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<i>Case Summary posted by the Task Force on Access to Justice</i>	
<i>Latvia; SKA-424/2012</i>	
<i>1. Key issue</i>	Self-Government access to justice in environmental matters
<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>	2012-04-28
<i>5. Internal reference</i>	SKA-424/2012
<i>6. Articles of the Aarhus Convention</i>	Article 6 and Article 9
<i>7. Key words</i>	Access to justice; Public interest
<p><i>8. Case summary</i></p> <p>The case originated in an application for judicial review of decision of Environmental State Bureau concerning granted permit for the category B polluting industrial activities. State Environmental Service's Regional Environmental Board of the city of Ventspils granted business entity a permit for the category B polluting industrial activities in the terminal of coal of the city of Ventspils. Council of the city of Ventspils challenged the permit in administrative review procedure before Environment State Bureau arguing that State Environmental Service's Regional Environmental Board of the city of Ventspils has ignored its initiative for public participation in permit procedure, has violated provisions on Law on Pollution such as prohibition of polluting activities in cases of non-compliance with normative standards. Environment State Bureau rejected the claim on ground of inadmissibility for self-government to challenge the permit. Council of the city of Ventspils brought a claim before Administrative Court seeking for annulment of the permit and annulment of decision of Environment State Bureau. The claim submitted in Administrative Court was rejected. Although the claimant lodged application before Administrative Court of Appeal it assessed and terminated the judicial proceedings. Council of the city of Ventspils submitted a claim before the Supreme Court arguing that local self-government has rights to submit application for judicial review with respect to permit granting procedure for third parties. Local self-government represents the interests of the public located in one specific territorial area conversely to those which tend to be protected by the public in general.</p> <p>The Supreme Court in its decision upheld legal reasoning of Administrative Court of Appeal concerning Council of the city of Ventspils rights to bring a claim before the administrative court and concluded that, firstly, according to the provisions of national legislation on granting permits for polluting activities local-government do not have rights to submit the claim for judicial review as such and, secondly, the principle of public-participation in decision-making does not apply to local governments. The Supreme Court has also noted that exception from the abovementioned conclusions should be made on case- by-case basis assessing if local-government could be regarded as the member of the public. The conclusions of the Supreme Court derived from the interpretation of provisions of Article 6 and Article 9 of Aarhus Convention with regard to what extent and in which cases local-government could be regarded as "the public" possessing rights to participate in decision-making and having access to justice in environmental matters.</p>	

*9. Link to judgement/
decision*

<http://at.gov.lv/files/uploads/files/archive/department3/2012/424-ska-2012.doc>