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Brussels IIb Regulation - Matrimonial matters and matters of parental responsibility (recast)

Latvia



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FINDING COMPETENT COURTS/AUTHORITIES

The search tool below will help you to identify court(s)/authority(ies) competent for a specific European legal instrument. Please note that although every effort has been made to ascertain the accuracy of the results, there may be some exceptional cases concerning the determination of competence that are not necessarily covered.

Article 103 (1) (a) (1st part) – Public authorities or other authorities authorized to establish an authentic instrument referred to in point (2)(b) of Article 2(2), and public authorities authorized to register an agreement referred to in point (3) of Article 2(2)

Under the circumstances provided for in Article 325 of the Law on Notaries, a certified notary is competent to dissolve a marriage and issue a divorce certificate.

The Law on Notaries and its English translation are available at [Notariāta likums \(likumi.lv\)](#)

Article 103 (1) (a) (2nd part) – Administrative authorities granting legal aid referred to in Article 74(2)

[The Courts Administration \[Tiesu administrācija\]](#).

Article 103 (1) (b) (1st part) – Courts competent to issue certificates for a decision pursuant to Article 36(1), and courts and authorities competent to issue a certificate for an authentic instrument or agreement referred to in Article 66

A certificate for a decision pursuant to Article 36(1)(a) of the Regulation is issued by the court that gave the decision in question.

A certificate for a decision pursuant to Article 36(1)(b) of the Regulation is issued by the court that gave the decision in question. If the decision was given by a family tribunal (*bāriņtiesa*) pursuant to Article 1(2)(b), (c), (d) or (e), the corresponding certificate, pursuant to Article 36(1)(b), is issued by the family tribunal that gave the decision in question.

A certificate for a decision pursuant to Article 36(1)(c) of the Regulation is issued by Riga City Court (*Rīgas pilsētas tiesa*).

A certificate for an authentic instrument in matrimonial matters pursuant to Article 66(1)(a) of the Regulation is issued by a certified notary.

Article 103 (1) (b) (2nd part) – Courts competent to rectify certificates referred to in Article 37(1), Article 48(1), and courts competent to issue a certificate specifying that the lack or limitation of a certified decision referred to in Article 49; and courts and authorities competent to rectify the certificate, issued under Article 66(1), referred to in Article 67(1);

The court this is competent to rectify a certificate pursuant to Article 37 of the Regulation is the court that gave the decision to rectify it.

The court that is competent to rectify or withdraw a certificate pursuant to Article 48 of the Regulation is the court that gave the decision to rectify or withdraw it.

The court that is competent to issue a certificate on lack or limitation of enforceability, as referred to in Article 49 of the Regulation, is the court that gave the decision to issue it.

Article 103 (1) (c) – Courts competent for recognition of a decision (Article 30(3)) and for the refusal of recognition (Article 40(2)), as well as the courts and authorities competent for refusal of enforcement, for challenge or appeal, and for further challenge or appeal referred to in 58(1), 61(2) and 62

The competent court pursuant to Articles 30(3), 40(2) and 58(1) of the Regulation is the district (city) court in whose area of jurisdiction the place of execution of the decision or the declared place of residence of the defendant or – in the absence thereof – the defendant’s place of residence or registered place of business is located.

The decision of the court of first instance recognising a decision of a foreign court may be contested by the submission of an ancillary complaint. The ancillary complaint must be lodged with the court that gave the decision in question and addressed to the relevant court of appeal. The decision of the court of appeal on the ancillary complaint may, however, be contested by the submission of an ancillary complaint with the Supreme Court.

The decision of the court of first instance refusing to recognise or enforce a decision of a foreign court may be contested by the submission of an ancillary complaint. The ancillary complaint must be lodged with the court that gave the decision in question and must be addressed to the relevant court of appeal (Article 61 of the Regulation).

The decision of a regional court recognising the ruling of a foreign court may be contested only by the submission of an ancillary complaint with the Supreme Court (Article 62 of the Regulation).

Article 103 (1) (d) – Authorities competent for enforcement referred to in Article 52

Authorised bailiffs

Article 103 (1) (e) – Redress procedures against a decision on the application for refusal of enforcement referred to in Articles 61 and 62

The court that is competent pursuant to Article 61 of the Regulation is the relevant court of appeal. The ancillary complaint must be lodged with the court that gave the decision in question, but must be addressed to the relevant court of appeal.

The decision of a regional court recognising the ruling of a foreign court may be contested only by the submission of an ancillary complaint with the Supreme Court (Article 62 of the Regulation). The ancillary complaint must be lodged with the regional court that gave the decision subject to the appeal, but must be addressed to the relevant court of appeal on points of law.

In the case of both Articles 61 and 62 of the Regulation, an ancillary complaint may be lodged within 10 days of the date on which the decision is delivered. A participant in a case to whom a court decision has been sent under Article 56.2 of the Law on civil procedure (i.e. a person whose place of residence or location is not in Latvia) may lodge an ancillary complaint within 15 days of the date on which the transcript of the decision was issued.

When an ancillary complaint is lodged, a security of EUR 70 is to be paid.

The ancillary complaint is examined by written procedure. The court notifies the parties to the case of the date on which the ancillary complaint will be examined. A copy of the decision is delivered to the parties to the case within three days of the date on which the ancillary complaint is examined. The decision given on the ancillary complaint cannot be appealed against and takes effect upon adoption.

The procedure for lodging and examining an ancillary complaint is laid down in Chapter 55 of the [Law on civil procedure](#).

Article 103 (1) (f) – Names, addresses and means of communication for the Central Authorities designated to assist with the application of the Regulation in matters of parental responsibility. In case more than one Central Authority is designated, geographical and functional jurisdiction of each Central Authority to be indicated as referred to in Article 76

The Central Authority pursuant to the Regulation is:

The Ministry of Justice of the Republic of Latvia

[Brīvības bulvāris 36, Rīga, LV-1536](#)

Email: pasts@tm.gov.lv

Tel. no: +371 67036802

Article 103 (1) (g) – If applicable, categories of close relatives, in addition to parents, with which the child may be placed within the territory of a Member State, without the prior consent of that Member State as referred to in Article 82

As a rule, within the Latvian regulatory framework, consent is required for the placement of a child with any of the child's relatives, persons with whom the child has a close relationship, or other persons. An exception is, however, made with regard to the duration of the placement. Namely, in accordance with Article 45¹ of the [Law on the protection of children's rights](#), parents may place a child in another person's care in Latvia for a period not exceeding three months. In such a circumstance, one of the parents needs to draw up a power of attorney, specifying to what extent the parents grant the other person the power to represent their child's best interests.

This condition applies solely to children under parental care and to cases where the child is placed in the care of another person for no more than three months.

Article 103 (1) (h) – Languages of the institutions of the European Union other than the own language of a Member State, in which communications to its Central Authorities can be accepted as referred to in Article 91(3))

The languages of communication are Latvian and English.

Article 103 (1) (i) – Languages accepted for the translations of requests and accompanying documents sent under Articles 80, 81, 82, and of the free text fields of the certificates as referred to in Article 91(2)

A translation into Latvian is appended to the requests referred to in Article 80(1) and (2) and to any accompanying documents.

A translation into Latvian is appended to the request referred to in Article 81(1) and to any accompanying documents.

A translation into Latvian is appended to the request referred to in Article 82(1) and to any accompanying documents.

The free text fields of the certificates must be translated into Latvian.

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