



Strasbourg, 21 September 2009

Opinion No. 537 / 2009

CDL(2009)144
Engl. only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

**DRAFT AMENDMENTS
TO THE
CONSTITUTIONAL COURT LAW
OF LATVIA
AND
EXPLANATORY MEMORANDUM**

Information (extracts) from the Annotation:

The Constitutional Court is an institution, which serves as a barrier in ensuring protection of the principle of constitutionality and the supreme command of the rule of law in all branches of power. The right of the Constitutional Court to control constitutionality of normative acts is the supreme instrument of the entire legal and political system (*J.Pleps, E.Pastars, I.Pakalne Konstitucionālās tiesības - Latvijas Vēstnesis, 2004. pp. 584*). Therefore it is just to provide for additional requirements for the candidates to the position of a justice of the Constitutional Court regarding their education, working experience and reputation. On the other hand, a full "basket" of social guarantees for a justice secures independence of the justices. Under the Second Paragraph of Article 4 of the Constitutional Court Law, a person with higher legal education and at least ten years working experience in a legal profession or scientific and pedagogical work in law in a scientific institution or a higher education institution can be confirmed a justice of the Constitutional Court. At present, in higher education institutions it is possible to acquire academic education, bachelor, master and doctor's degree, as well as professional qualification of the fourth and the fifth levels and that of bachelor and master degree. A college is an educational establishment that works according to the first level higher vocational education programme (college education) and provides for the possibility to acquire the fourth level of professional qualification. In each of these programmes, this is the term of acquisition of the education programme that differs. Taking into consideration the jurisdiction of the Constitutional Court, it is necessary to increase requirements regarding education acquired, which would comply more with the real situation of nowadays. It is also necessary to establish the date which would serve as the starting point of working experience of a person that is necessary for holding a position of a justice of the Constitutional Court. It should not be allowed that work that requires no education as a prerequisite to work independently (the work during the course of studies) is included into the length of service (working experience) required.

The requirements set for candidates for the position of a justice of the Constitutional Court set forth in the Constitutional Court Law do not provide for any age restriction. After having examined the practice abroad, it can be concluded that one of the criteria for candidates of a judge of a constitutional court is reaching of a certain age - 40 - 45 years (Hungary, Slovenia).

Since the position of a justice of the Constitutional Court is regarded as the highest peak of carrier in institutions of judicial power, this requires not only knowledge and professional experience but also life experience and personal maturity; like the Satversme (Constitution) provides for the minimum age for the State President, the requirement of the age of 40 years is also planned to apply to a justice of the Constitutional Court.

The Third Paragraph of Article 7 the Constitutional Court provides that one and the same person may not be a justice of the Constitutional Court for more than ten years running, however it does not provide for the number of offices of a justice of the Constitutional Court per one person. Latvia has one of the longest terms of office of a justice of a constitutional court in Europe. In order to ensure and to reinforce the independence and impartiality of a justice the term of office can not be renewed [like Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms provides for single term of nine years, as desired notably by the Parliamentary Assembly in its Recommendation 1649 (2004)]. Moreover, contrary to a court of general jurisdiction, no confirmation of justices for life is allowed in a constitutional a court in order to prevent turning of a parliamentary and democratic state into a power of constitutional judges (*J.Pleps, E.Pastars, I.Pakalne Konstitucionālās tiesības - Latvijas Vēstnesis, 2004. pp. 599*).

Article 11 of the Constitutional Court Law provides for the procedure of confirming a new justice of the Constitutional Court if the term of office of the previous justice has expired and provides for a term, within which the Constitutional Court must inform the institution,

which would recommend a new candidate for a position of a justice for confirmation. The norms, however, does not provide for the term, within which the institution submits the proposition regarding confirmation of a new justice of the Constitutional Court to the Saeima, which thus creates a situation when the Constitutional Court would not work in a full body. It is also important that timely nomination of candidates would allow the society to express their opinions regarding the candidate. The regulatory framework effective at present does not allow sometimes, even due to certain substantial reasons, to recognize a candidate as non-compliant with the position.

The First Paragraph of Article 33 of the Constitutional Court Law provides that a judgment of the Constitutional Court shall be published in the newspaper "Latvijas Vēstnesis" (Official Gazette) and in the gazette "Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs" not later than within five days of being reached. At present dissenting opinions of justices of the Constitutional Court are not published in the Official Gazette. With a view to favour scientific discussions and contribute into development of legal doctrine, dissenting opinions till now are published only in the compilation of judgment of the Constitutional Court once per year. It cannot be regarded as efficient way of distributing the dissenting opinions.

The mechanism for determining a monthly salary of a justice of the Constitutional Court is very complex and unclear. The effective regulation regarding social guarantees of justices of the Constitutional Court, like the duration of vacation, bonus awarding system, allowances and health insurance, that is already established in other normative acts can be regarded as inefficient.

When assessing the "basket" of social guarantees for judges and higher officials of the State, as well as the social guarantees of justices of other constitutional courts, it can be concluded that it is necessary to improve the social guarantees system of justices of the Constitutional Court by ensuring social guarantees for those officials who "impersonate the judicial system and constitutional values of the respective State", including the time after the end of the term of office.

The fact that the Latvian labour market is comparatively small, whereas normative acts provide for a range of restrictions for State officials (Constitutional Court justices included) after the end of the term of office, whilst a justice of the Constitutional Court is not provided with compensation after leaving the position, is also of great importance. Under such circumstances, at the final stage of the term of office, a state official starts looking for another employment, which, in turn, can cause the risk of adopting not objective decisions and can affect independence of the justice.

The Draft Amendment provides for the same social guaranties (Article 39²) as members of the Parliament have been enjoying.

The Constitutional Court Law does not provide that administrative work of the Constitutional Court shall be organized and ensured by a structural unit formed for this particular purpose. Hence, in addition to the existent duties as a justice and a chairperson, the job responsibilities of the President of the Constitutional Court include a range of additional responsibilities, which requires time that should be devoted to his or her direct duties of the position.

Labour relations of other officials and employees of the Constitutional Court including advisors and assistants to the justices (legal clerks) are regulated by the Latvian Labour Code. The specific cases defined in the Labour Law when it is permitted to conclude a short-time contract do not include a contract of the advisors or assistants to higher officials (justices included). Taking into consideration the specific character of the work, it is clear that

it is impossible to guarantee the position of an advisor or assistant to the justices of the Constitutional Court for an unlimited term.

The draft amendments provides for solving the following problems:

1) it provides for additional requirements for a candidate for the office of a justice of the Constitutional Court, namely, impeccable reputation, master's degree in law, as well as it provides for the date, which would serve as the starting point of working experience required, and age restrictions;

2) it specifies the non-renewable term of office of a justice of the Constitutional Court providing that one and the same person can hold the position of a justice of the Constitutional Court only once;

3) it provides for the term, within which to submit a proposition regarding confirmation of a new justice of the Constitutional Court;

4) it provides that the institution that issued the disputable act, is requested to submit a written reply not exceeding the term of two months. At the same time, the period of preparation of a case is prolonged up to five months;

5) it provides that interpretation of a certain legal provision provided in a judgment of the Constitutional Court shall be binding on all State and municipal institutions (courts included) and officials, as well as natural person and legal entities;

6) it provides for the term, within which the dissenting opinions to the judgment of the Constitutional Court shall be published in the newspaper "Latvijas Vēstnesis" (Official Gazette);

7) it establishes a clear methodology of calculating the amount of monthly salary for justices of the Constitutional Court, the Vice-President and the President of the Constitutional Court by providing a coefficient that shall be applied to the annual average gross salary of employees of the State for the previous year as provided in the official statistical report of the Central Statistical Bureau. The coefficient has been established taking into consideration the present monthly salaries of justices of the Constitutional Court, which requires no additional funding from the State budget;

8) it provides for the duration of the annual vacation and additional vacation of a justice of the Constitutional Court (before it was provided in the Law "On Judicial Power");

9) it provides for the procedure for awarding bonuses and premiums for fulfilling additional duties, for justices of the Constitutional Court, as well as enumerates the cases when allowances shall be case and provides for mandatory health insurance and lists expenses to be reimbursed, i.e., expenses for accommodation expenses, transportation expenses and an allowance after the expiry of the term of office;

10) it provides for forming a new structural unit of the Constitutional Court, namely, Administration of the Court which would organize and ensure administrative functioning of the Court;

11) it establishes that advisors and assistants to justices of the Constitutional Court shall be employed for a term that is equal to the term of office of the justice; it specifies normative acts that shall be applied to officials and employees of the Constitutional Court in the field of social guarantees.

Wording of the Law in Effect	The draft of the Amendments
<p>Article 4. Confirmation of a justice of the Constitutional Court</p> <p>(1) Justices of the Constitutional Court shall be confirmed by the Saeima¹. Three justices of the Constitutional Court shall be confirmed upon the recommendation of not less than ten members of the Saeima, two – upon the recommendation of the Cabinet of Ministers, but two justices of the Constitutional Court – upon the recommendation of the Plenum of the Supreme Court. The Plenum of the Supreme Court may select candidates for the office of a justice of the Constitutional Court only from among Republic of Latvia judges.</p> <p>(2) Any citizen of Latvia who has a university level legal education and at least ten years' working experience in a legal profession or in a scientific or educational field in a judicial specialty in a research or higher educational establishment, may be confirmed a justice of the Constitutional Court. A person who may not be nominated for the office of a justice under Article 55 of the Law "On Judicial Power", must not be appointed as a justice of the Constitutional Court.</p> <p>(3) The application for the office of a justice of the Constitutional Court shall be accompanied by the following documents signed by the nominee:</p> <ol style="list-style-type: none"> 1) the consent to be nominated for the office of a justice of the Constitutional Court; 2) the statement that the restrictions under Article 55 of the Law "On Judicial Power" do not apply to the nominee. <p>(4) Lists of nominees for the office of</p>	<p>To introduce the following amendments to the Constitutional Court Law:</p> <p>1. Article 4: to provide for the following wording of the Second Paragraph:</p> <p>"(2) The following persons may be confirmed a justice of the Constitutional Court:</p> <ol style="list-style-type: none"> 1) a person who is a citizen of the Republic of Latvia; 2) a person with an impeccable reputation; 3) a person who has reached the age of 40 at the date when a proposition of confirmation of a Constitutional Court justice is submitted to the Saeima Presidium; 4) a person who has the second level higher vocational education (or bachelor degree in law) and a master's degree in law; 5) a person who has at least ten years working experience in a legal profession or scientific and pedagogical work in law in a scientific institution or a higher education establishment. Only the working period after acquisition of the second level higher vocational education or a bachelor degree in law shall be added to the working experience."; <p>to supplement Paragraph 2.¹ thereof with the following wording:</p> <p>"(2¹) A person who may not be nominated for the office of a justice under Section 55 of the Law "On Judicial Power"² must not</p>

¹ Parliament of the Republic of Latvia

² Section 55 of the Law "On Judicial Power"

Section 55. Persons who May Not become Candidates for a Judge

A candidate for a judge may not be a person:

- 1) who has been previously convicted of committing a crime (irrespective of whether the conviction has been extinguished or set aside);
- 2) who has previously committed a crime, but has been released from serving the sentence in connection with the expiration of a limitation period, amnesty, or clemency;

<p>justices of the Constitutional Court shall be published in the newspaper "Latvijas Vēstnesis" not later than five days after their submission to the Saeima Presidium, indicating:</p> <ol style="list-style-type: none"> 1) the submitter of the nominees; 2) the following information concerning each nominee for the office of a justice of the Constitutional Court; <ol style="list-style-type: none"> a) full name; b) year and place of birth; c) place of residence (district or city); d) higher educational establishments (year of graduation, specialty); e) former places of employment and positions. 	<p>be nominated for the office of a justice of the Constitutional Court.</p>
<p>Article 7. Term of office of a justice of the Constitutional Court</p> <ol style="list-style-type: none"> (1) The term of office of a justice of the Constitutional Court shall be ten years as of the day when he/she took up his/her duties of office pursuant to Article 5 of this Law. (2) A justice of the Constitutional Court may not be removed from office during his/her term except in cases provided for in Article 10 of this Law. (3) One and the same person may not be a justice of the Constitutional Court for more than 10 years concurrently with an exception of cases provided for in the Third and Fourth Paragraphs of Article 11 of this Law. (4) If a person, who pursuant to the Law "On Judicial Power" has been approved to the office of a judge for an unlimited term, is confirmed a justice of the Constitutional Court, he/she, after the expiry of the term of office of a justice of the Constitutional Court, shall have the right to return to his/her previous position, unless he/she has reached the age-limit allowed for a judge to hold office. 	<p>2. Article 7: to supplement the words "duties of office" of the First Paragraph with the words "except for the cases provided for in the Third and the Fourth Paragraph of Article 11 of this Law";</p> <p>to provide for the following wording of the Third Paragraph:</p> <p>"(3) One and the same person may be a justice of the Constitutional Court only once."</p>
<p>Article 11. Procedure for confirming a new</p>	<p>3. To supplement the Second¹ Paragraph</p>

3) who has been subjected to criminal liability, but the criminal matter against whom has been terminated on the basis of non-rehabilitativeness;

4) against whom a criminal matter has been initiated and against whom an investigation is being conducted;

5) who are or have been employed in staff positions or as supernumeraries of the State Security Committee of the USSR or the Latvian S.S.R., the Ministry of Defence of the USSR, or the state security service, army intelligence service or counter-intelligence service of Russia or another state, or as an agent, resident or safehouse keeper of the aforementioned institutions; or

6) who are or have been participants (members) of organisations, which are prohibited by the laws of the Republic of Latvia, decisions of the Supreme Council, or adjudications of a court, after the prohibition of such organisations.

<p style="text-align: center;">justice of the Constitutional Court if the authority of office of a previous justice has terminated</p> <p>(1) Upon termination of authority of office of a justice of the Constitutional Court, the Saeima shall confirm another justice upon recommendation of the institution, which recommended the confirmation of the justice whose authority of office, has terminated.</p> <p>(2) The Constitutional Court in writing informs the institution, which recommended the confirmation of the justice, whose authority of office has terminated, about termination of authority of office. In case when the justice has been confirmed on the recommendation of not less than ten Saeima members, the Saeima is informed about the fact. The Constitutional Court announces about the termination of authority of office of a justice or his/her reaching the age established in the First Paragraph of Article 8 at least three months earlier.</p> <p>(3) If upon termination of authority of office of a Constitutional Court justice – or upon his/her reaching the age established in the First Paragraph of Article 8 of this Law – the Saeima has not confirmed another justice, the authority of the Constitutional Court justice shall be regarded as prolonged to the moment of confirmation by the Saeima of a new justice and he/she has sworn the oath.</p> <p>(4) The Constitutional Court justice, whose authority has terminated or who has reached the age established in the First Paragraph of Article 8, continues carrying out the duties of the Constitutional Court justice in reviewing the cases, proceedings of which have been commenced in his presence.</p>	<p>of Article 11 with the following wording:</p> <p>"(2¹) The institution mentioned in the First Paragraph of Article 4 of this Law shall submit a proposition, not later than within one month before the expiry of the term of office of a justice of the Constitutional Court, to the Saeima Presidium regarding confirmation of a new justice of the Constitutional Court."</p>
<p>Article 20. Initiating a case or refusal to initiate a case</p> <p>(1) The Panel, consisting of three justices, examines the application and takes the decision to initiate a case or refuse to initiate it.</p> <p>(2) The Panel is elected for a year by an absolute majority vote of the entire total of the justices. The Panel with the President or the</p>	<p>4. To substitute the words "one month" of Item 3 of the Ninth Paragraph of Article 20 with the words "two months"</p>

<p>Vice-President of the Constitutional Court in its body is presided by the President or the Vice-President. If there are neither the President nor the Vice-President of the Constitutional Court in the body of the Panel, it is presided by a Chairperson of the Panel, elected from among its members.</p> <p>(3) Rules of Procedure of the Constitutional Court determine the procedure of appointing the Panels to review a case, of recording the session, the procedure of substituting a judge who is unable to attend the session of the Panel because of health or other justified reasons as well as other issues, connected with organisational activities of the Panel;</p> <p>(4) The Panel reviews cases in closed sessions, with only the members of the Panel taking part. If it is necessary the members of the Panel may invite the applicant, the employees of the Constitutional Court or other persons to attend the session.</p> <p>(5) When reviewing the applications the Panel experiences the right of refusing to initiate a case, if:</p> <ol style="list-style-type: none">1) the case is not within the jurisdiction of the Constitutional Court;2) the applicant is not entitled to submit the application;3) the application does not comply with the requirements of Articles 18 or 19–19.2 of this Law;4) an application on an already reviewed claim has been submitted. <p>(6) When reviewing the constitutional claim, the Panel may refuse to initiate a case if the legal justification of the claim is evidently insufficient to satisfy the appeal;</p> <p>(7) The Panel adopts the decision to initiate the case or to refuse initiating it within a month of receiving the submitted</p>	
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

<p>application. In complicated cases the Constitutional Court may adopt the decision to extend this term to two months.</p> <p>(8) The decision of the Panel on initiating a case or refusing to initiate a case is allowing of no appeal.</p> <p>(9) If a decision to initiate a case has been adopted, then within three days of adopting the decision:</p> <ol style="list-style-type: none">1) a copy of the decision shall be forwarded to the participants in the case;2) a copy of the application shall be forwarded to the institution or official, who issued the disputable act;3) the institution or official, who issued the disputable act, is requested to submit a written reply, describing the true circumstances and legal justification of the case in the term set by the judge of the Constitutional Court, but not less than one month;4) information on initiating the case, naming the Panel, which has initiated the case, the applicant and the subject of the case is forwarded for publication in the newspaper "Latvijas Vēstnesis". <p>(10) If a decision to refuse to initiate a case is adopted, the copy of the decision shall be forwarded to the applicant within three days of its adoption, but in cases when the application has been submitted by not less than twenty Saeima deputies – to their authorised representative.</p>	
<p>Article 22. Preparing a case for review</p> <p>(1) After the case is initiated, the President of the Constitutional Court shall ask one of the justices to prepare it for review.</p> <p>(2) In preparing the case, if necessary, the justice shall:</p> <ol style="list-style-type: none">1) take a decision to extend the term of the submission of the written reply, request additional explanations and documents from the applicant, the institution or official, who issued the disputable act, or any state or municipal institution, office or official;2) take a decision on persons to be invited and request them to express their viewpoint ;	<p>5. To substitute the word "three" of the first sentence of the Seventh Paragraph of Article 22 with the words "five".</p>

<p>3) take a decision on the necessity of investigation by experts.</p> <p>(3) If the judge has taken a decision on it, any person, hearing whose viewpoint can advance objective and versatile review of the case, may be regarded as an invited person.</p> <p>(4) The viewpoint of the invited person, conclusion of the expert, requested explanations and other documents shall be submitted on the date determined by the justice.</p> <p>(5) The justice takes a decision on requests, expressed by the participants in the case. If the justice partially or completely rejects the request, he/she takes a decision on it. The copy of the decision is forwarded to the participant who has expressed the request. The decision on partial or complete rejection of the request is final and may not be appealed.</p> <p>(6) To encourage objective, versatile and quick process of review, two or more cases may be combined into one case, as well as one case may be divided into two or more cases.</p> <p>(7) The case shall be prepared within not more than three months. In especially complicated cases the Constitutional Court in the body of three justices at the organisational session may adopt a decision to extend this term but not more than by two months.</p> <p>(8) The justice completes the preparation of the case by a decision. If he/she holds that the case may be reviewed in a written process, he/she includes the viewpoint in the decision.</p> <p>(9) The preparation of the case shall be completed by a decision of the President of the Constitutional Court to forward the case for review, appointing the body of the Court session and setting the time and place for the organisational session.</p> <p>(10) At the organisational session the justices reach a decision on:</p> <ol style="list-style-type: none">1) establishing the Court proceedings in writing, if the justice, who has prepared the case for review, expresses a motion on it;2) the time and place of the Court session;3) other issues connected with the review of the case at the Court session. <p>(11) The Court session shall be set down not earlier than 15 days and not later than three months after the adoption of the decision on the time and place of the Court session.</p>	
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

<p>(12) If the case is reviewed at the Court session with the participants in the case taking part, then not later than 15 days before the session:</p> <p>1) participants in the case shall be notified of the time and place of the session;</p> <p>2) notice of the time and place of the session shall be forwarded for publication in the newspaper "Latvijas Vēstnesis".</p> <p>(13) If the decision on the Court proceedings in writing has been adopted, the participants in the case shall be notified about it.</p>	
<p>Article 32. Force of a judgment of the Constitutional Court</p> <p>(1) The judgment of the Constitutional Court is final. It shall come into legal effect at the time of announcement.</p> <p>(2) A judgment of the Constitutional Court shall be binding on all State and municipal institutions (courts included) and officials, and also on natural persons and legal entities.</p> <p>(3) Any legal provision or act which the Constitutional Court has found incompatible with the legal provision having superior legal force shall be considered invalid from the date of publication of the Constitutional Court's judgment, unless the Constitutional Court rules otherwise.</p> <p>(4) If the Constitutional Court has recognized any international agreement signed or entered into by Latvia as incompatible with the Constitution, the Cabinet of Ministers is immediately obliged to see that the agreement is amended, denounced, suspended or the accession to that agreement is recalled.</p>	<p>6. To provide for the following wording of the Second Paragraph of Article 32:</p> <p>"(2) A judgment of the Constitutional Court and interpretation of respective legal provision provided therein shall be binding on all State and municipal institutions (courts included) and officials, and also on natural persons and legal entities."</p>
<p>Article 33. Publication of the judgment of the Constitutional Court</p> <p>(1) The judgment of the Constitutional Court shall be published in the newspaper "Latvijas Vēstnesis" and in the gazette "Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs", as well as forwarded to the participants of the case, in compliance with the Rules of Procedure of the Constitutional Court, not later than within five days of being reached.</p> <p>(2) Once a year the Constitutional Court shall publish a collection of judgments of the Constitutional Court, including all judgments in full and dissenting opinions of justices attached to cases.</p>	<p>7. To provide for the following wording of the First Paragraph of Article 33:</p> <p>"(1) The judgment of the Constitutional Court shall be published in the newspaper "Latvijas Vēstnesis" not later than within five days of being reached, as well as forwarded to the participants of the case in accordance with the Rules of Procedure of the Constitutional Court. If a dissenting opinion of a justice is attached to the case, the opinion shall be published in the newspaper "Latvijas Vēstnesis" not later than within two months after reaching the judgment of the Constitutional Court."</p>
<p>Article 38. Remuneration of justices of the Constitutional Court</p>	<p>8. To provide for the following wording of Article 38 and</p>

<p>(1) The monthly base salary of a Constitutional Court justice shall be 15% greater than the monthly base salary of a Supreme Court judge with a premium for qualification category 1.</p> <p>(2) The monthly base salary of the Vice-President of the Constitutional Court shall be 10% greater than the monthly base salary of a Constitutional Court justice.</p> <p>(3) The monthly base salary of the President of the Constitutional Court shall be 25% greater than the monthly base salary of a Constitutional Court justice.</p> <p>Article 39. Social guarantees for justices of the Constitutional Court All social guarantees and relief provided for judges in normative acts currently in effect shall also apply to justices of the Constitutional Court.</p>	<p><i>Article 39:</i></p> <p><i>"Article 38. Remuneration of justices of the Constitutional Court</i> A justice of the Constitutional Court shall receive a monthly salary. It shall be calculated by applying the following coefficient to the average gross salary (rounded sum to lats) of employees of the State for the previous year as provided in the official statistical report of the Central Statistical Bureau:</p> <ol style="list-style-type: none"> 1) for a justice of the Constitutional Court – 9.8; 2) for the Vice President of the Constitutional Court – 10.8; 3) for the President of the Republic of Latvia – 12.2. <p><i>Article 39. Vacation of justices of the Constitutional Court</i></p> <p>(1) Justices of the Constitutional Court shall be granted an annual paid vacation of not less than five calendar weeks.</p> <p>(2) A justice of the Constitutional Court shall be assigned a paid additional vacation – three calendar days for each five years of office of a justice in any court, which would it total not exceed two calendar weeks.</p> <p>(3) If it is necessary for a justice of the Constitutional Court and working conditions permit, a justice of the Constitutional Court shall be granted an unpaid vacation."</p>
	<p>9. To supplement Chapter V with Article 39¹, Article 39² and Article 39³ in the following wording:</p> <p><i>"Article 39.¹. Bonus and premium system for justices of the Constitutional Court</i></p> <p>(1) A justice of the Constitutional Court can be awarded a bonus in accordance with contribution to the work using for this the financial resources at the amount up to 15 percent out of the planned salary fund, as well as resources saved from the salary fund.</p> <p>(2) A justice of the Constitutional Court, for fulfilling the duties of a justice of the</p>

	<p>Constitutional Court on leave or duties of a vacant position in addition to his or her direct duties of the position, shall be paid a premium at the amount up to 20 percent of his or her monthly salary using the financial resources saved from the salary fund. The total amount of bonuses shall not exceed a monthly salary of a justice of the Constitutional Court on leave or that of a vacant position.</p> <p>(3) If several justices of the Constitutional Court fulfil the duties of a justice of the Constitutional Court on leave or those of a vacant position, the total sum of bonuses shall not exceed a monthly salary of a justice of the Constitutional Court on leave or that of a vacant position.</p> <p style="text-align: center;"><i>Article 39.². Other social guarantees for justices of the Constitutional Court</i></p> <p>(1) A justice of the Constitutional Court, when being granted an annual vacation, shall be paid an extraordinary allowance at the amount of one month's salary.</p> <p>(2) A justice of the Constitutional Court, that has been injured in a serious accident shall be paid an extraordinary allowance in the amount of one month's salary. The allowance shall not be paid if the accident has occurred due to an unseemly or undignified behaviour of the justice, which would thus discredit the judicial power.</p> <p>(3) A justice of the Constitutional Court shall be paid an allowance in the amount of one month's salary in the event of the death of a family member or a dependant. A justice of the Constitutional Court shall not be paid the allowance if another family member of the justice of the Constitutional Court who is employed in a public institution and has the right, according to an external normative act, to receive an allowance due to a death of a family member or a dependant has already applied for the allowance or received it.</p> <p>(4) A justice of the Constitutional Court shall be paid an allowance in the amount of three monthly salaries in the event of a child birth. If both parents are employed in public institutions, the normative acts of which, regulating their functioning, provide for the rights to a childbirth allowance, only</p>
--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>one of the parents shall have the rights to receive the allowance.</p> <p>(5) The State shall mandatorily insure the life and health of a justice of the Constitutional Court at the amount up to 15 monthly salaries.</p> <p>(6) A justice of the Constitutional Court, at the end of the term of office or after dismissal from the position due to health conditions shall be paid an extraordinary allowance at the amount of three monthly salaries in accordance with the First Paragraph of Article 10 of this Law.</p> <p>(7) The following shall be reimbursed for a justice of the Constitutional Court:</p> <p>1) accommodation expenses if a justice of the Constitutional Court does not live in Riga and if in order to fulfil his duties as a justice of the Constitutional Court he needs to pay for accommodation in Riga. Accommodation expenses shall be reimbursed according to the actual expenditure but not exceeding the average gross salary (rounded sum to lats) of employees of public sector of the State for the previous year as provided in the official statistical report of the Central Statistical Bureau by applying a coefficient of 1.26;</p> <p>2) transport expenses according to the actual expenditure by applying the following coefficients:</p> <p>a) for a justice of the Constitutional Court living in Riga or within 60 km of Riga – 0.43,</p> <p>b) for a justice of the Constitutional Court living from 60 to 150 km from Riga – 0.67,</p> <p>c) for a justice of the Constitutional Court living farther than 150 km from Riga – 0.9.</p> <p>(8) Actual expenditure for the purpose of Item 2 of the Seventh Paragraph of this Article shall be the expenses for the use of inter-city public transport and the expenses for the use of a vehicle owned or possessed by a justice of the Constitutional Court.</p> <p>(9) transportation expenses shall not be</p>
--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>reimbursed for those justices of the Constitutional Court who have been assigned a car for needs related to fulfilling their duties.</p> <p>(10) the reimbursements mentioned in the Seventh Paragraph of this Article are tax exempt. The transportation expenses mentioned in Item 2 of the Seventh Paragraph of this Article shall be reimbursed after submitting documents attesting the factual expenses.</p> <p>Article 39.³. Long service pensions A justice of the Constitutional Court and a person who held the office of a justice of the Constitutional Court shall have the right to a long service pension under the Law on Long Service Pensions for Judges."</p>
<p style="text-align: center;">Chapter VI OFFICIALS AND EMPLOYEES OF THE CONSTITUTIONAL COURT</p> <p>Article 40. Officials and employees of the Constitutional Court (1) The list of positions of officials and employees of the Constitutional Court shall be established by the President of the Constitutional Court within the limits of the Court's budget. (2) The employment relations between the Constitutional Court and its officials and employees shall be regulated by the Labour Law. (3) All benefits and social guarantees provided for officials and employees of the judiciary by the Law "On Judicial Power" and other normative acts currently in effect shall apply to the officials and employees of the Constitutional Court.</p>	<p>10. To provide for the following wording of Chapter VI:</p> <p style="text-align: center;">"Chapter VI ADMINISTRATION, OFFICIALS AND EMPLOYEES OF THE CONSTITUTIONAL COURT</p> <p>Article 40. Administration of the Constitutional Court (1) Administration of the Constitutional Court is a structural unit of the Constitutional Court that shall organize and ensure functioning of the Constitutional Court. (2) The head of the Administration of the Constitutional Court shall be employed and dismissed by the President of the Constitutional Court. (3) Administration of the Constitutional Court: 1) shall perform financial management; 2) shall ensure material and technical provision; 3) shall carry out record keeping; 4) shall organize personnel management and training; 5) shall ensure communication with the society; 6) shall ensure international collaboration.</p> <p>Article 41. Officials and employees of the Constitutional Court (1) The staff list of the Constitutional Court shall be established by the President of the</p>

	<p>Constitutional Court within the limits of the Courts' budget.</p> <p>(2) The employment relations between the Constitutional Court and its officials and employees shall be regulated by the Latvian Labour Code unless this Law has ruled otherwise.</p> <p>(3) An adviser and an assistant to a justice of the Constitutional Court shall be employed for a term that is equal to the term of office of a justice of the Constitutional Court.</p> <p>(4) All benefits and social guarantees provided for officials of the State civil service in other normative acts shall apply to the officials and employees of the Constitutional Court.</p>
--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------