



THE CONSTITUTIONAL COURT OF THE REPUBLIC OF LATVIA

Riga, November 6, 2003

JUDGMENT in the name of the Republic of Latvia

in case No. 2003 – 10 – 01

The Republic of Latvia Constitutional Court in the body of the Chairman of the Court session Aivars Endziņš, justices Romāns Apsītis, Ilma Čepāne, Juris Jelāgins, Andrejs Lepse and Ilze Skultāne pursuant to Article 85 of the Republic of Latvia Satversme (Constitution), Articles 16 (Item 1), 17 (Item 11 of the first part) , 19² and 28¹ on the basis of the Constitutional claim by Aina Strode holding the proceedings in writing reviewed the case

”On the Compliance of Article 83 (Item 4) of the Civil Procedure Law with Article 92 of the Republic of Latvia Satversme (Constitution)”.

The establishing part

1. On October 14, 1998 the Saeima passed the Civil Procedure Law (henceforth – CPL), in Section 83 (Item 4) determining that the person, whom the court, which reviews the case, has allowed to act as the authorized representative of the physical entity may do so.

On October 31, 2002 the Saeima adopted the ”Amendments to the Civil Procedure Law”, determining that the Law shall take effect as of January 1, 2003. Article 83 (Item 4) was expressed in the following wording:” The following may act as authorized representatives in the civil procedure: ascending and descending kin, spouse, brothers and sisters of the whole blood of natural persons as well as the persons who on the basis of an authorization actually manage the property of the authorizing person” (henceforth – the challenged norm).

2. **The submitter of the constitutional claim** Aina Strode (henceforth – the submitter) on September 13, 2001 addressed the Jelgava Court

with a claim against the Jelgava City Hospital, requesting her restitution to her former post. On January 24, 2003 the Jelgava Court reached the decision of rejecting the claim. On February 12, 2003 the authorized representative of A.Strode – her spouse Aleksandrs Strods-submitted the appellation claim. The review of the case is still in process.

As the case is very complicated the need for a qualified legal assistance at the appellation instance arose. The submitter addressed the juridical company "Leģenda" and the Association of Independent Lawyers of Latvia (LATJUR) with the request to represent her at the court. However, she received the answer that ensurance of representation was not possible because of the existence of the challenged norm. She was told that the representation could be ensured only if the contract on actual management of the authorizer's property was concluded.

- 3. In her constitutional claim** the submitter challenges the conformity of CPL Section 83 (Item 4) with Article 92 of the Republic of Latvia Satversme (henceforth – the Satversme). The submitter requests the Court to declare the challenged norm as null and void.

The submitter holds that the challenged norm violates her right to a fair court, guaranteed by the Satversme (Article 92 of the Satversme)

The submitter holds that the challenged norm violates her fundamental right to a fair court, which is determined in the Satversme (Article 92 of the Satversme). The constitutional claim includes the viewpoint that the submitter has been denied the right to freely choose her representative at the civil process, as in accordance with the challenged norm only a limited range of persons, namely, immediate ascendants, descendants, spouses, legal brothers or sisters as well as the person, who on the basis or authorized contract manages the property of the authorizer (i.e. the participant in the case) may act as the representative.

The submitter points out that the challenged norm groundlessly limits her right to freely choose her representative as she is compelled to apply to an advocate – the only person, who, in accordance with Article 83 of the CPL is able to guarantee qualitative and professional legal representation. However, the services of advocates are comparatively expensive and the submitter is "compelled" to make use of the right and represent herself in the civil case or to authorize her spouse, who does not have sufficient professional knowledge. To her mind her right to a fair court has been violated.

4. **The Saeima – the institution, which has passed the challenged act -** in its written reply expresses the viewpoint that the constitutional claim is ungrounded and asks to reject it.

The Saeima does not agree with the viewpoint of the submitter and expresses the following arguments. Firstly it points out to the historical development and the reasons of elaboration of the challenged norm. CPL, which took effect on March 1, 1999, replaced the Civil Procedure Code of Latvia (henceforth – CPC). On October 8, 1996 amendments were made to Article 44 of the CPC, which determined that physical entities, whom the court which reviews the case has allowed to do so in accordance with the law, may act as the representatives (Section 44, Item 5). Thus the court may allow only persons, to whom the right is conferred by law, act as the representatives. At that time (and even now) the legal norms in effect, which are incorporated in the Republic of Latvia Law on Advokatūra (henceforth - the Advokatūra Law), determines that advocates may provide legal assistance to individuals or be their representatives. In addition to advocates the individuals may be represented by their ascending and descending kin, spouses and sisters and brothers of the whole blood. The Law also establishes that an interested party may authorize a non-advocate to represent him/her if such a person is involved in the same proceeding or has written authorization granting the right to manage such party's property (Article 5).

This CPC norm was valid till the moment of CPL taking effect. Section 83 CPL (Item 4) determines that "the person, whom the court, which reviews the case, has allowed to do so, may act as the authorized representative of the natural person in the civil procedure". The wording of this norm does not include the reference that it can be done only "in compliance with the law", as it was considered to be a verbosity – courts always act only in conformity with the law.

At the same time the Saeima in its written reply affirms that "the courts do not always apply the special norm incorporated in the Advokatūra Law and persons, who did not meet the specific requirements of the norm, have been allowed to act as representatives of natural persons".

The Saeima concludes that the challenged legal norm shall not be regarded as an innovation; it is only approximated to the Advokatūra Law.

Secondly, the limitation has been determined by law and its legitimate aim is to guarantee efficient representation and the possibility of receiving professional legal assistance, if such is necessary, to every

person. The legislator has wanted to guarantee that in a civil procedure only the advocates shall render the assistance, at the same time maintaining the possibility of certain persons acting as the representatives of a natural person in the civil procedure. The range of representatives follows from the essence of the authorization contract. In compliance with Article 2289 of the Civil Law the authorization contract is a gratuitous transaction. Thus a fair process of the case is ensured as additional payment for it is not received. From the fact that the authorization is a gratuitous transaction follows that the law does not envisage the right of asking remuneration from the loser's party, who has the authorized representative, for costs, connected with the case. As concerns the advocates, Article 44 of CPL determines such remuneration.

Sworn advocates are considered to be the adequate persons for rendering professional legal assistance in the civil procedure, as in accordance with the norms of the Law "On Regulated Professions and the Recognition of the Vocational Qualification" "advocate" is a regulated profession of lawyers. The purpose of this law is to ensure the compliance of professional activity with the particular quality requirements and criteria, to protect individual, publicly important professions against unskilled persons being engaged in them.

The Saeima holds that the challenged norm is proportionate as its objective is to ensure efficient implementation of the right to a fair court. By envisaging that a physical entity may be represented by other persons as well, it is ensured that the number of cases adjourned for the reason of nonappearance of a party at court will decrease and the court will receive the most complete and the most reliable information on the actual circumstances of the case even if the particular person will not participate in the proceedings.

5. When preparing the case for review statements from the Republic of Latvia Supreme Court (henceforth – the Supreme Court) and the Human Rights Institute of the Latvia University Faculty of Law (henceforth – the Human Rights Institute) were received.

The Supreme Court points out that up to March 1, 1999 the requirements of Section 44 (Item 5) of CPC and up to January 1, 2003 the requirements of Section 83 (Item 4) of CPL were interpreted very widely – as the privilege of the court to take the decision whether to allow or not to allow a natural person (who is not an advocate) to act as the representative on the basis of the authorization, i.e., the specific norm of the Advokatūra Law was not applied. Usually the refusal to allow the person to act as the representative was motivated by the circumstance that the representative was not qualified enough.

The Supreme Court in its statement pays attention to the fact that as regards "the persons, who actually manage the property on the basis of the authorization contract" need to have not only the authorization but also to prove that they have performed activities, connected with management of the property.

The Supreme Court stresses that Amendments to the Civil Procedure Law, which took effect on January 1, 2003 (Section 83, Item 4) eliminated differences between Article 5 of the Advokatūra Law and the Civil Procedure Law.

The Human Rights Institute expresses the viewpoint that the challenged norm consolidates the role of the advocate in the civil procedure as it narrows the range of those persons, who – in an addition to the advocates – may be the representatives in the civil procedure.

The Human Rights Institute holds that the state has a legitimate interest (objective) to ensure that the person receives a qualitative legal assistance, thus the state may advance the requirement for the representatives of a person to have juridical qualification. However, the above requirement may not deny the person its right to access to a fair court, which is enshrined in Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms (henceforth – the Convention) in the norm on the right to a fair court.

At the same time it is pointed out that the challenged norm does not reach its aim – rendering of a qualified legal assistance, as it allows that the person is represented by another person without the corresponding qualification, at the same time excluding the possibility of receiving qualified assistance elsewhere- outside of the range of sworn advocates. In its turn for the person, who has no close relatives, the only alternative is making use of the services of the advocate.

The Human Rights Institute holds: as the challenged legal norm gives the possibility of choosing a representative, who on the basis of the authorized contract manages the property of the person and thus avoid the strict requirement of CPL, yet it may favour malevolence on the side of *ad hoc* "managers of the property".

The Human Rights Institute expresses the viewpoint that the challenged legal norm is defined in such a way that the person is obliged to make use of the services of the advocate, which in itself is not at variance with Article 6 of the Convention or Article 92 of the Satversme, but only in case if the state ensures that the above norm will never become an obstacle to accessibility to court. In the

statement the Institute concludes that there shall exist such a system in the case as regards rendering legal assistance in civil matters that allows the persons, who are not able to pay for the services of the advocate to still receive it – both in cases, when the legislative acts include the requirement for an advocate and in cases, when the above requirement formally does not exist but the case is too complicated and the advocate is needed.

The concluding part

1. The first sentence of Article 92 of the Satversme establishes that "everyone has the right to defend their rights and lawful interests in a fair court". This norm complies with the right to a fair court determined in Article 10 of the UNO Universal Declaration of Human Rights, Article 6 of the Convention and Article 14 of the International Covenant on Civil and Political Rights.

Article 89 of the Satversme in its turn determines that "the State shall recognize and protect fundamental human rights in accordance with this Constitution, laws and international agreements binding upon Latvia". Thus in cases, if there is doubt about the contents of the legal norms on human rights, which are incorporated in the Satversme, they shall be interpreted in compliance with the norms used in the practice of approximation of international human rights (*see the Constitutional Court August 30, 2000 Judgment in case No. 2000-03-01; October 22, 2002 Judgment in case No. 2002-04-03 and June 27, 2003 Judgment in case No. 2003-04-01*).

Article 14 of the International Covenant on Civil and Political Rights envisages that "in the determination of (...) his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law". Article 6 of the Convention *inter alia* determines that "in the determination of his civil rights and obligations (...) everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law".

The European Court of Human Rights (henceforth – ECHR) has established that the Convention has not directly formulated the right of everyone to appeal at the court. However this right follows from the first part of Article 6 of the Convention as it would be absurd to include the fundamental requirements for the process of review of a fair court, without envisaging the right to

appeal to the Court (*see ECHR February 21, 1975 Judgment in case Golder v. the United Kingdom*).

Thus the right to a fair court means also a free access to the court. Besides, in cases, when the person because of a certain reason cannot appeal to the court then free access to the court means also the possibility of addressing the court with the assistance of a representative . **When protecting one's rights and legitimate interests at the court, the person experiences the right of choosing his/her representative.**

2. Section 82 of the CPL determines the right to representation in the civil procedure. In compliance with the first part of the above Section, natural persons may conduct matters in court personally or through their authorized representatives. Thus the Law envisages the possibility for the person to choose the way of implementation of the procedural rights.

The following conclusions have been expressed in the legal science of the civil process,

- a) representation is acting of one person, as envisaged in laws, statutes or contracts, in the interests of another person, which it carries out in the name of the person and which creates legal consequences to the person (*see the Commentary to the Civil Procedure Law, the supplemented edition, edited by Prof. K.Torgāns and M.Dudelis. R.: The Agency of the Lawyers' House, 2001, p. 98*). Thus "when represented the plaintiff does not withdraw from the procedure, but he/she is replaced by the other person" (*see Bukovskis V. The Textbook on the Civil Procedure – Riga: published by the author in 1933, p. 267*);
- b) representation in the civil procedure is such a procedural legal relation, in which one person (the representative) in the limits of the authorization carries out procedural activities of the other person (the represented person) in the court or helps the represented person to conduct matters in court (*see Rozenbergs J., Briģis I. The Soviet Civil Procedural Rights.- Zvaigzne, 1978,p.79*).

In accordance with Section 83 of CPL the following may also act as the authorized representatives of a natural person in the civil procedure: one of the procedural co-participants, assigned by the other co-participant and the advocates. Thus the norms of Section 83 of CPL restrict

the right of the person to freely choose the representative in a civil procedure.

Well-grounded is the viewpoint, expressed in the Saeima written reply, that the main objective of the authorized representative in the civil procedure is to represent (replace) the person, who has authorized him/her, in court and to ensure that the court receives the most complete information about the actual circumstances of the case, as the court takes the decision in a civil procedure on the basis of the actual circumstances of the case and their compliance with the legal norms in effect.

At the same time the representative in a civil procedure may not only replace the natural person but participate in the court procedure together with him/her. He/she shall not only conduct certain procedural activities in the name and interests of the represented person, but also render qualified procedural assistance during the process of the review of the case.

In conformity with the law the authorization to act as a representative in court gives to the representative the right of performing all the procedural activities, except those that require a special authorization (Section 86 of CPL). Both – the law and the person represented determine the authorization in the civil procedure.

Thus all the persons, mentioned in Section 83 of CPL, perform the function of the representative – represent (replace) the person in court and perform all the procedural functions in the name of the person represented.

In its turn the fourth part of CPL Section 82 determines that "(...) the participation by participants in the civil matters does not deprive them of the right to retain an advocate to provide legal assistance". It means that the presence of the advocate is not obligatory, but it is the right of the party to retain an advocate, if it wishes to receive a qualified legal assistance. If the person has asked the advocate to render legal assistance in the matter, then the advocate experiences all the procedural rights of the representative, with an exception of giving explanations on the essence of the matter. In this case the

advocate is not the representative of the case, but only the person rendering legal assistance.

When analyzing the challenged norm one may conclude that it does not envisage that the duty of the representative is to render legal assistance, the above is just the right of the representative if he/she may ensure the legal assistance. Thus, in accordance with the normative regulation, only the advocates have the duty of rendering legal assistance in the civil procedure (part two of Section 82 of CPL).

The statement of the Saeima that the challenged norm approximates the Civil Procedure Law with the Advokatūra Law shall be evaluated critically. The norms of Article 5 of the Advokatūra Law should be historically and systemically assessed. Article 1 of the Advokatūra Law determines that this Law regulates the professional and corporative activities of the advocates. The objective of the Advokatūra Law is not to regulate the civil procedure. When we look at the issue historically then we see that the Advokatūra Law was adopted at the time (on April 27, 1993) when the transition from the Soviet legal system to the Western legal system was just started. CPL was not adopted at that time. Therefore explainable is the fact that the Advokatūra Law side by side with its direct duty – to regulate the professional and corporative activities of the advocates – in certain issues regulates also the right of the participants in the matter to representation. Besides Section 83 (Item 7) of CPL determines that persons to whom the right of representation has been granted by other laws may also act as the representatives. Thus ungrounded is the will of the legislator to approximate CPL with the corresponding norm of the Advokatūra Law. Even more – when passing the CPL, the Saeima in its Section 2 has determined that ” Civil matters shall be adjudged by courts in accordance with the procedures prescribed by this Law and the Law On Judicial Power”.

3. The Constitutional Court has concluded that the right to a fair court is not absolute and may be limited. In several of its Judgments (*see e.g. October 6, 2003 Judgment in case No. 2003-08-01; June 27, 2003 Judgment in case No.2003-04-01; April 23, 2003 Judgment in case No. 2002-20-0103 and November 26, 2002 Judgment in case No. 2002-09-01*) the Constitutional Court

has concluded that under certain circumstances the State experiences the right of limiting the right to a fair court, guaranteed in the Satversme. The fundamental rights may be subject to restrictions in cases, determined in the Satversme: in order to protect significant public interests and if the principle of proportionality is observed. Thus the court has to assess whether the restriction to the right of a fair court complies with the following requirements:

- a) whether it has been determined by the law;
 - b) whether it is in conformity with the legitimate aim, which the state wants to reach when establishing the restriction;
 - c) whether there are not other means, which limit the right of the person in a lesser way;
 - d) Whether it complies with the principle of proportionality.
4. As the challenged norm has been determined by the law, passed and proclaimed under the established procedure then there is no doubt about the fact that the restriction of the fundamental law has been determined by the law.
 5. The Saeima points out that the restrictions, incorporated in the challenged norm have the aim of ensuring efficient representation of persons in the civil procedure and qualitative (qualified) rendering of legal assistance, if such is needed.

The challenged norm shall not be connected with rendering legal assistance. It is regulated by Section 82 (Item 4) of the CPL. The challenged norm is directed to representation as such and it limits the right of persons to choose their representative in the civil procedure.

Thus the legitimate aim of the challenged norm is to ensure efficient representation in court.

To assess, whether the challenged norm reaches this aim, one has to clarify whether the means, chosen by the legislator are suitable for reaching the legitimate aim.

The Saeima holds that the range of representatives, determined by the challenged norm, follows from the essence of the authorization contract: in compliance with Article 2289 of the Civil Law (henceforth – CL) the authorization contract is a gratuitous deal. Thus to their mind it helps in guaranteeing that the matter is fairly conducted and for it no additional remuneration is received (as the person on the one hand has the duty of helping his/her close relatives

without receiving remuneration for it and on the other hand – the duty of favoring a good outcome in the matter of his/her relative, as in certain cases the representative himself may feel unfavorable financial after-effects – the duty of a provider, decreasing of the potential inheritance etc.). Spouses and the closest relatives as well as the person, who manages the property of the person represented, enjoy the confidence of the person, and just the above persons have the most complete information on the actual circumstances of the case. The Saeima holds that the above allows them to implement the right of the participant in the case to give explanations on the essence of the case and conduct other procedural rights.

However Article 2289 of the CL does not limit the range of persons, who may be the authorized persons, it only establishes that one party of the authorization contract is the authorized person or the person, taking an assignment upon himself/herself, but the other party – the person, who gives the authorization or the authorizer. Thus any person with the capacity to act may be the authorized person. Therefore there is no reason to hold that the range of persons, included in the challenged norm follows from the essence of the authorization contract.

Besides, the gratuitous nature of the contract does not mean that the persons, concluding it, cannot reach an agreement on remuneration. The authorization contract envisaging remuneration is widely used in practice. "For the comparison we can mention the commission contract in the Roman Laws, which complies with the authorization contract in the CL and was considered to be a gratuitous contract, however, the authorizer was allowed to pay a fee for the services of the authorized person" (*see: A Commentary to the Republic of Latvia Civil Law: Part Four. Obligations Law. Several authors under the scientific editorship of professor K.Torgāns. R.: My Property, 1998, p. 575*). Thus the person represented may envisage remuneration to his/her representative for the accomplished task.

Authorization contract serves as the widespread basis for representation in the civil procedure. Civil representation differs from the civil procedure representation. The difference lies in the objective and tasks of the authorization. The objective of the civil representation lies in complete replacing the person represented, but the task or duty – to establish, change or terminate civil relations. In its turn in the case of representation in the civil procedure, the persons may conduct the matters in court themselves or through the representative, thus the aim of this kind of representation is to protect the interests of the person represented in court, to help in

implementation of the procedural rights and duties, as well as conduct the needed procedural activities.

Besides, in cases when the participant in the case has no possibility of conducting the matter with the help of the representative, e.g., if he/she has no close relatives, no manager of property or if he/she does not trust them, there is the possibility of requesting the advocate to do it (Section 83, Item 1, CPL). The Constitutional Court has already previously concluded that the ability of an advocate to ensure a qualified legal representation and rendering legal assistance are presumed. Several requirements have been determined by law for the right to occupy the post in the above profession: the higher legal education, working experience established by law, the necessity of taking examinations etc. The Institute of Advokatūra is of great importance in the process of ensuring a qualified legal representation, as the advocate is not only the representative, whose duty is to replace the party in court and reach the aim, determined by the authorizer, besides he/she is at the same time the defender of the rights, When taking the oath, the advocate becomes a person, belonging to the judicial system and undertakes the obligation of protecting the rights of persons in court for the public welfare and in their name (*see the Constitutional Court June 27, 2003 Judgment in case No.2003-04-01*).

Thus the means chosen by the legislator in aggregate are approximated for reaching the legitimate aim, however they create vital restrictions for several persons in implementation of their procedural rights.

6. Besides the Court has to assess whether the legitimate aim i.e. allowing a limited range of persons to represent a natural person in a civil procedure, determined by the legislator, cannot be reached by means, which restrict the rights of a person in a lesser degree.

The courts of general jurisdiction of the first and second instance review cases on their merit, therefore it is very important to ensure and protect the interests of the parties – to settle disputes as quickly as possible and in the most possible qualitative way. By limiting the choice of the representative the participants in the case are prevented to implement their rights, as they may retain only the advocate. In its turn the necessity of choosing the advocate as well as the remuneration established for his/her services inhibits the access to court for a person.

The Constitutional Court holds that there are other, more sparing means for reaching the legitimate aim. For example, other relatives and close persons could act as representatives at the civil procedure.

The person shall be allowed as much as it is possible to freely choose his/her representative, inter alia, also the advocate (*see the Constitutional Court June 27, 2003 Judgment in case No. 2003 – 04 – 01*).

As concerns the representation in a civil process by an advocate, the Constitutional Court has already pointed out that judges and procurators (in cases envisaged by law) are able to conduct court proceedings as well as advocates, so can doctors of juridical sciences, specific non-governmental or state - financed institutions, which render legal services, as well as persons who have higher juridical education and who have passed the examination, which attests their skills and abilities (*see the Constitutional Court June 27, 2003 Judgment in case No. 2003-04-01*). In several states in addition to advocates, close relatives and procedural co-participants, other persons with legal knowledge may act as representatives in civil procedure [*see Article 85(Item 7 of the first part) of the Estonia April 22, 1998 Civil Procedure Code, www.legaltext.ee, 22.10.2003*]. In its turn in Latvia up to 1940 in accordance with the Civil Procedure Law the following could act as the representative in the civil procedure: 1) sworn advocates and their assistants; 2) close relatives: spouses, parents, children of the litigant; 3) persons who have a common litigation, authorized managers of the property of the litigant and 4) all the other persons in magistrate's court but not more than three time a year.

To ensure maximum free access of persons to courts, the natural persons shall be given the possibility of choosing an adequate representative. In that way the person, when choosing his/her representative in the civil procedure, would have to motivate his/her choice and the courts would take the decision on allowing the representative to act. In cases, when the court has come to the conclusion that the representative is invited not to represent the participant in the matter but just to mask by the representation the legal assistance unconformable with the law, the court shall have the right of not allowing the person to act as the representative.

Similar practice in the civil procedure existed up to January 1, 2003, when the challenged norm was amended. The courts

interpreted the CPL norm of Section 83 (Item 4): "persons whom the court, which reviews the case, has allowed to act as the representative of the natural person may act as the representative in the civil procedure" widely and not by approximating it to the Advokatūra Law. Thus the person's right to address the court through the representative chosen by him/her was ensured (*see materials in case, p.240*).

Besides, it is pointed out in the Administrative Process Law (henceforth – APL), which determines the procedure of reviewing an administrative case in court, that "any natural or legal person, who is mentally capable may act as the representative in court, with an exception of the cases envisaged in Articles 36 and 37 of this law". At the moment matters, which arise from administrative relations are reviewed in court in conformity under the general requirements of the CPL and the requirements of Chapters 22-25 of the CPC. In its turn the representation in these matters is determined by the CPL, thus, only a limited range of persons may act as representatives in the above matters. However, when the APL takes effect, any person, who is mentally capable, will be able to act as a representative. When adopting the APL the legislator has determined that the main criterion for allowing the person to act as a representative is mental capacity.

Thus the right to free access to court may be restricted but – to ensure a more efficient representation in the civil procedure - it shall be done by using more considerate means.

Thus – the restrictions, determined by the legislator, are not proportionate as the representation in court is not accessible to all persons, therefore the challenged norm does not allow making use of the right to a fair court.

7. When determining the moment at which the challenged norm loses its validity, the court takes into consideration that –when reviewing a certain case and resolving the issue on the chosen by the person representative in the civil procedure, the courts of general jurisdiction on the basis of Section 84 of the CPL and the conclusions expressed above may directly apply Article 92 of the Satversme.

The substantive part

On the basis of Articles 30-32 the constitutional court **hereby rules:**

To declare Section 83 (Item 4) of the Civil Procedure Law as **unconformable** with Article 92 of the Republic of Latvia Satversme and null and void as of the day of publishing the Judgment.

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