



THE CONSTITUTIONAL COURT OF THE REPUBLIC OF LATVIA

JUDGMENT

on behalf of the Republic of Latvia

Riga, 16 July 2020

in Case No 2019-23-01

The Constitutional Court composed of the Chairperson of the court hearing Ineta Ziemele, Justices Sanita Osipova, Aldis Laviņš, Gunārs Kusiņš, Daiga Rezevska, Jānis Neimanis and Artūrs Kučs,

with participation of Elīna Čakste and Oskars Jonāns as the authorised representatives of the Applicant – SIA Spilbridge & Partners

and Andrejs Stupins as the authorised representative of the body issuing the contested provision – the *Saeima*,

with Anna Elizabete Šakare as the Secretary of the court hearing,

pursuant to Article 85 of the Constitution of the Republic of Latvia and Section 16(1), Section 17(1)(11), Sections 19² and 28 of the Constitutional Court Law,

at the court hearing held in Riga on 11 and 16 June 2020 with participation of parties to the Case examined the Case

“On the compliance of Section 464(1) of the Civil Procedure Law with the first sentence of Article 92 of the Constitution of the Republic of Latvia”.

Statement of Facts

1. On 14 October 1998, the *Saeima* adopted the Civil Procedure Law that came into force on 1 March 1999. Chapter 57 of the Civil Procedure Law governs legal proceedings at cassation instance courts. The initial wording of Section 464 in this chapter established the procedure in which an assignments hearing of the panel of senators of the Supreme Court Senate considers referring a case for cassation hearing.

On 22 May 2008, the *Saeima* adopted the Law “Amendments to the Civil Procedure Law”, which, *inter alia*, amended the legal provision set out by Chapter 57 of the Civil Procedure Law. Since the coming into force of these amendments on 1 July 2008, Section 464 of the Civil Procedure Law established the procedure for initiating cassation proceedings in civil cases.

The Law “Amendments to the Civil Procedure Law” of 30 October 2014 and the Law “Amendments to the Civil Procedure Law” of 12 February 2015 made editorial changes to Section 464(1) of the Civil Procedure Law (hereinafter – the contested provision). The wording of the contested provision that came into force on 1 March 2015 reads as follows:

“In order to decide on an issue regarding the initiation of cassation proceedings, cassation complaints, cross complaints and protests after expiry of the time period for submitting the explanations provided for in Section 460(1) and Section 463(3) of this Law shall be examined at the Supreme Court assignments hearing by a judicial panel of three judges established in accordance with the procedures laid down by the Chairperson of the Department.”

2. In the opinion of the Applicant – SIA Spilbridge & Partners (hereinafter – the Applicant) – the contested provision does not comply with the first sentence of Article 92 of the Constitution (*Satversme*) of the Republic of Latvia (hereinafter – the Constitution) because it does not provide for the right of the applicant of a cassation complaint to request recusal of the judges deciding on the initiation of cassation proceedings.

The Applicant as a participant of a case filed a cassation challenge against the judgment delivered by an appellate instance court in a civil case. The panel of judges of the Supreme Court at an assignments hearing took a decision to refuse to initiate cassation proceedings on the basis of the Applicant’s cassation complaint. Allegedly, the Applicant was not provided information about the judges who would decide on the initiation of the cassation proceedings and was not granted the right to request their recusal. The Applicant observes that if they had been granted the right in question, they would have requested recusal of one of the judges on the panel of judges.

An individual’s right to request recusal of the court or a specific judge derives from the first sentence of Article 92 of the Constitution. However, the contested provision does not enable participants in the case to know which judges are to decide on the initiation of cassation proceedings and to request their recusal. Therefore, the contested provision infringes the individual’s rights enshrined in the

first sentence of Article 92 of the Constitution. This restriction of fundamental rights has been established by a legal provision adopted in accordance with a procedure set out in the law and has a legal objective, i.e. expediting the process of legal proceedings. However, this restriction is not proportionate, because its legal objective can be achieved with other means that are less restrictive of an individual's rights, e.g. determining a short but reasonable period during which participants in the case can request recusal of the judges or introducing a state fee for this procedure.

Pursuant to Section 464³(2) of the Civil Procedure Law, participants in a case may request recusal of a judge examining the cassation case only after cassation proceedings have been initiated. It would be more proportionate to enable participants in the case to request recusal of the judges deciding on the matter of initiating cassation proceedings because their decision on refusal to initiate cassation proceedings is the final decision in a civil case. The benefits gained by the public from the restriction of the fundamental rights set out by the contested provision do not exceed the damage caused the applicant of the cassation complaint. The Civil Procedure Law already contains significant restrictions preventing the applicant of a cassation complaint from succeeding in initiating cassation proceedings. Specifically, Section 464¹ of the Civil Procedure Law gives the panel of judges significant assessment discretion in deciding on initiating cassation proceedings. Pursuant to Section 464(4¹) of this law, a decision on refusal to initiate cassation proceedings may be prepared without specifying the reasoning. The possibility to request recusal of the panel of judges would reduce the damage to the right of the applicant of a cassation complaint to successfully initiate cassation proceedings.

The panel's refusal to initiate cassation proceedings after the applicant of a cassation complaint has been allowed to request recusal of judges within a reasonable period of time would not cause significant damage to public interests. Given that the panel of judges is given significant assessment discretion when deciding on initiating cassation proceedings and the opinion of even a single judge may give grounds for initiating cassation proceedings, it is important that each judge in the panel of judges be objective. For that reason, the applicant of a cassation complaint needs to be given the right to request recusal of judges deciding on the matter of initiating cassation proceedings.

At the court hearing, Elīna Čakste and Oskars Jonāns, the representatives of the Applicant, added that even the opinion of a single judge may be decisive when considering the matter of initiating cassation proceedings. It cannot be

accepted that a lower standard of court neutrality is permissible in civil procedure than in criminal procedure, and the stage of initiating cassation proceedings cannot be considered simply an intermediate procedural stage in civil procedure. A person's right to request recusal of the judges deciding on the initiation of cassation proceedings cannot be guaranteed in a situation where the person would have to request recusal of these judges without knowing the composition of the panel of judges. In assessing the constitutionality of the contested provision, it is also necessary to take into account the fact that a decision on refusal to initiate cassation proceedings may be prepared in the form of a resolution, without specifying the reasoning.

3. In the opinion of the body issuing the contested legislation – the *Saeima* – the contested provision is in line with the first sentence of Article 92 of the Constitution.

The right of a participant in the case to request recusal is one of the means of ensuring neutrality of the court, which helps prevent concerns as to the judge's capability to make an impartial decision on the matter. A person's right to request recusal of the judges derives from the guarantee of the court's impartiality or neutrality, which is considered one of the elements of the first sentence of Article 92 of the Constitution. In the case under examination, it is necessary to assess if the legislature has provided for this guarantee with regard to initiating cassation proceedings in a civil case.

The central place in a cassation instance court is taken by public legal interests rather than the parties' interests. There are no grounds for counterposing the interests of the participants in the case and public legal interests as if they were incompatible. These interests are related on the basis of subordination. The degree to which a cassation instance court is to protect the interests of participants in the case and the public legal interests is a matter of the legislature's discretion. Taking into account the fact that the cassation instance is the third judicial instance and that cassation proceedings only examine the issues of the application of legal provisions, cassation proceedings cannot be subject to the same requirements in terms of requesting recusal of judges as, for example, in the case of courts of first instance that examine cases on merits.

In its Judgment of 15 March 2018 in Case No 2017-06-01, the Constitutional Court declared provisions of the Latvian Administrative Violations Code that did not enable participants in the case to request recusal of judges of the appellate instance court responsible for deciding on the matter of initiating

appellate proceedings non-compliant with the first sentence of Article 92 of the Constitution. In contrast to Case No 2017-06-01, in the case under examination it is necessary to assess the legal provision governing legal proceedings in cassation instance courts. Furthermore, the contested provision governs legal proceedings in civil cases rather than cases concerning administrative violations. There are significant differences between these categories of cases, including those that concern the responsibility of the State to ensure the possibility of requesting recusal of judges. It follows from opinions of the European Court of Human Rights that the standards of the guarantee of a fair trial in civil cases need not necessarily be as high as in criminal cases and administrative violation cases.

It follows from the case law of the Constitutional Court that Article 92 of the Constitution protects the subjective right of a person to request recusal of judges only in cases where it is the only means of ensuring neutrality of the court, and this article of the Constitution does not require that there are numerous means of ensuring neutrality of the court simultaneously. Likewise, the Constitutional Court, allegedly, has admitted that neutrality of the court can be ensured in various ways.

At the stage of initiating cassation proceedings in a civil case, neutrality of the court is ensured by numerous means. Pursuant to Section 464(3) of the Civil Procedure Law, a decision on refusal to initiate cassation proceedings can only be taken by a unanimous vote of the panel. Article 83 of the Constitution enshrines the principle of judges' independence, which requires that the court system ensure both independence of the court in general and independence of the judge in each specific case. Finally, pursuant to the Law on Judicial Power, it is the obligation of the court in each case to establish the objective truth and the obligation of a judge to recuse themselves if there are any circumstances that may give reason for concern about their impartiality. The Constitutional Court, allegedly, has acknowledged that the institution of recusal is subordinated to the obligation of a judge to recuse themselves from examining a case and that it is the judge examining the specific case who is responsible for ensuring the persons' right for an impartial trial. A judge who decides on initiating cassation proceedings in a civil case is also obliged to recuse themselves if there are circumstances that may give reason for concern about their impartiality. These requirements derive also from international and national standards of judges' conduct and ethics.

The Civil Procedure Law provides for the right of participants in the case to request recusal of judges of a first instance court and an appellate instance court who examine the civil case on merits and make judgment upholding or rejecting

the claim. A decision on refusal to initiate cassation proceedings may have a nature of the final ruling, but this decision is not deemed a judgment of the cassation instance court. A panel of judges assesses the prima facie grounds for the cassation complaint. If a panel of judges refuses to initiate cassation proceedings, it does not express its support to the reasoning in the contested judgment, but only concludes that it was made without evident violation of provisions of material or procedural law that caused or could have caused incorrect judgment in the case. Examining a cassation complaint at an assignments hearing is a procedural intermediary stage before the case is examined by a cassation instance court. The right to request recusal of the judges is granted to participants in the case after initiating cassation proceedings. The first sentence of Article 92 of the Constitution does not give rise to the requirement to similarly enable participants in the case to request recusal of the panel of judges at the stage of initiating cassation proceedings.

Other provisions of procedural law also stipulate that recusal of judges can be requested only if the case is examined on merits, and not when procedural issues are considered. It is therefore permissible that participants in the case do not have the right to request recusal of judges at the stage of initiating cassation proceedings. Otherwise the same right would need to be ensured also in all other cases where initiating proceedings in a court of any instance is considered. Such legal practice would have a negative effect on the adjudication process, because it could be used unfairly to prevent random assignment of cases.

At the court hearing, the representative of the *Saeima* Andrejs Stupins added that there might occur non-typical situations where participants in the case inform the Supreme Court at the stage of initiating cassation proceedings about concerns with regard to impartiality of specific judges. The Supreme Court may assess these concerns if it deems such assessment necessary. If participants in the case were granted the right to request recusal of judges deciding on initiating cassation proceedings, the same right would have to be ensured also at the stage of initiating proceedings at first instance and appellate instance courts. Such practice would hamper operation of the court and enable participants in the case to unfairly prevent random assignment of cases.

The fact that in practice panels of judges tend to decide on recusals requested by participants in the case at the stage of initiating cassation proceedings, whereas objections with regard to impartiality of the judges received after the panel of judges has made its decision are assessed by the Supreme Court as newly discovered circumstances proves that the contested provision is essentially comprehensive and effective. Therefore, the contested provision enables the

Supreme Court to assess concerns of a participant in the case with regard to impartiality of a specific judge in non-typical cases.

4. In the opinion of **the joined party – the Ministry of Justice** – the contested provision is in line with the first sentence of Article 92 of the Constitution.

The Ministry of Justice notes that it generally agrees with the arguments given by the *Saeima* in its rejoinder, but it believes that the constitutionality of the contested provision is to be assessed by establishing the legitimate objective of the fundamental rights restrictions set out in it and assessing the proportionality of the restriction.

Article 83 of the Constitution enshrines the principle of judges' independence, which requires that the court system ensure both independence of the courts in general and independence of the judge in each specific case. The Law on Judicial Power requires that the court establish the objective truth when examining any case. Furthermore, Section 14 of this law requires that the judge recuse themselves from examining a case if there are circumstances that give concern as to their impartiality. Section 19(1) of the Civil Procedure Law also stipulates the cases where a judge may not take part in examining a case, whereas Part 2 of this section requires the judge to recuse themselves from examining the case in such circumstances. Furthermore, the decision of the panel of judges at an assignments hearing on refusal to initiate cassation proceedings is to be made unanimously. Therefore, both the Constitution and the Law on Judicial Power contain guarantees of independence of the judge.

The Constitutional Court has acknowledged that the institution of judges' recusal is subordinate to the obligation of a judge to recuse themselves from examining a case, and the responsibility for an impartial examination of a case primarily rests with the specific judge examining the case. In order to be qualified for the office of a judge, specifically a judge of a cassation instance court, the individual must be capable, on their own initiative or following an indication from participants in the case, to identify cases where their participation in examining the case is not permissible. Should a judge of a cassation instance court fail to comply with their obligation to recuse themselves from examining a case, this may give reason for a new hearing of the case on the grounds of newly discovered circumstances.

The restriction of fundamental rights contained in the contested provision has been established by a legal provision adopted in accordance with a procedure

set out in the law and has a legal objective, i.e. to reduce the burden on cassation instance courts and ensure that cases are examined in a reasonable time frame. The contested provision, allegedly, helps save the time and resources of the court. If cassation instance courts were obliged to formally notify participants in a case of the possibility to request recusal of the panel of judges, it could increase the burden on the courts and cause longer time frames for examining cases, especially where participants in the case use foreign addresses for communication. The legislature has also provided for other mechanisms to reduce the burden on cassation instance courts, and efficient operation of the cassation instance can only be ensured by simultaneous availability of numerous means of this sort. Legislation providing for notifying participants in a case of the composition of the panel of judges and a short period for requesting recusal cannot be deemed a less restrictive means of achieving the legitimate objective. Legislation requiring the payment of a state fee for requesting recusal cannot be deemed a less restrictive means either, because no such procedure is in place in any court instance.

Both the interests of participants in the case and public legal interests are important in the cassation instance court. It follows from the legal provisions of the Civil Procedure Law that the legislature has put a greater emphasis on public legal interests in cassation proceedings. The main task of a cassation instance court is to ensure consistent application of legal provisions and advancement of the law, thus serving interests of the entire society. Therefore, the public benefit from a faster and more efficient examination of cases in cassation exceeds the infringement of the rights of a person. The institution of an assignments hearing at the cassation instance court is intended to make sure that cassation procedure is only used to examine cases where legal issues lack consistent judicial practice or require advancement of the law. The right to request recusal has a greater significance at first instance courts and at appellate instance courts that examine the case on merits than at cassation instance courts where public legal interests play the central role.

At the court hearing, the representatives of the Ministry of Justice Laila Medina and Dagnija Palčevska added that a panel of judges may only take a decision on refusal to initiate cassation proceedings by a unanimous vote. This legal procedure in conjunction with the obligation of judges to recuse themselves if there are circumstances that give reason for concern about their impartiality allegedly ensures neutrality of the court at this stage of legal proceedings. In addition, participants in the case at this stage of the proceedings are not prevented from requesting recusal on the grounds of the general provision for recusal set out

in the Civil Procedure Law, and the practice of the Supreme Court shows that such recusal requests filed by participants in the case are examined on merits.

5. In the opinion of **the joined party – the Ombudsman** – the contested provision is not in line with the first sentence of Article 92 of the Constitution.

The contested provision does not provide for notifying a participant in a case of the composition of the panel of judges and for the possibility of requesting recusal of the judges who sit on the panel. Therefore, the contested provision restricts the individual's fundamental rights enshrined in the first sentence of Article 92 of the Constitution. The restriction of these fundamental rights has been established by a legal provision adopted in accordance with a procedure set out in the law, but its proportionality is doubtful.

The Constitutional Court has acknowledged that public legal interests play a decisive role in Latvian cassation instance courts, especially in civil cases, because the dispute is examined on merits in courts of the first two instances. In order to enable a cassation court to properly exercise its tasks, i.e. to adjudicate principal issues of the application of provisions of material and procedural law, the legislature needs to relieve it from examining unjustified complaints to the extent possible.

A decision on refusal to initiate cassation proceedings may only be made unanimously. Namely, if there are doubts as to whether it is necessary to initiate cassation proceedings, the panel of judges takes a decision to initiate cassation proceedings. In this way, the legislature has also ensured the protection of interests of other persons, because a cassation court interprets a legal provision in a way that may affect the rights of numerous persons in different court proceedings. The aim of examining a cassation complaint at an assignments hearing, inter alia, is to ensure that cassation procedure is applied to examine cases where the dispute concerns interpretation and application of legal provisions and to prevent people from unjustifiably turning to the court.

Applicants filing cassation complaints are to be given the right to obtain information on the composition of the panel of judges, because the right of participants in the case to obtain information on the progress of legal proceedings at its specific stages may not be restricted. Neutrality of the court in a democratic society is closely connected with trust in judicial power. It is therefore important that participants in the case are given the possibility to request recusal of judges at all stages of legal proceedings. Any judge whose impartiality may give cause for concern must recuse themselves from examining the case, whereas participants in

the case need to be given the right to request recusal of judges if there are objective grounds for it.

The restriction set out by the contested provision is not proportionate. A legal provision that requires notifying participants in the case of the composition of the court and gives them the right to request recusal of judges sitting on the tribunal would not hamper effective legal proceedings and would strengthen trust in judicial power at the same time.

At the court hearing, the representative of the Ombudsman Santa Tivaņenkova gave additional explanations on the arguments referred to in the opinion of the Ombudsman.

6. In the opinion of the joined party – Daina Ose, Dr. iur., a senior lecturer of the University of Latvia Faculty of Law Civil Law Department – the contested provision is in line with the first sentence of Article 92 of the Constitution.

The institution of recusal is one of the means of ensuring neutrality of the court. The Law on Judicial Power and the Civil Procedure Law already require a judge to recuse themselves from examining a case if there are circumstances that give grounds for concern about their impartiality. In this way, the legislature has established a mechanism that requires the judge to assess their impartiality and neutrality before deciding on any matter.

The judge is entitled to recuse themselves from examining the case as soon as they identify circumstances that may compromise their impartiality, and this also applies to cases where no decision has yet been made on initiating proceedings in the respective instance court. Furthermore, pursuant to Section 20 of the Civil Procedure Law, a participant in the case may request recusal only after legal proceedings in the respective instance court have been initiated. It would therefore not be reasonable and proportionate to give this right to participants in the case in cassation instance courts before cassation proceedings have been initiated.

Cassation instance courts do not adjudicate disputes between participants in the case, but only verify if legal provisions are applied correctly, which is why public legal interests rather than interests of the parties play a decisive role in cassation instance courts. In order for the panel of judges to take a decision to initiate cassation proceedings, it needs to establish that this is required to protect public legal interests. The Constitutional Court has acknowledged that the aim of an assignments hearing at a cassation instance court is to make sure that cassation procedure is applied to examining cases where the matters of application of legal

provisions need to be resolved and to prevent persons from turning to courts without a good reason.

The Civil Procedure Law sets out a procedure for deciding on the issue of initiating cassation proceedings, which includes numerous elements for ensuring impartiality of the decision made by the panel of judges. Specifically, a judge is obliged to recuse themselves from deciding on this matter if there are circumstances that may give reason for concern about the judge's impartiality. Furthermore, a decision on refusal to initiate cassation proceedings may only be made unanimously.

At the court hearing, Daina Ose additionally emphasised differences between various stages of proceedings in civil procedure and stated that, given the nature of the stage of initiating cassation proceedings, the means set out in the law are to be deemed sufficient to ensure neutrality of the court. The legislature is entitled to make additional provisions for recusal at the stage of initiating cassation proceedings, but a practice whereby participants in the case request recusal of judges of the Supreme Court without knowing the composition of the panel of judges is not correct.

7. In the opinion of the joined party – Mārcis Krūmiņš, *Mg. iur.*, a lecturer of the University of Latvia Faculty of Law Civil Law Department – the contested provision is in line with the first sentence of Article 92 of the Constitution.

Even though the contested provision does not grant participants in a case the right to request recusal of the judges deciding on the matter of initiating cassation proceedings, the Civil Procedure Law sets out mechanisms to balance this restriction. Specifically, pursuant to Section 464(3) of the Civil Procedure Law, cassation proceedings in a civil case are to be initiated if at least one of the judges holds the opinion that the case is to be examined in cassation. In this way, the legislature has made a provision in case a specific judge has a subjective opinion in the case. Therefore, the legislature has provided that the matter of initiating cassation proceedings is decided on by a panel of three judges. This has prevented or at least reduced the impact of subjective attitude of a specific judge at the stage of initiating cassation proceedings and ensured procedural economy.

When assessing the compliance of the contested provision with Article 92 of the Constitution, it is necessary to consider if there may be cases where all three of the judges deciding on initiating cassation proceedings make a subjective decision on the matter in favour of a specific participant in the case.

At the court hearing, Mārcis Krūmiņš clarified the arguments given in his written opinion and stressed that neutrality of the court at the stage of initiating cassation proceedings is primarily ensured by the obligation of a judge to recuse themselves from examining the case if there are concerns about their impartiality. A practice whereby recusals requested by the applicants filing cassation complaints are considered disrupts the regulatory system established by the Civil Procedure Law and may give rise to violating the principle of equality of the parties.

8. In the opinion of the joined party – Jānis Lapsa, *Mg. iur.*, a lecturer of the University of Latvia Faculty of Law Civil Law Department – the contested provision is in line with the first sentence of Article 92 of the Constitution because it does not restrict the fundamental rights enshrined in it.

The Civil Procedure Law does not make provisions for requesting recusal not only at the stage of initiating cassation proceedings, but also in other cases, including those where a decision is made on approving a claim application and initiating a civil case or on the issue of security for the claim. Likewise, the Civil Procedure Law does not make provisions for requesting recusal of judges of a first instance court or an appellate court who decide on referral of an appellate complaint and thus also on initiating appellate proceedings. This practice ensures procedural economy. It is important that the issue of initiating appellate proceedings is decided on individually by a single judge, whereas the issue of initiating cassation proceedings is decided on by a panel of three judges.

In civil procedure, administrative procedure and criminal procedure alike, a decision on initiating cassation proceedings is made by a panel of three judges. Collective decision on this matter should prevent concerns of participants in the case about possible bias of a specific judge, because a decision on refusal to initiate cassation proceedings can only be taken unanimously. In contrast to administrative procedure and civil procedure, in criminal procedure the accused is notified of the judges responsible for deciding on initiating cassation proceedings and they are able to request recusal of these judges. However, there are objective differences between these types of legal proceedings. Specifically, criminal procedure is characterised by a more significant impact on the fundamental rights of the person than civil procedure or administrative procedure. For that reason, the legislature has chosen to put greater emphasis on the interests of the person rather than the public.

The Constitutional Court has acknowledged that the institution of recusal is subordinate to the obligation of a judge to recuse themselves from examining a case. Taking into account the office of a judge, qualifications it requires and the independence judges are guaranteed, a judge themselves should be capable of objectively assessing whether there are any circumstances that might give rise for concern about their impartiality. In view of the fact that judgments of the Supreme Court cannot be appealed against, it is presumed that individuals who become judges of the Supreme Court comply with the highest professional and moral standards and are able to recuse themselves in cases where their impartiality may give rise for concern.

Public legal interests play a decisive role in cassation instance courts; however, public legal interests and private interests of participants in the case are not incompatible and the legislature is entitled to decide on the extent to which private interests and public legal interests are taken into account in cassation proceedings in order to ensure effectiveness of civil procedure. The legislature is entitled to exercise discretion in deciding if a person may request recusal of the judge responsible for taking a decision on initiating cassation proceedings. The legislature has an obligation to establish a legal process that ensures neutrality of the court; however, the first sentence of Article 92 of the Constitution does not give rise to a person's right to demand that the legislature does so in a specific way. The process set out in the Civil Procedure Law in accordance with which decisions on initiating cassation proceedings are made ensures neutrality of the court. The Constitutional Court also acknowledged that this process generally allows for effective exercise of the right for a fair trial. The practice whereby participants in the case are not allowed to request recusal of the panel of judges who decide on initiating cassation proceedings ensures procedural economy and effectiveness of civil procedure.

At the court hearing, Jānis Lapsa noted in addition that guarantees of neutrality of the court need to be similar in all procedures, but he stressed that there are objective differences between different types of legal proceedings. In contrast to civil procedure, in criminal procedure and administrative violations procedure the State takes action against a private individual. Therefore, the institution of recusal may be needed in criminal procedure and administrative violations procedure, even if no such institution exists at the similar stage in civil procedure. Furthermore, the contested provision does not prevent participants in the case to request the Supreme Court to provide information on the judges responsible for taking the decision on initiating cassation proceedings.

Conclusions

9. At the court hearing, Elīna Čakste, the representative of the Applicant, requested recusal of the justice of the Constitutional Court Gunārs Kusiņš. The recusal was requested on the grounds that Gunārs Kusiņš previously held the office of the Head of the Legal Bureau of the *Saeima*. As the Head of the Legal Bureau of the *Saeima*, he participated in the meeting of the Legal Bureau of the *Saeima* on 7 May 2008 where, inter alia, the contested provision was discussed. For that reason, Gunārs Kusiņš may have an established opinion about the constitutionality of the contested provision, and there are concerns about his impartiality in the case under examination. The representative of the *Saeima* noted that Gunārs Kusiņš as a Justice of the Constitutional Court had previously examined cases concerning the constitutionality of legal provisions adopted by the *Saeima*, and there was no doubt as to his impartiality also in the case under examination (*see the transcript of the Court hearing of 11 June 2020 in vol. 2, pp. 96–100 of materials in the Case*).

The first sentence of Article 92 of the Constitution sets out the right of a person for a fair trial. In cases where the rights of a person enshrined in the Constitution are infringed by a legal provision of superior legal force, the Constitutional Court is the court authority where the person can defend their rights and legal interests (*see paragraph 1 of Conclusions in the Constitutional Court Judgment of 26 November 2002 in Case No 2002-09-01*). Pursuant to Section 25(5) of the Constitutional Court Law, recusal of the Constitutional Court Justices cannot be requested. However, the right to a fair trial enshrined in the first sentence of Article 92 of the Constitution needs to be ensured also in the Constitutional Court proceedings. At the court hearing with participation of the parties to the case, the Constitutional Court declined the recusal requested by the representative of the Applicant, stating that it would give its reasoning in the decision (*see the transcript of the Court hearing of 11 June 2020 in vol. 2, p. 100 of materials in the Case*). In this connection, the Constitutional Court gives an assessment of the arguments of the representative of the Applicant.

The Constitutional Court has stated on numerous occasions that, pursuant to Article 89 of the Constitution, Article 92 of the Constitution is to be specified in conjunction with Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter – the Convention) and the

case law of the European Court of Human Rights (*cf. paragraph 10 of the Constitutional Court Judgment of 26 March 2020 in Case No 2019-15-01*).

A judge may be required to recuse themselves from examining a case or their recusal may be requested on the grounds of circumstances giving rise to a justified concern about their impartiality for the following reasons:

1) the judge previously participated in the dispute underlying the legal proceedings or in its adjudication (*e.g. see paragraphs 196–200 of the European Court of Human Rights Judgment of 6 May 2003 in Case “Kleyn and Others v. the Netherlands”, Applications Nos 39343/98, 39651/98, 43147/98 and 46664/99*);

2) the judge has a personal interest in the outcome of the legal proceedings (*e.g. see paragraph 35 of the European Court of Human Rights Judgment of 22 June 1989 in Case “Langborger v. Sweden”, Application No 11179/84*).

Before becoming a Justice of the Constitutional Court, Gunārs Kusiņš held the office of the Head of the Legal Bureau of the *Saeima*. It follows from Article 94, Article 95(1)(7) and Article 106 of the Rules of Procedure of the *Saeima* that the main task of the Legal Bureau of the *Saeima* is the provision of opinions (proposals) to the *Saeima* committees with regard to compliance of draft laws and other draft regulations with the requirements of legal technique and codification. It follows that Gunārs Kusiņš did not take decision in favour of adopting the contested provision. Furthermore, when assessing impartiality of a Constitutional Court Justice, it is necessary to take account of the nature of the Constitutional Court proceedings and cases heard by the Constitutional Court. The obligation of a Constitutional Court Justice to recuse themselves and a request for recusal of a Constitutional Court Justice may not lead to a situation where the operation of the Constitutional Court is no longer possible.

An opinion of a Justice of the Constitutional Court about a legal provision in itself cannot be grounds for the Justice to recuse themselves from examining the case or the only reason for their recusal. The obligation of a Constitutional Court Justice to recuse themselves from examining the case or their recusal may be based on circumstances that indicate a potential personal interest of the Justice in achieving a specific outcome in the case. No circumstances indicating bias of Gunārs Kusiņš have been identified in the case under examination. Furthermore, participation of Gunārs Kusiņš as the Head of the Legal Bureau of the *Saeima* in the meeting of the Legal Bureau of the *Saeima* where, *inter alia*, the contested provision was discussed cannot in itself be a reason to doubt his impartiality.

10. The Applicant holds that the contested provision is incompatible with the first sentence of Article 92 of the Constitution as it does not provide for the right of participants in a case to request recusal of the Supreme Court judges responsible for taking a decision on the initiation of cassation proceedings.

The first sentence of Article 92 of the Constitution: “Everyone has the right to defend their rights and lawful interests in a fair trial”. The notion of “a fair trial” comprises two aspects, i.e. “a fair court” as an independent body of judicial power and “a fair trial” as a due process appropriate in a rule-of-law state in which a case is examined. Therefore, pursuant to Article 92 of the Constitution, the State is responsible for establishing a respective system of judicial bodies and adopting procedural practices for examining cases by the court in a way that ensures fair and unbiased adjudication (*cf. paragraph 8 of the Constitutional Court Judgment of 9 May 2008 in Case No 2007-24-01 and paragraph 12 of Judgment of 14 June 2018 in Case No 2017-23-01*).

The Constitutional Court has acknowledged that there are objective differences between different types of legal proceedings and the legislature enjoys discretion both to adopt procedural laws and specify the categories of cases to be examined in these proceedings, and to decide on the processes for examining cases of various categories (*e.g. cf. paragraph 17 of the Constitutional Court Judgment of 7 October 2010 in Case No 2010-01-01 and paragraphs 11.1 and 16.1.2 of Judgment of 15 March 2018 in Case No 2017-16-01*). The first sentence of Article 92 of the Constitution does not impose on the State the obligation to ensure the right of a person to appeal against a judgment in cassation in all categories of cases (*see paragraph 11.1 of the Constitutional Court Judgment of 15 March 2018 in Case No 2017-16-01 and paragraph 12.1 of Judgment of 14 June 2018 in Case No 2017-23-01*). However, once the legislature has provided for the right of a person to appeal against a judgment in a superior court, the legislature must ensure that the appeals procedure complies with the requirements of access to justice, fair procedure and other requirements of a fair trial (*cf. paragraph 10.2 of the Constitutional Court Judgment of 7 October 2010 in Case No 2010-01-01 and paragraph 12.2 of Judgment of 14 June 2018 in Case No 2017-23-01*).

Legal proceedings comprise not only examining a case on merits in one or numerous court instances, but also procedural steps to be followed in legal proceedings in order to ensure fair, unbiased and comprehensive examination of the case and enforcement of the decision taken by the court. For that reason, the right of a person to a fair trial must be ensured throughout the legal proceedings, irrespective of the court instance where the case is examined and the stage of the

legal proceedings. Specifically, the first sentence of Article 92 of the Constitution requires that the right of a person to a fair trial be guaranteed not only when the case is examined on merits, but also at other stages of legal proceedings. At the same time, various stages of legal proceedings may differ in nature, i.e. they may have different objectives, and the court may address various matters in them.

It follows that the first sentence of Article 92 requires that the right of a person to a fair trial be guaranteed at any stage of legal proceedings in a way that is characteristic to the respective stage of legal proceedings.

11. The first sentence of Article 92 of the Constitution requires, *inter alia*, that neutrality or impartiality of the court be ensured. Specifically, legal proceedings cannot be fair without the guarantee of neutrality of the court that have been identified as an element of the first sentence of Article 92 of the Constitution (*e.g. see paragraph 12.1 of the Constitutional Court Judgment of 14 May 2013 in Case No 2012-13-01 and paragraph 15.1 of Judgment of 15 March 2018 in Case No 2017-16-01*). Impartiality is important for properly exercising the duties of the office of a judge. It does not refer only to decisions made, but also the procedure in which the decisions are made (*see paragraph 10.3 of the Constitutional Court Judgment of 28 September 2016 in Case No 2016-01-01*).

Impartiality or neutrality of the court have two aspects, namely a subjective and an objective ones. Firstly, the court must be subjectively neutral, i.e. none of the judges may have personal prejudice when adjudicating a case. The subjective or personal neutrality is presumed unless there is proof to the contrary. Secondly, the court must be neutral also in the objective aspect. For the purposes of analysing the objective aspect of neutrality of the court, even an assumption may be important. What is more, the grounds for an assumption cannot be verified from the point of view of a specific participant of legal proceedings. It is also necessary to assess whether there are objective reasons for concerns about neutrality of the court, because courts in a democratic state need to have the trust of both participants in the case under examination and society as a whole. Circumstances indicating a possible threat to the objective neutrality of the court are sufficient grounds to identify a violation of the objective neutrality. It means that there must be sufficient guarantee to prevent any justified concerns of participants in the case or society about neutrality of the court (*e.g. cf. paragraphs 13.2 and 14.2.3 of the Constitutional Court Judgment of 14 May 2013 in Case No 2012-13-01 and paragraph 13.2 of Judgment of 14 June 2018 in Case No 2017-23-01*). The European Court of Human Rights has also acknowledged that even appearances of

bias may be important, because judges must not only deliver justice, but also establish the confidence that justice is done (*cf. paragraph 149 of the European Court of Human Rights Grand Chamber Judgment of 6 November 2018 in Case “Ramos Nunes de Carvalho e Sá v. Portugal”, Applications Nos 55391/13, 57728/13 and 74041/13*).

Article 92 of the Constitution requires that sufficient means of ensuring neutrality of the court be provided for in order to prevent justified concerns about neutrality of the court, but it does not require that a specific single means be used for the purpose or that numerous means be chosen to achieve this objective (*see paragraph 8 of the Constitutional Court Judgment of 15 February 2005 in Case No 2004-19-01*). The right to request recusal of a judge is only one of the means to ensure neutrality of the court (*cf. paragraph 15.1 of the Constitutional Court Judgment of 15 March 2018 In Case No 2017-16-01*). Also the European Court of Human Rights has acknowledged that the institution of the withdrawal of judges is one of the elements of the objective test in the assessment of neutrality of the court (*e.g. see paragraph 99 of the European Court of Human Rights Grand Chamber Judgment of 15 October 2009 in Case “Micallef v. Malta”, Application No 17056/06*). There are various ways of ensuring neutrality of the court without recourse to the institution of recusal (*cf. paragraph 8 of the Constitutional Court Judgment of 15 February 2005 in Case No 2004-19-01*).

Pursuant to the first sentence of Article 92, the legislature must ensure neutrality of the court at any stage of legal proceedings, but it is under no obligation to make provisions for recusal at all stages of legal proceedings to achieve this objective. The legislature may, taking account of the nature of the specific stage of legal proceedings, provide for one or several means of ensuring neutrality of the court, insofar as these means are sufficient to ensure neutrality of the court at the respective stage of legal proceedings.

It follows that, pursuant to the first sentence of Article 92 of the Constitution, neutrality of the court must be ensured at any stage of legal proceedings by making provisions for the means sufficient for achieving this objective in accordance with the nature of the specific stage of legal proceedings.

12. It follows from the Application and the documents enclosed with it that, pursuant to the contested provision, the matter of initiating cassation proceedings in a civil case based on the cassation complaint filed by the Applicant was considered by the panel of judges of the Supreme Court Civil Cases Department

composed of three judges. The Applicant only found out the composition of the panel of judges after receiving the decision on refusal to initiate cassation proceedings and thus had not been able to request recusal of the judge whose impartiality the Applicant doubted (*see vol. 1, pp. 1–2 and 85 of materials in the Case*).

If a person challenges in the Constitutional Court the compliance of a legal provision regulating legal proceedings with the first sentence of Article 92 of the Constitution because, in their opinion, it does not ensure neutrality of the court, it is important to differentiate the matter of constitutionality of the contested legal provision and the subjective attitude of the Applicant to the specific legal proceedings. Namely, pursuant to Article 85 of the Constitution and Section 1 of the Constitutional Court Law, the Constitutional Court, within its jurisdiction, examines cases concerning the compliance of laws and other legislation with the Constitution and other cases referred to its jurisdiction pursuant to this law. Verifying whether the Applicant's concerns about impartiality of the specific judge are justified and whether the possibility to request recusal would have affected the legal proceedings in the respective case is beyond the jurisdiction of the Constitutional Court. Infringement of the right to a fair trial enshrined in the first sentence of Article 92 of the Constitution occurs if the person's case is examined in the specific procedure.

A legal provision cannot be interpreted outside the legal system within which it operates. Pursuant to Section 14(1) of the Law on Judicial Power, a judge may not take part in examining a case if they have a personal, either direct or indirect, interest in the outcome of the case or if there are other circumstances that give rise to concerns about their impartiality, as well as in the cases specified in the Law on Prevention of Conflict of Interests in Activities of Public Officials. Pursuant to Part 2 of this Section, if one of the specified circumstances occurs, the judge must recuse themselves from examining the case, whereas pursuant to Part 3 of this Section, if the judge fails to recuse themselves, participants in the case may request their recusal. In accordance with Part 4 of this Section, the grounds for recusal of a judge and the procedure of considering recusal are set out in law.

Sections 19–22 of the Civil Procedure Law set out a general procedure of requesting and considering recusals and the consequences of granting a request for recusal in civil procedure. In this way, the Civil Procedure Law makes provisions for the right of participants in the case to request recusal of a judge. Information about the judges responsible for examining the case at a first instance court and an appellate instance court is provided to participants in the case after initiating

proceedings in the respective court but before considering the case on merits (*see Sections 154(2), 159, 160 and 250²², 250²⁵(1) and (1¹), 250³³, 250⁷⁵(1), 428(2) and 440¹¹(1) of the Civil Procedure Law*). Pursuant to Sections 464³(2) and 467 of the Civil Procedure Law, participants in the case in cassation instance courts are also informed about the composition of the court responsible for examining the case in cassation and may request recusal of the judges sitting on the tribunal.

Neither the contested provision, nor other provisions of the Civil Procedure Law set out a procedure whereby participants in the case can request recusal of the judges who are to decide on initiating cassation proceedings and do not give the right to request their recusal. In its rejoinder the *Saeima* observes that the legislation does not make provisions for a person's right to request recusal of the judges who are to decide on initiating cassation proceedings in civil procedure, but there are other means to ensure neutrality of the court at this stage of legal proceedings (*see vol. 1, pp. 119–125 of materials in the Case*).

If follows that the Civil Procedure Law does not make provisions for the right of participants in the case to request recusal of the judges who are to decide on initiating cassation proceedings.

13. In order to assess if the contested provision is in line with the first sentence of Article 92 of the Constitution, first of all it is necessary to establish what means of ensuring neutrality of the court exist at the stage of initiating cassation proceedings in civil procedure and then to assess if the existing means are sufficient to ensure neutrality of the court, considering the nature of this stage of legal proceedings.

Neutrality of the court at the stage of initiating cassations proceedings is primarily ensured by the principle of judges' independence enshrined in Article 83 of the Constitution.

The principle of judges' independence requires that the legislature establish a judicial system that ensures both independence of courts in general and independence of the judge in each specific case. Provisions of the Law on Judicial Power specify this general legal principle by setting out the general means of ensuring neutrality of the court applicable in any legal proceedings, namely strict requirements for judges' education and professional qualifications and high standards of ethics, fairness and impartiality (*see paragraphs 51–55, 86(1), 89(1), (3), (4) and (5) and 91¹–91⁴ of the Law on Judicial Power*).

Moreover, pursuant to Section 14 of the Law on Judicial Power, a judge must recuse themselves from examining a case if they have either direct or indirect

interest in the outcome of the case or if there are other circumstances that give rise to concerns about their impartiality, as well as in the cases specified in the Law on Prevention of Conflict of Interests in Activities of Public Officials. The institution of recusal is subordinate to the obligation of a judge to recuse themselves from examining a case. Specifically, the responsibility of ensuring the right of a person to a fair trial primarily rests with each judge examining the case (*cf. paragraph 15.2 of the Constitutional Court Judgment of 15 March 2018 in Case No 2017-16-01*).

In addition to the above general means applicable at the stage of initiating cassation proceedings, the Civil Procedure Law provides for other means of ensuring neutrality of the court. Pursuant to the contested provision, the matter of initiating cassation proceedings in a civil case is decided on by a panel of three judges. Whereas pursuant to Section 464(2) and (3) of the Civil Procedure Law, a decision on refusal to initiate cassation proceedings may only be taken by the panel of judges unanimously. Namely, if in the opinion of at least one of the judges the case is to be examined in cassation, the panel of judges must take a decision to initiate cassation proceedings.

It follows that the law provides for numerous means of ensuring neutrality of the court at the stage of initiating cassation proceedings in civil procedure.

14. The Constitutional Court needs to verify if the means of ensuring neutrality of the court applicable at the stage of initiating cassation proceedings in civil procedure are effective and therefore sufficient, taking into account the nature of this stage of legal proceedings.

14.1. The jurisdiction of a cassation court differs significantly from the jurisdiction of a first instance court and an appellate court. Specifically, a cassation instance court does not have to review facts of the case or examine evidence; its task is to assess the application of legal provisions in the contested judgment and to make sure that they were applied correctly. In a cassation court, both public legal interests and interests of participants in the case are important, and it is necessary to balance these interests. Namely, a cassation court performs an important task – it balances the interests of an individual and the society in order to ensure the principle of the rule of law and fairness in a democratic rule-of-law state (*see paragraph 14 of the Constitutional Court Judgment of 12 March 2020 in Case No 2019-11-01*).

Pursuant to Sections 464 and 464¹ of the Civil Procedure Law, at the stage of initiating cassation proceedings a panel of three judges can make a decision to initiate cassation proceedings or to refuse to initiate cassation proceedings. In order to make either decision, the panel of judges, first of all, makes sure that there are no formal circumstances that in themselves give grounds for initiating cassation proceedings or refusal to initiate cassation proceedings. If none of the above circumstances exists, the panel of judges must assess, inter alia, the contested judgment, materials in the case and arguments given in the cassation complaint. Specifically, if there exists case law in matters of application of the respective legal provisions, the panel of judges must verify if the contested judgment is in line with it. Whereas if no case law in respect of these legal matters exists, the panel of judges must assess if there are obvious grounds to believe that the outcome of the case delivered by the contested judgment is incorrect (*cf. paragraph 4 of the Constitutional Court Judgment of 12 March 2020 in Case No 2019-13-01*).

Hence, at this stage of legal proceedings the panel of judges verifies the compliance of the cassation complaint with the cassation principle and assesses the prima facie correctness of the cassation complaint. If no legal matters requiring an opinion of the cassation court in order to protect public interests have been identified in the case and the contested judgment is prima facie correct, the panel of judges may refuse to initiate cassation proceedings. Moreover, the cassation court has discretion to decide on initiating cassation proceedings in cases where the cassation complaint is not in line with the cassation principle (*cf. paragraph 15 of the Constitutional Court Judgment of 12 March 2020 in Case No 2019-11-01*). Within its discretion, a panel of judges in a democratic rule-of-law state may initiate cassation proceedings also where the specific case concerns a legal matter which requires an opinion of a cassation court, e.g. in order to decide if the existing case law needs to be changed.

The judges responsible for deciding on initiating cassation proceedings verify formal circumstances and assess the contested court judgment, the arguments given in the cassation complaint and materials in the case only insofar as is necessary to establish if cassation proceedings need to be initiated in accordance with objectives of cassation proceedings. Such assessment by the judges is not equivalent to examining the case on merits by a cassation court.

The fact that the matter of initiating cassation proceedings is decided on collectively and a decision on refusal to initiate cassation proceedings can only be made unanimously, in conjunction with the strict qualification and ethical requirements for the judges prevents the possibility that an individual judge whose

impartiality may be subject to reasonable concerns could ensure taking a decision on refusal to initiate cassation proceedings that is unfavourable for a participant in the case. Whereas, when the panel of judges takes a decision to initiate cassation proceedings, the proceedings in the civil case continue in a cassation court. In the course of examining the case in a cassation court, participants in the case are ensured the right to request recusal of the judges sitting on the tribunal, pursuant to Sections 464³(2) and 467 of the Civil Procedure Law.

14.2. In its rejoinder the *Saeima* stated that conclusions made in Case No 2017-16-01 to the effect that participants in the case must be ensured a possibility to request recusal at the stage of initiating appellate proceedings in administrative violations procedure are not applicable to the case under examination. The opinion of the *Saeima* is supported by the arguments that in cases concerning administrative violations that can be deemed equivalent to criminal cases in the meaning of Article 6 of the Convention and the first sentence of Article 92 of the Constitution higher standards of rights to a fair trial apply (*see vol. 1, pp. 121–122 of materials in the Case*). By contrast, at the court hearing the representative of the Applicant stated that there is no reason to assess the requirement for neutrality of the court in civil procedure and criminal procedure separately (*see the transcript of the Court hearing of 11 June 2020 in vol. 2, pp. 106–107 of materials in the Case*).

In its Judgment of 15 March 2018 in Case No 2017-16-01 the Constitutional Court acknowledged that provisions of the Latvian Administrative Violations Code, insofar as they did not enable participants in the case to request recusal of judges deciding on the matter of initiating appellate proceedings in a case concerning an administrative violation were non-compliant with the first sentence of Article 92 of the Constitution (*see paragraph 15 of the Constitutional Court Judgment of 15 March 2018 in Case No 2017-16-01*). Namely, in Case No 2017-16-01, the Constitutional Court assessed the constitutionality of legal provisions laying down the process for initiating proceedings in an administrative violation case in an appellate instance court whose jurisdiction differs significantly from the jurisdiction of a cassation instance court.

The Constitutional Court has previously assessed legal provisions applicable to different categories of legal proceedings and to different stages of these proceedings, i.e. both to the stage of initiating court proceedings and examining the case on merits, and concluded that neutrality of the court in different categories and stages of legal proceedings may be ensured by different means. The first sentence of Article 92 of the Constitution does not require that at the stage of

initiating cassation proceedings in civil procedure neutrality of the court be ensured by the same means as at the stage of initiating appellate proceedings in cases concerning administrative violations.

If participants in a case were given the right to request recusal at the stage of initiating cassation proceedings in civil procedure, it would disrupt the system of the Civil Procedure Law, in which participants in a case are only entitled to request recusal at the stage of case examination and have no such right at the stage of initiating legal proceedings in a first instance court or an appellate court. Furthermore, provisions for recusal at the stage of initiating cassation proceedings in civil procedure would complicate the work of the panel of judges, because in that case participants in the case would need to be notified of the composition of the panel of judges in advance, opinions of other participants in the case on the requested recusal would need to be heard, and a decision on the recusal would need to be taken in a specific procedure, which would require disproportionate amount work and time resources. Even though the legislature may make provisions for recusal also at this stage of legal proceedings, the first sentence of Article 92 of the Constitution does not give rise to the obligation of the legislature to do so.

Therefore, taking into account the functions of cassation instance courts and the jurisdiction of the panel of judges at the stage of initiating cassation proceedings in civil procedure, as well as the fact that the panel of judges takes a decision on initiating cassation proceedings collectively and a decision to refuse to initiate cassation proceedings can only be taken by a unanimous vote, in the opinion of the Constitutional Court, the means provided for in the legislation are sufficient and effective for ensuring neutrality of the court at this stage of legal proceedings.

It follows that the contested provision complies with the first sentence of Article 92 of the Constitution.

15. In the course of examining the Case, the Constitutional Court has found that if a participant in a case at the stage of initiating cassation proceedings in civil procedure requests recusal of judges sitting on the panel of judges of the Supreme Court, the panel of judges considers the recusal on merits (*e.g. see the Decision of the assignments hearing of the panel of judges of the Supreme Court Civil Cases Department of 26 June 2019 in Case No SKC-214/2019 and the Decision of the assignments hearing of 16 December 2019 in Case No SKC-342/2019*). If following the receipt of the decision to refuse to initiate cassation proceedings a participant in the case finds that the decision was taken by a judge whose

impartiality gives them reason for concern, objections of the participant in the case are considered by examining the case on the grounds of newly discovered circumstances (*e.g. see the Supreme Court Judgment of 16 December 2013 in Case No SJC-0023-13*).

The first sentence of Article 92 of the Constitution does not require that the right to request recusal of judges be ensured at the stage of initiating cassation proceedings in civil procedure. However, this provision requires each judge to ensure the right of a person to a fair trial. Moreover, the principle of judges' independence enshrined in Article 83 of the Constitution enables the court, within its discretionary powers, to assess arguments of participants in the case that, in the opinion of the court, are important for ensuring the rights of the participants in the case and other persons, as well as interests protected by the law.

Substantive Part

Pursuant to Sections 30–32 of the Constitutional Court Law, the Constitutional Court

held:

to declare Section 464(1) of the Civil Procedure Law compliant with the first sentence of Article 92 of the Constitution of the Republic of Latvia.

The judgment is final and not subject to appeal.

The judgment was announced in Riga on 16 July 2020.

The judgment enters into force upon announcement.

Chairperson of the court hearing

Ineta Ziemele