



COUNCIL OF EUROPE    CONSEIL DE L'EUROPE

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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

**(VENICE COMMISSION)**

**The Law on the Constitutional Court  
of the Republic of Latvia**

*passed at the Saeima on September 11, 1997,  
with the amendments to take effect on January 1, 2001*

The Saeima has adopted and the President promulgates the following law:

## **Constitutional Court Law**

### **Chapter I**

#### **GENERAL PROVISIONS**

##### **Article 1. The Constitutional Court**

- 1) The Constitutional Court is an independent institution of judicial power, which within the jurisdiction set forth in the Constitution of the Republic of Latvia (hereinafter — the Constitution) and in this Law, shall review cases concerning the compliance of laws and other legal norms with the Constitution, as well as other cases placed under its jurisdiction by this Law.
- 2) The Constitutional Court shall hear cases pursuant to the Constitution and this Law only.
- 3) The Constitutional Court shall be a juridical person.

##### **Article 2. Independence of the Constitutional Court**

Direct or indirect interference with the actions of the Constitutional Court in relation to judging shall not be permissible.

##### **Article 3. Composition of the Constitutional Court**

The Constitutional Court shall have seven justices.

##### **Article 4. Confirmation of a justice of the Constitutional Court**

- (1) Justices of the Constitutional Court shall be confirmed by the Saeima. Three justices of the Constitutional Court shall be confirmed upon the recommendation of not less than ten members of the Saeima, two — upon the recommendation of the Cabinet of

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Ministers, but two justices of the Constitutional Court — upon the recommendation of the Plenum of the Supreme Court. The Plenum of the Supreme Court may select candidates for the office of a justice of the Constitutional Court only from among Republic of Latvia judges.

- (2) Any citizen of Latvia who has a university level legal education and at least *ten* years' working experience in a legal profession or in a scientific or educational field in a judicial specialty in a research or higher educational establishment, may be confirmed a justice of the Constitutional Court. A person who may not be nominated for the office of a justice under Article 55 of the Law "On Judicial Power", must not be appointed as a justice of the Constitutional Court.
- (3) The application for the office of a justice of the Constitutional Court shall be accompanied by the following documents signed by the nominee:
  - 1) the consent to be nominated for the office of a justice of the Constitutional Court;
  - 2) the statement that the restrictions under Article 55 of the Law "On Judicial Power" do not apply to the nominee.
- (4) Lists of nominees for the office of justices of the Constitutional Court shall be published in the newspaper "Latvijas Vēstnesis" not later than five days after their submission to the Saeima Presidium, indicating:
  - 1) the submitter of the nominees;
  - 2) the following information concerning each nominee for the office of a justice of the Constitutional Court:
    - a) full name;
    - b) year and place of birth;
    - c) place of residence (district or city);
    - d) higher educational establishments (year of graduation, specialty);
    - e) former places of employment and positions.

**Article 5. The oath of a justice of the Constitutional Court**

- (1) After confirmation by the Saeima, the justice of the Constitutional Court shall swear before the President of State the oath prescribed in the Law "On Judicial Power".

- (2) A justice of the Constitutional Court shall take up his/her duties of office after swearing the oath.
- (3) In the event a judge of another court, who has already sworn the oath, is confirmed a justice of the Constitutional Court, he/she shall not swear the oath again, and shall take up the duties of his/her office immediately after confirmation.

**Article 6. The Robe and Badge of Office of a justice of the Constitutional Court**

A justice of the Constitutional Court shall perform his/her duties of office at Court sessions wearing the Robe and Badge of Office.

**Article 7. Term of office of a justice of the Constitutional Court**

- (1) The term of office of a justice of the Constitutional Court shall be ten years as of the day when he/she took up his/her duties of office pursuant to Article 5 of this Law.
- (2) A justice of the Constitutional Court may not be removed from office during his/her term except in cases provided for in Article 10 of this Law.
- (3) One and the same person may not be a justice of the Constitutional Court for more than 10 years concurrently *with an exception of cases provided for in the third and fourth Parts of Article 11 of this Law.*
- (4) If a person, who pursuant to the Law “On Judicial Power“ has been approved to the office of a judge for an unlimited term, is confirmed a justice of the Constitutional Court, he/she, after the expiry of the term of office of a justice of the Constitutional Court, shall have the right to return to his/her previous position, unless he/she has reached the age-limit allowed for a judge to hold office.

**Article 8. Resignation or retirement of a justice of the Constitutional Court before expiry of his/her term of office**

- (5) A justice of the Constitutional Court shall retire from the office of a justice upon reaching the age of 70 *with an exception of cases provided for in the third and fourth Parts of Article 11 of this Law.*
- (6) A justice of the Constitutional Court may resign from office before expiry of his/her term at his/her own discretion, notifying the Constitutional Court in writing.

**Article 9. Suspension of the authority of a justice of the Constitutional Court**

- (1) If the *Constitutional Court* has agreed to criminal prosecution of a justice of the Constitutional Court, the authority of this justice shall be suspended until the time the judgment in the relevant case comes into legal effect or the relevant criminal case is dismissed.
- (2) If a justice of the Constitutional Court is charged with disciplinary liability because he/she has committed an act incompatible with the status of a justice, the Constitutional Court may suspend the authority of this justice until completion of the investigation, but not longer than for one month.

**Article 10. Releasing or discharging from office a justice of the Constitutional Court**

- (1) A justice of the Constitutional Court may be released from office by the decision of the Constitutional Court if he/she is unable to continue working because of reasons of health. To reach this decision, the absolute majority vote of the entire total of the justices of the Constitutional Court is needed.
- (2) A justice of the Constitutional Court is removed from office, if he/she is convicted of a crime and the judgment has come into legal effect.
- (3) A justice of the Constitutional Court may be released from office by the *Constitutional Court decision*, if he/she is in breach of the requirements of Article 35 of this Law, has committed a shameful act which is incompatible with the status of a judge, or regularly fails to perform his/her duties of office and has been charged with disciplinary liability in this regard. *To reach this decision, the absolute majority vote of the entire total of the justices of the Constitutional Court is needed.*

**Article 11. Procedure for confirming a new justice of the Constitutional Court if the authority of office of a previous justice has terminated**

- (1) Upon termination of authority of office of a justice of the Constitutional Court, the Saeima shall confirm another justice upon recommendation of the institution, which recommended the confirmation of the justice whose authority of office, has terminated.
- (2) The Constitutional Court in writing informs the institution, which recommended the confirmation of the justice, whose authority of office has terminated, about termination of authority of office. In case when the justice has been confirmed on the recommendation of not less than ten Saeima members, the Saeima is informed about the

fact. The Constitutional Court announces about the termination of authority of office of a justice or his/her reaching the age established in the first Part of Article 8 at least three months earlier.

- (3) If upon termination of authority of office of a Constitutional Court justice- or upon his/her reaching the age established in the first Part of Article 8 of this Law- the Saeima has not confirmed another justice, the authority of the Constitutional Court justice shall be regarded as prolonged to the moment of confirmation by the Saeima of a new justice and he/she has sworn the oath.
- (4) The Constitutional Court justice, whose authority has terminated or who has reached the age established in the first Part of Article 8, continues carrying out the duties of the Constitutional Court justice in reviewing the cases, proceedings of which have been commenced in his presence.

#### **Article 12. Chairperson of the Constitutional Court and his/her Deputy**

The Chairperson of the Constitutional Court and his/her Deputy shall be elected for a period of three years from among the members of the Constitutional Court by an absolute majority vote of the entire total of the justices. The voting shall be by secret ballot.

#### **Article 13. Obligations and rights of the Chairperson of the Constitutional Court and his/her Deputy.**

- (1) The Chairperson of the Constitutional Court shall preside at the sessions of the Constitutional Court, organize the work of the Court and represent the Constitutional Court.
- (2) The Deputy Chairperson of the Constitutional Court shall assist the Chairperson of the Constitutional Court in performing the duties of the Chairperson indicated in Part 1 of this Article and shall substitute for the Chairperson of the Constitutional Court in his/her absence.
- (3) The Chairperson of the Constitutional Court may delegate some of his/her duties to a justice.
- (4) The Chairperson of the Constitutional Court and his/her Deputy may give orders to justices of the Constitutional Court in matters of performing organizational duties of office only.

**Article 14. Rules of the Constitutional Court**

The structure and work procedures of the Constitutional Court shall be set out in the Rules of the Constitutional Court, which shall be adopted by an absolute majority vote of the entire total of the justices.

**Article 15. The seal of the Constitutional Court**

- (1) The Constitutional Court shall have a seal bearing the large coat-of-arms of the Republic of Latvia and the name of the Court.

**Chapter II**

**AUTHORITY OF THE CONSTITUTIONAL COURT**

**Article 16. Cases to be reviewed by the Constitutional Court**

The Constitutional Court shall review cases regarding:

- 1) compliance of laws with the Constitution;
- 2) compliance with the Constitution of international agreements signed or entered into by Latvia (*even before the Saeima has confirmed the agreement*);
- 3) compliance of other normative acts or their parts with the legal norms (acts) of higher legal force;
- 4) compliance of other acts (with an exception of administrative acts) by the Saeima, the Cabinet of Ministers, the President, the Chairperson of the Saeima and the Prime Minister with the law;
- 5) compliance of Regulations by which the minister, authorized by the Cabinet of Ministers, has rescinded binding regulations issued by the Dome (Council) of a municipality with the law;
- 6) compliance of the national legal norms of Latvia with the international agreements entered into by Latvia, which are not contrary to the Constitution.

**Article 17. The right to submit an application**

- (1) The following shall have the right to submit an application to initiate a case regarding compliance of laws and international agreements signed or entered into by Latvia –even

before the Saeima has confirmed the agreement- with the Constitution, compliance of other normative acts or their parts with the legal norms (acts) of higher legal force (Clauses 1-3 of Article 16), as well as compliance of national legal norms of Latvia with the international agreements entered into by Latvia, which are not contrary to the Constitution (Clause 6 of Article 16):

- 1) the President;
  - 2) the Saeima;
  - 3) not less than twenty members of the Saeima;
  - 4) the Cabinet of Ministers;
  - 5) the Prosecutor General;
  - 6) the Council of the State Control;
  - 7) the Dome (Council) of a municipality;
  - 8) the State Human Rights Bureau;
  - 9) a court, when reviewing an administrative, civil or criminal case;
  - 10) a judge of the Land Registry when entering real estate- or thus confirming property rights on it- in the Land Book;
  - 11) a person whose fundamental rights established by the Constitution have been violated.
- (2) The following shall have the right to submit an application to initiate a case regarding compliance of other acts (with an exception of administrative acts) of the Saeima, the President, the Chairperson of the Saeima and the Prime Minister with the Constitution and other laws (Clause 4 of Article 16):
- 1) the President of State;
  - 2) the Saeima;
  - 3) not less than twenty members of the Saeima;
  - 4) the Cabinet of Ministers;
- (3) The right to submit an application to initiate a case regarding compliance with the law of an order by which a minister, duly authorized by the Cabinet of Ministers, has rescinded

the binding regulations, issued by the Dome(Council) of a municipality (Clause 8 of Article 16) shall belong to the relevant Dome (Council).

### **Chapter III**

#### **PROCEEDINGS**

##### **Article 18. Submission of application**

- (1) An application to the Constitutional Court to initiate a case (hereinafter — the application) shall be made in writing. The application must indicate:
  - 1) the applicant's name;
  - 2) the institution or official who issued the disputable act;
  - 3) an account of the true circumstances of the case;
  - 4) the legal justification of the application;
  - 5) the claim presented to the Constitutional Court.
- (2) Disputing several acts in one application shall be permissible only if:
  - 1) a normative act or a part thereof and legal norms of lesser legal force issued pursuant to same are disputed;
  - 2) the acts issued by an institution (official) are disputed because the establishment of the institution, or election, confirmation or appointment of the official did not take place as prescribed by law, or the institution or official has violated the law in a manner which renders the said acts invalid.
- (3) The application shall be signed by the applicant. If the application is submitted by an institution, it shall be signed by the head of it. If the application is submitted by not less than twenty members of the Saeima, it shall be signed by each of these members.
- (4) The application must be accompanied:
  - 1) if the application is submitted by an institution — by a decision of the institution;
  - 2) by explanations and documents necessary to determine circumstances of the case.

**Article 19. An application by the Dome (Council) of a municipality**

- (1) *The application by the Dome (Council) of a municipality pursuant to Paragraph 7 , the first Part of Article 17 of this Law shall be submitted only if the disputable act violates the rights of the relevant Dome (Council);*
- (2) *The application by the Dome (Council) of a municipality pursuant to Part 3 of Article 17 of this Law shall be accepted as provided for in Article 49 of the Law "On Municipalities".*

**Article 19.1 Application by a court and a judge of the Land Registry**

- (1) *The application shall be submitted if:*
  - 1) *a court of general jurisdiction- when reviewing a civil, criminal or administrative case in the first instance, under the procedure of cassation or appeal- holds that the norm to be applied to the case does not comply with the legal norm (act) of higher force;*
  - 2) *a judge of the Land Registry, when entering the real estate or confirming the right to the property in the Land Book, is of the opinion that the norm to be applied does not comply with the legal norm (act) of higher force;*
- (2) *The application shall be expressed in the form of a motivated decision. The decision is adopted and signed by the court, which is reviewing the respective civil, criminal or administrative case or by the judge of the Land Registry, entering real estate or confirming the right to it in the Land Book.*
- (3) *Documents, substantiating the decision of the court or the judge of the Land Registry shall be attached to it. If necessary, the respective civil, criminal or administrative case is attached to the decision as well.*
- (4) *Contesting of several acts in the decision of the court or the judge of the Land Registry is admissible if during the review of a civil, criminal or administrative case or a request to confirm property rights it is necessary to apply all the acts*

**Article 19.2 Constitutional Claim (application)**

- (1) *Any person, who holds that his/her fundamental rights, established by the Constitution, have been violated by applying a normative act, which is not in compliance with the*

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*legal norm of higher legal force, may submit a claim (an application) to the Constitutional Court.*

- (2) *The constitutional claim shall be submitted only after exhausting the ordinary legal remedies (a claim to a higher institution or official, a claim or application to a court of general jurisdiction etc.) or if there are no other means;*
- (3) *If the review of the constitutional claim is of general importance or if legal protection of the rights with general legal means cannot avert material injury to the applicant of the claim, the Constitutional Court may reach a decision to review the claim (application) before all the other legal means have been exhausted. Initiating a case at the Constitutional Court means the civil, criminal or administrative case shall not be reviewed at the court of general jurisdiction to the time of announcement of a Constitutional Court Judgment;*
- (4) *A constitutional claim may be submitted to the Constitutional Court within six months from the date of the decision of the last institution becoming effective;*
- (5) *Submitting of the constitutional claim does not suspend the execution of the court decision, with an exception of cases when the Constitutional Court has ruled otherwise;*
- (6) *in addition to contents of the constitutional claim (application), mentioned in the first Part of Article 18 of this Law, it shall substantiate that:*
  - 1) *the fundamental constitutional rights of the applicant have been violated;*
  - 2) *all the other legal means of protection have been exhausted or there are no other means;*
- (7) *One shall supplement the constitutional claim (application) with:*
  - 1) *explanations and documents necessary to size up the conditions of the case;*
  - 2) *documents, confirming the fact that all the other legal means of protection, if there exist such means, have been exhausted.*

**Article 20. Initiating a case or refusal to initiate a case**

- (1) *The Panel, consisting of three justices, examines the application and takes the decision to initiate a case or refuse to initiate it.*
- (2) *The Panel is elected for a year by an absolute majority vote of the entire total of the justices. The Panel with the Chairperson or the Deputy Chairperson of the*

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*Constitutional Court in its body is presided by the Chairperson or the Deputy Chairperson. If there are neither the Chairperson nor the Deputy Chairperson of the Constitutional Court in the body of the Panel, it is presided by a Chairperson of the Panel, elected from among its members.*

- (3) *Rules of Procedure of the Constitutional Court determine the procedure of appointing the Panels to review a case, of recording the session, the procedure of substituting a judge who is unable to attend the session of the Panel because of health or other justified reasons as well as other issues, connected with organisational activities of the Panel;*
- (4) *The Panel reviews cases in closed sessions, with only the members of the Panel taking part. If it is necessary the members of the Panel may invite the applicant, the employees of the Constitutional Court or other persons to attend the session.*
- (5) *When reviewing the applications the Panel experiences the right of refusing to initiate a case, if:*
  - 1) *the case is not within the jurisdiction of the Constitutional Court;*
  - 2) *the applicant is not entitled to submit the application;*
  - 3) *the application does not comply with the requirements of Articles 18 or 19-19.2 of this Law;*
  - 4) *an application on an already reviewed claim has been submitted.*
- (6) *When reviewing the constitutional claim, the Panel may refuse to initiate a case if the legal justification of the claim is evidently insufficient to satisfy the appeal;*
- (7) *The Panel adopts the decision to initiate the case or to refuse initiating it within a month of receiving the submitted application. In complicated cases the Constitutional Court may adopt the decision to extend this term to two months.*
- (8) *The decision of the Panel on initiating a case or refusing to initiate a case is allowing of no appeal.*
- (9) *If a decision to initiate a case has been adopted, then within three days of adopting the decision:*
  - 1) *a copy of the decision shall be forwarded to the participants in the case;*
  - 2) *a copy of the application shall be forwarded to the institution or official, who issued the disputable act;*

- 3) *the institution or official, who issued the disputable act, is requested to submit a written reply, describing the true circumstances and legal justification of the case by the date set by the judge of the Constitutional Court;*
  - 4) *information on initiating the case, naming the Panel, which has initiated the case, the applicant and the subject of the case is forwarded for publication in the newspaper "Latvijas Vēstnesis".*
- (10) *If a decision to refuse to initiate a case is adopted, the copy of the decision shall be forwarded to the applicant within three days of its adoption, but in cases when the application has been submitted by not less than twenty Saeima deputies- to their authorised representative.*

**Article 21.** has been deleted by the Saeima when adopting Amendments to the Constitutional Court Law on November 30,2000.

**Article 22. Preparing a case for review**

- (1) After the case is initiated, the Chairperson of the Constitutional Court shall ask one of the justices to prepare it for review.
- (2) In preparing the case, if necessary, the justice shall:
  - 1) request additional explanations and documents from the applicant, the institution or official, who issued the disputable act, or any state or municipal institution, office or official;
  - 2) *take a decision on persons to be invited and request them to express their viewpoint ;*
  - 3) *take a decision on the necessity of investigation by experts.*
- (3) *If the judge has taken a decision on it, any person, hearing whose viewpoint can advance objective and versatile review of the case, may be regarded as an invited person.*
- (4) *The viewpoint of the invited person, conclusion of the expert, requested explanations and other documents shall be submitted on the date determined by the justice.*
- (5) *The justice takes a decision on requests, expressed by the participants in the case. If the justice partially or completely rejects the request, he/she takes a decision on it. The copy of the decision is forwarded to the participant who has expressed the request. The decision on partial or complete rejection of the request is final and may not be appealed.*

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- (6) *To encourage objective, versatile and quick process of review, two or more cases may be combined into one case, as well as one case may be divided into two or more cases.*
  - (7) The case shall be prepared within not more than three months. In especially complicated cases the Constitutional Court *in the body of three justices* at the organisational session may adopt a decision to extend this term but not more than by two months.
  - (8) *The justice completes the preparation of the case by a decision. If he/she holds that the case may be reviewed in a written process, he/she includes the viewpoint in the decision.*
  - (9) The preparation of the case shall be completed by a decision of the Chairperson of the Constitutional Court to forward the case for review, appointing the body of the Court session and setting the time and place for the organisational session.
  - (10) *At the organisational session the justices reach a decision on:*
    - 4) *establishing the Court proceedings in writing, if the justice, who has prepared the case for review, expresses a motion on it;*
    - 5) *the time and place of the Court session;*
    - 6) *other issues connected with the review of the case at the Court session.*
  - (11) The Court session shall be set down *not earlier than 15 days* and not later than three months after the adoption of the decision *on the time and place of the Court session.*
  - (12) *If the case is reviewed at the Court session with the participants in the case taking part, then not later than 15 days before the session:*
    - 1) participants in the case shall be notified of the time and place of the session;
    - 2) notice of the time and place of the session shall be forwarded for publication in the newspaper "Latvijas Vēstnesis".
  - (13) *If the decision on the Court proceedings in writing has been adopted, the participants in the case shall be notified about it.*

### **Article 23. Representation at the Constitutional Court**

- (1) Participant in the case – the applicant as well as the institution or official who issued the disputable act– may perform procedural actions at the Constitutional Court himself/herself or be represented by his/her respective representative.

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- (2) If the application is submitted by not less than twenty members of the Saeima, they shall be considered one procedural person. They may perform procedural actions by the agency of one authorised representative only. The first person, which has signed the application, is considered to be the authorised representative, if the members of the Saeima have not decided it otherwise. *In cases when not less than twenty members of the Saeima have submitted the application, it is not forbidden to perform procedural actions even if the term of authority of one or several deputies has expired.*
  - (3) *If the conformity with the legal norm of higher legal force, adopted or issued by an official or institution, which does not exist any more and which has no legal successor is challenged, the institution or official, who is authorised to declare the disputable act null and void or change it, shall be regarded as the participant in the case.*
  - (4) Participants in the case may employ the assistance of a sworn advocate. The sworn advocate has all the rights of the participant in the case, with an exception of closing of proceedings. The authorisation of the sworn advocate shall be confirmed by an order (warrant). The participant in the case may entrust the sworn advocate with responsibility of the authorised representative. This authorisation shall be confirmed by a written warrant.

**Article 24. Rights of the participants in the case to examine case material**

Following adoption of the decision to forward the case for review, participants in the case — the applicant and the institution or official who issued the disputable act— may examine the case material.

**Article 25. Composition of the Court**

- (1) The entire Constitutional Court shall review cases concerning:
  - 1) compliance of laws with the Constitution;
  - 2) *compliance of other acts (with an exception of administrative acts) of the Saeima, the Cabinet of Ministers, the President, the Chairperson of the Saeima and the Prime Minister with the Law;*
  - 3) *compliance of the legal norms of national rights of Latvia with those international agreements entered into by Latvia, which are not at variance with the Constitution;*

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- 4) compliance of normative acts of the Cabinet of Ministers with the Constitution and other laws;
  - 5) compliance with the Constitution of international agreements signed or entered into by Latvia (*even if they are not yet confirmed at the Saeima*).
- (2) Matters not mentioned in Paragraph 1 of this Article shall be reviewed by three justices of the Constitutional Court *if the Constitutional Court has not ruled otherwise*.
  - (3) If the entire Constitutional Court reviews a case, it shall include all the justices of the Constitutional Court who are not excused from participating in the Court session because of health or other justified reasons. In this case there may not be less than five justices of the Constitutional Court. The session shall be chaired by the Chairperson of the Constitutional Court or his/her Deputy.
  - (4) If a case is reviewed by three justices of the Constitutional Court, *in compliance with the Rules of Procedure of the Constitutional Court*, the participating justices are selected by the Chairperson of the Constitutional Court. *If among the body of the Court session there is neither the Chairperson of the Constitutional Court nor his/her Deputy*, the three justices shall elect the Chairperson of the session from their midst at the organisational session.
  - (5) No justice of the Constitutional Court shall get refusal to take part in the Court session.

**Article 26. The procedure for reviewing cases**

- (1) The procedure for reviewing cases is provided for by this Law and the Rules of Procedure of the Constitutional Court. *Envisaging of procedural terms and procedural sanctions- fines- shall be carried out in accordance with the rules of the Civil Procedure. Other procedural issues, not regulated in the Constitutional Court Law and the Rules of Procedure of the Constitutional Court, shall be determined by the Constitutional Court.*
- (2) *The participants in the case (with an exception of the representatives of legal persons), who do not know the language of the proceedings have the right of employing the services of an interpreter. Expenses for the services of an interpreter are covered by the participant himself/herself.*

**Article 27. Openness of Constitutional Court sessions**

- (1) Sessions of the Constitutional Court shall be open except in cases when this is contrary to the interests of protecting state secrets, *commercial secrets as well as protecting the inviolability of the private life of a person.*
- (2) *Persons, present at the Court session may make written notes and audio records, not leaving their seats. During the Court session video recording, photographing as well as audio recording outside the places envisaged for public may be completed only with the agreement of the Chairperson of the Court session and so as not to intrude upon the Court process.*
- (3) The decision about reviewing the case at a closed session shall be adopted by the Constitutional Court. At a closed session the case is reviewed by observing all the provisions for proceedings. The Court decision shall be announced publicly in all events.

**Article 28. Sessions of the Constitutional Court**

- (1) *Decisions during the Court session are taken by the majority of vote of the body of the justices, reviewing the case, discussing the issues either in the conference hall or the Court hall. If the decision is reached in the conference hall, then only the justices shall be present. Viewpoints expressed during voting shall not be made public. If the decision has been adopted in the conference hall, the Chairperson of the Court session announces it after returning to the Court hall.*
- (2) The session of the Constitutional Court is opened by the Chairperson of the Court session. He/she shall announce the members of the Court, participants in the case and other persons involved in the case and check their identity and authorisation.
- (3) *If a participant in the case or another person involved in it has not appeared, the Chairperson of the Court session ascertains if the person has been duly notified about the court session and whether the reasons of his/her non-appearance are known.*
- (4) *If a participant, who has been duly notified about the Court session, has not appeared, the Court shall take a decision on beginning or suspending the review of the case. If an invited person, a witness, an expert or interpreter has not appeared at the Court, the Chairperson of the Court session discusses the possibility of reviewing the case without the presence of the witness, expert or interpreter with the participants. After listening to the viewpoint of the participants, the Court adopts a decision to start or to suspend the review of the case.*

- (5) *The review of the case on its merit begins with the report of the justice.*
- (6) *After the report, participants in the case describe the true circumstances of the case and the legal justification. The applicant is given the floor the first. The report of any participant in the case to express the real circumstances of the case and its legal justification shall not last for more than 30 minutes. The time limit may be prolonged on the request of the participant in the case.*
- (7) *Afterwards, if necessary, the floor is given to the invited persons, viewpoints of experts are heard and witnesses are questioned.*
- (8) *Next follow the Court debate and remarks.*
- (9) *The session of the Constitutional Court ends with the information of the Chairperson of the Court session about the time the Judgment will be announced.*
- (10) *The process of the Constitutional Court session shall be recorded on audiotape, and a stenographic report shall be prepared from it. The stenographic report shall be attached to the Court record. The Chairperson of the Court session and the secretary shall sign the Court record.*

#### **Article 28.1 Court proceedings in writing**

- (1) *In cases when the documents attached to the case suffice, it is possible to hold Court proceedings in writing, without the participants in the case attending the Court session. The decision to hold Court proceedings in writing is adopted in compliance with the procedure determined in the tenth Part of Article 22 of this Law.*
- (2) *Fifteen days after receiving the announcement on Court proceedings in writing, the participants in the case have the right of examining the case material and express their viewpoint on it in a written form.*
- (3) *Court proceedings in writing shall be held and the Judgment reached in the conference chamber.*

#### **Article 28.2 Procedural sanctions**

- (1) *In cases determined by this Article, the Court may apply the following sanctions:*
  - 1) *warning;*
  - 2) *expulsion from the Court hall;*

- 3) *fine.*
- (2) *The Chairperson may express warning to a person who does not observe the rules of behaviour and interferes with the process of review.*
- (3) *Making the person to leave the Court hall may be applied in cases, when the person, who has been warned, is repeatedly called to order. Persons present, who are not participants in the case or other persons involved in the case are asked to leave the Court hall by the Chairperson of the Court session, but participants in the case – by the Court. If a representative of the participant in the case –an institution or official- has been turned out of the Court hall, the institution or official he/she represents is notified about it.*
- (4) *The Court may impose fine in the following cases and in the sum of:*
  - 1) *if a participant in the case, an invited person, an expert, witness or interpreter does not appear at the Court session because of reasons the Court considers to be unjustified- with the fine up to one hundred lats;*
  - 2) *if a participant in the case or another person involved in the case, who has been warned is repeatedly called to order during the Court session- with the fine up to one hundred and fifty lats.*
- (5) *A copy of the Court Judgment (excerpt from the Court record) on imposing the fine is forwarded to the person who has been fined.*
- (6) *Within ten days after receiving the copy of the Judgment, the person, who has been fined, may ask the Constitutional Court to reduce the sum of the fine or to exempt him/her from the fine altogether.*
- (7) *The fine is collected in compliance with the procedure envisaged by the Law on Civil Procedure.*

**Article 29. Closing of proceedings**

- (1) Proceedings in the case may be closed before the judgment is announced by a decision of the Constitutional Court:
  - 1) upon a written request of the applicant;
  - 2) if the disputed legal norm (act) is no longer in effect;

- 3) if the Constitutional Court finds that the decision to initiate the case does not comply with the provisions of Part 1, Article 20 of this Law;
  - 4) if the norm (act), compliance with which is disputed is no longer in effect;
  - 5) if a judgment in another case on the same claim subject has been announced;
  - 6) in other cases, when continuation of proceedings is impossible.
- (2) Changes in the body of an elected institution or replacement of an official after the application has been submitted does not serve as a sufficient reason to refuse initiating a case or closing proceedings.
  - (3) If the decision to close proceedings is adopted, the copy of the decision shall be forwarded to the participants in the case and to the newspaper "Latvijas Vēstnesis" for publication not later than three days after adopting the decision.

#### **Article 30. Reaching the judgment of the Constitutional Court**

- (1) Following the session of the Constitutional Court, the justices shall meet to reach a judgment in the name of the Republic of Latvia. During the voting only those justices who are in the body shall be in the conference hall.
- (2) The judgment shall be reached by a majority vote. The justices may vote only "for" or "against".
- (3) In the event of a tie vote the Court shall reach a judgment that the disputed legal norm (act) complies with the legal norm of higher force.
- (4) The judgment shall be *reached* not later than 30 days after the Constitutional Court session. The judgment shall be forwarded to the participants in the case not later than three days after *reaching the judgment*.
- (5) The Chairperson of the Court signs the judgment.
- (6) A justice who had voted against the opinion given in the judgment shall present his/her individual opinion in writing, which is attached to the case file, but is not announced at the Court session.

#### **Article 31. Contents of the judgment of the Constitutional Court**

The judgment of the Constitutional Court shall indicate:

- 1) time and place of reaching the judgment;
- 2) membership of the Constitutional Court and secretary of the Court session;
- 3) participants in the case (indicating the applicant);
- 4) provision of this Law pursuant to which the Constitutional Court has reviewed the case;
- 5) the disputed legal norm (act);
- 6) circumstances established by the Constitutional Court;
- 7) arguments and proof justifying the conclusions of the Constitutional Court;
- 8) arguments and proof by which the Constitutional Court rejects this or other proof;
- 9) provision of the Constitution or other law pursuant to which the Constitutional Court considered whether the disputed legal norm (act) complies with the legal norm of higher force;
- 10) ruling of the Constitutional Court whether or not the disputed legal norm (act) complies with the legal norm of higher force;
- 11) with regard to the effective disputable legal norm (act)-the time by which the disputed legal norm (act) is no longer in effect, if the Constitutional Court has declared that the norm (act) does not comply with the legal norm of higher force;
- 12) other rulings, if necessary;
- 13) a statement that the judgment of the Constitutional Court is final and may not be appealed.

### **Article 32. Force of a judgment of the Constitutional Court**

- (1) The judgment of the Constitutional Court is final. It shall come into legal effect at the time of announcement.
- (2) A judgment of the Constitutional Court shall be binding on all state and municipal institutions, offices and officials, including the courts, also natural and juridical persons.

- (3) Any legal norm (act) which the Constitutional Court has determined as incompatible with the legal norm of higher force shall be considered invalid as of the *date of publishing* the judgment of the Constitutional Court, unless the Constitutional Court has ruled otherwise.
- (4) If the Constitutional Court has recognized any international agreement signed or entered into by Latvia as incompatible with the Constitution, the Cabinet of Ministers is immediately obliged to see that the agreement is amended, denounced, suspended or the accession to that agreement is recalled.

### **Article 33. Publication of the judgment of the Constitutional Court**

- (1) The judgment of the Constitutional Court shall be published in the newspaper "Latvijas Vēstnesis" and in the gazette "Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs" not later than within five days of being reached.
- (2) Once a year the Constitutional Court shall publish a collection of judgments of the Constitutional Court, including all judgments in full and individual opinions of justices attached to cases.

## **Chapter IV**

### **STATUS OF A JUDGE OF THE CONSTITUTIONAL COURT**

#### **Article 34. Restrictions concerning other paid employment and participation in public affairs**

- (1) A justice of the Constitutional Court may not fill another office or have other paid employment except in a teaching, scientific and creative capacity. He/she may not be a member of the Saeima or the Dome (Council) of a municipality.
- (2) The office of a justice of the Constitutional Court is incompatible with membership in a political organization (party) or the association of same. A justice of the Constitutional Court may be a member of other public organization or the association of same, however, he/she must use this right so as not to harm the dignity and reputation of a justice, the independence of the Court, and impartiality.

#### **Article 35. Immunity of a justice of the Constitutional Court**

- (1) A justice of the Constitutional Court may not be criminally prosecuted or arrested without the consent of the Constitutional Court. The absolute majority of vote of the entire total of the justices of the Constitutional Court is needed to adopt the decision on it.

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- (2) A judge of the Constitutional Court may be detained, forcibly brought in and subjected to a search with the consent of the Constitutional Court only. These matters shall be reviewed by three justices of the Constitutional Court.
  - (3) A justice of the Constitutional Court may be charged with disciplinary liability in case of administrative violations.

**Article 36. Disciplinary liability of a justice of the Constitutional Court**

- (1) A justice of the Constitutional Court may be charged with disciplinary liability for:
  - 1) violating the restrictions provided for in Article 34 of this Law;
  - 2) failure to perform his/her duties of office;
  - 3) unbecoming conduct;
  - 4) an administrative violation.
- (2) A disciplinary case may be initiated by the Chairperson of the Constitutional Court, his/her Deputy or not less than three justices of the Constitutional Court.
- (3) A disciplinary case shall be prepared for review by a justice appointed by the Chairperson of the Constitutional Court or his/her Deputy.
- (4) A disciplinary case shall be reviewed by the entire Constitutional Court with all the justices of the Constitutional Court who are not excused for health or other justified reasons, participating. The justice, against whom the disciplinary case is initiated, is not part of the court. In this case the court must consist of not less than four justices. The session shall be chaired by the Chairperson of the Constitutional Court or his/her Deputy.
- (5) The Constitutional Court shall adopt a decision on a disciplinary case by a majority vote, *with an exception of cases, envisaged in the third Part of Article 10*. In the event of a tie vote the case shall be dismissed.
- (6) When reviewing a disciplinary case, the Constitutional Court may:
  - 1) impose disciplinary punishment;
  - 2) dismiss the disciplinary case.

- (7) Disciplinary punishment which the Constitutional Court may impose on a justice shall be:
  - 1) reproof;
  - 2) admonition;
  - 3) reduction of basic salary for a period of one year, withholding up to 20% of the basic salary;
  - 4) removal from the office in compliance with the third Part of Article 10.
- (8) Disciplinary punishment does not exclude criminal and material liability of the justice of the Constitutional Court.

## **Chapter V**

### **FINANCING OF THE CONSTITUTIONAL COURT, REMUNERATION OF AND SOCIAL GUARANTEES FOR JUDGES**

#### **Article 37. Financing of the Constitutional Court**

The Constitutional Court shall be financed from the state budget.

#### **Article 38. Remuneration of justices of the Constitutional Court**

- (1) The salary of a justice of the Constitutional Court, the Chairperson of the Constitutional Court and his/her Deputy shall be equal to the salary of a judge of the Supreme Court, the Chairperson of the Supreme Court and his/her Deputy, respectively.
- (2) The Chairperson of the Constitutional Court shall receive additional remuneration for performing the duties of a chairperson, equal to the additional remuneration set for the Chairperson of the Supreme Court for performing the duties of Chairperson; the Deputy Chairperson of the Constitutional Court for performing the duties of a deputy Chairperson shall receive an additional remuneration equal to the additional remuneration set for the deputy Chairperson of the Supreme Court for performing the duties of a deputy chairperson.
- (3) In addition to their basic salary, justices of the Constitutional Court shall receive additional remuneration provided for in legislative acts currently in effect for judges of the Supreme Court with the *highest* class of qualification.

**Article 39. Social guarantees for justices of the Constitutional Court**

All social guarantees and relief provided for judges in normative acts currently in effect shall also apply to justices of the Constitutional Court.

**Chapter VI**

**OFFICIALS AND EMPLOYEES OF  
THE CONSTITUTIONAL COURT**

**Article 40. Officials and employees of the Constitutional Court**

- (1) The list of positions of officials and employees of the Constitutional Court shall be established by the Chairperson of the Constitutional Court within the limits of the Court's budget.
- (2) The employment relations between the Constitutional Court and its officials and employees shall be regulated by the Latvian Labour Code.
- (3) All benefits and social guarantees provided for officials and employees of the judiciary by the Law "On Judicial Power" and other normative acts currently in effect shall apply to the officials and employees of the Constitutional Court.

### **TRANSITIONAL PROVISIONS**

1. If, at the time when the first session of the first Constitutional Court is convened, all the judges of the Constitutional Court have assumed office, the Constitutional Court shall elect the Chairperson of the Constitutional Court according to the procedure set in Article 12 of this Law. If not all the judges of the Constitutional Court have assumed office at this time, the Constitutional Court shall, by a simple majority vote, elect the Acting Chairperson of the Constitutional Court from among the judges which have assumed office. Only a judge of the Constitutional Court who has assumed office may be elected the Acting Chairperson of the Constitutional Court.

2. The Acting Chairperson of the Constitutional Court shall have full powers of the Chairperson of the Constitutional Court until the time when the Chairperson of the Constitutional Court is elected.

### **TRANSITIONAL PROVISIONS**

*Adopted by the Saeima on November 30, 2000.*

- (1) *Amendments to the Constitutional Court Law, as regards applications on initiating a case at the Constitutional Court by a court of general jurisdiction when reviewing a civil or criminal case, shall take effect together with corresponding amendments to the Civil Procedure Law and Criminal Procedure Law.*
- (2) *Amendments to the Constitutional Court law, as regards applications on initiating a case at the Constitutional Court by a court of general jurisdiction when reviewing an administrative case, shall take effect at the same time as the Law on Administrative Proceedings;*
- (3) *Amendments to the Constitutional Court law, as regards applications by judges of the Land Registry when entering the real estate or confirming the right to the property in the Land Book, shall become effective at the same time as the respective amendments to the Law on Land Books;*
- (4) *Amendments to the Constitutional Court Law as regards constitutional claim (application) shall take effect on July 1, 2001;*
- (5) *To the time of the Law on Administrative Proceedings taking effect, the Constitutional Court shall continue reviewing cases on the compliance of administrative acts of the Cabinet of Ministers and the Prime Minister with legal norms of higher legal force;*
- (6) *Within a month of this Law taking effect the Constitutional Court:*
  - 1) *makes amendments to the rules of Procedure of the Constitutional Court;*
  - 2) *forms the Panels.*

The Law has been passed at the Saeima on September 11, 1997.

*The Amendments to it take effect on January 1, 2001.*