



**Seminar organized by the Supreme Court of Ireland and
ACA-Europe**

**How our courts decide: The decision-making processes
of Supreme Administrative Courts**

Dublin, 25 – 26 March 2019

Answers to questionnaire: Latvia



Seminar co-funded by the «Justice » program of the European Union

ACA Seminar
How our Courts Decide: the Decision-making Processes
of Supreme Administrative Courts
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Supreme Court of Ireland

Questionnaire

I. Introduction

1.1 The seminar will focus on the process followed by our national Supreme Administrative Courts in reaching their decisions. Each court will have its own formal rules, whether provided for in substantive law or in the internal rules or formal procedures of the court. Furthermore, each legal system will have its own culture and traditions which will inform the way in which the decision making process progresses.

1.2 The purpose of this questionnaire and the seminar which will follow is to provide a greater understanding of both the similarities and differences which exist between the decision making process in the respective Supreme Administrative Courts. It is hoped that this will provide useful information both for comparative purposes but also to give each Supreme Administrative Court a better understanding of the process which may have led to decisions of the courts of other EU member states.

1.3 The Dublin seminar on the 25th and the 26th March 2019 for which this preparatory questionnaire is being distributed is envisaged as a sister seminar to that which will be organised by our German colleagues in conjunction with the General Assembly of the 12th to the 14th May 2019 in Berlin. While there may be some small and unavoidable overlap between the issues raised it is intended that the Dublin Seminar will focus on the decision making process of the court whereas the Berlin Seminar will focus on access to the Supreme Court and its functions including, for example, the question of whether ‘filters’ are provided for in administrative procedural law.

1.4 Further, while this project is independent of the ACA-Europe transversal analysis project on ‘The Quality of Judgments’, there will be an inevitable link between certain elements of the questionnaire formulated for that project and aspects of this questionnaire.

1.5 Please note that when answering the questions in this questionnaire it is not (with the exception of the statistical questions regarding caseload under Part C) necessary to consider proceedings which lead to the making of provisional orders.

1.6 In addition, in the event that your institution undertakes legislative functions such as providing advice on proposed legislation as well as the function of adjudicating cases in the context of court litigation, it is not necessary to include information pertaining to the legislative functions when responding to the below questions.

II. Questions

A. Background questions in relation to your Supreme Administrative Court/Council of State

1. What is the formal title of your Supreme Administrative Court/Council of State ('institution')? Please provide the name of your institution in your national language and the English translation if possible.

The Department of Administrative Cases of the Senate of the Supreme Court of the Republic of Latvia (or short name: The Department of Administrative Cases) / Latvijas Republikas Augstākās tiesas Senāta Administratīvo lietu departaments (or short name: Administratīvo lietu departaments).

2. What country/jurisdiction does your institution serve?

Latvia

3. Where is your institution based (i.e. its seat)?

**Riga, Latvia
36 Brivibas boulevard**

4. Please provide a link to your institution's website (if available), including a link to the English or French version or pages of the website if available.

Latvian: <http://www.at.gov.lv/lv>

English: <http://www.at.gov.lv/en>

B. The Structure of your Supreme Administrative Court/Council of State

5. Please provide an outline of:

- (a) The main functions of your institution (e.g. a first and last instance court, court of cassation or court of appeal);
- (b) The nature of your institution (e.g. a Supreme Administrative Court or a Supreme Court with jurisdiction in other areas of law); and
- (c) Its place within the overall court structure in your country/jurisdiction.

The Supreme Court consists of three departments (chambers): the Department of Administrative Cases, the Department of Civil Cases and the Department of Criminal Cases. The Department of Administrative Cases is the cassation instance in administrative cases.

The Supreme Court is an independent judicial authority that exists in the Republic of Latvia alongside legislative and executive authority. In the three-instance court system of Latvia, the Supreme Court is the third, or the highest level court, which adjudicates cases at the cassation instance. The basis of Supreme Court authority is laid down in the Constitution of the Republic of Latvia. Articles included in Chapter 6 of the Constitution entitled “Courts” state that in Latvia, court cases shall be heard by district (city) courts, regional courts and the Supreme Court; judges shall be independent and subject only to the law; judges shall be confirmed in the office by the Saeima (the Parliament) and they shall be irremovable. The establishment, structure and competence of the Supreme Court is set out in the law “On Judicial Power”.

The basic functions of the Supreme Court (including Department of Administrative Cases) is the administration of justice at cassation instance, creation of uniform jurisprudence and development of legal thought as well as informing and legal educating of society. Thus, functions of the Supreme Court include the unification of the case law, further development of the law, the deliverance of a single case justice as well as care for adherence to procedural rules of lower courts.

The Department of Administrative Cases is a first instance court in specific cases prescribed by law, for example, cases concerning parliament election results as well as cases concerning decisions of inclusion of foreigners into the list of persona non grata. However, the number of such cases is minor, under 1% (around 0,5%). In such exceptional type of cases, the Court is the court of full jurisdiction – it reviews questions of law as well as questions of fact.

C. Caseload

6. How many judges¹ serve on your institution?

There are 10 judges in the Department of Administrative Cases. In total, in the Supreme Court, as from 2017, the number of the Supreme Court judges approved by the parliament is 36.

7. How many cases² are brought to your institution per year on average?

In average there are around 1000 cases per year in the Department of Administrative Cases.

8. How many cases does your institution dispose of³ per year on average?

¹ Please include figures concerning judges only and not the number of Advocates General (which will be dealt with under question 11) or judicial assistants/clerks/researchers (which will be dealt with under question 13).

² In this question ‘cases’ means the average number of incoming cases per year, whether litigious (in which the judge(s) decides a dispute) or non-litigious (where a case in which there is no dispute is brought before the Supreme Administrative Court) and in all categories of cases if your Supreme Administrative Court does not deal solely with administrative law cases (for example, civil and commercial law, criminal law etc). It refers to both cases decided in writing and by oral hearing. It includes applications submitted to a Supreme Administrative Court before any filtering process is undertaken if such a mechanism exists.

In 2017, 1753 cases were pending before the Department of Administrative Cases (balance from the previous year, plus the number of cases received). The Court managed to review 89% (number of cases reviewed contre the number of cases received), thus finishing 884 cases.

D. Internal organisation of the Supreme Administrative Court

9. Does your institution have chambers/divisions?

As it was mentioned (Q. B. 5.), The Supreme Court consists of three departments (chambers): the Department of Administrative Cases, the Department of Civil Cases and the Department of Criminal Cases. However, in the Department of Administrative Cases there are not separate chambers/divisions.

10. If yes, provide the following details:

- a. How many chambers/divisions?
- b. How many judges serve in each chamber/division?
- c. The nature of particular areas of specialisation in your Supreme Administrative Court by chamber or otherwise (if any) (e.g. commercial division, environmental division etc.).
- d. Do judges move between chambers/divisions? If yes, how is such movement determined?
- e. Is it possible for a judge to be assigned to more than one Chamber at a time?
- f. Are there different levels of chambers, for example, an ‘ordinary chamber’ and Constitutional Review Chamber?
- g. How many judges are usually assigned to consider and decide an average case?
- h. Does the number of judges assigned to decide cases vary? If yes:
 - (i) Based on what rules or factors?
 - (ii) Who decides how many judges are assigned to consider and decide a particular case?
- i. Is there a procedure for certain cases to be elevated to a grand chamber or plenary session? If yes, how is this decided and how many judges decide?
- j. Are judges assigned certain additional roles (e.g., rapporteur, case manager, other specific responsibilities etc.) relating to a particular case?
If yes, specify the additional roles and explain how these roles are assigned.

³ Please indicate the average number of cases that come to an end in your Supreme Administrative Court each year either through a judgment or any other decision that ends the procedure, whether it has been considered in writing or by oral hearing.

k. How significant is the role of the Chief Judge or President of the court in determining:

- (i) The assignment of cases to chambers or panels of judges;
- (ii) The number of judges assigned to consider and decide a particular case;
- (iii) The assignment of certain additional roles to judges (see (f) above);
- (iv) Any other matters you consider relevant in this context. For example, are there any other special panels, General Assemblies or bodies of judges to which cases are assigned.

As it was mentioned (Q. D. 9.), there is no separate chambers/divisions of the Department of Administrative Cases. However, every judge has its own specialisation, for example, specialisation in competition law, public procurement, child protection, social security, construction, human rights etc. See more here: <http://www.at.gov.lv/en/tiesvediba/lietu-sadales-kartiba/administrativo-lietu-departaments> .

According to the Article 339 of the Administrative Procedure Law at cassation instance a case is adjudicated by three judges but in cases prescribed by the law - at a plenary sitting of the Department of Administrative Cases. The plenary sitting procedure is further explained by the Article 346 of the Administrative Procedure Law. It stipulates that if in a case being adjudicated by a panel of three judges, the court does not reach a unanimous opinion, or all judges consider that the case should be adjudicated in a plenary sitting of the Department of Administrative Cases, the court takes a decision to refer the case for it to be adjudicated in a plenary sitting of the Department of Administrative Cases. In a plenary sitting a judgment is rendered by a majority vote of judges. The judgment is signed by all judges. Plenary sitting consist of all 10 judges of the department.

As for the roles of judges relating to a particular case, only a judge rapporteur who is responsible for the case is distinguished. All the rest of judges have equal role in a particular case.

The Chair of the Department of Administrative Cases is responsible for assignment of cases to judges. Generally, the distribution of cases is performed according to the alphabetical list of surnames of judges, observing specialization of judges. The Chair of the Department of Administrative Cases may step back from the basic principle of distribution of cases in following cases: 1) Due to excessive work load or insufficient work load of the judge; 2) In order to provide a reasonable time period required for adjudication of cases; 3) When distributing non-reviewed case, if a judge terminates judicial office; 4) If there are circumstances which may serve as grounds for recusal or removal of a judge (Article 117 of the Administrative Procedure Law); 5) If the assistant to the reporting judge is in close degree of kinship with a participant of the proceedings, or if there exist circumstances which could cause doubts about impartiality.

The number of judges assigned to consider and decide a particular case is stipulated by the law, there is no assignment of certain additional roles to judges.

11. Does the position of Advocate General exist in your legal system? If yes, please indicate:

- (i) The number of Advocates General or equivalent members of your institution;
- (ii) The function of the Advocate General in the context of your institution; and
- (ii) The extent to which the Advocate General participates in proceedings before your institution.

There is no position of Advocate General in our legal system.

E. Research and Administrative Assistance

12. What level of research and/or administrative assistance is available to your institution?

In the Department of Administrative Cases, every judge has at least one Judge's Assistant and there are 4 Legal Research Counsels who are senior advisers to judges. Every Legal Research Counsel has his or her own specialisation, for example, child protection, human rights, public procurement. Additionally, there are 3 Legal Research Counsels in the Division of Case-law and Research who provide judges with an advice concerning EU law and human rights.

As well, there is the Human Resources Division, the Finance Division, the Communication Division, the Document Administration Division and the Chancery.

13. How many officials provide legal research support to your institution?

As it was mentioned (Q.E.12), in total 7 Legal Research Counsels are available to judges of the Department of Administrative Cases.

14. Do officials which provide legal research assistance to your institution also provide administrative assistance?

Generally, Legal Research Counsels provide judges with an advice and represent the Court in other state institutions. However, it is often that Legal Research Counsels draft judgments, assist judges and provide some administrative assistance.

15. Are research and administrative supports pooled (i.e. shared between judges) or assigned individually to judges or is there both a pool and some researchers assigned to individual judges? Please explain.

Judge's Assistants usually are assigned to individual judges, Legal Research Counsels as senior advisers are assigned to specific cases which correspond to their field of specialisation.

16. If research and administrative support is assigned individually to judges, is there also a research and documentation or equivalent department which provides additional pooled research support?

As it was mentioned before (Q.E.12), additionally, there are 3 Legal Research Counsels in separate Division of Case-law and Research who provide judges with an advice concerning EU law and human rights. If judges have any challenges, they can freely contact these senior advisers and they provide either written or oral opinion which is based on research work.

17. To what extent, if at all, do assistants/*réferendaires* provide support to judges in your institution as regards specifically:

- (a) Preparation of pre-hearing documents, such as a memorandum to assist the judge prior to the hearing of a case;
- (b) Undertaking legal research to assist a judge to make a decision in a case;
- (c) Discussing aspects of a case with a judge orally or in writing;
- (d) Consideration and evaluation of the relevant law;
- (e) Undertaking comparative law analysis;
- (f) Drafting sections of judgments;
- (g) Putting forward a suggested or preliminary decision for judge(s) to consider;
- (h) Any other element that you consider is relevant in this context.

All aspects mentioned in the list above are covered by assistants/*réferendaires*. The cooperation between judges and their assistants depend on the experience, qualification and specialisation of the respective assistant or senior adviser, id est., more experienced the assistant is, more difficult tasks he or she is assigned. Additionally, senior advisers of the Supreme Court represent the court in other state institutions, for example, legislator, and are often involved in judicial training of judges.

F. Oral hearings

18. Is there an oral hearing in all cases?

In the Department of Administrative Cases, the general principle is that appeals and cases are reviewed in written. If it is necessary, an oral hearing can be held, however, it happens rarely since almost all cases are decided in written.

19. If there is not an oral hearing in all cases:

- (a) What percentage of cases typically involves an oral hearing?
- (b) On what basis (formal rules or informal determinations) is it determined which cases will have an oral hearing?
- (c) Can parties to a case request an oral hearing? If yes, what is the significance or consequence of such a request?

In the Department of Administrative Cases, generally, only 1% of cases will be decided in oral hearings. An oral hearing is exception. It is a discretion of judge whether an oral hearing should be held. Usually, oral hearings are initiated if the case is considered to be very difficult or there is a public interest to hold particular case in oral hearing. Parties to a case can request an oral hearing, however, it is judge's discretion whether an oral hearing should be held.

20. Does deliberation take place between the judges before the oral hearing? If so, is this the practice in all cases or in some cases?

If there is an oral hearings, officially deliberation take place between the judges after the oral hearing. However, the oral hearings are such an exception and involves such a challenging questions of law that judges usually discuss the case before the hearing as well and are very informed on the matter.

21. Are time limits imposed on parties making oral submissions before your institution?

According to the Article 345 of the Administrative Procedure Law, panel of judges in the beginning of proceedings can state / determine the length of oral submissions. However, the length of oral submissions have to be equal to all the parties.

22. Are parties permitted to address the Court for an uninterrupted period of time? If so, for how long?

It is not prescribed by the law, however, as it was mentioned (Q.F.21.), panel of judges can state / determine the length of oral submissions, but the length of oral submissions have to be equal to all the parties.

23. Is discussion in the oral hearing confined to matters set out in the statements or written submissions of the parties or may it involve broader legal discussion between the lawyers/a party and the Court?

The Article 294 of the Administrative Procedure Law (in relation to the court of appeal) states that the subject-matter or the basis of a claim may not be amended and new claims, which were not submitted in the court of first instance, may not be included in an appellate complaint. However, the following is not considered to be new claims: 1) refinement of a claim; 2) correction of manifest errors in an application; 3) a claim for compensation for the value of property in connection with alienation or loss of the property claimed or changes in what it consists of; 4) within the limits of the total amount of claims, amendments to the components of such amount; and 5) a claim that altering of rights be recognised, with respect to a claim for restoration of infringed rights, as a result of changes in circumstances during the course of the matter. Thus, given that there are limitations as to change of subject-matter or the basis of a claim at the level of the court of appeal, it is obvious that such changes would not be permitted in the Department of Administrative Cases as well.

However, as for discussion in the oral hearing, there is no strict limitations to oral hearing being confined to matters set out in the statements or written submissions to the Department of Administrative Cases, thus, oral hearing may involve reasonably broader legal discussion between a party and the Department of Administrative Cases.

24. Are parties permitted to file further written submissions following an oral hearing?

Generally, parties are not permitted to file further written submissions following an oral hearing. Nonetheless, if something extraordinary happens or extraordinary evidences appear which can affect the adjudication, the court will take it into consideration and will resume the adjudicating of the matter on the merits. But such events would be exceptional. The Article 244 of the Administrative Procedure Law stipulates that if during court deliberations the court finds it necessary to determine new facts of significance to the matter or to additionally examine the existing or new evidence, it shall resume the adjudicating of the matter on the merits. In that case the court sitting shall continue in accordance with the procedures set out in the Administrative Procedure Law.

25. Is it possible for a judge to be excluded from proceedings based on a legal opinion expressed during an oral hearing giving rise to the perception of bias?

According to the Article 117 of the Administrative Procedure Law a judge is not entitled to participate in the adjudicating of a matter if the judge:

- 1) in previous adjudicating of the matter has participated in the proceedings as a participant in the administrative proceeding, witness, expert, interpreter or registrar of the court sitting;**
- 2) is in kinship relations up to the third degree, or in affinity relations up to the second degree, with any participant in the administrative proceeding;**
- 3) is in kinship relations up to the third degree, or affinity relations up to the second degree, with any judge who is in the panel of the court adjudicating the matter; or**
- 4) has a direct or indirect personal interest in the outcome of the matter, or if there are other circumstances that cause well-founded doubt as to his or her impartiality.**

If the circumstances mentioned above are present, the judge shall stand down prior to the commencement of the adjudicating of the matter. However, if a judge discovers the circumstances mentioned above in the course of the adjudicating of the matter, the

judge shall stand down, stating the reasons for his or her standing down. In such case, the court shall adjourn the adjudicating of the matter. Thus, according to the law, if a judge expresses an opinion during an oral hearing giving rise to the perception of bias and thus as to his or her impartiality, the judge can be excluded from proceedings. However, the question of this matter (if doubts are well-founded) will be assessed by other judges as well.

Additionally, it should be stressed that in Latvia administrative judges have to be open and transparent towards parties. Judges can express their legal opinion that some of arguments of parties are not enough or well founded and that parties should bring supplementary evidence. However, the openness and transparency have to be balanced with the principle impartiality; an ability to find the balance is the art of being skilful and efficient judge and adjudicator.

G. Written submissions of parties

26. What is the usual length and level of detail of written submissions of parties provided to your institution? Please indicate the approximate number of pages (1.5 line spacing) of a ‘typical’ written submission

- | | |
|-------------|-------------------------------------|
| 0 – 5 pages | <input type="checkbox"/> |
| 5-10 pages | <input checked="" type="checkbox"/> |
| 10-20 pages | <input type="checkbox"/> |
| 20-30 pages | <input type="checkbox"/> |
| 30-40 pages | <input type="checkbox"/> |
| 40-50 pages | <input type="checkbox"/> |
| 50+ pages | <input type="checkbox"/> |

20. Is there a maximum length for written submissions filed by parties in a case? If yes, please provide details.

The law does not state a maximum length for written submissions filed by parties in a case. However, the Administrative Procedure Law stipulates that if a written submission is very lengthy, the judge is entitled to request the party a short summary of his or her written submissions.

H. Consideration of the case

21. Can your institution raise points of law of its own motion (i.e. ex officio) or is it limited to the points raised by the parties to the case?

The Department of Administrative Cases can raise points of law of its own motion. However, usually in such a case it will be considered that the lower court has not applied the norm of substantive law as should have been applied or has applied a norm of substantive law which should not have been applied. Therefore, the judgment of lower instance most probably will be set aside and sent back for adjudication of matter de novo.

22. How is discussion, deliberation and decision-making structured in your institution?

In written procedure, the process of communication is rather informal. Usually, judges in their cabinets mutually discuss the appeal (the case). Later a judgment is being drafted by judge referee and sent electronically to other judges who, using MS Word function “track and change” give their commentaries. After reaching unanimous opinion on draft project, the judgment is signed (electronically or printed and signed in written form).

Additionally, once a week there is informal meeting between all 10 judges where they discuss their cases and share their opinion (even if a case is not assigned to a particular judge). Thus, judges share their knowledge and can establish common jurisprudence. Parties are not involved in this process of informal discussion.

23. Does your institution deliberate in a number of different languages? If so, please provide some detail. For example, does your institution have more than one official language?

According to the Article 110 of the Administrative Procedure Law, judicial proceedings shall take place in the official language Latvian. Thus, participants in an administrative proceeding shall submit documents in a foreign language by attaching thereto translations into the official language certified in accordance with the prescribed procedures. However, a court may also allow individual procedural actions in another language, if this is petitioned for by a participant in the administrative proceeding and other participants agree. Minutes of a court sitting and the court adjudication shall be written in the official language Latvian. A court shall ensure the right of a participant in an administrative proceeding who lacks fluency in the official language Latvian, except a representative of a legal person, to become acquainted with the materials of the matter and to participate in procedural actions with the aid of an interpreter. The court in its discretion may also provide an interpreter for a legal person.

24. Are there rules, processes, or conventions about how discussions and votes take place?

If yes, specify the relevant rules etc.

According to the Article 346 of the Administrative Procedure Law, if in a matter being adjudicated by a panel of three judges, the court does not reach a unanimous opinion, or all judges consider that the matter should be adjudicated in a plenary sitting of the Department of Administrative Cases, the court must take a decision to refer the matter for it to be adjudicated in a plenary sitting of the Department of Administrative Cases. In a plenary sitting a judgment must be rendered by a majority vote of judges. The

judgment must be signed by all judges. A judge who had a dissenting opinion is entitled to provide this opinion in written which is added to the case file (dossier).

25. How are preferences for particular outcomes communicated between the judges?

As it was mentioned before (Q.H.22), in written procedure, the process of communication is rather informal. Usually, judges mutually discuss the appeal (the case). Later a judgment is being drafted by judge referee and sent electronically to other judges who, using MS Word function “track and change” give their commentaries. After reaching unanimous opinion on draft project, the judgment is signed (electronically or printed and signed in written form).

26. Where there is an oral hearing, to what extent does the oral hearing (as opposed to written submissions) influence the court’s discussion, deliberation and decision-making?

It depends. Sometimes judges find that the oral hearing was not useful at all and did not provide any useful information, yet sometimes there is an opposite result – an oral hearing turn to be very useful. These are very individual cases, it is not possible to draw an extend of influence.

27. Are there any other procedural rules or conventions that you believe impact significantly on the way in which cases are considered?

No.

I. The decision of the institution

28. Is the decision delivered on behalf of the institution or is it open to each individual judge assigned to the particular case to deliver a separate judgment?

In the Department of Administrative Cases the decision is delivered on behalf of the institution. In case of a plenary sitting, a judgment is rendered by a majority vote of judges, the judgment is signed by all judges. However, in case of a plenary sitting, a judge who had a dissenting opinion is entitled to provide this opinion in written which is further added to the case file.

29. If the decision is delivered on behalf of the institution, does one judge write for the institution? If not, please explain how the judgment of the court is written for your institution. Are there formal rules or informal practice governing this?

Usually, the judge referee in cooperation with his assistant writes the draft judgment. Further a draft judgment is sent electronically to other judges who, using MS Word function “track and change” give their commentaries. After the agreement on the draft project, the judgment is signed (electronically or printed and signed in written form) (Q.H.22). The judgment is signed by all three judges of the panel or, in case of a plenary sitting, by all judges.

In case of a plenary sitting, when a judgment is rendered by a majority vote of judges, it can happen that the judge referee is in minority opinion and thus have to draft the judgment which does not correspond to his own personal opinion, but in fact correspond to the decision of the majority. However, in such a case the judge referee can also render separately his dissenting opinion.

30. How is the court's ruling/reasoning recorded?

See previous answer (Q.H.22), (Q.I.29.).

31. Is there a distinction in your Supreme institution between the Judgment (i.e. reasons) and the Order (i.e. the operative ruling of the court)?

A judgment of the Department of Administrative Cases (a cassation instance court) consist of an introductory part, a descriptive part, a reasoned part and an operative part. In the reasoned part shall be set out: 1) in case of dismissing a cassation complaint - arguments on the basis of which the complaint has been dismissed; and 2) in case of positive result - arguments regarding breaches of law allowed by an appellate court, erroneous application of the norms of law or the exceeding of the limits of competence. In the operative part the Department of Administrative Cases sets out the order of the court.

32. Are there any other distinctions of this nature in the decisions delivered by your institution?

Additionally to the mentioned above (Q.I.31), a judgment of the Department of Administrative Cases (a cassation instance court) consists of an introductory part and a descriptive part.

In the introductory part there is: the name of the court, and the court panel; the date when the judgment is rendered; the participants in the administrative proceeding and the subject-matter of the application; the participant in the administrative procedure who submitted the cassation complaint (cassation cross complaint) or has joined in it; and whether the matter was adjudicated by way of written procedure.

In the descriptive part there is: a brief statement of the facts of the matter; the substance of the judgment of the court of appellate instance; the reasons for the cassation complaint; the reasons for the cross complaint, or the substance of the explanations.

J. Timeframes for the decision-making process

33. How long, on average, between consideration of a case by your institution and the making of a decision? Please indicate the approximate length of time between the introduction of the case into the system of the Supreme Administrative Court (rather than the

time when the case first comes before a judge for consideration) and the final resolution of the case through, for example, the pronouncement of the final decision.

Usually, the case is decided a month after its consideration (consideration of case by a judge and the making of a decision). Average length of review of the case in 2017 – 278 days (introduction of the case into the system of the Department of Administrative Cases and the final resolution of the case).

34. Is there a specific mandatory timeframe for deciding all cases? If yes, please provide details.

Not stipulated precisely by the law, but judges supervise the timeframes so that the principle of reasonable time would not be exceeded.

35. Are there specific mandatory timeframes for particular categories of cases? If yes, please provide details of the categories of cases and the relevant timeframes.

Some sensitive cases like child protection and similar cases are given priority over other cases, but there is no specific mandatory timeframes neither.

Cases concerning the list of those foreigners for whom entry into the Republic of Latvia is prohibited (persona non grata) are exceptional cases where the Department of Administrative Cases adjudicates the case as a first instance court, the case is adjudicated by a collegial composition of the court in oral proceedings. According to the Article 65.1 of the Immigration Law such cases must be adjudicated within two months from the day a decision has been taken to accept the application and to initiate the case.

36. If there are no mandatory timeframes for deciding cases, is there a certain amount of time that it is considered appropriate for the decision-making process to take? If yes, please provide details.

No, there is no certain amount of time that it is considered appropriate for the decision-making process to take. In Latvia, attention is devoted to statistics of the reviewed cases. The Department of Administrative Cases reviews as much cases as it is possible within timeframes of a year. Moreover, cases are very different in terms of their complexity, which in turn affects the average amount of time devoted to a case.

37. If there are mandatory timeframes applicable to the decision-making process in your institution, is it ever difficult for the court to abide by these timeframes? If yes, what are the main reasons for this?

See (Q.J.34) et (Q.J.35).

38. If there are no mandatory timeframes for deciding cases, but by convention or practice, there is a certain amount of time that is considered appropriate for the decision-making

process to take, is it ever difficult for the court to abide by this timeframe? If yes, what are the main reasons for this?

No, there is no such convention or practice.

K. Developments over time

39. Have the processes you have outlined in the preceding answers been subject to any significant changes in the last five years?

As for the research (Q.E.12), Legal Research Counsels were introduced comparably recently (in last 4 years) to provide judges with more advanced research and thus to speed court proceedings at the Supreme Court. Oral hearings (Q.F.18) were reduced and more written procedures were introduced (in last 8 years).

40. If yes, have these changes had an effect on the way cases are considered and decided?

As for Legal Research Counsels, it is definitely very useful since judges have skilful senior advisers and can proceed reviewing cases faster. As for written procedures, it allows to save time as well.

41. Do these changes constitute an improvement in your view? If yes, please provide details.

See (Q.K.40.).

I. Further comments or observations

42. Is there anything about your institution and/or its particular decision-making processes that you believe is not captured in the questions above, or any contextual information that you believe would aid our understanding of the decision-making processes in your court?

Thank you for completing this questionnaire.