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If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima* [1] has adopted and
the President has proclaimed the following law:

Administrative Procedure Law

Part A
General Provisions

Chapter 1
Basic Provisions of Administrative Procedure

Section 1. Terms Used in this Law

(1) An **institution** is a legal entity, a unit or an official thereof on which specific State authority powers have been conferred in the field of State administration by a legal act or contract governed by public law.

(2) A **higher institution** is a legal entity, a unit or an official thereof which may, in hierarchical order, issue orders to an institution or set aside a decision thereof.

(3) An **administrative act** is a legal act directed externally which is issued by an institution in the field of public law with regard to an individually indicated person or individually indicated persons establishing, altering, determining or terminating specific legal relations or determining an actual situation. The administrative act is also a decision issued by an institution in the cases provided for in the law with regard to an individually undetermined range of persons who are under specific and identifiable circumstances (general administrative act). The administrative act is also a decision on the establishment, alteration or termination of the legal status of an official or a person specially subordinate to the institution, or the disciplinary punishment of this person, and also any other decision if it significantly restricts the human rights of the official or the person specially subordinate to the institution. Within the meaning of this Paragraph an official is not an employee of the institution with whom employment relationships are to be established in accordance with laws and regulations. The administrative act is not the following:

1) a decision or another action of an institution in the field of private law;

2) an internal decision of an institution which only affects the institution itself, an institution subordinate to it or a person specially subordinate to it;

3) an interim decision (including a procedural decision) within the framework of administrative proceedings, except for the case where it in itself affects significant rights or legal interests of a person or significantly impedes the exercise thereof;

4) a political decision of the *Saeima*, the President, the Cabinet or a local government council (a political statement, declaration, invitation, and notification of the election of officials, etc.);

5) a court ruling, a decision in criminal proceedings, and also a decision taken in the administrative offence proceedings.

(4) A **legal provision** is comprised of a legal act (part thereof) and general principles of law.

(5) An **external legal act** is the Constitution (*Satversme*), laws, Cabinet regulations, and binding regulations of local governments, and also international agreements and original Treaties of the European Union and legal acts issued on the basis thereof.

(6) An **internal legal act** is a legal act which has been issued by a body governed by public law with the aim of determining its own internal working procedures or those of its subordinate authority or to clarify the procedures regarding application of an external legal act in the area of its activity (an instruction, recommendation, by-law, etc.).

(7) A **provision of international law** is comprised of international agreements binding on Latvia, customary international law, and general principles of international law.

(8) A **private person** is a natural person, a legal person governed by private law or an association of such persons.

(9) A **body governed by public law** is a legal person governed by public law in the form of the body thereof or another institutional arrangement that has an administrative procedural capacity to act.

[*15 January 2004; 26 October 2006; 18 December 2008; 1 November 2012; 11 November 2021*]

Section 2. Basic Purposes of the Law

The basic purposes of the Law are as follows:

1) to ensure respect for the basic principles of democracy and rule of law, especially human rights, in specific public legal relations between the State and a private person;

2) to subject actions of executive power relating to specific public legal relations between the State and a private person to the control of an independent, impartial and competent judicial power;

3) to ensure lawful, accurate, and effective application of the legal provisions in public legal relations.

[*15 January 2004*]

Section 3. Application of the Law

(1) This Law shall be applied to administrative proceedings in an institution, insofar as the special legal provisions of other laws do not provide otherwise.

(2) Administrative proceedings in a court shall take place in accordance with this Law. If a special legal provision of another law determines other procedures which are not in conflict with the basic purposes and principles of this Law, the special legal provision of another law shall be applied to the administrative proceedings in a court.

(3) Provisions of this Law which apply to an administrative act shall also be applicable to the actual action and a contract governed by public law insofar as it is not in conflict with the nature of these institutes of administrative proceedings or insofar as other legal provisions do not stipulate otherwise.

[*26 October 2006; 18 December 2008*]

Section 4. Principles of Administrative Proceedings

(1) The following general principles of law shall be applied in administrative proceedings:

1) the principle of respecting the rights of a private person (Section 5);

2) the principle of equality (Section 6);

3) the principle of the rule of law (Section 7);

4) the principle of reasonable application of legal provisions (Section 8);

5) the principle of the prohibition of arbitrariness (Section 9);

6) the principle of protection of legitimate expectations (Section 10);

7) the principle of lawful basis (Section 11);

8) the principle of democratic structure (Section 12);

9) the principle of proportionality (Section 13);

10) the principle of priority of laws (Section 14);

11) the principle of procedural equity (Section 14.[1]).

(2) The general principles of law not referred to in Paragraph one of this Section which have been discovered, derived or developed within institutional practice or within jurisprudence as well as legal science shall also be applied in administrative proceedings.

(3) An administrative act and the actual action of an institution (Chapter 7) shall comply with the general principles of law referred to in Paragraph one of this Section.

(4) The exercise of the rights of a private person specified in this Law may not, in itself, cause any unfavourable consequences, including private ones, to a private person.

[*15 January 2004; 26 October 2006*]

Section 5. Principle of Respecting the Rights of a Private Person

In administrative proceedings, especially when adopting a decision on the merits, an institution and a court shall, within the scope of the applicable legal provisions, facilitate the protection of the rights and legal interests of private persons.

[*15 January 2004*]

Section 6. Principle of Equality

In cases where there are identical actual and legal circumstances, an institution and a court shall adopt identical decisions (in cases where there are different actual or legal circumstances - different decisions) irrespective of the gender, age, race, skin colour, language, religious beliefs, political or other views, social origin, nationality, education, social and financial status, type of occupation of participants to the administrative proceedings or other circumstances.

[*15 January 2004*]

Section 7. Principle of the Rule of Law

The actions of an institution and a court shall comply with the legal provisions. An institution and a court shall act within the scope of their powers as prescribed by laws and regulations and may only exercise their powers in conformity with the meaning and purpose of authorisation.

Section 8. Principle of Reasonable Application of Legal Provisions

In applying the legal provisions, an institution and a court shall use the basic methods of the interpretation of the legal provisions (grammatical, systematic, historical, and teleological methods) in order to achieve the most equitable and useful result (Section 17).

Section 9. Principle of the Prohibition of Arbitrariness

An administrative act and a court ruling may be based on the facts which are necessary for taking the decision and on the objective and rational legal considerations arising from such facts.

Section 10. Principle of Protection of Legitimate Expectations

A private person may have confidence that the action of an institution will be legal and consistent. An institution's error for the occurring of which a private person cannot be held at fault may not cause unfavourable consequences for the private person.

[*15 January 2004*]

Section 11. Principle of Lawful Basis

An institution may issue an administrative act or perform an actual action unfavourable to a private person on the basis of the Constitution, laws or the provisions of international law. Cabinet regulations or binding regulations of local governments may be a basis for such administrative act or actual action only if the Constitution, law or the provisions of international law either directly or indirectly contain an authorisation for the Cabinet, upon issuing regulations, or for

local governments, upon issuing binding regulations, to provide for such administrative acts or an actual action therein. If the Constitution, law, or provisions of international law have authorised the Cabinet, then the Cabinet may, in its turn, authorise local governments by regulations.

[*15 January 2004*]

Section 12. Principle of Democratic Structure

An institution and a court shall, upon applying the legal provisions, consider whether an administrative act or actual action unfavourable to a person is necessary in a democratic society in order to protect the rights of other private persons, the democratic structure of the State, and public safety, welfare or morals.

[*15 January 2004*]

Section 13. Principle of Proportionality

The benefits which society derives from the restrictions imposed on an addressee must be greater than the restrictions on the rights or legal interests of the addressee. Significant restrictions on the rights or legal interests of a private person are only justified by a significant benefit to society.

[*15 January 2004; 26 October 2006*]

Section 14. Principle of Priority of Laws

An administrative act favourable to a private person, which regulates legal relations in an issue vital to a democratic society and the structure of the State (freedom of expression and information, freedom of thought, conscience and religion, freedom of assembly and association, and also the political system), may be issued by an institution on the basis of the Constitution or law.

[*15 January 2004*]

Section 14.[1] Principle of Procedural Equity

Upon taking decisions, an institution and a court shall respect objectivity and provide participants to the proceedings with a reasonable opportunity to express their opinion and submit evidence. An official in respect of whose objectivity there may exist reasonable doubt shall not participate in the taking of the decision.

[*15 January 2004*]

Section 15. Application of External Legal Acts, General Principles of Law, and Provisions of International Law

(1) An institution and a court shall apply in the administrative proceedings the external legal acts, provisions of international law and European Union law, and also general principles of law (Section 4).

(2) An institution and a court shall comply with the following hierarchy of the legal force of external legal acts:

1) the Constitution;

2) law;

3) Cabinet regulations;

4) binding regulations of local governments.

(3) The provisions of international law regardless of their source shall be applied in accordance with their place in the hierarchy of legal force of external legal acts. If a conflict between a provision of international law and a legal provision of Latvian law of the same legal force is determined, the provision of international law shall be applied.

(4) The provisions of European Union law shall be applied in accordance with the place thereof in the hierarchy of legal force of external legal acts. In applying the provisions of European Union law, an institution and a court shall take into account the case law of the Court of Justice of the European Union.

(5) General principles of law shall be applied if the relevant issue is not governed by an external legal act, and also in order to interpret legal acts (Section 17).

(6) If a conflict between the legal provisions of differing legal force is determined, the legal provision of higher legal force shall be applied.

(7) If a conflict between a general and a special legal provision of equal legal force is determined, the general legal provision shall be applied insofar as it is not restricted by the special legal provision.

(8) If a conflict between external legal acts of equal legal force is determined, the most recent external legal act shall be applied. The date of adoption of the external legal act shall be determinative.

(9) If a conflict between a most recent general and an older special legal provision of equal legal force is determined, the older special legal provision shall be applied insofar as its purpose is not in conflict with the purpose of the most recent general legal provision (legal act).

(10) In deciding which of the legal provisions of equal legal force is to be given priority, their objective significance in the common context formed by these legal provisions shall be considered and priority is to be given to such legal provision which governs an issue vital to a democratic society and the structure of the State.

(11) If an institution is required to apply a legal provision but has reasonable doubts as to whether this legal provision is compatible with a legal provision of higher legal force, the institution shall apply such legal provision but shall immediately inform a higher institution and the Ministry of Justice of its doubts by means of a reasoned written report.

(12) An institution and a court may not refuse to decide an issue on the grounds that such issue is not regulated by law or other external legal act (prohibition of legal obstruction by institutions and courts). They may not refuse to apply a legal provision on the grounds that such legal provision does not provide for the mechanism of application, it is not exhaustive or no other legal acts have been issued which would more closely regulate the application of the relevant legal provision. This shall not apply only in cases where an institution, which is required to apply this legal provision or participate in its application in another way, has not been established or is not operating.

[*15 January 2004; 18 December 2008; 1 November 2012*]

Section 16. Application of Internal Legal Acts

(1) An internal legal act is binding on the body governed by public law which has issued such act, and also on authorities subordinate to such body governed by public law. The internal legal act is not binding on private persons.

(2) If an institution determines that there is a conflict between two internal legal acts, it shall apply the act issued by the institutionally higher institution. If an institution determines that there is a conflict between internal legal acts issued by an institutionally higher institution and functionally higher institution, it shall apply the act which has been issued by the functionally higher institution.

(3) If an institution determines that there is a conflict between a general and a special legal provision of equal legal force contained in internal legal acts, the general legal provision shall be applied insofar as it is not restricted by the special legal provision.

(4) If an institution determines that there is a conflict between internal legal acts issued by one body governed by public law, the institution shall apply the most recent act. The date of adoption of the legal act shall be determinative.

(5) If an institution is required to apply an internal legal act but it has reasonable doubts as to whether this legal act is compatible with an internal legal act issued by another body governed by public law, the institution shall apply it but shall immediately inform an institutionally higher institution and the body governed by public law, which has issued this legal act, of its doubts by means of a reasoned written report.

(6) If an institution is required to apply an internal legal act but it has reasonable doubts as to whether this legal act is compatible with an external legal act and general principles of law as well as legal provisions of international law or European Union law, the institution shall not apply this internal legal act and shall immediately, by means of a reasoned written report, inform thereof a higher institution and a body governed by public law that has issued this legal act. The body governed by public law that has issued such legal act may issue an order in writing for such legal act to be applied. If the order of the body governed by public law contains a legal justification as to why the doubts of the institution should be dismissed and the relevant internal legal act complies with the external legal act and general principles of law as well as legal provisions of international law and European Union law, the institution shall execute it.

[*15 January 2004; 1 November 2012; 2 February 2017*]

Section 17. Interpretation and Analogy of Legal Provisions

(1) In interpreting (construing) a legal provision, an institution and a court shall apply the following basic methods of interpretation:

1) grammatical (linguistic) interpretation method, that is, ascertaining the meaning of the legal provision linguistically;

2) historical interpretation method, that is, ascertaining the meaning of the legal provision, considering the circumstances on the basis of which it has been created;

3) systematic interpretation method, that is, ascertaining the meaning of the legal provision in relation to other legal provisions;

4) teleological (meaning and purpose) interpretation method, that is, ascertaining the meaning of the legal provision on the basis of a useful and equitable purpose which is to be attained pursuant to the relevant legal provision.

(2) If an institution or a court finds a gap in the legal system, it may rectify such gap by also using the method of analogy, that is, by a systematic analysis of the legal regulation of similar cases and by applying the principles of law determined as a result of this analysis to the particular case. Such administrative act as infringes human rights of an addressee may not be based on analogy.

(3) If, in interpreting a legal provision in accordance with different methods, it is possible to come to a result conforming to the legal system and a result contrary to some legal provision, then such interpretation method shall be applied the result of which in the specific case conforms to the legal system.

(4) If, in interpreting a legal provision in accordance with different methods, it is possible to come to different results and each of them conforms to the legal system, then such interpretation method shall be applied by which it is possible to attain the most useful and equitable result in the specific case.

(5) If the Constitutional Court has interpreted the relevant legal provision in a judgment, an institution and a court shall apply this interpretation.

(6) If a higher institution has interpreted a legal provision in an internal legal act, an institution shall apply such interpretation. The authorisation of an institution referred to in Section 16, Paragraphs five and six of this Law shall remain unaffected.

[*15 January 2004*]

Section 18. Costs of Administrative Proceedings and the State Ensured Legal Aid

(1) Administrative proceedings in an institution shall be free of charge for private persons, unless prescribed otherwise by law.

(2) A State fee and a security deposit shall be paid for administrative proceedings in court in accordance with the procedures laid down and in the amount specified in Chapter 13 of this Law.

(3) The Cabinet shall determine the procedures and amount for disbursing remuneration from the State budget to witnesses, interpreters, and experts in administrative proceedings in court.

(4) If an administrative case to be examined in an institution is complicated, the institution shall, upon request of a natural person, decide on the remuneration for his or her representative by taking into account the financial situation of this person. In such cases a representative may be a person who may be a legal aid provider within the meaning of the State Ensured Legal Aid Law. The institution shall disburse the remuneration. The Cabinet shall determine the amount of the remuneration to be disbursed to the representative, and lay down the procedures for granting and disbursing the remuneration.

(5) In light of the complexity of a case and financial situation of a natural person, the State ensured legal aid shall be granted upon request of the person and on the basis of a decision of a court (judge) after receipt of the application in the court until the moment the final court ruling comes into effect. The court (judge) shall take the decision on the request for granting legal aid within one month after the day this request is made.

(6) The Legal Aid Administration shall assign a State ensured legal aid provider within seven days after receipt of the decision of the court (judge). The extent of legal aid and the amount of remuneration shall be determined in accordance with the laws and regulations regarding the extent of the State ensured legal aid, the amount of the remuneration, reimbursable expenses and the procedures for paying thereof.

(7) If the grounds for the provision of the State ensured legal aid have ceased to exist or circumstances have been established which provide a basis for the suspension of legal aid, a court (judge) shall take the decision to suspend the State ensured legal aid and send it to the Legal Aid Administration within three days.

[*15 January 2004; 2 February 2017*]

Chapter 2
Administrative Procedural Legal Capacity and Capacity to Act

Section 19. Legal Capacity and Capacity to Act

(1) Administrative procedural legal capacity is the capacity to have administrative procedural rights and duties.

(2) Administrative procedural capacity to act is the capacity to exercise administrative procedural rights and fulfil administrative procedural duties.

Section 20. Administrative Procedural Legal Capacity of a Private Person

(1) Administrative procedural legal capacity shall be recognised equally for natural persons and legal persons governed by private law.

(2) Administrative procedural legal capacity shall also be recognised in regard to associations of persons if the persons are associated with sufficiently durable linkages in order to achieve a specific purpose and the association of persons has specific procedures for the taking of decisions.

[*15 January 2004*]

Section 21. Administrative Procedural Capacity to Act of a Private Person

(1) The following have an administrative procedural capacity to act:

1) a natural person of legal age, insofar as his or her capacity to act has not been restricted by court;

2) a legal person governed by private law;

3) an association of persons which has been recognised as having procedural legal capacity.

(2) Procedural rights of a natural person who has not reached the age of 15 years or whose capacity to act has been restricted by court shall be exercised by a lawful representative of this person. If the mutual interests of lawful representatives or the interests of lawful representatives and a minor differ and if the court deems it useful, it may appoint another person as a representative of the minor by asking an opinion of the Orphan's and Custody Court or a person from the list of special guardians maintained by the Orphan's and Custody Court. If the court believes that interests of the guardian and the person of legal age whose capacity to act has been restricted by the court differ, it may, at its own discretion, upon asking an opinion of the Orphan's and Custody Court, assign another person to serve as a representative of the relevant person of legal age or ask the Orphan's and Custody Court to appoint a guardian for the person of legal age for the protection of rights and interests of this person in the specific case.

(2^1) The obligation of the special guardian is to hear the opinion of a minor, to make it known to the court, and to protect the rights and interests of a minor in the specific administrative case. If the Orphan's and Custody Court or court establishes that the special guardian fails to properly fulfil the obligations laid down by the law, the court shall appoint another special guardian for the minor.

(2^2) The Cabinet shall determine the requirements for the special guardian, the procedures by which the Orphan's and Custody Court creates and updates the list of special guardians, and also the amount of remuneration to be disbursed to the special guardian and the procedures for granting and disbursing thereof.

(3) Procedural rights of the natural person who has attained an age from 15 to 18 years shall be exercised by the lawful representative of such person. In such cases the institution or the court shall summon also the relevant minor to participate.

(4) In cases prescribed by law, a minor is entitled to independently exercise his or her procedural rights and fulfil duties. If the law has conferred the right on a minor who has reached the age of 15 years to independently have recourse to an institution, he or she has the right to independently appeal an administrative act or actual action of an institution to a court. In such case, at the discretion of the institution or the court, the lawful representative of such person may be summoned in order to provide assistance to them in the conducting of the case.

(5) Cases of legal persons governed by private law shall be conducted by the body or authorised person thereof.

(6) Cases of associations of persons shall be conducted by the contractual representative or authorised person thereof.

[*15 January 2004; 26 October 2006; 18 December 2008; 2 February 2017; 11 November 2021 / The new wording of the second sentence of Paragraph two, Paragraphs 2.^{1} and 2.^{2} shall come into force on 1 January 2023. See Paragraph 25 of Transitional Provisions*]

Section 22. Administrative Procedural Legal Capacity of a Body Governed by Public Law

(1) Administrative procedural legal capacity in full extent is possessed by:

1) the Republic of Latvia as the initial legal person governed by public law;

2) local governments and other derived legal persons governed by public law.

(2) Other bodies governed by public law possess administrative procedural legal capacity in matters pertaining to spheres in which they operate within the limits of their own independent budget in accordance with law.

[*15 January 2004*]

Section 23. Administrative Procedural Capacity to Act of a Body Governed by Public Law

(1) A body having jurisdiction, an institution (official) or another authorised legal entity shall act on behalf of a legal person governed by public law.

(2) A body governed by public law which possesses administrative procedural legal capacity (Section 22, Paragraph two) shall also possess an administrative procedural capacity to act in the same amount, and an institution (official) or another authorised legal entity shall act on its behalf.

[*15 January 2004*]

Chapter 3
Participants to Administrative Proceedings in an Institution and Court

Section 24. Participants to Administrative Proceedings

The following are participants to administrative proceedings:

1) a submitter (Section 25);

2) an institution in the proceedings of which the administrative case is;

3) an addressee (Section 27);

4) a third person (Section 28);

5) a legal entity which has the right to act as a defender of the rights and legal interests of a private person (Section 29);

6) an applicant (Section 31);

7) a defendant (Section 34);

8) a representative (Sections 35-40).

[*15 January 2004*]

Section 25. Submitter

(1) A submitter is a private person who is applying to an institution in order to establish, alter, determine or terminate specific public legal relations. A private person for the defence of whose rights and legal interests a case has been initiated pursuant to a submission by a legal entity referred to in Section 29 of this Law shall also be considered a submitter.

(2) In cases where the body governed by public law may be the addressee of an administrative act or it may be affected by an actual action, and also in other cases specified in an external legal act the submitter may also be a legal person governed by public law. In the administrative proceedings in which the submitter or addressee is a body governed by public law the norms of this Law shall be applied accordingly, except for the cases where it arises from the nature of the body governed by public law that such norms are not applicable.

[*15 January 2004*]

Section 26. Procedural Participation in an Institution

(1) A submission to an institution may be submitted by several submitters (co-submitters).

(2) Each co-submitter participates in proceedings independently.

(3) Co-submitters may assign the conducting of the proceedings to one submitter from amongst themselves or to one joint representative.

(4) Procedural actions and decisions, including an administrative act, of an institution establish, alter, determine or terminate legal relations with each co-submitter separately. Each co-submitter may exercise his or her procedural rights, in particular the right to contest and appeal procedural actions and an administrative act, independently of other co-submitters.

Section 27. Addressee

(1) An addressee is a private person in regard to whom an administrative act is issued or an actual action is (is to be) carried out.

(2) A body governed by public law may also be an addressee of an administrative act or it may be affected by an actual action in cases where it finds itself in a similar situation as a private person and in the specific case is subject to the same legal regulations as a private person.

[*15 January 2004*]

Section 28. Third Person

(1) A private person whose rights or legal interests may be infringed by the relevant administrative act or who may be affected by a court judgment in the case may be a third person in administrative proceedings.

(2) A body governed by public law may be a third person in cases where it finds itself in a similar situation as a private person who may be a third person in administrative proceedings, and also where such is specified in an external legal act.

(3) The status of a third person is granted to a person by a decision of an institution or court (judge). A person who deems himself or herself corresponding to the status of a third person or a participant to the administrative proceedings may submit a reasoned request for the summoning of a third person. A third person may also be summoned upon initiative of an institution or court (judge).

(3^1) If specifically unidentified persons are to be summoned to the case as third persons, a court (judge) shall publish a notification in the official gazette *Latvijas Vēstnesis* regarding the initiated case inviting the persons who correspond to the status of a third person in the case to turn to the court within a month with a request for summoning in the status of a third person. A person who fails to submit the request within the relevant term shall lose the right to become a third person.

(4) Provisions regarding procedural legal capacity and capacity to act of participants to administrative proceedings shall apply to third persons. A third person has the procedural rights of submitters and of applicants subject to the exceptions stipulated in this Law.

(5) A decision to refuse to summon a third person to an institution may be contested by this person, an addressee or a potential addressee to a higher institution but if there is no higher institution or it is the Cabinet - appealed to a court within seven days after the relevant person has been notified of the decision or it has become known to him or her otherwise. The decision of a higher institution may be appealed to a court within seven days. A court shall examine a complaint in the written procedure.

(6) An ancillary complaint may be submitted regarding a decision of a court (judge) to reject a request for summoning a third person to a case, if such request has been made until a court hearing or in the written procedure until the day when the participants to the administrative proceedings are entitled to exercise the rights provided for in Section 204, Paragraph two of this Law.

(7) If a court (judge) establishes that a third person has been summoned unjustifiably, the court (judge) shall decide to withdraw the status of a third person for this person. The person may submit an ancillary complaint regarding the decision of the court (judge) to withdraw his or her status of a third person.

[*15 January 2004; 26 October 2006; 18 December 2008; 1 November 2012; 2 February 2017*]

Section 29. Legal Entities Having the Right to Defend the Rights and Legal Interests of a Private Person

(1) In the cases provided for in law, a body governed by public law or a legal person governed by private law has the right to submit a submission to an institution or an application to a court in order to defend the rights and legal interests of a private person.

(2) A legal entity referred to in Paragraph one of this Section may access the case materials, submit removals, provide explanations, submit evidence, participate in the examination of evidence, submit requests, contest and appeal an administrative act or actual action, and also perform other procedural actions provided for by law in respect of a submitter or an applicant.

(3) Withdrawal by a legal entity referred to in Paragraph one of this Section from a submission or application submitted by it in accordance with Paragraph one of this Section shall not deprive the private person for the defence of whose rights and legal interests the submission or application has been submitted of the right to require that an institution or court examine the case on the merits.

(4) If in the course of administrative proceedings a legal entity referred to in Paragraph one of this Section and the private person for the defence of whose rights and legal interests the submission or application has been submitted

have different opinions regarding the conducting of the proceedings or the substance of the case, the opinion of the private person shall be determinative. Pursuant to a submission of the appropriate person, an institution shall take a decision on the termination of a case or the court shall terminate proceedings.

[*15 January 2004*]

Section 30. Participation of an Authority in Proceedings in order to Provide an Opinion

(1) An institution or a court shall, in cases prescribed by law, summon an authority to participate in proceedings in order to provide its opinion in the case within the limits of its competence.

(2) The authority referred to in Paragraph one of this Section has the right to access the case materials, the right to participate in the examination of evidence, and to submit requests.

(3) A court may summon an institution to the proceedings in order for the institution to provide its opinion in the case within its competence. The summoned institution shall be obliged to provide the court with the requested opinion.

[*26 October 2006*]

Section 31. Applicant

(1) An applicant is a private person who applies to a court for it to control the legality and considerations of usefulness of an administrative act issued by an institution or of the actual action of an institution within the scope of discretionary powers in order to decide on the validity or fulfilment of a contract governed by public law or also to determine the public legal obligations and rights of a private person. A private person for the defence of whose rights and legal interests a case has been initiated pursuant to an application of a legal entity referred to in Section 29 of this Law shall also be considered to be an applicant.

(2) Except for the cases prescribed by law, a private person whose rights or legal interests have been infringed or may be infringed may submit an application.

(3) A legal person governed by public law may be an applicant:

1) in the cases regarding contracts governed by public law;

2) in the events when a body governed by public law may be an addressee of an administrative act or may be affected by the actual action;

3) in other events specified in an external legal act.

[*15 January 2004; 26 October 2006*]

Section 32. Procedural Participation in Court

(1) An application to a court may be submitted by several applicants (co-applicants).

(2) Each co-applicant participates in proceedings independently.

(3) Co-applicants may assign the conducting of the proceedings to one applicant from amongst themselves or to one joint representative.

(4) A court ruling shall be made separately in respect of each co-applicant. Each co-applicant may use his or her procedural rights independently from other co-applicants.

Section 33. Assumption of the Procedural Rights of Participants to Administrative Proceedings

(1) If a participant to administrative proceedings in a case withdraws (a natural person dies, a legal person ceases to exist, etc.), the institution or the court may replace such participant to the administrative proceedings with its successor in title.

(2) Assumption of procedural rights is possible at any stage of the proceedings.

(3) All actions performed in the proceedings until the time the successor in title enters therein shall be as mandatory for the successor in title as they were for the person whose rights have been assumed.

(4) A decision to refuse to replace a participant to the proceedings with his or her successor in title in an institution may be contested by the relevant person, an addressee or potential addressee to a higher institution but if there is no higher institution or it is the Cabinet - appealed to a court within seven days after the relevant person has been notified of the decision or it has become known to him or her otherwise. The decision of a higher institution may be appealed to a court within seven days. A court shall examine a complaint in the written procedure.

(5) An ancillary complaint may be submitted regarding the decision of a court (judge) to refuse to replace a

participant to the proceedings with his or her successor in title.

[*2 February 2017*]

Section 34. Defendant

(1) The Republic of Latvia, a local government or any other derived legal person governed by public law (Section 22, Paragraph one) or another body governed by public law in the case referred to in Section 22, Paragraph two of this Law may be a defendant in court.

(2) The institution from which an applicant requires particular action or another authority if this is stipulated in a legal act shall be summoned to participate as a defendant.

(3) If the applicant in a case regarding the validity or fulfilment of a contract governed by public law is a legal person governed by public law (Section 103, Paragraph three, Clause 3), the defendant may also be a private person. In such case, the legal provisions of Parts C and D of this Law shall be applied respectively.

[*15 January 2004*]

Section 35. Right to Representation in Administrative Proceedings

Participants to administrative proceedings may participate in the proceedings with the assistance of or through their representative. The representative may be any natural person whose capacity to act has not been restricted by court or a legal person with the restrictions specified in Sections 36 and 37 of this Law.

[*2 February 2017*]

Section 36. Persons who May not Act as Representatives in Administrative Proceedings

(1) The following persons may not act as representatives:

1) a person who has not reached the legal age or whose capacity to act has been restricted by court;

2) a person who, according to the judgment of a court, has been deprived of the right to conduct the cases of other persons;

3) a person who has provided legal assistance in the same case to another participant to such administrative proceedings (except for the cases prescribed in Sections 26 and 32 of this Law).

(2) If any of the circumstances referred to in Paragraph one of this Section are established, the institution or the court shall not allow such person to participate in the examination of the case.

[*2 February 2017*]

Section 37. Persons who May not Act as Representatives of an Institution

(1) The following persons may not represent an institution in administrative proceedings or perform procedural actions on part of an institution:

1) a person for whom a conflict of interest arises or may arise regarding the specific case;

2) a person regarding whose impartiality there is reasonable doubt;

3) a person to whom other restrictions provided for by law apply.

(2) A participant to the administrative proceedings may request an institution or court in writing to replace a person who participates in the case on part of the institution by providing justification for such a request. The institution shall take a decision concerning such request within seven days. If the request is rejected, pursuant to the request of the submitter the decision on such rejection shall be issued in writing. Such decision may be contested to a higher institution but if there is no higher institution or it is the Cabinet - appealed to a court within seven days after the relevant person has been notified of the decision or it has become known to him or her otherwise. The decision of a higher institution may be appealed to a court within seven days. A court shall examine a complaint in the written procedure.

[*26 October 2006; 1 November 2012*]

Section 38. Formalising Representation

(1) Representation of a natural person shall be drawn up as a notarised power of attorney. If a representative of the natural person is a sworn advocate, such authorisation shall be attested to by a written power of attorney without notarial certification. The natural person may also authorise his or her representative orally before an institution or at the court on site. The institution shall draw up such authorisation in writing, and an authorising person shall sign it,

whereas the oral authorisation given during a court hearing shall be recorded using technical means. If the course of the court hearing is recorded by writing full minutes of the court hearing, the oral authorisation given during the court hearing shall be recorded in the minutes of the court hearing.

(2) Representation of an association of persons shall be drawn up as a notarised power of attorney or attested to by a contract giving rise to the right of the relevant person to represent the association of persons without special authorisation. If a representative of the association of persons is a sworn advocate, such authorisation shall be attested to by a written power of attorney without notarial certification.

(3) Representation of a legal person or an institution shall be drawn up as a written power of attorney or attested to by documents giving rise to the right of an official to represent the legal person or institution without special authorisation. The provisions of Sections 39 and 147 of this Law regarding the requirement for special authorisation are not applicable to a representative authorised by an institution.

(4) Neither the provisions of Section 40 of this Law regarding revocation of representation, nor the provisions of Sections 39 and 147 of this Law regarding the requirement for special authorisation shall apply to employees (officials) designated by an institution.

(5) Parents, guardians, and trustees shall present documents to the institution or court which attest to their rights.

(6) If a participant to administrative proceedings takes part in the case himself or herself, he or she has the right to retain a sworn advocate for the provision of legal aid. In such case, authorisation of the advocate shall be attested to by a retainer. If legal aid is provided by a provider of State ensured legal aid, his or her authorisation shall be attested by an order issued by the Legal Aid Administration regarding ensuring of legal aid.

[*15 January 2004; 26 October 2006; 18 December 2008; 11 November 2021*]

Section 39. Scope of Authorisation of a Representative

(1) An authorisation to conduct a case gives a representative the right to perform all procedural actions on behalf of the represented person, except for the actions for the performance of which special authorisation is required by law.

(2) All procedural actions performed by a representative within the framework of the authorisation given to him or her shall be binding on a represented person.

Section 40. Revocation or Renunciation of Representation

(1) The represented person may revoke the authorisation given to the representative at any time by notifying of this in writing or orally. An institution shall draw up such notice in writing but a court shall record, using technical means. If the course of the court hearing is recorded by writing full minutes of the court hearing, the authorisation revoked during the court hearing shall be recorded in the minutes of the court hearing.

(2) A representative has the right to withdraw from the conduct of a case by informing a represented person and an institution or a court thereof in writing in a timely manner.

[*11 November 2021*]

Chapter 4
Procedural Time Limits

Section 41. Determination of a Procedural Time Limit

Procedural actions shall be performed within the time limits prescribed by the law. If the law does not stipulate a procedural time limit, it shall be determined by an institution, a court or a judge. The length of the time limit specified by an institution, a court or a judge shall be such that the procedural action may be performed.

Section 42. Commencement of a Procedural Time Limit

(1) A procedural time limit to be calculated in years, months or days shall commence on the day following the date or event indicating its commencement.

(2) A procedural time limit to be calculated in hours shall commence from the hour following the event indicating its commencement.

Section 43. Termination of a Procedural Time Limit

(1) The final day of a time limit, which is calculated in months, shall be the relevant date of the last month of the time limit. If the last month of the time limit does not have the relevant date, the final day of the time limit shall be the last day of such month.

(2) If the final day of a time limit is Saturday, Sunday or a public holiday specified in law, the following working day shall be the final day of the time limit.

(3) A time limit determined until a particular date shall expire on such date.

(4) A procedural action the time limit of which expires may be performed until midnight of the final day of the time limit. If a document is delivered to a communications institution (post) on the final day of the time limit until midnight, it shall be considered delivered within the time limit. If such action is to be performed in an institution or a court, the time limit shall be considered to have expired at the hour when the relevant institution or court closes.

[*26 October 2006*]

Section 44. Consequences of Default Regarding a Procedural Time Limit

The right to perform procedural actions shall lapse after expiry of the time limit specified by law, an institution, a court or a judge. Documents submitted after expiry of the procedural time limit shall not be examined.

Section 45. Staying of a Procedural Time Limit

If court proceedings in a case or the execution of an administrative act unfavourable to an addressee are stayed, the counting of the time limit shall be stayed. Counting of the time limit shall be stayed at the moment when a circumstance which serves as the ground for staying the time limit occurs. The counting of the procedural time limit shall continue from the day when the court proceedings in the case or the execution of the administrative act are renewed.

Section 46. Renewal of a Procedural Time Limit

(1) A delayed procedural time limit may be renewed by an institution, a court or a judge upon a request of a participant to administrative proceedings if the reason for default has been recognised as justifying.

(2) In renewing the delayed time limit, an institution, a court or a judge shall concurrently allow to perform the delayed procedural action.

Section 47. Extension of a Procedural Time Limit

(1) A time limit determined by an institution, a court or a judge may be extended upon the request of a participant to administrative proceedings.

(2) A request for the extension of a procedural time limit may be submitted before expiry of the time limit determined by an institution, a court or a judge. The request for the extension of a procedural time limit submitted after expiry of the time limit shall be considered a request for the renewal of the procedural time limit.

[*18 December 2008*]

Section 48. Procedures for Extending and Renewing a Procedural Time Limit

(1) A reasoned request for the extension of a procedural time limit or for the renewal of a delayed procedural time limit shall be submitted to the institution or court with regard to which the delayed action had to be performed. The request for the renewal of a delayed time limit shall be accompanied by evidence proving the reasons justifying the delay of the time limit.

(2) An institution or a court (judge) shall decide the issue regarding the renewal or extension of a procedural time limit in the written procedure within one month.

(3) If an institution decides the issue regarding the renewal or extension of a procedural time limit, the refusal thereof to extend or renew the time limit may be contested and appealed. A court shall decide this issue in the written procedure within one month.

(4) If a court (judge) decides the issue regarding the renewal of a procedural time limit, an ancillary complaint may be submitted regarding the refusal of the court (judge) to extend or renew the time limit.

[*29 October 2006; 18 December 2008; 1 November 2012*]

Section 49. Consequences of Failing to Comply with the Time Limit Specified for an Institution

(1) The provisions of this Chapter regarding the counting of the commencement of a procedural time limit (Section 42), the termination of a procedural time limit (Section 43), and the provisions of this Section shall apply to the time limit prescribed by this Law or other laws and regulations for an institution within which it is required to perform a procedural action.

(2) If an institution fails to comply with the time limit specified in this Law or another external legal act within which,

in the course of administrative proceedings, it is required to perform a procedural action on behalf of a participant to the administrative proceedings, this participant to the administrative proceedings may submit a complaint to a higher institution but if there is no higher institution or it is the Cabinet - to a court. The higher institution shall, within seven days, but the court shall, within a reasonable time limit, take a decision by which it assigns the authority to perform the relevant procedural action by setting a specific time limit. The court shall examine a complaint in the written procedure.

(3) If an institution fails, within a specific term, to execute the decision of a higher institution or the court referred to in Paragraph two of this Section, the relevant procedural action shall be deemed to have been performed, if that is practically and legally possible. If that is not practically or legally possible, a participant to administrative proceedings for whose benefit the relevant time limit has been stipulated has the right to claim compensation in accordance with the provisions of Chapter 8 of this Law.

(4) If this Law or another legal act specifies a time limit within which, in the course of administrative proceedings, an institution is required to perform a procedural action which is unfavourable to the submitter or the potential addressee of an administrative act, such procedural action may no longer be performed after expiry of the time limit, unless the delay of the time limit on the part of the institution has proper justification.

[*26 October 2006; 1 November 2012; 11 November 2021*]

Section 50. Consequences of Failing to Comply with the Time Limit Specified for a Court

(1) The court shall perform procedural actions in compliance with the counting of the commencement of a procedural time limit (Section 42), the expiration of a procedural time limit (Section 43) prescribed in this Law, and with the provisions of this Section.

(2) If a court fails to comply with the time limit for performing a procedural action specified in this Law, a participant to the administrative proceedings may submit a complaint to the president of the court or chairperson of the courthouse. The president of the court or the chairperson of the courthouse may assign a judge to perform the relevant procedural action by setting a specific time limit.

(3) Submission of a complaint regarding the action of a judge may be grounds for removal of the judge.

(4) [18 December 2008]

[*26 October 2006; 18 December 2008; 1 November 2012*]

Part B
Administrative Proceedings in an Institution

Chapter 5
Jurisdiction, Co-operation, and Freedom of Information

Section 51. Jurisdiction in an Administrative Case

An administrative case shall be examined by an institution in accordance with the competence conferred on it by a legal act.

Section 52. Change of Jurisdiction

(1) If during the course of administrative proceedings the institution which has jurisdiction in a case changes or it is determined that the institution dealing with the case does not have jurisdiction in regard to it, the case shall be transferred to an institution which has jurisdiction in such case.

(2) If there is a change in territorial jurisdiction during the course of administrative proceedings, a case may, pursuant to the written consent of both institutions and the submitter, be left to be examined by the previous institution.

Section 53. Co-operation in Administrative Proceedings

(1) Pursuant to the request of the institution that has jurisdiction in the case, another authority, irrespective of its subordination, shall provide all necessary information as is at its disposal, or other form of assistance. The assistance shall be provided free of charge, except for the cases provided for by laws and regulations.

(2) The assistance referred to in Paragraph one of this Section may be denied by substantiating in writing that:

1) it is impossible for practical reasons;

2) it is impossible for legal reasons, in particular if the information requested may not be provided in accordance with the laws and regulations regarding information protection;

3) it may be provided by another institution using less resources;

4) the resources necessary for providing assistance exceeds the need of the relevant institution for such assistance.

(3) The institution may request a higher authority, in accordance with the procedures of subordination of the relevant authority, to evaluate the validity of the denial of assistance. If there is no such authority or it is the Cabinet, the issue shall be decided by an authority authorised by the Cabinet.

Section 54. Provision of Information

(1) A private person and an institution which is not a participant to the administrative proceedings shall be provided with information in accordance with the Freedom of Information Law, the Personal Data Protection Law, and other laws and regulations.

(2) Information which reveals identity of the person who has reported an infraction may only be provided with the consent of this person, except for the cases specified in legal provisions.

[*26 October 2006*]

Chapter 6
Conduct of Administrative Proceedings in an Institution

Section 55. Initiation of an Administrative Case in an Institution

An administrative case in an institution shall be initiated:

1) on the basis of an application;

2) on the basis of an initiative of the institution;

3) on the basis of an order of a higher institution or a notification of another authority.

Section 56. Initiation of a Case on the Basis of a Submission

(1) A submission may be submitted orally or in writing, also electronically without a secure electronic signature if the institution ensures that the identity of the natural person has been verified in accordance with the Law on Electronic Identification of Natural Persons. The given name, surname, and place of residence of the submitter (for a legal person - the name, address, registration number) and the claim shall be indicated in the submission; it shall bear the signature of the submitter. The institution shall immediately formalise an oral submission in writing and the submitter shall sign it.

(1^1) If a submission has not been signed, has been submitted without complying with the requirements of the Official Language Law or is not accompanied by documents attesting to authorisation, an institution shall leave the submission not proceeded with and set a reasonable time limit for the submitter to eliminate deficiencies indicated by the institution. If the deficiencies indicated by the institution are not eliminated within the specified time limit, the institution shall recognise the submission as not submitted and may return it to the submitter.

(1^2) If the content of the submission is outright insulting and defiant, the institution may leave the submission without examination.

(2) If the submission has not been submitted according to jurisdiction, an authority may refuse to accept such submission. A written notice shall be immediately issued to the submitter regarding this in which the institution having jurisdiction in the case shall also be indicated. The authority to which the submitter has applied may also accept the submission and deliver it to the institution that has jurisdiction in the case. If such submission has been sent by mail, the relevant authority shall, within seven days, forward it according to jurisdiction and notify the submitter thereof.

(3) Disputes regarding jurisdiction in a case shall be decided by a common higher authority in accordance with the procedures regarding subordination or by an authority determined by the Cabinet.

(4) An institution that has jurisdiction in the case shall accept the submission of a person even if it considers that the submission is not drawn up properly or is not well founded.

(5) An institution shall, insofar as possible, provide a submitter with the necessary information or other form of assistance for successful resolving of the matter in accordance with the interests of the submitter.

[*1 November 2012; 11 November 2021*]

Section 57. Initiation of a Case on the Basis of an Initiative of an Institution

An institution which has jurisdiction in a case shall initiate an administrative case if it becomes aware of the facts on the basis of which, in accordance with the legal provisions, a relevant administrative act must or may be issued, and also where an institution has grounds to believe that such facts may exist.

Section 58. Initiation of a Case on the Basis of an Order of a Higher Institution or a Notification of Another Authority

(1) If a case is not within the jurisdiction of an institution that has discovered the relevant facts but within the jurisdiction of a lower institution, a higher institution shall give an order to a lower institution to initiate an administrative case.

(2) If a case is within the jurisdiction of another institution, the authority that has discovered the relevant facts shall notify the institution that has jurisdiction in the case thereof. The institution that has jurisdiction in the case shall decide on the initiation of an administrative case.

Section 59. Obtaining Information

(1) After initiation of an administrative case, an institution shall obtain information which, in accordance with laws and regulations, is necessary in order to take the relevant decision. In order to obtain the necessary information and achieve lawful, fair, and efficient examination of a case, the institution shall provide instructions and recommendations to participants to the administrative proceedings as much as possible.

(2) Upon obtaining information, the institution may employ all legal methods, and also obtain information from participants to the administrative proceedings, other authorities, and also with the assistance of witnesses, experts, inspections, documents, and other type of evidence. If the information needed by an institution is not at the disposal of participants to the administrative proceedings but is at the disposal of another authority, the institution shall acquire the information itself rather than require it from participants to the administrative proceedings.

(3) If the necessary information contains information on the private life of a natural person (personal identity number, nationality, citizenship, place of residence, marital status, health condition, criminal record, income, property, religious and political opinions or any other information), the institution shall explain to the private person on the basis of which legal act and for what purpose the institution wishes to obtain the information, and also whether it is mandatory for the private person to provide the information in accordance with an external legal act or the provision thereof is voluntary.

(4) A participant to the proceedings shall have an obligation to submit evidence at his or her disposal and inform an institution of the facts that are known to him or her and might be relevant to a specific case.

[*15 January 2004; 26 October 2006*]

Section 60. Restrictions on Obtaining Information

(1) An institution may collect or require the submission of such information which is provided for by the relevant legal act or is directly necessary for deciding the case. Other information may be appended to the case only if it is not possible to separate it from the information necessary to take the decision.

(2) An institution may not collect and use in administrative proceedings information acquired by illegal methods.

Section 61. Right to Become Acquainted with a Case

A participant to administrative proceedings has the right to become acquainted with the case and express his or her opinion at any stage of the proceedings. This right shall not extend to the information which may not be disclosed in accordance with Section 54, Paragraph two of this Law or other laws. The opinion submitted to the institution in writing shall be appended to the case file.

[*26 October 2006; 18 December 2008*]

Section 62. Hearing of Participants to Administrative Proceedings

(1) Upon deciding on the issue of an administrative act which might be unfavourable to an addressee or a third person, an institution shall clarify and evaluate the opinion and arguments of the addressee or third person in the present case.

(2) It shall not be necessary to clarify the opinion and arguments of a person if:

1) the issue of the administrative act is urgent, and any delay directly poses a threat to the national security, public order, environment, or life, health or property of a person;

2) the event is objectively insignificant;

3) it results from the substance of the case that the clarification of the opinion of the person is impossible or inadequate.

(3) If an administrative act has been issued in writing and the opinion and arguments of a person have not been clarified, a reason shall be stated in the basis for the administrative act.

[*18 December 2008*]

Section 63. Issue of an Administrative Act or a Decision to Terminate a Case

(1) After establishing the necessary facts and hearing the participants to the administrative proceedings, an institution shall immediately assess the circumstances of a case and issue the following:

1) a mandatory administrative act if the legal provision to be applied provides for the issue of an administrative act;

2) an optional administrative act if the institution has a discretionary power, and the issue of an administrative act is useful;

3) an administrative act by which it is fully or partly rejected to issue an administrative act favourable to a submitter due to the fact that there are no grounds for the issue of an administrative act or the issue thereof is not useful;

4) a decision to terminate a case due to the lack of facts or unusefulness if the case has been initiated upon initiative of the institution, including on the basis of information (complaint) provided by another private person.

(2) An institution shall notify a submitter, and also other participants to the administrative proceedings who have been asked to express their opinion, of the decision to terminate the case and of the reasons thereof.

[*26 October 2006*]

Section 63.^{1} Concluding an Administrative Contract

An institution may, at any stage of the administrative proceedings, agree with participants to the proceedings on concluding an administrative contract in accordance with the procedures laid down in the State Administration Structure Law. Both an institution and a private person may propose concluding an administrative contract.

[*18 December 2008*]

Section 64. Time Limit for Issuing an Administrative Act

(1) If an administrative case has been initiated on the basis of a submission, an institution shall take the decision to issue an administrative act within one month from the day of receipt of the submission, unless the law specifies another time limit or another legal act specifies a shorter time limit for issuing an administrative act.

(1^{1}) If an institution has left a submission not proceeded with in accordance with the procedures laid down in Section 56, Paragraph 1.^{1} of this Law, the time limit for issuing an administrative act shall be calculated from the day of elimination of the deficiencies.

(2) If it is impossible to comply with the time limit specified in Paragraph one of this Section for objective reasons, the institution may extend it for a period not exceeding four months from the day of receipt of the submission by notifying the submitter thereof. If lengthy establishment of facts is necessary, the time limit for issuing an administrative act may, by a reasoned decision and by notifying the submitter thereof, be extended by up to year by an institution to which an administrative act may be contested but if there is no such higher institution or it is the Cabinet, a decision shall be taken by the head of the institution which issues the administrative act. The decision on the extension of the time limit may be contested and appealed. The court shall examine a complaint in the written procedure.

(3) In urgent cases a submitter may, by submitting a reasoned submission, request that an administrative act is issued within a reduced time limit. The institution shall immediately examine such submission and take a decision in writing. In the event of refusal, the decision shall be immediately notified to the submitter. Such decision may be contested and appealed. A court shall examine a complaint in the written procedure.

(4) If an institution issues the relevant administrative act before a court has examined a complaint regarding the decision of the institution to extend the time limit for issuing an administrative act or to refuse to issue this act within a reduced time limit, the court shall terminate the proceedings initiated in respect of this issue.

(5) An institution is entitled to postpone the examination of a submission on the issue of an administrative act if participants to the proceedings have agreed on a possibility to conclude an administrative contract within a month

from the day of receipt of the submission. In such case the institution shall resume the decision-making process if during drawing up of the administrative contract any of the participants to the administrative proceedings state that it does not wish to conclude the administrative contract, and shall take a decision within a month from the day when refusal to conclude the administrative contract has been stated.

[*26 October 2006; 18 December 2008; 1 November 2012*]

Section 65. Considerations in Taking a Decision to Issue an Administrative Act and Determining the Content Thereof

(1) If an applicable legal provision prescribes that an administrative act of specific content is to be issued (a mandatory administrative act), an institution shall issue such administrative act.

(2) If an applicable legal provision allows an institution to decide whether to issue or not to issue an administrative act but, in the event of issue, it determines specific content thereof (an administrative act of free issue), the institution shall consider the usefulness of the issue. If the institution concludes that the administrative act is to be issued, it shall issue an administrative act of such content as is provided for by the applicable legal provision. If the institution concludes that the issue of an administrative act is not useful, it shall terminate the case.

(3) If an applicable legal provision prescribes that an administrative act is to be issued but does not determine specific content thereof (an administrative act of free content), an institution shall issue such act by taking account of the frameworks laid down in the applicable legal provision, and determine the content of the administrative act within these frameworks on the basis of the considerations of usefulness.

(4) If an applicable legal provision allows an institution to decide whether to issue or not to issue an administrative act but, in the event of issue, it does not determine specific content thereof (an optional administrative act), the institution shall first consider the usefulness of the issue. If the institution concludes that the administrative act is to be issued, it shall issue such act by taking account of the frameworks laid down in the applicable legal provision, and determine the content of the administrative act within these frameworks on the basis of the considerations of usefulness. If the institution concludes that the issue of an administrative act is not useful, it shall terminate the case or refuse to issue the administrative act (Section 63, Paragraph one, Clause 4).

[*18 December 2008*]

Section 66. Substance of Considerations of Usefulness

(1) In considering the usefulness of the issue or content of an administrative act (Section 65), an institution shall take the decision on:

1) the necessity of the administrative act for the attaining of a legal (legitimate) goal;

2) the suitability of the administrative act for the attaining of the relevant goal;

3) the need for the administrative act, that is, whether it is possible to attain such goal by means which are less restrictive on the rights or legal interests of participants to the administrative proceedings;

4) the conformity of the administrative act, comparing the infringement of the rights of a private person and the benefits for the public interest, taking into account that substantial restriction on the rights of a private person may only be justified by a significant benefit to the public.

(2) The restriction on human rights, if this in substance deprives the addressee of the relevant rights, is not proportionate in any case.

[*15 January 2004*]

Section 67. Form and Components of an Administrative Act

(1) An administrative act shall be issued in writing, except for the cases referred to in Section 69 of this Law.

(2) An administrative act issued in writing shall include the following components:

1) the name and address of the institution;

2) the addressee (for a natural person - given name, surname, place of residence or other information as is of assistance in identifying a person; for a legal person - name, address, registration number);

3) if the administrative case is initiated on the basis of a submission - the claim of the submitter;

4) opinions and arguments of the participants to the administrative proceedings if such have been expressed;

5) determination of facts;

6) basis for the administrative act, including, in particular, considerations of usefulness (Sections 65 and 66);

7) a separate list of the legal provisions applied (indicating also the section, paragraph, clause or sub-clause of the legal act);

8) the legal obligation imposed on the addressee (a specific action or prohibition of a specific action) or the rights granted, approved or rejected regarding such addressee;

9) an indication as to where and within what term such administrative act may be contested or appealed.

(3) The part of the determination of facts of an administrative act shall indicate the evidence upon which conclusions are based and the arguments on the basis of which evidence has been rejected.

(4) An institution shall base an administrative act upon the Constitution, laws, Cabinet regulations or binding regulations of local governments, provisions of international law or the European Union, and also general principles of law. The basis part shall indicate the section, paragraph, clause or sub-clause of the relevant external legal act.

(5) An institution may use arguments in the basis for an administrative act that have been expressed in court judgments and legal literature, and also other special literature.

(6) An institution may not base an administrative act upon an internal legal act. If the institution has applied an internal legal act, this shall be indicated in the basis for the administrative act, indicating the issuer, the date of issue, the name of the internal legal act, and the applied legal provision. Such indication is of informative nature.

(7) If an institution satisfies the claim of a submitter in full and other participants to the administrative proceedings have not expressed divergent opinions, the information referred to in Paragraph two, Clauses 4, 6, and 9 of this Section is not required.

(8) If it is necessary for an institution to verify information containing an official secret in order to clarify circumstances of the case, such information shall not be reflected in an administrative act.

(9) An administrative act may contain a warning regarding compulsory execution which has been drawn up in compliance with the requirements referred to in Section 361 of this Law.

[*15 January 2004; 26 October 2006; 1 November 2012; 2 February 2017*]

Section 68. Conditions of an Administrative Act

(1) If an applicable legal provision provides for inclusion of a condition restricting the operation of an administrative act (for example, a time limit, a precondition, a task, a reservation) in the administrative act, the institution shall indicate this in the administrative act.

(2) If an applicable legal provision does not provide for inclusion of a restricting condition in the administrative act, the institution may include it:

1) if it may decide independently on the issue of the relevant administrative act or the content thereof;

2) in order to achieve compliance of the administrative act with legal provisions.

(3) A condition shall be commensurate with the content of the administrative act and it shall conform to the meaning and purpose of the administrative act.

[*18 December 2008*]

Section 69. Non-compliance with the Form of an Administrative Act

(1) An administrative act may be issued orally or otherwise without complying with the provisions of Section 67 of this Law if one of the following conditions is present:

1) the issue of the administrative act is urgent, and any delay poses a direct threat to the national security, public order, environment, or life, health or property of a person;

2) it is provided for by the legal act to be applied;

3) the case is objectively insignificant;

4) the issue of an administrative act in writing is impossible or inadequate.

(2) If an administrative act is issued in a form other than in writing, or it is issued in writing but does not comply with the requirements of Section 67 of this Law, the participant to the proceedings has the right to, within one month, request that the institution draws it up in writing in compliance with the requirements of the abovementioned Section. The institution shall draw this administrative act up within 14 days after receipt of the relevant request and notify the

addressee thereof in accordance with the procedures laid down in the Law on Notification. A term for contestation shall start after the notification of this act or refusal.

(3) If an administrative act has ceased to be in effect until the submission of a request, an institution shall issue it:

1) if it is necessary for the addressee in order to protect his or her rights or legal interests, or the rights or legal interests of another private person;

2) in order for compensation to be claimed in accordance with the provisions of Chapter 8 of this Law;

3) in order to prevent recurrence of similar cases.

[*15 January 2004; 18 December 2008; 1 November 2012*]

Section 70. Notification and Validity of an Administrative Act

(1) Provided that it is not otherwise stipulated in an external legal act or the administrative act itself, an administrative act shall come into effect at the time the addressee is notified of it. The manner in which the addressee is notified of the administrative act - in writing, orally or otherwise - shall not affect its coming into effect.

(2) An addressee shall be notified of an administrative act in accordance with the Law on Notification. If an institution decides to send an unfavourable administrative act by post, it shall be sent as a registered postal item.

(3) An administrative act shall be in effect until it is revoked, executed, or may no longer be executed because of a change in the actual or legal circumstances.

[*26 October 2006; 18 December 2008; 1 November 2012; 2 February 2017*]

Section 71. Notification of an Administrative Act to Other Persons

(1) An administrative act shall notified to a third person.

(2) If an administrative case has been initiated on the basis of information whose submitter is not a participant to the administrative proceedings, the submitter shall be notified of the fact that the administrative case has been examined and of the outcome of the examination thereof.

(3) An administrative act shall be notified repeatedly if an institution has corrected clerical errors or mathematical miscalculations in the components thereof referred to in Section 67, Paragraph two, Clause 7, 8 or 9 of this Law.

[*1 November 2012*]

Section 72. Correction of Errors

(1) An institution may at any time correct manifest clerical errors or mathematical miscalculations as well as other errors and deficiencies in the text of an administrative act if that does not change the substance of the decision.

(2) An addressee has the right to request that errors referred to in Paragraph one of this Section be corrected.

[*1 November 2012 / See Paragraph 14 of the Transitional Provisions*]

Section 73. Explanation of an Administrative Act

An addressee has the right to request an institution to explain the obligation imposed by an administrative act orally or, pursuant to the request of the addressee, in writing. This shall not affect the validity of and time periods regarding the administrative act.

Section 74. Invalid Administrative Act

(1) An administrative act shall be invalid if:

1) it is not objectively discernible who has issued it;

2) it has been issued by an institution that does not have jurisdiction to issue the specific administrative act (except for the case referred to in Section 52, Paragraph two);

3) [2 February 2017];

4) it requires the addressee to violate the legal provisions or to perform actions that are practically or legally impossible.

(2) An addressee shall immediately notify the institution of his or her doubts about the validity of an administrative act. If the institution considers that the doubts of the addressee are unfounded (and the administrative act may be

contested), it shall inform the addressee thereof within seven days, appropriately extending the term for contesting prescribed by law.

[*2 February 2017*]

Section 75. Contestable Administrative Act

(1) An administrative act shall be in effect but may be contested if:

1) the legal obligation imposed on the addressee (specific action or prohibition of specific action) or rights granted, approved or refused to him or her may not be unambiguously construed therefrom;

2) this Law or other legal provisions which determine the procedure for issuing the relevant administrative act have not been complied with in the course of administrative proceedings (procedural error);

3) based upon its content, it is in conflict with the legal provisions, also when the institution has incorrectly applied the legal provisions (or has relied upon erroneous facts), or it has not complied with the hierarchy of the legal force of legal provisions or has erred in the considerations of usefulness (content error).

(2) If a contestable administrative act is not contested, it shall be in effect until it is set aside, executed or may no longer be executed because of a change in the actual or legal circumstances.

Section 76. Right to Contest an Administrative Act

(1) An administrative act may be contested by an addressee, a third person, a legal entity referred to in Section 29 of this Law, and also by a private person whose rights or legal interests are restricted by the relevant administrative act and who has not been summoned to the administrative proceedings as a third person.

(2) An administrative act may be contested to a higher institution in accordance with the procedures regarding subordination. The law or Cabinet regulations may determine another institution where the relevant administrative act may be contested. If there is no such institution or it is the Cabinet, the administrative act may be contested to the institution which has issued this act or appealed directly to the court. If the administrative act is contested to the institution which has issued it, the contestation proceedings shall be subject to the provisions which are provided for in this Law with regard to a higher institution.

(3) The contestation of an administrative act is a continuation of the initial administrative case. The provisions of this Law apply thereto, except for the contestation procedures.

(4) If an administrative act is not contested within the term stipulated in Section 79 of this Law, it may no longer be contested. The same institution which examines a submission on the contestation of an administrative act shall decide on the request to renew a term.

[*15 January 2004; 26 October 2006; 1 November 2012*]

Section 77. Procedures for Contesting an Administrative Act

(1) A submission on the contestation of an administrative act shall be submitted in writing or orally to the institution which has issued this act. If the submission is expressed orally, the institution shall immediately draw it up in writing and the submitter shall sign it. If the grounds for the error in the administrative act included in the submission, which has been submitted in writing, are extensive, the institution may request the submitter to submit a summary thereof.

(2) If a submission on the contestation of an administrative act has not been signed, has been submitted without complying with the requirements of the Official Language Law or is not accompanied by the documents attesting to authorisation, an institution shall leave the submission not proceeded with and set a reasonable term for the submitter to eliminate deficiencies indicated by the institution. If the deficiencies indicated by the institution are not eliminated within the specified term, the institution shall recognise the submission on the contestation of the administrative act as not submitted and may return it to the submitter.

(3) If the submission on the contestation of the administrative act complies with the requirements of the law or the deficiencies have been eliminated within the term specified by the institution, the institution shall immediately send the submission to a higher institution for examination.

[*1 November 2012; 2 February 2017*]

Section 77.[1] The Right of an Institution to Set Aside the Contested Administrative Act Issued by it

In the event where a submission has been submitted regarding the contestation of an administrative act issued by an institution, this institution may set aside the contested administrative act and issue a new one without sending a submission on the contestation of the administrative act to a higher institution in the following cases:

1) the submitter has not concurrently asked for compensation in his or her submission on the contestation of the

administrative act;

2) the new administrative act issued by the institution does not cause unfavourable consequences to the submitter of the submission on the contestation of the administrative act.

[*1 November 2012*]

Section 78. Submission on the Contestation of an Administrative Act

(1) The following shall be indicated in a submission on the contestation of an administrative act:

1) which administrative act is being contested;

2) to what extent the administrative act is contested, and how the error in the administrative act manifests itself;

3) request.

(2) An opinion may be expressed in the submission on the contestation of an administrative act as to a possibility of entering into a settlement and possible provisions of a settlement.

(3) A submitter may revoke his or her submission on the contestation of an administrative act until the moment when a higher institution takes a decision on this act or an institution which has issued the contested administrative act issues a new administrative act.

[*1 November 2012; 2 February 2017*]

Section 79. Term for Contesting an Administrative Act

(1) An administrative act may be contested within one month from the day it comes into effect, but if there is no indication as to where and within what term such administrative act may be contested - within one year from the day it comes into effect.

(2) A private person whose rights or legal interests are restricted by the relevant administrative act and who has not been summoned to participate in the administrative proceedings as a third person may contest such administrative act within one month from the day when the private person becomes aware of it but not later than within one year from the day the relevant administrative act comes into effect.

(3) A higher institution shall refuse examination of the submission on contestation on the merits if it has been submitted:

1) without complying with the term for the contestation and if the submitter thereof has not asked for the renewal of a procedural time limit;

2) more than three years after the day the administrative act has come into effect or three years after the day when the actual action of an institution was found out or was supposed to be found out. The time limit referred to in this Clause may not be renewed.

(4) The decisions referred to in Paragraph three of this Section may be appealed within one month from the day of their coming into effect. A court shall examine a complaint in the written procedure within one month.

[*15 January 2004; 18 December 2008; 1 November 2012; 11 November 2021*]

Section 80. Suspension of Operation of a Contested Administrative Act

(1) A submission on the contestation of an administrative act shall suspend the operation thereof from the day when an institution has received the submission, except for the cases provided for in Section 360, Paragraphs two and three of this Law, and also in the cases where the submission has been submitted by an addressee of a favourable administrative act in order to achieve the issue of a more favourable administrative act or if the submission has been submitted regarding a general administrative act.

(2) If a higher institution upholds the administrative act, the operation of the administrative act shall resume from the day when the term for appealing the administrative act has expired and it has not been appealed. If the contestation of the administrative act suspends the operation thereof but the appeal in accordance with Section 185, Paragraph four of this Law does not suspend the operation of the administrative act, the operation of the relevant administrative act shall resume from the day when the term for the appeal of the administrative act has expired.

[*26 October 2006; 18 December 2008*]

Section 80.[1] Evaluation of Possibilities to Enter into a Settlement

In examining a submission on the contestation of an administrative act, an institution shall, prior to taking a

decision, consider a possibility to enter into a settlement (administrative contract). If the institution recognises that it is possible to enter into a settlement, it shall inform a private person of the settlement process and possible provisions of the settlement in order for this person to express his or her opinion on the possibility to enter into a settlement.

[*1 November 2012*]

Section 81. Decision on the Contested Administrative Act

(1) A higher institution shall re-examine the case on the merits in general or in the part to which the objections of the submitter are applicable. In taking a decision on the contested administrative act, a higher institution shall inter alia follow the form specified in the State Administration Structure Law according to which subordination over a lower institution is implemented, and also the type of the contested administrative act (Section 65).

(2) A higher institution by its decision may:

1) uphold the administrative act;

2) set aside the administrative act;

3) set aside the administrative act in a part thereof;

4) issue a different administrative act in terms of its content;

5) determine whether an administrative act, which has ceased to be in effect (Section 82), was legal or illegal.

(3) A decision on a contested administrative act (an administrative act) may not be more unfavourable to the interests of the addressee than the contested administrative act, except for the case where it is determined by a higher institution that the rule of substance has been violated or such procedural legal provisions have been violated which protect the public interest.

(4) If the grounds for contestation are referred to in the submission on the contestation of an administrative act, the arguments relating to such grounds of the submitter shall be indicated in the basis for the decision of the higher institution.

(5) A contested administrative act shall be finally formalised in such form as it was formalised in the decision on the contested administrative act. It shall be executed and may be appealed to a court in such form.

[*15 January 2004; 26 October 2006*]

Section 82. Contestation of a Revoked Administrative Act and Procedural Violations

(1) An administrative act may be contested if it has already been executed or has otherwise been revoked in the following cases:

1) for claiming compensation in accordance with Chapter 8 of this Law;

2) in order to prevent recurrence of similar cases.

(2) If an administrative act is revoked during the course of the contestation proceedings thereof but the submitter substantiates the necessity to continue such proceedings, the proceedings shall be continued until a decision on the contested administrative act is taken.

(3) If a person agrees to the operative part of the administrative act (Section 67, Clause 8), in the cases specified in Paragraph one of this Section a submission on the contestation thereof may also be submitted regarding the establishing of a procedural violation committed in the process of the issue of the administrative act if it has caused a significant infringement of rights or legal interests of a person. Such submission on the contestation shall be submitted in accordance with the same procedures and within the same term as a submission on the contestation of the entire administrative act in general.

[*18 December 2008*]

Section 83. Setting Aside of an Incontestable Administrative Act

(1) An institution may, upon its own initiative or upon a submission of a person, re-initiate administrative proceedings and decide to set aside an administrative act in accordance with the provisions of Sections 85-88 of this Law.

(2) An administrative act shall be set aside by a new administrative act.

(3) Administrative proceedings may be re-initiated by an institution which has jurisdiction in the case, irrespective of which institution has issued the relevant administrative act in the initial administrative proceedings.

[*18 December 2008*]

Section 84. Lawfulness of an Administrative Act

An administrative act shall be lawful if it conforms to legal provisions but unlawful - if it does not conform to legal provisions.

Section 85. Setting Aside of a Lawful Administrative Act

(1) A lawful administrative act unfavourable to an addressee may be set aside at any time, except for the case where, in accordance with the legal provisions, an administrative act of the same content should be re-issued immediately.

(2) A lawful administrative act favourable to the addressee may be set aside if at least one of the following circumstances exist:

1) a legal provision provides for setting aside of an administrative act or an administrative act contains a reservation of setting aside thereof;

2) the administrative act has been issued under some other condition and such condition has generally not been fulfilled, has not been adequately fulfilled or has not been fulfilled in a timely manner;

3) [2 February 2017];

4) the actual or legal circumstances of the case have changed, and if such circumstances would exist at the time the administrative act was issued, the institution may have not issued such administrative act, and the remaining of the administrative act in effect affects substantial public interest.

(3) If the administrative act is set aside in accordance with Paragraph two, Clause 4 of this Section, the relevant legal person governed by public law shall, in accordance with Chapter 8 of this Law, compensate the addressee for losses and non-material damage caused to him or her as a result of setting aside of the administrative act.

(4) An institution may, in compliance with the provisions of this Section, set aside or amend also a lawful administrative contract, except for a settlement.

[*15 January 2004; 18 December 2008; 2 February 2017; 11 November 2021*]

Section 86. Setting Aside of an Unlawful Administrative Act

(1) An unlawful administrative act unfavourable to the addressee may be set aside at any time.

(2) An unlawful administrative act favourable to the addressee may be set aside if at least one of the following circumstances exist:

1) the addressee has not yet exercised his or her rights which are confirmed or granted by such administrative act;

2) a legal provision provides for setting aside of an administrative act or an administrative act contains a reservation of setting aside thereof;

3) the remaining of the administrative act in effect affects substantial public interest. If the addressee has received money or other benefits on the basis of such administrative act, the administrative act shall cease to be in effect from the day of its setting aside. The relevant legal person governed by public law shall, in accordance with Chapter 8 of this Law, compensate the addressee for losses or non-material damage incurred thereby as a result of setting aside the administrative act;

4) the addressee has achieved the issue of the administrative act by knowingly providing false information, by bribery, duress, threats or other illegal actions. In such case, the institution shall evaluate the unlawfulness of the actions carried out by the addressee and shall set aside the administrative act from the day of its issue. The addressee has an obligation to reimburse the relevant body governed by public law for everything such addressee has obtained from the body governed by public law on the basis of the administrative act. The institution may specify an amount of compensation in the administrative act;

5) the unlawfulness of the administrative act is so manifest that the addressee of the act could and should have known it.

(3) The setting aside of an administrative act in accordance with Paragraph two, Clause 1 of this Section is permissible within three months from the day when the institution came to know that it is possible to set it aside but not later than within one year from the day it has come into effect.

(4) An institution may, in compliance with the provisions of this Section, set aside or amend also an unlawful

administrative contract, except for a settlement.

[*15 January 2004; 26 October 2006; 18 December 2008; 2 February 2017; 11 November 2021*]

Section 87. Re-initiation of Administrative Proceedings on the Basis of a Submission

(1) If an administrative act has become incontestable, administrative proceedings regarding the same case may be re-initiated on the basis of a submission of the addressee if at least one of the following circumstances exist:

1) the actual circumstances of the case which were the basis for taking the decision have changed;

2) the legal circumstances of the case have changed in favour of the addressee;

3) the European Court of Human Rights or another international or supranational court has made a ruling in this case from which it follows that the administrative proceedings have to be re-initiated. In such case, the institution, upon taking a decision in the resumed case, shall rely on the facts determined in the relevant court ruling and the legal assessment thereof;

4) the new evidence has become known or available to the addressee which was not at his or her disposal until the issue of the initial administrative act and which could form the grounds for the issue of an administrative act more favourable to the addressee.

(2) If an administrative act has become incontestable, administrative proceedings regarding the same case may be re-initiated on the basis of a submission of a third person if the following aggregate of circumstances is present:

1) the actual or legal circumstances of the case which formed the basis for taking the decision have changed in favour of such private person;

2) the addressee has not yet exercised his or her rights which are granted or confirmed by the relevant administrative act.

(3) A submission on the re-initiation of administrative proceedings may be submitted:

1) while the administrative act is in effect;

2) within six months from the day when the relevant participant to the administrative proceedings came to know of the facts giving him or her the right to do this.

(4) A submission on the re-initiation of the administrative proceedings in the same case shall be submitted to the institution which has jurisdiction in the case in the re-initiated administrative proceedings.

(5) A refusal of the institution to re-initiate administrative proceedings may be contested and appealed within a month from the day of entry into force of the decision. A court shall examine a complaint in the written procedure.

(6) If a submission on the re-initiation of administrative proceedings has been submitted while the administrative act has not become incontestable, such submission shall be considered a submission on the contestation of an administrative act.

(7) Provisions of this Section shall also be applicable to the amending or setting aside of an administrative contract, except for a settlement.

[*15 January 2004; 18 December 2008; 1 November 2012; 2 February 2017*]

Section 88. Obligation of an Institution to Re-initiate Administrative Proceedings

An institution shall be obliged to re-initiate administrative proceedings in the same case if it is necessary to enforce the following judgment or ruling made in this case:

1) a judgment made by the Constitutional Court by which the applied legal provision has been recognised as non-compliant with a legal provision of higher legal force;

2) a ruling of the European Court of Human Rights or another international or supranational court. In such case, the institution, upon taking a decision in the resumed case, shall rely on the facts determined in the relevant court ruling and the legal assessment thereof.

[*18 December 2008*]

Chapter 7
Actual Action of an Institution

Section 89. Concept of Actual Action of an Institution

(1) An actual action shall constitute an action of an institution in the field of public law which does not manifest itself in the form of a legal act and which is oriented towards creation of actual consequences if a private person has the right to this action or an infringement of subjective rights or legal interests of a person has resulted or may result from this action. Actions of an institution which, irrespective of the intention of the institution, cause actual consequences which have resulted or may result in a significant infringement of rights of a private person shall also be recognised as the actual action. Procedural actions of an institution (actions which lack the nature of the final regulation) shall not constitute the actual action.

(2) An actual action is also the failure to act of an institution if the institution, in accordance with the legal provisions, had or has an obligation to perform some action, and also a statement issued by the institution.

[*15 January 2004; 26 October 2006*]

Section 90. Considerations and Notification of Actual Action of an Institution

(1) Considerations of an institution in planning or performing an actual action shall be the same as those in issuing an administrative act (Sections 65 and 66).

(2) If an institution has foreseen or should have foreseen its actual action prior to the performance of the actual action, the institution shall notify the relevant person of the need for, place and time of the actual action. Such notification may be individual or public.

[*26 October 2006*]

Section 91. Submission on the Actual Action of an Institution and Contestation and Appeal of the Actual Action

(1) A person who believes that his or her rights or legal interests are or may be infringed by a planned or an already commenced actual action of an institution may have recourse to the institution with a submission for changing the intention of the institution in respect of this actual action.

(2) The institution shall examine and evaluate the submission before performing or, if it is possible, before completing the actual action. The institution shall notify its decision in accordance with general procedures. A private person may contest and appeal this decision of the institution as an administrative act.

(3) A private person who believes that a statement issued by the institution is incorrect may have recourse to the institution with a submission for issuing a correct statement. If the institution does not satisfy the request of the submitter, the submitter may contest and appeal this decision of the institution as an administrative act. A ruling of a District Administrative Court in a case regarding the statement issued by an institution, the failure to issue a statement or the refusal to issue a statement shall not be subject to appeal.

(4) In any other cases a private person may contest and appeal the actual action of an institution like an administrative act.

[*26 October 2006; 18 December 2008*]

Chapter 8
Compensation

Section 92. Right to Compensation

Everyone is entitled to claim appropriate compensation for financial loss or non-material damage which has been caused to him or her by an administrative act or an actual action of an institution. The right to claim compensation in accordance with the procedures of administrative proceedings shall also be applicable to the cases where losses or damage has been caused by unreasonable action of an institution or enforcement authority (except for the case where an enforcement authority is a bailiff) at the enforcement stage of administrative proceedings.

[*15 January 2004; 1 November 2012; 11 November 2021*]

Section 93. Contestation and Appeal Procedures in Cases Regarding the Compensation

(1) A compensation may be claimed concurrently with submitting a submission on the contestation of an administrative act or actual action.

(2) If an administrative act or actual action may be appealed to a court without contestation or if losses or damage has been caused by a higher institution in the contestation proceedings, a compensation may also be claimed concurrently with the submission of an application for the contestation of an administrative act or actual action.

(3) If the compensation has not been claimed concurrently with the contestation or appeal of an administrative act or actual action, a submission on the compensation may be submitted to the institution which has caused losses or damage. The compensation may be claimed from the institution if the examination of the relevant administrative case has been completed on the merits (a decision of a higher institution has come into effect and it has not been appealed, a court judgment has come into effect, or proceedings have been terminated in the case on the basis of Section 282, Clause 7 of this Law). The provisions of this Law regarding the administrative act shall be applicable to a submission on the examination of compensation.

(4) A claim to compensate for loss or damage caused by an administrative act or actual action for which special appeal procedures have been laid down in the law shall be examined in accordance with the same procedures as those laid down for examining the relevant administrative act or actual action before a court.

(5) A compensation for losses or damage caused at the execution stage of an administrative act or enforcement stage of a court ruling may be claimed separately after the court has examined a complaint regarding the action of an institution or enforcement authority (Section 358, Paragraphs five and six, Section 363, Paragraph one, Section 376, Paragraph two). A claim shall be examined in accordance with the same procedures as those by which the court examines an application for the relevant administrative act at the execution stage of which losses or damage has been caused.

[*18 December 2008; 1 November 2012; 2 February 2017*]

Section 94. Obligation to Compensate

(1) Compensation shall be claimed from:

1) the Republic of Latvia if the financial loss or non-material damage was caused by an institution of direct administration;

2) a local government or other derived legal person governed by public law if the financial loss or non-material damage was caused by an institution of indirect administration fulfilling functions which are within the scope of the autonomous competence of the relevant legal person governed by public law;

3) the Republic of Latvia if the financial loss or non-material damage was caused by an institution of indirect administration fulfilling the functions or tasks of the Republic of Latvia;

4) another body governed by public law if it has procedural legal capacity and has its own independent budget (Section 22, Paragraph two) which is not part of the budget of any legal person governed by public law referred to in Paragraph one, Clause 1 or 2 of this Section and the body governed by public law has caused loss or non-material damage in a sphere where it operates within the limits of its own budget.

(2) If an institution is financed from various budgets and it is not possible to separate the tasks of which legal person governed by public law it is implementing, the compensation shall be claimed from the budget of the legal person governed by public law from which the institution receives the most financing. If the financing of two or more bodies governed by public law is the same, the compensation shall be claimed from one body governed by public law at the choice of the submitter or applicant. If one of the budgets is the State basic budget, the compensation shall be claimed from the Republic of Latvia.

(3) If an institution is a private person, the compensation shall be claimed from the legal person governed by public law referred to in Paragraph one of this Section whose body or institution has conferred public powers on the private person.

(4) The obligation to compensate may be fulfilled by the relevant body governed by public law by renewing the situation which existed before the loss or damage was caused, or if that is not possible or fully possible or is not adequate, by paying the appropriate compensation in money.

[*15 January 2004; 11 November 2021*]

Section 95. Determination of Compensator

(1) If, upon claiming the compensation, the relevant body governed by public law referred to in Section 94 of this Law has not been indicated correctly, the institution shall accept the submission for compensation and itself shall determine the relevant body governed by public law.

(2) If a dispute arises between bodies governed by public law as to from which body governed by public law referred to in Section 94 of this Law the compensation is to be claimed, a submitter of the submission for the compensation may have recourse to the court if the relevant bodies governed by public law have failed to reach an agreement within one month. The court itself shall determine the body governed by public law from which the compensation is to be claimed.

(3) The submitter (applicant) shall be notified of the decision taken in accordance with Paragraph one or two of this

Section.

[*15 January 2004; 26 October 2006*]

Section 96. Obligation of Submitter to Reduce Losses and to Co-operate

A submitter has an obligation, within the limits of his or her knowledge and as far as practicable, to make every possible effort to reduce his or her losses or damage, and also to inform the institution of the circumstances it needs to know in order to determine the basis of liability of the relevant body governed by public law and the amount of losses or damage caused. If the submitter unjustifiably fails to perform this obligation, he or she may not refer to the relevant circumstances later, when contesting the decision of the institution to a higher institution or when appealing to a court.

[*15 January 2004*]

Section 97. Application of Principles of Civil Law to Determination of the Amount of Compensation

When determining the preconditions of the financial loss and non-material damage and the amount of compensation, the principles of civil law shall be applied unless the law specifies otherwise.

[*15 January 2004; 11 November 2021*]

Chapter 9
Statement on One's Rights

Section 98. Right to a Statement on One's Rights

(1) A private person has the right to receive a statement on his or her rights in a specific legal situation (hereinafter - the statement).

(2) A submission on a statement shall be submitted to an institution within whose competence it lies to decide the issue on its merits.

(3) The following shall be included in a submission on a statement:

1) a description of facts;

2) a specific question arising from the stated facts and the answer to which depends on the legal assessment thereof;

3) an explanation as to why such statement is necessary;

4) at the discretion of the submitter - also legal considerations.

(4) If the answer to the question depends on considerations of usefulness (Sections 65 and 66), the right to the statement shall apply to the determination of the discretion granted to the institution. The institution in its answer may refer to general considerations as to how such discretion is to be used. The legal effects stipulated in Section 101, Paragraphs two and three of this Law shall not apply to these considerations.

(5) Unless this Chapter prescribes otherwise, the provisions of this Law pertaining to an administrative act shall be applicable to the statement to the extent they are applicable having regard to the substance of the statement.

[*15 January 2004*]

Section 99. Preparation of the Statement

(1) When preparing the statement, the institution may require additional information from the submitter, if necessary.

(2) When preparing the statement, the institution may request assistance from a higher institution, the Ministry of Justice, and other authorities.

(3) Prior to notifying the statement to the addressee thereof, the institution shall, in a timely manner, send a copy of the statement to a higher institution. Following notification of the statement the institution shall send a copy thereof to the authorities for which this statement may be of interest or which were involved in the drawing up thereof.

(4) The Cabinet shall lay down the procedures by which the institutions involved in the drawing up and coordination of the statement cooperate.

[*26 October 2006*]

Section 100. Form of the Statement

The statement shall be issued in writing. It shall have the following components:

1) the name of the institution;

2) the addressee of the statement (for a natural person - given name, surname, place of residence or other information as assists in identifying the person; for a legal person - name, address, registration number);

3) the submitter if he or she is not identical with the addressee of the statement;

4) the submitted description of facts, the question and the explanation as to why the addressee of the statement requires such statement;

5) the answer to the question;

6) the legal basis for the answer;

7) a separate list of legal provisions applied (indicating also the section, paragraph, clause or sub-clause of the legal act).

Section 101. Legal Effects of and Contesting the Statement

(1) The statement shall not be binding on the addressee of the statement. The legal effects of a statement for an institution are stipulated in the provisions of Paragraphs two and three of this Section.

(2) If the addressee of the statement has acted in conformity with the statement issued thereto, the administrative act issued later by the institution concerning the question regarding which the statement was given may not be more unfavourable to the addressee, even if the institution later determines that the statement was not correct.

(3) If the question regarding which the statement was given is one of many questions to be evaluated by the institution in a later administrative case, such evaluation may not be more unfavourable to the addressee, except for the case where the total outcome of the case otherwise would be more unfavourable to the addressee or it would be unlawful.

(4) The statement may be contested to a higher institution. If there is no such institution or it is the Cabinet, the statement may not be contested. It may not be appealed to a court.

(5) The legal effects stipulated in Paragraphs two and three of this Section shall not come into effect if the statement has not been issued in writing or it has been obtained by knowingly providing false information, or by bribery, duress, threats or any other actions subject to a criminal punishment or administrative penalty.

(6) An action of an institution which manifests itself in failure to provide the statement or refusal to provide the statement shall be contested and appealed in accordance with the procedures laid down in Section 91, Paragraph three of this Law.

[*18 December 2008*]

Part C
Administrative Proceedings in Court

Division One
General Provisions of Court Proceedings

Chapter 10
Basic Provisions

Section 102. Force of the Laws which Regulate Court Proceedings in the Administrative Proceedings in Time

(1) [15 January 2004]

(2) Court proceedings in an administrative case shall take place in accordance with the legal provisions of administrative procedure which are in effect at the time of the examination of the case, performance of individual procedural actions or enforcement of a court judgment.

[*15 January 2004*]

Section 103. Substance of Administrative Proceedings in Court

(1) The substance of administrative proceedings in court shall be the court control over the lawfulness of an administrative act issued by an institution or actual action of an institution or the considerations of usefulness within the scope of discretionary powers, and also the determination of public legal obligations or rights of a private person and the examination of disputes arising from a contract governed by public law.

(2) Within the course of administrative proceedings, upon performing its obligation, a court itself (*ex officio*) shall objectively determine the circumstances of a case and provide a legal assessment of these, examining the case within a reasonable time.

(3) In the course of administrative proceedings the court shall determine:

1) whether the administrative act and the actual action of the institution complies with the provisions of this Law and other legal provisions;

2) whether the legal provisions and a contract governed by public law give specific rights to or impose obligations on the participants to administrative proceedings;

3) the compliance of the contract governed by public law with the legal provisions, the validity and the correctness of fulfilment thereof.

[*15 January 2004*]

Section 104. Control of the Hierarchy of Legal Provisions

(1) Upon examining the lawfulness of an administrative act or actual action and upon determining the public legal obligations or rights of a private person, the court shall, in case of doubt, verify whether the legal provision applied by the institution or to be applied in the administrative court proceedings conforms to the legal provisions of higher legal force.

(2) If a court believes that a legal provision does not conform to the Constitution or provision (act) of international law, it shall suspend court proceedings in the case and send a substantiated application to the Constitutional Court. After coming into force of the decision or judgment of the Constitutional Court, the court proceedings in the case shall be renewed and the following court proceedings shall be based upon the opinion of the Constitutional Court.

(3) If a court finds that the binding regulations of local governments do not conform to Cabinet regulations or the law or Cabinet regulations do not conform to the law, or an internal legal act does not conform to an external legal act or directly applicable general principle of law, it shall not apply the relevant legal provision. The court shall substantiate its opinion on the non-conformity with the legal provisions of higher legal force in a decision or judgment. If the relevant legal act is not issued by a participant to the administrative proceedings, the court shall send the judgment or decision to the issuer of the legal act and the Ministry of Justice.

[*15 January 2004; 26 October 2006*]

Section 104.[1] Submitting a Question to the Court of Justice of the European Union

In the cases provided for in the provisions of the European Union law, a court shall submit a question to the Court of Justice of the European Union regarding the interpretation or validity of a provision of the European Union law in order to make a preliminary ruling.

[*15 January 2004; 1 November 2021*]

Section 105. Court Instances in an Administrative Case

(1) An administrative case shall be examined on the merits by a court of first instance but following a complaint of a participant to the administrative proceedings regarding a judgment of this court - also by a court of second instance in accordance with the appeal procedures, except for the cases specified in law.

(2) A participant to the administrative proceedings may appeal a judgment of a court of second instance in accordance with the cassation procedures, except for the cases specified in law.

[*18 December 2008*]

Section 106. Initiation of an Administrative Case in Court

(1) A court shall initiate an administrative case pursuant to the application of an applicant.

(2) A court shall also initiate an administrative case pursuant to the application of a legal entity referred to in

Section 29 of this Law.

Section 107. Determination of Facts in an Administrative Case

(1) A court shall determine the facts of a case by examining the case in the oral or written procedure.

(2) In examining a case in the oral procedure, the facts of the case shall be determined in a court hearing.

(3) In examining a case in the written procedure, the facts of the case shall be determined on the basis of the evidence in the case.

(4) In order to determine the true circumstances of a case within the limits of the claim and achieve lawful and fair examination of the case, the court shall give instructions and make recommendations to the participants to the administrative proceedings, and also shall collect evidence upon its own initiative (principle of objective investigation).

Section 107.[1] Explanation of the Possibilities of Entering into a Settlement

If a court (judge) believes that a settlement is possible in a case, the court (judge) may explain the possibilities of entering into a settlement (administrative contract) to participants to the proceedings, and also make recommendations for the conditions of a settlement. The court (judge) may explain possibilities of entering into a settlement both in writing and in court hearing. The court (judge) may convene a court hearing only to discuss this issue.

[*1 November 2012*]

Section 108. Open Examination of an Administrative Case

(1) The administrative case shall be examined in an open court.

(2) An administrative case shall be examined in full or in part in a closed court hearing in order to protect the following:

1) an official secret;

2) an adoption secret.

(3) In order to protect restricted access information, a court may determine by a reasoned decision that a case is to be examined in full or in part in a closed court hearing.

(4) If a case is examined in the written procedure, a court may set a case to the status of a fully or partly closed case in the cases provided for in Paragraph two or three of this Section.

(5) Participants to the administrative proceedings and, if necessary, also an expert and an interpreter shall participate in a closed court hearing.

(6) In a closed court hearing, the case shall be examined in compliance with the relevant provisions applicable to court proceedings.

(7) Anyone may record the course of a court hearing (use sound or image recording and transmission media) with the permission of the court. Before deciding such issue, the court shall hear the opinion of the participants to the administrative proceedings. The court may impose a prohibition on the publishing of such recording until performance of a specific procedural action or drawing up of a judgment.

[*1 November 2012*]

Section 108.[1] Open Examination of an Administrative Case in Verifying the Information Containing an Official Secret

(1) If for the purpose of objective determination of circumstances of a case it is necessary for a court to verify information which is an official secret object, the participants to the case as well as other persons who have a personnel security clearance for access to the official secret, if necessary, shall participate in the verification of this information.

(2) Information which may disclose the identity of covert assistants may not be used in a court hearing.

(3) Information which is an official secret object shall not be appended to the case materials, and a court shall not reflect it in a ruling but shall indicate that it has accessed such information and has evaluated it.

(4) A court shall warn in writing the persons who participate in the examination of such case of the obligation to keep an official secret and of the liability provided for the disclosure of an official secret. Making of copies of the documents containing the official secret is not permissible.

[*26 October 2006; 18 December 2008*]

Section 108.[2] Availability of Court Rulings

(1) A court ruling shall be available to participants to the administrative proceedings as well as to any other person in accordance with the procedures and to the extent laid down in the law.

(2) A court judgment shall be published on the website. Parts of the judgment which contain restricted access information or which are an official secret object shall not be published but shall be replaced by an indication why the relevant part of the ruling is not generally accessible.

(3) If significant case law findings are formulated in court decisions which are drawn up as individual procedural documents, such rulings may be published on the website.

[*1 November 2012*]

Section 109. Examination of Administrative Cases by a Judge Sitting Alone and Collegially

(1) At a court of first instance, an administrative case shall be examined by a judge sitting alone. If the case is especially complicated, the president of the court of first instance may stipulate that the case be examined collegially. In such case, the matter shall be examined in the composition of three judges of the court of first instance.

(2) An administrative case in an appellate court and in a court of cassation shall be examined collegially.

Section 110. Language of Court Proceedings

(1) Court proceedings shall take place in the official language.

(2) Participants to administrative proceedings shall submit documents in a foreign language by attaching thereto translations into the official language certified in accordance with the prescribed procedures.

(3) A court may also allow individual procedural actions in another language, if this is requested by a participant to the administrative proceedings and the other participants agree. Minutes of a court hearing and the court ruling shall be written in the official language.

(4) A court shall ensure a participant to administrative proceedings, except for a representative, who does not understand the language of the court proceedings the right to become acquainted with the case materials and to participate in procedural actions with the assistance of an interpreter.

(5) The court may, at its discretion, also provide an interpreter for the representative of a participant to administrative proceedings.

[*11 November 2021*]

Section 111. Restrictions on a Judge in the Administration of Justice

(1) A court hearing in which a case is examined on the merits shall take place without change in the composition of judges.

(2) If a judge is replaced by another judge in the course of trial of a case, the trying of the case shall be re-initiated.

(3) None of the judges of the composition of a court is entitled to participate in the trying of another case before the court hearing is pronounced closed.

(4) The provisions of this Section do not apply to the written procedure.

Section 112. Direct Trial of an Administrative Case

(1) A court of first instance and an appellate court themselves shall examine the evidence in the case.

(2) The trying of the case by a court shall be based upon the evidence the court itself has verified.

Section 112.[1] Court Proceedings

(1) An administrative case shall be examined in the written procedure without a court hearing unless the law prescribes otherwise.

(2) If a court believes that it would be more useful to examine a case in a court hearing, although the case is to be examined in the written procedure, it may, at its own discretion, determine examination of this case in the oral procedure.

(3) If a case is to be examined in the written procedure, a court may, at its own discretion, determine a court hearing for the performance of an individual procedural action or deciding of a procedural issue.

(4) A court shall examine a case in the oral procedure in a court hearing if it has been requested to a court of first instance by an applicant, a third person or a legal entity referred to in Section 29 of this Law, and also a defendant - a private person in the cases regarding contracts governed by public law.

(5) In examining a case in the written procedure, a court shall access case materials, hear the participants and request to submit the necessary information and evidence in writing.

(6) In examining a case in the oral procedure in a court hearing, a court shall hear oral testimonies and explanations of the persons summoned and summonsed to a court hearing. The court shall examine written evidence in a court hearing upon request of a participant to the proceedings or upon its own initiative.

[*1 November 2012; 11 November 2021*]

Section 112.^{2} Basic Provisions of an Electronic Case

(1) In administrative proceedings in court, the proceedings shall be conducted in an electronic case (hereinafter - the e-case) in the Court Information System and the documents related to the administrative case shall be prepared, uploaded, and stored therein.

(2) The requirement for signature shall be met if the document created or appended in the e-case portal or the Court Information System has been signed with an electronic signature within the meaning of Article 3(10) of Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC.

(3) A ruling of a judge or court which is taken in the form of an individual procedural document shall be signed with a secure electronic signature.

(4) The documents prepared in paper form shall be converted into electronic form and their derivatives shall be certified with a signature in conformity with the following conditions:

1) the depiction and conformity of the content of the original document during the period of storage specified for it have been ensured;

2) the reading of the content of the document electronically and, if necessary, the creation of a derivative in paper form have been ensured;

3) the converted document has been protected against making of supplementations thereto and changes therein, unauthorised access, and destruction.

(5) A document which, in accordance with the procedures laid down in Paragraph four of this Section, has been converted in electronic form for storage in the electronic environment has the same legal effect as the original document.

[*11 November 2021 / See Paragraph 26 of Transitional Provisions*]

Section 113. Oral Procedure

[1 November 2012]

Section 114. Written Procedure

[1 November 2012]

Section 114.^{1} Communication between a Court and Participants to the Proceedings

(1) Upon contacting an institution, sending documents to it or summoning a representative of an institution to appear before a court, the court may send the relevant information to the official electronic mail address of the institution without using a secure electronic signature and without entering into an agreement with the institution.

(2) A participant to the proceedings has the right to submit documents to the court in the e-case portal. A participant to the proceedings may submit documents also electronically if they have been drawn up and sent in accordance with the laws and regulations governing the circulation of electronic documents. A participant to the proceedings may also submit documents in paper form. If the documents are not submitted in compliance with this Law, the court shall decide whether to append the documents to the case. Documents submitted to the court electronically shall not be returned to the submitter.

(2^{1}) If a participant to the proceedings has indicated the e-case portal as the way of communication, the

subsequent communication of the court with the participant to the proceedings shall take place in the e-case portal.

(3) If a sworn advocate is a representative of a person before a court or provides legal aid to a participant to the case, the court shall communicate with the sworn advocate in the e-case portal.

[*2 February 2017; 11 November 2021*]

Section 114.[2] Repeated Procedural Application or Request

A court shall refuse to accept a procedural application or request for examination if it has been re-submitted and it does not result from it that actual or legal circumstances in the case relevant to the deciding of the issue would have changed.

[*2 February 2017*]

Section 114.[3] Outright Insulting and Defiant Procedural Document

A court (judge) need not append procedural documents to a case and examine them if the content thereof is outright insulting and defiant.

[*11 November 2021*]

Chapter 11
Composition of a Court

Section 115. Deciding of Issues in a Court

Issues arising from examination of a case collegially shall be decided by judges by majority vote. None of the judges is entitled to abstain from voting.

Section 116. Prohibition on Judges to Participate in a Repeated Examination of a Case

A judge who has participated in the examination of a case on its merits may not participate in the examination of such case in a court of another instance or in re-examination of the case, if the ruling drawn up with the participation of the judge has been set aside. It shall not apply to a case when the case is examined in a joint session of the Department of Administrative Cases of the Supreme Court.

[*11 November 2021*]

Section 117. Recusal or Removal of a Judge

(1) A judge is not entitled to participate in the examination of a case if the judge:

1) in previous examination of the case has participated in the proceedings as a participant to the administrative proceedings, a witness, an expert, an interpreter or a court recorder;

2) is in a relationship of kinship within the third degree or in relationship of affinity within the second degree with any participant to the administrative proceedings;

3) is in a relationship of kinship within the third degree or in relationship of affinity within the second degree with any judge who is a member of the composition of the court examining the case;

4) has a direct or indirect personal interest in the outcome of the case, or there are other circumstances raising reasonable doubt as to his or her objectivity.

(2) If the circumstances referred to in Paragraph one of this Section or in Section 116 of this Law are present, the judge shall recuse himself or herself prior to the commencement of the trial of the case.

(3) If a judge discovers the circumstances referred to in Paragraph one of this Section in the course of the examination of the case, the judge shall recuse himself or herself, stating the reasons for his or her recusal. In such case, the court shall adjourn the examination of the case.

(4) A participant to the administrative proceedings may, on the bases referred to in this Section, submit removal of a judge or the entire composition of a court.

Section 118. Submission of Removal

(1) A participant to administrative proceedings may request removal of a judge or the entire composition of a court in writing or orally. If removal is requested orally, it shall be recorded, using technical means. If the course of court

hearing is recorded by writing full minutes of the court hearing, an entry thereon shall be made in the minutes of the court hearing.

(2) Grounds for removal shall be provided and removal shall be submitted before the examination of a case on the merits has been commenced. Removal may be submitted later if the person who submits the removal becomes aware of the grounds for the removal during the examination of the case.

(3) A judge shall specify a reasonable term in the written procedure by which participants to the proceedings may submit removal in writing.

[*18 December 2008; 11 November 2021*]

Section 119. Procedures for Examining the Submitted Removal

(1) If removal has been submitted, a court shall hear the opinion of other participants to the administrative proceedings and hear the judge whose removal has been requested.

(2) A court shall take a decision regarding the submitted removal in the form of a separate procedural document.

(3) In a case being examined by judge sitting alone, the decision regarding the submitted removal shall be taken by the judge himself or herself.

(4) In a case being examined collegially, the decision regarding the submitted removal shall be taken in accordance with the following procedures:

1) if the removal has been submitted with regard to one judge, the decision shall be taken by the rest of the composition of the court. In the event of a tied vote, the judge shall be removed;

2) if the removal has been submitted with regard to several judges or the entire composition of the court, the decision shall be taken by the same court in full composition by the majority of votes.

(5) [2 February 2017]

[*1 November 2012; 2 February 2017*]

Section 120. Consequences of Removal

(1) If a judge or the entire composition of a court has been removed, a case shall be examined by another judge or another composition of a court.

(2) If it is not possible to form a different composition of a court in the relevant courthouse, a case shall be sent to another courthouse.

(3) If the removal of a judge has been requested in the course of the examination of a case, in the event the submitted removal is allowed, the examination of the case shall be re-initiated.

[*2 February 2017*]

Chapter 12
Subordination and Jurisdiction of Administrative Cases

Section 121. Subordination

(1) Appealed administrative act and actual action shall be examined in court as an administrative case.

(2) In cases prescribed by this Law, a court shall also examine applications that do not have the nature of administrative disputes.

(3) The issue of the subordination of a case shall be decided by a court or a judge. If the court or the judge finds that the examination of the case is not subject to a court, the decision shall indicate the institution within the competence of which the examination of the case lies.

(4) If an issue regarding the subordination of an application or case is recognised as especially complicated, a court or a judge shall address the President of the Supreme Court with a submission asking to settle the issue of subordination.

[*15 January 2004; 26 October 2006*]

Section 122. Jurisdiction

An administrative case shall be examined in the first instance in a courthouse of the District Administrative Court to which an application is to be submitted in accordance with Section 189, Paragraph one of this Law, unless the law prescribes otherwise. If the District Administrative Court examines the case as a court of first instance and it is necessary for the District Administrative Court to verify information which is an official secret object, such case shall be examined in the Riga Courthouse of the District Administrative Court.

[*18 December 2008*]

Section 123. Transfer of a Case Accepted as Court Proceedings to Another Courthouse or Another Court

(1) A court shall examine a case, which it has accepted as court proceedings by following the provisions of the submission of application, on the merits in the relevant courthouse, irrespective of the fact that the applicant's address may have changed during the course of examination of the case.

(2) A court or judge may transfer a case to another courthouse for examination thereof if:

1) prior to commencing examination of the case on the merits, it is discovered that the case has been accepted by violating the provisions of the submission of application;

2) after recusal or removal of one or several judges it is impossible to replace them in the same courthouse;

3) a court or judge is of the opinion that another courthouse will examine this case more efficiently, especially at the location of the majority of the evidence.

(3) [1 November 2012]

(4) [1 November 2012]

(5) A case which has been sent from one courthouse to another shall be accepted for examination in the courthouse to which this case has been sent.

(6) The procedures laid down in this Section shall also be applicable to a case where the provisions of jurisdiction have changed during the course of the examination of the case or the case has been accepted for examination by violating the provisions of jurisdiction.

[*18 December 2008; 1 November 2012 / See Paragraph 13 of the Transitional Provisions*]

Chapter 13
Payments into the State Budget

[*1 November 2012*]

Section 124. State Fee and Security Deposit

(1) A State fee in the amount of EUR 30 shall be paid for an application for the initiation of a case before a court, and also for a cross-application and an application of a third person with independent claims.

(2) A State fee in the amount of EUR 60 shall be paid for a notice of appeal, as well as for a notice of cross-appeal.

(3) A security deposit in the amount of EUR 15 shall be paid for an ancillary complaint. A security deposit shall not be paid for an ancillary complaint which has been included in a notice of appeal or a cassation complaint (Section 292, Paragraph $1.^1$ and Section 307, Paragraph $4.^1$).

(4) A security deposit in the amount of EUR 70 shall be paid for a cassation complaint as well as for a cross-complaint.

(5) A security deposit in the amount of EUR 15 shall be paid for a request for temporary protection (Sections 185 and 195).

(6) A security deposit in the amount of EUR 15 shall be paid for an application for the re-examination of a case due to newly discovered circumstances.

(7) A state fee for a cross-application and a notice of cross-appeal as well as a security deposit for a cross-complaint shall be repaid in accordance with the same procedures as those laid down for repaying the State fee (Section 125) and the security deposit (Section $129.^1$).

[*2 February 2017 / See Paragraph 21 of Transitional Provisions*]

Section 125. Repayment of the State Fee

(1) A State fee paid for an application shall be repaid in full if accepting of the application is refused or the application is left without examination, or proceedings in a case are terminated on the basis of the following:

1) the application has been submitted by a person whose legal capacity has been restricted by court preventing him or her from exercising independently the administrative procedural rights and obligations;

2) the applicant has failed to comply with the procedures for extrajudicial examination of a case laid down in the law, as he or she has taken into account an erroneous indication of an institution regarding the appeal procedures or the appeal procedures had not been indicated in the decision of the institution;

3) the case is not subject to examination in accordance with the procedures of administrative proceedings or the applicant does not have the subjective rights to submit the application; however, the applicant has submitted the application as the institution had erroneously indicated in the decision that the applicant has the right to appeal the decision.

(2) A State fee paid for a notice of appeal shall be repaid in full:

1) if a judge refuses to accept the notice of appeal or a court terminates appeal proceedings on the basis of the fact that an applicant or a third person has submitted a notice of appeal regarding a judgment which is not subject to appeal, as he or she has taken into account an erroneous indication of the court regarding the appeal procedures;

2) if an appellate court sets aside a judgment of a court of first instance in the case provided for in Section 303 of this Law;

3) to the defendant or a third person if the applicant withdraws the application.

(3) A half of the State fee which has been paid for the examination of a case before a relevant court shall be repaid if the applicant or a third person has withdrawn an application or a notice of appeal prior to completion of the examination of the case on the merits.

(4) The entire State fee or an overpaid part thereof shall be repaid on the basis of a submission of a person without a ruling of a court (judge) in accordance with the procedures laid down in laws and regulations governing the payment, repayment, and reimbursement of the State fee if:

1) the State fee has been paid for any activities for which it is not to be paid;

2) the State fee paid exceeds the fee prescribed by law.

[*2 February 2017; 11 November 2021*]

Section 126. Reimbursement of the State Fee

(1) If an application has been satisfied in full or in part (including in accordance with the procedures laid down in Section 191.^{2} of this Law) or court proceedings have been terminated in a case on the basis of Section 282, Clause 7 of this Law, a court (judge) shall order the defendant (possible defendant) to reimburse the applicant for the State fee paid by the applicant.

(2) If the applicant was exempted from the payment of the State fee and the application has been satisfied in full or in part, the State fee shall be adjudged as against the defendant.

(3) The State fee shall not be reimbursed if a subject of an application has been the establishment of the existence, non-existence or substance of specific public legal relations.

(4) If the applicant has been fully or partly exempted from the payment of the State fee by a court decision, in the event of rejection of an application the applicant shall be obliged to repay to the State the State fee in full amount within three months after the coming into effect of a judgment. In such cases the court shall indicate in the operative part of the judgment the obligation of the applicant to pay the State fee in the relevant amount. If the applicant fails to submit to the court a document which attests to the payment of the State fee within three months, the court shall notify a bailiff of enforcement of the judgment.

(5) An obligation of the applicant provided for in Paragraph four of this Section to pay the State fee in the event of rejection of an application shall not be applicable to the applicants who have submitted an application regarding an administrative act in the field of social security (pensions, benefits, etc.). In light of the significance of the rights and interests which the applicant had intended to protect, a court (judge) may exceptionally, by a reasoned decision, exempt the applicant from the obligation to pay the State fee also in other cases if the application is rejected.

[*1 November 2012; 2 February 2017; 11 November 2021*]

Section 127. Payment and Repayment of the State Fee

[1 November 2012 / *See Paragraph 17 of the Transitional Provisions*]

Section 128. Exceptions from General Provisions Regarding the State Fee

(1) In addition to other cases specified in the law, a natural person who submits an application regarding a decision of the Legal Aid Administration, and also a body governed by public law which submits an application to a court as a legal entity referred to in Section 29 of this Law shall be exempted from the payment of the State fee.

(2) If a legal entity referred to in Section 29 of this Law withdraws an application which has been submitted on behalf of a person, but such person demands that the case be examined on the merits, the State fee shall be paid in accordance with general provisions.

(3) A court (judge) may, upon request of a natural person, fully or partly exempt a person from the payment of the State fee by taking into account the financial situation of the person. In taking a decision, the court (judge) shall take into account the fact whether acceptance or examination of other applications, complaints, and requests submitted by this person to an administrative court over the last three years have been refused, or they have been left without examination or rejected several times.

[*26 October 2006; 18 December 2008; 2 February 2017 / See Paragraph 21 of Transitional Provisions*]

Section 129. Appeal of a Decision regarding the Issue of the State Fee

A private person may submit an ancillary complaint regarding a decision by which it is refused to reduce the amount of the State fee or to exempt the person from the payment of the State fee if this decision refers to the specific private person.

[*1 November 2012 / See Paragraph 13 of the Transitional Provisions*]

Section 129.[1] Repayment of a Security Deposit

(1) A security deposit shall be repaid in full:

1) if an ancillary complaint, a cassation complaint or a request for temporary protection is satisfied in full or in part;

2) if a court establishes newly discovered circumstances and refers a case or part thereof for re-examination;

3) to the defendant or a third person if the applicant withdraws the application;

4) if the acceptance of an ancillary complaint, a cassation complaint, a request for temporary protection or an application due to newly discovered circumstances is refused or left without examination on the basis of the fact that the complaint, request or application has been submitted by a person whose legal capacity has been restricted by court preventing him or her from exercising independently the administrative procedural rights and obligations;

5) if an ancillary complaint is deemed not submitted, initiation of cassation proceedings is refused or ancillary complaint or cassation proceedings are terminated on the basis of the fact that a participant to the proceedings has submitted an ancillary complaint or a cassation complaint regarding a ruling which is not subject to appeal in accordance with the law, as he or she has taken into account an erroneous indication of a court (judge) regarding the procedures for appealing a ruling;

6) if proceedings have been terminated in the case on the basis of Section 282, Clause 7 of this Law.

(2) Half of the security deposit shall be repaid if an ancillary complaint, a cassation complaint, a request for temporary protection or an application due to newly discovered circumstances is withdrawn prior to the completion of the examination thereof on the merits.

(3) The entire security deposit or an overpaid part thereof shall be repaid on the basis of a submission of a person without a ruling of a court (judge) in accordance with the procedures laid down in laws and regulations governing the payment and repayment of the security deposit if:

1) the security deposit has been paid for any activities for which it is not to be paid;

2) the security deposit paid exceeds the deposit prescribed by law.

[*2 February 2017*]

Section 129.[2] Exceptions from General Provisions Regarding a Security Deposit

(1) A security deposit need not be paid by the persons who are exempted from the State fee in accordance with law.

(2) A security deposit shall not be paid when submitting an ancillary complaint regarding a decision of a court (judge) to refuse to exempt a person from the payment of the State fee.

(3) A security deposit is not required to be paid when submitting an application to join in a cassation complaint.

(4) A court (judge) may, upon request of a natural person, fully or partly exempt a person from the payment of the security deposit by taking into account the financial situation of the person. In taking a decision, the court (judge) shall take into account the fact whether acceptance or examination of other applications, complaints, and requests submitted by this person to an administrative court over the last three years have been refused, or they have been left without examination or rejected several times.

[*1 November 2012; 2 February 2017*]

Section 129.[3] Procedures for Paying and Repaying the State Fee and Security Deposit

The Cabinet shall lay down the procedures for paying, repaying, and reimbursing the State fee, and also for paying and repaying a security deposit.

[*1 November 2012 / Section shall come into force on 1 March 2013. See Paragraph 17 of the Transitional Provisions*]

Chapter 14
Court Notifications and Summonses

Section 130. Summoning and Summonsing to Court

(1) Participants to administrative proceedings shall be summoned to court by a court summons.

(2) Witnesses, experts and interpreters shall be summonsed to court by a court summons.

(3) Notice of being summoned or of being summonsed to court shall be given in a timely manner.

Section 131. Court Summons

The following shall be indicated in a court summons:

1) the given name, surname and the place of residence of the natural person to be summoned or summonsed or another address indicated by such person (for a legal person - name, legal address or another address of an authorised representative indicated by such legal person);

2) the name and address of the court;

3) the place and time of appearance;

4) the name of the case to which the person is summoned or summonsed;

5) why the person is being summoned or summonsed;

5[1]) the procedural rights and obligations of the person within the framework of proceedings;

6) a statement that a person who receives a summons due to the absence of the person to be summoned or summonsed has an obligation to transfer it to the latter;

7) the consequences of the failure to appear.

[*1 November 2012*]

Section 132. Notification and Delivery of a Court Notification and Summons

(1) A court notification and a summons shall be notified in accordance with the procedures laid down in the Law on Notification, except for the cases specified in Section 114.[1], Paragraphs one, 2.[1], and three of this Law. A court notification and a summons may be notified to a person in a foreign country to the address of the person known to the court if the person cannot be reached at the address of his or her declared place of residence or the additional address indicated in the declaration and the court has information at its disposal on the reachability of the person at the address of the foreign country. If the court does not know also the address of the person in a foreign country, the court may send the court notification and the summons to the address known thereto and legally related to the person (for example, to the address of the immovable property belonging to the person).

(2) A court notification and a summons shall be sent to an applicant in the e-case portal, to the official electronic

address or using means of electronic communication indicated by the applicant, or by post to the address indicated by the applicant if requested by the applicant.

(3) A participant to administrative proceedings may, with the consent of a judge, receive a summons for delivery to another person to be summoned or summonsed in the case.

(4) If a person to be summoned or summonsed has indicated another form of communication or the case is of particular urgency, the person may be summoned or summonsed to a court hearing by means of another form of communication.

(5) If a person may not be reached by using the form of communication specified in Paragraph four of this Section, a court summons shall be delivered to the address indicated by a person to be summoned or summonsed.

[*2 February 2017; 11 November 2021*]

Section 133. Service of Court Summons

[1 November 2012]

Section 134. Consequences of Refusing to Accept a Court Summons

(1) It is the obligation of the person to be summoned or summonsed to court to accept the court summons.

(2) [1 November 2012]

(3) The refusal to accept a court summons shall not constitute an obstacle to the examination of the case.

[*1 November 2012*]

Section 135. Obligation of a Person to be Reachable

(1) It is the obligation of the person to be summoned or summonsed to court to be reachable. A participant to the case has the obligation to notify a court of change in the means of communication (address) during the court proceedings. In the absence of such notification, a summons shall be sent, using the means of communication (address) indicated in the application.

(2) If a court summons has been delivered in accordance with the procedures laid down in this Chapter, it shall be deemed that a person to be summoned or summonsed has been notified of the place and time of the examination of the case.

[*1 November 2012; 11 November 2021*]

Chapter 15
Recording of the Course of a Court Hearing

[*1 November 2012*]

Section 135.[1] Recording of the Course of a Court Hearing

(1) The course of a court hearing shall be recorded by drawing up the abridged minutes of the court hearing. A court hearing shall be recorded in full amount through the use of technical means. At the discretion of a court or judge, the course of a court hearing may be recorded by writing full minutes of the court hearing.

(2) Participants to the proceedings and other persons present in a court hearing may record the course of the court hearing in compliance with the requirements of Section 108, Paragraph seven of this Law.

[*1 November 2012; 11 November 2021*]

Section 136. Obligation to Take the Minutes

(1) Abbreviated minutes of a court hearing shall be taken at each court hearing.

(2) In the cases provided for by this Law, the minutes shall also be taken regarding procedural actions performed outside a court hearing.

[*11 November 2021*]

Section 136.[1] Recording of the Course of a Court Hearing by Using Technical Means

(1) The course of a court hearing shall be recorded in full amount by using a sound recording or other technical

means with regard to which a mark shall be made in the minutes of the court hearing.

(1^1) The course of a court hearing shall not be recorded by using technical means if none of participants to administrative proceedings have arrived to the court hearing.

(2) Materials obtained as a result of using a sound recording or other technical means shall be inserted and stored in the Court Information System.

(3) After recording of the course of a court hearing by using a sound recording, the relevant sound recording shall be accessible for persons having the right to become acquainted with the case materials on the next working day after the day of the court hearing. Upon a written request of such participant to the case who is in a prison, the court shall send the relevant sound recording to him or her.

[*1 November 2012; 11 November 2021*]

Section 137. Contents of the Minutes

(1) The following shall be indicated in the full minutes of a court hearing:

1) the time (year, date, month) and place of the court hearing;

2) the name of the court examining the case, composition of the court, and the court recorder;

2^1) the fact that the course of the court hearing is being recorded by using technical means;

3) the time of opening of the court hearing;

4) the name of the case;

5) the information on attendance of participants to the administrative proceedings, and of witnesses, experts, and interpreters;

6) the information on the fact that procedural rights and obligations of the participants to the administrative proceedings have been explained to such participants;

7) the information on the fact that interpreters, witnesses, and experts have been made aware of criminal liability in accordance with the Criminal Law;

8) the explanations of participants to the administrative proceedings, testimonies of witnesses, oral explanations of experts regarding their opinions, and information on the examination of physical and written evidence;

9) the applications and requests of participants to the administrative proceedings;

10) the court orders and decisions that have not been adopted in the form of separate procedural documents;

11) a brief summary of the opinion of an authority referred to in Section 30 of this Law;

12) the brief content of a court debate;

13) the information on retiring of the court in order to render judgment or take a decision;

14) the information on reading of a court judgment or a court decision taken in the form of a separate procedural document;

15) the information on the contents of a judgment (decision) and the explanation of appellate procedures and time limits;

16) the information as to when the participants to administrative proceedings may become acquainted with the minutes of the court hearing, the sound recording, and the full text of the judgment (decision);

17) the time when the court hearing is closed;

18) the time when the minutes of the court hearing are signed.

(2) The chairperson of the court hearing and the court recorder shall sign the minutes of the court hearing.

(2^1) The information referred to in Paragraph one, Clauses 1, 2, $2.^1$, 3, 4, 5, 6, 7, 10, 13, 14, 15, 16, 17, and 18 of this Section shall be indicated in the abbreviated minutes of the court hearing.

(3) The minutes for individual procedural actions performed outside a court hearing or the minutes of such court hearing which was specified for the performance of an individual procedural action or for deciding on a procedural issue must conform to the requirements referred to in this Section insofar as they apply to the relevant procedural

action or procedural issue.

(4) [15 January 2004]

(5) If the information containing an official secret is verified at a court hearing, a mark shall be made in the minutes of the court hearing regarding the time when the court commenced and finished verification of the information containing the official secret. Unless the law prescribes otherwise, the verification of the relevant information shall not be recorded in the minutes.

(6) Provisions of Paragraph one, Clauses 8, 11, 12, and 15 of this Section shall not be applicable to the minutes of a court hearing of the Department of Administrative Cases of the Supreme Court as a cassation court.

(7) [11 November 2021]

[*15 January 2004; 26 October 2006; 1 November 2012; 2 February 2017; 11 November 2021*]

Section 138. Taking of the Minutes

(1) The minutes shall be taken by a court recorder.

(2) The minutes shall be signed not later than on the seventh day after the end of a court hearing or the performance of individual procedural actions.

(3) The text may not be deleted or blanked out in the minutes.

[*1 November 2012; 11 November 2021*]

Section 139. Notes to the Minutes

(1) A participant to the administrative proceedings may access the minutes and, within five days from the day of signing thereof, submit written notes regarding the minutes by indicating any deficiencies and errors therein. The right to submit written notes to the minutes shall not refer to the cases where the course of a court hearing has been recorded in full amount by using technical means.

(2) A court shall append the submitted notes to the minutes by adding a mark thereto indicating whether the court agrees to these notes.

(3) [26 October 2006]

(4) [26 October 2006]

(5) [26 October 2006]

[*26 October 2006; 1 November 2012; 11 November 2021*]

Chapter 16
Procedural Compulsory Measures

[*26 October 2006*]

Section 140. Types of Procedural Compulsory Measures

A court may apply the following procedural compulsory measures in the cases specified in this Law:

1) a warning;

2) an exclusion from the courtroom;

3) a pecuniary penalty;

4) the forced conveyance to the court.

[*26 October 2006*]

Section 141. Warning

A chairperson of the court hearing shall give a warning to a person who disturbs the order during the trial of a case. It shall be recorded by using technical means. If the course of the court hearing is recorded by writing full minutes of the court hearing, a mark thereon shall be made in the minutes of the court hearing.

[*11 November 2021*]

Section 142. Exclusion from the Courtroom

If a participant to administrative proceedings, a witness, an expert, or an interpreter disturbs the order (including is behaving in an outright insulting and defiant manner) repeatedly, they may, by a court decision, be excluded from the courtroom. Any other persons present who disturb the order (including are behaving in an outright insulting and defiant manner) may be excluded by an order of the chairperson of the court hearing even without prior warning.

[*11 November 2021*]

Section 143. Pecuniary Penalty

(1) A court shall impose a pecuniary penalty in the amounts prescribed by this Law.

(2) A court decision on imposition of a pecuniary penalty shall be immediately sent to the person on whom the pecuniary penalty is imposed. The person shall be obliged to pay the pecuniary penalty within one month from the day of receipt of a decision to impose the pecuniary penalty.

(3) A person on whom a pecuniary penalty has been imposed may, within 14 days from the receipt of the decision, request the court which has imposed the pecuniary penalty to release him or her from the payment of the pecuniary penalty or to reduce the amount thereof. The court shall examine a submission in the written procedure.

(4) A pecuniary penalty imposed on an official shall be paid by him or her from his or her personal funds.

[*26 October 2006; 18 December 2008; 1 November 2012; 11 November 2021*]

Section 144. Forced Conveyance

(1) A court may take a decision on the forced conveyance of a witness to the court.

(2) Such decision shall be enforced by a police institution specified by the court.

Chapter 17
Rights and Obligations of Participants to the Administrative Proceedings in a Court

Section 145. Procedural Rights of an Applicant and a Defendant

(1) An applicant and a defendant have the right:

1) to become acquainted with the case materials (including recordings), to make their derivatives, and also to download the case materials from the e-case portal;

2) to participate in a court hearing;

3) to submit removals;

4) to submit evidence;

5) to participate in the examination of evidence;

6) to submit requests;

7) to provide oral and written explanations to a court;

8) to state their arguments and considerations;

9) to raise objections against requests, arguments, and considerations of another participant to the administrative proceedings;

10) to appeal a court judgment and decision;

11) to receive the judgment and decision in the case, and also to exercise other procedural rights granted to them by this Law.

(2) An applicant also has the right:

1) to withdraw the claim contained in an application in full or in part;

2) to amend in writing the grounds for or subject-matter of the application as well as the amount of the claim until completion of the examination of the case on the merits.

(3) A defendant also has the right to raise objections against the claim contained in the application and to admit it in full or as to a part thereof.

(4) For the purpose of not disclosing circumstances of private lives of persons, and also for the purpose of protection of an official, professional, trade, investigation, or adoption secret and other restricted access information, a court may, upon its own initiative or upon request of a participant to administrative proceedings, take a reasoned decision by which a restriction is imposed on the applicant or the defendant to access the relevant part of the case materials. If the court determines in its decision that the abovementioned restriction on the access to case materials is valid also after the entry into force of the final court ruling, the applicant or the defendant has the same right to access case materials as that prescribed by law with regard to any other person.

[*26 October 2006; 1 November 2012; 2 February 2017; 11 November 2021*]

Section 146. Rights and Obligations of a Third Person

(1) [2 February 2017]

(2) [2 February 2017]

(3) A third person with independent claims has the rights and obligations of an applicant.

(4) A third person who does not submit independent claims has the procedural rights and obligations of an applicant and defendant, except for the right to amend the grounds for or subject-matter of the application, withdraw the claim, admit a claim or require enforcement of the court judgment.

(5) [2 February 2017]

(6) If more than 10 persons have been summoned to a case as third persons with the same infringement of rights or legal interests, they shall be obliged to appoint one joint representative for representation of their interests. If the third persons fail to inform a court (judge) of the appointment of a joint representative within the term specified by the court (judge), the court (judge) shall appoint a representative from amongst the third persons. Court notifications sent to the joint representative shall be deemed notified to all third persons. All procedural actions performed by the joint representative shall be binding on the third persons.

[*26 October 2006; 18 December 2008; 1 November 2012; 2 February 2017; 11 November 2021*]

Section 147. Formalisation of Representation and the Scope of Powers of a Representative

(1) Representation in court shall be formalised in accordance with the provisions of Section 38 of this Law. The provisions of Section 39 of this Law shall apply to the scope of powers of a representative.

(2) The right to submit an application, to withdraw the claim contained in the application in full or in part, to amend the subject-matter of the application, to admit the claim in full or in part, to appeal a court ruling in accordance with appellate or cassation procedures, to submit an execution document for execution, to receive the property or money adjudged and to terminate execution proceedings shall be specifically indicated in an authorisation issued to a representative.

Section 148. Obligation of a Participant to Administrative Proceedings

(1) A participant to administrative proceedings has the obligation to:

1) appear in court pursuant to a summons;

2) give a timely notice of the reasons preventing him or her from appearing at a court hearing;

3) fulfil other procedural obligations imposed on him or her in accordance with this Law.

(2) A participant to administrative proceedings shall exercise his or her rights and perform his or her obligations in good faith.

Division Two
Evidence

Chapter 18
General Provisions Regarding Evidence

Section 149. Evidence

Evidence in an administrative case is information on the facts upon which the claims and objections of participants to the administrative proceedings are based, and also information on other facts that are significant in the trying of the case.

Section 150. Burden of Proof

(1) An institution shall prove the facts upon which it relies as the grounds for its objections.

(2) An institution may only refer to those grounds that have been stated in an administrative act.

(3) An applicant, according to his or her capacity, shall participate in gathering evidence.

(4) If the evidence submitted by participants to administrative proceedings is not sufficient, the court shall gather it upon its own initiative.

(5) Evidence shall be submitted to the court not later than 14 days before a court hearing, unless the judge has set another time period within which evidence is to be submitted.

[*11 November 2021*]

Section 151. Relevance of Evidence

The court shall accept only such evidence which is relevant to the case.

Section 152. Admissibility of Evidence

(1) The court shall admit only such means of evidence which are specified in law.

(2) Facts that, in accordance with the law, may only be proved by particular means of evidence may not be established by any other means of evidence.

(3) The court may refuse to accept evidence if the participant to the case had the possibility of submitting them during the period when the case was examined at the institution; however, the participant to the case has not fulfilled the obligation of procedural collaboration without justifying reason.

[*11 November 2021*]

Section 153. Grounds for Exemption of Proving

(1) If the court acknowledges a fact to be generally known, it need not be proved.

(2) A fact that has been established in the operative part of a court judgment, which has come into effect, need not be proved again when examining an administrative case.

(3) A fact that has been established in the reasoned part of a court judgment, which has come into effect, need not be proved again when examining an administrative case in which the same participants to the proceedings participate.

(4) A fact considered by law as established need not be proved when examining a case.

Section 154. Assessment of Evidence

(1) A court shall assess the evidence in accordance with its own convictions which shall be based on comprehensively, completely, and objectively verified evidence, and in accordance with judicial consciousness based on laws of logic, findings of science, and principles of justice.

(2) No evidence shall have a predetermined effect which would be binding on the court.

(3) A court shall state in the judgment why preference has been given to certain evidence in comparison with other, and why certain facts have been recognised as proven while other facts as not proven.

Chapter 19
Securing of Evidence

Section 155. Admissibility of Securing the Evidence

(1) If a person has a reason to believe that the submission of evidence necessary for him or her may later be impossible or problematic, they may request for such evidence to be secured.

(2) A request for the securing of evidence may be submitted both before initiation of a case before court and during examination of the case.

(2^1) A court examining a case may, upon its own initiative, take a decision to secure evidence.

(3) Prior to the initiation of a case before a court, evidence shall be secured by a courthouse in the territory of operation of which the source of evidence to be secured is located. After initiation of the case before a court, the evidence shall be secured by the court examining the case.

[*18 December 2008; 1 November 2012; 2 February 2017*]

Section 156. Request for the Securing of Evidence

(1) The following shall be indicated in the request for the securing of evidence:

1) the given name, surname, and address of the applicant (for a legal person - the name, registration number, and legal address), the case for the examination of which the securing of evidence is required, and its potential participants;

2) the evidence to be secured;

3) the facts for the proving of which this evidence is necessary;

4) the reasons why the applicant is requesting the securing of evidence.

(2) If a request does not conform to the requirements of Paragraph one of this Section, a judge shall leave the request not proceeded with by applying the provisions of Section 192, Paragraph two of this Law.

(3) If a request does not conform to the requirements of Section 155, Paragraph one of this Law, a judge shall refuse to accept it by applying the provisions of Section 191, Paragraphs two and three of this Law.

[*26 October 2006; 18 December 2008*]

Section 157. Procedures for Examining a Request for the Securing of Evidence Prior to the Initiation of a Case before a Court

(1) A request for the securing of evidence shall be examined in a court hearing within 14 days from the day of receipt thereof.

(2) The applicant and potential participants to the administrative proceedings shall be summoned to the court hearing. Failure of these persons to appear shall not constitute an obstacle to the examination of the request.

(3) Evidence may be secured without summoning the potential participants to the administrative proceedings only in emergency situations or in cases where it is not possible to determine the potential participants to the administrative proceedings.

(4) Interrogation of witnesses as well as inspection on site and expert-examination shall be performed in accordance with the norms of this Law.

(5) The minutes of the court hearing and the materials collected in the course of securing the evidence shall be kept until required by the court that examines the case.

(6) An ancillary complaint may be submitted regarding the court decision to reject a request in full or in part.

[*26 October 2006; 18 December 2008; 1 November 2012*]

Section 158. Procedures for Examining a Request for the Securing of Evidence After Initiation of a Case before a Court

(1) A court shall examine a request for the securing of evidence in the written procedure.

(2) An ancillary complaint may be submitted regarding the court decision to reject a request in full or in part.

[*18 December 2008; 1 November 2012*]

Section 159. Court Assignments

(1) If it is not possible for a court which examines a case to collect evidence that is located in the territory of operation of another courthouse, it shall assign the performance of specific procedural actions to the courthouse in the territory of operation of which the evidence to be obtained is located.

(2) A decision regarding a court assignment shall briefly state the substance of the case to be examined and

specify the circumstances to be ascertained and the evidence to be collected. Such decision shall be mandatory for the courthouse to which it is addressed, and the courthouse shall enforce it within a month from the day of receipt of the court assignment.

[*2 February 2017*]

Section 160. Procedures for Performing Court Assignments

(1) Court assignments shall be performed at a court hearing in accordance with the procedures laid down in this Law. Participants to the administrative proceedings shall be notified of the time and place of the court hearing. Failure of these persons to appear shall not constitute an obstacle to the performance of the assignment.

(2) Minutes and other materials of the case which have been collected during the performance of the assignment shall be transferred to the court examining the case within three days.

Chapter 20
Means of Evidence

Section 161. Explanations

(1) Explanations of a participant to administrative proceedings containing information concerning facts on which their claims or objections are based shall be considered as evidence if they are supported by other evidence that has been verified and evaluated.

(2) If one participant to administrative proceedings admits a fact on which the claims or objections of another participant to the administrative proceedings are based, the court may find such fact as proven, if it has no doubt that the admission has not been made as a result of fraud, violence, threat or mistake or for the purpose of concealing the truth.

(3) If there are no other means of evidence or they are not reliable enough, an applicant who is a natural person may confirm his or her explanations under oath. The applicant may be held criminally liable in accordance with the Criminal Law for knowingly providing false information. The applicant may give an oath only in person and representation shall not be permitted.

(4) An oath shall not be allowed as means of evidence in respect of such facts that have been established by a court judgment which has come into effect, and also for confirmation or confutation of universally known facts.

Section 162. Testimonies of Witnesses

(1) A witness is a person who has been summonsed to a court hearing by a court in order to testify about facts relevant to a case.

(2) Upon a request to interrogate a witness, a participant to administrative proceedings shall indicate what circumstances relevant for the case the witness may confirm.

(3) No witness summonsed to a court has the right to refuse to testify, except for the cases prescribed in Sections 163 and 164 of this Law.

(4) A witness may only be interrogated regarding the facts to be determined in the relevant case.

(5) Testimony based on information from unknown sources or on information obtained from other persons, unless such persons have been interrogated, may not be allowed as evidence.

Section 163. Persons who may not be Witnesses

The following persons may not be summonsed and interrogated as witnesses:

1) ministers - regarding circumstances that have come to their knowledge in hearing confession or during a pastoral conversation;

2) persons who pursuant to their position or profession do not have the right to disclose the information entrusted to them - regarding such information;

3) minors - regarding circumstances constituting evidence against their parents, grandparents, brothers or sisters;

4) persons whose physical or mental deficiencies render them incapable of correctly perceiving circumstances relevant to the case;

5) children under the age of seven.

[*26 October 2006*]

Section 164. Persons who may Refuse to Testify

The following persons may refuse the obligation to testify:

1) a relative of a participant to administrative proceedings in a direct line and in the first or second degree of collateral lines, the spouse and the first degree affinity relative, and also a member of the family of a participant to the administrative proceedings;

2) a guardian or trustee of a participant to administrative proceedings, and also a person under the guardianship or trusteeship of the relevant participant to the administrative proceedings;

3) a person who is litigating in another case against one of the participants to administrative proceedings;

4) a person whose testimony may turn against the person himself or herself.

Section 165. Obligations of Witnesses

(1) A person summonsed as a witness shall attend the court and give a true testimony regarding the circumstances known to him or her.

(2) A witness shall answer the questions of the court and participants to the administrative proceedings.

(3) If a witness is unable to appear before the court due to illness, old age, disability or another justified reason, the court may interrogate the witness at the place where he or she is located.

Section 166. Liability of a Witness

(1) A witness may be held criminally liable in accordance with the Criminal Law for knowingly providing false testimony and for refusal to testify due to reasons which a court has found unjustified.

(2) If a witness fails, without a justifying reason, to appear after a court summons, the court may impose a pecuniary penalty on him or her not exceeding EUR 300 or take a decision regarding forced conveyance.

[*26 October 2006; 1 November 2012; 19 September 2013; 2 February 2017*]

Section 167. Written Evidence

Written evidence is information regarding the facts which are relevant to a case, and this information is recorded in documents, other written matter as well as corresponding recording systems (audio, compact discs, digital video discs or other storage media) by letters, figures and other written characters or technical means.

[*2 February 2017*]

Section 168. Procedures for Submitting Written Evidence

(1) A participant to administrative proceedings who is submitting written evidence or is requesting for it to be required shall indicate what circumstances relevant to the case may be supported by such evidence.

(2) Written evidence shall be submitted in original form or in the form of a derivative certified in accordance with prescribed procedures. The derivative may also be certified by a judge.

(3) Original documents shall be submitted if laws or international treaties provide that the particular facts may only be proved by original documents.

(4) If a derivative of written evidence has been submitted to a court, the court may, upon a reasoned request of a participant to administrative proceedings or upon its own initiative, require that the original be submitted if it is necessary for determining the circumstances of the case.

[*11 November 2021*]

Section 169. Procedures for Requiring Written Evidence

(1) A court may, upon its own initiative or a reasoned request of a participant to administrative proceedings, require written evidence from institutions and persons.

(2) A participant to administrative proceedings who requests a court to require written evidence shall describe such evidence and provide reasons why he or she considers that it is in the possession of the person he or she has referred to or the relevant institution.

(3) An institution or a person who is unable to submit the required written evidence to the court or cannot submit

such within the term set by the court shall notify the court of this in writing, indicating the reason.

(4) If, without denying that such evidence is in his or her possession, a participant to administrative proceedings refuses to submit the required written evidence to the court, the court may recognise as proved the fact for confirmation of which such written evidence has been referred to by another participant to administrative proceedings.

Section 170. Returning of Written Evidence in a Case

The court shall, pursuant to a reasoned request in writing of institutions or persons who have submitted the originals of written evidence, return such means of evidence to such institution or person. If such evidence has been referred to in the ruling of the court, derivatives of such written evidence certified by the judge shall remain in the case file.

[*11 November 2021*]

Section 171. Inspection of Written Evidence at the Place of Keeping

If the submission of written evidence to a court is impossible or problematic due to the amount, volume thereof or for other reasons, the court may require that derivatives from the written evidence, certified in accordance with prescribed procedures, be submitted or may perform inspection and examination of the written evidence at the place where it is kept.

[*11 November 2021*]

Section 172. Physical Evidence

Physical evidence is tangible things which by their characteristics, special features or very existence may be of use in determining the facts relevant to the case.

Section 173. Procedures for Requiring Physical Evidence

(1) A court may, upon its own initiative or a reasoned request of a participant to administrative proceedings, require physical evidence from institutions and persons.

(2) A participant to administrative proceedings who submits physical evidence or requests for it to be required shall indicate what circumstances relevant to the case may be confirmed by such evidence.

(3) A participant to administrative proceedings who requests a court to require physical evidence shall describe such evidence and provide reasons why he or she considers that it is in the possession of the person he or she has referred to or the relevant institution.

(4) An institution or a person who is unable to submit the required physical evidence to the court or cannot submit such within the term set by the court shall notify the court of this, indicating the reason.

Section 174. Inspection of Physical Evidence at the Place of Keeping

If the submission of physical evidence to a court is impossible or problematic due to the amount, volume thereof or other reasons, the court may perform inspection and examination of the physical evidence at the place where it is kept.

Section 175. Storage of Physical Evidence

(1) Physical evidence shall be appended to the case file or kept at the physical evidence storage facility of the court.

(2) Articles that cannot be delivered to the court shall be kept at their current location. They shall be described and, if necessary, photographed or filmed. The descriptions and recorded images shall be appended to the case file.

(3) A court shall inspect perishable physical evidence immediately, notifying the participants to the administrative proceedings thereof. Following the inspection, such physical evidence shall be returned to the institution or person from which it was received.

Section 176. Returning of Physical Evidence

(1) After a court judgment has come into effect, the physical evidence shall be returned to the institution or person from whom it has been received or transferred to the person whose rights to these things the court has recognised.

(2) Physical evidence that in accordance with law or a court judgment may not be returned to the participant to the administrative proceedings or to the person from whom it has been received shall be transferred by the court to the appropriate State authority.

(3) In individual cases, physical evidence may be returned before a judgment has come into effect, provided that it

causes no harm to the examination of the case.

Section 177. Liability for the Failure to Submit the Required Information, Written or Physical Evidence

If a judge has not been notified that the required information, written or physical evidence cannot be submitted or it has not been submitted for reasons which the judge has found to be unjustified, he or she may impose a pecuniary penalty of up to EUR 300 on the relevant person. Payment of the pecuniary penalty shall not release this person from the obligation to submit the information and evidence required by the judge.

[*1 November 2012; 19 September 2013; 2 February 2017*]

Section 178. Expert-examination

(1) A court shall order expert-examination in a case if special knowledge in science, technology, art or other sectors is necessary for determining the facts relevant to the case. If necessary, a court may order several expert-examinations.

(2) Expert-examination shall be performed by experts of an appropriate expert-examination institution or by other specialists. A forensic expert-examination institution, a specialist, or a forensic expert who does not work at a forensic expert-examination institution shall be selected by the court, taking into account the opinions of the participants to administrative proceedings. Where necessary, more than one expert may be selected.

(3) A participant to administrative proceedings has the right to submit to the court questions which, in his or her opinion, require the opinion of an expert. The court shall determine issues requiring an expert opinion. The court shall give reasons for rejecting questions submitted by the participants to administrative proceedings.

(4) A court shall set out in a decision on the ordering of expert-examination the questions regarding which the opinion of an expert is required and to whom the performance of the expert-examination has been assigned (to a forensic expert-examination institution, a specialist, or a forensic expert who does not work at a forensic expert-examination institution).

(5) Expert-examination shall be performed in the court or outside the court if its performance in court is impossible or problematic.

[*11 November 2021*]

Section 179. Obligations and Rights of an Expert

(1) A person selected as an expert must appear according to a court summons.

(2) If an expert who has been summonsed fails to appear at a court hearing for the reasons which the court has found to be unjustified, a pecuniary penalty of up to EUR 300 may be imposed on him or her.

(3) An expert has the right to access the case materials, to ask questions to participants to administrative proceedings and to witnesses, and to request the court to require additional materials.

(4) An expert shall provide an objective opinion in his or her own name and is personally liable for it.

(5) An expert may refuse to provide an opinion if the material provided for his or her examination is not sufficient or if the questions asked are beyond the scope of his or her specialised knowledge. In such cases the expert shall notify the court in writing that it is not possible to provide an opinion.

(6) An expert may be held criminally liable in accordance with the Criminal Law for refusal to perform his or her obligations without justified reason or for knowingly providing a false opinion.

[*26 October 2006; 1 November 2012; 19 September 2013; 2 February 2017*]

Section 180. Recusal or Removal of an Expert

(1) An expert may not participate in the examination of the case if he or she has participated in a previous examination of such case as a judge, and also in the other cases stipulated in Section 117 of this Law.

(2) An expert may not participate in the examination of the case also if:

1) pursuant to his or her official position or otherwise he or she is or has been dependent on a participant to administrative proceedings;

2) a participant to administrative proceedings in the case being examined has, prior to the initiation of a case, been connected with the performing of professional duties by such expert;

3) it is determined that he or she is not competent in the relevant issue.

(3) If the circumstances referred to in Paragraphs one and two of this Section are present, an expert has an obligation to recuse himself or herself prior to the commencement of the trial of the case.

(4) A participant to administrative proceedings has the right to apply for the removal of an expert.

(5) Removal of an expert shall be applied for and the court shall decide it in accordance with the procedures prescribed in Sections 118 and 119 of this Law.

Section 181. Expert Opinion

(1) An expert opinion must be reasoned and substantiated.

(2) The expert shall express his or her opinion in writing and submit it to the court. Precise description of examination performed, conclusions formed as a result thereof, and reasoned answers to the questions asked by the court shall be included in the expert opinion. If, upon performing expert-examination, the expert determines circumstances which are relevant to the case and regarding which questions have not been asked to him or her, the expert may refer to these circumstances in his or her opinion.

(3) If several experts are selected, they may consult with each other. If the experts reach a common opinion, all the experts shall sign it. If the opinions of the experts differ, each expert shall write a separate opinion.

Section 182. Evaluation of Expert Opinion

(1) A court shall evaluate expert opinion in accordance with the provisions of Section 154 of this Law.

(2) If the expert opinion is not clear enough or is incomplete, a court may order a supplementary expert-examination, assigning the performance thereof to the same expert.

(3) If the expert opinion is not substantiated or reasoned, or if the opinions of several experts contradict one another, the court may order a repeated expert-examination, assigning the performance thereof to another expert or several experts.

Section 183. Opinion of an Invited Person (*Amicus curiae*)

In court proceedings, an opinion on the facts or points of law may be provided, upon request of a court or with the permission of a court, by an association of persons which is considered a recognised representative of interests in the relevant sector and from which a competent opinion may be expected, or a person hearing of whose opinion may facilitate comprehensive and objective examination of a case.

[*11 November 2021*]

Division Three
Court Proceedings in a Court of First Instance

Chapter 21
Submission of an Application

Section 184. Subject-matter of an Application

(1) An application may be submitted regarding:

1) the issue, setting aside (setting aside in full or in part, including amendment) or validity (invalidation, revocation, also validation) of an administrative act;

2) actual action of an institution;

3) the existence, non-existence or the substance of specific public legal relations arising directly from an external legal act, if it is not possible to exercise the relevant legal interests by means of an application referred to in Clauses 1 and 2 of this Section;

4) the conformity of a contract governed by public law with legal provisions, the validity, conclusion or correctness of fulfilment thereof.

(2) An application may be submitted also regarding:

1) the recognition of an administrative act as unlawful if a court judgment regarding the unlawfulness of the administrative act is necessary for requesting a compensation or in order to prevent recurrence of similar cases;

2) the detection of an essential procedural violation committed during the process of issuing an administrative act if the procedural violation in itself has caused an essential infringement of the rights or lawful interests of a person and a court judgment is necessary for requesting a compensation or in order to prevent recurrence of similar cases.

(3) The applications referred to in Paragraph two of this Section may be submitted if it is impossible to implement the relevant interests with the applications referred to in Paragraph one of this Section.

[*15 January 2004; 26 October 2006; 18 December 2008; 2 February 2017; 11 November 2021*]

Section 185. Suspension or Renewal of Operation of an Appealed Administrative Act or Actual Action

(1) Submission of an application to a court for the setting aside of an administrative act or revocation or invalidation thereof shall suspend the operation of the administrative act from the day the court receives the application.

(2) If an applicant is not an addressee of an administrative act, then while the examination of a case on the merits is not completed, the addressee of the administrative act may, by a reasoned request, request the court to fully or partly renew operation of the administrative act which has been suspended in accordance with Paragraph one of this Section. The request shall be submitted to the court which examines the case. The court shall examine the request within a reasonable time limit by taking into account the urgency of the situation but not later than within one month from the day of initiation of the case but if the case has been initiated - from the day of receipt of the request.

(3) An ancillary complaint may be submitted regarding a court decision which has been taken in relation to the request of the addressee of the administrative act provided for in Paragraph two of this Section. The court shall examine the ancillary complaint within a reasonable time limit by taking into account the urgency of the situation but not later than within one month.

(4) Paragraph one of this Section does not apply to the following cases:

1) an administrative act imposes an obligation to pay a tax, fee or make any other payment into the State or local government budget, except for punitive payments (fines and penalties);

2) it is provided for by other laws;

3) on the basis of urgency of the execution of an administrative act in a specific case, an institution has especially determined that operation of an administrative is not suspended by the submission of an application to a court;

4) administrative acts of the police, border guard, State Fire and Rescue Service and other officials authorised by law have been issued in order to immediately prevent a direct danger to the national security, public order, environment, or the life, health or property of persons;

5) an application has been submitted by an addressee of a favourable administrative act in order to achieve the issue of a more favourable administrative act;

6) an administrative act establishes, changes or terminates the legal status of an official of an institution;

7) an actual action is appealed;

8) it is refused to establish legal relations under an administrative act;

9) an application has been submitted regarding a general administrative act;

10) an administrative act sets aside, cancels or suspends a special permit (licence, certificate, accreditation, etc.);

11) an application has been submitted regarding an administrative act which sets aside an unlawful administrative act favourable to the addressee in accordance with Section 86, Paragraph two, Clause 3 or 4 of this Law.

(5) In the cases specified in Paragraph four of this Section, except for the case referred to in Clause 8 thereof or any other cases specified by law, the applicant may, while the examination of the case on the merits is not completed, request a court, by a reasoned request, to suspend the operation of an administrative act or actual action. The request shall be submitted to the court which examines the case. The court shall examine the request within a reasonable time limit by taking into account the urgency of the situation but not later than within one month from the day of initiation of the case but if the case has been initiated - from the day of receipt of the request. A court decision to suspend the operation of the administrative act shall come into effect immediately.

(6) An ancillary complaint may be submitted regarding a court decision which has been taken in relation to the request referred to in Paragraph five of this Section. The court shall examine the ancillary complaint within a reasonable time limit by taking into account the urgency of the situation but not later than within one month.

(7) If the court dismisses the application regarding the setting aside of an administrative act, revocation or invalidation thereof, the operation of the administrative act shall be renewed as of the day the judgment comes into

effect.

(8) In deciding an issue on the suspension of operation of an administrative act, a court may concurrently determine measures to eliminate consequences resulting from the execution of the administrative act which has already been commenced, if necessary and possible.

[*18 December 2008; 1 November 2012; 2 February 2017; 11 November 2021*]

Section 185.[1] Procedures for Deciding a Request for the Suspension or Renewal of Operation of an Administrative Act or Actual Action

(1) A court shall examine a request for the suspension of operation of an administrative act or actual action or for the renewal of operation of an administrative act in the written procedure.

(2) In deciding a request for the suspension of operation of an administrative act or actual action or for the renewal of operation of an administrative act, a court shall take into account whether the operation of the appealed administrative act could cause a significant damage or losses the prevention or compensation of which would be significantly hindered or would require unreasonable resources and whether the appealed administrative act is prima facie unlawful.

(3) [2 February 2017]

(4) A court shall refuse to accept for examination a request for the suspension of operation of an administrative act if the request has been submitted regarding the administrative act the operation of which has been suspended on the basis of law by the submission of the application to the court. An ancillary complaint may be submitted regarding this decision.

(5) If a security deposit has not been paid for a request for the suspension or renewal of operation of an administrative act or actual action, and also if a request is not reasoned, signed or accompanied by documents attesting to authorisation or it does not conform to the requirements of the Official Language Law, a court (judge) shall leave the request not proceeded with in accordance with the procedures laid down for the leaving of an application not proceeded with (Section 192). The time limits for examination of the request specified for a court (judge) in Section 185 of this Law shall be calculated from the day of elimination of the deficiencies.

(6) A court shall terminate court proceedings regarding the suspension of operation of an administrative act if it has accepted for examination a request for the suspension of operation of the relevant administrative act and the operation of this act has been suspended on the basis of law by the submission of the request to the court. An ancillary complaint may be submitted regarding this decision.

[*26 October 2006; 18 December 2008; 1 November 2012; 2 February 2017*]

Section 186. Form and Content of an Application

(1) An application shall be submitted in writing. If the grounds included in the application are extensive, a judge may request the applicant to submit a summary thereof.

(2) The following shall be indicated in an application:

1) the name of the court to which the application is submitted;

2) the given name, surname, and place of residence of the applicant, and also his or her representative if the application is submitted by a representative, and also another address (if any) where the person may be reached. If the applicant or his or her representative is a legal person, its name, registration number, if any, and the legal address shall be indicated. If the applicant or his or her representative agree to use the e-case portal for communication with the court, an indication regarding the e-case portal as the means of communication shall be included;

3) the telephone number or electronic mail address of the applicant (his or her representative) if he or she agrees to use the relevant means of communication for communication with the court;

4) the name and address of the institution;

5) the grounds for the application and evidence if it is at the applicant's disposal;

6) the claim;

7) the amount of the claim if it includes a claim to compensate for financial losses or non-material damage;

8) the request to examine a case in the oral procedure if the applicant wishes that a court of first instance examines the case in the oral procedure;

9) the request for the provision of the State ensured legal aid if the person has the right thereto;

10) other information which may be relevant to the examination of the case;

11) a list of documents appended to the application;

12) the place and time of the drawing up of the application.

(3) [2 February 2017]

(4) An application shall be signed by the applicant or a representative thereof. If the application is submitted on behalf of the applicant by the representative, he or she shall append to the application an appropriate power of attorney or any other document which attests to the authorisation of the representative to submit the application.

[*18 December 2008; 1 November 2012; 2 February 2017; 11 November 2021*]

Section 187. Documents to be Appended to the Application

(1) Documents attesting to the following shall be appended to an application:

1) [1 November 2012];

2) compliance with extrajudicial examination procedures if such are prescribed by law;

3) the circumstances on which the claim or the request is based.

(2) [11 November 2021]

(3) [11 November 2021]

[*1 November 2012; 2 February 2017; 11 November 2021*]

Section 188. Term for the Submission of an Application

(1) An application for the issue, setting aside, validity, recognition of an administrative act as unlawful or establishing of a procedural violation committed in the issue process of an administrative act may be submitted within one month from the day when a decision by a higher institution with regard to the submission on the contestation has come into effect.

(2) If there is no higher institution or it is the Cabinet, the application may be submitted within one month from the day the administrative act comes into effect.

(3) If it is not indicated in the administrative act where and in what term it may be appealed, the application may be submitted in the cases referred to in Paragraphs one and two of this Section within a year from the day the administrative act comes into effect.

(3^1) If an administrative act restricts the rights or legal interests of a private person but the private person has not been notified thereof, an application may be submitted within one month from the day when the private person has become aware thereof but not later than within one year from the day this administrative act comes into effect.

(4) An application regarding the actual action of an institution may be submitted within one month from the day when a decision by a higher institution regarding the contested actual action has come into effect. If this decision does not specify the appeal procedures and terms, an application may be submitted within one year from the day this decision comes into effect. If an institution which has performed the relevant actual action does not have a higher institution or it is the Cabinet, an application regarding the actual action of the institution may be submitted within one year from the day when the applicant has become aware thereof (Section 91, Paragraph four).

(5) If an institution or a higher institution has failed to notify the applicant of the decision regarding his or her submission, the application may be submitted to a court within one year from the day when the person applied with his or her submission to the institution or the higher institution.

(6) An application regarding a contract governed by public law may be submitted within one year from the day when a person found out or was supposed to find out the grounds for having recourse to legal proceedings in relation to the contract.

[*18 December 2008; 1 November 2012*]

Section 189. Submission of an Application to a Court

(1) An application shall be submitted to a relevant courthouse of the District Administrative Court according to the address of the applicant [natural person - according to the address of the declared place of residence, additional address (within the meaning of the Declaration of Place of Residence Law) or location of the immovable property, legal person - according to the legal address].

(2) A person who is in a prison shall submit an application to a court according to the address of the prison.

(3) An applicant who does not have an address in the Republic of Latvia shall submit an application to the Riga Courthouse of the District Administrative Court.

(4) If an application is submitted by several applicants, it shall be submitted to a relevant courthouse of the District Administrative Court according to the address of one co-applicant.

(5) If an application is submitted by violating the abovementioned procedures for submitting an application, a courthouse which has received the application shall forward it to the relevant courthouse. If the application submitted by several applicants has been submitted incorrectly, a court shall determine a courthouse which has jurisdiction according to the address of the co-applicant who has been indicated as the first one in the application.

(6) A date of submission of the application in the case provided for in Paragraph five of this Section shall be deemed the initial date when the application has been submitted to the court.

(7) If the law prescribes that an administrative case shall be examined by the Regional Administrative Court or the Supreme Court as a court of first instance rather than the District Administrative Court, an application shall be submitted to the relevant court.

[*1 November 2012; 2 February 2017*]

Section 190. Deciding on an Application

(1) Upon receipt of an application in a court (a relevant courthouse), a judge shall take a decision on the following:

1) acceptance of the application and initiation of a case;

2) refusal to accept the application;

3) leaving the application not proceeded with;

4) refusal to examine the application (Section 191.^{1});

5) satisfaction of the application without initiating a case.

(1^{1}) A judge shall take one of the decisions referred to in Paragraph one of this Section within seven days. If the application is complicated or there is a possibility to apply Sections 191.^{1} and 191.^{2} of this Law, or a request is made in the application for the provision of the State ensured legal aid, the judge may, by a resolution, extend the deciding on the application by one month.

(2) If the procedural time limit for the submission of an application to a court is not met, the time limit specified in Paragraph 1.^{1} of this Section shall be calculated from the day when a judge has decided an issue regarding the renewal of the procedural time limit.

(3) If a judge may not take one of the decisions referred to in Paragraph one of this Section due to the circumstances provided for in Section 121, Paragraph four of this Law, he or she shall address the President of the Supreme Court with a submission to settle an issue of subordination.

(4) In deciding an issue of an application, a judge may, if necessary, invite the possible participants to the proceedings to appear in order to question them about the legal and actual circumstances which are relevant when deciding the issue of the initiation of a case. The judge may notify an invitation to appear by using a telephone, electronic mail or any other means of communication.

(5) If the State fee has not been paid for an application, a judge shall, in accordance with Section 192 of this Law, leave the application not proceeded with and not assess the conformity thereof with other requirements of the Law (acceptance criteria of the application).

(6) Paragraphs one, 1.^{1}, and two of this Section shall be applicable when a judge decides on the action to be taken on the complaints provided for in this Law.

[*26 October 2006; 18 December 2008; 1 November 2012; 2 February 2017*]

Section 190.^{1} Renewal of a Procedural Time Limit when Submitting an Application

(1) If the applicant has failed to meet the procedural time limit for the submission of an application to a court, he or she shall request the court to renew the procedural time limit when submitting the application. The fact that the applicant has failed to request to renew the procedural time limit shall form the grounds for leaving the application not proceeded with (Section 192, Paragraph one, Clause 3).

(2) A judge shall decide an issue on the renewal of the procedural time limit in the written procedure.

[*26 October 2006*]

Section 191. Reasons for Non-acceptance of Application

(1) A judge shall refuse to accept an application if:

1) the case may not be examined in accordance with the procedures of administrative proceedings;

2) within the proceedings of the same court or another court there is a case between the same participants to administrative proceedings regarding the same subject-matter and on the same grounds;

3) a court judgment or a court decision to terminate court proceedings, or a decision of a judge to refuse to accept an application due to withdrawal of a claim by the applicant has come into effect in a case between the same participants to administrative proceedings regarding the same subject-matter and on the same grounds;

4) [1 November 2012];

5) the applicant has not complied with preliminary extrajudicial examination procedures prescribed by law for such category of cases;

6) the application has been submitted by a person whose legal capacity has been restricted by court preventing him or her from exercising independently the administrative procedural rights and obligations;

7) the application has been submitted on behalf of the applicant by a person who is not authorised in accordance with the procedures prescribed by law;

8) an application has been submitted by a person who does not have the right to submit the application;

9) the application has been submitted more than three years after the day the administrative act has come into effect or three years after the day when the applicant found out or was supposed to find out the specific actual action of an institution. The time limits referred to in this Clause may not be renewed;

10) the court has not renewed the procedural time limit which was not met for the submission of the application;

11) such application has been re-submitted to a court the acceptance of which the court (judge) has already refused on the basis of Clause 1, 2, 3, 8, 9, or 10 of this Paragraph or the examination of which has been refused on the basis of Section 191.[1] of this Law, or with regard to which the court proceedings have been terminated on the basis of Section 282, Clause 1, 2, 3, 8, or 9 of this Law;

12) [11 November 2021];

13) the applicant withdraws the application before a judge has taken a decision to accept the application and initiate a case.

(2) A judge shall take a reasoned decision on the refusal to accept an application. The application submitted shall be issued to the applicant after the decision has come into effect.

(3) An ancillary complaint may be submitted regarding a decision to refuse to accept an application. The term for the submission of an ancillary complaint shall be calculated from the day when the applicant receives such decision.

(4) Refusal of a judge to accept an application on the basis of Paragraph one, Clauses 5-7 of this Section is not an obstacle to the submission of such application to the court when the existing deficiencies are eliminated.

(5) If a case regarding which an application has been submitted does not fall within the jurisdiction of this court, it shall forward the application to the court that has jurisdiction.

[*26 October 2006; 18 December 2008; 1 November 2012; 2 February 2017; 11 November 2021*]

Section 191.[1] Refusal to Examine an Application

(1) A judge may refuse to examine an application and return it to the applicant if the application is manifestly unfounded (manifestly to be dismissed on the merits), manifestly inadmissible or objectively incomprehensible, or outright insulting and defiant.

(2) A judge shall draw up a decision to refuse to examine an application in the form of a separate procedural document and evaluate the existence of the circumstances referred to in Paragraph one of this Section in the reasoned part of the decision.

(3) The applicant may submit an ancillary complaint regarding a decision of a judge to refuse to examine an

application within 14 days from the day of receipt of the decision. Upon examining the ancillary complaint, a higher instance court shall itself evaluate whether, in accordance with the circumstances specified in Paragraph one of this Section, there are grounds for refusal of the examination of the application.

[*1 November 2012; 11 November 2021*]

Section 191.[2] Satisfaction of an Application without Further Trial of the Case

(1) If, upon deciding an issue of an application, a judge, after having had access to this application and questioned possible participants to the proceedings, obtains assurance that this application is to be satisfied, and if the application does not affect a significant legal issue, he or she may satisfy the application without further trial of the case.

(2) A judge shall draw up a decision to satisfy an application without further trial of the case in the form of a separate procedural document.

(3) Potential participants to the proceedings may submit an ancillary complaint regarding a decision of a judge to satisfy an application without further trial of the case within 14 days from the day of receipt of this decision. Upon examining the ancillary complaint, a higher instance court shall itself evaluate whether, in accordance with the circumstances specified in Paragraph one of this Section, there are grounds for satisfaction of the application without further trial of the case.

[*1 November 2012*]

Section 192. Leaving an Application Not Proceeded With

(1) A judge shall leave an application not proceeded with if:

1) the application does not conform to the requirements specified in Section 186 of this Law or the Official Language Law;

1[1]) the State fee has not been paid for the application;

2) the application is not accompanied by all of the documents referred to in Section 187, Paragraphs one and two of this Law;

3) the application has been submitted after expiry of the term for appeal and it has not been accompanied by a request for renewal of the procedural time limit and a reasoned explanation regarding reasons for or evidence of the failure to meet the procedural time limit which attests to the reason for the failure to meet the term for appeal.

(2) A judge shall take a reasoned decision regarding leaving an application not proceeded with, notify the applicant thereof, and stipulate a term for elimination of deficiencies. Such term shall not be shorter than 20 days from the day the decision is sent.

(2[1]) Upon taking a decision to leave an application not proceeded with, a judge may invite the potential participants to the proceedings to appear within the framework of the specified term for the elimination of deficiencies in order to question them about the reasons which are related to the leaving of the application not proceeded with. The judge may notify an invitation to appear by using a telephone, electronic mail or any other means of communication. If as a result of the questioning of the potential participants to the proceedings the judge obtains information the incompleteness of which has formed the grounds for leaving the application not proceeded with, he or she may recognise that the deficiencies shall be deemed eliminated. This decision of the judge shall be recorded in the minutes of hearing.

(3) If the applicant eliminates the deficiencies within the specific term, the application shall be considered submitted on the day it was first submitted to the court.

(4) If the applicant fails to eliminate the deficiencies within the specific term, the application shall, by a reasoned decision, be recognised as not submitted and shall be returned to the applicant. An ancillary complaint may be submitted regarding this decision.

(5) The return of the application to the applicant is not an obstacle to its repeated submission to the court in compliance with the general procedures for submitting applications prescribed by this Law.

(6) If an application is not accompanied by the documents referred to in Section 187, Paragraph one of this Law and the applicant does not have a possibility to submit these documents, a judge shall leave the application not proceeded with and request the missing documents from institutions and persons upon its own initiative.

[*26 October 2006; 1 November 2012 / See Paragraph 13 of the Transitional Provisions*]

Section 193. Joinder of Claims and Administrative Cases

(1) An applicant may join several mutually related claims in one application.

(2) If there are several cases of the same type in the proceedings of a court involving the same participants to administrative proceedings, or cases involving applications of one applicant against several defendants or applications of several applicants against the same defendant, a judge may join these cases into one set of proceedings, if such joinder promotes a faster and more correct examination of the administrative cases.

(3) A decision to join cases shall be drawn up in the form of a separate procedural document.

[*26 October 2006; 18 December 2008*]

Section 194. Separation of Claims and Administrative Cases

(1) A court or a judge may direct an applicant to separate out one or several of claims, which have been joined, into a separate application if separate examination of the claims is found to be useful.

(2) The court examining a case may, pursuant to its decision, separate out one or several of claims, which have been joined, into a separate case if the examination thereof in one proceeding has become problematic or impossible.

Section 194.[1] Deciding on Amendments and Additions to an Application

If any amendments or additions to an application have been received, a court (judge) shall evaluate applicability thereof to a specific case and take a decision to add them to the case or, if the court (judge) believes that the submitted amendments or additions are not applicable to the specific case but substantially form a new application, shall hand them over to the Court Registry as a separate application the acceptance of which is to be evaluated in accordance with the general procedures. If the court (judge) establishes that the submitted amendments or additions to the application apply to the case before it but there are other obstacles to the acceptance and adding thereof to the case (Section 191, Paragraph one), the court (judge) shall decide itself on the acceptance of the submitted amendments or additions in accordance with the provisions of Section 190 of this Law.

[*18 December 2008; 1 November 2012*]

Section 194.[2] Submission and Examination of a Cross-application

(1) The defendant may submit a cross-application in a case which has been initiated regarding compliance of a contract governed by public law with legal provisions, validity, conclusion or correctness of execution thereof until the moment the examination of the case on its merits is completed before a court of first instance.

(2) A cross-application shall be submitted in accordance with the general conditions regarding submission of application.

(3) A court (judge) shall accept a cross-application if:

1) a mutual set-off is possible between the application and the cross-application;

2) satisfaction of the cross-application excludes, in full or in part, the satisfaction of the application;

3) the cross-application and the application are mutually related, and joint examination thereof would promote a faster and more correct trial.

(4) A cross-application shall be examined together with an application.

(5) If an application has been withdrawn, a cross-application shall be examined independently.

[*2 February 2017*]

Chapter 22
Interim Measure

Section 195. Basis for an Interim Measure

(1) If there are grounds to believe that the appealed administrative act or consequences of non-issue of the administrative act might cause significant damage or losses the prevention or compensation of which would be significantly hindered or would require unreasonable resources, and if, upon evaluating information at the disposal of the court, it may be established that the appealed administrative act is prima facie unlawful, the court may, upon a reasoned request of the applicant, take a decision on an interim measure.

(2) If the applicant is not an addressee of the administrative act, a request for an interim measure may also be submitted by the addressee of the administrative act. The request for an interim measure shall indicate a specific

interim measure.

(3) The request shall be submitted to the court which examines the case.

[*26 October 2006; 18 December 2008*]

Section 196. Means of an Interim Measure

Means of an interim measure may be as follows:

1) a court decision which substitutes for the requested administrative act or actual action of an institution until a court judgment;

2) a court decision which imposes an obligation on the relevant institution to perform a specific action within a specific term or prohibits a specific action;

3) a court decision by which the Land Register is assigned to register a prohibition to act with the immovable property of a person.

[*18 December 2008*]

Section 197. Procedures for Deciding a Request for an Interim Measure

(1) A request for an interim measure shall be examined in the written procedure. A court shall examine the request within a reasonable time limit by taking into account the urgency of the situation but not later than within one month from the day of initiation of the case but if the case has been initiated - from the day of receipt of the request.

(2) [2 February 2017]

(3) If a security deposit has not been paid for a request for an interim measure, and also if a request is not reasoned, signed or accompanied by documents attesting to authorisation or it does not conform to the requirements of the Official Language Law, a court (judge) shall leave the request not proceeded with in accordance with the procedures laid down for the leaving of an application not proceeded with (Section 192). The time limits for examination of the request specified for a court (judge) in Paragraph one of this Section shall be calculated from the day of elimination of the deficiencies.

[*26 October 2006; 18 December 2008; 1 November 2012; 2 February 2017*]

Section 198. Changing the Means of Interim Measure

A court may, upon request of the participant to administrative proceedings, replace the prescribed interim measure with another interim measure. A request for the change of the interim measure shall be examined in the written procedure.

[*18 December 2008*]

Section 199. Execution of a Decision on an Interim Measure

A decision on an interim measure shall be executed immediately if it has been determined by a court in a decision.

[*11 November 2021*]

Section 200. Setting Aside of an Interim Measure

(1) An interim measure may be set aside by a court which examines a case upon request of a participant to the administrative proceedings.

(2) A request for the setting aside of an interim measure shall be examined in the written procedure.

(3) A request for the setting aside of an interim measure may also be decided in the course of examination of the case.

(4) If an interim measure is terminated as a court revokes it or renders a judgment by which an application is rejected, or takes a decision by which an application is left not proceeded with, or a decision by which the court proceedings are terminated in the case in accordance with Section 282, Clause 1, 2, 3, 4, 8, or 9 of this Law, a court shall, upon a request of a participant to the administrative proceedings, decide to eliminate consequences of the execution of the interim measure. A participant to the administrative proceedings may make a relevant request during the course of the examination of the case or after rendering of a judgment or taking of a decision by suggesting to render a supplementary judgment or take a supplementary decision. If the consequences of the enforcement of the interim measure are eliminated by recovering monetary amounts into the State budget, it shall be executed in accordance with the procedures laid down in Section 377.[1] of this Law.

(5) If it is impossible to eliminate consequences of the execution of an interim measure or it would cause a disproportionate restriction on the rights of a private person, a court may reject a request for the elimination of consequences of the execution or determine proportionate measures for the elimination of consequences of the execution.

[*18 December 2008; 2 February 2017; 11 November 2021*]

Section 201. Termination of an Interim Measure

If a request for the setting aside of an interim measure is rejected, the interim measure shall remain in effect until the day when a judgment comes into effect.

[*18 December 2008*]

Section 202. Appeal of a Decision on an Interim Measure

(1) An ancillary complaint may be submitted regarding a decision regarding the issue of an interim measure (except for a decision to refuse to accept a re-submitted request for an interim measure).

(2) [18 December 2008]

(3) [11 November 2021]

(4) [11 November 2021]

[*18 December 2008; 2 February 2017; 11 November 2021*]

Chapter 23
Preparation of an Administrative Case for Trial

Section 203. Forwarding an Application to a Defendant and an Explanation of the Defendant

(1) After acceptance of an application for examination, the application and the documents appended thereto shall be immediately sent to the defendant and he or she shall be invited to provide written explanations within a month from the day the application is sent. If a case is examined on a priority basis or if an interim measure is decided, a judge may determine a shorter term for the submission of explanations. If the defendant fails to meet the term for the submission of explanations and this delay impedes timely examination of the case, the court (judge) may impose a pecuniary penalty of up to EUR 300 on the defendant.

(2) In the explanation the defendant shall set out objections against the application and append the evidence supporting such objections. The defendant may also admit the claim of the applicant in full or in part. If the grounds included in the explanation are extensive, a judge may request the defendant to submit a summary thereof.

(3) [11 November 2021]

(4) Failure to submit an explanation is not an obstacle to the examination of the case.

[*26 October 2006; 1 November 2008; 19 September 2012; 2 February 2017; 11 November 2021*]

Section 204. Actions of a Judge upon Preparing a Case for Trial

(1) Upon preparing a case for trial, a judge shall perform the following procedural actions:

1) decide an issue regarding summoning of third persons to the case or regarding the need to impose an obligation on third persons to appoint one joint representative for the representation of interests thereof;

2) decide an issue regarding securing of evidence;

3) decide an issue regarding sending of court assignments to other courts;

4) decide an issue regarding the summoning of an authority referred to in Section 30 of this Law;

5) decide an issue regarding summonsing of witnesses to the court hearing;

6) decide an issue regarding the ordering of expert-examination in the case;

7) request written and physical evidence in accordance with the procedures prescribed in Sections 169 and 173 of this Law;

8) decide an issue as to whether the case is to be examined in the oral procedure;

9) determine the defendant or decide an issue regarding the substitution of the defendant if a defendant is not indicated in the application or is indicated incorrectly;

10) [11 November 2021];

11) perform other necessary procedural actions.

(2) In a case which is to be examined in the written procedure a judge shall specify a reasonable term for participants to the proceedings by which additional explanations and any other submissions or requests as well as evidence are to be submitted.

(3) Where necessary, a judge may concurrently invite participants to the administrative proceedings and representatives thereof to appear in order to question them about the substance of the case, objections against the application, to explain their procedural rights and obligations, and also to decide other issues related to the preparation of the case.

(4) A judge may ask participants to the administrative proceedings to answer the questions in writing regarding actual circumstances and legal nature of the case.

(5) [2 February 2017]

(6) [2 February 2017]

(7) A court (judge) may determine that procedural actions in a court hearing are performed through video conferencing if a participant to the proceedings, a witness or an expert is in another place during the court hearing and may not appear at the location of the court hearing.

[*26 October 2006; 18 December 2008; 1 November 2012; 2 February 2017; 11 November 2021*]

Section 205. Sending of an Explanation

After an explanation is received from a defendant, the court shall immediately send it to an applicant and a third person.

[*11 November 2021*]

Section 206. Determination of Examination of a Case

(1) A court of first instance shall examine an administrative case on the merits in the written procedure.

(2) A court shall determine that an administrative case is to be examined on the merits in the oral procedure if it has been requested by an applicant, a third person or a legal entity referred to in Section 29 of this Law as well as a defendant - a private person in the cases regarding contracts governed by public law.

(3) If a case is to be examined in the written procedure, after receipt of an explanation or expiry of the term specified for the submission thereof a judge shall determine the day by which participants to the proceedings may submit additional explanations, any other submissions or requests as well as evidence.

(4) If it has been determined that a case is to be examined in the oral procedure, after receipt of an explanation or expiry of the term specified for the submission thereof a judge shall determine the day and time of a court hearing, and the persons to be summoned and summonsed to the court.

[*1 November 2012*]

Chapter 24
Court Hearing

Section 207. Restrictions on Presence of Persons in a Courtroom

The number of persons to be admitted to a courtroom shall be determined by a court in accordance with the number of places in the courtroom. Relatives of an applicant or any other persons invited by the applicant, and mass media employees have the priority to be present at the trial of the case.

[*26 October 2006*]

Section 208. Procedures during a Court Hearing

(1) Participants to administrative proceedings, witnesses, experts and interpreters and other persons present at a court hearing shall follow the procedures set out in this Law and without objection obey the instructions of the

chairperson of the court hearing and the court decisions.

(2) The persons present in the courtroom shall behave so as not to disrupt the course of the court hearing.

(3) When the court enters and when the court leaves the courtroom, all persons present in the courtroom shall rise.

(4) While giving explanations and testimonies to the court, participants to administrative proceedings, witnesses, experts, and interpreters shall stand.

(5) All persons present in a courtroom shall stand while hearing the judgment of the court.

(6) Derogation from the provisions of Paragraphs three, four or five of this Section may only be allowed with the permission of the chairperson of the court hearing.

Section 209. Maintaining of Order at a Court Hearing

(1) The court shall give a warning to a person who disturbs the order during the trial of a case.

(2) If a person who is not a participant to the proceedings disturbs the order repeatedly, the court shall exclude him or her from the courtroom. Such person may also be held liable for contempt of court in accordance with the procedures prescribed by law.

(3) If a participant to the administrative proceedings, a witness, an expert or an interpreter disturbs the order repeatedly, a court may impose a pecuniary penalty of up to EUR 300 on such persons or exclude them from the courtroom.

(4) If an excluded applicant, defendant or third person is admitted to the same court hearing anew, the chairperson of the court hearing shall acquaint such person with the procedural actions which have been performed during his or her absence.

[*26 October 2006; 1 November 2012; 19 September 2013; 2 February 2017*]

Section 210. Video Conferencing

In case of video conferencing procedural actions shall be performed in a court hearing by using technical means - a real-time image and sound transmission. Procedural actions shall be performed by video conferencing in accordance with the procedures laid down in this Law for trial of administrative cases.

[*1 November 2012*]

Chapter 25
Trial of an Administrative Case

Section 211. Presiding over a Court Hearing

(1) A court hearing shall be presided over by one of the judges who is participating in the examination of the case (hereinafter - the chairperson of the court hearing).

(2) The chairperson of the court hearing shall preside over the examination of the case so that equal opportunity to participate in examining the facts of the case and the objective trial of the case is ensured for all participants to the administrative proceedings.

[*15 January 2004*]

Section 212. Commencement of a Court Hearing

At the time set for the trial of a case, the court shall enter the courtroom, open the court hearing, announce what case is to be examined, and identify the composition of the court and the interpreter if an interpreter is participating in the case.

Section 213. Verifying the Attendance of Summoned and Summonsed Persons

(1) The court recorder shall report to the court which persons summoned or summonsed to the case have appeared, whether the persons who have failed to appear have been notified of the court hearing, and what information has been received regarding the reasons for the absence thereof.

(2) The court shall verify the identity of the persons who have appeared as well as the authorisations of officials and representatives.

Section 214. Consequences of Failure to Appear of Participants to Administrative Proceedings, Witnesses,

Experts or Interpreters

(1) If a participant to administrative proceedings, a witness, an expert or an interpreter has failed to appear at a court hearing, the court shall commence the examination of the case, provided that there are no grounds for postponing it in accordance with Sections 268 or 269 of this Law.

(1^1) An institution may request to examine a case without the presence of the representative thereof. Such request of the institution shall be submitted to a court not later than within one week before a court hearing.

(2) If a participant to the administrative proceedings who has failed to appear at a court hearing has not notified the court of the reason for his or her failure to appear in a timely manner, the court may impose a pecuniary penalty of up to EUR 300 on such person.

(3) If any of the participants to the administrative proceedings fails to appear at a court hearing for the reasons which the court finds unjustified, the court may impose a pecuniary penalty of up to EUR 300 on such person.

(4) Witnesses and experts who have failed to appear at a court hearing shall be subject to the procedural sanctions stipulated in Sections 166 and 179 of this Law.

[*26 October 2006; 1 November 2012; 19 September 2013; 2 February 2017*]

Section 215. Participation of an Interpreter in a Court Hearing

(1) A court shall explain to an interpreter his or her duty to translate the explanations, questions, testimony, applications and petitions of those persons who are not fluent in the language of the court proceedings, and to translate to such persons the explanations, questions, testimony, applications and petitions of other participants in the administrative proceeding, the content of documents read, court instructions and court rulings.

(2) The court shall warn the interpreter that he or she may be held criminally liable in accordance with the Criminal Law for refusal to interpret or for knowingly false interpretation.

(3) If it is ascertained that an interpreter is failing to provide appropriate translation, removal of the interpreter may be applied for.

Section 216. Exclusion of Witnesses from a Courtroom

Witnesses shall be excluded from the courtroom until commencement of their interrogation. The chairperson of the hearing shall ensure that the interrogated witnesses do not communicate with the witnesses who have not been interrogated.

Section 217. Explanation of Rights and Obligations to Participants to Administrative Proceedings

During the course of the examination of a case a court shall explain to participants to the administrative proceedings their procedural rights and obligations.

[*1 November 2012*]

Section 218. Taking a Decision on Removal

(1) A court shall ascertain whether participants to the administrative proceedings wish to remove a judge, an expert or an interpreter.

(2) A court shall decide on the submitted removals in accordance with the procedures laid down in Section 119 of this Law.

Section 219. Explanation of Rights and Obligations to an Expert

If a person selected as an expert is not a forensic expert certified in accordance with the Law on Forensic Experts, the court shall explain to the expert his or her rights and obligations and warn them that for refusal to provide an opinion, or knowingly providing a false opinion, an expert may be held criminally liable in accordance with the Criminal Law.

[*11 November 2021*]

Section 220. Deciding on the Requests Submitted by Participants to Administrative Proceedings

The court shall ascertain whether the participants to the administrative proceedings have requests related to the trial of the case and decide these after hearing the opinion of other participants to the administrative proceedings.

Section 221. Commencement of the Examination of a Case on the Merits

(1) Examination of a case on the merits shall commence with the judge's report on the circumstances of the case.

(2) After the report, the court shall ascertain whether the applicant maintains the claim contained in the application, and whether the defendant admits it.

[*15 January 2004*]

Section 222. Withdrawal of a Claim and Admission of a Claim

(1) Withdrawal of a claim expressed orally in a court hearing shall be recorded by using technical means. If the course of court hearing is recorded by writing full minutes of the court hearing, withdrawal of a claim shall be recorded in the minutes of the court hearing. Withdrawal of a claim which has been submitted to the court in writing shall be appended to the case file.

(2) Admission of a claim in a court hearing shall be recorded by using technical means. If the course of court hearing is recorded by writing full minutes of the court hearing, admission of a claim shall be recorded in the minutes of the court hearing. The admission of a claim which has been submitted to the court in writing shall be appended to the case file.

(3) It is possible to withdraw a claim and admit a claim before the examination of a case on its merits has been completed.

(4) The court shall take a decision on the withdrawal of a claim by an applicant by which the court proceedings in the case shall concurrently be terminated.

[*2 February 2017; 11 November 2021*]

Section 223. Explanations of Participants to Administrative Proceedings

(1) Participants to administrative proceedings shall provide explanations at a court hearing in the following order: an applicant, a third person with independent claims, and a defendant.

(2) If a third person who does not have independent claims participates in the case, he or she shall provide explanations following the applicant or the defendant, depending on whose side the relevant person participates in the proceedings.

(3) A legal entity which has applied to the court with an application in order to defend the rights and legal interests of a person shall be the first to provide explanations at a court hearing.

(4) Representatives of participants to administrative proceedings shall provide explanations on behalf of the persons they represent.

(5) Participants to the administrative proceedings shall state in their explanations the circumstances upon which their claims or objections are based. If the applicant and the defendant have recognised a legal fact, it shall be recorded by using technical means. If the course of court hearing is recorded by writing full minutes of the court hearing, admission of a legal fact shall be recorded in the minutes of the court hearing.

(6) If participants to administrative proceedings refer to evidence and the court finds that such evidence is necessary, the court may direct that the evidence be submitted.

(7) Participants to administrative proceedings are entitled to submit their explanations to the court in writing.

(8) [11 November 2021]

(9) A court may limit the length of the provision of explanations by ensuring that the parties have equal right to speak.

[*2 February 2017; 11 November 2021*]

Section 224. Oath of an Applicant

(1) If there is no other evidence or the evidence is not reliable enough, an applicant who is a natural person may, pursuant to the invitation of the court, confirm, under oath, his or her explanations containing information on the facts on which his or her claims or objections are based.

(2) Before giving the explanation, the applicant shall give an oral attestation of the following content:

"I, (given name and surname), affirm by oath that I will, to the best of my conscience, tell the truth and only the truth and will not conceal anything. It has been explained to me that for knowingly deceiving the court I may be held criminally liable in accordance with the Criminal Law."

(3) [11 November 2021]

[*11 November 2021*]

Section 225. Procedures for Asking Questions

(1) Participants to administrative proceedings may ask questions to each other with the permission of the court. The court shall reject the questions that are not relevant to the case.

(2) The court may ask questions to the participants to the administrative proceedings at any moment during the trial of a case.

Section 226. Establishment of Procedures for the Examination of Evidence

The court may, upon its own initiative or the request of a participant to administrative proceedings, determine a different order of examination of evidence than specified in this Law.

Section 227. Warning a Witness

(1) Prior to the interrogation of a witness, a court shall ascertain his or her identity, explain the right to refuse to testify, and warn him or her that he or she may be held criminally liable for knowingly providing false testimony or for unjustified refusal to testify.

(2) Prior to interrogation, the witness shall give an oral attestation of the following content:

"I, (given name, surname), undertake to testify to the court regarding everything that I know about the case in which I have been summoned as a witness. It has been explained to me that for knowingly providing false testimony or for unjustified refusal to testify I may be held criminally liable in accordance with the Criminal Law."

(3) [11 November 2021]

(4) A court shall explain to a witness who has not attained the age of fourteen years his or her obligation to testify truthfully, tell everything he or she knows about the case but shall not warn such witness regarding the consequences of unjustified refusal to testify or regarding knowingly providing false testimony.

[*11 November 2021*]

Section 228. Interrogation of a Witness

(1) Each witness shall be interrogated separately.

(2) A witness shall give a testimony and answer questions orally.

(3) A court shall ascertain a relationship between a witness and participants to the administrative proceedings and ask the witness to tell the court everything that he or she personally knows about the case by avoiding the provision of information the source of which he or she cannot indicate as well as expressing his or her own assumptions and conclusions. The court shall interrupt the narrative of the witness if he or she speaks about the circumstances that are not relevant to the case.

(4) With the permission of a court, participants to administrative proceedings may ask questions to a witness. Questions shall be first asked by the participant to the administrative proceedings upon whose request a witness has been summonsed, and thereafter by other participants to the administrative proceedings. Questions to the witness summoned pursuant to the initiative of the court shall be first asked by the applicant, and thereafter by other participants to the administrative proceedings. The court shall reject questions that are not relevant to the case.

(5) A court may ask questions to a witness at any time during the interrogation thereof.

(6) If necessary, a court may interrogate a witness for the second time during the same or the next hearing as well as confront witnesses with each other.

(7) If the circumstances for the determination of which witnesses have been summonsed are determined, a court may, with the consent of the participants to the administrative proceedings, decide to not interrogate the witnesses who are present, taking a relevant decision regarding it.

Section 229. Right of a Witness to Use Written Notes

When testifying, a witness may use written notes if his or her testimony is related to calculations or other data which are difficult to remember. Such notes shall be presented to the court and the participants to the administrative proceedings and may, according to a court decision, be appended to the case file.

Section 230. Interrogation of a Witness who is a Minor

(1) The interrogation of a witness who is a minor may be conducted, at the discretion of the court, in the presence

of a lawful representative, a specialist in children's rights, a psychologist or a teacher. Such persons may also ask questions to the witness who is a minor.

(2) If it is necessary for the purpose of clarification of the truth, any participant to the administrative proceedings and any person present in the courtroom may, pursuant to a court decision, be excluded from the courtroom during the interrogation of a minor witness. After the participant to the administrative proceedings has returned to the courtroom, he or she shall be acquainted with the testimony of the witness who is a minor and given an opportunity to ask questions to such witness.

Section 231. Examination of the Testimony of a Witness

The testimony of a witness obtained in accordance with the procedures for securing evidence or court assignment, or upon request of a participant to the proceedings, or upon initiative of the court shall be examined during the court hearing.

[*11 November 2021*]

Section 232. Obligation of an Interrogated Witness

An interrogated witness shall remain in the courtroom until the end of the trial of the case. He or she may leave the courtroom prior to the end of the trial of the case according to a court decision which has been taken after hearing the opinion of participants to the administrative proceedings.

Section 233. Examination of an Expert Opinion and Interrogation of an Expert

(1) An expert opinion shall be examined at the court hearing.

(2) A court and participants to the administrative proceedings may ask questions to an expert in the same order and in accordance with the same procedures as to witnesses.

(3) A court may order supplementary or repeated expert-examination in the cases specified in Section 182 of this Law.

[*2 February 2017; 11 November 2021*]

Section 234. Examination of Written Evidence

(1) Written evidence in the case or the minutes of the examination thereof shall be presented to participants to administrative proceedings and, if necessary, also to experts and witnesses.

(2) The court shall take a decision on the appending of the written evidence to the case file after it has acquainted the participants to the administrative proceedings with the contents of such evidence and has heard their opinion.

(3) Personal correspondence may be examined at an open court hearing only with the consent of the persons involved in such correspondence. If there is no such consent or the relevant persons are deceased, the abovementioned evidence shall be examined at a closed court hearing.

[*2 February 2017; 11 November 2021*]

Section 235. Contesting Written Evidence

(1) A participant to administrative proceedings may contest the veracity of written evidence.

(2) The veracity of written evidence may not be disputed by a person who has signed such evidence. Such person may contest the evidence if the signature was obtained under the influence of violence, threat or fraud.

(3) The submitter of the contested written evidence shall explain at the same court hearing whether he or she wishes to use this written evidence or requests that it be excluded from the evidence.

(4) If a participant to the administrative proceedings wishes to use the contested evidence, the court shall decide on the admissibility of its use after comparing such evidence with other evidence in the case.

(5) The veracity of Land Register statements, notarial deeds or other deeds certified in accordance with the procedures laid down in law may not be disputed. Such may be contested by bringing an independent action.

Section 236. Submission on the Forgery of Written Evidence

(1) A participant to the administrative proceedings may submit a reasoned submission on the forgery of written evidence.

(2) A person who has submitted such evidence may request the court to exclude it from evidence.

(3) In order to verify a submission on the forgery of written evidence, a court may order an expert-examination or require other evidence.

(4) If a court finds that the written evidence has been forged, it shall exclude it from evidence and notify the Office of the Prosecutor of the fact of forgery.

(5) If a court finds that a participant to the administrative proceedings has knowingly without good cause initiated a dispute regarding the forgery of written evidence, it may impose a pecuniary penalty of up to EUR 300 on this participant to the administrative proceedings.

[*26 October 2006; 18 December 2008; 1 November 2012; 19 September 2013; 2 February 2017*]

Section 237. Examination of Physical Evidence

(1) Physical evidence shall be examined at a court hearing and presented to the participants to the administrative proceedings, and, if necessary, also to experts and witnesses.

(2) A participant to administrative proceedings may provide explanations and express their opinion and requests regarding physical evidence.

(3) Minutes of the examination of physical evidence, written according to the procedures for securing evidence or a court assignment, shall be examined at a court hearing.

[*2 February 2017; 11 November 2021*]

Section 238. Inspection and Examination of Evidence on Site

(1) If written or physical evidence may not be transported to a court, the court shall take a decision on their inspection and examination at the location thereof.

(2) A court shall notify participants to the administrative proceedings of an on-site inspection of evidence. Failure of these persons to appear shall not constitute an obstacle to the performance of the inspection.

(3) A court may summons experts and witnesses to the inspection of evidence at the location thereof.

(4) The course of the inspection shall be recorded in the minutes of a court hearing to which plans, drawings, and representations of physical evidence drawn up and examined during the inspection shall be appended.

Section 239. Hearing Opinion of an Authority

(1) After examination of evidence, a court shall hear the opinion of an authority referred to in Section 30 of this Law which is participating in the proceedings in accordance with the law.

(2) The judge and participants to the administrative proceedings may ask questions to the representative of such authority in respect of the opinion.

Section 240. Completion of Examination of a Case on its Merits

(1) After the evidence submitted has been examined, the court shall ascertain opinions of the participants to the administrative proceedings regarding a possibility to complete the examination of the case on the merits.

(2) If it is not necessary to examine additional evidence, the court shall ascertain whether the applicant maintains the claim contained in the application.

(3) If the applicant does not waive the claim, the court shall announce that the examination of a case on the merits is completed and shall proceed to a court debate.

(4) If a case is examined in the written procedure, a judge shall, in accordance with Section 206, Paragraph three of this Law, determine the day by which participants to the proceedings may submit additional explanations, any other submissions or requests as well as evidence.

[*1 November 2012*]

Section 241. Court Debate

(1) During a court debate an applicant or his or her representative shall be the first to speak, and then a defendant or his or her representative. A legal entity which has applied to the court to defend the rights and legal interests of a person shall be the first to speak during a court debate.

(2) If a third person with independent claims participates in the case, such person or his or her representative shall speak after the applicant and defendant.

(3) A third person who has no independent claims or his or her representative shall speak after the applicant or defendant, depending on whose side such third person participates in the proceedings.

(4) A participant of a court debate is not entitled to refer in his or her speech to the circumstances and evidence which have not been examined at a court hearing.

(5) A court shall interrupt a participant of the debate if he or she speaks about the circumstances that are not relevant to the case.

(6) A court may limit the length of a court debate by ensuring that the parties have equal right to speak.

[*2 February 2017*]

Section 242. Replies

(1) Participants to administrative proceedings, after they have spoken in a court debate, have the right to one reply each.

(2) A defendant or his or her representative has the right of last reply.

(3) The court may restrict the length of a reply.

Section 243. Notification of the Rendering of a Judgment

(1) After a court debate and replies, if any, a court shall retire to render a judgment by notifying those present in a courtroom and also specifying the time when the judgment will be drawn up and pronounced and explaining procedures for appealing a ruling.

(2) A court shall draw up a judgment not later than within 21 days. If during the drawing up of the judgment the court establishes that the drawing up of the judgment will require a longer time period, it shall determine another date of drawing up of the judgment within the closest two months.

(3) If a case is examined in the written procedure, a court shall notify of the drawing up of a judgment in accordance with Section 259 of this Law.

[*1 November 2012; 2 February 2017; 11 November 2021*]

Section 244. Recommencement of the Trial of a Case

(1) If during court deliberations the court finds it necessary to ascertain new circumstances that are relevant to the case or to additionally examine the existing or new evidence, it shall recommence the examination of the case on the merits.

(2) In that case the court hearing shall continue in accordance with the procedures laid down by this Chapter.

(3) If during examination of a case in the written procedure a court finds it necessary to ascertain new circumstances that are relevant to the case or to additionally examine evidence, it may determine examination of the case in the oral procedure or request that the participants to the proceedings submit additional evidence or provide additional explanations.

[*1 November 2012*]

Section 245. Trial of an Administrative Case in the Written Procedure

In trying an administrative case in the written procedure, a court shall comply with the principles of proceedings in an administrative case and procedural rights of participants to the proceedings, insofar as the nature of the written procedure allows it.

[*1 November 2012*]

Chapter 26
Judgment

Section 246. General Provisions

(1) A court ruling by which a case is tried on the merits shall be drawn up in the form of a court judgment and pronounced in the name of the people of Latvia.

(2) A judgment shall be given and pronounced after examination of the case.

(3) A judgment must be lawful and justified.

(4) No direct or indirect interference with the rendering of a judgment or exerting of influence upon the court shall be permitted.

Section 247. Lawfulness and Validity of a Judgment

(1) In rendering a judgment, a court shall refer to the norms of substantive and procedural law.

(2) A court shall justify a judgment with circumstances that have been established by evidence in a case or that need not be proven in accordance with Section 153 of this Law.

(3) A court may only justify a judgement with the circumstances regarding which participants to the administrative proceedings have had a possibility to express their opinions orally or in writing.

Section 248. Procedures for Rendering a Judgment

(1) If a judgment is rendered collegially, the judge who has prepared the report on the case (rapporteur) shall be the last to express his or her opinion.

(2) When rendering a judgment, a court shall adopt all rulings by majority vote. All judges shall sign the judgment.

(3) A judgment in a case examined by a judge sitting alone shall be signed by such judge.

(4) After the judgment has been signed, no alterations or changes shall be permitted.

[*15 January 2004*]

Section 249. Observance of Claim Limits

A court shall render a judgment on the subject-matter of the application as set out by the applicant, not exceeding the limits of the claim.

Section 250. Scope of Examination and Limits of Objections

(1) A court shall render a judgment having examined whether:

1) the administrative act has been issued in compliance with procedural and formal preconditions;

2) the administrative act conforms to the norms of substantive law;

3) the basis for an administrative act justifies the obligation imposed on the addressee or rights granted, approved or refused to such addressee.

(2) In assessing lawfulness of an administrative act, a court shall take into account in a judgment only the grounds which an institution has included in the administrative act. The relevant restriction shall not refer to the cases in which a claim constitutes the issue of a favourable administrative act.

(3) In regard to the actual action of an institution, a court shall render a judgment having examined whether the actual action has been performed in compliance with procedural and formal preconditions, and whether it conforms to the norms of substantive law.

(4) A court shall render a judgment on the conformity of a contract governed by public law with legal provisions, validity, conclusion or correctness of fulfilment thereof after having verified whether the contract governed by public law has been concluded in conformity with the requirements of substantive and procedural provisions and whether the terms and fulfilment of the contract conform to the requirements of these provisions.

[*26 October 2006; 18 December 2008*]

Section 251. Form and Content of a Judgment

(1) A judgment shall be drawn up in writing.

(2) A judgment shall consist of an introductory part, a descriptive part, a reasoned part, and an operative part.

(3) The introductory part shall indicate that the judgment has been rendered in the name of the people of Latvia as well as specify the time and place of rendering the judgment, the name of the court which has rendered the judgment, the composition of the court, the participants to the administrative proceedings and the subject-matter of the application, and also the procedure (written or oral) in which the case has been examined.

(4) The descriptive part shall indicate the substance of the appealed administrative act, actual action or contract governed by public law and claims of the applicant, and also the substance of the explanations provided by the

participants to the administrative proceedings.

(5) The reasoned part shall indicate the arguments as to why the court has deemed the application to be founded or unfounded (namely an analysis of the applied legal provisions, the established legal and actual circumstances and evidence in the case as well as arguments of the participants to the proceedings). If the defendant has admitted the claim in full, the reasoned part of the judgment shall only include a reference to the applied legal provisions.

(6) The operative part shall indicate the judgment of the court regarding satisfaction or rejection of the application in full or in part, and the substance of the judgment. Moreover, it shall be indicated who is to pay the State fee (by indicating the given name, surname, personal identity number, and place of residence for a natural person, and the name, registration number, and legal address for a legal person), the terms referred to in Sections 253, 254, and 255 of this Law, and also the term and procedures for appealing the judgment.

[*26 October 2006; 18 December 2008; 1 November 2012*]

Section 252. Abridged Judgment

(1) In a case in which a court has determined that a judgment is to be enforced immediately (Section 265), the court may draw up a judgment in an abridged form consisting of an introductory part and an operative part.

(2) In such event the court shall draw up a full judgment within 21 days by indicating the date when it is signed.

[*26 October 2006*]

Section 253. Judgment on the Setting Aside or Invalidation of an Administrative Act

(1) If a court finds an application for setting aside or invalidation of an administrative act as founded, it shall set aside the relevant administrative act in full or in part or declare it invalid. In a case where an administrative act is set aside, the court shall determine the day as of which the administrative act is to be considered set aside.

(2) Where necessary, especially if before an administrative act is set aside or declared invalid the execution thereof has been commenced, the court shall indicate in the judgment how the institution shall rectify the consequences of the commenced execution and shall assign the institution to perform specific actions for this purpose within a specific term.

(3) In cases provided for by law a court may amend an administrative act and determine the specific content thereof.

(4) If a court finds an application, which requests to establish unlawfulness of a revoked administrative act, to be founded, it shall establish in a judgment that the revoked administrative act has been unlawful.

(5) If a court acknowledges the right of the applicant to compensation, it shall direct in the judgment that compensation be paid to the applicant and shall specify the amount thereof.

(6) Where necessary, a court shall assign an institution to issue a new administrative act that replaces the administrative act which has been set aside or declared invalid. In deciding to issue a new administrative act, the institution shall take into account the facts and legal considerations established in a court ruling.

(7) If, in accordance with Section 185, Paragraph two of this Law, a court has renewed operation of the appealed administrative act but has set aside the relevant administrative act or has declared it invalid by a judgment, it shall evaluate whether it is necessary to revoke the applied provisional remedy and determine that the operation of the administrative act is to be deemed suspended until the moment when the court judgment comes into effect. In such case a court decision to suspend operation of the appealed administrative act shall come into effect immediately. In examining the case, a higher instance court may repeatedly decide to renew operation of the administrative act.

[*26 October 2006; 18 December 2008; 1 November 2012 / See Paragraph 13 of the Transitional Provisions*]

Section 254. Judgment on the Issue of a Favourable Administrative Act

(1) If a court finds an application for the issue of an administrative act to be founded, it shall assign the institution to issue a relevant administrative act.

(2) In the judgment the court shall specify the content of the administrative act and the term for its issue if the institution is not anymore required to carry out considerations of usefulness. The institution is not anymore required to carry out considerations of usefulness if it is:

1) a mandatory administrative act (Section 65, Paragraph one);

2) an administrative act of free content (Section 65, Paragraph three) but the court has already carried out all the necessary considerations and has come to the conclusion that only an administrative act of one specific content may be correct.

(3) If the institution is still required to carry out considerations of usefulness, the court shall specify in the judgment that the institution shall issue the administrative act within a specific term. In the issuing of the administrative act, the facts determined in the judgment and the legal assessment thereof are mandatory for the institution.

(4) In the case indicated in Paragraph two of this Section the court judgment shall replace the administrative act until it is issued by the institution.

Section 255. Judgment on the Actual Action of an Institution

(1) If a court finds an application requesting an actual action from an institution to be founded, it shall render a judgment on the obligation of an institution to carry out specific actions and specify the term for the carrying out thereof.

(2) If a court finds that an application requesting that an institution be prohibited from carrying out a specific actual action is founded, the court shall render a judgment in which the institution is prohibited from carrying out the specific actual action.

(3) If a court finds that an application requesting to establish unlawfulness of actual action of an institution is founded, it shall establish in a judgment that the actual action of the institution has been unlawful.

[*26 October 2006*]

Section 256. Judgment on the Determination of the Existence or Non-existence or of the Substance of Public Legal Relations

If the subject-matter of an application is the determination of the existence or non-existence, or the substance of specific public legal relations, a court shall render a judgment in which it shall be determined that the specific public legal relations exist or that they do not exist, or in which the substance of the specific public legal relations shall be determined (the rights and obligations arising therefrom).

Section 256.[1] Judgment on the Contract Governed by Public Law

(1) If a court finds that an application on the setting aside of a contract governed by public law is founded, it shall set aside the relevant contract governed by public law in full or in part. The court shall determine from which moment the contract shall be considered set aside.

(2) If a court finds that an application requesting that an institution concludes a contract governed by public law is founded, it shall render a judgment on the obligation of the institution to conclude a contract governed by public law and shall determine the term for the fulfilment thereof. The facts determined in the judgment and the legal assessment thereof are mandatory for the institution.

(3) If the subject-matter of the application is the validity of a specific contract governed by public law, a court shall render a judgment in which it is determined that the specific contract governed by public law is valid or is not valid.

(4) If the subject-matter of the application is the correctness of fulfilment of a contract governed by public law, a court shall render a judgment in which it is determined whether the contract governed by public law has been correctly fulfilled or how it should be correctly fulfilled.

(5) If a court acknowledges the right of the applicant to compensation, it shall direct in the judgment that compensation be paid to the applicant and shall specify the amount thereof.

[*15 January 2004*]

Section 256.[2] Judgment on the Establishing of a Procedural Violation

(1) If a court finds that an application regarding establishing of a procedural violation committed during the issue process of an administrative act is founded, it shall render a judgment finding that a relevant procedural violation or violations have been committed in the issue process of the administrative act which have caused a significant infringement of specific rights or legal interests of a person.

(2) If compensation for losses or damage has been requested, in accordance with the procedures laid down in the law, concurrently with an application regarding establishing of a procedural violation committed during the issue process of an administrative act, and a court finds it founded, it shall render a judgment also on the amount of compensation.

[*18 December 2008*]

Section 257. Judgment in Favour of Several Applicants or Against Several Defendants

(1) In a judgment in favour of several applicants it shall be indicated which part of the judgment applies to each of them.

(2) In a judgment against several defendants it shall be indicated which part of the judgment shall be enforced by each of them, or that their liability is solidary.

Section 258. Pronouncing a Judgment

A judgment shall be pronounced by inserting it in the e-case portal.

[*11 November 2021*]

Section 259. Time for Drawing-up a Judgment in Cases Examined in the Written Procedure

A court shall draw up a judgment in a case which is examined in the written procedure not later than within 21 days after examination of the case on the merits is completed. Participants to the case shall, in a timely manner, be notified of the date when the judgment is to be pronounced.

[*11 November 2021*]

Section 260. Correction of Clerical Errors and Mathematical Miscalculations

(1) A court may, upon its own initiative or request of a participant to the administrative proceedings, correct clerical errors or mathematical miscalculations in a ruling. An issue regarding the correction of errors and miscalculations shall be decided in the written procedure by notifying participants to the administrative proceedings of this in advance and specifying a term for the submission of objections. A decision to correct errors and miscalculations shall be immediately sent to the participants to the administrative proceedings.

(2) Clerical errors and mathematical miscalculations in a judgment shall be corrected by a court decision.

(3) [1 November 2012]

[*26 October 2006; 18 December 2008; 1 November 2012 / See Paragraph 13 of the Transitional Provisions*]

Section 261. Supplementary Judgment

(1) The court which rendered the judgment in a case is entitled, upon its own initiative or an application by a participant to the administrative proceedings, render a supplementary judgment if:

1) judgment has not been rendered in respect of a claim for which evidence had been submitted and regarding which, if the case was examined in the oral procedure, the participants to the administrative proceedings have given explanations;

2) the court has not stipulated the actions to be performed by an institution, the amount of money adjudged, the property to be transferred or the compensation of the State fee to the applicant or the State.

(2) A participant to the administrative proceedings may submit a request for rendering a supplementary judgment within one month from the day of drawing up of the judgment.

(3) A court shall examine an issue regarding rendering of a supplementary judgment in the written procedure.

(4) An ancillary complaint may be submitted regarding a court decision to refuse the rendering of a supplementary judgment.

[*26 October 2006; 2 February 2017*]

Section 262. Explanation of a Judgment

(1) In case of any difficulties with the enforcement of a judgment, a court which has rendered the judgment may, upon a request of a participant to the administrative proceedings, explain the judgment by its decision without changing the content of the judgment.

(2) Explanation of a judgment shall be permitted if it has not been enforced yet and the term for compulsory enforcement thereof has not expired. A court shall refuse to accept a request for the explanation of a judgment if the request has been submitted regarding a judgment which does not correspond to the criteria specified in this Section.

(3) A court shall examine the issue regarding explanation of a judgment in the written procedure.

[*1 November 2012 / See Paragraph 13 of the Transitional Provisions*]

Section 263. Coming into Effect of a Judgment

(1) A court judgment shall come into effect after the term for the appeal thereof in accordance with appellate procedures has expired and a notice of appeal has not been submitted. If the law prescribes that a judgment of a court of first instance is not subject to appeal, such judgment shall come into effect on the day it is pronounced. If the law prescribes that a judgment of a court of first instance is subject to appeal by submitting a cassation complaint, such court judgment shall come into effect after expiry of the term for appeal thereof in accordance with the cassation procedures. If a notice of appeal or, in the cases prescribed by law, a cassation complaint is submitted but the Regional Administrative Court or the Department of Administrative Cases of the Supreme Court respectively has refused to initiate court proceedings, has terminated the initiated court proceedings or has left the notice of appeal without examination, a judgment shall come into effect with the coming into effect of the relevant decision.

(2) If a part of a judgment has been appealed, the judgment shall come into effect regarding the part, which has not been appealed, after expiration of the term for its appeal.

(3) After a judgment has come into effect, a participant to the administrative proceedings and his or her successor in interest do not have the right to submit an application to a court anew regarding the same subject-matter on the same basis or to contest facts established by the court in another proceedings.

(4) A judgment which has come into effect shall be mandatorily enforced, and it may be set aside only in the cases and in accordance with the procedures prescribed by law.

(5) Upon request of an applicant the court shall issue to him or her a derivative of the judgment with an inscription regarding its coming into effect.

(6) If a court judgment is not subject to appeal, it shall come into effect on the day it is pronounced.

[*26 October 2006; 18 December 2008; 2 February 2017; 11 November 2021*]

Section 264. Enforcement of a Judgment

A judgment shall be enforced after it has come into effect, except for the cases where the court has determined that the judgment is to be enforced immediately.

Section 265. Judgments to be Enforced Immediately

(1) On the basis of a request of the applicant, a court may determine that a judgment is to be enforced immediately in full or in part if due to special circumstances the delay in the enforcement of the judgment may cause substantial losses to the applicant or the enforcement of the judgment may become impossible.

(2) If so prescribed by law, a court shall determine itself that a judgment is to be enforced immediately in full or in part.

(3) If in a case in which a court has determined that a judgment is to be enforced immediately in full or in part a court renders a new judgment by which an application is rejected, or takes a decision by which an application is left without examination, or a decision by which the proceedings are terminated in the case in accordance with Section 282, Clause 1, 2, 3, 4, 8, or 9 of this Law, a court shall, upon request of a participant to the administrative proceedings, decide to eliminate consequences of the immediate enforcement of the judgment. A participant to the administrative proceedings shall make a relevant request during the course of the examination of the case or after rendering of a judgment or taking of a decision by suggesting to render a supplementary judgment or take a supplementary decision. If a court ruling provides for recovery of monetary amounts into the State budget, it shall be enforced in accordance with the procedures laid down in Section 377.^{1} of the Law.

(4) If it is impossible to eliminate consequences of the immediate enforcement of a judgment or it would cause a disproportionate restriction on the rights of a private person, a court may reject a request for the elimination of consequences of the enforcement or determine proportionate measures for the elimination of consequences of the enforcement.

[*26 October 2006; 2 February 2017; 11 November 2021*]

Section 266. Division into Terms of the Enforcement of a Judgment, Changing of the Form of and the Procedures for the Enforcement Thereof

(1) A court which has rendered a judgment in a case may, upon a request of a participant to the administrative proceedings and taking into account the particular circumstances, divide the enforcement of a judgment into terms as well as change the form of and the procedures for enforcing the judgment.

(2) A request shall be examined in the written procedure.

(3) An ancillary complaint may be submitted regarding the court decision to divide enforcement of a judgment into terms as well as to change the form of and the procedures for its enforcement.

[*18 December 2008; 1 November 2012*]

Section 267. Sending of a Judgment

A court shall send a judgment to the participants to the proceedings within three days after drawing up of the judgment, except for the case where the derivative of the judgment has been issued to a participant to the proceedings in person.

[*11 November 2021*]

Chapter 27
Postponement of the Examination of an Administrative Case

Section 268. Obligation of the Court to Postpone the Examination of a Case

A court shall postpone the examination of a case if:

1) the defendant has not received the application and the documents appended thereto and therefore requests that the examination of the case be postponed;

2) it is necessary to summon as a participant to the administrative proceedings a person whose rights or legal interests may be infringed by the judgment of the court;

3) a participant to the administrative proceedings fails to appear at a court hearing and he or she was not notified of the time and place of the court hearing;

4) in accordance with a decision of a court (judge), video conferencing is to be used for the trial of a case or for the performance of a specific procedural action but it is not possible due to technical reasons.

[*1 November 2012; 11 November 2021*]

Section 269. Right of the Court to Postpone the Examination of a Case

(1) A court may postpone the examination of a case if it finds that:

1) it is impossible to examine the case because a participant to the administrative proceedings, a witness, an expert or an interpreter has failed to appear, or there are other important reasons;

2) evidence still needs to be gathered.

(2) A court may also postpone the examination of a case if participants to the proceedings have informed the court of their readiness to terminate the legal dispute.

[*26 October 2006; 18 December 2008; 1 November 2012*]

Section 270. Decision to Postpone the Examination of a Case

(1) A decision to postpone the examination of a case shall be taken in the form of a separate procedural document or a resolution, or recorded at a court hearing by using technical means. If the course of court hearing is recorded by writing full minutes of the court hearing, the decision to postpone the examination of a case shall be recorded in the minutes of the court hearing.

(2) A decision to postpone the examination of a case shall indicate the procedural actions which must be performed until recommencement of the examination of the case, and also shall specify the time of the next court hearing (or the day when the examination of the case on the merits in the written procedure will be completed).

(3) In a case to be examined in the written procedure a court shall send to the participants to the proceedings a decision to postpone the examination of the case. In a case to be examined in the oral procedure a court shall notify the persons who have appeared at a court hearing of the day and time of the next court hearing. Absent persons shall be re-summoned or re-summonsed to the court hearing.

[*1 November 2012; 11 November 2021*]

Section 271. Interrogation of Witnesses if the Examination of a Case is Postponed

(1) In postponing the examination of a case, the court may interrogate the witnesses who are present.

(2) Where necessary, witnesses who have been interrogated may be summonsed to the next court hearing.

[*2 February 2017*]

Section 272. Recommencement of the Examination of a Case

(1) Upon a trial being resumed after the postponement of a case, the court shall not repeat the previously performed procedural actions.

(2) [1 November 2012]

[*1 November 2012*]

Chapter 28
Staying of Court Proceedings in an Administrative Case

Section 273. Obligation of the Court to Stay Court Proceedings

The court shall stay court proceedings if:

1) such natural person has died or such legal person has ceased to exist which is an applicant or a third person with independent claims in the case, and if the contested legal relations allow for the assumption of rights;

2) the court has restricted the legal capacity of an applicant or a third person preventing him or her from exercising independently the administrative procedural rights and obligations;

3) it is impossible to examine a case until another case is decided in a court or an institution;

4) it takes a decision to submit an application to the Constitutional Court regarding the conformity of a legal provision with the Constitution or an international legal provision (act), or also the Constitutional Court has initiated a case regarding a constitutional complaint of the applicant;

5) it takes a decision to submit a question to the Court of Justice of the European Union regarding the interpretation or validity of a provision of a European Union law.

[*15 January 2004; 1 November 2012; 2 February 2017*]

Section 274. Right of a Court to Stay Court Proceedings

(1) A court may stay court proceedings if:

1) it orders expert-examination;

2) an applicant or a third person is not able to participate in the examination of the case due to illness, old age, disability or other substantial reason;

3) a case has been brought before the Constitutional Court regarding the conformity of a legal provision applied by an institution or to be applied in the administrative court proceedings with legal provisions of higher legal force.

(2) If a court stays court proceedings in the case in accordance with Paragraph one, Clause 3 of this Section, it shall immediately inform the Constitutional Court.

[*26 October 2006*]

Section 275. Duration of Staying of Court Proceedings

Court proceedings shall be stayed:

1) in cases provided for in Section 273, Clause 1 of this Law - until determination of a successor in interest or appointment of a lawful representative;

2) in cases provided for in Section 273, Clause 2 of this Law - until appointment of a lawful representative;

3) in cases provided for in Section 273, Clause 3 of this Law - until the judgment or decision in the relevant case comes into effect;

4) in the case provided for in Section 274, Paragraph one, Clause 1 of this Law - by the moment when an expert opinion is received;

5) in the case provided for in Section 274, Paragraph one, Clause 2 of this Law - by the term specified by the court for formalising representation;

6) in the case provided for in Section 273, Clause 4 and Section 247, Paragraph one, Clause 3 of this Law - by the day when a ruling of the Constitutional Court comes into effect;

7) in the case provided for in Section 273, Clause 5 of this Law - by the day when a preliminary ruling of the Court of Justice of the European Union comes into effect.

[*15 January 2004; 1 November 2012*]

Section 276. Decision on the Staying of Court Proceedings

(1) A court shall take a reasoned decision to stay the proceedings in the form of a separate procedural document.

(2) The decision shall indicate the conditions until the coming into effect or ceasing of which court proceedings are stayed, or the term until the end of which the court proceedings are stayed.

(3) An ancillary complaint may be submitted regarding the court decision to stay court proceedings on the basis of Section 273, Clause 3 of this Law.

[*1 November 2012 / See Paragraph 13 of the Transitional Provisions*]

Section 277. Renewal of Court Proceedings

A court shall renew court proceedings upon its own initiative or upon a request of a participant to the administrative proceedings.

[*18 December 2008*]

Chapter 29
Leaving an Application without Examination

Section 278. Obligation of the Court to Leave an Application without Examination

(1) A court (judge) shall leave an application without examination if:

1) the applicant has not complied with preliminary extrajudicial examination procedures prescribed by law for such case;

2) the application has been submitted by a person whose legal capacity has been restricted by court preventing him or her from exercising independently the administrative procedural rights and obligations;

3) the application has been submitted on behalf of the applicant by a person who is not authorised in accordance with the procedures prescribed by law;

4) within the proceedings of the same court or another court there is an administrative case between the same participants to administrative proceedings regarding the same subject-matter and on the same grounds;

5) in the case referred to in Section 128, Paragraph two of this Law a person fails to pay the State fee within the term specified by a court (judge);

6) an applicant, who has been notified of the time and place of a court hearing, repeatedly fails to appear at the court hearing without a justified reason and has not asked for the case to be examined in his or her absence;

7) the applicant repeatedly fails to answer to requests of a court in the case which is to be examined in the written procedure.

(2) Prior to deciding an issue, a court (judge) shall invite participants to the administrative proceedings to express their opinion on the leaving of the application without examination, except for the cases where the application is left without examination in the cases referred to in Paragraph one, Clauses 5, 6, and 7 of this Section.

[*1 November 2012; 2 February 2017*]

Section 279. Right of a Court to Leave an Application without Examination

[2 February 2017]

Section 280. Decision to Leave an Application without Examination

(1) A court shall take a reasoned decision to leave an application without examination in the form of a separate procedural document.

(2) An ancillary complaint may be submitted regarding the court decision to leave an application without examination.

Section 281. Consequences of Leaving an Application without Examination

If an application is left without examination, the applicant may re-submit the application to the court in conformity with the procedures prescribed by law.

Chapter 30
Termination of Court Proceedings in an Administrative Case

Section 282. Basis for Terminating Court Proceedings

A court shall terminate court proceedings if:

1) the case may not be examined in accordance with the procedures of administrative proceedings;

2) an application has been submitted by a person who does not have the right to submit the application;

3) a court judgment rendered in a case between the same participants to administrative proceedings regarding the same subject-matter and on the same grounds has come into effect;

4) the applicant withdraws his or her application;

5) the contested legal relations do not allow for the assumption of rights after the death of a natural person who is the applicant in the case or the legal relations contested on the merits allow for the assumption of rights but within a year after the date of death of the applicant none of the successors in interest has manifested interest to continue to maintain the relevant application;

6) the legal person who is the applicant in the case has ceased to exist and there is no successor in interest thereto;

7) the legal dispute which formed the grounds for the submission of an application to a court has terminated, for example, by concluding an administrative contract, as a result of an institution setting aside the appealed administrative act or recognising the appealed administrative act as unlawful, invalid or revoked;

8) the procedural time limit for the submission of an application has not been met, and a court has not renewed it;

9) the application has been submitted more than three years after the day the administrative act has come into effect or three years after the day when the applicant found out or was supposed to find out the specific actual action of an institution. The time limits referred to in this Clause may not be renewed;

10) [11 November 2021].

[*26 October 2006; 18 December 2008; 2 February 2017; 11 November 2021*]

Section 283. Decision to Terminate Court Proceedings

(1) A court (judge) shall take a reasoned decision to terminate court proceedings in the form of a separate procedural document. Prior to deciding an issue, a court (judge) shall invite participants to the administrative proceedings to express their opinion on the termination of court proceedings, except for the case where the applicant has withdrawn the application.

(2) An ancillary complaint may be submitted regarding a court decision to terminate court proceedings.

[*2 February 2017; 11 November 2021*]

Section 284. Consequences of Terminating Court Proceedings

If court proceedings are terminated, repeated court proceedings against the same defendant regarding the same subject-matter and on the same grounds shall not be permitted.

Chapter 31
Court Decision

Section 285. Taking of a Decision

(1) A court ruling by which a case is not tried on the merits shall be made in the form of a decision.

(2) A decision shall be drawn up in the form of a separate procedural document, resolution, or it shall be recorded at a court hearing by using technical means. If the course of court hearing is recorded by writing full minutes of the

court hearing, the decision shall be recorded in the minutes of the court hearing. The decision which is taken during the examination of the case may also be included in a judgment.

(3) A decision regarding a procedural action of a judge which has been performed outside the court hearing shall be taken and drawn up in the form of a separate procedural document or a resolution.

(4) The decision may be drawn up in the form of a resolution if it is not subject to appeal.

[*1 November 2012; 11 November 2021*]

Section 286. Content of a Decision and a Term for Taking Thereof

(1) A court shall indicate the following in a decision:

1) the place and time of taking the decision;

2) the name and composition of the court;

3) the participants to the administrative proceedings and the subject-matter of the application;

4) the issues regarding which the decision has been taken;

5) reasons for the decision;

6) the ruling of a court or judge;

7) the procedures and term for appealing the decision.

(2) In exceptional cases, the court may draw up a decision without the reasoned part thereof (abridged decision). The court shall draw up a full decision within 14 days.

(3) If during examination of an ancillary complaint a court finds that the grounds contained in a decision of a lower court are correct and completely sufficient, the court may indicate in the reasoned part of the decision taken regarding an ancillary complaint that it agrees with the reasoning of a ruling of the lower court. In this case a more detailed statement of arguments shall not be required.

(4) In an exceptional case where a court finds that it is impossible to draw up the operative part of a decision at a specific court hearing (or on the day when the issue is to be examined in the written procedure), it shall notify the participants to the proceedings of a date within the next 14 days when the decision will be drawn up and available in the e-case portal.

(5) If an ancillary complaint is to be examined regarding a decision of a court (judge) to refuse to accept an application or terminate proceedings on the basis of the fact that a case may not be examined in accordance with the procedures of administrative proceedings or the application has been submitted by a person who does not have such right, and if the court, which examines an ancillary complaint and the decision of which is final in a specific issue, establishes that due to the complexity of this issue the drawing up of a decision requires a longer time period than that provided for in Paragraph four of this Section, it shall specify another date of drawing up of the decision within the next 14 days.

[*26 October 2006; 18 December 2008; 1 November 2012; 11 November 2021*]

Section 287. Notification of a Decision

(1) A court decision shall be notified to participants to the administrative proceedings.

(2) A decision that has been taken in the form of a separate procedural document shall, within three days, be sent to a participant to the administrative proceedings if he or she has not participated in the court hearing as well as to a person to whom it is addressed.

(3) An appropriate notice regarding a decision which has been taken outside a court hearing shall be sent to a participant to the administrative proceedings within three days.

Section 288. Ancillary Court Decision

(1) A court may take an ancillary decision if during examination of a case circumstances have been established which indicate a possible violation of legal provisions, and also in other cases. The ancillary decision shall be sent to the relevant authority.

(2) The court may determine in an ancillary decision a specific time for the performance of assignments as well as which authority shall provide a reply and the time period therefor. A court may impose a pecuniary penalty of up to EUR 300 on an official who fails to execute the ancillary decision or to respond in time.

(3) If during examination of a case a court detects elements of a criminal offence, it shall send the ancillary decision to the Office of the Prosecutor.

[*26 October 2006; 1 November 2012; 19 September 2013; 2 February 2017*]

Section 288.[1] Supplementary Decision, Correction of Errors and Miscalculations in a Decision, and Explanation of a Decision

(1) If it is necessary to draw up a supplementary decision or correct clerical errors or mathematical miscalculations in the decision, the legal provisions which prescribe rendering of a supplementary judgment or correction of clerical errors or mathematical miscalculations in a judgment shall be applied.

(2) A participant to the proceedings may request to explain a court decision which is possible to be enforced on a compulsory basis. Explanation of such decision shall occur in accordance with the same procedures as those laid down for explaining a judgment.

[*1 November 2012*]

Division Four
Court Proceedings in an Appellate Court

Chapter 32
Submission of a Notice of Appeal

Section 289. Right to Submit a Notice of Appeal

A participant to the administrative proceedings may submit a notice of appeal regarding a judgment and a supplementary judgment of a court of first instance, except for the case where the law prescribes that the judgment is not subject to appeal or may be appealed by submitting a cassation complaint.

[*18 December 2008*]

Section 290. Procedures for Submitting a Notice of Appeal

(1) A judgment of a District Administrative Court which has not come into effect may be appealed to the Regional Administrative Court in accordance with the appeal procedures.

(2) A notice of appeal, which is addressed to a Regional Administrative Court, shall be submitted to the court which rendered the judgment.

(3) If a notice of appeal is directly submitted to a Regional Administrative Court within the specific term, the term shall be considered to have been complied with.

(4) [11 November 2021]

(5) A judge of the Regional Administrative Court shall decide on admissibility of a notice of appeal, an action to be taken thereon, and renewal of the delayed procedural time limit.

[*15 January 2004; 1 November 2012; 11 November 2021*]

Section 291. Term for Submitting a Notice of Appeal

(1) A notice of appeal may be submitted within one month from the day the judgment is drawn up.

(2) If the judgment has been drawn up after the specified term, the term for appeal thereof shall be counted from the day the judgment is drawn up.

(3) [11 November 2021]

[*26 October 2006; 1 November 2012; 11 November 2021*]

Section 292. Content of a Notice of Appeal

(1) The following shall be indicated in a notice of appeal:

1) the name of the court to which the appeal is addressed;

2) the given name, surname, and address of the place of residence of the submitter of the appeal, and also of his or her authorised representative if the notice of appeal is submitted by a representative, or another address where

such person may be reached (for a legal person - name, registration number, and legal address). If the submitter of the complaint or his or her authorised representative agree to use the e-case portal for communication with the court, an indication regarding the e-case portal as the means of communication shall be included;

2^1) the telephone number or electronic mail address of the submitter of a complaint (his or her representative) if he or she agrees to use the relevant means of communication for communication with the court;

3) [2 February 2017];

4) the judgment regarding which the complaint is submitted;

5) the extent to which the judgment is appealed;

6) how the error in judgment manifests itself;

7) whether a request for gathering evidence is submitted (regarding what facts and why this evidence was not submitted to the court of first instance);

8) the claim of the submitter of the appeal;

9) [1 November 2012];

10) a list of documents accompanying the appeal;

11) the place and time of the drawing up of the appeal.

(1^1) If a judgment contains a decision regarding which an ancillary complaint may be submitted to an appellate court and a participant to the proceedings wishes to appeal it, objections to this decision shall be included in the notice of appeal, except for the case where the participant to the proceedings only appeals the decision contained in the judgment.

(2) A notice of appeal shall be signed by the applicant or his or her authorised representative.

(3) [1 November 2012]

(4) If the grounds included in the notice of appeal are extensive, a judge of the Regional Administrative Court may request the submitter of appeal to submit a summary thereof.

[*15 January 2004; 1 November 2012; 2 February 2017; 11 November 2021*]

Section 293. Transcripts of a Notice of Appeal

[11 November 2021]

Section 294. Limits of a Notice of Appeal

(1) The subject-matter of or the basis for a claim may not be amended and new claims, which were not brought before the court of first instance, may not be included in a notice of appeal.

(2) The following shall not be considered new claims:

1) making a claim more precise;

2) correction of manifest errors in an application;

3) a claim for compensation for the value of property related to alienation or loss of the property claimed or changes in what it consists of;

4) within the limits of the total amount of claims, amendments to the components of such amount;

5) amendment of a claim for recognising rights to a claim for restoring infringed rights due to the changes in circumstances during the course of the case.

Section 295. Joining in a Notice of Appeal

(1) Co-applicants and a third person, who participates in proceedings on the side of a participant to the administrative proceedings who has submitted a notice of appeal, may join in the submitted appeal.

(2) The Regional Administrative Court shall be notified in writing of the joining in a notice of appeal not later than 10 days prior to the examination of the case.

(3) A State fee shall not be charged for the submission on the joining in a notice of appeal.

[*15 January 2004; 26 October 2006*]

Section 296. Leaving a Notice of Appeal not Proceeded With

(1) A judge shall take the decision to leave a notice of appeal not proceeded with if:

1) the notice of appeal does not conform to the requirements of Section 292, Paragraph one or two of this Law or the Official Language Law;

2) [11 November 2021];

3) a State fee for the notice of appeal has not been paid.

(2) The decision shall stipulate the term for the submitter to eliminate the deficiencies.

(3) If the deficiencies are eliminated within the specific term, the notice of appeal shall be considered submitted on the day it was first submitted to the court. Otherwise, the appeal shall be deemed not submitted and shall be returned to the applicant. An ancillary complaint may be submitted regarding the decision of a judge to deem the notice of appeal not submitted.

(4) The returning of the notice of appeal to the submitter is not an obstacle to its repeated submission to the court in compliance with the provisions of this Law regarding submission of notices of appeal.

(5) If the deficiencies indicated in Paragraph one of this Section have been detected in the Regional Administrative Court, the decision to leave a notice of appeal not proceeded with shall be taken by a judge of the Regional Administrative Court.

[*1 November 2012; 11 November 2021*]

Section 297. Refusal to Accept a Notice of Appeal

(1) A judge shall refuse to accept a notice of appeal and return it to the submitter if:

1) the notice of appeal has been submitted regarding a judgment which is not subject to appeal in accordance with the law;

2) the term specified for the submission of a notice of appeal has not been met;

3) the notice of appeal has been submitted by a person who is not authorised to do it.

(2) An ancillary complaint may be submitted regarding a decision of a judge to refuse to accept a notice of appeal.

[*11 November 2021*]

Section 298. Actions after Acceptance of a Notice of Appeal

(1) Upon acceptance of a notice of appeal, a court shall, within three days, notify other participants to the administrative proceedings thereof and forward to them the appeal and the documents appended thereto, indicating the term for the submission of a written explanation.

(2) [1 November 2012]

(3) Upon acceptance of a notice of appeal or expiry of the term for the submission of a notice of appeal, if other notices of appeal are also possible in the case, the case shall be sent to the Regional Administrative Court without delay.

[*15 January 2004; 1 November 2012; 11 November 2021*]

Section 299. Written Explanations of Participants to Administrative Proceedings

(1) A participant to administrative proceedings shall, within one month from the day when the notice of appeal is sent, submit to the Regional Administrative Court a written explanation regarding the notice of appeal.

(2) The explanation shall be forwarded to other participants to administrative proceedings.

[*15 January 2004; 26 October 2006; 1 November 2012; 2 February 2017; 11 November 2021*]

Section 300. Notice of Cross-appeal

(1) A participant to administrative proceedings may submit a notice of cross-appeal regarding a notice of appeal.

(2) A notice of cross-appeal shall correspond to the provisions of Sections 289, 292, and 294 of this Law.

(3) A notice of cross-appeal shall be submitted to an appellate court within the term provided for in Section 299 of this Law.

(4) After receipt of a notice of cross-appeal, the Regional Administrative Court shall send the notice of cross-appeal to the participants to administrative proceedings.

[*15 January 2004; 1 November 2012; 11 November 2021*]

Chapter 33
Examination of an Administrative Case in an Appellate Court

Section 301. Initiation of Appeal Proceedings

(1) After receipt of an explanation or expiry of the term specified for the submission thereof, a judge who acts as rapporteur shall take the decision to initiate appeal proceedings.

(2) If a judge who acts as rapporteur has detected that a notice of appeal has been sent to the appellate court without conforming to that specified in Section 297, Paragraph one of this Law, the judge who acts as rapporteur shall take the decision on refusal to initiate appeal proceedings and shall send the notice together with the case to the court of first instance which shall return the notice to the submitter.

(3) If the court has detected the circumstances referred to in Section 297, Paragraph one of this Law in examining a notice of appeal, the court shall take one of the following decisions:

1) to terminate appeal proceedings - if the appeal proceedings have been initiated regarding a judgment which is not subject to appeal in accordance with the law;

2) to leave the notice of appeal without examination - if any other circumstances referred to in Section 297, Paragraph one of this Law have been detected.

[*11 November 2021*]

Section 301.^{1} Right to Refuse to Initiate Appeal Proceedings

(1) It may be refused to initiate appeal proceedings if the case law has been established in the issue regarding violations of specific provisions of substantive law or procedural law indicated in a notice of appeal with regard to the application and interpretation of such legal provisions in other similar cases, and the appealed judgment corresponds thereto, or the appeal claim is outright insulting and defiant.

(2) If there is a possibility, in accordance with Paragraph one of this Section, to refuse to initiate appeal proceedings, the relevant issue shall be decided collegially in the composition of three judges.

(3) If a court collegially and unanimously finds that there is a possibility to apply Paragraph one of this Section, it may take a decision to refuse to initiate appeal proceedings. A court shall draw up such decision in the form of a separate procedural document and evaluate the existence of the circumstances referred to in Paragraph one of this Section in the reasoned part of the decision. An ancillary complaint may be submitted regarding such decision.

(4) If there is a difference of opinion between judges as to whether there are grounds for refusal to initiate appeal proceedings, a court shall take a decision to initiate appeal proceedings.

[*1 November 2012; 11 November 2021*]

Section 302. Limits Regarding Examination of a Case at an Appellate Court

(1) An appellate court shall examine a case on the merits in connection with a notice of appeal and a notice of cross-appeal to the extent as is requested for in such appeals.

(2) An appellate court shall examine only such claims which have been examined by a court of first instance.

(2^{1}) If an appellate court finds that a notice of appeal regarding a court judgment in the part by which court proceedings have been terminated in the case or an application has been left without examination is founded, and also if an appellate court establishes that a court of first instance has not tried any of the claims, it may itself decide the relevant issues on the merits if there are no objective obstacles thereto.

(2^{2}) If an appellate court establishes that a court of first instance has not tried any of the claims, the appellate court may refer a case to the court of first instance for rendering a supplementary judgment. The examination of the case shall be continued in the appellate court after the court of first instance has rendered the supplementary judgment and a term specified in the law for the submission of a notice of appeal (for a participant to the proceedings

who has already submitted the notice of appeal in the case - addition thereto) regarding a supplementary judgment has expired.

(3) The cases referred to in Section 294 of this Law shall not be considered new claims.

(4) An appellate court shall examine a case on the merits, except for the cases referred to in Section 303 of this Law.

[*1 November 2012; 2 February 2017*]

Section 303. Exceptional Cases where a Judgment of a Court of First Instance shall be Set Aside and the Case shall be Sent to a Court of First Instance for Re-examination

(1) Irrespective of the reasons for a notice of appeal, an appellate court shall, by its decision, set aside a judgment of a court of first instance and send the case to the court of first instance for re-examination in the following cases:

1) a court has examined a case in an unlawful composition;

2) a court has examined a case by violating norms of procedural law which stipulate that participants to the administrative proceedings shall be notified of the time and place of a court hearing, or has examined a case in the written procedure, although it was required to examine a case in the oral procedure in accordance with Section 206, Paragraph two of this Law;

3) in the examination of the case, the norms of procedural law regarding the language of court proceedings have been violated;

4) the court judgment determines the rights and obligations of persons who have not been summoned to the case as participants to the administrative proceedings;

5) there is not a full court judgment in the case;

6) essential procedural actions, decisions, explanations, or testimonies have not been recorded in the minutes of a court hearing or the recording of a court hearing in a case examined in the oral procedure.

(2) [1 November 2012]

[*1 November 2012; 11 November 2021*]

Section 304. Appellate Court Trial Procedures

(1) An appellate court shall examine a case collegially in the composition of three judges. An appellate court shall examine an administrative case in the written procedure. Having evaluated a reasoned request of a participant to the proceedings, the court may determine examination of the case in the oral procedure.

(2) The participants to administrative proceedings shall be summoned and other persons shall be summonsed to court in accordance with the provisions of Chapter 14 of this Law.

(3) If it has been determined that a case is to be examined in the oral procedure, a court hearing shall take place in accordance with the provisions of Chapters 24 and 25 of this Law by taking into account that the submitter of a notice of appeal shall be the first to provide explanations but if the appeal has been submitted by both the applicant and the defendant - the applicant.

[*1 November 2012*]

Section 305. Examination of Evidence in an Appellate Court

(1) An appellate court shall examine and assess evidence in accordance with the provisions of Chapters 18, 19, and 20 of this Law.

(2) Where necessary, the court shall assign the participants to the administrative proceedings to submit additional evidence or it shall require the evidence itself.

(3) An appellate court may choose to not examine facts that have been determined by a court of first instance and are not contested.

Section 306. Withdrawing a Notice of Appeal (Cross-appeal)

(1) A submitter of a notice of appeal (cross-appeal) may withdraw it before the examination of a case on its merits has been completed.

(2) If a notice of appeal is withdrawn, a court shall take a decision in the written procedure to terminate appeal proceedings, except for the cases where a notice of appeal (cross-appeal) has been submitted by another participant

to the administrative proceedings.

(3) [18 December 2008]

[*18 December 2008*]

Chapter 34
Ruling of an Appellate Court

Section 307. Judgment of an Appellate Court

(1) A judgment shall be rendered in an appellate court in accordance with the procedures laid down in Sections 243, 246 to 257 of this Law, unless this Section prescribes otherwise.

(2) The introductory part of the judgment shall indicate the circumstances specified in Section 251, Paragraph three of this Law, and also the submitter of the notice of appeal and the court judgment regarding which the appeal has been submitted.

(3) The descriptive part of a judgment shall indicate the nature of an appealed administrative act, actual action or contract governed by public law, claims of the applicant, reasoning of the judgment of a court of first instance, and include a short summary of a notice of appeal (cross-appeal) and the nature of explanations provided by the participants to the administrative proceedings in an appellate court.

(4) The reasoned part of the judgment shall indicate the circumstances specified in Section 251, Paragraph five of this Law, and shall provide reasons for an opinion regarding the judgment of the court of first instance. If during examination of a case the court finds that the justification included in the judgment of the lower instance court is correct and completely sufficient, it may indicate in the reasoned part of the judgment that it agrees with the reasoning of the judgment of the lower instance court. In such case, the considerations specified in Section 251, Paragraph five of this Law need not be indicated in the reasoned part of the judgment.

(4^1) If a decision contained in a judgment of a court of first instance has been appealed together with the judgment, and an ancillary complaint may be submitted to an appellate court with regard thereto, the judgment shall also include a decision taken regarding the ancillary complaint.

(5) An appellate court shall pronounce judgment in accordance with the procedures laid down in Sections 258 and 259 of this Law. The judgment shall be sent to the participants to the administrative proceedings in accordance with the procedures laid down in Section 267 of this Law.

[*26 October 2006; 1 November 2012; 2 February 2017; 11 November 2021*]

Section 308. Pronouncement of a Judgment of an Appellate Court

[26 October 2006]

Section 309. Effect of an Appellate Court Judgment

(1) An appellate court judgment shall come into effect when the term for the appeal thereof in accordance with the cassation procedures has expired and no cassation complaint has been submitted.

(2) If a cassation complaint is submitted, the appellate court judgment shall come into effect concurrently with:

1) a decision of an assignments sitting of the Department of Administrative Cases of the Supreme Court if it has been refused to initiate cassation proceedings, cassation proceedings have been terminated or cassation complaints have been left without examination;

2) a judgment of the Department of Administrative Cases of the Supreme Court if the appellate court judgment has not been set aside.

(3) The provisions of Section 263 of this Law are applicable to appellate court judgments.

[*26 October 2006; 2 February 2017*]

Section 310. Correction of Clerical Errors and Mathematical Miscalculations in Appellate Court Judgments

(1) An appellate court may correct clerical errors or mathematical miscalculations in a judgment in accordance with the procedures laid down in Section 260 of this Law.

(2) [1 November 2012]

[*1 November 2012 / See Paragraph 13 of the Transitional Provisions*]

Section 311. Supplementary Judgment of an Appellate Court

An appellate court shall render a supplementary judgment in the cases and in accordance with the procedures laid down in Section 261 of this Law.

[*2 February 2017*]

Section 312. Explanation of the Judgment of an Appellate Court

(1) An appellate court may explain its judgment in accordance with the procedures laid down in Section 262 of this Law.

(2) [1 November 2012]

[*1 November 2012 / See Paragraph 13 of the Transitional Provisions*]

Section 313. Enforcement of a Judgment of an Appellate Court

(1) A judgment of an appellate court shall be enforced after it has come into effect, except for the cases where the court has determined that the judgment is to be enforced immediately.

(2) Upon request of a participant to administrative proceedings, an appellate court shall decide, in accordance with the procedures laid down in Sections 265 and 266 of this Law, on the enforcement of a judgment immediately, division of enforcement of a judgment into terms, or changing of the form of and procedures for the enforcement of a judgment.

(3) An ancillary complaint may be submitted regarding the court decision to divide enforcement of a judgment into terms, or to change the form of and procedures for its enforcement.

Section 314. Staying of Court Proceedings in an Administrative Case, Leaving Application Without Examination and Termination of Court Proceedings in an Administrative Case in an Appellate Court

Court proceedings shall be stayed, applications shall be left without examination, and court proceedings shall be terminated in accordance with the provisions of Chapters 28, 29, and 30 of this Law.

Division Five
Appeal of a Decision of a Court of First Instance and of Appellate Court

Chapter 35
Appeal of a Court Decision

Section 315. Right to Appeal a Decision

(1) A participant to the administrative proceedings may, in the cases specified in this Law, appeal a decision of a court of first instance or an appellate court separately from a court judgment by submitting an ancillary complaint.

(2) Objections regarding other decisions of a court of first instance or of an appellate court may be raised in a notice of appeal or cassation complaint.

(3) Court decisions taken within the framework of the execution of an administrative act or enforcement of a court ruling shall not be subject to appeal, except for the cases specified in the law.

[*1 November 2012; 2 February 2017*]

Section 316. Term for Submitting an Ancillary Complaint

(1) An ancillary complaint may be submitted within 14 days from the day when a court has taken a decision, except for the cases provided for in this Law. If the court has taken an abridged decision, the term for appeal shall be counted from the day of drawing up of a full decision. If the decision is contained in a judgment and a participant to the proceedings raises objections only to the decision (Section 292, Paragraph $1.^1$), the ancillary complaint shall be submitted within the term for appeal of the judgment.

(1^1) If participants to the proceedings have not been notified of the date when the decision was taken, the term for appeal of such decision shall be counted from the day of receipt thereof.

(2) An ancillary complaint submitted after the expiration of the abovementioned term shall not be accepted and

shall be returned to the submitter.

(3) If a court decision may be appealed from the day of receipt thereof, the decision shall be deemed notified (received) in accordance with Section 70 of this Law regarding notification of an administrative act.

[*26 October 2006; 18 December 2008; 1 November 2012; 2 February 2017*]

Section 317. Procedures for Submitting an Ancillary Complaint

(1) An ancillary complaint shall be submitted to the court that has taken the decision. The ancillary complaint shall be addressed to:

1) the Regional Administrative Court - regarding decisions of a court of first instance;

2) the Department of Administrative Cases of the Supreme Court:

a) regarding decisions of the appellate court;

b) regarding the decisions on refusal to accept an application on the basis of Section 191, Paragraph one, Clause 1 or 8 of this Law;

c) regarding the decisions to terminate court proceedings on the basis of Section 282, Clause 1 or 2 of this Law;

d) regarding several decisions taken within the scope of one ruling which have different appeal procedures.

(2) [1 November 2012]

(3) If an ancillary complaint is submitted directly to the court which is to examine it within the specific term, the term shall be considered to have been complied with.

(4) If the law lays down special appeal procedures for a court judgment which are different from the procedures laid down in this Law, the ancillary complaint regarding a procedural decision taken by a court shall be addressed to the court which would examine a complaint regarding a court judgment. If the judgment in the case is not subject to appeal, also the decisions taken by the court shall not be subject to appeal.

(5) [11 November 2021]

(6) The court which has taken the decision appealed shall decide on admissibility of an ancillary complaint, an action to be taken thereon, and renewal of the delayed procedural time limit.

[*15 January 2004; 18 December 2008; 1 November 2012; 2 February 2017; 11 November 2021*]

Section 318. Content of an Ancillary Complaint

(1) The following shall be indicated in an ancillary complaint:

1) the name of the court to which the complaint is addressed;

2) the given name, surname, and address of the place of residence of submitter of the complaint and of his or her authorised representative if an ancillary complaint is submitted by a representative, or another address where such person may be reached (for a legal person - name, registration number, and legal address). If the submitter of the complaint or his or her authorised representative agree to use the e-case portal for communication with the court, an indication regarding the e-case portal as the means of communication shall be included;

2^1) the telephone number or electronic mail address of the submitter of a complaint (his or her representative) if he or she agrees to use the relevant means of communication for communication with the court;

3) [2 February 2017];

4) the decision regarding which the complaint is submitted;

5) the extent to which the decision is appealed;

6) the nature of the error in decision;

7) the request of the submitter of the complaint;

8) a list of documents accompanying the complaint;

9) the place and time of the drawing up of the complaint.

(2) An ancillary complaint shall be signed by the submitter or his or her authorised representative.

(3) If the grounds included in the ancillary complaint are extensive, a court (judge) may request the submitter of the complaint to submit a summary thereof.

[*2 February 2017; 11 November 2021*]

Section 319. Transcripts of an Ancillary Complaint

[11 November 2021]

Section 320. Leaving an Ancillary Complaint not Proceeded With

(1) If an ancillary complaint does not conform to the requirements of Section 318, Paragraph one or two of this Law or the Official Language Law, if it is not accompanied by documents attesting to authorisation, or if a security deposit has not been paid for it, a judge shall take the decision to leave the ancillary complaint not proceeded with and determine a time period for the elimination of deficiencies.

(2) If the submitter eliminates the deficiencies within the specified time period, the ancillary complaint shall be considered submitted on the day when it was first submitted to the court. If the submitter does not eliminate the deficiencies within the specified time period, the ancillary complaint shall be considered not submitted and shall be returned to the submitter.

(3) The returning of the ancillary complaint to the submitter is not an obstacle to its repeated submission to the court in compliance with the provisions of this Law regarding submission of ancillary complaints.

(4) If the deficiencies indicated in Paragraph one of this Section have been detected in the court in which the ancillary complaint is to be examined, the decision to leave the ancillary complaint not proceeded with shall be taken by a judge of this court.

[*1 November 2012; 11 November 2021*]

Section 320.[1] Refusal to Examine an Ancillary Complaint

An appellate court or a panel of judges of the Supreme Court may take a unanimous decision on refusal to examine an ancillary complaint if it is manifestly unfounded or outright insulting and defiant.

[*11 November 2021*]

Section 321. Action of a Court Following Acceptance of an Ancillary Complaint

(1) Following the acceptance of an ancillary complaint, a judge shall forward the complaint and the documents appended thereto to the participants to administrative proceedings within three days.

(2) [1 November 2012]

(3) If a court (judge) regarding whose decision an ancillary complaint has been submitted recognises it as founded, it may set aside the appealed decision in full or in part and decide an issue on the merits. An ancillary complaint may be submitted regarding such decision.

(4) Following the acceptance of an ancillary complaint or expiry of the term for the submission of such complaint, if other ancillary complaints are also possible in the case, the case shall be sent, without delay, to the court in which the ancillary complaint is to be examined.

[*1 November 2012; 11 November 2021*]

Section 322. Procedures for Examining an Ancillary Complaint

(1) An ancillary complaint shall be examined in accordance with the procedures prescribed by this Law for the examination of cases in an appellate court.

(2) An ancillary complaint shall be examined in the written procedure.

[*26 October 2006*]

Section 323. Competence of the Regional Administrative Court and the Department of Administrative Cases of the Supreme Court

(1) In examining an ancillary complaint, the Regional Administrative Court and the Department of Administrative Cases of the Supreme Court have the following rights:

1) to uphold the decision and to reject the complaint;

2) to set aside the decision in full or in part and refer the issue for re-examination to the court that took the decision;

3) to set aside the decision in full or in part and, pursuant to its decision, decide the issue on the merits;

4) to change the decision.

(2) If there are no objective obstacles to the deciding of an issue on the merits, the Regional Administrative Court and the Department of Administrative Cases of the Supreme Court shall be obliged, pursuant to its decision, to decide the issue on the merits when examining an ancillary complaint.

[*15 January 2004; 26 October 2006; 2 February 2017*]

Section 324. Effect of a Decision Taken Regarding an Ancillary Complaint

(1) A decision taken with regard to an ancillary complaint shall come into effect from the moment it is taken.

(2) [1 November 2012]

(3) [1 November 2012]

(4) If an ancillary complaint is submitted regarding a decision of a higher instance court which has been taken regarding an ancillary complaint (Section 323) and is not subject to appeal in accordance with Paragraph one of this Section, or regarding a decision which is not subject to appeal in accordance with this Law, such ancillary complaint shall be deemed not submitted and shall be returned to the submitter.

[*15 January 2004; 26 October 2006; 18 December 2008; 1 November 2012*] *See Paragraphs 13 and 15 of Transitional Provisions*]

Division Six
Court Proceedings in a Cassation Court

Chapter 36
Submission of a Cassation Complaint

Section 325. Right to Submit a Cassation Complaint

A participant to the administrative proceedings may appeal a judgment and a supplementary judgment of an appellate court in accordance with the cassation procedures if the court has violated norms of substantive or procedural law or has exceeded the limits of its competence in examining a case, and this violation has resulted or may have resulted in erroneous trial of the case.

[*2 February 2017*]

Section 326. Violation of Norms of Substantive Law

It shall be considered that a norm of substantive law has been violated if a court:

1) has not applied such norm of substantive law which should have been applied;

2) has applied a norm of substantive law which should not have been applied;

3) has erred in its interpretation of a norm of substantive law.

Section 327. Violation of Norms of Procedural Law

(1) It shall be considered that a norm of procedural law has been violated if the court:

1) has not applied such norm of procedural law which should have been applied;

2) has applied a norm of procedural law which should not have been applied;

3) has erred in its interpretation of a norm of procedural law;

4) has examined a case in the written procedure, although it was required to examine a case in the oral procedure in accordance with Section 206, Paragraph two of this Law.

(2) Violation of norms of procedural law may be the basis for appeal of a judgment in accordance with the cassation procedures if such violation has resulted or may have resulted in erroneous trial of a case.

(3) The following shall be regarded as violation of a norm of procedural law which may have resulted in erroneous trial of a case:

1) a court has examined a case in an unlawful composition;

2) a court has examined a case by violating norms of procedural law which stipulate that participants to the administrative proceedings shall be notified of the time and place of a court hearing;

3) in the examination of the case, the norms of procedural law regarding the language of court proceedings have been violated;

4) the court judgment determines the rights and obligations of persons who have not been summoned to the case as participants to the administrative proceedings;

5) there is not a full court judgment in the case.

[*1 November 2012; 11 November 2021*]

Section 328. Content of a Cassation Complaint

(1) The following shall be indicated in a cassation complaint:

1) the name of the court to which the complaint is addressed;

2) the given name, surname, and address of the place of residence of submitter of the complaint and of his or her authorised representative if a cassation complaint is submitted by a representative, or another address where such person may be reached (for a legal person - name, registration number, and legal address). If the submitter of the complaint or his or her authorised representative agree to use the e-case portal for communication with the court, an indication regarding the e-case portal as the means of communication shall be included;

3) the telephone number or electronic mail address of the submitter of the complaint (his or her representative) if he or she agrees to use the relevant means of communication for communication with the court;

4) the judgment regarding which the complaint is submitted;

5) the extent to which the judgment is appealed;

6) what norm of substantive or procedural law the court has violated and how this violation manifests itself;

7) the grounds if the submitter of the complaint believes that the examination of a cassation complaint in accordance with the procedures of cassation proceedings is of significant importance to the establishment of case law;

8) the request made to the court;

9) the time and place of drawing up the complaint.

(1^1) If a judgment contains a decision regarding which an ancillary complaint may be submitted to a cassation court, objections to this decision shall be included in the cassation complaint, except for the case where the participant to the proceedings only appeals the decision contained in the judgment.

(2) A cassation complaint shall be signed by the submitter thereof or by his or her authorised representative. If a cassation complaint is submitted on behalf of the submitter by a representative, he or she shall append to the complaint an appropriate authorisation or another document which attests to the right of the representative to submit the complaint.

(3) [2 February 2017]

(4) If the justification included in the cassation complaint is extensive, a judge of the Department of Administrative Cases of the Supreme Court may request the submitter of the complaint to submit a summary thereof.

[*1 November 2012; 2 February 2017; 11 November 2021*]

Section 329. Term for Submitting a Cassation Complaint

(1) A cassation complaint may be submitted within one month from the day a judgment is drawn up.

(2) If the judgment has been drawn up after the specified term, the term for appeal thereof shall be counted from the day the judgment is drawn up.

(3) A complaint which has been submitted after expiry of this term shall not be accepted and shall be returned to

the submitter. An ancillary complaint may be submitted regarding a decision of a judge to refuse to accept a cassation complaint.

[*26 October 2006; 1 November 2012; 2 February 2017; 11 November 2021*]

Section 330. Appeal of a Decision of a Judge

[2 February 2017]

Section 331. Procedures for Submitting a Cassation Complaint

(1) A cassation complaint shall be submitted to the court which rendered the judgment.

(2) [11 November 2021]

(3) If a cassation complaint is submitted directly to the Department of Administrative Cases of the Supreme Court within the specific term, the term shall be considered to have been complied with.

(4) The court which has made the judgment shall decide on admissibility of a cassation complaint, an action to be taken thereon, and renewal of the delayed procedural time limit.

(5) [11 November 2021]

[*2 February 2017; 11 November 2021*]

Section 332. Transcripts of a Cassation Complaint

[11 November 2021]

Section 333. Leaving a Cassation Complaint not Proceeded With

(1) A judge shall take a decision to leave a cassation complaint not proceeded with by specifying a term for the elimination of deficiencies if:

1) the cassation complaint does not conform to Section 328, Paragraph one, Clauses 1, 2, 4, 5, and 8 or Paragraph two of this Law;

2) the cassation complaint does not conform to the requirements of the Official Language Law;

3) [11 November 2021];

4) a security deposit has not been paid for the cassation complaint.

(2) If the submitter of the cassation complaint eliminates the deficiencies within the specific term, the complaint shall be considered submitted on the day it was first submitted.

(3) If the submitter of the cassation complaint does not eliminate the deficiencies within the specific term, the complaint shall be deemed not submitted and shall be returned to the submitter. (4) An ancillary complaint may be submitted regarding the decision of a judge to consider a cassation complaint as not submitted.

(4) The returning of the cassation complaint to the submitter is not an obstacle to its repeated submission to the court in compliance with the provisions of this Law regarding submission of cassation complaints.

(5) [1 November 2012]

(6) If the deficiencies indicated in Paragraph one of this Section have been detected in the Department of Administrative Cases of the Supreme Court, the decision to leave the cassation complaint not proceeded with shall be taken by a judge of the Department of Administrative Cases of the Supreme Court.

[*1 November 2012; 2 February 2017; 11 November 2021*]

Section 334. Action after Acceptance of a Cassation Complaint

(1) The court shall send to a participant to administrative proceedings a cassation complaint and inform him or her of the right to, within one month from the day such complaint is sent, submit explanations in relation to the cassation complaint.

(2) Following the acceptance of a cassation complaint or expiry of the term for the submission of a cassation complaint, if other cassation complaints are also possible in the case, the case shall be sent, without delay, to the Department of Administrative Cases of the Supreme Court.

[*11 November 2021*]

Section 335. Joining in a Cassation Complaint

(1) Co-applicants and a third person, who participates in proceedings on the side of a participant to the administrative proceedings who has submitted a cassation complaint, may join in the submitted complaint.

(2) The Department of Administrative Cases of the Supreme Court shall be notified in writing of the joining in a cassation complaint within one month from the day when the cassation complaint is sent.

[*26 October 2006; 2 February 2017; 11 November 2021*]

Section 336. Withdrawal of a Cassation Complaint and Termination of Cassation Proceedings

(1) A submitter may withdraw a cassation complaint before the examination of a case on its merits has been completed.

(2) If a cassation complaint is withdrawn before an assignments sitting, a panel of judges shall refuse to initiate cassation proceedings. If a cassation complaint is withdrawn after an assignments sitting, cassation proceedings shall be terminated.

(3) If the Department of Administrative Cases of the Supreme Court establishes that cassation proceedings have been initiated regarding the judgment of a lower court which is not subject to appeal in accordance with the law, the cassation proceedings shall be terminated.

[*26 October 2006; 1 November 2012; 2 February 2017*]

Section 337. Submitting a Cross-complaint

(1) A participant to administrative proceedings may, within one month from the day when a cassation complaint is sent, submit his or her cross-complaint to the Department of Administrative Cases of the Supreme Court.

(2) In submitting a cross-complaint, the provisions of Sections 325, 326, 327, and 328 of this Law shall be conformed to.

(3) If a cassation complaint is withdrawn, the cross-complaint shall be examined independently.

(4) A cross-complaint submitted after expiry of the term specified in Paragraph one of this Section shall not be accepted and shall be returned to the submitter.

[*26 October 2006; 1 November 2012; 2 February 2017; 11 November 2021*]

Chapter 37
Examination of an Administrative Case in a Cassation Court

Section 338. Assignments Sitting

(1) A panel of judges composed of three judges shall decide on the initiation of cassation proceedings at an assignments sitting. The composition of the panel shall be determined according to a plan for the division of cases.

(2) If the panel of judges unanimously finds that the initiation of cassation proceedings is to be refused, it shall refuse to initiate cassation proceedings. A decision of an assignments sitting shall be taken with regard to the refusal to initiate cassation proceedings.

(3) If there is a difference of opinion between judges as to the initiation of cassation proceedings or all judges believe that a case is to be examined in accordance with the cassation procedures, the panel of judges shall initiate cassation proceedings by a decision.

(4) The panel of judges may refer a case for examination in accordance with the cassation procedures in a plenary session of the Department of Administrative Cases of the Supreme Court.

(5) The decision referred to in Paragraph two of this Section which has been taken on the basis of Section 338.[1], Paragraph one of this Section, and also the decision referred to in Paragraphs three and four of this Section may be drawn up in the form of a resolution.

(6) If cassation proceedings are initiated upon a request of a participant to the administrative proceedings, the enforcement of a judgment may be stayed by a decision of the assignments sitting.

(7) If the panel of judges establishes any of the cases referred to in Section 273 of this Law, it may stay the court proceedings.

(8) The panel of judges may also decide an issue regarding refusal to accept the submitted ancillary complaint and other procedural issues, and also take a decision to submit a question to the Court of Justice of the European Union for a preliminary ruling, or to submit an application to the Constitutional Court regarding compliance of legal provisions with the Constitution or a provision of international law (legislation).

(9) The panel of judges may take a decision to refer a case for rendering a supplementary judgment to the court the judgment of which has been appealed if the relevant court has not tried any of the claims. The examination of the case shall be continued in accordance with the cassation procedures after the relevant court has rendered the supplementary judgment in a case and a term specified in the law for the submission of a cassation complaint (for a participant to the proceedings who has already submitted the cassation complaint in the case - addition thereto) regarding a supplementary judgment has expired.

[*2 February 2017*]

Section 338.[1] Grounds for the Refusal to Initiate Cassation Proceedings

(1) A panel of judges shall refuse to initiate cassation proceedings if a cassation complaint does not conform to the requirements referred to in Sections 325, 326, 327, 328, and 329 of this Law or a cassation complaint has been submitted by a person who is not authorised to do it, or a cassation complaint has been submitted regarding a court judgment which is not subject to appeal in accordance with the law.

(2) The panel of judges may refuse to initiate cassation proceedings in the following cases:

1) case law of the Supreme Court has been established in the issues of application of legal provisions indicated in the cassation complaint, and the appealed judgment complies with it;

2) after evaluation of the arguments referred to in the cassation complaint no concerns on the lawfulness of the appealed judgment arise and the case to be examined is not relevant to the establishment of case law;

3) the cassation complaint is outright insulting and defiant.

[*26 October 2006; 18 December 2008; 1 November 2012; 2 February 2017; 11 November 2021*]

Section 339. Examination of a Case in a Cassation Court

(1) A case shall be examined in a cassation court in the written procedure. Composition of the court and a judge who acts as rapporteur shall be determined in accordance with a plan for the division of cases.

(2) A court shall inform participants to the proceedings of the time of the examination of a case. If it has been determined that a case is to be examined in the oral procedure, the participants to the proceedings shall be notified of the time and place of the examination of the case in accordance with the procedures laid down in Chapter 14 of this Law.

(3) A case shall be examined in a cassation court by three judges but in the cases specified in this Law - in a plenary session of the Department of Administrative Cases of the Supreme Court.

[*2 February 2017*]

Section 340. Beginning of a Court Hearing

(1) The chairperson of the court hearing shall open a court hearing and announce a case which is being examined.

(2) A recorder shall report to the court which persons summoned or summonsed to the case have appeared, whether the persons who have failed to appear have been notified of the court hearing, and what information has been received regarding the reasons for the absence thereof.

(3) The chairperson of the court hearing shall announce the composition of the court as well as name an interpreter if he or she is present at the court hearing.

(4) The grounds for removal and the procedures for examining removal shall be determined in Sections 117, 118, and 119 of this Law.

[*1 November 2012; 2 February 2017*]

Section 341. Explanation of Rights and Obligations to Participants to the Administrative Proceedings

In examining a case in the written procedure, a court shall inform participants to the proceedings in writing of the composition of the court and explain their right to submit removals as well as other procedural rights and obligations.

[*1 November 2012*]

Section 342. Consequences Resulting from the Failure of a Participant to the Administrative Proceedings to Appear at a Court Hearing

The failure to attend of a participant to administrative proceedings who has been duly notified of the time and place of a cassation court hearing is not an obstacle to the examination of the case.

Section 343. Deciding Requests of Participants to the Administrative Proceedings

A request of a participant to the administrative proceedings which is related to the examination of a case shall be decided after hearing opinions of other participants to the administrative proceedings.

[*18 December 2008*]

Section 344. Report on a Case

The examination of a case on the merits shall commence with a report on the case by a rapporteur.

[*2 February 2017*]

Section 345. Explanations of Participants to Administrative Proceedings

(1) After a report by a judge who acts as rapporteur, a court shall become acquainted with (in the written procedure) or hear (in the oral procedure) explanations of participants to the administrative proceedings. The court may determine in advance the amount of time to be allowed for explanations, however, the duration of the time given to the participants to the administrative proceedings shall be equal.

(2) A participant to the administrative proceedings who has submitted a cassation complaint shall be the first to speak in a court hearing. If the judgment has been appealed by both the applicant and the defendant, the applicant shall be the first to speak.

(3) Judges may ask questions to participants to the administrative proceedings.

(4) Each participant to the administrative proceedings has the right to one reply in a court hearing.

[*1 November 2012; 2 February 2017*]

Section 346. Rendering a Judgment

(1) After completion of the examination of a case, a court shall determine the time when a judgment will be drawn up and pronounced in the e-case portal. The court judgment shall be drawn up within a month. If, during the drawing up of the judgment, the court detects that the drawing up of the judgment will require a longer time period, it shall determine another date of pronouncement of the judgment within the closest two months.

(2) If a court does not reach a unanimous opinion, or all judges believe that a case should be examined in a plenary session of the Department of Administrative Cases of the Supreme Court, the court shall take a decision to refer the case for examination in a plenary session of the Department of Administrative Cases of the Supreme Court.

(3) In drawing up a judgment, a plenary session shall adopt all rulings by a majority of the votes cast. All judges shall sign the judgment.

(4) A judge, who has had a different opinion on the interpretation or application of a legal provision in examining a case in a plenary session of the Department of Administrative Cases of the Supreme Court, may, within 15 days after drawing up of the full text of the judgment, express his or her dissenting opinion in writing which is to be appended to the case. Provisions of this Paragraph shall also be applicable to the cases where an ancillary complaint is examined in the plenary session.

[*26 October 2006; 18 December 2008; 1 November 2012; 2 February 2017; 11 November 2021*]

Section 346.[1] Staying of Court Proceedings, Leaving an Application or a Cassation Complaint without Examination, Termination of Court Proceedings

(1) A cassation court shall stay court proceedings, leave an application without examination, and terminate court proceedings by applying the legal provisions of Chapters 28, 29, and 30 of this Law respectively.

(2) If provisions referred to in Section 328, Paragraph two or Section 329 of this Law have not been complied with in initiating cassation proceedings, a cassation court may leave a cassation complaint without examination.

[*26 October 2006*]

Chapter 38

Section 347. Limits Regarding Examination of a Case

(1) In examining a case in accordance with the cassation procedures, a court shall examine the lawfulness of the existing judgment in the appealed part thereof in relation to a participant to the administrative proceedings who has appealed the judgment or has joined in a cassation complaint, and also the arguments which are referred to in the cassation complaint.

(2) If the court establishes that such violations of the norms of law exist which have led to erroneous examination of the entire case, it may set aside the judgment in full, even though only a part of it has been appealed.

Section 348. Judgment of a Cassation Court

(1) A court, following its examination of the case, may render one of the following judgments:

1) to uphold the judgment and to reject the complaint;

2) to set aside the judgment in full or in part and refer the case for it to be re-examined in an appellate court or a court of first instance;

3) to set aside the judgment in full or in part and to terminate court proceedings or leave the application without examination if the appellate court has not complied with the provisions of Section 278 or 282 of this Law.

(2) A cassation court shall render a supplementary judgment in accordance with the procedures laid down in Section 261 of this Law if:

1) a judgment has not been rendered with regard to a judgment of a lower court in the appealed part;

2) it has not been determined to repay a security deposit or repay or reimburse the State fee.

(3) If a decision contained in a judgment of a lower court has been appealed together with the judgment and an ancillary complaint may be submitted to a cassation court regarding it, the judgment shall also include a decision taken regarding the ancillary complaint.

[*2 February 2017*]

Section 349. Content of a Judgment of a Cassation Court

(1) A cassation court judgment shall consist of an introductory part, a descriptive part, a reasoned part, and an operative part.

(2) The following shall be indicated in the introductory part:

1) the name and composition of the court;

2) the time when the judgment is rendered;

3) the participants to the administrative proceedings and the subject-matter of the application;

4) the participant to the administrative proceedings who has submitted the cassation complaint (cassation cross-complaint) or has joined in it;

5) the type of procedure in which the case has been examined.

(3) The following shall be indicated in the descriptive part:

1) a brief description of the circumstances of the case;

2) the substance of the appellate court judgment;

3) the reasons for the cassation complaint;

4) the reasons for the cross-complaint or the substance of the explanations;

5) [1 November 2012].

(4) The following shall be indicated in the reasoned part:

1) when rejecting a cassation complaint - arguments due to which the complaint has been rejected;

2) when satisfying a cassation complaint - arguments regarding violations of legal provisions committed by a court,

erroneous application of legal provisions or exceeding of the limits of competence of the court.

If during examination of a case the court finds that the justification included in the judgment of the lower instance court is correct and completely sufficient, it may indicate in the reasoned part of the judgment that it agrees with the reasoning of the judgment of the lower instance court. In this case a more detailed statement of arguments shall not be required.

(5) The operative part shall indicate a ruling in accordance with the relevant clause of Section 348 of this Law.

(6) If a court finds that the justification included in the appealed judgment is correct, it may indicate in the reasoned part of the judgment that it recognises the relevant justification as correct. In such case the arguments laid down in Paragraph four, Clause 1 of this Section need not be indicated in the reasoned part of the judgment.

(7) If a court finds that the appealed judgment does not conform to the case law of the Supreme Court in other similar cases and it has not been indicated by arguments in the appealed judgment why such deviation from the case law has occurred, the court may render a judgment by indicating in the reasoned part thereof the case law which has not been complied with or the non-compliance with which has not been justified. In such case the descriptive part need not be included in the judgment and the arguments laid down in Paragraph four, Clause 2 of this Section need not be indicated in the reasoned part of the judgment.

[*26 October 2006; 1 November 2012; 2 February 2017*]

Section 350. Mandatory Nature of Interpretation of Legal Provisions

(1) The interpretation (construing) of the legal provisions stated in a judgment of a cassation court shall be mandatory for the court which re-examines the such case.

(2) In its judgment a cassation court shall not determine what judgment shall be rendered when the case is re-examined.

Section 351. Effect of a Judgment of a Cassation Court

A judgment of a cassation court shall not be subject to appeal and shall come into effect on the day it is pronounced.

[*26 October 2006; 18 December 2008*]

Section 352. Correction of Clerical Errors and Mathematical Miscalculations

(1) A cassation court may, upon its own initiative or request of a participant to the administrative proceedings, correct clerical errors or mathematical miscalculation in a ruling. An issue regarding the correction of errors and miscalculations shall be decided in the written procedure by notifying participants to the administrative proceedings of this in advance and specifying a term for the submission of objections. A decision to correct errors and miscalculations shall be immediately sent to the participants to the administrative proceedings.

(2) Clerical errors and mathematical miscalculations in a judgment shall be corrected by a court decision.

[*18 December 2008; 2 February 2017*]

Division Seven
Re-examination of a Case After a Judgment or Decision Comes into Effect

Chapter 39
Re-examination of a Case Due to Newly Discovered Circumstances

Section 353. Newly Discovered Circumstances

The following shall be considered newly discovered circumstances:

1) essential circumstances of a case which existed at the time of the examination of the case but were not known to the court;

2) knowingly false testimonies of witnesses, a knowingly false expert opinion, a knowingly false interpretation, false written or physical evidence has been established by a judgment in a criminal case that has come into effect due to which an unlawful or an unfounded judgment was rendered;

3) actions have been established by a judgment in a criminal case that has come into effect due to which an unlawful judgement or decision has been rendered;

4) setting aside of a court judgment or a decision of an institution which has constituted grounds for the court in this administrative case to render the relevant judgment or take the relevant decision;

5) the recognition of a legal provision applied to the trying of a case as non-compliant with a legal provision of higher legal force;

6) a ruling of the European Court of Human Rights or another international or supranational court in this case according to which the administrative proceedings should be re-initiated. In such case the court, in taking a decision in the resumed case, shall rely on the facts determined in the ruling of the European Court of Human Rights or another international or supranational court and the legal assessment thereof.

Section 354. Submission of an Application

(1) A re-examination of the case due to newly discovered circumstances shall be initiated upon application of a participant to the case. The application shall be examined by the same court by a judgment or decision of which examination of the case on the merits has been completed.

(2) The application may be submitted within three months from the day when the circumstances forming the basis for re-examination of the case have been established.

(3) The application may not be submitted if more than three years have passed since the judgment or the decision came into effect. This condition shall not apply to the cases where the newly discovered circumstances are a ruling of the European Court of Human Rights or of another international or supranational court (Section 353, Clause 6).

[*15 January 2004; 26 October 2006; 2 February 2017*]

Section 355. Calculation of the Term for Submission of an Application

The term for submission of an application shall be calculated as follows:

1) due to the circumstances referred to in Section 353, Clause 1 of this Law - from the day such circumstances were established;

2) in the cases specified in Section 353, Clauses 2 and 3 of this Law - from the day the judgment in the criminal case has come into effect;

3) in the case specified in Section 353, Clause 4 of this Law - from the day of the coming into effect of the court ruling setting aside the judgment in an administrative case, civil case, or criminal case, or from the day of setting aside of the decision of an institution which were the basis for the judgment or decision that are being requested to be set aside due to newly discovered circumstances;

4) in the case specified in Section 353, Clause 5 of this Law - from the day of coming into effect of a judgment of the Constitutional Court in relation to which the legal provision applied becomes invalid as non-compliant with a legal provision of higher legal force;

5) in the case specified in Section 353, Clause 6 of this Law - from the day of coming into effect of a ruling of the European Court of Human Rights or another international or supranational court according to which the administrative proceedings should be re-initiated.

[*26 October 2006*]

Section 356. Examination of an Application

(1) It shall be refused to accept an application for examination if procedural obstacles to the admissibility of the application are established. Examination of an application may be refused if it is outright insulting and defiant. An ancillary complaint may be submitted regarding such decision of a judge of a court of first instance or an appellate court.

(2) A court shall examine an application due to newly discovered circumstances in the written procedure.

(3) If a court establishes procedural obstacles to the admissibility of an application during the course of examination of the application, it shall terminate court proceedings. An ancillary complaint may be submitted regarding such decision of a court of first instance or an appellate court.

(4) If a security deposit has not been paid for an application as well as if a request is not reasoned, not signed or accompanied by documents attesting to authorisation or it does not conform to the requirements of the Official Language Law, a court (judge) shall leave the request not proceeded with in accordance with the procedures laid down for the leaving of an application not proceeded with (Section 192).

[*2 February 2017; 11 November 2021*]

Section 357. Court Decision

(1) After it has examined the application, a court shall verify whether the circumstances indicated by the applicant should be found to be newly discovered circumstances in accordance with Section 353 of this Law.

(2) If a court establishes newly discovered circumstances, it shall set aside the appealed ruling in full or in part and refer the case for re-examination to the same court or a lower court.

(3) If a court finds that the circumstances indicated in the application are not considered newly discovered, it shall reject the application. (4) An ancillary complaint may be submitted regarding a decision of a court of first instance or of an appellate court by which an application for the re-examination of a case due to newly discovered circumstances has been rejected.

[*26 October 2006; 2 February 2017*]

Part D
Execution of an Administrative Act and Enforcement of a Court Ruling

Division Eight
Execution of an Administrative Act

Chapter 40
General Provisions of Execution

[*15 January 2004*]

Section 358. Procedures for Executing an Administrative Act

(1) The addressee of an administrative act shall execute the administrative act voluntarily.

(2) Compulsory execution of an administrative act which has not been executed voluntarily shall be performed in accordance with the procedures laid down in this Law if other procedures are not prescribed by the law on the basis of which the administrative act has been issued.

(3) If an administrative act which is unfavourable to the addressee must be executed by the institution itself, it shall be executed after the term for the contesting (appeal) of such administrative act has expired and it has not been contested (appealed) or a court judgment has come into effect according to which the application of the addressee has been rejected. This provision shall not be applied in the cases where the law allows for the administrative act to be executed immediately.

(4) Concurrently with notification of the administrative act to the addressee, the institution may take the measures prescribed by law to secure the execution of the administrative act.

(5) If an institution fails to properly execute an administrative act favourable to an addressee or a third person, the relevant person may submit a complaint regarding this fact to a higher institution, if any, and then to a court. A court shall examine such complaint in the written procedure. In examining such complaint, the court may decide to impose an obligation on the institution to execute the administrative act within a specific term.

(6) If an addressee fails to execute an administrative act voluntarily, a third person as well as a person who has not been summoned to administrative proceedings as a third person but whose rights and legal interests are affected by the administrative act may have recourse to an enforcement authority and request it to ensure compulsory execution of the administrative act. If the enforcement authority fails to perform activities necessary for the ensuring of compulsory execution, a complaint may be submitted regarding this fact to a higher institution, if any, and then to a court. A court shall examine such complaint in the written procedure. In examining such complaint, the court may decide to impose an obligation on the enforcement authority to perform the necessary activities in order to ensure execution of the administrative act within a specific term.

[*1 November 2012*]

Section 359. Enforcement Authority

(1) Compulsory execution of an administrative act shall be performed by an enforcement authority:

1) the institution which has issued the administrative act;

2) another authority;

3) a bailiff;

4) the police.

(2) The enforcement authority that has jurisdiction shall be determined pursuant to laws and regulations.

(3) If, in accordance with the law, a bailiff has jurisdiction over the execution of an administrative act, the provisions of the Civil Procedure Law are applicable to the execution.

(4) If the enforcement authority that has jurisdiction has not been determined, it shall be the institution that has issued the administrative act.

(5) If the compulsory execution is directed against a body governed by public law, the enforcement authority shall be a higher institution in respect of such body governed by public law. If a body governed by public law does not have a higher institution, the enforcement authority shall be the institution which has issued the administrative act.

[*15 January 2004; 1 November 2012*]

Section 360. Preconditions for Compulsory Execution

(1) An administrative act shall be executed on a compulsory basis if the following aggregate of the circumstances exist:

1) the administrative act has come into effect (Section 70);

2) the administrative act may no longer be contested (Section 76) or operation of the administrative act has not been suspended or has been renewed (Sections 80, 185);

3) the administrative act has not been executed voluntarily until the commencement of compulsory execution;

4) a person has been warned of compulsory execution.

(2) An administrative act may already be executed on a compulsory basis from the time it comes into effect, without waiting until it becomes incontestable and has not been executed voluntarily until the commencement of compulsory execution if:

1) the execution from the moment it comes into effect is provided for by another law;

2) the institution specifically determines in the administrative act that it is to be executed already from the moment it comes into effect by justifying such urgency with the fact that any delay directly poses a threat to the national security, public order, environment, or life, health or property of a person;

3) the administrative act is issued in accordance with the provisions of Section 69, Paragraph one of this Law.

(3) Administrative acts of the police, border guard, fire department, and other officials authorised by law which are issued in order to immediately prevent a direct threat to the national security, public order, environment, or life, health or property of a person shall be executed on a compulsory basis already from the time they come into effect.

(4) [2 February 2017]

[*18 December 2008; 1 November 2012; 2 February 2017*]

Section 360.[1] Limitation Period of the Execution of an Administrative Act

(1) An administrative act may not be transferred for execution if more than five years have passed from expiry of the term for its voluntary execution, except for the cases specified in Paragraph two of this Section. A limitation period shall not include the time when an addressee of the administrative act does not have a declared place of residence or his or her place of residence is registered outside Latvia; however, in such case the administrative act may not be transferred for execution if more than six years have passed from expiry of the term for its voluntary execution.

(2) The limitation period of an administrative act which imposes an obligation on an addressee to pay a specific monetary amount shall expire:

1) within the time period specified by law if compulsory execution is performed by an institution which has issued the administrative act;

2) in accordance with the Civil Procedure Law if an enforcement order imposing an obligation on an addressee to pay a specific monetary amount is assigned to a sworn bailiff for compulsory execution within one year from expiry of the term for voluntary execution of the administrative act or from the moment when execution of the administrative act in accordance with the law on the basis of which the administrative act has been issued falls within jurisdiction of a

bailiff.

[*2 February 2017; 11 November 2021*]

Section 361. Warning about Compulsory Execution

(1) The addressee of an administrative act shall first be warned about compulsory execution. A warning about compulsory execution of an administrative act which has been issued in writing shall be issued in writing.

(2) The provisions laid down in Section 70 of this Law regarding the coming into effect of an administrative act shall apply to the warning.

(3) The following shall be included in a written warning:

1) an indication as to which administrative act it applies;

2) an invitation to an addressee to execute the administrative act voluntarily;

3) an indication of compulsory execution of the administrative act if it is not executed voluntarily;

4) an indication of the time of commencement of compulsory execution;

5) the enforcement authority;

6) an indication of the compulsory execution measures to be applied;

7) an indication that the compulsory execution will be performed at the expense of the addressee;

8) the place and date of the issue of the warning, and a signature of an official, unless the warning is a component of the administrative act.

(4) Compulsory execution shall be performed in compliance with the conditions of the warning. If an institution wishes to change conditions of compulsory execution or applicable compulsory execution measures, it shall issue a new warning.

(5) If an administrative act is issued or may have been issued, in accordance with Section 69 of this Law, orally or otherwise, a warning may also be issued orally or otherwise. It shall not be required to include therein all the components specified in Paragraph three of this Section, however, the warning must be such that the addressee could understand that it is a warning about compulsory execution of the administrative act.

(6) The warning shall not be necessary in the cases referred to in Section 360, Paragraph three of this Law, and also if a pecuniary penalty is re-imposed on an addressee for an administrative act not executed.

[*2 February 2017*]

Section 362. Restrictions for Setting the Term for Compulsory Execution

(1) Compulsory execution shall be set to commence:

1) not earlier than on the day when an administrative act may no longer be contested (Section 76), except for the case where operation of the administrative act has not been suspended or has been renewed (Sections 80, 185);

2) so that the commencement of compulsory execution does not commence during the time when the term for contestation and appeal of a compulsory execution activity has not yet expired.

(2) If a warning may be expressed orally or in some other way, or a warning is not required but has nonetheless been expressed, the term for compulsory execution shall be set depending on the specific circumstances. In such case, compulsory execution may be commenced immediately after the warning.

[*18 December 2008; 2 February 2017*]

Section 363. Procedures for Contesting and Appealing Compulsory Execution

(1) A private person against whom compulsory execution is directed may submit a complaint if actions of an enforcement authority that are directed towards compulsory execution of an administrative act do not comply with the provisions of execution of administrative acts and enforcement of court rulings provided for in laws.

(2) A complaint may be submitted within seven days from the day when a private person has become aware of the action intended or performed by an enforcement authority. The complaint shall be submitted to a higher institution but if there is no higher institution or it is the Cabinet - to a court. The decision of a higher institution may be appealed to a court within seven days. The court shall examine a complaint in the written procedure.

(3) A higher institution or a court which has accepted a complaint may give an order to an enforcement authority to suspend or revoke the relevant action until a decision is taken.

[*2 February 2017*]

Section 364. Costs of Compulsory Execution of an Administrative Act

(1) Costs of compulsory execution of an administrative act shall be imposed on the addressee.

(2) A calculation of the costs of compulsory execution of an administrative act of an institution may be appealed in accordance with the procedures laid down in Section 363, Paragraph two of this Law.

(3) If an addressee fails to cover the costs of compulsory execution voluntarily, an institution (enforcement authority) shall issue an enforcement order for the execution of the calculation.

[*18 December 2008*]

Section 365. Procedures for Compulsory Execution

The Cabinet may issue regulations in which the procedures for the compulsory execution of administrative acts are regulated.

[*15 January 2004*]

Chapter 41
Compulsory Execution of an Administrative Act Directed at a Monetary Payment

Section 366. Preconditions for the Compulsory execution of an Administrative Act Directed at a Monetary Payment

(1) An administrative act imposing an obligation on the addressee to pay a specific monetary amount shall be executed on the basis of an enforcement order, applying the provisions of the Civil Procedure Law regarding recovery of monetary amounts.

(2) An administrative act imposing an obligation on the addressee to pay a specific monetary amount shall be executed on a compulsory basis if it is issued in writing in compliance with the provisions of Section 67 of this Law and if a written warning has been given to the addressee in accordance with Sections 361 and 362 of this Law. The exceptions laid down in Section 360, Paragraph two, Clauses 2 and 3 and Paragraph three, and Section 361, Paragraphs five and six of this Law shall not be applicable.

[*26 October 2006; 2 February 2017*]

Section 367. Enforcement Order

(1) An enforcement order shall be issued by an enforcement authority. If the enforcement authority is a bailiff, the enforcement order shall be issued by the institution which has issued the administrative act. The enforcement order shall have the effect of an enforcement document.

(2) The following shall be included in the enforcement order:

1) the name of the institution which has issued the enforcement order;

2) the given name, surname, personal identity number, and place of residence of the addressee (for a legal person - the name, registration number, and legal address);

3) an indication as to which administrative act is to be executed;

4) the amount to be recovered, the term for voluntary payment thereof, and any other conditions of execution related thereto;

5) an indication of the giving of a warning;

6) the date when the administrative act to be executed came into effect;

7) the date when the warning came into effect;

8) the date when the administrative act may no longer be contested or when operation thereof has been renewed, or an indication of a legal provision according to which the execution of the administrative act is permissible before it may no longer be contested;

9) an indication that the administrative act has not been executed voluntarily;

10) the place and date of issue of the enforcement order and the signature of the official.

(3) Upon request of an addressee or an institution, an enforcement authority may, by its decision, explain the enforcement order without changing its content.

[*18 December 2008; 2 February 2017*]

Section 367.[1] Compulsory Execution of an Administrative Act Favourable to an Addressee and Directed at a Monetary Payment

(1) If an institution delays execution of an administrative act favourable to an addressee and directed at a monetary payment, then, in calculating the amount to be disbursed, default interest shall be added (unless the law prescribes otherwise, the lawful interest shall be determined in accordance with Section 1765 of the Civil Law).

(2) If an institution fails to execute an administrative act favourable to an addressee and directed at a monetary payment, a complaint may be submitted regarding this fact to a higher institution and then to a court. The court shall examine such complaint in the written procedure. In deciding the complaint, the court shall concurrently decide on recovery of the interest referred to in Paragraph one of this Section regarding the delay on the part of the institution.

[*1 November 2012*]

Chapter 42
Compulsory Execution of an Administrative Act Directed at Specific Actions or Prohibition of Actions

Section 368. Measures for the Compulsory Execution of an Administrative Act Directed at Specific Actions or Prohibition of Actions

(1) An administrative act imposing an obligation on the addressee to perform a specific action (including - to issue something specific) or prohibiting the performing of a specific action shall be executed on a compulsory basis by means of substitute execution, pecuniary penalty or direct force.

(2) Basing itself upon external legal acts and having regard to considerations of usefulness (Section 66), an enforcement authority shall select compulsory execution measures and change these until the goal is attained.

Section 369. Substitute Execution Directed at an Addressee

(1) If an administrative act imposes an obligation on the addressee to perform a specific action which may practically and legally also be performed by an enforcement authority, another body governed by public law, or private person, such administrative act may be performed by means of a substitute execution. In such case, the enforcement authority shall perform such action itself or also assign its performance to another body governed by public law or private person.

(2) Costs of substitute execution shall be imposed on the addressee. If the addressee executes an activity imposed by an administrative act prior to completion of the substitute execution, the costs of the commenced substitute execution shall be imposed on the addressee.

(3) In selecting the manner of substitute execution and specific form thereof, an institution shall base itself upon external legal acts and, having regard to considerations of usefulness (Section 66), shall select the manner which is the most efficient and at the same time will least infringe the interests of the addressee, and the specific form thereof as will incur the lowest costs.

[*15 January 2004; 2 February 2017*]

Section 370. Pecuniary Penalty Imposed on an Addressee

(1) If an administrative act imposes an obligation on the addressee to perform a specific action or refrain from a specific action and he or she fails to fulfil this obligation, a pecuniary penalty may be imposed on the addressee.

(2) A pecuniary penalty may be imposed repeatedly until the addressee performs or ceases the relevant action. A repeated pecuniary penalty may be imposed not earlier than seven days after the previous occasion if within these seven days the addressee still has not performed or ceased the relevant action.

(3) The minimum pecuniary penalty for a natural person shall be EUR 50, but for a legal person - EUR 100, the maximum pecuniary penalty for a natural person shall be EUR 5000, but for a legal person - EUR 10 000. In

determining the amount of the pecuniary penalty, an enforcement authority shall respect the principle of proportionality (Section 13) as well as the financial situation of the addressee.

(4) A pecuniary penalty shall be imposed by an enforcement order of an enforcement authority. The following shall be included in the enforcement order:

1) the name of the enforcement authority which has issued the enforcement order regarding the pecuniary penalty;

2) an indication as to which administrative act is to be executed;

3) an indication of the giving of a warning;

4) the date when the administrative act to be executed came into effect;

5) the date when the warning came into effect;

6) the date when the administrative act may no longer be contested or when operation thereof has been renewed, or an indication of a legal provision according to which the execution of the administrative act is permissible before it may no longer be contested;

7) an indication that to date the administrative act has not been executed voluntarily;

8) the amount of the pecuniary penalty;

9) an indication as to where the pecuniary penalty is to be paid in;

10) the place and date of issue of the enforcement order for the pecuniary penalty and the signature of the official.

(5) The provisions specified in Section 70 of this Law regarding the coming into effect of an administrative act shall apply to enforcement order for the pecuniary penalty.

(6) A complaint about an enforcement order for the pecuniary penalty may be submitted in accordance with the procedures laid down in Section 363 of this Law in order to request to reduce the amount of the pecuniary penalty or if the administrative act has already been executed voluntarily. If a higher institution or a court finds that the amount of the pecuniary penalty is not proportionate, it shall determine the amount of the pecuniary penalty.

(7) An enforcement order for the pecuniary penalty shall be executed on a compulsory basis in conformity with the same provisions as are applicable to compulsory execution of an administrative act directed at a monetary payment (Sections 366 and 367).

[*26 October 2006; 18 December 2008; 1 November 2012; 19 September 2013; 2 February 2017; 11 November 2021*]

Section 371. Preconditions for the Application of Direct Force

(1) If an administrative act imposes an obligation on the addressee to perform a specific action or refrain from a specific action, and he or she does not fulfil such obligation, it may be performed by applying direct force.

(2) Direct force may be applied by an enforcement authority itself or it may assign the performing of it to the police. In cases provided for by laws and regulations, an enforcement authority may also assign the application of direct force to another authority. In such case, the police or the relevant authority shall, within the limits of their competence, act as an ancillary enforcement authority subjecting itself to the order of the enforcement authority.

Section 372. Forms of the Application of Direct Force

(1) The application of direct force includes:

1) the application of physical force;

2) the use of special devices (handcuffs, police dogs, etc.);

3) the use of weapons (in particular, firearms).

(2) An enforcement authority may apply physical force within the limits set by the relevant legal act.

(3) An enforcement authority and an ancillary enforcement authority may use special devices only if such rights have been granted to it by another legal act and only within the limits set by the relevant legal act.

(4) An enforcement authority and an ancillary enforcement authority may use weapons only if such rights have been granted to them by another law and only within the limits set by the relevant law.

Section 373. Considerations of Usefulness Regarding the Application of Direct Force

(1) In selecting the general form of direct force and the specific form thereof, an institution shall base itself on the relevant considerations of usefulness (Section 66) and select the most efficient manner and the specific form thereof which poses the least potential threat to the interests of other private persons and the public and at the same time least infringes upon the interests of a private person against whom the direct force is applied, in particular, least endangers his or her life, health, and property.

(2) Potential losses which may be caused to a private person against whom direct force is applied and also to another private person may not be manifestly disproportionate to the benefit of the public obtained from the compulsory execution of the administrative act.

(3) Application of direct force that poses a direct threat to the life of the private person against whom compulsory execution is directed shall only be allowed for the purpose of saving the life of another person.

[*15 January 2004; 18 December 2008*]

Section 374. Right to Compensation in Relation to Compulsory Execution

If, as a result of compulsory execution of an administrative act, a private person other than the one against whom the compulsory execution is directed suffers, such private person has the right to compensation in accordance with the provisions of Chapter 8 of this Law, irrespective of the fact whether the compulsory execution was lawful or unlawful.

[*15 January 2004*]

Division Nine
Enforcement of a Court Ruling

Chapter 43
General Provisions for the Enforcement of a Court Ruling

Section 375. Obligation of an Institution to Enforce a Court Ruling

(1) It is the obligation of an institution to properly and in good time enforce a judgment or another decision (ruling) directed against it, rendered or taken by a court in an administrative case.

(2) The institution shall notify the applicant of the enforcement of the court judgment.

[*2 February 2017*]

Section 376. Action of a Court in Relation to the Enforcement of a Court Ruling

(1) A court shall, upon request of a participant to the proceedings, issue to him or her a derivative of a judgment with an endorsement of its entry into effect or a derivative of a ruling stipulating that it is to be enforced immediately.

(2) A participant to the administrative proceedings may submit a complaint regarding improper or non-conforming enforcement of a court ruling, and it shall be examined in the written procedure by a court which has rendered the ruling.

(3) In deciding a complaint, a court may impose a pecuniary penalty on the responsible official. The minimum pecuniary penalty shall be EUR 50 but the maximum pecuniary penalty shall be EUR 5000. A court decision on the imposition of the pecuniary penalty shall be taken in accordance with the procedures laid down in Section 143 of this Law.

(4) A person may ask a court to re-impose the pecuniary penalty until the head of an institution or another official enforces or terminates the activity specified in a court ruling. A repeated pecuniary penalty may be imposed not earlier than after seven days.

[*2 February 2017; 11 November 2021*]

Section 377. Institution which Enforces Court Rulings

[2 February 2017]

Section 377.[1] Writ of Execution

(1) [2 February 2017]

(2) If a court ruling provides for the recovery of monetary amounts into the State budget, a court shall draw up a

writ of execution and send it to a bailiff after expiry of the term for voluntary enforcement of the court ruling.

(3) The following shall be indicated in a writ of execution:

1) the name of the court which has issued the writ of execution;

2) the case in which the writ of execution has been issued;

3) the time when the ruling was rendered;

4) the operative part of the ruling;

5) the time when the ruling comes into lawful effect, or an indication that the ruling shall be enforced immediately;

6) [11 November 2021];

7) the information on a body governed by public law and a private person (for a natural person - the given name, surname, personal identity number, and place of residence, but for a legal person - the name, registration number, and legal address).

(4) A writ of execution shall be signed by a judge.

[*1 November 2012; 2 February 2017; 11 November 2021*]

Section 378. Preconditions for the Compulsory Enforcement of a Court Ruling

[2 February 2017]

Section 379. Warning of Compulsory Enforcement of a Court Ruling

[2 February 2017]

Section 380. Measures for Compulsory Enforcement of a Court Ruling

[2 February 2017]

Section 381. Substitute Execution Directed against an Institution

[2 February 2017]

Section 382. Pecuniary Penalty Imposed on an Official

[2 February 2017]

Section 383. Costs of Compulsory Enforcement of a Court Ruling

[2 February 2017]

Chapter 44
Ensuring Compulsory Enforcement of Separate Court Rulings

Section 384. Consequences of Separate Court Judgments

[2 February 2017]

Section 385. Compulsory Enforcement of a Court Ruling that is Directed at Monetary Payment in Respect of an Institution

[2 February 2017]

Section 386. Enforcement of a Court Ruling in Cases where Defendant is a Private Person

A court ruling in cases regarding validity or execution of a contract governed by public law, if the defendant is a private person, shall be enforced in accordance with the procedures laid down in this Law for the enforcement of an administrative act.

[*26 October 2006*]

Transitional Provisions

1. The procedures for the coming into force of this Law shall be determined by a special law.

2. Section 108, Paragraph seven of this Law shall come into force on 1 January 2007.

[*26 October 2006*]

3. In cases where the relevant court has specified the day of a court hearing for pronouncement of a judgment and has not pronounced the judgment by 1 December 2006, the judgment shall be pronounced in accordance with the provisions of the Administrative Procedure Law which were in force on the day when the relevant court specified the day of the court hearing for the pronouncement of the judgment.

[*26 October 2006*]

4. Operation of an administrative act or actual action which, in accordance with the wording of Section 185 of this Law which was in force before 1 December 2006, was suspended by the submission of an application to a court but, in accordance with the wording of Section 185 of this Law which is in force from 1 December 2006, is not suspended by the submission of an application to a court shall be renewed from 1 January 2007. It may be asked to suspend this administrative act or actual action in accordance with the procedures laid down in the Law.

[*26 October 2006*]

4.[1] If operation of the administrative acts referred to in Section 185, Paragraph four, Clause 9, 10 or 11 of this Law is suspended before 1 January 2009 in accordance with Section 185, Paragraph one of this Law, the operation of the relevant administrative acts shall be renewed from 1 February 2009. It may be asked to suspend the operation of such administrative acts in accordance with the procedures laid down in the Law.

[*18 December 2008*]

5. The Cabinet shall, by 1 November 2007, draw up and submit to the *Saeima* an opinion (evaluation) as to which laws should preserve or include an indication that contestation or appeal of an administrative act does not suspend the operation or execution of the administrative act.

[*26 October 2006*]

6. For the purpose of easing the burden on courthouses and ensuring efficient examination of cases, the president of a District Administrative Court shall divide the cases which are determined to be examined in the written procedure as well as the cases the examination of which on the merits has not been commenced by referring the cases to a courthouse in the territory of operation of which the address of the applicant is located. In performing this division, the president of the District Administrative Court may, upon request of the applicant, refer a case to another courthouse for examination if this courthouse may ensure more efficient examination of the case and examination of the relevant case on the merits has not been commenced.

[*18 December 2008*]

7. As to the cases which have been initiated regarding the action of an institution which has manifested itself in the failure to issue a certificate or the refusal to issue a certificate as well as in the failure to issue a statement or the refusal to issue a statement, the Regional Administrative Court and the Senate of the Supreme Court shall complete examination of the initiated case. A ruling of the Regional Administrative Court shall not be subject to appeal in such cases.

[*18 December 2008*]

8. The obligation to repay the State fee included in Section 126, Paragraph three of this Law shall not be applicable to the applicants who have been released from the State fee by a court decision before 1 January 2009.

[*18 December 2008*]

9. The procedures laid down in Section 48, Paragraph three of this Law by which a complaint of a person regarding the refusal of an institution to renew the delayed procedural time limit is examined, and also the procedures laid down in Section 79, Paragraph three of this Law by which a complaint regarding the decision of an institution to refuse to examine a submission on the contestation due to the delayed procedural time limit is examined shall not be applicable to the complaints received by a court before 1 January 2009.

[*18 December 2008*]

10. The Cabinet shall, by 1 March 2013, issue the regulations provided for in Section 129.[3] of this Law regarding the procedures for paying, repaying, and reimbursing the State fee as well as for paying and repaying a security deposit.

[*1 November 2012*]

11. Section 112.[1] of this Law shall not be applicable to the cases in which an application is submitted to a court before 1 January 2013.

[*1 November 2012*]

12. Amendments to Chapter 13 of this Law which provide for a change in the amount of the State fee for a notice of appeal, a notice of cross-appeal, a request for temporary protection, and an application for the re-examination of the case due to newly discovered circumstances shall not be applicable to the applications, complaints, and requests submitted before 1 January 2013.

[*1 November 2012*]

13. Amendments to Section 119, Paragraph two, Section 123, Paragraph three, Section 129, Section 146, Paragraph two, Section 185.[1], Paragraph three, Section 192, Paragraph two, Section 197, Paragraph two, Section 253, Paragraph seven, Section 260, Section 262, Paragraph four, Section 270, Paragraph four, Section 276, Paragraph three, Section 296, Paragraph two, Section 310, Paragraph two, Section 312, Paragraph two, Section 315, Paragraph one, Section 320, Paragraph one, Section 324, Paragraph one, Section 333, Paragraph one, and Section 383 which stipulate that the decisions of a court (judge) referred to in these provisions are not subject to appeal shall not be applicable to the decisions of a court (judge) which have been taken on the basis of the relevant legal provisions before 1 January 2013.

[*1 November 2012*]

14. Amendments to Section 72 of this Law which stipulate that the refusal of an institution to correct errors referred to in Section 72, Paragraph one of this Law may not be contested and is not subject to appeal shall not be applicable to the decisions taken before 1 January 2013.

[*1 November 2012*]

15. Amendments to Section 191, Paragraph three, Section 283, Paragraph two, and also Section 324 which stipulate that an ancillary complaint may be submitted to the Senate of the Supreme Court regarding a decision by which court proceedings have been terminated in a case on the basis of Section 282, Clauses 1 and 2 of this Law, or by which it is refused to accept an application on the basis of Section 191, Paragraph one, Clauses 1 and 8 of this Law, shall not be applicable to the decisions taken on the basis of the relevant legal provisions before 1 January 2013.

[*1 November 2012*]

16. Amendments to Sections 290, 317, and 331 of this Law that refer to a court which decides on the admissibility of a complaint, an action to be taken thereon, and renewal of the delayed procedural time limit shall not be applicable to the complaints submitted before 1 January 2013.

[*1 November 2012*]

17. Amendments to Chapter 13 of this Law which provide for the payment of a security deposit for an ancillary complaint and a cassation complaint, exclusion of Section 127, and supplementation of the Law with Sections 129.[1], 129.[2], and 129.[3], and also amendments to Sections 320 and 333 of this Law which provide for leaving of an ancillary complaint and a cassation complaint not proceeded with if a security deposit has not been paid shall come into force on 1 March 2013.

[*1 November 2012*]

18. Amendments to Chapter 13 of this Law which provide for the payment of a security deposit for an ancillary complaint and a cassation complaint shall not be applicable to the complaints submitted before 1 March 2013.

[*1 November 2012*]

19. Until 1 March 2013, the State fee shall be repaid from the State budget funds on the basis of a decision of a court (judge) if an application for the repayment thereof has been submitted to a court within a year from the day when the relevant amount has been paid into the State budget.

[*1 November 2012*]

20. The Cabinet shall, by 1 September 2017, issue the regulations referred to in Section 18, Paragraph four of this Law. Until the day of coming into force of these regulations but not later than until 1 September 2017, Cabinet Regulation No. 735 of 24 August 2004, Regulations Regarding the Procedures for Paying Remuneration and the Amount Thereof for a Representative of a Natural Person in an Administrative Case which is Complicated for an Addressee, shall be applicable to the procedures for paying remuneration and amount thereof for a representative of a natural person in an administrative case in an institution, insofar as it is not in conflict with this Law.

[*2 February 2017*]

21. Amendments to Section 124 of this Law regarding the new wording of the Section, and to Section 128, Paragraph one regarding the new wording of Paragraph one shall not be applicable to the applications and complaints submitted before 1 March 2017.

[*2 February 2017*]

22. A court which has commenced examination of an application for the re-examination of a case due to newly discovered circumstances before 1 March 2017, shall complete the examination thereof.

[*2 February 2017*]

23. When ensuring a possibility for a person who is in a prison to become acquainted with the materials of an administrative case, a court or a judge shall take into account the technical provision of the prison.

[*11 November 2021*]

24. The Cabinet shall, by 1 October 2022, prepare and submit draft laws to the *Saeima* which provide for:

1) deletion of Section 108.^{2} of this Law;

2) amendments to the law On Judicial Power, determining the procedures for and extent of publishing the court rulings made in administrative proceedings in a court, including a case examined in a closed court hearing.

[*11 November 2021*]

25. Amendments to the second sentence of Section 21, Paragraph two of this Law regarding the rights of a court to appoint a special guardian and Section 21, Paragraphs 2.^{1} and 2.^{2} of this Law shall come into force on 1 January 2023. The Cabinet shall, by 31 December 2022, issue the regulations referred to in Section 21, Paragraph 2.^{2} of this Law.

[*11 November 2021*]

26. A court shall not apply Section 112.^{2} of this Law until 31 May 2026, except when the conducting of proceedings in the form of an e-case is possible and useful.

[*11 November 2021; 5 October 2023*]

The Law shall come into force on 1 February 2004.

[*12 June 2003*]

The Law has been adopted by the *Saeima* on 25 October 2001.

President V. Vīķe-Freiberga

Rīga, 14 November 2001

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[1] The Parliament of the Republic of Latvia