

Procedural time limits - Latvia

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1 What are the types of deadlines relevant for civil procedures?

Procedural time limits are periods of time within which some procedural step must be taken.

Time limits can be divided into classes depending on who is bound by them:

Time limits with which a court, judge or bailiff must comply are prescribed by law, and are usually short. In civil proceedings, these time limits range from 1 to 30 days (for example, Section 102(2) of the Law on Civil Procedure (*Civilprocesa likums*), 15 days; Section 140(9), 30 days; Section 341.⁶(2), 15 days). A judge must rule on whether to accept an application within 7 days of receiving it, but when an application seeks the return of a child to Latvia and will have to be submitted to a foreign country, a decision must be taken at a court hearing within 15 days after proceedings are initiated. A ruling on measures to secure a claim

must be made no later than the day after proceedings are initiated. An adjudication on provisional protection against violence must be made no later than on the next working day after the receipt of the application, if no additional evidence needs to be requested or if a delay might significantly affect the plaintiff's rights; in other cases it must be made within 20 days after the receipt of the application. For certain categories of cases there is a time limit within which examination of the case must begin or the case must be reviewed and concluded with a ruling. A copy of a judgment or decision is to be sent no later than three days after the judgment or decision is pronounced, or, if an abbreviated judgment is given, within three days of the drawing up of the full judgment. There are other time limits provided for by law. Sometimes a court or bailiff must take certain steps at once. In certain cases prescribed by law there are general time limits which courts or judges can render specific, thereby themselves setting the time within which a step must be taken. In complex cases a court may draw up an abbreviated judgment consisting only of an introductory part and an operative part. It will then draw up a full judgment within 14 days, and will specify the date when the full judgment will be ready. The Law on Civil Procedure does not specify time limits within which a court has to prepare and adjudicate a civil case.

Nevertheless, Section 28 of the Law on Judicial Power states that, in order to ensure defence of a person's infringed rights, a court must examine the case 'in a timely manner' (*savlaicīgi*), meaning that the case must be adjudicated as fast as possible. At the same time, as an exception to the ordinary court procedure, the Law on Civil Procedure lays down specific time limits for the examination of applications for certain categories of civil case that are subject to special procedures: for example, a judge must take a decision on an application for undisputed enforcement of obligations (*saistību bezstrīdus piespiedu izpildīšana*) within 7 days of its receipt. Moreover, there are provisions in specialised legislation that specify which matters are to be adjudicated by an extraordinary procedure (for example, priority has to be given to any action related to ensuring children's rights and interests as provided for in the Law on the Protection of the Rights of the Child).

Time limits for procedural steps that have to be taken by parties to the proceedings – these time limits are established by the Law on Civil Procedure - 14 days prior to a court hearing for submission of evidence, unless the judge has set a different time limit; 10 days for the submission of an ancillary objection (*blakus sūdzība*); 20 days for the lodging of an appeal (*apelācija*), etc. In most cases, however, time limits applicable to the parties to the proceedings and any other interested parties are determined by the court, judge or bailiff, who sets a specific date for a time limit that the legislation lays down only in general terms, or sets a date independently, taking due account of the type of procedural step, the distance from a person's place of residence or whereabouts, and other circumstances.

Time limits applicable to persons that are not parties to the case are set only by a court or a judge.

The main time limits are as follows:

- time limit for the submission of evidence: unless the judge determines otherwise, evidence must be submitted no later than 14 days before a court hearing. While a case is being heard, evidence may be submitted at the reasoned request of a party to the dispute or a third party, provided that this will not delay the adjudication of the case, or that the court accepts that there are good reasons why the evidence was not submitted on time, or that the evidence concerns facts that have come to light in the course of the proceedings. A decision by the court to refuse to accept evidence may not be challenged, but objections to the decision may be put forward in a full appeal (*apelācija*) or an appeal on a point of law (*kasācija*);
- time limit for a defendant to submit observations: once proceedings have been initiated, the application and copies of accompanying documents must be sent to the defendant at once, by registered mail, setting a time limit for the submission of written observations of 15 to 30 days from the date the application is sent;
- time limit to rectify deficiencies in an application for the reopening of proceedings and a fresh trial of the case: when a judgment is given in default of appearance, the defendant has 20 days from the day on which the judgment is sent to apply to the court asking to have the proceedings reopened and the case heard afresh;

Time limit for stay of proceedings:

- where a natural person has died, or a legal person has ceased to exist, who is a party to the proceedings or a third party with an independent claim, and where the legal relationship in dispute permits the transfer of rights, the relevant period is the time until a successor has been determined or a legal representative appointed;
- where the court has determined such restriction for the capacity to act for a party or third person which prevents him or her from the independent exercise of civilprocedural rights and obligations – until the appointment of a legal representative;
- where a party to the proceedings or a third party cannot participate in the proceedings because of serious illness, age or disability, the relevant period is the time until the deadline set by the court for appointing a representative;
- where the court takes a decision on the submission of an application to the Constitutional Court, or the Constitutional Court has initiated proceedings on a constitutional claim brought by the plaintiff or applicant, or where the court takes a decision to refer a case to the Court of Justice of the European Union for a preliminary ruling, or where it is not possible to decide a case

until another civil, criminal or administrative case has been decided, the relevant time is the time until the decision of the Constitutional Court or of the Court of Justice of the European Union or of the civil, criminal or administrative court takes legal effect;

- where a party to the proceedings or a third party with an independent claim is outside the borders of Latvia on a long-term mission or official business, or a search for the defendant has been advertised, or where a party to the proceedings or a third party with an independent claim cannot participate in the proceedings because of illness, or where a court orders an expert report, the relevant period is the time until these circumstances have ceased to apply;
- where the parties agree to stay the proceedings and no third party with an independent claim objects, the relevant period is the time until the deadline laid down in the court decision;
- where insolvency proceedings of a legal person or insolvency proceedings of a natural person have been declared for a defendant in the claims which are financial in nature, the relevant period is the time until the insolvency proceedings have been completed.

Time limit for submission of an appeal (*apelācija*): an appeal against a decision of a court of first instance may be submitted within 20 days after the judgment is pronounced. Where an abbreviated judgment is pronounced, the time limit for an appeal runs from the date set by the court for drawing up of the full judgment. If the full judgment is drawn up after the set date, the time limit for submission of an appeal against it runs from the date on which it is actually drawn up. An appeal submitted after the time limit has passed is not admissible and will be returned to the submitter.

Time limit for submission of an ancillary objection (*blakus sūdzība*): an ancillary objection may be submitted within 10 days of the day on which the court takes the contested decision, unless the Law on Civil Procedure provides otherwise. An ancillary objection submitted after the time limit has passed is not admissible and will be returned to the submitter.

Time limit for submission of an application seeking consideration of newly discovered facts: the time limit for submission of such an application runs:

- in respect of circumstances essential to the case that existed at the time of the proceedings but were not and could not have been known by the applicant: from the day that these facts come to light;
- in respect of intentionally false witness statements, experts' opinions or translations, or forged written or material evidence brought to light in relation to a court judgment that has taken legal effect in a criminal case, on the basis of which the judgment was given, or in respect of criminal activities brought to light in relation to a court judgment that has taken legal effect in a criminal case, on the basis of which an unlawful or unfounded judgment has been given or decision taken: from the day on which the judgment in the criminal case takes legal effect;
- in respect of the annulment of a court judgment, or of a decision by another institution that formed the basis for the court judgment or decision in the case: from the day that the court decision annulling the judgment in the civil or criminal case takes effect, or from the day of the annulment of the decision of the other institution that formed the basis for the judgment or decision whose annulment is sought in the light of newly discovered facts;
- where it is recognised that a legal rule that was applied in deciding the case is not compatible with a legal rule that has precedence over it: from the day of taking effect of a judgment or other decision whereby the rule applied loses its force because it fails to comply with the rule taking precedence.

Time limits for submission of enforcement documents: an enforcement document may be submitted for enforcement within 10 years of the day that a decision of a court or a judge takes effect, unless other limitation periods are laid down by law.

Where a court judgment orders that a debt is to be recovered through periodic payments, the enforcement document remains in effect throughout the period within which the payments are to be made; however, the 10 year period referred to above begins to run on the final day allowed for each payment.

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

Pursuant to the Law on Public Holidays, Remembrance Days and Festive Days, the following dates have been determined as public holidays:

- 1 January: New Year's Day;
- Good Friday, Easter Sunday and Easter Monday;
- May 1: Labour Day, commemoration of the Convocation of the Constituent Assembly of the Republic of Latvia;
- May 4: commemoration of the Declaration on the Restoration of the Independence of the Republic of Latvia;

- second Sunday of May: Mother's Day;
- Whit Sunday;
- 23 June : St. John's Eve;
- 24 June: St John's Day, Midsummer Day;
- Final day of the Latvian Nationwide Song and Dance Festival;
- 18 November: commemoration of the proclamation of the Republic of Latvia.
- 24, 25 and 26 December: Christmas (winter solstice);
- 31 December: New Year's Eve.

The Orthodox, old-believers and believers of other religious denominations celebrate Easter, Whit Sunday and Christmas on the days determined by these religious denominations.

If 4 May, a final day of the Latvian Nationwide Song and Dance Festival or 18 November falls on a Saturday or Sunday, the next working day becomes a holiday.

3 What are the applicable general rules on time limits for the various civil procedures?

Procedural steps are subject to time limits laid down by law. Where the law does not set a time limit, the time limit is set by the court or judge. The time limit set by a court or a judge must be long enough to allow the procedural step to be taken.

The time limit may be a precise date, or a period ending on a set date, or a period expressed in years, months, days or hours. Where the step does not have to be taken on a set date, it may be carried out at any time during the period indicated. The period may be determined by reference to the occurrence of an event that must certainly happen.

4 When an act or a formality has to be carried out within a given period, what is the starting time?

A procedural time limit computed in years, months or days starts to run on the day following the date or event indicating its commencement.

A procedural time limit computed in hours starts to run in the next hour following the event indicating its commencement.

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

Court documents are delivered to a natural person at their declared place of residence, or if they have declared an additional address then at that additional address, or at an address that they have indicated for correspondence with the court. The natural person has a duty to be reachable at the address of their declared place of residence, or at the additional address they have declared, or at the address they have indicated for correspondence with the court. If a defendant has not got a declared place of residence and has not indicated an address for correspondence with the court, the court documents will be sent to the address indicated for the party by the plaintiff, or obtained by the court in evidence of the actual address of the party. The court documents may also be delivered to a person's workplace.

Judicial documents shall be delivered by electronic mail, if a participant in the case has notified the court that he or she agrees to use electronic mail for correspondence with the court. In such case judicial documents shall be sent to the electronic mail address indicated by the participant in the case. If the court finds technical obstacles for the delivery of judicial documents by electronic mail, they shall be delivered by other method referred to in Paragraph two of this section.

If the participant in the case has notified the court of the fact that he or she agrees to electronic correspondence with the court, as well as of his or her registration in the online system, judicial documents shall be communicated in the online system. If the court finds technical obstacles for the communication of judicial documents in the online system, they shall be delivered in other way referred to in the second paragraph of this Section, but the court summons shall be sent to the electronic mail address indicated by the participant in the case.

It should be also taken into consideration that judicial documents have been delivered based on the address of the declared place of residence of a natural person, based on the additional address indicated in the declaration, based on the address indicated by the natural person for correspondence with the court or the legal address of a legal person and a statement is received from the post office regarding delivery of the postal item or documents are returned which shall not affect the fact that the documents have been notified. The addressee may refute the presumption that documents have been issued on the seventh day from the day of sending if documents have been sent as a postal item, or on the third day from the day of sending if documents have been sent as

an electronic mail item or by communicating in the online system with reference to the objective circumstances which acted as an obstacle for the receipt of the documents based on the indicated address beyond his or her control.

However, if the court documents are served on the addressee in person by a messenger against signature, or if a party to the case has served them on the addressee in person against signature, or if, when serving the court documents in person, the person serving them does not meet the addressee at their place of residence, and serves the documents on any adult family member residing with the addressee, the court documents will be considered to have been served on the date when the addressee or another person accepts them.

If the addressee refuses to accept the court documents, the documents will be considered to have been served on the date when the addressee refused to accept them.

If the documents are sent by post, they will be considered to have been served on the seventh day after their posting.

If the documents are sent by electronic mail, they will be considered to have been served on the third day from their sending.

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

No. If a period begins upon the occurrence of a particular event, time begins to run on the next day after the occurrence of the event that determines its commencement.

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

If a period is expressed in days, the number of days includes all calendar days.

8 When such a period is expressed in weeks, in months or in years?

Periods expressed in years, months or days include calendar days.

9 When does the deadline expire if expressed in weeks, in months or in years?

A period expressed in years expires on the respective month and on the respective date of the period's final year.

A period expressed in months expires on the respective date of the period's final month. Where a period expressed in months ends in a month that has not got the respective date, it expires on the last day of that month.

A period that extends until a particular date expires on that date.

- A procedural step whose time limit is expiring may be carried out until 24:00 on the period's final day.
- If a procedural step is to be taken in court, the time limit expires when the court ceases its work on that day. Where an application, appeal or other document is delivered to a communications operator by 24:00 on the final date of the period, it is considered to have been submitted within the time limit.

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

If the period expires on a Saturday, a Sunday or a statutory national holiday, the last day of the period becomes the next working day.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

Only time limits set by a court or a judge may be extended at the request of a party to the case. Time limits set by law may, however, be renewed by a court, at the request of a party to the case. An application for the extension of a time limit or for the renewal of a time limit that has been missed should be submitted to the court where the delayed step was to have been carried out; the court will decide by written procedure. The parties are given written notice that the application is being considered by sending them the application, concurrently sending them the application on extending the time limit or renewal of the missed time limit. An application for the renewal of a procedural time limit must be accompanied by the documents required for the performance of the procedural step, and the grounds for renewal of the time limit.

A time limit set by a judge may be extended by a judge sitting alone. An ancillary objection may be submitted against a refusal by a court or a judge to extend or renew a time limit.

12 What are the time limits for appeals?

Time limit for submission of an ancillary objection (*blakus sūdzība*): an ancillary objection may be submitted within 10 days of the day on which the court takes the decision.

If a decision is adopted by written procedure, the time limit for the submission of an ancillary objection runs from the day the decision is served.

If a decision is taken in the absence of a party (for example a decision ordering the taking of evidence or ordering a provisional protection measure), the time limit for the submission of an ancillary objection runs from day of the service or dispatch of the decision.

If a court decision has been sent to the person whose place of residence, whereabouts or registered office is not in Latvia but their address is known, in accordance with the EU legislation or the international agreements binding on Latvia, the person may submit an ancillary objection within 15 days from the day of service of the copy of the decision or, if the court has given an abbreviated decision, from the day of service of a copy of the full decision.

Any full appeal (*apelācija*) must be submitted within 20 days from the day the judgment is pronounced, or if an abbreviated judgment is pronounced, from the date the court set for the drawing up of a full judgment. If the full judgment is drawn up after the set date, the time limit for submission of an appeal against it runs from the date on which it is actually drawn up.

If a copy of a court judgment has been sent to the person whose place of residence, whereabouts or registered office is not in Latvia but their address is known, in accordance with the EU legislation or the international agreements binding on Latvia, the person may submit a full appeal within 20 days from the day of service of the copy of the judgment.

An appeal on a point of law (*kasācija*) must be submitted within 30 days running from the day on which the judgment is pronounced but if an abbreviated judgment is pronounced, from the date the court set for the drawing up of a full judgment. If the full judgment is drawn up after the set date, the time limit for submission of an appeal against it runs from the date on which it is actually drawn up.

If a copy of a court judgment has been sent to the person whose place of residence, whereabouts or registered office is not in Latvia but their address is known, in accordance with the EU legislation or the international agreements binding on Latvia, the person may submit an appeal on a point of law within 30 days from the day of service of the copy of the judgment.

Whether an appeal is a full appeal or an appeal on a point of law only, if it is submitted after the time limit has passed it is inadmissible and will be returned to the submitter. An ancillary objection may be submitted against a judge's decision to reject a full appeal or an appeal on a point of law within 10 days of the day when the court took the decision.

In the case of certain categories of dispute, for example concerning the recognition of a decision taken by a foreign court, specific time limits may be laid down for appeals, set on a case-by-case basis within the rules governing civil procedure.

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

A court must postpone consideration of a case, and set another date for the court hearing, if:

- any party to the case is absent from the hearing and has not been notified of the time and place of the hearing;
- any party to the case who has been notified of the time and place of the hearing is nevertheless absent from the hearing for reasons that the court considers valid;
- a copy of the application has not been served on the defendant, and for that reason the defendant asks for the postponement of the adjudication of the matter;
- it is necessary to summon, as a party to the case, a person whose rights or lawful interests might be infringed by the judgment of the court;
- if postponement might help to restore the cohabitation of the spouses or promote an amicable settlement, whereupon, the court can on its own initiative postpone hearings. At the request of a party consideration of the case for this purpose may also be postponed repeatedly;
- if the defendant's place of residence or whereabouts is not in Latvia, and notification has been sent to the defendant regarding the time and place of the court hearing, and confirmation of service of the documents has been received, but the defendant has not received the notification in good time, and fails to appear at the court hearing;

- 7) if the defendant's place of residence or whereabouts is not in Latvia, and notification has been sent to the defendant regarding the time and place of the court hearing, or a copy of the application has been sent, but no confirmation has been received, and the defendant fails to appear at a court hearing.
- if consent of the parties for mediation is received.

A court may postpone consideration of the case in some other circumstances too.

A court may postpone consideration of the case:

- if a plaintiff who has been notified of the time and place of the court hearing fails to appear for reasons which are unknown;
- if a defendant who has been notified of the time and place of the court hearing fails to appear for reasons which are unknown;
- if the court considers it is impossible to decide the case because of the failure to appear of a party whose presence is mandatory in accordance with law, or of a witness, expert or interpreter provided by the court;
- at the request of a party to the case who asks to be given the opportunity to produce additional evidence;
- if a person is unable to participate at a court hearing by videoconferencing, due to technical or other reasons beyond control of the court;
- if an interpreter is absent from the hearing for reasons that the court considers valid.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

No. Under the rules of civil procedure, delivery and service of court documents to a person whose place of residence or whereabouts is outside Latvia follows a different mechanism, and procedural time limits that start running from the moment of receipt of the court documents are calculated differently.

For example, as a general rule, an appeal against a decision made by a court of first instance may be lodged within 20 days of the day the judgment is given. If a judgment is sent to a party whose place of residence or whereabouts is outside Latvia, that person is entitled to submit an appeal within 20 days of the day the copy of the court judgment is served. Where different time limits for the submission of appeals against a judgment of a court of first instance are set for different parties to the case, the judgment takes effect if no appeal is submitted within the time allowed for appeals computed from the day of service of the last copy of the judgment unless a full appeal is submitted.

15 What are the consequences of non-observance of the deadlines?

Entitlement to take a procedural step comes to an end upon the expiry of the time limit set by law or by the court. Challenges and documents submitted after the time limit has expired will not be admitted.

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

At the request of a party the court may renew a time limit that has been missed if it considers that there was valid reason for the delay.

A court may renew:

- time limits that have been missed;
- time limits laid down by law;
- time limits allowed to parties for the exercise of their procedural rights.

Purely procedural time limits associated with general periods of limitation are not renewable; for example, it is not possible to renew a time limit for the submission of an enforcement document after the expiry of a 10year limitation period that started to run on the day that the relevant decision of a court or judge took effect.

When it renews a time limit that has been missed, the court at the same time allows the delayed procedural step to be carried out.

Procedural time limits laid down by a court, judge or bailiff may at the request of a party be extended before they expire. Time limits laid down by law may not be extended. Where a time limit laid down by a court, judge or bailiff has been missed, the person bound by the time limit may request that a new time limit be set in which to carry out the procedural step.

An application for the extension of a time limit or for the renewal of a time limit that has been missed should be submitted to the court where the delayed step was to have been carried out. The application is decided at a court hearing, and the parties are

notified in advance of the time and place of the hearing. The failure of a party to appear is no impediment to a decision on the application.

An application for the renewal of a procedural time limit must be accompanied by the documents required for the performance of the procedural step, and the grounds for renewal of the time limit.

A time limit set by a judge may be extended by a judge sitting alone.

An ancillary objection may be submitted against a refusal by a court or a judge to extend or renew a time limit.

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