



THE CONSTITUTIONAL COURT OF THE REPUBLIC OF LATVIA

JUDGMENT

on behalf of the Republic of Latvia

Riga, 7 December 2023

Case No. 2022-41-01

The Constitutional Court, composed of President of the Hearing Aldis Laviņš, Justices Irēna Kucina, Gunārs Kusiņš, Jānis Neimanis, Artūrs Kučs, Anita Rodiņa and Jautrīte Briede,

at the request of Daugavpils City Council,

on the basis of Article 85 of the Constitution of the Republic of Latvia and Paragraph 1 of Section 16, Paragraph 7 of Section 17(1), Sections 19 and 28.¹ of the Constitutional Court Law,

at the hearing on 7 November 2023, in the written procedure, examined the case

"On Compliance of Section 4(2), Section 5(2) and (5) and Section 8(1) of the Law on the Prohibition of Exhibiting Items Glorifying the Soviet and Nazi Regimes and Their Dismantling in the Territory of the Republic of Latvia with Article 1 and Article 101 of the Constitution of the Republic of Latvia".

Establishing Part

1. On 16 June 2022, the Saeima adopted the Law "Law on the Prohibition of Exhibiting Items Glorifying the Soviet and Nazi Regimes and Their Dismantling in the Territory of the Republic of Latvia", which entered into force on 23 June 2022 (hereinafter – the Law).

Section 3 of the Law stipulates that it shall be prohibited to exhibit monuments, memorial signs, memorial plaques, memorial sites, architectural or artistic formations and other objects (hereinafter – the objects) which have been erected in the territory of Latvia since 1940 and conform to at least one of the following criteria in open public spaces, public structures or indoor spaces of public entities (except for accredited museums):

1) they glorify the occupying powers of the USSR or Nazi Germany, an event or person associated therewith;

2) they glorify totalitarianism, violence, military aggression, war, and war ideology;

3) they contain symbols of Soviet power or Nazism.

Section 4(2) of the Law stipulates that other objects to be dismantled conforming to the criteria specified in Section 3 of this Law shall be determined by the Cabinet.

According to Section 5(2) of the Law, the documentation and dismantling of the objects shall be carried out by the local government in the administrative territory of which the relevant object is located. Section 5(5) of the Law stipulates that local governments shall implement the dismantling of the objects not later than by 15 November 2022.

Finally, according to Section 8(1) of the Law, the dismantling of the objects shall be financed in an equal amount from the budget of the State and the local government in the administrative territory of which the relevant object is located (hereinafter – the contested norms).

On 14 July 2022, the Cabinet of Ministers adopted Regulation No 448 "List of Objects to be Dismantled in the Territory of the Republic of Latvia Glorifying the Soviet and Nazi Regimes" (hereinafter – Cabinet Regulation No 448). The Regulation entered into force on 22 July 2022. The Regulation includes two objects located in Daugavpils:

1) Memorial to the Red Army soldiers on 18. novembra Street, in the former Slavass square;

2) Memorial to Red Army soldiers on 18. novembra Street, opposite the Communal Cemetery.

2. The Applicant – Daugavpils City Council (hereinafter – the Applicant) – holds that the contested norms infringe the principle of local self-government derived from Articles 1 and 101 of the Constitution of the Republic of Latvia (hereinafter – the Constitution).

One of the autonomous functions of a local government is to take care of the improvement of its administrative territory. This function gives the local government a wide margin of discretion. In exercising this autonomous function, the Applicant has already dismantled those objects installed during the Soviet period which had no artistic value and which reflected the ideology of the Soviet period. The objects indicated by the Cabinet of Ministers are neutral and do not glorify the Soviet regime. By the contested norms, by ordering the local government to dismantle objects specified by the Cabinet of Ministers, the State interfered in the autonomous function of the local government to take care of the improvement of its administrative territory.

It follows from the principle of local self-government in conjunction with the principle of proportionality that the State may not interfere in the conduct of local affairs in such a way that the local authority no longer has sufficient discretion to exercise its democratically acquired powers in the interests of its territory's inhabitants, including the exercise of its autonomous functions. Similarly, the principle of local self-government implies an obligation on the part of the central authority, where it delegates a function or task to a local authority, to provide, as far as possible, for the adaptation of that function or task to local circumstances. The legislator may set the framework for the performance of a function or task, i.e. various criteria, conditions, procedures, as well as the control mechanism, but the local government should be left with discretion. In the present case, the legislator, in accordance with the principle set out in Article 4(5) of the European Charter of Local Self-Government (hereinafter – the Charter), should have granted the council of each local government the discretion to assess which objects on the territory of the local government should and should not be dismantled.

According to the Applicant, the remaining objects in Daugavpils, which were in good technical condition, maintained and even restored, did not glorify the Soviet regime, but were dedicated to the memory of the fallen in the war. However, according to Section 4(2) of the Law, the objects to be dismantled were determined by the Cabinet

of Ministers and the local government had neither the right to participate in the decision nor the right to be heard.

Such state interference in determining the dismantling of objects and the conditions thereof is justified only if it complies with the principle of proportionality, that is to say, if there is a reasonable relationship between the action of the state authority and the objective which the state authority seeks to achieve by that action.

The annotation of the draft law did not provide any justification as to why the Cabinet of Ministers is authorised to issue the list of objects to be dismantled, why the dismantling should be carried out in such a short period of time, and why the legislator has decided on this particular financing model.

A reasonable and rational purpose can be discerned only in the Section 4(2) and Section 5(2) of the Law, which instruct the local government to carry out the dismantling of the objects determined by the Cabinet of Ministers. This objective is linked to the State's desire to ensure uniformity, in the knowledge that it does not itself have the necessary resources to dismantle all the objects on its territory. However, no rational, reasonable and ethical objective can be found for Section 5(5) and Section 8(1) of the Law.

The restriction provided for in Section 4(2) and Section 5(1) and (2) of the Law is also incompatible with the principle of proportionality, as it does not provide the local government with the discretion to adapt to local circumstances and to participate in the decision on the objects to be dismantled, but shifts the obligation to dismantle the objects and partly the obligation to finance it to the local government, and sets a very short time limit for dismantling the objects. The Applicant holds that instead of these norms, a more reasonable solution would be to instruct the local governments to assess the compliance of the objects located in their territory with the criteria established in Section 3 of the Law. However, instead of the time limit provided for in Section 5(5) of the Law, a reasonable time limit of at least one year should be set.

The contested norms have two negative consequences for the interests of the local government and its residents. Firstly, some of the residents are opposed to the dismantling of the objects, but the contested norms do not give the local government time to carry out explanatory work, to implement the dismantling of the objects

gradually or to ascertain and take into account the residents' views on which objects should be dismantled. Secondly, the contested norms require the local government to find funds for the dismantling of the objects already in the 2022 budget, however, the local government's budget is already being implemented, and it is already threatened by rising prices and inflation.

The applicant holds that the obligation to dismantle the objects established by the Cabinet of Ministers is to be regarded as a task rather than a function delegated by the State. This is reflected both in the fact that local governments are tasked with dismantling specific objects, and in the limited time available to carry out this task. The legislator, in accordance with the principle of local government and the Charter, should have provided the local government with adequate funding when it set the task of dismantling the objects, but the legislator made the local government carry out this task partly at its own expense. Moreover, no calculations were made, so it was not known how much each local government would need. In total, EUR 334 100 are needed to dismantle the two objects located within the Daugavpils city municipal boundaries, so the local government needs to find EUR 167 050. Consequently, Section 8(1) of the Law directly contradicts the principle of financial autonomy of the local government.

Finally, the adoption of the Law infringes the principle of local self-government and the principle of good legislation, as the contested norms are contrary to Article 3(1), Article 4(5) and Article 9(1) and (2) of the Charter. The contested norms are not adequately supported by explanatory studies. Section 5(5) of the Law is not a sustainable legal framework. During the adoption of the contested norms, no consultations with local governments were held. From the materials for the drafting of the draft law, it cannot be established that the Saeima was aware of the public opinion.

After reviewing the case files, Daugavpils City Council pointed out that the Soviet-era sites were a testimony to history and could provide citizens with more diverse opportunities to understand and remember historical events, while developing local identity. Thus, the disposal of these objects is related to the local government's function "to provide a culturally diverse offer to inhabitants and the opportunity to take part in cultural life". This conclusion is particularly justified by the fact that the Law on the Protection of Cultural Monuments makes a distinction between cultural monuments of

national and regional significance and cultural monuments of local significance. Moreover, the Applicant, as a city, is obliged to participate in the maintenance and development of "participate in the maintenance and development of historical objects of State and international importance, cultural and historical objects of national importance, and also of the cultural infrastructure" in accordance with the Local Government Law. The Applicant supplements the aforementioned with the conclusion that the contested norms also affect the right of the local government to decide on its long-term development strategy and programme, as well as to plan the development of the territory.

3. The institution that issued the contested norm – the **Saeima** – holds that the legal proceedings in the part concerning compliance of Section 4(2) and Section 5(2) and (5) of the Law with Article 1 and Article 101 of the Constitution should be terminated, as these norms do not relate to any of the autonomous functions of a local government and, accordingly, do not restrict a local government in the exercise of these functions.

The Saeima disagrees with the Applicant's opinion that the contested norms would be applicable to the improvement of the administrative territory of a local government or any other autonomous function of a local government mentioned in the laws.

It is unreasonable to consider that a task such as the dismantling of objects commemorating the Soviet and Nazi regimes, in the interests of the protection of the democratic order of the entire State and to be carried out uniformly throughout the territory of the State, should be reduced to the function of improving the territory of the local government and the environmental improvements to be carried out within that function. Section 15(1)(2) of the Local Government Law neither mentions *expressis verbis*, nor by means of legal interpretation methods can be read the right of the local government to take care of the dismantling of monuments and memorial signs. The obligation to dismantle objects to a certain extent relates to the implementation of the function of improving the territory, but in itself is not within the scope of this function. The dismantling of the objects is therefore not to be regarded as the performance of the

function of improvement of the territory, but as part of the measures to be taken to achieve the objectives set out in Section 1 of the Law. Similarly, the obligation to dismantle the objects is not connected with any other autonomous function of the local government mentioned in the laws. The fact that the dismantling of objects cannot be considered an autonomous function of a local government is also confirmed by the legislator's choice not to support the inclusion of the dismantling of objects in the list of autonomous functions of a local government in the new Local Government Law, which entered into force on 1 January 2023.

The Saeima considers that the obligation to dismantle objects glorifying the Soviet and Nazi regimes is a task of state administration which the legislator has delegated by law to local governments and which therefore falls within the competence delegated or entrusted to local governments.

Issues concerning the protection, use and dismantling of cultural monuments are regulated by the Law On Protection of Cultural Monuments. The Cabinet of Ministers provides the state administration in this area, which is implemented by the National Heritage Board. Objects glorifying the Soviet and Nazi regimes are not recognised as state-protected cultural monuments and are not covered by this law, but this does not change the basic principle that issues concerning the treatment of monuments as objects reflecting historical events and processes fall primarily within the competence of the state and not of local governments.

After the restoration of Latvia's independence, each local government had its own, different approach to solving this issue, therefore the legislator decided to make the need to dismantle the objects defined in the Law a mandatory and uniformly enforceable, normatively fixed state requirement in the entire territory of the country and delegated the execution of this task to local governments. For the sake of effective and uniform performance of the task of dismantling, it is essential not to transfer it to the autonomous competence of local governments, so as not to give local governments too wide a discretion, since different local governments may have different opinions and understandings of which objects are and are not to be considered as glorifying the Soviet and Nazi regimes and therefore to be dismantled.

Taking into account that the obligation to dismantle objects glorifying the Soviet

and Nazi regimes falls within the competence delegated (entrusted) to local governments, and not within their autonomous competence, it should be concluded that the contested norms do not infringe the rights of the Applicant arising from Articles 1 and 101 of the Constitution.

Neither the principle of local self-government nor the principle of subsidiarity preclude the delegation of a function (task) to a local authority if the legislator, having taken into account expediency and political considerations, has considered this to be the most appropriate solution, as is also the case here. Moreover, the activities of local governments should be directed not only towards the inhabitants of the administrative territory concerned, but also towards the common interests of society as a whole. According to Saeima, in this case, similar to adopting decisions related to the administrative-territorial reform, the legislator must ensure balance between the different interests of specific local governments and the common interests of society, but it is not obliged to assess the conformity of these decisions with the principle of proportionality in the sense that it does when imposing restrictions on fundamental rights.

With regard to the relation of the delegation to the allocation of financial resources, the Saeima draws attention to the fact that the Applicant contests the compliance of Section 8(1) of the Law with the norms of the Charter and the Local Government Law on the provision of financial resources to local governments. The Constitutional Court cannot examine the conflict of laws, whereas no case has been initiated before the Constitutional Court on the compatibility of the contested norms with the Charter.

In any case, the provision of financial resources in full from the State budget for the performance of tasks delegated to local governments is a general principle which is not equally applicable in all situations. In each case, it is necessary to assess both the purpose, content and nature of the delegated task, as well as the legal interests of the public persons involved in the performance of that task, and whether, by requiring local governments to use their budget resources to perform that delegated task, the financial autonomy and financial capacity of the local government to perform its autonomous functions are significantly affected.

The Saeima considers that the task included in the Law and the financing model for its implementation are unique in their content and nature, taking into account the purpose of the Law, its actual applicability only to those local governments which have not dismantled the objects located in their territory on their own initiative within the framework of their budget since the restoration of Latvia's independence, the unique nature of the task, the possibility of attracting donations from natural and legal persons, as well as the fact that the dismantling of objects in the administrative territory of each local government simultaneously meets the common interests of both the respective local government and the State. The legislator has deliberately chosen a different financing model for the performance of this task, to be implemented jointly by the State and local governments.

The contested norm does not restrict the general principles of the formation of the budget of a local government, including the budget revenue. Moreover, according to the Saeima, the Applicant has not substantiated that the use of its budget funds for the dismantling of the objects could significantly affect the Applicant's ability to perform the functions falling within its autonomous competence, taking care of the local population.

Taking into account the above, the Saeima holds that although the contested norms restrict to a certain extent the Applicant's financial autonomy, nevertheless, this restriction is legitimate, justified and proportionate and, consequently, it complies with Articles 1 and 101 of the Constitution. Moreover, the model of financing the performance of the delegated task provided for in the contested norms is to be recognised as a political decision of the legislator and should not be assessed by the methods of constitutional review.

Finally, the contested provisions of law were adopted in compliance with the principle of good legislation. The legislator has a wide margin of discretion in determining the procedure and time limits for the performance of tasks, subject to the principle of proportionality. The choice of the time limit for dismantling the objects was based on considerations of a political nature and expediency, the assessment of which was not subject to review by the Constitutional Court. However, the time limit is in any event reasonable, proportionate and determined in accordance with the principle of

good legislation. The law provides for a simplified procedure for dismantling objects, so that local governments can dismantle the objects in question as easily as possible.

During the meetings of the Saeima Education, Culture and Science Committee, where the draft law "On the Prohibition of Exhibiting Items Glorifying the Soviet and Nazi Regimes and Their Dismantling in the Territory of the Republic of Latvia" (No 1486/Lp13) was considered, representatives of both local governments and the Latvian Association of Local and Regional Governments were heard. The various proposals received were also assessed, and a deadline of five working days was set for their submission after the draft law was approved in first reading. Interested persons and institutions also had the opportunity to participate in the initial drafting and discussion phases of the draft law at the commission meetings and working group before its submission to the Saeima. After the adoption of the draft law in the first reading, several more meetings of the responsible committee were allocated for its discussion and hearing the opinions of all interested persons and institutions.

In view of the above, the Saeima considers that the Applicant and other local governments were provided with an opportunity to submit proposals within a reasonable time period and all proposals and objections have been duly considered. Moreover, the principle of good legislation and the principle of local self-government do not require the legislator to take into account the objections raised by the local government or to provide detailed reasons for rejecting each objection raised by the local government.

Consequently, it should be concluded that the contested norms were adopted in accordance with the relevant procedural procedure and comply with Articles 1 and 101 of the Constitution.

4. Invited person –Bucerius Law School Chair of Public Law I – Public Law, Public International and European Law, Professor Dr. Jörn Axel Kämmerer– points out that the rights of local government would have been violated if the decision on the future existence of Soviet-era monuments in the city had been a matter of local government competence and the Law had unduly restricted this competence. This could be the case if one of the tasks of a local authority were replaced by a public task or if

the freedom of decision-making of a local authority were restricted in an area of its competence. In the second case, in particular, it is necessary to examine whether the principle of proportionality has been complied with.

The constitutional guarantee of the principle of self-government gives local governments the right to assume all the tasks of a local community. They cover needs and interests rooted in or specifically linked to the local community (relating to the coexistence of people living in the community).

On the one hand, the management of an object located on the territory of a local government and the decision on its future existence can be considered, at least initially, a matter of local government. This could be covered by territorial planning, which is a mandatory task of the local government. Similarly, the creation and maintenance of green spaces, recreational areas and cultural sites – including the design of parks, the erection of statues and monuments, i.e. the definition of the character of a place – are also local responsibilities. Moreover, these obligations apply regardless of whether they have been normatively recognised as the competence of the local government. On the contrary, it can be assumed that a matter which is not regulated by law falls, precisely for that reason, within the general competence of the local government. In that case, the tasks in question qualify as voluntary tasks carried out for the well-being of the population. It follows that the dismantling of objects can be understood as a duty of self-government, if the well-being of the inhabitants so requires.

On the other hand, the local government's ability to plan the appearance of its territory is limited by the rules on the protection of national monuments. However, if the national legislation had previously protected the objects in question, the local government would be legally obliged to preserve them, but dismantling them is a different task. Moreover, in any case, if before the entry into force of the Law the self-government had the task of taking care of the monuments located on its territory, the Law introduces a new task – "dismantling of monuments". This is a devolved task, i.e. a national task, in the performance of which local governments are only involved. In this case, the task of the local government in the legal sense is merely covered by a new task (within the scope of the transferred activity), i.e. the (essentially continuing) task of the local government – local planning – is replaced by a new state task transferred to

the local governments – demolition of monuments identifiable by certain characteristics. Whereas the content of the self-government task was previously to decide freely on the monuments in the public space of the local government's territory (to preserve or dismantle them if this is not contrary to the law on the protection of monuments), the new state task, in which local governments are involved, is limited to the dismantling of the monuments in question. Therefore, in such a situation we can speak of a "superimposed abolition of the right of self-government", since the overall responsibility of the local governments for the monuments remains; it is only superimposed and effectively excluded by the new task of demolition to be carried out in certain territories.

The guarantee of the local government is not absolute. Only the core of the guarantee of self-government – its existence as such and the right to maintain a self-governing structure – is fully protected from interference.

Decisions on the fate, preservation or dismantling of monuments, in particular those not erected by the local government and which are also the subject of historical and social controversy, without reference to the core of self-government. However, in this case, interference with the so-called guarantee of self-government is possible only in accordance with the law and under certain conditions. According to the criteria laid down by the German Federal Constitutional Court, which previously applied only to the transfer of tasks from local governments to other associations of local governments, but can also be applied by analogy, "the legislator may deprive local governments of a task of a local nature only on grounds of public interest, i.e. primarily if the proper performance of the task could not be ensured otherwise. Conversely, the simple aim of simplifying administration or concentrating responsibilities, for example in the interests of clarity in public administration, is no justification for abolishing tasks".

In practice, the revocation of an assignment can only be considered if it also has a supra-local dimension or can be interpreted with a supra-local focus. Moreover, the deprivation must be directly necessary for the proper performance of a task in the public interest and cannot be merely related to increasing the efficiency of enforcement. A proportionality test is therefore required as a matter of principle. Moreover, given that the options are completely removed from the protection of the guarantee of self-

government, stricter proportionality requirements should apply. In assessing this constitutionality in the light of the criteria laid down by the German Federal Constitutional Court, the proportionality test should include the following aspects: the importance of the objective of the legislation (at national level); the legal and factual impact of the law on the responsibility of local governments for urban planning; the necessity and proportionality of a general prohibition on the conservation of monuments, taking into account the restrictions on local government that this entails.

If it turns out that the deprivation of the task of the local government by the order for dismantling was in fact unlawful, i.e. that the State should not have ordered the local governments to dismantle the monuments, then the local governments would also not be obliged to contribute to the costs. However, even in other cases, the transfer of the task may have a negative impact on the local government due to the significant negative side-effects of the task as well as the financial burden.

According to the principle of financial linkage (*Konnexitätsprinzip*), the costs of the action are borne by the institution that initiated it. This principle is not respected in the Law, because although the local governments did not initiate the dismantling of the objects and the Saeima has recognised it as a state task, the local governments must contribute to the costs of dismantling.

Whether the principle of financial nexus is an element of the principle of constitutionally ranked local government is not expressly defined in the German Basic Law. In legal scholarship, the principle of financial linkage is mostly understood only as an additional guarantee of local government. Whether the amount of the costs in itself imposes such a heavy burden on the local government as to hinder the exercise of its autonomous functions can only be assessed on a case-by-case basis. A local government like Daugavpils should be able to shoulder an additional burden of € 167 050 without too much difficulty, but a local government with 1 000 inhabitants would not.

However, even if, at least in the case of Daugavpils, from the point of view of the financial burden, the cost burden does not constitute a breach of the principle of self-government, the circumstances of the present case point to a breach of the principle of loyalty or principle of the society-friendly action. Local governments may feel that they also have to pay for the loss of competence. From the point of view of those local

governments which, for whatever reason, have decided not to support the dismantling of the objects, the obligation to cover the dismantling costs is tantamount to a sanction. The Latvian state should therefore bear the full costs.

5. Invited person – Director of the Institute of Public Business Law at the Christian-Albrecht University of Kiel and head professor of the Lorenz-von-Stein-Institut for Administrative Sciences Professor Dr. Christoph Brüning – points out that the question of how to deal with the ideological heritage of the Soviet Union, including monuments, is of national importance.

This competence of the State is also legitimate insofar as the Republic of Latvia seeks to promote its nation-state identity, which is distinct from the supremacy of the former foreign power. In this respect, the competence of local governments is merely subordinate to that of the higher level of state authority.

Thus, the removal of objects from the public space as a supra-local matter is not the task of the local government, but a task delegated to it.

The transfer of the task affects the guarantee of self-government, since the cost of carrying out such a task is to be reimbursed from municipal funds. The State should not only ensure that local governments have at least permanent financial resources for the exercise of their autonomous competences, but also, and in particular with regard to the assigned competences, at the same time as the new tasks are transferred, the financing of these tasks should be provided for (the so-called financial linkage principle). On the one hand, clear rules should be laid down for the recovery of costs and, on the other, adequate financial compensation should be provided for the additional burden imposed on local governments by the external task.

If the local government is not compensated by the State for the task of dismantling the objects provided for in the Law, the principle of self-government is unjustifiably infringed.

6. During the preparation of the case, specifically on 30 October 2022, the Daugavpils City Council organised the dismantling of the objects. According to the information submitted by Daugavpils City Council to the Constitutional Court, the total

cost of the dismantling was EUR 49 343.67. This included donations from natural and legal persons in the amount of EUR 1177.77 and funding from the Applicant in the amount of EUR 48 165.90. The amount of state budget funds requested and provided in accordance with the procedure set out in Paragraph 6 of the Cabinet of Ministers Regulation No 516 of 16 August 2022 "Procedure for Allocation and Use of State Budget Funds, as well as for Accounting and Use of Donations by Natural and Legal Persons for the Dismantling of Objects Glorifying the Soviet and Nazi Regimes in the Territory of the Republic of Latvia" was EUR 24 082.95.

Concluding Part

7. On the basis of Section 29(1)(6) of the Constitutional Court Law, the Saeima requests the Constitutional Court to terminate the proceedings with regard to the incompatibility of the contested norms with Article 1 and Article 101 of the Constitution, insofar as the Applicant has contested the compatibility of these norms with the Constitution, considering that they restrict the autonomous competence of a local government. The Saeima does not agree that the contested norms should be applied to the improvement of the administrative territory of a local government or to any other autonomous function of a local government mentioned in the laws. The Law has therefore not infringed the autonomous competence of the local government.

Section 19(1) of the Constitutional Court Law provides that an application in accordance with Section 17, Paragraph one, Clause 7 of this Law may be submitted by a local government council only if the contested act infringes upon the rights of the relevant local government. The local government must justify that from the norms, the compliance with which is contested, it derives some rights and that the contested norms infringe these rights, i.e., create some unfavourable consequences for the local government(*see, for example, Para 5 of the Decision of the Constitutional Court of 16 April 2008 on termination of proceedings in Case No 2007-21-01*).

The Applicant contests the obligation to dismantle the objects established by the Law, which according to the Cabinet of Ministers Regulation No 448 in Daugavpils has

meant the dismantling of two objects located in the public open space of the local government. The Applicant considers that it was within its competence to take care of these objects. Namely, although the obligation to dismantle established by the Law covers both objects glorifying the Soviet and the Nazi regimes, the Applicant's argumentation on the impact of the contested norms on its autonomous competence concerns only objects glorifying the Soviet regime.

Consequently, the Constitutional Court will examine whether the contested norms infringe the rights of the Applicant, i.e., whether they fall within the autonomous competence of the local government.

7.1. First of all, it must be assessed whether the management of monuments and other objects similar to monuments in the territory of the local government falls within the autonomous competence of the local government.

The autonomous functions of a local government established by law are, inter alia, to take care of the improvement of the administrative territory of the local government and to take care of culture (*see Section 15 (2) and (5) of the Local Government Law, currently – Section 4 (1) (2) and (5) of the Local Government Law*).

The autonomous function of a local government to ensure the improvement of its administrative territory is linked to the protection of the interests of all residents of the local government – to live in a well-maintained environment. The industry literature also recognizes that monuments, art objects and other similar objects are part of the municipal fabric and an essential element of the urban spatial form (*cf. Johnson N. C. Mapping Monuments: The Shaping of Public Space and Cultural Identities. Visual Communication, 2002, Vol. 1, Issue 3, pp. 293–298; Cudny W., Appelblad H. (2019) Monuments and their functions in urban public space, Norsk Geografisk Tidsskrift – Norwegian Journal of Geography, 73:5, 273–289, p. 273–289*).

As elements of the public environment, monuments fulfil artistic, symbolic, commemorative, social, political, religious and marketing functions (*see: Cudny W., Appelblad H. Monuments and Their Functions in Urban Public Space. Norsk Geografisk Tidsskrift – Norwegian Journal of Geography, 2019, Vol. 73, Issue 5, p. 285*), i.e. their importance is also linked to culture. The legislation provides for state

protection and support for monuments that meet certain criteria, while other sites fall under the autonomous competence of the local government.

The local government's responsibility for public open space, both from a functional and aesthetic perspective, and for culture extends not only to the installation and modification of municipally defined objects, but also, where necessary, to their removal in order to further develop the public open space.

The autonomous functions of the local government – improvement of the territory and care for culture – therefore include the management of monuments in the local government's territory.

7.2. In exercising its autonomous functions, a local government enjoys freedom of discretion insofar as it is not restricted by legal norms (*cf. Paragraph 21.1 of the Constitutional Court's Judgment of 24 September 2008 in Case No. 2008-03-03*). Namely, the local government must respect the Constitution, general principles of law and other legal norms.

One of the principles of Latvian constitutional law is the principle of the continuity of the Latvian state.

The legal basis of the continuity of the Latvian State is enshrined in the Declaration of the Supreme Council on the Restoration of Independence of the Republic of Latvia of 4 May 1990 (hereinafter – the Declaration of Restoration of Independence)(*cf. Paragraph 12 of the Judgment of the Constitutional Court in Case No 2004-15-0106 of 7 March 2005*). The preamble to this declaration recognises that on 17 June 1940 the USSR carried out a military aggression which qualifies as an international crime and which resulted in the occupation of the Republic of Latvia and the falsification of the sovereign will of the Latvian people by unlawfully incorporating the Republic of Latvia into the USSR. The Supreme Council concluded that the incorporation of the Republic of Latvia into the USSR was null and void from the point of view of international law and that the Republic of Latvia still existed *de jure* as a subject of international law. Namely, the Declaration of Restoration of Independence establishes the *de facto* restoration of independence of the Republic of Latvia and justifies the continuity of the State of Latvia (*cf. the judgment of the Constitutional Court of 29 November 2007 in Case No 2007-10-0102 Paragraph 33.2*). The principle

of the continuity of the State, as laid down in the Declaration of Restoration of Independence, is also enshrined in the third paragraph of the introduction of the Constitution: "The people of Latvia did not recognise the occupation regimes, resisted them and regained their freedom by restoring national independence on 4 May 1990 on the basis of continuity of the State."

It has been recognised in the decisions of the Constitutional Court and in the legal literature that the principle of continuity of the State is an element of constitutional reality, which establishes a specific legal framework with certain practical consequences for the policy pursued by the State (cf.: *Pleps J. Baltijas valstu valstiskā nepārtrauktība. Book.: Nepārtrauktības doktrīna Latvijas vēstures kontekstā. Rīga: Latvijas Zinātņu akadēmijas Baltijas stratēģisko pētījumu centrs, 2017, p. 72.; Ziemeļe I. The State Border between Latvia and Russia and the Doctrine of Continuity of the Republic of Latvia. International and Constitutional Law in Interaction Baltic Yearbook of International Law, 2009, Vol 9, p. 107*). First, the principle of continuity of the Latvian State obliges the Latvian State to address a number of issues arising from this principle (cf. *Paragraph 35 of the judgment of the Constitutional Court of 29 November 2007 in Case No 2007-10-0103*). Secondly, this principle must be observed by all Latvian state authorities (cf. *Paragraph 64.2 of the Constitutional Court's judgment of 29 November 2007 in Case No 2007-10-0102*). These institutions are bound by the statement of historical facts and the legal assessment of those facts contained in the Preamble to the Declaration of Restoration of Independence (*ibid.*).

7.3. A monument, memorial, plaque or similar object is a reminder of the memory of historical events and persons. This reminder is usually not politically or ideologically neutral (cf.: *Mintaurs M. Pieminekļi un atmiņa: padomju perioda kultūras mantojums Latvijā. Book.: Atmiņu kopienas: atceres un aizmiršanas kultūra Latvijā. Rīga: Zelta Grauds, 2016, p. 108.*).

The objects that were designated as to be dismantled upon the entry into force of the Law were installed on the territory of Latvia after the occupation of the USSR, as part of the transformation of public memory by the occupying power. That is to say, the occupation regime, upon coming to power, began to use the public space as a propaganda tool. A new landscape was created, saturated with various symbolic objects

(including statues, memorials, monuments, plaques, murals, banners and slogans) that aimed to influence and shape people's thoughts about their individual and collective past (cf.: Light D., Young C. *Public Memory, Commemoration, and Transitional Justice: Reconfiguring the Past in Public Space*. In: Stan L., Nedelsky N. (eds.) *Post-Communist Transitional Justice. Lessons from Twenty-Five Years of Experience*. New York: Oxford University, 2015, p. 236). In this way, Soviet communist ideology was reflected and people's everyday lives and perceptions of the world were influenced.

After the end of the Second World War, objects dedicated to the Red Army were erected on the territory of Latvia, ignoring the fact that the arrival of these military forces in Latvia meant the restoration of the Soviet occupation in 1940.

Already in 1940, the Red Army had committed crimes against the Latvian population, including robbery and unlawful killings (see: Riekstiņš J. *Crimes Committed by the USSR Occupation Army in Latvia 1940-1991* Riga: Ministry of Justice, 2020). In 1941, more than 15 400 citizens were deported from Latvia (see: Bleiere D. *1941. gada 14. jūnija deportācija Latvijā*. *Nacionālā enciklopēdija*, 09.01.2023. Available at: enciklopedija.lv).

In 1944, but especially after 1945, when Soviet troops regained control of Latvian territory and restored occupation, this power continued to carry out crimes against the Latvian people. On 25 March 1949, 42 149 people were deported from Latvia (see: Kalnciema A., Šķiņķe I. *Deportations of March 25, 1949: numerical characteristics* *Latvian Archives*, 2010, No. 2, pp. 158-196). At least 119 000 people were subjected to mass political repressions between 1945 and 1953 (see: Bleiere D. *Padomju otrreizējā okupācija Latvijā*. *Nacionālā enciklopēdija*, 25.04.2023. Available at: enciklopedija.lv). Similarly, the USSR suppressed the national partisan movement with brutal repressions, which for more than a decade after the end of the World War II fought with arms for the restoration of Latvia's independence (see paragraph 33.2 of the *Constitutional Court's judgment of 29 November 2007 in Case No 2007-10-0102*).

The objects commemorating the Red Army to be dismantled according to the contested norms were erected with the aim of transforming the memories and emotions of the Latvian population about the crimes committed by the occupying power against

individuals, humanity and the state system and to remind them of the permanent presence of the Soviet power.

7.4. Since the adoption of the Declaration of Restoration of Independence, local governments, as state administration bodies, were bound by the principle of state continuity and the provisions of the Local Government Law had to be interpreted in accordance with it. Thus, local governments also had to exercise their autonomous functions of improving the territory and taking care of culture in accordance with the principle of state continuity. Taking into account the reasons for the origin of the objects glorifying the Soviet regime, it can be concluded that the autonomous function of the local government – care for the culture – did not cover these objects, unlike other monuments. The only permissible local government action was that which fell within the redevelopment function and was aimed at removing the symbolic impact of the objects, such as dismantling them or placing them in accredited museums.

The objectives of the Law are, inter alia, to prevent the denigration and undermining of Latvia's values as a democratic and national state, to promote public understanding of events on Latvian territory during and after World War II, thereby strengthening public historical memory, and to ensure the restoration of historical justice – to prevent false, inaccurate and biased coverage of historical events and to honour the resistance of the Latvian people to both the USSR and Nazi Germany's occupation rule. Thus, by establishing, at the national level, the obligation of local governments to dismantle the objects glorifying the Soviet regime, determined by the Cabinet of Ministers by 15 November 2022 and to finance 50 percent of the dismantling costs themselves, the contested norms have directly applied the principle of continuity of the state binding on the local governments and all other state institutions. Namely, by the contested norms the legislator has specified the obligation of local governments arising from the principle of continuity of the state to stop the negative and unlawful impact of objects glorifying the Soviet regime on the statehood of Latvia by imposing on local governments a specific obligation to dismantle such objects in a certain order and within a certain time limit (hereinafter also – the obligation to dismantle the objects). The disputed norms encroach on the autonomous competence of the local government, as they limit the possibilities of actions previously existing for the local

government regarding the prevention of the symbolic impact of the objects and create a specific responsibility for the improvement of the territory.

The contested norms fall within the autonomous competence of a local government, therefore the proceedings should not be terminated.

8. The Applicant requests the Constitutional Court to examine the compliance of Section 4(2), Section 5(2) and (5) and Section 8(1) of the Law with Article 1 and Article 101 of the Constitution.

If the compatibility of several legal provisions with the Constitution has been contested, then, taking into account the essence of the case under examination, the Constitutional Court must determine the most effective approach to assess the compatibility of these provisions (*see, for example, Paragraph 17 of the Judgement of the Constitutional Court of 11 December 2020 in Case No 2023-17-01*).

Section 4(2) and Section 5(2) and (5) of the Law set out the procedure for identifying the objects to be dismantled and impose an obligation on local governments to dismantle the objects, to be carried out by a certain deadline. However, Section 8(1) of the Law provides that local governments partially finance the dismantling of the objects.

According to the jurisprudence of the Constitutional Court, in cases initiated upon an application of a local government council, if the contested norms infringe the rights of the respective local government, the compliance of the legal norm with the principle of local government is assessed, which is revealed in the interrelation of Article 1 and the first sentence of the second paragraph of Article 101 of the Constitution (*see Paragraph 17.2 of the Judgment of the Constitutional Court of 9 November 2023 in Case No 2022-17-01*).

Consequently, the Constitutional Court will first assess the compliance of the Section 4(2) and Section 5(2) and (5) of the Law as a single legal regulation with Article 1 of the Constitution and the first sentence of the second paragraph of Article 101 of the Constitution, and then separately assess the compliance of the financing model established in Section 8(1) of the Law with Article 1 of the Constitution and the first sentence of the second paragraph of Article 101 of the Constitution.

9. The discretion of a local government to exercise an autonomous function may be regulated by an external normative act, but the act must be legal. First of all, it should be examined whether the contested norms have been adopted in the procedure established by the Constitution (*see Paragraph 21 of the Judgment of 9 November 2023 in Case No 2022-17-01*).

The Applicant does not question the procedural procedure of adoption of the contested norms, however, it considers that during the adoption of the contested norms the principle of good legislation in connection with the duty to consult was infringed. There is no explanatory research to justify why the obligation to dismantle sites should be imposed on local governments; no estimates of the financial resources required by the local governments for the dismantling of the sites have been provided, nor has the time required for the dismantling of the objects been properly assessed. The contested norms also cannot be considered sustainable. During the adoption of the contested norms, no duly consultations with local governments were held. The opinion of the Latvian Association of Local and Regional Governments does not reflect the opinion of all local governments, and the legislator has not taken this opinion into account. The Saeima did not consider the public opinion either.

The Saeima, in its turn, points out that the Applicant has no subjective right to request that it be granted a certain scope and content of discretion for the performance of a task assigned to it within the scope envisaged by the local government itself. The fact that the deadline set by the legislator is reasonable and proportionate is also confirmed by the fact that local governments have managed to dismantle the objects within the deadline set by the Law. The obligation to dismantle the objects laid down in the contested norms is executable only once. During the meetings of the Saeima Education, Culture and Science Committee, representatives of both local governments and the Latvian Association of Local and Regional Governments were heard and various proposals were evaluated. Interested parties had the opportunity to participate in the initial drafting and discussion phases of the draft law at the meetings of the committee and the working group before its submission to the Saeima.

The Constitutional Court has concluded that the legislator should aim for the

continuous growth of every person's trust in the state and rights, as well as the understanding of the democratic process. Compliance with the principle of good legislation contributes to the achievement of this objective (*cf. Paragraph 21 of the Constitutional Court's judgment of 9 November 2023 in Case No 2022-17-01*). The obligation to consult with the local government in matters affecting the principle of self-government, i.e., in cases when the legal status of the local government, the competence of the local government or the financial autonomy of the local government are affected, follows from Article 1 and the first sentence of the second paragraph of Article 101 of the Constitution (*cf. Paragraph 18.2.3 of the Constitutional Court's judgement of 9 November 2023 in Case No 2022-17-01*).

It is clear from the case files that the draft law has been discussed in the Saeima Education, Culture and Science Committee. The Commission has considered the arguments put forward for imposing the obligation to dismantle the objects on local governments, as well as for financing the dismantling of the objects from the state budget and the budgets of local governments. Although these proposals have not been made directly by the Daugavpils City local government, their content has been discussed. Arguments have been put forward by individual members of the Saeima, ministries, including the Ministry of Finance, the Latvian Association of Local and Regional Governments and private individuals. On their own initiative, the Riga City Council and the Tukums Municipality Council have also expressed their views on the draft law. It cannot therefore be considered that the draft law was considered without proper information and consultation.

The Applicant's arguments concerning the potential lack of sustainability of the contested norms are related to the difficulties that it could possibly encounter during the performance of the obligation to dismantle the objects. Such difficulties do not mean that the rule is unsustainable. However, the specific provisions of the obligation to dismantle the object, the time limits set for the fulfilment of that obligation and the financial allocation must be assessed in the examination of the substantive effects of the contested norms.

Thus the contested norms have been duly adopted.

10. The state can regulate the competence of the local government. Article 4(2) of the Charter states that local authorities shall, within the limits of the law, have full discretion to exercise their initiative with regard to any matter which is not excluded from their competence nor assigned to any other authority. The commentary on this Article states that the State may limit the powers of local governments by law, but such limitations may be imposed only in exceptional cases and must be objectively justified and interpreted narrowly (*cf. Explanatory Memorandum of the Congress of Local and Regional Authorities “A contemporary commentary by the Congress on the Explanatory Report to the European Charter of Local Self-Government”*. Council of Europe, 12 February 2020, CG38(2020)11prov, point 66. Available at: rm.coe.int). Also the Charter's commentary states that the discretion of local government may be denied in certain cases where it is necessary to comply with uniform requirements (*cf. Explanatory Report to the European Charter of Local Self-Government Council of Europe, 15 October 1985, p. 6. Available at: rm.coe.int*). If the State specifies the manner in which the autonomous competence of a local government is to be exercised, and in particular if this specification requires certain actions by the local government, then the State must respect the principle of proportionality. Consequently, the Constitutional Court must examine whether the obligation to dismantle the objects, which concretises the principle of continuity of the State, included in the contested norms is proportionate.

According to the Applicant, the second paragraph of Section 4 and the second and fifth paragraphs of Section 5 of the Law disproportionately encroached on its autonomous competence, since the conditions of the assignment are unduly limiting. The state must not interfere in local affairs to such an extent that the local government no longer has sufficient discretion to exercise its democratically acquired powers in the interests of its citizens, including the exercise of its autonomous functions. In accordance with the principle set out in Article 4(5) of the Charter, the State should have allowed the local government discretion as to how exactly it would carry out the task assigned to it and allowed the local government to adapt the implementation of the task to local circumstances. In addition, instead of Section 5(5) of the Law, a reasonable time limit of at least one year should have been set for the dismantling of the objects.

The Applicant also considers that the task was assigned to the local governments because it was difficult for the State to find the necessary resources for the dismantling of the objects.

The Saeima points out that the assignment of this task to local governments was necessary in order to ensure that the dismantling of the objects was carried out in the interests of the protection of the democratic order of the entire country and in a uniform manner throughout the territory of the country, since the restoration of Latvia's independence each local government had its own, different approach to the solution of this issue. This argument justifies why the task has been set in the way it has been, i.e. by instructing the Cabinet of Ministers to draw up a list of objects to be dismantled, rather than by giving local governments a wider discretion in achieving the specific objectives. Decisions by local governments on objects to be dismantled on their territory may have been different from those of the Cabinet of Ministers.

Although the contested norms restrict the Applicant's autonomous competence in improvement of the territory, determining what types of objects may not be displayed in the public open space, the autonomous function of the local government to take care of the improvement of its territory is not essentially denied.

Local governments must have the flexibility to adapt the exercise of autonomous competences to local circumstances. However, after the restoration of Latvia's independence, local governments have dealt with objects glorifying the Soviet regime in different ways, so the legislator regulated the handling of such objects in a uniform manner. The objects to be dismantled in the territory of the Daugavpils City local government were determined in the Cabinet of Ministers Regulations, the legality of which the Applicant has not contested.

Although the obligation to comply with the principle of state continuity contained in the contested norms was to be fulfilled within a few months, this deadline is justified in the annotation to the draft law, i.e. the legislator has directly responded to the increasing references to the actions of the Soviet army in the communications of the Russian Federation, which accordingly links the image and symbolism of the Soviet army with the Russian aggression and crimes committed by its armed forces in Ukraine and changes the meaning of the objects concerned from what they may have previously

had to a glorification of aggression(*cf. annotation of the draft law*). Thus, the decision to specify the principle of continuity of the state contained in the contested norms at a specific moment and on specific deadlines for implementation, i.e. without allowing further delay, was motivated, inter alia, by the increasingly active use of objects praising the Soviet regime for propaganda purposes and the growing threat to Latvia's statehood. In this context, it is significant that the Law in fact applied only to those local governments that had not already fulfilled their obligation under the principle of state continuity to dismantle objects glorifying the Soviet regime.

Under local conditions it is local governments that are best placed to organise the dismantling of objects in their territory, the legislator gave local governments discretion to choose the way dismantling is carried out, to plan the work to be carried out and the timing of the dismantling. Local governments were also given the opportunity to inform the public about the work to be carried out. Finally, the competence of local governments to improve the area of the dismantled object in accordance with the local government's perception of its environment was not restricted.

Thus, the obligation to dismantle the objects established in the disputed norms limited the autonomous competence of the local government in a proportional manner.

Therefore, the second paragraph of Section 4 and the second and fifth paragraphs of Section 5 of the Law comply with Article 1 and the first sentence of the second paragraph of Article 101 of the Constitution.

11. The principle of local government implies the State's obligation to respect the financial autonomy of local governments. According to Article 9(1) of the Charter, Local authorities shall be entitled, within national economic policy, to adequate financial resources of their own, of which they may dispose freely within the framework of their powers. According to Article 9(2) of the Charter, the local authorities' financial resources shall be commensurate with the responsibilities provided for by the constitution and the law. In particular, this norm enshrines the so-called principle of interconnection of financial resources of local governments. Consequently, any task entrusted or delegated to local governments must be accompanied by an adequate source of funding or revenue to cover the additional costs (*see: Explanatory*

Memorandum of the Congress of Local and Regional Authorities “A contemporary commentary by the Congress on the Explanatory Report to the European Charter of Local Self-Government”. Council of Europe, 12 February 2020, CG38(2020)11prov, points 149 and 150. Available at: rm.coe.int).

The Applicant submits that the first paragraph of Section 8 of the Law is contrary to the principle of financial autonomy of the local government, since the performance of the obligation to dismantle the objects requires additional financing from the local government, which is not provided for in its budget in advance. Every local government task should be adequately funded.

The Saeima, in its turn, emphasises that the contested norms impose a unique and one-off obligation on local governments, which to a certain extent restricts the financial autonomy of the Applicant, but does not restrict the general principles of the formation of the budget of a local government, including the budget revenues. The restriction on financial autonomy is proportionate. The Applicant has not substantiated its claim that the use of its budgetary resources for the dismantling of the objects could significantly affect the Applicant's ability to perform its functions within its autonomous competence, by taking care of the local population.

The division of the costs of the obligation to dismantle sites, as set out in Section 8(1) of the Law, provides that the dismantling of objects is to be financed equally from the State budget and the local government budget. This affects the financial autonomy of the local government, generating unforeseen expenses in the 2022 budget of the local government in whose territory the object to be dismantled is located.

Thus, the Constitutional Court must examine whether the contested norm establishes adequate financing for the fulfilment of the obligation to dismantle objects.

The Constitutional Court has already recognised that the contested norms specify the principle of continuity of the State, which is binding for all public administration institutions. In particular, the obligation to dismantle the objects contained in these norms is related to the restoration of historical justice and the protection of Latvia's statehood.

The consequences of the occupation are a burden that unfairly affects the whole of society and are still felt today. Preventing the consequences of the occupation and

promoting social unity requires a single-minded and solidary cooperation between all levels of government, encompassing both direct and indirect public administration. This is also the model set out in the Law. Thus, the entire Latvian public space is freed from objects glorifying the Soviet regime, from falsified and false history, giving the Latvian state and local governments the opportunity to explain the losses caused by the occupation without a political veneer, and allowing the population to realise that they live in an independent and democratic state.

It is the State that has taken on the biggest financial burden in implementing the obligation to dismantle objects, as the State budget also finances the evaluation and documentation of the objects using three-dimensional laser scanning, and the inclusion and maintenance of the original parts and fragments of the dismantled objects that have artistic value, architectural quality or cultural, historical or educational significance in the collection of the Museum of the Occupation of Latvia.

The local governments that had already dismantled the objects meeting the criteria of the Law before the Law entered into force, financed this initiative entirely from their own budget within their autonomous competences. The allocation of the costs of the dismantling obligation in Section 8(1) of the Law actually put local governments that had not yet dismantled the objects in a better financial position than local governments that had already dismantled the objects.

Since the contested norms essentially regulate the procedure for the performance of the autonomous function of the local government – the improvement of the territory – the funds which the Applicant had planned for the maintenance and improvement of the urban environment and which, moreover, were supplemented with co-financing from the State and private persons, were to be used for the dismantling of the objects.

Although 69 objects are included in the Cabinet of Ministers Regulation No 448, according to publicly available information, local governments had dismantled at least 120 objects within the timeframe set by the Law (*see: Ozola-Balode Z. Over 120 Soviet-glorifying objects taken down in Latvia. LSM, 14.11.2022. Available at: lsm.lv*). In accordance with the third paragraph of Section 4 and Section 8 of the Law, the dismantling of other objects that meet the criteria of Section 3 of the Law but are not included in the Cabinet of Ministers' Regulations is financed in accordance with the

procedure set out in Section 8 of the Law. Moreover, only 90 objects were subject to requests for funding in accordance with the procedure set out in the Cabinet of Ministers' Regulation No 516 of 16 August 2022 "Procedure for Allocation and Use of State Budget Funds, as well as for Accounting and Use of Donations by Natural and Legal Persons for the Dismantling of Objects Glorifying the Soviet and Nazi Regimes in the Territory of the Republic of Latvia" (*see: Pašvaldības prasa kompensēt 800 000 eiro par padomju režīmu slavinošo pieminekļu demontāžu. 23.11.2022. Available at: lsm.lv*).

Finally, only the Applicant has considered that the obligation to dismantle the objects has caused it a disproportionate financial burden. When assessing the actual impact of the financial burden caused by the dismantling of the objects on the budget of the Applicant, the Constitutional Court does not establish that this burden has prevented the local government from performing its autonomous functions or other tasks. According to the Daugavpils City Council Binding Regulation No 8 of 28 January 2022 "On the Budget of the Daugavpils City State local government for 2022", the costs of dismantling the objects, which the Daugavpils City State local government had to cover from its own resources, are equivalent to 0.018 per cent of the previously planned expenditure or 0.02 per cent of the planned income. Donations from individuals and legal entities, which would have helped the local government to reduce its financial burden, amounted to only €1,177.77, but the legal provisions did not prevent local governments from organising more donation campaigns. In any case, the funds were used in the interest of the local government to improve its public environment. Consequently, the criteria for the fulfilment of the obligation to dismantle the objects, which are specific to the principle of continuity of the State, included in the contested norms, have not significantly affected the financial autonomy of the Applicant.

The Constitutional Court recognised that the principle of continuity of the State underlying the obligation to dismantle the objects, the unique nature of this obligation and the low financial burden were factors which, taken together, made it possible to conclude in the given case that adequate funding was available to the local government.

Therefore, the first paragraph of Section 8 of the Law complies with Article 1 and the first sentence of the second paragraph of Article 101 of the Constitution.

Decisions part

On the basis of Sections 30-32 of the Constitutional Court Law, the Constitutional Court

decided:

to declare the second paragraph of Section 4, the second and fifth paragraphs of Section 5 of the Law On the Prohibition of Exhibiting Objects Glorifying the Soviet and Nazi Regimes and the Dismantling Thereof in the Territory of the Republic of Latvia and the first paragraph of Section 8(1) as compatible with Article 1 and the first sentence of the second paragraph of Article 101 of the Constitution.

The judgement is final and not subject to appeal.

The judgment enters into force on the day of its publication.

President of the Court session

Aldis Laviņš