

Lettonie
Cour suprême

Latvia
Supreme Court

Hierarchy of norms in Latvian law

I Norms comprising the Latvian legal system (by decreasing order of authority).

1. Constitutional norms and principles

At the top of the national legal system there are constitutional norms – The Constitution of the Republic of Latvia (*in Latvian - Satversme*).

It is important to mention, that in Latvia constitutional norms are divided based on their legal power. Namely, there is a view that Articles 1.¹, 2.², 3.³, 4.⁴, 6.⁵ and 77.⁶ of the Constitution are core of the Constitution of the Republic of Latvia, because these norms imply constitutional identity of Latvia. Accordingly, these constitutional norms (principles) prevail over international and European Union law and other national norms.

Case law:

The view about core of the Constitution is also affirmed in judgment of the Constitutional Court (2 April 2009, case Nr.35-01-2009).

2. International law and European law

It is important to mention, that international norms and principles, in common with EU law and principles function directly in Latvian legal system, irrespective from they source in international legal system or EU law.

International norms, emanating from Latvian international commitments, prevail over national norms, except those constitutional norms, that are considered as core of the Constitution (*see.point Nr.1*). That means that any internal law or regulation may be rejected if it does not comply with applicable international law rules.

Also principle of supremacy of EU law that has been established by the European Court of Justice relates to any national legal norm, except for the core of Constitution. Namely, in case of conflict of the national norm and international norm or EU law, international and EU law norm prevails.

There is also special question about relationship between international norms and principles and national Constitution. There is a view, that *Jus Cogens* norms and also general principles of international law are higher rank or they prevail over legal norms of the Constitution. That means that application of international norms and principles that do not touch upon states constitutional ground (core), but which touch other norms of the

¹ Latvia is an independent democratic republic.

² The sovereign power of the State of Latvia is vested in the people of Latvia.

³ The territory of the State of Latvia, within the borders established by international agreements, consists of Vidzeme, Latgale, Kurzeme and Zemgale.

⁴ The Latvian language is the official language in the Republic of Latvia. The national flag of Latvia shall be red with a band of white.

⁵ The *Saeima* shall be elected in general, equal and direct elections, and by secret ballot based on proportional representation.

⁶ If the *Saeima* has amended the first, second, third, fourth, sixth or seventy-seventh Article of the Constitution, such amendments, in order to come into force as law, shall be submitted to a national referendum.

Constitution need to be interpreted in mutual harmony. If it isn't possible, amendments in the Constitution should be considered.

According to the Article 16 of the Constitutional Court Law the Constitutional Court (*Satversmes tiesa*) shall adjudicate matters regarding compliance of international agreements signed or entered into by Latvia (also until the confirmation of the relevant agreements in the *Saeima*) with the Constitution.

3. Law

Article 64 of the Constitution states that the *Saeima* (Parliament), and also the people, have the right to legislate, in accordance with the procedures, and to the extent, provided for by this Constitution.

According to Article 16 of the Constitutional Court Law the Constitutional Court shall adjudicate matters regarding compliance of laws with the Constitution.

The monitoring of compliance of ordinary laws with European law is carried out by administrative and ordinary judges, and supervised by the Supreme Court.

4. Regulations issued by the Cabinet of Ministers

Saeima can empower the Cabinet of Ministers to specify certain questions in regulations. Accordingly, the Cabinet of Ministers can issue normative act only in case if legislature has formulated specific delegation for issuing such act and has defined limits of the Cabinets competence. Regulations are aimed for specifying the mode of implementation of law. So regulations issued by Cabinet of Ministers have to comply with law.

The Constitutional Court adjudicates matters regarding compliance of other acts (also regulations issued by Cabinet of Ministers) with law.

Case law:

Judgment of the Constitutional Court (9 October 2007, case Nr.2007-04-03): power of the Cabinet of Ministers to issue regulations.

5. Local government rules

Rules issued by local government are binding only in the territory of concrete local government, but not in the whole country. Local government is powered to issue rules where the sphere of competence of local government is defined by law. Wherewith, these rules have to comply with all norms in force that have higher status in the hierarchy of norms.

The monitoring of compliance of local government rules with all norms in force that have higher status in the hierarchy of norms is carried out by the Constitutional Court.

6. Case law

Principles or rules stemming from case-law (especially case law of the Constitutional Court, because judgment of the Constitutional Court and the interpretation of the relevant

legal norm provided therein are obligatory for all State and local government institutions (also courts) and officials, as well as natural and legal persons), are to be respected by administrative regulatory acts and administrative decisions.

II. Hierarchy of norms in Latvia.

According to the principle of legality, every legal norm must comply with all norms in force that have higher status in the hierarchy of norms.

In Latvian legal system every written legal norms must comply with general principles of law, which prevail over written legal norms. For its part, in the hierarchy of written legal norms core of the Constitution stands at the top of the national legal order and are followed by other Constitutional norms, international and European law. The legislative bloc (ordinary laws, regulations issued by the Cabinet of Ministers) and local government rules, must therefore comply with all these superior norms.