



# THE CONSTITUTIONAL COURT OF THE REPUBLIC OF LATVIA

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Riga, December 4, 2003

## JUDGMENT

in the name of the Republic of Latvia

**in case No. 2003-14-01**

The Republic of Latvia Constitutional Court in the body of the Chairman of the Court session Aivars Endziņš, justices Andrejs Lepse, Romāns Apšītis, Ilma Čepāne, Juris Jelāgins and Ilze Skultāne on the basis of the claim by the State Human Rights Bureau pursuant to Article 85 of the Republic of Latvia Satversme (Constitution), Articles 16 (Item 1), 17 (Item 8 of the first part) and 28<sup>1</sup> holding the proceedings in writing on November 11, 2003 at the Court session reviewed the case

**”On the Compliance of Article 2 (Part six) of the Law of Term of Service Pensions for Prosecutors with Article 91 of the Republic of Latvia Satversme (Constitution)”.**

### **The establishing part**

1. On September 26 1990 the Law ” On the Supervision of the Public Procurator in the Republic of Latvia” (henceforth – the Supervision Law) was adopted. The Law consolidated creation of an independent from the USSR Procurator’s Office of the Republic of Latvia and determined the main directions for its activities. Article 44 determined: ”procedures for the public procurator’s office’s employees’ and their family members’ provisions with pensions and the amount of pensions shall be established by the Republic of Latvia legislation in the case of loss of a supporter”.

On May 19, 1994 a new Office of the Prosecutor Law was adopted and on July 1, 1994 it took effect. The Law determined the functions of the office of the prosecutor and the social guarantees of the prosecutors, among them also the duty of the State to grant service pensions to them.

This duty is incorporated in Article 55 of the Law. Thus the first part of this Article determines that "prosecutors shall be insured from the State funds and a service pension shall be granted to them in accordance with the regulatory enactments regarding pensions". In its turn the second part of the Article envisages that a service pension shall be granted only to those persons who have worked in the office of a prosecutor or investigator for not less than 20 years in total.

2. On May 13, 1999 the Republic of Latvia Saeima (henceforth – the Saeima) adopted the Law of Term of Service Pensions for Prosecutors (henceforth – the Service Pensions Law), which regulates the procedure under which the service pension is granted, calculated and paid.

2.1. Article 2 of this Law incorporates several criteria and the prosecutor is granted the service pension in accordance with the criteria. The prosecutor is entitled to the term of service pension if he/she has reached the age of 50 years and if the length of his/her service is 20 years, the last 10 years of which have been worked in the position of a prosecutor. In the same way prosecutors, who regardless of age, in compliance with the conclusion of the State Commission of the Health and Work Capability Expertise Physicians, have been discharged from office because of a state of health, which does not permit the continuation of work by the prosecutor and whose length of service is not less than 20 years, are entitled to the term of service pension. The right to the term of service pension is also held by a prosecutor, who as a result of the reorganization of the Investigative Department of the Ministry of the Interior in 1995, in accordance with Paragraph 2 of the Transitional Provisions of the Public Prosecutor's Office Law, was transferred to work in the Public Prosecutor's Office. In its turn the Prosecutor General is entitled to the term of service pension regardless of age, if the length of his/her service is at least 20 years, the last 3 years of which have been worked in the position of the Prosecutor General.

In conformity with Article 3 of the Service Pension Law into the term of service, which provides the right to the term of service pension shall be included that time served in the position of a prosecutor or judge, or investigator, a chairperson of an investigative structural unit or a deputy chairman of an institution of the Ministry of Interior as well as that time, which was worked as employees of the Public Prosecutor's Office in certified positions, which were determined prior to October 1, 1994, whereas in the term of office shall not be included that time a person has worked in certified positions for employees of the

Public Prosecutor's Office of the Latvian SSR after October 26, 1990.

- 2.2. Article 2 of the Service Pensions Law envisages restrictions to granting the service pension but Article 9 – to payment of the above pension.

A prosecutor, who is receiving the pension of another country as well as a prosecutor who was discharged from office based upon the first Part or Paragraphs 1, 2 or 4 of the Second Part of Article 40 of the Public Prosecutor's Office Law do not have the right to the term of service pension. In its turn the Sixth Part of Article 2 of the Service Pensions Law includes the **challenged legal norm:** "A person who has reached the age determined in the Law "On State Pensions" for the granting of the state pension and was discharged from work in the Public Prosecutor's Office before June 1, 1994 does not have the right to the term of service pension" (henceforth – the challenged legal norm).

Article 9 of the Law determines that the payment of the term service pensions shall be interrupted if the recipient of the term of service pension is reappointed to the position of prosecutor or is appointed or affirmed to the position of judge as well as if the recipient is starting service in those institutions where the service provides the right to a term of service pension. Besides, the payment of the term of service pension is interrupted if to the recipient of the term of service pension the state old age is granted in accordance with the Law "On State Pensions".

- 2.3. In accordance with Article 5 of the Service Pensions Law the above pension shall be calculated from the average monthly salary of a prosecutor for the last five years prior to discharging him/her from the position of prosecutor with an exception of cases anticipated in the Transitional Provisions. In this salary shall be included the wages, additional payment for rank of position, the premium and other additional payments, which are anticipated in the Public Prosecutor's Law. Article 4 of the Law determines that for a prosecutor, who has reached the age of 50 years and for the Prosecutor General regardless of age, the term of service pension shall be granted in the extent of 55% of the average monthly salary, and for each year of the term of service exceeding 20 years it shall be increased by two percent of that salary. In its turn for a prosecutor who regardless of age in compliance with a conclusion of the State Commission of the Health and Work Capability Expertise Physicians was discharged from office because of health status, the term of service pension shall be granted in the extent of

40 percent of the average monthly salary and for each year of the term of service exceeding 20 years it shall be increased by two percent of that salary. The Service Pensions Law limits the maximum amount of the term of service pension, namely, it may not exceed 80 percent of the salary. The minimum amount of the term of service pension may not be less than the amount of the state social guarantee allowance.

3. **The State Human Rights Bureau** – the submitter – holds that the challenged legal norm is at variance with Article 91 of the Republic of Latvia Satversme (henceforth – the Satversme), which determines that "all human beings in Latvia shall be equal before the law and the courts. Human rights shall be realized without discrimination of any kind".

To the mind of the submitter the challenged norm anticipates a differentiated attitude towards two groups of prosecutors, who are in comparable circumstances. Persons, who have been prosecutors and who have worked for a certain time in the positions established by law, form the two groups. However the persons who have reached the age determined in the Law "On State Pensions" (henceforth – the Pension Law) and have been discharged from work in the Public Prosecutor's Office before June 1, 1994, do not have the right to the term of service pension. In their turn the persons, who have also reached the age determined by law for the granting of the state pension up to July 1, 1994 but have been discharged from work in the Prosecutor's Office after July 1, 1994, have the right to the term of service pension. The State Human Rights Bureau holds that there is not reasonable and objective basis for the differentiated attitude as in both cases the length of service necessary for pension mainly consists of work at the Prosecutor's Office of the Latvian Soviet Socialist Republic (henceforth – LSSR). July 1, 1994 cannot serve as the basis for differentiated attitude. Besides, extraordinary and regular payments shall be separated. Term of service pension is the regular payment, which the person receives if he/she has reached a certain age and meets the requirements included in the Law and which the person continues receiving to the end of life if other circumstances, which deny the right of receiving the above pension, do not set in.

In the additional explanations the submitter repeatedly points out that the prosecutors, discharged from work up to July 1, 1994, shall have the right to the term of service pension. The fact that these prosecutors have not foreseen that in future the right to term of service pension will be determined may not serve as the basis for denying the above right. At the same time the submitter holds that the challenged legal norm is not discriminating as concerns the prosecutors, who have been granted the term of service pension in accordance with the normative acts of the

Union of the Soviet Socialist Republics (henceforth – USSR), if in the process of transition from one system of pension to another one the principle of trust if law has been observed. The challenged norm does not regulate these issues.

4. The institution, which has passed the challenged legal norm – **the Saeima** – does not agree with the viewpoint of the submitter and points out that the challenged norm is in compliance with Article 91 of the Satversme. The Saeima holds that the division of the prosecutors into two groups, chosen by the submitter is too simplified and creates a delusion. To get an objective notion the historical situation has to be taken into consideration. Therefore the prosecutors shall be divided into four groups, depending on the fact from which institution the person has been discharged and on the time of discharging.

**Persons, belonging to the first group** have worked at the Prosecutor's Office of LPSR and prior to October 26, 1990 have made use of their right to pension on the basis of the normative acts of the former Soviet Union. As these prosecutors have never been the prosecutors of the Republic of Latvia, the regulations on term of service pensions for the prosecutors of the Republic of Latvia cannot be attributed to them. Besides, in accordance with Item 6 on the procedure, incorporated in the Republic of Latvia Supreme Council (henceforth – the Supreme Council) November 29, 1990 Decision "On the Law "On State Pensions", these persons might have continued receiving the service pension till the time of adoption of the Regulation "On the Term of Service Persons" by the Republic of Latvia Cabinet of Ministers (henceforth – the Cabinet of Ministers) or might choose the State pension instead.

**Persons, belonging to the second group** after October 26, 1990 continued to work in the LPSR Prosecutor's Office, the activity of which was declared as lawless by the Presidium of the Supreme Council June 6, 1991 Decision "On the LPSR Prosecutor's Office". Therefore these persons do not have the right of being granted the term of service pensions.

**Persons**, who after October 26, 1990 commenced activities or have been transferred to work in the Republic of Latvia Prosecutor's Office and prior to July 1, 1994 have been discharged from work because they had reached the age determined in the Pension Law **belong to the third group**. As no normative act had envisaged the right of being granted the term of service pensions to these persons – the creators of the Republic of Latvia Prosecutor's Office – they were aware that they would not receive such a pension.

**To the fourth group** belong persons whom the Service Pensions Law concerns, as they have been discharged from work in the Public Prosecutor's Office after July 1, 1994. Both – the Office of the Prosecutor Law and the Service Pension Law determine the right to term of service pensions. In accordance with the Office of the Prosecutor Law the above persons had the right to the pension already as from July 1, 1994 but before the adoption of the specific law it had not been granted. Therefore the legislator connects the regulation of the term of service pensions just with this date and has limited the range of persons, who have the right to term of service pensions. The Saeima points out that up to the Reform of the Prosecutor's Office not all the employees of the institutions of the Prosecutor's Office have carried out the duties, envisaged in the Law, which is in effect at the present moment.

The Saeima holds that the **legitimate aim** of the challenged legal norm is "to establish that the prosecutors, who have carried out their assignments in the conditions of heightened workload, have the right to term of service pensions, after reaching a certain age, also in cases if - because of several factors, like for the reasons of health - they are not able to continue carrying out their duties qualitatively. These procurators need a specific protection". Besides, to their mind the measures, included in the challenged norm – namely, to determine the time limit and the range of the prosecutors, who have the right to the term of service pensions – are **proportionate** to the anticipated aim – to ensure specific social protection for the prosecutors of the Republic of Latvia. When creating and developing the activities of the Republic of Latvia Prosecutor's Office the legislator experiences the right of anticipating "what guarantees the employees shall have, but it does not have the duty of applying these specific guarantees to the prosecutors, who leave work at other institutions".

5. The Professor of the Latvian Police Academy **Ā. Meikališa**, when answering to the questions of the Constitutional Court, agreed with the arguments of the Saeima, namely, that the challenged legal norm complies with Article 91 of the Satversme. The director of the Academy of Sciences of Latvia Centre of the Baltic Strategic Research **T.Jundzis**, who was also asked to express the viewpoint on the conformity of the challenged legal norm with Article 91 of the Satversme, does not perceive the discrepancy of the challenged legal norm with Article 91 of the Satversme.
6. **Prosecutor General's Office** in its letter stresses that the viewpoint expressed in the State Human Rights Bureau claim on initiating the matter is unacceptable because of several reasons. To their mind the challenged legal norm is not at variance with Article 91 of the Satversme. Even though in the result of political socio-economic and

legal transformations a differentiated attitude to different groups of pensioners has been indirectly created, it is not discriminating. The challenged legal norm, which allows different attitude to persons, who are in comparable circumstances concerning certain professional criteria, has been deliberately incorporated in the Service Pensions Law. It has been connected with the creation of the Republic of Latvia Prosecutor's Office, adoption of legal acts, regulating its activities and further reorganization of the Prosecutor's Office. It justifies differentiated attitude to persons, who in the institutions of LSSR Prosecutor's Office and the Republic of Latvia Public Prosecutor's Office have carried out different assignments and functions, arising from them.

The Saeima, when passing the Service Pensions Law has taken into consideration the right of the prosecutors to term of service pensions, guaranteed in the Office of the Prosecutor Law and has attributed to them the regulation of the Service Pensions Law not from the date the Term of Service Law taking effect but from the date the Office of Prosecutor Law became effective, namely – from July 1, 1994. The Prosecutor General's Office accentuates that the prosecutors, even though their right to term of service pensions has been anticipated from July 1, 1994, could not make use of it for the reasons not depending on them. Just because of the above, the challenged legal norm has been included in the Service Pensions Law.

In addition the Prosecutor General's Office furnished the following information. On November 1, 2003 69 persons receive prosecutor's term of service pensions, out of them 53 persons receive the State old age pension and part of the term of service pension. Out of the above 53 persons 28 persons have reached the age for granting old age pension in the period between July 1, 1994 and November 1 of this year, but 15 persons before July 1, 1994. Thus at the present moment 25 persons, who have reached the age for granting old age pensions before July 1, 1994 but were discharged from work at the Prosecutor's Office after the above date, receive part of the term of service pensions

### **The concluding part**

7. The normative acts anticipate different types of pensions – old age pension, disability pension, pension for the loss of a supporter as well as the term of service pension. Each of them is granted to certain groups of persons under the procedure anticipated by law, as well as with a certain aim.

The submitter holds that the term of service pension shall be granted also to the prosecutors, who have reached the age for granting pensions and have been discharged from work in the Prosecutor's Office already before July 1, 1994 and who receive old age pensions.

As the procedure for granting term of service pensions is challenged, one has first of all to discuss the essence of this type of pensions and connection with other types.

**Old age pension** is granted if the event of social risk or insurance has set in - like loss of working abilities, which in case of the old age pension, is presumed with the moment, when the person reaches the age, anticipated by law. The aim of the old age pension is to guarantee subsistence to a person, who is not any more able to actively take part in legal labour relations and provide for himself/herself.

In its turn when envisaging **term of service pensions** for the employees of specific sectors, it is assumed that the loss of working abilities may set in earlier. If the person, who is working in the corresponding sector, holds that its working abilities have been lost before reaching the established by law age, it may hand in notice and request granting term of service pension . For example, the Service Pension Law anticipates that the prosecutor has the right to leave work in the Prosecutor's Office and request granting of pension after reaching the age of 50 years, if his/her length of service is 20 years and the last 10 years have been worked in the position of a prosecutor. The purpose of the term of service pension is to provide for subsistence to persons, whose work is connected with a faster loss of professional skills, which may set in before reaching the age determined for granting old age pension. Besides, taking into consideration the increased amount of the term of service pensions, which is connected with the formula of its calculation (*see Item 2.3 of this Judgment*), the term of service pension is an additional social guarantee to persons, who have performed certain functions in the interests of the State in specific conditions.

8. On November 16, 1982 the USSR Council of Ministers adopted Resolution No.999 " On the Improvement of Material Conditions and Ensurance of Pensions for the Employees of the Prosecutor's Office" (henceforth – the Resolution on the Ensurance of Pensions), which anticipated the right to term of service pensions for the employees of the prosecutor's office as well as the maximum amount of it and the procedure of granting the pension. In accordance with this Resolution the right to term of service pensions was determined after reaching the age of 60 years for men and 55 years of age for women if their length of service in the prosecutor's office is not less than 25 years. Several groups of persons could receive term of service pensions on easement.

The adoption of the Supervision Law commenced the formation of the Prosecutor's Office, independent from the USSR Prosecutor's Office and that concerned the employees of the Prosecutor's Office and the guarantees envisaged for them by the USSR normative acts. In accordance with Item 2 of the Republic of Latvia Supreme Council September 26, 1990 Resolution "On the Procedure by which the Republic of Latvia Law "On the Supervision of the Public Procurator in the Republic of Latvia" the Prosecutor General of the Republic of Latvia was assigned with the task of making up the staff of the Republic of Latvia Prosecutor's Office, first of all from the then employees of the USSR Prosecutor's Office in Latvia, taking over their personnel files. The Supreme Council with its October 2, 1990 Resolution "On the Transferring of the USSR Prosecutor's Office Employees to Work to the Public Prosecutor's Office of the Republic of Latvia" determined that the employees of the USSR Prosecutor's Office, who prior to October 26, 1990 have affirmed their will to work in the Republic of Latvia Prosecutor's Office shall be transferred to work in the Republic of Latvia Prosecutor's Office .

Thus about 90% of the employees of the LSSR Prosecutor's Office were transferred to work to the newly created Public Prosecutor's Office, however no normative act envisaged term of service pensions for them. The other prosecutors were either discharged from work or after October 26, 1990 worked in the LSSR Prosecutor's Office and the guarantees established for the employees of the USSR Prosecutor's Office referred to them.

T.Jundzis in his letter to the Constitutional Court points out that when elaborating the Supervision Law the deputies abstained from incorporating into it the advantages and privileges for separate categories of persons. At that moment it had not seemed to be reasonable to maintain the privileges of the Soviet times to the employees of the Prosecutor's Office also on issues of pension. To his mind this issue as politically "sensitive" was not anticipated even on the draft level.

9. On November 29, 1990 the Supreme Council adopted the Pension Law, in its Article 34 determining that the long-service pensions shall be granted to citizens, employed in specific professions for which, after reaching a certain length of service, work is related to loss of professional skills or social risk. Long service pensions shall be granted in accordance with a special regulation on long-term service pensions, worked out by the Republic of Latvia Council of Ministers in cooperation with the trade unions and approved by the Republic of Latvia Supreme Council.

At the same time Item 6 of the Supreme Council November 29, 1990 Resolution "On the Procedure by which the Republic of Latvia Law "On State Pensions" Takes Effect"" (henceforth – the Resolution) anticipates that the employees of the Public Procurator's Office who have been receiving the long service pension till December 31, 1990 may pass over to the state pension. Item 6 of the resolution determined a specific procedure of calculating the state pension, namely, from the rate from which the public procurator's office pension has been granted. Thus the prosecutor's who used their right to long-term service in accordance with the Resolution on ensurance of pensions could choose the state old-age pension, which at that time was greater than the long service pension.

In accordance with Article 55 of the Pension Law the above persons had to submit the request for granting a pension to the Social Security Departments and on the basis of the request the old-age pension was granted to them instead of the long service pensions. Besides, all the prosecutors, who received the long term pension, had already reached the age for granting the old-age pension established in Article of the Pension Law. The State Social Insurance Agency points out that the amount of old-age pension might be 80% of the salary but the amount of the pension, granted earlier – 75%. Thus in the transition from one type of pension to another one the principle of trust in law was observed and a certain social insurance for old age was guaranteed.

At the same time Item 6 of the Resolution determines that the prosecutors, who received long service pensions, granted on the basis of the resolution on ensurance of pensions, may continue to receive the previously granted pensions and not to pass over to the state pension. However, amendments to the Council Of Ministers March 26, 1992 Resolution "On Term of Service Pensions" did not envisage the right to term of service pensions for the procurators. The Transitional period ended on November 1, 1993 when the Law "On the Temporary Procedure of Calculating the State Pensions" took effect. Its Article 10 determined that Item 6 of the Resolution had become null and void.

**To the procurators, to whom the term of service pension had been granted in accordance with the Resolution, instead of the term of service pension the state pensions were granted.**

10. The prosecutors, who left work and started receiving pensions in the period from October 26, 1990 till July 1, 1994 were granted pensions under the general procedure as no normative act envisaged service pensions. In its turn the Office of the Prosecutor Law, which took effect on July 1, 1994 anticipated the right to term of service pensions for the

prosecutors. Item 4 of the Transitional Provisions determines that employees of the Office of the Prosecutor who in accordance with the requirements of this Law may not thereafter hold the office of the prosecutor shall be removed from office. For the prosecutors, who met the requirements and criteria of the Law and expressed the wish to work in the Prosecutor's Office, Section 55 of this Law guaranteed and still guarantees the right to term of service pension. However, the Section establishes that pensions shall be granted in accordance with the normative acts on pension. Even though the above acts had to be adopted already on July 1, 1994, because of the hesitation of the legislator it was done only on May 13, 1999 and took effect on January 1, 2000. Even though the time of adoption and taking effect of the Laws does not coincide, the right of the prosecutors to term of service pension originated with the day of the Office of the Prosecutors Law – July 1, 1994. The Service Pension Law ensures only the implementation of the Office of the Prosecutors Law, but does not restrict the right to term of service pension of those prosecutors, who have been discharged from work in the prosecutor's office prior to July 1, 1994. The aim of this Law, fixed in Article 1 of "The Law of Term of Service Pensions for Prosecutors", namely, to ensure for prosecutors those rights for the prosecutor's service pension, determined in the Public Prosecutor's Office Law and to regulate the procedure by which the term of service pension shall be granted, calculated and paid also confirms it.

11. The principle of equality, which is fixed in the first sentence of Article 91 of the Satversme forbids the State institutions to pass norms, which without a reasonable ground permit different attitude to persons who are in really equal and comparable conditions. The principle of equality allows and even demands different attitude to persons who are in different circumstances as well as allows different attitude to persons who are in equal circumstances, if there is an objective and reasonable ground (*see the Constitutional Court December 5, 2001 Judgment in case No. 2001-07-0103*).

To evaluate whether the challenged legal norm complies with Article 91 one has to find out:

- if and what groups of prosecutors are in equal and comparable circumstances;
- if the challenged legal norm envisages a differentiated attitude;
- if the differentiated attitude has an objective and reasonable ground, namely, if it has a legitimate aim and whether the principle of proportionality has been observed.

12. To determine if and what groups of prosecutors are in equal and comparable circumstances, it is necessary to find the uniting specifics of the group.

The submitter holds that all the prosecutors, who reached the age for granting the pension before July 1, 1994 are in equal and comparable circumstances, regardless of the fact whether they were discharged from work in the prosecutor's office before the above date or continued working in the prosecutor's office after July 1, 1994. The submitter stresses that the uniting specifics is their length of service but not the moment when the prosecutor has been discharged from work or implementation of certain functions in a definite period of time; especially when taking into consideration that in compliance with the Service Pension Law both – the period, which has been worked in the prosecutor's office before October 26, 1990 and the period after it, as well as work in the Republic of Latvia Prosecutor's Office after July 1, 1994 – are included in the length of service.

The Constitutional Court holds that when evaluating whether and what groups of prosecutors are in equal and comparable circumstances one has first of all to take into consideration what is the importance of July 1, 1994 – the day of the Office of the Prosecutor Law taking effect. The submitter ungroundedly perceives it in a simplified way, holding that the right to term of service pension for the prosecutors commences as of the day of the Service Pension taking effect, but – to his mind the challenged legal norm is an exception of the future validity of the law. The State Human Rights Bureau holds that the exception follows from the circumstance that the term of service pension is granted also to persons, who have been discharged from work before the Service Pension Law took effect. Thus – to the mind of the submitter, the term of service pension is being granted to one group of prosecutors – pensioners, but another group on the basis of the date, chosen by the legislator, does not receive it.

One cannot agree with this viewpoint. The challenged legal norm concerns only those prosecutors, who reached the age determined for granting pension before July 1, 1994. Thus the length of service has been created mainly from the work at the LSSR Prosecutor's Office. July 1, 1994 is not only a freely chosen date because -as it has been mentioned earlier (*see Item 10 of this Judgment*)- from this day the prosecutors, who commenced or continued their activities in the prosecutor's office were entitled to term of service pension, determined in Section 55 of the Office of Prosecutor Law. But implementation of this Law began with January 1, 2000. Thus, length of service is not the only criterion to ascertain whether the above groups of prosecutors are in equal and comparable circumstances. One more criterion, namely, work in the prosecutor's office after July 1, 1994, shall be assessed. The

New Public Prosecutor's Office Law does not concern prosecutors, who have been discharged from work in the prosecutor's office before this date. Therefore one cannot compare two different groups of persons: the former prosecutors, who are on pension and those, who are working and to who - in difference from the former prosecutors – refers the new legal regulation.

Thus the prosecutors, who retired and were discharged from the work in the prosecutor's office before July 1, 1994 and the prosecutors, who worked in the prosecutor's office after this date **are not in equal and comparable circumstances**, as for one group of them the right to term of service pension was established by the Office of the Prosecutor Law but for the other such right was not anticipated.

Taking into consideration the fact that a differentiated attitude is envisaged for the above groups of prosecutors and they are not in equal and comparable circumstances, the Court does not have to evaluate the criteria mentioned in Item 11 of the Judgment.

Thus the challenged legal norm does not violate the principle of equality and is not at variance with Article 91 of the Satversme.

### **The substantive part**

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

**hereby rules:**

to declare Article 2 (Part 6) of the Law of Term of Service Pensions for Prosecutors as conformable with Article 91 of the Republic of Latvia Satversme.

**The Judgment is final and allowing of no appeal.**

**The Judgment takes effect as of the day of its publishing.**

The Chairman of the Court session

A.Endziņš