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Case Summary posted by the Task Force on Access to Justice

Latvia; SKA-325/2010

<i>1. Key issue</i>	Access to justice for political parties in environmental matters; access to justice in environmental matters granted to everyone, including on the basis of <i>actio popularis</i>
<i>2. Country/Region</i>	Latvia
<i>3. Court/body</i>	The Supreme Court of the Republic of Latvia
<i>4. Date of judgment /decision</i>	2010-03-31
<i>5. Internal reference</i>	SKA-325/2010
<i>6. Articles of the Aarhus Convention</i>	Article 9
<i>7. Key words</i>	The public; Principle of non-discrimination; Access to justice; Political parties

8. Case summary

The case originated in a joint application of political party "Jaunais Laiks" and Association of Protection of the City of Jurmala at the Administrative Court asking to declare a building permit for block of flats issued by Supervisory Authority of building construction of the city of Jurmala to be void. The applicants' claims were dismissed partially on grounds that according to national legislation, namely, Art. 31 of Administrative Procedure Law, applications in administrative disputes could be submitted by individuals whose rights and legitimate interests have been violated or could be violated. As regards political parties their overall objective is to participate in political arena, to present themselves in elections and to participate in creation of institutional framework of the state. Moreover, statute of the political party "Jaunais Laiks" provided that the main objective were to guarantee welfare of the society in Latvia based on democratic, fair and competent state administration. As Administrative Court of Appeal left the first instance's decision unchanged the applicants brought a claim before the Supreme Court of Latvia claiming that even political parties enter into the scope of application of Article 91 of the Constitution prohibiting ungrounded unequal treatment of persons which are in the same factual state. Principle of non-discrimination should be applied with regard to political party as it is a legal entity formed of individuals pursuing a common goal. According to the provisions of Environmental Protection Law, rights to bring action before the court concerning environmental matters have been guaranteed to the public as a whole. Therefore individuals and legal entities e.g. political parties have substantial and procedural rights in environmental matters. In this case political party Jaunais Laiks were guaranteed rights to bring action before the court according to provisions of Aarhus Convention and Law on Environmental Protection.

The Supreme Court in its judgment concluded that, firstly, according to Article 9 of the Environmental Protection Law the public is entitled to contest and appeal the administrative act or actual action of the public authority or local government if it does not comply with the requirements of the regulatory enactments regarding the environment, creates threats of damage or environmental damage. The term "public" according to Article 6 of the abovementioned law includes individuals, associations, organizations and groups of interest. In this regard every person irrespective of its legal status should be

guaranteed rights to bring a claim before the court concerning issues of protection of the environment. Secondly, the Supreme Court concluded that a political party itself is one form of association of individuals therefore it should be granted rights to submit application in the court with regard to disputes of protection of the environment.

9. *Link to judgement/ decision*

http://www.tiesas.lv/files/AL/2010/03_2010/31_03_2010/AL_3103_AT_SKA_0325-2010.pdf