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Baseline report on the potential to strengthen the situation of
fundamental rights by making greater use of the EU Charter of
Fundamental Rights:

The situation of Latvia

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Abbreviations

MoD	Ministry of Defence
MoFA	Ministry of Foreign Affairs
SC	Senate of the Supreme Court of the Republic of Latvia
Turība	Turība University
BIA	Baltic International Academy
DSI	Data State Inspectorate
MoE	Ministry of Economics
EU	European Union
CJEU	Court of Justice of the European Union
MoF	Ministry of Finance
PG	Prosecutor General Office
HP	The horizontal principle
MoI	Ministry of the Interior
MoES	Ministry of Education and Science
SEQS	State Education Quality Service
MoCE	Ministry of Climate and Energy
MoC	Ministry of Culture
CPCB	Corruption Prevention and Combating Bureau
Convention	European Convention for the Protection of Human Rights and Fundamental Freedoms
RSS	Rural Support Service
LBAS	Free Trade Union Confederation of Latvia
TEU	Treaty on European Union
MoW	Ministry of Welfare
UoL	University of Latvia
CAL	Civic Alliance Latvia
LALRG	Latvian Association of Local and Regional Governments
LCSA	Latvian Council of Sworn Advocates
LCSN	Latvian Council of Sworn Notaries
LJTC	Latvian Judicial Training Centre
LCSB	Latvian Council of Sworn Bailiffs
TFEU	Treaty on the Functioning of the European Union
CoM	Cabinet of Ministers
OCMA	Office of Citizenship and Migration Affairs
CRPC	Consumer Rights Protection Centre
RGSL	Riga Graduate School of Law
RSU	Riga Stradiņš University
Saeima	Parliament of the Republic of Latvia
Satversme	Constitution of the Republic of Latvia
MoT	Ministry of Transport
CC	Constitutional Court of the Republic of Latvia
CA	Court Administration
OO	Ombudsman's Office of the Republic of Latvia
MoJ	Ministry of Justice (Charter Contact Point)
MoEPRD	Ministry of Environmental Protection and Regional Development
LSPA	Latvian School of Public Administration
SIPCR	State Inspectorate for the Protection of Children's Rights

SLI	State Labour Inspectorate
HI	Health Inspectorate
SRS	State Revenue Service
MoH	Ministry of Health
SP	State Police
SES	State Environmental Service
MoA	Ministry of Agriculture

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Introduction

With the entry into force of the Treaty of Lisbon on 1 December 2009, the Charter of Fundamental Rights of the European Union (hereinafter — the Charter) is legally binding and assimilated, in terms of legal force, to the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (hereinafter — the EU) as a primary source of law¹. The Charter is binding on the EU institutions and EU Member States when implementing EU law².

CC³ has recognised the primacy of EU law: “By ratifying the Treaty of Accession of Latvia to the European Union, European Union law has become an integral part of Latvian law. Thus, European Union legislation and its interpretation, as enshrined in the case-law of the Court of Justice of the European Union, must be considered when applying national laws and regulations in order to avoid possible conflicts between Latvian and European Union law⁴. However, ST has also ruled on the limits of the application of European law: “Latvian legislation shall be interpreted in such a way that there is no conflict with Latvia’s obligations towards the European Union, unless it prejudices the fundamental principles contained in the Constitution”⁵.

CC explains that the Charter “imposes obligations on institutions and other EU entities, as well as on Member States only when they apply EU law. The Charter cannot be applied in areas that Latvia has not transferred to the EU. The constitutional mechanism for the protection of human rights is thus autonomous and independent from the EU. Furthermore, it should be noted that the recognition of the Charter as a legally binding instrument will improve the protection of individuals’ rights, since it is so far only ensured at the level of general principles of law but is not enough in the light of the principles of the protection of legitimate expectations and certainty”⁶.

Therefore, the binding nature of the EU law for Latvian state and local government institutions is recognised. At the same time, in the application of the Charter in Latvia, it follows from the findings of the CJEU that the articles of the Charter, which expressly refer to their application to the EU institutions and bodies, are not applicable to the Member State⁷.

Upon invitation of the European Union Agency for Fundamental Rights, the OO carried out a study on the current situation with the application of the Charter in Latvia. The aim of the study was to find out how the Charter is used in its work by the judiciary, legislator, executive, law enforcement authorities, local governments, civil society, and universities. The purpose of the study was to understand the practice of application of the Charter by identifying cases where the application of the Charter had played an important role. If the Charter is not appropriate,

¹ Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community. Article 6.

² Article 51 of the Charter of Fundamental Rights of the European Union.

³ In accordance with Section 32(2) of the [Constitutional Court Law](#), the Constitutional Court judgement and the interpretation of the relevant legal norm provided therein shall be obligatory in the Republic of Latvia.

⁴ Judgment of the Constitutional Court of the Republic of Latvia of 2 May 2012 in Case No 2011-17-03 On Compliance of Para 3 and Para 4 of 10 May 2005 Cabinet of Minister Regulation No. 312 "Regulations Regarding the Amount of the Blank Tape Levy and the Levy of Equipment Used for Reproduction and the Procedures for the Collection, Repayment, Distribution and Payment Thereof" with Article 64, Article 105 and Article 113 of the Satversme of the Republic of Latvia. Published in: *Latvijas Vēstnesis*, 03/05/2012, No 69 (4672). Enters into force on 2.5.2012. Paragraph 13.3, paragraph 4 of the Opinion.

⁵ Judgment of the Constitutional Court of the Republic of Latvia of 17 January 2008 in Case No 2007-11-03 On Compliance of the Part of Riga Spatial Plan 2006 – 2018 Related to the Territory of the Freeport of Riga with Article 115 of the Satversme of the Republic of Latvia. Published in: *Latvijas Vēstnesis*, 23.1.2008, No 12 (3796). Enters into force on 17.1.2008. Paragraph 25 (4) of the conclusions.

⁶ Judgment of the Constitutional Court of the Republic of Latvia of 7 April 2009 in case No 2008-35-01 On Compliance of the Law "On Lisbon Agreement Amending the Treaty on European Union and the Treaty Establishing the European Community" with Article 101 of the Satversme of the Republic of Latvia. Published in: *Latvijas Vēstnesis*, No 56(4042), 9.4.2009. Para 18 (8) of the conclusions.

⁷ [Judgment of the Court of Justice of the European Union of 17 July 2014 in Joined Cases C-141/12 and C-372/12, paragraphs 66 and 67/v](#)

respondents to the study were asked to explain the possible reasons or obstacles to its application, as well as a vision as to whether and how the Charter could be promoted in the future.

Research methods:

- 1) Sending specific questions to a specific respondent or a group in writing, if necessary (if the respondent or the OO had questions for clarification), providing detailed clarification and explanation of the questions in the telephone conversation.
- 2) Examination and analysis of databases of court judgments:
 - a) <https://manas.tiesas.lv/eTiesasMvc/nolemumi>
 - b) <https://www.at.gov.lv/lv/tiesu-prakse/judikaturas-nolemumu-arhivs>
 - c) <https://www.satv.tiesa.gov.lv/cases/>

Time of study: February — May 2023

Scope of study time: the period from the moment when the Charter became legally binding up to date (1 December 2009 until the time of the study).

Scope of respondents:

- 1) the judiciary, its affiliated institutions and support organisation — CC, SC, CA⁸, LCSA, LCSN, LCSB, PG, LJTC⁹
- 2) the legislator — structural units of the Saeima — Legal Bureau, Legal Affairs Committee, Human Rights and Public Affairs Committee and Personnel Department
- 3) the executive power and its support institutions — ministries of the Republic of Latvia¹⁰, including the MoJ as the Charter contact point, and institutions subordinate to ministries on a random basis (SRS, CRPC, SDI, OCMA, SEQs, SIPCR, HI, SES, SAO¹¹ and LSPA¹²), the DSI as an independent institution
- 4) legal protection and investigation institutions — SP, CPCB
- 5) municipalities — 43 local authorities
- 6) universities that prepare lawyers — UoL, RSU, RGSL, BIA, Turība University, Alberta College, Business Management College, and the College of Law

⁸ CA (Court Administration) is an institution of direct administration subordinate to the Minister of Justice, the aim of which is to provide support for the effective work and development of courts (district (city) courts and regional courts), as well as to provide support for the work and development of other judiciary institutions.

⁹ The LJTC is a foundation that provides further education of judges and court employees with the aim of strengthening the state governed by law and promoting a common understanding of law in the common legal area of the EU. Its main task is to ensure high-quality further education and professional development of judicial system employees (seminars, experience exchange trips, etc.), paying special attention to topics and improvements that increase the quality of court judgments and prepare professionals for quality work in the EU legal system.

¹⁰ MoJ, MoFA, MoD, MoC, MoH, MoES, MoT, MoW, MoEPRD, Mol, MoF, MoE, MoA, MoCE.

¹¹ SAO (State Audit Office) is the centre of the Latvian government whose task is to ensure the functioning of the government's work and to provide data and research-based information to the Prime Minister and the government, thus helping to make more accurate, fact-based decisions. Among other things, it ensures the development of public administration (including the civil service) development policy, coordinates and monitors its implementation.

¹² LSPA (Latvian School of Public Administration) is an institution under the supervision of the State Chancellery, the largest training centre for employees of public administration and implements a public policy in the field of professional development of public administration to prepare highly qualified and professional employees.

- 7) non-governmental organisations — LBAS¹³, LALRG¹⁴, CAL¹⁵, Latvian Centre for Human Rights, Centre “Marta”, Environmental Protection Club.

1. Use of the Charter at national and subnational level since 01 December 2009.

1.1. Level outside judiciary

1.1.1. The legislative process

In accordance with the principle of good legislation, in the legislative process the legislator assesses the conformity of the legal norms provided for in the draft law with the norms of higher legal force, including the Satversme, international and EU legal norms, and harmonises the legal norms provided for in the draft law and legal norms already existing in the legal system. When working with draft laws in the Saeima, the Charter is not directly applied. According to the legislator, in cases where Latvia implements the EU law, the draft laws submitted to the Saeima have been fully evaluated, including through the prism of the Charter. The President of Latvia, the Cabinet of Ministers, the Parliamentary Committee, not less than five members of the Saeima, as well as — in the cases and in accordance with the procedures provided for in the Satversme — one-tenth of the voters may submit draft laws for consideration to the Saeima. The Saeima primarily follows whether the draft law complies with the Satversme, which already provides for a high level of protection of fundamental rights at the national level. In addition, it is not necessary to assess whether Latvia is implementing the EU law in the present case using the Constitution. In the view of the legislature, the Charter complements, but does not replace national systems for the protection of fundamental rights.

The structural units of the Saeima (LB, LAC and HRPAC) related to jurisprudence and human rights do not have information on cases where the requirements of the Charter had been the basis for the decision of the legislator during the legislative process in the Saeima, significantly changing it, thus affecting the outcome of the legislation.

1.1.2. Charter Focal Point

On 2 December 2020, the European Commission issued a Communication to the European Parliament, the European Economic and Social Committee and the Committee of the Regions on a strategy to strengthen the application of the Charter of Fundamental Rights in the EU. It calls upon EU Member States to set up a Charter focal point to facilitate the flow of information and best practices related to the Charter. Currently, in Latvia, the MoJ has been designated as the contact point for the Charter by exchanging information on the application of the Charter both at national level and with the Commission. And an exchange of information on the preparation of the annual Charter report provided for in the Strategy. More detailed information on the

¹³ LBAS is the largest non-governmental organisation in Latvia, which unites 19 member organisations and implements the protection of the interests of professional trade union members and employees at sectoral and cross-sectoral level.

¹⁴ Members of the LALRG are 41 local governments of Latvia: 36 municipalities and five State cities.

¹⁵ CAL is the largest ‘umbrella organisation’ in the protection of the interests of the non-governmental sector, which aims to strengthen civil society in Latvia, support the common interests of CSOs and create a favourable environment for their activities. It brings together 140 members, making up approximately 70 000 individuals or 70 % of all CSO stakeholders in Latvia and 27 500 individuals abroad or 11 % of the Latvian diaspora.

activities of the MoJ as the Charter Focal Point cannot be found neither on the MoJ website nor in the information provided by the MoJ to the Ombudsman in the context of this study.

1.1.3. The executive power

The use of the Charter in the executive dimension is discussed by 14 ministries, whose information generally covers the situation in sub-ministerial institutions, as well as individual selected state institutions. The way in which the Charter is used in the work of the relevant institutions varies according to the specificities, roles and responsibilities of the sector represented and of the specific law and policy area, as well as other factors.

It can be concluded that from all ministries of the Republic of Latvia, the Charter is used most widely by the MoJ in the performance of their functions and drawing up sectoral draft regulatory enactments. It can be explained by the specificity and scope of the justice sector, as well as the fact that the MoJ is also the Charter focal point. The application of the Charter in the work of the MoJ leads to the following conclusions:

- Regarding the EU structural and investment (ESI) funds, EU Member States and the Commission must ensure respect for fundamental rights and compliance with the Charter when implementing the funds. Consequently, as part of the EU Cohesion Policy Programme 2021-2027 investment, the MoJ shares responsibility for the coordination of the HP “Equality, Inclusion, non-discrimination, and respect for fundamental rights”¹⁶, covering such areas as respect for fundamental rights, gender equality, anti-discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.
- Otherwise, when drawing up, implementing, or applying the regulatory framework of various financial instruments, the MoJ does not know the case in which the Charter would be used as a defined purpose and would have had a significant impact on the legislative process. However, when designing the regulatory framework for different financial instruments, the Charter is taken into account as a horizontal approach. For example, in the new EU cohesion policy (EU funds 2021-2027), cabinet regulations are being prepared, with the Charter being one of the horizontal guidelines.
- MoJ has respected and applied the Charter during the assessment (in the harmonisation process among ministries) and development of draft legislation by applying the principles and rights enshrined in the Charter, but without referring directly to the legal provisions of the

¹⁶ The MoJ, in cooperation with the MoW, develops guidelines for the implementation and monitoring of HP; provides opinions on draft EU funds programming documents, draft legal acts in the field of EU funds; provide the Monitoring Committee and the Subcommittee with an opinion on the draft criteria for assessing project applications and their methodologies related to HP; compile reports provided by the institutions involved in the management or implementation of EU funds regarding violations of the principles of non-discrimination or complaints received regarding irregularities related to non-compliance with the principles of equal opportunities included in the Charter of activities supported by EU funds, and send this summary to the Central Finance and Contracting Agency for financial correction and information to the MoW; if necessary, organise an inter-institutional meeting to assess breaches of the principles of non-discrimination or complaints received regarding irregularities related to non-compliance with the principles of equal opportunities contained in the Charter of operations supported by EU funds, and to find, as far as possible, a solution to the infringement, provide information to the Monitoring Committee for the preparation of the report of the MoA on the non-compliance of operations supported by EU funds with the principles of equal opportunities contained in the Charter; if necessary, prepare and publish explanatory materials on various issues of the Charter, as well as organise information events on them for employees of national and local authorities involved in the management of EU funds, beneficiaries of EU funds funding, etc. in order to ensure a common understanding of HP compliance.

Charter, instead referring to national provisions which incorporate the fundamental principles set out in the Charter. In other words, the rights enshrined in the Constitution, which are also enshrined in the Charter, are considered. Moreover, the development and assessment of the regulatory framework considers both the interpretation given in the judgments of the CC, the case-law of the European Court of Human Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, etc. Consequently, given that the rights enshrined in the Charter are also enshrined in the Constitution, the Charter is not separate as a source of rights.

- In the area of criminal law, the MoJ often receives judgments of the Court of Justice of the EU, which provide not only an interpretation of EU judicial cooperation instruments, but also how they should be interpreted in the context of the Charter. The MoJ assesses the case law of the Court of Justice of the EU and gives an opinion within the scope of its jurisdiction on the need to intervene in the preliminary ruling case, as well as indicates whether the case is related to essential interests of the Republic of Latvia. Most often, in such cases it is necessary to clarify a specific provision of the Charter and whether the Latvian regulatory framework does not contradict it. As a result of the MoJ assessment, the Criminal Procedure Law may be amended¹⁷.
- The MoJ recognises that the framework of the Charter is being used in the work on new EU directives or regulations to ensure their compliance with the Charter.
- In the field of constitutional law, the Charter is not directly used in the performance of the tasks of the MoJ and in the process of drawing up sectoral draft regulatory enactments (including legal review and impact assessment), but only in the context of the implementation of the national constitutional human rights protection mechanism, which has also been pointed out by the CC, cannot, by its very nature, foresee a smaller scope of protection of fundamental rights than any of the international human rights instruments binding on Latvia. A different conclusion would come into conflict with the idea of the legal state included in Article 1 of the Satversme, because one of the main forms of manifestation of a state governed by the rule of law is the recognition of human rights and fundamental freedoms as the highest value of the State.¹⁸ Latvian and EU human rights protection systems are not controversial, as they are based on similar values and principles.

MoI informs that the Charter plays a significant role and has a direct impact on the exercise of its competence. According to the MoI, the Charter and other EU acts mark a higher standard of human rights in several respects than those laid down in other international human rights instruments, for example regarding the protection and processing of personal data. Similarly, unlike other international human rights instruments, the Charter's catalogue of human rights contains several autonomously separated aspects of fundamental rights, which are not defined separately as permanent fundamental rights in other international human rights instruments, such as data protection, the right to asylum, electoral law, etc. Moreover, the Charter is directly

¹⁷ For example, the most recent case where the interpretation of the Charter provided by the Court of Justice of the EU led to the amendment of the Criminal Procedure Law was amendments to Section 697, Paragraph one, Clause 3 and Paragraph two, Clause 3 of the Criminal Procedure Law, which were made by the Law of 6 October 2022 "Amendments to the Criminal Procedure Law". The amendments were made following the judgment of the Court of Justice of the EU of 12 May 2021 in Case C-505/19, in which the Court of Justice of the EU interpreted Article 50 of the Charter. The grounds for refusal of extradition referred to in Section 697, Paragraph one, Clause 3 and Paragraph two, Clause 3 of the Criminal Procedure Law were supplemented in order to include judgments handed down by other EU Member States in the grounds for refusal of double criminality.

¹⁸ See. Judgment of the Constitutional Court of 14 September 2005 in case No. 2005-02-0106, para 10.

applicable in all EU Member States. Accordingly, within the scope of its competence, the MoI applies the fundamental rights set out in the Charter both directly and indirectly, by referring to the case-law of the Court of Justice of the European Union (CJEU). They consider that, in certain cases, the Charter has significantly changed the outcome of the drafting and adoption of a legislative act within the scope of the MoI.¹⁹ Whereas, OCMA, the subordinate institution to the MoI, recognises that its activities are guided by the principles and norms included in the Charter, which in their opinion have been transposed in detail and extensively in national legislation, in particular in the Constitution and in the sectoral legal framework.

MoFA are aware of the legally binding nature of the Charter and consider its provisions where necessary in the performance of the functions of the MoFA. They coordinate Latvia's position in a significant part of the issues dealt with in the EU Council. A number of these positions are linked to the legislative process in the EU, giving rise to an in-depth public interest in documents and discussions that have taken place in the process of drafting EU legislation. Latvia's position on possible access to documents is coordinated by the MoFA with sectoral ministries based on the provisions of the Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, the applicable provisions of the Charter and the case-law of the Court of Justice of the EU in this field.²⁰ Reference to the Charter is made in certain competences of the MoFA, for example, in consular matters. This occurs at the time of developing the draft legislation and the reference is usually included in the impact assessment (annotation) of the draft legislative act.

The MoE recognises that the exercise of rights and freedoms set out in the Charter in the EU Single Market has a direct impact on the functioning of the Latvian SOLVIT²¹ coordination centre. The SOLVIT network helps businesses and residents solve cross-border problems related to compliance with the Charter and other provisions of the EU law.

¹⁹ 1) [Amendments to the National Security Law \(Section 18.1\)](#) determining the right for the Minister for the Interior to decide on the prohibition of a person from leaving the State. The right to freedom of movement enshrined in the Charter is balanced with the interests of the defence of national security. References are made to both the relevant case law of the CJEU and the Charter; 2) the precondition laid down in the Aircraft Passenger Data Register regarding the need to obtain the consent of the court for the issuance of aircraft passenger data. The right to the protection of personal data, enshrined in the Charter, is balanced with the detection and prevention of serious and particularly serious criminal offences, as well as the prevention of threats to national security. References are made to both the relevant case law of the CJEU and the Charter; 3) the retention and issuance of the data to be retained laid down in the [Electronic Communications Law](#) in order to reconcile the protection of the data of natural persons with the detection and prevention of serious and particularly serious criminal offences, as well as the prevention of threats to State security. Similarly, the conditions for the provision of location data for the purpose of providing assistance to the person by the authorities responding to the emergency. References are made both to the relevant case law of the CJEU (which provides for a higher standard than the European Court of Human Rights) and to the Charter; 4) the [Operational Activities Law](#) (for example, amendments of 8 December 2021 in relation to the performance of an operational experiment), comparing the objectives of operational activities with the rights of a person. References are made, inter alia, to the Charter; 5) Amendments to the [Declaration of Place of Residence Law](#) for the purpose of balancing persons who are in a prison or medical treatment institution the right to be attained in legal relations with the State or local government with the right to respect for private life, the protection of personal data and the right to freely settle in the territory of the Member States. References are made, inter alia, to the Charter; 6) Transposing Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC and applying accordingly the findings of the CJEU in relation to the standard of protection of the right to family life contained in the Charter and the right of free movement within the Union.

²⁰ Judgment of the General Court of 21 April 2021 in case-T 252/19 – Pech v Council; Judgment of the General Court of 4 September 2018 in Case T-56/16 ClientEarth v Commission.

²¹ SOLVIT is an alternative problem-solving network set up by the European Commission in 2002 in cooperation with EU Member States and Norway, Iceland and Liechtenstein. The Network's task is to find, within 10 weeks, a practical solution to the problems of the EU's single market caused by decisions taken by national authorities in misapplication of EU law (Treaty on the Functioning of the European Union, Treaty on European Union, directives, regulations, decisions).

According to the MoE, the policy is implemented in accordance with the rights and freedoms enshrined in the Charter, seeking to balance the sectoral regulatory framework with the Charter (e.g., in the internal market and business policy planning). At the same time, the MoE recognises that the Charter undoubtedly affects issues within the Ministry's competence and to be decided on within the legislative process on the transposition or application of the EU law based on the rights and freedoms enshrined in the Charter (e.g., regarding digital services). The MoE draws attention to the fact that there is ongoing work on the development of Guidelines on Housing Availability²², which include a comprehensive reference to the need to ensure the exercise of the rights and freedoms enshrined in the Charter. All investments, in line with the objectives of the Guidelines, will ensure respect for fundamental rights and compliance with the Charter. At the same time, the MoE notes that the application of the Charter in other areas of the Ministry's competence has so far not significantly altered the results of the legislative process or policy, in compliance with the rights previously enshrined in the Constitution and other legal acts binding in the Republic of Latvia, the protection of which must be ensured independently of the application of the Charter. The CRPC, the subordinate institution of the MoE, concludes that its practice did not require the application of the Charter, as the national legal framework, the EU regulations and directives are sufficient.

MoEPRD acknowledges that the Charter has not been directly applied in its practice. However, according to the MoEPRD, respect for fundamental rights enshrined in the Charter is ensured by the proper implementation of the EU law. In particular, the MoEPRD respects the fundamental rights enshrined in the Charter by implementing and directly applying EU law, paying particular attention to cases where the EU law indicates the need to facilitate the exercise of fundamental rights enshrined in the Charter.²³ On the other hand, the SES, subordinate institution of the MoEPRD, recognises that the Charter is not directly applied in its operation and emphasises that the rights, freedoms and principles enshrined in the Charter are already enshrined in national legislation and EU regulations.

The MoCE points out that the Charter does not apply directly in the performance of their functions and drafting legislation, as it does not include EU and/or national legislation regulating climate and energy. The MoCE has not identified any flaws in the current legislative process that would point to the need to assess draft legislation also in the context of the Charter.

The MoD acknowledges that the Ministry and its subordinate institutions would rarely refer directly to the Charter in the exercise of their functions, given that national protection is a matter for the Member States and that, in accordance with the first paragraph of Article 51 of the Charter, it is applicable to the Member States only when they are implementing the EU law. MoD indicates that the Charter's principles are also enshrined in the national and other international law and are therefore considered in the performance of their functions.

The MoH informs that, given that the principles and rights enshrined in the Charter overlap with the EU primary law, as well as with the principles and fundamental rights enshrined in the Constitution, the Charter is not used or is rarely used in the development of healthcare policy and drafting legislation. Since there is no functionality in the information system of the MoH to

²² https://tapportals.mk.gov.lv/legal_acts/d9854ae6-6adb-4f67-aff5-69e04e04e14c1

²³ Such an example can be seen in Article 9 (1) of Regulation (EU) 2021/1060: the Member States of the Union and the European Commission shall ensure respect for fundamental rights and compliance with the Charter when implementing the Funds. The MoEPRD has developed both the appropriate project assessment criteria and the conditions to be met by the beneficiaries in order to ensure respect for fundamental rights and compliance with the Charter.

select documents based on references or literature used, it is therefore not possible to give examples of the use of the Charter. The HI, the subordinate institution of the MoH, does not identify cases of direct application of the Charter in their practice.

In the opinion of the MoA, since the Charter lays down general basic principles, which are also enshrined in the Satversme and the State Administration Structure Law, no stage of the legislative process can take place contrary to the basic concepts included in the Charter and any normative act is interpreted by enacting fundamental rights. However, there is generally no reference to the specific fundamental principle of the Charter in the legal framework, conformity with the Charter is ascertained. Moreover, the fundamental principles of the Charter are not specifically recorded and listed by the relevant legal framework or actual action.

The MoES concludes that the rights, freedoms, and principles laid down in the Charter regarding the areas under the responsibility of the MoES are included in the sectoral regulatory enactments. The rights and principles set out in the Charter are assessed and described in an initial impact assessment (annotation) when drafting the legal framework and specific legal provisions, as well as explaining the necessity and impact of the legal framework. The improvement of legislation within the competence of the MoES in the field of fundamental rights, in their opinion, is precisely the merits of the application of the fundamental rights included in the Constitution. The SEQS, subordinate institution of the MoES, have emphasised the role of the Charter in their work, using quotes from the Charter when improving the Education Law in 2021 regarding the right to quality and inclusive education, as well as substantiating its opinion in the work process.

The MoT recognises that the Charter does not apply directly in the field of railways, including in the process of drafting sectoral legislation, legal review, and impact assessment. Some exceptions are possible, and the annotation of a legislative act also includes references to the fundamental rights principles of the Charter, but in general the fundamental principles of the Charter are observed and applied indirectly in the drafting of any legislative act as well as in the performance of daily duties. On the other hand, in the field of road transport, the rights and principles enshrined in the Charter, in particular Articles 15, 16, 20, 21, 28 and 37 of the Charter, are considered and assessed in the development of laws and regulations at the EU level, thereby enacting and transposing them into the national law. The Charter has so far not been directly applied in the process of drafting national legislation of the maritime affairs. It has not been necessary, since the draft national legislation developed by the MoT is such as to introduce an appropriate international or EU framework, the drafting of which has already undergone a detailed assessment of various aspects, including the impact on human rights. The MoT points out that the possible obstacles to the direct non-application of the Charter are that there is no formal mandatory condition that a fundamental principle of the Charter should be invoked in the drafting of a legislative act (except for specific cases where such tasks are assigned). Given that the fundamental principles of the Charter are incorporated directly or indirectly into other laws and regulations, there is no need to refer to it in the process of drafting laws and regulations in cases where these laws and regulations do not directly concern matters of the competence of the Charter. In addition, Article 10 of the State Administration Structure Law lays down the principles of public administration, inter alia, states that the public administration is subject to law and rights and respects human rights in its activities.

The MoW informs that, in accordance with its competence, the provisions of the Charter are taken into account when drafting new regulatory enactments and amendments, as well as policy

planning and development documents regarding labour law, social security, gender equality, social inclusion, social services and social assistance, interpreting the norms of the existing regulatory enactments and providing opinions on them to individuals and other state institutions, as well as evaluating and providing an opinion on draft legal acts prepared by other institutions and reform of the social security system. The MoW seeks to ensure that all legislative proposals, policy development planning documents and measures are fully compatible with the Charter. In addition, the principles laid down in the Charter are observed both in the preparation of further education programmes and in organising various professional competence-building measures for specialists in the social welfare sector, as well as in developing the regulatory framework of the sector. At the same time, the MoW in cooperation with the MoJ is responsible for the coordination of HP “Equality, Inclusion, non-discrimination, and respect for fundamental rights” in the absorption of the EU funds in Latvia. MoW is the responsible institution also for the HP “Equal Opportunities”.²⁴ The information provided by the MoW subordinate institutions SLI and SIPCR does not show any experience of direct application of the Charter, since in their daily work the institutions refer to national legislation that has already implemented the EU requirements.

The MoF acknowledges that when preparing the initial impact assessment (annotation) for a legal act, or when giving an opinion on a draft legal act prepared by another ministry, certain issues are sometimes analysed in depth from the point of view of the fundamental rights of individuals. But such assessment is carried out mainly in the context of constitutionality since the Constitutional Regulation in relation to several fundamental rights overlaps with the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Charter. According to the MoF, the principles of the Charter implicitly (without mentioning them in the annotation) are included in regulatory enactments. In the activities of the MoF and its subordinate institutions, binding Charter rights are implemented in accordance with their competence. At the same time, there are no indications that the Charter has had a significant impact on the legislative process.

The role of the Charter in the evaluation of projects under the EU’s European Regional Development Fund, the European Social Fund, and the Cohesion Fund, together with other international instruments, appears in the evaluation of projects under the HP. In accordance with the methodology developed by the Ministry of Finance, when evaluating the investment content and planned activities, specific HP indicators are defined in the implementation conditions, which should be included in the project application and implemented in the approved projects, where appropriate. Similar to the 2014-2020 programming period²⁵, MoF developed guidelines No 3.1 ‘The European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund and the Just Transition Fund project selection methodologies for 2021-2027’ require the responsible authorities, considering the sector and scope of the planned investments in education, social and health infrastructure, to establish conditions ensuring compliance with the fundamental rights in case of disability²⁶. Investment requires compliance with national sectoral

²⁴ The MoW is responsible for developing methodological materials, providing advisory support, providing opinions on draft EU funds programming documents, as well as carrying out an analysis of the compliance of EU funds’ investments with the horizontal principle “Equal Opportunities”.

²⁵ In the 2021-2027 programming period, in order to ensure compliance with Article 9(1), (2) and (3) of the Regulation No 2021/1060, which includes a reference to the Charter, the previous practice applicable in the 2014-2020 planning period had been adopted

²⁶ The set of criteria for evaluating project submissions of the responsible institution includes criteria that assess the compliance of projects with HP "Equality, inclusion, non-discrimination and respect for fundamental rights".

policies and EU policies and legal frameworks, including the Charter, to ensure compliance with human rights requirements.

The MoC points out that cultural policy has been designed and implemented in accordance with the principles of the Charter, because the MoC, in the performance of its functions and in the process of drawing up sectoral draft regulatory enactments, takes into account the rights, freedoms and principles enshrined in the Charter, observes them and promotes implementation and observance. MoC refers to that as the intermediate application, indicating that they do not apply the Charter directly.

The DSI, as a functionally independent authority, recognises that the Charter is currently the only legal instrument in which the right of natural persons to the protection of their personal data has been granted an independent fundamental right. Whereas both the Satversme and the Convention derive these rights from the right to privacy. The Charter is therefore an important instrument for the achievement of the objectives of the DSI to protect the fundamental rights of individuals in the field of data protection under the General Data Protection Regulation. The Charter is used as a basis for the DSI's opinions on draft laws and regulations prepared by other institutions and in response to individual submissions, explaining the application of the General Data Protection Regulation and data protection.

1.1.4. Self-Governance

Since 1 July 2021, because of the administrative territorial reform in Latvia, there are 43 local governments — 36 municipalities and seven state-city municipalities — instead of the previous 119 municipalities. As a result, many municipalities are the successors of several municipalities' rights and obligations. Due to the lack of human resources and funding, local governments do not keep a record of what regulations and in what situations are applied, and what impact it has had, moreover, local governments are not obliged to do so by law. Therefore, it is objectively impossible for local governments to provide comprehensive information on the period from 1 December 2009 until the merger of local governments. An attempt to do so would, in the opinion of the municipalities, be a disproportionate burden. Therefore, the data provided by the municipalities should rather be viewed from 1 July 2021 until now. Out of the 43 municipalities surveyed, 37 municipalities responded to the study. The information provided by local governments gives the following conclusions:

- In most municipalities, the Charter is not directly applied in their daily work referring to the Charter in the documents, as there has been no such need.
- In some municipalities, the Charter has been used for the purposes of interpreting and applying national law in administrative disputes, as well as in certain social rights' cases. There has been a certain case when municipalities, in their opinion, refer to the principles of the Charter when applying to the CC²⁷. There were no cases when the Charter had provided significant influence and contribution to the work of the municipalities.
- Local governments base their activities, drafting of documents and decision-making on national legislation, which is subordinate to international legislation, which derives and incorporates the basic principles from the international norms binding on Latvia. Local

²⁷ [The municipalities lodged a complaint to the CC on the compliance of the Law on Administrative Territories and Populated Areas in connection with the administrative territorial reform](#). The municipalities had referred to the European Charter of Local Self-Government, which could also be concluded after phone interviews with the municipalities

governments specifically rely on the fundamental rights regulation of the Constitution. According to local authorities, legal principles enshrined in the Charter are applied indirectly by the applying other instruments of national and international law, where the principles of the Charter are incorporated, enacted, and corresponded to the national legal dimension. The national legal framework is comprehensive and fully sufficient to ensure the operation of local governments. Consequently, local authorities consider that by observing the national legislation in the process of drafting laws and regulations, legal review, and impact assessment, and harmonising them with the external legislation, they not only respect the Charter, but also indirectly integrate the rights contained therein.

- According to the local authorities, the functions assigned to them are carried out in accordance with the fundamental principles of the Charter, without even being specifically applied, but simply respecting them, in terms of meaning and substance, or without violating the values enshrined therein.
- Most municipalities consider that the Charter is more applicable in courts when implementing fundamental rights or when drafting national laws. Some municipalities do not rule implementing the Charter in the future when dealing with atypical issues related to municipal functions and fundamental rights issues to promote human rights and freedoms. Municipalities would directly apply the Charter in their work in rare cases.
- Professionals of local governments see no obstacles in application of the Charter, rather they do not consider applying the Charter in municipal practice useful, since the national legal framework is sufficient in everyday work. Moreover, there is a lack of certainty as to the situations when the Charter could be used. As a result, several municipalities consider the use and application of the Charter in their daily work as pointless.

1.1.5. Law enforcement authorities

Regarding the law enforcement authorities, the SP and CPCB have expressed their views on the application of the Charter.

The SP have applied the Charter in accordance with other norms of international and EU law, as well as national law, for example, when examining submissions of individuals and employees of the SP, when providing opinions or conclusions to the SP structural units, or explanations to the court, as well as when fighting for the rights of SP employees to travel from the Republic of Latvia to third countries. At the same time, the SP emphasises that their tasks and functions are primarily executed in accordance with the Constitution. In addition, the SP applies the EU law, other binding international law, as well as national and internal laws and regulations. According to the SP, the officials during the performance of their duties, when applying the legislation implementing the relevant EU directives or directly applying the relevant EU regulations etc. ensure the practical implementation of the Charter in line with the Article 51(1) of the Charter. However, the SP admits that mostly the Charter is not directly applied. In their daily work, the SP directly applies national laws and regulations that have already been harmonised with the Charter. The SP informs that education on the Charter has been included in several study programmes of the State Police College – the educational institution under its authority.

CPCB, in its turn, as the law enforcement authority of Latvia, recognises that in fulfilment of their functions to prevent and combat corruption, as well as to control fulfilment of financing regulations of political organisations (parties) and associations thereof and pre-election campaigning, the fundamental rights, freedoms and principles laid down in the Charter are

observed. However, CPCB draws attention to the fact that it does not directly apply the Charter in its daily work, emphasising that the values of the Charter are enshrined in the laws applied by the CPCB. The external and internal regulatory enactments regulating the work of the CPCB also strengthen the core values of the Charter. They determine not only the duties and powers of CPCB's employees, but also guarantee their rights.

1.1.6. Civil society organisations and academia

Of all the non-governmental organisations addressed for the study, only the LBAS responded. The organisation acknowledges that they do not apply the Charter directly in their work. LBAS refers to the provisions of the Charter, in particular Articles 12, 27 to 34 thereof, when preparing opinions on draft legislation, as well as publications and legislative comments (e.g., when preparing comments to the Labour Law²⁸, comments to the Trade Union Law²⁹, and other publications³⁰), without emphasising the specific role or merits of the Charter in addressing a situation.

Of all the universities that prepare lawyers, addressed for the study, the University of Latvia, RSU, RGSL, Turība and BIA replied. The following conclusions can be drawn on the application of the Charter in the academia:

- Implementation of the principle of “academic freedom”: promoting the freedom of expression of students and teachers, while also ensuring respect for others (Articles 10, 11 and 13 of the Charter), emphasising in their activities the prohibition of discrimination in all forms, and respecting linguistic, religious, and cultural diversity (Articles 21, 22, 23 of the Charter). These freedoms are also embedded in the RGSL internal rules. Similarly, the UoL and the BIA, refer to compliance with the principles enshrined in the Charter in their daily work.
- Personnel policy and relations with students: ensuring fair and just working conditions (Articles 31, 33, 34 and 35 of the Charter), taking into account gender equality (Article 23 of the Charter) and the protection of personal data (Article 8 of the Charter), (RGSL, UoL).
- Various governing bodies of the university: for example, in the Constitutional Assembly, the Senate, the Academic Arbitration Court, as well as in organising the activities of the Disciplinary Committee, in the committee meetings the right to dignity, equal treatment and freedom, as well as the presumption of innocence of each participant is respected (Article 48 of the Charter)), (RGSL).
- Study programmes: as subjects in bachelor, master's and short-term programmes, as well as in guest lectures, (RGSL, UoL, BIA, RSU).
- Study papers: in bachelor's, master's and doctoral theses where the application of the Charter has been studied (RGSL, UoL, BIA, RSU).

²⁸ Darba likums ar komentāriem, Latvijas Brīvo arodbiedrību savienība, Zvērinātu advokātu birojs „BDO Law”. Rīga, Friedrich Ebert Stiftung, 2020

²⁹ Mickeviča N., Rācenājs K., Arodbiedrību likums ar komentāriem. Rīga, Latvijas Brīvo arodbiedrību savienība, 2015

³⁰ Liepiņa I., Preisa N., Rācenājs K., Arodbiedrību ekskluzīvās tiesības un koplīgumu pārrunu brīvība. Rīga, Friedrich Ebert Stiftung/Latvijas Brīvo arodbiedrību savienība, 2018 un Dupate K., Eiropas Savienības tiesas prakse darba tiesībās. Rīga, Latvijas Brīvo arodbiedrību savienība, 2011

- Research work and publications of academic personnel and students: academic personnel and students are engaged in research on the Charter and its application and related issues (RGSL³¹, RSU³², UoL)
- Being contractors of the of the FRANET (multidisciplinary research network of the EU Agency for Fundamental Rights)³³;
- Defending the interests of the university in the CC: Significant impact of the Charter can be seen in the Constitutional Court case No 2021-45-01³⁴, which assesses restrictions on the use of languages in the study programmes to be implemented in private higher education institutions, including BIA.

1.1.7. Training and awareness-raising initiatives for the legislator and the executive power

Since the entry into force of the Charter, the Parliament has been training the personnel, inter alia, about issues related to the application of the Charter and to the application, interpretation and case-law of other national and international fundamental rights law.

On the other hand, the SC does not have information on the training or other initiatives for civil servants and personnel of the public administration in relation to the Charter and its application. Whereas the LSPA points out that between 2013 and 2015 Presidency training was carried out, which included various courses for public administration personnel on the EU's institutional framework and legislation, assuming that their content included, inter alia, the Charter.

Realizing the Strategic Priority “Involuntary Work in Public Administration” of the 2021-2027 Learning and Development Plan for Public Administration Personnel, the LSPA plans to establish an e-course with a section on human rights issues. During the implementation of this plan, human rights issues may also be included in other trainings. The LSPA is also open to provide training on the Charter via free open lectures (on-site or online). However, the initiative should come from the outside, offering the potential trainers to the LSPA.

1.2. Judiciary level

The court information system, by the key word ‘Charter of Fundamental Rights of the European Union’ shows 1076 (thousand and seventy-six) court rulings between 2009 and now, including cases that have been adjudicated in closed court proceedings.

³¹ Studies by Prof. Ineta Ziemele, PhD and guest lecturers Martins Mits and Peter Gjørtler: *Cilvēktiesības pasaulē un Latvijā / Ineta Ziemeles zinātniskā redakcijā. 2.papild.izd. Rīga: Tiesu namu aģentūra, 2021. 542 lpp.; Grabenwarter, C., Huber, P.M., Knez, R., Ziemele, I. The Role of the Constitutional Courts in the European Judicial Network (2021) European Public Law, 27 (1), pp. 43-62; M.Mits, “Latvia”. In: National Constitutions and EU Integration, edited by Stephan Griller. Hart Publishing, 2022, pp. 401-426; M.Mitts. European Convention on Human Rights in Latvia: Impact on Legal Doctrine and Application of Legal Norms, Media Tryck, Lund, 2010, 296 p., P.Gjørtler. “Magna Carta and the Charter of the European Union”. In: The Rights and Aspirations of the Magna Carta. Springer, 2016, pp. 155-175.*

³² <https://science.rsu.lv/en/publications/>

³³ RGSL together with the Baltic Human Rights Society (BHRS) have won the competition for joining the [FRA multidisciplinary research network](#). The BHRS, together with the RGSL, will offer research and data collection on fundamental rights issues over the next four years to support FRA comparative analysis and EU institutions’ awareness of the human rights situation in the Member States.

³⁴ [Constitutional Court of the Republic of Latvia case No 2021-45-01 “On Compliance of Section 56\(3\), \(4\) and \(5\) of the Law on Institutions of Higher Education with Articles 105, 112 and 113 of the Constitution of the Republic of Latvia”](#)

On the [court portal of Latvia](#) (hereinafter — the Portal) section “[Anonymised rulings](#)” by the key word “Charter of Fundamental Rights of the European Union” 402 (four hundred) anonymised court rulings are available. Of these, there are 72 signed rulings, 315 entered into force, 8 partially annulled, 4 annulled, 3 entered into force in part. By type of case, the Charter is referred to in 40 cases of administrative offence, 219 administrative cases, 98 civil cases, and 45 criminal cases.

In general, the Charter is mostly referred to in a declaratory form, as well as indicated in the applicants’ submissions.

The application of the human rights standards guaranteed by the Charter as an instrument is not fully embedded in judiciary, as it is mostly not used outside the context of the EU law.

‘National courts are required to apply the European Union law in accordance with the interpretation given by the European Courts and to use the method of interpretation developed by the European Courts themselves when applying the European Union law.’³⁵

“The national judge is also a judge of the European Union, because the national judge must find the objective of the European Union and make an initial assessment of whether the legal norm of the European Union or its national performance is prima facie consistent with the general objective of the European Union.”³⁶

The Charter is used less frequently by lower courts, as their cases do not constitute the case-law. Equally, when judging a specific legal norm, a lower court may need to apply to the Constitutional Court.

‘There are more frequent situations where individuals consider that the direct or derived application of a European Union legal act has led to a disproportionate restriction of the fundamental rights laid down in the Charter. Most often, such a requirement will also refer to a violation of the rights and freedoms of the person enshrined in the Constitution. Consequently, the national judge must decide whether it is possible to apply a provision of the European Union law in accordance with the national law, whether it is necessary to refer a question to the Court of Justice of the European Union for a preliminary ruling or whether it is necessary to refer the question of the constitutionality of the applicable norms to the Constitutional Court.’³⁷

The CC has referred to the provisions of the Charter and their interpretation in the case-law of the Court of Justice when carrying out an examination of the constitutionality of the national norms and specifying the fundamental rights standards enshrined in the Constitution. Namely, the concretisation of the fundamental rights enshrined in the Charter has served as a means of interpreting the norms of the Constitution to be consistent.

At the same time, the CC has repeatedly pointed out that the principle of loyalty of the Member States arising from Article 68 of the Constitution derives from respect for the EU law that strengthens democracy.³⁸

³⁵ Levits E., Ziemele I. *Cilvēktiesības un Eiropas Savienība – “Cilvēktiesības pasaulē un Latvijā”*, otrais papildinātais izdevums I. Ziemeles zinātniskajā redakcijā, Tiesu namu aģentūra 2021, 325. lpp.

³⁶ Ziemele I. *Cilvēktiesības un Eiropas Savienība – “Cilvēktiesības pasaulē un Latvijā”*, otrais papildinātais izdevums I. Ziemeles zinātniskajā redakcijā, Tiesu namu aģentūra 2021, 329. lpp.

³⁷ Levits E., Ziemele I. *Cilvēktiesības un Eiropas Savienība – “Cilvēktiesības pasaulē un Latvijā”*, otrais papildinātais izdevums I. Ziemeles zinātniskajā redakcijā, Tiesu namu aģentūra 2021, 325. lpp.

³⁸ [Judgment of the Constitutional Court of the Republic of Latvia of 6 March 2019 in case No 2018-11-01](#), Para. 18.4.1.

1.2.1. The Constitutional Court

When selecting the CC judgments where the Charter has played an important role, it should be pointed out that the judgments where the Charter has had a more declaratory role are not mentioned.

Judgment of 29 October 2010 in Case No 2010-17-01

On social insurance against accidents at work and occupational diseases.

- Specifying the content of Article 109 of the Satversme, the CC alongside the norms of the International Covenant on Economic, Social and Cultural Rights also referred to the Article 35 (1) of the Charter.
- The CC recognised that when interpreting the Constitution in accordance with Latvia's international obligations, the legislator's obligation to provide social security for the social risk associated with accidents at work and occupational diseases in the social protection system follows from Article 109 of the Satversme.³⁹

Judgment of 6 March 2019 in case No 2018-11-01

On the publication of remuneration of state and local government officials and employees on the institution's website.

- Specifying the content of Article 96 of the Satversme, in addition to the provisions of the Convention the CC also referred to Article 16(1) of the TFEU and Article 8(1) of the Charter.
- The CC recognised that the right to inviolability of private life established in Article 96 of the Satversme also covers the right to data protection.⁴⁰

Judgment of 7 June 2019 in Case No 2018-15-01

On the conclusion of successive fixed-term employment contracts with a person elected to the position of associate professor or professor.

- Specifying the content of Article 113 of the Satversme, the CC referred to Article 13 of the Charter.
- The CC recognised that from Article 113 of the Satversme, inter alia, the State's obligation to respect and protect, as well as to ensure academic freedom of the professor emerged.⁴¹

Judgment of 11 June 2020 in Case No 2019-12-01

On the implementation of study programmes of private higher education institutions in the official language.

- Specifying the content of Article 105 of the Satversme, the CC referred to Article 49 of the TFEU and Article 16 of the Charter.
- The CC acknowledged that the Article 49 of the TFEU provides for citizens of the EU Member States the freedom of establishment. By its very nature, the freedom of

³⁹ [Judgment of the Constitutional Court of the Republic of Latvia of 29 October 2010 in case No 2010-17-01](#), Para. 7.2.

⁴⁰ [Judgment of the Constitutional Court of the Republic of Latvia of 6 March 2019 in case No 2018-11-01](#), Para. 16.2.

⁴¹ [Judgment of the Constitutional Court of the Republic of Latvia of 7 June 2019 in case No 2018-15-01](#), Para. 11.3.

establishment means that companies in an EU Member State have the right to operate and offer their services in any other EU country. Freedom of establishment prohibits EU Member States from imposing unjustified obstacles to the commercial activities of companies from other Member States in their territory. On the other hand, the freedom of establishment is also linked to the freedom to conduct a business enshrined in Article 16 of the Charter. Thus, according to obligations binding on Latvia with the EU membership, it follows that Article 105 of the Satversme is to be specified in accordance with the freedom of establishment enshrined in the Article 49 of the TFEU.⁴²

Judgment of 25 June 2020 in Case No 2019-24-03

A guaranteed minimum income level of EUR 64 per month.

- Specifying the content of Article 109 of the Satversme, additional to the norms of the European Social Charter the CC also referred to Article 1 and Article 34(3) of the Charter.
- The CC acknowledged that the Charter is binding on Latvia. Article 1 of the Charter states that human dignity is inviolable. It must be respected and protected. On the other hand, in accordance with Article 34(3) of the Charter, the EU recognises and respects the right to social and housing assistance in combating social exclusion and poverty, in accordance with the EU law and national laws and practices, to ensure a decent life for those who lack sufficient resources. Thus, the concept of social security within the scope of Article 109 of the Satversme also includes measures that are not related to social insurance and payment of contributions, but which are granted by the State to a person in order to provide the necessary social assistance.⁴³

Judgment of 9 July 2020 in case No 2019-27-03

On the amount of the State social security benefit for unemployed persons with disabilities and persons who have reached pension age or seniors.

- Specifying the content of Article 91 of the Satversme, the CC alongside the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of Persons with Disabilities and the Convention also referred to Article 21(1) and Article 26 of the Charter.
- The CC admitted: taking into account the international human rights norms binding on Latvia, disability should be recognised as one of the criteria included in the content of Article 91 of the Satversme, on the basis of which discrimination is prohibited. In addition, persons with disabilities are a specially protected group of persons and, inter alia, the State must also implement special measures to ensure equal opportunities and legal freedoms for these persons.⁴⁴

Judgment of 10 December 2020 in Case No 2020-07-03

The minimum amount of the old-age pension.

⁴² [Judgment of the Constitutional Court of the Republic of Latvia of 11 June 2020 in case No 2019-12-01](#), Para. 23.1.

⁴³ [Judgment of the Constitutional Court of the Republic of Latvia of 25 June 2020 in case No 2019-24-03](#), Para. 17.2.

⁴⁴ [Judgment of the Constitutional Court of the Republic of Latvia of 9 July 2020 in case No 2019-27-03](#), Para. 20.3.3.

- Specifying the content of Article 109 of the Satversme, the CC alongside the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the norms of the European Social Charter also referred to Article 1 and Article 34(1) and (3) of the Charter.
- The CC recognised the inviolability of human dignity in accordance with Article 1 of the Charter. It must be respected and protected. On the other hand, in accordance with Article 34(1) of the Charter, the EU recognises and respects the right to social security benefits and social services which, in accordance with the EU law and national laws and practices, provide protection in such cases as maternity, sickness, accidents at work, dependency or old age, and loss of employment. On the other hand, Article 34(3) provides: In combating social exclusion and poverty, the EU recognises and respects the right to social and housing assistance in order to ensure a decent life for those who lack sufficient resources, in accordance with the EU law and national laws and practices.⁴⁵

Judgment of 13 November 2021, case No 2018-18-01

The determination of the status of generally available information for information on driver penalty points.

- Specifying the content of Article 96 of the Satversme, additional to the provisions of the Convention the CC also referred to Article 8(1) of the Charter.
- The CC recognised that, in accordance with Article 6(1) of the TEU, the EU recognises the rights, freedoms and principles set out in the Charter and the Charter has the same force as the TEU and the TFEU. Furthermore, according to Article 6(3) and Article 52(3) of the Charter, fundamental rights, as guaranteed by the Convention and as they result from the constitutional traditions common to the Member States, are to be regarded as the general principles of the EU law and the rights guaranteed by the Charter in the same meaning and scope as those laid down in the Convention. In view of the above, the Constitutional Court concluded that the Charter also contains general principles of the EU law.⁴⁶ The right of an individual to the protection of their data, enshrined in Article 8 of the Charter, is ensured, as a general principle of the EU law, primarily by the fact that any processing of personal data must comply, firstly, with the principles of data quality referred to in Article 6 of Directive 95/46/EC or in Article 5 of Regulation 2016/679 and, secondly, with one of the principles set out in Article 7 of the above Directive or in Article 6 of the above Regulation, according to which data processing is to be regarded as lawful. Those provisions of Directive 95/46/EC and Regulation 2016/679 specify the principles of lawfulness, fairness, transparency, purpose limitation, data minimisation, accuracy, storage limitation and accountability. The content of these principles in Directive 95/46/EC and Regulation 2016/679 is characterised by continuity.⁴⁷ The contested provision, which provides for the processing of personal data, is essentially related to compliance with the EU legislation — Directive 95/46/EC and, subsequently, Regulation 2016/679. This means that the general principles of the EU law are applicable and, in accordance with Article 51(1) of the Charter, the Charter is also applicable. By giving concrete expression to the right to inviolability of private life included in Article 96 of the Satversme, the Constitutional Court must ensure harmony with the right of a person to protection of their data, as reflected in Article 8 of the Charter, as a general principle of

⁴⁵ [Judgment of the Constitutional Court of the Republic of Latvia of 10 December 2020 in case No 2020-07-03](#), Para. 15.2.2

⁴⁶ [Judgment of the Constitutional Court of the Republic of Latvia of 13 November 2021 in case No 2018-18-01](#), Para. 15.2.1

⁴⁷ [Judgment of the Constitutional Court of the Republic of Latvia of 13 November 2021, case No 2018-18-01](#), para 15.2.1

the EU law. In this regard, the CC should particularly consider the principles of the processing of personal data enshrined in Articles 6 and 7 of Directive 95/46/EC and Articles 5 and 6 of Regulation 2016/679, compliance with which falls within the scope of the rights guaranteed by Article 96 of the Satversme. The requirements laid down in these EU legal norms are consistent with the right to inviolability of private life enshrined in Article 96 of the Satversme and thus strengthen Latvia as a democratic, legitimate, and based on respect and freedom inherent in every person.⁴⁸ The processing of personal data provided for in the contested norm is contrary not only to Article 96 of the Satversme, but also to the norms of the EU law.⁴⁹

Judgment of 23 February 2022 in Case No 2021-22-01

On release of a legal person governed by private law from the obligation to pay a security deposit for the submission of an ancillary complaint in civil proceedings.

- Specifying the content of Article 92 of the Satversme, additional to the provisions of the Convention the CC also referred to Article 47(1), (2) and (3) of the Charter.
- The CC recognised that, pursuant to Article 47 of the Charter, effective judicial protection is a general principle of the EU law based on the constitutional traditions common to the Member States, as well as in Articles 6 and 13 of the Convention. This principle also applies to Member States when implementing the EU law. In accordance with Article 47(3) of the Charter, which is a concrete element of the principle of effective legal protection, a person should be granted legal aid in cases where the lack of such assistance would deprive him of his right to a judicial review. The right to legal aid also includes an exemption from payment of costs and may also be extended to a legal person governed by private law. Therefore, in the fields covered by the EU law, the principle of effective legal protection laid down in Article 47(3) of the Charter applies to a legal person governed by private law.⁵⁰

Judgment of 25 March 2022 in Case No 2021-25-03

The maximum amount of legal aid costs to be reimbursed.

- Specifying the content of Article 92 of the Satversme, additional to the provisions of the Convention, the CC also referred to Article 47(1) and (2) of the Charter.
- The CC recognised that effective judicial protection is a general principle of the EU law based on the constitutional traditions common to the Member States, as well as in Articles 6 and 13 of the Convention. This principle also applies to Member States when implementing the EU law. This means that the right of access to justice applies in all situations involving rights and freedoms guaranteed by the EU law. This principle also means that EU Member States have to put in place a system of remedies and procedures ensuring that these rights are respected in accordance with the EU law, and that national law must not undermine effective judicial protection.⁵¹ Therefore, from the first sentence of Article 92 of the Satversme the State is obliged to fairly regulate the reimbursement of legal aid expenses, which includes the obligation to determine the amount of expenses

⁴⁸ [Judgment of the Constitutional Court of the Republic of Latvia of 13 November 2021 in case No 2018-18-01](#), para 15.2.2

⁴⁹ [Judgment of the Constitutional Court of the Republic of Latvia of 13 November 2021 in case No 2018-18-01](#), para 23.

⁵⁰ [Judgment of the Constitutional Court of the Republic of Latvia of 23 February 2022, case No 2021-22-01](#), para 10.2

⁵¹ [Judgment of the Constitutional Court of the Republic of Latvia of 25 March 2022, case No 2021-25-03](#), para 10.3.

related to legal aid to be reimbursed in such a way that the person's right to receive qualified legal aid is ensured.⁵²

Judgment of 9 February 2023, case No 2020-33-01

On the implementation of study programmes of private higher education institutions in the official language.

- Specifying the content of Article 105 of the Satversme, the CC referred to Article 49 of the TFEU and Article 16 of the Charter.
- The CC recognised that the first three sentences of Article 105 of the Satversme cover everyone's right to use their property, including by engaging in commercial activities. Thus, according to obligations binding on Latvia with the EU membership, the rights enshrined in Article 105 of the Satversme must be specified in accordance with the freedom to conduct a business enshrined in Article 16 of the Charter and the freedom to establishment enshrined in Article 49 of the TFEU. The freedom to conduct a business enshrined in Article 16 of the Charter and the freedom to establishment enshrined in Article 49 of the TFEU may overlap with the right to property enshrined in the first three sentences of Article 105 of the Satversme, but this does not mean that the content of those provisions is identical.⁵³

Judgment of 17 February 2023 in Case No 2022-05-01

On the exemption of a legal person governed by private law from the obligation to pay the State fee for lodging an application.

- Specifying the content of Article 92 of the Satversme, additional to the provisions of the Convention the CC also referred to Article 47(1), (2) and (3) of the Charter.
- The CC acknowledged that the principle of effective legal protection enshrined in Article 47(3) of the Charter is also applicable to a legal person governed by private law.⁵⁴

⁵² [Judgment of the Constitutional Court of the Republic of Latvia of 25 March 2022, case No 2021-25-03](#), para 10.2

⁵³ [Judgment of the Constitutional Court of the Republic of Latvia of 9 February 2023, case No 2020-33-01](#), para 27.2.

⁵⁴ [Judgment of the Constitutional Court of the Republic of Latvia of 17 February 2023, case No 2022-05-01](#), para 11.2.

1.2.2. The Supreme Court

Between 1 December 2009 and 8 March 2023, the SC had adopted 160 rulings containing the words 'Charter of Fundamental Rights'. For the study the SC have particularly selected 18 rulings where the Charter has been applied.

Rulings of the Department of Administrative Cases

- [Judgment of 25 October 2022 in Case No SKA-36/2022](#)
- [Judgment of 7 October 2022 in Case No SKA-166/2022](#)
- [Judgment of 8 July 2022 in Case No SKA-4/2022](#). In the present case, a decision was adopted on 21 April 2021, which referred the questions to the CJEU for a preliminary ruling ([Decision of 21 April 2021 in Case No SKA-14/2021](#)). The CJEU replied to these questions for a preliminary ruling in its [judgment of 28 April 2022 in case of Piltene Forests, C-251/21](#)
- [Judgment of 22 June 2022 in Case No SKA-34/2022](#)
- [Judgment of 19 April 2022 in Case No SKA-79/2022](#). In the present case, a decision was adopted on 4 June 2020 which referred the questions to the CJEU for a preliminary ruling ([decision of 4 June 2020 in Case No SKA-587/2020](#)). The CJEU answered these questions for a-preliminary ruling in its [judgment of 27 January 2022 in Case C 238/20](#)
- [Judgment of 29 April 2022 in Case No SKA-133/2022](#)
- [Judgment of 14 May 2021 in Case No SKA-443/2021](#)
- [Judgment of 27 November 2020 in Case No SKA-18/2020](#) In the present case, a decision was adopted on 8 March 2019 which referred the questions to the CJEU for a preliminary ruling ([decision of 8 March 2019 in Case No SKA-143/2019](#)). The CJEU replied to these preliminary questions in its [judgment of 29 October 2020, Ministry of Health, C-243/19](#)
- [Judgment of 25 March 2022 in Case No SKA-14/2022](#). In the present case, a decision was adopted on 3 June 2020 which referred the questions to the CJEU for a preliminary ruling ([decision of 3 June 2020 in Case No SKA 238/2020](#)). The CJEU replied to these preliminary questions in its [judgment of 27 January 2022 in the case of Satini-S, C 234/20](#)
- [Judgment of 30 April 2020 in Case No SKA-2/2020](#)
- Judgment of 22 February 2017 in Case No SKA-276/2017 ([A420471613](#))
- Judgment of 9 August 2016 in Case No SKA-19/2016 ([A420599811](#)). In the present case, a decision was adopted on 3 June 2015 which referred the questions to the Court of Justice for a preliminary ruling (see Case C-304/05 P, Cf. Decision of 3 June 2015 in Case No-SKA 168/2015 (A420599811). The CJEU replied to these preliminary questions in its [judgment of 26 May 2016, Ezernieki, C-273/15](#)
- Judgment of 8 April 2016 in Case No SKA-15/2016 ([A420617410](#))

Rulings of the Department of Civil Cases

- [Decision of the action session of 23 August 2021 in case No-SKC 919/2021](#)
- [Judgment of 6 June 2018 in Case No SKC-79/2018](#)
- Decision of 31 October 2014 in Case No SKC-2793/2014 ([C32201114](#))

Rulings of the Department of Criminal Cases

- [Decision of 19 January 2023 in Case No SKK-12/2023](#)
- [Decision of 21 September 2021 in Case No SKK-9/2021](#)

In its judgment No SKA-276/2017 in Case No A420471613 of 22 February 2017⁵⁵, the SC assessed the deletion of personal data from the interview available on the website of the newspaper based on the national data protection regulation of natural persons and, in particular, with reference to Articles 7, 8 and 10 of the Charter. In 2002, the person had given his consent to the interview being published in a printed newspaper, he had not given consent to the publication and storage of the interview in the archives of the newspaper on the internet. The SC, pointing to the balancing of a person's right to freedom of expression and the right to protection of private life, referred the case back to the Administrative Regional Court for review. In its judgment of 24 November 2017 in Case A420471613, the Administrative Regional Court ruled, having regarded Articles 7, 8 and 10 of the Charter, the national legislation and the findings of the European Court of Human Rights and the CJEU, that the applicant the owner of the newspaper - has the right to publish the article on the internet and, accordingly, to preserve that information by creating an internet news archive.

In its judgment No SKA-2/2020 of 30 April 2020 in Case No A420428212⁵⁶ the SC assessed the decision of the SRS reducing the unjustifiably increased value added tax to be refunded from the budget and calculating the fine in that regard. The decision states that the applicant wrongly deducted input tax on the declared transactions with third parties for the designing and construction of the fence. The appellant's objections in the cassation appeal were mainly related to the court's evaluation of the materials obtained from the criminal proceedings.

The SC stated that the materials of a criminal case, including testimonies obtained in criminal proceedings, may be used as evidence in an administrative case if it does not infringe the rights guaranteed by the Charter, while equally noting the provisions of Articles 7 and 47 of the Charter in conjunction with the case-law of the Court of Justice in the application of those provisions of the Charter.

In its judgment No SKA 14/2022 of 25 March 2022 in Case No A420186017⁵⁷ the SC assessed whether the RSS had an obligation to grant compensation to a person for the prohibition of the installation of cranberry plantations in peat bogs located in protected nature areas, in compliance with the right to property guaranteed in Article 17 of the Charter. In 2002, the person had acquired a real estate in which the area of 7.7 ha included bog land. The property is located in the nature reserve area and in the Natura 2000 area of conservation of European importance (hereinafter — Natura 2000). In accordance with the national regulatory framework, a prohibition on the construction of cranberry plantations in peat bogs has been imposed in the territory of the nature reserve. Prior to the judgment No SKA-14/2022 in Case A420186017, the

⁵⁵ [Judgment of the Supreme Court of the Republic of Latvia of 22 February 2017 in case No SKA 276/2017 \(A420471613\)](#)

⁵⁶ [Judgment of the Supreme Court of the Republic of Latvia of 30 April 2020 SKA — 2/2020 in case A420428212](#)

⁵⁷ [Judgment of the Supreme Court of the Republic of Latvia of 25 March 2022 No SKA 14/2022 in Case No A420186017](#)

SC in the present case adopted Decision No SKA 238/2020 of 3 June 2020⁵⁸ which referred questions to the CJEU for a preliminary ruling, including how the relevant provisions of the EU law⁵⁹ applicable to the case should be interpreted in accordance with Article 17 of the Charter. The CJEU replied to these questions for a preliminary ruling in its judgment of 27 January 2022 in the case “Sātiņi-S”, C-234/2060. The CJEU stated in their judgement that the right to property guaranteed by Article 17 of the Charter does not constitute an absolute prerogative and that its exercise may be subject to restrictions justified by objectives of general interest pursued by the European Union (judgment of 20 September 2016, *Ledra Advertising and Others v Commission and ECB*, C- 8/15 Pto C-10/15P, EU:C:2016:701, paragraph 69 and the case-law cited) and from Article 52(1) of the Charter, restrictions may be imposed on the exercise of the right to property, provided that those restrictions are in fact consistent with the objectives of general interest pursued and do not, in the light of the objective pursued, constitute a disproportionate and intolerable restriction which undermines the essence of the right thus guaranteed (*judgment of 20 September 2016, Ledra Advertising and Others v Commission and ECB, C- 8/15 Pto C-10/15P, EU:C:2016:701, paragraph 70 and the case-law cited*). At the same time, the CJEU stated that protection of the environment is one of those objectives of general interest (see, to that effect, judgment of 9 March 2010, *ERG and Others*, C-379/08and C-380/08,EU:C:2010:127, paragraph 81 and the case-law cited) and that protection of the environment may therefore justify a restriction on the exercise of the right to property.⁶¹

Considering and essentially based on the conclusion of the CJEU that ‘Article 17 of the Charter must be interpreted as meaning that the Natura 2000 payment to the owner of a bog within that network is not to be granted on the ground that the economic activity which may be carried out in such a peat bog was subject to a restriction, that is to say, a prohibition on the installation of cranberry plantations there, where, at the time when the owner acquired the immovable property in question, he was aware of such a restriction’⁶² the SC concluded that ‘the provisions of Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development cannot be interpreted in that way, that the peat bog land as such would be excluded from the scope of the Regulation, as this land could be covered by the term ‘agricultural area’ or ‘forest’. However, that Regulation allows a Member State to exclude bogs itself from Natura 2000 payments.

The European Agricultural Development Fund operates in the Member States through national rural development programmes approved by the European Commission. Thus, in such cases, the Latvian rural development programme is applicable.

According to the Latvian Rural Development Programme 2014-2020 that the term ‘forest’ contained therein should not be understood as including bogs. In addition, the programme also makes it clear that aid may be granted if restrictions on economic activities are imposed on Natura 2000 sites or in micro-reserves on forest land (excluding peat bogs).⁶³

In its judgment No SKA — 133/2022 of 28 April 2022 in Case No A420157118 the SC, considering the right to property guaranteed by the Charter (Article 17) and the interpretation of the CJEU

⁵⁸ [Decision No SKA — 238/2020 of the Supreme Court of the Republic of Latvia of 3 June 2020 in case No A420186017](#)

⁵⁹ In the present case, Article 30(1) and (6)(a) of Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ 2013 L 347, p. 487) and corrigendum OJ 2016 L 130, p. 1.

⁶⁰ [The Court of Justice of the European Union in its judgment of 27 January 2022 in the case Sātiņi-S, C-234/20.](#)

⁶¹ [Judgment of the Court of Justice of the European Union of 27 January 2022, Sātiņi S, C-238/20](#), paragraphs 62-64

⁶² *Ibid.*, Para. 67.

⁶³ [Judgment of the Supreme Court of the Republic of Latvia of 25 March 2022 No SKA 14/2022 in Case No A420186017](#)

application in Case C-238/20 in relation to State aid⁶⁴, the SC concluded that the costs associated with the fulfilment of statutory environmental obligations and the costs of covering damage caused by protected animals were to be regarded as normal costs for an aquaculture undertaking. The grant of compensation for damage caused to an undertaking by protected animals constitutes an economic advantage which, in principle, the undertaking concerned cannot claim under normal market conditions. The fact that the compensation has the nature of reparation for damage caused by animals does not alter the fact that the granting of compensation improves the financial situation of the undertaking, and the compensatory nature does not preclude such financing from being classified as State aid.

In addition, such compensation was available to an aquaculture company that has fulfilled certain conditions (has completed certain protection measures and implemented considerate ecological practices), which is why this compensation constitutes a selective advantage. Given that the EU law does not provide for the right of entrepreneurs to require the State to pay this type of compensation, this is a choice for each Member State individually, whether to provide for such compensation. This in turn means that Latvian companies have an advantage that may affect competition in the EU internal market. The compensation in question therefore constitutes State aid.⁶⁵

In its judgment of 19 April 2022 in Case No A420259818, SKA-79/2022⁶⁶ the SC maintained the judgment of 30 April 2019 of the Administrative Regional Court, which rejected the applicant's request for a favourable administrative act granting it compensation for the significant damage caused to aquaculture by animals of specially protected non-hunting species and migratory species in real estate.

The SC pointed out that there is a dispute in the case as to whether a person who has suffered damage in connection with conservation measures for wild birds is entitled to a higher level of compensation than that provided for in Article 3(2) of the Aid Regulation⁶⁷. To resolve the dispute, the SC referred questions to the CJEU for a preliminary ruling in its judgment of 27 January 2022 in Case C 238/20 Sātiņi-S-68, on the basis of which the SC ruled that, since the applicant was partially compensated by the amount of de minimis aid, it does not constitute an unfair situation without any additional compensation.

Namely, the SC concluded that '1. The State may impose restrictions on the exercise of the right to property in order to achieve legitimate public interest objectives. Environmental protection is one of those objectives and may justify a restriction on the exercise of the right to property. However, the restriction cannot be disproportionate and undermine the substantive rights. Measures adopted for environmental protection purposes which do not prevent aquaculture activities from being carried out, but merely lay down rules for their implementation, in order to avoid any risk to the environmental interests, should not be regarded as a disproportionate and unacceptable restriction in the absence of compensation to the owners concerned.

In a situation where a person has already received the amount of de minimis aid laid down in European Commission Regulation No 717/2014 of 27 June 2014 on the application of Articles 107 and 108 of the TFEU to de minimis aid in the fishery and aquaculture sector, the State is not obliged to ensure that the economic operator obtains the greatest economic benefit or does not

⁶⁴ [Judgment of the Court of Justice of the European Union of 27 January 2022 in the case Sātiņi-S, C-238/20](#)

⁶⁵ [Judgment of the Supreme Court of the Republic of Latvia of 28 April 2022 SKA — 133/2022 in case A420157118](#)

⁶⁶ [Judgment of the Supreme Court of the Republic of Latvia of 19 April 2022 in case No A420259818 SKA-79/2022](#)

⁶⁷ European Commission Regulation No 717/2014 of 27 June 2014 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid in the fishery and aquaculture sector

⁶⁸ [Judgment of the Court of Justice of the European Union of 27 January 2022, Sātiņi-S, C 238/20](#)

suffer losses. Thus, a person who has suffered damage as a result of measures for the protection of wild birds in ponds belonging to a person belonging to a Natura 2000 site is not entitled to more compensation than that provided for in Article 3(2) of that regulation. In such a situation, in which losses are partially compensated, there is no reason to believe that the lack of additional compensation would be unfair and would undermine the substance of the individual's right to property.

2. Commercial activity involves a variety of risks that an economic operator must consider and take into account before turning to a particular type of business. If an economic operator has decided to engage in fisheries, he or she must take into account the influence of different flora and fauna, and he or she may not require the State to compensate, in whole or in part, the losses incurred as a result of this influence. It is up to the national decision-making bodies whether and to what extent to support their economic operators within the legal framework. The costs of complying with mandatory environmental rules shall be the normal operating costs of an undertaking in the aquaculture sector.⁶⁹

1.2.3. Advocacy, Prosecutor's Office, Notary, Bailiffs

LCSN points out that Latvian sworn notaries use the Charter in accordance with Article 51 of the Charter when implementing the EU law. For example, when dealing with cross-border succession and divorce cases, issuing a European Enforcement Order (Regulation No 805/2004) and a notarised enforcement act on single or periodic maintenance agreements (Regulation No 4/2009 III), applying the Public Documents Regulation (Regulation 2016/1191) and sanctions imposed by the European Union (Council Decision (CFSP) 2022/1909, Regulation No 833/2014). The Charter has had a significant impact in cases where a Latvian sworn notary makes cross-border notarial acts on agreements on maintenance payments and access rights. In these cases, a sworn notary also implements the rights of the child enshrined in Article 24 of the Charter. Similarly, Article 17 of the Charter (right to property) is applied in the context of sanctions imposed by the EU.

The PG explains that all functions of prosecutors in pre-trial criminal proceedings, working on fair resolution of criminal law relations, are performed strictly in accordance with criminal law or criminal procedural norms, and the actions or decisions to be taken by prosecutors are justified and are based on the relevant laws and regulations. Consequently, the Charter does not apply. At the same time, the Prosecutor General sees a possible prospect of the application of the Charter in matters related to criminal proceedings and is aware of the resolution of issues related to the application of the Charter in other stages of further regulation of legal relations, for example, by challenging the compatibility of certain criminal procedural norms with the Satversme and also with EU legislation, as a result of which the compatibility of the relevant norms with the Charter has been requested to be assessed, however, these cases are already outside the competence of the PG.

The LCSA recognises that there has not been a summary of the situations in which Latvian sworn advocates apply or make references to the Charter in their practical work when drawing up procedural documents, however, considering that most of the rights included in the Charter are included in national legal norms, the application of the Charter in practice achieves its objective. The procedural documents clearly refer to and use the European Convention for the Protection of Human Rights and Fundamental Freedoms, which has access to comments, case-law, and procedures for lodging a complaint with the European Court of Human Rights.

⁶⁹ Judgment of the Supreme Court of the Republic of Latvia of 19 April 2022, case No A420259818 SKA-79/2022, <https://www.at.gov.lv/downloadlawfile/8780>

The LCSB points out that, having regard to the scope of application of the Charter laid down in Article 51 of the Charter, neither the LCSB nor the sworn bailiffs directly apply the provisions of the Charter in their work and there is no indication of cases where the application of the Charter would have had a significant impact.

1.2.4. Training and awareness-raising initiatives for justice

According to the information provided by the LJTC, during 2014-2020 training on the Charter, its application and challenges of application has been provided for 89 judges, 13 court employees, 41 advocates and 8 representatives of other legal professions. In addition, during 2011-2022, the LJTC, in cooperation with the Academy of European Law (ERA) and the European Judicial Training Network (EJTN), provided an opportunity to participate in international training activities on the Charter. As a result, 116 judges, 8 court staff and 2 prosecutors were trained. Please see Annex for additional information on these training activities.

The PG recognises that prosecutors regularly improve their knowledge on the application of fundamental human rights and the Charter, both by attending various trainings (e.g., MoJ seminar on the application of the principle of fundamental human rights in criminal proceedings, practical application of the European Arrest Warrant and the European Evidence Warrant; seminar “The Charter of fundamental rights of the European Union in practice” organised by the ERA and LJTC; and the seminar “EU Fundamental Rights and Procedural Standards” organised by the CA in cooperation with ERA) and by participating in training organised by international organisations (e.g., EJTN training “Applicability and effect of the European Chartering of the Fundamental Rights of the Fundamental Rights Society” and training “Applying the Charter of Fundamental Rights of the European Union” organised by the European Society of Criminology (EUROCRIM)).

The LCSA has not organised special trainings on their own initiative, where the lawyers of the Latvian Association of Sworn Advocates would be educated on the Charter and its basic principles. However, in trainings organised for lawyers in analysing case-law, lecturers make references to international human rights documents, including the Charter.

Latvian sworn notaries have not had training courses, lectures, or other educational activities specifically about the Charter and its application. The fundamental rights enshrined in the Charter are acquired indirectly by learning about the legal provisions of the Regulations or Directives in question.

2. Possible future role and added value of the Charter to strengthen the fundamental rights situation at national level

The practice of institutions in the application of the Charter discussed in Chapter 1.1 of the study does not provide convincing examples of good practice that could be developed in strengthening the role of the Charter, as the Charter is used in the practice of Latvian institutions relatively little and mostly declaratory, without understanding the usefulness and potential of its application in strengthening fundamental rights, as well as in the interpretation of the legal content and meaning of the word “applying” in various ways. It can be therefore concluded that the potential of the Charter could be opened primarily through the education and awareness raising of institutional personnel and the public, tailored to the competences of the target group, the field represented, industry and professional needs:

- Developing appropriate guidelines or methodological material with explanatory information for the application of the Charter in practice⁷⁰, accompanied by comments on each article, the case-law of the CJEU and realistic examples from the practice of national authorities (e.g., municipalities in the exercise of their autonomous functions and voluntary initiatives, as well as in the implementation of legislation and policy making).
- Organising and offering more opportunities for attending trainings and seminars on the Charter and its application to employees of state and local authorities who apply legislation or draft legal documents on a daily basis, and to members of the public interested in it.
- Strengthening and promoting the activities, visibility and accessibility of the Charter Focal Point in Latvia (include information about the Focal Point on the website of the Ministry of Justice, its objectives, functions, accomplishments, activities carried out, and the contact details of the responsible officials).
- Raising awareness that the Charter can be applied not only as a material source of law, but also as:
 - the means of interpreting national law;
 - a reference to a general principle, or evidence of the existence of a right, but without any subsequent analysis;
 - a reference to the importance of an additional argument demonstrating the correctness of the assessment of the facts and of law made and the merits of the decision taken in each particular situation.
- Disseminating information on resources containing a collection of insights from the CJEU's practice in cases where the Charter has played an important role, thereby facilitating the use of these insights, preparing responses to individual submissions or drafting legislation.
- Inviting universities, their students and teaching personnel to publish and disseminate research on issues related to the application of the Charter.
- Creating a website dedicated to the Charter at the national level, which would be a comprehensive informative resource in Latvian for all interested parties.

⁷⁰ What the Charter is, its strength and place in the Latvian legal system, its interaction with national laws, in particular the Constitution, its usefulness, technique and force.