THE CONSTITUTIONAL COURT
OF THE REPUBLIC OF LATVIA

JUDGMENT
ON BEHALF OF THE REPUBLIC OF LATVIA
Riga, March 27, 2008,
in case No. 2007-17-05

The Constitutional Court of the Republic of Latvia, composed of the Chairman of the Court session Kaspars Balodis, Justices Juris Jelāgins and Kristīne Krūma,

having regard to the application of Kolka Parish Council,

according to Article 85 of the Satversme and Item 5 of Article 16, Item 7 of the first part of Article 17 and Article 28.[1] of the Constitutional Court Law,

in February 26, 2008 in the court session examined the following case in written proceedings:

"On Compliance of the Decree No. 2-02/144 of June 6, 2007 by the Minister of Regional Development and Local Government "On Arresting of the Binding Regulation No. 6 of June 13, 2003 of the Kolka Parish Council", the Decree No. 2-02/145 of June 6, 2007 "On Arresting of the Binding Regulation No. 11 of October 23, 2006 of the Kolka Parish Council "Detailed Plan No. 01/08/05 for the Territory of the Property "Jūrassili", Cadastre No. 8862 001 0061, of the Sīkrags Village of the Kolka Parish", the Decree No. 2-02/146 of June 6, 2007 "On Arresting of the Binding Regulation No. 11 of October 23, 2006 of the Kolka Parish Council "Detailed Plan No. 01/08/05 for the Territory of the Property "Saulrīti", Cadastre No. 8862 002 0050, of the Mazirbe Village of the Kolka Parish" and the Decree No. 2-02/147 of June 6, 2007 "On Arresting of the Binding

Regulation No. 11 of October 23, 2006 of the Kolka Parish Council "Detailed Plan No. 01/08/05 for the Territory of the Property "Ausmas", Cadastre No. 8862 002 0027, and the Property "Undīnes", Cadastre No. 8862 002 0204 of the Mazirbe Village of the Kolka Parish" with the First Part of Section 10 of the State Administration Structure Law and Article 1 of the Satversme (Constitution) of the Republic of Latvia

The Constitutional Court has established:

1. On June 13, 2003, the Kolka Parish Council passed the Regulations No. 6 "Land Use Plan of the Kolka Parish" (hereinafter – the Land Use Plan).

On October 23, 2006, the Kolka Parish Council adopted the Binding Regulations No. 11 "Detailed Plan for the Territory of the Property "Jūrassili", Cadastre No. 8862 001 0061, of the Sīkrags Village of the Kolka Parish", the Binding Regulations No. 12 "Detailed Plan No. 01/08/05 for the Territory of the Property "Ausmas", Cadastre No. 8862 002 0027, and the Property "Undīnes", Cadastre No. 8862 002 0204 of the Mazirbe Village of the Kolka Parish" and the Binding Regulations No. 13 "Detailed Plan for the Territory of the Property "Saulrīti", Cadastre No. 8862 002 0050, of the Mazirbe Village of the Kolka Parish".

2. On June 6, 2007, the Minister of Regional Development and Local Government passed the Decree No. 2-02/144 "On Arresting of the Binding Regulation No. 6 of June 13, 2003 "Land Use Plan of the Kolka Parish" of the Kolka Parish Council (hereinafter – Decree No. 2-02/144).

It has been indicated therein that the Land Use Plan shall be recognized as unlawful, because the borders of the villages mapped therein are not approved in accordance with Section 67 of the Protection Zone Law. The local government of the Kolka parish has not guided itself by the notion of a village that was provided in Section 11 of the Law "On Creation of Administrative Territories of the Republic of Latvia and Establishment of the Status of Populated Areas" (hereinafter – the Law on Creation of Administrative Territories) according to the wording of that time, namely, the territory of villages established in the Land Use

Plan exceeds the area of historical construction zone. Moreover, in the territories of the villages, unlike it is established in the first and the second part of Section 6 and the second part of Section 36 of the Protective Zone Law, construction of buildings is permitted at the distance of 100 metres form natural land vegetation border of the Irbe Strait of the Baltic Sea.

As indicates the Minister of Regional Development and Local Government, the local government of the Kolka Parish applies the provisions of the Land Use Plan to the territory of villages, although the borders of the villages are not approved in accordance with Section 67 of the Protection Zone Law. Hence Item 2 of the first part of Article 36 of the Protection Zone Law, which provides that outside of the cities and villages, the area of the land property to be newly created, on which it is permitted to locate one farmstead with auxiliary buildings that are not larger than 25 sq. meters, but not less than three hectares, is violated. The Kolka Parish Council systematically takes decisions regarding allocation of land plots in the protective zone of the Baltic Sea and the Gulf of Riga by thus forming new land entities that are smaller than 3 ha. In the territories of the villages there are detailed plans elaborated and approved without taking into consideration opinions of the administration of Slītere National Park and the Ministry of Regional Development and Local Government.

Based on the aforesaid, the Minister of Regional Development and Local Government, by means of the Decree No. 2-02/144, decided to suspend the Land Use Plan regarding the territory of the Kolka Village, Saunaga Village, Vaide Village, Ušu Village, Sīkrags Village, Mazirbe Village, Košrags Village and Pitrags Village established in the Graphical Part map "Permitted and Planned Land Use".

3. On June 6, 2007, the Minister of Regional Development and Local Government passed the Decree No. 2-02/145 "On Arresting of the Binding Regulation No. 11 of October 23, 2006 of the Kolka Parish Council "Detailed Plan No. 01/08/05 for the Territory of the Property "Jūrassili", Cadastre No. 8862 001 0061, of the Sīkrags Village of the Kolka Parish" (hereinafter – Decree No. 2-02/145), the Decree no. 2-02/146 "On Arresting of the Binding Regulation No. 11 of October

23, 2006 of the Kolka Parish Council "Detailed Plan No. 01/08/05 for the Territory of the Property "Saulrīti", Cadastre No. 8862 002 0050, of the Mazirbe Village of the Kolka Parish" (hereinafter – Decree No. 2-02/146) and the Decree No. 2-02/147 of June 6, 2007 "On Arresting of the Binding Regulation No. 11 of October 23, 2006 of the Kolka Parish Council "Detailed Plan No. 01/08/05 for the Territory of the Property "Ausmas", Cadastre No. 8862 002 0027, and the Property "Undīnes", Cadastre No. 8862 002 0204 of the Mazirbe Village of the Kolka Parish" (hereinafter – Decree No. 2-02/147). It has been indicated in the decrees that the detailed plans shall be recognized as unlawful because the local government of the Kolka Parish has not approved the borders of the villages in accordance with Section 67 of the Protection Zone Law, and division of the land into land parcels that are smaller than three hectares does not comply with the requirements of Item 2 of Section 36 of the Protection Zone Law.

It has been additionally indicated in the Decree No. 2-02/145 and the Decree No. 2-02/147 that according to the opinion of the administration of Slītere National Park the detailed plans do not comply with Item 14.3 of the Regulations of March 13, 2001 of the Cabinet of Ministers No. 116 "Regulations on Individual Protection and Use of Slītere National Park", which provides that it is prohibited to construct buildings in the protected landscape areas that would change the natural and historical landscape.

4. On September 17, 2007, the Kolka Parish Council adopted a resolution (Protocol No. 12, § 1), by which the Land Use Plan regarding protective dune territory of the Kolka, Saunaga, Vaide, Ušu, Sīkrags, Mazirbe, Košrags and Pitrags Villages on the coast of the Baltic Sea and the Gulf of Riga established in the Graphical Part map "Permitted and Planned Land Use".

5. The applicant – the Kolka Parish Council – holds that the Decrees No. 2-02/144, No. 2-02/145, No. 2-02/146 and No. 2-02/147 do not comply with the first par to Section 19 of the Law on State Administrative Structure and Article 1 of the Satversme (Constitution) of the Republic of Latvia (hereinafter – the

Satversme), because legal norms and principles have been misinterpreted and misapplied in the decrees when assessing lawfulness of the Land Use Plan.

The content of lawfulness and the principle of the rule of law that follows from Article 1 of the Satversme is developed in the first part of Section 10 of the Law on State Administrative Structure. All activities of state administration, especially making decisions regarding State administration, must comply with the legal norms and principles. When assessing lawfulness of the resolution of the administration, formal application of legal norms and principles is insufficient. The public administration must interpret then according to the wordy meaning of the legal norm, historical development, in accordance with the common legal system, as well as according to its meaning and objective.

The decrees No. 2-02/144, No, 2-02/145, No. 2-02/146 and No. 2-02/147 do not comply with Article 1 of the Satversme and the first part of Section 10 of the Law on State Administrative Structure, because the norms of the Law on Creation of Administrative Territories, the European Charter of Local Self-Governments, the Law "On Local Governments", the Protective Zone Law and other normative acts have been misinterpreted in these decrees.

The Applicant holds that already on November 26, 2001 it has passed a resolution on approval of the borders of the villages. On February 11, 2003, when supplementing the statute of the Kolka Parish Council by the chapter "Territorial Division of the Kolka Parish", the description of the territorial division and borders of the villages of the Kolka Parish was reconfirmed by means of the resolution. When approving the Land Use Plan on June 13, 2003, the Kolka Parish Council included therein the borders of the villages that were approved by the resolutions of November 26, 2001 and February 11, 2003 by the Kolka Parish Council. In all abovementioned cases the borders of the villages are identical.

The Applicant holds that, according to the wording of Section 12 of the Law on Creation of Administrative Territories, that was valid on August 3, 2001, establishment of borders of villages fell within the competence scope of local governments. It is also established in Section 21 of the Law "On Local Governments" that Territorial local government city or county councils (parish councils) may decide on the change of the borders of the respective administrative

territory and approve territorial division of the local government. Neither the legislator, nor the Cabinet of Ministers has established any order or methodology, according to which local governments should act when determining borders of villages. Similarly, normative acts do not provide any other special order, according to which a local government should make decisions regarding establishment of village borders.

Latvia, when ratifying the European Charter of Local Self-Governments, has undertook the responsibility to observe the provisions thereof, including its Article 4 that provides that powers given to local authorities shall normally be full and exclusive. The central or other kind of regional power may not contest or restrict them, except for the case provided for by law. Moreover, local authorities may freely adopt realization of the given powers to the local circumstances. The decision of a local government regarding determination of the status of a village for a certain territory is a political decision. Before coming into force of Section 67 of the Protection Zone Law, determination of the borders of villages was an exclusive competence of the corresponding local government.

Freedom of action of a local government in making a decision is restricted by fulfilment of preconditions enshrined in Section 11 of the Law on Creation of Administrative Territories. When systematically interpreting Section 11 of the Law on Creation of Administrative Territories with Sections 5 and 7 of the same Law, it is possible to conclude that the legislator has provided for certain preconditions for creation of different kinds of administrative territories and determination of status thereof. When creating villages, it is important to establish whether there exist the preconditions for creation of a village in the respective territory. However the local government did not have to assess whether the criteria for creation of villages established in the abovementioned Law are observed in the entire territory of the village.

When taking the decision on the status of the villages of the Kolka Parish and borders thereof, the Kolka Parish Council has assessed whether the material preconditions for populating the territory have been established in each separate territory, whether a concentrated construction has been formed historically and whether there is any resident population. The opinion of the inhabitants of the

Kolka Parish regarding inclusion of their properties into the territory of the village, as well as the historical data regarding existence of the village have been taken into consideration.

Consequently, unlike it has been indicated in the Decree No. 2-02/144, The local government of the Kolka Parish, when determining the status of the village and when mapping the borders of the villages in the Land Use Plan, has guided itself by the notion of a village that was provided in the wording of Section 11 of the Law on Creation of Administrative Territories effective at that time.

Section 67 of the Protection Zone Law came into force only on July 23, 2003, when the Land Use Plan was already effective. Since the Land Use Plan came into force before July 23, 2003, Item 2 of the Transitional Provisions of the Protection Zone Law shall be applied.

The Kolka Parish Council has sent a letter to the Ministry of the Environment on March 8, 2004 by asking to approve the borders of the villages. The Ministry of the Environment has answered that it cannot approve the borders of the villages because a new inter-ministry commission would be formed, the task of which would be approving of the borders of the villages located I the protective zone of the Baltic Sea and the Gulf of Riga. However no such commission has been formed because of the reasons that are unknown to the Applicant, and the borders of the villages were not approved up to July 1, 20034.

The Law provides that application of the Land Use Plan shall be prohibited if ministries have not approved the borders of villages. The objective of the Transitional Provisions of the Protection Zone Law is to establish provisional area of regulation in order to align the existent legal regulation with the newly adopted legal regulation. The Protection Zone Law provided for a particular term to fulfil this task, namely, July 1, 2004. The Applicant is not responsible for inaction of ministries.

Observing the exclusive rights of local governments to determine the borders of villages, absence of the approval may cause legal consequences only in special cases established by law. Section 67 of the Protection Zone Law is a special legal norm that is included in the Law only for protection of coastal dunes and it may not be used for interpretation of all norms of this law or in relation to

the territory of all villages. The norms of the Protection Zone Law do not make one consider that after the end of the term established in Para 2 of the Transitional Provisions, the territories of the villages established by the Land Use Plan would be regarded as territories located outside the village, if no approval by ministries has been received. This would not comply with the objectives and tasks of land use planning, as well as it would violate the competence of local government of land use planning and creation of administrative territories, as established by the Law.

The Applicant indicates that the borders of the Ušu village, unlike it has been indicated in the Decree No. 2-02/144, are approved by the Ministry of the Environment, moreover they were also approved by the Ministry of Regional Development and Local Government.

By means of the Decree no. 2-02/144, in fact, activity of the Land Use Plan in the territories of the villages of the Kolka Parish Council was suspended. However, Item 2 of the first part of Section 36 of the Protection Zone Law shall be applied in the cases when territories are located outside villages, and the area of regulation shall not be applied to the territory of land plots to be newly created, but rather to the territory of land properties to be newly created. Moreover, the area of land properties to be newly created shall be established by means of the regulations binding on the local government. The Kolka Parish Council has acted in this way exactly when adopting the Land Use Plan.

There is no legal justification to what has been indicated in the Decree No. 2-02/144 that detailed plans are being elaborated and approved for the territories of the villages without taking into account the opinions of the administration of Slītere National Park and the Ministry of Regional Development and Local Government. Possible violations of the order of elaboration of detailed plans do not affect lawfulness of the Land Use Plan. Moreover, the opinions submitted by the institutions, like opinions and suggestions of the inhabitants, are not mandatory.

Since the decisions of local governments on division of land plots are administrative acts and the order of adoption and contesting thereof are established by law, lawfulness of these decisions or consistency of adoption

thereof does not affect lawfulness of a land use plan. The Law neither provides for additional restrictions regarding the area of the land properties to be newly created, and consequently it does not provide for the minimum area thereof.

The Kolka Parish Council indicates in relation to the decrees No. 2-02/145, No. 2-02/146 and No. 2-02/147 that the detailed plans are elaborated and approved on the basis of the effective Land Use Plan. The Law does not provide that elaboration of a detailed plan shall be forbidden if ministries have not approved the borders of villages up to a certain date.

By means of the decrees action of the detailed plan is, in fact, suspended in the properties that are located in the Sīkrags and Mazirbe villages. Whilst, the regulation of Item 2 of the first part of Section 36 of the Protection Zone Law shall be applied in the cases when a territory is located outside villages. The statement that the territory of Sīkrags and Mazirbe villages are territories located outside the village is ungrounded and absurd. The Sīkrags Village has been for the first time mentioned in written sources already in 1387 and it cannot be regarded as newly-created. The Mazritbe Village is neither newly-created, because it has been mentioned for the first time in written sources already in 1387. In the 30-s of the previous century, Mazirbe was “a vital village with a church, a school, a chemist’s shop, forestry, several stores, a hairdresser’s and a bakery”. In 1935, Mazirbe was the largest village on the coastal zone with 438 inhabitants.

6. The official that passed the contested act – the Minister of Regional Development and Local Governments, indicates that the decrees were passed with the view to protect the rights of the society to live in a benevolent environment and to restrict the action of the Kolka Parish Council that endangered preservation and sustainability of the coastal zone of the Baltic Sea.

The Minister of Regional Development and Local Government holds that it is necessary to close proceedings in the case under review according to Item 3 of the first part of Article 29 of the Constitutional Court Law. The application of the Kolka Parish Council does not comply with Item 3 of the fifth part of Article 20 of the Constitutional Court Law, since the requirements of the second part of Article 19 of the Constitutional Court Law are violated. The Minister of Regional

Development and Local Governments draws attention to the third part of Section 49 of the Law "On Local Governments", which does not provide for a term for submission of an application to the Constitutional Court. If the Kolka Parish Council considered that the Decree of the Minister of Regional Development and Local Government is ungrounded and the interests of the inhabitants of the Kolka Parish are violated therewith, then the application had to be submitted to the Constitutional Court within a reasonable term, i.e. in the shortest period possible. Having established that two months after taking of the decision of June 22, 2007 the Kolka Parish Council has not submitted an application to the Constitutional Court, the Minister of Regional Development and Local Governments, according to the fourth part of Section 49 of the Law "On Local Governments" has published an announcement in the newspaper "Latvijas Vēstnesis" regarding becoming ineffective of Land Use Plan regarding the territories of the Kolka, Saunaga, Vaide, ušu, Sīkrags, Mazirbe, Košrags and Pitrags villages, as well as regarding becoming ineffective of the Binding Regulations No. 11, the Binding Regulations No. 12 and the Binding Regulations No. 13.

On March 4, 2005, the Kolka Parish Council has made a decision regarding cancelling or suspension of elaboration of several detailed plans, because the Kolka Parish has not approved the borders of the villages in accordance with the order established in Section 67 of the Protection Zone Law, and the detailed plans are said to be non-compliant with Section 6 and Section 36 of the Protection Zone Law. Such action shows that the Kolka Parish Council agrees that the requirements of the Protection Zone Law are being violated by elaborating detailed plans according to the Land Use Plan, the borders of the villages mapped wherein are not approved by the Minister of the Regional Development and Local Government. However, after that the Kolka Parish Council has continued elaborating and approving detailed plans, as well as to divide real estates without observing the norms of the Protection Zone Law and ignoring the lawful demands of the Minister of Regional Development and Local Government and that of the administration of Slītere National Park.

The Minister of Regional Development and Local Government indicates that the exclusive competence of local governments in determination of borders of

villages is restricted by Section 67 of the Protection Zone Law. Consequently, the requirements of the fourth part of Article 4 of the European Charter of Local Self-Governments are not violated.

By indicating to Para 2 of the Transitional provisions of the Protection Zone Law, the Minister of Regional Development and Local Government explains that the Ministry of Regional Development and Local Government is not entitled to approve the borders of villages without coordination thereof with the Ministry of the Environment, which is a higher institution of direct public administration in the field of environment protection. However, the Ministry of the Environment inspects, before providing its approval, whether the borders of villages are determined by taking into consideration the requirements of normative acts. Disregarding this fact that the administration of Slītere National Park has approved the land utilization scheme elaborated in 2001, the Ministry of the Environment, which is a higher institution if compared to the administration of Slītere National Park, has not approved the frontiers of the villages. It has agreed to the indication of the Minister of the Regional Development and Local Government of the Decree of March 16, 2004 that the Kolka Parish Council, when determining the borders of the villages, has not guided itself by the notion of a village provided for in the Law on Creation of Administrative Territories. According to Section 11 of the abovementioned Law, not every territory, especially densely populated one, can be included into the category of villages. Hence the Minister of Regional Development and Local Government does not agree with the opinion of the Applicant that the local government is entitled to apply the effective land use plan even if the borders of villages are not approved according to the order established in Section 67 of the Protection Zone Law.

Moreover, a local government carries out elaboration of a land use plan in the field of public law. The amount of the competence given to a local government is clearly established by law, and it can act only within the limits of the law. If any action takes place outside the competence given by law, it is regarded as unlawful. The Protection Zone Law does not provide that a local government could apply its land use plan before the borders of villages are approved in accordance with the order established in Section 67 of the Protection

Zone Law. Therefore it is necessary to consider in this case that no borders of the villages are established for the local government. Even if the Land Use Plan is generally effective, the territories that fall within the borders of the villages not approved according to the order established by the Law, the norms of the Protection Zone Law shall still be applied.

The local government of the Kolka Parish, during the process of land use planning, has not observed the legal norms that are based on the principle of sustainable development and coordination of interests, as well as on the approaches of protection of the Baltic Sea coast that are recognized by the European States.

All the abovementioned villages are located in the territory of Slītere National Park, therefore their development must comply with the objectives of creation and protection of Slītere National Park, as well as to the objectives of creation of the especially protected natural territory at European Scale, *Natura 2000*. The territories of the villages contain unjustly large areas of woods, the majority of which constitute the protective habitat of Latvia and the European Union – woody dunes of the coastal zone. Construction in the abovementioned territories does not comply with the objectives of formation and protection of Slītere National Park, as well as it does not comply with Section 6 of the Protection Zone Law.

When substantiating unlawfulness of the detailed plan of the real estate "Saulrīti", the Minister of Regional Development and Local Government draws attention tot the opinion of September 21, 2007 by the administration of Slītere National Park reading that the detailed plan does not comply with Item 2 of the first part of Section 36 of the Protection Zone Law.

Since approval of the borders of villages established in Section 67 of the Protection Zone Law is related to all sections of the Protection Zone Law, the land plots in the coastal protective zone of the Baltic Sea and the Gulf of Riga can not be divided in accordance with Item 2 of the first part of Section 36 of the Protection Zone Law if the borders of the villages are not approved in accordance with Section 67 of the Protection Zone Law. Since the borders of the villages of the Kolka Parish are not approved, division of land plots into parcels that are

smaller than three hectares does not comply with Item 2 of the first part of Section 36 of the Protection Zone Law.

Although the normative acts do not provide that opinions of institutions must be taken into consideration, it has been indicated in the opinion of the Ministry of Regional Development and Local Government and that of Slītere National Park that the normative acts have not been observed. Therefore the Kolka Parish Council is not entitled to decide on whether it would or would not take into consideration what has been indicated in the opinions, because the normative acts do not permit such cases when it would be possible not to observe their requirements during elaboration of a land use plan. It is established in the second part of Section 41 of the Law "On Local Governments" that decisions of territorial local government city or county councils (parish councils) shall comply with the Constitution, this Law and other laws, as well as with Cabinet regulations.

The Minister of Regional Development and Local Government indicates that the Ministry of the Environment has approved the borders of the Ušu village that are mapped in the amendments to the Kolka Parish Land Use Plan, but not in the Land Use Plan that has been confirmed on June 13, 2003. Consequently, the planned activities can be performed in the Ušu village only after coming into force of the amendments to the Kolka Parish Land Use Plan.

7. The Ministry of Regional Development and Local Government, when replying of the questions set by the Constitutional Court, indicates during preparation of the case that normative acts do not define the content of the notions "historically formed concentrated construction" and "resident population". Neither there exists any methodology or guidelines, on the basis of which it would be possible to determine whether there is "historically formed concentrated construction" in the rural populated area and whether it is possible to include this construction in the territory of the village.

Normative acts neither explicitly provides a definition of a village, but according to the land use planning dictionary a village is a rural populated area located outside a city with a unique name of the local scale and concentrated construction in its central part where the distance between constructed territories

does not exceed 200 metres. Those houses that are located near objects that are socially and economically related to the concentrated construction of the village but are located further than 200 metres from it, i.e. schools, hospitals, post offices, shall be included in the territory of a village. The maximum distance of the abovementioned objects from the concentrated construction of a village may constitute up to 500 metres. Local government councils (councils) can also include farmsteads (dwelling houses), the distance between which is less than 200 metres one from another and from the concentrated construction of the village, into the territory of a village. The land use planning dictionary also provides the definition of concentrated construction, namely, these are populated areas characterized by a considerable density of construction.

The Ministry of Regional Development and Local Government holds that such construction that has been formed before elaboration of the land use plan of the territory can be regarded as "historically formed concentrated construction". A local government, when initiating elaboration of land use plan, must take into consideration the factual existent situation in the administrative territory. Therefore the local government, when including previously non-constructed areas into the territory of a village, must include a justification of such decision into the land use plan. The action of a local government, when including unjustly large territories into the category of villages, witnesses not about the will to form concentrated construction in these areas but about the will to lift restrictions established in the Protection Zone Law for separate real estates.

The freedom of action of the local governments located in the coastal protection zone of the Baltic Sea and the Gulf of Riga is restricted by Section 67 of the Protection Zone Law. The Ministry of the Environment examines before approving the borders of villages whether the local government has observed the requirements of Section 6 and section 36 of the Protection Zone Law. Moreover, the administrative territory of the local government of the Kolka Parish includes Slītere National Park. Hence, when creating villages, it is necessary to observe not only the norms of the Protection Zone Law, but also the Law "On Slītere National Park" and the Regulations of March 13, 2001 of the Cabinet of Ministers No. 116 "Regulations on Individual Protection and Use of Slītere National Park".

8. The Ministry of the Environment indicates that when approving the borders of villages, it is necessary to take into consideration the main task for protection of the protective zones of the environment and natural resources established in the first part of Section 5 of the Protection Zone Law - to decrease or eliminate the effects of the anthropogenic negative impact, and the objectives set forth in Section 6 of the Protection Zone Law - protection of coastal natural resources, including resources necessary for leisure and tourism and other territories important for society, and the balanced and the continuous utilisation thereof. Similarly the Ministry of the Environment also takes into account what has been established in Section 6 and Section 36 of the Protection Zone Law, for instance, the width of the costal dunes protective zone, restrictions and prohibitions of construction, as well as the minimum area of land properties located outside villages and cities.

According to "b" sub-item of Item 1 of the second part of Section 6 of the Protection Zone Law, the width of the coastal dune protection zone shall be not less than 150 metres in the territory of villages, including as mandatory the specially protected biotopes therein. If the planned villages on the coastal area of the Baltic Sea and the Gulf of Riga are located in specially protected nature territory, then, when assessing the borders of these villages, special objectives of creation and protection of specially protected nature territory are taken into consideration. Since the villages of the Kolka Parish planned on the coastal area of the Baltic Sea and the Gulf of Riga are located in the territory of Slītere National Park, a special attention is paid to their compliance with the objectives of formation and protection of the National Park, as well as to the objectives of creation of the especially protected natural territory at European Scale, *Natura 2000.*

Inclusion of previously non-constructed wood and agricultural land territories within the borders of the villages can not be supported especially in the cases when the non-constructed land is spreading along the coast, it is subjected to processes of coast erosion or it is biologically relevant territory, for instance, specially protected habitats. Extending of the coastal villages along the coastal zone of the Sea is neither admissible, because thus the anthropogenic pressure on

the coast is being increased. Such approach coincides with the guidelines of the land use plan of the Kurzeme planning region.

9. The administration of Slītere National Park indicates in its opinion that the borders of the villages of the Kolka Parish have not been approved in accordance with the order established in Section 67 of the Protection Zone Law and therefore, when issuing administrative acts, the restrictions established in Section 36 of the Protection Zone Law that are related to territories outside cities and villages, as well as the width of the coastal dunes protection zone that can con be less than 300 metres, are applied.

The administration of Slītere National Park agrees that fishing villages in the Kolka Parish of the Talsi District, as well as in the Tārgale Parish of the Ventspils District have been formed historically by merging together. It is related to the peculiarities and economic activities of the coastal area of North Kurzeme. However no such situation may be permitted that the coastal dunes protective zone is decreased, land properties are parcelled out on the expense of a village by thus increasing the intensity of construction and reorganizing the territory.

Restoration of historical land use of the territory complies with the Protection Zone Law and objectives of formation of Slītere National Park, however previous activities of the local government and land owners testify the contrary. They think that the main form of land management is division of properties and construction. Hence the borders of the villages planned by the local government do not comply with Section 6 of the Protection Zone Law that defines the objective of creation of the protection zone, as well as with the first part of Section 8 of the Law "On Slītere National Park" that provides for the objective of creation of protective landscape zone of Slītere National Park.

10. The Assistant of the Department of Geography of the Faculty of Geography and Earth Sciences, Laila Kūle indicates that according to the Law on Creation of Administrative Territories villages shall be created out of farmsteads or detached country estates. Unfortunately, the notion of a farmstead is not legally defined. This leads to broad interpretation of this term, and separate

farmsteads, in fact, exceed the general conception of a farmstead. In those European states where a democratic and legal land use planning has been introduces earlier, the definition of a farmstead is made more precise, for instance, it includes not more than two dwelling houses and a definite number of household buildings, as well as other regulative features are established.

The normative acts of Latvia do not define a body of buildings and concentrated or dense construction. It must be established in land use plans. The term “historically created” is also widely used, though it is imprecise. Sometimes even a certain period of time is mentioned. For example, the period of 25 years is mentioned in the Law “On Preservation and Protection of the Historical Centre of Riga”. However, such construction that has been created by summing constructions and other activities of people in a longer period of time is more often regarded as historically created construction. The abovementioned notion shall be understood as the existent construction, i.e. buildings where people live for a certain period of time, and it serves as a contraposition for the term “planned construction”, namely, such construction (of buildings and engineering structures) that does not exist yet but that must be raised during the construction process.

The majority of the European States still define construction more precise, namely, by establishing criteria for the borders of urban construction units that could be regarded as equal to the notion “concentrated construction” used in Latvia. Criteria in European States are established based in the number of inhabitants of buildings or the distance between buildings, and sometimes only between buildings that are heated. According to the information of the European Union Statistics Board, these criteria differ in different Member States of the European Union by the number of inhabitants and the kind of historical distribution of population. The minimum number of inhabitants may vary from 200 to 2000. The main criteria may also be not the number of inhabitants, but the minimum number of buildings. For instance, in Ireland, the minimum number of buildings is 50. Often the minimum distance between buildings that can be included within the borders of a populated area is regarded as the criterion for concentrated construction. Most often this distance is not more than 200 metres, but, for instance, in Great Britain, the distance is only 50 metres.

If land use plans and normative documents of the national level, the planning region or that of local governments do not include precise instructions or territories where construction is permitted, then local governments enjoy a considerable freedom of action in defining the borders of villages.

In Latvia, there is no special national policy regarding development of populated areas, however local governments may guide itself by the national and international industry or environment protection documents that provide instructions for desired way of development of distribution of population. For instance, it is necessary to take into consideration the recommendations of the Helsinki Commission regarding construction development in the coastal area of the Baltic Sea and common guidelines of land use planning for the costal area. They provide that new buildings and constructions shall be distributed so that they were located at the closest distance possible from the populated areas in the coastal area or behind then, and no dissipated construction would rise along the coast of the sea in order to preserve the natural landscape. Moreover, the new construction should not for a visual barrier along the shore. Reconstruction of present of historical construction rather than construction in the territories never constructed before shall be preferred. It is admissible to raise constructions in the coastal territories that are located outside existent populated areas only if such construction is justified in the land use plan or is related to a functional necessity to be located on the coastal area.

It is important that the borders of villages and cities were established based on the principles of safety and welfare of the society, environment protection and land use planning.

11. Professor of the Department of Architecture and Town Planning of the Faculty of Architecture and Urban Planning of the Riga Technical University, Dr. arch. Jānis Briņķis indicates that the notion "concentrated construction" shall be understood as "dense construction". In land use planning it is calculated by the indices of the density of intensity of construction that is determined by a local government by means of binding regulations on each kind of land use established in the plan.

In land use planning, a construction that is older than 50 years is regarded as historical construction. The notion “historically created concentrated construction” in the context of the Law on Creation of Administrative Territories is used as one of the criteria for inclusion of a rural populated area in the category of villages. However this criterion shall not be regarded as a mandatory condition. The notion “historically created concentrated construction” is to be perceived as specific characteristics of the heritage of the respective environment and its artistic quality that reflects interconnections of the special structure of construction – a certain visual completeness, integrity, harmony, as well as specifications of an ensemble.

12. The Assistant Head of the secretariat of the spatial planning initiative Vision Strategies around the Baltic Sea, VASAB, Dzintra Upmace indicates that almost in every region of Latvia the structure of population has a different historic way of development. Hence the understanding of the notion “historically created concentrated construction” in different places of Latvia may differ. The border of a village in a land use plan may simultaneously serve as a border between a the planned and the permitted land use, as well as it may determine concentrated construction with an adequate range of services and level of commodities in the territory of a village, namely, it may provide for streets, central water supply and sewerage system, waste collection, street lights, pavements etc.

Researches carried out in Europe show that there is no common definition of cities and villages, neither there is any common approach for establishment of the borders of populated areas, since each state has it own traditions and peculiarities regarding cultural heritage. None of the definitions formulated by the Western States provide for density of construction in cities of villages. Usually construction density in cities and villages is usually defined exactly during the land use planning process by thus preserving the image of the historically populated area and forming its future space. Density of construction in one populated place may differ several times by thus forming peculiar identity of the place, regulating life style of the inhabitants and reflecting economic facilities of the populated area.

The Constitutional Court has concluded:

13. Article 1 of the Satversme provides that Latvia is an independent democratic republic. Several principles of a law-governed state follow from Article 1 of the Satversme, including the principle of the rule of law that is called as the principle of lawfulness of administration. The duty to observe lawfulness, separation of powers and carry out mutual supervision for all public institutions by observing subordination of power to law, i.e. the rule of law and other principles of a democratic state, follows from the notion of a democratic state. Public administration must fulfil the functions delegated by the society honestly, efficiently and justly, its activities must comply with laws (*see: Judgment of March 24, 2000 by the Constitutional Court in the case No. 04-07(99), Para 3*).

The general principle of lawfulness or the principle of the rule of law provides that the entire state power is related with law and it can act only within the frameworks of legal norms. It is also related to state administration where it is called the principle of lawfulness of administration (*see: Levits E. Valsts pārvaldes iekārtas likuma koncepcija // Latvijas Vēstnesis, June 26, 2002, No. 95*). The abovementioned principle is also called as the principle of lawfulness of administration (*see: Jarass D., Pieroth B. Grundgesetz für die Bundesrepublik Deutschland. 8. Auflage. München: Verlag C.H.Beck, 2008, S. 457).*

The first par of Section 10 of the State Administration Structure Law provides: "State administration shall be governed by law and rights. It shall act within the scope of the competence prescribed by regulatory enactments. State administration may use its powers only in conformity with the meaning and purpose of the authorisation." Consequently, the Law *expressis verbis* provides that state administration shall observe the principle of lawfulness of administration. However the principle of lawfulness of administration includes the principle of priority of law and the principle of lawful basis.

The principle of priority of law provides that state administration is related with the effective legal norms and it has a positive duty to act in accordance with these norms and a negative one – to refrain from actions that can violate these

legal norms (*see: Maurer H. Allgemeines Verwaltungsrecht. 16. Auflage. München: Verlag C.H.Beck, 2006, S. 115).*

The duty to apply legal norms in accordance with their essence and objective is provided by the principle of priority of law that is enshrined in the first sentence of the first part of Section 10 of the State Administration Structure Law.

Consequently, the Constitutional Court, when assessing compliance of the Decree of the Minister of Regional Development and Local Government with Article 1 of the Satversme and the first sentence of the first part of Section 10 of the State Administration Structure Law, it is necessary to find out whether these decrees comply with the legal norms that regulate land use planning.

14. The Minister of Regional Development and Local Government indicates in its reply to the Constitutional Court that it is necessary to close proceedings in the case under review because applications of the Kolka Parish Council do not comply with the second part of Article 19 of the Constitutional Court Law.

Item 3 of the first part of Article 29 of the Constitutional Court Law provides that Proceedings in the case may be closed before the judgment is announced by a decision of the Constitutional Court if the Constitutional Court finds that the decision to initiate the case does not comply with the provisions of Part 1, Article 20 of this Law. However Item 3 of the fifth part of Section 20 of the Constitutional Court Law mentions, as one of the reasons for closing proceedings, the non-compliance of an application with the requirements of Article 19 of the Constitutional Court Law.

The second part of Article 19 of the Constitutional Court Law provides that the application by the Dome (Council) of a municipality pursuant to Part 3 of Article 17 of this Law shall be accepted as provided for in Section 49 of the Law ”On Local Governments”. According to the third part of Section 49 of the Law “On Local Governments”, If the territorial local government city or county council (parish council) fails to take a decision to revoke the relevant binding regulations or other regulatory enactment or specific paragraphs thereof, it shall submit an application to

the Constitutional Court regarding the revocation of the order of the minister authorised by Cabinet.

Although the third part of Section 49 of the Law "On Local Governments" does not establish the term, within which it is necessary to submit an application to the Constitutional Court regarding revocation of the order of the Minister of Regional Development and Local Government, the principle of legal stability requires that it must be done in a reasonable term after the Minister of Regional Development and Local Government has issued an order regarding unlawfulness of binding regulations issues by the local government council (council) or other normative acts.

The Minister or Regional Development and Local Government has issued the decrees in June 6, 2007. According to the third part of Section 49 of the Law "On Local Governments", the Kolka Parish Council made a decision, during the extraordinary meeting of June 22, 2007, to submit an application to the Constitutional Court regarding revocation of the Decree No. 2-02/144, No. 2-02/145, No. 2-02/146 and No. 2-02/147 issued by the Minister of Regional Development and Local Government (*see: case materials, Vol. 1, pp. 10*). The applications of the Kolka Parish Council were received by the Constitutional Court on September 27, 2007. This means that the Kolka Parish Council has submitted applications to the Constitutional Court within tree months after it had made a decision regarding submission of an application to the Constitutional Court.

The Kolka Parish Council has prepared four applications to submit to the Constitutional Court, wherein a detailed description of factual circumstances and a detailed legal justification was included. Therefore the Constitutional Court holds that, in the case under review, three months have been a commensurate time period for submission of an application to the Constitutional Court.

Hence, the Kolka Parish Council has not violated the provisions of Section 49 of the Law "On Local Governments" by submitting the applications to the Constitutional Court, and there is no reason to close proceedings in the case under review.

15. The Constitutional Court, when assessing whether the Decree No. 2-02/144, wherewith the action of the Land Use Plan regarding the territories of the Kolka village, Saunaga village, Vaide village, Ušu village, Sīkrags village, Mazirbe village, Košrags village and Pitrags village mapped in the Graphical Part map "Permitted and Planned Land Use" was suspended, complies with Article 1 of the Satversme and the first sentence of the first part of Section 10 of the State Administration Structure Law, has to provide an answer to the question whether the Minister of Regional development and local government has applied the legal norms mentioned in Para 2 of the Decree and its sub-items in accordance with their essence and objective.

In order to assess compliance of the decrees of the Minister or Regional Development and Local Government with the legal norms, the Constitutional Court should find out whether the borders of the villages of the Kolka Parish are approved according to the order established by the Law and what kind of legal consequences would arise if no such approval has been provided. The Constitutional Court also has to investigate whether the Applicant has established the borders of the villages in the Land Use Plan in accordance with the criteria that had to be observed according to wording of Section 11 of the Law on Creation of Administrative Territories of that time.

16. In Para 2.1 of the Decree No. 2-02/144, the Minister of Regional Development and Local Government indicates that the Land Use Plan shall be recognizes as unlawful because the borders established therein do not comply with Section 67 of the Protection Zone Law.

Section 67 of the Protection Zone Law provides that The borders of villages in the Baltic sea and Gulf of Riga coastal protection zone shall be approved by the Ministry of Regional Development and Local Government Matters after co-ordination with the Ministry of Environment, based on a proposal of the local government in the draft spatial of the territorial local government. However, the abovementioned legal norm became effective on July 22, 2003, namely, after adoption of the Land Use Plan. Therefore Section 67 of the Protection Zone Law cannot be applied when assessing lawfulness of the borders of the villages established in the Land Use Plan.

Para 2 of the Transitional Provisions of the Protection Zone Law, according to which the Ministry of Regional Development and Local Government, after approval of the Ministry of the Environment, confirms those borders of the villages before July 1, 2004 that are established in the land use plan of a local government before coming into force of Section 67 of the Protection Zone Law, must be applied to detailed plans of local governments that are adopted before coming into force of Section 67 of the Protection Zone Law. Since the Land Use Plan was confirmed on June 13, 2003 and it also established the borders of the villages, Para 2 of the Transitional Provisions of the Protection Zone Law shall be applied to it.

Section 67 of the Protection Zone Law provides for approval of borders of villages while the land use plan is still in the stage of elaboration, however Para 2 of the Transitional Provisions is related to those land use plans that a local government has already approved. However otherwise the procedure of approval of borders of villages established in Para 2 of the Transitional Provisions of the Protection Zone Law does not differ from the order established in Section 67 of the same Law. Hence it is of no importance in the case under review that Para 2.1 of the Decree No. 2-02/144 of the Minister of Regional Development and Local Government contains a reference not to Para 2 of the Transitional Provisions of the Protection Zone Law but to Section 67 of this Law.

16.1. The coastal area of the Baltic Sea and the Gulf of Riga is a substantial natural value. It includes specific natural formations and landscapes that can be negatively affected by human activities. The coastal area of the Baltic Sea is a relevant part of the ecosystem that is protected not only by domestic, but also by international law.

Section 6 of the Protection Zone Law provides that the coastal protection zone of the Baltic Sea and the Gulf of Riga is created in order to reduce the impact of pollution on the Baltic Sea, protect the functions of woods, eliminate development of coastal erosion, ensure protection of the coastal landscape, ensure preservation and protection of coastal natural resources, as well as the resources necessary for recreation and tourism, and preservation and protection and balanced and sustainable utilization of other territories important for the society.

International treaties on protection of the coastline of the Baltic Sea are binding on the Republic of Latvia. One of them is the 1974 Convention on the Protection of the Marine Environment of the Baltic Sea Area (hereinafter – the Helsinki Convention) that Latvia entered into on April 3, 1994 by adopting the Law "On 1974 and 1992 Helsinki Conventions and Protection of the Marine Environment of the Baltic Sea Area". The first part of Article 3 of the abovementioned Convention provides that The Contracting Parties shall individually or jointly take all appropriate legislative, administrative or other relevant measures to prevent and eliminate pollution in order to promote the ecological restoration of the Baltic Sea Area and the preservation of its ecological balance. The Commission for Protection of the Marine Environment of the Baltic Sea Area that has been founded in accordance with the first part of Article 12 of the Helsinki Convention for reaching the objectives of the Convention has suggested prohibiting measures that would create permanent changes in the nature and landscape (*see: HELCOM Recommendation 15/1, http://www.helcom.fi/Recommendations/en_GB/rec15_1/)*.

The Constitutional Court has recognized that the duties of the state included in normative acts for preservation of the environment shall be interpreted according to the international legal norms binding on the Republic of Latvia (*see: Judgment of January 17, 2008 by the Constitutional Court in the case No. 2007-11-03, Para 12*). Therefore Section 67 of the Protection Zone Law and Para 2 of the Transitional Provisions of the same Law shall be interpreted so that it would as well as possible reach the objectives of protection of the coastal area of the Baltic Sea established in Section 6 of the Protection Zone Law and the Helsinki Convention.

In order to reach the abovementioned objectives of formation of the protection zone, the Ministry of Regional Development and Local Government, as well as the Ministry of the Environment are entitled and obligated to verify compliance of the borders of the villages located in the coastal area of the Baltic Sea and the Gulf of Riga with normative acts regarding the field of the environment. The Ministry of Regional Development and Local Government as a monitoring institution is entitled to approve the borders of the villages, but in the

cases if they do not comply with the requirements of normative acts – to refuse provision of approval.

When assessing the borders of villages that were approved before coming into force of Section 67 of the Protection Zone Law, the Ministry of Regional Development and Local Government, as well as the Ministry of the Environment must verify compliance of the borders of the villages with those normative acts that were valid during establishment of the borders. If any of the two ministries establish that the borders of the villages do not comply with the normative acts, the Ministry of Regional Development and Local Government shall not approve the borders of the villages established by the local government. If the Ministry of Regional Development and Local Government does not approve the borders of the villages, they shall not legally exist because unlawful borders of the villages may not be valid.

16.2. It is impossible to agree with the opinion of the Applicant that Section 67 of the Protection Zone Law is a special legal norm that is included in the law only for protection of costal dunes and that it can not be systematically applied and generalized for interpretation of the rest norms of the Protection Zone Law or in relation to the territory of all villages.

It has been *expressis verbis* indicated in Section 67 of the Protection Zone Law that the Ministry of Regional Development and Local Government approves the borders of the villages in the entire coastal protection zone. Whilst, the second part of Section 6 of the Protection Zone Law provides that the protection zone of costal dunes is only one of the part of the coastal protective zone of the Baltic Sea and the Gulf of Riga.

Moreover, the Applicant refers to the annotation of the Law "On Amendments to the Protection Zone Law", which simultaneously with the respective draft law was submitted to the Saeima Presidium on March 20, 2003 and wherein it is indicated that by means of the draft law "On Amendments to the Protection Zone Law" there are restrictions provided for the protective zone of costal dunes of the Baltic Sea and the Riga Gulf, rather than in the entire coastal zone.

It is necessary to take into consideration that the abovementioned draft law that was submitted to the Saeima Presidium initially provided for a new wording of Section 36 and sub-item "b" of the fifth part of Section 37 of the Protection Zone Law (*see: case materials, Vol. 3, pp. 127- 134*). Therefore the appended annotation analyzes the necessity of these amendments to the Protection Zone Law. The annotation does not assess the necessity to supplement the Protection Zone Law by Section 67 and Para 2 of the Transitional Provisions. Hence it is impossible to make conclusions made by the Applicant from the annotation of the draft law.

In the context of establishment of the borders of the villages, the indication of the Applicant to the letter of May 30, 2003 of the Ministry of Regional Development and Local Government to the Saeima Commission for Economic, Agricultural, Environmental and Regional Policy is insufficient (*see: case materials, Vol. 3, pp. 152*). The Ministry has indicated in the letter that further legal consequences cannot be understood from the approval of the Ministry of the Environment and the Ministry of Regional Development and Local Government. However, the note included in the letter of the Ministry of Regional Development and Local Government is related not to the borders of the villages, but to the border of the protective zone of coastal dunes.

16.3. The Applicant holds that the Ministry of Regional Development and Local Government has not provided any kind of decisions regarding the borders of the villages of the Kolka Parish.

The Protection Zone Law establishes the way how the Ministry of Regional Development and Local Government approves the borders of the villages that are located in the protection zone of the Baltic Sea and the Gulf of Riga. Therefore the Ministry of Regional Development and Local Government must not obligatory make a decision regarding refusal to approve the borders of the villages, but instead it must inform the local government on its opinion regarding compliance or non-compliance of the borders of the villages with normative acts.

Case materials contain the letter of March 16, 2004 of the Ministry of Regional Development and Local Government regarding the Land Use Plan of the Kolka Parish that is addressed to the chairman of the Kolka Parish Council (*see:*

case materials, Vol. 3, pp. 49). In this letter, the Ministry of Regional Development and Local Government provides its assessment of the borders of the villages established in the Land Use Plan. It has been established in the letter that the by means of the Land Use Plan, the requirements of the Protection Zone Law and the Spatial Planning Law are violated and that the Kolka Parish Council, when determining the status of the villages and mapping the borders of the villages in the Land Use Plan, has not guided itself by the notion of a village established in the Law on Creation of Administrative Territories. Consequently, in this letter that was submitted to the Kolka Parish Council before the end of the term established in Para 2 of the Transitional Provisions of the Protection Zone Law – July 1, 2004, the Ministry of Regional Development and Local Government has explicitly indicated that the borders of the village established in the Land Use Plan do not comply with the requirements of the Law.

Hence it is possible to conclude that the borders of the villages of the Kolka Parish Council that are established in the Land use Plan were not approved according to the order established in Para 2 of the Transitional Provisions of the Protection Zone Law. Since the borders of the villages do not exist legally, it can be considered that the entire territory that is contained within the non-approved borders of the villages is located outside the villages. The Ministry of Regional Development and Local Government is entitled not to approve unlawful borders, however it is not entitled to establish the borders of villages by itself. This function falls within the scope of competence of the local government in accordance with Section 12 of the Law on Creation of Administrative Territories. While the Kolka Parish Council has not established borders of the villages that would comply with the requirements of normative acts and the Ministry of Regional Development and Local Government has not approved them, the abovementioned territories shall be regarded as being located outside the villages.

The statement of the Applicant that the Ministry of Regional Development and Local Government has approved the borders of the Ušu Parish mapped in the Land use Plan is ungrounded. As it follows from the letter of May 18, 2007 of the Ministry of the Environment that is addressed to the Ministry of Regional Development and Local Government, as well as from the letter of May 30, 2007

of the Ministry of Regional Development and Local Government regarding approval of the borders of the villages addressed to the Kolka Parish Council (*see: case materials, Vol. 1, pp. 165, 166*), only those borders of the Ušu Parish are approved that are determined in the draft project of the Kolka Parish land use plan, rather than in the Land Use Plan.

16.4. The Applicant also indicates that the borders of the villages established in the Land Use Plan coincide with the borders of the villages that were already approved by the resolutions of November 26, 2001 and February 11, 2003 by the Kolka Parish Council. Moreover, the land use scheme, on the basis of which the abovementioned resolutions were adopted, have been accepted by the administration of Slītere National Park, which at that time was a civil institutions functioning underfoot the Ministry of the Environment. The Ministry of the Environment has not objected the activities of the above institution, even when approving the established borders of the villages.

The Constitutional Court does not have to assess why the Ministry of the Environment at that time did not object the borders established on November 26, 2001 and did not revise the positive opinion of the administration of Slītere National Park regarding these borders. The fact that the Ministry of the Environment did not draw attention to non-compliance of the borders of the villages with the normative acts effective at that time does not means that the Ministry of Regional Development and Local Government is not entitled to do it now. Such authorization is conferred to the Ministry of Regional Development and Local Government by Para 2 of the Transitional Provisions of the Protection Zone Law and Section 7.[1] of the Spatial Planning Law that confers rights to the Minister of Regional Development and Local Government to suspend binding regulations issued by a council, whereby a land use plan or a detail plan has been approved, or validity of a part of the regulations if it is unlawful according to the point of view of the Minister.

The borders of the villages of the Kolka Parish have not been approved according to the order established in the Protection Zone Law, therefore the borders of the villages mapped in the Land Use Plan do not exist legally and

all restrictions that are established for the protection coastal zone of the Baltic Sea and the Gulf of Riga are applicable to these territories.

17. It is possible to agree with the Applicant that neither the legislator, nor the Cabinet of Ministers have established the order according to which a local government should guide itself when determining borders of villages. Also in the letter of May 30, 2003 by the Ministry of Regional Development and Local Government regarding suggestions for the draft project "Amendments to the Protection Zone Law" to the Saeima Commission for Economic, Agricultural, Environmental and Regional Policy it has been indicated that it is necessary to adopt Cabinet regulations that would regulate the order of determination of borders of villages (*see: case materials, Vol. 3, pp. 154*). Moreover, the Ministry of the Environment, in its letter of March 19, 2004, when responding to the question of the Kolka Parish Council regarding the possibility to approve the borders of the villages, indicated that it was impossible to approve the borders of the villages at that moment because the Ministry of Regional Development and Local Government was forming an inter-ministry commission for approval of the borders of the villages located on the coastal area of the Baltic Sea and the Gulf of Riga in order to fulfil the requirements of Section 67 of the Protection Zone Law (*see: case materials, Vol. 1, pp. 164*). No such commission has been formed up to this moment.

The Constitutional Court holds that normative acts must provide more precise criteria, according to which local government would be able to determine the borders of the villages, as well as the order, according to which the ministries would approve these borders. Then it would be easier for the local government located on the coastal area of the Baltic Sea and the Gulf of Riga to determine borders of the villages that would comply with normative acts.

18. In Para 2.1.1 of the Decree No. 2-02/144, the Ministry of Regional Development and Local Government indicates that the local government of the Kolka Parish, when determining the status of the villages and mapping the borders of the villages in the Land Use Plan, has not guided itself by the notion

that was included in Section 11 of the Protection Zone Law effective at that time, namely, according to the wording that came into force on June, 13, 2003. Therefore, when assessing compliance of Para 2.1.1 of the Decree No. 2-02/144 with Article 1 of the Satversme and the first sentence of the first part of Section 10 of the State Administration Structure Law, the Constitutional Court must investigate whether the Minister of Regional Development and Local Government has acted within the scope of its competence when assessing compliance of the Land Use Plan with the wording of Section 11 of the State Administration Structure Law effective at that time, and whether the conclusions made by the Minister of Regional Development and Local Government regarding the fact that the territory of the villages established in the Land Use Plan several times exceeds the area of historical construction are grounded.

18.1. According to Item 1 of the second part of Section 14 of the Law "On Local Governments", local governments have the duty to prepare a development programme for the territory of the relevant local government, ensure the implementation of the territorial development plan and the administrative supervision of territorial planning. Section 5 of the same Law provides that the activities of local governments within the scope of this Law shall be monitored by the Ministry of Regional Development and Local Government.

Taking into consideration the definition of monitoring provided in the fifth part of Section 7 of the State Administration Structure Law in the sector of control of autonomous functions, the institution determined by the Cabinet of Ministers experiences the right of controlling the legality of the Decisions (Regulations) issued by a Council (*see: Judgment of March 9, 2004 by the Constitutional Court in the case No. 2003-16-05, Para 2, of the Concluding Part*).

It follows from Section 7.[1] of the Spatial Planning Law that the Minister of Regional Development and Local Government is entitled to assess lawfulness of a land use plan. Hence the Minister of Regional Development and Local Government is entitled and he has the duty to verify whether a local government, when adopting the spatial plan, has correctly interpreted legal norms. When assessing compliance of the borders of villages mapped in a land use plan with the requirements of the normative acts, the Minister of Regional Development and

Local Government must also verify whether these borders have been established in accordance with the wording of Section 11 of the Law on Creation of Administrative Territories effective at the time when the Land Use Plan of the Kolka Parish was being adopted.

18.2. Item 6 of Section 21 of the Law "On Local Governments" provides that only the county councils (parish councils) may approve the local government territorial divisions and its administration structure. Also Section 12 of the Law on Creation of Administrative Territories provides that only the respective county council or parish council may include or exclude populated areas into the category of villages. It follows from both legal norms that one of the autonomous functions of a local government is establishment of the borders of villages located in the administrative territory thereof.

It is possible to agree to the viewpoint of the Applicant that the legislator, when adopting the abovementioned legal norms, has determined establishment of borders as a competence of local governments, however this does not mean that a local government, when establishing the borders of villages, should not take into consideration other legal norms.

First of all, by including rural populated areas that are located in the protection coastal zone of the Baltic Sea and the Gulf of Riga into the category of villages, the Applicant had to observe the first part of Section 6 of the Protection Zone Law that was effective at that time and established the particular status of these territories.

Second, the Kolka Parish Council, when mapping the borders of the villages in the Land Use Plan, had to guide itself by those criteria that were established in Section 11 of the Law on Creation of Administrative Territories. Although even such rural populated areas can be included into the category of villages wherein a concentrated construction is planned, during adoption of the Land Use Plan Section 11 of the Law on Creation of Administrative Territories provided that a rural populated area can be included into the category of villages only if it has a historically created concentrated construction. Consequently, the legislator had established different criteria for inclusion of rural populated areas into the category of villages.

18.3. The Constitutional Court does not agree with the opinion of the Applicant that, when creating villages, it was important to establish whether there exist any preconditions for creation of a village in the respective territory, and that the local government did not have to assess whether the criteria established for creation of villages are observed in the entire territory of villages.

The words "historically created concentrated construction" included in Section 11 of the Law on Creation of Administrative Territories explicitly provide that the construction had to exist during adoption of the Land Use Plan. According to the wording of Section 11 of the Law on Creation of Administrative Territories effective during adoption of the Land Use Plan, it was impossible to include such rural populated areas into the category of villages wherein construction was only planned. The normative regulation effective at that time did not provide for inclusion of such territories into villages.

In the case under review, there is no dispute regarding the fact that the Kolka Parish Council has included non-constructed territories into the borders of the villages. The Applicant has indicated in the application that development of the entire Kolka Parish is unimaginable and impossible without development of infrastructure and new construction as well as that the Kolka Parish Council, when establishing the borders of the villages, has planned potential development of the territory (*see: case materials, Vol. 1, pp. 9 and Vol. 3, pp. 201*). The cartographic material of the Land Use Plan shows that wide territories where there was no construction but where construction was planned have been included into all eight villages of the Kolka Parish (*see: case materials, Vol. 1, pp. 143, 144 and 147*).

It can be concluded form the aforesaid that the Kolka Parish Council has included such territories into the borders of the villages that had no construction during adoption of the Land Use Plan. Since non-constructed territories were included into the borders of the villages of the Kolka Parish, the Constitutional Court shall not investigate whether the construction has been created historically and whether it is a concentrated construction.

The Minister of Regional Development and Local Government was entitled to assess lawfulness of the borders of the villages, and it has been

justly concluded in the Decree No. 2-02/144 that the territory of the villages established in the Land Use Plan several times exceeded the area of historical construction.

19. It has been indicated in Para 2.1.2 of the Decree No. 2-02/144 that construction of new buildings at the distance of 100 meters from the natural vegetation border of the coastal area of the Irbe Strait of the Baltic Sea was permitted in the territories of the villages by violating the first and the second par of Section 6 and the second part of Section 36 of the Protection Zone Law.

The Constitutional Court must not assess validity of this argument because the Kolka Parish Council has suspend the Land Use Plan regarding the territory of the Kolka Village, Saunaga Village, Vaide Village, Ušu Village, Sīkrags Village, Mazirbe Village, Košrags Village and Pitrags Village established in the Graphical Part map "Permitted and Planned Land Use" by thus eliminating the possibility of raising constructions in the territories of the villages at the distance of 100 meters from the natural vegetation border of the coastal area of the Irbe Strait of the Baltic Sea.

20. In Para 2.2 of the Decree No. 2-02/144, the Minister of Regional Development and Local Government indicates that the Land Use Plan shall be regarded as unlawful because the local government of the Kolka Parish has applied its provisions to the territory of the villages, although the borders of the villages have not been approved in accordance with Section 67 of the Protection Zone Law.

Section 7.[1] of the Spatial Planning law and the first part of Section 49 of the Law "On Local Governments" entitles the Minister or Regional Development and Local Government to suspend the action of a land use plan only in the case if he or she holds that the land use plan does not comply with the requirements of normative acts or is unlawful. The Minister of Regional Development and Local Government is not entitled to suspend the action of a land use plan in the case if it has been applied incorrectly. Consequently, the Minister of Regional Development and Local Government must justify in the decree on suspension of

the land use plan why the land use plan does not comply with the norms of higher legal force.

The action of the local government of the Kolka Parish that does not comply with the requirements of normative acts is mentioned in Paras 2.2.1, 2.2.2 and 2.2.3 of the Decree. When applying the provisions of the Land Use Plan to the territory of the villages, Item 2 of the first part of Section 36 of the Protection Zone Law is not observed; detailed plans are elaborated and approved for the territories of the villages without taking into account the opinions of the administration of Slītere National Park and the Ministry of Regional Development and Local Government, moreover, the Kolka Parish Council systematically takes decisions regarding division of land parcels in the protective coastal area of the Baltic Sea and the Gulf of Riga. In the result of this, new land units are being formed that are smaller than 3 ha.

The abovementioned arguments of the Minister of Regional Development and Local Government are related not to non-compliance of the Land Use Plan with the requirements of normative acts, but to application of the provisions thereof. The fact that the Kolka Parish Council is till applying the Land Use Plan in the part that the Minister of Regional Development and Local Government regards as unlawful may not serve as an argument to suspend the Land Use Plan regarding the territory of the Kolka Village, Saunaga Village, Vaide Village, Ušu Village, Sīkrags Village, Mazirbe Village, Košrags Village and Pitrags Village established in the Graphical Part map "Permitted and Planned Land Use".

The correspondence between the Ministry of the Regional Development and Local Government attached to the case materials also shows that, according to the opinion of the Ministry of Regional Development and Local Government, the action of the Applicant regarding application of the Land Use Plan does not comply with the normative acts (*see: case materials, Vol. 3, pp. 21 – 23, 29 – 35 and 49 – 54*).

If the Minister of Regional Development and Local Government holds that the Kolka Parish Council has acted in non-compliance with the effective legal norms, he or she has taken advantage of the rights conferred by Chapter XII of the Law "On Local Governments". If the Minister of Regional Development and Local Government

establishes that the chairperson of a council does not fulfil or violates the provisions of the Satversme, laws and regulations of the Cabinet of Ministers, he or she may remove from office the chairperson of a council according to Section 93 of the Law "On Local Governments". As it is indicated in 94.[1] Section of the Law "On Local Governments": The chairperson of a territorial local government city or county council (parish council) removed from office in accordance with the procedures of Section 93 of this Law may not be re-elected chairperson during the current term of the territorial local government city or county council (parish council). Section 7.[1] of the Spatial Planning Law does not confer the rights to the Minister of Regional Development and Local Government to suspend a land use plan only because of the fact that the local government, when applying regulations, has acted in accordance with the effective norms.

The arguments of the Minister of Regional Development and Local Government mentioned in Para 2.2 of the Decree No. 2-02/144 are related not to possible unlawfulness of the Land Use Plan, but to violations in application of legal norms and therefore they cannot be used to suspend the Land Use Plan regarding the territory of the Kolka Village, Saunaga Village, Vaide Village, Ušu Village, Sīkrags Village, Mazirbe Village, Košrags Village and Pitrags Village established in the Graphical Part map "Permitted and Planned Land Use".

21. It is indicated in the decrees No. 2-02/145, No. 2-02/146 and No. 2-02/147 that the detailed plans for the real estates "Jūrassili", "Saulrīti", "Ausmas", and "Undīnes" are regarded as unlawful because they provide for division of the real estates into land parcels that are smaller than 3 ha. This does not comply with the requirements of Item 2 of the first part of Section 36 of the Protection Zone Law.

The Constitutional Court has established in Para 16.3 of this Judgment that the territory is located outside village if the borders are not approved according to the order established in Para 2 of the Transitional Provisions of the Protection Zone Law. Consequently, all three suspended detailed plans are elaborated for real estates that are located in the territory that is not regarded as the village

territory. Since the Sīkrags village and the Mazirbe village, the detailed plans of which have been suspended, are located in the protection coastal zone of the Baltic Sea and the Gulf of Riga, the restrictions that are established in Section 36 of the Protection Zone Law shall be applied to these territories.

When the Land Use Plan was approved, Item 1 of the first part of Section 36 of the Protection Zone Law provided that in cities and villages that are located in the coastal protection are of the Baltic Sea and the Gulf of Riga, the area of the land property to be created shall be established by binding regulations of the local government. However, since July 22, 2003 Item 2 of the first part of Section 36 of the Protection Zone Law additionally establishes that outside of the cities and villages, the area of the land property to be newly created, on which it is permitted to locate one farmstead with auxiliary buildings, but not less than three hectares. All three detailed plans were adopted on October 23, 2006, when the new wording of Item 2 of the first part of Section 36 of the Protection Zone Law was effective. The detailed plan was adopted as binding regulations of the local government and it must comply with the norms of higher legal force. Consequently, all three detailed plans must comply with the requirements of Item 2 of the first part of Section 36 of the Protection Zone Law.

The objective of Item 2 of the first part of Section 36 of the Protection Zone Law is not to permit a situation when land parcels are parcelled out in the coastal territory of the Baltic Sea and the Gulf of Riga that is located outside villages. Simultaneously the objective of this norm is prevent a situation when large buildings are raised in the coastal area and hence reaching of the objective of protection of the coastal protection zone of the Baltic Sea and the Gulf of Riga set in the first part of Section 6 of the Protection Zone Law is jeopardized.

Although during adoption of the Land Use Plan Item 2 of the first part of Section 36 of the Protection Zone Law was not yet effective and the local government could establish in the Land Use Plan that the are of the land property to be created is less than three hectares, Item 2 of the first part of Section 36 of the Protection Zone Law was binding during elaboration of the detailed plan.

Consequently, the Constitutional Court must investigate whether the detailed plans indeed intend to create land properties, the area of which is less than three hectares.

21.1. Detailed plan for the territory of the Real Estate "Jūrassili"

The real estate "Jūrassili" is located in the territory, the objective of use of which, according to the Land Use Plan, is construction of small households and family houses. According to Section 6.3.6 of the Construction Regulations of Land Use Planning, the territory of small households and family houses is permitted to be divided into land parcels if they are not smaller than 0.36 hectares and if the width of the land parcels after the division is not smaller than 50 metres (*see: case materials, Vol. 1, pp. 41 and 42*). Identical characteristics can be found in Para 1.1.3 of the detailed plan (*see: case materials, Vol. 2, pp. 152*).

According to the detailed plan the territory of the real estate "Jūrassili" is 2.11 hectares and it is planned to be divided it into four land parcels with the area of, respectively 6350, 5040, 5055 and 4655 square metres.

21.2. Detailed plan for the territory of the Real Estate "Saulrīti".

The property "Saulrīti" is located in the territory, the objective of use of which, according to the Land Use Plan, is construction of small households and family houses. According to Section 6.3.6 of the Construction Regulations of Land Use Planning, the territory of small households and family houses is permitted to be divided into land parcels if they are not smaller than 0.36 hectares and if the width of the land parcels after the division is not smaller than 50 metres (*see: case materials, Vol. 1, pp. 41 and 42*). Identical characteristics can be found in Para 1.1.3 of the detailed plan (*see: case materials, Vol. 2, pp. 80*).

According to the detailed plan the territory of the real estate "Saulrīti" is 0.73 hectares and it is planned to be divided in to land parcels with the area of, respectively, 3635 and 3665 square metres ((*see: case materials, Vol. 2, pp. 81*).

21.3. Detailed plan for the territory of the Real Estate "Ausmas" and the real estate "Undīnes".

Both real estates are located in the territory, the objective of use of which, according to the Land Use Plan, is woodlands with dwelling houses and open country with dwelling houses. According to Section 6.6.9 of the Construction

Regulations of Land Use Planning, the territory of woodlands with dwelling houses is permitted to be divided into land parcels if they are not smaller than one hectare and if the width of the land parcels after the division is not smaller than 50 metres (*see: case materials, Vol. 1, pp. 122*). According to Section 6.5.9 of the Construction Regulations of Land Use Planning, the territory of open country with dwelling houses is permitted to be divided into land parcels if they are not smaller than one hectare and if the width of the land parcels after the division is not smaller than 50 metres (*see: case materials, Vol. 1, pp. 120*). Identical characteristics can be found in Para 1.1.3 of the detailed plan (*see: case materials, Vol. 2, pp. 200*).

According to the detailed plan, the real estates “Ausmas” and “Undīnes” are two land units: “Ausmas” with the area of 4.52 hectares and “Undīnes” with the area of 1.86 hectares. The borders of the real estates are changed by means of the detailed plan and the real estate “Ausmas” is divided into two land units with the area of, respectively, 31 200 and 14 050 square metres (*see: case materials, Vol. 1, pp. 201*).

Consequently, all three detailed plans do not comply with Item 2 of the first part of Section 36 of the Protection Zone Law and the Minister of Regional Development and Local Government has acted lawfully when suspending the detailed plans for the territory of the real estate “Jūrassili”, the territory of the real estate “Saulrīti” and the territories of the real estates “Ausmas” and “Undīnes”.

22. The Minister of Regional Development and Local Government additionally indicates in the Decree No. 2-02/145 and the Decree No. 2-02/147, when referring to the opinions of the administration of Slītere National Park, that the detailed plan for the real estate “Jūrassili”, as well as the detailed plans for the real estates “Ausmas” and “Undīnes” do not comply with Para 14.2 of the Regulations of March 13, 2001 by the Cabinet of Ministers No. 116 “Regulations on Individual Protection and Use of Slītere National Park” (hereinafter – the Regulations No. 116) because it is forbidden to raise constructions that would change the natural and heritage landscape in the protected landscape zone.

The Constitutional Court must assess whether the opinions of the administration of Slītere National Park has a binding force and at what extent the local government had to take them into account in the detailed plans for the real estate "Jūrassili", as well as the real estates "Ausmas" and "Undīnes".

It follows from the normative acts that the opinions that are provided by competent institutions during the land use planning process have no normative force, however the local government, when elaborating a land use plan, must take into account the conclusions and suggestions included in the opinions. One also has to take into consideration that it is possible to reach the objectives of public administration and environmental protection at the most efficient level by means of collaboration of public administration institutions. *Inter alia* Chapter VII of the State Administration Structure Law also provides for collaboration as a process that helps the State administration institutions to fulfil their functions and tasks the most efficiently (*see: Judgment of January 17, 2008 by the Constitutional Court in the case No. 2007-11-03, Para 27.2*). Also during elaboration and approval of a detailed plan it is necessary to take into consideration the opinions submitted by the competent institutions that were requested and received.

In the case under review it is necessary to take into consideration the fact that the territories, for which already suspended detailed plans were elaborated and approved, are located in the specially protected nature territory –Slītere National Park.

In order to ensure protection of genetic and biologic diversity of ecosystems, landscapes and species and to simultaneously permit economic activities, special zones are determined in Slītere National Park, where each of the zones has a particular legal regime. The real estate "Jūrassili", as well as the real estates "Ausmas" and "Undīnes" are located in the protective landscape zone of Slītere National Park. According to Section 8 of the Law "On Slītere National Park", the protection landscape zone is formed in order to preserve biological diversity of maritime landscape, to protect the characteristic cultural environment of North Kurzeme, as well as to ensure preservation of the environment fit for recreation and tourism and using of nature-conserving methods of utilization. However, Para 21 of the Cabinet of Ministers Regulations of July 22, 2003 No.

415 “General Provisions on Protection and Use of Specially Protected Nature Territories” (hereinafter – the Regulations No. 415) provides that construction in the protected landscape areas shall be permitted in accordance with the land use plan and the detailed plan of a local government by observing the order and restrictions established in normative acts and nature preservation plan. It is possible to conclude from these legal norms, as well as from Para 14.2 of the Regulations No. 116 that economic activities including construction as such in the protection landscape zone of Slītere National Park is not prohibited, however it must be of the king that would not change the natural and heritage landscape. As it can be concluded form the case materials, the Applicant and the administration of Slītere National Park do not share the opinion regarding impact of constructions on the nature and heritage landscape.

Section 18 of the Law “On Specially Protected Nature Territories” provides that in order to co-ordinate environmental protection, use of natural resources and the interests of regional sustainable development, a natural or legal person may develop a nature protection plans for a protected territory. Moreover Section 21 of the abovementioned Law provides that In conducting territorial planning, the nature protection plan shall be observed.

Section 3 of the Law “On Slītere National Park” provides that the park is supervised by the Administration of Slītere National Park. According to Para 2 of the Cabinet Regulations of December 28, 2004 No. 1056 “Statutes of the Administration of Slītere National Park” one of the functions of an administrative functions that is directly subjected to the Minister of the Environment is implementation of environmental protection policy in Slītere National Park. However, Para 3.3 of the same Regulations provides that the task of the abovementioned institutions is to elaborate and actualize the environmental protection plan for Slītere National Park, as well as to organize implementation thereof. Moreover, Para 5 of the Regulations No. 415 provides that it is forbidden to carry out activities in the protected territory if the institution responsible for protection of the environment has, according to its competence, received a decision from the administration regarding the fact that the activities do not

comply with the tasks and objectives of creation and protection of the protected territory.

No environment protection plan has been elaborated and approved for Slītere National Park until now. However, taking into consideration the competence of the administration of Slītere National Park established in the normative acts, the Constitutional Court recognizes that up to the moment when an environment protection plan for Slītere National Park would be elaborated and approved, the Applicant not only has to request and assess the opinion of the administration of Slītere National Park during the land use planning process, but also the solutions provided in the detailed plan must be coordinated with the administration of Slītere National Park. Namely, it is possible to provide for construction in a specially protected nature territory by means of a detailed plan only in the case if a positive opinion has been received from the competent institution for environment protection.

Consequently, the detailed plan for the real estate "Jūrassili" and the detailed plan for the real estates "Ausmas" and "Undīnes" shall be regarded as unlawful because the violations mentioned in the opinions of the administration of Slītere National Park have not been eliminated.

It is possible to agree to the viewpoint of the Applicant that an environment protection plan for the protected territory, elaboration of which is the duty of the administration of Slītere National Park, would favour legal certainty and foreseeability. However, the opinions of the administration of Slītere National Park were binding on the Kolka Parish Council when approving detailed plans, although no environment protection plan has been elaborated.

The Minister of Regional Development and Local Government has justly concluded that the detailed plans for the real estate "Jūrassili" and the real estates "Ausmas" and "Undīnes" do not comply with Sub-Item 14.2 of the Cabinet of Ministers Regulations of Mach 13, 2001 No. 116 "Regulations on Individual Protection and Use of Slītere National Park" indicated in the opinions of the administration of Slītere National Park.

23. The Minister of Regional Development and Local Government has issued the Decree No. 2-02/144 almost four years after the Kolka Parish Council has adopted the binding regulations of the local government regarding approval of the Land Use Plan.

The Constitutional Court draws attention to the fact that the laws that regulate the issues of control over land use planning for local governments provide no term, within which the Minister of Regional Development and Local Government may suspend a land use plan, detailed plan or of a local government or a part of these plans.

Absence of such term may come into conflict with the principle of legal stability, which is of great importance in the field of land use planning. Natural persons are entitled to plan economic activities in their property taking into consideration stability of land use plan. The principle of legal stability becomes even more urgent when a land use plan of a local government is effective for a longer period of time and no considerable change of legal or factual circumstances that would allow question lawfulness of the land use plan has taken place.

On the one hand, the Law authorizes the Minister of Regional Development and Local Government to suspend such land use plan that does not comply with the effective normative acts. The principle of lawfulness requires that the norms of a land use plan and a detailed plan would comply with the legal norms of a higher legal force. On the other hand, the rights of those persons whom the land use plan confers certain rights and who are entitled to rely on stability of the land use plan when planning their economic activities in a long term are as important and protected.

The Constitutional Court holds that the task of the legislator is to establish a fair balance of the abovementioned rights. Therefore the Saeima must consider a possibility to establish a term in the law, within which the Minister of Regional Development and Local Government may suspend a land use plan of a local government.

Substantive Part

The Constitutional Court, based on Article 30 – 32 of the Constitutional Court Law

holds:

the Decree No. 2-02/144 of June 6, 2007 by the Minister of Regional Development and Local Government "On Arresting of the Binding Regulation No. 6 of June 13, 2003 of the Kolka Parish Council", the Decree No. 2-02/145 of June 6, 2007 "On Arresting of the Binding Regulation No. 11 of October 23, 2006 of the Kolka Parish Council "Detailed Plan No. 01/08/05 for the Territory of the Property "Jūrassili", Cadastre No. 8862 001 0061, of the Sīkrags Village of the Kolka Parish", the Decree No. 2-02/146 of June 6, 2007 "On Arresting of the Binding Regulation No. 11 of October 23, 2006 of the Kolka Parish Council "Detailed Plan No. 01/08/05 for the Territory of the Property "Saulrīti", Cadastre No. 8862 002 0050, of the Mazirbe Village of the Kolka Parish" and the Decree No. 2-02/147 of June 6, 2007 "On Arresting of the Binding Regulation No. 11 of October 23, 2006 of the Kolka Parish Council "Detailed Plan No. 01/08/05 for the Territory of the Property "Ausmas", Cadastre No. 8862 002 0027, and the Property "Undīnes", Cadastre No. 8862 002 0204 of the Mazirbe Village of the Kolka Parish" comply with the First Part of Section 10 of the State Administration Structure Law and Article 1 of the Satversme (Constitution) of the Republic of Latvia

The Judgment is final and not subject to appeal

The Judgment takes effect as of the day of publishing it.

The Presiding judge **K. Balodis**