

Home>Legislation and case law>National legislation

National legislation

Latvia

In this section you will find information on the Latvian legal system.

Sources of law

Latvia has a continental European legal system. Its most important source of law is written legislation.

Legislation

Relationships between bodies established under public law, private individuals and other right-holders are regulated by legislation (*ārējie normatīvie akti*).

Types of legislation, in descending order of legal status:

the Constitution of the Republic of Latvia;

statute: laws enacted by Parliament;

Cabinet regulations;

regulations of the Bank of Latvia, the Financial and Capital Market Commission and the Public Utilities Commission (in the Latvian legal system these regulations have the same status force as regulations issued by the Cabinet);

binding local government regulations.

Provisions of European Union law are applied in accordance with their position in the hierarchy of legislative acts. When applying provisions of EU law, authorities and courts must also take into account the case-law of the Court of Justice of the European Union.

Provisions of international law are applied irrespective of their source in accordance with their position in the hierarchy of legislative acts. If a provision of international law and a provision of Latvian law with the same status in the hierarchy are found to be incompatible, the provision of international law is applied.

Binding local government regulations are binding on all individuals and legal persons within the relevant administrative area.

Legislation and other legal acts are published in the official gazette, *Latvijas Vēstnesis*. The official publication is publicly authentic and legally binding. No-one may claim ignorance of the legal acts or official announcements published in the official gazette.

The entities entitled to issue legislative acts are:

the people of Latvia when they exercise legislative powers (one tenth of all electors may submit draft legislation to the Parliament; the people may also take part in referenda);

the Saeima (Parliament) has power to pass statutes;

the Cabinet has power to make regulations where so authorised by statute;

the Bank of Latvia, the Finance and Capital Market Commission and the Public Utilities Commission likewise have power to make regulations where so authorised by statute;

local authorities have power to make regulations where so authorised by statute.

Internal public rules

Internal public rules (*iekšējie normatīvie akti*) are made by a body governed by public law with the purpose of establishing procedures for its own internal operations or those of bodies subordinate to it, or to clarify the procedure for applying general legislation within its own scope of operations. Internal public rules are not binding on private individuals. If a body adopts a decision with regard to a private individual, it may not refer in that decision to an internal public rule.

Types of internal public rules are:

the constitution (*nolikums*) or rules of procedure (*reglaments*) of a body, determining its internal structure and organisation, or the internal structure and organisation of a board or unit it has set up;

recommendations (*ieteikumi*): these establish procedures for the exercise of the discretion granted under legislation and internal public rules by providing for a uniform course of action in similar circumstances — in certain situations recommendations may be disregarded if there is sufficient justification for doing so;

instructions (*instrukcija*): these determine how general legislation and general legal principles are to be applied;

internal regulations (*iekšējie noteikumi*): these determine the procedure for adopting administrative decisions, how administrative officials and other personnel are to perform their duties, rules of conduct, safety at work and other matters relating to the operations of the body in question.

All types of internal public rules have the same legal status. If internal public rules are found to be incompatible with one another, the act issued by the higher-ranking authority or official is applied.

If an official finds that there is a conflict between internal public rules issued by authorities or officials of the same hierarchical level, he or she applies: a general legal rule in so far as it is not limited by a special legal rule;

if both rules are general or both are specific, the more recent of the two; the decisive date is the date when the internal public rule was adopted.

If an official finds that there is a conflict between an internal public rule and a rule laid down in legislation, he or she applies the legislation.

The entities entitled to issue internal public rules are:

the Cabinet;

a member of the Cabinet;

a governing body of a public entity;

the head of an authority;

the head of a structural unit set up by an authority.

Sources of law: classes

The sources of law can be divided into the following classes:

laws and regulations (*normatīvie akti*): legal acts that lay down legal rules, bring them into effect, or amend them or repeal them; laws and regulations can be divided into legislation and internal public rules;

general principles of law: written (contained in statute and regulations) or unwritten basic rules governing objective legality in social life;

customary law: rules of conduct that have developed as a result of actual application over an historical time-frame; customary law is applied when developing rights and interpreting provisions of law if statute or other legislation does not provide an answer to the question at issue;

case-law: the body of court rulings containing correct and valuable abstract legal findings which can be used by judges in other cases as reasoning for their own rulings;

learned writing (*doktrīna*): the body of established academic opinion providing an interpretation of provisions of law, their origins and their application; learned writing is widely referred to in the grounds of rulings by courts and public administrative bodies.

Hierarchy of sources of law

Primary sources of law

laws and regulations: these are the sources of law with the highest legal status; they are applied in accordance with their position in the hierarchy of legislative acts;

general principles of law: this source of law is applied if the matter in question is not governed by statute or regulation; general principles of law are also used in the interpretation of laws and regulations; there is no hierarchy among general legal principles: they each have the same status in law;

customary law: this is applied when developing rights and interpreting provisions of law if statute or other legislation does not provide an answer to the question at issue.

Secondary sources of law

case-law – court judgments that, in accordance with the procedural rules, are binding on the courts that hear claims; these judgments have the force of law, are binding on all parties and must be accorded the same respect as statute law.

judgments of the Constitutional Court (*Satversmes tiesa*) are binding on all State and local authorities, institutions and officials, including courts, and on both natural and legal persons. A provision of law (or act) deemed by the Constitutional Court to be inconsistent with a provision of law of higher legal status is considered null and void from the date of publication of the Constitutional Court judgment, unless the Constitutional Court rules otherwise.

If the Constitutional Court deems an international agreement signed or concluded by Latvia to be unconstitutional, the Cabinet is obliged to arrange for the agreement to be amended, denounced, its operations to be suspended or accession to the agreement to be withdrawn.

If a decision of the Constitutional Court that puts an end to a case contains an interpretation of a provision of law, the interpretation is binding on all State and local authorities, institutions and officials, courts, and natural and legal persons.

learned writing is extensively referred to in the reasoning of court rulings and the decisions of public administrative bodies; learned writing has no legal force, nor is it universally applicable.

Institutional framework

Entities entitled to enact legislation

The right to legislate is held by **the Saeima** and **the people of Latvia** with the right to participate in referenda.

The Cabinet may issue legislation in the form of regulations (*noteikumi*) in the following cases:

on the basis of an authorisation laid down by statute;

to approve an international agreement or draft thereof, denounce an international agreement or suspend its operations, unless the Constitution or the law provides otherwise;

if necessary for the application of European Union legislative acts and if the issue in question has not been regulated by statute; these regulations may not impinge on the fundamental rights of private individuals.

The Bank of Latvia, the Financial and Capital Market Commission and the Public Utilities Commission may enact legislation (regulations, *noteikumi*) only on the basis of an authorisation laid down by statute, and within the scope of their remit.

Local authorities may enact legislation (binding regulations) on the basis of statutes or Cabinet regulations.

Legislative process

This section provides a brief overview of the legislative process.

Statute

Tabling of draft legislation in Parliament

Draft legislation may be submitted to Parliament by the President, the Cabinet, parliamentary committees, no less than five Members of Parliament or, in cases and in accordance with procedures provided for in the Constitution, one tenth of all voters.

Examination and adoption of draft legislation in Parliament

Parliament examines draft legislation in three readings. Draft legislation judged to be urgent, the draft State Budget, amendments to the State Budget and draft legislation providing for the adoption of international agreements is adopted at second reading.

Draft legislation is deemed to have been adopted and becomes law if it has been examined in three readings, or in two readings in the cases referred to above, and when the draft is put to a vote it is supported by the absolute majority of votes of the Members of Parliament present.

Promulgation of laws

All the laws adopted are sent by the Steering Committee (*Prezidijs*) of the Saeima to the President for promulgation.

The President promulgates the laws adopted by the Saeima no earlier than the tenth day and no later than the twenty-first day after their adoption. The law enters into force on the fourteenth day after its promulgation (publication) in *Latvijas Vēstnesis*, the official gazette, unless the law provides for a different deadline.

Right to suspend promulgation of a law

The President has the power to request reconsideration of a law or to postpone its publication for up to two months.

The President exercises the right to request reconsideration of a law at his or her own initiative, but can only postpone publication of a law if so requested by no less than a third of all Members of Parliament. The President or a third of all Members of Parliament can exercise the abovementioned rights within ten days of adoption of the law by the Saeima.

A law suspended in accordance with the above procedure is referred for a vote to a national referendum, if this is requested by no less than a tenth of all voters during the signature collection procedure. However, if no such request is received within two months, the law is published. A referendum is not held if the Saeima votes on the law in question once again and at least three quarters of all Members of Parliament vote to adopt it.

A law adopted by the Parliament and suspended by the President may be repealed by a referendum if at least half of the voters who participated in the previous Saeima elections take part in the referendum and the majority of them vote in favour of repealing the law.

Not all laws can be put to a referendum, however. The Budget and laws on loans, taxes, Customs, railway tariffs, military service, the declaration and initiation of war, the conclusion of a peace treaty, the declaration and repeal of a state of emergency, mobilisation and demobilisation and agreements with foreign countries may not be put to a referendum.

Entry into force of a law

A law enters into force on the fourteenth day following its publication in *Latvijas Vēstnesis*, unless the law specifies another deadline. The time limit for entry into force of a law begins the day following publication of that law.

Cancellation of a statute

A statute ceases to be in force in the following circumstances:

- upon entry into force of a statute repealing the earlier statute;
- upon entry into force of a transitional provision of another statute which provides that the earlier statute is repealed;
- upon entry into force of a judgment of the Constitutional Court which annuls the relevant law;
- in the case of a law adopted for a limited time period, when the period for which the law was intended to be in force expires.

Cabinet regulations

Submission of a draft regulation to the Cabinet

A draft regulation drawn up by a Ministry, the State Chancellery or a public administrative body answerable to the Prime Minister may be submitted to the Cabinet by a member of the Cabinet.

A draft regulation drawn up by the head of another State or local authority, NGO or social partner organisation may be submitted for consideration by a Cabinet committee or by the Cabinet itself only via the member of the Cabinet who is politically responsible for the respective area, sector or sub-sector.

Examination and adoption of a draft Cabinet regulation

Draft regulations submitted to the Cabinet are notified and discussed at meetings of State Secretaries. Once a draft Cabinet regulation has been notified, it is sent to the relevant Ministries for their approval and, if necessary, to other relevant institutions. The Ministry of Justice and Ministry of Finance give their opinion on all draft legislation. NGO representatives may also submit their opinions during the approval process.

Draft regulations which have been agreed upon are examined at a meeting of the Cabinet, whereas those on which agreement has not been reached are discussed at a meeting of State Secretaries or of a Cabinet committee. Any projects agreed upon at such a meeting are referred to a meeting of the Cabinet for further consideration. If the Cabinet meeting endorses the draft regulation, it is deemed to have been adopted and becomes a Cabinet regulation.

Promulgation of Cabinet regulations

Cabinet regulations are promulgated by publication in *Latvijas Vēstnesis*, the official gazette.

Entry into force of Cabinet regulations

Cabinet regulations enter into force on the day following their publication in *Latvijas Vēstnesis*, unless they specify otherwise.

Cancellation of Cabinet regulations

Cabinet regulations cease to be in force in the following circumstances:

- upon entry into force of a Cabinet regulation repealing the earlier regulation;
- upon entry into force of a provision of the closing provisions of a Cabinet regulation which repeals the earlier regulation;
- if the provision of a law on the basis of which the Cabinet regulation was issued ceases to be in force;
- upon entry into force of a judgment of the Constitutional Court which annuls the relevant Cabinet regulation;
- in the case of a Cabinet regulation adopted for a limited time, if the period for which the regulation was intended to be in force expires.

Regulations of the Bank of Latvia, Finance and Capital Market Commission and Public Utilities Commission

The procedure for the promulgation, entry into force and cancellation of regulations of the Bank of Latvia, the Finance and Capital Market Commission and the Public Utilities Commission is equivalent to the procedures for the promulgation, entry into force and cancellation of Cabinet regulations.

Binding local government regulations

Submission of draft binding local government regulations to a local council

Draft binding local government regulations may be submitted to a local council by the chair of the council, a council committee, members of the council, the initiator of an extraordinary meeting or the head of a city, town or civil parish administration.

Examination and adoption of draft binding local government regulations

Draft binding local government regulations are adopted and become binding if more than half of the members of the local council present vote in favour, unless otherwise provided by statute.

The council sends the regulations and an explanatory memorandum to the Ministry of Environmental Protection and Regional Development in written and electronic form within three days of the date of signature. The Ministry evaluates the legality of the regulations within a month of receiving them and sends the local council its opinion.

If the opinion of the Ministry contains no objections with regard to the legality of the regulations, or no opinion is sent to the local council within the specified time limit, the local council issues the binding regulations as adopted.

If an opinion from the Ministry is received which finds that the regulations are illegal in whole or in part, the local council makes improvements to the regulations in line with the opinion and issues amended regulations. If the local council does not agree with the opinion in whole or in part, it provides justification for this in its decision and issues the regulations. The regulations are sent to the Ministry of Environmental Protection and Regional Development in written and electronic form within three days of the date on which they are signed.

Promulgation of binding local government regulations

A city council (*Republikas pilsētas dome*) publishes binding regulations and the explanatory memorandum accompanying them in the official gazette, *Latvijas Vēstnesis*. A municipal council (*novada dome*) publishes binding regulations and the explanatory memorandum accompanying them in *Latvijas Vēstnesis* (since 6 November 2015) or in a local newspaper or free publication.

A municipal council must adopt binding regulations specifying where such regulations are to be published, and must publish that choice in *Latvijas Vēstnesis*. A municipal council can change its chosen channel of publication for binding regulations no more frequently than once a year. After their entry into force, binding local government regulations are published on the local government website. Binding regulations enacted by municipal councils are also made available in the municipal council building and in the administrative offices of the civil parish, town or city.

Entry into force of binding regulations of local governments

Binding regulations enter into force on the day following their publication in their official publication channel, unless they specify a later date of entry into force.

Cancellation of binding local government regulations

Binding local government regulations cease to be in force in the following circumstances:

- upon entry into force of binding regulations repealing the earlier regulations;
- upon entry into force of a provision of the closing provisions of binding regulations which repeal the earlier regulations;
- if a provision of a higher-ranking law or regulation, on the basis of which the relevant binding regulations were issued, ceases to be in force;
- upon entry into force of a judgment of the Constitutional Court which annuls the relevant regulations;
- in the case of binding regulations adopted for a limited time, if the period for which the regulations were intended to be in force expires.

Legal databases

Latvijas Vēstnesis, official gazette of the Republic of Latvia

The official publication *Latvijas Vēstnesis* is the official gazette of the Republic of Latvia. Publication of information therein constitutes its official publication.

The official publication is publicly authentic and legally binding.

No-one may claim ignorance of the legal acts or official announcements published in the official gazette.

Since 1 July 2012, the official gazette *Latvijas Vēstnesis* is published officially in electronic form on the website <https://www.vestnesis.lv/>. Information published on the website <https://www.vestnesis.lv/> prior to that date was for information purposes only: until then the official publication was in the print version of *Latvijas Vēstnesis*.

Consolidated legislation

Consolidated statutes, Cabinet regulations and other laws and regulations are available on the Latvian legislative website <http://www.likumi.lv/>. All of the consolidated laws and regulations published on the website are for information purposes only. The website is maintained by the official publisher

[VSIA Latvijas Vēstnesis](#).

Official publisher

The publisher of the electronic official gazette *Latvijas Vēstnesis* is the same as for the previous print edition of the same name: [VSIA Latvijas Vēstnesis](#).

The official publisher operates in accordance with international standards ISO 9001:2015 (quality management) and ISO 27001:2013 (information security).

Can the database be accessed free of charge?

Yes, *Latvijas Vēstnesis* is available free of charge. The electronic archive of the previous *Latvijas Vēstnesis* print edition is also available free of charge.

Access to the website of consolidated legal acts is also free.

Links

[Saeima \(Parliament of the Republic of Latvia\)](#)

[Cabinet of the Republic of Latvia](#)

[Bank of Latvia](#)

[Financial and Capital Market Commission](#)

[Public Utilities Commission](#)

[Contact information for local authorities](#)

[Official gazette, Latvijas Vēstnesis](#)

[Latvian legislative website](#)

Last update: 23/09/2020

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