

# Report on the Work of the **Constitutional Court** of the Republic of Latvia

# 2024



# I Report on the Work of the Constitutional Court 2024

**Report on the Work of the Constitutional Court 2024.**

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# I Introduction

This report provides an overview of the Constitutional Court's work from 1 January 2024 to 31 December 2024.

The report is introduced by a foreword by the President of the Constitutional Court, Irēna Kucina. 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 Constitutional 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, and international and European Union law. Decisions of the Constitutional Court to terminate legal proceedings, as well as decisions of the judicial panels of the Constitutional Court on initiating or refusing to initiate a case are also examined.

The third section of the report describes the dialogue of the Constitutional Court with the society and state institutions, as well as the dialogue of courts in the European judicial space and international cooperation. Likewise, it describes the changes in the composition of the Constitutional Court – last year, the terms of office of judges expired for Aldis Laviņš, Artūrs Kučs and Gunārs Kusiņš, while Veronika Krūmiņa, Mārtiņš Mits and Juris Juriss took office as judges. The report also highlights those judges and employees of the Constitutional Court who have been awarded the highest awards of the justice system and also acknowledges the recipients of the awards of the Constitutional Court. This is followed by speeches by the President of the Constitutional Court, Aldis Laviņš, and the President of the Court of Justice of the European Union, Koen Lenaerts, at the solemn hearing on the occasion of opening the judicial year of the Constitutional Court on 2 February 2024. The report concludes with a list of publications of the Constitutional Court judges and staff members.



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# List of terms

<b>Dismissal Law</b>	Law on the Dismissal of the Rēzekne State-City Municipal Council
<b>Law on Foreign Nationals</b>	Law on the Entry and Residence of Foreigners and Stateless Persons in the Republic of Latvia
<b>Data Regulation</b>	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/EC (General Data Protection Regulation)
<b>Law on Course of Service</b>	Law on the Course of Service of Officials with Special Service Ranks Working in Institutions of the System of the Ministry of the Interior and the Prison Administration
<b>ECtHR</b>	European Court of Human Rights
<b>CJEU</b>	Court of Justice of the European Union
<b>Law on Service Pensions</b>	Law on Service Pensions of Employees of the State Emergency Medical Service Involved in Ensuring of Emergency Medical Assistance
<b>Tree Felling Regulation</b>	Cabinet of Ministers Regulation No. 309 "Regulations on Felling Trees outside the Forest" of 2 May 2012
<b>Convention</b>	European Convention for the Protection of Human Rights and Fundamental Freedoms
<b>TEU</b>	Treaty on European Union
<b>TFEU</b>	Treaty on the Functioning of the European Union
<b>Minorities Convention</b>	Framework Convention for the Protection of National Minorities
<b>Regulation No. 138</b>	Cabinet of Ministers Regulation No. 138 "Procedure for Completing and Submitting Declarations of Public Officials and Their Relatives and for Submitting Lists of Public Officials and Public Officials' Positions" of 6 April 1999
<b>Regulation No. 478</b>	Cabinet of Ministers Regulation No. 478 of "Procedure for Completion, Submission, Registration and Keeping of Declarations of Public Officials and for Drawing up and Submission of Lists of Persons Holding the Office of a Public Official" of 22 October 2002
<b>Assessment Directive</b>	Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment
<b>Model Convention</b>	Model Tax Convention on Income and Capital
<b>Recommendation</b>	The Recommendation of the Organisation for Economic Co-operation and Development Council of 23 October 1997
<b>Constitution</b>	The Constitution of the Republic of Latvia
<b>Strategic assessment</b>	The strategic environmental impact assessment
<b>Venice Commission</b>	European Commission for Democracy through Law (Venice Commission)





# I Foreword



## I

The legislator has assigned the Constitutional Court a mission on behalf of and for the benefit of the people of Latvia, which is carried out through the administration of justice. The administration of justice is not a desideratum but a necessity and a *sine qua non* for the existence of the state throughout the ages. The task of a judge is to safeguard the values of the Constitution, always remembering that there is a human being behind every court case. That is why the priorities in our legal proceedings are determined by none other than the people of Latvia themselves – with their applications and the problems they identify that bring them to court. In the current geopolitical environment, issues that affect values essential to Latvia's existence take a special place on the Court's agenda – the protection of our national security, constitutional foundations, democracy, sustainability, and an inclusive and respectful society.



From the left: Constitutional Court judges  
Mārtiņš Mits and Jautrīte Briede,  
Vice-President of  
the Constitutional Court Anita Rodiņa,  
President of the Constitutional Court  
Irēna Kucina, Constitutional Court judges  
Jānis Neimanis, Veronika Krūmiņa,  
and Juris Juriss

Last year, the Constitutional Court protected the Latvian language as an integral part of the constitutional identity of the Latvian state in cases concerning the transition to education in the official language in both private and state and municipal educational institutions. The Court emphasised that the state has to promote and strengthen the use of the Latvian language at every level of education so that Latvian could efficiently fulfil the functions of the official language. Knowledge of the official language is essential for securing individual rights and building a cohesive society. At the same time, private educational institutions have a sufficient discretion to provide content related to minority identity, including in the context of interest-related education. On the other hand, the state-established interest-related educational programme of minority languages and cultural history adequately ensures the preservation and development of minority languages, culture and ethnic uniqueness.

Of particular relevance to the protection of national security was the case of the requirement for Russian citizens to have a knowledge of the official language necessary to obtain a residence permit. In this case, the Constitutional Court emphasised that citizenship of the Russian Federation was currently a factor related to the threat to the security of the Latvian state, and therefore an individual assessment of the citizens of the Russian Federation living in Latvia should be carried out as soon as possible. Extending certain requirements specifically to the largest group of citizens of the Russian Federation living in Latvia is logical and it is aimed at protecting public security. Citizens of the Russian Federation are not in similar and, according to certain criteria, comparable circumstances with all other foreigners who have obtained a permanent residence permit because their countries of citizenship are not neighbouring Latvia, have not launched warfare in neighbouring countries and have not historically threatened Latvia's national security.

The Constitutional Court sees Latvia as a sustainable and prosperous home for all its people and future generations. In the case of felling younger trees, the Constitutional Court recognised that the legal provision reducing the tree diameter for final felling was not compatible with the right of everyone to live in a benevolent environment. Legislation that may have a significant impact on the environment must be comprehensively assessed, balancing the interests of public welfare, the environment, and the economy. In the long term, Latvia's forests play a multifunctional role and are important in ensuring the health and well-being of people, the interests of the society and the economy, biodiversity, and the ability to adapt to climate change.



Irēna Kucina  
President of the Constitutional Court

Last year, the Court continued to give substance to the requirement of a democratic state governed by the rule of law to build an inclusive society where every member is treated with respect. A person's past should not affect their future forever. However, in cases of restrictions imposed for life, where an individual assessment is not foreseen, a person is not only prevented from exercising their rights but, in the eyes of society, they are inextricably linked to their previous actions, without regard to the person's further life course. This can naturally affect the desire of a person to further develop themselves and to fulfil their potential in a way that can contribute to society. Such restrictions are justifiable only in particular cases where the harm previously caused is intrinsically incompatible with the exercise of the specific right.

## II

The judicial process and the preparation of rulings before the Constitutional Court are constantly evolving, and these processes are becoming clearer, more understandable and more transparent. We aim to ensure that a person, having read a judgment, would say: yes, I understand what the problem was, why the respective provision was challenged and why the Court reached the particular outcome it did, what the Court's thinking was and what findings emerged. Therefore, at the Constitutional Law Think Tank dedicated to the 28<sup>th</sup> anniversary of the Constitutional Court, the judges, together with experts in law and other fields, identified opportunities for making the Constitutional Court's rulings even more comprehensible and clearer.

The communication of the Constitutional Court is closely related to its judicial function. The successful approach of opening up to the people of Latvia, actively organising press conferences and preparing short, concise press releases continues. Ever more attention is being paid to familiarising the public with the workings and tasks of the state and the Court, so that people can better understand how various state institutions function and how a democratic state governed by the rule of law brings benefits for everyone. Work is also being done with young people, as the crises of recent years are affecting their lives and choices for the future. The Constitution is a compass of values, so we perceive young people as ambassadors of the constitutional values. This is evidenced by the large number and high quality of entries submitted to last year's pupils' creative competition "State Language – Latvia's Common Value". Our judges and personnel have also developed a lesson "*ApTver Satversmi*" (Embrace the Constitution), which will soon make its way to secondary school students.

Last year, the Constitutional Court completed extensive work considering possible improvements to the Constitutional Court Law and sent them to the Legal Affairs Committee of the *Saeima* and the Ministry of Justice. We believe that it is possible to make the Constitutional Court's proceedings even more efficient – for example, by holding preparatory hearings or, in rare exceptional cases, by providing for expedited proceedings for the purpose of protection of environment, national security, human health or other purposes if the contested regulation may have irreversible consequences. The preliminary amendments also propose, *inter alia*, to regulate the dialogue between the Constitutional Court and the Court of Justice of the European Union and the related stages of the proceedings in a clear and comprehensible manner. Moreover, many procedural solutions that the Constitutional Court uses in its daily work have been defined much more clearly so that they are comprehensible to any person. Taken together, these amendments can be described as a nationally necessary reform of the proceedings before the Constitutional Court.

In cooperation with the Ministry of Justice, the Courts Administration and the Latvian Council of Sworn Advocates, proposals were developed to improve the process of granting state-provided legal aid. Namely, it could be ascertained already at the initial stage of the procedure whether the alleged infringement on the fundamental rights of a socially disadvantaged person has a prospect of a favourable outcome of a case before the Constitutional Court. At the same time, the obligation of a person to independently apply to the Constitutional Court before requesting legal aid should be abolished. This is one step closer to making state-provided legal aid for constitutional complaints more accessible to those who need it most. The way forward will be through dialogue on the legal framework and financial possibilities.

In 2024, as before, the Constitutional Court was internationally active. Multilateral international cooperation is not a whim but a necessity because the law is evolving dynamically, it is important to be at the centre of its evolution and to be able to anticipate, to think “one step ahead”. International cooperation is Latvia's opportunity to explain our constitutional identity and our specific historical context also at the judicial level. Following the changes in the geopolitical situation that began with the war launched by Russia, the opinion of the Constitutional Court has received special attention in the international arena, given that issues of militant democracy, which have been relevant for Latvia for the past thirty years, are now on the agenda of the entire continent.

The Constitutional Court, representing the interests of all European constitutional courts, had already submitted a resolution for consideration at a meeting of the Bureau (the executive body) of the World Conference on Constitutional Justice a year earlier, and in 2024 the members of the Bureau supported it in constructive discussions and agreed that military conflicts in the world and the devaluation of human rights protection in these conflict zones require an active position not only from politicians but also from the global family of constitutional courts. The position of the Constitutional Court is that constitutional courts around the world have a duty to stress the need to restore the international legal order and to hold violators of international law accountable.

In spring, Riga hosted an international conference organized by the Constitutional Court “The Role of Constitutional Courts in the Concretisation of Common Values Uniting Europe”, which was organised to mark the twentieth anniversary of Latvia's accession to the European Union. The message that permeated the conference was that the protection of the fundamental rights of every European is enhanced by a harmonious interaction of national constitutional identities and the common European values. They are complementary elements that strike a balance between the application of national law, European Union law and international law.

Continuing international cooperation last year, we held bilateral meetings with the Supreme Court of the Netherlands, the Supreme Administrative Court of Finland, the European Court of Human Rights and the Tripartite Meeting of the Constitutional Courts of the Baltic States. Last year, together with the European Union and the Council of Europe we launched a major international cooperation project “Supporting the Development of Constitutional Justice in Ukraine”, in which the Constitutional Court was selected from among all European constitutional courts as the main cooperation partner for its Ukrainian counterpart. A lot of work has been done, and we greatly appreciate the fact that Ukrainian judges not only work in times of war but also set the highest development goals. They continue to administer justice, strengthening the rule of law and helping people to bring European values and standards to their country. In discussions with Ukrainian judges, it is clear that their consciousness is changing. Improving the whole system starts with a person's belief in their country, in the rule of law, in the good that their people need.

### III

Last year, the Constitutional Court underwent an important process of replacing judges and now continues to work in a new, full composition of seven judges. Every judge's vote is important in the administration of justice and the work of the Court, but the collective voice of judges is the most powerful. The achievements of the past year are the result of the work of the current composition of the Court, as well as the work of former colleagues Aldis Laviņš, Gunārs Kusiņš and Artūrs Kučs.

I thank my colleagues, the judges of the Constitutional Court, who appreciated the achievements of this period of change by unanimously electing me as the President of the Court. I would also like to thank the personnel of the Constitutional Court for their cooperation, understanding, and determination in achieving the results of the Court's work.

Thank you, readers, for your assessment of the work of the Constitutional Court. The result of this work is reflected in the lives of everyone in Latvia and forms a strong foundation for future generations. The Constitution protects our country, but not on its own; we can and we do it because together we are stronger than apart.

The Constitutional Court will resolutely continue to fulfil its mission – to be the guardian of our country and democracy, to increase public trust in the judiciary and to strengthen Latvia as a safe and lawful home for future generations.

I am honoured to serve the Constitution!

*Irēna Kucina*  
*President of the Constitutional Court*

# 1 | Statistics



The Constitutional Court received 352 submissions from 1 January 2024 to 31 December 2024. 207 of them were recognised as not falling within the jurisdiction of the Constitutional Court or were answered in accordance with the procedure established by the Law on Freedom of Information. In the same period, 145 applications to initiate a case were submitted to the judicial panels of the Constitutional Court and 33 cases were initiated.<sup>1</sup>

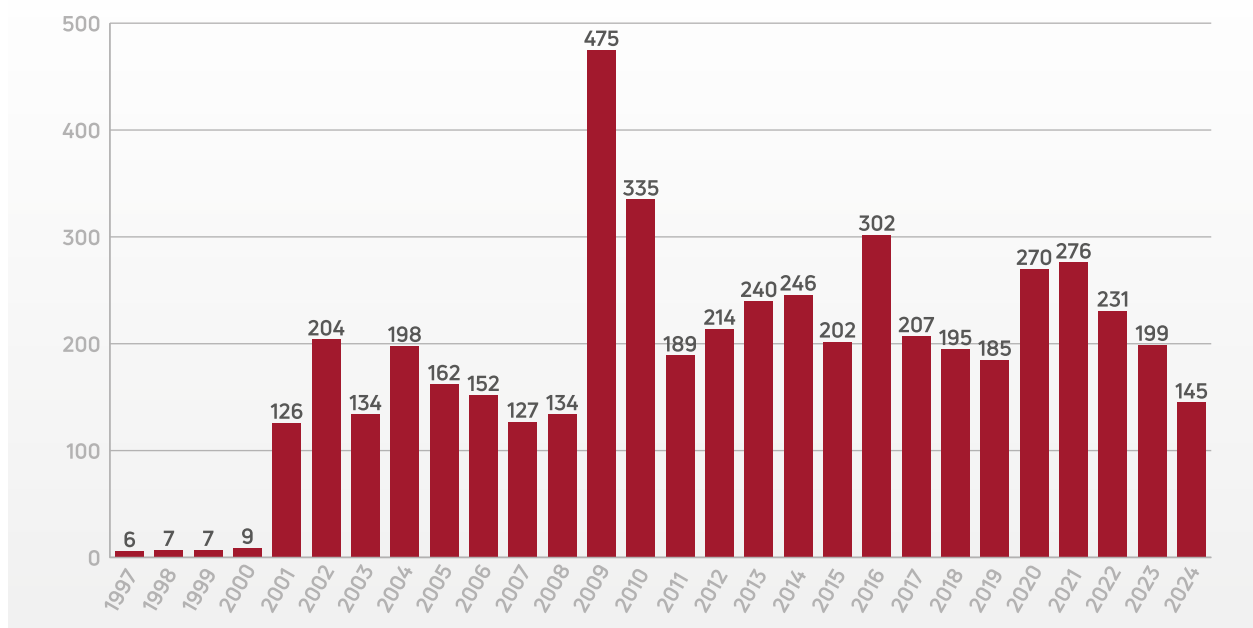
Most cases (24) were initiated on the basis of constitutional complaints from private individuals. Six cases were initiated on the basis of applications by courts. Two cases were initiated on the basis of applications by municipal councils, and one case was initiated on the basis of an application by 20 members of the *Saeima*. In several cases initiated last year legal provisions of identical or similar content were challenged.<sup>2</sup>

During the reporting period, cases were most frequently initiated on the compliance of legal provisions (acts) with Article 1 of the Constitution – seven cases, the principle of legal equality and the principle of non-discrimination enshrined in Article 91 of the Constitution – nine cases, the right to a fair trial provided for in Article 92 of the Constitution – five cases, the right to property provided for in Article 105 of the Constitution – 18 cases. Cases have also been initiated regarding the compliance of legal provisions (acts) with the Preamble, Articles 4, 64, 96, 100, 101, 106, and 115 of the Constitution and Article 32(5) of the Electricity Market Law. One case has been initiated regarding compliance of a minister's order not only with Article 1 of the Constitution but also with Articles 4(4) and 8 of the European Charter of Local Self-Government, Article 66 (1) of the Local Government Law and Article 27(3) of the Spatial Development Planning Law.

To justify the incompatibility of the contested provision with a superior legal provision, the applicants, as in other years, have most often referred to the general principles of law falling within the scope of Article 1 of the Constitution, the principle of legal equality and the principle of non-discrimination under Article 91, the right to a fair trial enshrined in Article 92 and the right to property provided for in Article 105.

The most frequently challenged norms were those of the Civil Procedure Law – 15 applications, and those of the Criminal Procedure Law – 12 applications.

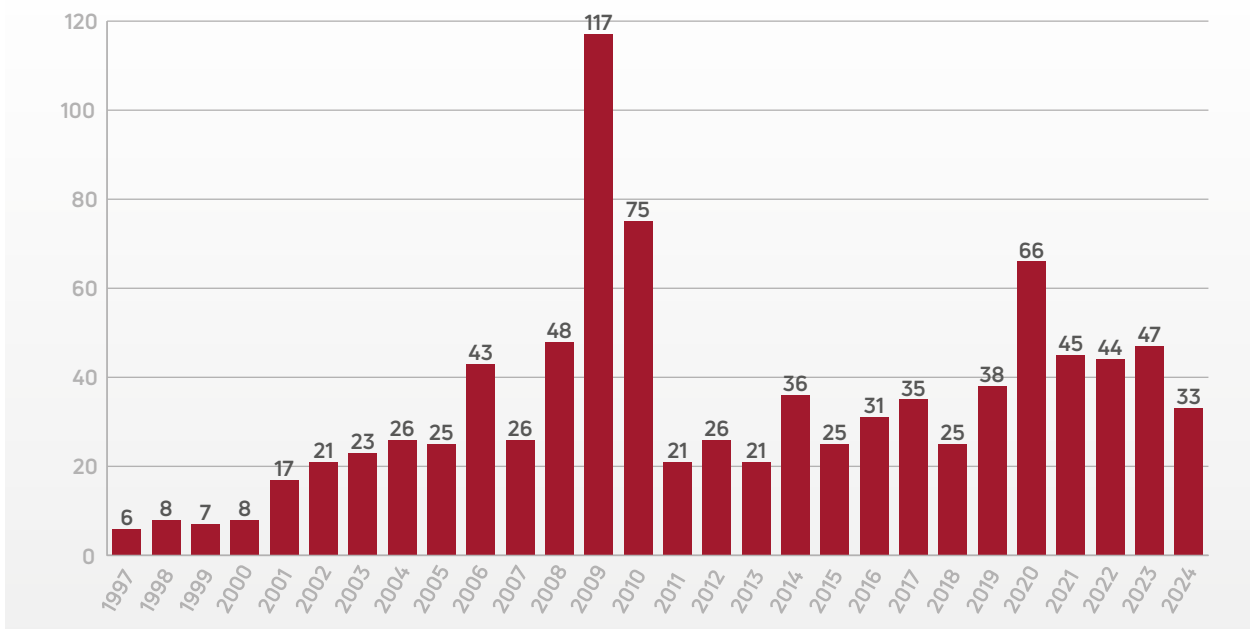
## Number of applications received



<sup>1</sup> In 2023, 47 cases were initiated and 199 applications for initiation of proceedings were referred to the panels.

<sup>2</sup> Cases Nos. 2024-02-01, 2024-05-01, 2024-08-01, 2024-11-03, 2024-12-03, 2024-13-01, 2024-14-01, 2024-18-01, 2024-22-01, 2024-24-01, 2024-25-01, 2024-31-01, and 2024-32-01.

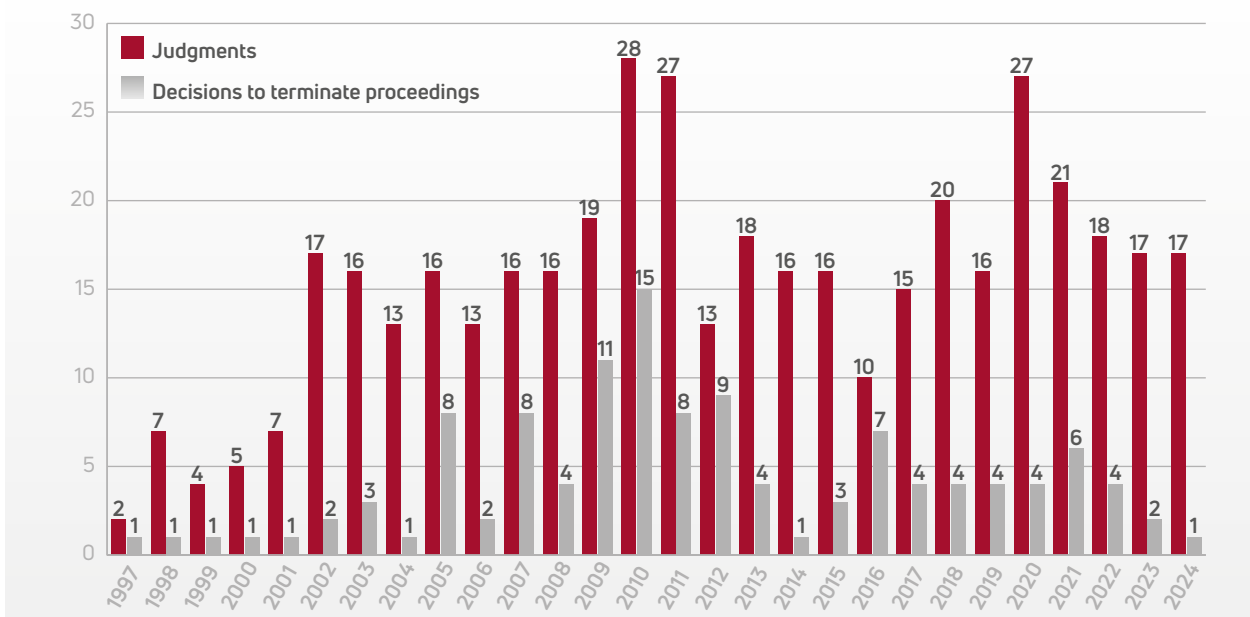
## Number of cases initiated



During the reporting period, the Court examined 18 cases. Judgments were delivered in 17 cases, while in one case a decision to terminate the proceedings was adopted. The Court's assessment runs to 723 pages.

In case No. 2024-01-01 on the publication of information on shareholders of a joint-stock company, the Constitutional Court decided to refer the case to the CJEU for a preliminary ruling.

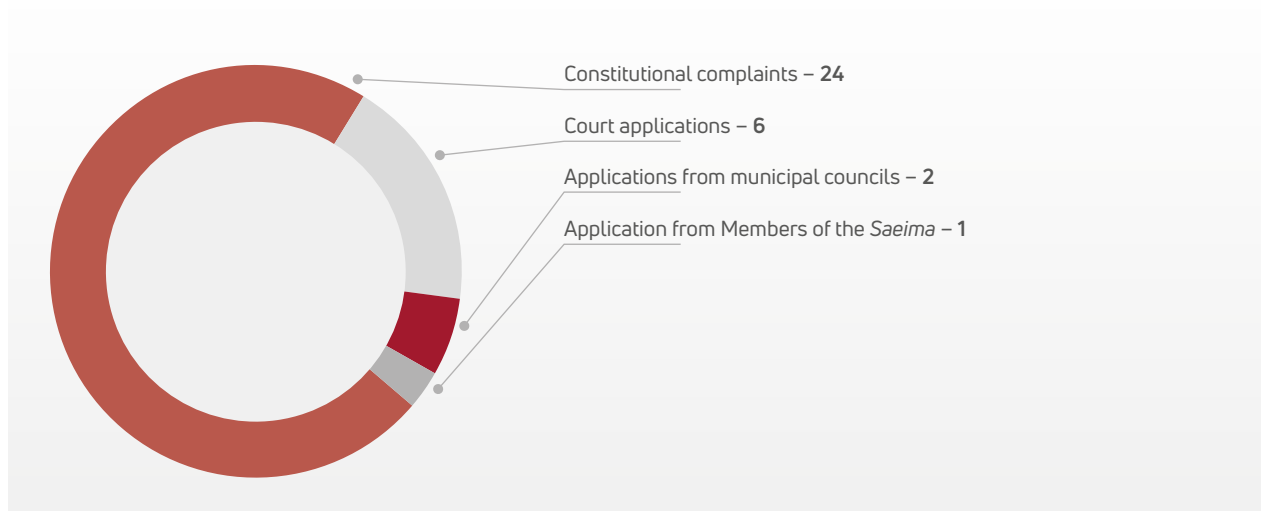
## Number of cases examined (judgments and decisions to terminate proceedings)



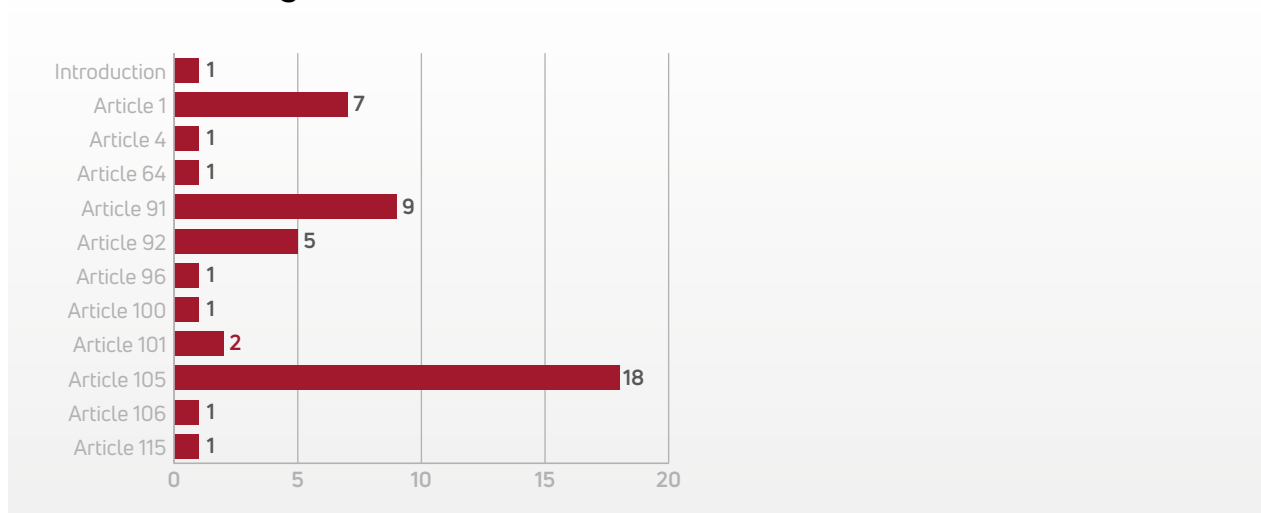
On the other hand, one preliminary ruling<sup>3</sup> has been received from the CJEU in the Constitutional Court cases Nos. 2021-01-01, 2021-44-01. and 2022-32-01. These cases concern issues of access to the case file in proceedings regarding proceeds of crime, appeals against court decisions taken in proceedings regarding proceeds of crime, as well as circumstances to be proven in proceedings regarding proceeds of crime.

The judgments assess the constitutionality of 30 legal provisions (acts).<sup>4</sup> 22 legal provisions (acts) were found to be compatible with the Constitution, and eight legal provisions were found to be incompatible with the Constitution. The judges of the Constitutional Court have appended 14 separate opinions to the judgments.<sup>5</sup>

## Number of cases initiated by type of application in 2024



## Cases initiated by article of the Constitution in 2024



<sup>3</sup> Judgment of the Court of Justice of the European Union of 4 October 2024 in joined cases C-767/22, C-49/23 and C-161/23.

<sup>4</sup> The proceedings in case No. 2023-04-0106 on the constitutionality of Article 5 of the Law of 22 September 2022 on Amendments to the Law on Immigration, insofar as it excludes Article 24(1)(8) of the Law on Immigration, were terminated.

<sup>5</sup> Including the dissenting opinion of 4 January 2024 of the Constitutional Court judge Jānis Neimanis concerning the judgment of 21 December 2023 in case No. 2022-28-03.

## 2 | Case-law

## ■ 2.1. Fundamental rights

### Principle of legal equality

During the reporting period, the Constitutional Court has assessed compliance of legal provisions with the principle of legal equality enshrined in Article 91 of the Constitution in two cases and with the prohibition of discrimination enshrined in this Article in one case.

The main issue in case No. 2023-10-03 was whether a provision of the binding regulation of a local government, which excluded persons who were neither citizens of the Member States of the European Union, the European Economic Area, the Swiss Confederation, nor non-citizens of Latvia, from receiving an immovable property tax exemption complied with the principle of non-discrimination.<sup>6</sup> The Constitutional Court recognised that all the relevant immovable property tax payers were in equal and comparable circumstances and the contested provision provided for a differential treatment based on a person's citizenship or the status of a Latvian non-citizen. The Court emphasised that also when providing exemptions for certain categories of immovable property taxpayers, the tax conventions binding upon Latvia and the principle of non-discrimination contained therein, as well as the provisions of European Union law, according to which equal treatment of third-country nationals had to be ensured, had to be complied with. Thus, the tax law framework, international obligations of Latvia, and European Union law does not allow a local government to group the payers of immovable property tax by their nationality or a non-citizen status of Latvia. Therefore, the contested provision has not been issued in due procedure and fails to conform to Article 91 of the Constitution.

In case No 2023-43-03, concerning the admission of six-year-old children to the first grade of school, the main issue was whether the local government had fulfilled its positive obligation to establish an accessible education system while respecting the parents' right to decide on the exercise of their child's right to education. Within the framework of this examination, the Constitutional Court also assessed whether the local government, by providing for different procedures for the enrolment of children aged six and seven in the first grade of school, had complied with the principle of legal equality. The Court concluded that the principle was respected because there was an objective and reasonable basis for the differential treatment. There were a limited number of places available in the first grade, therefore it was permissible to give preference to seven-year-olds because they had an obligation to start obtaining basic education.

In case No. 2023-04-0106 a legal provision was assessed which determined the moment until which permanent residence permits issued in a preferential procedure to citizens of the Russian Federation who had previously been citizens or non-citizens of Latvia were valid. The Constitutional Court examined the compliance of the contested provision with the principle of legal equality after it had already recognised that as the provision was compatible with the right to inviolability of private life and the principle of protecting legitimate expectations.

The Constitutional Court, first of all, compared citizens of the Russian Federation with other foreigners. It was concluded that the adoption of the contested provision was related to the war launched by the Russian Federation in Ukraine and, accordingly, possible security risks for the Latvian state. Thus, citizens of the Russian Federation are not in similar and, according to certain criteria, comparable circumstances with all other foreigners who have also obtained a permanent residence permit under the preferential regime. In particular, they are nationals of countries that are not Latvia's neighbours and that did not start warfare against their own neighbouring countries or historically threatened Latvia's national security.

Further, the Constitutional Court recognised that all citizens of the Russian Federation who were former citizens or non-citizens of Latvia and who had obtained a permanent residence permit in a simplified procedure – either on the basis of Article 24(1)(8) of the Immigration Law or on the basis of Article 23<sup>1</sup>(1) of the Law on Foreign Nationals – were in similar and, according to certain criteria, comparable circumstances. However, according to the contested provision, only permanent residence permits obtained under Article 24(1)(8) of the Immigration Law become invalid. Consequently, the contested norm provides for differential treatment of groups of persons who are in similar and, according to certain criteria, comparable circumstances. The Court noted that, in the aspect of the protection of the official language, such a differential treatment did not have a legitimate aim. Insofar as the contested provision aims to ensure that the largest possible part of the Latvian society can communicate

in the official language on a basic level, there is no reason why the same requirement should not also apply to the citizens of the Russian Federation who have obtained a permanent residence permit on the basis of Article 23<sup>1</sup>(1) of the Law on Foreign Nationals. However, from the point of view of national security, it should also be noted that the number of citizens of the Russian Federation who have obtained a permanent residence permit on the basis of Article 24(1)(8) of the Immigration Law is much higher than the number of citizens of the Russian Federation who have obtained a permanent residence permit under Article 23<sup>1</sup>(1) on the Law of Foreign Nationals. Since citizenship of the Russian Federation is associated with a threat to national security and, therefore, an individual assessment of the citizens of the Russian Federation living in Latvia should be conducted as soon as possible, applying the new requirements directly to the largest group of citizens of the Russian Federation living in Latvia is logical and serves the aim of protecting public security to. Consequently, the differential treatment provided for in the contested provision has objective and reasonable grounds.

## **Right to a fair trial**

During the reporting period, one case was examined concerning the right to a fair trial included in Article 92 of the Constitution. In case No. 2023-42-01 it was assessed whether the requirement for a person subjected to administrative liability to personally sign the complaint to be submitted to the court was compatible with the right to a lawyer's assistance enshrined in the fourth sentence of Article 92 of the Constitution, which also includes the right to receive qualified legal assistance .

The right to receive qualified legal assistance has been considered in the case-law of the Constitutional Court in the past, including in case No. 2003-04-01 on compulsory representation before the court of cassation in civil proceedings, in case No. 2003-08-01 on defence counsel in criminal proceedings and in case No. 2021-25-03 on reimbursement of legal assistance expenses in administrative proceedings. However, in case No. 2023-42-01 which examined last year for the first time the compliance of the contested provision with the fourth sentence of Article 92 of the Constitution and not with the Article 92 in its entirety was assessed. It is, likewise, the first case to deal with the right to qualified legal assistance in administrative offence proceedings.

In the case, the Constitutional Court supplemented the case-law on the right to defence. The Court noted that the right of a person to exercise their defence by means of a provider of legal assistance of their choice was a special procedural guarantee included in the fourth sentence of Article 92 of the Constitution, which ensures the exercise of a person's right to a fair trial. Signing a complaint to submit it to the court also falls within the scope of the legal assistance provided by a defence counsel.

When assessing the requirement for a person subjected to administrative liability to personally sign the complaint to be submitted to a court, the Constitutional Court examined whether this requirement had an objective and reasonable basis and whether, in principle, this requirement ensured the legal assistance necessary for the person to exercise their right to defence. Finding affirmative answers, the Court declared the contested provision to be compatible with the Constitution.



## Right to inviolability of private life

Last year, the Constitutional Court examined the right to privacy enshrined in Article 96 of the Constitution in case No. 2023-04-0106 regarding a permanent residence permit becoming invalid if it had been issued to a citizen of the Russian Federation who had previously been a citizen or non-citizen of Latvia and had, thus, obtained the permit in a simplified procedure, without, *inter alia*, proving their proficiency in the official language.

When analysing the content of Article 96 of the Constitution, the Constitutional Court noted that, while permanently residing in a particular state, a person establishes social ties with other members of society, forms a family, improves and realises themselves in various fields. All of the above characterises how a person exercises the right to privacy. Thus, a legal provision that affects a person's ability to continue to be a part of the society in which they have habitually lived and to maintain the social ties that have already been established may restrict a person's right to inviolability of their private life. Although the contested provision does not foresee the expulsion of a person from the state, the expulsion of a person who does not acquire a new legal basis to continue to reside in Latvia could be a possible consequence in such a situation. Thus, the contested provision restricts the right to inviolability of their private life.

The Constitutional Court found that the legitimate aim of this restriction on fundamental rights was, first of all, related to national security. Every citizen of the Russian Federation who wished to obtain a new residence permit would be thoroughly screened. Thus, the contested provision ensures that citizens of a state sponsor of terrorism may stay in the territory of Latvia only if they do not endanger national security. Case No. 2023-04-0106 is, therefore, one of the three cases examined during the reporting period that take into account the geopolitical situation.<sup>7</sup> Second, the legitimate aim of the restriction of fundamental rights is related to the protection of the official language – the contested provision ensures that persons who wish to continue to reside permanently in Latvia know the Latvian language at least to such an extent that they can communicate in public and private on simple matters. This protects the right of every member of Latvian society to use the official language in everyday life. In this respect, case No. 2023-04-0106 complements the rich jurisprudence of the Constitutional Court on the official language – 15 cases on issues related to protecting the official language have been examined so far.<sup>8</sup>

It should be noted that, in assessing the proportionality of the restriction on fundamental rights included in the contested norm, the Constitutional Court also considered the principle of protecting legitimate expectations. The Court recognised that the legislator had ensured a lenient transition to the new regulation so that persons could acquire new legal grounds that would allow them to continue to reside in the territory of Latvia.

## Right to participate in the work of the state and local government

During the reporting period, the Constitutional Court has examined two cases initiated, *inter alia*, on compliance of a legal provision with Article 101 of the Constitution.

In case No 2023-44-01, the contested provision prohibits a person, against whom criminal proceedings for committing an intentional criminal offence have been terminated for reasons other than exoneration, from holding the office of an insolvency administrator. The case was initiated both regarding the compliance of the contested provision with the first paragraph of Article 101 and the first sentence of Article 106 of the Constitution. However, the proceedings in the part concerning the compliance of the contested norm with the first paragraph of Article 101 of the Constitution were terminated, as the Court recognised that an administrator of insolvency proceedings did not belong to the public service. Namely, Article 101(1) of the Constitution provides for the right of every citizen of Latvia on equal grounds to enter public service and to continue to hold such a position. On the other hand, public service is a public legal position involving the exercise of public authority. Although insolvency administrators perform important functions for the state, the powers and duties of the office are not, however, indicative of exercise of state power. For example, the right to make binding decisions as such does not imply that the persons making those decisions hold a position in public service.

In case No. 2023-47-01, in turn, the prohibition to act as a forensic expert for a person against whom criminal proceedings for the commission of an intentional criminal offence have been terminated for reasons other than exoneration was assessed. This case was also initiated regarding the compliance of the contested provision with the first paragraph of Article 101 and the first sentence of Article 106 of the Constitution since

<sup>7</sup> During the reporting period, the geopolitical situation was also taken into account in case No. 2022-45-01 and case No. 2023-15-01 on the language of instruction, and in 2023, in case No. 2022-33-01 on the prohibition for a soldier of professional military service to be a member of a political party.

<sup>8</sup> See cases Nos. 2001-04-0103, 2003-02-0106, 2004-18-0106, 2005-02-0106, 2012-24-03, 2017-01-01, 2018-12-01, 2018-22-01, 2019-12-01, 2019-20-03, 2020-33-01, 2021-45-01, 2023-04-0106, 2022-45-01, 2023-15-01.



the applicant in the administrative case pending before the Senate (which submitted the application to the Court) was a state forensic expert, i.e., employed in public service. However, the Constitutional Court concluded that, after obtaining a forensic expert's certificate, a person could act in this profession as a state forensic expert employed in public service or as a private forensic expert. Thus, a forensic expert's certificate entitles a person to practise a particular profession but does not in itself entitle them to perform public service. Consequently, the Court recognised that the fundamental issue of the case was the compliance of the contested regulation with the right to choose and retain employment, enshrined in the first sentence of Article 106 of the Constitution.

## Right to property

Last year, the Constitutional Court examined several cases regarding the right to property enshrined in Article 105 of the Constitution.

In case No. 2022-44-01 a legal provision was examined that prevented an electronic communications undertaking from transferring to another undertaking the right to use a limited radio spectrum which had been acquired free of charge. At the outset, the Constitutional Court examined whether such a prohibition restricted the right to property at all. The Court held that the right to use the radio spectrum was the property of the electronic communications undertaking and included the right to transfer that right to another undertaking. In describing the significance of the radio spectrum, the Court noted that it was a unique, limited and inherently public resource; therefore, the state was entitled to regulate access to this resource. The state has the authority both to regulate the procedure for granting spectrum usage rights and to set rules and limits on the use of those rights. However, the state must ensure that this promotes effective and fair competition.<sup>9</sup> If an undertaking is prevented from transferring rights to use limited radio spectrum that it has acquired free of charge in all cases, regardless of the circumstances in which the rights were granted and of the competition and market conditions at the time, it can lead to situations that are not compatible with fair competition.

Case No. 2023-46-03 was related to an issue of concern to many flat owners, the allocation of the difference in water consumption. The Constitutional Court found that the procedure for distributing the difference in water consumption provided for in the contested norm was not fair. In particular, it is unfair to impose an obligation to pay the entire difference in water consumption on a person who has failed to provide information on the meter readings if the reasons for the difference are not taken into account. In this case, the Court also analysed for the first time the general principles reflected in the provisions of the Civil Law applicable to the legal relations between joint owners.

In case No. 2023-35-03, the object of the property right was the producer's right to sell the electricity produced under mandatory procurement. The applicant was denied that right because it had failed to submit a timely report on the operation of the power plant in the previous year. As recognised by the Constitutional Court, the restriction of the fundamental right included in the contested provisions ensured that the electricity producer did not receive state aid and reimbursed the received state aid if the responsible authority could not verify that the received state aid complied with the requirements of compulsory procurement. Given the impact of state aid on competition, it is particularly important to prevent situations when state aid is received without justification as soon as possible.<sup>10</sup> Therefore, failure to submit the annual electricity report cannot be considered as a formal infringement and compliance with the reporting deadline is important for the effective monitoring of the mandatory procurement system.

The compatibility of legal provisions with the right to property was also assessed in two cases related to the legal regulation of gambling – case No. 2023-27-03 concerning restrictions on the organisation of gambling in Riga and case No. 2023-33-01 concerning the obligation to pay personal income tax on lottery and gambling winnings. In the first case, the contested provision restricted the applicants' right to carry out, on the basis of a licence, a particular type of commercial activity which they carried out and which they relied upon to be able to continue. Thus, the Constitutional Court examined the compliance of the contested provision with the right to property in conjunction with the principle of protection of legitimate expectations.<sup>11</sup> In the second case, the right to property was restricted by the obligation to pay the tax provided for in the contested provisions.<sup>12</sup>

9 The obligation to promote effective and fair competition in the context of Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code is discussed in more detail in the "International and European Union Law" section of the report.

10 The findings of the Constitutional Court on state aid are discussed in more detail in the section "International and European Union Law".

11 In case No. 2023-27-03, the central legal issue relates to the exercise of the power delegated to the local government, and additional information on this case is therefore included in the "State Law (Institutional Part of the Constitution)" section of the report.

12 Further information on case No. 2023-33-01 is included in the "Tax Law" section of the report.



In case No. 2023-09-0106 it was assessed whether the prohibition to breed animals solely for the purpose of fur production complied with the right to engage in a commercial activity which has already been commenced, as protected by Article 105 of the Constitution, in conjunction with the principle of protection of legitimate expectations, as well as with the freedom of establishment of citizens of the Member States of the European Union, as laid down in Article 49 of TFEU.<sup>13</sup> So far, this is the only case in which a restriction on the right to property has been justified, *inter alia*, by the legitimate aim of protecting public morals. The Constitutional Court held that, since the aim of ensuring animal welfare was the protection of public morals, the prohibition on breeding and keeping animals where the sole or main purpose of their breeding or keeping was the production of fur was even more aimed at protecting public morals. The Court also emphasised that animals in today's society were not only seen as objects of property or agricultural products but as sentient beings. Animals are a value in themselves, whether or not they are useful to anyone.

Finally, the restriction of the right to property is also addressed in case No. 2024-03-03.<sup>14</sup> In this case was assessed the procedure for calculating the payment for electricity used in the case of tampering with a commercial metering device or connection to front-of-the-meter circuits. Similarly to the cases on infringements of the regulations on the use of natural gas, the Constitutional Court, *inter alia*, examined whether the procedure established by the Cabinet of Ministers complied with the principle of equivalence underlying civil law, which prevented the parties of legal relations from unjustifiably enriching themselves at the expense of other parties of those legal relations.<sup>15</sup> The Court concluded that in the specific case economic equivalence had been ensured and, consequently, the contested provision was proportionate.

## Right to choose and retain employment

The right to freely choose and retain employment, established in the first sentence of Article 106 of the Constitution, was examined in the reporting period in case No. 2023-34-01 on the restriction to receive an assessment of a person's suitability to work as a teacher while having a criminal record, in case No. 2023-44-01 on the prohibition to hold the position of an insolvency administrator, and in case No. 2023-47-01 on the prohibition to act as a forensic expert.

In 2017, the Constitutional Court for the first time defined restrictions on fundamental rights of an absolute nature in case No. 2017-07-01. Such restrictions are imposed for life and do not provide for exceptions or are not flexible enough to take into account the individual circumstances of each situation, which is why the Court referred to them as absolute prohibitions. In the said case, the Court held that an absolute prohibition to work as a teacher for a person who had been convicted of an intentional serious or particularly serious crime did not comply with Article 106 of the Constitution.

Following the judgment of the Constitutional Court in case No. 2017-07-01, the *Saeima* established that a person convicted of an intentional criminal offence could not work as a teacher unless the State Education



<sup>13</sup> Further information on case No. 2023-09-0106 can be found in the "International and European Union Law" section of the report.

<sup>14</sup> Further information on case No. 2024-03-03 is provided in the "Public Law" (Institutional Part of the Constitution)" section of the report.

<sup>15</sup> See case No. 2019-37-0103 and case No. 2021-03-03.

Quality Service had allowed it after the criminal record had been expunged or extinguished. Thus, the ban on working as a teacher was no longer absolute. However, in last year's case No. 2023-34-01, the applicant complained that the assessment of eligibility for the post of teacher could only be made after the criminal record had been expunged or extinguished. This case is notable for providing the most comprehensive characterisation of the institution of criminal record to date, analysing both the purpose of a criminal record and its impact on a person's freedom to work in a particular profession. The existing case-law on the teaching profession, education and morals is also updated. It should be noted that this is one of only few cases where the legitimate aim of the restriction of fundamental rights is also the protection of public morals. Such a legitimate aim was only found to exist in the similar case No. 20170701 and case No. 2023-09-0106 on the breeding of fur animals.

In case No. 2023-44-01 concerning the prohibition to hold the position of insolvency administrator for a person against whom the criminal proceedings for intentionally committing a criminal offence have been terminated for reasons other than exoneration, the Court continued the approach of describing such restrictions as lifetime restrictions, which was already started in case No. 2021-41-01, decided in 2022. The Court held that such a prohibition in respect of the position of insolvency administrator was disproportionate, since its legitimate aims could be achieved to an equivalent degree by other, more lenient means.

In case No. 2023-47-01 the Court assessed the prohibition to act as a forensic expert for a person against whom criminal proceedings for committing an intentional criminal offence had been terminated for reasons other than exoneration. Having concluded that the restriction established in the contested regulation did not provide for a case-by-case assessment, did not provide for exceptions and was established for life, the Constitutional Court verified whether the restriction contained therein was necessary to the specified extent. In particular, in all cases where a person has been held criminally liable for intentionally committing a criminal offence but the criminal proceedings against the person have been terminated for reasons other than exoneration it must be recognised that such a person's becoming a forensic expert may undermine public confidence in the forensic profession and in the administration of justice in general. The Court also ascertained whether the contested regulation was the only means of achieving the legitimate aims of the restriction on the fundamental right. As in many other similar cases, the Court concluded that the legitimate aims of the restriction laid down in the contested regulation could be achieved to an equivalent degree by less restrictive means.

## **Protection of parental rights in conjunction with the right to education**

Article 110 of the Constitution protects, *inter alia*, the rights of parents and children. So far, the Constitutional Court had examined the rights of the child on several occasions, but never the rights of the parents. Thus, last year's case No. 2023-43-03 on the enrolment of six-year-old children in the first grades of Riga schools is the first case to initiate case-law on the protection of parental rights.

The Constitutional Court recognised that the right of parents extended to the right to take care of their children also in matters related to their education. Consequently, this right is linked to the right to education enshrined in Article 112 of the Constitution. Therefore, the Court decided to assess compliance of the contested provision with Article 112 of the Constitution, although the case had not been initiated on such a claim. The Court pointed out that children themselves could not fully exercise their right to education until a certain age, which was why parental involvement was essential. It is the parents who have the right and the duty to decide on the exercise of their child's right to education, including the choice of the educational institution where their child will start basic education. At the same time, the Court emphasised that the parents' right to decide on their child's education had to be exercised within the framework of the education system established in the state. While parents have the right to choose the educational institution in which their child could receive their education, the state is not obliged to ensure that a child receives their basic education in specifically a particular educational institution.

## **The right to education in conjunction with minority rights**

During the last decade, the Constitutional Court has examined nine cases on the language of instruction,<sup>16</sup> – two of them during the reporting period. In both cases, the compliance of the contested provisions with the right to education, enshrined in Article 112 of the Constitution, and the right of national minorities, enshrined in Article 114 of the Constitution, was assessed.

The provisions contested in case No. 2022-45-01 provide that the transition to teaching only in the official language is to be implemented in private educational institutions for national minorities – the curriculum in these educational institutions will no longer be bilingual, i.e., in a certain proportion of the official language and the language of the national minority. The Constitutional Court recognised that the contested provisions thus restricted the right of persons belonging to national minorities to receive general education in private educational institutions, as well as to acquire, preserve, and develop their language, culture and ethnic identity. Having examined the proportionality of the contested provisions, the Constitutional Court concluded that they did not impair the quality of acquiring the curriculum of education and that a reasonable balance had been observed between promoting the use of the official language and the exercise of the rights of persons belonging to national minorities. In emphasising the need to protect the official language, the Court took into account not only the specific circumstances of Latvia, which have arisen as a result of the prolonged occupation and Russification of the country, but also the current geopolitical situation – Russia's war against Ukraine and the spread of disinformation activities in the Russian-language informational space. The Court pointed out that persons who, due to their lack of knowledge of the official language, had access to the informational space only in Russian, were exposed to the effects of this misinformation and the resulting self-segregation. It is, therefore, necessary to complete as soon as possible the reform of the language of instruction, which should result in a united school or a system in which segregation of educational institutions is eliminated.

Similar conclusions were also expressed in case No. 2023-15-01, which assessed the transition to teaching only in the official language in state and municipal educational institutions. The Constitutional Court concluded that the state had fulfilled its positive obligation to ensure that the educational process corresponded to the interests of persons belonging to national minorities, which includes adequate opportunities to learn, preserve and develop their language, ethnic and cultural singularity, and also complies with the principles of accessibility, acceptability and adaptability of education. The Court noted that ethnic minority education programmes, whereunder it was possible to study bilingually in certain proportions, could not adequately ensure the learning of the official language.

## **Right to live in a benevolent environment**

During the reporting period, the Constitutional Court examined one case regarding the right to live in a benevolent environment enshrined in Article 115 of the Constitution – in case No. 2023-01-03 a legal provision was assessed which reduced the final felling diameter for pine, fir, and birch trees, thus allowing the felling of much younger trees of these species.

The Constitutional Court recognised that the contested provision fell within the scope of Article 115 of the Constitution, because reducing the final felling diameter interfered with the right of every person to live in a benevolent environment. Namely, Article 115 of the Constitution protects not only the rights of individuals but also the rights of the society as a whole. Article 115 of the Constitution includes the positive obligation of the state to ensure that legal regulation which may have an impact on the environment is aimed at sustainability and to identify and assess its possible negative consequences before its adoption.

Case No. 2023-01-03 is the first case in which the Constitutional Court recognised that a forest is an important part of the environment protected by Article 115 of the Constitution. Forests are multifunctional and play an important role in ensuring people's health and well-being, public interests and economy, as well as biodiversity and adaptation to climate change. The case also provides new insights into the obligation to carry out a strategic environmental impact assessment. For example, this assessment should be conducted not only if there is a risk that the planned activity may affect a particularly protected nature territory but also if, on the basis of objective information, the possibility of such an impact cannot be excluded. The Constitutional Court also rejected the Cabinet of Ministers' argument that the assessment should not have been carried out because urgent circumstances existed – the energy crisis in 2022 had allegedly raised concerns about the availability of firewood and wood chips. The Court held that the adoption of the contested provision was not related to the emergency situation alone. Consequently, no circumstances which would allow a departure from the assessment procedure existed.

## **■ Case No. 2022-44-01 *Right to use radio frequencies***

On 3 July 2024, the Constitutional Court pronounced its judgment in case No. 2022-44-01 “On the compliance of Article 48(7) of the Electronic Communications Law with the first sentence of Article 91 and Article 105 of the Constitution of the Republic of Latvia”.

The case concerned a legal provision which prohibited an electronic communications undertaking from transferring to another undertaking the right to use a limited radio frequency spectrum which had not been acquired for a fee.

The case was initiated on the basis of a constitutional complaint. It was stated therein that the applicant had been granted the right to use a limited radio frequency spectrum band free of charge. To successfully continue to exercise this right, the applicant should develop and offer to its customers fifth-generation mobile electronic communication network (5G) services. However, the applicant is not one of the mobile operators operating in the Latvian market. Therefore, it is not in a position to provide such services directly. Consequently, the applicant would have an interest in transferring or leasing the right to use spectrum bands allocated to it to one of the mobile operators to maximise the benefit of its ownership rights. However, the contested provision prohibits such a transfer of rights, thus disproportionately restricting the right to property, as well as violating the principle of legal equality.

First, the Constitutional Court recognised that the radio frequency spectrum was a unique, limited and inherently public resource. As its manager, the state must, therefore, ensure that the radio frequency spectrum is used in the public interest. The state is authorised both to regulate the procedure for granting the radio frequency spectrum usage rights and to set conditions and limits on the use of radio frequency spectrum usage rights – including by restricting the transfer of usage rights.

Second, the Constitutional Court indicated that the aim of the contested provision was to prevent an electronic communications undertaking from applying in a tender for the granting of the right to use a limited radio frequency spectrum free of charge if it did not intend to use this right independently for the provision of electronic communication services but intended to transfer them to another electronic communications undertaking

for a fee to make a profit. In such circumstances, the right of an electronic communications undertaking to transfer or lease its right to use the radio frequency spectrum granted free of charge would place that electronic communications undertaking in

a better, more privileged position compared to those undertakings which have acquired this right as a result of a tender or auction for a fee. Thus, the contested provision aims to promote fair competition between electronic communications undertakings.

Third, the Constitutional Court concluded that, although the contested provision fell within the scope of the discretion granted to the Member States of the European Union, its application might lead to situations incompatible with fair competition. In particular, when preventing an electronic communications undertaking from transferring the right to use limited radio frequency spectrum, it must be possible to take into account the circumstances in which the right had been granted, as well as the competition and market conditions at the time. For example, an individual assessment by the Public Utilities Commission would, *inter alia*, allow to take into account the historical procedure for the allocation of the right to use radio frequency spectrum, since, in the past, no auctions or tenders were organised for the allocation of this right; therefore, the applicant in fact had no possibility at all to obtain this right by tender or auction for a fee. Thus, a case-by-case approach would strike a balance between the interests of the public, the operator concerned and other electronic communications undertakings. The fact that an electronic communications undertaking has applied for the transfer of the right to use a limited radio frequency spectrum which it has acquired free of charge could be taken into account by the Commission when deciding whether or not to grant the authorisation or deciding upon the conditions to be included contained therein – including whether the transfer of the right of use will prevent the undertaking from unfairly enriching itself at the expense of a scarce resource.

Considering the above, the Constitutional Court recognised that the legitimate aim of the restriction of fundamental rights contained in the contested provision could be achieved by alternative means that were less restrictive on personal rights. Consequently, the restriction on fundamental rights included in the contested provision is disproportionate, and the contested provision does not comply with the first three sentences of Article 105 of the Constitution.

**The radio frequency spectrum is a unique, limited and inherently public resource. As its manager, the state must, therefore, ensure that spectrum is used in the public interest.**



Judge Artūrs Kučs of the Constitutional Court added his separate opinion to the judgment. It is stated therein that the contested provision does not interfere with the applicant's right to property. The applicant has not been entitled to transfer the right to use the radio frequency bands for a long time, and the profit that the applicant would derive from the transfer of the right of use is not to be considered property.

Judge of the Constitutional Court Jānis Neimanis also added his separate opinion to the judgment. He, likewise, pointed out that the applicant had no right to alienate the right to use the radio frequency band – the applicant, through the constitutional complaint, sought granting of a new subjective right, not the annulment of a restriction on the existing right.

## ■ **Case No. 2022-45-01 *Language of instruction in private educational institutions***

On 10 July 2024, the Constitutional Court pronounced a judgment in case No. 2022-45-01 “On the compliance of Article 9(1<sup>1</sup>) of the Education Law, Paragraph 102(1) of the Transitional Provisions of the Education Law and Articles 1, 5 and 6 of the Law of 29 September 2022 “Amendments to the Education Law” with Article 1, the first sentence of Article 112, and Article 114 of the Constitution of the Republic of Latvia”.

The case concerned legal provisions providing for the transition to teaching only in the official language in private educational institutions. In particular, as of 1 September 2023 the contested provisions exclude the possibility of receiving general education within the framework of minority education programmes in private educational institutions at the pre-school education stage and in certain grades of the basic education stage.

The case was initiated on the basis of a constitutional complaint. It is stated therein that the applicants are pupils who identify as national minorities living in Latvia and study in private educational institutions in national minority education programmes. The contested provisions deprive pupils of the right to receive general education in minority languages. This can be detrimental to the child's intellectual development and can lead to an insufficient level of the native language acquisition. Moreover, the transition to education in the official language should have been more scientific, better researched and also more gradual. Consequently, the contested provisions are incompatible with the right to education, the rights of national minorities, as well as the principle of protection of legitimate expectations.

First, the Constitutional Court recognised that the right of persons belonging to national minorities to receive education in private national minority educational institutions followed from Article 114 of the Constitution in conjunction with Article 112. The autonomy of private educational institutions gives them organisational and methodological freedom. However, private education institutions can use teaching methods of their own choice and organise their own teaching only insofar as this is in line with the regulatory framework. The Court stressed that the language of instruction is an essential element of the general education system and the state is entitled to regulate its use. By regulating the use of languages in private educational institutions, the state restricts the rights of persons belonging to national minorities.



Second, the Constitutional Court indicated that, when assessing the contested provisions, one should consider the specific circumstances of Latvia, which have arisen as a result of the prolonged occupation and Russification of the country, and their relation to the current situation with respect to the use of the official language, which is of particular importance in the current geopolitical situation. During the Soviet occupation, the education system was used as the main instrument of ethnic assimilation. In the educational process, Russification was manifested in the creation of a dual system of educational institutions, which essentially meant segregation: alongside educational institutions that provided education in Latvian, educational institutions were created that provided instruction only in Russian. This is why, since 1991, Latvia has been performing a targeted reform of the two-stream education system. However, the position of the Russian language in Latvia is still stable, and it is to be considered self-sufficient. That is why it is essential to complete as soon as possible the reform of the language of instruction, which should result in a united school or a system in which segregation of educational institutions is eliminated.

Third, the Constitutional Court recognised that the restriction on fundamental rights established in the contested provisions promoted the learning and the use of the official language. The aim is to ensure that learners in both pre-school and basic education use the official language in their everyday learning and would experience its use. The ability of

persons belonging to national minorities to communicate adequately in the official language is of an inestimable importance in the context of safeguarding the democratic state order and is of equal importance for persons belonging to national minorities themselves and for society as a whole. At the same time, the

**The state must promote and strengthen the use of Latvian at every level of education, so that it can effectively fulfil its functions as the official language. Proficiency in the official language is essential for securing individual rights and building a cohesive society.**

Court added that when regulating the use of languages in education, the state must strike a balance appropriate to its circumstances between the need to ensure that every person belonging to a national minority has the opportunity to learn the official language within the framework of general education at a level that enables them to integrate easily into the life of the state and society and the opportunity for persons belonging to national minorities to learn and use the language of the national minority in education, so that they can maintain their linguistic identity and ethnic and cultural distinctiveness and not be segregated on linguistic grounds.

Fourth, the Constitutional Court concluded that the state had ensured such a balance. For example, the legislator and local governments have provided real support to private minority education institutions, so that they can continue to take care of the acquisition, preservation and development of minority language, culture and ethnic distinctiveness. In addition, the state has a duty to monitor the quality of education on an ongoing basis, making effective use of the state's quality control mechanism to detect possible changes in the quality of education. The Court also noted, *inter alia*, that the contested provisions do not prevent pupils from communicating with each other in their native language. In addition, the teachers at the educational institutions in question most likely know the respective language of the national minority or to have it as their native language. In certain critical situations, in such schools it will, therefore, be possible to communicate with the pupil in their native language. Finally, the Court also rejected the applicants' argument that the principle of the protection of legitimate expectations had been infringed on.

Considering the above, the Constitutional Court recognised the contested provisions as compatible with Article 1, the first sentence of Article 112, and Article 114 of the Constitution.

Judge Artūrs Kučs of the Constitutional Court added a separate opinion to the judgment. It is pointed out therein that the contested provisions are not adequately substantiated by explanatory studies and the impact of the previous phase of the reform of the language of instruction on the quality of education has not been assessed. Moreover, the contested provisions are not proportionate: if the linguistic, cultural, and ethnic distinctiveness of a national minority can be preserved and developed only within the framework of interest-related education programmes then there is no reason for persons belonging to national minorities to establish private educational institutions.

Similar considerations are also included in the separate opinion of Judge Jānis Neimanis of the Constitutional Court.

On the other hand, in the separate opinion of Judge Jautrīte Briede of the Constitutional Court it was emphasised that it was unjustified and unjust to grant special minority rights to foreigners who had arrived in the occupied Latvia contrary to international law as citizens of the Soviet Union and, thus, bearers of the power of occupation, and who identify themselves with the Russian nationality. Minority rights should not be granted to their descendants, either.

### ■ **Case No. 2023-01-03 *Final felling diameter***

On 8 April 2024, the Constitutional Court pronounced a judgment in case No. 2023-01-03 “On the compliance of Annex 7 to Cabinet of Ministers Regulation No. 935 of 18 December 2012 “Regulation on Felling Trees in Forests”, insofar as it reduces the final felling diameter according to the prevailing tree species and quality, with Article 115 of the Constitution of the Republic of Latvia”.

The case concerned a legal provision reducing the final felling diameter for pine, spruce and birch trees.

The case was initiated on the basis of a constitutional complaint. It is pointed out therein that the contested provision allows the felling of trees up to several decades younger than before. This will lead to a reduction in the proportion of old forest stands important for biodiversity and a degradation of the forest ecosystem. In the long term, several protected habitats, as well as specially protected bird species will be adversely affected. Based on this and other reasons, the contested provision was argued to fail to achieve a reasonable balance

between the economic interests and the right of society to live in a benevolent environment.

**Legislation that may have an impact on the environment must be comprehensively assessed, balancing the interests of public welfare, the environment, and the economy.**

First, the Constitutional Court held that the state was entitled to make decisions that might have an impact on the environment, but such decisions

had to correspond to the principle of sustainability, i.e., they had to be comprehensively assessed, balancing public welfare, environmental, and economic interests, and justifying the selected development option. Only a solution that has been comprehensively assessed and justified can be considered sustainable. The precautionary principle also requires that the potential negative consequences of a planned action should be identified and assessed before it takes place. The precautionary principle contributes to environmental sustainability by ensuring that natural resources are available for as long as possible.

Second, the Constitutional Court stressed that forests and timber were among the most important natural resources in Latvia. At the same time, a forest is also an ecosystem, with trees as its main component. A forest is important for sequestering and storing carbon, regulating the climate and water cycles, and it serves as habitats for many species. In turn, the final felling diameter is the requirement that must be complied with to obtain the certificate for tree felling. If the numerical values of the diameter change, then the criteria for



permitting such an action also change. Reduction of the diameter allows younger trees to be felled and this may have an impact on the environment.

Third, the Constitutional Court held that to facilitate the sustainability of the country, a development planning system has been established, as part of which various development planning documents, including policy planning documents, are developed. Sectoral policy guidelines is one of such documents. A strategic assessment is carried out to assess the environmental impact of implementing the guidelines. The contested provision provides for a solution that is not included in the Guidelines for the Development of Forests and Related Sectors 2015-2020. Therefore, this option is not in line with the direction of development specified in the guidelines and no strategic assessment has been conducted regarding the reduction of the final felling diameter.

Fourth, according to the Constitutional Court, there is a possibility that the contested provision may have a substantial impact on the environment or a protected nature territory of European importance. In such a case, the Cabinet of Ministers must follow the principle of sustainability and the precautionary principle and observe the procedure specified in the laws and regulations for deciding on the need for a strategic assessment. However, the Cabinet of Ministers has not followed this procedure.

Since the principle of sustainability and the precautionary principle had not been observed in the process of adoption of the contested provision, the Constitutional Court concluded that the contested provision did not comply with Article 115 of the Constitution.

### ■ **Case No. 2023-04-0106 *Permanent residence permits***

On 15 February 2024, the Constitutional Court pronounced the judgment in case No. 2023-04-0106 “On the compliance of Paragraph 58 of the Transitional Provisions of the Immigration Law and Article 5 of the Law of 22 September 2022 “Amendments to the Immigration Law”, insofar as it excludes Article 24(1)(8) of the Immigration Law, with Article 1, the first sentence of Article 91, and Article 96 of the Constitution of the Republic of Latvia, as well as Article 4 of Protocol No. 4 to the European Convention for the Protection of Human Rights and Fundamental Freedoms”.

The case concerned a legal provision which determined the moment until which permanent residence permits, issued in a simplified procedure to citizens of the Russian Federation who had previously been citizens or non-citizens of Latvia, were valid.

The case was initiated on the basis of constitutional complaints. It is indicated therein that the permanent residence permits issued to the applicants under the contested norm are valid until 1 September 2023. To renew their permanent residence permit, they must provide proof of their proficiency in the official language. Such a legal framework is incompatible with the principle of protecting legitimate expectations, the principle of legal equality, the right to privacy and the prohibition of collective expulsion.

First, the Constitutional Court terminated the proceedings in respect of Article 5 of the Law of 22 September 2022 “Amendments to the Immigration Law”, in so far as Article 24(1)(8) of the Immigration Law was excluded pursuant to this provision. The Court noted that the applicants were citizens of the Russian Federation who had received a permanent residence permit on the basis of Article 24(1)(8) of the Immigration Law. This legal provision provided for a simplified procedure for obtaining a permanent residence permit for foreigners who had been Latvian citizens or non-citizens before acquiring citizenship of another country (for example, these persons were not subject to the requirement to learn the official language). However, the exclusion of this legal provision from the Immigration Law does not affect persons who have already obtained a permanent residence permit on this legal basis. The fact that the permanent residence permit issued to the applicants becomes invalid follows from Paragraph 58 of the Transitional Provisions of the Immigration Law.

Second, the Constitutional Court recognised that the legislator, when introducing changes in the field of immigration, had considered the geopolitical context and the risks that citizens of the Russian Federation, recognised as a state sponsor of terrorism, could pose. The contested provision ensures that citizens of the Russian Federation may reside in the territory of Latvia only if they do not endanger national security. In particular, each person is individually re-examined in order to obtain a new residence permit. With respect to the requirement to pass the official language proficiency test the Court held that it was aimed at protecting the right of the inhabitants of Latvia to use the official language. The contested provision ensures that persons who wish to continue to reside permanently in Latvia know the Latvian language at least to such an extent that they are able to communicate in public and private on simple matters. In addition, knowledge of the official language at least at a basic level can generally make it easier for a person to obtain information in the official language.



Third, the Constitutional Court agreed that the process of language acquisition was influenced by various factors, including the person's age, previous language learning experience, learning skills, motivation, and other circumstances. However, it should be taken into account that the applicants and persons to whom the contested provision applies are former Latvian citizens or non-citizens and the official language in Latvia is Latvian. Therefore, the possibility envisaged by the legislator to allow taking the official language proficiency test several times, as well as the deadline set for passing the official language proficiency test at A2 level, which requires nothing more than simplified communication on everyday matters, is proportionate.

Fourth, the Constitutional Court noted that a departure order or a decision on forced expulsion could be issued in respect of a person who had failed to pass a test of proficiency in the official language and had not applied for another residence permit. However, it should be noted: the fact that a person does nothing for themselves, but

**Immigration legislation is a way in which a state can mitigate security risks. The state has the discretion to change its immigration policy to respond to such risks.**

accepts the consequences provided for by the law shows that they are not particularly interested in the protection of their fundamental rights. If a person cares for the protection of their private life and wishes to preserve the social ties formed in this country yet does not

even try to take the official language proficiency test, cancellation of the permanent residence permit issued to this person and the possible expulsion of this person may not be considered as being disproportionate.

Fifth, the Constitutional Court found that the contested provision gave a person a real possibility to acquire a new legal basis for continuing to reside in the territory of Latvia. It also ensures a smooth transition to the new legal framework and respects the principle of protection of legitimate expectations. The legislator has provided sufficient time for a motivated person to pass the official language proficiency test.

Finally, the Constitutional Court rejected the applicants' arguments regarding infringements on the principle of legal equality. The Court emphasised, *inter alia*, that citizens of the Russian Federation were not in the same and, according to certain criteria, comparable circumstances as all other foreign nationals who had obtained a permanent residence permit on the basis of Article 24(1)(8) of the Immigration Law. In particular, they are nationals of countries that are not Latvia's neighbours and did not launch warfare against their own neighbouring countries, nor have historically threatened Latvia's national security. The Court also rejected the argument that the prohibition on collective expulsion of foreigners had not been respected. The fact that similar decisions have been taken in respect of several foreign nationals does not in itself lead to the conclusion that there has been collective expulsion if each person concerned has had the opportunity to present arguments against their expulsion to the competent authorities individually. The contested provision, in conjunction with other norms of the Immigration Law, requires taking into account the individual circumstances of a person, and also makes the possible expulsion from Latvia dependent on the actions of persons themselves.



Considering the above, the Constitutional Court recognised that Paragraph 58 of the Transitional Provisions of the Immigration Law (in the wording effective from 20 April 2023) was compatible with Article 1, the first sentence of Article 91 and Article 96 of the Constitution, as well as Article 4 of Protocol No. 4 to the Convention.

Judge Jānis Neimanis of the Constitutional Court added his separate opinion to the judgment. In the separate opinion it is pointed out that, in revising the right to permanent residence, the legislator has provided for unjustified differential treatment of different groups of citizens of the Russian Federation and other foreigners.

## ■ **Case No. 2023-15-01 *Language of instruction in state and local government institutions of education***

On 12 July 2024, the Constitutional Court pronounced its judgment in case No. 2023-15-01 “On the compliance of Articles 1, 5, 6, and 12 of the Law of 29 September 2022 “Amendments to the Education Law”, insofar as the Transitional Provisions of the Law are supplemented by Paragraph 102, and of Articles 4(1) and 6 of the Law of 29 September 2022 “Amendments to the General Education Law” with Articles 1 and 114 of the Constitution of the Republic of Latvia”.

The case concerned legal provisions which, from 1 September 2023 to 1 September 2025, provide for the transition to teaching only in the official language in state and local government educational institutions at the pre-school education level and at the basic education level.

The case was initiated on the basis of constitutional complaints, indicating that applicants are educatees who self-identify as national minorities living in Latvia and study in state and local government educational institutions in minority education programmes at the pre-school and basic education levels. The transition from education in Latvian and minority languages to education exclusively in Latvian prevents the applicants from properly exercising their right to education and minority rights and is also inconsistent with the principle of protecting legitimate expectations.

**Persons who, due to their lack of official language skills, have access to the information space only in Russian are exposed to the influence of Russian disinformation and the resulting self-segregation.**

First, the Constitutional Court recognised that the use of a minority language in the educational process had to ensure not only the formal acquisition of that language but also the development of the identity of a person belonging to a minority. However, the state is not obliged to ensure that education is provided in the minority language or in a certain proportion of that language. Nor does the right to education imply a right to general education in one's preferred language, including the native language of a minority learner. The state must support the preservation and development of minority identities within the framework of the education system, contributing to the development of a common identity of a democratic society, and not oppose the rights of persons belonging to minorities to the common interests of society.

Second, the Constitutional Court noted that the state has a discretionary power appropriate to its specific circumstances as to how it ensures that the rights of persons belonging to national minorities are respected in the educational process. In Latvia, the situation of the official language is still affected by the consequences of the Soviet occupation and Russification. As a result, Russian is widely used in the public sphere alongside the official language. Therefore, the state has been promoting and still must promote and strengthen the use of the Latvian language in Latvia. This obligation includes promoting the use of the official language at every level of education.

Third, the Constitutional Court concluded that the state had fulfilled its positive obligation to ensure that the educational process of persons belonging to national minorities complied with their interests, which includes adequate opportunities to acquire, preserve and develop their language and ethnic and cultural distinctiveness. These opportunities can be implemented, *inter alia*, within the framework of the interest-related educational programme of minority language and cultural history. The state has also fulfilled its positive obligation to ensure an educational process that is consistent with the principles of accessibility, acceptability,

and adaptability. The Court emphasised that the contested provisions ensured the most appropriate education for a child's development and language acquisition. At the moment, there are no grounds to conclude that the contested provisions would lead to a decline in the quality of education. Moreover, the state has a duty to monitor the quality of education on an ongoing basis, making effective use of the state's quality control mechanism. At the same time, the Court noted that the state, following the principle of protecting legitimate expectations, had provided an opportunity to prepare for the effects of the contested provisions.

Considering the above, the Constitutional Court recognised that the contested provisions were compatible with Article 1, the first sentence of Article 112 and Article 114 of the Constitution.

### ■ **Case No. 2023-34-01 *Prohibition to be a teacher***

On 23 May 2024, the Constitutional Court adopted a judgment in case No. 2023-34-01 "On the compliance of Article 50(1)(1) of the Education Law with Article 106 of the Constitution of the Republic of Latvia".

The case assessed a legal provision that prohibited a person, convicted of committing an intentional criminal offence, to work as a teacher, except in cases where, after the criminal record had been expunged

**If a person whose criminal record has not been expunged or extinguished were to work as a teacher, there would be grounds to question the public value of their teaching activities.**

or extinguished, the State Education Quality Service had assessed whether it did not harm the interests of students and had permitted this person to work as a teacher.

The case was initiated on the basis of a constitutional complaint, stating that the applicant was

dismissed from his teaching post after having been convicted of an intentional criminal offence of driving under the influence of alcohol. His criminal record will be expunged after six years. The applicant does not object to the prohibition to perform teaching work *per se* but to the fact that the State Education Quality Service was not allowed to assess a person's eligibility for the post of a teacher before the criminal record has been expunged or extinguished. According to the applicant, the contested provision disproportionately restricts the right to freely choose and maintain an employment.

First, the Constitutional Court recognised that the process of education included not only teaching but also upbringing. In upbringing, the teacher creates awareness of the moral values and virtues accepted in society. That is, the role of the educator is to help learners develop virtues that are rooted in inner convictions and are consistent with society's shared understanding of what is morally right and just. The educators themselves must set an example in respecting and honouring the values of society. If an educator makes demands on learners (including with respect to the compliance with laws and regulations) but acts contrary to those demands, the trust in the educator that is so important to the education process is undermined.



Second, the Constitutional Court noted that the negative reaction of the state to a criminal offence consists of two parts – a criminal sanction and a criminal record. Even after a person has served a criminal sanction in full, until the criminal record has been expunged or extinguished, the legal status of the person is not similar to that of a person who has not previously infringed criminal law prohibitions. For example, the contested provision denies a person the right to work as a teacher for the period while their criminal record is valid. At the same time, the contested provision does not exclude the fact that, after a criminal record has been expunged or extinguished, the suitability of the person concerned for the post of a teacher may be assessed individually. It is necessary to check whether the person, by their attitude towards the offence and by behaviour and actions, has demonstrated that they are capable of giving learners a correct impression of the norms in force in society.

Third, the Constitutional Court concluded that the legislator had already differentiated the duration of the criminal record in proportion to the sentence served by a person, and, consequently, the period during which a person's right to hold the post of a teacher was restricted. Consequently, the point from which a person's rehabilitation, and thus their eligibility for a teaching post, can be meaningfully assessed is the expiry date of the criminal record. If a person's suitability to be a teacher were to be assessed earlier, the ability of the State Education Quality Service to objectively assess the risks to the safety, as well as intellectual and physical development of learners would be compromised.

Considering the above, the Constitutional Court recognised the restriction on fundamental rights included in the contested provision to be proportionate, and the contested provision to be compatible with the first sentence of Article 106 of the Constitution.

### ■ **Case No. 2023-35-03 Annual report on electricity**

On 10 October 2024, the Constitutional Court adopted a judgment in case No. 2023-35-03 “On the compliance of Paragraph 41 and Sub-paragraph 60.2 of Cabinet of Ministers Regulation No. 560 of 2 September 2020 “Regulations Regarding the Generation of Electricity Using Renewable Energy Resources, and also the Procedures for Price Determination and Monitoring” (in the wording effective until 31 March 2022) with the first three sentences of Article 105 of the Constitution of the Republic of Latvia”.

The case concerned the legal provisions that prohibited a commercial operator from selling the electricity it produced under mandatory procurement and obliged it to reimburse the state aid received if it failed to submit a timely report on the operation of the power plant.

The case was initiated on the basis of a constitutional complaint where it was specified that the applicant was a producer of electricity which used hydropower. The applicant had missed the deadline for submitting the report on the operation of the power plant in 2020; therefore, it had been denied the right to sell electricity under the mandatory procurement scheme and had been obliged to repay the state aid for the relevant period. The applicant considers that, thus, its right to property has been disproportionately restricted.

First, the Constitutional Court recognised that state aid in the energy sector in the European Union was an important instrument for moving towards climate neutrality. Therefore, the objective of the aid scheme introduced in Latvia, i.e., the mandatory procurement system, is also to promote the deployment of renewable energy resources and high-efficiency cogeneration. At the same time, the Court added that the state aid distorted competition. To ensure that this distortion is not disproportionate, the state is therefore obliged to monitor the use of the state aid.

Second, the Constitutional Court indicated that the exercise of the right to participate in mandatory procurement in Latvia was monitored, *inter alia*, through the annual report on electricity, from which the State Construction Control Bureau

obtained aggregated information on the operation of the power plant in the previous year. The information provided in the report helps the Bureau determine whether the disbursement of the state aid should be continued, whether its amount should be reduced, or whether the state aid should be discontinued completely.

Third, the Constitutional Court emphasised that compliance with the deadline for submission of the annual electricity report was important for effective monitoring of the mandatory procurement system. Moreover, the obligation to submit the report is therefore not a new, unprecedented requirement to which

**All business operators receiving state aid must be careful and responsible in the exercise of the rights granted to them and comply with all the obligations laid down in law.**



the trader would have to adapt. The total period for the preparation and submission of the report, i.e., the first three months of the year, is sufficient to comply with this obligation in good time and without the need for a specific reminder.

Considering the above, the Constitutional Court concluded that the restriction of fundamental rights contained in the contested provisions was proportionate and the contested provisions complied with the first three sentences of Article 105 of the Constitution.

Judge Anita Rodiņa of the Constitutional Court added her separate opinion to the judgment. It is specified therein that a warning about the possible revocation of the right to the mandatory procurement and an obligation to reimburse the state aid in case of failure to submit the annual electricity report within the deadline is an alternative measure for achieving the legitimate aim of the restriction of the fundamental right equally effectively but with a lesser restriction of the commercial operator's right to property.

Judge Jautrite Briede of the Constitutional Court also added her separate opinion to the judgment. The judge stressed that a warning that could be sent to a trader in case of exceeding the time-limit for the submission of the annual report on electricity could not be a less restrictive measure. The authority is not required to remind the commercial operator of the obligation to submit the relevant documents.

### ■ **Case No. 2023-42-01 Complaint in a case of an administrative offence**

On 18 October 2024, the Constitutional Court adopted a judgment in case No. 2023-42-01 "On the compliance of Article 185(4) of the Administrative Liability Law with the fourth sentence of Article 92 of the Constitution of the Republic of Latvia".

The case concerned a legal provision which did not provide for the right of a defence counsel to sign a complaint submitted to a court on behalf of a person subject to administrative liability.

The case was initiated on the basis of constitutional complaints in which it was indicated that the applicants had appealed to the courts against the decisions of the authority to subject them to administrative liability. However, the court had refused to accept the applicants' complaints on the basis of the contested provision, as

**The signature of a person is of a particular importance in administrative offence proceedings, as it links the person itself to the administrative offence case.**

they were signed by their defence lawyers. The applicants consider that the legislator by the contested provision has unjustifiably restricted their right to defence.

First, the Constitutional Court noted that the right of a person to exercise their defence

by using a provider of legal assistance of their choice was a special procedural guarantee included in the fourth sentence of Article 92 of the Constitution, which ensured that a person's right to a fair trial was respected. In prosecution proceedings, the administrative offence proceedings being such, a provider of legal assistance needs the authority to defend the rights and legitimate interests of the person in the best and most appropriate manner. A provider of legal assistance may need not only to cooperate (for example, to advise a person on their rights and obligations, to prepare draft legal documents, and to assist the person in court) but also actually act in the interests of the defendant. Thus, signing a complaint to submit it to a court also falls within the scope of the legal assistance provided by a defence counsel.

Second, the Constitutional Court noted that signing a complaint was not merely a technical act. By signing the complaint, the signatory certifies that the content of the document corresponds to the person's intention, as well as the intention to initiate or continue the administrative offence case in court. In addition, the obligation of a person to personally participate in the examination of the case ensures that the circumstances of the administrative offence are confirmed directly by the person held liable, as this is the person who can provide such information most accurately. Consequently, there are objective and reasonable grounds for the defence counsel not having the right to sign a complaint to be submitted to a court. Likewise, the Court stressed that the obligation of a person to sign the complaint themselves does not entirely preclude them from obtaining legal assistance from a lawyer.

Considering the above, the Constitutional Court concluded that the contested provision complied with the fourth sentence of Article 92 of the Constitution.

Judges Irēna Kucina and Anita Rodiņa of the Constitutional Court appended a separate opinion to the judgment. They state that the right to the assistance of a lawyer is a person's fundamental right, arising

from Article 92 of the Constitution, and is not a procedural guarantee. Consequently, the compatibility of the contested provision with the Constitution had to be examined by using the methodology for assessing the constitutionality of restrictions of fundamental rights. The judges also concluded that the restriction of the fundamental right included in the contested provision did not have a legitimate aim.

Judge of the Constitutional Court Jānis Neimanis also added a separate opinion to the judgment. The judge considered that the contested provision unjustifiably restricted the right to the assistance of a lawyer.

### ■ **Case No. 2023-43-03 Enrolment in school in first grade**

On 20 November 2024, the Constitutional Court delivered a judgment in case No. 2023-34-03 “On the compliance of Paragraph 19 of Riga City Council Binding Regulation No. RD-23-199-sn “Procedure for the Registration and Examination of Applications for the Enrolment of Children to the First Grade in Riga State-City Municipal Education Institutions” of 26 April 2023 with Articles 64, 91, and 110 of the Constitution of the Republic of Latvia”.

The case concerned a legal provision which determined the procedure for the admission of six years old children to the first grades of schools in Riga.

The case was initiated on the basis of an application by the Ombudsman, in which it was stated that all children have an equal right to basic education, regardless of whether they turn six or seven years old in the year when they start basic education. However, the contested provision favours children aged seven. Such

**The state is not obliged to ensure that a child receives basic education in a particular educational establishment.**

differential treatment is contrary to the principle of legal equality, violates the right of parents to decide on the education of their children and, allegedly, is incompatible with the limits of authorisation set in law.

First, the Constitutional Court recognised that Article 110 of the Constitution established an obligation of the state to protect the rights of parents and children. Parental rights extend to the right to care for their children, including in matters relating to their education. According to Article 112 of the Constitution, the state is obliged to establish an education system that is accessible to all learners and respects the rights of parents to decide on matters related to their children’s education. Thus, the state’s positive obligation to establish an accessible education system, respecting the parents’ right to decide on the exercise of their child’s right to education, is derived from Articles 110 and 112 of the Constitution.

Second, the Constitutional Court noted that in Latvia the acquisition of basic education commences at the age of seven. However, there is an exception to this general rule: pupils can also start to obtain basic education from the age of six. Thus, the legislator has given parents the right to decide whether a child, being physically and psychologically ready for basic education, will start to obtain it at the age of six. Parents also



have the right to choose the educational institution in which their child receives education (although the state is not obliged to ensure that a child receives basic education in a particular educational institution). At the same time, the legislator has empowered municipalities to determine the procedure for exercising these rights. One of the autonomous functions of a municipality is to provide for the education of its inhabitants, *inter alia*, by planning the institutional network of educational institutions. This competence also includes deciding on the number of pupils in classes and the procedure how to fill vacant places.

Third, the Constitutional Court established that, according to the contested provision, the Riga State-City municipality primarily ensures the inclusion of seven year old pupils in the list of applicants for the first grade of an educational institution, and only then, if vacant places are available in the institution, a decision is made on the enrolment of six years old pupils. This means that pupils aged six are placed last on the list of applicants or, if there are no vacant places available, are not included in the list at all. In this situation, the learner is offered the opportunity to start basic education in another educational institution that, as far as possible, meets the requirements of proximity to the learner's place of residence. Thus, the contested provision provides for differential treatment of persons in similar and, according to certain criteria, comparable circumstances.

When examining whether there were objective and reasonable grounds for this differential treatment, the Constitutional Court took into account that the number of educational institutions in some territorial units of the Riga State-City municipality or some of their parts might be insufficient to include in the list of applicants for the first grade all those who had expressed their wish to be enrolled. In such circumstances, it is reasonable to expect that the municipality will organise basic education in line with the resources available to it. This may include the municipality deciding to give preference to seven-year-olds. Since the number of free places in the first grade is limited, the condition that the list of the first grade applicants should include as a priority those students for whom starting basic education in the relevant calendar year is compulsory is in line with the interests of society.

Taking into account the above, the Constitutional Court concluded that the contested provision complied with Article 64, the first sentence of Article 91, Articles 110 and 112 of the Constitution.

### ■ **Case No. 2023-44-01 *Prohibition to be an insolvency administrator***

On 24 October 2024, the Constitutional Court adopted a judgment in case No. 2023-44-01 “On the compliance of Article 13(2)(3) of the Insolvency Law, insofar it provides form a prohibition for a person in respect of whom criminal proceedings for committing an intentional criminal offence have been terminated for reasons other than exoneration from working as an insolvency administrator, with Article 101(1) and the first sentence of Article 106 of the Constitution of the Republic of Latvia”.

In the case a legal provision was assessed that prohibited a person in respect of whom criminal proceedings for the commission of an intentional criminal offence had been terminated for reasons other than exoneration, from holding the office of an insolvency administrator.

The case was initiated on the basis of an application by the Senate, in which it was noted that, in the administrative case, a decision of the Insolvency Control Service was contested, by which a person, on the basis of the contested provision, was dismissed from the position of an insolvency administrator. This person had been held criminally liable at the age of 16 and the criminal proceedings against them for committing an intentional criminal offence had been terminated for reasons other than exoneration. The contested provision precludes an individual assessment of each case; therefore, it is manifestly disproportionate, particularly in cases where the criminal offence has been committed long ago and when the person was a minor. Consequently, the contested provision is incompatible with the right to perform public service and the right to freely choose and maintain an employment.

First, the Constitutional Court terminated the proceedings in the part concerning the compliance of the contested provision with Article 101(1) of the Constitution. The Court recognised that the rights and duties of an insolvency administrator were directly aimed at an efficient administration of the debtor's property and the settlement of the creditors' claims to the fullest extent possible. However, the nature of these rights and obligations does not imply that they are related to the exercise of public authority. Hence, the insolvency administrator is not part of the public service within the meaning of Article 101 (1) of the Constitution.

Second, the Constitutional Court indicated that, by establishing the prohibition contained in the contested provision, the legislator had presumed that any person who had committed an intentional criminal offence and criminal proceedings against whom had been terminated for reasons other than exoneration, could always undermine confidence in the efficiency of the area of insolvency and the profession of an

insolvency administrator. However, the legislator has not taken into account the fact that the degree of harmfulness of criminal offences, as well as the nature of non-exonerating circumstances may vary and that the behaviour of a person, especially if they had committed a criminal offence when being a minor, may change over time.

Third, the Constitutional Court emphasised that a person's past should not have an eternal impact on their future. Lifetime restrictions not only prevent a person from exercising their rights but also bind them, in the eyes of society, to their past actions, without regard to their later life. This can naturally affect the desire of a person to further develop themselves and to fulfil their potential in a way that can contribute to society. Such restrictions are justified only in specific cases where the harm previously caused is intrinsically incompatible with the exercise of the specific right.

**Lifelong restrictions of fundamental rights preclude the presumption that a person is able to change their behaviour during their lifetime. Such restrictions are justified only in specific cases where the harm previously caused is intrinsically incompatible with the exercise of a specific right.**

The Court, likewise, added that adolescence and early youth are times of experimentation, risk-taking, testing of social norms and more of a search for personal identity than purposeful mature personal action. It is possible that the minor has not yet reached a sufficient level of maturity and, consequently, a proper understanding of the consequences of their actions; therefore, in such case, the fact of committing a criminal offence as such should not affect the rest of this person's life.

Taking this into account, the Constitutional Court concluded that it was an individual assessment, considering both the severity of the offence and the nature of the non-exonerating circumstances, as well as the time that had passed since the offence and the person's attitude and behaviour after the offence, that could constitute an alternative measure that would be less restrictive of the fundamental rights of the individual. This could be one of the measures that could ensure that only those persons who undermine public confidence in the area of insolvency and the profession of the administrator are excluded from the circle of insolvency administrators. Consequently, the legitimate aims of the prohibition included in the contested provision can be achieved equally well by other, more lenient means. Thus, the contested provision does not conform to the first sentence of Article 106 of the Constitution.

## ■ **Case No. 2023-47-01 Prohibition on acting as a forensic expert**

On 17 December 2024, the Constitutional Court delivered a judgment in case No. 2023-47-01 "On the compliance of Article 6(3)(5) of the Law on Forensic Experts with Article 101(1) and the first sentence of Article 106 of the Constitution of the Republic of Latvia".

The case concerned a legal provision which prohibited a person, against whom criminal proceedings for the commission of an intentional criminal offence had been terminated for reasons other than exoneration, to be a forensic expert.

The case was initiated on the basis of an application by the Senate, in which it was pointed out that the provision norm does not allow for an individual assessment of each case; *inter alia*, it does not permit to consider the time elapsed after the criminal offence had been committed or other circumstances. Consequently, persons who do not pose a threat to the authority of forensic experts may also be excluded from the circle of forensic experts. Thus, the contested provision disproportionately restricts the right to perform public service and the right to freely choose and maintain an employment.

First, the Constitutional Court terminated the proceedings in the part concerning compliance of the contested provision with Article 101(1) and the first sentence of Article 106 of the Constitution, insofar as the contested provision applied to persons who had been held criminally liable for criminal offences committed due to negligence. The Court concluded that the contested provision in this part had become void.

Second, the Constitutional Court recognised that persons whose personal qualities and professional training did not give rise to doubts should work in the profession of forensic experts. Being prosecuted for an intentional criminal offence can create a negative image of a person and influence public opinion about



their professional activities. A person's reputation is also affected by the past criminal conduct, even if the person has been held criminally liable but, later, the criminal proceedings have been terminated. The Court also stressed that, although forensic experts did not themselves exercise a judicial function, trust in them was closely linked to trust in the judicial process as a whole. Public confidence in the judiciary is an element of a democratic state governed by the rule of law and of an open, just and harmonious society. Only when the judiciary enjoys public confidence is it possible to fully exercise its judicial function.

Third, as the Constitutional Court concluded, the legislator had assumed that any person who had been held criminally liable for committing an intentional criminal offence and against whom criminal proceedings had been terminated for reasons other than exoneration could always create doubts in society and undermine confidence in the work of forensic experts and in the process of adjudication. However, the legislator has not considered that there may be various circumstances which, taken together, would allow a person's

**The fact of committing a crime should not in itself always affect the rest of a person's life.**

previous criminal conduct to be considered as not prejudicial to the performance of the functions of a forensic expert. This may include taking into account circumstances such as the degree of harm caused by the offence, the

time elapsed after the offence, the protected interests against which the offence was directed, the attitude of the person towards the offence they had committed, and their behaviour and conduct after the offence had been committed. An individual assessment taking into account these circumstances may be one of the means by which a person's fundamental rights could be restricted to a lesser extent. Thus, the legitimate aims of the restriction of fundamental rights included in the contested provision can be achieved equally well by means that are less restrictive on an individual's rights. Consequently, Article 6(3)(5) of the Law on Forensic Experts, insofar as it prohibits a person against whom criminal proceedings for committing an intentional criminal offence have been terminated for reasons other than exoneration from being a forensic expert, is not proportionate and does not comply with the first sentence of Article 106 of the Constitution.



## ■ 2.2. Public law (institutional part of the Constitution)

During the reporting period, the Constitutional Court examined four cases related to the area of public law. Cases No. 2023-27-03 and No. 2023-43-03 focused on aspects of the interaction between local governments and central authorities. In turn, cases No. 2023-46-03 and No. 2024-03-03 dealt with the matter of the Cabinet of Ministers' authority to issue legal regulations in specific areas.

Case No. 2023-27-03 concerned a legal provision prohibiting the organisation of gambling and the provision of gambling services in the entire administrative territory of the State-City of Riga. In its case-law, the Constitutional Court had already assessed regulation by which local governments had restricted the organisation of gambling within their administrative territories.<sup>17</sup> As regards the restriction on the organisation of gambling by means of a binding regulation of a local government, the Court had already specified that local governments had the right to determine other places and territories in addition to those already determined by the legislator, where gambling was not allowed. Moreover, they may do so to an unlimited extent, provided that such an action is based on rational considerations justifying the need for the restriction.<sup>18</sup> In the case examined during the reporting period, the restrictions on gambling were laid down in the spatial plan. The Constitutional Court supplemented its previous case-law by emphasising that, although a local government could prohibit the organisation of gambling in certain places, even in such a case it had to assess the type of use of the territory established in the spatial plan before imposing restrictions. In particular, the action of a local government in imposing restrictions on the organisation of gambling must be objectively justified and based on rational considerations. This also applies to areas where commercial activities are designated as the permitted use of the area.

The judgment in case No. 2023-43-03, in turn, develops the existing case-law of the Constitutional Court regarding the competence of local governments to plan and organise the activities of their educational institutions. The Constitutional Court had already previously recognised that issues related to the existence of an educational institution were primarily the responsibility of local governments, as they were related to the duty of local governments to ensure the right to education of their residents.<sup>19</sup> In case No. 2023-43-03, the issue that was examined was whether a local government had the power to determine the procedure for the enrolment of children in municipal basic education institutions. The Constitutional Court emphasised that the legislator could transfer to the competence of local governments the decision-making on those issues which could be effectively resolved by knowing the conditions of the respective administrative territory and the needs of the population. Moreover, this can be done not only by specifically empowering the local government in the relevant regulatory enactment but also by generally conferring autonomous power on the municipality. The competence of a local government to plan the institutional network of its educational institutions also includes deciding on the number of pupils in classes and the procedure for filling vacant places in specific educational institutions.<sup>20</sup>

In contrast, in cases No. 2023-46-03 and No. 2024-03-03, a question that had already been analysed in the case-law of the Constitutional Court was assessed – whether the Cabinet of Ministers, by issuing legal regulation which differed from the general civil law regulation, had acted in line with the authorisation granted by the legislator.<sup>21</sup> Namely, the Constitutional Court had already recognised in case No. 2021-03-03 that a situation where a derogation from the general civil law regulation was implemented by means of Cabinet of Ministers Regulations instead of a law was impermissible. In case No. 2023-46-03, the contested provision of the Cabinet of Ministers Regulation departed from the principles of civil law on the relationship between co-owners and provided that the entire difference in water consumption in a residential block of flats was to be borne by the person who had failed to submit meter readings on water consumption for at least three consecutive months. In turn, in case No. 2024-03-03, the contested provision of the Cabinet of Ministers Regulation provided for a special rule for calculation of the volume of arbitrarily consumed electricity and system services, which differed from the general regulation for calculation of losses established in civil law. In difference to the findings made in case No. 2021-03-03, in both these cases the Constitutional

17 See the Constitutional Court's judgment of 16 May 2019 in Case No 2018-17-03 and judgment of 20 April 2023 in Case No 2022-13-05.

18 Judgement of the Constitutional Court of 20 April 2023 in Case No. 2022-13-05, paragraph 20.

19 Judgment of the Constitutional Court of 29 June 2017 in Case No 2016-23-03, paragraph 17.2.

20 Further information on this case can be found in the section "Fundamental Rights" of the report.

21 Judgment of the Constitutional Court of 14 October 2021 in Case No 2021-03-03.

Court concluded that the authorisation contained in the law permitted the Cabinet of Ministers to issue the contested provisions. Therefore, in a situation, where the law contains a mandate to the Cabinet of Ministers, the mere fact that the legal provisions issued by the Cabinet of Ministers provide for a regulation that differs from the principles of civil law does not mean that the Cabinet of Ministers has exceeded the limits of the mandate granted to it by the legislator. The Constitutional Court assessed these considerations when examining the constitutionality of the restrictions on fundamental rights included in the contested provisions of Regulations of the Cabinet of Ministers.

### ■ **Case No. 2023-27-03 *Restriction of gambling in Riga***

On 4 April 2024, the Constitutional Court adopted the judgment in case No. 2023-27-03 “On the compliance of Paragraph 6.8 of the Regulation on the Spatial Plan and the Use of Territory in the Territory of Riga, approved by the Riga City Council Binding Regulation of 15 December 2021 No. 103 “Binding Regulations on the Use and Development of Territory in Riga” with Article 1 and the first, second, and third sentences of Article 105 of the Constitution of the Republic of Latvia”.

The case concerned a legal provision prohibiting the organisation of gambling and the provision of gambling services throughout the entire administrative territory of Riga, except where the gambling venues were located in four- or five-star hotels.

The case was initiated on the basis of constitutional complaints by several business operators, in which it was stated that the applicants had obtained gambling venue licences on the basis of permits issued by the municipality to open gambling halls at specific locations in the administrative territory of Riga. However, the contested provision restricted the organisation of gambling. The applicants consider that the Law on Gambling and Lotteries does not provide for the right of a municipality to restrict the organisation of gambling throughout its territory. Moreover, the municipality has not conducted an individual assessment of each specific place and area where the ban has been imposed. Consequently, the municipality disproportionately restricted the applicants’ right to property and violated the principle of protection of legitimate expectations.

First, the Constitutional Court recognised that the aim of spatial planning was not only to increase the quality of the living environment and ensure sustainable and rational use of the territory but also to develop the economy in a purposeful and balanced manner. Therefore, the spatial plan is one of the main instruments for implementing the municipality’s planning policy, through which the future development of the territory is determined and the various interests of society are reconciled. The municipality defines functional zones in the spatial plan to show and distinguish the different functions and characteristics of different areas and to define the permitted uses. In the present case, the municipality has not identified any areas where the organisation of gambling is one of the permitted land uses.

Second, the Constitutional Court emphasised that, also in the spatial plan approved by a binding regulation, the municipality was obliged to justify why the organisation of gambling was prohibited in the functional zoning of the spatial plan, where commercial activities were envisaged as one of the permitted uses of the territory.



Consequently, in the process of drawing up a spatial plan, a restriction on gambling must be justified by an assessment of the functional zoning of the area in question. The municipality must assess, for example, the types of buildings in the specific area and the location of infrastructure facilities, population density, interests of residents and commercial operators and other relevant aspects that may form the basis for imposing restrictions on the organisation of gambling. Thus, the municipality may prohibit gambling in the vicinity of, for example, educational, cultural, sports facilities and complexes, recreational facilities and children's playgrounds. Restrictions on gambling may, likewise, be imposed in areas with a high volume of public traffic, such as near public transport stops and in residential areas consisting of low-rise and high-rise buildings. At the same time, the Court added that it was neither rational nor useful to carry out an individual site-by-site assessment.

Third, the Constitutional Court concluded that, by imposing restrictions on the organisation of gambling, the action of the local government was not objectively justified and based on rational considerations. Contrary to the principle of assessment of territories specified in the Law on Gambling and Lotteries, the municipality had not assessed the relevant functional zoning provided for in the spatial plan before imposing restrictions. The spatial plan merely states in general terms that the contested provision restricts activities that are detrimental to human well-

**When imposing restrictions on the organisation of gambling, the municipality must ensure both respect for the fundamental rights guaranteed to business operators and protection of the rights of individuals by reducing the potential risks of gambling addiction.**

being and health and that may contribute to gambling addiction. Consequently, the Court held that the restriction on fundamental rights contained in the contested provision was incompatible with Article 1 and the first, second, and third sentences of Article 105 of the Constitution.

Judge Jānis Neimanis of the Constitutional Court added a separate opinion to the judgment. It is stated therein that the contested provision had been duly discussed and the necessity of such a provision was justified by the opinion of the inhabitants of the given municipality. Moreover, the municipality, when determining the places where gambling was allowed, did not have to further justify why, in general, gambling was not allowed in certain areas of Riga outside of four- and five-star hotels.

Judge Jautrite Briede of the Constitutional Court also added a separate opinion to the judgment. The judge stressed that the municipality had assessed both the harmful effects of gambling and the opinions and interests of the residents and that the municipality's actions were, therefore, objectively justified and based on rational considerations. The municipality did not have to assess each functional zoning in detail.

## ■ **Case No. 2023-46-03 *Difference in water consumption***

On 12 December 2024, the Constitutional Court adopted a judgment in case No. 2023-46-03 "On the compliance of Subparagraph 19<sup>1</sup>(1) of the Cabinet of Ministers Regulation No. 1013 of 9 December 2008 "Procedures, According to which an Apartment Owner in a Residential Apartment House Pays for Services Related to the Use of the Apartment" (in the wording effective from 1 October 2013 to 21 November 2019) with Article 105 of the Constitution of the Republic of Latvia".

The case concerned a legal provision which established the procedure for the allocation of the difference in water consumption.

The case was initiated on the basis of an application by the Senate, in which it was stated that, according to the contested provision, if an apartment owner had failed to submit the readings of the water consumption meter for at least three consecutive months, they were obliged to cover the difference in water consumption in the entire building. However, according to the applicant, the contested provision does not take into account the circumstances that may lead to a difference in water consumption, nor does it set maximum levels for water consumption. If the difference in water consumption is due to the poor technical condition of the water supply system, it is unfair to attribute its negative consequences solely to individual apartment owners. Consequently, it was argued that the contested provision disproportionately restricts the right to property.

First, the Constitutional Court noted that the difference in water consumption was the difference between the reading of the common water meter of the building and the water consumption determined by meters in individual properties. The main causes of the difference are related to the submission of readings



from the water meters (e.g., under-reporting) and unrelated to the actions of a specific person (e.g., accidents, leakages during repairs and water used for shared purposes). The contested provision is aimed at ensuring that the difference in water consumption is primarily borne by persons who may have contributed to the difference by failing to provide the readings of the meters for at least three consecutive months. Consequently, the contested provision is also aimed at ensuring that the water supply service provider receives full payment for the service provided even when a difference in water consumption arises. The contested provision also facilitates regular and timely submission of the meter readings.

Second, the Constitutional Court emphasised that a person who has failed to submit the readings of the water consumption meter had to pay for the amount of water they consumed. It is not permissible that a person by not providing the meter readings could avoid paying the relevant charges and shift the obligation to pay for the water consumed to other apartment owners who have provided the meter readings. However,

**It is not fair to impose the obligation to cover the full difference in water consumption on a person who has not provided meter readings if the reasons for the difference are not considered.**

in a case where the obligation to cover the entire difference in water consumption is imposed only on the person who has not submitted the meter readings, regardless of why this difference arose, a result consistent with the principles of proportionality and justice cannot be achieved.

Moreover, it is for this reason that the relevant Cabinet of Ministers Regulation has been amended to oblige a person who has failed to provide the meter readings to compensate for a specific amount of the difference in water consumption, while ensuring that the remaining amount of the difference is borne proportionally by all apartment owners.

In view of the above, the Constitutional Court found the contested provision to be incompatible with the first three sentences of Article 105 of the Constitution.

### ■ **Case No. 2024-03-03 Arbitrarily consumed electricity**

On 4 December 2024, the Constitutional Court adopted a judgment in case No, 2024-03-03 “On the compliance of Paragraph 113 of the Cabinet of Ministers Regulation No. 50 “Regulation on the Sale and Use of Electricity” of 21 January 2014 with Articles 64 and 105 of the Constitution of the Republic of Latvia and Article 32(5) of the Electricity Market Law”.

The case concerned a legal provision determining how the amount of arbitrarily consumed electricity should be calculated.

The case was initiated on the basis of an application by the Riga City Court, in which it was stated that the method for calculating the amount of electricity consumed without metering under the contested provision is unfair because the amount of electricity consumed is not determined as close as possible to the amount actually consumed. Consequently, the contested provision disproportionately restricts the right to property. Moreover, it was argued that the Cabinet of Ministers, by issuing the contested provision, had also violated the authorisation given by the legislator.

First, the Constitutional Court recognised that the Cabinet of Ministers, by issuing the contested provision, had acted within the limits of the authorisation included in Article 32(5) of the Electricity Market Law. This authorisation includes the power to detail the rights and obligations of electricity market participants throughout the electricity trading and supply process and in the payment for services received. The Court also stressed that the energy sector was one in which many technical issues had to be regulated in accordance with the state of development of the electricity supply infrastructure and the needs of society. Consequently, the mandate given by the legislator may be broad and relatively abstract due to the technical nature of the particular field of law.

Second, the Constitutional Court indicated that the contested provision applied to cases in which a user of the electricity system had intentionally tampered with the operation of a commercial metering device or had established a connection to front-of-the-meter circuits to use electricity free of charge. According to the contested provision, the amount of electricity used arbitrarily is calculated for up to one year at the maximum throughput capacity of the connection during a 24-hour period. The amount of electricity used is thus presumed, and the system operator is relieved of the burden of proving the amount of damage suffered.

Third, the Constitutional Court concluded that the method of calculation of the electricity consumed established in the contested provision was fair. Although a large proportion of electricity-consuming installations are usually not operated for the whole 24-hour period, the system operator has no way of knowing which electricity-consuming installations are connected and how long they are used during the 24-hour period. Moreover, the system operator has, in fact, no way of determining even an approximate duration of the infringement, therefore it is

**According to the principle of equivalence, which is the basis of civil law, no party to a legal relationship may unjustly enrich itself at the expense of other parties.**

assumed that the infringement could have lasted for one year. However, in situations where evidence has been obtained that the user has unlawfully consumed electricity for a period lasting less than one year, the system operator has a possibility and, at the same time, an obligation to make a calculation for a shorter period. This allows the system operator to determine the amount of loss relatively close to the actual one. Consequently, the method provided for in the contested provision ensures economic equivalence and compliance with the principle of individualisation.

Taking into account the above, the Constitutional Court recognised that the restriction of fundamental rights included in the contested provision was proportionate and the contested provision complied with Article 64, the first three sentences of Article 105 of the Constitution and Article 32(5) of the Electricity Market Law.



## ■ 2.3. Tax law

During the reporting period, the Constitutional Court examined two cases related to tax law – case No. 2023-10-03 on immovable property tax reductions and case No. 2023-33-01 on the obligation to pay personal income tax on lottery and gambling winnings.

In its judgment in case No. 2023-10-03, the Constitutional Court included new findings on the power granted by the legislator to the local government to establish tax reductions for immovable property taxpayers and citizenship as one of the criteria for obtaining such reductions. A similar question of law regarding the application of a reduced rate of immovable property tax had already been assessed by the Court in case No. 2017-28-0306 on the rate of immovable property tax where a foreigner is declared as a resident of the property. In the said case, the Court concluded, *inter alia*, that the legislator had granted a certain degree of powers to the local government, i.e., the right to determine the immovable property tax rate or rates in its binding regulations.<sup>22</sup> Yet, in the area of EU law, the criterion of citizenship cannot be used to establish differential treatment of taxpayers.<sup>23</sup> Moreover, differences in tax rates must be justified on the basis of the criteria associated with the purpose of that tax.<sup>24</sup>

In case No. 2023-10-03, the Constitutional Court assessed in depth whether the local government had complied with the authorisation granted by the legislator with regard to providing for immovable property tax reductions for certain categories of immovable property taxpayers. The Court emphasised that, on the one hand, the legislator had selected the categories of the immovable property taxpayers to whom, under the law, the reductions were to be applied and had chosen the financial, family or social status of persons as the basis for the classification of these taxpayers. On the other hand, the local government has the right to establish reductions for the immovable property taxpayers if they are classified according to objective criteria. This classification must be efficient and responsible, based of social criteria or serve the purpose of supporting entrepreneurship or development and improvement of the territory. Moreover, when providing reductions to certain categories of immovable property taxpayers, the tax conventions binding upon Latvia and the legal provisions of the European Union, according to which equal treatment and the principle of non-discrimination must be ensured, have to be observed.

In case No. 2023-10-03, for the first time in the case-law of the Constitutional Court it was indicated that the competence of a municipality to group taxpayers according to their nationality would contradict the competence of the state to determine its foreign tax policy towards other states. Grouping of taxpayers by their nationality or their status as a non-citizen of Latvia is only permissible by a decision of the legislator and in compliance with the international obligations of the state and the limits set by the European Union law. Therefore, it is the sole competence of the state to determine its own foreign tax policy towards other states. Consequently, the Constitutional Court found that the contested provision was issued in violation of the mandate granted by the legislator to the local government.

The Constitutional Court has repeatedly assessed the constitutionality of a legal regulation related to the obligation to pay personal income tax.<sup>25</sup> However, for the first time, case No. 2023-33-01 assesses the specific obligation of a person to pay personal income tax on winnings from lotteries and gambling. In this case, the Court upheld several conclusions already established in its case-law. For example, the obligation to pay tax always implies a restriction of a person's right to property. Also, if the legislator has decided to introduce a specific tax, the absence of such a tax cannot be considered a more lenient measure for achieving the legitimate aim of the restriction of the fundamental right. The Court must also assess whether the tax imposed is not confiscatory by nature.

The Constitutional Court had also previously assessed the application of the objective net principle inherent in tax law to personal income tax on economic activity.<sup>26</sup> In case No. 2023-33-01, the Court pointed out the reasons for which the legislator is entitled not to apply this principle to personal income tax on winnings from lotteries and gambling. Unlike economic activity, which is a systematic, independent activity aimed at generating income, a lottery or a gambling game, in case of luck, may provide a player with winnings but their aim is not to provide a regular and predictable income. In addition, the player is paying

22 See the judgment of the Constitutional Court of 29 June 2018 in case No. 2017-28-0306, para. 14.1.

23 Ibid, para. 15.4.1.

24 Ibid, para. 15.4.2.

25 See the Constitutional Court's judgment of 11 April 2007 in case No. 2006-28-01, the judgment of 8 June 2007 in case No. 2007-01-01, the judgment of 6 December 2010 in case No. 2010-25-01, the judgment of 13 April 2011 in case No. 2010-59-01, the decision of 13 December 2011 to terminate proceedings in case No. 2011-15-01 and the judgment of 7 January 2022 in case No. 2021-06-01.

26 See the judgment of the Constitutional Court of 7 January 2022 in case No. 2021-06-01.

for an entertainment service by making payments to participate in the game, and the resulting winnings are effectively a new income. Therefore, the costs of participating in the game are not to be considered as funds invested for the production of a foreseeable income. Accordingly, obtaining lottery and gambling winnings is not directly linked to prior investments. In contrast, the nature of economic activity requires a person to contribute labour and resources to earn an income, which in turn allows the deduction of expenses related to the economic activity from the income earned. Given the nature of lotteries and gambling, the player must take into account that the real benefit may be small or even less than the cost of participating in the game. Winnings from lotteries and gambling are, therefore, not comparable to income from economic activity.

In case No. 2023-33-01, the Constitutional Court also assessed why the regulation, according to which the personal income tax on lottery and gambling winnings should be calculated by deducting the expenses related to participation in the game, could not be regarded as a more lenient measure for achieving the legitimate aims of the restriction of fundamental rights. The Court found that such regulation would create an excessive administrative burden and require disproportionate investments by the state and society. It would also fail to achieve the objective of reducing the risk of gambling addiction. If the costs of participation in lotteries and gambling were deductible, less or no tax would be payable. This would make lotteries and gambling more attractive to players. In addition, the proposed alternative regulation would reduce the amount of revenue collected by the state and municipality budgets. Thus the legitimate aims would not be achieved to the same degree. The Court also concluded that the restriction of fundamental right affected certain taxpayers (persons who regularly participate in lotteries and gambling or pay more than EUR 3,000 per year for the participation). Whereas the entire society benefits from such a restriction since the state budget resources, derived from this tax, are used for its welfare. The Court also concluded that personal income tax on winnings from lotteries and gambling was not paid twice on the same funds of the taxpayer and could not be regarded as confiscatory.

### ■ **Case No. 2023-33-01 *Personal income tax on winnings***

On 13 June 2024, the Constitutional Court adopted a judgment in case No. 2023-33-01 “On the compliance of Article 8(3)(20<sup>4</sup>) and Article 9(1)(5) of the law “On Personal Income Tax” with the first three sentences of Article 105 of the Constitution of the Republic of Latvia”.

The case concerned the legal provisions that determined the obligation to pay personal income tax on winnings from lotteries and gambling.

The case was initiated on the basis of applications by the Administrative Regional Court and the Riga City Court, in which it was stated that, according to the contested provisions, the entire amount paid to a player by the organiser of a gambling or lottery game in the event of a win, which exceeds EUR 3,000 during the tax year, regardless of the player’s contributions to the game, is subject to personal income tax. Namely, the tax is payable even if the winnings are less than the stake paid to participate in the gambling. This disproportionately restricts the right to property.





First, the Constitutional Court recognised that the tax payable on winnings from lotteries and gambling reduced the benefits and, consequently, the attractiveness of gambling. The higher the costs of winning, the greater the potential that the benefits of a potential win will be lower. Thus, the obligation to pay personal income tax on all winnings from lotteries and gambling may decrease the possibility that gambling addiction could develop or exacerbate. This obligation also generates more revenue for the state budget.

Second, the Constitutional Court rejected the applicants' argument that the objective net principle applicable to the personal income tax on economic activity should be applied to the personal income tax on winnings from lotteries and gambling (this principle provides that to determine the taxable income, it must be possible to deduct the expenses related to economic activity). Economic activity is a systematic, independent activity to generate income. The essence of an economic activity requires a person to contribute labour and resources to

**A tax on winnings from lotteries and gambling reduces the benefits and, thereby, the attractiveness of gambling.**

earn an income, which also means that the expenses incurred during economic activity can be deducted from the income. Lotteries and gambling, on the other hand, may provide a player with a prize if they

are lucky but they are not intended to provide a regular and predictable income. In addition, by contributing to the game the player pays for an entertainment service, and the resulting winnings are effectively a new income for the player. Consequently, lottery and gambling winnings are not comparable to income from economic activities, and the legislator is permitted not to apply the objective net principle to personal income tax on lottery and gambling winnings.

Third, the Constitutional Court emphasised that a regulation whereunder the personal income tax on lottery and gambling winnings would be calculated by deducting expenses related to the participation in the game would create an excessive administrative burden and would reduce the efficiency of the activities of the State Revenue Service. Moreover, such regulation would not achieve the aim of reducing the risk of gambling addiction and would reduce the amount of revenue collected by the state and municipality budgets.

Considering the above, the Constitutional Court concluded that the restriction of fundamental rights contained in the contested provisions was proportionate and the contested provisions complied with the first three sentences of Article 105 of the Constitution.

Judge Jānis Neimanis of the Constitutional Court added a separate opinion to the judgment. He pointed out that income tax is not aimed at curbing socially undesirable consumption (which is the aim of, for example, excise duties). Therefore, the legitimate aim of the restriction of fundamental rights specified in the contested provisions is solely the protection of the welfare of society but not the protection of other persons' rights.

## ■ **Case No. 2023-10-03 *Immovable property tax reductions***

On 11 July 2024, the Constitutional Court adopted a judgment in case No. 2023-10-03 "On the compliance of Paragraph 3 of the Jūrmala City Council Binding Regulation No. 37 of 11 October 2012 "On the Procedure for Granting Immovable Property Tax Reductions" with Article 91 of the Constitution of the Republic of Latvia".

The case concerned a legal provision which excluded third-country nationals from the list of beneficiaries of immovable property tax reductions.

The case was initiated on the basis of an application by the Senate, in which it specified that the contested provision granted the right to receive immovable property tax reductions only to the citizens of the Member States of the European Union, including Latvia, the countries of the European Economic Area, the Swiss Confederation and non-citizens of Latvia. However, there is no objective and reasonable basis for such a differential treatment of taxpayers. Consequently, the contested provision was said to violate the principle of non-discrimination.

First, the Constitutional Court recognised that the immovable property taxpayers who paid this tax for the immovable property located in the administrative territory of Jūrmala State-City and had declared their principal place of residence in the territory of the mentioned municipality were in similar and comparable circumstances. However, the contested provision differentiates between the citizens of the Member States of the European Union, the countries of the European Economic Area and the Swiss Confederation and non-citizens of Latvia and the citizens of other countries – if a person's country of citizenship is not one of the mentioned countries or a person does not have the status of a non-citizen of Latvia then they are not entitled to receive an immovable property tax reduction.

Second, the Constitutional Court noted that, initially, the legislator itself had selected the categories of immovable property taxpayers to whom, under the law, the reductions were applicable. Yet, the legislator had, likewise, authorised local governments to issue binding regulations whereby local governments may provide additional reductions for certain categories of immovable property taxpayers. The local government has the right to establish reductions for the immovable property taxpayers if they are classified according to objective criteria.

Third, the Constitutional Court emphasised that, when establishing reductions for certain categories of immovable property taxpayers, the tax conventions binding upon Latvia and the principle of non-discrimination contained therein must be complied with. This prohibits a differential treatment of nationals of countries with which bilateral conventions have been concluded. The obligation to ensure equal treatment of third-country nationals also derives from the European Union law. The provision envisaging that the immovable property tax reductions apply only to the citizens of the European Union Member States, the countries of the European Economic Area and the Swiss Confederation and non-citizens of Latvia restricts the right to free movement of capital of foreign taxpayers who do not have the relevant citizenship. For such a restriction of movement to be proportionate, the differential treatment must relate to situations which are not objectively comparable or which can be justified by overriding reasons of general interest. Finally, the competence of local governments to classify taxpayers according to their nationality would be contrary to the competence of the state to determine its foreign tax policy towards other states.

**It is for the state, not local governments, to determine foreign tax policy towards other states.**

Considering the above, the Constitutional Court concluded that the tax law framework, international obligations of Latvia, as well as the European Union law did not allow the local government to group immovable property taxpayers by their nationality or their non-citizen status of Latvia. This grouping is only permissible by a decision of the legislator and in compliance with the state's international obligations and the limits set by the European Union law. Consequently, the contested provision has been issued in violation of the authorisation given by the legislator, as it establishes a specific category of immovable property taxpayers which does not meet the criterion of objective grouping. Hence, the contested provision has not been issued in due procedure and, therefore, does not comply with Article 91 of the Constitution.



## ■ 2.4. International and European Union law

During the reporting period, the Constitutional Court has examined eight cases related to the application of international and European Union law and in one case it has referred to the CJEU for a preliminary ruling.<sup>27</sup>

In case No. 2023-09-0106, the Constitutional Court assessed whether the contested provisions, which provided for a prohibition to breed and keep animals solely for fur production, were compatible with Article 49 of TFEU. Moreover, the Court assessed the contested regulation in the light of the requirement under the European Union law for adequate compensation in the event of an interference with the right to property.

The Constitutional Court noted that the right to carry on business, enshrined in Article 49 of TFEU, could be restricted, *inter alia*, on the grounds of the interests of the protection of public order, which were also equivalent to the legitimate aim enshrined in Article 116 of the Constitution – the protection of public morals. In this respect, the Court noted that the European Union law, in particular Article 13 of TFEU, also required respect for the welfare of animals as sentient beings. Moreover, it is clear from the case-law of the CJEU that ensuring animal welfare is aimed at protecting morals. The Constitutional Court developed this finding further and concluded that, since the protection of animal welfare was aimed at protecting public morals, the prohibition on breeding and keeping animals for the sole or main purpose of the production of fur was even more aimed at the protection of public morals.

In case No. 2022-45-01, the contested provisions established that private minority educational institutions should transition to teaching only in the official language. To disclose the content of the right established in Articles 112 and 114 of the Constitution, the Constitutional Court applied, *inter alia*, the Minorities Convention, which provides for the right of persons belonging to national minorities to establish and manage private education and training institutions.

The Constitutional Court concluded that the Minorities Convention provided broad discretion to states in the implementation of the principles set out therein, which was expressed in the forms of supervision and standards of curriculum established by the state. The Court noted that the right to education was a right that the state had to regulate. Namely, it must establish a legal framework which allows attaining all the aims of education in accordance with the particular level and type of education. In this respect, the Court held that interest-related education was an appropriate means for learning the minority language, as well as provided content related to minority culture and ethnic uniqueness.

Similar conclusions were also expressed in case No. 2023-15-01, which assessed the transition to teaching only in the official language in state and municipal educational institutions. The Constitutional Court noted that the use of a minority language in the educational process had to ensure not only a formal acquisition of that language but also the development of the identity of a person belonging to a minority. However, Article 114 of the Constitution and Article 14 of the Minorities Convention do not imply an obligation of the state to ensure the preservation and development of the linguistic, ethnic and cultural uniqueness of a national minority by ensuring education in the language of the national minority or in a certain proportion of the use of that language within the state education system in state and municipal education institutions, without considering the constitutional system of the state and the general objective of the Minorities Convention – to create an atmosphere of tolerance and dialogue in a plural society.

In its assessment of the discretion under Article 14 of the Minorities Convention in the fulfilment of the positive obligation of the state to ensure adequate opportunities for persons belonging to national minorities to learn, preserve and develop the minority language, as well as ethnic and cultural distinctiveness, the Constitutional Court recognised that the said legal provision did not provide that this obligation should be fulfilled only within the framework of formal education. Learning the minority language and preserving and developing cultural and ethnic identity can also be provided in the form of an interest-related education programmes. However, the interest-related education programmes must be suitable for learning, preserving and developing the language, ethnic and cultural identity of the minority.

Case No. 2023-04-0106 concerned the legal provision determining the date of validity of permanent residence permits issued on a preferential basis to certain citizens of the Russian Federation. For the first time in its case-law, the Constitutional Court interpreted the prohibition of collective expulsion of foreigners enshrined in Article 4 of Protocol No. 4 to the Convention.

<sup>27</sup> Additional information on cases Nos. 2022-44-01, 2022-45-01, 2023-01-03, 2023-04-0106, 2023-15-01, and 2023-35-03 is included in the section "Fundamental Rights" of the report, while information on case No. 2023-10-03 is included in the section "Tax Law".



The Constitutional Court noted that collective expulsion was any measure which compelled foreigners as a particular group to leave a country, except in cases where, before such measures were taken, the individual situation of each particular foreigner belonging to the relevant group were reasonably and objectively assessed. The Court concluded that Article 4 of Protocol No. 4 to the Convention provided for a different scope of protection of fundamental rights than the Constitution. In particular, neither Article 97 nor Article 98 of the Constitution contains a prohibition of collective expulsion of foreigners who have previously obtained a permanent residence permit. Next, the Court verified whether the contested provision provided for an individual assessment of the situation of each person. In that regard, the Court held that the mere fact that similar decisions had been taken in respect of several foreign nationals did not, in itself, lead to the conclusion that there had been collective expulsion if each person concerned had had the opportunity to present arguments against their expulsion to the competent authorities individually.

In case No. 2023-10-03, the Constitutional Court applied international and European Union law to assess binding regulations issued by a local government, which provided for the exclusion of third-country nationals from the list of beneficiaries of immovable property tax reductions.

With regard to international law, the Constitutional Court noted that Latvia had acceded to the Convention on the Organisation for Economic Co-operation and Development by approving the Agreement on the Terms of Accession of the Republic of Latvia to the Convention on the Organisation for Economic Co-operation and Development. Under the Final Statement of the Government of the Republic of Latvia annexed to this Treaty, Latvia has also accepted the Recommendation. By means of the Recommendation, Latvia has committed itself to the Model Convention and its Commentaries. Article 24 of the Model Convention must be interpreted as meaning that the principle of non-discrimination must also be respected when providing for reductions for certain categories of immovable property taxpayers. That also applies to the classification of the immovable property taxpayers.

As regards the European Union law, the Constitutional Court held that Article 63(1) of TFEU prohibited all restrictions on the movement of capital between Member States and between Member States and third countries. The movement of capital within the meaning of this provision also includes transactions whereby non-residents invest in immovable property in the territory of a Member State. Furthermore, the Court reminded that the Member States' obligation to ensure equal treatment for third-country nationals also derived from secondary legislation of the European Union, *inter alia*, Council Directive 2003/109/EC of 25 November 2003 on the status of third-country nationals who are permanent residents of a Member State.

In case No. 2022-44-01 on the prohibition to transfer the right to use radio frequency spectrum, the Constitutional Court interpreted Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code.

The Constitutional Court reminded that one of the objectives of the Directive was to promote competition. In this respect, the transfer of radio frequency spectrum usage rights can be a useful means for promoting efficient use of this spectrum. The Court concluded that not only incorrect or unjustified



application of conditions but also their non-application in particular circumstances could have an adverse effect on competition. Therefore, the second sentence of Article 51(1) of the Directive provides for the discretion of Member States to derogate from the obligation to ensure that undertakings may transfer or lease to other undertakings individual rights to use radio frequency spectrum which have been originally granted free of charge or for broadcasting purposes. However, national legislation which would fall within the discretion conferred on the Member States but would, by its very nature, unduly distort competition would not contribute to the achievement of the main objective pursued by this Directive.

In case No. 2023-01-03 on the reduction of the final felling diameter for pine, spruce, and birch trees, the Constitutional Court interpreted Article 115 of the Constitution using the Assessment Directive to establish whether the contested provision could be regarded as a plan or programme within the meaning of the Directive.

The Constitutional Court noted that the concepts of “plans and programmes” referred to in the Assessment Directive, taking into account the objective of this Directive to ensure a high level of environmental protection, had to be interpreted broadly and could also refer to regulatory enactments which regulated the rules, essential requirements, and a set of detailed actions for the authorisation and implementation of projects applicable in the relevant sector which could have a significant impact on the environment. A narrow interpretation of these concepts could allow to circumvent the obligation to carry out a strategic assessment by justifying the absence of an assessment solely on the basis of the legal nature of the document. Moreover, if a legislative act that may have a substantial impact on the environment is adopted at a time when there were no effective policy guidelines for which a strategic assessment was mandatory, the absence of such an assessment would be contrary to the principle of sustainability and the precautionary principle.

The Constitutional Court also referred to the law of the European Union in this case also when providing an interpretation of the precautionary principle. The Court recognised that an appropriate assessment of the impact of a plan or project had to be carried out not only if there was a risk that the planned activity could affect a specially protected natural area but also if, on the basis of objective information, the possibility of such an impact could not be excluded.

In case No. 2023-35-03, the Constitutional Court applied the provisions of European Union law on state aid in relation to the contested provisions, which provided for the cancellation of the right to mandatory procurement granted to a business operator and the reimbursement of the state aid received if the business operator failed to submit the annual electricity report. The Court found that the information to be provided in the annual electricity report helped the State Construction Control Bureau to determine whether state aid payments should be continued, reduced, or suspended entirely to prevent undue market distortion.

The Constitutional Court indicated that in cases where aid had been received unlawfully or unjustifiably, the procedure for its recovery had to be concluded with the actual repayment of all amounts unjustifiably received. Moreover, recovery of unlawfully or unduly paid state aid is not a sanction. In this regard, the decision to recover the state aid already received is equivalent to a decision refusing to grant further receipt of the state aid already granted.

In case No. 2024-01-01, the Constitutional Court referred to the CJEU for a preliminary ruling in relation to the disclosure of personal data of shareholders of a joint-stock company established in the Latvian legal framework. First, the Constitutional Court had doubts as to whether shareholders of joint-stock companies were to be regarded as persons participating in the management, supervision or control of a company within the meaning of Directive (EU) 2017/1132 of the European Parliament and of the Council of 14 June 2017 relating to certain aspects of company law and, accordingly, whether this Directive required the disclosure of information on shareholders of joint-stock companies. Second, the Constitutional Court had doubts as to whether the disclosure of information on shareholders of joint-stock companies under the Latvian legal framework complied with the principles specified in Article 5(1) of the Data Regulation.

## ■ **Case No. 2023-09-0106 *Prohibition of breeding of fur animals***

On 11 April 2024, the Constitutional Court adopted a judgment in case No. 2023-09-0106 “On the compliance of Articles 2 and 3 of the law “Amendments to the Animal Protection Law” of 22 September 2022 with Article 1 and the first and third sentences of Article 105 of the Constitution of the Republic of Latvia and Article 49 of the Treaty on the Functioning of the European Union”.

The case concerned legal provisions prohibiting, from 1 January 2028, the breeding and keeping of agricultural animals solely for the purpose of fur production.

The case was initiated following constitutional complaints by several business operators, stating that the applicants breed and keep farm animals such as mink and foxes for fur. The applicants were said to expect that the sector in which they operated would not be prohibited. However, the legislator, in providing for such a prohibition, has not provided for a proportionate transitional period and compensation. This was argued to have violated the principle of protecting the legitimate expectations and disproportionately restricted the right to property and freedom of establishment.

First, the Constitutional Court recognised that every animal in itself was valuable and that society had an ethical and moral obligation to ensure the welfare and protection of animals. No one may cause pain, suffering or other harm to an animal without a good reason. The very fact that animals are killed for their fur and the methods used to kill them means imposing unnecessary suffering to animals and cruelty against animals. Such a behaviour is morally and ethically wrong. Thus, the contested provisions, by prohibiting the infliction of suffering on fur-bearing animals, protect public morals. At the same time, the contested provisions also protect public welfare and the rights of other people, since fur farms cause damage to the environment (contamination of land, air, and water) and may endanger human health (harmful substances are used in fur processing and Covid-19 and other infections may spread in fur farms).

Second, the Constitutional Court indicated that the prohibition laid down in the contested provisions reflected how society's attitude towards animals had changed. In modern society, animals are not only seen as objects of property or agricultural products but as sentient beings. Animals are valuable in themselves, whether or not they are useful to anyone. Breeding and killing animals for fur is, therefore, an unethical, cruel, and disappearing commercial activity that no longer has any justification today. Thus, the contested provisions will permit to stop the treatment of fur animals which the legislator considers to be unethical and inconsistent with the values of society. The public interest in the moral and ethical treatment of animals is more important than the rights and interests of individual economic operators.

Third, the Constitutional Court concluded that the legislator had assessed the length of the transition period for the ban on breeding and keeping fur animals and decided to determine it until 1 January 2028. The legislator has taken into account the possibilities for fur farmers to reorient or cease their respective commercial activities. Likewise, it has taken into account the potential for fur farmers to make a profit from the sale of their fur animals by 1 January 2028, to recover the investments made and to reduce potential losses. The legislator's decision was, therefore, not arbitrary and was based on rational and reasonable considerations. The legislator has also considered the possibility of granting compensation to fur farmers

**Every animal is valuable in itself and society has an ethical and moral obligation to ensure the welfare and protection of animals. No one may cause pain, suffering or other harm to an animal without a good reason.**



but has decided that a five-year transition period will be established instead of a compensation to ensure a lenient transition.

Taking the above into account, the Constitutional Court found the restriction of fundamental rights contained in the contested provisions to be proportionate and the contested provisions to be compatible with Article 1 and the first and third sentences of Article 105 of the Constitution, as well as Article 49 of the TFEU.





## ■ 2.5. Decisions to terminate proceedings

In 2024, the Constitutional Court has adopted one<sup>28</sup> decision to terminate legal proceedings – in case No. 2023-36-03. This decision was adopted on the basis of Article 29(1)(6) of the Constitutional Court Law, since the contested provision did not interfere with the applicant's fundamental rights included in Article 105 of the Constitution and, therefore, the proceedings in the case could not be continued.

### ■ **Case No. 2023-36-03 Protecting green zones**

On 24 January 2024, the Constitutional Court decided to terminate legal proceedings in case No. 2023-36-03 “On the compliance of paragraph 3 of the Jūrmala City Council Binding Regulation No. 46 “Management and Protection of Green Zones in the City of Jūrmala” of 22 November 2012 with Article 105 of the Constitution of the Republic of Latvia”.

The case was initiated on the basis of a constitutional complaint submitted by a natural person, stating that in accordance with the contested provision all green zones in the territory of Jūrmala city on state-, municipal- and privately-owned land were protected urban green zones and were of public value. The contested provision, thus, disproportionately restricts the applicant's right to freely dispose of their property, included in Article 105 of the Constitution, for example, to plan and change the structure of green zones, to replace one tree species with another, to prevent danger to property or persons, as well as to take other actions. The municipality was not entitled to adopt the contested provision because Article 43(1)(9) of the law “On Local Governments” in force at that time did not contain the authorisation for a municipality to issue binding regulations on the protection of privately owned trees and restrictions on felling.

The Jūrmala City Council indicated that the contested provision did not interfere with the fundamental rights of the applicant, included in Article 105 of the Constitution, as it did not prohibit the felling of trees *per se*. The grounds for refusing to issue tree felling permits were not the contested provision but the fact that the disputed trees were healthy, undamaged, and unbroken, of scenic value and did not pose a threat to other objects or people.

The Constitutional Court found that, under Article 8 of the Law on Forests the Cabinet of Ministers issued regulations on felling trees outside forests, while the local self-government determined in its binding regulations the compensation for damages for the reduction of natural diversity, as well as the procedure for calculation and compensation of such damages. The Regulation on Felling Trees, adopted on the basis of this provision of the Law on Forests, specifies the cases when an owner or a legal possessor of the land in question requires a municipal permit to cut down trees outside the forest. Among others, a permit is required for felling trees in an urban or village area, a specially protected nature area or an area containing cultural monuments and its protective zone, unless one of the exceptions provided for in Paragraph 5 of the Regulation on Felling Trees applies. According to Paragraphs 12 and 13 of this Regulation, upon receipt of an application from a landowner or a legal possessor with a request to issue a tree felling permit, the municipality assesses the compliance of tree felling with the regulatory enactments – including taking into account the landscape, dendrological and ecological significance of trees, as well as other circumstances. The local government then decides whether to issue a permit for felling trees outside the forest or to refuse to issue a permit.

Thus, before deciding to issue a permit for felling a tree, the local government must assess and consider the totality of the mentioned circumstances, striking a reasonable balance between the right of the owner of immovable property guaranteed by Article 105 of the Constitution to an undisturbed use of the property and the right of society to live in a benevolent environment guaranteed by Article 115 of the Constitution. The local government has the right to refuse a permit to cut down a tree growing on private property if, after assessing the tree's compliance with the criteria referred to in Paragraph 13 of the Regulation on Felling Trees, it concludes that the felling is not permissible. Consequently, the applicant's claim that, if the tree is on private land, the procedure for felling should be reduced to informing the municipality and calculating the appropriate compensation is unfounded.

The Constitutional Court emphasised that the Jūrmala City Council's Binding Regulation No. 46 of 22 November 2012 “Management and Protection of Jūrmala City Green Zones” only specified the administrative procedure for issuing a permit established in Paragraphs 12 and 13 of the Regulation on Felling Trees. The contested provision also does not create any new legal consequences which the municipality

28 This compares with five decisions to discontinue proceedings in 2023 and four decisions to discontinue proceedings in 2022.



might apply to a person who has submitted an application for a tree felling permit. Nor does the contested provision introduce a new prerequisite for issuing a tree felling permit. Consequently, the Court held that the contested provision did not cause direct legal consequences with regard to the applicant's right to use their property as they saw fit.



## ■ 2.6. Decisions of the judicial panels

During the reporting period, 145 applications to initiate a case were submitted to the judicial panels of the Constitutional Court for consideration.

As usual, constitutional complaints account for the largest share of applications. Last year, 127 constitutional complaints were submitted to the Constitutional Court, which amounted to more than 90 per cent of all applications received by the Court. About 80 per cent of constitutional complaints were submitted by natural persons, and about 20 per cent by legal entities governed by private law (limited liability companies, joint-stock companies, associations, foundations, as well as foreign-registered business operators).

As in previous years, the second most active applicant was the courts, when reviewing 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. Councils of local governments submitted two applications, at least 20 Members of the *Saeima* submitted two applications, and the Ombudsman submitted one application.

During the reporting period, the tendency observed in previous years continued: several constitutional bodies – applicants mentioned in Article 17(1), subparagraphs (1) to (12) of the Constitutional Court Law, namely the President, the *Saeima* and the Cabinet of Ministers – did not submit applications to the Constitutional Court. Similarly, no applications were received from the Council of State Audit Office, the Judicial Council, the Prosecutor General, judges of the Land Register Division when registering immovable property or the title thereto in the Land Register.

The submitted applications covered most of 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 94, 97, 98, 103, 108, and 112 of the Constitution.

Pursuant to Article 20(7) of the Constitutional Court Law, the Constitutional Court decides to initiate or to refuse to initiate a case within one month from the date of submission of the application. In complex cases, the Court can extend this period until two months. Last year, the judicial panels made nine decisions<sup>29</sup> to extend the time limit for the examination of an application. Of these applications, one was brought by a court of general jurisdiction and the others were submitted by private parties. After an in-depth assessment and receipt of additional information, a decision to initiate proceedings was made in respect of one of the applications submitted by individuals, and decisions not to initiate proceedings were made in respect of the others.

Under Article 20(7<sup>1</sup>) of the Constitutional Court Law, if a judicial panel decides to refuse to initiate a case and a judge who is a member of that judicial panel votes against this decision of the judicial panel and, in addition, has reasoned objections, the examination of the application and the adoption of the decision is referred to a preparatory hearing presided over by a full composition of the Court. During the reporting period, four applications were examined at preparatory hearings.<sup>30</sup> At all these hearings, a decision not to initiate a case was taken.

If the judicial panel has adopted a decision refusing to initiate proceedings, this does not prevent the applicant from remedying the defects in the application identified in the decision of the judicial panel and submitting a new application that fully complies with the requirements of the law. Last year, the judicial panels considered almost 30 re-submitted applications, and in five cases, the judicial panels decided to initiate proceedings.<sup>31</sup> Four applications with respect to which proceedings were initiated were brought by private individuals, and one by a court of general jurisdiction.

All decisions to initiate cases are available in the section “Initiated and pending cases” of the website of the Constitutional Court under the relevant case.<sup>32</sup> Some decisions to refuse to initiate a case, which indicate significant aspects in the application of the Constitutional Court Law, are published in the section “Decisions of the judicial panels to refuse to initiate a case”<sup>33</sup> of the website of the Constitutional Court. These decisions allow a better understanding of the requirements of the Constitutional Court Law and facilitate the preparation of an application that complies with the requirements of the Law. Just under 60 anonymised<sup>34</sup> decisions of the judicial panels were published during the reporting period.

29 For example, in 2023, the judicial panels of the Constitutional Court adopted 12 decisions on extending the time limit for examining an application, and in 2022 – 23 such decisions.

30 Applications to initiate a case Nos. 8/2024, 34/2024, 54/2024, and 97/2024.

31 Cases Nos. 2024-03-03, 2024-10-03, 2024-11-03, 2024-12-03, and 2024-29-01.

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

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

34 Decisions of the judicial panels on applications submitted by private individuals are anonymised.

## Decisions to initiate proceedings

The initiated cases cover a wide range of legal issues. As in previous years, the highest number of cases initiated during the reporting period concerned fundamental rights. Specifically, the initiated cases related to the disclosure of information on shareholders of a joint-stock company; the right of the electricity system operator to recalculate the amount of electricity consumed arbitrarily; the use of language in pre-election campaigning; the maximum amount of state compensation payable to a victim of a crime; the requirement for a person held administratively liable to personally sign a complaint to the court; the obligation of a credit institution to pay a borrower-protection levy and the payment of interest compensation to mortgage borrowers; the right of business operators to apply for state forest land for the establishment of wind power plants; the amount of the fee for the right to use land; restrictions on electronic smoking device liquids and tobacco substitute products; the prohibition of smoking in gambling venues; the legality of the Jūrmala spatial plan; the abolition of compulsory purchase rights granted to business operators; the ban on a person convicted of an intentional criminal offence from being in the State Fire and Rescue Service; the right of heirs by intestacy to challenge a will.

Cases on the personal income tax applied to the winnings from lotteries and gambling and on the obligation of consumer credit providers to pay a corporation tax surcharge and the procedure for calculating the surcharge were related to tax law.

The matters of criminal procedure law are addressed in a case on evidentiary issues in proceedings regarding proceeds of crime.

Public law issues are raised in cases on the dissolution of the Rēzekne State-City Council, the use of minority languages in the public electronic media, as well as the legality of the order issued by the Minister for Smart Administration and Regional Development that suspends the operation of the local plan adopted by the Ropaži Municipality Council.

During the reporting period, the Constitutional Court initiated several cases on the compliance of the same legal provisions with superior legal provisions. Applications to initiate such cases included a claim, a statement of the facts and a statement of the legal grounds similar to cases already initiated by the Court. Therefore, noting that the *Saeima* had already been asked to reply in a similar case, the judicial panel invited the *Saeima* to submit a reply outlining the facts of the case and the legal reasoning if it had any additional observations to make.<sup>35</sup>

Last year, the judicial panels decided several times on issues relating to the restriction of access to information concerning applicants.

In application No. 200/2023, the applicants requested the Constitutional Court to assess the constitutionality of the regulation included in the law “On the Enterprise Register of the Republic of Latvia”, which provided for the inclusion of information from the division of the shareholders’ register on shareholders of a joint-stock company in the public part of the registration file. Having examined the application and the



<sup>35</sup> See, for example, the decision of the 4th judicial panel of the Constitutional Court of 15 February 2024 on initiating a case on the basis of application No. 4/2024 and the decision of the 1st judicial panel of 10 December 2024 on initiating a case on the basis of application No. 128/2024.

documents annexed thereto, the judicial panel concluded that the information on the applicants arising therefrom fell within the scope of their right to privacy under Article 96 of the Constitution. On the other hand, Article 20(9)(4) of the Constitutional Court Law provides that if a decision on initiating a case has been adopted, within three days after its adoption, information on initiating a case is sent for publication in the official gazette *Latvijas Vēstnesis*, indicating the judicial panel that initiated the case, the applicant, and the title of the case.

Referring to the decision of a preparatory hearing of the Constitutional Court of 22 November 2016 “On the procedure for deciding on a request to restrict access to information contained in an application at the stage of examination of the application”, the judicial panel recognised that the access to information, once disclosed or published, could no longer be restricted. In other words, if information on a person’s private life becomes generally available already at the stage of examination of the application stage, any restriction on its availability at subsequent procedural stages becomes pointless. To ensure efficient protection of the rights and legitimate interests of a person, the judicial panel of the Constitutional Court has been granted the right to decide on a request to restrict access to the information included in the application. When deciding on the accessibility of information, the judicial panel assesses whether the restriction of access to the case file will protect a person’s right to privacy, including the protection of personal data, will not infringe on the person’s right to a fair trial and will not interfere with the impartial conduct of the judicial proceedings, as well as will not infringe on the right of the public to obtain information on the constitutional proceedings.

Having examined the factual circumstances set out in the application and the documents annexed to it, the judicial panel concluded that the disclosure of information identifying the applicants would result in a restriction of their fundamental rights that would outweigh the public benefit of such disclosure. In the specific case, the Constitutional Court does not need to publish this information to exercise its competence and perform its statutory duties. Consequently, the information on the identity of the applicants indicated in the application and in the documents attached thereto was given restricted access, which is valid until the Constitutional Court adopts its final ruling.<sup>36</sup>

In application No. 45/2024, the applicants sought an assessment of the constitutionality of Article 8<sup>4</sup>(10)(2) of the Consumer Rights Protection Law. This provision stipulates that only a borrower whose mortgage loan balance does not exceed EUR 250,000 is entitled to compensation for the interest on that loan. The request was based on the fact that the application and its annexes contained information that allowed the identification of the applicants, their children, their home address, and other information on their private lives.

The judicial panel held that the information on the applicants arising from the application and the documents attached to it fell within the scope of their right to inviolability of private life under Article 96 of the Constitution. Together with personally identifiable information, it constitutes personal data within the meaning of Article 4(1) of the Data Regulation. The disclosure of this personal data, in turn, constitutes processing within the meaning of Article 4(2) of the Data Regulation.

In the present case, under Article 6(1)(c) of the Data Regulation, the legal basis for the processing of personal data is the legal obligations imposed on the Constitutional Court, as laid down in the Constitutional Court Law. However, according to Article 5(1)(c) of the Data Regulation, personal data must be adequate, relevant and contain only the information necessary for the purposes of the processing.

Having examined the factual circumstances specified in the application and the documents annexed to it, the judicial panel concluded that the disclosure of information identifying the applicants would be likely to result in a restriction of their fundamental rights that would outweigh the public benefit of such disclosure. In the specific case, the Constitutional Court does not need to publish this information to exercise its competence and perform its statutory duties. Consequently, the judicial panel recognised that the information on the identity of the applicants and their family members indicated in the application and in the documents attached thereto should be subject to limited access, which was valid until the Constitutional Court adopted its final decision.<sup>37</sup>

During the period under review, the judicial panels also considered on several occasions the applicants’ requests for the protection of a trade secret. For example, in application No. 62/2024 and application No. 63/2024, the applicants asked to protect as a trade secret all information about the applicants’ activities contained in the application, i.e., to restrict access to it to any person, including representatives of the other parties.

<sup>36</sup> Decision of 26 January 2024 of the 4<sup>th</sup> judicial panel of the Constitutional Court on establishing restricted access to information concerning the applicants, application No. 200/2023.

<sup>37</sup> The decision of 26 April 2024 of the 3<sup>rd</sup> judicial panel of the Constitutional Court on initiating proceedings on the basis of application No. 45/2024.

Having considered the above requests, the judicial panel held that under Article 28<sup>3</sup>(2) of the Law on Judicial Power, until the final court decision in the case had entered into force, the case file was accessible only to those persons who were entitled to such access under procedural law. Article 24 of the Constitutional Court Law provides that the right to inspect the materials of a pending case is granted only to the parties to a particular case, namely, the applicant and the institution or official that issued the contested legal act. Article 5(2)(3) of the Freedom of Information Law provides for restricted access specifically to information that is a trade secret. Thus, it is not necessary for the judicial panel to decide further on the need to restrict access to the information contained in the application and its annexes, which is a trade secret.

At the same time, the restricted access to the case file is distinguishable from the right of non-parties to receive information on the work of the Court. Under Article 20(9)(2) of the Constitutional Court Law, within three days after a decision on initiating a case is adopted, a copy of the application is sent to the institution that has issued the contested legal act. The Constitutional Court Law, thus, clearly determines the information to be disclosed to the institution that has issued the contested legal act – the application should be sent to it in the form in which it has been submitted to the Constitutional Court, and not an edited application or an application in which some information has been redacted. It is presumed that the person who applies to the Constitutional Court has inspected the requirements of the Constitutional Court Law and is, thus, aware of the consequences of such action. Hence, the judicial panels rejected the applicants' requests to prevent the institution which had issued the contested legal act from having access to the trade secret.

The judicial panel also additionally noted that according to Article 22(6) of the Constitutional Court Law the decision on joining two or more cases into one case is taken by the judge who prepares the case for examination or, in the case established in the Rules of Procedure of the Constitutional Court, by the Constitutional Court at preliminary hearing. Therefore, the question whether other applicants should be prohibited from having access to trade secrets must be decided after joining the cases. The judicial panel, therefore, concluded that the applicants' requests should be rejected.<sup>38</sup> However, after Cases Nos. 2024-13-01 and 2024-14-01 were joined, the Constitutional Court decided at a preparatory hearing to conceal the information contained in the materials of Case No. 2024-13-01, which contained a trade secret, and also imposed a restriction on other applicants in the joined case to inspect the information contained in the applications and their annexes, which contained a trade secret.<sup>39</sup>

In application No. 80/2024, the applicant –the Rēzekne State-City Municipal Council – requested the Constitutional Court to declare the Dismissal Law and Article 1(2)(2) and 1(3) of the Law on the Election of Local Government Councils to be incompatible with several provisions of the Constitution. Under Article 19(1) of the Constitutional Court Law, a municipal council may submit this type of application only if the contested legal act interferes with the rights of the municipality concerned.

Article 2 of the Dismissal Law provides that this law appoints a temporary administration of the Rēzekne State-City Municipality and determines its composition. Article 3 of this law entitled the members of the temporary administration to combine a position in the temporary administration with positions in other institutions, while Articles 5 and 6 of the law provide that the activities of the temporary administration are ensured and financed from the budget of the Rēzekne State-City Municipality and determine the amount of remuneration of the members of the temporary administration. The Article 1(2)(2) of the Law on the Election of Local Government Councils sets the term for which a municipal council is elected after the previous council has been dissolved. The third paragraph of this Article provides that no new elections are held and a provisional administration is in place until the next council elections if the *Saeima* has adopted a law on the dissolution of the council and: (1) less than nine months remain before the next election of the council; (2) more than nine months but not more than 18 months remain before the next election of the council, and the law on the dissolution of the council provides that no new election of the council is held.

Having examined the request to declare the Dismissal Law unconstitutional, the judicial panel held that the application failed to substantiate how Articles 2, 3, 5, and 6 of the Dismissal Law interfered with the rights of the Rēzekne State-City Municipality. The applicant had also indicated that it does not contest in substance Article 2 of the Dismissal Law as regards the personnel of the temporary administration, nor its Articles 3, 5, and 6. At the same time, in its opinion, if the dissolution of the Rēzekne State-City Municipal Council were to be declared unconstitutional and invalid, then the regulation on the interim administration could not remain

38 The decision of 19 June 2024 of the 4<sup>th</sup> judicial panel of the Constitutional Court on initiating proceedings on the basis of application No. 62/2024 and the decision of 19 June 2024 of the 4<sup>th</sup> judicial panel on initiating proceedings on the basis of application No. 63/2024.

39 The decision of the Constitutional Court adopted in the preparatory hearing of 12 November 2024 in case No. 2024-13-01.



in force. However, the judicial panel concluded that this in itself did not substantiate that the provisions of the Dismissal Law infringed the rights of the municipality.

As regards the claim to declare the provisions of the Law on the Election of Local Government Councils unconstitutional, the judicial panel noted that the Dismissal Law entered into force on 1 July 2024. The next regular council elections will take place on 7 June 2025. The contested Article 4 of the Dismissal Law provides that the temporary administration functions until the day when the municipal council Rēzekne State-City elected in the next regular local government elections convenes for its first meeting. Thus, in the given case, the dissolution of the Rēzekne State-City Municipal Council and the term of the appointed interim administration are subject solely to Article 1(3)(2) of the Law on the Election of Local Government Councils. The applicant has not substantiated whether and how in the given case the rights of the Rēzekne State-City Municipality are interfered with by Article 1(2)(2) and 1(3)(1) of this Law.<sup>40</sup>

In its consideration of application No. 113/2024, the judicial panel decided whether the application was made on a *res judicata*. In this application, the applicant requested the Constitutional Court to declare Article 4(4) of the Law on the Course of Service, insofar as it prohibited a person who had been convicted for an intentional criminal offence from being employed in the State Fire and Rescue Service, irrespective of whether the criminal record has been expunged or extinguished, to be incompatible with several provisions of the Constitution. The said provision established that only a person who has not been punished for committing an intentional criminal offence may be employed, irrespective of whether the criminal record has been expunged or extinguished.

The judicial panel noted that on 11 June 2021, the Constitutional Court adopted a judgment in case No. 20205001. In this case, the constitutionality of Article 4(4) of the Law on the Course of Service was assessed, insofar as it precluded service in the State Police. The Constitutional Court concluded in this case that Article 4(4) of the Law on the Course of Service, insofar as it prohibited a person who had been convicted of an intentional criminal offence from serving in the State Police, regardless of whether the criminal record has been expunged or extinguished, complied with Article 101(1) and the first sentence of Article 106 of the Constitution.

On the other hand, in application No. 113/2024 the Court was requested to assess the compatibility of Article 4(4) of the Law on the Course of Service with the same provisions of the Constitution, insofar as it prohibits a person who has been convicted of an intentional criminal offence from being in the service of the State Fire and Rescue Service, regardless of the expungement or removal of the criminal record. Thus, the claim contained in the application is essentially different from the claim that was assessed in case No. 20205001. Consequently, the judicial panel held that the claim included in application No. 113/2024 could not be regarded as pertaining to *res judicata* within the meaning of Article 20(5)(4) of the Constitutional Court Law.<sup>41</sup>



40 The decision of 22 July 2024 of the 1<sup>st</sup> judicial panel of the Constitutional Court on initiating proceedings on the basis of application No. 80/2024.

41 The decision of 30 October 2024 of the 2<sup>nd</sup> judicial panel of the Constitutional Court on initiating proceedings on the basis of application No. 113/2024.

In application No. 116/2024, the applicant – twenty members of the *Saeima* – asked the Court to declare several provisions of the Law on Public Electronic Mass Media and Administration Thereof incompatible with the introduction, Article 4 and Article 114 of the Constitution. The contested provisions of the law stipulate the use of minority languages in the public electronic media.

As regards the claim to assess the compliance of the contested provisions with the introduction of the Constitution, the judicial panel, referring to the case-law of the Court, pointed out that the introduction of the Constitution reflected part of the constitutional identity of Latvia. It consists of both generally binding legal norms and extra-legal factors – history, politics, values, national, and cultural factors – which have determined the path of the formation of the constitutional identity of Latvia and help to identify it but are not in themselves generally binding legal norms. However, the Constitutional Court has the competence to assess compliance of a legal provision of lower legal force only with those parts of the introduction of the Constitution which are universally binding legal norms. Thus, whether, in a given case, the part of the introduction to the Constitution referred to by the applicant is a generally applicable legal norm is to be assessed in the course of preparing and examining the case.<sup>42</sup>

In application No. 31/2024, the applicant requested the Constitutional Court to summon several associations to provide their opinion on the case. The judicial panel noted that under Article 22(1) of the Constitutional Court Law, after initiating a case, the President of the Court instructs one of the judges to prepare it for examination. Under paragraph 2(2) of this Article, when preparing a case for hearing, the judge, if necessary, determines the persons to be summoned and requests them to express their opinion. Consequently, the judicial panel held that the request did not fall within its competence and should therefore not be examined.<sup>43</sup>

## Decisions on refusal to initiate a case

During the reporting period, the Constitutional Court adopted 105 decisions refusing to initiate a case.<sup>44</sup> The legal grounds for a refusal to initiate a case are laid down in Article 20(5) of the Constitutional Court Law and, in the case of a constitutional complaint, also in paragraph 6 of that Article.

## Jurisdiction of the Constitutional Court

Article 20(5)(1) of the Constitutional Court Law provides that the judicial panel has the right to refuse to initiate a case if it does not fall within the jurisdiction of the Constitutional Court. Last year, this rule was applied in just over 10 decisions refusing to initiate a case.

The Court's jurisdiction 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 2024 that the Constitutional Court does not have jurisdiction over, for example, the following requests:

- 1) to impose an obligation to stop an unlawful act;<sup>45</sup>
- 2) to assess whether a conflict exists between legal provisions of an equal legal force;<sup>46</sup>
- 3) to oblige the competent authority to investigate the legality of the actions of judges and bailiffs;<sup>47</sup>
- 4) to declare Paragraph 5.3 of the Cabinet of Ministers Order No. 720 “On declaring a state of emergency” of 9 October 2021 to be incompatible with several provisions of the Constitution. The judicial panel noted that, by the form of the legal act, an order of the Cabinet of Ministers was neither an external nor an internal normative enactment. However, by its content, this order is a legal act based on the provisions of several laws. It declares a state of emergency for a limited period to halt the rapid spread of the COVID-19 infection and overloading of the health sector, reducing preventable mortality while ensuring the continuity of essential public functions and services. Paragraph 5.3 of the Order applies to an unspecified group of persons in specific and identifiable circumstances – employees (officials) who are required to have a vaccination or disease certificate to carry out their duties and employers who are obliged to monitor the compliance with these

<sup>42</sup> The decision of 26 November 2024 of the 1<sup>st</sup> judicial panel of the Constitutional Court on initiating proceedings on the basis of application No. 116/2024.

<sup>43</sup> The decision of 26 March 2024 of the 1<sup>st</sup> judicial panel of the Constitutional Court on initiating proceedings on the basis of application No. 31/2024.

<sup>44</sup> In 2022, the judicial panels of the Constitutional Court adopted 179 decisions on refusing to initiate a case, and in 2023 – 167 decisions.

<sup>45</sup> The decision of 15 January 2024 of the 1<sup>st</sup> judicial panel of the Constitutional Court refusing to initiate proceedings on application No. 197/2023.

<sup>46</sup> The decision of 18 January 2024 of the 2<sup>nd</sup> judicial panel of the Constitutional Court on refusal to initiate proceedings on the basis of application No. 2/2024; the decision of 11 December 2024 of the 1<sup>st</sup> judicial panel on refusal to initiate proceedings on the basis of application No. 130/2024.

<sup>47</sup> The decision of 21 March 2024 of the 3<sup>rd</sup> judicial panel of the Constitutional Court on refusal to initiate proceedings on the basis of application No. 23/2024.

requirements. Paragraph 5.3 of the Order is, thus, expressed in the form of a general administrative act. Article 20(1) of the Law on Emergency Situation and State of Exception stipulates that administrative acts issued during emergency and state of exception may be contested, appealed and reviewed following the procedure established by the Administrative Procedure Law. Under Article 121(1) of the Administrative Procedure Law, the administrative court exercises control over the compliance of general administrative acts with legal provisions. Consequently, the claim contained in the application is not under the jurisdiction of the Constitutional Court;<sup>48</sup>

- 5) to assess the constitutionality of a decision of the municipal council that is not a normative legal act;<sup>49</sup>
- 6) to oblige the *Saeima* to amend a law;<sup>50</sup>
- 7) to declare the case-law of the Senate unconstitutional, as well as supplement that case-law with the findings proposed by the applicant;<sup>51</sup>
- 8) to assess the compatibility of a provision of law with the Universal Declaration of Human Rights. The judicial panel noted that the Declaration was not an international treaty;<sup>52</sup>
- 9) to identify and point out human rights violations allegedly committed by public bodies and errors committed by public officials;<sup>53</sup>
- 10) to determine and pay compensation to the applicant for the incurred damage;<sup>54</sup>
- 11) to oblige the issuer of the contested legal provision to amend the normative legal act;<sup>55</sup>
- 12) to assess the constitutionality of a draft legislative act;<sup>56</sup>
- 13) to examine the constitutionality of Decree No. 17 of the Presidium of the Supreme Council of the Latvian Soviet Socialist Republic of 17 April 1962 “On the merger of the Jēkabpils and Krustpils Districts of the Latvian SSR”. The judicial panel noted that the claim to examine the constitutionality of the mentioned Decree, which provided for the liquidation of the Krustpils District and an administrative merger of the towns of Jēkabpils and Krustpils, was not subject to examination by the Constitutional Court, since Article 16 of the Constitutional Court Law did not provide for the competence of the Constitutional Court to examine the constitutionality of provisions issued by the Latvian SSR;<sup>57</sup>
- 14) to control the actions and decisions of local authorities.<sup>58</sup>

### ***The applicant is not entitled to submit an application***

Article 20(5)(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 was applied in one decision by the judicial panel during the reporting period. The application was submitted to the Constitutional Court by the Moscow City State Unitary Enterprise “Moscow International Cooperation Centre” and the Moscow City Property Department. In the application the Constitutional Court was requested to assess the constitutionality of Article 1 of the Law of 30 May 2024 “Amendments to the Law on Support of the Civilian Population of Ukraine”. This provision regulates the use of the proceeds from the alienation of immovable property in Riga, 7 Marijas Street.

The judicial panel found that, according to publicly available information, the Moscow City Property Department, which owned the building at 7 Marijas Street in Riga, was a department of a foreign institution, the Moscow City Government, subordinate to the Moscow City Government and administered by the Mayor of the City of Moscow. The Moscow City State Unitary Enterprise “Moscow International Cooperation Centre” is a legal entity founded and owned by the Moscow City Property Department, according to the 2019 Articles of Association available in the Enterprise Register. Functionally, it is subordinated to the Department of Foreign Economic and International Relations of the City of Moscow.

The judicial panel noted that the subjects of the fundamental rights contained in Chapter VIII of the Constitution were not public persons and their institutions. Public persons and their institutions have a duty to ensure that individuals’ fundamental rights are protected; they belong to the related party, not the entitled party.

48 The decision of 26 April 2024 of the 2<sup>nd</sup> judicial panel of the Constitutional Court on refusal to initiate proceedings on the basis of application No. 52/2024.

49 The decision of 29 April 2024 of the 2<sup>nd</sup> judicial panel of the Constitutional Court on refusal to initiate proceedings on the basis of application No. 44/2024.

50 The decision of 28 March 2024 of the 1<sup>st</sup> judicial panel of the Constitutional Court refusing to initiate proceedings on the basis of application No. 35/2024.

51 The decision of 28 March 2024 of the 1<sup>st</sup> judicial panel of the Constitutional Court refusing to initiate proceedings on the basis of application No. 35/2024.

52 The decision of 19 August 2024 of the 2<sup>nd</sup> judicial panel of the Constitutional Court refusing to initiate proceedings on the basis of application No. 91/2024.

53 The decision of 19 August 2024 of the 2<sup>nd</sup> judicial panel of the Constitutional Court refusing to initiate proceedings on the basis of application No. 91/2024.

54 The decision of 19 August 2024 of the 2<sup>nd</sup> judicial panel of the Constitutional Court refusing to initiate proceedings on the basis of application No. 91/2024.

55 The decision of 16 September 2024 of the 2<sup>nd</sup> judicial panel of the Constitutional Court on refusal to initiate proceedings on the basis of application No. 100/2024.

56 The decision of 27 December 2024 of the 2<sup>nd</sup> judicial panel of the Constitutional Court on refusal to initiate proceedings on the basis of application No. 129/2024.

57 The decision of 20 December 2024 of the 2<sup>nd</sup> judicial panel of the Constitutional Court on refusal to initiate proceedings on the basis of application No. 127/2024.

58 The decision of 20 December 2024 of the 2<sup>nd</sup> judicial panel of the Constitutional Court on refusal to initiate proceedings on the basis of application No. 127/2024.



This also applies to subjects of international law– states, as well as their institutions acting on behalf of a state in the field of public law in the exercise of state authority.

On the basis of the publicly available information, the articles of association of the applicant, a company of the capital city of another country, as well as the agreement on the establishment of a personal easement annexed to the application, the judicial panel concluded that the applicants were not acting as individuals in respect of the immovable property but were acting in the field of public law to exercise public authority. Namely, the application failed to substantiate why the applicants in the given legal relations are to be regarded as legal persons under private law and, therefore, to be recognised as the subjects of fundamental rights included in Article 105 of the Constitution, who, under the Constitutional Court Law, are entitled to submit a constitutional complaint to the Constitutional Court. Consequently, the judicial panel held that the application did not comply with Article 17(1)(11) of the Constitutional Court Law.<sup>59</sup>

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

Article 20(5)(3) of the Constitutional Court Law provides that the Constitutional Court may refuse to initiate a case if the application does not comply with the requirements set out in Articles 18 or 19–19<sup>3</sup> of this Law. This provision of the Law is applied most frequently in the decisions by the judicial panels refusing to initiate proceedings.

### ***The application does not substantiate an interference with a fundamental right***

Under Articles 19<sup>2</sup>(1) and 19<sup>2</sup>(6)(1) of the Constitutional Court Law, the submitter of a constitutional complaint must substantiate that the contested provision interferes with the fundamental rights established in the Constitution. In the decisions of the judicial panels, it has been repeatedly indicated that an interference with a person's fundamental rights 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 interferes with fundamental rights established in the Constitution. On the basis of the said provisions of the Constitutional Court Law, the judicial panels adopted approximately 50 decisions in the reporting period on refusing to initiate proceedings in respect of the entire application or in respect of one of the claims contained therein. Last year, as in the previous years, a large proportion of these decisions concerned cases where: a person brought an action before the court in the general interest (*actio popularis*); a person did not challenge the constitutionality of a legal provision but rather the substantive interpretation and application of a given legal provision. The provisions of the Constitutional Court Law in question have also been applied in cases when the judicial panel cannot establish whether and exactly when the contested provision has caused an interference with the person's fundamental rights enshrined in the Constitution.

An example of a situation in which a person applies to the Constitutional Court with a complaint in favour of the general public (*actio popularis*) is application No. 17/2024. The applicant, a limited liability company, requested the Court to declare the first sentence of Article 30(1) of the Law on the Prevention of Money Laundering and Terrorism and Proliferation Financing and Article 22<sup>2</sup>(3)(8) of the Law on Taxes and Fees to be unconstitutional. These provisions of the law stipulated both the obligation of a person to immediately report any suspicious transaction to the Financial Intelligence Unit, and that the sign of a suspicious transaction in tax matters was that money was debited from the account immediately after it had been credited.

In substantiating that the contested provisions interfered with the applicant's right to freedom of occupation established in Article 106 of the Constitution, it was indicated in the application that the contested provisions imposed a disproportionate obligation on a natural person – the applicant's board member, who was the responsible registered accountant – to report suspicious transactions.

The judicial panel, however, held that the application as a whole showed that it was brought to protect another person's rights, insofar as it interfered with the right to an employment. Specifically, the application does not provide substantiation of the manner in which the contested provisions have interfered with the applicant's fundamental rights included in Article 106 of the Constitution as a business operator and not a natural person who is an accountant of the legal entity in question. Consequently, the judicial panel concluded that the application regarding the alleged non-compliance of the contested provisions with Article 106 of the Constitution did not meet the requirements under Articles 19<sup>2</sup>(1) and 19<sup>2</sup>(6)(1) of the Constitutional Court Law.<sup>60</sup>

59 The decision of 11 December 2024 of the 1<sup>st</sup> judicial panel of the Constitutional Court on refusal to initiate proceedings on the basis of application No. 130/2024.

60 The decision of 7 March 2024 of the 1<sup>st</sup> judicial panel of the Constitutional Court on refusal to initiate proceedings on the basis of application No. 17/2024.

An example of a situation where the application does not specify the moment when the interference with a fundamental right has occurred is application No. 34/2024. The applicant requested the Constitutional Court to declare the words “in the service” in Article 3(1) of the Law on Service Pensions to be incompatible with the first sentence of Article 91 of the Constitution. This provision of the Law stipulated that the length of service entitling to a retirement pension included the time spent in the Emergency Medical Service in the capacity of an employee as defined in Article 1 of the Law, working on an average not less than 160 hours per month per calendar year.

At a preparatory hearing, the Constitutional Court established that the applicant worked in the Emergency Medical Aid Service, had reached the age of 55 years, the age established in Article 2(1) of the Law on Service Pensions for receiving a service pension, and had been working in the said service for the last five years. The applicant argued that, under that provision, he was not entitled to a service pension because his length of service was less than the 20 years laid down in the provision. Before joining the Emergency Medical Service, the applicant had worked for more than 11 years in the State Fire and Rescue Service. However, according to the contested provision, the time served in this service was not included in the length of service conferring the right to a service pension.

In the application it was pointed out that the employees of the State Fire and Rescue Service and the State Police received a service pension on the basis of the Law “On the Service Pensions of Employees with Special Service Ranks Working in the System of the Ministry of the Interior”. According to the Article 3(1) of that Law, the time served in these institutions is counted together for the purpose of calculating the length of service. However, if a person has worked for several years in the State Fire and Rescue Service or the State Police, but later, due to family or other circumstances, has changed their place of work to the Emergency Medical Aid Service, the length of service is calculated in accordance with the contested provision, which establishes that only the time served in that service is included in the length of service. Thus, the applicant considers that the contested provision fails to conform to the first sentence of Article 91 of the Constitution.

The applicant had submitted to the Constitutional Court two certificates prepared by the State Social Insurance Agency on his expected length of service, as well as in the application he had indicated in general terms that his health condition had deteriorated due to his work. For this reason, it was no longer possible for him to continue working for the Emergency Medical Service. However, the Constitutional Court noted that the application was not accompanied by documents confirming the allegations concerning the applicant’s health condition. The applicant had also failed to indicate, and the Court, reasonably interpreting the submissions made in the application, could not establish the moment to which he attributed the interference with his fundamental rights. Consequently, the Court held that the application did not comply with the requirements of Articles 19<sup>2</sup>(1), 19<sup>2</sup>(6)(1), and 19<sup>2</sup>(7)(1)<sup>61</sup>.



When examining application No. 68/2024, the judicial panel held that the applicant was not challenging the constitutionality of a legal provision but was, in essence, challenging the interpretation and application of that legal provision. In this application, the person requested the Constitutional Court to declare Article 44(1)(1) of the Administrative Liability Law to be incompatible with Article 91 of the Constitution. That legal provision establishes the right of the victim to get acquainted with the materials of the administrative offence case.

The judicial panel noted that the applicant had been granted the status of a victim in an administrative offence case and had applied to the institution requesting access to the administrative offence case file. The applicant applied to the Administrative District Court, stating that he was a victim and had not been provided with the right to inspect the materials of the administrative offence case. The Administrative District Court held that the situation in question should be resolved within the framework of the administrative offence case and not before an administrative court. The Senate also refused to examine the applicant's ancillary complaint against the decision of the Administrative District Court. According to the applicant, the fact that he, as a victim, has not been given the opportunity to inspect the materials of the administrative offence case, interfered with his fundamental rights enshrined in the Constitution.

When examining the application, the judicial panel held that the Constitutional Court did not examine issues of application and interpretation of legal provisions. The opinion contained in the application regarding the application of the contested provision in the specific situation cannot be the basis for initiating a case in the Constitutional Court. Moreover, the application also failed to indicate how the contested provision interfered with the right guaranteed to a person by Article 91 of the Constitution. Thus, the application did not establish that it was the contested provision, and not its application in the given situation, which had caused an interference with the applicant's fundamental rights enshrined in the Constitution. Consequently, the application was found to be incompatible with the requirements laid down in Articles 19<sup>2</sup>(1) and 19<sup>2</sup>(6)(1) of the Constitutional Court Law.<sup>62</sup>

### ***The applicant has not exhausted general legal remedies***

Pursuant to Article 19<sup>2</sup>(2) of the Constitutional Court Law a constitutional complaint may be filed only if all possibilities to protect the restricted rights by exhausting the general legal remedies – a complaint to a higher institution or a higher official, as well as a complaint or claim to a court of general jurisdiction or an administrative court – or if the person does not have such possibilities. This provision provides for the obligation of the applicant to exhaust all available general remedies before applying to the Constitutional Court. Last year, on the basis of Article 19<sup>2</sup>(2) of the Constitutional Court Law, the judicial panels adopted six decisions on refusal to initiate a case.

In application No. 50/2024, the applicant requested the Constitutional Court to assess the constitutionality of Article 14(4) of the Law on Compensation for Damage Caused in Criminal Proceedings and Administrative Offence Proceedings. This provision specifies sums of compensation for non-pecuniary damage.

The judicial panel found that the applicant had applied to the Ministry of Justice with a request for compensation for non-pecuniary damage caused to him in criminal proceedings in an amount exceeding the limit of the amount of compensation established in the contested provision. The request was partially granted: the applicant was awarded compensation for non-pecuniary damage but to a lesser extent than he had requested.

Referring to the case-law of the Constitutional Court, the judicial panel recognised that a constitutional complaint was mainly a subsidiary (additional) mechanism of protection of the fundamental rights of a person in cases when it was not possible to remedy on the interference with fundamental rights by means of general legal remedies. The aim of the principle of subsidiarity included in the Constitutional Court Law is to ensure that, when examining a case on its merits, a court first uses the methods of interpretation and application of legal provisions at its disposal to achieve a result that is compatible with the Constitution. In a democratic state governed by the rule of law, it is the courts of general jurisdiction and administrative courts that are recognised as the most efficient mechanism for determining, on a case-by-case basis, whether a reasonable balance has been struck between the rights of the individual and the public interest. In exercising its jurisdiction, the administrative court ascertains and assesses all questions of law and facts relevant to the case. In this way a comprehensive judicial control is exercised within the framework of the administrative procedure.

It is the administrative court which is best placed to know the factual and legal circumstances of a particular case, which indicate the existence of a personal right or interest that should be protected by

an appropriate award of compensation. The administrative court is, likewise, best placed to assess the appropriate level of compensation in a given case. The administrative court may also assess whether the limitation on the compensation specified in the contested provision precludes it from determining the appropriate compensation in the specific situation.

Article 23 of the Law on Compensation for Damage Caused in Criminal Proceedings and Administrative Offence Proceedings provides that the decision of the deciding authority on compensation for damage may be appealed to a court in accordance with the Administrative Procedure Law. From the information available in the Courts Information System, it follows that the applicant has filed an application against the decision of the Ministry of Justice before the Administrative District Court, after which an administrative case has been initiated, but it has not yet been examined. Thus, the applicant has not yet exhausted all possibilities to defend his rights through general legal remedies. Consequently, the judicial panel held that the application did not comply with the requirements established in Article 19<sup>2</sup>(2) of the Constitutional Court Law.<sup>63</sup>

In application No. 93/2024, the applicant requested the Constitutional Court to assess the constitutionality of Paragraph 36<sup>1</sup> of the Cabinet of Ministers Regulation No. 442 of 28 July 2015 “Procedures for the Ensuring Conformity of Information and Communication Technologies Systems with Minimum Security Requirements”. This legal provision defines the persons with whom the contracting authority is entitled to conclude a contract for the purchase of services, software or equipment for high-security systems.

The contested provision was applied to the applicant by a decision of the contracting authority of May 2024. The applicant has contested this decision and appealed to a court. By a decision of the Administrative District Court of July 2024, an administrative case was initiated, and later, by a decision of the Administrative District Court, the opinion of the Constitution Protection Bureau was added to the case files, while a restriction on consulting the information provided in the opinion was imposed upon the applicant. The decision of the Administrative District Court of August 2024 rejected the applicant’s requests for interim measures and suspension of the decision of the contracting authority.

It is stated in the application that in this situation the applicant does not have access to effective general remedies for the protection of their fundamental rights. Considering that the applicant had been subject to a restriction to consult the opinion of the Constitution Protection Bureau, it is not expected that the administrative procedure will come to a favourable conclusion for the applicant. Moreover, a challenge to that specific decision would not prevent the application of the contested provision in other public procurement procedures.

Referring to the case-law of the Constitutional Court, the judicial panel noted that the administrative court, in exercising its competence, clarifies and assesses all the issues of law and facts relevant to the case. This means that a comprehensive judicial review is carried out within the context of administrative proceedings. Proceedings before an administrative court cannot be recognised as an ineffective means for protecting a person’s rights within the meaning of the Constitutional Court Law, in particular taking into account the principle of objective investigation. This principle is an integral part of the administrative procedure before a court and is considered to be an effective guarantee of the protection of the rights of an individual. This is one of the fundamental principles of administrative procedure that the court must respect and apply in any administrative case.

From the information available in the Courts Information System, the judicial panel also established that the applicant had appealed in separate proceedings against the decision of the Constitution Protection Bureau on refusal to provide the information contained in the opinion. However, the proceedings in both cases had not been concluded. Thus, the judicial panel recognised that the applicant had started the protection of their rights through general legal remedies but had not exhausted them to a full extent.

The applicant also requested the Constitutional Court to decide on the examination of the application before all general remedies had been exhausted. It was argued that the applicant will continue to suffer significant harm and infringement on fundamental rights, since the contracting authorities will be able to apply the contested provision to all public procurements, including those whose specification requirements are not related to security considerations.

The judicial panel held that in the application it was stated in general terms that the contested provision endangered the fundamental rights of a wide range of subjects, did not ensure effective competition and hindered the free movement of goods. However, it does not follow from the application that the applicant’s particular legal situation is of a particular importance and would require its immediate resolution at the

63 The decision of 20 May 2024 of the 4<sup>th</sup> judicial panel of the Constitutional Court on refusal to initiate proceedings on the basis of application No. 50/2024.



Constitutional Court before the general remedies have been exhausted. Nor can it be ascertained from the application that the applicant's rights and interests would be subjected adverse and at the same time irreversible consequences which could not be remedied by general remedies. Consequently, the application was found not to comply with the requirements laid down in Article 19<sup>2</sup> (2) of the Constitutional Court Law.<sup>64</sup>

### ***The applicant has missed the deadline for submitting the application***

Article 19<sup>2</sup>(4) of the Constitutional Court Law states that a constitutional complaint may be submitted within six months after the entry into force of the decision of the last institution or, if it is not possible to protect the fundamental rights established in the Constitution through general legal remedies, the complaint may be submitted within six months from the moment when the fundamental rights were interfered with. Last year, the judicial panels adopted six decisions refusing to initiate proceedings on the basis of this provision.

In application No. 20/2024, the applicant requested the Constitutional Court to assess the constitutionality of Article 405(3) of the Criminal Procedure Law. This provision stipulates that no appeal is permitted against a decision to hold a person criminally liable.

The judicial panel noted that the applicant had been held criminally liable by a decision of the prosecutor; subsequently, the criminal case had been referred to a court and the court had convicted him. According to the applicant, the decision by which he was held criminally liable was unlawful and the contested provision precludes an appeal against it. This infringes his right to a fair, impartial, and independent judicial review of the legality of the decision.

The applicant had appealed against the convicting judgment of the court of first instance and against submitted a cassation complaint against the judgment of the court of appeal. The Senate refused to initiate cassation proceedings. It is stated in the application that the time limit for lodging a constitutional complaint is to run from the date of the adoption of the Senate's decision refusing to initiate cassation proceedings, i.e., January 2024. After the decision hold a person criminally liable is made, the criminal proceedings are still ongoing and the court decides whether the decision is justified.

Referring to the case-law of the Constitutional Court, the judicial panel found that Article 19<sup>2</sup>(4) of the Constitutional Court Law exhaustively determined what was to be considered as the beginning of the counting of the time limit for submitting a constitutional complaint – it was the day when the ruling of the last institution had entered into force if the person had the possibility to defend the fundamental rights established in the Constitution through general legal remedies, or the moment when the interference with the fundamental rights had occurred if the person did not have such possibility.

The judicial panel of the Constitutional Court had already established that<sup>65</sup> the applicant had no possibility to appeal against the fact that the decision of the public prosecutor to hold him criminally liable was not subject to appeal by means of general legal remedies. In the present case, therefore, the fact that the applicant had appealed against his conviction in appeal and cassation courts is of no legal significance. The applicant had already previously indicated that an unlawful decision to hold a person criminally liable prevented him from exercising his right to defence in criminal proceedings and did not ensure a fair trial; therefore, it was necessary to have the right to appeal against it separately from the court's ruling in the criminal case. The present application also states that the right of defence cannot be exercised if it is not clear from the decision to hold a person criminally liable exactly what criminal acts are alleged.

Therefore, the time limit for filing the applicant's constitutional complaint is to be calculated from the moment when the interference with fundamental rights occurred, i.e., from June 2021, when the decision to hold the applicant criminally liable was adopted. The application under review was received by the Constitutional Court in February 2024. The judicial panel, thus, held that the applicant had missed the six-month deadline for lodging a constitutional complaint.<sup>66</sup>

### ***The application does not contain the legal grounds***

Under Article 18(1)(4) of the Constitutional Court Law, legal arguments have to be indicated in the application. Finding that legal arguments were not indicated in the application, during the reporting period the judicial panels made just over 20 decisions to refuse to initiate proceedings. This ground for refusal is mainly applied in the case of constitutional complaints.

64 The decision of 23 August 2024 of the 2<sup>nd</sup> judicial panel of the Constitutional Court on refusal to initiate proceedings on the basis of application No. 93/2024.

65 The decision of 27 July 2023 of the 1<sup>st</sup> judicial panel of the Constitutional Court on refusal to initiate proceedings on the basis of application No. 124/2023.

66 The decision of 12 March 2024 of the 4<sup>th</sup> judicial panel of the Constitutional Court on refusal to initiate proceedings on the basis of application No. 20/2024.

The applications regarding which the judicial panel has made these decisions are characterised by their relatively concise 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 judicial panels do not view such considerations as legal arguments within the meaning of the Constitutional Court Law. Similarly, the judicial panels have applied Article 18(1)(4) of the Constitutional Court Law also in a situation where the applicant, referring to the relevant case-law of the Constitutional Court and the criteria used therein to test the constitutionality of legal provisions, had analysed only certain elements thereof.

In application No. 19/2024, the applicant requested the Constitutional Court to declare Article 12(1)(1) and (2) of the Law on the Course of Service of Officials with Special Service Ranks Working in Institutions of the System of the Ministry of the Interior and the Prison Administration to be incompatible with Article 95 of the Constitution. These provisions state that an official may be transferred to another position of an absent official or another vacant position, considering the requirements specified for the respective position, in the interests of the service for a definite period of time to ensure efficient fulfilment of the duties of the service. Article 95 of the Constitution provides, *inter alia*, that cruel or degrading treatment of a person is prohibited.

The judicial panel of the Constitutional Court noted that Article 95 of the Constitution had been interpreted in the Court's case-law in conjunction with Article 3 of the Convention and the case-law of the ECtHR. Specifically, degrading treatment is a treatment that shames or belittles an individual, disregards or belittles their human dignity, or causes a feeling of fear, suffering or inferiority capable of breaking down the individual's moral and physical resistance. The fact that the victim is humiliated in his own eyes, even if not in the eyes of others, is sufficient to fulfil the criterion. In assessing this treatment, the question of actual suffering is less important than the question of the feeling of humiliation. However, it is important that Article 3 of the Convention, or the prohibition contained therein, does not apply to all ill-treatment. In other words, a particular situation falls within the scope of Article 3 only if it has reached a minimum level of severity. The assessment of this degree is relative and depends on all the circumstances of the case, such as the duration of the treatment, the impact of the treatment on the person's physical or mental health, and in some cases the sex, age, and state of health of the victim.

Referring to the case-law of the Constitutional Court, the judicial panel noted that public service was a public legal position in which persons entrusted with the performance of public tasks were placed. Public service employment differs from private sector employment both in the legal aspects of the establishment of the legal relationship and in the purpose of the work, which is closely linked to the performance of public tasks. Public officials have a special relationship with the state, i.e., their rights are limited and they are subject to special obligations. The legislator has a comparatively greater margin of discretion in determining the rights and obligations of persons in public service relationships than, for example, in regulating legal relationships established on the basis of an employment contract. However, when regulating legal relations in the public service, the legislator is entitled to impose only such restrictions on fundamental rights that are necessary in the service relationship.





The judicial panel noted that the application referred to case-law and legal doctrine on human dignity and stated in general terms that the contested provisions allowed any experienced manager in the service to be transferred to a post directly subordinate to that manager without their consent and without a finding of disciplinary misconduct, which constituted an act degrading to human dignity. However, the application does not contain any legal arguments to the effect that the applicant's reassignment under the contested provisions would amount to such a degree of humiliation that it would fall within the scope of the prohibition on degrading treatment. In particular, the circumstances and context of the case have not been considered, including the limitations of rights and obligations imposed on State Police officers in the interests of the service, the reasons for the applicant's transfer and the salary and rank retained for them. Consequently, it was concluded that the application did not comply with the requirements of Article 18(1)(4) of the Constitutional Court Law.<sup>67</sup>

### ***The application does not comply with other requirements specified 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. 16/2024, the applicant sought a declaration that the amendments to the laws introducing a new legal institution – partnership – as of 1 July 2024 were incompatible with several articles of the Constitution.

The judicial panel acknowledged that the applicant had indicated the superior legal provisions, the compatibility of the amendments with which should be assessed. However, the application does not specify the particular legal provisions whose compliance with the provisions of higher legal force the Constitutional Court should assess. It generally states that the draft laws submitted to the *Saeima* concerning the introduction of the institution of partnership into the national legal system are hasty and unconstitutional and expresses the applicant's dissatisfaction with the introduction of such a legal institution into the national legal system. However, even reasonably interpreting the considerations included in the application, the judicial panel was unable to deduce which specific legal provisions the applicant had asked the Constitutional Court to review. Consequently, the judicial panel concluded that the application did not comply with the requirements of Article 18(1)(5) of the Constitutional Court Law.<sup>68</sup>

In application No. 124/2024, the applicant sought a declaration that Regulation No. 138 and Regulation No. 478 were incompatible with the provisions of several laws. Regulation No. 138 established, for example, model forms for declarations by public officials and their relatives under the Law on Prevention of Corruption, as well as the procedure for completing and submitting declarations. Regulation No. 478, in turn, establishes,



67 The decision of 18 March 2024 of the 3<sup>rd</sup> judicial panel of the Constitutional Court on refusal to initiate proceedings on the basis of application No. 19/2024.

68 The decision of 14 March 2024 of the 4<sup>th</sup> judicial panel of the Constitutional Court on refusal to initiate proceedings on the basis of application No. 16/2024.

for example, the procedure for completing, submitting, registering, and storing declarations of public officials provided for in the Law on Prevention of Conflict of Interest in the Activities of Public Officials, as well as the reporting period for which the declaration is to be submitted.

The judicial panel noted that, *inter alia*, Articles 1, 16, and 18 of the Constitutional Court Law reflected the principle of application, according to which the Constitutional Court decides on initiating a case only if the application complies with all the requirements of the Law. It follows from the mentioned legal provisions, in particular, Article 18(1)(5) of the Constitutional Court Law, that an application must state a claim over which the Constitutional Court has jurisdiction. This means that the applicant must indicate a specific legal provision the compliance of which with a superior legal provision the Constitutional Court should assess, and also this superior legal provision.

In general, a claim to assess the compatibility of provisions of Cabinet of Ministers' Regulations with superior legal provisions is within the jurisdiction of the Constitutional Court. However, the applicant has not indicated and the judicial panel cannot deduce from the arguments referred to in the application the specific provisions of the relevant Cabinet Regulations, the compliance of which with superior legal provisions the Constitutional Court should assess. Thus, the request included in the application to assess the constitutionality of the above Cabinet of Ministers Regulations does not comply with the requirements of Article 18(1)(5) of the Constitutional Court Law.<sup>69</sup>

### **Res judicata**

Article 20(5)(4) of the Constitutional Court Law provides that the Constitutional Court may refuse to initiate a case if the application is submitted in respect of an already adjudicated claim. This rule was applied in one decision during the reporting period.

In application No. 101/2024, the Constitutional Court was requested, *inter alia*, to declare Article 58(2) of the Arbitration Law (in the wording effective from 1 March 2017 until 3 July 2024) to be incompatible with Article 92 of the Constitution. The said provision stipulated that if an arbitral award was enforceable in Latvia but was not voluntarily complied with, the interested party was entitled to apply to a district court following the procedure established by the Civil Procedure Law for the issuance of a writ of execution to enforce the award of a permanent arbitration court.

The judicial panel noted that the Constitutional Court had adopted a judgment in case No. 2022-03-01. In this judgment, the Court examined, *inter alia*, the constitutionality of Article 534(1) of the Civil Procedure Law. This provision of the Civil Procedure Law, in the wording effective at the time of the judgment in case No. 2022-03-01, similarly to Article 58(2) of the Arbitration Law, provides that if an arbitral award is enforceable in Latvia and is not voluntarily complied with, an interested party may apply for the issuance of a writ of execution for the enforcement of an award of a permanent arbitration court with the district court of the debtor's declared place of residence or, in the absence thereof, the debtor's place of residence or the registered office or the place of enforcement of the arbitral award.

In case No. 2022-03-01, the Constitutional Court also recognised Article 537 of the Civil Procedure Law, insofar as it did not provide for supervision of arbitral proceedings in cases when the interested party did not apply to a court of general jurisdiction for enforcement of an arbitral award for a prolonged period, when an arbitral award was recognised and enforceable abroad or when it was not necessary to apply to a court of general jurisdiction for enforcement of an arbitral award with an application for issuance of an enforcement order, to be incompatible with the first sentence of Article 92 of the Constitution and invalid as of 1 March 2024.

The judicial panel found that in application No. 101/2024 the applicant challenged the constitutionality of Article 58(2) of the Arbitration Law in the wording that was in force at the time when the Constitutional Court adopted the judgment in case No. 2022-03-01 and which did not provide for the right of a party to apply to court for challenging an arbitral award. The applicant attributes the claim of alleged incompatibility of Article 58(2) of the Arbitration Law with Article 92 of the Constitution to the fact that it has no possibility to challenge the arbitral award before a district court, thus forcing it to wait whether and when the interested party will apply to a district court with an application for issuance of an enforcement order for compulsory execution of the arbitral award.

Although in case No 2022-03-01, the Constitutional Court assessed the compliance of a provision of the Civil Procedure Law, and not the provision of the Arbitration Law indicated in the application, with the first

69 The decision of 9 December 2024 of the 1<sup>st</sup> judicial panel of the Constitutional Court on refusal to initiate proceedings on the basis of application No. 124/2024.

sentence of Article 92 of the Constitution, it has already assessed the claim on the obligation of the legislator to improve the supervision of arbitration proceedings, including by providing for the right to challenge an arbitral award before a district court. Consequently, the judicial panel concluded that the claim on the compliance of Article 58(2) of the Arbitration Law with the first sentence of Article 92 of the Constitution should be considered to have been adjudicated.<sup>70</sup>

### **Changes to the legal grounds or statement of facts in a repeated application**

Article 20(5)(5) of the Constitutional Court Law grants the judicial panel of the Constitutional Court the right to refuse to initiate a case if the legal grounds or the statement of facts contained in the application have not changed in substance compared to the previously submitted application with respect to which the judicial panel has made a decision. Last year, just over 10 decisions were taken on the basis of this provision to refuse to initiate a case.

Article 20(5)(5) of the Constitutional Court Law is based on the principle of procedural economy. This relieves the work of the judicial panels in cases where the Court is faced with repeated applications which are similar in legal reasoning or facts to an earlier application.

In application No. 88/2024, the applicant requested the Constitutional Court to declare, *inter alia*, Article 36(1)(1) of the Social Services and Social Assistance Law incompatible with several provisions of the Constitution and the Convention on the Rights of the Child. The mentioned legal provision stipulates that the income taken into account when deciding on granting the status of an indigent or low-income household does not include the amount paid by a person as child support, which does not exceed the minimum amount of child support established by the state for each child.

The judicial panels had already decided to refuse to initiate proceedings when considering earlier applications by this applicant. Decision No. 130/2023 of the judicial panel refused to initiate the case because the applicant had not substantiated that the contested provision would cause infringement on their fundamental rights. While examining application No. 146/2023, the judicial panel found that the statement of facts and the legal reasoning contained therein had not changed in substance from that contained in the earlier application No. 130/2023.

In decision No. 88/2024 the judicial panel found that this application clarified the claim. In particular, it requests an assessment not only of the constitutionality of the contested legal provision but also of the constitutionality of several provisions of the Cabinet of Ministers Regulations. Likewise, new annexes have been added to the application. At the same time, the judicial panel found that the applicant still had not substantiated the view expressed in her application that it followed from the fundamental right she had invoked that when examining the eligibility of a household for the status of an indigent or low-income household or for the grant of a social assistance benefit, the income received as child support also would not be considered as income when assessing the total material resources of the household. The subjective opinion of the applicant about the alleged violations of fundamental rights enshrined in the Constitution is not sufficient to substantiate the argument that they have been interfered with. In light of the foregoing, it was held that the examined application still did not contain a statement of reasons as to how exactly the contested provisions caused an interference with the applicant's fundamental rights.

Neither the clarification of the claim nor the expansion or enlargement of the arguments raised in the application, as previously submitted, *per se*, constitutes a substantive change in the legal basis of the application if those changes do not remedy the deficiencies previously identified in the decisions of the judicial panels. The present application does not indicate any new circumstances or legal arguments that the judicial panel has not considered in its examination of the previous applications. The judicial panel therefore concluded that the legal grounds contained in the application had not changed substantially from those included in the earlier applications.<sup>71</sup>

### **The legal grounds are manifestly insufficient to satisfy the claim**

Under Article 20(6) of the Constitutional Court Law, the judicial 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. On the basis of this provision, the judicial panels adopted 10 decisions refusing to initiate proceedings during the reporting period.

<sup>70</sup> The decision of 9 October 2024 of the 2<sup>nd</sup> judicial panel of the Constitutional Court on refusal to initiate proceedings on the basis of application No. 101/2024.

<sup>71</sup> The decision of 19 August 2024 of the 2<sup>nd</sup> judicial panel of the Constitutional Court on refusal to initiate proceedings on the basis of application No. 88/2024.

Article 20(6) of the Constitutional Court Law applies only to one type of application – a constitutional complaint. The decisions of the judicial panels adopted on the basis of this provision basically relate to such matters of law on which the case-law of the Constitutional Court has already been established. For example, in application No. 72/2024, the applicant requested the Constitutional Court to assess the compliance of Article 245(6) of the Administrative Liability Law with Article 92 of the Constitution. This legal provision stipulates that if judges of the regional court unanimously find that any of the circumstances under Article 189 of this Law is present or that none of the grounds for initiating appeal proceedings under Article 244 of this Law exists, they adopt a decision on refusal to initiate appeal proceedings.

It was alleged in the application that Article 245(6) of the Administrative Liability Law denied the right to a fair trial before three judicial instances. This provision was also alleged to fail to ensure that the appellate court examines the appeal filed by the applicant on its merits, thereby preventing review of the first instance court's assessment of evidence.

Referring to the case-law of the Constitutional Court, the judicial panel of the Constitutional Court recognised that the state's obligation to ensure the right to access to a court in cases of administrative offences was manifested in the fact that a person should have the right to appeal at least in one instance. The right to an appeal is also ensured if the person must first ask the court to hear their appeal, whether or not the appeal is followed by the institution of appeal proceedings. The rules allowing a higher court to refuse to initiate proceedings ensure the efficiency of the court's work by allowing it to divert resources to other cases.

Taking into account the above case-law of the Constitutional Court, the judicial panel held that the application had not provided legal grounds to substantiate the argument that a person's right under Article 92 of the Constitution required the initiation of appeal proceedings even in cases where none of the grounds for initiation of appeal proceedings existed. In particular, the applicant has not substantiated that the legislator's obligation to ensure that all administrative offence cases would be examined on their merits by a court of appeal follows from Article 92 of the Constitution. Consequently, the legal substantiation provided in the application on the alleged incompatibility of Article 245(6) of the Administrative Liability Law with Article 92 of the Constitution was manifestly insufficient to satisfy the claim.<sup>72</sup>

### ***Other requests of applicants***

Other requests of the applicants have also been decided on in the judicial panels' decisions not to initiate proceedings. In most cases, concluding that the application does not comply with the requirements of the Constitutional Court Law and therefore, the case should not be initiated, the judicial panel dismisses these requests. However, in individual cases, an assessment of the applicant's request may be relevant for subsequent interpretation of the Constitutional Court Law.

For example, in application No. 7/2024, the applicant asked for a copy of the application to be returned to him. The judicial panel acknowledged that the applicant was deprived of his liberty and might therefore have objective difficulties in producing certified copies of the documents. Considering the above and observing the principle of good administration, a copy of the application should be deposited in the archives of the Constitutional Court, while the original should be sent to the applicant. The judicial panel therefore granted the applicant's request.<sup>73</sup>

In turn, in application No. 104/2024 a request was included to attach the applicant's application to initiate a case before the Constitutional Court to the previously initiated case No. 2024-05-01. In deciding on this request, the judicial panel noted that the Constitutional Court Law did not provide for the addition of an application to initiate a case to a case already initiated before the Constitutional Court. A case may be initiated before the Constitutional Court only on the basis of an application that complies with the requirements of the Constitutional Court Law. However, consolidation of several cases already initiated is permissible under Article 22(6) of the Constitutional Court Law following the procedure established in Paragraphs 79 and 80 of the Rules of Procedure of the Constitutional Court. The merger of cases is decided upon by the judge who prepares the case for consideration or by the Constitutional Court at a preparatory hearing.<sup>74</sup>

72 The decision of 9 July 2024 of the 1<sup>st</sup> judicial panel of the Constitutional Court on refusal to initiate proceedings on the basis of application No. 72/2024.

73 The decision of 23 February 2024 of the 3<sup>rd</sup> judicial panel of the Constitutional Court on refusal to initiate proceedings on the basis of application No. 7/2024.

74 The decision of 30 September 2024 of the 2<sup>nd</sup> judicial panel of the Constitutional Court on refusal to initiate proceedings on the basis of application No. 104/2024.



## 3 | Dialogue



In a democratic state governed by the rule of law, dialogue between different groups in society and public authorities is necessary to build relationships of mutual trust and to realise a shared vision for the future development of the country. Active dialogue with society is necessary to strengthen the awareness of statehood, encourage participation and develop an understanding of Latvia's fundamental values as a democratic state governed by the rule of law.

The dialogue of the Constitutional Court aims to promote public understanding of the values, fundamental rights and freedoms enshrined in the Constitution, fostering a sense of belonging to Latvia, which in the current geopolitical circumstances is of great importance in strengthening the country's security and democracy. The task of the Constitutional Court is not only to resolve legal disputes but also to promote understanding of the principle of the rule of law in Latvian society.

Every citizen of the country has the right to receive information on the work of the Constitutional Court to make sure that it performs its functions effectively and in accordance with law. This creates a direct link with the sovereign – the people of Latvia – and, thus, strengthens the legitimacy of the judiciary.

The Constitutional Court actively engages in a dialogue with society, thereby promoting mutual respect and trust in the court as an independent and fair institution. Every Court ruling is important not only for the parties involved in the case but also for society as a whole because it strengthens justice and the rule of law. To ensure that the public is fully informed, the Constitutional Court explains the specifics of its competence, the rulings it has adopted, the legal proceedings and its work in general.

In the dialogue with the constitutional institutions of the state, it is important to strengthen the awareness of a common overarching goal – the rule of law and the purposeful, democracy-oriented cooperation of all constitutional bodies. The Constitutional Court's dialogue with state institutions and other courts helps to strengthen the values of a democratic state governed by the rule of law and public confidence in state power. Dialogue is an essential aspect of cooperation between state institutions in ensuring the protection of the fundamental rights of the citizens of Latvia, the concretisation of the principle of good legislation, the effective conduct of the Constitutional Court proceedings and the implementation of rulings.

At the same time, the Constitutional Court implements dynamic international cooperation, as maintaining a transnational dialogue is of particular importance in ensuring the protection of democracy, the rule of law and security in the current geopolitical challenges. There is a range of legal matters that are difficult to address in isolation, within a single national legal system. The dialogue within the European legal area and at the international level is crucial because more uniform and effective protection of fundamental rights can only be ensured if there is a constant exchange of views with counterparts in other countries belonging to the Western legal circle.

Moreover, from the point of view of the development of constitutional law in Latvia, it is important that the judges of the Constitutional Court always remain at the centre of advances in legal thought and actively participate in shaping its agenda. The Constitutional Court actively cooperates with courts and other institutions at European and international level to strengthen Latvia's position in the European legal area.



## ■ 3.1. Dialogue with the public

The Constitutional Court's dialogue is based on openness and respectful cooperation. The Court provides the public with accurate, timely and comprehensible information, tailored to different target groups. The Constitutional Court actively explains the judicial proceedings and provides information on the cases initiated and pending before it. The Constitutional Court informs the public about the current developments in its work and the events organised by the Court, dialogue and international cooperation, with particular emphasis on the impact of specific developments on the protection of the rule of law, democracy and the values enshrined in the Constitution. At the same time, the Constitutional Court monitors the media, analyses information, improves the content of communication and selects the most appropriate channels and communication tools to ensure quality and accessible information to all interested parties.

Considering the public need for easily accessible information, the Constitutional Court also actively communicates on the social networks *X.com*, *Facebook* and its *YouTube* channel. Concise entries are published on the Constitutional Court's *X.com* and *Facebook* accounts, together with visual material that supplements the published information.

Last year, the Court's *X.com* account @Satv\_tiesa had 368 posts and 2,409 followers. The number of followers has increased by 203 since the previous reporting period. The *X.com* post-administration environment shows that during the reporting period, the posts had approximately 458,900 views and 14,400 interactions. In turn, the *Facebook* page has 348 posts and 809 followers. The *Facebook* post-management environment shows that, during the reporting period, posts made by the Court reached an audience of 54,800 users and had 8,200 interactions. The Court's *YouTube* channel stores all the videos it produces – hearings with participants, online lectures, videos from events, congratulatory videos and other audio-visual information. The *YouTube* account had 183 followers and 52,103 thousand views in the reporting period.

During the reporting period, seven new episodes of the Constitutional Court's *Tversme* podcast were broadcast, bringing the total number of episodes to twenty. These episodes discuss the values enshrined in the Constitution, the role of the Constitutional Court in a democratic state governed by the rule of law, the protection of fundamental rights, the values of a democratic state governed by the rule of law, the importance of judicial dialogue and international cooperation. The podcast had almost a thousand listeners during time. The podcast is available on the website of the Constitutional Court and on streaming site *Spotify*.

In the **fourteenth episode** of the podcast, judge Jautrīte Briede of the Constitutional Court talks to Ance Rozenberga-Kokina, Sofija Stankus, Emilija-Katrine Kāta and Kate Birzgale, the winners of the student creative works competition "Everyone's Dignity in the Digital Environment". In the conversation, the youngsters talk about their thoughts on dignity, everyday challenges in the digital environment, their vision for the future of the country, and their place in it. In the **fifteenth episode**, President of the Constitutional Court Aldis Laviņš talks to Professor Peter M. Huber of the Faculty of Law at Ludwig Maximilian University (Munich) about the role of the German Federal Constitutional Court, the concept of human dignity in



In the podcast "Tversme," Irēna Kucina, President of the Constitutional Court, talks with Velta Čebotarenoka, President of the 4 May Declaration Club (16 December 2024)

the German legal system, the interaction between the branches of state power, the rights of future generations and the common fundamental values that unite Europe. In the **sixteenth episode**, judge Gunārs Kušīņš of the Constitutional Court talks to Mārtiņš Pāparinskis, Professor of Public International Law at University College London and a member of the UN International Law Commission, about the competencies and importance of the Commission, the international recognition of the Constitutional Court's judgments, as well as the interaction of several legal systems and other topics. In the **seventeenth episode**, judge Gunārs Kušīņš of the Constitutional Court talks to Ilma Čepāne, a former member of the Supreme Council and former judge of the Constitutional Court. The conversation reveals Ilma Čepāne's professional experience and vision regarding the Constitutional Court's jurisprudence, the enforcement of judgments and possible amendments to the Constitutional Court Law, as well as current issues on environmental sustainability. In the **eighteenth episode**, Anita Rodiņa, Vice-President of the Constitutional Court, talks to Gunārs Kušīņš, a former judge of the Constitutional Court. In the conversation, Gunārs Kušīņš shares his experience working as a judge, emphasising the importance of the principles, values and collegiality enshrined in the Constitution in the work of the Constitutional Court. The **nineteenth episode** features a recording of the Conversations on Latvia organised by the Constitutional Court and the National Library of Latvia. In the **twentieth episode**, President of the Constitutional Court Irēna Kucina talks with the President of the 4 May Declaration Club Velta Čebotarenoka about the restoration of Latvia's independence, statehood, freedom and values.

The website of the Constitutional Court plays an important role in the dialogue between the Constitutional Court and society. To ensure accessibility to the content of the website for all users, to enable them to navigate easily and find the necessary information as quickly as possible, the Constitutional Court ensures the maintenance of up-to-date, useful information on the website, as well as assesses how accessible the content of the website is.

### 3.1.1 Information on legal proceedings

The website of the Constitutional Court provides detailed information on the initiated and pending cases, as well as on the decisions of the judicial panels to refuse to initiate a case. The Constitutional Court prepares short and clear press releases on the progress of the proceedings and adopted rulings. To ensure public access to essential information on the cases being examined, the Constitutional Court publishes press releases on the initiation of the examination of cases, indicating information on the contested norm, factual circumstances and legal grounds. After the decision is adopted, a summary of the decision is published on the website, summarising the facts of the case, the methodology used to assess the contested norm and the Court's conclusions.

To inform the public, press conferences are held with the President of the Court and the judge who has prepared the case for examination. Representatives of the media and anyone interested are welcome to attend press conferences. To reach the widest possible audience, press conferences are held in person and online on *Zoom* and streamed on the Constitutional Court's *YouTube* channel.

Nine press conferences were held during the reporting period. One of them provided an overview of the work of the Constitutional Court in 2023. Eight press conferences were held on the rulings in the following cases: No. 2023-04-0106 – on permanent residence permits for Russian citizens; No. 2023-27-03 – on restrictions on gambling in the administrative territory of Riga; No. 2023-01-03 – on reducing the final felling diameter; No. 2023-09-0106 – on the prohibition to breed and keep animals solely for fur production; No. 2022-44-01 – on the right to use a restricted radio frequency band; No. 2022-45-01 – on the acquisition of education in private educational institutions only in the official language; No. 2023-10-03 – on the exclusion of third-country nationals from the list of beneficiaries of immovable property tax relief in Jūrmala City; No. 2023-15-01 – on the implementation of general education programmes in state and municipal educational institutions only in the official language.

Informing the public about the fundamental rights of each of its members and the instruments for their protection through the Court's explanation of the scope and application of the articles of the Constitution is the reason why the Constitutional Court summarises its case-law findings in analytical publications on each Article of Chapter VIII of the Constitution, "Fundamental Human Rights". The digital versions of the booklets on Article 91 and 92 of the Constitution are now available to all readers on the website of the Constitutional Court. Moreover, the Constitutional Court updates the digital versions of the booklets, updating them with the latest findings.

Significant changes apply to the publication of the collections of judgments of the Constitutional Court. Sustainability as a value is taken into account in the administration of justice and management of

International Conference of  
the Constitutional Court “The Role of  
Constitutional Courts in the Concretising  
the Shared Values Uniting Europe”  
(1 March 2024).



the Constitutional Court as an institution. The Constitutional Court promotes an environmentally friendly approach. Therefore, by dynamically interpreting Article 33(2) of the Constitutional Court Law, the collection of judgments of the Constitutional Court was published last year for the first time only in electronic format.

Every year, the Constitutional Court invites law students and practitioners to use the case-law database of the Constitutional Court, which contains the most important findings from the Constitutional Court's judgments, decisions on termination of proceedings and separate opinions of judges. These findings are organised by keywords and categories. The database also contains statistics on applicants, contested provisions, the institutions that have adopted them, as well as other information related to the proceedings before the Constitutional Court. The database is available after downloading and installing *Citavi* software on one's computer.

### 3.1.2 Non-judicial activities

In March, the Constitutional Court held an international conference “The Role of Constitutional Courts in the Concretising the Shared Values Uniting Europe”. The conference was organised to mark the 20<sup>th</sup> anniversary of Latvia's membership in the European Union. Europe is united by the values of democracy, the rule of law and human rights. These values are shared by all Member States of the Council of Europe and European Union. Nevertheless, national constitutional identities may also include different elements, such as the obligation to protect the national language. A balance and harmonious interaction between national constitutional identities and common European values is therefore essential for their protection. The dialogue between the constitutional courts, ECtHR and CJEU plays an important role in this balancing act. The concept of European consensus, which reveals the understanding of a majority of Member States on a legal issue, is essential to this dialogue.

The conference was opened by President of the Constitutional Court Aldis Laviņš and Minister of Justice Inese Lībiņa-Egnere. Aldis Laviņš acknowledged that national constitutional identities, European shared values and the European consensus were complementary elements that allowed for a balance in the application of national law, European Union law and international law. Inese Lībiņa-Egnere referred to human dignity, freedom, democracy, security, equality, the rule of law, human rights, and national self-determination – the values that not only underpin Latvia's constitutional identity but are also common European values.

The first panel discussion of the conference focused on balancing the constitutional identities of the EU and the Council of Europe Member States with common European values. The discussion, chaired by President of the Constitutional Court, Aldis Laviņš, was attended by Vice-President of the Venice Commission and judge of the Supreme Court of the Netherlands Martin Kuijer, judge of the ECtHR Mykola Gnatovskyy, and professor Peter M. Huber from the Faculty of Law of Ludwig Maximilian University (Munich). The panellists acknowledged that cases where national constitutional identities clashed with shared European values were extremely rare, although increasingly common in recent years. Invoking national constitutional identity should not be used as an excuse to derogate, for example, from the Convention or not to comply with ECtHR judgments. At the same time, the ECtHR and the CJEU must not ignore the judgments of Member States' constitutional courts and supreme courts, which protect national constitutional identities.





The Constitutional Court is hosting guests during the Museums Night (18 May 2024)

The second panel discussion focused on the European consensus and its impact on European public policy. The discussion was attended by judge Artūrs Kučs of the Constitutional Court, Maciej Szpunar, First Advocate General of the CJEU, George Letsas, Professor of Philosophy of Law at University College London, and Elīna Luīze Vītola, Representative of Latvia to the International Human Rights Institutions. The discussion was moderated by Kanstantsin Dzehtsiarou, Professor of Human Rights at the University of Liverpool. The discussion concluded that the concept of a European consensus was a tool for interpretation of the Convention used by the ECtHR: if a consensus had emerged in most Member States on a point of law, the remaining Member States had less discretion in deciding that point. At the same time, it was also argued that the notion of a European consensus was unnecessary or even harmful. Courts must be guided by the principle of the rule of law alone in the implementation of values, and not by consensus, the emergence of which can be delayed by various political considerations.

Following the panel discussions, judge Ineta Ziemele of the CJEU emphasised in her presentation that, from a European perspective, democracy, development, the rule of law, and respect for human rights and fundamental freedoms were interdependent and mutually reinforcing values. It is this conviction that reflects the European identity. The European identity is made up of national identities, together with the subtle dialectic between overcoming contrasts and building on common values. This is a key element of the legitimacy of the whole European project.

The main conclusions of the conference were summarised by Mārtiņš Pāparinskis, Professor of Public International Law at University College London. He acknowledged that a Europe based on the rule of law exists both in its infinite diversity and, at least in a certain degree of abstraction, with common values and institutions, which, of course, can also be shared by other regions. Legal acts is a means of translating



Participants of the Constitutional Law Think Tank "Readability of the Constitutional Court's Rulings" (13 December 2024).



institutional positions between domestic, international, and European courts. Judges also exist as part of a wider social fabric that is inevitably evolving.

The conference was broadcast live on the Constitutional Court's *YouTube* channel.

For the third year in a row, the Constitutional Court opened its doors to all visitors who wanted to get acquainted with the Constitutional Court and its daily work during the Museums Night in May. Inspired by the theme of the Museums Night in Latvia – to know and to acquire, to explore, and to understand – the Constitutional Court invited everyone to Open the Constitution. Visitors to the Museums Night had the opportunity to learn about the Constitution, as well as to explore everyone's fundamental rights and how to protect them. During the Museums Night, guests of the court could explore the building of the Constitutional Court, ask questions and participate in interactive activities. Everyone had the opportunity to talk about the Constitution with the Vice-President of the Constitutional Court, Irēna Kucina, in the hearing room of the Constitutional Court. It was also possible to visit the museum or the history room of the Constitutional Court, which houses an exhibition on the development of constitutional review and the Constitutional Court, its traditions and the values enshrined in the Constitution. The history room of the Constitutional Court was opened to visitors for the first time on the Museums Night in 2022.

On the occasion of the 28<sup>th</sup> anniversary of the Constitutional Court in December, the Constitutional Law Think Tank "Readability of the Constitutional Court's Rulings" was held, which was attended by judges and employees of the Constitutional Court, Minister for Justice Inese Libiņa-Egnere, Chairperson of the Legal Affairs Committee of the *Saeima* Andrejs Judins, Senator of the Supreme Court Anita Kovaļevska, sworn advocate Matīss Šķiņķis, lawyer-linguist Inese Muhka and the editor of the national news section of "Delfi" news portal Kārlis Arājs. The Constitutional Law Think Tank is an annual dialogic event which, this year, explored opportunities to enhance the readability and clarity of the Constitutional Court's rulings.

### 3.1.3 Students and teachers

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

The award ceremony for the "Everyone's Dignity in the Digital Environment" competition was held in February. The competition received 172 drawings from 6<sup>th</sup> graders, 29 videos from 9<sup>th</sup> graders and 72 essays from 12<sup>th</sup> graders. 66 schools from all regions of Latvia were represented.

Each year, to inspire young people for further achievements in their education, the Constitutional Court also participates in the Shadow Day. Last year, 40 energetic and curious shadow students from different regions of Latvia visited the Constitutional Court and followed the working day of the Constitutional Court's judges and personnel. The students had the opportunity to 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 learn about the history of the Court and the communication process.

In September, the Constitutional Court announced for the eighth year in a row the competition of pupils' drawings, essays and video works "The National Language – Latvia's Common Value". The idea of this year's competition is based on the importance of the Latvian language as the only official language and a fundamental value enshrined in the Constitution. The Latvian language is not only the language of our mutual communication and democratic involvement – it shapes the Latvian state, nation and ourselves. It is vital for everyone to be aware of their responsibility and participation in the care and protection of the official language. The Latvian language is alive and resonant, it is constantly evolving. The national language can be preserved if it is used in everyday life, respected and seen as a common value of Latvia. Everyone's concern for the Latvian language strengthens the unity of society and the sustainability of a democratic state governed by the rule of law.

The Constitutional Court continues to develop new forms of dialogue with school youth by offering schools the opportunity to attend educational lectures organised by the Constitutional Court, where young people can 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, study materials on the Constitution and the values enshrined therein and view an exhibition on the development and traditions of the Constitutional Court. You can also visit the history room on a virtual tour.

### 3.1.4 Law students and student organisations

The Constitutional Court actively engages in a dialogue with institutions of higher education and research, student organisations and law students. The Court offers educational lectures and excursions to promote the professional development of future lawyers and contribute to the sustainability of the Latvian State.

Every year, the Constitutional Court supports organisations that organise moot courts. Also in 2024, the judges and personnel of the Constitutional Court supported the moot court organised by the Kārlis Dišlers 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 the legal proceedings before the Constitutional Court and are broadcast live on the Court's *YouTube* channel. This year, the moot court contestants had the opportunity to argue on questions on how AI-generated content and tools could be used in pre-election campaigns and how restrictions in this area were compatible with freedom of expression. Among the judges of the oral part of the moot court were a judge of the Constitutional Court Jānis Neimanis, adviser to the President Andrejs Stupins-Jēgers, Head of the Legal Department Kristaps Tamužs and a legal assistant of a judge Edvards Ričards Slavinskis. The written arguments of the participants were assessed by advisers of the Constitutional Court Baiba Bakmane, Sandijs Statkus, and Uldis Krastiņš. Last year, the judges and personnel of the Constitutional Court also supported the Ombudsman's human rights moot court. The competition finals took place on-site at the end of April last year at the Constitutional Court.

### 3.1.5 Creative industries

Last year, the Constitutional Court, in cooperation with the National Library of Latvia, continued the tradition started in 2018 and for the twelfth time organised an interdisciplinary discussion *Conversations about Latvia*. At the 12<sup>th</sup> episode in the series, participants discussed the right to truth as a prerequisite for the implementation of the values and principles enshrined in the Constitution. The discussion was moderated by Sanita Osipova, Senator of the Supreme Court, Professor at the Faculty of Law, University of Latvia. The discussion was attended by Klāvs Sedlenieks, Associate Professor at the Faculty of Social Sciences of Riga Stradiņš University, Latvian writer Inga Ābele and Maksims Busels, an actor at Riga Mikhail Chekhov Theatre. The final summary of the discussion was given by Ineta Ziemeļe, judge of the CJEU and Professor at the Riga Graduate School of Law. During the discussion, the President of the Constitutional Court, Irēna Kucina, emphasised that meaningful action by an individual, society and the state was possible only if it was based on the truth. However, we often face self-deception about our history and processes in society. This self-delusion is a temporary consolation but, in the long run, it has profound negative consequences. Democracy is not morally neutral; it is based on certain values and precepts of justice. If the truth is not ascertained and evaluated in line with the contemporary Latvian value system, then the committed injustices continue to distort our view of the world, at least at a subconscious level, and influence people's actions. The central questions of the debate were whether the failure to clarify or only partial clarification of the historical truth in Latvia could explain the difficulties faced in governing our democratic state governed by the rule of law. Do we want to find out the historical truth? Can we think of ways and forms in which we are ready to find out the truth? If we accept that everyone might have their own answer to the question "Why do we need it", what is that answer? A video recording of the 12<sup>th</sup> episode of *Conversations on Latvia* is available on the website of the Constitutional Court.

## ■ 3.2. Dialogue with public authorities

The Constitutional Court holds annual meetings with the heads of Latvia's constitutional bodies and other public officials to strengthen the rule of law and promote cooperation. The dialogue addresses important issues relating to the protection of citizens' fundamental rights and the principle of good legislation.

At the beginning of January, the highest officials of the justice system – President of the Constitutional Court Aldis Laviņš, President of the Supreme Court Aigars Strupišs, Prosecutor General Juris Stukāns, Chairperson of the Legal Affairs Committee of the *Saeima* Andrejs Judins and Minister for Justice Inese Lībiņa-Egnere – met with President of Latvia Edgars Rinkēvičs. Developments in the area of justice in 2024 were discussed at the meeting, including sentencing policy, as well as cooperation between constitutional bodies to strengthen the rule of law and justice. The President of Latvia took the position that to ensure the sustainability and efficiency of the legal system it was necessary to avoid overregulation and excessive fragmentation of laws, which made their application more difficult and also increased bureaucracy. At the same time, the legal system must be able to provide the tools to protect national security, which is why a strong focus on penal policy in cases of particular importance to society as a whole is needed to prevent threats to national and public security.

Continuing to strengthen the dialogue, in mid-January President of the Constitutional Court Aldis Laviņš met with President of Latvia Edgars Rinkēvičs. During the meeting, the parties discussed issues of the independence of the judiciary, current case-law and international cooperation of the Constitutional Court, including becoming the main support partner of the Constitutional Court of Ukraine within the new Council of Europe project. During the meeting, the President of the Constitutional Court informed Edgars Rinkēvičs about the project of the Council of Europe “Support to the Development of Constitutional Justice in Ukraine” implemented by the Constitutional Court, in which the Constitutional Court is the main partner. The project aims to support the Constitutional Court of Ukraine in facilitating Ukraine's integration into the European Union. During the meeting, the President of Latvia expressed the opinion that the Constitutional Court's involvement in the evaluation of the processes occurring in Latvia and providing a qualitative legal analysis of the processes, likewise, contributes to a good and high-quality legislative process. The active cooperation of the Constitutional Court with the constitutional courts of other countries, strengthening the rule-based international order and the rule of law, is also highly appreciated.

At the end of January, the judges of the Constitutional Court met with the heads of Latvian diplomatic missions and Latvian ambassadors residing in Riga within the framework of the annual meeting organised by the Ministry of Foreign Affairs. During the meeting, the judges of the Constitutional Court informed the Ambassadors about the international cooperation of the Constitutional Court and current developments in its case-law. Addressing the ambassadors, President of the Constitutional Court Aldis Laviņš emphasised the importance of strengthening the dialogue between the Constitutional Court and the heads of Latvian diplomatic missions and appreciated the contribution of the representatives of the diplomatic corps in defending the interests of the Latvian State. Solidarity and consensus in defence of universal human values, such as freedom, democracy and the rule of law, are of particular importance in the current geopolitical challenges of transnational dialogue.

In March, President of the Constitutional Court Aldis Laviņš addressed the notaries at the General Assembly of Latvian Notaries, emphasising the values of the notarial system and stressed that a professional and human attitude towards everyone who receives notarial services was essential in the daily work of a notary. In his address at the General Assembly of the Latvian Association of Sworn Advocates, Aldis Laviņš pointed out the necessary changes in the litigation culture in Latvia, emphasising the importance of the dialogue between the court and attorneys-at-law as parties to a case, which would facilitate more efficient handling of cases.

In April, President of the Constitutional Court Aldis Laviņš met with the Chairperson of the Legal Affairs Committee of the *Saeima* Andrejs Judins. The possible improvements to the Constitutional Court Law, the insufficient effectiveness of legal aid provided by the State in the Constitutional Court proceedings and the need to push for ratification of Protocol No. 16 to the Convention in the *Saeima* were discussed at the meeting.

In June, President of the Constitutional Court Aldis Laviņš met with Minister for Foreign Affairs Baiba Braže. The meeting focused on the cooperation between the Ministry of Foreign Affairs and the Constitutional Court and on the issues of international cooperation between the Constitutional Court and the Ministry of Foreign Affairs. During the meeting, the need for Latvia to accede to Protocol No. 16 to the Convention, which



Judges of the Constitutional Court meet with heads of institutions of the justice system (16 August 2024)

provides for the possibility for the highest courts of the Member States to request an advisory opinion from the ECtHR on matters concerning the interpretation and application of the Convention, was also discussed.

In early July, President of the Constitutional Court Aldis Laviņš, Adviser to the President Andrejs Stupins-Jēgers, Head of the Legal Department Kristaps Tamužs and Deputy Head of the Legal Department Baiba Bakmane met with Inita Ilgaža, Deputy State Secretary for Judicial Affairs of the Ministry of Justice, and Director of the Court Administration Andris Munda to jointly seek solutions on how to make state-provided legal aid in the Constitutional Court proceedings more accessible to socially vulnerable citizens of the country. The parties agreed that effective access to state-provided legal aid played an important role in protecting the fundamental rights of individuals.

In August, the President of Latvia Edgars Rinkēvičs met with the President of the Constitutional Court Aldis Laviņš at the Riga Castle. During the meeting, the President of Latvia thanked Aldis Laviņš for his work as a judge of the Constitutional Court for 10 years and for performing the duties of the President of the Constitutional Court. The President of Latvia pointed out that, in the last 10 years, the Constitutional Court had dealt with multiple particularly important issues, including administrative-territorial reform, social security, and the transition to education only in Latvian. During the meeting, the President of Latvia expressed his conviction that the assessment and reasoning provided by the Constitutional Court were important instruments for strengthening the democratic state system and the rule of law. The judgments of the Constitutional Court are also an authoritative source for explaining and justifying Latvia's decisions on various issues at the international level. The President of the Constitutional Court thanked the President of Latvia for his supportive attitude towards the Court's international cooperation and for his insight and interest in the issues of the efficiency and independence of judicial activity. The President of Latvia and the Constitutional Court, as the constitutional bodies of a democratic state governed by the rule of law, have improved their mutual dialogue concerning the protection of the fundamental rights of the citizens of Latvia, development of the Latvian legal system and position of the Constitutional Court at the centre of global legal thought.

At the beginning of August, President of the Constitutional Court Aldis Laviņš and judge of the Constitutional Court Artūrs Kučs discussed current human rights issues with members of the *Saeima* and former judges of the European Court of Human Rights from Latvia. The President of the Constitutional Court, Aldis Laviņš, emphasised that the Constitutional Court and the ECtHR were successfully conducting a dialogue within the framework of the system established by the Convention, which was based on the principle of subsidiarity, whereunder the national authorities and courts first ensured that national legislation was applied in line with the Convention. Both courts are aware of their role in this system and keep abreast of what the other court is doing, analysing and referring extensively to the case-law of the dialogue partner in their rulings.

In August, the judges of the Constitutional Court met with the heads of the institutions of the justice system to reflect on the achievements of the dialogue and to highlight the work to be done in the future. The dialogue was attended by President of the Constitutional Court Aldis Laviņš, Vice-President Irēna Kucina, judges Gunārs Kusiņš, Jānis Neimanis, Artūrs Kučs, Anita Rodiņa, Minister for Justice Inese Lībiņa-Egnere, Chair of the Subcommittee on Constitution and Judicial Policy of the Legal Affairs Committee of the *Saeima*

Inese Kalniņa, Ombudsman Juris Jansons, Prosecutor General Juris Stukāns, Chairperson of the Council of Sworn Advocates Jānis Rozenbergs, Chairperson of the Council of Sworn Notaries Aigars Kaupe, Chairperson of the Council of Sworn Bailiffs Iveta Kruka, and the Head of the *Saeima* Legal Bureau Dina Meistere. The participants of the meeting discussed cooperation with the Constitutional Court, each in their area of responsibility, including dialogue with the public and clarification of their decisions, the vision of the Constitutional Court on improvements to the Constitutional Court Law, the need to advance the ratification of Protocol No. 16 to the Convention, current developments in international cooperation and possible solutions to make state-provided legal aid more accessible in the proceedings before the Constitutional Court.



## ■ 3.3. Judicial dialogue

In the European legal area, the Constitutional Court is engaged in a dialogue with the Latvian courts, the constitutional courts of other EU Member States, the CJEU and the ECtHR. Judicial dialogue allows sharing experiences, accumulating new knowledge and developing constructive discussions. Constant exchanges with counterparts in other Western countries, as well as at the international level, contribute to more uniform and effective protection of fundamental rights.

### 3.3.1. Judicial dialogue in Latvia

At the beginning of January, a meeting of judges and personnel of the Constitutional Court and the Economic Affairs Court was held to discuss topical issues in case-law and the organisation of the work of both courts. During the meeting, President of the Constitutional Court Aldis Laviņš emphasised the essential role of the Economic Affairs Court in examining complex cases related to economic and financial crimes, thus, *inter alia*, removing proceeds of crime from civil circulation. At the same time, the President of the Constitutional Court emphasised the importance of judicial dialogue, as discussions on topical legal issues help to develop a common view on the application of the law, as well as are an essential prerequisite for strengthening the rule of law and the protection of fundamental rights. The judges of the Economic Affairs Court were also introduced to the latest developments in the case-law of the Constitutional Court, while representatives of the Legal Department of the Constitutional Court and legal assistants to judges together with assistants to judges of the Economic Affairs Court shared their experience on the specifics of their work, research methods and other practical issues related to the provision of support to judges. Judges and personnel of both courts agreed that an active judicial dialogue contributed to the development of the professional knowledge of judges and personnel, thus improving the ability of the entire judiciary to effectively protect the rights of every individual.

To promote the strengthening of a unified legal system in Latvia, in April of the previous year, the judges of the Constitutional Court met with the judges of the Supreme Court to discuss the interaction of the competence of the two courts in applying the Constitution, the latest case-law and the requirements regarding the preparation of a Court's application to the Constitutional Court.

In September, the Constitutional Court hosted young judges from the Riga District Court, Riga City Court, Vidzeme District Court and Kurzeme District Court within the framework of the Latvian Judicial Training Centre's training programme. In her address to the new judges, Vice-President Irēna Kucina emphasised the importance of the court of first instance in the judicial process and the role of the judge in establishing a dialogue with society and the ability to see the person behind each case, ensuring the protection of everyone's rights. Representatives of the Legal Department shared their knowledge on the application of the Constitution and the submission of an application to the Constitutional Court, as well as on the use of the case-law database.

In October, court communicators from first-instance and regional courts visited the Constitutional Court. The seminar was opened by the Head of the Administration of the Constitutional Court Marika Laizāne-Jurkāne. Kristaps Tamužs, the Head of the Legal Department, introduced the participants



Judges of the Constitutional Court meet with judges of the administrative courts (8 November 2024)

to the functions, process and current case-law of the Constitutional Court. Thereafter, Ksenija Vītola, Head of the Public Relations and Protocol Department, discussed with the communicators the basic principles of communication and effective dialogue of the Constitutional Court.

In November, the judges of the Constitutional Court met with the judges of the Administrative Regional Court and the Administrative District Court to discuss current legal matters. In the introduction to the meeting, the Vice-President of the Constitutional Court, Irēna Kucina, emphasised that judicial dialogue was an essential prerequisite for the development of a consistent and uniform understanding of law and for the protection of fundamental rights. Discussions with judges help to understand shared values and build a common view of law. Within the framework of the dialogue, it is important for the Constitutional Court both to share its experience and to listen to the views of judges in different areas of specialisation. The judges of the Constitutional Court discussed with the judges of administrative courts the role of administrative courts in reviewing the constitutionality of applicable legal provisions and considering the proportionality of a restriction on fundamental rights, preparing a court's application for submission to the Constitutional Court, challenging provisions of binding regulations of local governments and Cabinet Regulations, observing the principle of collegiality in court proceedings, reimbursement of legal aid costs, as well as the current case-law of the Constitutional Court and methodology used.

### **3.3.2. Judicial dialogue at international level**

At the beginning of February, a delegation of the Constitutional Court of Latvia visited the judges of the Supreme Court of the Netherlands in the Hague to discuss the protection of the fundamental rights of future generations, rulings in controversial cases, and the limits of the legislator's discretion in the field of taxation. During the visit, President of the Constitutional Court Aldis Laviņš and his advisor Andrejs Stupins-Jēgers met judges of the Hague District Court. The meeting addressed the matters of effective cooperation between courts of different instances in civil proceedings in the context of upholding the right to a fair trial. The Dutch judges also shared their experience on the effectiveness of the institution of advisory opinions/preliminary judgments and conducting court hearings in the form of an active dialogue between the judge and the parties in the case.

In February, the fourth trilateral cooperation meeting was held with the participation of judges of the Constitutional Court of Latvia, the Constitutional Court of Lithuania and the Supreme Court of Estonia. During the meeting, the judges made presentations on procedural guarantees arising from the right to a fair trial, constitutional protection of the official language, as well as current case-law. In his opening address, President of the Constitutional Court Aldis Laviņš stressed the importance of multilateral cooperation of constitutional courts in protecting the rule of law both regionally and globally. "Until recently, the concerns expressed by the Baltic States about the geopolitical situation in the region and threats to the global legal order were considered exaggerated by the international community. But now that the security situation in Europe has changed, our consistent and principled position on various issues commands international respect and attention, and we stand ready to make a significant contribution to the protection of the rule of law at European level. Our common historical heritage has taught us the importance of cooperation between



The delegation of the Constitutional Court meets with the Constitutional Law Committee of the Finnish Parliament (21 March 2024)

the Baltic States. Its absence in the first half of the last century made our common values vulnerable, while common and concerted action at the turn of the century and today makes us stronger. The nations of the Baltic States share a strong sense of regional unity, based on a sense of national identity and a yearning for freedom and the rule of law. Therefore, our regional cooperation is based not only on common interests, but also on deep-rooted values,” said Mr Aldis Laviņš. In the opening of the tripartite meeting, President of the Supreme Court of Estonia Villu Kõve and the head of the Lithuanian Constitutional Court delegation, judge Daiva Petrylaitė, emphasised that the tripartite meetings were a very valuable platform for cooperation, providing an excellent opportunity to develop collaboration between the constitutional courts of the Baltic States and to strengthen valuable ties of exchange between judges.

At the end of March in Helsinki, President of the Constitutional Court Aldis Laviņš, judge Artūrs Kučs, judge Anita Rodiņa, judge Jautrite Briede and Adviser to the President Andrejs Stupins-Jēgers met with the representatives of the Constitutional Law Commission of the Parliament of Finland and judges of the Supreme Administrative Court of Finland. At the beginning of the visit, the delegation of the Constitutional Court visited the Parliament of Finland, where they discussed with the representatives of the Constitutional Law Commission the models of constitutional review and current developments in both countries. The Commission carries out the initial (*ex ante*) constitutional scrutiny of draft laws, and its opinions are legally binding on the Parliament. Chairperson of the Commission Heikki Vestman pointed out that the members of the Commission represented all parliamentary groups on a proportional basis, were independent in their work and did not have to consult their political parties on the issues under consideration. The Constitutional Law Commission is essentially a “firewall” that protects the judiciary from political pressure. President of the Constitutional Court Aldis Laviņš emphasised that such a unique system demonstrated a high legal culture, as a special commission in the Parliament could decide on fundamental rights issues from the perspective of the rule of law and not politics. This shows that the public has a high level of confidence in the work of the Parliament. This model is also a way to prevent a “flood of rules”, as draft legislation is scrutinised in the Parliament by constitutional law experts and practitioners. In the continuation of the visit, the delegation of the Constitutional Court met with the judges of the Supreme Administrative Court of Finland for the second time in the last year. Opening the bilateral meeting of the courts, President of the Constitutional Court Aldis Laviņš focused on the role of the courts in the current geopolitical circumstances as guardians of the rule of law, democracy, and national security. Today, Finland is a model because, thanks to its democratic system of government, it was able to preserve its independence during the World War II. President of the Supreme Administrative Court of Finland Kari Kuusiniemi praised the Constitutional Court as a reliable partner in international cooperation, which actively defends the common values of Europe. Although closer cooperation between the two Courts started relatively recently – in 2022 – it has yielded practical results both in the framework of the World Conference on Constitutional Justice and in the mutual dialogue through the analysis of the jurisprudence and methodology used by both Courts.

In April, judges and personnel of the Constitutional Court and the ECtHR met in Strasbourg to discuss aspects of the development of the dialogue between the two Courts and the understanding of the principles of sustainability and good law-making at the national and international level. Opening the bilateral meeting



of the two Courts, the President of the ECtHR, Siofra O'Leary, congratulated judge Artūrs Kučs of the Constitutional Court on his election to the office of ECtHR judge and appreciated the high professionalism of judge Jānis Neimanis in his candidature for the office. The President stressed the importance of dialogue with the Latvian courts and gave her assessment of the ECtHR cases against Latvia, many of which contain conclusions that are relevant to the entire European legal area. Further, Siofra O'Leary gave an insight into the progress and backlog of cases brought against Latvia and the organisation of the work of the ECtHR by reviewing the number of judges in the Chambers. She praised participation in international conferences organised by the Constitutional Court, where important issues of fundamental rights protection are always raised, as a particularly successful dialogue format. On the other hand, President of the Constitutional Court Aldis Laviņš noted that for the first time, the judges of the Constitutional Court were meeting with the judges of the ECtHR, which was a vital step in strengthening the dialogue between the two Courts to ensure the exchange of experience on current issues and challenges in the protection of the fundamental rights at the national, European and global level. The President of the Constitutional Court drew attention, *inter alia*, to the role of both Courts as guardians of the rule of law, democracy, security, and peace in matters of sustainability and protection of the fundamental rights of future generations. At the same time, the President pointed out that there was a lack of procedural means that would allow the Constitutional Court to develop a more effective dialogue with the ECtHR, if necessary, by applying to it to obtain an interpretation of a norm of the European Convention for the Protection of Human Rights and Fundamental Freedoms applicable in a complex legal situation. "Latvia has still not ratified Protocol No. 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 further contribute to the protection of the fundamental rights of every Latvian citizen," emphasised Aldis Laviņš.

In May, President of the Constitutional Court Aldis Laviņš participated in a seminar and conference organised by the CJEU in Luxembourg to commemorate the 20<sup>th</sup> anniversary of the simultaneous accession of ten countries, including Latvia, to the Common European Legal Area.

At the end of May, Vice-President of the Constitutional Court Irēna Kucina and judge Artūrs Kučs visited the Constitutional Court of Moldova and discussed with the Judges the current developments in the case-law of both Courts, as well as emphasised the support of the Constitutional Court to Moldova on the way to full integration of the legal system into the legal area of a united Europe.

In the meanwhile, at the end of May, in Inari, Finland, judge Jautrīte Briede of the Constitutional Court participated in a seminar organised by the Supreme Administrative Court of Finland and ACA-EUROPE, where judges and legal experts discussed the application and interpretation of the fundamental rights and human rights of the European Union in the legal systems of the Member States and in the practice of national courts.

In June, Kristaps Tamužs, Head of the Legal Department of the Constitutional Court, participated in the ECtHR Superior Courts Network Focal Points Forum in Strasbourg to discuss the case-law of the ECtHR and national courts on climate change issues, as well as the courts' communication with the public. The aim of the Superior Courts Network is to promote the implementation of the European Convention for the Protection of Human Rights and Fundamental Freedoms in the Member States and to ensure an effective exchange of information between the highest national courts in Europe and the ECtHR.

At the end of November, the Legal Department of the Constitutional Court visited the Federal Constitutional Court of Germany on an exchange visit. The visit focused on the working methods of the German Federal Constitutional Court, personal data protection issues in the legal proceedings before the Constitutional Court and the role of the Court in assessing the compatibility of national legislation with European Union law. The Constitutional Court was represented by Head of the Legal Department Kristaps Tamužs, the Court's advisers Baiba Bakmane, Gatis Bārdiņš, Uldis Krastiņš and the Court's consultant Marta Spale.



## ■ 3.4. International cooperation

From the point of view of the development of constitutional law in Latvia, it is important that the Judges of the Constitutional Court always remain at the centre of advances in legal thought and actively participate in shaping its agenda. Therefore, the Constitutional Court actively cooperates with courts and institutions at the European and international levels.

The Constitutional Court actively participates in several international organisations, including the Venice Commission, the European Conference of Constitutional Courts, the World Conference on Constitutional Justice and the European Law Institute. The Constitutional Court also supports the integration of the legal systems of Moldova, Ukraine and Kosovo into the European legal area.

In mid-February, the project “Supporting the Development of Constitutional Justice in Ukraine” was launched under the EU-Council of Europe Joint Programme “Partnership for Good Governance”, which will run until August 2025. The project was opened by judges and personnel of the Constitutional Court and the Constitutional Court of Ukraine, as well as representatives of the Council of Europe. During the launch of the project, the parties discussed the planned activities, the exchange of experience and cooperation between the two Courts. In his opening address, President of the Constitutional Court Aldis Laviņš expressed his sincere satisfaction that the Constitutional Court had been nominated as the main cooperation partner of the project. The President of the Constitutional Court emphasised that such a guarantee of trust, which had been granted to the Constitutional Court, confirmed faith in the values defended by the Court in its activities. The President appreciated the strength and determination of Ukrainian colleagues in the face of the challenges of war, not only by working hard to ensure the continuity of constitutional review but also by actively seeking to develop and improve their competence.

In February, judges and personnel of the Constitutional Court met with experts of the Monitoring Committee of the Congress of Local and Regional Authorities of the Council of Europe to discuss the application of the European Charter on Local Self-Government in the national legal system and the related case-law of the Constitutional Court. During the visit, the parties discussed the current model of constitutional review in Latvia, the right of local governments to appeal to the Constitutional Court and other Latvian courts, the right of the Minister for Environmental Protection and Regional Development to suspend the operation of binding regulations issued by local governments or their individual provisions and the legality control of such ministerial orders, the application of the European Charter on Local Self-Government in the Latvian legal system and the case-law of the Constitutional Court concerning local government issues. The representatives of the Congress welcomed the role of the Constitutional Court in protecting the rights of local governments.

In March, a delegation of the Constitutional Court participated in the 138<sup>th</sup> Plenary Session of the Venice Commission and the 21<sup>st</sup> session of the Bureau of the World Conference on Constitutional Justice, which endorsed the Constitutional Court’s resolution on the restoration of the international legal order.

“We live in a time when inter-state disputes on different continents are unfortunately often resolved not by the authority of international law but by aggression, force of arms and undemocratic means of influence. The international legal order is, thus, currently under threat, and it is incumbent on the entire family of constitutional courts globally to stress the need to restore it and to bring to justice those who violate international law. A year ago, the Constitutional Court, representing the interests of all European constitutional courts, submitted a resolution for consideration by the executive body of the World Conference on Constitutional Justice, namely, the Bureau. Unfortunately, last year we were unable to persuade the representatives of some courts on other continents to support the inclusion of the resolution on the agenda. However, this year, in constructive discussions, the members of the Bureau agreed that military conflicts around the world and the devaluation of human rights protection in these conflict zones required an active position from an organisation as apolitical as the World Conference on Constitutional Justice. It is within our power to ensure that the world order is determined by law and not by weapons,” emphasised President of the Constitutional Court Aldis Laviņš. At first, at the plenary session of the Venice Commission, which judge Artūrs Kučs attended together with the President of the Constitutional Court, the application of amnesty, judicial ethics, protection of national sovereignty and other current issues in the constitutional law of the Member States were discussed. At the plenary session, Aldis Laviņš, on behalf of all European constitutional courts, reported on the development of the protection of fundamental rights in the region and on current developments in international conferences and multilateral cooperation organised by the Constitutional Court, with particular emphasis on the aspect



of peace and the protection of national security. President Aldis Laviņš, Vice-President Irēna Kucina and Adviser Andrejs Stupins-Jēgers represented the Constitutional Court at the meeting of the Bureau of the World Conference on Constitutional Justice. The meeting unanimously decided to support the resolution of the Constitutional Court and refer it to the General Assembly of the organisation. Among other things, the amendments to the statutes of the organisation, submitted by the Lithuanian Constitutional Court, were approved, which aim to provide for the possibility not only to suspend a court from the conference but also to expel it from membership altogether if it has acted contrary to the fundamental principles of the organisation.

In May, judges and personnel of the Constitutional Court and the Constitutional Court of Ukraine, including representatives of the Council of Europe, met in Krakow, Poland, within the framework of the project “Support for the Development of Constitutional Justice in Ukraine”, implemented by the European Union and the Council of Europe under the joint programme “Partnership for Good Governance”. The parties discussed the models of constitutional review exercised by the two Courts, the constitutional complaint as an instrument for the protection of the fundamental human rights and the challenges that Ukraine has to overcome in transforming its legal system after accession to the European Union. Opening the meeting, President of the Constitutional Court Aldis Laviņš expressed his satisfaction that the Constitutional Court had been selected as the main cooperation partner of the project. This trust demonstrates faith in the values that the Constitutional Court defends in its work. “Our joint support for the development of constitutional justice in Ukraine is an important contribution to integrating the Ukrainian legal system into a single European legal area. The Constitutional Court of Ukraine not only ensures continuity of work in times of war but also continues its development, setting high goals for the future of Ukraine – a democratic state governed by the rule of law in the family of developed European countries,” said Aldis Laviņš. The Constitutional Courts of Latvia and Ukraine have been equal partners for many years, sharing their experience in the development of constitutional law and maintaining a close dialogue on various international cooperation platforms. The head of the delegation of the Constitutional Court of Ukraine, Judge Oleg Pervomayskiy, stressed the importance of the Constitutional Court’s support for the future of Ukraine. “Given that the constitutional complaint was only introduced in Ukraine in 2016, there is a lot of work ahead to ensure that it serves as an effective tool to protect everyone’s fundamental rights. Latvia is one step ahead in this respect; therefore, the opportunity to gain experience within the Council of Europe project is a valuable tool to develop constitutional justice in Ukraine,” emphasised Oleg Pervomayskiy.

President of the Constitutional Court Aldis Laviņš, Vice-President Irēna Kucina and judge Artūrs Kučs participated in the 19<sup>th</sup> Congress of the European Conference of Constitutional Courts “Modes and limitations of judicial defence: the case of constitutional courts” in Chisinau, Moldova, at the end of May. At the Congress, Judges of the European Constitutional Courts, the ECtHR, the CJEU and the Venice Commission discussed in three panel sessions the interaction between constitutional courts and supranational courts, aspects of the jurisdiction of constitutional courts, as well as various challenges currently faced by constitutional courts and institutions exercising constitutional review.

The delegation of the Constitutional Court participates in the 138<sup>th</sup> Plenary Session of the Venice Commission and the 21<sup>st</sup> session of the Bureau of the World Conference on Constitutional Justice (15–16 March 2024)





Joint Seminar for judges and staff of the Constitutional Court of Latvia and the Constitutional Court of Ukraine (17–18 October 2024)

President of the Constitutional Court Aldis Laviņš presented a report on the legal aspects, taking into account, in particular, the geopolitical context during the second panel session of the Congress. “Protecting the democratic order of European countries is our common priority. Militant democracy is not a static state but a continuous process that needs to be constantly monitored and improved. Our generation lives in turbulent times, when Europe’s common values and national democratic orders are under serious threat and societies are becoming increasingly polarised. The role of the courts is changing during these times. This is the biggest challenge for us as lawyers and judges – to defend our values with the power of law,” said Aldis Laviņš. As an example of the influence of the political aspect on constitutional judgments, Aldis Laviņš highlighted two Constitutional Court’s cases that gave special consideration to the geopolitical context of the Baltic States. The President referred to the case on the prohibition for a soldier in professional military service to be a member of a political party and to the case on permanent residence permits for citizens of the Russian Federation. Aldis Laviņš, likewise, mentioned the increasing role of the courts in assessing proportionate restrictions on civil liberties in relation to media outlets that disseminate messages that threaten national security. “Assessing the geopolitical context is the right way to achieve a just and sustainable solution to uphold democracy, the rule of law and human rights, as well as to ensure stability in our societies,” Aldis Laviņš said, concluding his report.

In June, President of the Constitutional Court Aldis Laviņš participated in a symposium of the Netherlands Association of Procedural Law, which discussed the role of the judge, the lawyer and the parties in clarifying facts and streamlining the litigation process. The competence of a judge to apply the principle of cooperation and the principle of truth correctly and actively in the dialogue with the parties is essential for the trial of a case so that the fairness provided for by law can be brought to practical fruition in every court case.

At the end of June, judge Artūrs Kučs attended the 139<sup>th</sup> plenary session of the Venice Commission, which examined opinions on the rule of law, democracy and the protection of fundamental rights in the Member States.

At the end of June, judge Jautrīte Briede of the Constitutional Court participated in an international conference dedicated to the 28<sup>th</sup> anniversary of the Constitution of Ukraine. In two sessions, the participants discussed the understanding of the rule of law in constitutional doctrine, human dignity and human rights in the reality of war. In her presentation, Jautrīte Briede examined how the Russian aggression had influenced the actions of the legislator and what reasoning the Constitutional Court used in its rulings, considering the geopolitical context. Likewise, she reported on the application of the principle of human dignity in the case-law of the Constitutional Court.

In July, judge Jautrīte Briede of the Constitutional Court and Kristaps Tamužs, the Head of the Legal Department, participated in an experience exchange seminar organised by the Council of Europe and the Constitutional Court of Ukraine. The representatives of the Constitutional Court discussed with their Ukrainian counterparts the process of preparing judgments of the Constitutional Court, their structure and the most frequently used methodology for assessing constitutionality.

In September, within the framework of the EU-Council of Europe project “Support for the Development of Constitutional Justice in Ukraine”, judge Jānis Neimanis of the Constitutional Court gave a lecture to judges,

personnel and law students of the Constitutional Court of Ukraine on the development of constitutional review in Latvia, functions of the Constitutional Court, legal proceedings and the current jurisprudence.

In early September, Anita Rodiņa, judge of the Constitutional Court, participated in the annual conference of the European Public Law Organisation in Legrena, Greece, which deals with constitutional law issues, e.g., the concept of human dignity and the independence of the judiciary. Anita Rodiņa is an individual member of the European Group of Public Law.

In September, the Vice-President of the Constitutional Court, Irēna Kucina, attended the annual conference of judges of the Baltic States, moderating the session of the conference “20 years in the European Union: Interaction of the Baltic Courts with the Court of Justice of the European Union”. This year’s conference was held in Sigulda, Latvia, and was attended by delegations of judges from Latvian, Lithuanian and Estonian courts of all levels. The conference was divided into three working sessions: the judges presented the challenges of making the work of the courts more efficient, discussed the role of the appellate court in civil and commercial cases, and discussed the importance of interaction between the courts of the Baltic States and the CJEU. When opening the working session, Irēna Kucina stressed that the enlargement of the European Union of 2004 was a constitutional moment. The European Union, which the Baltic States joined, is based on loyalty, cooperation between Member States and the principle of the supremacy of the European Union law. At the same time, the European Union recognises the diversity of the national traditions of its Member States. And it is the national courts that have been active in ensuring that the rights enshrined in the EU Treaties are applied in practice and accessible to everyone. “The courts of the Baltic States have demonstrated their openness to cooperation with the CJEU. In general, the courts of the Baltic States have referred questions to the CJEU on the interpretation of the EU law more than 200 times – Estonia 44 times, Lithuania 107 times and Latvia 127 times. The cases also raise issues common to the three Baltic States – the Constitutional Court of Latvia and the Constitutional Court of Lithuania have asked questions in comparable cases in the area of common energy markets. The Supreme Court of Latvia (Senate) has examined the fundamental rights of an Estonian citizen after he exercised his right to freedom of movement within the EU. This practice has contributed to the Baltic courts actively applying and protecting the rights of individuals and businesses under the EU legal framework,” concluded Irēna Kucina, underlining the importance of the dialogue between the Baltic courts and the CJEU.

In October, Vice-President of the Constitutional Court Irēna Kucina participated in the annual discussion of the French Constitutional Council, which was devoted to the topic “Democracy and Law”. “A modern constitutional state is based on two key principles – democracy and the rule of law. However, sometimes these principles can collide, and the conflict it is for the constitutional courts to balance. This is a significant competence in the institutional structure of the State, which must be recognised and used effectively in the interests of society as a whole,” said Irēna Kucina. During her visit, she met with the Ambassador of the Republic of Latvia to France, Alise Balode, to discuss the case-law of the Constitutional Court and current developments in international cooperation, including participation in international organisations, multilateral dialogue and support provided to the Constitutional Court of Ukraine in the framework of the Council of Europe and the European Union project.

At the beginning of October, Kristaps Tamužs, the Head of the Legal Department of the Constitutional Court, participated in the III Mariupol Constitutional Forum with a presentation on the concept of constitutional identity in the CJEU and in the case-law of constitutional courts, emphasising the importance of balancing the constitutional identity of the EU Member States and the law of the European Union.

In October, within the framework of the project “Support for the Development of Constitutional Justice in Ukraine”, implemented by the European Union and the Council of Europe under the joint programme “Partnership for Good Governance”, an international conference of judges and personnel of the Constitutional Courts of Latvia and Ukraine was held in Riga, which was also attended by representatives of the Council of Europe. At the opening of the conference, Irēna Kucina, Vice-President of the Constitutional Court, emphasised, “Every day, Ukraine and Europe are moving closer to victory. This means that the Ukraine of the future is also coming – a democratic state governed by the rule of law among the developed European countries. The main goal of our project is to collaborate to integrate the Ukrainian legal system fully into the European Union. Latvia’s experience over the past two decades shows that this path is difficult, it requires strength and patience. We are pleased to be able to support our Ukrainian colleagues.” The seminar aimed to share with Ukrainian colleagues in several working sessions the experience of the Latvian legal system on the path towards accession to the European Union and NATO. The parties discussed the demands on the legal



system arising from this integration process, including the change in the understanding of constitutional law issues in the Latvian legal system, as well as the experience of the Constitutional Court in the application of EU law and in its dialogue with the CJEU. Judges and personnel of the Constitutional Court of Latvia and Ukraine took part in the discussions. “Judges, legal assistants to judges and legal advisers all play an important role in the European judicial area. Judges rule on various legal issues, while legal assistants to judges and advisers make a significant contribution to research, drafting opinions and legal analysis, which makes them indispensable to the work of the courts,” said Irēna Kucina, emphasising the need for the project to contribute to the professional development of judges and also of the Court’s personnel.

In November, the Constitutional Court was visited by young judges and prosecutors from various European countries within the framework of the international programme of the European Judicial Training Network – EJTN and the Latvian Judicial Training Centre. Irēna Kucina, the Vice-President of the Constitutional Court, emphasised, “In the current reality, European judges and prosecutors must be vigilant in the face of new challenges, including safeguarding national security and the democratic state order.” Kristaps Tamužs, the Head of the Legal Department, introduced the new judges and prosecutors to the functions of the Constitutional Court, current case-law and the history of the development of constitutional review in Latvia.

141<sup>st</sup> plenary session of the Venice Commission was held in December. The Commission is an advisory body to the Council of Europe on constitutional law matters, in which the Republic of Latvia is represented by the President of the Constitutional Court, Irēna Kucina. She believes, “There are ample opportunities for the Latvian State to make more effective use of the high potential of this institution, including by inviting the Venice Commission to provide its views on planned reforms of the Latvian legal system or their elements. This would definitely be good for the rule of law and democracy. The Venice Commission is a compass for democracy, fundamental rights and the rule of law in the EU and also in the rest of the world.” She points out that the constitutional review bodies can request the Venice Commission its opinion on various issues of constitutional law. The legislature and the executive powers can seek the Venice Commission’s opinions on constitutional reforms, electoral and party regulation, balancing fundamental rights and national security interests.



## 4 | Changes to the composition of the Constitutional Court





Judges of the Constitutional Court  
at the swearing-in ceremony of judge  
Juris Juriss (21 November 2024)



The full Constitutional Court is composed of seven judges, and each judge's vote is of particular importance for the Court's deliberations and also for the resolution of issues related to the Court's work.

The judges of the Constitutional Court serve the ideals of justice. Serving the values of the Constitution and justice requires much more than knowledge of law – a judge also needs the courage to stand up for the truth, decisiveness and the ability to stand firm for one's convictions, openness to the development of legal thought, empathy, emotional intelligence, deep analytical skills and the pursuit of excellence.

Last year, significant changes took place in the composition of the Constitutional Court. Three of the seven Constitutional Court's judges left their office.

On 18 August, Aldis Laviņš' mandate as a judge of the Constitutional Court expired. On 19 August, he was replaced by Veronika Krūmiņa, who has considerable experience in the judiciary. Her contribution to introducing the administrative procedure and establishing administrative courts is also closely linked to raising the standard of fundamental rights protection in Latvia.

On 2 September, Artūrs Kučs resigned from the office of a judge of the Constitutional Court to take up the duties of an ECtHR Judge, and on 3 September, the mandate of Gunārs Kusiņš as a judge of the Constitutional Court expired. On 4 September, he was replaced by Mārtiņš Mits, who has significantly strengthened the dialogue between the Constitutional Court and the ECtHR by emphasising the need for a broad view of the interaction between European and Latvian values. On 21 November, Juris Juriss, an expert in criminal law and criminal procedure, who has considerable experience in the prosecutor's office, replaced Artūrs Kučs as a judge of the Constitutional Court.

After the mentioned changes, the Constitutional Court was fully operational in November. On 28 November, a court session was held for the election of the President of the Constitutional Court where Irēna Kucina was unanimously elected President of the Constitutional Court for three years. At the same time, the election of the Vice-President of the Constitutional Court occurred and Anita Rodiņa was elected Vice-President of the Constitutional Court.



## 5 | Awards



The employees of the Constitutional Court receive the highest award of the justice system – the Medal of Honour (15 May 2024)

Last year, the highest awards of the justice system – the Medals of Honour – were presented for contributions to the development of the Latvian justice system, strengthening democracy and the rule of law.

Class I Medal of Honour for outstanding lifetime contribution to the development of the justice system, strengthening democracy and the rule of law in Latvia and the world was awarded to President of the Constitutional Court Aldis Laviņš.

Class III Medal of Honour for exemplary, honest and creative performance of duties in the field of justice, significant contribution to the development of jurisprudence and international dialogue, as well as significant achievements in legal science was awarded to Andrejs Stupins-Jēgers, Advisor to the President of the Constitutional Court.

Class III Medal of Honour for exemplary, honest and creative performance of duties in the field of justice was awarded to Elina Circene, the Head of the Administrative Division of the Constitutional Court.

Class III Medal of Honour for exemplary, honest and creative performance of duties in the field of justice, as well as significant contribution to the development of jurisprudence and the enhancement of knowledge and professionalism of officials belonging to the judicial system was awarded to Baiba Bakmane, adviser, the Acting Deputy Head of the Legal Department of the Constitutional Court.

Last December, at a ceremony marking the 28<sup>th</sup> anniversary of the Constitutional Court, the Constitutional Court's awards were presented 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 Certificate of Excellence for contribution to the restoration of the independence of the Republic of Latvia, selfless work in defence of the values of a democratic state governed by the rule of law and in promoting the growth of the Latvian state was awarded to the President of the 4 May Declaration Club, Velta Čebotarenoka.

The Diploma of Honour for contribution to strengthening Latvia as a democratic, legal, socially responsible and sustainable state was awarded to Gunārs Kusiņš, former judge of the Constitutional Court.



Award Presentation of the Constitutional Court (13 December 2024).



The Certificate of Honour for contribution to strengthening the rule of law, democracy and fundamental rights:

- To Kristīne Lice, the Adviser to the President on Legislation and International Law;
- To Daiga Dambite, the Deputy Director of the Legal and Immovable Property Department of the Ministry of Education and Science;
- To Martins Osis, the Legal Counsellor of the Social, Economic and Cultural Rights Division of the Ombudsman;
- Senator Jānis Pleps of the Supreme Court.

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:

- Līga Liepa-Kivilande, former legal assistant to a judge of the Constitutional Court;
- Kristiāna Pētersone, legal assistant to a judge of the Constitutional Court;
- Madara Šenbrūna, legal assistant to a judge of the Constitutional Court;
- Ieva Sprinģe, the Deputy Head of the Chancery of the Constitutional Court;
- Alise Ločmele, secretary to the President of the Constitutional Court;
- Ilze Bierne-Alsiņa, the librarian of the Constitutional Court.



## 6 | Opening of the working year of the Constitutional Court



The solemn session of the Constitutional Court in honour of the opening of the judicial year (2 February 2024)

At the beginning of February, the sixth solemn session of the Constitutional Court was held, symbolically opening the new year of the Constitutional Court's work. The solemn session was opened by President of the Constitutional Court Aldis Laviņš with a report on the development of constitutional law in 2023. The report was followed by a speech by the guest of honour of the solemn hearing, Koen Lenaerts, President of the CJEU and Professor of European Union Law at the University of Leuven. After the solemn hearing, the President of Latvia presented the Order of the Three Stars (II Class) to the President of the CJEU, Koen Lenaerts, for his significant contribution and special merits that have facilitated the development of Latvia as a democratic state governed by the rule of law and to the international recognition of the Latvian legal tradition.

After the solemn hearing, a press conference was held to present an overview of the work of the Constitutional Court in 2023. The solemn hearing of the Constitutional Court and the subsequent press conference were broadcast live.

The solemn hearing of the Constitutional Court symbolically closes the last year of the Constitutional Court's work and opens the new one. The task of the solemn hearing of the Constitutional Court is to establish a dialogue between the public and 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 2023, at the solemn hearing for the opening of the Constitutional Court on 2 February 2024***

Honourable Mr President of Latvia,

Mr President of the CJEU,

Excellencies,

Ladies and Gentlemen,

Dear attendees and online audience,

For the sixth time, the new working year of the Constitutional Court is opened with a solemn hearing, where the Constitutional Court reports to everyone in Latvia on the work done in the previous year and the work to be done in the current year.

We have had a productive year of work, during which we have dealt with cases of importance to Latvian society and engaged in a dynamic dialogue in the Latvian and international legal space. Inspired by the vision

of last year's Song and Dance Festival, we have moved "up together" to raise the standard of protection of everyone's fundamental rights and to strengthen the sense of security, satisfaction, belonging and social peace.

This year's report on the development of constitutional law in Latvia continues the series of events just launched to mark the twentieth anniversary of Latvia's accession to the European Union, a community of values and rights.

Visionaries and founding fathers of the European Union, including Robert Schuman and Alcide De Gasperi, pinned their hopes on a future CJEU that would serve as a beacon of justice globally and continentally, strengthening the foundations of a Europe united and prosperous under the rule of law. How has the Constitutional Court fit into this vision, which has been in place since 2004, and what dynamic changes has it undergone over the years?

It was not until almost seven years ago that the Constitutional Court adopted its first decision on referring questions to the CJEU for a preliminary ruling in the case of inheritance of farmers' retirement support. Now, the application of European Union law and referring questions to the CJEU for a preliminary ruling has become a daily routine of the Constitutional Court. We are currently awaiting answers to the preliminary questions in three cases on the regulation of confiscation of proceeds of crime.

Membership in the European Union means unity in diversity. In this way, national constitutional identities and common European values complement each other rather than divide and allow a balance to be struck 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 in the case concerning restrictions imposed on private higher education institutions regarding the implementation of study programmes in foreign languages, the CJEU concluded that the protection of the official language was an aim that could justify restrictions on the freedom of establishment and freedom to conduct a business.

Consequently, the Constitutional Court recognised that the benefit to society from the restriction of the fundamental right of a business operator outweighed the adverse consequences arising for private higher education institutions in connection with the restriction of their right to carry out commercial activities – to implement study programmes in foreign languages which are not official languages of the European Union. The protection of democracy and other constitutional values that form the immutable core of the Constitution guarantees the existence of the nation and, thus, also constitutes the constitutional identity of this country. The Constitutional Court's case is a good example of how the constitutional identity of a State can coexist harmoniously with the requirements arising from the legal framework of the European Union.

I can say that the CJEU, as a beacon or one of the landmarks of our multilateral dialogue, has contributed to a large extent to the fact that we are also shaping European legal thought with our cases.

Last year, the Judges of the Constitutional Court met several times with the judges of the CJEU and discussed both the current case-law and problems in the effective application of European Union law, as well as the organisation of judicial work and research methods. In exactly one month, here in Latvia, we will discuss with our colleagues from the CJEU and the ECtHR how to reconcile the constitutional identities of the Member States with common European values and the European consensus shaping the European public order.

We are pleased that the customary series of "United in Diversity" conferences of the CJEU and national courts started in Riga. The next conference, held in the Netherlands, was also informally called "Riga II". Within the framework of the conference, the Constitutional Court proposed criteria for how a particular national value could be recognised as part of the constitutional identity of a State.

It is only through cooperation that new ideas for development, the rule of law, European unity and cohesion are born. Let us thank all those who have shaped this path of dialogue and wish those who continue our work the courage and passion to keep going, formulate new ambitions and move forward to make our common home – Europe – a better place.

It is with this aim in mind that our guest of honour and close cooperation partner, the President of the CJEU, Mr Koen Lenaerts, is attending this opening ceremony of the working year.

Dear audience,

In the following, I will focus on the quantitative results of the work done by the Court's team in 2023 in the proceedings and on the conclusions expressed in the Constitutional Court's rulings.

In 2023, the Court reviewed 22 cases. Judgments were delivered in 17 cases, and decisions to discontinue proceedings were delivered in five cases. The judgments assess the constitutionality of 49 legal provisions. 23 legal provisions were declared compatible with the Constitution, and 26 legal provisions were deemed incompatible. The most frequently contested provisions were found to be inconsistent with Articles 1 and 92 of the Constitution.



In total, 47 cases were initiated before the Constitutional Court in 2023. Most cases – 40 – were initiated on the basis of constitutional complaints from private individuals. Six cases have been started following applications from courts – five on applications from administrative courts and one on an application from a court of general jurisdiction. One case was initiated on the basis of an application by the Ombudsman. In 2023, as in 2022, the trend has continued that a large proportion of the applications and cases brought before the Court concern various criminal procedural matters. There have also been many cases brought regarding the provisions of the law on general education in the official language.

Concerning the substantive aspects of the Court's work, the Constitutional Court has formulated several valuable findings in its jurisprudence in 2023, which strengthen the rule of law and are important for the process of legislation. I would like to highlight some of them.

First, every person is an asset to Latvia, and we have underlined this in the past year, when we found that every person in need still lacked sufficient support to meet all their basic needs. The proposed procedure for determining the minimum income threshold, together with the measures of the social security system, does not ensure that everyone has the opportunity to live a life consistent with human dignity. The legislator has a duty to introduce and continuously improve a social assistance system that ensures transparent, effective and targeted support. I would stress that the existence of marginalised people who do not feel supported by the State and thus do not feel part of the State, or even lose this sense of belonging, can also create national security risks.

Second, in these difficult times, we also have to stand guard over democracy every day, which is why I consider the findings of the Constitutional Court in the case concerning the restrictions that prevented a deputy not vaccinated against COVID-19 from fully participating in the work of the *Saeima* to be significant. The Court emphasised the special role of the people's representative – a member of the *Saeima* – in Latvia as a parliamentary democracy. The exercise of the rights of every member of *Saeima* contributes to the effective functioning of democracy, including the legitimacy of the legislature and the pluralism of views within the Parliament according to the will of the people. The views of just one or a few members are also of major value in the work of the *Saeima*, as it is crucial to make balanced decisions, which can only be achieved if every member has the opportunity to express their views. A deputy can fully represent the people only if they have the opportunity to exercise those rights that are of decisive importance in the work of the *Saeima*.

Third, I consider the judgment on the regulation whereunder the lower salary rate for preschool teachers differed from the rate for the teachers employed in basic and secondary education to be significant. This was the first case in which the Constitutional Court had specified the principle of equal pay. The Court held that this principle applied not only to work of equal or similar value but also to work of equal value. After assessing the skills, personal contribution and responsibility required for the teachers' work and the working conditions, the Court concluded that the teachers in question performed not only the same or similar work but also equivalent work. The Constitutional Court recognised that the differential treatment of preschool teachers did not have a legitimate aim, since the stability of the state budget and the budgets of local governments could not *per se* be used as a justification for differential treatment.

Fourth, in the case on the reform of the management of the ports of Riga and Ventspils, the Constitutional Court recognised that the development objectives of the major Latvian ports were subordinate to the common good of the state and the legislator had the discretion to choose the most efficient model of port management. The fact that the contracts concluded by the municipality have historically resulted in a situation where the land in the harbour area is occupied by municipal and private buildings does not affect the objectives of the harbour area. In particular, the port authority must only take possession of property that is necessary for the performance of the port's statutory functions.

Fifth, the right to freedom of movement and the right to reside in a benevolent environment are important issues for everyone in Latvia. A conflict of interest arises when a person wishes to drive a vehicle that causes environmental damage into an area that has been granted special status for the express purpose of protecting the environment. The Constitutional Court recognised that even if the legislator had authorised local governments to establish a special regime zone in their spatial plan and, consequently, also a fee for entry into it, the rate of the relevant fee must be balanced with the ability of the public to pay the fee. Otherwise, access to the special regime zone would be restricted to a small, wealthy segment of society.

Sixth, in the case on the calculation of the period of deprivation of citizenship in cases, when a person acted in bad faith in the process of acquiring citizenship, the Constitutional Court supplemented its jurisprudence on the institution of citizenship. The Court considered loyalty and the resulting good faith as

one of the key elements of nationality, as well as the state's discretion to deprive a person of their nationality on the grounds of acting in bad faith at the time of acquisition or renewal of nationality.

Seventh, Russia's aggression in Ukraine unfortunately continued in 2023. In such circumstances, constitutional courts also protect national security with the force of law. The geopolitical context has now acquired not only political but also legal significance, as can be seen in the cases being heard by the Constitutional Court. For example, in the case on 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 mentioned case, the Constitutional Court recognised that the adoption of the contested norms was motivated by the increasingly active use of objects glorifying the Soviet regime for propaganda purposes and the increasingly serious threat to the statehood of Latvia, which had to be eliminated. The Constitutional Court stressed that preventing the consequences of the occupation and promoting social unity required a purposeful and joint collaboration between all levels of state power, which would encompass both central government and local governments.

Similarly, in the case on the prohibition for a soldier of professional service to be a member of a political party, the Constitutional Court emphasised that in the current geopolitical context, the need for a politically neutral National Armed Forces was particularly pronounced. The political neutrality of the National Armed Forces contributed to the effective performance of the national defence function and, thus, ensured the protection of democracy and public security.

I would like to emphasise that, in pursuit of the Constitutional Court's core task – to administer justice – an unprecedented number of working days were spent last year in hearings with the participation of the parties in cases of importance to the Latvian society, thoroughly interviewing the parties and the persons summoned in the case. As a result, the dialogue with the public to explain the adopted rulings has also acquired new shapes, as the Constitutional Court has held press conferences more frequently, both after cases heard in public proceedings and also on rulings adopted in written proceedings.

Challenges for the year ahead.

The cases brought in 2023 also point to trends in constitutional law and what case-law developments we can expect this year. The Constitutional Court will examine several issues in which various fundamental rights and legal interests collide. For example:

1. The case concerns the provisions providing for the expiration of permanent residence permits issued to citizens of the Russian Federation and the prerequisites for obtaining a repeated permit.
2. There are also cases on the transition to teaching in the official language in both private and public education institutions.
3. In the case of the reduction of the final felling diameter, which allows certain tree species to be felled more quickly, as well as in the case on the prohibition to breed fur-bearing animals solely for fur, the interests of business and economic development will compete with the interests of environmental protection and the individual's right to live in a benevolent environment.
4. Urban development issues will be addressed in the case concerning restrictions on the provision of gambling services in the administrative territory of Riga.
5. An interesting question of law will be addressed in the case concerning the taxation of winnings from lotteries and games of chance, where winnings are understood to be the total amount paid to a winner by the organiser of a game of chance or lottery, irrespective of the initial payments made by that player to participate in the particular game.
6. For parents of kindergarten-age children, the procedure that stipulates that a six-years-old child can be admitted to grade 1 in Riga municipal schools only if there are free places will be important.
7. A very mundane issue such as the obligation of an apartment owner to pay the difference in water consumption if information on the water meter reading is not submitted could also be important for everyone in Latvia.

A very important person for the Constitutional Court, the first President of the Court, Aivars Endziņš, who passed away last year, had a dream – a dream of a court that serves people and society in a state governed by the rule of law. Considering the contribution of the Constitutional Court to the development of the Latvian legal system and the protection of the fundamental rights of every person, we can be sure that this dream was implemented in his lifetime – this is exactly the Constitutional Court where we are currently working.

Mr Endziņš' words "one person is not a warrior" aptly describe the values and work virtue of our family because only a united team can achieve the objectives of the Constitutional Court in protecting the values of a democratic state governed by the rule of law. I would like to express my sincere gratitude to the judges of the Constitutional Court, the strong and united team of employees for the work they have done in the past year, both in the field of litigation, as well as in the administrative management of the Court, inter-institutional and international cooperation. Thank you.

Concerning international cooperation of the Constitutional Court.

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 range of legal matters that are difficult to address in isolation within a single national legal system. From the point of view of the development of constitutional law in Latvia, it is important that the judges of the Constitutional Court always remain at the centre of advances in legal thought and actively participate in shaping its agenda.

We must seize the opportunity to proactively identify the various risks to democracy and the rule of law that have materialised in the experience of other countries. Let us recall Robert Schuman's words that the Europe of the future will not be created immediately or according to a single plan. It will be built on concrete, successive achievements. We can only ensure more uniform and effective protection of fundamental rights if we constantly exchange ideas with our counterparts from other Western countries and learn from each other. This is the only way to build a common European future.

The Constitutional Court supports and promotes cooperation and international dialogue. In 2023, bilateral meetings were held with counterparts from the Netherlands, Finland, and Lithuania. The tripartite dialogue and cooperation of the constitutional courts of the Baltic States is also of unwavering importance as a fundamental 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.

One of the most important events of the past year was the international conference "The Role of the Judiciary in Enforcing 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.

Strengthening democracy and the rule of law in Ukraine is also a guarantee of security and the rule of law for all of Europe and Latvia. This month, the Council of Europe will launch the project "Support to development of the constitutional justice in Ukraine". We are honoured and pleased that the Constitutional Court has been selected as the main cooperation partner of this project. This vote of confidence confirms the faith in the values that we uphold in our work, as supporting the integration of the Ukrainian legal system into a single European legal space is one of the key priorities of our cooperation.

The importance of the security aspect is also demonstrated by the Constitutional Court's 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 globally. For many years, international law experts have been drawing attention to the fact that the power of military means, rather than the binding force and authority of international law, has increasingly come to dominate the world order. Therefore, the Constitutional Court, representing the interests of all European constitutional courts, submitted a draft resolution to the executive body of this organisation, highlighting the need to restore the international legal order.

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.

The stark reality is that today is the 709<sup>th</sup> day of the war, almost two years on, and the international legal order has still not been restored. Constitutional courts have a significant resource that could be invested in ensuring peace and the rule of law throughout the world. However, there are still some countries whose constitutional courts are standing in the way. The protracted war is proof that local indifference has global consequences. We have the power to make laws, not guns, the order of world affairs.

Ladies and Gentlemen,

I will now turn to our contribution to strengthening the rule of law in Latvia, looking beyond the proceedings before the Constitutional Court.

In our dialogue with the constitutional institutions of state power, we emphasised that we all – each in our own branch of state power – serve a common overarching goal – the rule of law – and that it is in Latvia's interest for all constitutional bodies to work together in a purposeful manner, with a view to the development of democracy.

I express my sincere satisfaction with the active dialogue between the Constitutional Court and state institutions, including other courts. Such dialogue helps strengthen the values of the rule of law and public trust in public authority. The dialogue is essential for the cooperation of state institutions in ensuring the protection of the fundamental rights of the citizens of Latvia, the concretisation of the principle of good legislation, the effective conduct of the Constitutional Court proceedings and the enforcement of rulings.

Throughout the year, the judges and personnel of the Constitutional Court worked on possible amendments to the Constitutional Court Law to improve the efficiency of the court proceedings. Also, to ensure the highest possible standard of protection of the rights of every member of Latvian society, the Constitutional Court has drawn attention to the fact that Latvia has not ratified Protocol No. 16 to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Therefore, the Constitutional Court still lacks procedural means that would allow it to apply to the ECtHR, if necessary, to obtain an interpretation of a legal provision applicable in a complex legal situation. 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.

I draw attention to the next point. Of the 40 situations in which cases were initiated in the Constitutional Court in 2023 on the basis of constitutional complaints, in the absolute majority of cases the application was signed by representatives – sworn attorneys, lawyers or members of the executive branch. State-funded legal aid under the State Ensured Legal Aid Law was granted in only one case for the preparation of an application to initiate proceedings. Therefore, it is not surprising that last year, as part of the discussions in the public space, the issue was raised that access to the Constitutional Court proceedings was too expensive, which does not necessarily indicate that Latvia has adequate possibilities to protect the rights of every person. To facilitate access to the Constitutional Court proceedings for every citizen of Latvia and to ensure the protection of the fundamental rights of vulnerable people, we have called upon the responsible institutions to review the legal regulation on state-provided legal aid in the Constitutional Court proceedings, including by abolishing the obligation of a person to apply to the Constitutional Court before requesting assistance, as well as by granting the Courts Administration the powers to assess whether the fundamental rights established in the Constitution may have been infringed by a legal provision that may not comply with a superior legal provision of, and whether legal assistance in the Constitutional Court proceedings should be provided to a given person.



Informing the public about fundamental rights and the instruments for their protection through the Court's interpretation and application of the scope of the articles of the Constitution is the reason why we are gradually compiling our findings on each Article of Chapter VIII of the Constitution. Last year, the third publication in the series initiated by the Constitutional Court was published – a bookazine on Article 105 of the Constitution. This work strengthens everyone's ability to protect their fundamental rights.

The Constitutional Court also takes the broadest possible view of the development of the national legal system as a whole. Discussions on improving the efficiency of the judicial system are currently taking place in the Judicial Council. Our proposals for a more efficient court are in line with the need to improve the competence of the Senate and to find new opportunities for cooperation with lower courts, as highlighted at the Plenary Session of the Supreme Court.

Last year, the Constitutional Court, likewise, continued its dialogue with the Latvian society, addressing various groups of society. For the second time, the Constitutional Court opened its door to everyone in Latvia during the Museums Night. I am sincerely happy that the visitors, after getting acquainted with the Constitutional Court, gave the assessment that it was “the court of us all”, that it was open, ready to listen to everyone and did not shy away from talking. This inspired us to explore the question of how to bridge the gap between State power and society in our annual “Conversations on Latvia” with representatives from different fields. Moreover, in support of children and young people at risk, the family of the Constitutional Court participated in the charity marathon “Give Five”.

Dear audience,

Looking back on such a busy year, we can confirm that our common priority is the defence of democracy and national security. Militant democracy is not a state of affairs but a relentless process that needs to be constantly monitored and improved, educating future generations about its importance, not just generations of lawyers. I wish everyone to appreciate that our lives are not determined by weapons and undemocratic means of influence but by the Constitution and the force of law.

Let us be vigilant and protect the dignity, fundamental rights, democracy, the rule of law and our free Latvia!

Thank you.

***Speech by the President of the CJEU and Professor of European Union Law at the University of Leuven, Koen Lenaerts, at the opening of the Constitutional Court's working year on 2 February 2024***

Dear President Rinkēvičs,

President Laviņš,

Honourable Judges,

Distinguished Guests,

It is a great privilege for me to address you at the solemn hearing organised on the occasion of the opening of the judicial year of the Constitutional Court of Latvia. Ever since the entry into force of the Law on the Constitutional Court in 1996, this court has asserted itself as a strong protector of the Latvian constitutional structure based on the rule of law, as well as of the fundamental rights of every person under its jurisdiction. Today's event not only marks an occasion to reflect on the impressive work of the Constitutional Court done in the past year, it also serves as a bridge connecting this court with the other branches of government and the people of Latvia who established it, therefore reinforcing, as President Laviņš put in his invitation, the legitimacy of its activities. Indeed, in a democratic state, the checks and balances inherent in the principle of separation of powers not only delimit the respective roles of each branch but also call for a fruitful and loyal cooperation between them. In this dynamic relationship, the role of the judiciary is, as the Constitutional Court recalled in one of its rulings, to uphold justice as one of the fundamental values of a state governed by the rule of law and to act in the interest of society as a whole.<sup>75</sup> It is therefore an honour for me to share with you a few thoughts on the role of the national constitutional courts in the European Union's ('EU') judicial system, of which they are part, and on the importance of continuous and faithful cooperation between our courts in the interest of European society as a whole.

Within the EU system of checks and balances, the role of upholding the rule of law is entrusted upon the Court of Justice of the European Union ('the Court of Justice'). This court, together with national courts, ensures the full application of EU law in all Member States and effective judicial protection of the rights of individuals under that law. It is worth recalling that the mission and the principles governing the jurisdiction



of the Court of Justice have remained unaltered since its creation, despite the numerous amendments to the EU Treaties. Its respectable age has allowed it to incorporate, throughout the years, many constitutional traditions common to the Member States into the constitutional fabric of the EU. It has thus ensured that EU law and national constitutional laws are deeply intertwined. Furthermore, it has been requested, in recent years, even by several constitutional courts, to rule on a considerable number of cases relating directly to those traditions, notably on the rule of law, equality and solidarity at EU level. Because the EU judicial architecture relies heavily on the vigilance and cooperation of all national courts, including the constitutional courts, trust between the judiciaries of the Member States and the Court of Justice is essential. The EU's motto 'United in diversity' calls for continuous discussions between all the participants in our multi-level judicial system, since they allow us to exchange our views and appreciate our differences. The preliminary reference procedure established by Article 267 of TFEU is the formal embodiment of this collaborative spirit and the encounters between our jurisdictions, such as the one I have the honour of attending today, are its informal counterpart.

It follows from the foregoing that the Court of Justice, much like the Constitutional Court of the Republic of Latvia, is strongly committed to protecting 'the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights'. These values, enshrined in Article 2 of the Treaty on European Union ('TEU'), unite us all in the EU as a 'Union of values'. As I will never stop emphasising, the Court of Justice and the national constitutional courts are therefore natural allies, not adversaries, as some would like to paint them. In that respect, it cannot be denied that the relationship between the national constitutional courts and the Court of Justice is not always and entirely free of any bumps in the road. As you are probably aware, in recent years, the authority of the Court and the primacy of EU law have been challenged in some Member States, even by certain constitutional courts. Whilst any such attempt is worrying, because it threatens the trust on which the operation of the whole EU judicial system is founded, a quick look at the data reveals that the situation is overall far from grim. On the contrary, I am delighted to note not only that the number of references from national constitutional courts is steadily increasing, but also that the rulings following those references brought about particularly important clarifications of EU law. The Constitutional Court of Latvia is no exception in that respect. As the six references made to date show, it is keen to engage in a dialogue with the Court of Justice. Furthermore, three out of those six referred cases, namely those in *EUROAPTIEKA, Latvijas Republikas Saeima (Penalty points)*<sup>76</sup> and *Cilevičs* were dealt with by the Grand Chamber of the Court of Justice and provided important clarifications in areas of law as diverse as the advertising of medicinal products, the protection of personal data and the right to privacy, or the equality of treatment in higher education.

The ruling in *Cilevičs*, in particular, touches upon the always delicate subject of 'national identity' as enshrined in Article 4(2) of TEU, which states that '[t]he Union shall respect the equality of Member States before the Treaties as well as their national identities'. Some have construed this provision as erecting a wall, designed to keep the influence of EU law on the national constitutional orders at bay. I respectfully, but wholeheartedly, reject this idea. The strength of the concept of national identity lies precisely in the fact that European and national identities complement each other, since they both rest on a set of common values, shared and treasured by all Europeans. On my reading, that provision rather requires the EU institutions and bodies – including the EU judiciary – to take into account Member States' national identities when interpreting and applying EU law. The Court of Justice has done precisely that. In its reference in the *Cilevičs* case, the Latvian Constitutional Court raised the question of whether national legislation which, in order to develop and promote the State's official language, requires, subject to some exceptions, institutions of higher education financed essentially by private funds, to offer courses only in that language, is compatible with the freedom of establishment. The Court of Justice emphasised that the protection of the official language or languages of a Member State forms part of the respect for its national identity and thus highlighted the importance of that objective, the pursuit of which could potentially allow for derogation from an EU fundamental freedom.<sup>77</sup>

It is also important to note that whilst the concept of national identity draws on the common values enshrined in Article 2 TEU, the Court of Justice in no way excludes room for diversity. It has held that 'the specific circumstances which may justify recourse to [a legitimate objective that is grounded in national identity] may vary from one Member State to another and from one era to another. The competent national authorities must therefore be allowed a margin of discretion within the limits imposed by the Treaty'.<sup>78</sup>

<sup>76</sup> Judgment of 22 June 2021, *Latvijas Republikas Saeima (Penalty points)*, C439/19, EU:C:2021:504.

<sup>77</sup> Judgment of 7 September 2022, *Cilevičs and Others* (C391/20, EU:C:2022:638), paras. 68 and 69.

<sup>78</sup> See, in this regard, judgments of 14 October 2004, *Omega*, C36/02, EU:C:2004:614, para. 31 and the case-law cited, and of 22 December 2010, *Sayn-Wittgenstein*, C208/09, EU:C:2010:806, para. 87.

The mention of the ‘limits imposed by the Treaty’ reminds us that, on the flip side, Article 4(2) of TEU cannot be construed as a *carte blanche* for the national authorities, including the judiciary, to do as they please without consideration for EU law. The *Coman* case,<sup>79</sup> a preliminary reference made by the Romanian Constitutional Court, is an excellent example that illustrates such limits. In that case, the Court held that it is for each Member State, according to its own identity, to decide the meaning of the institution of marriage. EU law is neutral as to whether that meaning should include same-sex couples or not. However, the exercise of such a margin of discretion cannot go as far as adversely affecting the free-movement rights of same-sex couples that got legally married in another Member State. Within the meaning and for the purposes of the relevant provisions of EU law, those couples are to be considered ‘spouses’ and thus, members of the same family. In the same vein, as the Court confirmed in its judgment in *Cilevičs*, the large margin of discretion awarded to the Member States to decide measures aimed at protecting their national language as part of their national identity, does not go as far as justifying serious infringements of the rights that are conferred upon individuals by the free movement provisions.<sup>80</sup>

As these examples show, important clarifications of the scope and the effects of the concept of ‘national identity’ have been brought about through the preliminary references made by national constitutional courts, proving the importance of a judicial dialogue on the highest level.

The Court of Justice made this particularly clear in its seminal judgment *RS (Effect of the decisions of a constitutional court)*. It expressly rejected the possibility of construing Article 4(2) of TEU as allowing a national constitutional court to *unilaterally* and in disregard of principles of EU law, rely on its own national identity in order to call into question the primacy of a rule of EU law, on the ground that this rule undermines the national identity of the Member State concerned as defined by the national constitutional court.<sup>81</sup> The Court of Justice emphasised that since it has exclusive jurisdiction to provide the definitive interpretation of EU law, the constitutional court of a Member State cannot, on the basis of its own interpretation of provisions of EU law, validly hold that the Court of Justice has delivered a judgment exceeding its jurisdiction (*ultra vires*) and therefore refuse to give effect to a preliminary ruling from that Court.<sup>82</sup> The Court finally pointed to the right and in fact the *only* way to proceed in case of doubt on the part of a national constitutional court as to the compatibility of an EU law norm with the concept of national identity. Unsurprisingly, it pointed to the preliminary reference procedure.

This ruling might seem quite harsh. One could also wonder what is left of the ‘national’ part of the concept of ‘national identity’ and if it would not be better to sometimes just turn a blind eye and decide a given case within the familiar national constitutional framework. However, it is of utmost importance that issues related to national identity and common constitutional traditions are brought before the Court of Justice by the highest national courts, so that they can be adequately discussed at the pan-European level. The explanations provided by such courts will be very valuable to the Court of Justice in understanding why a certain issue stemming from national identity or touching upon national constitutional provisions should be accommodated in spite of the need for uniformity of EU law and equality between the Member States.

In this respect, the Constitutional Court of Latvia can again be cited as an example of a trustworthy partner, this time by reference to the *Latvijas Republikas Saeima (Penalty points)* case. In this case, the referring court not only asked for clarifications allowing it to interpret a provision of the Latvian Constitution, namely Article 96, enshrining the fundamental right to private life, consistently with EU law, it also sought to understand whether the principle of primacy of EU law permits it to maintain, on the basis of the Law on the Constitutional Court, the legal effects of the Law on road traffic until it makes a final ruling, should the latter legislation prove to be incompatible with EU law. Despite the fact that the Court of Justice replied in the negative on the basis of the imperative of equality between Member States and there needing to be a single, uniform moment from when the Court of Justice’s rulings produce their effects throughout the EU, it is the gesture of reaching out for clarification in that respect that demonstrates the loyalty of the Constitutional Court towards the Court of Justice and its faith in the EU’s judicial system as a whole.

Another good example is the Italian Constitutional Court, which, in the ‘*Taricco II*’ case,<sup>83</sup> made full and constructive use of the preliminary rulings procedure in order to make its concerns about national constitutional law and fundamental rights understood. Indeed, the Constitutional Court entertained some doubts as to whether

79 Judgment of 5 June 2018, *Coman and Others* (C673/16, EU:C:2018:385).

80 Judgment of 7 September 2022, *Cilevičs and Others* (C391/20, EU:C:2022:638), para. 84.

81 Judgment of 22 February 2022, *RS (Effect of the decisions of a constitutional court)*, C430/21, EU:C:2022:99, para. 70.

82 *Ibid.*, para 72.

83 Judgment of 5 December 2017, *M.A.S. and M.B.*, C42/17, EU:C:2017:936.

the approach in the Court of Justice's judgment in '*Taricco I*'<sup>84</sup> was compatible with the overriding principles of the Italian constitutional order, in particular with the principle of legality in criminal law. The Court listened, the Member States intervened, the trust between judges played its role and the answer provided was to the satisfaction of all the participants in the dialogue. This same Constitutional Court recently, by reference to the above-mentioned *RS* judgment, stated that the principle of primacy of EU law and Article 4(2) and (3), TEU, which enshrine, respectively, the equality of Member States before the Treaties as well as the respect for their national identities and the principle of sincere cooperation, are – and I quote – 'the cornerstones on which the community of national courts rests, held together by convergent rights and duties. This Court has consistently upheld that principle, affirming the value of its driving effects with regard to the domestic legal system.'<sup>85</sup>

This judgment confirms that recognising the primacy of EU law and the central role of the preliminary ruling mechanism in no way diminishes the importance of national constitutional courts and their constitutional review. As the *Corte Costituzionale* stressed, such review 'rather merges with [the preliminary ruling dialogue in order] to build an increasingly well integrated system of protection [...]'.<sup>86</sup> The obligation to enter into a dialogue with the Court of Justice, as emphasised in the *RS* judgment, therefore in no way implies blind submissiveness to the judgments delivered in Luxembourg. On the contrary, it should be seen as a trust-building exercise between allies, intended to give a common meaning to Article 2 TEU values, of which the rule of law is part and parcel.<sup>87</sup>

The trust between judges can, however, only operate if the core constituent of the rule of law, namely judicial independence, is fully respected. The issue of judicial independence is often perceived as 'regional' or 'era-specific', whereas it is in fact a universal yardstick of a functioning democracy, to which all Member States must be – and are – held accountable in the same manner. In the EU legal order, respect for judicial independence is grounded in the constitutional traditions common to the Member States and is part of the democratic inheritance of all EU citizens. Indeed, the constitutions of all Member States, without exception, provide for an independent judiciary.

It is true that the Court of Justice's case-law emphasising respect for the rule of law has gained a lot of attention in recent years, yet it is far from novel. It actually dates back all the way to the seminal judgment in *Les Verts*<sup>88</sup> delivered in 1986, in which the Court of Justice captured the essence of the rule of law as the idea that neither the EU institutions nor the Member States are above the law. It stressed that in a Union based on the rule of law, the system of governance is one of *law* and not one of *men*. If this fundamental value is not respected, all other values listed in Article 2 TEU become empty promises. The case-law focusing more specifically on the concept of 'judicial independence' finds its origins in the *Wilson* ruling from 2006.<sup>89</sup> The Court of Justice made clear that this concept has both an internal and an external dimension. *Internally*, judicial independence is intended to ensure a level playing field for the parties to proceedings and for their competing interests. Independence requires courts to be impartial. *Externally*, judicial independence establishes the dividing line between the political process and the courts. Courts must be shielded from any external influence or pressure that might jeopardise the independent judgment of their members as regards proceedings before them.<sup>90</sup> That protection must apply to the members of the judiciary, by, for example, laying down guarantees against removal from office.<sup>91</sup> As I have stated on other occasions, one can never forget that without independent judges, public authorities are free to exercise their power arbitrarily with impunity. Without independent judges, there is no cooperation with the Court of Justice through the preliminary reference procedure aimed at providing the effective judicial protection of rights enshrined in EU law. Without independent judges, the EU's judicial system as a whole is weakened and the rule of law rendered meaningless in practice.<sup>92</sup>

In its seminal ruling known as the '*Portuguese Judges Case*'<sup>93</sup> the Court of Justice thus, unsurprisingly, made clear that EU law, specifically Article 19 TEU – the Treaty provision imposing on the Member States the obligation to provide remedies sufficient to ensure effective legal protection in the fields covered by

84 Judgment of 8 September 2015, *Taricco and Others*, C105/14, EU:C:2015:555.

85 *Corte Costituzionale*, judgment 67/2022 of 8 February 2022, Considerato in diritto n°11.

86 *Ibid.*

87 Similarly, Silvana Sciarra, 'First and Last Word: Can Constitutional Courts and the Court of Justice of the EU Speak Common Words?', *Rivista Eurojus*, Fascicolo n. 3 – 2022, p. 76.

88 Judgment of 23 April 1986, *Les Verts v Parliament*, 294/83, EU:C:1986:166.

89 Judgment of 19 September 2006, *Wilson*, C506/04, EU:C:2006:587, paras 49 to 52.

90 *Ibid.*, para. 51.

91 See judgments of 22 October 1998, *Jokela and Pitkäranta*, C9/97 and C118/97, EU:C:1998:497, para. 20, and of 4 February 1999, *Köllensperger and Atzwanger*, C103/97, EU:C:1999:52, para. 21.

92 See in this respect, judgment of 25 July 2018, *Minister for Justice and Equality*, C-216/18 PPU, EU:C:2018:586, paragraph 48.

93 Judgment of 2 February 2018, *Associação Sindical dos Juizes Portugueses*, C-64/16, EU:C:2018:117.

EU law – may be relied upon in order to set aside national measures, even of constitutional nature, that call the independence of the national judiciary into question. This goes for all national courts, but especially for supreme and constitutional Courts, as courts of last instance. That is so because only fully independent supreme and constitutional courts can ensure the effective legal protection of individuals' rights and issue rulings that are binding upon lower courts.

To illustrate this point, I would like to refer to a very recent judgment of 21 December 2023, *Krajowa Rada Sądownictwa (Continued holding of a judicial office)*<sup>94</sup>, in which the Court of Justice ruled, for the first time, that a chamber of a national Supreme Court cannot be considered a 'court or a tribunal' within the meaning of Article 267 of TFEU. The Court of Justice declared the request for a preliminary ruling inadmissible on the grounds that the referring court - the Chamber of Extraordinary Control and Public Affairs of the Supreme Court of Poland - does not satisfy the standard of an independent and impartial tribunal previously established by law, for the purposes of Article 19(1) of TEU and, by consequence, Article 267 of TFEU. The significance of this decision cannot be underestimated. It shows that the Court of Justice can no longer place its faith in its national counterpart to provide effective judicial protection of rights enshrined in EU law and to participate loyally in the preliminary ruling procedure. Conscious of its implications, the Court of Justice took great care to base its decision on numerous factors, including the rulings from the European Court of Human Rights and the Polish Supreme Administrative Court, as well as, above all, its own detailed assessment of the relevant national legislation relating, notably, to the appointment of the members of the chamber in question, in light of Article 19 of TEU. It concluded that, and I quote: '*Those factors are thus capable of leading to a lack of appearance of independence or impartiality on the part of those judges and that body likely to undermine the trust which justice in a democratic society governed by the rule of law must inspire in... individuals.*'<sup>95</sup>

The reasons why the Court of Justice enjoys jurisdiction to examine the compatibility with EU law of legislative reforms that target the national judiciary are, in a clear and concise manner, explained in the paragraphs 62 to 80 of the judgment of the Court of Justice in *Commission v Poland (Independence and private life of judges)*.<sup>96</sup> Notably, the Court of Justice recalled that '*although the organisation of justice in the Member States... falls within the competence of those States, the fact remains that, when exercising that competence, the Member States are required to comply with their obligations deriving from EU law and, in particular, from Articles 2 and 19 TEU.*'<sup>97</sup> In addition, since the Court of Justice '*has exclusive jurisdiction to give the definitive interpretation of EU law... it is for the Court, in the exercise of that jurisdiction, to clarify the scope of the principle of the primacy of EU law in the light of the relevant provisions of that law.*' This means, in essence, that that scope cannot depend on '*the interpretation of provisions of national law or on the interpretation of provisions of EU law by a national court which is at odds with that of the Court of Justice*'<sup>98</sup>.

It follows from all the foregoing that the Court of Justice stands by the national supreme and constitutional courts also in respect of protecting their independence should they ever find it threatened by the whims of a current political majority.

As today's event demonstrates and as my colleague Judge Ineta Ziemele stated at the very first opening of the judicial year in 2019, the Constitutional Court of Latvia takes a holistic view of the process of development of the State and society and considers communication and dialogue to be very important in this respect.<sup>99</sup> Dialogue and cooperation are also the only way forward in building a Europe committed to the values of Article 2 of TEU, which represent our common heritage. Believing in democracy, liberty and justice for all and fighting for them is both an individual choice as a human being and a collective choice as a society. In any union based on the rule of law, it is even more than a choice, it is a responsibility. The Court of Justice cannot, should not and - I believe - does not stand alone in upholding the values on which the EU is founded. It has certainly found a reliable ally in the Constitutional Court of Latvia in that respect. Deepening democracy through the rule of law must be our daily joint endeavour in order for the European Union to remain a 'Union of democracies,' a 'Union of rights,' a 'Union of justice' and, let us not forget, a 'Union of peace.'

Thank you very much for your attention – Paldies!

<sup>94</sup> Judgment of 21 December 2023, *Krajowa Rada Sądownictwa (Continued holding of a judicial office)*, C-718/21, EU:C:2023:1015.

<sup>95</sup> Judgment of 21 December 2023, *Krajowa Rada Sądownictwa (Continued holding of a judicial office)*, C-718/21, EU:C:2023:1015, para 77.

<sup>96</sup> Judgment of 5 June 2023, *Commission v Poland (Independence and private life of judges)*, C-204/21, EU:C:2023:442.

<sup>97</sup> *Ibid.*, para. 63.

<sup>98</sup> *Ibid.*, para. 79.

<sup>99</sup> See the Report by the President of the Constitutional Court Ineta Ziemele at the solemn hearing of the Constitutional Court on the 9<sup>th</sup> of January 2019, accessible in Latvian at: Latvijas Republikas Satversmes tiesa » Satversmes tiesas priekšsēdētājas Inetas Ziemeles ziņojums Satversmes tiesas svinīgajā sēdē.

## 7 | Publications



This section summarises the publications of the Constitutional Court's judges and personnel: books and individual articles in books, articles in periodicals, interviews, speeches and blog posts.

## IRĒNA KUCINA

### INTERVIEWS:

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- Rozenbauma U. Conversation on association “Where there’s a problem, there’s an association”. A conversation with Karina Pētersone, Dita Plepa, Marta Kotello and Ulvis Noviks. The Lampa Talks Festival in Cēsis on 6 July 2024. Available: [festivalslampa.lv](https://festivalslampa.lv)

## ANDREJS STUPINS-JĒGERS

### BOOKS:

- Stupins A. Interēšu pārstāvība leģisprudences atziņu gaismā [Representation of interests in light of the findings of jurisprudence]. In: Interēšu pārstāvības process [Interest representation process]. Explanations and comments. Riga: Tiesu namu aģentūra, 2024, pp. 202–219.

### PERIODICALS:

- Stupins-Jēgers A., Bakmane B. Satversmes tiesas artava Latvijas tiesību teorijas un juridiskās metodes druvā [The Contribution of the Constitutional Court to the Theory of Latvian Law and Legal Method]. Jurista Vārds, 12.11.2024, No 46/47, pp. 32–41.
- Stupins-Jēgers A., Leiboma L. Satversmes tiesa dalās pieredzē ar Ukrainas kolēģiem par Latvijas tiesiskās sistēmas ceļu uz Eiropas Savienību [The Constitutional Court shares experience with Ukrainian colleagues on the path of the Latvian legal system towards the European Union]. Jurista Vārds, 05.11.2024, No 45, pp. 6–7.

## IEVA ŠĶEPSTE

### BOOKS:

- Kučs A., Šķepste I. Pilsonība [Citizenship]. In: Ziemeļe I., Osipova S. (eds.) Publiskās tiesības. Ievads [Public Law. Introduction]. Riga: Tiesu namu aģentūra, 2024, pp. 697–714.

### BLOGS:

- Šķepste I. 2024. gada Saharova balvu piešķir Venecuēlas demokrātiskās kustības pārstāvjiem [The 2024 Sakharov Prize is awarded to representatives of the democratic movement in Venezuela]. 28.10.2024 Available: [cilvektiesibas.info](https://cilvektiesibas.info)
- Šķepste I. Atskatoties uz Satversmes tiesas darbu 2023. gadā [Looking back at the work of the Constitutional Court in 2023]. 06.02.2024 Available: [cilvektiesibas.info](https://cilvektiesibas.info)
- Šķepste I. Eiropas Cilvēktiesību tiesas darbs 2023. gadā [The work of the European Court of Human Rights in 2023]. 21.02.2024 Available: [cilvektiesibas.info](https://cilvektiesibas.info)
- Šķepste I. Eiropas Padome: Eiropas cietumi joprojām ir pārpildīti [Council of Europe: Europe's prisons are still overcrowded]. 12.06.2024 Available: [cilvektiesibas.info](https://cilvektiesibas.info)
- Šķepste I. Eiropas Sociālo tiesību komitejas 2023. gada ziņojums [2023 Report of the European Committee of Social Rights]. 18.09.2024 Available: [cilvektiesibas.info](https://cilvektiesibas.info)

- Šņepste I. Eiropas Sociālo tiesību komitejas secinājumi par bērnu, migrantu un ģimeņu tiesībām [Conclusions of the European Committee of Social Rights on the rights of children, migrants and families]. 20.03.2024 Available: [cilvektiesibas.info](http://cilvektiesibas.info)
- Šņepste I. Iznācis Eiropas Padomes Spīdzināšanas novēršanas komitejas ikgadējais ziņojums [The annual report of the Council of Europe Committee for the Prevention of Torture has been published]. 31.05.2024 Available: [cilvektiesibas.info](http://cilvektiesibas.info)

- Šņepste I. Human Rights Watch 2024. gada ziņojums [Human Rights Watch 2024 Report]. 19.01.2024 Available: [cilvektiesibas.info](http://cilvektiesibas.info)

## **DĀRTA ŪDRE**

### PERIODICALS:

- Rodiņa A., Ūdre D. State Aid to Electricity Producers: National and EU Law Aspects. Journal of the University of Latvia. Law, 2024, Vol. 17, pp. 141–158.



# News publications

This chapter lists news publications of the Constitutional Court available on its website *www.satv.tiesa.gov.lv* and on its social media profiles.

## Dialogue with the public

**29.01.2024**

The Constitutional Court opens the new working year at a solemn hearing.  
Press release. X.com. Facebook.

**01.02.2024**

The summaries of the ECtHR case-law prepared by the Constitutional Court are published.  
Press release. X.com. Facebook.

**01.02.2024**

The Legal Department of the Constitutional Court is 10 years old.  
X.com. Facebook.

**02.02.2024**

The Constitutional Court publishes an overview of its work in 2023.  
X.com. Facebook.

**02.02.2024**

The solemn hearing of the Constitutional Court on the occasion of the opening of the Court's working year.  
Press release. X.com. Facebook.

**02.02.2024**

President of Latvia Edgars Rinkēvičs presents the highest national award to the President of the CJEU, Koen Lenaerts.  
Press release. X.com. Facebook.

**02.02.2024**

Press conference on the work of the Constitutional Court in 2023.  
Press release. X.com. Facebook.

**05.02.2024**

The seventh schoolchildren competition of creative works organised by the Constitutional Court concludes.  
Press release. X.com. Facebook.

**15.02.2024**

Day of adoption of the Constitution of the Republic of Latvia.  
X.com. Facebook.

**16.02.2024**

The *Saeima* launches a book on the process of interest representation and discusses regulation on it.  
X.com. Facebook.

**16.02.2024**

The Constitutional Court honours the winners of the 2023 Creative Works Competition for schoolchildren at an award ceremony.  
Press release. X.com. Facebook.

**26.02.2024**

The Constitutional Court holds a conference on the harmonious interaction between national, international and European Union law.  
Press release. X.com. Facebook.

**01.03.2024**

The Constitutional Court holds an international conference "The Role of Constitutional Courts in the Concretising the Shared Values Uniting Europe".  
Press release. X.com. Facebook.

X.com (quotes from participants): Aldis Laviņš, Inese Lībiņa-Egnere, Martin Kuijer, Mykola Gnatovskyy, Peter M. Huber, Kanstantsin Dzehtsiarou, Artūrs Kučs, Maciej Szpunar, George Letsas, Elīna Luīze Vītola, Ineta Ziemeļe, Mārtiņš Paparinskis

Facebook (quotes from participants): Aldis Laviņš, Inese Lībiņa-Egnere, Martin Kuijer, Mykola Gnatovskyy, Peter M. Huber, Kanstantsin Dzehtsiarou, Artūrs Kučs, Maciej Szpunar, George Letsas, Elīna Luīze Vītola, Ineta Ziemeļe, Mārtiņš Paparinskis

#### 01.03.2024

The protection of the fundamental rights of every European is underpinned by the harmonious interaction of national constitutional identities and European common values.  
Press release. X.com. Facebook.

#### 20.03.2024

A unique study on the dialogue between the Constitutional Court and the *Saeima* in the case-law of the Constitutional Court by Anita Rodiņa and Dita Plepa is included in a book on the interaction between the judiciary and the legislator, written by European law experts.  
X.com. Facebook.

#### 25.03.2024

The President of the Constitutional Court attends the opening of the book *Public Law*.  
X.com. Facebook.

#### 04.04.2024

Shadow Day at the Constitutional Court.  
X.com. Facebook.

#### 11.04.2024

Interview of the President of the Court on Latvian Radio broadcast “Krustpunktā – Officials’ Hour”.  
X.com. Facebook.

#### 11.04.2024

Interview of the President of the Court in “Ir” magazine.  
X.com. Facebook.

#### 23.04.2024

Interview of the President of the Court on LTV broadcast 1:1.  
X.com. Facebook.

#### 26.04.2024

The President of the Court attends an event to mark the 20<sup>th</sup> anniversary of the establishment of the administrative courts on 1 February 2004.  
X.com. Facebook.

#### 27.04.2024

The finals of the Ombudsman’s moot court on human rights.  
X.com. Facebook.

#### 01.05.2024

The family of the Constitutional Court congratulates on the day of the Constitutional Assembly.  
X.com. Facebook.

#### 01.05.2024

Judge Gunārs Kušīņš lays flowers at the burial place of Jānis Čakste, President of the Constitutional Assembly and the first President of Latvia.  
X.com. Facebook.

#### 02.05.2024

In the latest episode of podcast “Tversme”, Constitutional Court judge Jautrīte Briede talks to the winners of the 2023 school competition.  
X.com. Facebook.

#### 03.05.2024

Democracy Week – students’ drawings and essays.  
X.com: 1, 2, 3, 4, 5, 6, 7  
Facebook.com: 1, 2, 3, 4, 5, 6, 7

#### 04.05.2024

The family of the Constitutional Court congratulates everyone on the Independence Day of the Republic of Latvia.  
X.com. Facebook.

#### 04.05.2024

Today, to commemorate the anniversary of the restoration of independence of the Republic of Latvia, President of the Constitutional Court Aldis Laviņš, and judges Gunārs Kušīņš and Jānis Neimanis participate in the ceremony of laying flowers at the Freedom Monument and the solemn session of the *Saeima*.  
X.com. Facebook.

**13.05.2024**

The President of the Court, Aldis Laviņš, and the family of the Court invite everyone to visit the Constitutional Court and learn about its work and the Constitution during the Museums Night.  
X.com. Facebook.

**15.05.2024**

The Constitutional Court congratulates the recipients of the Justice System Awards.  
Press release. X.com. Facebook.

**17.05.2024**

The President of the Court, Aldis Laviņš, addresses the conference of Latvian judges “The Judge in the 21<sup>st</sup> Century Society”.  
X.com. Facebook.

**18.05.2024**

On the Museums Night, the Constitutional Court invites everyone to Open the Constitution.  
Press release. X.com. Facebook.

**20.05.2024**

Retrospective video of the Museums Night.  
X.com. Facebook.

**28.05.2024**

The official language – why should we protect it? *Jurista Vārds* publishes a summary of the Constitutional Court’s opinions.  
Press release. X.com. Facebook.

**29.05.2024**

In the new episode of the podcast “Tversme”, the President of the Court, Aldis Laviņš, talks to Professor Peter M. Huber of the Faculty of Law at Ludwig Maximilian University in Munich about the role of the German Federal Constitutional Court and the concept of human dignity.  
X.com. Facebook.

**14.06.2024**

Vice-President of the Constitutional Court Irēna Kucina lays flowers at the memorial “History Tactile” in memory of the victims of the communist genocide.  
X.com. Facebook.

**14.06.2024**

The President of the 4 May Declaration Club, Velta Čebotarenoka, visits the Constitutional Court.  
X.com. Facebook.

**17.06.2024**

Day of occupation of the Republic of Latvia.  
X.com. Facebook.

**23.07.2023**

Judges and personnel of the Constitutional Court participate in the Bīriņi Constitutional Law Seminar.  
X.com. Facebook.

**25.07.2024**

The newspaper *Latvijas Avīze* publishes an interview with the President of the Court, Aldis Laviņš.  
X.com. Facebook.

**07.08.2024**

In the new episode of the podcast “Tversme”, judge Gunārs Kušīņš of the Constitutional Court talks to Mārtiņš Pāparinskis, Professor of Public International Law at University College London and member of the UN International Law Commission.  
X.com. Facebook.

**09.08.2024**

Students attending the Summer School of the Riga Graduate School of Law from different European countries visit the Constitutional Court.  
X.com. Facebook.

**14.08.2024**

Interview with judge Artūrs Kučs on Latvian Radio broadcast “Labrit”.  
X.com. Facebook.

**16.08.2024**

Interview with the President of the Court, Aldis Laviņš, on TV3 broadcast “900 Seconds”.  
X.com. Facebook.

**21.08.2024**

The Constitutional Court congratulates everyone on the day of the adoption of the constitutional law “Law on the Statehood of the Republic of Latvia”.  
X.com. Facebook.

**23.08.2024**

35<sup>th</sup> anniversary of the Baltic Way. Laying flowers at the Freedom Monument.  
X.com. Facebook.



**26.08.2024**

Kristiāna Pētersone and Anete Suharževska, the Constitutional Court's legal assistants to judges, give a lecture at the Prof. Kārlis Dišlers Public Law Summer School on the right to freedom of expression in the jurisprudence of the Constitutional Court.  
X.com. Facebook.

**01.09.2024**

The Constitutional Court congratulates everyone on Knowledge Day.  
X.com. Facebook.

**06.09.2024**

Vice-President of the Court Irēna Kucina participates in "Join the Baltic Way!" Conference on the 35<sup>th</sup> anniversary of the Baltic Way.  
X.com. Facebook.

**17.09.2024**

The Constitutional Court announces a competition for students' creative works on the importance of the official language.  
Press release. X.com. Facebook.

**19.09.2024**

In the new episode of the podcast "Tversme", former Constitutional Court judge Gunārs Kusiņš speaks with Ilma Čepāne, a former member of the Supreme Council and a former judge of the Constitutional Court.  
Press release. X.com. Facebook.

**20.09.2024**

Address by Vice-President Irēna Kucina at the graduation ceremony of the Faculty of Law of the University of Latvia.  
X.com. Facebook.

**23.09.2024**

Judge Veronika Krūmiņa participates in the Latvian Radio broadcast "Ģimenes studija".  
X.com. Facebook.

**01.10.2024**

The Constitutional Court will organise an online lecture on the importance of the official language as part of a competition for schoolchildren.  
Press release. X.com. Facebook.

**15.10.2024**

The Constitutional Court congratulates everyone on the National Language Day.  
X.com. Facebook.

**04.11.2024**

Visit of the Secondary School of Young Leaders.  
X.com. Facebook.

**05.11.2024**

The magazine *Jurista Vārds* publishes a report on the joint seminar of judges and personnel of the Constitutional Court and the Constitutional Court of Ukraine.  
X.com. Facebook.

**07.11.2024**

Anniversary of the entry into force of the Constitution of the Republic of Latvia.  
X.com. Facebook.

**08.11.2024**

Judges of the Constitutional Court participate in the international conference of the Ministry of Justice "20 Years in the EU – Synergy in the Common Space of Law".  
X.com. Facebook.

**11.11.2024**

A greeting on Lāčplēsis Day.  
X.com. Facebook.

**11.11.2024**

Judges of the Constitutional Court participate in a flower-laying ceremony at the Brethren Cemetery.  
X.com. Facebook.

**18.11.2024**

The Constitutional Court congratulates everyone on the 106<sup>th</sup> anniversary of the proclamation of the Republic of Latvia.  
X.com. Facebook.

**18.11.2024**

Participation of the judges of the Constitutional Court in the solemn events.  
X.com. Facebook.

**19.11.2024**

A moment of silence to remember the sacrifices of the Ukrainian people and to honour the fallen fighters.  
X.com. Facebook.

**03.12.2024**

In the new episode of the broadcast “Tversme”, Vice-President of the Constitutional Court Anita Rodiņa talks to former Constitutional Court judge Gunārs Kusiņš.  
Press release. X.com. Facebook.

**09.12.2024**

28<sup>th</sup> anniversary of the Constitutional Court.  
X.com. Facebook.

**09.12.2024**

Twelfth Conversation on Latvia “The Right to the Truth”, held by the Constitutional Court and the National Library of Latvia.  
Press release. X.com. Facebook.

**13.12.2024**

Constitutional Law Think Tank “Readability of the Constitutional Court’s Rulings”.  
Press release. X.com. Facebook.

**13.12.2024**

The Constitutional Court’s awards are presented.  
Press release. X.com. Facebook. Video.

**14.12.2024**

The Constitutional Court holds the finals of the 26<sup>th</sup> Prof. Kārlis Dišlers Constitutional Law Moot Court.  
Press release. X.com. Facebook.

## **Information on legal proceedings**

**10.01.2024**

The Constitutional Court starts examining a case on the right to use a restricted radio frequency band.  
Press release. X.com. Facebook.

**24.01.2024**

The Constitutional Court starts examining a case on a norm that excludes third-country nationals from the list of beneficiaries of immovable property tax relief in Jūrmala.  
Press release. X.com. Facebook.

**26.01.2024**

Separate opinions of Constitutional Court’s judges Irēna Kucina and Artūrs Kučs in the case on increasing the entry fee in Jūrmala are published.  
X.com. Facebook.

**16.12.2024**

In the new episode of the podcast “Tversme”, President of the Constitutional Court Irēna Kucina talks to President of the 4 May Declaration Club Velta Čebotarenoka about the restoration of Latvia’s independence, statehood, freedom, and values.  
X.com. Facebook.

**17.12.2024**

*Jurista Vārds* publishes an article by judge Jautrīte Briede.  
X.com. Facebook.

**17.12.2024**

*Jurista Vārds* publishes an interview with judge Veronika Krūmiņa.  
X.com. Facebook.

**24.12.2024**

Season’s greetings from the Constitutional Court.  
X.com. Facebook.

**26.01.2024**

The Constitutional Court terminates proceedings in the case concerning the norm that establishes the protection and public value of all greenery in the territory of Jūrmala City.  
Press release. X.com. Facebook.

**29.01.2024**

A case on disclosure of shareholders of a joint-stock company has been initiated before the Constitutional Court.  
Press release. X.com. Facebook.

**05.02.2024**

The separate opinion of judge Jautrīte Briede of the Constitutional Court in the case on the obligation of members of the *Saeima* to be vaccinated against Covid-19 has been published.  
X.com. Facebook.

**05.02.2024**

The separate opinion of judge Gunārs Kusiņš of the Constitutional Court in the case on the norms obliging local governments to dismantle objects glorifying the Soviet regime has been published.

X.com. Facebook.

**05.02.2024**

The separate opinion of Constitutional Court judge Jānis Neimanis in the case on the obligation of Members of the *Saeima* to be vaccinated against COVID-19 has been published.

X.com. Facebook.

**05.02.2024**

The separate opinion of Constitutional Court judge Jānis Neimanis in the case on the norms obliging local governments to dismantle objects glorifying the Soviet regime has been published.

X.com. Facebook.

**15.02.2024**

The norm on permanent residence permits for Russian citizens complies with the Constitution.

Press release. X.com. Facebook.

**29.02.2024**

A case has been initiated in the Constitutional Court regarding a provision that established the right of the electricity system operator to recalculate the amount of electricity in the event of tampering with the meter.

Press release.

**05.03.2024**

The Constitutional Court begins examining a case regarding restrictions on the organisation of gambling in the administrative territory of Riga.

Press release. X.com. Facebook.

**07.03.2024**

The Constitutional Court will hear the case on restrictions on gambling in Riga in a full composition of seven judges.

Press release. X.com. Facebook.

**08.03.2024**

The Constitutional Court invites applications for the Shadow Day.

X.com. Facebook.

**12.03.2024**

The Constitutional Court starts examining a case on the norms that provide for a ban on breeding animals solely for fur production.

Press release. X.com. Facebook.

**19.03.2024**

In a session with the participation of the parties, the Constitutional Court starts examining a case on norms that provide for the acquisition of education in private educational institutions only in the official language.

Press release. X.com. Facebook.

**26.03.2024**

A case on surcharge of the corporate income tax has been initiated.

Press release. X.com. Facebook.

**04.04.2024**

Restrictions on gambling in Riga have been imposed without proper justification.

Press release. X.com. Facebook.

**08.04.2024**

The norm reducing the final felling diameter is unconstitutional.

Press release. X.com. Facebook.

**11.04.2024**

The ban on breeding animals solely for fur complies with the Constitution.

Press release. X.com. Facebook.

**12.04.2024**

A case on the use of language in the pre-election campaign has been initiated.

Press release. X.com. Facebook.

**17.04.2024**

A case on the amount of the State compensation to be paid to victims of a criminal offence has been initiated.

Press release. X.com. Facebook.

**23.04.2024**

The Constitutional Court starts examining a case on a person's right to receive an assessment for the performance of teaching work while having a criminal record.

Press release. X.com. Facebook.

**24.04.2024**

The Constitutional Court starts examining a case on norms that exclude the possibility to acquire general education in national minority education programmes in State and local government education institutions.

Press release. X.com. Facebook.

**29.04.2024**

A case on payment of credit interest compensation to mortgage credit borrowers has been initiated.

Press release. X.com. Facebook.

**14.05.2024**

The Constitutional Court begins considering a case regarding the norms governing the taxation of lottery and gambling winnings.

Press release. X.com. Facebook.

**16.05.2024**

The Constitutional Court will resume consideration of the case on norms that provide for the acquisition of education in private educational institutions only in the official language.

Press release. X.com. Facebook.

**23.05.2024**

A case on the right of legal persons to apply to the State forest land for creation of wind power stations has been initiated.

Press release. X.com. Facebook.

**23.05.2024**

The restriction on obtaining an assessment for the performance of teaching work while having a criminal record is in line with the Constitution.

Press release. X.com. Facebook.

**24.05.2024**

The Constitutional Court will resume consideration of the case on norms establishing that general education programmes in State and municipal education institutions are implemented only in the official language.

Press release. X.com. Facebook.

**03.06.2024**

The separate opinions of Jānis Neimanis and Jautrīte Briede in the case concerning restrictions on the organisation of gambling in the administrative territory of Riga are published.

X.com. Facebook.

**13.06.2024**

The obligation to pay personal income tax on gambling winnings is in line with the Constitution.

Press release. X.com. Facebook.

**20.06.2024**

Two cases on duty to pay surcharge of the corporate income tax, as well as calculation procedures thereof have been initiated.

Press release.

**28.06.2024**

A case on the obligation of a credit institution to pay the credit borrower protection fee was initiated.

Press release. X.com. Facebook.

**02.07.2024**

A case on a prohibition to place liquids for electronic smoking devices and tobacco substitute products containing flavourings on the market has been initiated.

Press release. X.com. Facebook.

**02.07.2024**

A case on a legal provision that governed the procedures for the allocation of water consumption difference has been initiated.

Press release. X.com. Facebook.

**03.07.2024**

The prohibition on the transfer of the right to use the radio spectrum is unconstitutional.

Press release. X.com. Facebook.

**09.07.2024**

A case on procedures for calculation and payment of surcharge of corporate income tax and application of this tax to flow-through dividends has been initiated.

Press release. X.com. Facebook.

**10.07.2024**

The transition education only in the official language in private educational institutions is in line with the Constitution.

Press release. X.com. Facebook.

**11.07.2024**

Exclusion of third-country nationals from the list of beneficiaries of immovable property tax relief is unconstitutional.

Press release. X.com. Facebook.

**12.07.2024**

The transition to teaching only in the official language in State and municipal educational institutions is in line with the Constitution.  
Press release. X.com. Facebook.

**22.07.2024**

A case on dismissal of the local government Council of Rēzekne State-City has been initiated.  
Press release. X.com. Facebook.

**24.07.2024**

A case on the amount of fee for the use of land has been initiated.  
Press release. X.com. Facebook.

**26.08.2024**

A case is initiated concerning the ban on smoking in gambling venues.  
Press release. X.com. Facebook.

**26.08.2024**

A case is brought on restrictions on tobacco substitute products.  
Press release. X.com. Facebook.

**27.08.2024**

A case has been initiated on amendments to the spatial plan of the State-city of Jūrmala.  
Press release. X.com. Facebook.

**10.09.2024**

The Constitutional Court starts examining a case on norms abolishing mandatory procurement rights granted to a business operator.  
Press release. X.com. Facebook.

**10.09.2024**

The Constitutional Court rejects the request of the temporary administration of the municipality of the State-city of Rēzekne to terminate the legal proceedings.  
Press release. X.com. Facebook.

**18.09.2024**

The Constitutional Court starts to examine a case on the rights of defence counsel in administrative offence cases.  
Press release. X.com. Facebook.

**25.09.2024**

The Constitutional Court starts to examine a case on a norm which denies a person the right to hold the position of insolvency administrator.  
Press release. X.com. Facebook.

**25.09.2024**

The separate opinion of Constitutional Court judge Jānis Neimanis in the case regarding the norms regulating the taxation of lottery and gambling winnings has been published.  
X.com.

**25.09.2024**

A case has been initiated concerning the rules on the cancellation of mandatory procurement rights granted to a business operator.  
Press release. X.com. Facebook.

**10.10.2024**

The rules on monitoring compulsory procurement are compatible with the Constitution.  
Press release. X.com. Facebook.

**15.10.2024**

The Constitutional Court starts examining a case on the disclosure of information on shareholders of a joint-stock company.  
Press release. X.com. Facebook.

**18.10.2024**

Requiring a person subject to administrative proceedings to sign the complaint to be submitted to the court does not preclude the rights of the defence.  
Press release. X.com. Facebook.

**22.10.2024**

The Constitutional Court starts to examine a case on the order in which six-years-old children are enrolled in grade 1 in Riga municipality schools.  
Press release. X.com. Facebook.

**24.10.2024**

Prohibition to hold the post of insolvency administrator by a person against whom criminal proceedings for the commission of an intentional criminal offence have been terminated for reasons other than exoneration is unconstitutional.  
Press release. X.com. Facebook.



**31.10.2024**

A case has been initiated on a legal provision prohibiting a person convicted of an intentional criminal offence from being in the State Fire and Rescue Service.

Press release. X.com. Facebook.

**05.11.2024**

The Constitutional Court starts to examine a case on the right of the system operator to recalculate the amount of electricity if the user has tampered with the metering device.

Press release. X.com. Facebook.

**13.11.2024**

The Constitutional Court starts to examine a case concerning a legal provision that governed the procedure for the allocating the difference in water consumption.

Press release. X.com. Facebook.

**13.11.2024**

The Constitutional Court reopens proceedings in cases concerning the legal regulation on the proceedings regarding proceeds of crime.

Press release. X.com. Facebook.

**14.11.2024**

A case has been initiated on the right of heirs by intestacy to contest a will.

Press release. X.com. Facebook.

**14.11.2024**

The Constitutional Court refers to the CJEU in a case concerning the disclosure of information on shareholders of a joint-stock company.

Press release. X.com. Facebook.

**20.11.2024**

The Constitutional Court starts to examine a case on the prohibition of a person from holding the post of a forensic expert.

Press release. X.com. Facebook.

**21.11.2024**

The procedure for enrolment of six-years-old children in the grade 1 of Riga schools complies with the Constitution.

Press release. X.com. Facebook.

**26.11.2024**

A case has been initiated on the use of minority languages in the public electronic media.

Press release. X.com. Facebook.

**04.12.2024**

A legal provision regarding the calculation of the amount of arbitrarily consumed electricity conforms to the Constitution.

Press release. X.com. Facebook.

**09.12.2024**

Separate opinions of judges Anita Rodiņa and Jautrite Briede in the case concerning the rules, under which the compulsory procurement right granted to a business operator is revoked.

X.com. Facebook.

**10.12.2024**

Two additional cases initiated regarding the amount of the fee for land use.

Press release. X.com. Facebook.

**11.12.2024**

A judicial panel of the Constitutional Court refuses to initiate a case based on the application submitted by the Moscow City Property Department and the Moscow Centre for International Cooperation.

Press release. X.com. Facebook.

**12.12.2024**

Legal provision prescribing the procedures for the distribution of the difference in water consumption declared unconstitutional.

Press release. X.com. Facebook.

**17.12.2024**

The separate opinions of judges Irēna Kucina, Anita Rodiņa and Jānis Neimanis in the case on the requirement for a person subject to administrative liability to sign the complaint to be submitted to the court are published.

X.com. Facebook.

**17.12.2024**

Prohibition of a person to hold the position of a forensic expert declared unconstitutional.

Press release. X.com. Facebook.

**17.12.2024**

Case initiated regarding the suspension of the binding regulations of Ropaži municipality local government council.

Press release. X.com. Facebook.

## Creative industries

**29.01.2024**

The Constitutional Court opens the new working year at a solemn hearing.  
Press release. X.com. Facebook.

**01.02.2024**

The summaries of the ECtHR case-law prepared by the Constitutional Court are published.  
Press release. X.com. Facebook.

**01.02.2024**

The Legal Department of the Constitutional Court is 10 years old.  
X.com. Facebook.

**02.02.2024**

The Constitutional Court publishes an overview of its work in 2023.  
X.com. Facebook.

**02.02.2024**

The solemn hearing of the Constitutional Court on the occasion of the opening of the Court's working year.  
Press release. X.com. Facebook.

**02.02.2024**

President of Latvia Edgars Rinkēvičs presents the highest national award to the President of the CJEU, Koen Lenaerts.  
Press release. X.com. Facebook.

**02.02.2024**

Press conference on the work of the Constitutional Court in 2023.  
Press release. X.com. Facebook.

**05.02.2024**

The seventh schoolchildren's competition of creative works organised by the Constitutional Court has concluded.  
Press release. X.com. Facebook.

**15.02.2024**

Day of adoption of the Constitution of the Republic of Latvia.  
X.com. Facebook.

**16.02.2024**

The *Saeima* launches a book on the procedure of interest representation and discusses regulation on it.  
X.com. Facebook.

**16.02.2024**

The Constitutional Court honours the winners of the 2023 Creative Works Competition for schoolchildren at an award ceremony.  
Press release. X.com. Facebook.

**26.02.2024**

The Constitutional Court holds a conference on the harmonious interaction between national, international and European Union law.  
Press release. X.com. Facebook.

**01.03.2024**

The Constitutional Court holds an international conference "The Role of Constitutional Courts in the Concretising the Shared Values Uniting Europe".  
Press release. X.com. Facebook.

*X.com* (quotes from participants): Aldis Laviņš, Inese Lībiņa-Egnere, Martin Kuijer, Mykola Gnatovskyy, Peter M. Huber, Kanstantsin Dzehtsiarou, Artūrs Kučs, Maciej Szpunar, George Letsas, Elīna Luīze Vītola, Ineta Ziemeļe, Mārtiņš Paparinskis

*Facebook* (quotes from participants): Aldis Laviņš, Inese Lībiņa-Egnere, Martin Kuijer, Mykola Gnatovskyy, Peter M. Huber, Kanstantsin Dzehtsiarou, Artūrs Kučs, Maciej Szpunar, George Letsas, Elīna Luīze Vītola, Ineta Ziemeļe, Mārtiņš Paparinskis

**01.03.2024**

The protection of the fundamental rights of every European is underpinned by the harmonious interaction of national constitutional identities and European common values.  
Press release. X.com. Facebook.

**20.03.2024**

A unique study on the dialogue between the Constitutional Court and the *Saeima* in the case-law of the Constitutional Court by Anita Rodiņa and Dita Plepa is included in a book on the interaction between the judiciary and the legislator, written by European law experts.  
X.com. Facebook.

**25.03.2024**

The President of the Constitutional Court attends the opening of the book *Public Law*.  
X.com. Facebook.

**04.04.2024**

Shadow Day at the Constitutional Court.  
X.com. Facebook.

**11.04.2024**

Interview of the President of the Court on Latvian Radio broadcast “Krustpunktā – Officials’ Hour”.  
X.com. Facebook.

**11.04.2024**

Interview of the President of the Court in “Ir” magazine.  
X.com. Facebook.

**23.04.2024**

Interview of the President of the Court on LTV broadcast 1:1.  
X.com. Facebook.

**26.04.2024**

The President of the Court attends an event to mark the 20<sup>th</sup> anniversary of the establishment of the administrative courts on 1 February 2004.  
X.com. Facebook.

**27.04.2024**

The finals of the Ombudsman’s moot court on human rights.  
X.com. Facebook.

**01.05.2024**

The family of the Constitutional Court congratulates on the day of the Constitutional Assembly.  
X.com. Facebook.

**01.05.2024**

Judge Gunārs Kušīņš lays flowers at the burial place of Jānis Čakste, President of the Constitutional Assembly and the first President of Latvia.  
X.com. Facebook.

**02.05.2024**

In the latest episode of podcast “Tversme”, Constitutional Court Judge jautrīte Briede talks to the winners of the 2023 school competition.  
X.com. Facebook.

**03.05.2024**

Democracy Week – students’ drawings and essays.  
X.com: 1, 2, 3, 4, 5, 6, 7  
Facebook.com: 1, 2, 3, 4, 5, 6, 7

**04.05.2024**

The family of the Constitutional Court congratulates everyone on the Independence Day of the Republic of Latvia.  
X.com. Facebook.

**04.05.2024**

Today, to commemorate the anniversary of the restoration of independence of the Republic of Latvia, President of the Constitutional Court Aldis Laviņš, and judges Gunārs Kušīņš and Jānis Neimanis participate in the ceremony of laying flowers at the Freedom Monument and the solemn session of the *Saeima*.  
X.com. Facebook.

**13.05.2024**

The President of the Court, Aldis Laviņš, and the family of the Court invite everyone to visit the Constitutional Court and learn about its work and the Constitution during the Museums Night.  
X.com. Facebook.

**15.05.2024**

The Constitutional Court congratulates the recipients of the Justice System Awards.  
Press release. X.com. Facebook.

**17.05.2024**

The President of the Court, Aldis Laviņš, addresses the conference of Latvian judges “The Judge in the 21<sup>st</sup> Century Society”.  
X.com. Facebook.

**18.05.2024**

On the Museums Night, the Constitutional Court invites everyone to Open the Constitution.  
Press release. X.com. Facebook.

**20.05.2024**

Retrospective video of the Museums Night.  
X.com. Facebook.

**28.05.2024**

The official language – why should we protect it? *Jurista Vārds* publishes a summary of the Constitutional Court’s opinions.  
Press release. X.com. Facebook.

**29.05.2024**

In the new episode of the podcast “Tversme”, the President of the Court, Aldis Laviņš, talks to Professor Peter M. Huber of the Faculty of Law at Ludwig Maximilian University in Munich about the role of the German Federal Constitutional Court and the concept of human dignity.  
X.com. Facebook.

**14.06.2024**

Vice-President of the Constitutional Court Irēna Kucina lays flowers at the memorial “History Tactile” in memory of the victims of the communist genocide.  
X.com. Facebook.

**14.06.2024**

The President of the 4 May Declaration Club, Velta Čebotarenoka, visits the Constitutional Court.  
X.com. Facebook.

**17.06.2024**

Day of occupation of the Republic of Latvia.  
X.com. Facebook.

**23.07.2023**

Judges and personnel of the Constitutional Court participate in the Bīriņi Constitutional Law Seminar.  
X.com. Facebook.

**25.07.2024**

The newspaper *Latvijas Avīze* publishes an interview with the President of the Court, Aldis Laviņš.  
X.com. Facebook.

**07.08.2024**

In the new episode of the podcast “Tversme”, Judge Gunārs Kušņš of the Constitutional Court talks to Mārtiņš Paparinskis, Professor of Public International Law at University College London and member of the UN International Law Commission.  
X.com. Facebook.

**09.08.2024**

Students attending the Summer School of the Riga Graduate School of Law from several European countries visit the Constitutional Court.  
X.com. Facebook.

**14.08.2024**

Interview with judge Artūrs Kučs on Latvian Radio broadcast “Labrīt”.  
X.com. Facebook.

**16.08.2024**

Interview with the President of the Court, Aldis Laviņš, on TV3 broadcast “900 Seconds”.  
X.com. Facebook.

**21.08.2024**

The Constitutional Court congratulates everyone on the day of the adoption of the constitutional law “Law on the Statehood of the Republic of Latvia”.  
X.com. Facebook.

**23.08.2024**

35<sup>th</sup> anniversary of the Baltic Way. Laying flowers at the Freedom Monument.  
X.com. Facebook.

**26.08.2024**

Constitutional Court’s legal assistants to judges Kristiāna Pētersone and Anete Suharževska give a lecture at the Prof. Kārlis Dišlers Public Law Summer School on the right to freedom of expression in the jurisprudence of the Constitutional Court.  
X.com. Facebook.

**01.09.2024**

The Constitutional Court congratulates everyone on Knowledge Day.  
X.com. Facebook.

**06.09.2024**

Vice-President of the Court Irēna Kucina participates in “Join the Baltic Way!” Conference on the 35<sup>th</sup> anniversary of the Baltic Way.  
X.com. Facebook.

**17.09.2024**

The Constitutional Court announces a competition for students’ creative works on the importance of the national language.  
Press release. X.com. Facebook.

**19.09.2024**

In the new episode of the podcast “Tversme”, former judge of the Constitutional Court Gunārs Kušņš speaks with Ilma Čepāne, a member of the Supreme Council and former judge of the Constitutional Court.  
Press release. X.com. Facebook.

**20.09.2024**

Address by Vice-President Irēna Kucina at the graduation ceremony of the Faculty of Law of the University of Latvia.

X.com. Facebook.

**23.09.2024**

Judge Veronika Krūmiņa participates in the Latvian Radio broadcast “Ģimenes studija”.

X.com. Facebook.

**01.10.2024**

The Constitutional Court will organise an online lecture on the importance of the national language as part of a competition for schoolchildren.

Press release. X.com. Facebook.

**15.10.2024**

The Constitutional Court congratulates everyone on the National Language Day.

X.com. Facebook.

**04.11.2024**

Visit of the Young Leaders High School.

X.com. Facebook.

**05.11.2024**

The magazine *Jurista Vārds* publishes a report on the joint seminar of Judges and personnel of the Constitutional Court and the Constitutional Court of Ukraine.

X.com. Facebook.

**07.11.2024**

Anniversary of the entry into force of the Constitution of the Republic of Latvia.

X.com. Facebook.

**08.11.2024**

Judges of the Constitutional Court participate in the international conference of the Ministry of Justice “20 Years in the EU – Synergy in the Common Space of Law”.

X.com. Facebook.

**11.11.2024**

A greeting on Lāčplēsis Day.

X.com. Facebook.

**11.11.2024**

Judges of the Constitutional Court participate in a flower-laying ceremony at the Brethren Cemetery.

X.com. Facebook.

**18.11.2024**

The Constitutional Court congratulates everyone on the 106<sup>th</sup> anniversary of the proclamation of the Republic of Latvia.

X.com. Facebook.

**18.11.2024**

Participation of the judges of the Constitutional Court in the solemn events.

X.com. Facebook.

**19.11.2024**

A moment of silence to remember the sacrifices of the Ukrainian people and to honour the fallen fighters.

X.com. Facebook.

**03.12.2024**

In the new episode of the broadcast “Tversme”, Vice-President of the Constitutional Court Anita Rodiņa talks to former judge of the Constitutional Court Gunārs Kušņš.

Press release. X.com. Facebook.

**09.12.2024**

28<sup>th</sup> anniversary of the Constitutional Court.

X.com. Facebook.

**09.12.2024**

Twelfth “Conversation on Latvia” “The Right to the Truth”, held by the Constitutional Court and the National Library of Latvia.

Press release. X.com. Facebook.

**13.12.2024**

Constitutional Law Think Tank “Readability of Constitutional Court Rulings”.

Press release. X.com. Facebook.

**13.12.2024**

Constitutional Court awards are presented.

Press release. X.com. Facebook. Video.

**14.12.2024**

The Constitutional Court hosts the finals of the 26<sup>th</sup> Prof. Kārlis Dišlers Constitutional Law Moot Court.

Press release. X.com. Facebook.

**16.12.2024**

In the new episode of the podcast “Tversme”, President of the Constitutional Court Irēna Kucina talks to President of the 4 May Declaration Club Velta Čebotarenoka about the restoration of Latvia’s independence, statehood, freedom and values.  
X.com. Facebook.

**17.12.2024**

*Jurista Vārds* publishes an article by judge Jautrīte Briede.  
X.com. Facebook.

## **Dialogue with public authorities**

**10.01.2024**

The President of the Constitutional Court discusses the topical issues of the justice sector in 2024 with the President of Latvia and senior officials of the justice system.  
Press release. X.com. Facebook.

**19.01.2024**

The President of the Constitutional Court and the President of Latvia discuss current developments in the international cooperation and jurisprudence of the Constitutional Court.  
Press release. X.com. Facebook.

**22.01.2024**

The Constitutional Court strengthens its dialogue with Latvian ambassadors abroad.  
Press release. X.com. Facebook.

**09.02.2024**

President of the Constitutional Court Aldis Laviņš participates in a meeting of the Judicial Council.  
X.com. Facebook.

**22.03.2024**

President of the Constitutional Court Aldis Laviņš addresses the general meeting of Latvian Council of Sworn Notaries.  
X.com. Facebook.

**22.03.2024**

President of the Constitutional Court Aldis Laviņš addresses the general meeting of the Latvian Association of Sworn Attorneys.  
X.com. Facebook.

**17.12.2024**

*Jurista Vārds* publishes an interview with judge Veronika Krūmiņa.  
X.com. Facebook.

**24.12.2024**

Season’s greetings from the Constitutional Court.  
X.com. Facebook.

**25.04.2024**

The President of the Constitutional Court meets with the President of the Judicial Commission of the *Saeima*.  
X.com. Facebook.

**04.06.2024**

Aldis Laviņš will meet the Minister for Foreign Affairs, Baiba Braže.  
Press release.

**04.07.2024**

President of the Constitutional Court Aldis Laviņš, Adviser to the President Andrejs Stupins-Jēgers, Head of the Legal Department Kristaps Tamužs and Deputy Head Baiba Bakmane meet with Inita Ilgaža, the Deputy State Secretary for Judicial Affairs of the Ministry of Justice, and Andris Munda, the Director of the Court Administration.  
X.com. Facebook.

**01.08.2024**

The President of Latvia thanks Aldis Laviņš for his work as a judge of the Constitutional Court and for the successful cooperation.  
Press release. X.com.

**13.08.2024**

Constitutional Court judges discuss current human rights issues with Members of the *Saeima*.  
X.com. Facebook.

**16.08.2024**

The Constitutional Court meets with the heads of the institutions of the justice system at the end of the term of three judges.  
Press release. X.com. Facebook.



## Judicial dialogue at international level

**12.01.2024**

As part of the bilateral dialogue, judges and employees of the Constitutional Court and the Economic Affairs Court meet.

Press release. X.com. Facebook.

**26.01.2024**

President of the Constitutional Court Aldis Laviņš participates in the opening ceremony of the ECtHR year.

X.com. Facebook.

**08.02.2024**

President of the Constitutional Court Aldis Laviņš meets with judges of the District Court of the Hague in the Netherlands.

X.com. Facebook.

**09.02.2024**

The judges of the Constitutional Court meet with their counterparts from the Supreme Court of the Netherlands in the Hague.

X.com. Facebook.

**12.02.2024**

Latvian Constitutional Court and Netherlands Supreme Court bilateral meeting is held in the Hague.

Press release. X.com. Facebook.

**29.02.2024**

President of the Constitutional Court Aldis Laviņš opens the fourth tripartite meeting of the constitutional courts of the Baltic States.

X.com. Facebook.

**29.02.2024**

Fourth Tripartite Meeting of the constitutional courts of the Baltic States concludes in Riga.

Press release. X.com. Facebook.

**21.03.2024**

Entry of the Constitutional Court judges in the guest book of the Supreme Administrative Court of Finland.

X.com.

**21.03.2024**

Meeting with judges of the Supreme Administrative Court of Finland.

X.com LV, EN. Facebook.

**22.03.2024**

Delegation of the Constitutional Court meets with the Constitutional Law Commission of the Parliament of Finland and the Supreme Administrative Court.

Press release. X.com. Facebook.

**03.04.2024**

The Constitutional Court in dialogue with the Supreme Court.

X.com. Facebook.

**19.04.2024**

The Constitutional Court strengthens its dialogue with the ECtHR.

Press release. X.com LV, EN. Facebook.

**02.05.2024**

President Aldis Laviņš participates in a seminar and conference organised by the CJEU in Luxembourg from 1 to 3 May.

X.com. Facebook.

**24.05.2024**

Vice-President of the Constitutional Court Irēna Kucina and judge Artūrs Kučs meet with judges of the Constitutional Court of Moldova.

X.com LV, EN. Facebook.

**27.05.2024**

Judge Jautrīte Briede participates in a seminar organised by the Supreme Administrative Court of Finland and ACA-EUROPE.

X.com. Facebook.

**04.06.2024**

Visit of a group of judges and prosecutors from the EJTN to the Constitutional Court.

X.com. Facebook.

**07.06.2024**

Kristaps Tamužs, Head of the Legal Department of the Constitutional Court, participates in the ECtHR Superior Courts Network Focal Points Forum in Strasbourg.

X.com. Facebook.

**05.09.2024**

Judge Jānis Neimanis meets judge Georg Lukasser of the Austrian Supreme Administrative Court.

X.com. Facebook.

**11.09.2024**

The Constitutional Court hosted young judges from the Riga District Court, Riga City Court, Vidzeme District Court and Kurzeme District Court within the framework of the Latvian Judicial Training Centre's training programme.  
X.com. Facebook.

**08.10.2024**

Congratulations to Ineta Ziemele on her new term as a Judge of the CJEU.  
X.com. Facebook.

**11.10.2024**

A seminar for court communicators is held at the Constitutional Court.  
X.com. Facebook.

## **International cooperation**

**05.02.2024**

President of the Constitutional Court Aldis Laviņš participates in an international conference in Vienna on the role of the European Rules of Civil Procedure in improving the efficiency of judicial proceedings and the future development of civil procedure.  
X.com. Facebook.

**16.02.2024**

Lithuanian National Independence Restoration Day.  
X.com. Facebook.

**19.02.2024**

The Constitutional Court will support the development of constitutional justice in Ukraine.  
Press release. X.com. Facebook.

**21.02.2024**

International experts visit the Constitutional Court to discuss with judges issues related to the protection of local government rights.  
Press release. X.com. Facebook.

**24.02.2024**

The Constitutional Court honours Ukraine's fight for its independence.  
X.com. Facebook.

**24.02.2024**

Estonian Independence Day.  
X.com. Facebook.

**08.11.2024**

The Constitutional Court strengthens its dialogue with administrative courts.  
Press release. X.com. Facebook.

**22.11.2024**

The Legal Department on an exchange visit to the German Federal Constitutional Court.  
X.com. Facebook.

**11.03.2024**

Artūrs Kučs attends a meeting of the Council of the European Union Agency for Fundamental Rights.  
X.com.

**15.03.2024**

The President of the Constitutional Court, Aldis Laviņš, and judge Artūrs Kučs participate in the 138<sup>th</sup> plenary session of the Venice Commission.  
X.com. Facebook.

**16.03.2024**

The President of the Constitutional Court, Aldis Laviņš, participates in the meeting of the Bureau of the World Conference on Constitutional Justice.  
X.com. Facebook.

**16.03.2024**

In Venice, the Bureau of the World Conference on Constitutional Justice supports the Constitutional Court's resolution.  
X.com. Facebook.

**18.03.2024**

The Bureau of the World Conference on Constitutional Justice supports the Constitutional Court's resolution on the restoration of international legal order.  
Press release. X.com. Facebook.

**21.03.2024**

A delegation from the Constitutional Court visits the Finnish Parliament.  
X.com. Facebook.

**10.05.2024**

The Constitutional Court supports the integration of the Ukrainian legal system into a single European legal area.

Press release. X.com. Facebook.

**22.05.2024**

President Aldis Laviņš, Vice-President Irēna Kucina and judge Artūrs Kučs participate in the XIX Congress of the European Conference of Constitutional Courts on 21 - 23 May.

X.com LV, EN. Facebook.

**23.05.2024**

The President of the Constitutional Court emphasises the importance of assessing the geopolitical context in strengthening democracy at the XIX Congress of the European Conference of Constitutional Courts.

Press release. X.com. Facebook.

**13.06.2024**

A group of law trainees from Germany visits the Constitutional Court in the framework of the *Moveostudienreisen* programme.

X.com. Facebook.

**20.06.2024**

President Aldis Laviņš participates in a symposium of the Netherlands Association of Procedural Law.

X.com. Facebook.

**21.06.2024**

Artūrs Kučs attends the 139<sup>th</sup> plenary session of the Venice Commission.

X.com. Facebook.

**28.06.2024**

Congratulations on Ukraine's Constitution Day.

X.com. Facebook.

**28.06.2024**

Judge Jautrīte Briede participates in an international conference on the 28<sup>th</sup> anniversary of the Constitution of Ukraine.

X.com. Facebook.

**18.07.2024**

Judge Jautrīte Briede and Head of the Legal Department Kristaps Tamužs participate in an experience exchange seminar organised by the Council of Europe and the Constitutional Court of Ukraine.

Facebook.

**24.08.2024**

Greetings on Ukraine's Independence Day.

X.com. Facebook.

**27.08.2024**

Greetings on Moldova's Independence Day.

X.com. Facebook.

**04.09.2024**

The first meeting of the special committee set up within the Conference of European Constitutional Courts is held, which begins the examination of the Constitutional Court of Kosovo's application to join the international organisation.

X.com. Facebook.

**12.09.2024**

Jānis Neimanis gives a lecture to the judges of the Constitutional Court of Ukraine.

X.com. Facebook.

**13.09.2024**

Judge Anita Rodiņa attends the annual conference of the European Public Law Organisation.

X.com. Facebook.

**26.09.2024**

Judges of the Baltic States discuss judicial efficiency and cooperation with the CJEU at a conference.

Press release. X.com. Facebook.

**02.10.2024**

Vice-President Irēna Kucina attends the event "Democracy and Law" organised by the French Constitutional Council.

X.com. Facebook.

**04.10.2024**

Head of the Legal Department Kristaps Tamužs participates in the III Mariupol Constitutional Forum.

X.com. Facebook.

**11.10.2024**

Vice-President Irēna Kucina participates in the 140<sup>th</sup> plenary session of the Venice Commission.

X.com. Facebook.

**17.10.2024**

Judges and personnel of the Constitutional Court share their experience with Ukrainian colleagues on the path of the Latvian legal system to the European Union.

Press release. X.com. Facebook.

**07.11.2024**

Visit of a group of foreign judges, prosecutors to the Constitutional Court.

X.com. Facebook.

**15.11.2024**

Kristaps Tamužs attends the annual meeting of the Venice Commission's Joint Council on Constitutional Law.

X.com. Facebook.

**06.12.2024**

President of the Constitutional Court: Latvia has ample opportunities to make more effective use of the Venice Commission's support in strengthening the rule of law.

Press release. X.com. Facebook.

## **Changes to the composition of the Constitutional Court**

**15.02.2024**

Mārtiņš Mits is confirmed as a judge of the Constitutional Court.

X.com. Facebook.

**04.09.2024**

*Dr.iur.* Mārtiņš Mits assumes the position of a judge of the Constitutional Court.

Press release. X.com. Facebook.

**11.04.2024**

Veronika Krūmiņa is confirmed as a judge of the Constitutional Court.

X.com.

**31.10.2024**

Juris Juriss is confirmed as a judge of the Constitutional Court.

X.com. Facebook.

**16.04.2024**

Artūrs Kučs is elected judge of the ECtHR.

Press release. X.com LV, EN. Facebook.

**21.11.2024**

*Dr.iur.* Juris Juriss assumes the position of a judge of the Constitutional Court.

Press release. X.com. Facebook.

**16.08.2024**

Speech given by Aldis Laviņš, the President of the Constitutional Court, at the end of his term in office.

Press release. X.com. Facebook.

**27.11.2024**

Elections of the President of the Constitutional Court will take place on 28 November

Press release. X.com. Facebook.

**19.08.2024**

Veronika Krūmiņa takes up the duties of a judge of the Constitutional Court.

Press release. X.com. Facebook.

**28.11.2024**

Irēna Kucina is elected President of the Constitutional Court; judge Anita Rodiņa is elected Vice-President.

Press release. X.com LV1, EN1, LV2, EN2. Facebook.

**02.09.2024**

Artūrs Kučs leaves his position as a judge of the Constitutional Court due to his appointment as a judge of the ECtHR.

Press release. X.com. Facebook.

**28.11.2024**

New judicial panels of the Constitutional Court are established.

Press release.

**03.09.2024**

Gunārs Kusiņš leaves the position of the judge of the Constitutional Court upon the expiry of his term in office.

Press release. X.com. Facebook.