 1, 2028, the applicants must already take steps to reorient their commercial activities and adapt them to the requirements of the contested provisions. Thus, the contested provisions infringe the applicants' fundamental rights already from the date of entry into force of these provisions – 17 October 2022.²⁷

In 2023, many of the panels' decisions on the initiation of the case recognized that the infringement of the fundamental rights of the applicants would occur in the future. These applications challenge the constitutionality of legal provisions regulating the issues of reacquisition of permanent residence permits for citizens of the Russian Federation, as well as the right to receive general education in national minority education programmes.

For example, in the examination of application No. 5/2023, the Panel found that the applicants were

citizens of the Russian Federation who had been issued permanent residence permits on the basis of Article 24 Section 1 Paragraph 8 Article 24 of the Immigration Law. According to the contested provision in force at that time, the permanent residence permits issued to them will expire as of 1 September 2023. However, in order to obtain a permanent residence permit again, applicants were required to submit proof of knowledge of the national language by 1 September 2023, in accordance with Article 24 Section 5 of the Immigration Law.

Referring to the case-law of the Constitutional Court, the Panel recognized that an expected future prejudice could be a ground for initiating and examining a case on its merits only in such cases when the adverse consequences envisaged by the law, which would occur to a person in case of application of a legal provision, would cause substantial damage to him. The Constitutional Court assesses the existence of such an infringement in each individual case and ascertains whether there are grounds to initiate proceedings and to examine the merits of the person's claim. The Panel found that the application provided grounds on which each of the applicants could not fulfil the conditions for a new permanent residence permit. Accordingly, there is a reasonable and credible possibility that the application of the contested provision will have adverse consequences for them in the future, causing them substantial damage.²⁸

However, when examining application No. 63/2023, the Panel recognized that according to the contested provisions, one applicant, from 1 September 2023, and the other applicant, from 1 September 2025, would have to learn the content of education at the primary education level only in Latvian. Under the previous

²⁶ Decision of 27 January 2023 of the 3rd Panel of the Constitutional Court on initiating proceedings on application No. 229/2022.

²⁷ Decision of the 3rd Panel of the Constitutional Court of 23 March 2023 on initiating proceedings on application No. 34/2023; Decision of the 1st Panel of 1 April 2023 on initiating proceedings on application No. 36/2023; Decision of the 3rd Panel of 9 May 2023 on initiating proceedings on application No. 59/2023.

²⁸ Decision of 8 March 2023 of the 2nd Panel of the Constitutional Court on initiating proceedings on application No. 5/2023.

legal framework, the applicants would have acquired no less than 50 percent of the curriculum in the national language by Grade 6, and 80 percent between Grades 7 and 9. Thus, the applicants will in future be obliged to receive their primary education in the national language only and their fundamental rights will be infringed.²⁹

As in previous years, the legal grounds of the applications received in 2023 were not always sufficient to enable the Court to rule on the compatibility of the contested regulation with all the provisions of higher legal force invoked by the applicant. In particular, in several cases the applicant has requested an assessment of the conformity of the contested provision with several legal provisions of higher legal force, however, the Panel has adopted a decision to initiate a case³⁰ only in respect of some of them. For example, in Application No. 36/2023, the applicant requested the Constitutional Court to assess the compliance of the contested provisions with Articles 16 and 17 of the Charter of Fundamental Rights of the European Union. The contested provisions provided for a prohibition on breeding livestock for the purpose of fur production.

In examining this request, the Panel referred to the case-law of the Constitutional Court and recognized that the legislator's aim to achieve harmony of the human rights provisions contained in the Constitution with the provisions of international law derives from Article 89 of the Constitution. The international human rights provisions binding on Latvia and the practice of their application at the level of constitutional law serve as a means of interpretation to determine the content and scope of fundamental rights and principles of the rule of law, insofar as this does not lead to the reduction or limitation of the fundamental rights contained in the Constitution. If the application seeks an assessment of the compatibility of the contested provision with international legislation, which provides regulation in the field of human rights, it must be justified that these international legislation provide for a different scope of fundamental rights protection than the Constitution and therefore the contested provision's compliance with these international legislation should be assessed in addition to or separately from the assessment on their compliance with the Constitution. No such justification is provided in the application.

Consequently, the Panel recognized that the request to assess the compliance of the contested provisions with Articles 16 and 17 of the Charter of Fundamental Rights of the European Union did not meet the requirements set out in Article 18 Section 1 Paragraph 4 of the Constitutional Court Law.³¹

When examining the applications No. 81/2023, No. 85/2023 and No. 86/2023 and deciding on whether the applicants had complied with the time limit for submitting an application to the Constitutional Court, the panels applied the findings included in the decision of the Constitutional Court of 8 March 2023 on discontinuance of proceedings in Case No. 2022-25-05. In particular, in this decision the court had already indicated how the time limit for filing an application in court against a spatial plan should be calculated in the case when a person has applied to the Ministry of Environmental Protection and Regional Development in accordance with Article 27 of the Law on Spatial Development Planning, the Minister of Environmental Protection and Regional Development (hereinafter – the Minister) has adopted an order on suspension of the spatial plan, but later the Minister has revoked this order by another order.

The Court recognised that under Article 19³ Section 2 of the Constitutional Court Law the legislator had established a deadline for submitting an application, but had not regulated the legal situation when an order on suspension of the operation of a spatial plan was later revoked by the Minister. Thus, in order to ensure protection of the rights of persons who have applied to the Ministry of Environmental Protection and Regional Development in accordance with the procedure established in Article 27 of the Territorial Development Planning Law, they should retain the right to apply to the Constitutional Court. In other words, when checking whether the six-month time limit has been complied with, the suspension of the operation of the plan is deemed to have suspended the six-month time limit for lodging a constitutional complaint.

In applications No. 81/2023, No. 85/2023 and No. 86/2023 the constitutionality of Subparagraph 6.8 of the Riga Spatial Plan Land Use and Development Regulations approved by Riga City Council Binding Regulation No. 103 of 15 December 2021 “Binding Regulations on the Spatial Use and Development of the City of Riga” (hereinafter – Regulation No. 103) was contested. The applications alleged that, in accordance with this provision, the Riga City Council has, in essence, deprived the applicants of the right to carry out a certain type of commercial activity in the territory of the City of Riga – to organise gambling.

The panels noted that Regulation No. 103 was issued, inter alia, on the basis of the Law on Spatial Development Planning. The Minister suspended the operation of Regulation No. 103 by order, but this order was later revoked by another order of the Minister.

29 Decision of 19 May 2023 of the 4th Panel of the Constitutional Court on initiating proceedings on application No. 63/2023.

30 See for example: Decision of the 4th Panel of the Constitutional Court of 22 February 2023 on initiating proceedings on application No. 11/2023; Decision of the 2nd Panel of 19 May 2023 on initiating proceedings on application No. 73/2023; Decision of the 4th Panel of 14 November 2023 on initiating proceedings on application No. 172/2023.

31 Decision of 6 April 2023 of the 1st Panel of the Constitutional Court on initiating proceedings on application No. 36/2023.



Regulation No. 103 entered into force on 22 December 2021. These provisions were suspended by Ministerial Order No. 1-2/2224 of 22 March 2022 and reinstated by Ministerial Order No. 1-2/915 of 15 February 2023. The applications were received by the Constitutional Court on 3, 11 and 12 May 2023, respectively. The panels therefore found that the applicants had complied with the statutory time limit and procedure for submitting their application.³²

In the application for initiation of the Case No. 65/2023, the applicant requested the Constitutional Court to ensure anonymity of both herself and her legal representative in the Constitutional Legal proceedings and to establish that the documents attached to the application had limited accessibility. The request was based on the fact that the application and the accompanying documents contained information on the applicant's state of health.

The Panel held that the information about the applicant's state of health fell within the scope of the right to privacy of a person contained in Article 96 of the Constitution and, together with personally identifiable information, constituted personal data within the meaning of Article 4 Paragraph (1) of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EK (General Data Protection Regulation).

The Panel concluded that the disclosure of the applicant's health data and of her and her legal representative's identifying data would cause such harm to the applicant's rights and legitimate interests as to outweigh the public benefit. In the present case, the Constitutional Court does not need to disclose this information in order to exercise its competence and perform its statutory duties. Consequently, restricted access to information on the identity of the applicant and her legal representative, as well as to the documents attached to the application on the applicant's state of health was established, which is valid until the Constitutional Court adopts its final ruling.³³

In Application No. 91/2023, the applicants requested the Constitutional Court to suspend the execution of the decision of the court of general jurisdiction. With this decision among other things, it was decided to recognize the arrested real estate belonging to the applicants as criminally acquired property, to confiscate them and to transfer the obtained financial funds to the state budget.

The request is based on the fact that the execution of the decision before the ruling of the Constitutional Court comes into effect will cause them significant damage and make the execution of the ruling of the Constitutional Court virtually impossible. The amount obtained at real estate auctions is usually lower than the property's market price, and it is not possible to compensate for the investment of personal time and effort. The

³² Decision of 30 May 2023 of the 2nd Panel of the Constitutional Court to initiate proceedings on application No. 81/2023; Decision of 8 June 2023 of the 2nd Panel to initiate proceedings on application No. 85/2023 and Decision of 5 June 2023 of the 4th Panel to initiate proceedings on application No. 86/2023.

³³ Decision of 19 May 2023 of the 2nd Panel of the Constitutional Court on initiating proceedings on application No. 65/2023.

legislation does not provide a mechanism for the injured owner of the property to obtain compensation for the confiscated property if the confiscation is found to be unlawful. The only way to recover the funds is to take legal action against the state under the Civil Procedure Law. However, such a process is said to be related to the preparation of a motivated, legal claim, often years-long legal proceedings, and the payment of a state fee for filing a claim in court.

The Panel first of all drew the attention of the applicants to the fact that recognition of the disputed norms as inconsistent with the first and second sentences of Article 92 of the Constitution will not in itself mean that property issues in the process of criminally acquired property or in the relevant criminal process after its consideration will be resolved in the manner desired by the applicants. In addition, if any of the conditions specified in Paragraphs one and two of Article 4 of the Law on Compensation for Damage Caused in Criminal Proceedings and Administrative Offence Proceedings, the applicants have the right to request compensation for damages after the completion of the criminal proceedings. However, the possible length of the proceedings or the obligation to pay a state fee if the action against the State is brought under the Civil Procedure Law does not in itself mean that the procedure laid down in that law is ineffective. Thus, from the submitted request and the documents attached thereto, the Panel did not find any confirmation that there existed such exceptional circumstances, due to which the execution of the decision of the court of general jurisdiction could render the execution of the Constitutional Court's ruling impossible or cause such substantial damage to the applicants, which would hinder the protection of their fundamental rights within the framework of the case initiated before the Constitutional Court. The Panel therefore held that the request should be rejected.³⁴

However, in Application No. 3/2023, the applicants requested the Constitutional Court to examine the case in priority order. The Panel noted that the Court examines cases within the time limit established by the Constitutional Court Law. Pursuant to Paragraph ten of Article 22 of this Law, the court shall decide on the time and place of the hearing after the case has been referred to a hearing. The Panel therefore held that it did not

have jurisdiction to rule on the request for priority treatment and that the request should be dismissed.³⁵

Decisions refusing to initiate a case

In 2023, the Constitutional Court adopted 167 decisions refusing to initiate a case.³⁶ The legal grounds for refusal to initiate a case are laid down in Article 20 Section 5 and 6 of the Constitutional Court Law.

Jurisdiction of the Constitutional Court

Article 20 Section 5 Paragraph 1 of the Constitutional Court Law provides that the Panel has the right to refuse to initiate a case if it does not fall within the jurisdiction of the Constitutional Court. In 2023, this rule was applied in just over 10 decisions on refusal to initiate a case.

The Court's competence is established by Article 85 of the Constitution and the Constitutional Court Law. The cases to be examined by the Constitutional Court are exhaustively specified in Article 16 of the said Law. It follows from the decisions adopted in 2023 that the Constitutional Court does not have jurisdiction over, for example, the following claims:

- 1) declare certain Paragraphs of the Cabinet of Ministers' Order No. 720 of 9 October 2021 "On Declaring a State of Emergency" as unconstitutional. The panel recognized that the regulation included in the order is considered a general administrative act and control over it is exercised by the administrative court;³⁷
- 2) evaluate the mutual contradiction of legal norms of equal legal force;³⁸
- 3) exempt the applicant from paying the state fee for submitting a constitutional complaint. The panels recognised that the Law on the Constitutional Court does not provide for a state fee for filing a constitutional complaint. Thus, the Constitutional Court has no competence to decide on the exemption of the applicant from payment of the state fee;³⁹
- 4) to evaluate the legality of various decisions of state administrative institutions;⁴⁰

34 Decision of 27 June 2023 of the 4th Panel of the Constitutional Court on initiating proceedings on application No. 91/2023.

35 Decision of the 4th Panel of the Constitutional Court of 6 March 2023 on initiating proceedings on application No. 3/2023.

36 In 2021, the Constitutional Court panels adopted 252 decisions on refusing to initiate a case, and in 2022 – 179 decisions.

37 Decision of 23 March 2023 of the 4th Panel of the Constitutional Court refusing to initiate proceedings on application No. 27/2023.

38 Decision of 26 January 2023 of the 4th Panel of the Constitutional Court refusing to initiate proceedings on application No. 7/2023; Decision of 22 February 2023 of the 2nd Panel refusing to initiate proceedings on application No. 9/2023; Decision of 5 June 2023 of the 4th Panel refusing to initiate proceedings on application No. 87/2023; Decision of 13 July 2023 of the 4th Panel refusing to initiate proceedings on application No. 115/2023.

39 Decision of 11 April 2023 of the 2nd Panel of the Constitutional Court refusing to initiate proceedings on application No. 33/2023; Decision of 22 May 2023 of the 1st Panel refusing to initiate proceedings on application No. 80/2023; Decision of 27 June 2023 of the 4th Panel refusing to initiate proceedings on application No. 99/2023; Decision of 28 June 2023 of the 3rd Panel refusing to initiate proceedings on application No. 102/2023.

40 Decision of 11 April 2023 of the 2nd Panel of the Constitutional Court refusing to initiate proceedings on application No. 33/2023; Decision of 28 June 2023 of the 3rd Panel refusing to initiate proceedings on application No. 102/2023.

5) inform the authorities of the circumstances of the constitutional complaint and inform the applicant of the validity of the document issued to him;⁴¹

6) impose an obligation to terminate an illegal activity;⁴²

7) to oblige the issuer of the contested legal provision to specify the legal regulation;⁴³

8) declare the actions of the administrative court and the public prosecutor's office unlawful.⁴⁴

The applicant is not entitled to submit an application

Article 20 Section 5 Paragraph 2 of the Constitutional Court Law provides that the Constitutional Court may refuse to initiate a case if the applicant is not entitled to submit an application. This provision has not been applied in any decision of the Panel in 2023. Article 20 Section 5 Paragraph 2 of the Constitutional Court Law has been applied by the panels in the past only in rare exceptional cases – for example, in 2021 and 2022 this provision was applied only once.

Non-compliance of the application with the requirements of the Constitutional Court Law

Article 20 Section 5 Paragraph 3 of the Constitutional Court Law provides that the Constitutional Court may refuse to initiate a case if the application does not comply with this law requirements of Article 18 or 19-19³. This provision of law is applied most frequently in the decisions of the panels refusing to initiate proceedings.

The application does not substantiate the infringement of a fundamental right

From Section 1 and the Paragraph 1 under Section 6 of the Article 19² of the Constitutional Court Law follows the obligation of the applicant of a constitutional complaint to substantiate that the contested provision infringes the fundamental rights established in the Constitution. In the decisions of the panels it has been repeatedly indicated that an infringement of fundamental rights of a person is to be established if: first, the person has specific fundamental rights established in the Constitution, i.e. the contested provision falls within the scope of the specific fundamental rights; second, the contested provision directly infringes the fundamental rights established in the Constitution. In 2023, on the basis of these provisions of the Constitutional Court Law, the panels

adopted more than 70 decisions refusing to initiate proceedings in respect of the entire application or in respect of a claim contained therein. As in previous years, in 2023 a large proportion of these decisions concerned cases where: a person brings an action in the general interest (*actio popularis*); a person does not challenge the constitutionality of a legal provision, but rather the substantive interpretation and application of that provision. The considered provisions of the Law of the Constitutional Court are also applied in the case when the Panel cannot establish whether and exactly when the contested provision caused a violation of the basic rights of a person contained in the Constitution.

As an example of a situation when a person applies to the Constitutional Court with a complaint for the benefit of the general public (*actio popularis*), application No. 47/2023 can be mentioned. The applicant asked the court to declare Article 37 of the law “On the Time Period of Coming into Force and the Procedures for the Application of the Introduction, Parts on Inheritance Rights and Property Rights of the Renewed Civil Law of 1937 of the Republic of Latvia” as inconsistent with the Constitution. This provision stipulates that a private will made before 30 June 2014 and complying with the conditions of Article 30 of this Law shall be recognised as having entered into legal force if the testator submits it for safekeeping to a sworn notary public.

The application alleged that this provision infringed the applicant's grandmother's right to bequeath her immovable property. In particular, her grandmother, when making her will, was guided by the law in force at the time and relied on the fact that her last will would be respected.

The board recognized that the application regarding the compliance of Article 37 of the said law with the Constitution was submitted for the protection of the interests of another person – the applicant's grandmother. It does not provide any reasoning as to how Article 37 of the Law infringes the fundamental rights of the applicant, and not those of her grandmother, as enshrined in the Constitution. Therefore, the application in relation to this legal norm was recognized as non-compliant with the requirements set out in Paragraph one and Paragraph 1 of Paragraph six of Article 19² of the Constitutional Court Law.⁴⁵

41 Decision of 22 May 2023 of the 1st Panel of the Constitutional Court refusing to initiate proceedings on application No. 80/2023; Decision of 27 June 2023 of the 4th Panel refusing to initiate proceedings on application No. 99/2023; Decision of 28 June 2023 of the 3rd Panel refusing to initiate proceedings on application No. 102/2023.

42 Decision of 21 August 2023 of the 2nd Panel of the Constitutional Court refusing to initiate proceedings on application No. 135/2023; Decision of 3 October 2023 of the 3rd Panel refusing to initiate proceedings on application No. 155/2023; Decision of 5 December 2023 of the 4th Panel refusing to initiate proceedings on application No. 180/2023.

43 Decision of 23 October 2023 of the 2nd Panel of the Constitutional Court refusing to initiate proceedings on application No. 158/2023.

44 Decision of 16 November 2023 of the 3rd Panel of the Constitutional Court refusing to initiate proceedings on application No. 171/2023.

45 Decision of 25 April 2023 of the 4th Panel of the Constitutional Court on refusal to initiate proceedings on application No. 47/2023.



The issues of application of legal norms were touched upon in the decision of the panel on application No. 217/2022. The application challenged the constitutionality of Subparagraph 12.3 of Binding Regulation No. 146 of 28 April 2015 “Binding Regulations on the Maintenance of the Territory and Structures of the City of Riga”. According to this provision, the applicant was obliged, *inter alia*, to ensure the maintenance of the fence in the real estate in a visual order. She was given an administrative penalty for failing to comply with this obligation.

The applicant has indicated that a construction process has been initiated on its immovable property. This process and the administrative liability for infringements thereof are regulated by the Construction Law, Article 25 of which provides for administrative liability for unauthorized construction. However, The Riga City Council, by extending the contested provision also to an object where construction works are being carried out, has infringed the limits of the authorization established by the law. Namely, this norm, which demands the immediate fulfillment of the requirements contained in it from the applicant, is unjustifiably applied to such construction objects where construction works are carried out.

The Panel recognized that the application does not confirm that it was the contested provision, and not its application, that caused her violation of the fundamental rights contained in the Constitution. The Constitutional Court does not examine questions of interpretation and application of legal provisions. Thus, the considerations contained in the application about the actions of the municipality of Riga and the court in applying the disputed norm cannot be the basis for initiating the case in the Constitutional Court. Consequently, the Panel concluded that the application did not comply with the requirements set

out in Paragraph one and Paragraph 1 of Paragraph six of Article 192 of the Constitutional Court Law.⁴⁶

However, in Application No. 16/2023, the applicants requested the Constitutional Court to declare several provisions of the Public Procurement Law incompatible with several provisions of the Constitution. The contested provisions of the Public Procurement Law introduced new rules on exclusion of candidates and tenderers in the field of public procurement.

The application indicates that the contested provisions are incompatible with Article 90 of the Constitution, since it is not possible to predict their application and it is not clear whether, for example, in the case of the applicants, they will not be deprived of the right to participate in public procurement. The contested provisions are also incompatible with Article 92 of the Constitution, since the legislator has not established a procedure for the contracting authorities to exclude candidates from further participation in public procurement. They are also inconsistent with the principle of the presumption of innocence, as they provide for the exclusion of tenderers from further participation in a public procurement procedure only on the basis of a decision of the authority.

The Panel noted that the infringement of the fundamental rights of a person in the meaning of the Constitutional Court Law must be understood in the sense that the contested provisions have created or are creating adverse consequences for the applicant. However, from the facts mentioned in the application, it can be concluded that the disputed provisions are not suitable for the applicants and whether and in what way they will be applied is currently their assumption. The contested provisions do not have any adverse legal consequences for the applicants at the time of filing the application. The fact that the applicants may

46 Decision of 10 January 2023 of the 3rd Panel of the Constitutional Court refusing to initiate proceedings on application No. 217/2022.

in the future come within the scope of the contested provisions does not affect this circumstance and the current legal situation.

The Panel also drew the applicants' attention to the fact that, if the applicants consider that an infringement of their fundamental rights is foreseeable in the future, they must provide reasons for the fact that they will inevitably be affected by the restriction. It must also be substantiated that the adverse legal consequences which would result from the application of the contested provisions would cause them substantial damage. Consequently, the application was declared incompatible with the requirements of Section 1 and Paragraph 1 of the Section 6 of the Article 19² of the Constitutional Court Law.⁴⁷

The applicant has not exhausted the general legal remedies

Article 19² Section 2 of the Constitutional Court Law provides that a constitutional complaint may be submitted only if all opportunities to defend the violated rights with general legal remedies have been used – a complaint to a higher institution or a higher official, as well as a complaint or claim application to the general jurisdiction or administrative to the court – or the person does not have such opportunities. This provision provides for the obligation of the applicant to exhaust all available general remedies before applying to the Constitutional Court. In 2023, on the basis of Article 19² Section 2 of the Constitutional Court Law, the panels adopted four decisions on refusal to initiate a case.

In Application No. 202/2022, the applicant requested the Constitutional Court to assess the constitutionality of several provisions of Binding Regulation No. 34 of 20 December 2005 “Regulations on the Use and Development of the Territory of Riga” and Binding Regulation No. 38 of 7 February 2006 “Regulations on the Use and Development of the Historic Centre of Riga and its Protection Zone” of the Riga City Council.

It appeared from the application and the documents annexed to it that the applicant is an electronic communications entrepreneur who provides electronic communications services. In order to develop these services, the applicant needs an electronic communications network, including cable lines. According to the contested provisions, it is not permissible to construct overhead cable lines, but it is difficult to construct cable lines underground, since the construction of new infrastructure is expensive and is also hampered by building restrictions. However, infrastructure built by other operators cannot be used due to various obstacles and circumstances. Thus, the contested provisions prevented the applicant from continuing to provide electronic communications services and, accordingly, restricted her right to property included in Article 105 of the Constitution.

The Panel acknowledged that according to the normative acts regulating the construction and installation of electronic communications engineering structures, a project should be developed for the installation of an electronic communications network. First, the design process involves research and selection of the best design solution. Secondly, the project must be subject to a procedure for approval and an administrative act of the public authority. Thirdly, a person may challenge an administrative act unfavorable to the addressee in the construction process before a higher authority and appeal to an administrative court. An application for the issuance of an administrative act can be an effective means of legal protection, because the administrative court, within the framework of the case review, not only specifies all the circumstances of the actual case in question, but also determines the legal norms applicable to this case. Within the framework of legal remedies, the institution and the court can make evaluative conclusions both about the conflict of legal norms and about the proportionality of the legal consequences of legal norms in an individual situation, as well as to ensure the protection of legal expectations of a person. Thus, it is possible to achieve a substantive result in the construction administrative procedure which would remedy the alleged infringement of the applicant's fundamental rights. Consequently, it has access to general remedies for the protection of its rights and the application does not comply with the requirements laid down in Article 19² Section 2 of the Constitutional Court Law.⁴⁸

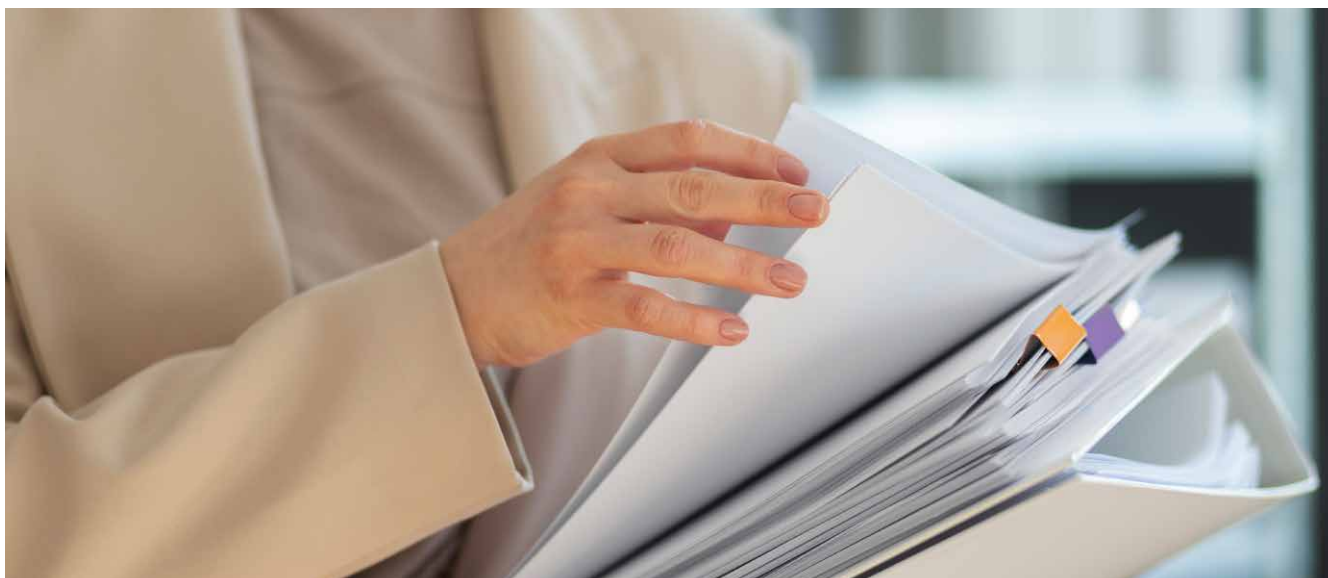
In Application No. 100/2023, the applicant requested the Constitutional Court to assess the constitutionality of Paragraph seven of Article 11⁹ of the Law “On Personal Income Tax”. This provision stipulated: if the real estate was acquired by renewing the property rights, then the cadastral value of the said real estate is considered the acquisition (acquisition) value.

The applicant indicated that the acquisition value of immovable property determined in accordance with the contested norm does not correspond to the actual market value of immovable property and the cadastral value of immovable property, but reflects its value in 2012-2013. Therefore, in the opinion of the applicant, the tax calculated according to the contested provision is unfair and his right to property is violated.

The Panel, referring to the case-law of the Senate, recognized that in accordance with Article 23 Section 3 and Article 30 Paragraph 3 of the Law “On Personal Income Tax”, if the payer mistakenly paid a larger amount of tax into the budget in the summary procedure than the amount prescribed by law, the payer has the right to request the State Revenue Service to refund the tax amount that was overpaid or erroneously paid in a summary procedure. This is an independent right of taxpayers, enforceable by an action

47 Decision of 23 February 2023 of the 1st Panel of the Constitutional Court refusing to initiate proceedings on application No. 16/2023.

48 Decision of 12 January 2023 of the 4th Panel of the Constitutional Court refusing to initiate proceedings on application No. 202/2022.



for a favorable administrative act. Thus, a application to the State Revenue Service and an application to the administrative court for the issuance of a favorable administrative act are general remedies available to the taxpayer in the event that the taxpayer disagrees with the existence of the tax liability or its amount.

In the administrative process in the institution (higher institution) and the court, the specific amount of the tax liability imposed on a private person and the correctness of the fulfillment of the obligation are finally clarified. Administrative courts evaluate all legal and factual issues relevant to the case and examine the appealed administrative acts from both procedural and substantive points of view. Administrative proceedings involve comprehensive judicial review of executive decisions. Thus, proceedings before an administrative court cannot be recognised as an ineffective remedy within the meaning of the Constitutional Court Law.

In the opinion of the applicant, the contested provision requires that the acquisition value of real estate be considered its cadastral value, which is calculated by applying the cadastral value base, determined based on real estate market information in 2012-2013. The applicant stated that he does not object to the obligation to pay personal income tax on the income from the expropriation of real estate, but objects to the method of calculating the capital gain specified in the contested norm in the case when the real estate is acquired by restoring ownership rights.

In considering these considerations, the Panel noted that how the acquisition value of immovable property is to be determined in the present case depends on the application of the law in the particular situation. The disputed provision determines only that the cadastral value (current) of the said real estate is considered to be the acquisition (acquisition) value of the real estate in case the real estate was acquired by renewing the

property rights. However, Paragraph 88 of the Cabinet Regulation No. 899 adopted 21 September 2010 "Procedure for Application of Provisions of the Law "On Personal Income Tax"" provides that in such a case the cadastral value (current) of immovable property is determined as of 1 January of the current year. In the case under consideration, whether the applicant's income from the expropriation of real estate is taxable, as well as the applicable method of calculating capital gains, the acquisition value of the real estate used for calculating the tax, and the specific amount of the tax liability can be determined by the State Revenue Service, deciding on overpaid or erroneously paid tax repayment. Thus, before applying to the Constitutional Court, the applicant had real and effective possibilities to defend his fundamental rights by means of general legal remedies, but he did not make use of these possibilities. Consequently, the Panel concluded that the application did not comply with the requirements established under the Article 19² Section 2 of the Constitutional Court Law.⁴⁹

The applicant missed the deadline for submitting the application

Article 19² Section 4 of the Constitutional Court Law provides that a constitutional complaint may be lodged within six months after the entry into force of the decision of the last institution or, in the event that it is not possible to defend the fundamental rights established in the Constitution through general legal remedies, –within six months from the moment when the fundamental rights were infringed. In 2023, the panels adopted six decisions on the refusal to open a case on the basis of that legal provision.

In Application No. 124/2023, the applicant challenged the constitutionality of Article 403 of the Criminal Procedure Law. This provision stipulates that a decision to hold a person criminally liable cannot be appealed. The application indicated that the decision by which a

49 Decision of 28 June 2023 of the 1st Panel of the Constitutional Court refusing to initiate proceedings on application No. 100/2023.



person was held criminally liable was unlawful, but the contested provision precluded an appeal against it. This infringes his right to a fair, impartial and independent review of the legality of the decision. In addition, if an illegal decision to bring a person to criminal liability is not appealable, then the court cannot be fair or objective in the trial of a criminal case based on an unfounded accusation.

The Panel stated that in the specific case, the moment of violation of the applicant's fundamental rights is considered to be the beginning of the deadline for filing a constitutional complaint, that is, the moment when the decision to bring him to criminal responsibility was made. The application was handed over to the prison administration in July 2023, while the applicant had already been served with a copy of the indictment more than two years earlier – in June 2021. Thus, the applicant has missed the six-month deadline for filing a constitutional complaint and the application does not meet the requirements specified in the second sentence of Section 4 of Article 19² of the Constitutional Court Law.⁵⁰

In Application No. 84/2023 the applicants contested compliance of several provisions of the Cabinet Regulation No. 404 adopted 19 June 2007 "Procedures for the Calculation and Payment of Natural Resources Tax, the Issuance of Permits for Use of Natural Resources and the Auditing of Management Systems" with the first sentence of Article 91 of the Constitution

and Paragraph two of Article 17 of the Water Management Law. The contested provisions established the procedure for calculating the natural resources tax. The application states that these norms impose a higher tax burden on hydroelectric power plants with a total installed capacity of a hydro node of less than two megawatts and located on rivers with a lower water fall than on hydroelectric power plants with a total installed capacity of a hydro node of more than two megawatts located on rivers with greater water fall.

The Panel noted that the comparator groups indicated by the applicants – entrepreneurs producing electricity at hydroelectric power plants with a total installed capacity of less than two megawatts and entrepreneurs producing electricity at hydroelectric power plants with a total installed capacity of more than two megawatts – were established on 1 January 2017. That is, at the time when the law "Amendments to the Law on Natural Resources" of 15 December 2016 entered into force. The violation of the fundamental rights defined in the first sentence of Article 91 of the Constitution occurs when the different treatment provided for in the contested provision manifests itself, that is, when, due to the contested provision, a person finds himself in a legal or factual situation that differs from the situation in which a person in the same and comparable circumstances according to certain criteria is in (group of persons) to which a different legal regulation applies. Thus, in the given case, the time-limit for submitting an application for compliance of the contested provisions with

50 Decision of 27 July 2023 of the 1st Panel of the Constitutional Court refusing to initiate proceedings on application No. 124/2023.

Article 91 of the Constitution is to be counted from the moment when the infringement of fundamental rights occurred, i.e. from 1 January 2017. The application was received by the Constitutional Court on 5 May 2023. Therefore, the panel recognized that the mentioned deadline was not observed.

The application also points out that Article 19¹ of the Natural Resources Tax Law entered into force on 1 January 2014 in conjunction with the amendments to Article 17 of the Water Management Law. Although the authorization to adopt the contested provisions is contained in Article 19¹ of the Natural Resources Tax Law, the said provision and the amendments made to Paragraph two of Article 17 of the Water Management Law had a common objective – to introduce a regulation according to which the Cabinet of Ministers would be obliged to determine the method for calculating the natural resources tax. Consequently, according to the applicants, the Cabinet of Ministers, by adopting the contested provisions, has also failed to observe the limits of its authority established in Article 17, Paragraph two of the Water Management Law.

However, The Panel took into account that by Cabinet Regulation No. 27 adopted 14 January 2014 “Amendments to Cabinet Regulation No. 404 adopted 19 June 2007 “Procedures for the Calculation and Payment of Natural Resources Tax, the Issuance of Permits for Use of Natural Resources and the Auditing of Management Systems”, which entered into force on 24 January 2014, the regulations were supplemented with the contested provisions in the wording contested in the application. Thus, in the given case, the time limit for filing an application for compliance of the contested provisions with Paragraph two of Article 17 of the Water Management Law is to be counted from 24 January 2014, when the Cabinet of Ministers established the procedure for calculation of the natural resources tax. Therefore, the panel recognized that the mentioned deadline was not observed in relation to the evaluation of the compliance of the contested provisions with the Paragraph two of Article 17 of the Water Management Law and the application does not meet the requirements set out in the second sentence of Paragraph four of Article 19² of the Constitutional Court Law.⁵¹

The application does not contain a legal basis

Article 18 Section 1 Paragraph 4 of the Constitutional Court Law provides that the application must state the legal grounds. Finding that the application did not provide this, the panels took just over 40 decisions in 2023 refusing to initiate a case. The mentioned ground for refusal is basically applied in the case of constitutional complaints.

The applications for which the panel made the above-mentioned decisions are characterized by their relatively concise presentation of content. Namely, the

applicant provides a statement of the facts of the case and a general opinion on the content of the specific constitutional provision and the contested provision, as well as cites, for example, other legal provisions, case-law of courts or conclusions of legal doctrine. The panels do not consider such considerations to constitute legal grounds for the application within the meaning of the Constitutional Court Law. Also, in some cases, the panels have applied Article 18 Section 1 Paragraph 4 of the Law on the Constitutional Court in a situation where the applicant, referring to the case-law of the Constitutional Court applicable to the specific case and the criteria for the constitutionality of legal provisions used in it, analyzed only some of their elements.

In Applications No. 122/2023 and No. 123/2023, the applicants requested the Constitutional Court to declare the words “apartment dwelling” and “apartment owners” used in the Law on Ending Compulsory Divided Property in Privatized Apartment Houses as incompatible with Article 1 and the first sentence of Article 91 of the Constitution. The aforementioned law determines the procedure for terminating the forcibly divided property in which the multi-apartment residential building and the plot of land are located.

In the view of the applicants, the contested words do not comply with the principle of the protection of legitimate expectations enshrined in the Article 1 of the Constitution.

Referring to the case-law of the Court, the Panel of the Constitutional Court noted that, in accordance with the principle of protection of legitimate expectations, State institutions should be consistent in their activities with regard to normative acts issued by them and should respect the legitimate expectations that persons might have in accordance with a particular legal provision. Under this principle, an individual can rely on the permanence and immutability of a lawfully enacted rule of law. However, the principle of the protection of legitimate expectations does not exclude the possibility of amending the existing legal framework. The opposite approach would lead to a failure of the state to respond to changing living conditions. In order to assess whether a legal act derogating from a right conferred on a person is compatible with the principle of the protection of legitimate expectations, it is necessary to establish: 1) whether the person has a legitimate expectation that a particular right will be preserved or exercised and 2) whether a reasonable balance has been struck between protecting the person’s legitimate expectation and safeguarding the public interest. On the other hand, in order to find out whether a person had a legal reliance on the preservation or implementation of a specific right, it is necessary to assess whether a person’s reliance on a legal provision is legal, justified and reasonable, and whether the legal framework is, by its nature, sufficiently fixed and unchanging to be trusted.

51 Decision of 30 May 2023 of the 1st Panel of the Constitutional Court refusing to initiate proceedings on application No. 84/2023.

The applicants have indicated that they relied on the Cabinet of Ministers' Order No. 210 of 7 May 2019 "On the Government Action Plan for the Implementation of the Declaration on the Planned Actions of the Cabinet of Ministers headed by Artūrs Krišjānis Kariņš" and the annotation of the draft law "Law on Ending Forced Shared Ownership in Privatized Apartment Houses". However, the panel recognized that the applications did not indicate a specific legal provision that granted the applicants any rights and on whose permanence and immutability they relied. Also, the applications do not contain the legal justification for whether the applicants' reliance on such a legal provision was legal, justified and reasonable, and whether the legal framework is, by its nature, sufficiently fixed and unchanging to be trusted. In addition, the applications do not provide the legal justification for why a reasonable balance between the protection of a person's legal trust and the provision of public interests has not been observed in the specific situation.

Consequently, the panels held that the applications in the part concerning the alleged incompatibility of the contested words with Article 1 of the Constitution did not comply with the requirements established under Article 18 Section 1 Paragraph 4 of the Constitutional Court Law.⁵²

The application does not comply with other requirements laid down by the Constitutional Court Law

Article 18 of the Constitutional Court Law sets out the general requirements to be complied with by each applicant.

In Application No. 26/2023, the applicant requested the Constitutional Court to declare the Cabinet Regulation No. 451 adopted 26 June 2012 "Regulations on Compensation Fees for Sworn Bailiffs" as incompatible with Article 105 of the Constitution.

Referring to the case-law of the Constitutional Court, the Panel noted that, in accordance with the principle of the application contained in the Constitutional Court Law, the court was not entitled to initiate proceedings on its own initiative without an application containing a specific claim. However, in the application the applicant did not specify specific provisions of the contested provisions, compliance of which with Article 105 of the Constitution the court should assess. It is also not clear from the documents attached to the application which specific provisions of the contested regulations could cause infringement of his fundamental rights for the applicant. Thus, the mentioned demand is unclear, and also, when interpreted reasonably, the legal provision whose compliance with the Constitution should be reviewed by the Constitutional Court cannot be identified. Consequently, the Panel held that the claim

contained in the application did not comply with the requirements established under Article 18 Section 1 Paragraph 5 of the Constitutional Court Law.⁵³

In Application No. 96/2023 it was requested to assess compliance of Article 267 of the Civil Procedure Law with several provisions of the Constitution. The contested provision regulates issues related to the determination of forensic expertise.

The Panel noted that the application had been submitted by the Society and had been signed by the President of the Council of the Society. However, from the content of the application and the information available in the Court Information System, it can be inferred that the Society applies to the Constitutional Court for protection of fundamental rights of its member.

The Panel recognized: in order to assess whether the association is entitled to submit an application to the Constitutional Court for the protection of the fundamental rights of its members, it is first necessary to make sure whether its members have given it the appropriate authorization. The right of an association to defend the rights of its members is not presumed. If the application is signed on behalf of a person by an association, such authorization must be executed in such a manner that the Constitutional Court may ascertain that the association is indeed entitled to act on behalf of the person.

On the other hand, no documents were attached to the application under consideration, which would certify that in the specific case it would be authorized to submit an application to the Constitutional Court for the prevention of violation of the fundamental rights of its member. Also, the application does not confirm that the person, for the protection of fundamental rights of which the application was submitted to the Constitutional Court, is a member of the relevant association. Consequently, the Panel concluded that the application did not comply with the requirements of Article 18 Section 3 of the Constitutional Court Law.⁵⁴

Adjudicated claim

Article 20 Section 5 Paragraph 4 of the Constitutional Court Law provides that the Constitutional Court may refuse to initiate a case if the application is submitted regarding a claim that has already been adjudicated. Based on this provision, the panels adopted two decisions in 2023.

In Application No. 129/2024 to the Constitutional Court it was requested to declare Paragraph 4¹ of Article 464 of the Civil Procedure Law as incompatible

52 Decisions of 28 July 2023 of the 1st Panel of the Constitutional Court refusing to initiate proceedings on application No. 122/2023 and No. 123/2023.

53 Decision of 22 March 2023 of the 3rd Panel of the Constitutional Court refusing to initiate proceedings on application No. 26/2023.

54 Decision of 28 June 2023 of the 1st Panel of the Constitutional Court refusing to initiate proceedings on application No. 96/2023.



with Article 92 of the Constitution. The aforementioned provision provides, inter alia, that the decision on the refusal to initiate cassation proceedings adopted by the Supreme Court at a hearing may be drawn up in the form of a resolution.

The Panel noted that the Constitutional Court had adopted a judgement in Case No. 2019-13-01. In this judgment, the Constitutional Court declared Paragraph 4¹ of Article 464 of the Civil Procedure Law, in so far as it relates to the decision on refusal to initiate cassation proceedings, to be compatible with the first sentence of Article 92 of the Constitution. The applicant in Application No. 129/2023 submitted that the claim contained in that application could not be regarded as already adjudicated. Namely, in the judgment in Case No. 2019-13-01, the contested provision was not evaluated in a situation where the cassation complaint is based on arguments that its examination is of fundamental importance in ensuring uniform judicial practice or further development of rights, but the Supreme Court has made a decision on the refusal to initiate cassation proceedings at the action session.

Referring to the Constitutional Court's judgment in Case No. 2019-13-01, the Panel recognised that the Panel of Judges of the Supreme Court is entitled to adopt a decision on refusal to initiate cassation proceedings, inter alia, if the case is not of significant importance for ensuring uniform case-law and further development of law. In a situation where the panel of judges, within the framework of its freedom of action, is convinced of the existence of case-law or the unity of judicial practice and the need for further development of rights in specific legal issues, the

panel of judges essentially evaluates the importance of these legal issues in the implementation of the public function of the court of cassation and the need for the court of cassation to express itself on these issues. According to the principle of justification, such an assessment does not require a motivation.

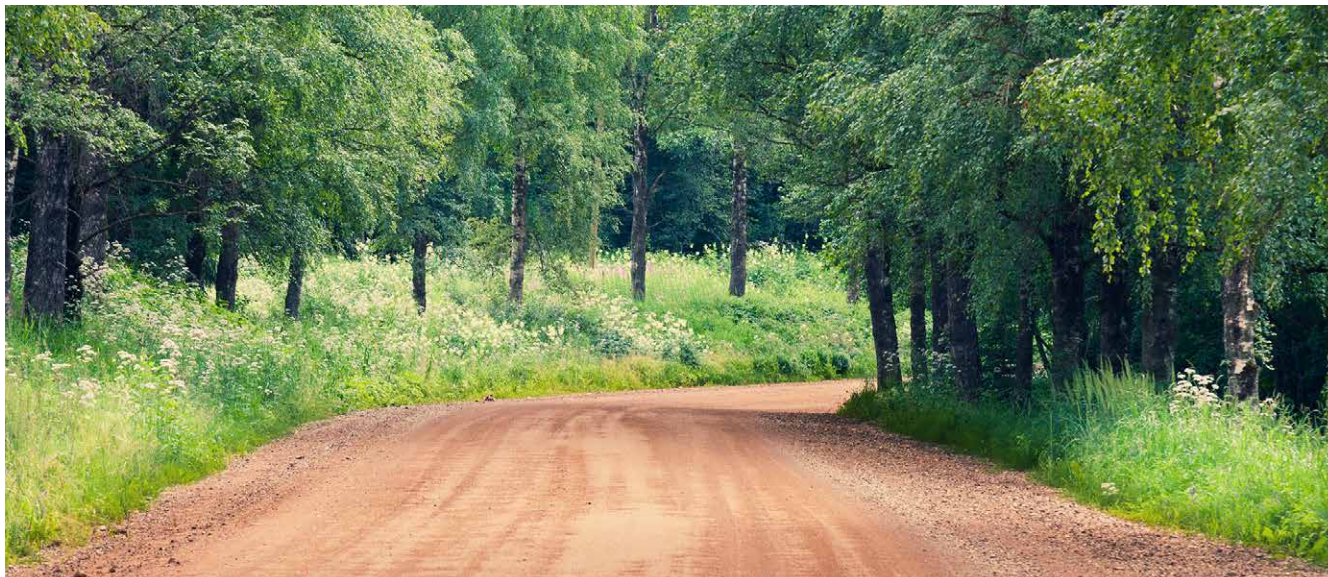
Thus, the Panel of the Constitutional Court recognised that the arguments indicated in the application on the possible incompatibility of the contested provision with the first sentence of Article 92 of the Constitution had already been assessed in the judgment in Case No. 2019-13-01. The applicant has not alleged any circumstances which would prevent the application from being regarded as having been adjudicated, nor does the Panel find any such circumstances in the present case. The application is therefore made in respect of a claim that has already been adjudicated.⁵⁵

Changes in the legal basis or statement of facts in a repeatedly submitted application

Article 20 Section 5 Paragraph 5 of the Constitutional Court Law grants the panel of the Constitutional Court the right to refuse to initiate a case, if the legal grounds contained in the application or the description of the factual circumstances have not changed in essence compared to the previously submitted application on which the panel decided. In 2023, just over 30 decisions refusing to initiate a case were taken on the basis of this provision.

Article 20 Section 5 Paragraph 5 of the Constitutional Court Law is based on the principle of procedural economy. This relieves the work of the panels in cases where applications are repeatedly submitted to

⁵⁵ Decision of 22 August 2023 of the 2nd Panel of the Constitutional Court on refusal to initiate proceedings on application No. 129/2023.



the court, the legal reasoning or presentation of the factual circumstances of the case being similar to the previously submitted application.

In Application No. 38/2023, the applicant requested the Constitutional Court to declare Paragraph two of Article 24 of the Law on the Handling of Weapons as incompatible with the second sentence of Article 92 and Article 105 of the Constitution. The aforementioned provision of the law determined that the State Police suspends the operation of a weapon permit for a person who has been recognized as a suspect in a criminal proceeding, or a person who has been held criminally responsible for committing a criminal offense in a criminal proceeding.

The Panel recognized that, compared to the previously submitted application, which was decided by Panel, the presentation of the factual circumstances contained in the considered application has not changed. At the same time, in application No. 38/2023 is changed the structure of the arguments and included additional observations on the alleged unconstitutionality of the contested provision, as well as clarified the claim.

In the previous decision of the Panel, it was noted that the applicant had not provided legal arguments on how the contested provision violated any of the elements of the presumption of innocence. Also, the application did not provide legal arguments as to whether the limitation of the applicant's fundamental rights contained in Article 105 of the Constitution is determined by a legal provision adopted in accordance with the procedure specified in the regulatory enactments, whether such a limitation has a legitimate purpose and whether such a limitation is proportionate to its legitimate purpose.

The Panel noted that the application under examination still expresses the opinion that the contested provision

infringes the presumption of innocence contained in the second sentence of Article 92 of the Constitution, because even before the conviction he is recognised as a danger to society. It additionally states the elements of the presumption of innocence and the fact that the State Police suspended the applicant's weapons possession permit without an individual evaluation. Also, the application has been supplemented with considerations on the fact that the legitimate goal of the limitation of fundamental rights defined in the disputed norm – public safety – can be achieved with less restrictive means.

At the same time, the Panel found that the application still did not provide a legal basis as to how exactly the contested provision violated any of the elements of the presumption of innocence. Also, the applicant has not legally substantiated the fact that the legitimate goal of the limitation of fundamental rights included in the contested norm would be achieved with the indicated alternative means at least in the same quality and would not require a disproportionate investment of state resources. Also, a general opinion that the applicant does not pose a threat to society and society does not benefit from the restriction imposed on him cannot be considered a legal basis in the sense of the Constitutional Court Law. It was therefore concluded that the facts and the legal basis of the application remained substantially unchanged from those of the previous application.⁵⁶

Manifestly insufficient legal grounds to satisfy the claim

Pursuant to Article 20 Section 6 of the Constitutional Court Law, the Panel has the right to refuse to initiate a case if the legal grounds provided in the constitutional complaint are manifestly insufficient to satisfy the claim. In 2023, the panels adopted just over 20 decisions refusing to initiate a case on the basis of this provision.

⁵⁶ Decision of 17 April 2023 of the 3rd Panel of the Constitutional Court on refusal to initiate proceedings on application No. 38/2023.

Article 20 Section 6 of the Constitutional Court Law applies only to one type of application – a constitutional complaint. The decisions of the panels made on the basis of this provision basically refer to legal issues on which the case-law of the Constitutional Court has already been established. For example, in Application No. 25/2023 the applicant requested the Constitutional Court to assess the compatibility of Paragraph one of Article 10 of the Law on the Management of the Spread of COVID-19 Infection with Article 92 of the Constitution. The aforementioned provision of the law provides for the right of the court to determine both the consideration of the case in a written process, as well as the term in which the parties to the case can submit their requests to the court or submit explanations.

The applicant stated that the contested provision does not comply with the first sentence of Article 92 of the Constitution, as it allows the appellate court to refuse to consider the case in the oral process at its discretion, without ensuring the right of the person to express himself on matters relevant to the case.

Referring to the case-law of the Constitutional Court, the panel recognized that one of the elements of the right to a fair trial is the right to be heard, which also includes the right of a person to speak about facts and legal issues. The exercise of this right must be ensured at least in writing. The first sentence of Article 92 of the Constitution does not provide for an absolute fundamental right of a person to an oral trial, and holding such a trial in all cases would unnecessarily burden the court. Oral proceedings should only be provided for when the court has to deal with legally or technically complex issues. The first sentence of Article 92 of the Constitution establishes the legislator's obligation to adopt procedural provisions necessary for a fair trial, but the right to a fair trial does not provide for the resolution of a particular issue in accordance with the procedural regulation that a person wishes. Moreover, in a democratic state governed by the rule of law, the judiciary enjoys the independence and discretion necessary for the exercise of its judicial function.

Therefore, the panel concluded: taking into account the case-law of the Constitutional Court on the right of a person to an oral legal proceeding, the application does not provide a legal basis for the fact that the first sentence of Article 92 of the Constitution would result in the obligation of the legislator to establish a mandatory hearing of the case only in oral proceedings for the category of civil cases mentioned in the application.⁵⁷

Other requests from applicants

Other requests of the applicants have also been decided in the decisions of the panels on the refusal to initiate

the case. In most cases, concluding that the application does not meet the requirements of the Constitutional Court Law and therefore the case cannot be initiated in court, the colleague leaves these requests without consideration. However, in individual cases, the assessment of the applicant's request may be relevant for the subsequent interpretation of the Constitutional Court's law.

For example, in Application No. 33/2023, the applicant requested the Constitutional Court to request documents from several state administration institutions and the European Court of Human Rights (hereinafter – ECHR) confirming the factual circumstances indicated in the application. The Panel noted that there was no confirmation from the application that the applicant would have objective difficulties in submitting these documents. It was therefore considered that this request should be rejected.⁵⁸

However, in Application No. 182/2023, the applicant requested the return of the administrative court decision annexed to the application. The Panel recognized that the applicant may have objective difficulties in preparing document derivatives because he is in a prison. Therefore, the Panel, following the principle of good management, concluded that a copy of the document attached to the application should be transferred to the archive of the Constitutional Court for safekeeping, while the original document attached to the application should be sent to the applicant.⁵⁹

57 Decision of 8 March 2023 of the 2nd Panel of the Constitutional Court refusing to initiate proceedings on application No. 25/2023.

58 Decision of 11 April 2023 of the 2nd Panel of the Constitutional Court on refusal to initiate proceedings on application No. 33/2023.

59 Decision of 7 December 2023 of the 2nd Panel of the Constitutional Court on refusal to initiate proceedings on application No. 182/2023.

3



DIALOGUE



According to the Constitution, every person has the right to be informed about the activities of state institutions in order to make sure that they perform the functions entrusted to society in an efficient, honest and fair manner in accordance with the laws.⁶⁰ Although the main task of the Constitutional Court is to judge, it is extremely important to bring the rule of law closer to every citizen of Latvia by maintaining a dialogue with society based on mutual trust and respectful relations.

The goal of the dialogue of the Constitutional Court is to strengthen Latvia's statehood, democracy and the rule of law, to promote public interest in the Constitution, to explain the values contained in the Constitution, the fundamental rights and freedoms of every resident of Latvia, to increase public trust in Latvia and its Constitution, as well as trust in a fair and independent Constitutional Court. Every ruling of the Constitutional Court is important not only for the persons involved in the particular proceedings, but also for the whole society.⁶¹ Thus, the task of the Constitutional Court is both to resolve legal disputes and to create an understanding of justice and the rule of law in accordance with democratic values, strengthening the awareness that in case of violation of fundamental rights, everyone will be able to find their protection in the Constitutional Court.

The dialogue of the Constitutional Court is aimed at providing the public with timely, full and comprehensive information and an opportunity to deepen their knowledge and understanding of the processes taking place in a democratic state governed

by the rule of law. It is the duty and responsibility of the Constitutional Court to engage in dialogue with various groups of society. The dialogue contributes to the public's understanding of how the Constitutional Court performs its functions within the scope of the competence granted to it, by informing the public about the rulings adopted by the Constitutional Court and the actualities of legal proceedings, and by promoting public participation in the implementation and protection of the basic values and freedoms contained in the Constitution.

To strengthen the dialogue, the Constitutional Court takes into account the interests of the society, which are explored in public opinion polls, at the extra-judicial events organised by the Court and from the questions asked by the representatives of the media.

In addition to the dialogue with the public, the Constitutional Court maintains an active dialogue with state institutions, holding annual meetings with the President of the State, the Speaker of the Saeima, the Prime Minister, the Minister of Justice and other state officials. At the same time, the Constitutional Court also maintains a dialogue in the European legal area and at the international level – not only with the Latvian courts, but also with the constitutional courts of other EU Member States and third countries, The CJEU and the ECHR, as well as with the International Court of Justice.

60 See Paragraph 3 of the Constitutional Court's judgement of 6 July 1999 in Case No. 04-02 (99).

61 See Paragraph 15 of the Constitutional Court's judgment of 15 December 2022 in Case No. 2021-41-01.

3.1. DIALOGUE WITH THE PUBLIC

Openness and professionalism are the guiding principles of the Constitutional Court's dialogue. The information provided by the Constitutional Court to the public is prompt, accurate, comprehensible and educational. The Constitutional Court also reveals and explains the meaning of complex legal terms in a way that is easily understandable to every member of society. The content of the information is tailored, as far as possible, to the specific nature of the media and the needs of the target audience.

In today's fast-changing world, in the age of modern technology and information, access to information is one of the basic needs of society. In the form of a dialogue, the Constitutional Court actively communicates with society and media representatives on a daily basis about the judicial process and rulings.

The Constitutional Court provides information on proposed and reviewed cases, as well as on the actualities of its work and events organized within the dialogue. In addition, the Constitutional Court also informs the society about judicial cooperation at the national, European and international levels. The Constitutional Court offers comprehensive information on its work and the values enshrined in the Constitution.

The Constitutional Court ascertains the opinion and knowledge of various groups of society about the Constitution and the functioning of the Constitutional Court, identifies problems and challenges that arise in the process of information exchange, and responds to them effectively and quickly by improving the content of communication and choosing communication channels. Taking into account the society's need for easily accessible information, the Constitutional Court also actively communicates on the social network *Twitter* and on its *YouTube* channel. In order to improve communication on social networks, on 14 September 2023 the Constitutional Court established a court page on the social network *Facebook*. Concise posts are published on the Constitutional Court's *Twitter* and *Facebook* accounts, along with visual material that supplements the published information.

During the review period, the Court's *Twitter* account @Satv_tiesa had 443 posts and 2206 followers. The number of followers has increased by 308 since the previous review period. The *Twitter* record management environment shows that during the review period, the records had around 450 000 views and more than 15 000 interactions. 121 posts have been made on the *Facebook* page. The *Facebook* page of the Constitutional Court has 305 followers since its launch in September, and the number of followers is growing. *Facebook's* record management environment shows that during the review period, court records reached an audience of 13,000 users and had 1,600 interactions. The Court's *YouTube* channel stores all the videos it produces – hearings with participants, webinars, videos from events, congratulatory videos and other audiovisual information. The *YouTube* account has 132 new followers and 29 400 views in the review period.

During the review period, seven new episodes of the Constitutional Court podcast *Tversme* were released, and their total number increased to thirteen. In these episodes, the values contained in the Constitution and the role of the Constitutional Court in a democratic legal state are discussed. Podcast had around 500 listeners during this period, half as many as in the previous review period. The recording is available [on the website of the Constitutional Court](#) and on the streaming site *Spotify*. The new season of talks focuses on the protection of fundamental human rights, the values of a democratic state governed by the rule of law, the importance of judicial dialogue and international cooperation.

In the seventh episode of the podcast, Vice-President of the Constitutional Court Irėna Kucina talks to Danutė Jočienė, President of the Constitutional Court of Lithuania (2021-2023), about cooperation between the Constitutional Courts of Latvia and Lithuania, common challenges and the role of Constitutional Courts in promoting the sustainability of democracy. In the eighth episode of the podcast, Kristaps Tamužs, Head of the Legal Department of the Constitutional Court, discussed with Vice-President of the Constitutional Court of Bosnia and Herzegovina Helen Keller, about

her professional experience at the ECHR and the Constitutional Court of Bosnia and Herzegovina, as well as the challenges of environmental sustainability, including the content of the right to live in a favorable environment and the possibility to protect this right in different courts. In the ninth episode, President of the Constitutional Court Aldis Laviņš discusses with the winners of the Constitutional Court's schoolchildren's essay competition – Karina Kondore, a 9th grade student of Bauska State Gymnasium and Beāte Sannija Aploka, a 12th grade student of Jelgava Spidolas State Gymnasium – how young people understand the fundamental values of a democratic state governed by the rule of law enshrined in the Constitution. In the tenth episode of the podcast, Irēna Kucina, Vice-President of the Constitutional Court and President of the Supreme Court of the Kingdom of the Netherlands, Dineke de Groot, talk about the tradition of constitutional review and protection of constitutional values in the Netherlands, the approach to international and European Union law as understood by the Dutch Supreme Court, as well as the impact of modern technologies on the judicial process. In the eleventh episode, President of the Constitutional Court Aldis Laviņš and President of the Supreme Administrative Court of Finland Kari Kuusiniemi discuss the role of constitutional courts in ensuring the international legal order in peacetime and its restoration in times of crisis, as well as the Finnish model of constitutional review and the Supreme Administrative Court's case-law and view on international cooperation. In the twelfth episode of the podcast, President of the Constitutional Court Aldis Laviņš talks to Vaira Viķe-Freiberga, President of Latvia (1999-2007), about the strength of the national spirit, humanity, democratic values and everyone's right to freedom. However, in the thirteenth and final episode of the review period, President of the Constitutional Court Aldis Laviņš and President of the ECHR Siofra O'Leary discuss the challenges in the work of the ECHR, the importance of judicial dialogue and the need to educate society so that everyone's fundamental human rights are protected.

The **website** of the Constitutional Court plays an important role in the dialogue between the Constitutional Court and society. In order to ensure easy accessibility to the content of the website for all users, the possibility to easily navigate through it, as well as to find the necessary information as quickly as possible, the Constitutional Court introduced significant changes in the structure of the website during the reporting period. One of the substantive innovations is the published reviews on the actualities of ECHR case-law, which are prepared by the Legal Department of the Constitutional Court.

Information on Legal proceedings

The website of the Constitutional Court provides extensive information on cases initiated and pending before the Constitutional Court, as well as decisions

of the panels on refusing to initiate a case. In order to enable everyone to obtain information on the substance of the case, factual and legal circumstances of the case to be examined at the Constitutional Court hearing with the participation of the case participants, information on the case is published on the website of the Constitutional Court at the same time as information on the forthcoming hearing.

After each court decision is adopted, a summary of the decision is published on the website of the Constitutional Court, which includes the facts of the case, information on the methodology used by the court to assess the constitutionality of the contested provision, as well as the court's conclusions. In order to more fully and comprehensively reflect the content of the adopted rulings, the Constitutional Court has improved its dialogue with the public during the reporting period, preparing a concise press release alongside this summary.

Public awareness is also promoted by press conferences on decisions made by the Constitutional Court. These press conferences are usually attended by the President of the court and the judge who prepared the case. Members of the media are invited to the press conference. In order to reach a wider audience, the Constitutional Court holds press conferences in person, while also providing for the possibility for every media representative to connect to the press conference on the *Zoom* platform. Any member of the public can watch the press conferences live on the Constitutional Court's *YouTube* channel. All video recordings of press conferences are preserved and available to anyone interested.

Ten press conferences were held during the review period, three times more than in the previous year. In one of them provided an report of the work of the Constitutional Court in 2022. However, nine press conferences were held on the rulings in the following cases: **No. 2020-33-01** – on the language of implementation of study programmes at private universities; **No. 2022-13-05** – on the prohibition of gambling in the municipality of Kekava municipality; **No. 2022-02-01** – on land use rights; **press conference on rulings in two cases**: **No. 2021-45-01** – on the language of implementation of university study programs and **No. 2022-31-03** – on the lowest salary rate for pre-school teachers; **No. 2022-34-01** – for the guaranteed minimum income threshold; **No. 2022-33-01** – on the prohibition for a soldier to be a member of a political party; **No. 2022-17-01** – on the management reform of the ports of Riga and Ventspils; **No. 2022-16-05** – on the entry fee in Jurmala; **press conference on rulings in two cases**: **No. 2022-20-01** – about the restriction that prevented a member who was not vaccinated against Covid-19 from fully participating in the work of the Saeima, and **No. 2022-4101** – on the obligation of municipalities to dismantle objects glorifying the Soviet regime.

It is precisely the information of society about the fundamental rights of each of its members and the instruments for their protection that is the main objective for which the Constitutional Court compiles its case-law findings in analytical publications on each Article of Chapter VIII of the Constitution. On 8 December 2023, the bookazine of the Constitutional Court on fundamental rights “Article 105 of the Constitution: the right to property. Case-law of the Constitutional Court”. This is the third publication in the series of bookazines issued by the Constitutional Court, and thus the case-law on Articles 91, 92 and 105 of the Constitution has been collected. The booklet has been prepared by the advisers of the Constitutional Court and published in cooperation with SIA “Tiesu namu aģentūra”.

This bookazine is considered to be the most extensive collection of findings of the Constitutional Court on Article 105 of the Constitution – it includes findings from 102 decisions. The bookazine helps readers to find out when a person has a right to property protected by Article 105 of the Constitution and what should be observed when this right is restricted. The bookazine also reveals the method used to verify whether a legal provision providing for the compulsory alienation of property for public purposes complies with the fourth sentence of Article 105 of the Constitution. It is thus useful both for persons wishing to defend their rights enshrined in Article 105 of the Constitution and for legal policy makers. However, the digital versions of the bookazines on Articles 91 and 92 of the Constitution are now available to all readers [on the website of the Constitutional Court](#).

Every year the Constitutional Court invites law students and practitioners to use the case-law of the Constitutional Court [database](#) which contains the most important findings from the Constitutional Court’s

judgments, decisions on termination of proceedings and separate opinions of judges. These insights are organised by keywords and categories. The database also contains statistics on applicants, contested provisions, the institutions that issued them, as well as other information related to the Constitutional Legal proceedings. The database is available after downloading and installing program *Citavi* on your computer. During the review period, the Constitutional Court has implemented the intention to introduce a training course to help to learn how to use the case-law database. On 4 October 2023 the Latvian Judicial Training Centre announced a new e-course “Databases in Court Work”. The aim of the course is to provide every judge and court employee with information on the use of various databases, including the case-law database of the Constitutional Court. Gatis Bārdiņš, Adviser to the Constitutional Court, also participated in the course development process.

30.01.2023.

A case has been initiated on rules reducing the diameter of the main cut.

[Press release](#). [Tweet](#).

09.02.2023.

Restrictions on private higher education institutions to implement study programmes in the official languages of the European Union are unconstitutional, while restrictions on other foreign languages are constitutional.

[Press release](#). [Tweet](#).

17.02.2023.

The regulation of the Civil Procedure Law, which does not provide for the right of a private legal entity to request exemption from the obligation to pay the state fee for filing a statement of claim, is incompatible with the Constitution.

[Press release](#). [Tweet](#).



24.02.2023.

The regulation of supervision of Latvian arbitration proceedings is incomplete and does not comply with the Constitution.

[Press release.](#)

01.03.2023.

A case has been initiated on the provision on the expiry of permanent residence permits and the conditions for obtaining a new permit for citizens of the Russian Federation.

[Press release.](#) [Tweet.](#)

03.03.2023.

The Constitutional Court terminates proceedings in a case concerning provisions that provide for restrictions on the advertising of medicinal products.

[Press release.](#)

09.03.2023.

The Constitutional Court terminates legal proceedings in the case against the order of the Minister of Environmental Protection and Regional Development suspending the operation of the binding regulations of the Riga City Council, which approved the Riga Spatial Plan.

[Press release.](#) [Tweet.](#)

22.03.2023.

The provisions setting a 10-year time limit for the right to participate in compulsory procurement are compatible with the Constitution.

[Press release.](#) [Tweet.](#)

23.03.2023.

A case has been proposed regarding the regulations prohibiting the breeding of fur animals for the sole purpose of obtaining fur.

[Press release.](#) [Tweet.](#)

31.03.2023.

A case has been initiated on a provision determining which citizens of which countries can receive real estate tax incentives in Jurmala City.

[Press release.](#) [Tweet.](#)

20.04.2023.

The suspension of the ban on gambling imposed by the local government of Kekava complies with the regulatory framework.

[Press release.](#) [Tweet.](#)

26.04.2023.

A case has been initiated concerning a provision that denies the right to an old-age pension to persons whose permanent place of residence at the time of applying for the pension is not in Latvia.

[Press release.](#) [Tweet.](#)

02.05.2023.

Land use rights are compatible with the Constitution, while the amount of land use fees is not.

[Press release.](#) [Tweet.](#)

02.05.2023.

Another case has been proposed regarding the rules governing the proof of property obtained by crime.

[Press release.](#) [Tweet.](#)

03.05.2023.

A provision which requires a person to be presumed guilty in a repeated tax offence case before a court judgment has entered into force in the previous offence case does not comply with the Constitution.

[Press release.](#) [Tweet.](#)

19.05.2023.

A case has been initiated on provisions that exclude the possibility to acquire general education in national minority education programmes.

[Press release.](#)

30.05.2023.

A case has been initiated before the Constitutional Court on restrictions on the organisation of gambling in the administrative territory of Riga.

[Press release.](#) [Tweet.](#)

30.05.2023.

The Constitutional Court terminates proceedings in the case concerning the provision establishing grounds for exclusion of a sworn advocate from the number of sworn advocates.

[Press release.](#) [Tweet.](#)

28.06.2023.

The provisions on the language of implementation of study programmes of higher education institutions are incompatible with the Constitution.

[Press release.](#) [Tweet.](#)

29.06.2023.

The lowest salary rate for pre-school teachers is unconstitutional.

[Press release.](#) [Tweet.](#)

13.07.2023.

A case has been initiated before the Constitutional Court on the provisions regulating the taxation of lottery and gambling winnings.

[Press release.](#) [Tweet.](#)

13.07.2023.

A case has been initiated before the Constitutional Court on the right of a person to perform the work of a teacher if he/she has been punished for a deliberate less serious crime.

[Press release.](#) [Tweet.](#)

23.08.2023.

A case has been initiated regarding the norms according to which the right of compulsory purchase granted to the entrepreneur is cancelled.

[Press release.](#) [Tweet.](#)

23.08.2023.

A case has been initiated concerning the rules governing the management and protection of greenery on privately owned land in the State City of Jūrmala.

[Press release](#). [Tweet](#).

05.10.2023.

The minimum income threshold and its review procedure does not comply with the Constitution.

[Press release](#). [Tweet](#). [Facebook post](#).

18.10.2023.

The prohibition for a soldier in the professional service to be a member of a political party is compatible with the Constitution.

[Press release](#). [Tweet](#). [Facebook post](#).

01.11.2023.

A case on the right to submit evidence to a court of appeal in proceedings on criminally acquired property has been initiated before the Constitutional Court.

[Press release](#). [Tweet](#). [Facebook post](#).

07.11.2023.

The Constitutional Court terminates proceedings in the case concerning a provision which denies the right to an old-age pension to persons whose permanent place of residence is not in Latvia.

[Press release](#). [Tweet](#). [Facebook post](#).

09.11.2023.

The reform of the management of the ports of Riga and Ventspils is compatible with the Constitution.

[Press release](#). [Tweet](#). [Facebook post](#).

15.11.2023.

A case has been initiated before the Constitutional Court on a provision which does not provide for the right of a defence counsel to sign a complaint to the court in an administrative offence case.

[Press release](#). [Tweet](#). [Facebook post](#).

22.11.2023.

A case has been initiated before the Constitutional Court on a provision which provides for the admission of six-year-old children to Grade 1 in Riga municipal schools only in case of vacancies.

[Press release](#). [Tweet](#). [Facebook post](#).

27.11.2023.

The rules on increasing the entry fee in Jūrmala have been suspended unjustifiably.

[Press release](#). [Tweet](#). [Facebook post](#).

30.11.2023.

The calculation of the term of deprivation of citizenship in cases where a person has acted dishonestly in the process of acquiring citizenship is in accordance with the Constitution.

[Press release](#). [Tweet](#). [Facebook post](#).

04.12.2023.

A case has been initiated before the Constitutional Court on the right of a person to be an insolvency administrator if criminal proceedings against him or her for the commission of a deliberate criminal offence have been dismissed on non-rehabilitating grounds.

[Press release](#). [Tweet](#). [Facebook post](#).

07.12.2023.

The obligation of municipalities to dismantle objects glorifying the Soviet regime complies with the Constitution.

[Press release](#). [Tweet](#). [Facebook post](#).

07.12.2023.

The restriction of a member who has not been vaccinated against Covid-19 to fully participate in the work of the Saeima does not comply with the Constitution.

[Press release](#). [Tweet](#). [Facebook post](#).

13.12.2023.

A case has been initiated before the Constitutional Court on a legal provision that regulated the procedure for the distribution of the difference in water consumption.

[Press release](#). [Tweet](#). [Facebook post](#).

21.12.2023.

The ban on the import of minks into Latvia to control the spread of the Covid-19 infection is compatible with the Constitution.

[Press release](#). [Tweet](#). [Facebook post](#).

29.12.2023.

A case has been initiated before the Constitutional Court on the prohibition for a person to act as a forensic expert if the criminal proceedings against him/her have been terminated on non-rehabilitating grounds.

[Press release](#). [Tweet](#). [Facebook post](#).

Current events beyond legal proceedings

In mid-May, for the second time, the Constitutional Court, within the framework of the Night of Museums, invited interested persons to visit the Court to learn more about the work of the Constitutional Court in protecting fundamental rights enshrined in the Constitution. Inspired by the theme of the Night of Museums – CREATION – the Constitutional Court invited everyone to think about how justice is created. Visitors to the Museum Night had the opportunity to learn how the Constitutional Court protects the Constitution, what everyone's fundamental rights are and how to protect them. During the Night of Museums, visitors had the opportunity to meet the judges and staff of the Constitutional Court, ask questions and take part in interactive activities. Everyone also had the opportunity to visit the History Room of the Constitutional Court, which houses an exhibition on the development of constitutional control and the Constitutional Court, its traditions and the values enshrined in the Constitution. The Constitutional

Court Museum was first opened to the public in 2022, on Museum Night.

While, in September, the Constitutional Court, in cooperation with the Supreme Court, organised an **international conference** on “The Role of the Judiciary in Enforcing ECHR Judgments” with the aim of strengthening the dialogue between European courts and the common values in the European judicial area. The conference took place in the framework of the Latvian Presidency of the Committee of Ministers of the Council of Europe. The main theme of the conference was strengthening the rule of law, which was also one of the objectives set by Latvia for its Presidency of the Committee of Ministers of the Council of Europe. At a conference organised by the Constitutional Court and the Supreme Court, participants discussed about the role of national courts in implementing ECHR rulings, taking into account the principle of subsidiarity. This principle implies a shared responsibility of European courts to protect human rights. The European Convention for the Protection of Human Rights and Fundamental Freedoms has no major or minor institutions – subsidiarity helps ensure the right to a fair trial and strengthen the protection of human rights across Europe, so that every one of the more than 600 million Europeans protected by the Convention benefits.

ECHR rulings help restore justice in cases of human rights violations against individuals. At the same time, these rulings reveal the identity of a united Europe and safeguard our common values – above all the rule of law, which is an indispensable prerequisite for democracy and the defence of peace. Therefore, at the conference the discussion on the enforcement of ECHR rulings, which is an integral element of the right to a fair trial, was particularly important. To strengthen the rule of law in Europe, the participants analysed the impact of national constitutional identities on the enforcement of ECHR judgments, the resumption of proceedings following ECHR judgments and measures to monitor the enforcement of ECHR judgments. The conference was opened with a speech by the Chairman of the Constitutional Court, Aldis Laviņš, and the Chairman of the Supreme Court, Aigars Strupišs. However, presentations at the conference were given by: Shifra O’Leary, ECHR President; Ineta Ziemele, CJEU Judge; Basak Cali, Professor of International Law (Hertie School); Marialena Tsirli, Secretary of the ECHR; Anita Kovaļevska, Senator of the Supreme Court of the Republic of Latvia; Petr Angyalossy, President of the Supreme Court of the Czech Republic; Kanstantsin Dzehtsiarou, Professor of Human Rights (University of Liverpool); Emmanuelle Bribosia, Judge of the Belgian Constitutional Court; Jānis Pleps, Senator of the Supreme Court of the Republic of Latvia; Helena Jaderblom, President of the Supreme Administrative Court of Sweden; Antoine Buyse, Professor of Human Rights (Utrecht University), Director of the Netherlands Institute of Human Rights; Mārtiņš Mits, ECHR Judge; Artūrs Kučs, Constitutional Court Judge; Jorg Polakiewicz, Director

of the Directorate of Legal Consultations and Public International Law of the Council of Europe, legal advisor; Heinrich Amadeus Wolff, Judge of the German Federal Constitutional Court; Olga Papadopoulou, State Counsellor (Greek Council of State); Geir Ulfstein, Professor (University of Oslo). A live webcast of the conference was available at **Constitutional Court** and **Supreme Court YouTube** channels.

In honor of the 27th anniversary of the establishment of the Constitutional Court, the Constitutional Court at the beginning of December with a **webinar** opened the edition of the bookazine on fundamental rights “Article 105 of the Constitution: the right to property. Case-law of the Constitutional Court”. The webinar was opened with a speech by the President of the Constitutional Court Aldis Laviņš. Baiba Bakmane, Deputy Head of the Legal Department of the Constitutional Court, provided an insight into the structure and content of the bookazine, while Judge Gunārs Kušīņš provided an insight into the current issue of Article 105 of the Constitution. After the webinar, the Constitutional Court organised a workshop on constitutional law, during which the Constitutional Court judges, together with legal experts, discussed the issues addressed in the new bookazine. Judges of the Constitutional Court participated in the workshop, Senator of the Supreme Court Kaspars Balodis, sworn advocate Sandis Bērtaitis, Senior Legal Adviser of the Saeima Law Office Edvīns Danovskis, Legal Adviser of the Saeima Law Office Laura Jambuševa, sworn advocate Jūlija Jerņeva, Adviser of the Constitutional Court Andrejs Stupins and Head of the Legal Department of the Constitutional Court Kristaps Tamužs. The Constitutional Law workshop is a traditional platform for idea generation where topical issues in constitutional law are discussed.

Pupils and teachers

The dialogue with school youth and teachers is very important for the Constitutional Court, as it is an opportunity to strengthen pupils’ state consciousness and understanding of the Constitution, as well as to improve their knowledge of the fundamental values of the Latvian State and encourage their participation in democratic processes.

The closing ceremony of the “My Responsibility to Future Generations” competition was held in March. 40 schools were represented in the competition, covering all regions of Latvia. 90 drawings were submitted in the 6th grade group, 31 in the 9th grade group and 31 in the 12th grade group. In order to ensure that the competition works could be viewed by as wide an audience as possible, the Constitutional Court developed a **digital catalogue** of students’ works.

To inspire young people to further their education and achieve their goals, the Constitutional Court also participates in the Shadow Day every year. Last year,

11 schoolchildren visited the Constitutional Court and followed the working day of the President of the Constitutional Court Aldis Laviņš, the Vice-President of the Constitutional Court Irēna Kucina, the Head of Administration Marika Laizāne-Jurkāne, the Adviser to the President Andrejs Stupins and assistant referees Ieva Šņepste, Kristiāna Pētersone and Roberts Lazda. The students had the opportunity to attend a court session with the participation of the parties, meet the judges and staff of the Constitutional Court, see the daily work of the Court, discuss issues related to the specifics of the legal profession and potential studies in law, as well as get acquainted with the Court's communication process, including by making a post on the Twitter account of the Constitutional Court.

In September, the Constitutional Court announced a competition for schoolchildren drawings, essays and video works for the seventh year in a row. The idea of the dignity of every human being in the digital environment permeates the competition. Last year, the Constitutional Court particularly emphasized the importance of informing and educating young people, strengthening their understanding of the importance of protecting their security and the values enshrined in the Constitution – including in the digital environment. It should be noted that this time the Constitutional Court expanded the format of schoolchildren's works by inviting young people to submit not only drawings and essays, but also video messages on the topic "Everyone's dignity in the digital environment".

The Constitutional Court is also developing new forms of dialogue with school youth by offering schools the opportunity to attend educational lectures organised by the Constitutional Court, where young people have the opportunity to acquire new knowledge about the Constitution, the Constitutional Court and its role

in a democratic state governed by the rule of law, the work of the Constitutional Court and the development of its judgments. Schoolchildren are particularly interested in the interactive room of the history of the Constitutional Court, where they can trace the development of constitutional review in Latvia, get acquainted with materials on the Constitution and the values enshrined therein, as well as view an exhibition on the development and traditions of the Constitutional Court. You can also visit the History Room [on a virtual tour](#).

Law students and student organisations

The Constitutional Court is always open to dialogue and cooperation with higher education and scientific institutions, student organisations and law students. The Constitutional Court provides educational lectures and excursions to promote the development of the professional knowledge of young lawyers, thus contributing to the sustainability of the Latvian State and the strengthening of the rule of law.

Every year, the Constitutional Court supports organisations that organise moot trials. Also in 2023, the judges and employees of the Constitutional Court supported the moot court of Professor Karlis Dislers constitutional trial, organized by the Professor Karlis Dislers Foundation. It has become a tradition that the moot court finals are held in the Constitutional Court's courtroom in accordance with the Basic Principles of Constitutional Court Procedure and are broadcast live on the Court's *YouTube* channel. The judges and staff of the Constitutional Court also supported the moot trials organised by the Ombudsman on human rights issues.



International conference co-organized by the Constitutional Court of Latvia and the Supreme Court of Latvia "The Role of the Judiciary in Execution of Judgements of the European Court of Human Rights"



President of the Constitutional Court of Latvia Aldis Laviņš talks to the President of Latvia (1999–2007) Vaira-Viķe Freiberga in the podcast "Tversme" (11.07.2023).

Representatives of creative industries

In 2018, the Constitutional Court started cooperation with the National Library of Latvia, establishing a new tradition – talks by professionals and opinion leaders from various fields on Latvia, the Latvian nation and the values enshrined in the Constitution. The participants, inspired by the brightest episodes and most important works of Latvian history and cultural heritage, discuss various topics that affect Latvian society, the existence and challenges of the Latvian state.

Last November, the Constitutional Court, in cooperation with the National Library of Latvia, continued this tradition and for the eleventh time organised an interdisciplinary discussion "Conversations about Latvia". On this occasion, the participants of the conversation discussed the mutual trust between the sovereign and the representatives of state power – about splitting the darkness between the nation and its representatives. The conversation was chaired by the President of the Constitutional Court Aldis Laviņš. A part in discussion took the President of Latvia (2007-2011) Valdis Zatlers, Professor Sanita Osipova of the Department of Theory and History of Law at the Faculty of Law of the University of Latvia, journalist Olga Dragiļeva and playwright Matīss Gricmanis. The discussion was summarised by CJEU Judge Ineta Ziemele. The eleventh "Conversations on Latvia" was inspired by Raimonds Tīguls composition "Lec, Saulīte!" with the words of Rasa Bugavičute-Pēce, as well as the vision of the Song and Dance Festival "Together Up". The central questions of the discussion were how to reduce the "darkness" or people's mistrust of public institutions and alienation from public administration, how to eradicate "us/them" thinking, how to maintain mutual respect and not lose the common goal in the

"dust" of everyday life and busyness. Video recording of the 11th "Conversations on Latvia" is available to everyone at the Constitutional Court [website](#) and [YouTube](#) channel.

However, for the second year in a row, the Constitutional Court involves in the charity marathon "Dod pieci!", which highlights a topic of importance in society and supports those groups in society that are in real need of support. Last year, the social media charity marathon "Dod pieci!" called to help and enable children and young people with behavioral problems to get out of an unfavorable environment and build a motivated, safe, mentally and physically healthy future. President of the Constitutional Court Aldis Laviņš in an interview with the charity marathon "Give Five!" leader Toms Grēviņš emphasized the value of every person, the need to take care of others, as well as the importance of social cohesion, especially emphasizing the contribution of people who provide the necessary support to children and young people in difficulties.

Conferences, discussions and other news

04.01.2023.

Judges of the Constitutional Court participate in the international conference "Dietrich Andrew Loeber – 100. German-Baltic and citizen of Latvia, international law specialist and contemporary".

[Tweet.](#)

12.01.2023.

Constitutional Court judge Anita Rodiņa gives a lecture at the University of Naples.

[Tweet.](#)

26.01.2023.

In the new episode of podcast *Tversme*, Irēna Kucina,

Vice-President of the Constitutional Court, talks to President of the Constitutional Court of Lithuania, Danute Jočienė.

[Press release](#). [Tweet](#). [Episode recording](#).

02.02.2023.

The Constitutional Court announces the results of the competition for schoolchildren's drawings and essays dedicated to the Constitution.

[Press release](#).

15.02.2023.

The Constitutional Court welcomes the 101st anniversary of the adoption of the Constitution.

[Tweets](#): 1; 2; 3; 4.

15.02.2023.

In the new episode of podcast *Tversme*, Kristaps Tamužs, Head of the Legal Department of the Constitutional Court, talks to Helena Keller, Deputy President of the Constitutional Court of Bosnia and Herzegovina.

[Press release](#). [Tweet](#). [Episode recording](#).

16.02.2023.

The ceremonial opening of the second updated edition of the book "Review of Latvian Parliamentaryism" by Constitutional Court Judge Gunārs Kušīņš is taking place in the Saeima.

[Tweet](#).

27.02.2023.

President of the Constitutional Court Aldis Laviņš participates in the discussion on the new national defense concept "The next four years in the national defense sector".

[Tweet](#).

03.03.2023.

The Constitutional Court awards the winners of the 2022 schoolchildren's drawing and essay Competition.

[Press release](#). [Tweets](#): 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11. [Photo](#).

[Video](#). [President's speech](#).

07.03.2023.

Students of the Riga Law School's intensive program in European law and economics visit the Constitutional Court.

[Tweet](#).

24.03.2023.

President of the Constitutional Court Aldis Laviņš participates in the General Meeting of Latvian Notaries.

[Tweet](#). [Photo](#).

29.03.2023.

In the new episode of the *Tversme* podcast, President of the Constitutional Court Aldis Laviņš talks to the winners of the schoolchildren essay competition organised by the Constitutional Court.

[Press release](#). [Tweet](#). [Episode recording](#).

05.04.2023.

The "Day of Shadows 2023" is taking place in the Constitutional Court.

[Press release](#). [Tweets](#): 1; 2; 3. [Photo](#).

12.04.2023.

President of the Constitutional Court Aldis Laviņš addresses the opening event of the project "Justice Academy".

[Tweets](#): 1; 2.

14.04.2023.

The Riga State 3rd Gymnasium Grade 12 students visit the Constitutional Court.

[Tweet](#).

21.04.2023.

The President of the Constitutional Court participates in the conference "20 years of the Sworn Bailiff: achievements and challenges".

[Tweets](#): 1; 2.

27.04.2023.

The Riga State 3rd Gymnasium Grade 12 students visit the Constitutional Court.

[Tweet](#).

29.04.2023.

The final of the moot court of the Ombudsman in Human Rights 2023 is being held in the Constitutional Court.

[Press release](#). [Tweets](#): 1; 2; 3.

01.05.2023.

The Constitutional Court welcomes the 103rd anniversary of the convocation of the Constitutional Assembly.

[Press release](#). [Tweets](#): 1; 2.

04.05.2023.

The Constitutional Court congratulates on the 33rd anniversary of the restoration of independence of the Republic of Latvia.

[Press release](#). [Tweets](#): 1; 2.

11.05.2023.

In the new episode of *Tversme*, Irēna Kucina, Vice-President of the Constitutional Court, speaks with the President of the Supreme Court of the Netherlands, Dineke de Groot.

[Press release](#). [Tweet](#). [Episode recording](#).

12.05.2023.

The Constitutional Court honors the recipients of justice system awards.

[Press release](#). [Tweet](#).

13.05.2023.

During the Night of Museums, the Constitutional Court invites everyone to learn about its work in protecting fundamental rights enshrined in the Constitution.

[Press release](#). [Tweets](#): 1; 2; 3; 4; 5. [Photo](#). [Video](#): 1; 2.

19.05.2023.

Judges of the Constitutional Court take part in a conference of Latvian judges on the role of courts and their interaction in a modern democratic state governed by the rule of law.

Tweets: [1](#); [2](#).

05.06.2023.

President of the Constitutional Court Aldis Laviņš participates in the centenary event of the Latvian Council of Sworn Advocates.

[Tweet](#). [President's speech](#).

14.06.2023.

President of the Constitutional Court Aldis Laviņš lays flowers on the Day of Remembrance of the Victims of the Communist Genocide.

[Tweet](#).

15.06.2023.

Constitutional Court Judge Gunārs Kušīņš participates in the centenary event of the Saeima's Rules of Procedure.

[Tweet](#).

22.06.2023.

As part of a dialogue, the judges of the Constitutional Court and the Head of the Legal Department meet with a working group of German law professors.

[Tweet](#).

22.06.2023.

In the new episode of the Constitutional Court's *Tversme* podcast, President of the Constitutional Court Aldis Laviņš talks to the President of the Supreme Administrative Court of Finland Kari Kusiniemi.

[Press release](#). [Tweet](#). [Episode recording](#).

30.06.2023.

The family of the Constitutional Court participates in the Latvian Song and Dance Celebration.

[Tweet](#). [Video](#).

14.07.2023.

President of the Constitutional Court Aldis Laviņš congratulates the graduates of the Faculty of Law of the University of Latvia.

[Tweet](#).

24.07.2023.

President of the Constitutional Court Aldis Laviņš opens the summer school of the Birini Constitutional Law Seminar.

[Tweet](#).

14.08.2023.

Participants of the Riga Graduate School of Law Summer School visit the Constitutional Court.

[Tweet](#).

16.08.2023.

President of the Constitutional Court Aldis Laviņš and

Judge Gunārs Kušīņš participate in the conference of the State Audit Office "100 years of AUDIT FORCE".

Tweets: [1](#); [2](#).

21.08.2023.

The Constitutional Court welcomes the anniversary of the adoption of the constitutional law "On the Statehood of the Republic of Latvia".

[Tweet](#).

21.08.2023.

The Constitutional Court congratulates philanthropist and public worker Vilis Vitols on receiving the Statehood Award.

[Tweet](#).

25.08.2023.

Employees of the Constitutional Court give lectures in the sixth Prof. K. Dislers Summer School of Public Law.

[Tweet](#).

21.09.2023.

The Constitutional Court and the Supreme Court organise an international conference on "The Role of the Judiciary in Enforcing ECHR Judgments".

Press releases: [1](#); [2](#); [3](#). Tweets: [1](#); [2](#); [3](#); [4](#); [5](#); [6](#); [7](#); [8](#); [9](#); [10](#); [11](#); [12](#); [13](#). Facebook posts: [1](#); [2](#); [3](#); [4](#); [5](#); [6](#); [7](#); [8](#); [9](#); [10](#); [11](#); [12](#); [13](#).

[Photo](#). [Video](#): [1](#); [2](#); [3](#). [President's speech](#).

27.09.2023.

The Constitutional Court publishes a recording of *Tversme* with Vaira Viķe-Freiberga.

[Press release](#). Tweets: [1](#); [2](#). [Facebook post](#). [Episode recording](#).

28.09.2023.

Students of the International Programme of the Riga Graduate School of Law visit the Constitutional Court.

[Tweet](#). [Facebook post](#).

03.10.2023.

The Constitutional Court announces a competition for schoolchildren's drawings, videos and essays on the dignity of every human being in the digital environment.

[Press release](#). [Tweet](#). [Facebook post](#).

06.10.2023.

Judge of the Constitutional Court Jautrīte Briede makes a presentation at the conference "Law and Language" of the CJEU and the University of Latvia.

[Tweet](#). [Facebook post](#).

06.10.2023.

Artūrs Kučs, Judge of the Constitutional Court, participates in the conference of the Ministry of Foreign Affairs, the Ministry of Culture, the Ombudsman's Office and the Council of Europe "A feather mightier than a sword? Addressing today's challenges in the field of freedom of expression and the safety of journalists".

[Tweet](#). [Facebook post](#).

13.10.2023.

Students from the European Law Students' Association visit the Constitutional Court.

[Tweet](#). [Facebook post](#).

16.10.2023.

Judge of the Constitutional Court Gunārs Kušīņš chairs the conference "Latvian Language – the Language of Strengthening Statehood, Growth and Cooperation".

[Tweet](#). [Facebook post](#).

23.10.2023.

New episode of the Constitutional Court's webcast with the President of the ECHR, Siofra O'Leary.

[Press release](#). [Tweet](#). [Facebook post](#). [Episode recording](#).

30.10.2023.

Students of Turība University visit the Constitutional Court.

[Tweet](#). [Facebook post](#).

07.11.2023.

The eleventh "Conversations on Latvia" will take place on the day of entry into force of the Constitution.

[Press release](#). [Tweet](#). [Facebook post](#).

11.11.2023.

The Constitutional Court congratulates on Lacplesis day.

[Press release](#). [Tweet](#). [Facebook post](#).

18.11.2023.

The Constitutional Court congratulates on the 105th anniversary of the proclamation of the Republic of Latvia.

[Press release](#). [Tweets: 1; 2](#). [Facebook posts: 1; 2](#).

27.11.2023.

The family of the Constitutional Court bids a fond and respectful farewell to its first President, Aivars Endziņš.

[Press release](#). [Tweet](#). [Facebook post](#).

01.12.2023.

Anita Rodiņa, Judge of the Constitutional Court, speaks at the international conference "Constitutional Traditions and European Heritage" in Krakow.

[Tweet](#). [Facebook post](#).

08.12.2023.

The Constitutional Court opens the third edition of the Constitutional Court's series of publications on fundamental rights with a webinar.

[Press release](#). [Tweet](#). [Facebook post](#). [Video](#).

08.12.2023.

In the Constitutional Court operates the Constitutional Rights workshop.

[Tweet](#). [Facebook post](#).

08.12.2023.

The Constitutional Court pays tribute to its first President, Aivars Endziņš, who passed away this year.

[Tweet](#). [Facebook post](#).

08.12.2023.

On the occasion of the 27th anniversary of the Constitutional Court, awards of the Constitutional Court are presented.

[Press release](#). [Tweet](#). [Facebook post](#). [Photo](#).

12.12.2023.

Artūrs Kučs, Judge of the Constitutional Court participates in a discussion organised by the Ombudsman on the role of the Charter of Fundamental Rights of the European Union as an instrument for the protection of fundamental rights in Latvia.

[Tweet](#). [Facebook post](#).

16.12.2023.

In the Constitutional Court is going on XXV Prof. K. Dislers constitutional trial final

[Tweet](#). [Facebook post](#). [Video](#).

19.12.2023.

The Constitutional Court's bookazines are available on the Court's website.

[Tweet](#). [Facebook post](#).

20.12.2023.

President of the Constitutional Court Aldis Laviņš visits "Dod Pieci" studio.

[Tweets: 1; 2](#). [Facebook posts: 1; 2](#).

29.12.2023.

The eleventh "Conversations on Latvia" of the Constitutional Court and the National Library of Latvia "How to split the darkness between the nation and its representatives?"

[Press release](#). [Tweet](#). [Facebook post](#). [Video](#).

3.2. DIALOGUE WITH PUBLIC AUTHORITIES

It is in Latvia's interest that all constitutional bodies be purposefully involved in the dialogue. Cooperation between public institutions is one of the key factors in the development of democracy and the rule of law, as each branch of government serves a common overarching goal: the rule of law. Inter-institutional dialogue is an important instrument for building a coherent and unified understanding of the law and strengthening Latvia as a democratic state governed by the rule of law.

Every year, the Constitutional Court organises a meeting with the heads of Latvia's constitutional bodies and other state officials with the aim of strengthening the rule of law and promoting cooperation in ensuring the protection of the fundamental rights of the citizens of Latvia, the concretisation of the principle of good legislation, as well as the effective conduct of the Constitutional Legal proceedings and the implementation of the Constitutional Court's rulings.

At the beginning of February, the Judges of the Constitutional Court met with the Minister of Justice Inese Lībiņa-Egnere. During the meeting, the concept of the Constitutional Court on the potential introduction of the e-Case was discussed, as well as the planned amendments to the Constitutional Court Law. In discussing the establishment of the Judicial Academy, the parties agreed on the need for legal professionals to develop their knowledge and skills in the long term, and in particular emphasised that the Academy would become a platform for the development of the skills of judges and prosecutors.

At the beginning of March, President of the Constitutional Court Aldis Laviņš met with President of Latvia Egils Levits and the heads of the institutions of the justice system to discuss current issues of the development of the justice system. During the meeting, the President of Latvia Egils Levits discussed with the President of the Constitutional Court Aldis Laviņš, Minister of Justice Inese Lībiņa-Egnere, President of the Supreme Court Aigars Strupišs, Chairman of the Saeima Legal Affairs Committee Andrejs Judins and Chairman of Criminal Justice and Sentencing

Policy Subcommittee of the Legal Affairs Committee Inese Kalniņa about the issue of strengthening the institutional independence of the judiciary, including the division of functions between the Ministry of Justice, the Judicial Council and the Courts Administration.

In March, the Minister of Foreign Affairs, Edgars Rinkēvičs, the Head of the Legal Directorate of the Ministry of Foreign Affairs, Kristīne Līce, and the staff of the Minister's Office visited the Constitutional Court. During the meeting, the actualities of the international cooperation of the Constitutional Court were discussed, with particular emphasis on the activity as part of the Bureau of the World Conference on Constitutional Justice, where the Constitutional Court represents the interests of all European constitutional courts. The Justices of the Constitutional Court and the Minister of Foreign Affairs discussed further cooperation between the two institutions, including within the framework of the Latvian Presidency of the Committee of Ministers of the Council of Europe, and expressed satisfaction with the active dialogue between the Constitutional Court and the Ministry of Foreign Affairs, which strengthens the fundamental values of the rule of law, public confidence in the legal system and promotes understanding of the importance of international cooperation in defending Latvia's interests. The Latvian state should continue to actively engage in the work of various international institutions, including the judiciary.

At the end of March, the Judges of the Constitutional Court met with the Speaker of the Saeima, Edvards Smiltēns. During the meeting, important issues for the development of the Latvian legal system were discussed, including the issues of guaranteeing the protection of fundamental rights for everyone and the effective conduct of the Constitutional Legal proceedings. The parties exchanged views on the streamlining of the Constitutional Court process and discussed the possible course of amendments to the Constitutional Court Law, including regarding the consideration of cases in an accelerated process in rare exceptional cases, for example, when the disputed regulation may cause irreversible consequences.

However, in April, the Constitutional Court judges met with members of the Saeima Legal Affairs Committee. Within the framework of the dialogue, the importance of an accessible and effective court process in the protection of everyone's basic rights was emphasized, as well as the cooperation of the Constitutional Court and Saeima structural units as one of the essential factors in the development of democracy and the rule of law. The Parties also considered procedural solutions for the possible future amendments to the Constitutional Court Law and the need to specify the principle of good law-making.

The importance of strengthening the dialogue between the constitutional bodies on issues important for the development of the Latvian legal system was emphasized when the Constitutional Court judges met with President of Latvia Egils Levits in April last year. President of the Constitutional Court Aldis Laviņš informed Egils Levits about the recent participation in the Bureau meeting of the World Conference on Constitutional Justice and the draft resolution developed by the Constitutional Court included in its agenda on how the world family of constitutional courts will be involved in the search for a legal solution to restore peace and the supremacy of international law, and also about how the responsibility of individuals for violations of international law could be assessed. The President of the Constitutional Court emphasized that in the current geopolitical situation, the world family of constitutional courts must be united and stress the need to restore the international legal order, as well as to devote its resources and expertise to it. During the meeting, the course of possible amendments to the Constitutional Court law in the near future was also discussed, prompting a discussion on the jurisdiction of the Constitutional Court on various legal issues and the resolution of disputes in cases of violation of the competence of the constitutional body of state power or part of it, as well as on the effectiveness of the case review procedure.

In June, the Judges of the Constitutional Court met with representatives of the Ministry of Justice and the Legal

Aid Administration to discuss possible improvements in the legal framework regarding state-provided legal aid in the Constitutional Legal proceedings.

In order to promote the role of dialogue and cooperation between the Government and the Constitutional Court in improving the work of public administration, the judges of the Constitutional Court met with Prime Minister Arturs Krišjānis Kariņš in mid-June. The parties discussed topical issues relevant to the development of Latvia's legal system, including the need for amendments to the Constitutional Court Law, which would speed up the examination of certain categories of cases, as well as the need to prepare amendments to the legal regulation of state-provided legal aid in order to further promote the accessibility of the Constitutional Court process to every Latvian resident and ensure defense of the fundamental rights of the less protected people.

In July, President of the Constitutional Court Aldis Laviņš met with President of Latvia Edgars Rinkēvičs to discuss the implementation of the Constitutional Court's judgments and the latest developments in the international cooperation of the Constitutional Court. The President of the Constitutional Court drew attention to the fact that the implementation of the Constitutional Court's judgments posed challenges in cases when the legislator was given time to assess how best to balance various rights and interests, as in this case the most importance should be attached to a timely and comprehensive political discussion, seeking the most optimal and constitutional solution, which was a matter of the legislator's competence. The President of the Constitutional Court and the President of Latvia agreed that closer cooperation between the constitutional institutions could contribute to more effective implementation of the judgments of the Constitutional Court and that the Constitutional Court itself should continue to explain the conclusions expressed in its judgments.



Judges of the Constitutional Court of Latvia meet with the Minister of Foreign Affairs Edgars Rinkēvičs (06.03.2023)

01.02.2023.

Judges of the Constitutional Court meet with Minister of Justice Inese Lubiņa-Egnere.

[Press release](#). [Tweets: 1; 2; 3; 4](#). [Photo](#).

01.03.2023.

President of the Constitutional Court Aldis Laviņš meets with President of Latvia Egils Levits and the heads of the institutions of the justice system.

[Tweet](#).

06.03.2023.

The Judges of the Constitutional Court meet with the Minister of Foreign Affairs, Edgars Rinkēvičs.

[Press release](#). [Tweets: 1; 2; 3](#). [Photo](#).

28.03.2023.

Judges of the Constitutional Court meet with the Speaker of the Saeima, Edgars Smiltēns.

[Press release](#). [Tweet](#). [Photo](#).

18.04.2023.

Constitutional Court judges meet with the Legal Affairs Committee of Saeima.

[Tweet](#). [Photo](#).

19.04.2023.

Justices of the Constitutional Court meet with President of Latvia Egils Levits.

[Press release](#). [Tweets: 1; 2](#). [Photo](#).

13.06.2023.

Constitutional Court judges and staff meet with the Legal Aid Administration and the Ministry of Justice's

Justice System Policy Department.

[Tweet](#).

14.06.2023.

Justices of the Constitutional Court meet with Prime Minister Arturs Krišjānis Kariņš.

[Press release](#). [Tweets: 1; 2](#). [Photo](#).

28.06.2023.

President of the Constitutional Court Aldis Laviņš, Judges Gunārs Kušņš, Jānis Neimanis and Artūrs Kučs take part in the closing conversation of the Presidency of the President of Latvia Egils Levits.

[Tweet](#).

07.07.2023.

The Constitutional Court expresses its gratitude to President Egils Levits.

[Tweet](#).

08.07.2023.

The Constitutional Court congratulates Edgars Rinkēvičs on taking office as the President of the State.

[Tweet](#).

26.07.2023.

President of the Constitutional Court Aldis Laviņš meets with President of Latvia Edgars Rinkēvičs.

[Press release](#). [Tweet](#).



3.3. JUDICIAL DIALOGUE IN THE EUROPEAN JUDICIAL AREA

The Constitutional Court's belonging to the international community and loyalty to the idea of a united Europe require a careful approach to the development of international dialogue in various formats, ensuring the permanent existence of Constitutional Court judges at the center of the development of legal thought. In the European legal area, the Constitutional Court engages in dialogue with the Latvian courts, the constitutional courts of other EU Member States, as well as the CJEU and the ECHR. Judicial dialogue and cooperation are essential for strengthening the sustainability of democracy and the rule of law, as well as for protecting fundamental rights and human dignity. Discussions with judges from different regions of the European Union help to understand common values and build a common view of the law.

Judicial dialogue in Latvia

In order to promote cooperation with courts of general jurisdiction, the Constitutional Court, together with the Courts Administration, addressed the regional courts of Latvia with a view to organising a dialogue event to discuss current issues of the judiciary and to strengthen the unified legal system. The dialogue of the Constitutional Court with the judges of the Regional Courts of Latvia took place at the end of May. Judges shared their experience and discussed current issues related to the preparation of a court application for submission to the Constitutional Court, the application of the findings of the Constitutional Court in civil and criminal cases, as well as other issues of judicial cooperation. Taking into account that all Latvian courts apply the findings included in the judgments of the Constitutional Court and exercise their right to apply to the Constitutional Court, the Constitutional Court invited the Presidents of District (City) Courts to join the dialogue. During the plenary session of the Dialogue, Valentina Lohova, the President of the Civil Cases Panel of the Latgale Regional Court and the Vice-President of the Latgale Regional Court, shared her experience in preparing a court application for submission to the Constitutional Court, while judge Jānis Neimanis of the Constitutional Court gave a presentation on current issues in preparing a court

application for submission to the Constitutional Court. At the end of the dialogue, in two parallel sessions on the application of the Constitutional Court's findings in civil and criminal cases, presentations were made by the Vice-President of the Constitutional Court Irēna Kucina, the President of the Riga Regional Court Civil Cases Panel and the Vice-President of the Riga Regional Court Līga Blūmiņa, Judge of the Constitutional Court Gunārs Kušīņš and the President of the Zemgale Regional Court Juris Silins. During the dialogue, President of the Constitutional Court Aldis Laviņš emphasized that the efficiency reserves of the judicial system can be found in the correct understanding of the role of the courts and the application of the principle of cooperation.

In June, a dialogue was held between the judges of the Constitutional Court and the Riga District Court, during which the importance of the judgement of the first instance court was particularly emphasized, as well as the correct understanding and application of the principle of cooperation between judicial instances for the strengthening of a unified legal system.

On the other hand, in early December, the President of the Constitutional Court addressed the participants of the conference "Ensuring justice in the conditions of digitization of legal proceedings" dedicated to the 105th anniversary of the Riga Regional Court, emphasizing not only the challenges of digitalization in ensuring the rule of law, but also the need to conceptually modernize and streamline the judicial system, reviewing the role of courts and improving the culture of litigation.

Judicial dialogue at European and international level

In February, the judges and staff of the Constitutional Court met with Judge Ineta Ziemele of the CJEU, Judge Inga Reine of the General Court, Registrar of the Court Alfredo Calot Escobar and the heads of various departments. The CJEU delegation was addressed by the President of the Constitutional Court, Aldis Laviņš, emphasizing that another big step forward is being taken within the dialogue between the two courts, as cooperation is now being formed simultaneously at the level of judges and administration. During the meeting,

the judges discussed issues related to the competence of the constitutional courts in connection with the judgments of the CJEU on the non-compliance of national legal provisions with the EU law, as well as the actualities of the case-law of the Constitutional Court, the CJEU and the General Court. The judges debated about various legal aspects of the essential role of the national language as an element of a country's constitutional identity, as well as whether national rules that are not in line with EU law can remain in force for a while.

Representatives of the Office of the President of the Constitutional Court, the Legal Department and the Public Relations and Protocol Unit met with the Registrar of the CJEU and the heads of the directorates. The staff of both courts shared their experience on how to increase procedural efficiency, how to work with case-law search tools, how to strengthen the flow of information between the press services of the two courts, how the courts inform the public about recent rulings, innovations in communication and the involvement of different departments in the adjudication of cases.

In February, the judges of the Constitutional Court and representatives of the Administration also took part in several working meetings with the management of the CJEU in Luxembourg, and also got acquainted with specific issues of ensuring the operation of the Court and the General Court. In the first working session, the judges of the Constitutional Court and President of the CJEU Koen Lenaerts, Vice-President Lars Bay Larsen, President of the First Chamber Alexander Arabadjiev and Advocate General Laila Medina discussed the application of European Union law in constitutional courts. In the introduction to the working session, the President of the Constitutional Court expressed his satisfaction with the increasingly close cooperation with the Court of the European Union in various formats and emphasized the priority of both courts – to become more and more open to society, bringing the rule of law closer to every European person within the framework of dialogue. Discussing the current challenges of preliminary ruling proceedings, the participants of the discussion emphasized, among other things, the broad freedom of action of the member states when choosing measures to protect their constitutional identity.

The agenda of the visit was followed by a roundtable with the CJEU judges. During the event, Vice-President of the Constitutional Court Irēna Kucina gave a presentation on the primacy of European Union law and the protection of national identity. Presenting the recent judgment in the case on the provisions of the Law on Higher Education Institutions concerning study programmes of private higher education institutions, she drew attention to the importance of an effective dialogue between the constitutional courts and the CJEU, as demonstrated in particular by judicial cooperation in the preliminary ruling proceedings in that case.

At the third working meeting, the discussion of the judges of the Constitutional Court took place with the Deputy Chairman of the General Court, Savvas Papasavvas, and the judges of the General Court, Inga Reine and Pēteris Zilgalvis. The redistribution of competences between the Court and the General Court, case-law developments in the fields of energy, environmental protection and state aid, as well as issues related to digitization were discussed. At the request of the delegation of the Constitutional Court, it was introduced to the CJEU eCuria application in order to learn from the experience of the Constitutional Court in joining the unified e-Law architecture.

At the beginning of March, President of the Constitutional Court Aldis Laviņš participated in the ceremonial rotation of judges of the Constitutional Court of Lithuania in Vilnius and discussed with his colleague the current developments in the case-law of both courts and the future dialogue. On the last day of the mandate of the President of the Constitutional Court of Lithuania, Danutė Jočienė, the President of the Constitutional Court particularly highlighted her contribution to strengthening an effective dialogue with the Constitutional Court. Danutė Jočienė received the Certificate of Excellence from the Constitutional Court in 2023 and was the guest of honor at the opening ceremony of the Court's year. It was at her suggestion that the Constitutional Court was approved as a member of the Bureau of the World Conference on Constitutional Justice. During the bilateral meeting, the most important findings of the case-law of the Constitutional Courts of Latvia and Lithuania in 2022 were also discussed, also were outlined the trends in the development of constitutional law and the actualities of litigation that both countries could expect in 2023. The judges looked back at recent international cooperation activities and agreed on further dialogue in a bilateral format, as well as on a meeting in Tartu in late May of all three Baltic courts that deal with constitutional law issues on a daily basis. Experience exchange plans include mutual cooperation not only between judges, but also among employees, within the framework of which training visits are held every year.

In March, a delegation of the Supreme Court of the Kingdom of the Netherlands paid an official visit to the Constitutional Court. The judges shared their experience on the specifics of the competence and procedure of the two courts and discussed current case-law. The Constitutional Court was represented at the bilateral meeting by its President Aldis Laviņš, Vice-President Irēna Kucina, Judges Gunārs Kušīņš, Jānis Neimanis, Anita Rodiņa and Jautrite Briede, as well as the Head of the Legal Department Kristaps Tamužs, his deputy Baiba Bakmane and the Court's Counsel Alekandrs Potaičuks. The delegation of the Netherland Supreme Court consisted of the President of the Court, Dineke de Groot, and Judges Arjo van Eijdsen, Matthias Borgers and Annemarie ter Heide. The parties agreed that discussions with judges from different regions

of the European Union help to understand common values and to develop a common view of the law.

The Presidents of the Constitutional Court and the Supreme Court of the Netherlands also introduced the discussion on the competence of both courts and the procedure they follow when assessing the compatibility of legislation with the Constitution, and in particular compared the preliminary ruling mechanism in the Netherlands judicial system with the right of Latvian courts to submit an application to the Constitutional Court. Also discussed was the prohibition contained in the Netherlands Constitution for courts to assess the compliance of legal acts adopted by the parliament with the basic law of the country. In the following, the parties discussed the specifics of the litigation, considering tax issues. Judge Arjo van Eijdsen drew attention to the so-called collective objection procedure in the Netherlands, which is designed to deal with large-scale applications on tax law issues of public importance. The judges also discussed aspects of environmental protection in legal proceedings and the principle of sustainability contained in the Constitution. Annemarie ter Heide pointed out that Articles 2 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms impose an obligation on States to take measures to limit climate change, taking into account the severity and risk of its effects. In her turn, Justice Anita Rodiņa of the Constitutional Court developed various legal considerations regarding the fact that the right to live in a favorable environment is also applicable to legal persons, in particular to non-governmental organisations.

At the end of the meeting, after introductory reports by Judge Jānis Neimanis of the Constitutional Court and Judge Matthias Borgers of the Supreme Court of the Netherlands, the judges shared their experience on current developments in the case-law of both courts.

In April, a delegation of the Supreme Administrative Court of Finland visited the Constitutional Court on an official visit. The judges discussed current case-law and models of constitutional review in both countries. The Constitutional Court was represented by its President Aldis Laviņš, Vice-President Irēna Kucina, Judges Gunārs Kusiņš, Jānis Neimanis, Artūrs Kučs, Anita Rodiņa and Jautrīte Briede, Adviser to the President Andrejs Stupins, as well as the Head of the Legal Department Kristaps Tamužs and his Deputy Baiba Bakmane. The delegation of the Supreme Administrative Court of Finland consisted of the President of the Court, Kari Kuusiniemi, as well as Judges Petri Helander and Monica Gullans.

In the introduction to the meeting, the presidents of both courts emphasized the importance of dialogue in the European legal space. President of the Constitutional Court Aldis Laviņš emphasized that the current geopolitical conditions require unity, but a more uniform and effective protection of fundamental rights can only be ensured by constantly continuing the exchange of ideas with colleagues from other countries of the Western circle of rights. During the meeting, the parties reported on their respective models of constitutional scrutiny. Judge Petri Helander, on the other hand, described in detail the Finnish system, in which there is no separate constitutional court, but the model of constitutional control is based on an abstract initial evaluation of draft laws by the Constitutional Rights Commission of the parliament and subsequent control by the courts. At the end of the meeting, the judges shared their experience on the latest developments in the case-law of both courts, introductory reports were given by Judge Jānis Neimanis of the Constitutional Court and Judge Petri Helander of the Supreme Administrative Court of Finland.



Constitutional Court of Latvia is visited by the delegation of the Court of Justice of the European Union (09.02.2023).

At the conclusion of the bilateral meeting, the delegations of the Constitutional Court and the Supreme Administrative Court of Finland agreed to continue the existing meaningful dialogue and active cooperation between the two courts in the area of the protection of the rule of law.

Dialogue and cooperation between the constitutional courts of the Baltic States is an essential prerequisite for strengthening the sustainability of democracy and the rule of law, as well as for protecting fundamental rights and human dignity. Close cooperation with the Constitutional Court of Lithuania and the Supreme Court of Estonia is an essential part of the international cooperation of the Constitutional Court, the aim of which is to maintain an up-to-date discussion on issues of constitutional law at the national and European level, as well as to strengthen the judicial dialogue in the Baltic States. Last year, the dialogue of the constitutional courts of the Baltic States took place on 23-25 in May at a tripartite cooperation meeting attended by judges of the Constitutional Court, the Constitutional Court of Lithuania and the Supreme Court of Estonia. The Constitutional Court was represented by its President Aldis Laviņš, his Deputy Irēna Kucina, Judges Anita Rodiņa and Jautrīte Briede, as well as the Adviser to the President Andrejs Stupins.

In the framework of the cooperation between the courts of the Baltic States, a meeting was held in Tartu on the occasion of the 30th anniversary of the re-establishment of the Estonian Supreme Court. During the working sessions, the judges of the Constitutional Court made presentations on the application of European Union law, constitutional guarantees for judges after dismissal from office, as well as on current case-law. The meeting discussed the importance of cooperation between the

constitutional courts of the Baltic States in the defense of common values and democracy, the achieved exclusion of the Constitutional Court of the aggressor state Russia from the international family of constitutional courts, as well as the support received for the representation of the region's interests as part of the Bureau of the World Conference on Constitutional Justice, where the Constitutional Court of Lithuania continues the course started by colleagues towards the restoration of the international legal order. In the working sessions of the meeting, the judges made presentations on topical issues of constitutional law.

In September, within the framework of the international conference "The Role of the Judiciary in the Execution of ECHR Judgments", the Constitutional Court held a dialogue with the Constitutional Court of Ukraine and the Constitutional Court of Moldova. The judges of the Constitutional Court and the Constitutional Court of Ukraine discussed the protection of fundamental rights in the European legal area, the application of the ECHR findings in the work of both courts, as well as exchanged experience in the use of modern technologies in constitutional legal proceedings. The judges of the Constitutional Court and the President of the Constitutional Court of Moldova discussed the latest developments in the case-law of both courts, as well as the Constitutional Court's support for Moldova's integration into the European legal area.

In October, President of the Constitutional Court Aldis Laviņš participated in the ECHR seminar on Protocol 16 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, which provides for the possibility for national courts to request an advisory opinion from



Bilateral meeting of the Constitutional Court of Latvia and the Constitutional Court of Ukraine (22.09.2023).

the ECHR. Latvia has not yet ratified Protocol 16, so it is important to raise the debate on the idea of ratifying Protocol 16 to the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The 17th Annual **Conference** of the Constitutional Court and the Constitutional Court of Lithuania was organized in December. The joint conferences of the Constitutional Court and the Constitutional Court of Lithuania are a long-standing tradition, which has been maintained since 2000. At these conferences, judges discuss current issues of constitutional law and case-law, as well as exchange experiences and views on legal developments. This time, the judges discussed the impact of the geopolitical context on the resolution of constitutional disputes, as well as the current case-law of both courts. The long tradition of bilateral cooperation between the constitutional courts of Latvia and Lithuania is of fundamental importance for strengthening the rule of law. The international cooperation and the agreed position of the constitutional courts of our two small countries helped to a large extent to ensure that the Constitutional Court of the Russian Federation, which has become an instrument of support for an aggressive autocratic regime, is no longer part of the world and European constitutional justice organizations. During the dialogue, the parties also underlined the common challenges in safeguarding democracy, as geopolitical circumstances have changed indefinitely and the agenda of constitutional courts includes not only safeguarding fundamental rights and the rule of law, but also the duty to protect the democratic order of the country.

Last year, as part of the exchange program of the European Judicial Training Network, judges and prosecutors from several European Union countries visited the Constitutional Court. Information about the model of constitutional control in Latvia, the functions of the Constitutional Court, competence and methods of work organization was provided during the experience exchange visits. The participants also discussed the progress of the Constitutional Legal proceedings and the latest developments in the case-law of the Constitutional Court. The experience exchange visit of judges and prosecutors in Riga was organized by the Latvian Judicial Training Center, implementing the European Judicial Training Network project. The aim of this project is to promote international cooperation and promote mutual recognition of the legal practice of judges and prosecutors, thereby strengthening the unity of the European legal area.

Exchange visits, in which not only judges of the Constitutional Court, but also advisers of the Legal Department of the Constitutional Court participate, play an important role in strengthening the judicial dialogue and developing legal thought. During the review period, the Legal Department participated

in several exchange visits. During the visit of the Legal Department to the Constitutional Court of Lithuania, the staff of both courts discussed the latest developments in the case-law and the differences in the work of the courts. The Legal Department also visited the Swedish Supreme Court to learn about its work, and work and the functions of the Legislative Council. During the visit, working methods, the methodology of evaluating the constitutionality of draft legal acts and issues of power sharing were discussed. In October, the Legal Department of the Constitutional Court visited the ECHR on an exchange visit. The representatives of the ECHR, as well as Judge Mārtiņš Mits and other Latvian experts, discussed the organisation of the work of the two courts and the possibilities of improving the efficiency of judicial proceedings.

27.01.2023.

President of the Constitutional Court Aldis Laviņš attends the annual ECHR opening event in Strasbourg.
Tweet.

09.02.2023.

A delegation from the Court of Justice of the European Union visits the Constitutional Court.

Press release. Tweets: 1; 2; 3. **Photo. Video.**

10.02.2023.

The judges of the Constitutional Court meet with the Commissioner for Justice of the European Commission, Didier Reynders.

Press release. Tweets: 1; 2. **Photo.**

13.-14.02.2023.

A delegation of the Constitutional Court visits the Court of Justice of the European Union as part of a bilateral visit.

Press release. Tweets: 1; 2; 3; 4; 5; 6; 7.

23.-24.02.2023.

Members of the Legal Department of the Constitutional Court visit the Constitutional Court of Lithuania.

Tweets: 1; 2.

02.03.2023.

The judges of the Constitutional Court meet with the representatives of the Consultative Committee of the General Convention on the Protection of National Minorities of the Council of Europe.

Tweet.

16.03.2023.

President of the Constitutional Court Aldis Laviņš participates in the ceremonial rotation of judges of the Constitutional Court of Lithuania.

Press release. Tweets: 1; 2; 3; 4.

17.03.2023.

Judges of the Constitutional Court and the Supreme Court of the Netherlands meet in the framework of the bilateral dialogue.

Press release. Tweets: 1; 2; 3; 4; 5; 6; 7. **Photo.**

27.03.2023.

The Legal Department of the Constitutional Court visits the Supreme Court of Sweden.

[Tweet](#).

03.04.2023.

The Constitutional Court is visited by Pēteris Zilgalvis, a judge of the General Court of the European Union.

[Tweet](#).

20.04.2023.

Judges and staff of the Constitutional Court meet with the ECHR Judge Mārtiņš Mits.

[Tweet](#).

28.04.2023.

The judges of the Constitutional Court and the Supreme Administrative Court of Finland meet as part of the bilateral dialogue.

[Press release](#). [Tweets: 1; 2](#). [Photo](#).

23.-25.05.2023.

Tripartite cooperation meeting of the Constitutional Court, the Constitutional Court of Lithuania and the Supreme Court of Estonia.

[Press release](#). [Tweets: 1; 2](#). [Photo](#).

31.05.2023.

The Constitutional Court meets with judges of Latvian regional courts as part of a dialogue.

[Press release](#). [Tweets: 1; 2](#).

12.06.2023.

Judges of the Riga District Court visit the Constitutional Court.

[Tweet](#).

27.06.2023.

A study visit of European Union judges and prosecutors, organised by the Latvian Judicial Training Centre and the Prosecutor's Office, takes place at the Constitutional Court.

[Tweet](#).

30.06.2023.

President of the Constitutional Court Aldis Laviņš participates in the session of the General Assembly of the European Council of Notaries.

[Tweet](#). [President's speech](#).

31.08.-01.09.2023.

President of the Constitutional Court Aldis Laviņš and Adviser to the President Andrejs Stupins take part in the international conference "EU United in Diversity II: Rule of Law and Constitutional Diversity".

[Press release](#). [Tweet](#).

22.09.2023.

Constitutional Court judges meet with the Constitutional Court of Ukraine.

[Tweet](#). [Facebook post](#). [Photo](#).

22.09.2023.

Constitutional Court judges meet the President of the Constitutional Court of Moldova.

[Tweet](#). [Facebook post](#). [Photo](#).

06.10.2023.

Lawyers from the Supreme Court of Finland and the Supreme Administrative Court visit the Constitutional Court.

[Tweet](#). [Facebook post](#).

13.10.2023.

President of the Constitutional Court Aldis Laviņš in Strasbourg participates at the ECHR seminar on Protocol 16 to the European Convention for the Protection of Human Rights and Fundamental Freedoms.

[Tweet](#). [Facebook post](#).

20.10.2023.

The Legal Department of the Constitutional Court visits the ECHR on an experience exchange visit.

[Tweet](#). [Facebook post](#).

09.11.2023.

The Constitutional Court is visited by a group of participants of the international program of the European Judicial Training Network.

[Tweet](#). [Facebook post](#).

17.11.2023.

Constitutional Court Judge Jānis Neimanis participates in the international conference organised by the Polish Constitutional Tribunal "Human Rights: A European perspective".

[Tweet](#). [Facebook post](#).

28.11.2023.

Anita Rodiņa, Judge of the Constitutional Court, participates in the CJEU at the annual judges' forum in Luxembourg.

[Tweet](#). [Facebook post](#).

05.12.2023.

President of the Constitutional Court Aldis Laviņš participates in the Riga Regional Court conference "Ensuring the rule of law in the digitalization of legal proceedings".

[Tweet](#). [Facebook post](#).

11.12.2023.

The 17th annual bilateral conference of the Constitutional Court and the Constitutional Court of Lithuania is taking place in Riga.

[Press release](#). [Tweet](#). [Facebook post](#). [Photo](#).

11.12.2023.

Artūrs Kučs, Judge of the Constitutional Court, takes part in a meeting of the Council of the European Union Agency for Fundamental Rights.

[Tweet](#). [Facebook post](#).

3.4. INTERNATIONAL CO-OPERATION

One of the strategic goals of the Constitutional Court is to ensure the international recognition and high reputation of the Constitutional Court. Therefore, over the years, the Constitutional Court has carefully and successively cultivated traditions of international cooperation, which cover the exchange of experiences and opinions, as well as participation in strategically important forums. Moreover, in the context of current geopolitical challenges, maintaining a supranational dialogue is particularly important to ensure the preservation of democracy, the rule of law and security.

The Constitutional Court is a member of several international institutions. It cooperates in the European Commission on Democracy through Law (Venice Commission), the Conference of European Constitutional Courts, the World Constitutional Justice Conference, as well as within the framework of the European Institute of Law. The Constitutional Court is also actively cooperating by supporting the integration of the legal systems of Moldova, Ukraine and Kosovo into a single European legal area and by sharing its experience in the dialogue with the CJEU and the ECHR.

In January, the President of the Constitutional Court Aldis Laviņš, the Head of the Court Administration Marika Laizāne-Jurkāne and the Head of the Legal Department Kristaps Tamužs met with the Latvian Ambassador to Moldova Uldis Mikuta. During the meeting, the cooperation of the constitutional courts of the two countries and the exchange of experience in strengthening the rule of law were discussed. Both sides particularly highlighted the results of the project implemented by the Constitutional Court and the Ministry of Foreign Affairs to strengthen the capacity of the Constitutional Court of Moldova. As part of the projects, employees of the Constitutional Court conducted webinars on the role of constitutional courts in a democratic legal state, the organization of court work, case-law of the Constitutional Court and other topical issues of constitutional law.

At the beginning of February, the European Commission's Commissioner for Justice,

Didier Reynders, visited the Constitutional Court. The judges of the Constitutional Court discussed with the Commissioner and members of his Cabinet the process of preparing the European Commission's annual rule of law report, the establishment of a special international tribunal to try Russian aggression in Ukraine and other issues of current interest in the European legal area. In the context of the preparation of the annual Rule of Law Report, the European Commissioner for Justice emphasized the need to continue discussions on improving the mechanisms for the enforcement of decisions of courts at all levels, including the Constitutional Court, the ECHR and the CJEU, and praised the standard of independence of the judiciary in the Republic of Latvia. The parties discussed various aspects relating to the prevention of political pressure on the judiciary, on the one hand, and the need for a parliamentary debate on the confirmation of judges, on the other. The President of the Constitutional Court informed the Commissioner of Justice about the preliminary work done by the court so that the Constitutional Court would join the e-case project, thereby promoting the accessibility of the Constitutional Court to every person. Didier Reynders focused on one of the European Commission's priorities – for the need for the widest possible digitization of the activities of state institutions, including courts.

An important issue on the agenda of the meeting was the need to create a special international tribunal to judge Russia's aggression in Ukraine. The Parties discussed the role of constitutional courts in raising the profile of the need to establish such a tribunal in the international legal area and the possibility that certain issues related to the establishment or functioning of the tribunal could also be brought before the Constitutional Court. In connection with the establishment of the said tribunal, the work of the Constitutional Court may also be of significant importance, representing the opinions of other European constitutional courts at the meeting of the Bureau of the World Conference on Constitutional Justice in March. The Constitutional Court and the Justice Commissioner of the European Commission expressed their satisfaction with the active dialogue between the Constitutional Court and

the justice institutions of the European Union, which strengthens democracy, the rule of law and trust in law.

In February, in cooperation with the Ministry of Justice, a member of the Constitutional Court was nominated to work at the International Criminal Court in The Hague, as a lawyer in the Office of the Prosecutor, on the work needed to prove war crimes committed in Ukraine. The decision to nominate a national expert was made after the call of the Prosecutor of the International Criminal Court to the member states of the Rome Statute of the International Criminal Court to send their national experts in order to investigate the war crimes committed in Ukraine as soon as possible.

On 10 and 11 March, President of the Constitutional Court Aldis Laviņš and Adviser to the President Andrejs Stupins participated in the 20th session of the Bureau of the World Conference on Constitutional Justice, where the Constitutional Court represented the interests of European constitutional courts in seeking solutions for the restoration of the international legal order. At the Bureau meeting, President of the Constitutional Court Aldis Laviņš stressed that the current threats to the supremacy of law could lead the world into chaos, therefore, in the current geopolitical situation, the world family of constitutional courts cannot remain in the role of a statistician – it must emphasize the need to restore peace and the international legal order.

The participants of the 20th session of the Bureau of the World Conference on Constitutional Justice agreed to continue work on the draft resolution prepared by the Constitutional Court on how the world family of constitutional courts will engage in the search for a legal solution to restore peace and the international legal order by establishing an effective mechanism that could be used to assess the responsibility of individuals for violations of international law, crimes of aggression, war crimes and crimes against humanity. The World Conference on Constitutional Justice brings together more than 100 constitutional courts, councils and supreme courts from Europe, America, Africa, Asia, Australia and Oceania. The overarching goal of its agenda is to ensure justice by examining the problematic issues of constitutional control, development of democracy and protection of fundamental rights in various countries of the world. The World Conference is the highest level platform in the field of constitutional justice. Since October 6 2022, the Constitutional Court has been part of the executive body of the World Conference on Constitutional Justice – the Bureau.

At the beginning of June, at the International Conference on Constitutional Law in Tallinn, judge Jānis Neimanis of the Constitutional Court gave a presentation on the regulation of direct democracy and the institution of constitutional complaint in Latvia.

In June, a delegation of the Constitutional Court visited the Constitutional Court of Moldova within

the framework of a bilateral visit, providing support for its integration into the single European legal space, sharing the most up-to-date case-law and coordinating the activities of both courts in the Office of the World Conference on Constitutional Justice. The Constitutional Court was represented by its President Aldis Laviņš, Judge Artūrs Kučs, Judge Jautrīte Briede and Adviser to the President Andrejs Stupins. The parties discussed cooperation between the two Courts in the protection of fundamental rights of individuals, the representation of all European constitutional courts in the Office of the World Conference on Constitutional Justice, as well as the project implemented by the Constitutional Court and the Ministry of Foreign Affairs of the Republic of Latvia to strengthen the capacity of the Constitutional Court of Moldova.

During the meeting, the President of the Constitutional Court drew attention to the challenges that await the Constitutional Court of Moldova after the country's accession to the European Union, provided an insight into the current developments in litigation and outlined the legal issues that the Constitutional Court plans to address in the near future. Judge Artūrs Kučs of the Constitutional Court presented a report on how constitutional courts operate in the field of application of European Union law and highlighted the most important findings of the Constitutional Court's case-law in this area. Judge Jautrīte Briede gave a presentation on the most important cases heard by the Constitutional Court in the last year. At the end of the visit, the delegation of the Constitutional Court visited the Embassy of Latvia in Moldova to discuss with Ambassador Uldis Mikuta the current issues of bilateral cooperation between the Constitutional Court and the Constitutional Court of Moldova, as well as future opportunities for Latvian state institutions to support the full integration of the Moldovan legal system into the legal area of a united Europe.

At the end of June, President of the Constitutional Court Aldis Laviņš participated in the general assembly meeting of the European Council of Notaries in Riga, emphasizing the common duties of notaries and courts towards the society, as well as the fact that the holding of such a forum in Riga confirms the high appreciation that the Latvian notary has earned by its authority and presence in the centre of European legal thought.

The President of the Constitutional Court emphasized that the rule of law could not be ensured in the long term in isolation, but only in a global perspective. Notaries work together to solve problems across Europe, for example by monitoring that transactions prohibited by European Union sanctions do not take place. Courts and notaries share duties and responsibilities towards society. One of these responsibilities is to bring the rule of law closer to everyone. The notary is an important cooperation partner of the courts, which significantly relieves the work of the courts.

However, the President of the Constitutional Court also pointed out that Latvia still lacked all the steps necessary for full notarial authentication. As long as there is no strict normatively regulated system of preventive law enforcement, it may unfortunately be permissible for the rights of the original owner to prevail over the rights of the bona fide acquirer. The standard of protection of the rights of Latvian citizens needs to be raised in order to ensure a full notarial process and a modern preventive law enforcement system for the protection of the bona fide acquirer in the future.

At the beginning of September last year, President of the Constitutional Court Aldis Laviņš and Adviser to the President Andrejs Stupins participated in the international conference “EU United in Diversity II: Rule of Law and Constitutional Diversity” organised by the CJEU, the Constitutional Court of Belgium, the Constitutional Court of Luxembourg, the Supreme Court of the Netherlands and the European Commission in The Hague, the Netherlands. In the second discussion panel of the conference “Supremacy of European Union law and the equality of European Union citizens before the law”, Aldis Laviņš gave a report on the importance of balancing the constitutional identities of the European Union member states and the rights of the European Union. In his report, the President of the Constitutional Court encouraged

the participants to exchange ideas on the concept of constitutional identity and its development in the case-law of constitutional courts and the CJEU and stressed that the recognition of the concept of constitutional identity in no way implied a rejection of the common European values. On the contrary, the recognition of constitutional identity is a practical tool to be used to protect, for example, freedom of establishment and freedom of movement, balanced in certain cases with the national legal framework.

The conference “EU United in Diversity II: The Rule of Law and Constitutional Diversity” brought together representatives of the constitutional and supreme courts of the EU Member States, the CJEU, the ECHR and the European Commission. Participants gave presentations on the role of the courts in protecting the European Union’s fundamental values, the rule of law and human rights. Before the conference, the delegation of the Constitutional Court visited the Embassy of Latvia in the Netherlands to discuss with Ambassador Aiga Liepiņa issues of international cooperation of the Constitutional Court, as well as current legal issues in Latvia and the world.

In September, Judge Anita Rodiņa of the Constitutional Court participated in the annual conference of the European Law Institute in Vienna, where, among other things, discussions were held on the establishment of



President of the Constitutional Court of Latvia Aldis Laviņš participates in the 20th session of the Bureau of the World Conference on Constitutional Justice (10-11.03.2023).

a Baltic law expert group, as such a group could be an important platform for the implementation of new cooperation projects to improve the quality of law.

At the end of October, President of the Constitutional Court Aldis Laviņš and Adviser to the President Andrejs Stupins participated in the conference of the Constitutional Court of the Republic of Kosovo “The Role of Constitutional Courts in the Protection and Strengthening of Democracy, Human Rights and the Rule of Law” in Pristina. Aldis Laviņš spoke about the role of constitutional courts in balancing European Union and international law with national constitutional identities and stressed that national constitutional identities and common European values are complementary elements that do not lead to divisions, but allow for a balance in the application of national law, European Union law and international law to protect democracy and the rule of law.

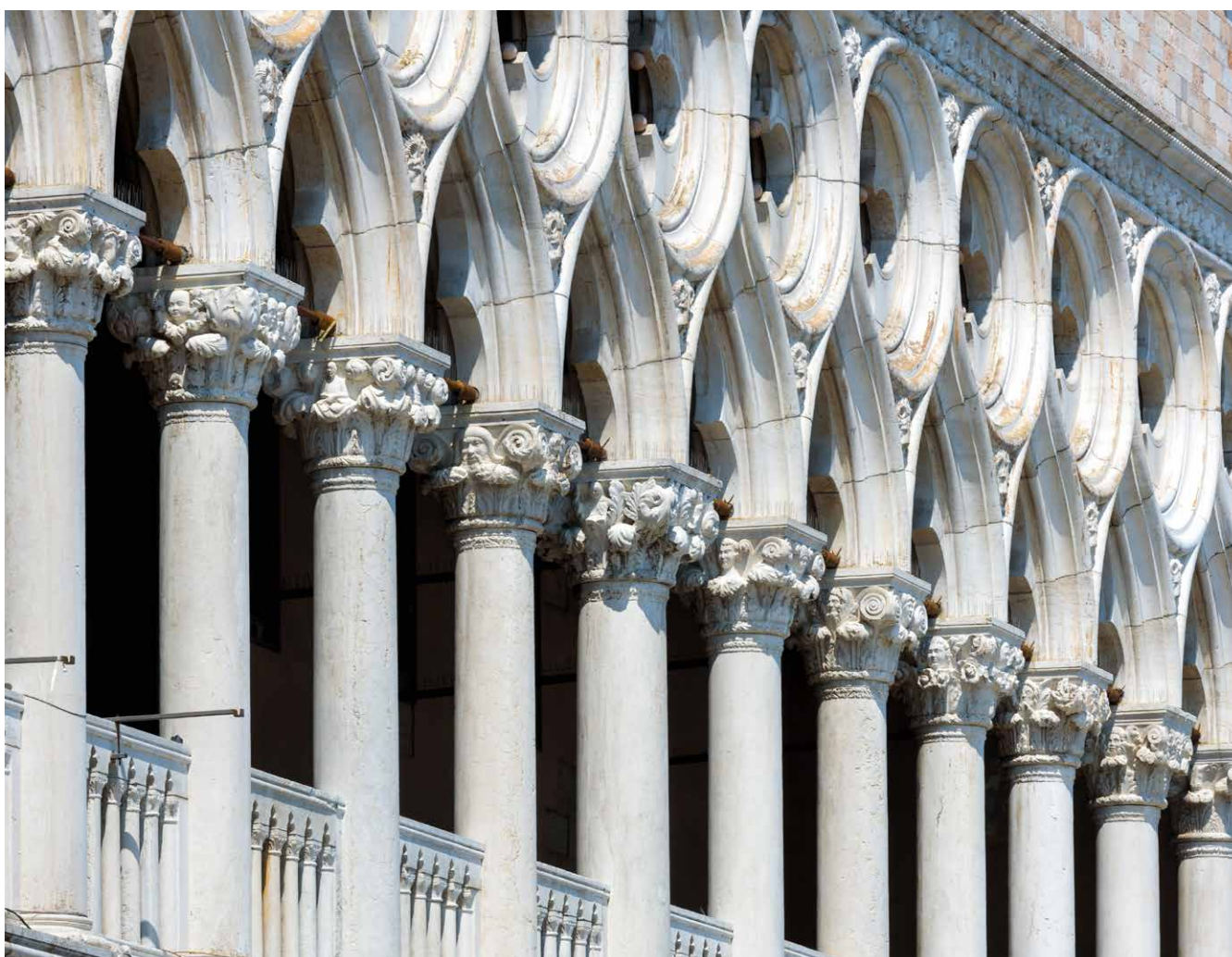
The conference was organised in the framework of the 14th anniversary of the establishment of the Constitutional Court of the Republic of Kosovo and brought together judges and legal experts from the world’s constitutional and supreme courts, the ECHR, the European Commission for Democracy through Law (Venice Commission) and various universities around the world. The Constitutional Court supports

the integration of Kosovo’s legal system into a single European legal area, including by sharing its experience in dialogue with the CJEU and the ECHR.

In November, President of the Constitutional Court Aldis Laviņš and his Deputy Irēna Kucina participated in the Conference of Constitutional Courts of the European Union in Brussels, where they discussed the protection of the rule of law and the development of multilateral cooperation between the constitutional courts of the Member States. The Conference of the Constitutional Courts of the European Union is an important platform for promoting active cooperation between constitutional courts and the European Commission.

During the review period, as always was active the Constitutional Court’s interaction with the European Commission for Democracy through Law (Venice Commission) – the Council of Europe’s advisory institution on constitutional law.

In December, President of the Constitutional Court Aldis Laviņš participated in the 137th Plenary Session of the Venice Commission, where opinions on constitutional law issues affecting the Commission’s member states were approved. At the plenary session of the Venice Commission, the President of the Constitutional Court was elected as



the Deputy Chairman of the Democratic Institutions Subcommittee. As a work priority, Aldis Laviņš emphasized the sustainability of democracy and the rule of law as a prerequisite for European unity and security.

Traditionally, Latvian representatives on the Venice Commission are current or former judges of the Constitutional Court. Within the network established by the Venice Commission, the Constitutional Court regularly communicates with the constitutional courts of other Venice Commission member states.

24.01.2023.

President of the Constitutional Court Aldis Laviņš meets the Ambassador of Latvia to Moldova Uldis Mikuta.

[Press release.](#) [Tweet.](#)

10.-11.03.2023.

President of the Constitutional Court Aldis Laviņš and Adviser to the President Andrejs Stupins participate in the 134th plenary session of the European Commission on Democracy through Law (Venice Commission) and the 20th session of the Office of the World Conference on Constitutional Justice.

[Press release.](#) [Tweets: 1; 2; 3; 4.](#)

25.04.2023.

Kristaps Tamužs, Head of the Legal Department of the Constitutional Court, participates in the Venice Commission's Joint Council on Constitutional Law conference.

[Tweet.](#)

04.-05.05.2023.

President of the Constitutional Court Aldis Laviņš and Vice-President Irēna Kucina participate in the Congress of the Presidents of the European Constitutional Courts in Berlin.

[Tweets: 1; 2.](#)

17.05.2023.

The judges of the Constitutional Court meet with the representatives of the Parliament of Ukraine (Ukrainian Rada).

[Tweet.](#)

02.06.2023.

Constitutional Court Judge Jānis Neimanis participates in an international constitutional law conference in Tallinn.

[Tweet.](#)

15.-17.06.2023.

A delegation of the Constitutional Court visits the Constitutional Court of the Republic of Moldova and meets with the Ambassador of Latvia to Moldova, Uldis Mikuta.

[Press release.](#) [Tweets: 1; 2.](#)

31.09.2023.

President of the Constitutional Court Aldis Laviņš meets Ambassador of the Republic of Latvia to the Kingdom of the Netherlands Aiga Liepiņa.

[Tweet.](#)

08.09.2023.

Anita Rodiņa, Judge of the Constitutional Court, participates in the annual conference of the European Law Institute in Vienna.

[Tweet.](#)

06.-07.10.2023.

President of the Constitutional Court Aldis Laviņš attends the 136th plenary session of the European Commission on Democracy through Law (Venice Commission).

[Tweet.](#) [Facebook post.](#)

22.-25.10.2023.

President of the Constitutional Court Aldis Laviņš and Adviser to the President Andrejs Stupins participate in a conference of the Constitutional Court of the Republic of Kosovo in Pristina.

[Press release.](#) [Tweet.](#) [Facebook post.](#) [Photo.](#)

15.-16.12.2023.

President of the Constitutional Court Aldis Laviņš attends the 137th plenary session of the Venice Commission.

[Tweet.](#) [Facebook post.](#)

16.12.2023.

At the 137th plenary session of the Venice Commission, the Chairman of the Constitutional Court, Aldis Laviņš, was elected as the Vice-Chair of the Democratic Institutions Subcommittee.

[Press release.](#) [Tweet.](#) [Facebook post.](#)

3.5. AWARDS

In May, the Latvian National History Museum presented the highest awards of the Justice System – Honorary Medals to highly qualified specialists, experts and employees of the justice system, as well as representatives of civil society who have made a significant contribution to the development of the Latvian justice system, strengthening democracy and the rule of law through their work and selflessness.

The 1st Class Medal of Honour for outstanding lifetime contribution to the justice system was awarded to:

- former President of the Constitutional Court Sanita Osipova.

The 3rd Class Medal of Honour for exemplary, honest and creative performance of duties in the field of justice was awarded to:

- Kristaps Tamužs, Head of the Legal Department of the Constitutional Court;
- Elina Podzorova, Deputy Head of the Legal Department of the Constitutional Court;
- the Head of the Administration of the Constitutional Court, Marika Laizāne-Jurkāne;
- the Head of the Public Relations and Protocol Division of the Constitutional Court, Dita Plepa.

Last December, at the solemn ceremony in honor of the 27th anniversary of the Constitutional Court were presented the Constitutional Court Awards to highlight

special merits that have contributed to the development and sustainability of Latvia as a democratic state governed by the rule of law.

The Honorary Diploma for Contribution to Strengthening Latvia as a Democratic, Legal, Socially Responsible and Sustainable State was awarded to Sanita Osipova, former President of the Constitutional Court.

Honorary degree for contribution to strengthening the rule of law, democracy and fundamental rights:

- Edvīns Danovskis, associate professor of Department of State Law, Faculty of Law, University of Latvia;
- Dina Gailite, editor-in-chief of “Jurista Vards” magazine;
- Kārlis Ketners, Director of the Budget Policy Development Department of Ministry of Finance;
- Signe Terihova, Legal Editor of the Court Houses Agency.

The Certificate of Recognition for long-standing and selfless work at the Constitutional Court, in recognition of the faithful performance of the duties of the office, has been awarded to:

- Baiba Bakmane, Adviser to the Constitutional Court;
- Gunta Barkāne, Head of the Chancery of the Constitutional Court;
- Gatis Bārdiņš, Adviser to the Constitutional Court.



Presentation ceremony of awards of the Constitutional Court of Latvia (08.12.2023).

3.6. OPENING OF THE JUDICIAL YEAR OF THE CONSTITUTIONAL COURT

At the beginning of February, the fifth **solemn hearing of the Constitutional Court** was held, symbolically opening the new year of work of the Constitutional Court. The solemn hearing was opened by President of the Constitutional Court Aldis Laviņš with a report on the development of constitutional law in 2022. After the report followed a speech by the guest of honour – Danutė Jočienė, President of the Constitutional Court of the Republic of Lithuania.

After the solemn hearing, a **press conference** was held to present an report of the work of the Constitutional Court in 2022. The Constitutional Court's solemn hearing and the subsequent press conference were broadcast live.

The solemn hearing of the Constitutional Court will symbolically close the last year of the Constitutional Court's work and open the new one. The task of the Constitutional Court's solemn hearing is to establish a dialogue between society and the constitutional bodies representing the three branches of state power, aimed at strengthening the values of a democratic state governed by the rule of law.

Report by the President of the Constitutional Court, Aldis Laviņš, on the development of constitutional law in Latvia in 2022, at the solemn hearing of the opening of the Constitutional Court on 3 February 2023

Excellencies,

Ladies and gentlemen,

Dear audience,

For the fifth time already, the new working year of the Constitutional Court is opened with a solemn sitting of the Court, where the Constitutional Court reports to every person of Latvia on the work done in the previous year and the work to be done in the current year. The opening session of the Court's annual work is important because, in a democratic state governed by the rule of law, such an annual and widely accessible report on the

work of the Constitutional Court establishes a direct link with the sovereign – the people of Latvia – and thus also strengthens the legitimacy of the Court's work. It is the people of Latvia, through a democratically elected Parliament, who have established the Constitutional Court to ensure the protection of the constitutional order and the fundamental rights of every person. It is significant that today, for the first time, a solemn sitting is taking place as the Latvian state takes its first steps in the second century of our founding law – the Constitution.

Reporting on the development of constitutional law in Latvia in 2022, I would like to emphasize that a considerable amount of work has been accomplished last year: we have worked intensively on pending cases, celebrated the Constitution on its centenary, strengthened the Court's dialogue with society, Latvian and international institutions, as well as ensured the continuity of the Court's work in energy-saving conditions and provided constant support to colleagues of the Constitutional Court of Ukraine at a time when the Ukrainian people are fighting for freedom.

I would like to express my sincere gratitude to the judges of the Constitutional Court, their assistants, the Legal Department, the Court's administration, structural units, all my advisors and every employee of the Court for the work they have done in the past year, both in the judicial block and in the Court's administrative management, inter-institutional and international cooperation! Thank you!

The Constitutional Court has certain duties and responsibilities towards society. One of them is to bring the rule of law closer to everyone through dialogue. I will turn next to the question: how does the Constitutional Court fulfil this obligation? I will start with the quantitative results of the Court's work in litigation in 2022 and the most valuable lessons that are of particular importance for justice.

Briefly about the statistical data: In 2022, 44 cases were initiated before the Constitutional Court. As



in previous years, the largest number of cases was initiated on the basis of constitutional complaints from private individuals – 33 cases. Three cases have been initiated following court applications – all following administrative court applications. Five cases were initiated on the basis of applications by local government councils and three cases – on the basis of applications by no less than twenty members of the Saeima.

An interesting trend is that a large proportion of the applications and cases brought before the Court relate to various criminal procedural issues. The provisions of the Law on Criminal Procedure have been challenged in every fourth of the applications submitted to the court, for which cases have been initiated. These cases mainly concern proceedings for the proceeds of crime. In connection with these cases, it should be noted that the Constitutional Court recently adopted two decisions on referring questions to the CJEU for a preliminary ruling on access to case materials and on appeals against a court decision.

Last year, in the judgments 42 legal provisions were assessed for compliance with the Constitution. 16 legal provisions were declared compatible with the Constitution, and 26 legal provisions – incompatible with the Constitution. The contested provisions have most often been found to be incompatible with Article 105 of the Constitution, which guarantees the right to property, and the first sentence of Article 92 of the Constitution, which establishes the right to a fair trial.

As regards the substantive aspects of the Court's work, the Constitutional Court has reached a number of valuable conclusions in its case-law in 2022, which strengthen the rule of law and are important for the process of law-making. I would like to highlight some of them:

1. In the area of taxation, the Constitutional Court emphasized that a fair tax policy encourages taxpayers

to be more inclined to pay taxes voluntarily. The Court recognised that the Personal Income Tax Act is based on the taxpayer's ability to pay the tax, whereas the contested provisions allow for a situation where the tax is payable even if no income has actually been earned. This is contrary to the principles of fairness and legal equality.

2. The case before the Constitutional Court on the requirements for efficiency of energy production and efficient use of heat energy for biogas power plants under the mandatory purchase of electricity was important for the sustainability of the Latvian environment. The Court recognised that the ability of the present and future generations to live in a favorable environment depends on the willingness of countries to pursue sustainable development by protecting the Earth's climate system, preventing or counteracting the causes of climate change and mitigating its harmful effects. Energy efficiency, which includes the efficient use of heat, is one of the tools for achieving climate goals.

3. Last year, Latvian society slowly recovered from the difficulties caused by the Covid-19 pandemic. Last year, cases concerning restrictions on the spread of infection were heard in all our country's judicial institutions – including the Constitutional Court. In the so-called "shopping center Covid-19 case", the court has specified the precautionary principle, explaining that in case of uncertainty and immediate action is required, state institutions do not have to wait until real damage has already been done. In case of reasonable doubt, the legislator may choose among several possible regulatory alternatives the one which is more likely to ensure the protection of the rights and interests of persons or of society. This does not mean that the legislator is exempt from the obligation to identify and assess these alternatives.

4. On the other hand, in the so-called "distance learning case", the Constitutional Court did not allow a

narrow and formal view of the hitherto unprecedented conditions of the pandemic: the mere fact that a state of emergency has not been declared in the country does not mean that urgent state action would not be necessary to prevent threats to the health and well-being of individuals. On the one hand, the state must ensure that it fulfils its duty to protect people's health. On the other hand, the state has obligations arising from the right to education, which must also be fulfilled in the conditions of the spread of infection. In all cases, compliance with the standard of fundamental rights is ensured by evaluating proportionality according to the seriousness of the crisis. In such circumstances, the opinions of experts and their expertise have gained even more importance in the actions of the state when determining the limitations of fundamental rights.

5. In its case-law, the Constitutional Court has particularly emphasized the essential importance of the State language as an element of the constitutional identity of the State. Also, the CJEU, giving an answer to the preliminary questions asked by the Constitutional Court in the case regarding the norms of the Law on Universities, which refer to the study programs of private universities, emphasized that it is not illegal to have the legal framework of a member state of the European Union, which in principle obliges universities to implement study programs exclusively in the official language of a member state, as long as this legal regulation is justified by considerations related to the protection of the national identity of that member state, that is, it is necessary for the protection of the legitimate aim and is proportionate to it.

This means that restrictions may be imposed to ensure the protection of the national language, but in any event the national courts must assess their proportionality to the legitimate aim.

6. In the case in which the legal provisions regulating the confiscation of criminally acquired property were assessed, the Constitutional Court emphasized that the confiscation of criminally acquired property was implemented with the aim of guaranteeing compliance with the principle that a criminal offence does not bear fruit.

The cases proposed in 2022 also provide a basis for consideration of what trends in the development of constitutional law and actualities of case-law could await us this year. I would like to inform the Latvian society that the Constitutional Court will consider the following issues:

- the amount of state-guaranteed minimum income thresholds and their review period;
- education only in the national language in private education institutions;
- The obligation of a Member of the Saeima to be vaccinated against Covid-19 infection;
- changes to the port governance model;
- the local government's obligation to dismantle objects that glorify the Soviet regime at its own expense;

- the amount of remuneration of pedagogues working in preschool educational institutions;
- land use rights and fees for the use of such rights;
- provisions that reduce the diameter of the main cut, allowing certain tree species to be felled more quickly;
- the prohibition on gambling provided for in the local government's binding regulations;
- the local government's binding regulations on the use and development of Riga's territory, as well as many other things.

Dear audience,

One of the tasks of the Constitutional Court is to identify and understand the problems of concern to the people of Latvia and, within its competence, to address them through law, while also drawing the attention of the legislative and executive powers to them so that every person can protect his or her rights and live a dignified life. This year, we will also face new challenges in assessing the level of the national minimum income thresholds and the period for reviewing them. Recent Constitutional Court rulings on the guaranteed minimum income in 2020 emphasized the State's obligation to periodically review the amount of social assistance. Currently, we have to take into account that the world has changed significantly since these rulings, people's needs have become dependent on previously unprecedented factors, energy resources, basic goods and services have risen in price, which has especially affected the socially disadvantaged. The Latvian state must not create socially marginalized groups that do not feel supported by the state and thus do not have a sense of belonging to the state, or even worse – they disappear.

There are different social groups that receive information about the possibilities and mechanisms for protecting their rights in a specific way – through municipal social services and non-governmental organisations supporting socially vulnerable people. People in every region of Latvia, including through local authorities, should be aware, for example, that state-funded legal aid is provided in the Constitutional Legal proceedings to those who need it most. So far, socially vulnerable persons have exercised their right to apply to the Constitutional Court so rarely within the framework of state-funded legal aid that there are grounds to question whether the tool established for the protection of fundamental rights of vulnerable persons is sufficiently effective.

Similarly to what the Constitutional Court has recognised in the so-called distance learning case, in the matter of access to information, the State is obliged to consider the risks related to the availability of internet resources, technical equipment and a suitable environment in order to protect its rights, since inadequate provision of these risks discrimination between different citizens of the State. The result can be that the court ends up further away from the citizen, which would be unacceptable. We will raise these issues

in dialogue with the other constitutional bodies of the country later this year.

Dear people of Latvia,

In the current context of geopolitical challenges, the need to safeguard democracy has become particularly important. I just had the opportunity to attend the official opening session of the ECHR. During the discussions, colleagues of Council of Europe expressed serious concerns about the ongoing threats to democracy in Europe.

Nowadays, the understanding of the concept of democracy is no longer formed only by the aspect of majority rule. An integral part of democracy is the protection of fundamental rights, the rule of law and an independent judiciary. Democracy is impossible in a country that is not governed by the rule of law, which is why safeguarding the rule of law has almost become the main task in 2022 and will remain so for an unpredictable period of time. A democratic state governed by the rule of law is obliged to safeguard its existence and prevent the threat of its destruction by all legal means. This is a difficult task because threats to democracy can only be addressed in a democratic and legitimate way, whereas attacks against democracy are often carried out precisely through the means of a democratic state governed by the rule of law.

In the conditions of geopolitical upheavals, primary attention has been paid to urgent and crucial matters at the given moment. This can create a favorable environment for seemingly “innocent”, minor legislative amendments that reduce political competition, restrict freedom of speech and the press, and negatively affect the foundations of a democratic state governed by the rule of law. Equally important are those cases where the independence of the judiciary is undermined. At this point, I would just remind you that without a professional and independent judiciary, the sustainable functioning of democracy is virtually impossible. Therefore, any initiative aimed at undermining the independence of the judiciary should therefore be viewed with great caution, for example, initiatives on the procedure for appointing members of the Judicial Council or similar bodies, shortening the terms of office of judges, bringing judges to disciplinary action, etc. In this way, without the public even noticing, the process of deconstruction of democracy can begin. If you don't stop it at the start, it may be too late.

At the same time, thinking about the independence of the judiciary, we must not move towards the status of a branch of the judiciary that is closed and concentrates power in such a way that the sovereign would no longer have the opportunity to participate in the decision-making of issues related to the improvement of the judiciary. Such manifestations can also damage democracy.

We should be satisfied that the mentioned threats to democracy in the political environment of Latvia, apart from the idea expressed in the heat of pre-election debates about the liquidation of the Constitutional Court, have not gained relevance. We can each give our own assessment of the reasons why the efforts to make the judiciary more independent and, consequently, less democratic have not taken place in Latvia. Can we conclude that the political culture and understanding of the implementation of the principle of power sharing in Latvia is becoming more and more intelligent? I sincerely wish this for our Latvia. But the concerns raised by some European countries that I mentioned earlier show that it can be different. That's why I emphasize the value of international dialogue, because within it the judges of the constitutional court directly exchange information, among other things, about various risks in the functioning of a democratic legal state. It is important to be aware that the situation in our country can improve or deteriorate due to various factors, which is why we need to regularly consider the possible risks to democracy and remain vigilant in ensuring both the guarantees of an independent judiciary and the protection of fundamental rights and freedoms.

In 2022, the Constitutional Court has also emphasized the importance of dialogue and the promotion of a culture of cooperation with all potential participants in dialogue. The format of the solemn annual opening session of the Constitutional Court, in connection with the annual multilateral discussions, strengthens the dialogue of Latvia's constitutional bodies, which has a significant role in strengthening the rule of law in Latvia.

Dialogue is also needed at the international level to keep Latvian legal thought at the centre of legal change in Europe and the world. In recent years, our institution has paid special attention to international cooperation, which is why, alongside representatives of foreign diplomatic corps and Latvian ambassadors abroad, our closest international partners – representatives of the Constitutional Court of the Republic of Lithuania and the President of the Court, Mrs Danutė Jočienė, are also taking part in the opening ceremony of our working year.

I would like to draw attention to the fact that the Constitutional Court is working more and more actively on its international recognition and reputation. Over the years, the Court has carefully and continuously cultivated a tradition of international cooperation, convinced that it makes a significant contribution to the development of the rule of law in Latvia and the world. In 2022, significant developments have taken place in the international cooperation of the Constitutional Court. Namely, at the V Congress of the World Conference on Constitutional Justice held in October, the Constitutional Court was approved as the executive body of the international organization established by the world's constitutional courts. In the following

years, until the next congress, the Constitutional Court of Latvia will represent the interests of all European constitutional courts at the world level. Such a mandate given to the Constitutional Court confirms confidence in the values that the Court upholds in its work.

International dialogue was particularly important in a year when Russia launched a full-scale war on Ukrainian territory. I will be very direct – in the congress I mentioned, which was dedicated to justice and peace, the constitutional courts of many countries still behaved passively regarding the presence of the Constitutional Court of the Russian Federation in the family of the world's constitutional justice, despite its approved annexation of the occupied territories of Ukraine. Thus we have seen yet another attempt to compromise with the defence of democracy. However, at the same time, we saw that Russia's invasion of an independent country changed the attitude of many European colleagues – that is, we must no longer tolerate threats to democracy. Contrary to what the judicial representatives of other continents say, this is no longer a political issue in which judicial institutions may not even get involved. It is a struggle for freedom, for a democratic state order. The Constitutional Court of the Russian Federation, approving the annexation of the territories of Ukraine conquered by arms to the Russian Federation, has turned into a political institution for legitimizing the ambitions of an autocratic regime. Such a court is no longer a court within the meaning of the Statute of the World Conference on Constitutional Justice.

Back in February 2022, it might have seemed unusual to some that the flag of another country was flying outside the judiciary of a nation state and that the courts of the Baltic States, which deal with constitutional law issues on a daily basis, were demanding that Russia and Belarus be excluded from the world family of constitutional courts. However, already in October, together with our colleagues from the Baltic States and several other European countries, we convincingly secured the withdrawal of the Constitutional Court of the Russian Federation from the World Conference on Constitutional Justice, while the Ukrainian flag has been flying at our courthouse since the first day of the war.

Looking at the challenges of the defense of democracy highlighted in the previous report in the light of the international situation, I would like to emphasize our responsibility to continue to support our Ukrainian colleagues in their struggle for freedom and democracy, as the challenges will continue even after the victory in the war. Managing democracy in a devastated country is particularly difficult given the huge amount of other needs that go alongside it. In this regard, historical experience provides examples when, as a result of war, authoritarian regimes can be formed in individual countries. That is why we need to work together now, as a preventive measure, with our partners in Ukraine and in other countries that are determined to become

members of a single European judicial space, to prevent democratic weakening and to strengthen the independence of the judiciary and its integration into the architecture of democratic governance.

The year 2023 will pass by actively working on the agenda of the Bureau of the World Conference on Constitutional Justice and in discussions in multilateral formats with the constitutional courts of all Europe on the effective representation of the judicial interests of our continent at the world level. Latvia will also take over the Presidency of the Committee of Ministers of the Council of Europe for the second time from mid-May to mid-November 2023. These responsibilities are characterized by an intense schedule of international events. I am honored that the Constitutional Court will also be an active participant in these events. In cooperation with the Supreme Court of the Republic of Latvia (Senate), we will organise an international conference in Riga in September on “The Role of the Courts in Enforcing ECHR Judgments”.

Finally, I would like to emphasize perhaps the most important element of the dialogue, namely the implementation of the openness of the Constitutional Court to the Latvian society by addressing the most diverse groups of society through a variety of activities and modern communication mechanisms.

Informing the public about fundamental rights and their protection tools through the explanation and application of the scope of the articles of the Constitution provided by the court is the reason why we are gradually gathering information about each article of Chapter VIII of the Constitution. Last year was published the second publication in the series initiated by the Constitutional Court – a **bookazine** on the principle of legal equality.

Many judges and court employees contributed to strengthening the dialogue between the Court and society by becoming ambassadors of the Constitution in the educational campaign for schoolchildren “Me, You and the Constitution” and participating in the opening of the exhibition “Constitution 100 plus” at the Latvian National History Museum. More than a thousand people visited the Constitutional Court on Museum Night and, inspired by this, the Court launched a virtual tour of its history room last year. It is particularly important for us that everyone feels listened to with dignity at the Constitutional Court.

Dialogue with society continues to include children and young people. The competition of schoolchildren's drawings and essays has become a tradition, while this year, for the first time, the plenary workshop “Story of the Constitution” was held by the Constitutional Court and the Art Academy of Latvia. The works produced as part of these events inspire confidence that, despite the current difficulties, the future of our country and democracy lies in the hands of an educated, determined and free people.

Throughout the year, we have continued to develop and regularly supplement the Constitutional Court's podcast *Tversme*, which saw the light of day more than a year ago, increasing knowledge about the values of a democratic state governed by the rule of law, the application of the Constitution and the work of the Constitutional Court in a way that is convenient for a large part of Latvian society. At the same time, bringing the rule of law closer to everyone does not mean primitivizing information about the Constitutional Court or presenting it in the simplest possible way. It is a work where rapprochement goes hand in hand with an interest in learning, working on oneself, learning about more complex legal issues, making people more aware of their fundamental rights and obligations towards society.

I am sure that the various forms of dialogue – both with the sovereign himself, with the institutions representing all branches of state power, and with international cooperation partners – ensure the protection of the sovereign's rights and interests, including when he does not participate directly in any of the stages of the dialogue, because every state institution the work must first of all be done for the benefit of the people of Latvia.

Being a guardian of the Constitution means serving your people. Respectful attitude, humility before the rule of law and every person's individual problem situation is not a desirability, but our duty. It is a message that the representatives of the state still do not always succeed in conveying to this same person, in order to give him a sense of security, satisfaction, belonging and social peace. The exercise of this duty is the most important mission of the judiciary, and in fact it is stated very

simply in our Constitution: The legal composition of the first sentence of Article 92 of the Constitution consists of only one word – “everyone” – and without it the Constitutional Court would not be able to properly guarantee the protection of fundamental rights guaranteed by the Constitution. Everyone can defend their rights and legitimate interests in a fair trial. This is the basis of the foundation, the starting point for the fact that we can gather here at all within the framework of the solemn session, because the Constitutional Court was established with one single basic goal – to work for the benefit of the Latvian people and every individual, administering justice within the framework of a specific competence. That is why any dialogue with the Constitutional Court begins in a very elementary way – anyone can participate.

Everyone is valuable. We are open to everyone. We will defend everyone's rights!

Speech by the President of the Constitutional Court of the Republic of Lithuania, Danutė Jočienė, at the opening ceremony of the Constitutional Court on 3 February 2023

Labrīt, Satversmes tiesas priekšsēdētāj, tiesneši, dārgie kolēģi!

Honourable Speaker of the Saeima,

Honourable President of the Constitutional Court of the Republic of Latvia, Distinguished Judges,

Excellencies, Ladies and Gentlemen,



Solemn hearing on the occasion of opening the Constitutional Court's judicial year (03.02.2023.).

I am very grateful for being invited to speak today in the solemn session for the opening of the judicial year of the Constitutional Court of the Republic of Latvia. I am deeply honoured to be the first representative from a foreign country who was entrusted with making a speech at this solemn event. It is wonderful that our personal and professional lives intersect again in this official ceremony bringing two Baltic States and our common ideas of constitutionalism together in this extremely difficult period in Europe's legal history.

I'm also proud that, during the last two years, under my leadership the Constitutional Court of the Republic of Lithuania has been fostering close cooperation between our courts and mutual dialogue not only among judges, but also among our Courts' staff members. We are ready to welcome Latvian lawyers in Vilnius in our Court at the end of February 2023 and we will take all efforts to ensure that this meeting will be memorable and professionally enriching.

The longstanding judicial cooperation and friendship between the Latvian and Lithuanian Constitutional Courts, developed since the establishment of the Constitutional Court of Latvia, give us not only the opportunity to meet each other repeatedly, but, **most importantly**, they contribute to the professional and personal enrichment. Wide-ranging discussions on various constitutional issues and the judicial experience shared, the mutual cooperation permit us to better tackle the common constitutional challenges while administering constitutional justice. I am pleased to note that this relation has successfully developed during the years and I do hope that it will continue on the same high-level cooperation scale in the future.

The topic of my intervention today – **bringing justice to everyone** – reflects the very essence of democracy and it is closely linked to the fundamental principle of the rule of law which nowadays confronts various unprecedented challenges.

John Lewis once said: “We have a right to protest for what is right. That's all we can do. There are people hurting, there are people suffering, so we have an obligation, a mandate, to do something.”

In rephrasing the words of John Lewis, this sentence would mean the State's, including the justice system, **positive obligation to act** in order to bring justice to every person who is in need of the protection and support.

In my speech today I will focus on **three main aspects** that, in my opinion, are of significant importance when talking about justice to be brought to everyone:

- the duty of the judge to perform the proper and

reasonable balancing of interests involved in the cases at stake;

- guaranteeing access to justice to everyone while performing the balancing test; and
- the openness of courts to society as well as the comprehensibility of judicial decisions.

I will turn now to the first aspect – *proper balancing duty of the judge (court)*.

Justice is the foundation of the State under the rule of law. Access to justice is a **key component of fair, humane, effective, inclusive and efficient justice**, so all groups in society can equally enjoy their rights.

According to the ideals of western legal tradition, the judiciary is an **indispensable guarantee** of all constitutional rights and freedoms. Without access to justice and the effective judicial protection the beautiful constitutional norms and principles would become only a solemn declaration, an illusion of the safeguard, a dead letter.

The courts transposing abstract values into legal rules contribute to the fully fledged enjoyment of fundamental and innate rights that the national constitution confers on the people. The judicial decisions have a remarkable and immediate effect to the well-being of the people.

Therefore, the proper functioning of the independent and impartial courts is an essential element of any democratic state operating under the rule of law. Access to justice implicates, as stated many times by the European Court of Human Rights, **the presence of an independent and impartial judiciary** and the **right to have a fair trial**. The independence and the impartiality of the judiciary are central to the public perception of justice and thus to the achievement of the classical formula: “justice must not only be done, it must also be seen to be done”.⁶²

And the judicial protection of democracy, in general, and of **human rights, in particular**, is a characteristic of most developing democracies.⁶³ According to Reinhold Niebuhr, man's capacity for justice makes democracy possible, but man's inclination to injustice makes democracy necessary.

The strength of the judicial power of the constitutional courts contributes to the solution of the questions to which the politicians – representatives of the two other state power branches – do not have answers or do not wish to publicly provide them. While providing reasonable answers to the questions raised in the cases, the judiciary, including and, especially, **the constitutional courts, strengthen democracy and the rule of law**, as well as **educate society**.

62 https://www.venice.coe.int/images/SITE%20IMAGES/Publications/Rule_of_Law_Check_List.pdf

63 Barak, A. On Society, Law, and Judging. *Tulsa Law Review*, 2013, No. 47 (2), p. 303.

A good example illustrating such a multiple role of the judiciary might be the ruling of the Constitutional Court of 9 December 1998 on the abolition of the death penalty in Lithuania. In this ruling, a firm and decisive position of the Constitutional Court, based on the extensive analysis of international law, **was the catalyst** for the reassessment of the settled equilibrium of values.

After a comprehensive analysis of the applicable international standards, the Court concluded that the exceptional protection of the innate rights, as provided for by Article 18 of the Constitution, prevents the establishment of the death penalty in the sanction of Article 105 of the Criminal Code. The Constitutional Court stated, among others, that human life and dignity, as expressing the integrity and unique essence of the human being, are above law; they constitute that minimum, that starting point from which all the other rights are developed and supplemented, and they constitute the values which are unquestionably recognised by the international community. In such a case, the aim of the Constitution is to ensure the protection of, and respect for, these values.

This landmark case has not only changed the legal system of Lithuania, but also, by bringing more protection to human dignity and fundamental rights, positively contributed to the changes of the legal thinking of the whole society, which was at that moment in favour of the death penalty.

Likewise, in times of economic and other crises and emergency situations, the courts are the last resort for people standing up against the decisions of state power institutions. When the world-wide economic crisis threatened the basis of the functioning of States in 2008, the governments adopted different austerity measures to ensure the collection of the state budget. In such circumstances, specifically the constitutional courts played an important role in defending people's constitutional rights, including the right to an old-age pension (of appropriate amount), the right to the protection of property, and the right to social benefits. The constitutional criteria in this area were established when balancing between the State's economic and financial interests and the interests of people to receive fair payment for their work accomplished and the fair amount of their old-age pensions and other social benefits.

Most importantly, the Constitutional Court decided to invoke **the principle of proportionality as a leading principle in balancing the public (or States') interests and individual interests** involved in the constitutional justice cases on *inter alia* reduced social benefits, the old-age or state pensions, as well as the salaries of state

servants and other state officials. Establishing a violation of the Constitution in reducing the social benefits and salaries of the State servants in a disproportionate manner, the Constitutional Court set up the obligation of the authorities to adopt a fair compensation scheme for the unproportionate losses experienced by the population.⁶⁴

The principal role of the courts, and, especially, the constitutional courts, as the measure of the last resort in protecting fundamental rights and freedoms has clearly been seen in the times of the global COVID-19 pandemic. In numerous recent cases the constitutional courts in Europe have recalled that the restrictions imposed on fundamental rights during the unprecedented world-wide pandemic, regardless of the legitimate aim underlying these restrictions, can be introduced only in conformity with the requirements stemming from the Constitution. If the necessity to introduce new measures facing the unprecedented coronavirus situation could be easily proved, the proportionality of such measures had to be properly evaluated by the courts.

Notwithstanding the fact whether the contested legal regulation was recognised as being in conformity with the Constitution (like in Lithuania in the last ruling of 24 January 2023, where the Constitutional Court assessed the legal regulation restricting the provision of dental services and prohibiting the provision of beauty services in the spring of 2020) or whether a violation of the Constitution was established (like in Latvia, in the ruling of 10 March 2022 where the Constitutional Court assessed the prohibition on running shops not having a separate entrance), **the clear message for society has been sent:** even in the extreme health situation threatening the health and/or life of the population, the protection of fundamental rights and freedoms and the principle of the rule of law **must be respected** and the proper balance between the public interests of society and the State, on the one hand, and the individuals, on the other, must be ensured.

A prominent lawyer of Lithuanian origin and the former President of the Israeli Supreme Court, **Aharon Barak** (who committed his life and research to the role of a judge), stated that **balancing is a very important tool in fulfilling the judicial role**, as it expresses the complexity of the human being and the complexity of human relations and introduces order into legal thought.⁶⁵

Therefore, to find a proper **balance between different interests** is a daily function of every court – the courts face this duty task in almost every case.

For instance, in addition to the above-mentioned cases inspired by the different crisis situations, the

64 *Inter alia*, the rulings of the Constitutional Court of the Republic of Lithuania of 24 December 2008 and 6 February 2012, as well as its decision of 2 April 2010. Also, the judgment of the Constitutional Court of the Republic of Latvia of 21 December 2009 in case No. 2009-43-01.

65 Barak A., *supra* note 2, p. 309.

Constitutional Court of Lithuania has dealt with the search for fair equilibrium while defending the right to ownership in the property restitution cases, where the proper balance was set up between the interests of the former owners of the property and its current possessors⁶⁶ or when the rights to ownership were restricted to the benefit of the state protected areas.⁶⁷ Moreover, in the constitutional justice cases a balance between national security interests and economic freedom was also evaluated,⁶⁸ and the protection of private life of public persons was opposed to the right to receive information and the latter right was recognised as prevailing, because, according to the Constitutional Court, the media has the right to inform society about important details of the private life of politicians and the right of journalists not to disclose their sources should be protected, unless a court orders otherwise.⁶⁹

I am sure that there are many similar examples in the jurisprudence of the Latvian Constitutional Court, and some of them are closely related to those of my mentioned cases (for example, in the property restitution cases, the ruling of your Court of 8 March 2006 about the determination of the maximum amount of rental payment in denationalised housing properties⁷⁰).

Now I will turn to the second aspect – *the duty to guarantee access to justice to everyone*.

In society that acts by law and is subject to law, **everyone must have access to justice**. Every person despite his or her gender, race, nationality, language, origin, social status, belief, convictions, or views may seek justice in the courts. The judiciary must respond to that demand without any prejudice or stereotypes prevailing in society. Article 29 of the Lithuanian Constitution lays down the principle of non-discrimination and the equality of people *inter alia* before the law and courts.

The Constitutional Court of Lithuania has clearly formed the fundamental principle that the Constitution is an anti-majoritarian act which protects everyone.

This treatment of the Constitution as an anti-majoritarian act was recalled, among others, in **the ruling of 11 January 2019** on issuing a temporary residence permit in Lithuania to a foreign national in the event of family reunification, when marriage (or registered partnership) of the same sex couple with a Lithuanian citizen was concluded in another state.

The same viewpoint and almost the same wording might be found in the Latvian constitutional jurisprudence – in the **Ruling of 12 November 2020**, where the legal norm that did not envisage the right to leave in connection with the birth of a child to the female partner of the child's mother was reviewed.⁷¹ The Latvian Constitutional Court held in this case that: "The stereotypes prevailing in society may not serve as constitutionally justifiable grounds for denying or restricting fundamental rights of a certain person or a group of persons in a democratic state governed by the rule of law".

The approach that the judiciary must act in cases without prejudice or stereotypes prevailing in society was upheld also by supranational courts. Just a couple of days ago, **the European Court of Human Rights** (hereinafter referred to as the Strasbourg Court, EctHR) passed the judgement in the case *Macatè v Lithuania*⁷², which dealt with the situation in which the author of a children literature book was sanctioned, as she had published a book containing fairy tales, where in two fairy tales out of six the relationships of same-sex persons were depicted.

The EctHR stated that, in a democratic State under the rule of law, the attitudes or stereotypes prevailing during a certain period of time among the majority of the members of society may not, on the basis of constitutionally important objectives, such as ensuring public order, serve as constitutionally justifiable grounds for discriminating against persons or for limiting their rights secured under the Constitution. In this case a violation of the freedom of expression protected in Article 10 of the European Convention on Human Rights was established.

The ECtHR acknowledged⁷³ that the aim to protect minors from the particular information based on those stereotypes **cannot be seen as legitimate**, as it reinforces the existing stigma and prejudice, which cannot be compatible with the notions of equality, pluralism and tolerance inherent in a democratic society.

Therefore, this case and many other cases of the EctHR have imposed a clear duty on the national courts to **properly implement the constitutional principles of equality and non-discrimination**. Judicial protection should be offered at national level to everyone who is in need of such protection, and it, moreover, should incorporate the universally or regionally (or supranationally) recognized human rights protection standards and principles. Thus, the courts should

66 Starting with the ruling of 4 March 2004 etc.

67 See the rulings of 31 January 2011 and 25 November 2019.

68 The last in this topic, the ruling of 22 September 2022, alongside with others.

69 See the ruling of 23 October 2002.

70 Case No. 2005-16-01, <https://www.satv.tiesa.gov.lv/other/2018-ST-Zelta-gala%20versija.pdf>

71 The judgment of the Constitutional Court of the Republic of Latvia of 12 November 2020 in case No. 2019-33-01.

72 The ruling of the Constitutional Court of the Republic of Lithuania of 11 January 2019.

73 § 181 of case *Macatè v Lithuania* of the ECtHR.

become a bridge for the individuals, connecting domestic law and International or European Union law standards and guarantees.

The statement that justice is for everyone has also the opposite meaning – **no one can escape justice** in the modern state under the rule of law. Neither the official position nor the celebrity of a particular person can guarantee legal inviolability in case of a breach of the law. Also, neither the constitutions nor the courts defend privileges. Democracy is incompatible with privileges.

For instance, it was held by the Constitutional Court of Lithuania that the exceptional status of the member of the Parliament does not grant him/her any permission to disregard the standards of proper behaviour towards his/her employees and the failure to comply with these standards might lead to impeachment proceedings and the loss of the parliamentary mandate.⁷⁴ It was also confirmed that ministers are subject to the rules of legal responsibility that are not different from those applied to other persons establishing, among others, the obligation of ministers to compensate damage caused to the state while administrating the ministry.⁷⁵

It was also stressed in the constitutional jurisprudence that even judges cannot benefit from their immunity to avoid legal responsibility for the violations of the law (constitutional justice case about the interpretation of the constitutional concept of judicial immunity⁷⁶).

I must confess that today, in this solemn session, it is heart-breaking to speak about the task of the courts to bring justice to everyone in the context of the military aggression in Ukraine. The unprecedented human rights violations and denial of human dignity due to the military aggression of Russia are being committed in the territory of Ukraine every day. We are witnessing shameless injustice towards the Ukrainian people. Their sentiment of justice could have been trampled upon.

Why do they have to suffer so much if they did nothing wrong? How are we all letting happen such brutality and denial of fundamental rights in the European continent? On this issue, I would like to remember once again the words of John Lewis I have already mentioned at the beginning of my speech that – **if there are people hurting, people suffering, so we have an obligation, a mandate, to do something.**

So, **now the question is for all us** – what we, the national (constitutional) or international judges, the parliamentarians, the diplomats have to do in order to

restore Ukrainian people's faith and confidence in law, democracy and justice?

I truly hope that my statement that no one can escape justice shows the clear direction for our actions – that those responsible for the military aggression and gross violations of fundamental rights in the neighbouring Independent State must be punished for their disgraceful acts they have committed and are still committing in the territory of Ukraine.

There is no other choice for us. Because if justice fails in times of war, it will be unable to fulfil its role in times of peace and tranquillity.⁷⁷

Unjustified criminal aggression of Russia in Ukraine will have an impact on all the continent, and especially on our countries. The eventual energetic crisis will put different interests at stake, the European sanctions adopted in solidarity with Ukraine will affect the freedom of economic activities, the current restriction on the right of expression after banning broadcasting certain TV channels in Latvia and Lithuania (and also, in France) have already initiated discussions about the limits of these constitutional rights. Once again, in these complicated matters specifically the courts, both national and international, will be asked to find a proper balance among conflicting different constitutional values involved.

Excellencies, Ladies and Gentlemen,

I turn now to my last point – *the openness of courts to society as well as the comprehensibility of judicial decisions.*

People must have **confidence** in the judicial system. Public confidence in courts is an important element of a democratic state under the rule of law and of an open, just, and harmonious civil society; it is also an important condition for the effective activity of the judiciary.⁷⁸

And the reflection on how to make it happen is essential. Every judge of every court should contribute to strengthening the confidence of society in the judiciary. We are all united in the same objective – to advertise the rule of law, democracy and the protection of fundamental rights. The strong judicial system is the cornerstone defending these constitutional values.

Public confidence in courts is determined by various factors, such as: the qualification of judges, their professionalism, their ability to decide cases following not only laws, but also law, the ensuring of the due

74 The conclusion of the Constitutional Court of the Republic of Lithuania of 19 December 2017.

75 The ruling of the Constitutional Court of the Republic of Lithuania of 8 March 2018.

76 The ruling of the Constitutional Court of the Republic of Lithuania of 9 March 2020.

77 Paraphrasing Aharon Barak: "If judges fail in their role in times of war and terrorism, they will be unable to fulfil their role in times of peace and tranquillity". Supra note 2.

78 The ruling of the Constitutional Court of the Republic of Lithuania of 27 November 2006.

process of law, respect for persons participating in the proceedings, the rational legal argumentation (reasoning) of court final acts, the clarity of court final acts to persons participating in a case.⁷⁹ The principal arm of the judiciary in gaining confidence in it is the argumentation provided for in cases at stake, i.e. the legal reasoning behind the decision of the court.

As it was emphasised by **Bruno Lasserre**, former Vice-président du Conseil d'État (France), **quality of justice is measured** not only in terms of accessibility (good justice is easily accessible justice), but also in terms of speed (good justice is justice that renders its judgments within a reasonable time); finally, in terms of safety (because good justice is one that provides stability, consistency and legal certainty for courts as well as for litigants). The former Vice-président added, in the context of our societies, to ease tensions and create trust, **the quality of justice is intimately linked to its ability to generate trust** – thus, **the challenge for us European judges is to produce confidence in the rule of law**.⁸⁰

The first big steps in the fight for public confidence in justice was the Ruling of the Constitutional Court of 21 September 2006, where the Court formed a clear obligation to the courts to draw up the entire final court act with all the arguments thereof before the official publication of that judicial act.⁸¹ The other requirements for the judicial decisions – such as the non-ambiguity, the clearness and the comprehensibility of the arguments and their choice – today already seem an axiom and not a theorem anymore.

What remains is only their implementation in order to ensure the proper administration of justice. As it was stated more than once in numerous Lithuanian constitutional justice cases concerning the right to access to a court, **the adoption of a just court decision constitutes a constitutional value**. Justice administered by a court only in a perfunctory manner is not the justice that is consolidated, protected, and defended by the Constitution.

The courts must also be **open** to society, in all senses of this term. Proper communication with the public might be the principal key that permits bringing justice closer to the people.

The courts should seek not only to deliver fair and reasonable judgements, but also **should maintain fruitful dialogue with the people to whom justice is addressed**. It is not an easy task. Judges, in principle, are not willing to speak loudly about their adopted cases or problems in the Judiciary. However, if we are not doing it, society will not understand us.

Therefore, it is an assignment of judges to fill the gap between law that regulates the life of society and society itself.⁸² Only in that way the law will achieve its goal – to regulate the relationships between people. Our societies are the communities of values and of law which must be upheld all the time. **This is an essential task of the whole judiciary and of a single judge.**

And, finally, a former constitutional justice, Stasys Stačiokas, once said: “The greatness of the Lithuanian nation throughout the ages was not the force and coercion, but wisdom, in pursuit of prosperity and justice for all the people of Lithuania”.

With reference to the words of St. Stačiokas and based on the wide recognition of the brotherhood and fraternity of our two nations, I wish all of us commitment, wisdom and persistence **in implementing justice in our daily work and bringing it to everyone.**

“Your vocation can be found where your greatest joy meets the world’s greatest need,” said Frederick Buechner.

Honourable Ladies and Gentlemen, thank you very much for your attention!

Paldies par Jūsu uzmanību! Novēlu visu to labāko Latvijas tautai!

79 The ruling of the Constitutional Court of the Republic of Lithuania of 27 November 2006.

80 https://curia.europa.eu/jcms/upload/docs/application/pdf/2019-2/actes_colloque_30ans_du_tribunal_final_web.pdf, pp. 131-132.

81 The ruling of the Constitutional Court of the Republic of Lithuania of 21 September 2006.

82 Barak, A. “Bridging the Gap between Law and Society” in *The judge in the democracy*, Princeton University Press: 2006.

3.7. IN MEMORIAM

Aivars Endziņš (1940-2023): the dream of a Constitutional Court serving people and society has been realized

Last year, the family of the Constitutional Court paid a loving and respectful farewell to its first President, Aivars Endziņš. His dream of a court that would uphold the fundamental rights of every human being and make Latvia a country governed by the rule of law has been fulfilled during his lifetime. Aivars Endziņš' contribution to strengthening the values of a democratic and legal state is a source of inspiration for every judge and employee of the Constitutional Court.

Aivars Endziņš, co-author of the Declaration of Independence, first President of the Constitutional Court, commander of the Order of the Three Stars, doctor of law and professor, son of Latvia and a family man with a fulfilling life and work, passed away on 21 November 2023.

The gates of eternity opened in November, a month that was special to him. He once said: "November is a very important time for Latvia and for me personally. Lacplesis Day, when we commemorate our freedom fighters, 18 November, when we celebrate the founding of our country, are very special dates for each of us, when perhaps more than at other times we feel a sense of belonging to our country and responsibility for it."

Aivars Endziņš was born on 8 December 1940, the year Latvia lost its independence. In 1968 he graduated from the Faculty of Law of the State University of Latvia, and in 1972 – from the Moscow State University Law Faculty. From 1972 to 1990 he trained young lawyers at the University of Latvia, and later as a professor he passed on his knowledge and extensive experience in the field of law to the new generation of lawyers at the Latvian Police Academy and Turība University. From 1992, worked in the Commission of the Council of Europe "Democracy through Rights" (Venice Commission) – until 1995 was its associate member, from 1995 to 2005 its member, and from 2005 its vice-president.

Great changes in the lives of both the Latvian people and Aivars Endziņš began with the Third Awakening. In the elections to the Supreme Council on 18 March 1990, Aivars Endziņš was elected as a representative of the Popular Front. Immediately after that, together with his associates, he drafted both the Declaration of Independence, which was adopted on May 4, 1990, voting for the restoration of Latvia's independence, and the constitutional law of August 21, 1991 "On the State Status of the Republic of Latvia". Aivars Endziņš, recalling this crucial time for the Latvian state, emphasized: "May 4 cannot be erased from my memory and it is one of the most important events in my life."

Aivars Endziņš was a member of the Supreme Council of the Republic of Latvia throughout its term of office, while from 1993 to 1996 he was a member of the 5th and 6th Saeima, and head of the Legal Affairs Commission of Saeima. During this time, he actively advocated the creation of an institute of constitutional review to make the process of democratization of Latvia irreversible. The establishment of the Constitutional Court was a long-held dream of Aivars Endziņš, which came true with the amendments to Article 85 of the Constitution, as well as the adoption of the Constitutional Court Law on 5 June 1996, drafted by him and his like-minded colleagues.

On 9 December 1996 Aivars Endziņš took the oath of office as a Justice of the Constitutional Court. Until 2000, he was Acting President of the Constitutional Court, while in 2000 he was elected President of the Constitutional Court and served in that position until the end of his term of office on 31 January 2007.

The very first judgment of the Constitutional Court restored the general principles of law to legal reality and recalled important findings of legal theory. Together with the judges and staff of the Constitutional Court, Aivars Endziņš laid the foundations for the architecture of the Constitutional Court process, the tradition of adjudication and the Court's authority. Aivars Endziņš was not afraid to lead the Constitutional Court in difficult times, when he had to convince people of the

importance of its existence and the universally binding force and mandatory nature of its judgments.

Aivars Endziņš invested his professional knowledge and warmth of heart in the work of the Constitutional Court. He recalled with satisfaction how, together with others, much-needed work had been done to transform legal thinking and consolidate the democratic rule of law. Aivars Endziņš emphasized that “almost every Constitutional Court judgment at that time introduced new and previously unimagined aspects of the principle of the rule of law into the legal system”. He was firmly convinced that an independent Constitutional Court was a powerful instrument to ensure that the Latvian State, as an integral member of the European legal area, protected everyone’s fundamental rights and subordinated power to law and rights.

Aivars Endziņš’ selfless work was deservedly appreciated throughout his life – he was awarded the Order of the Three Stars of the III class, the commemorative badge of a participant in the barricades of 1991, badge of Justice Class I Medal of Honor, the Cabinet of Ministers Award, the Letter of Commendation of the President and the Letter of Excellence of the Constitutional Court, Italian State Order Grande Ufficiale and Lithuanian State Order “For Merit for Lithuania”. In these days when the news of mourning reached us, we have received numerous letters from abroad – from Aivars Endziņš’s associates who share their memories of his contribution to the development of legal systems in various countries, as well as his professionalism, wisdom and humanity, which will be missed not only in Latvia, but also in the legal community abroad.

Aivars Endziņš once said: “I can’t complain about my life’s journey, but time has passed very quickly.” After

82 years of life, Aivars Endziņš has left so much behind himself! He did everything selflessly, relentlessly and thoroughly. Remaining and present is his advice and faith in the people of Latvia and the future, which is in our own hands. Aivars Endziņš said that “the state is all of us together, everyone has a duty to uphold the rule of law and the common good”.

Aivars Endziņš will always remain in the memories of the family of the Constitutional Court as a kind, principled, simple man of true values, who was honest in his attitude both to the law and to his fellow human beings and was never afraid to speak out. The family of the Constitutional Court is truly fortunate to have been able to work with him for many years, to learn from him not only proper care for our country, but also faith in people. Knowing that one is not a warrior, and relying on your peers to work towards common goals. We will truly miss his counsel and his usual cheerful presence at the Court’s gatherings. In our hearts and in the hearts of Aivars Endziņš’ loved ones, we will have memories of him and the stories of his memories, including about his cherished tulip collection.

On behalf of the Constitutional Court, we express our deep gratitude for the life’s work dedicated to the restoration of Latvia’s independence and the establishment and strengthening of the Constitutional Court as an institution of the rule of law and democracy!

Our deepest condolences to the family, friends and supporters.

Family of the Constitutional Court

Obituary published in “Jurista Vards”, 28.11.2023, No. 47.



3.8. PUBLICATIONS

This chapter summarises the publications of the Constitutional Court judges and staff – books and individual articles in books, articles in periodicals, interviews, speeches and blog posts.

ALDIS LAVIŅŠ

BOOKS:

Laviņš A. Priekšvārds. Grām.: Pārskats par Satversmes tiesas darbu 2022. Rīga: Satversmes tiesa, 2023, 11.–13. lpp.

Laviņš A. Priekšvārds. Grām.: Latvijas Republikas Satversmes 105. pants: tiesības uz īpašumu. Satversmes tiesas judikatūra. Rīga: Tiesu namu aģentūra, 2023, 4.–5. lpp.

INTERVIEWS:

Barisova A. На страже основного закона [Pamatlikuma sardzē]. Intervija ar A. Laviņu. LSM raidījumā “ТЧК”, 30.03.2023. Pieejams: ltv.lsm.lv

Bērtule A. Šodienas jautājums: Vai privātajās augstskolās nebūs studiju krievu valodā? Intervija ar A. Laviņu. Latvijas Televīzija “Šodienas jautājums”, 09.02.2023. Pieejams: ltv.lsm.lv

Gailīte D. Uz tiesu varu jāraugās no sabiedrības interešu un demokrātijas ilgtspējas viedokļa. Intervija ar A. Laviņu. Jurista Vārds, 23.05.2023., Nr. 21, 6.–11. lpp.

Kikusts G., Boša A. Intervija ar Satversmes tiesas priekšsēdētāju Aldi Laviņu. Intervija ar A. Laviņu. LTV “Rīta Panorāma”, 21.09.2023. Pieejams: ltv.lsm.lv

Kikusts G., Rubene K. Intervija ar Satversmes tiesas priekšsēdētāju Aldi Laviņu. Intervija ar A. Laviņu. LTV “Rīta Panorāma”, 03.02.2023. Pieejams: ltv.lsm.lv

Laviņš A., Kondore K., Aploka B. S. Jauniešu izpratne par Satversmes vērtībām: raidieraksts ar skolēnu domrakstu konkursa uzvarētājam. Saruna Satversmes tiesas raidierakstā “Tversme”, 29.03.2023. Pieejams: satv.tiesa.gov.lv

Laviņš A., Kuusiniemi K. Tiesām ir īpaša atbildība pārstāvēt Eiropas vērtības. Satversmes tiesas priekšsēdētāja Alda Laviņa saruna ar Somijas Augstākās administratīvās tiesas priekšsēdētāju Kari Kusiniemi. Saruna Satversmes tiesas raidierakstā “Tversme”, 22.06.2023. Pieejams: satv.tiesa.gov.lv

Laviņš A., Viķe-Freiberga V. Satversmes tiesas priekšsēdētāja Alda Laviņa saruna ar Latvijas Valsts prezidenti (1999–2007) Vairu Viķi-Freibergu. Saruna Satversmes tiesas raidierakstā “Tversme”, 27.09.2023. Pieejams: satv.tiesa.gov.lv

Margēviča A. Deputātam ir brīvas tiesības apstiprināt vai neapstiprināt. Intervija ar A. Laviņu. Diena, 29.03.2023. Pieejams: diena.lv

Puriņa V. “Dienas personība”: Saruna ar Satversmes tiesas priekšsēdētāju Aldi Laviņu. Intervija ar A. Laviņu. TV24 “Dienas personība”, 06.02.2023. Pieejams: xtv.lv/rigatv24

Puriņa V. “Dienas personība”: Saruna ar Satversmes tiesas priekšsēdētāju Aldi Laviņu. Intervija ar A. Laviņu. TV24 “Dienas personība”, 14.12.2023. Pieejams: xtv.lv/rigatv24

Unāma E. Krustpunktā izvaicājam Satversmes tiesas priekšsēdētāju Aldi Laviņu. Intervija ar A. Laviņu. Latvijas Radio 1 “Krustpunktā”, 23.02.2023. Pieejams: lr1.lsm.lv

SPEECHES:

Laviņš A. Uzruna Eiropas Notāru padomes (CNUE) ģenerālās asamblejas sēdē Rīgā 2023. gada 30. jūnijā. Pieejams: satv.tiesa.gov.lv

Laviņš A. Uzruna grāmatžurnāla “Latvijas Republikas Satversmes 105. pants. Tiesības uz īpašumu” atklāšanas vebinārā Rīgā 2023. gada 8. decembrī. Pieejams: satv.tiesa.gov.lv

Laviņš A. Uzruna pasākumā par godu Latvijas Zvērinātu advokātu kolēģijas simtgadei Rīgā

2023. gada 2. jūnijā. Pieejams: satv.tiesa.gov.lv

Laviņš A. Uzruna projekta "Tieslietu akadēmija" atklāšanas pasākumā Rīgā 2023. gada 12. aprīlī. Pieejams: [youtube.com](https://www.youtube.com)

Laviņš A. Uzruna Satversmes tiesas un Augstākās tiesas starptautiskajā konferencē "Tiesu varas loma Eiropas Cilvēktiesību tiesas spriedumu izpildē" Rīgā 2023. gada 21. septembrī. Pieejams: satv.tiesa.gov.lv

Laviņš A. Uzruna skolēnu zīmējumu un domrakstu konkursa svinīgajā apbalvošanas ceremonijā Rīgā 2023. gada 3. martā. Pieejams: satv.tiesa.gov.lv

Laviņš A. Ziņojums par konstitucionālo tiesību attīstību Latvijā 2022. gadā Rīgā 2023. gada 3. februārī. Pieejams: satv.tiesa.gov.lv

IRĒNA KUCINA

INTERVIEWS:

Kucina I., Jočienē D. Latvijas un Lietuvas tiesu sadarbība tiesiskuma veicināšanā un demokrātijas aizsardzībā. Satversmes tiesas priekšsēdētāja vietnieces Irēnas Kucinas saruna ar Lietuvas Konstitucionālās tiesas priekšsēdētāju Danuti Jočieni. Saruna Satversmes tiesas raidierakstā "Tversme", 26.01.2023. Pieejams: satv.tiesa.gov.lv

Kucina I., de Groot D. Likumam jāstrādā cilvēku labā. Satversmes tiesas priekšsēdētāja vietnieces Irēnas Kucinas saruna ar Nīderlandes Augstākās tiesas priekšsēdētāju Dineki de Grotu. Saruna Satversmes tiesas raidierakstā "Tversme", 11.05.2023. Pieejams: satv.tiesa.gov.lv

GUNĀRS KUSIŅŠ BOOKS:

Kusiņš G. Latvijas parlamentārisma apskats. Rīga: Latvijas Republikas Saeima, 2023.

Kusiņš G. Parliamentarism in Latvia: an Overview. Rīga: Saeima of the Republic of Latvia, 2023.

INTERVIEWS:

Puriņa V. "Dienas personība": Saruna ar konstitucionālo tiesību ekspertu Gunāru Kusiņu. Intervija ar G. Kusiņu. TV24 "Dienas personība", 06.02.2023. Pieejams: xtv.lv/rigatv24

SPEECHES:

Kusiņš G. Priekšlasījums konferencē "100 gadi kontrolspēka" Rīgā 2023. gada 16. augustā. Pieejams: delfi.lv

JĀNIS NEIMANIS

PERIODICALS:

Neimanis J. Pašvaldības princips. Jurista Vārds, 20.06.2023., Nr. 25/26, 28.–30. lpp.

Neimanis J. Jānis Neimanis: Par Stambulas konvencijas saderību ar Latvijas Satversmi. Delfi.lv, 31.05.2023. Pieejams: delfi.lv

Slavinskis E. R., Neimanis J. Administratīvās tiesas un Satversmes tiesas dialogs. Jurista Vārds, 19.12.2023., Nr. 51/52, 29.–41. lpp.



INTERVIEWS:

Unāma E., Jansone M. Krustpunktā: Stambulas konvencija – bieds vai sabiedrotais cīņā pret vardarbību? Intervija ar J. Neimani, G. Kūtri, L. Paeglkalnu, K. Herbstu. Latvijas Radio 1 “Krustpunktā”, 23.05.2023. Pieejams: lr1.lsm.lv

ANITA RODIŅA

BOOKS:

Rodiņa A., Kārkliņa A. Cilvēka pamattiesības kā būtiska Satversmes sastāvdaļa: ģenēze, nozīme, saturs. Grām.: Tiesību ierobežojumu pieļaujamība un attaisnojamība demokrātiskā tiesiskā valstī: Latvijas Universitātes 81. starptautiskās zinātniskās konferences rakstu krājums. Rīga: LU Akadēmiskais apgāds, 2023, 230.–253. lpp.

Rodiņa A. The Constitutional Court: Topical Issues and Jurisprudence. In: Reports from the XVI Bilateral Conference of the Justices of the Constitutional Court of the Republic of Lithuania and the Constitutional Court of the Republic of Latvia. Vilnius: Lietuvos Respublikos konstitucinis Teismas, 2022, pp. 147–158.

PERIODICALS:

Rodiņa A. Interaction of Sustainability and Environment in the Case Law of the Latvian Constitutional Court. Strani pravni život, 2022, Vol. 66, No. 4, pp. 411–429.

Rodiņa A., Kārkliņa A. 25 Years of Fundamental Rights in the Constitution of the Republic of Latvia: Development, Significance and Content. Journal of the University of Latvia. Law, 2023, Vol. 16, pp. 18–48.

Rodiņa A., Kārkliņa A., Pētersone K. Constitutional Law 2020–2021. European Review of Public Law, 2022, Vol. 34, No. 4, pp. 985–1028.

JAUTRĪTE BRIEDE

BOOKS:

Briede J., Danovskis E., Kovaļevska A. Administratīvā procesa tiesības: mācību grāmata. Rīga: Tiesu namu aģentūra, 2023.

Briede J. Mazāk ierobežojošs līdzeklis Administratīvajā procesā. Grām.: Tiesību ierobežojumu pieļaujamība un attaisnojamība demokrātiskā tiesiskā valstī: Latvijas Universitātes 81. starptautiskās zinātniskās konferences rakstu krājums. Rīga: LU Akadēmiskais apgāds, 2023, 254.–260. lpp.

PERIODICALS:

Briede J. Nosacījuma iekļaušana administratīvajā aktā un tā kontrole tiesā. Jurista Vārds, 19.12.2023., Nr. 51/52, 18.–22. lpp.

Briede J., Boiko I. Legal Nature and Characteristics of Administrative Act (in the Comparative Context of Latvia and Ukraine). Problems of Legality, 2023, No. 163, pp. 22–45.

SPEECHES:

Briede J. Saruna “Tiesību pratība. Kad tiesāties un kad ne?” sarunu festivālā “LAMPA” Cēsīs 2023. gada 9. jūnijā. Pieejams: festivalslampa.lv

BAIBA BAKMANE

BOOKS:

Tamužs K., Bakmane B., Bārdiņš G., Statkus S., Krastiņš U., Potaičuks A., Celma D., Krieviņa K. R. Latvijas Republikas Satversmes 105. pants: tiesības uz īpašumu. Satversmes tiesas judikatūra. Rīga: Tiesu namu aģentūra, 2023.

GATIS BĀRDIŅŠ

BOOKS:

Tamužs K., Bakmane B., Bārdiņš G., Statkus S., Krastiņš U., Potaičuks A., Celma D., Krieviņa K. R. Latvijas Republikas Satversmes 105. pants: tiesības uz īpašumu. Satversmes tiesas judikatūra. Rīga: Tiesu namu aģentūra, 2023.

PERIODICALS:

Stupins A., Bārdiņš G. Eiropas Cilvēktiesību tiesas spriedumu izpilde veido Eiropas kopīgās identitātes kodolu. Jurista Vārds, 03.10.2023., Nr. 40, 6.–7. lpp.



DAINA CELMA

BOOKS:

Tamužs K., Bakmane B., Bārdiņš G., Statkus S., Krastiņš U., Potaičuks A., Celma D., Krieviņa K. R. Latvijas Republikas Satversmes 105. pants: tiesības uz īpašumu. Satversmes tiesas judikatūra. Rīga: Tiesu namu aģentūra, 2023.

KALVIS ENGĪZERS

PERIODICALS:

Engīzers K. Absolūti aizliegumi un vienlīdzība. Jurista Vārds, 16.05.2023., Nr. 20, 13.–17. lpp.

Engīzers K. Reģistrētas partnerības ieviešana Latvijā. Jurista Vārds, 05.12.2023., Nr. 49, 10.–12. lpp.

SPEECHES:

Engīzers K. Saruna “Sargāsim ģimenes. Visas” sarunu festivālā “LAMPA” Cēsīs 2023. gada 9. jūnijā. Pieejams: festivalslampa.lv

ULDIS KRASTIŅŠ

BOOKS:

Tamužs K., Bakmane B., Bārdiņš G., Statkus S., Krastiņš U., Potaičuks A., Celma D., Krieviņa K. R. Latvijas Republikas Satversmes 105. pants: tiesības uz īpašumu. Satversmes tiesas judikatūra. Rīga: Tiesu namu aģentūra, 2023.

PERIODICALS:

Krastiņš U. ANO Starptautiskajā tiesā Hāgā Latvija un vēl 31 valsts sniedz apsvērumus trešās puses statusā. Jurista Vārds, 03.10.2023., Nr. 40, 8.–11. lpp.

Krastiņš U. Atskats uz ikgadējo Cilvēktiesību konferenci. Jurista Vārds, 05.12.2023., Nr. 49, 7. lpp.

Krastiņš U. Demokrātija vai drošība. Jurista Vārds, 05.12.2023., Nr. 49, 2. lpp.

Krastiņš U. ECT atzīst Igaunijas atbildību adopcijas procedūrā par Latvijā dzimušu bērnu. Jurista Vārds, 31.10.2023., Nr. 44, 2. lpp.

Krastiņš U. Eiropas Savienības tiesības – ne(līdz galam)identificēts normatīvs objekts. Jurista Vārds, 10.10.2023., Nr. 41, 2. lpp.

Krastiņš U. Salīdzinošās administratīvās tiesības no Centrāleiropas un Austrumeiropas skatpunkta. Jurista Vārds, 19.12.2023., Nr. 51/52, 22. lpp.

Krastiņš U. Starptautiskās tiesas tiesnešu vēlēšanu rezultāti – Krievijas tiesnesis nesavāc balsu vairākumu. Jurista Vārds, 28.11.2023., Nr. 48, 34. lpp.

Krastiņš U. Tiesības arī ir valoda. Jurista Vārds, 17.10.2023., Nr. 42, 8.–9. lpp.

Lielbriede L., Krastiņš U. Tiesiskums – kultūras sasniegums, par ko jārūpējas. Jurista Vārds, 28.11.2023., Nr. 48, 16.–21. lpp.

Matule S., Krastiņš U. Svinam “Jurista Vārda” jubileju un jauno juristu panākumus. Jurista Vārds, 12.12.2023., Nr. 50, 6.–10. lpp.

KONSTANCE RUTE KRIEVIŅA

BOOKS:

Tamužs K., Bakmane B., Bārdiņš G., Statkus S., Krastiņš U., Potaičuks A., Celma D., Krieviņa K. R. Latvijas Republikas Satversmes 105. pants: tiesības uz īpašumu. Satversmes tiesas judikatūra. Rīga: Tiesu namu aģentūra, 2023.

EMUARIES:

Krieviņa K. R. ES reforma farmācijas nozarē – kādas pārmaiņas sagaidāmas? 13.09.2023. Pieejams: cilvektiesibas.info

MADARA MEĻNIKA

PERIODICALS:

Meļnika M. Madara Meļnika. Jurista Vārds, 18.07.2023., Nr. 29, 38. lpp.

SPEECHES:

Krievijas iebrukuma Ukrainā ekoloģiskās sekas. Saruna starp Oksanu Zabužko, Madaru Meļniku, Sāru Aleksandru Rītupi, Enriketu Garsiju un Eiženiju Mariju Kozlovu. Satori, 28.11.2023. Pieejams: satori.lv

EMUARIES:

Meļnika M., Brizga-Kalniņa L. Kad pietrūkst Noasa šķirsta. Satori, 20.06.2023. Pieejams: satori.lv

BEĀTE PETRONE

PERIODICALS:

Rasnačs L., Petrone B. Iepriekš novērtēti zaudējumi konkurences tiesību pārkāpuma gadījumā. Jurista Vārds, 24.10.2023., Nr. 43, 36.–42. lpp.

EMUARIES:

Petrone B. Klimata pārmaiņu radīts cilvēktiesību aizskārumš kā pamats tiesvedībai ECT un EST. 21.08.2023. Pieejams: cilvektiesibas.info

KRISTIĀNA PĒTERSONE

PERIODICALS:

Rodiņa A., Kārklīņa A., Pētersone K. Constitutional Law 2020–2021. European Review of Public Law, 2022, Vol. 34, No. 4, pp. 985–1028.

DITA PLEPA

PERIODICALS:

Satversmes tiesa, Čebotarenoka V., Čepāne I., Plepa D., Pleps J., Pastars E. Aivars Ēndziņš 08.12.1940.–21.11.2023. Jurista Vārds, 28.11.2023., Nr. 48, 5.–8. lpp.

ALEKSANDRS POTAIČUKS

BOOKS:

Tamužs K., Bakmane B., Bārdiņš G., Statkus S., Krastiņš U., Potaičuks A., Celma D., Krieviņa K. R. Latvijas Republikas Satversmes 105. pants: tiesības uz īpašumu. Satversmes tiesas judikatūra. Rīga: Tiesu namu aģentūra, 2023.

PERIODICALS:

Potaičuks A. Pārskats par Satversmes tiesas praksi procesos par noziedzīgi iegūtu mantu. Jurista Vārds, 14.11.2023., Nr. 46/47, 46.–50. lpp.

EDVARDS RIČARDS SLAVINSKIS

PERIODICALS:

Slavinskis E. R., Neimanis J. Administratīvās tiesas un Satversmes tiesas dialogs. Jurista Vārds, 19.12.2023., Nr. 51/52, 29.–41. lpp.

SANDIJS STATKUS

BOOKS:

Tamužs K., Bakmane B., Bārdiņš G., Statkus S., Krastiņš U., Potaičuks A., Celma D., Krieviņa K. R. Latvijas Republikas Satversmes 105. pants: tiesības uz īpašumu. Satversmes tiesas judikatūra. Rīga: Tiesu namu aģentūra, 2023.

ANDREJS STUPINS

PERIODICALS:

Stupins A., Bārdiņš G. Eiropas Cilvēktiesību tiesas spriedumu izpilde veido Eiropas kopīgās identitātes kodolu. Jurista Vārds, 03.10.2023., Nr. 40, 6.–7. lpp.

IEVA ŠNEPSTE

EMUARIES:

Šnepste I. ANO: Iznācis vispārējais komentārs par zemi un ekonomiskajām, sociālajām un kultūras tiesībām. 23.02.2023. Pieejams: cilvektiesibas.info

Šnepste I. Atskatoties uz Satversmes tiesas darbu 2022. gadā. 15.02.2023. Pieejams: cilvektiesibas.info

Šnepste I. Eiropas Sociālo tiesību komitejas 2022. gada ziņojums. 22.09.2023. Pieejams: cilvektiesibas.info

KRISTAPS TAMUŽS

BOOKS:

Tamužs K., Bakmane B., Bārdiņš G., Statkus S., Krastiņš U., Potaičuks A., Celma D., Krieviņa K. R. Latvijas Republikas Satversmes 105. pants: tiesības uz īpašumu. Satversmes tiesas judikatūra. Rīga: Tiesu namu aģentūra, 2023.

Tamužs K. COVID-19 and the Latvian Constitutional Court: from Gambling to YouTube. In: Mini-Conference. Measures Taken by States in Response to the COVID-19 Crisis and Their Impact on Constitutional Justice: Constitutional Case-Law on Emergency Situations. Council of Europe, 2023, pp. 59–66.

INTERVIEWS:

Tamužs K., Keller H. Vides ilgtspēja un pamattiesības. Saruna Satversmes tiesas raidierakstā “Tversme”, 15.02.2023. Pieejams: satv.tiesa.gov.lv

