



THE CONSTITUTIONAL COURT OF THE REPUBLIC OF LATVIA

DECISION ON TERMINATION OF LEGAL PROCEEDINGS

CASE NO. 2007-21-01

Riga

16 April 2008

The Constitutional Court of the Republic of Latvia, composed of the Chairman of the Court hearing Gunārs Kūtris, Justices Kaspars Balodis, Aija Branta, Juris Jelāgins, Kristīne Krūma and Viktors Skudra,

On 26 March and 16 April 2008, at a Court hearing, examined the case No. 2007-21-01 “**On Compliance of the Second Part of Section 7 of the Law “On Public Transport Services” with Articles 2, 3 and the First, Third and Fourth Part of Article 4 of the European Charter of Local Self-Governments of October 15, 1985”**

and established the following:

1.1. On 19 May 1994, the Saeima (Parliament) of the Republic of Latvia (hereinafter – the Saeima) adopted the Law “On Local Governments” that initially provided that “In Latvia, there will be the following local governments: 1) city local governments; 2) district local governments; 3) parish local governments”. At that time, the Law on Election of City Councils, District Councils and Parish Councils provided that city local councils, district councils, and parish councils shall be elected in equal, direct, secret and proportional elections.

1.2. On 22 February 1996, the Saeima adopted the Law “On the European Charter of Local Self-Governments of 15 October 1985” that confirmed and adopted the European Charter of Local Self-Governments signed on 15 October 1985 in Strasbourg (hereinafter – the Charter). Under Article 1 and Article 12 of the Charter, the Republic of Latvia undertook regarding Article 2, Article 3 and Article 4 Paragraphs 1, 3 and 4 as binding on it (hereinafter – the above mentioned articles and paragraphs of the Charter referred to as “part”).

1.3. On 13 November 1997, the Saeima adopted the Law “Amendments to the Law “On Local Governments”” that provided that “in Latvia, there will be two kinds of local governments: 1) local self-governments – city and parish local governments; 2) district local governments”. Moreover, district council is constituted by chairpersons of all parish and city councils of the respective district.

1.4. In 30 April 2002, the Saeima adopted the Law “Amendments to the Satversme of the Republic of Latvia”, by establishing in the first sentence of Article 101 Paragraph 2 of the Satversme [Constitution] that “local governments shall be elected by Latvian citizens”.

However, on 23 September 2004, the Saeima adopted the Law “Amendments to the Satversme of the Republic of Latvia” by establishing in the first sentence of Article 101 Paragraph 2 of the Satversme [Constitution] that “local governments shall be elected by Latvian citizens and citizens of the European Union who permanently reside in Latvia”.

1.5. On 14 June 2007, the Saeima adopted the Law “On Public Transport Services” (hereinafter – Public Transport Law) that came into effect on 15 July 2007. According to Para 1 of the Transitional Provisions of this Law, the Law shall be applied to provision of public transport services after 1 January 2008.

Section 4 Paragraph 1 of the Public Transport Law commissions implementation of State administration in the field of public transport to the Ministry of Transport and local governments, whilst Section 5 of the Public Transport Law establishes field of competence of the Road Transport Administration, republic cities and local governments in the field of public transport.

However, Section 7 “Route Network Borders” Paragraph 1 and 2 of the Public Transport Law provides:

“(1) If a route of city significance of a route network overruns the administrative boundaries of a city, local government of republic city and a district shall, upon coordination with the Road Transport Administration, enter into an agreement regarding the boundaries of the city and of the regional route network of local significance. If the local government of Riga City and Riga district fails to enter into the agreement on the route network boundaries, these boundaries shall be determined by the Road Transport Administration.

(2) The local government of Riga City and Riga district shall enter into the agreement referred to in Paragraph one of this Section, if a route of city significance of the Riga City route network overruns the administrative boundaries of the city by more than 15 kilometers.”

2. The Riga district local government (hereinafter – the Applicant) indicated in its application to the Constitutional Court that Section 7 Paragraph 2 of the Public Transport Law (hereinafter – the Contested Norm) does not comply with **Article 2, Article 3 and Article 4 Paragraph 1, 3 and 4 of the charter**. Under Section 6 Paragraph 1, Section 7, Section 15 Paragraph 1 and Section 19 Paragraph 2 of the Law “On Local Governments”, organization of public transport services within administrative territory boundaries of the Riga city is an autonomous function and competence of the Riga District Council in the field of public law. Latvian citizens living in Riga district have commissioned the competence to deal with this issue to the Riga District Council. The Contested Norm permits, however, that “Riga city local government exceeds the limits of its competence and intervenes, in a rough manner, with the competence of the Riga district” (*case materials, Vol. 1, pp. 1*).

The Applicant indicates that, by adopting the Contested Norm, the legislator has failed to observe Section 7 Paragraph 1 of the Law “On Local Governments”. The above mentioned section provides that the autonomous function of local governments shall be performed in accordance with procedures prescribed in relevant laws and Cabinet regulations. Consequently, the legislator, by commissioning the Riga City

Council to implement functions of local governments in the administrative territory of Riga district, has intervened with the autonomous function of the Riga District Council rather than established a particular procedure.

Moreover, when elaborating the Contested Norm, opinions of the society, the Riga District Council, the Latvian Association of Local and Regional Governments and the Latvian Association of Passenger Road Carriers, as well as that of the Ministry of Regional Development and Local Governments were taken into account

The Applicant maintains that the Contested Norm considerably hampers performance of the autonomous function of the local government in the territory of Riga district.

As to its legal status, the Applicant indicates that all local governments of the Riga district have been freely elected in equal, direct and general election by means of secret voting. The same applies to heads of local governments, i.e. chairpersons. The Riga District Council has been elected by mediation; therefore it can be regarded as local government of the second level.

3. The institution that adopted the contested act, the Saeima of the Republic of Latvia (hereinafter – the Saeima) holds that the Contested Norm does comply with the above mentioned norms of the Charter and asks the Court to reject the Application.

The Saeima considers that compliance of the Contested Norm with Article 2, Article 3 and Article 4 Paragraph 1 of the Charter is evident; namely, the Contested Norm “is not related” with the above mentioned norms of the Charter (*case materials, Vol. 3, pp.37*). The Saeima assesses compliance only of the Contested Norm with Section 4 Paragraph 3 and 4 of the Charter.

It has been indicated in the reply that district council *per se* shall not be regarded as local government in the meaning of Article 3 of the Charter; namely, district council is not an institution that has been “freely elected based on the right to equal, direct and general elections by mediation of secret voting”. This does not mean, however, that in this case the Charter cannot be indirectly applied to a district council. Under requirements of Article 4 Paragraph 3 of the Charter, each local government must

organize public transport services in its administrative territory. The legislator, however, has established an exception in Article 4 Paragraph 3 of the Charter by transferring functions of local government to district council, which is not local government in the light of Article 3 of the Charter or Article 101 Paragraph 2 of the Satversme. By including organizing of public transport services in the competence of district council, the competence of local governments pertaining to a particular district council is being restricted.

Consequently, the Contested Norm partly restricts, in favour of Riga city local government, competence of local governments pertaining to a district, since the competence is conferred by law to district competence.

First, allocation of competence should be established by law. This criterion has been met because the Contested Norm is included in the law.

Second, amending of competence should be useful (considerations of effectiveness and economy must be observed).

The Contested Norm is indispensable because in places with considerable traveller flow, organization of public transport services based on the principle of functionality (providing that routes are planned taking into account indices of density of population) and traveller flow rather than that of territorial (taking into account administrative territorial borders) has been recognized as more useful and effective because it better ensures reaching by the inhabitants their work places, education institutions etc.

It has been emphasized in the reply that nowadays a considerable part of inhabitants of Latvia live and work in Riga and the ambit. Work places of people living in the ambit of Riga (near Riga) are mainly located in Riga.

4. The following persons expressed their opinion in the case under review: Latvian Association of Local Governments, the Ministry of Regional Development and Local Government, the Riga City Council and a professor Dr. jur. Ziedonis Rags, head of the State Law Department of the Latvian Police Academy.

4.1. Latvian Association of Local Governments (hereinafter – the LALG) indicates that its working group has refused to support the wording of the Contested Norm because it has not received sound arguments on the necessity of this norm.

Referring to Section 15 Paragraph 1 Indent 19 and Section 7 Paragraph 2 of the Law “On Local Governments”, the LALG emphasizes that organization of public transport is an autonomous function of district local governments and republic cities, namely, local government organizes and is responsible for this function.

The LALG maintains that the Contested Norm does not apply to the requirements of Article 2 of the Charter and Article 4 Paragraph 1 of the Charter; however, it is related with what has been established in Article 3 and Article 4 Paragraph 3 and 4 of the Charter.

4.2. The Ministry of Regional Development and Local Government (hereinafter – MRDLG) indicates that principles of local governments established in the Charter are applicable to all levels and categories of local governments in each member state and *mutatis mutandis* also to territorial power at regional level. The MRDLG also admits that requirements of Article 3 of the Charter in Latvia regarding free, secret, direct, equal and general election of deputies of local governments are observed when electing district city, republic city and county councils, as well as parish councils, however district councils are not elected in accordance with the above mentioned procedure.

The Ministry maintains that the Contested Norm is not related with the rights established in Article 2 and Article 4 Paragraph 1 of the Charter.

It has been indicated in the reply that Article 3 of the Charter list basic characteristic features of local governments in accordance with the aim of the Charter. In order to assess whether the right of the Riga district local governments to administrate a considerable part of State affairs in the interests of the inhabitants are restricted, this right following from the above mentioned article of the Charter, it is first necessary to assess the aim of the Contested Norm to broaden of the scope fights of the Riga city local government. The MRDLG also draws attention to the fact that in

many European states functioning of local government of a capital is regulated in a special and different manner.

The MRDLG also emphasizes that Article 4 of the Charter clearly establishes the general principle that implementation of public measures should be decentralized. However, the autonomous function established in Section 15 Paragraph 1 Indent 19 of the Law “On Local Governments”, which is to organize public transport services, is fulfilled by district local governments and republic city local governments that, according to their functions, are powers of an equal level. Consequently, the Contested Norm does not apply to rights established in Article 4 Paragraph 3 of the Charter.

The Ministry points out that Article 4 Paragraph 4 of the Charter deals with the problem of separation of functions. According to the MRGLG, compliance of the Contested Norm with the rights established in Article 4 Paragraph 4 of the Charter depends on the aim of the Contested Norm.

4.3. The Riga City Council holds that the Contested Norm is not related with the rights established in Article 2, Article 3 and Article 4 Paragraph 1, 3 and 4 of the Charter. The above mentioned norms cannot be applied to the Riga District Council because the council is not local government in the meaning of the Charter of Local Self-Governments. In the light of Article 101, a district council cannot be regarded as local government.

The Contested Norm shall be regarded as a special legal norm included in a law of the respective field and concretizing the general legal norm established in the Law “On Local Governments”.

The Riga City Council maintains that the Contested Norm does comply with the requirements of Article 4 of the Charter. It restricts competence of other local government based on a legal norm, as well as observing the requirements of Article 4 Paragraph 3 of the Charter, namely, the extent and nature of the tasks established in the Contested Norm requires implementation of these tasks in a wide territory taking into account considerations of effectiveness and economy.

The Riga City Council indicates that, it being local government of the capital, must take part in maintenance and development of public transport infrastructure of national importance as established in Section 17.² Paragraph 4 of the Law “On Local

Governments”. Several negative consequences that might occur to the Riga City Council and the State if the Contested Norm would be recognized as null and void are also indicated.

4.4. Professor Dr. jur. Ziedonis Rags, head of the State Law Department of the Latvian Police Academy is of the view that since 26 November 1997 when territorial (local) elected self-governments of the second level ceased to exist in Latvia, local governments of the second level as established in the Charter do not exist anymore. Although district (regional) administration is denoted, in Section 3 Paragraph 2 of the Law “On Local Governments” as local government, this does not comply with criteria set forth by the Charter characterizing local government. Consequently, the Riga district local government cannot, in fact, be regarded as local government although the opposite has been formally established by law. A district council can neither be regarded as a delegated representation “because none of the inhabitants has delegated any of representatives to work at the council” (*case materials, Vol. 3, pp. 86*).

Mr. Z. Rags indicates that Latvian regional councils cannot be regarded as full-fledged person having been conferred the rights of local government. However, the Riga city local government has been established in accordance with the requirements of the Charter and it has been conferred the rights of local government.

Mr. Z. Rags also draws attention of the Constitutional Court to the fact that statements of Article 4 of the Charter shall only be applied to local governments rather than district local government, which according to Section 3 Paragraph 2 of the Law “On Local Governments” is local government of other kind, which is not local self-government.

The Constitutional Court established:

5. The Application was submitted by the Riga District Council. Under Article 17 Paragraph 1 Indent 7 of the Constitutional Court Law, the local government council (parish council) shall have the right to submit an application to the Constitutional Court to initiate cases mentioned in Article 16 Paragraph 6 of the Constitutional Court

Law. However, Article 19 Paragraph 1 of the Constitutional Court Law provides that a local government council (parish council) shall have the right “to submit an application only if an act being disputed infringes upon the right of the relevant local government”.

In order to establish whether the Constitutional Court has the right to review a case initiated based on an application of the Riga District Council, the following must be assessed:

- 1) Whether the Riga District Council is a local government council (parish council) in the meaning of Article 17 Paragraph 1 Indent 7 and Article 19 Paragraph 1 of the Constitutional Court Law;
- 2) Whether the Applicant has grounded its opinion that the contested act infringes upon the rights of the local government, namely:
 - a) whether the norms, compliance with which has been contested, confer the rights to the particular local government;
 - b) whether the contested norm infringes upon these rights, namely, causes any negative consequences to the local government.

6. The 5th Saeima started dealing with the question regarding the right of a local government council (parish council) to lodge an application before the Constitutional Court when discussing the draft law “On Local Governments”. The right of local government councils (parish councils) to submit an application to the Constitutional Court followed from the status of local government enshrined in the Law “On Local Governments”. The institute of local government (parish council) application was elaborated when city council, district council and parish council was elected in equal, direct, secret and proportional elections.

On 30 November 2000, the Saeima adopted the Law “Amendments to the Constitutional Court Law” that provided for a new wording of Article 16, Article 17 and Article 19 Paragraph 2 of the Constitutional Court Law. The aim of the above mentioned draft law as to entitle a person to submit an application to the Constitutional Court if his or her fundamental rights are infringed, as well as to confer the same rights to a court when examining a criminal case, a civil case or an administrative case. The

Law also broadened the scope of the rights of the State Ombudsman and local government council (parish council) to submit an application to the Constitutional Court.

Although norms regarding the institute of local government council (parish council) application have not been amended by means of subsequent amendments to the Constitutional Court Law, these shall be interpreted in conjunction with development of regulatory framework established in the Satversme.

7. In 1995, Latvia became a Member State of the European Union. Chapter 1 of the Statutes of the Council of Europe provides that the aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress. This aim shall be pursued through the organs of the Council by discussion of questions of common concern and by agreements and common action in economic, social, cultural, scientific, legal and administrative matters and in the maintenance and further realisation of human rights and fundamental freedoms.

The Charter is one of such agreements. It is aimed at a closer unity between the Member States of the Council of Europe in protection and implementation of common inherited ideals and principles. It has been recognized in the Preamble of the Charter that the right of citizens to participate in the conduct of public affairs is one of the democratic principles that are shared by all member States of the Council of Europe.

Article 1 of the Satversme provides that “Latvia is an independent democratic republic”. When interpreting this Article, the Constitutional Court has already referred to conclusions pertaining to the common constitutional legal heritage of the Member States of the Council of Europe [*see, e.g.: Judgment of 1 October 1999 by the Constitutional Court in the case No. 03-05(99), Para 1 of the Concluding Part and Judgment of 24 March 2000 in the case No. 04-07(99), Para 3 of the Concluding Part*].

The term of democracy included in Article 1 of the Satversme shall also be interpreted in conjunction with the principle of local governments enshrined in the Charter and the right of citizens to participate in administration of public affairs.

8. By means of amendments to the Law “Amendments to the Satversme of the Republic of Latvia” of 15 October 1998, the right of citizens to participate in work of the State was enshrined in Article 101 of the Satversme by providing that “every citizen of Latvia has the right, as provided for by law, to participate in the work of the State and of local government, and to hold a position in the civil service.”

On 30 April 2002, the Saeima adopted the Law “Amendments to the Satversme of the Republic of Latvia” that provided for a new wording that established, in the first sentence of the second part thereof, that “local governments shall be elected by Latvian citizens”. When announcing, on behalf of the responsible commission, the draft law in the third reading, the chairman of the Judicial Commission Mr. Linards Muciņš indicated the following: “In Article 101, we deal with local governments. Consequently, on the one hand, taking into account the laconic style of our Constitution (Satversme), we face a little problem, namely, it is not possible to establish in the Satversme a detailed regulatory framework on issues related with local governments; however, it is still possible to compensate this problem” (*transcript of the Saeima meeting of 30 April 2002*).

It follows from the aforesaid that the first sentence of the second part of Article 101 of the Satversme deals with the issue of status of local government. Namely, according to Article 2 of the Charter, Latvia has undertaken to enshrine the principle of self-government in the Satversme. In the recommendation No. 47 (1998) “Regarding Democracy of Local and Regional Democracies in Latvia” of the European Congress of Local and Regional Self-Governments of 26 – 28 May 1998, it was asked to the “Latvian Parliament (Saeima) to introduce amendments in the Constitution (Satversme) in order to clearly comply with the principle of local self-governments” (<http://www.loreg.coe.int/database/coe/cpl/9847.htm>).

Consequently, in Article 101 of the Satversme, the Saeima has established not only the fundamental right of a person to elect local governments but also the right to participate in the work of the State by mediation of local government elections but also, as required by the laconic style of the Satversme, provided the status of self-governments as being elected self-government institutions in general.

The principle of self-government follows from the first sentence of the second part of Article 101 of the Satversme, if interpreted in conjunction with Article 1 of the Satversme, this principle covering minimum amount of claims regarding organization of local self-government in a democratic and law-governed State.

9. When elaborating the draft law “Amendments to the Law “On Local Governments” that changed the procedure of establishing councils, there were different opinions suggested regarding the fact whether a district council can be regarded as local government. The Saeima settled on the suggestion of the Conservative Union “For Fatherland and Freedom”/LNNK (*apvienība “Tēvzemei un Brīvībai”/LNNK*), namely, to preserve the title “local government”. When justifying this suggestion at the Saeima meeting, a member of the Parliament Mr. Normunds Pēterkops indicated the following: “characteristic features of local government is that it has its own budget, it is an entity subject to public law, it has its own property and functions to be fulfilled in the interests of inhabitants of the respective region. Therefore, based on the above mentioned characteristic features, district council shall be regarded as local government” (*Transcript of the Saeima meeting of 2 October 1997, <http://www.saeima.lv>*).

Professor Mr. Kārlis Dišlers has once indicated: “The decisive role [...] is not played by the procedure of creation of organs of local government. If these organs have been directly and utterly elected by local inhabitants, the link between the society and organs of local government is, of course, closer; however, in the case if the elected organs of local government still need authorization of the State or if organs (leading officials) of local governments are directly appointed from among locals by the State power, they still are, from the legal point of view, organs of local governments bearing

the same power and extent of legal representation already stipulated in the respective laws on local governments” (*Dišlers K., Ievads administratīvo tiesību zinātnē. Administratīvo tiesību kursa vispārīgā daļa, Rīga, Latvijas Universitāte, 1938, pp. 185*).

However, since the time when K. Dišlers expressed this point of view, legal opinions in a democratic state has considerably developed also in the field of local government law.

The Constitutional Court has already concluded in its case-law that “when interpreting the Satversme and international liabilities of Latvia, one should look for the interpretation, which ensures harmony, but not confronting” (*Judgment of 13 May 2005 by the Constitutional Court in the case No. 2004-18-0106, Para 5 of the Concluding Part*). When establishing the content of the principle of self-government established in Article 101 of the Satversme, it is necessary to take into account the fact that at the time when this norm was adopted, Latvia had already undertaken liabilities that follow from the Charter.

10. When elaborating norms that established classification of local governments, certain members of the Saeima held that requirements of the Charter do not apply to regional self-government. For instance, Mr. N. Pēterkops maintained: “We can concretize what local government and regional government are so that we had no contradictions with the Charter on Local Governments” (*transcript of the Saeima meeting of 2 October 1997, <http://www.saeima.lv>*).

However, in the Explanatory Report of the Charter, the following has been indicated: “the principles of local self-government laid down in the Charter apply to all the levels or categories of local authorities in each member state, and indeed also, *mutatis mutandis*, to territorial authorities at regional level. However, to allow for special cases, the parties are permitted to exclude certain categories of authorities from the scope of the Charter. Part I of the Charter is of the greatest importance; principles of local self-governments laid down in Part I of the Charter apply not only to local but also regional self-governments before the European Charter of Local Self-Governments is approved in the Committee of Ministers of the Council of Europe and

submitted for signing” [*European Charter of Local Self-Government Explanatory Report (ETS No. 122)*, <http://conventions.coe.int/Treaty/en/Reports/Html/122.htm>].

Article 13 of the Charter “Authorities to which the Charter applies” provides:

“(1) The principles of local self-government contained in the present Charter apply to all the categories of local authorities existing within the territory of the Party. However, each Party may, when depositing its instrument of ratification, acceptance or approval, specify the categories of local or regional authorities to which it intends to confine the scope of the Charter or which it intends to exclude from its scope. It may also include further categories of local or regional authorities within the scope of the Charter by subsequent notification to the Secretary General of the Council of Europe

As to this Article, it has been indicated in the Explanatory Report that, in principle, the requirements set forth in Part I of the Charter relate to all categories or levels of local authority in each member state. They potentially apply also to regional authorities where these exist. However, the special legal form or constitutional status of certain regions (in particular the member states of federations) may preclude their being made subject to the same requirements as local authorities. [*see: European Charter of Local Self-Government Explanatory Report (ETS No. 122)*, <http://conventions.coe.int/Treaty/en/Reports/Html/122.htm>].

The fact that requirements of the charter can be interpreted as requirements not only to self-governments of a lower lever but also to regional self-governments is proved by practice of the Member States. For example, when informing on undertaking of liabilities established in the Charter, Sweden *expressis verbis* indicates that these liabilities shall be applied to particular local and regional authorities; whilst Spain indicates that the Charter shall apply to local governments established in Article 140 and Article 141 of the Spanish Constitution (*see: List of declarations made with respect to treaty No. 122*, <http://www.conventions.coe.int>). Article 140 of the Spanish Constitution applies to municipal authorities, whilst Article 141 thereof – to provinces. Germany, however, when informing on undertaking liabilities established in the Charter, indicates that the scope of the Charter in Rheinland-Pfalz shall apply to local governments of a lower level (*Gemeinden*), merged local governments

(*Verbandsgemeinden*) and districts (*Kreise*), whilst in other states – to local governments of a lower lever and districts. Thus the Charter is being applied not only to local governments of a lower level but also to local government that include the first ones.

In the Explanatory Memorandum of the experts of the Council of Europe on the situation of Local and Regional Democracy in Latvia prepared for the European Congress of Local and Regional Governments in 1998, when analysing status of district (regional) self-governments established in the Law “On Local Governments” after the amendments of 1997, the following has been indicated: “This indirect suffrage fails to satisfy the requirements of Article 3 of the Charter, it may be regarded as a temporary compromise which is acceptable in the light of the situation existing hitherto” [*Report on the situation of Local and Regional Democracy in Latvia – CG(5) 5 Part II, <https://wcd.coe.int>*].

11. Article 3 Paragraph 2 of the Charter provides that the rights established in the Charter “shall be exercised by councils or assemblies composed of members freely elected by secret ballot on the basis of direct, equal, universal suffrage, and which may possess executive organs responsible to them. This provision shall in no way affect recourse to assemblies of citizens, referendums or any other form of direct citizen participation where it is permitted by statute

In the Explanatory Report, it has been emphasized that the rights of self-government must be exercised by democratically constituted authorities. This principle is in accordance with the importance attached by the Council of Europe to democratic forms of government [*see: European Charter of Local Self-Government Explanatory Report (ETS No. 122), <http://conventions.coe.int/Treaty/en/Reports/Html/122.htm>*].

Based on the before mentioned memorandum of experts regarding situation of regional and local democracy in Latvia, the European Congress of Local and Regional Self-Governments that took place on 26 – 28 May 1998, adopted recommendation No. 47 “On Local and Regional Democracy in Latvia”. Among the rest things, in this recommendation the Congress “regrets the fact that, following the cancellation of the 1997 regional elections, regional parliamentary and executive bodies now comprise

local elected representatives appointed by the municipalities” and “recommends that the Latvian parliamentary and governmental authorities ensure that, as soon as the reforms mentioned under paragraph 7, above, are complete, regional authorities’ representatives are once again elected directly by the people” (<http://www.loreg.coe.int/database/coe/cpl/9847.htm>).

The Committee of Ministers of the Council of Europe has reviewed this recommendation at its 641st meeting on 15 September 1998. It decided to transfer it to the Government of Latvia and take it as a reference in the field of development of local democracy (*see: https://wcd.coe.int*).

Professor Mr. Z. Rags has reasonably indicated that “electionability is one of characteristic features of local governments” (*Rags Z., Latvijas Republikas pašvaldību tiesības. Rīga, Latvijas Policijas akadēmija, 2002, pp. 151*). The Saeima and the Riga City Council share the opinion of Mr. Z. Rags that status of district council does not comply with requirements of Article 3 of the Charter.

The requirement for each level and kind of local governments in Latvia to be elected in free, secret, equal, direct and general elections follow from the first sentence of the second part of Article 101 of the Satversme.

12. The Constitutional Court has already concluded that norms of Chapter 8 of the Satversme do not always require reaching of the status established in the Satversme “The value system of the Satversme advances the assignment to the legislator to ensure establishment of the specific procedure compliant with Chapter 8 of the Satversme in reasonable time” (*Judgment of 22 October 2002 by the Constitutional Court in the case No. 2002-04-03, Para 3 of the Concluding Part*).

It should be taken into account that, after having restored independence of the State, Latvia had to overtake the system of administrative territorial division previously established in accordance with concept of the USSR; however this system did not comply with the needs of a democratic and law-governed State.

It was suggested that “territorial division of local governments does not reflect the administrative territorial structure formed during a long historic period. In fact, it represented division based on borders of territories of kolkhozs and sovkhhozs

(collective farms). After having restored its historic independence, the Latvian State inherited such administrative division of the territory that was adjusted for the needs of the soviet power. After restoring of independence, functions of parish and city local governments has been broadened, their independence and responsibility has been increased; however, the administrative division was left unchanged, which caused contradiction between the new content of administration and the old territorial division (*Rags Z., Latvijas Republikas pašvaldību tiesības. Rīga, Latvijas Policijas akadēmija, 2002, pp. 160*).

Territorial system of Latvian self-governments had to be arranged so that it would comply with the principle of self-government not only based on the election criterion, but also based on its ability to fulfil the most indispensable functions at the level requested by the inhabitants.

Neither the norms of the Satversme, nor those of the Charter per se prohibit introducing amendments into the existent regulation; however, the aim of such amendments, their course of implementation and results should comply with requirements of a law-governed State.

When discussing, at the second reading at a Saeima meeting, about the draft law “Amendments to the Law “On Local Governments” that established the current procedure for forming district councils, a member of the Parliament Mr. Ēriks Zunda indicated the following: “In fact, we wanted that, in the result of the reform, local governments, i.e. city and parish local governments would be strengthened so that they would be able to decide issues shared by the entire district and being of interest to all inhabitants. The above mentioned considerations resulted in the following basic idea – it is necessary to establish regional council composed of delegated chairpersons of cities and parishes that would then deal with affairs of the district in general, rather than to establish an institution that sometimes could not even represent territories of the local government in an adequate way. This is the essence of this issue; this is the milestone for the elaborated draft law and the conception that serve as the basis for subsequent suggestions introduced therein” (*Transcript of the Saeima meeting of 2 October 1997*).

A member of the Parliament Mr. Jānis Bunkšs has indicated that by means of this draft law “co-operation between local governments is facilitated” (*Transcript of the Saeima meeting of 2 October 1997*).

The Charter is aimed at decentralization of power. By forming a district council composed of chairpersons of parish and city local governments, the aim of the legislator was not to deny functions characteristic to local governments or to transfer them to representatives appointed by the central power. The reforms were aimed directly at strengthening of local governments closest to inhabitants in order to facilitate gradual co-operation and merging of local governments of a lower level.

Consequently, the aim of the legislator was not to establish situation that would contradict the Charter and the Satversme by forming district council as an independent and constant institution of territorial self-government. For the period of implementing the reform, the legislator has formed a district council as an institution of a specific legal status that is characterized by features of a regional territorial self-government and those of an association of parish and city local governments.

Such transitional situation *per se* does not contradict Article 101 of the Satversme or principles of the Charter insofar as it is regarded as a transitional situation and insofar as protection of interests of the inhabitants of a particular territory and decentralization of power is ensured.

In the frameworks of the case under review, the Constitutional Court must assess whether the legislator has implemented the reform within a reasonable term and whether it could be implemented faster. However, the Constitutional Court takes into account the fact that on 21 February 2008 at the first reading, the Saeima adopted the draft law on reorganization of district councils, which means that soon the transitional period would end.

The legislator has selected such form of transition that, on the one hand, serves for reaching of the aims of the reform but, on the other, ensures representation of local inhabitants when fulfilling particular functions during the reform. The Applicant has reasonably noted that all local governments of Riga district have been elected in free, direct, general and secret election. The same procedure has been applied when electing heads of local governments, i.e. chairpersons that constitute a district council.

Consequently, during the period implementing of the reform, it can be suggested that functions of local government is fulfilled by district council that is not elected in general, direct and equal elections. However, when assessing the extent at which the principle of self-government should be applied, it is necessary to take into account the temporary status of the institution and peculiarities related thereto.

13. In the light of the principle of self-government, the district council established for the period of implementing the reform shall be regarded as a form of collaboration of parish and city local governments aimed at fulfilment of certain functions rather than as a lawful independent self-government.

Associations of self-governments established based on a law exist also in other Member States. For instance, in Austria, like in Latvia, self-government of one level only is elected in direct elections (*Gemeinde*). Article 116.a Paragraph 2 of the Austrian Constitution provides that the authorized legislator (a federation or a federal state depending on the field to be regulated) has the right to establish associations of self-governments to fulfil certain tasks. For instance, Section 2 Paragraph 1 of the Salzburg State Law on Associations of Self-Governments (*Gemeindeverbändegesetz*) provides that formation of association of self-governments is executed through agreements between self-governments or based on a law, or based on a legal act issued by the State government insofar as the association of self-governments fulfil tasks, regulation of which fall in the scope of competence of the legislator of the state. According to Section 15 of the above mentioned law, association of self-governments, as to the tasks commissioned to it, has the same status that would be granted to respective self-governments if they did not form any association of self-governments.

By stipulating formation of district council to fulfil certain functions, the Latvian legislator has, in fact, substituted the association of subjects of self-government to fulfil certain tasks (a statutory function) in the territory of a particular district, rather than formed a new subject of self-administration.

Consequently, a district council *per se* is not granted all rights that follow from the principle of self-government. The rights that follow from the principle of

self-government are enjoyed, at full extent, only by city and parish councils. District council enjoys these rights indirectly and only insofar as the legislator has commissioned certain functions to it, these functions being, in fact, functions of local government.

14. When considering the question whether the rights established in the Constitutional Court Law to a council of self-government, it is necessary to take into account the specific character of the council and interests of citizens who are indirectly represented by chairpersons of parish councils constituting the district council. In the situation that occurs if a district council would be denied the right to submit an application to the Constitutional Court, the right of citizens living in Riga district to participate in the work of the State by mediation of such self-government that complies with the principle of self-government would be ensured even at a lesser extent.

Moreover, the Applicant has reasonably noted that this is the legislator rather than the Riga District Council that is responsible for full compliance of the status of a regional self-government with Article 3 Paragraph 2 of the charter. Non-observance of one requirement of the Charter cannot serve as justification for non-observance of other requirements of the Charter.

The term “self-government” has several different definitions. “In researches related with different self-government issues, the term “self-government” is often regarded as self-evident. Self-government is local authority established by citizens (or, in certain states – inhabitants) living in a particular region, it functioning in the particular territory” (*Vanags E., Vilka I., Pašvaldību darbība un attīstība. Rīga, Latvijas Universitātes Akadēmiskais apgāds, 2005, pp. 11.*).

Article 3 of the Charter “Concept of Local Self-Government” is defined in two paragraphs. It has been indicated in the explanatory report that this article lays down the essential characteristics of local self-government as they are to be understood for the purposes of the Charter [see: *European Charter of Local Self-Government Explanatory Report (ETS No. 122), <http://conventions.coe.int/Treaty/en/Reports/Html/122.htm>].*

Scientists of Latvia hold that “according to the European Charter of Local Self-Governments, self-government means the right and actual possibility of an institution of local authority to regulate and deal with a considerable part of public issues in the interests of local inhabitants by also bearing responsibility for them” (*Vanags E., Vilka I., Pašvaldību darbība un attīstība. Rīga, Latvijas Universitātes Akadēmiskais apgāds, 2005, pp. 11*). Scientists of other States refer only to the definition of the term “self-government” established in Article 1 Paragraph 1 of the Charter (*see: Steiner U., Besonderes Verwaltungsrecht, 7. Auflage. Heidelberg, C. H. Müller Verlag, 2003, S. 9; Баглай М., Лейбо Ю., Энтин Л. Конституционное право зарубежных стран, Москва, Норма, 2000, с. 291*).

Moreover, Article 12 of the Charter should also be taken into account. This article provides that each Party undertakes to consider itself bound by at least 20 paragraphs of Part I of the Charter or parts thereof. Article 3 Paragraph 1 and 2 of the Charter are regarded as two separate choices.

This means that, first, both parts of Article 3 of the Charter may exist independently one from another. For instance, In 2000, Slovakia initially recognized Article Paragraph 2 of the Charter as binding on it, and later, in 2007, it also applied the Paragraph 1 thereof (*see: List of declarations made with respect to treaty No. 122, <http://www.conventions.coe.int>*).

Second, the Charter may apply to local governments also in the State that has not undertaken to consider itself bound to Article 3 Paragraph 1 of the Charter. It can be concluded from the information on Charter ratification and the disclaimers that, for instance, Belgium and Lichtenstein have recognized Article 3 Paragraph 1 of the Charter as binding on it (*see: List of declarations made with respect to treaty No. 122, <http://www.conventions.coe.int>*).

Therefore it cannot be regarded that Article 3 Paragraph 2 of the Charter is an absolute pre-condition for application of any other norm of the Charter to any self-government. The fact that observance of requirements of Article 3 of the Charter is not fully ensured in relation to district council during the period of implementing of reform does not automatically mean that no other requirements of the Charter can be

ignored when establishing status of a district council during the above mentioned period.

Taking into account the fact that the legislator has settled upon conferring to district council status of self-government, as well as the fact that the legislator has failed to specify, in Article 17 and Article 19 of the Constitutional Court Law in the wording that was adopted by the Law “Amendments to the Constitutional Court Law”, that only city and parish local governments have the right to submit an application to the Constitutional Court, it can be concluded that the aim of the legislator was to obligate the Constitutional Court to examine cases initiated based on an application of district council insofar as the application complies with requirements of admissibility, and also with Article 19 Paragraph 1 of the Constitutional Court Law that requires substantiating infringement of rights of self-government.

Consequently, the Constitutional Court has the right to assess a case based on an application of a district council. However, it should be investigated whether it is possible that the rights conferred to district council have been infringed, namely, whether the norms of the Charter, compliance with which has been contested, confer such rights to district council that could be infringed by the Contested Norm.

15. Article 2 of the Charter “Constitutional and Legal Foundation for Local Self-Government” provides that “the principle of local self-government shall be recognized in domestic legislation, and where practicable, in the constitution”.

The following opinion is expressed in the explanatory report: “Article 2 provides that the principle of local self-government should be enshrined in written law. In view of the importance of the principle, it is further desirable that this should be achieved by including it in the fundamental text governing the organisation of the state, that is to say, the Constitution. However, it was recognised that, in those countries in which the procedure for amending the Constitution required assent by a special majority of the legislature or the assent of the whole population expressed in a referendum, it might not be possible to give a commitment to enshrine the principle of local self-government in the Constitution. It was also recognised that countries not having a written constitution but a constitution to be found in various documents and

sources might encounter specific difficulties or even be unable to make that commitment” (*European Charter of Local Self-Government Explanatory Report*, <http://conventions.coe.int/Treaty/en/Reports/Html/122.htm>).

The Saeima and the MRDLG notes that the Contested Norm does not apply to the rights established in Article 2 of the Charter. The LALG considers that the Contested Norm does not apply to requirements of Article 2 of the Charter because the principle of self-government should be established in the Satversme rather than the Public Transport Law.

Both, the LALG and the Applicant indicate that the Contested Norm is, to a certain extent, in conflict with Section 7 Paragraph 1 of the Law “On Local Governments” that provides that autonomous function of local governments shall be fulfilled according to procedure established in the respective laws and regulations of the Cabinet of Ministers. Namely, the Contested Norm restricts the scope of competence of a particular local government, which, in the case under review, is the Riga District Council, in fulfilling the autonomous function rather than establishes any procedure.

It follows from the application that Article 2 of the Charter would have conferred the Law “On Local Governments” a special status, namely, all other laws applying to local governments should comply with the Law “On Local Governments”.

This was a common opinion among representatives of local governments at the time when the Law “On Local Governments” was under elaboration. When announcing such draft law at the Saeima meeting of 17 February 1994, President of the Saeima State Administration and Local Government Committee Mr. Jānis Lagzdīņš indicated the following: “The Association of Local Governments suggest establishing that the local government law should be constitutional, it should be above other laws that regulate functioning of local governments. The Commission disagree with such conceptual solution because it does not comply with the essence of the Satversme. It is not been established in our State that certain laws should have constitutional character. Moreover, in case if we accepted the suggestion of the Association of Local Governments, this would hamper our legislation because, by amending or establishing rights or duties of local governments in another law, the Law

“On Local Governments” should also be amended” (*Transcript of the Saeima meeting of 17 February 1994*).

The fact that any other law could contradict the Law “On Local Governments” cannot infringe the rights of local government established in Article 2 of the Charter.

After having got acquainted with case materials, the Applicant expresses a viewpoint that the Contested Norm should, in fact, comply with the principle of self-government. However, it should be taken into account that Article 2 of the Charter does not reveal the essence of the principle of self-government; it only establishes formal criteria, according to which this principle should be included in the legal norms of the Member States. The core of the principle of self-government is revealed in those norms of the Charter enumerated by Article 12 of the Charter.

Consequently, the Contested Norm is not related with the rights of the applicant that would result from Article 2 of the Charter.

16. It is possible to agree with the viewpoint of the MRDLG that the right of local government to manage a considerable part of State affairs in the interests of the inhabitants follow from Article 3 of the Charter.

It has been indicated in the Explanatory Report that it is not possible to define precisely what affairs local authorities should be entitled to regulate and manage. Expressions such as "local affairs" and "own affairs" were rejected as too vague and difficult to interpret. The traditions of member states as to the affairs which are regarded as belonging to the preserve of local authorities differ greatly. In reality most affairs have both local and national implications and responsibility for them may vary between countries and over time, and may even be shared between different levels of government. To limit local authorities to matters which do not have wider implications would risk relegating them to a marginal role. On the other hand, it is accepted that countries will wish to reserve certain functions, such as national defence, for central government. The intention of the Charter is that local authorities should have a broad range of responsibilities which are capable of being carried out at local level. The definition of these responsibilities is the subject of Article 4” (*sk.: European*

Charter of Local Self-Government Explanatory Report (ETS No. 122), <http://conventions.coe.int/Treaty/en/Reports/Html/122.htm>].

The Applicant does not contest the body of functions conferred to it; it contests limits of one particular function and provisions for implementing of it.

Moreover, parties to the Charter consider that local governments of the second level cannot be conferred the right to a guaranteed competence (*Aufgabengarantie*). For instance, the first sentence of the second part of Article 28 of the Basic Law of the German Federal Republic provides that local governments of the first level (*Gemeinden*) shall be conferred the right to deal with all affairs of the local community within the frameworks of the law and on its own responsibility. However, the second sentence of the same part provides that local governments of a higher level (*Gemeindeverbände*) shall be conferred the right of self-administration (*Recht der Selbstverwaltung*), it fulfilling its duties in within the limits established by law. When interpreting this norm, the German Federal Constitutional Court has concluded that local governments of the second level have not been conferred the right to a comprehensive competence (*Allzuständigkeit*) (see: *BVerfGE*, 79, 127, [151]). Introduction of any task in the competence of local governments of the second level (*Kreise*) largely depends on the will of the legislator (see: *BVerfGE* 83, 363, [383]).

When performing monitoring of local self-government in Germany, experts of the European Congress of Regional and Local Self-Governments have not indicated that the regulation on local self-government in Germany contradicts Article 3 Paragraph 1 of the Charter (see: *The congress of Local and regional authorities. The situation of local finances in the Federal Republic of Germany – CPL (6) 3 Part II, Explanatory memorandum*, <https://wcd.coe.int>).

Consequently, Article 3 Paragraph 1 of the Charter does not confer the right to local government to rely that the legislator would include any particular function to be fulfilled at a particular extent into the autonomous competence of district council.

Consequently, the Contested Norm does not apply to the rights that would be conferred to the Applicant by Article 3 of the Charter.

17. Article 4 “Scope of Local Self-Governments” Paragraph 1 of the charter establishes:

“(1) The basic powers and responsibilities of local authorities shall be prescribed by the constitution or by statute. However, this provision shall not prevent the attribution to local authorities of power and responsibilities for specific purposes in accordance with the law.”

The following has been indicated in the Explanatory Report: “Article 4 lays down the general principles on which the responsibilities of local authorities and the nature of their powers should be based. Since the nature of local authorities' responsibilities is fundamental to the reality of local self-government, it is in the interests of both clarity and legal certainty that basic responsibilities should not be assigned to them on an *ad hoc* basis but should be sufficiently rooted in legislation. Normally, responsibilities should be conferred by the Constitution or an Act of Parliament” [*see: European Charter of Local Self-Government Explanatory Report, <http://conventions.coe.int/Treaty/en/Reports/Html/122.htm>*].

It can be concluded from the application that the first sentence of Article 4 Paragraph 1 of the Charter shall be interpreted as follows: “Authority and duties of local authority shall be established by the Constitution or the Law “On Local Governments”.”

The opinion expressed in the reply that the Law “On Local Governments” is not the only law that can regulate issues related with functioning of local government is grounded. Other laws can also include legal norms regulating work of local government, these norms being special if compared to legal norms included in the Law “On Local Governments”. When deciding whether any of norms should be included in the Law “On Local Governments” or a law of the respective field, the legislator enjoys a broad freedom of action.

Moreover, the Contested Norm neither commits any local government *ad hoc* to any new responsibilities, nor it denies any function.

It can be concluded from what has been written by the Applicant that several deficiencies could be established when the Public Transport Law was under elaboration. However, the Applicant has failed to indicate that these deficiencies could

be regarded as infringements of the legislative procedure or that they are of such gravity that could annul the legal norm and the law as being adopted according to proper procedure.

Consequently, the Contested Norm does not apply to rights conferred to the Applicant by Article 4 Paragraph 1 of the Charter.

18. Article 4 “4 “Scope of Local Self-Governments” Paragraph 3 of the charter establishes: “Public responsibilities shall generally be exercised, in preference, by those authorities which are closest to the citizen. Allocation of responsibility to another authority should weigh up the extent and nature of the task and requirements of efficiency and economy”.

It has been indicated in the Explanatory Report that this paragraph articulates the general principle that the exercise of public responsibilities should be decentralised. This principle has been stated on a number of occasions within the context of the Council of Europe and in particular in the Conclusions of the Lisbon Conference of European Ministers responsible for Local Government in 1977. This implies that, unless the size or nature of a task is such that it requires to be treated within a larger territorial area or there are overriding considerations of efficiency or economy, it should generally be entrusted to the most local level of government. This clause does not imply, however, a requirement systematically to decentralise functions to such local authorities which, because of their nature and size, can only accomplish limited tasks” [see: *European Charter of Local Self-Government Explanatory Report (ETS No. 122)*, <http://conventions.coe.int/Treaty/en/Reports/Html/122.htm>].

The principle of subsidiary follows from Article 4 Paragraph 3 of the Charter. This principle can be interpreted in two ways: on the one hand, in order to justify transfer of authority to an authority of a higher level and, on the other, to preserve certain authority at the level that is closer to citizens. In the Charter, the principle has been established in its initial meaning. It provides for the duty to care, insofar as it is possible, that all decisions are made at the level closest to a citizen. Any deviation from this principle is permitted only in case of absolute necessity [see: *Definition and*

limits of the principle of subsidiarity. Report prepared for the Steering Committee on Local and Regional Authorities (CDLR), P.12 <http://www.loreg.coe.int>].

The opinion of the MRDLG that the autonomous function established in Article 15 Paragraph 1 Indent 19 of the Law “On Local Governments”, which is to organize public transport services, shall be fulfilled by district local government and republic city local governments, these two functionally being power of the same level, is grounded. Consequently, the Contested Norm is not related with the rights established in Article 4 Paragraph 3 of the Charter. The LALG also is of the view that the principle of subsidiarity should equally be applied to district local governments and republic city local governments.

Consequently, the Contested Norm shall not apply to rights conferred to the Applicant by Article 4 Paragraph 3 of the Charter.

19. Article 4 “4 “Scope of Local Self-Governments” Paragraph 4 of the charter establishes: “Powers given to local authorities shall normally be full and exclusive. They may not be undermined or limited by another, central or regional, authority except as provided for by under the law”.

It has been indicated in the Explanatory Report that this paragraph is concerned with the problem of overlapping responsibilities. In the interest of clarity and for the sake of avoiding any tendency towards a progressive dilution of responsibility, powers should normally be full and exclusive. However, complementary action by different levels of authority is required in certain fields and it is important that in these cases the intervention by central or regional authorities takes place in accordance with clear legislative provisions [*see: European Charter of Local Self-Government Explanatory Report (ETS No. 122), <http://conventions.coe.int/Treaty/en/Reports/Html/122.htm>]*.

It can be concluded from the application that Article 4 Paragraph 4 of the Charter the term “powers given to local authorities” generally refer to autonomous function established in Section 15 of the Law “On Local Governments”. Paragraph 1 Indent 19 of this section provides that, in the light of Article 4 of the Charter, it has been conferred the autonomous function to organise public transport services in its territory.

This opinion is not grounded because the Applicant has failed to take into account the fact that the limits of autonomous function must be established in conjunction with other norms of the Law “On Local Governments”, as well as other laws.

Section 17.² of the Law “On Local Governments provide that “the capital city Riga in addition to the functions specified in Section 15 of this Law shall permanently perform the following State and local government shared responsibility capital city functions: [..]

(4) participation in the maintenance and development of communications systems and transport infrastructure of State importance.”

Consequently, already in the frameworks of the Law “On Local Governments”, it can be concluded that the autonomous competence of district council to organize public transport services does not apply to maintenance and development of public transport infrastructure of national significance. For instance, the Contested Norm applies, among the rest things, to shipping from the terminal of the international airport “Riga”. Ensuring of public transport services in the section from the airport to the railway station cannot be regarded as an affair that concerns only inhabitants of Riga and Riga district; it is related with interests of national significance. Insofar as the network of routes in Riga city is regarded as infrastructure of national significance, it cannot pertain to autonomous function of district council.

The content of autonomous function laid down in Section 15 of the Law “On Local Governments” is concretized by other laws. For instance, if the term “public transport” is interpreted grammatically in its broadest sense, it could be applied to railway public services; however if follows from legal regulation established in the Railway Law that autonomous competence shall not apply to this field of services.

The Public Transport Law also determines the content and limits of the above mentioned autonomous function. The Contested Norm does not concern the core of this autonomous function. Namely, it does not apply to organization of such public transport services that the Riga District Council organizes in the territory of Riga district in order to ensure movement of inhabitants of Riga district within its territory.

The Contested Norm affects such public transport services that cannot be organized by the Riga District Council alone, namely, routes where traffic is ensured in the territory of Riga district and that of Riga city. Organization of such public transport services is not an autonomous function of one local government in the meaning of Section 15 of the Law “On Local Governments”.

When determining regulation for organization of public transport services in routes that exceed borders of territory of the particular local government, the legislator enjoys a broad freedom of action. Organization of the above mentioned services insofar as it is permitted by the Public Transport Law shall be regarded as power granted to local authority in the meaning of Article 4 Paragraph 4 of the Charter.

Consequently, the Contested Norm does not affect such rights of the Applicant that could follow from Article 4 Paragraph 4 of the Charter.

Since the above mentioned norms of the Charter does not confer the applicant rights that could be infringed by the Contested Norm, it is not possible continue proceedings before the Constitutional Court based on the particular application.

The Constitutional Court,

taking into account the aforesaid and based on Article Paragraph 1 Indent 6 of the Constitutional Court Law,

h o l d s:

Proceedings in the case No. 2007-21-01 “On Compliance of the Second Part of Section 7 of the Law “On Public Transport Services” with Articles 2, 3 and the First, Third and Fourth Part of Article 4 of the European Charter of Local Self-Governments of October 15, 1985” initiated based on an application of the Riga District Council shall be terminated.

The Judgment is not subject to appeal.

Presiding judge

G. Kūtris