Latvian Key provisions.

For an English comment of the provisions, please refer to the relevant chapter in Queirolo, Dominelli (eds.), European and National Perspectives on the Application of the European Insolvency Regulation, Rome, 2017. The volume is freely available online.

Civil Procedure Law

This versioni s freely available on the webpage of the Latvian State Language centre

Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

20 June 2001[shall come into force from 1 July 2001];
31 October 2002 [shall come into force from 1 January 2003];
19 June 2003 [shall come into force from 24 July 2003];
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5 February 2009 [shall come into force from 1 March 2009];
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12 June 2009 [shall come into force from 1 July 2009];
12 June 2009 [shall come into force from 1 July 2009];
17 December 2009 [shall come into force from 1 February 2010];
30 March 2010 [shall come into force from 1 April 2010];
30 September 2010 [shall come into force from 1 November 2010];
28 October 2010 [shall come into force from 1 February 2011];
24 November 2010 [shall come into force from 25 November 2010];
20 December 2010 [shall come into force from 1 January 2011];
20 January 2011 [shall come into force from 1 February 2011];
9 June 2011 [shall come into force from 18 June 2011];
4 August 2011 [shall come into force from 1 October 2011];
8 September 2011 [shall come into force from 30 September 2011];
15 March 2012 [shall come into force from 1 April 2012];
20 April 2012 [shall come into force from 24 April 2012];
21 June 2012 [shall come into force from 1 July 2012];
15 November 2012 [shall come into force from 1 January 2013];
29 November 2012 [shall come into force from 1 January 2013].

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:

Civil Procedure Law

Part A
General Provisions

Division One
Basic Provisions of Civil Court Proceedings

Chapter 1
Principles of Civil Procedure

Section 1. Rights of a Person to Court Protection

(1) Every natural or legal person (hereinafter — person) has a right to protection of their infringed or disputed civil rights, or interests protected by law, in court.
(2) A person who has applied to a court has the right to have their case examined by the court in accordance with the procedures laid down in law.

Section 2. Adjudging of Civil Cases by Courts

Courts in accordance with the procedures laid down in this Law and the Law On Judicial Power shall adjudge civil cases.

[1] The Parliament of the Republic of Latvia

Section 3.Time when Legal Norms Regulating Court Proceedings in Civil Cases are in Force

Court proceedings in civil cases shall be regulated by the civil procedural legal norms, which are in force during the examination of the case, the performing of individual procedural actions or the executing of a court judgment.
[7 April 2004]

Section 4. Court Instances Regarding Civil Cases

(1) Civil cases shall be examined on the merits by a first instance court, but pursuant to the complaint of the participants in the case regarding the judgment of such court, also by a court of second instance in accordance with appellate procedure, provided that it is not otherwise laid down in law.
(2) A civil case shall not be examined on the merits in a court of higher instance before it has been examined in a court of lower instance, unless provided otherwise in this Law.
(3) The judgment of a court of second instance may be appealed by the participants in the case in accordance with cassation procedures.
[8 September 2011]

Section 5. Application of Legal Norms

(1) Courts shall adjudge civil cases in accordance with laws and other regulatory enactments, international agreements binding upon the Republic of Latvia and the legal norms of the European Union.
(2) If different provisions are provided for in an international agreement, which has been ratified by the *Saeima* than in Latvian laws, the provisions of the international agreement shall prevail.
(3) If the relevant issue is regulated by legal norms of the European Union, which are directly applicable in Latvia, the Latvian law shall apply insofar as it allows the legal norms of the European Union.
(4) In specific cases specified in laws or agreements, the courts shall also apply the foreign law or international legal norms.
(5) If there is no law governing disputed relations, the courts shall apply a law governing similar legal relations, but if no such law exists, the courts shall act in accordance with general legal principles and meaning.
(6) In applying legal norms, the court shall take into account case law.
[7 April 2004]

Section 5.[1] Request to the Court of Justice of the European Union

A court in accordance with European Union legal norms, shall make requests to the Court of Justice of the European Union regarding the interpretation or validity of legal norms for the giving of a preliminary ruling.
[7 April 2004; 8 September 2011]

Section 6. Initiation of Civil Cases in Court

(1) A judge shall initiate a civil case pursuant to the application of persons regarding whom such case concerns.

(2) A judge shall also initiate civil cases pursuant to the application of State or local government institutions or of persons, upon who has been conferred the right to defend other persons' rights or interests protected by law in court.
(3) A statement of claim shall be submitted for actions in court proceeding cases, but in special adjudication procedure cases – an application.

Section 7. Civil Claims in Criminal Cases

(1) Civil claims for compensation of financial loss or moral damages in criminal cases may be brought in accordance with the procedures laid down in the Criminal Procedure Law.
(2) If a civil claim has not been submitted or examined in a criminal case, an action may be brought in accordance with the procedures laid down in this Law.

Section 8. Determination of Circumstances in a Civil Case

(1) The court shall clarify the circumstances of a case, examining evidence, which has been obtained in accordance with the procedures laid down in law.
(2) The court shall explain to the participants in the case their rights and obligations, and the consequences of performance or non-performance of procedural actions.
[25 May 2006]

Section 9. Equality of Parties in the Civil Procedure

(1) In regard to procedural rights, parties are equal.
(2) The court shall ensure that the parties have equal opportunity to exercise their rights in order to protect their interests.

Section 10. Adversarial Proceedings in Civil Procedure

(1) Parties shall exercise their procedural rights by way of adversarial proceedings.
(2) Adversarial proceedings shall take place through the parties providing explanations, submitting evidence and applications addressed to the court, participating in the examination of witnesses and experts, in the examination and assessment of other evidence and in court argument, and performing other procedural actions in accordance with the procedures laid down in this Law.

Section 11. Open Examination of Civil Cases

(1) Civil cases shall be examined in open court, except for cases regarding:
1) determination of the parentage of children;
2) approval and revocation of adoption;
3) annulment or divorce;
4) restricting the capacity to act of a person due to mental disorders or other health disorders;
4^1) establishing of temporary trusteeship;
4^2) staying of the rights of future authorised representative;
5) wrongful removal of a child across the border to a foreign state or detention in a foreign state and wrongful removal of a child across the border to Latvia or detention in Latvia;
6) custody rights and access rights.
(2) Persons under the age of 15 who are not participants or witnesses in the case may only be present at court hearings with the permission of the court.

(3) Upon reasoned request by a participant in the case or at the discretion of the court the court hearing or part thereof may be declared as closed:

1) if it is necessary to protect State secrets or trade secrets;

2) if it is necessary to protect the private life of persons and confidentiality of correspondence;

3) in the interests of minors;

4) if it is necessary to examine a person who has not reached 15 years of age;

5) in the interests of court adjudication.

(3^1) A court shall notify persons in writing who participate in examination of the case, in the materials of which the subject-matter of a State secret has been included, and who have the right to acquaint themselves with the materials of the case, regarding an obligation to keep a State secret and regarding liability provided for disclosing a State secret. Making of copies of documents containing a State secret is not permissible.

(4) The participants in the case and, if necessary, experts and interpreters, shall participate at a closed court hearing.

(5) If none of the participants in the case objects, with the permission of the chairperson of the court hearing persons who have a special reason to do so may participate in a closed court hearing.

(6) A case shall be examined in a closed court hearing in conformity with all the provisions applicable to court proceedings.

(7) Court decisions in cases, which are examined in open court, shall be publicly declared.

(8) In cases, which are examined in a closed court hearing, the operative part of the court decision shall be publicly declared. In cases regarding confirmation or revocation of adoption the decision shall be declared in a closed court hearing.

[31 October 2002; 5 February 2009; 4 August 2011; 29 November 2012 / Clause 4.[2] of Paragraph one shall come into force from 1 July 2013. See Paragraph 64 of Transitional Provisions]

Section 12. Examination of a Civil Case by a Judge Sitting Alone and Collegially

(1) In a first instance court a judge sitting alone shall examine a civil case.

(2) In appellate or cassation courts, civil cases shall be examined collegially.

Section 13. Language of Court Proceedings

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

(2) The participants in the case shall submit foreign language documents accompanied with a translation thereof into the official language, certified in accordance with the procedures laid down in law.

(3) The court may also allow certain procedural actions to take place in another language, if a participant in the case pleads therefor and all participants in the case agree. The minutes of the court hearing and decisions of the court shall be written in the official language.

(4) The court shall ensure the right of participants in a case, except representatives of legal persons, who do not understand the language used in the court proceedings, to examine the materials of the case and participate in procedural actions using the aid of an interpreter.

Section 14. Unchangeability of a Court Panel

(1) Examination of a case on the merits shall take place without change in the court panel.

(2) Replacement of a judge during the course of the trial of the case shall only be permitted if he or she cannot complete examination of the case due to taking up a different position, illness or another objective reason.

(3) If a judge is replaced by another judge during the course of the trial of the case, the trial of the case shall be commenced anew.
[31 October 2002]

Section 15. Directness and Oral Hearing of Examining a Civil Case

(1) In examining civil cases, first instance courts and appellate instance courts shall themselves examine evidence in the case.
(2) Persons summoned and summonsed to a court shall provide explanations and testimony orally. The testimony of previously examined witnesses as recorded in the minutes, documentary evidence and other materials, shall be read out upon request of the parties. A court is not required to read out the documents in the case, if the parties consent thereto.
(3) In the cases provided for by this Law or legal norms of the European Union, a court shall examine applications, complaints and issues by written procedure without organising a court hearing. If the court recognises it as necessary to find out the additional circumstances that could have importance in deciding an application, complaint and issue, the court may examine it in a court hearing, previously notifying the participants in the case thereof. The non-attendance of such persons shall not be an obstacle for examination of the application, complaint and issue.
[31 October 2002; 25 May 2006; 5 February 2009; 8 September 2011]

Chapter 2
Composition of the Court

Section 16. Judges

A case shall be examined in the court by judges who have been appointed or confirmed to office in accordance with the procedures laid down in the Law On Judicial Power.

Section 17. Deciding of Issues in Court

(1) All issues arising in the course of a case being examined collegially shall be decided by a majority vote of the judges. None of the judges is entitled to abstain from voting.
(2) In cases provided for by this Law a judge shall take decisions sitting alone.

Section 18. Prohibition to a Judge to Participate in Repeated Examination of a Case

(1) A judge who has participated in the examining of a case in a first instance court may not participate in the examining of the same case in a court of appellate or cassation instance, or in a re-examining of the case in a first instance court, if the judgment or decision to terminate the court proceedings or leaving the action without examined, made with participation of the judge, has been revoked.
(2) A judge who has participated in the examining of a case in an appellate instance court or of cassation instance may not participate in the examining of the same case in a first instance court or appellate instance court.

Section 19. Recusal or Removal of a Judge

(1) A judge does not have the right to participate in the examination of a case if the judge:
1) in a previous examination of the case has been a participant, witness, expert, interpreter, or the court recorder of the court hearing;

2) is in a relationship of kinship to the third degree, or relationship of affinity to the second degree, with any participant in the case;

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

4) has a direct or indirect personal interest in the outcome of the case, or if there are other circumstances as create well-founded doubt as to his or her objectivity.

(2) If the circumstances referred to in Paragraph one of this Section or in Section 18 of this Law exist, the judge shall recuse himself or herself before trial of the case commences.

(3) If any of the circumstances referred to in Paragraph one of this Section are ascertained by a judge in the course of trial of the case, the judge shall recuse himself or herself during the court hearing, stating the reasons for such recusal. In such a case the court shall adjourn the examination of the case.

(4) If a judge has not recused himself or herself, any participant in the case may, on the grounds referred to in this Section, apply for removal of a judge or several judges concurrently, stating the reasons for the recusal of each judge.

[31 October 2002]

Section 20. Application for Removal

(1) A participant in a case may apply for a removal in writing or orally, and regarding such application an entry shall be made in the minutes of the court hearing.

(2) An application for removal shall be submitted before examination of the case on the merits has commenced. Removal may be applied for subsequently if the grounds therefor become known during trial of the case.

[31 October 2002]

Section 21. Procedures for Examining of a Removal Application

(1) If removal is applied for, the court shall hear the opinion of other participants in the case and hear the judge whose removal is applied for.

(2) The court in the deliberation room shall adjudge a removal applied for during a court hearing.

(3) In a case examined by a judge sitting alone, the removal application shall be adjudged by the judge sitting alone.

(4) In a case being examined collegially, the removal application shall be adjudged in accordance with the following procedure:

1) if the application for removal is in regard to one judge, it shall be adjudged by the rest of the court. If there is an equal distribution of votes, the judge shall be removed;

2) if the removal has been applied for in regard to more than one judge, it shall be adjudged by the same court in full panel by a majority vote.

[31 October 2002]

Section 22. Consequences of a Successful Removal Application

(1) If a judge or several judges have been removed, the case shall be examined by the same court composed of a different court panel.

(2) If it is impossible to form a different court panel in the relevant court, the case shall be transferred to another district (city) court or to another regional court.

[31 October 2002]

Chapter 3
Allocation and Jurisdiction of Civil Legal Disputes

Section 23. Allocation

(1) All civil legal disputes shall be allocated to the court, unless otherwise provided for in law. This shall not deprive parties of the right to apply, upon mutual agreement, to an arbitration court in order to settle a dispute.
(2) The issue of the allocation of a dispute shall be decided by a court or a judge. If a court or a judge finds that a dispute is not to be allocated to the court, their decision shall indicate the institution within whose competence the deciding of such dispute lies.
(3) The court shall also examine applications of natural or legal persons as are not in the nature of civil legal disputes, where examination thereof is laid down in law.

Section 24. Jurisdiction of a District (City) Court

Cases allocated to the court shall be examined by a district (city) court, except cases to be examined, in accordance with law, by a regional court. The Land Registry Office of a district (city) court shall examine applications regarding undisputed enforcement and compulsory enforcement of obligations according to the warning procedures.
[4 August 2011]

Section 25. Jurisdiction of a Regional Court

(1) A regional court shall examine the following cases allocated to the court:
1) cases in which there is a dispute regarding property rights in regard to immovable property, except division of the property of spouses;
2) cases arising from rights in regard to obligations, if the amount of the claim exceeds 150 000 lats;
3) cases regarding patent rights, and protection of trademarks and geographical indications;
4) [1 December 2005];
5) cases regarding insolvency and liquidation of credit institutions.
(2) If a case involves several claims, some of which are within the jurisdiction of a district (city) court and others within the jurisdiction of a regional court, or a counter-claim has been accepted at a district (city) court as the examination of which is within the jurisdiction of a regional court, the case shall be examined by a regional court.
(3) Civil cases, in the materials of which subject-matter of a State secret has been included, shall be within the jurisdiction of Riga Regional Court as a first instance court.
[1 December 2005; 26 October 2006; 14 December 2006; 5 February 2009]

Section 26. Bringing of Actions Based on the Declared Place of Residence or Legal Address of the Defendant
[29 November 2012]

(1) Actions against natural persons shall be brought in a court based on their declared place of residence.
(2) Actions against legal persons shall be brought in a court based on their legal address.
[29 November 2012]

Section 27. Bringing of an Action if the Defendant does not have a Declared Place of Residence
[29 November 2012]

(1) An action against defendants who do not have a declared place of residence shall be brought based on their place of residence.
(2) An action against defendants whose place of residence is unknown, or who have no permanent place of residence in Latvia, shall be brought in a court based on the location of their immovable property or their last known place of residence.
[29 November 2012]

Section 28. Jurisdiction According the Choice of the Plaintiff

(1) An action arising in relation to the action of a subsidiary or representative office of a legal person may also be brought in a court based on the legal address of the subsidiary or representative office.
(2) An action regarding recovery of the child maintenance or parent support or determination of paternity may also be brought based on the declared place of residence of the plaintiff.
(3) A plaintiff may bring an action arising out of private delicts (Sections 1635, 2347-2353 of The Civil Law) also based on his or her declared place of residence or the location where the delicts were inflicted.
(4) An action regarding damage inflicted to the property of a natural or legal person may also be brought based on the location where such damage was inflicted.
(5) An action regarding recovery of property or compensation for the value thereof may also be brought based on the declared place of residence of the plaintiff.
(6) Maritime claims may also be brought based on the location of the arrest of the defendant ship.
(7) An action against several defendants, who reside at or are located in various places, may be brought based on the declared place of residence or legal address of one defendant.
(8) An action regarding divorce, or annulment of marriage, may be brought in a court in accordance with the choice of the plaintiff, in accordance with the provisions of Section 234 of this Law.
(9) An action, which arises from employment legal relations, may also be brought based on the declared place of residence or place of work of the plaintiff.
(10) If a plaintiff does not have a declared place of residence in the cases referred to in this Section, he or she may bring an action according to his or her place of residence.
[19 June 2003; 7 April 2004; 28 October 2010; 9 June 2011; 29 November 2012]

Section 29. Exclusive Jurisdiction

(1) An action regarding ownership rights or any other property rights in regard to immovable property or accessories thereof, or an action regarding registration of such rights in the Land register or expungement of such rights and exclusion of property from the description statement, shall be brought in accordance with the location of the property.
(2) Where the confirmed heirs to or the heirs who have accepted an inheritance are unknown, jurisdiction with respect to actions of creditors regarding the whole estate lies in the court based on the declared place of residence or place of residence of the estate-leaver, but, if the declared place of residence or place of residence of the estate-leaver is not in Latvia or is unknown – in the court based on the location of the property of the estate or a part thereof.
(3) Exclusive jurisdiction may also be laid down in other laws.
[29 November 2012]

Section 30. Jurisdiction by Agreement

(1) In entering into a contract, the contracting parties may determine the first instance court where potential disputes regarding such a contract or its performance shall be decided.

(2) Exclusive jurisdiction laid down in law may not be altered by the agreement of parties.

Section 31. Jurisdiction Regarding Closely Connected Cases

(1) A counterclaim shall be brought to the court based on the place where the initial claim is to be examined, irrespective of the jurisdiction of the counterclaim.
(2) A civil claim arising from a criminal case, if such claim has not been submitted or adjudicated during examination of the criminal case, shall, in accordance with the civil procedure, be brought pursuant to the general provisions regarding jurisdiction.

Section 31.[1] Bringing of an Action in Accordance with International Agreements Binding to the Republic of Latvia and Legal Norms of the European Union if the Case is within the Jurisdiction of a Latvian Court

If in accordance with international agreements binding to the Republic of Latvia and legal norms of the European Union a case is within the jurisdiction of a Latvian court, however, the provisions of this Law regarding jurisdiction do not provide for the court in which an action should be brought, a plaintiff may bring an action to any Latvian court by his or her choice in conformity with the provisions of Sections 23, 24 and 25 of this Law.
[29 November 2012]

Section 32. Transfer of Cases Accepted for Examination to Another Court

(1) Cases which a court accepted for examination in conformity with the provisions regarding jurisdiction, shall be examined by such court on the merits, notwithstanding that jurisdiction may have changed in the course of the case being examined, except in a case provided for in Paragraph three of this Section.
(2) A court may transfer a case to another court for the examining thereof, if:
1) during the examination of the case in the court, it becomes apparent that the case has been accepted in violation of provisions regarding jurisdiction;
2) after recusal or removal of one or more judges their replacement in the same court is impossible;
3) [29 November 2012].
(3) A district (city) court shall transfer a case for examination to a regional court, if the case falls within the jurisdiction of a regional court in accordance with Section 25 of this Law.
(4) A decision to transfer a case for examination to another court may be appealed by participants in the case in accordance with the procedures laid down in this Law.
(5) A case shall be transferred for examination to another court when the time period for notice of appeal has expired, but if the decision is appealed, after the appeal is dismissed.
(6) A case, which has been sent from one court to another, shall be accepted for examination by the court to which the case has been sent.
[31 October 2002; 29 November 2012]

Chapter 4
Expenses of Adjudication

Section 33. Expenses of Adjudication

(1) Expenses of adjudication are court expenses and expenses related to conducting a case.
(2) Court expenses are:
1) State fees;
2) office fees;

3) expenses related to examining a case.

(3) Expenses related to conducting a case are:

1) expenses related to assistance of advocates;

2) expenses related to attending court hearings;

3) expenses related to gathering evidence.

[20 June 2001]

Section 34. State Fees

(1) For each statement of claim – original claims or counterclaims, applications of a third person statement of claim with a separate claim for the subject-matter of the dispute, submitted in a procedure already commenced, applications in special adjudication procedure cases, and other claims applications provided for in this Section submitted to the court – a State fee shall be paid in the amount set out as follows:

1) in regard to claims assessable as a monetary amount:

a) up to 1500 lats – 15 per cent from the amount claimed but not less than 50 lats,

b) from 1501 lats to 5000 lats – 225 lats plus 4 per cent of the amount claimed exceeding 1500 lats,

c) from 5001 lats to 20 000 lats – 365 lats plus 3.2 per cent of the amount claimed exceeding 5000 lats,

d) from 20 001 lats to 100 000 lats – 845 lats plus 1.6 per cent of the amount claimed exceeding 20 000 lats,

e) from 100 001 lats to 500 000 lats – 2125 lats plus 1 per cent of the amount claimed exceeding 100 000 lats,

f) exceeding 500 000 lats – 6125 lats plus 0.6 per cent of the amount claimed exceeding 500 000 lats;

2) in regard to a statement of claim in a case regarding divorce – 100 lats, but for a statement of claim for divorce with a person who has been declared missing, or who has been sentenced to a term of deprivation of liberty of not less than three years – 10 lats;

3) for application in special adjudication procedure cases – 30 lats, for application in a case regarding insolvency proceedings of a legal person submitted by a creditor – 250 lats, for application in a case regarding insolvency proceedings of a legal person or natural person submitted by a debtor – 50 lats, for application in a case regarding legal protection proceedings – 100 lats, for application in a case regarding insolvency or liquidation of credit institutions – 250 lats;

4) in regard to other claims which are not financial in nature or are not required to be evaluated – 50 lats;

4^{1}) for application regarding infringements and protection of copyright and related rights, database protection (*sui generis*), trade marks and geographical indications, patents, designs, species, topography of semiconductor products (hereinafter – intellectual property rights) – 150 lats;

5) for applications regarding securing of a claim or provisional measures – 0.5 per cent of the amount claimed, but not less than 50 lats;

6) for applications regarding securing of evidence, if such application is submitted prior to the bringing of the action – 20 lats;

7) for applications regarding an undisputed enforcement, compulsory enforcement of obligations according to warning procedures, for applications regarding European order for payment in accordance with Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure (hereinafter – European Parliament and Council Regulation No 1896/2006) or voluntary sale

of immovable property by auction through the court – two per cent of the amount of the debt or value of the property to be returned or voluntarily auctioned, but not exceeding 350 lats;

8) for applications regarding issuing a writ of execution on the basis of a judgment of a permanent arbitration court or the recognition and enforcement of a decision of a foreign arbitration court – one per cent of the amount of the debt, but not exceeding 200 lats;

9) for applications regarding renewal of court proceedings and examination of the case anew in a case where a default judgment has been given – in the same amount as for a statement of claim;

10) for statements of claim for division of joint property – in the same amount as for the statement of claim according to general procedure;

11) for complaints in cases of legal protection proceedings, for complaints in cases of insolvency proceedings in relation to a decision of the meeting of creditors, for complaints in relation to a decision or actions of an administrator of insolvency proceedings (hereinafter – administrator), for complaints regarding decisions of the State Agency "Insolvency Administration" (hereinafter – Insolvency Administration), as well as the performance of the activities specified in Articles 33 and 37 of Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings (hereinafter – Council Regulation No 1346/2000) – 15 lats;

12) for complaints in relation to decisions or actions of a bailiff or sworn notary – 15 lats;

13) for application regarding corroboration of the immovable property in the name of the acquirer – 50 lats.

(2) [4 August 2011]

1) [31 October 2002];

2) [31 October 2002];

3) [31 October 2002].

(3) In cases regarding confirmation of inheritance rights and the coming into effect of a will or inheritance contract, the State fee specified in Paragraph two of this Section shall be paid upon receipt of a true copy of the judgment after a judgment has entered into lawful effect, or upon receipt of a will or inheritance contract with a notation thereon regarding its coming into effect.

(4) The State fee for a notice of appeal shall be paid in conformity with the rate to be paid upon submitting a statement of claim (an application in a special adjudication procedure case), but in regard to disputes of a financial nature – with the rate calculated in conformity with the disputed amount in a first instance court.

(5) When submitting an ancillary complaint regarding a court decision, except the decision by which release from payment of the court expenses in the State income is refused, a State fee shall be paid – 20 lats.

(6) When submitting a writ of enforcement or another enforcement document for enforcement a State fee shall be paid – 2 lats.

(7) When submitting an application regarding the recognition and enforcement of a decision of a foreign court a State fee shall be paid – 20 lats.

[31 October 2002; 7 April 2004; 2 September 2004; 17 February 2005; 25 May 2006; 14 December 2006; 1 November 2007; 5 February 2009; 30 September 2010; 28 October 2010; 20 December 2010; 4 August 2011; 8 September 2011; 15 November 2012; 29 November 2012]

Section 35. Amount Claimed

(1) The amount claimed shall be:

1) in regard to claims for recovery of money – the amount to be recovered;

2) in regard to claims for recovery of property – the value of the property to be recovered;

3) in regard to claims for recovery of the maintenance – the total amount to be paid within one year;

4) in regard to claims for periodic payments and remittances – the total amount of all payments and remittances, but for not more than three years;

5) in regard to claims for payments and remittances without term or for life – the total amount of all payments and remittances for a three year period;

6) in regard to claims for reduction or increase of payments or remittances – the amount by which the payments or remittances are reduced or increased, but for not more than one year;

7) in regard to claims for termination of payments or remittances – the total amount of the remaining payments or remittances, but for not more than one year;

8) in regard to claims for early termination of lease and rental agreements – the total amount of payments for the remaining period of the agreement, but for not more than three years;

9) in regard to claims for property rights with respect to immovable property – the value, but not less than the cadastral value, thereof;

10) in claims consisting of several separate financial claims – the total sum of all the claims;

11) in regard to claims for the termination or recognition as null and void of a transaction – the amount of the transaction in dispute.

(2) The amount claimed shall be set out by the plaintiff. If the amount claimed, as set out, manifestly does not correspond with the actual value of the property, the amount claimed shall be determined by the court.

[2 September 2004]

Section 36. Supplement to the State Fee

(1) In regard to claims that are difficult to assess at the time of submission, the judge shall initially determine the amount of the State fee. The final amount of the State fee shall be determined by the court upon the case being examined.

(2) If the amount claimed is increased, except in regard to the adding of interest and increments, a supplementary State fee shall be paid accordingly.

Section 36.[1] Inclusion of the State Fee

A fee paid in accordance with Regulation No 1896/2006 of the European Parliament and of the Council for the application regarding European order for payment shall be included in the State fee for the claim, if the defendant has notified regarding an objection against the European order for payment and legal proceedings of the claim are proceeded with.

[8 September 2011]

Section 37. Repayment of the State Fee

(1) State fees paid shall be repaid fully or partly in the following cases:

1) if the fee paid exceeds the fee laid down in law;

2) if the court refuses to accept an application;

3) if the court proceedings in a case are terminated on the grounds that examination of the case is not allocated to the court;

4) if a claim is left without examination on the grounds that the interested party who has brought the case to the court has not complied with the extrajudicial examination

procedures set out for the respective type of case, or the claim has been submitted by a person lacking capacity to act according to civil procedure;

5) if a court has approved an amicable settlement – in the amount of 50 per cent from the State fee paid in.

(2) State fees shall be repaid on the condition that an application requesting its repayment has been submitted to the court within one year from the date when the sum was paid into the state budget.

(3) State fees shall be repaid from state budget funds on the basis of a decision of a court or a judge.

[31 October 2002; 19 June 2003; 20 December 2010; 8 September 2011; 29 November 2012]

Section 38. Office Fees

(1) Office fees shall be paid as follows:

1) for issuing a true copy of a document in a case, as well as for reissuing a court judgment or decision – 5 lats;

2) for issuing a certificate – 2 lats;

3) for issuing a duplicate of a writ of enforcement – 10 lats;

4) for certifying the coming into effect of a court decision, if such decision is to be submitted to a foreign institution – 3 lats;

5) for summoning witnesses – 3 lats for each person.

(2) Office fees shall be paid into the State basic budget.

[2 September 2004; 5 February 2009]

Section 39. Expenses Related to Examination of a Case

(1) Expenses related to examination of a case are:

1) amounts, which must be paid to witnesses and experts;

2) expenses related to the examination of witnesses or conducting of inspections on-site;

3) expenses related to searching for defendants;

4) expenses related to enforcement of court judgments;

5) expenses related to the delivery, service, and translation of court summonses and other judicial documents;

6) expenses related to publication of notices in newspapers;

7) expenses related to securing a claim;

8) [31 October 2002].

(2) The procedures for calculating the sums to be paid to witnesses and experts, as well as to the amount of expenses related to interrogation of witnesses or conducting of on-site inspections, searching for a defendant, delivery, service and translation of court summonses and other judicial documents, publication of a notice in newspaper and security for claim shall be stipulated by the Cabinet.

[31 October 2002 / See Paragraph 12 of Transitional Provisions; 5 February 2009]

Section 40. Procedures for Paying the Expenses Related to Examination of a Case

(1) Sums of expenses to be paid to witnesses and experts or also sums necessary to pay the expenses for conducting interrogation of witnesses or on-site inspections, delivery, service and translation of court summonses and other judicial documents, publication of a notice in newspaper and security for a claim shall be paid in prior to examination of a case, by the party who made the relevant request.

(2) If upon request of Latvia evidence is obtained by or judicial documents are served to a person abroad, the sums of expenses, which a competent authority of a foreign country requires to pay in prior to or repay after fulfilment of the request, payment shall be made by the party who made the relevant request.
(3) If the request referred to in Paragraph one or two of this Section has been submitted by both parties, they shall pay the required sums equally.
(4) If the request referred to in Paragraph one or two of this Section has been submitted by a court or judge upon his or her own initiative in the cases provided for in this Law, the required sum shall be paid in by the State.
(5) The sums referred to in this Section need not be paid in by a party who is exempted from the payment of court expenses.
[5 February 2009]

Section 41. Reimbursement of Court Expenses

(1) The party in whose favour a judgment is made shall be adjudged recovery of all court expenses paid by such party, from the opposite party. If a claim has been satisfied in part, the recovery of amounts set out in this Section shall be adjudged to the plaintiff in proportion to the extent of the claims accepted by the court, whereas the defendant shall be reimbursed in proportion to the part of the claims dismissed in the action. State fee for an ancillary complaint regarding a decision of the court, application regarding renewal of court proceedings and examination of the case anew in a case where a default judgment has been given shall not be recompensed.
(2) If a plaintiff withdraws an action, he or she shall reimburse the court expenses incurred by the defendant. In this case the defendant shall not reimburse the court expenses paid by the plaintiff. However, if a plaintiff withdraws his or her claims because, after they are submitted, the defendant has voluntarily satisfied them, the court shall, upon request of the plaintiff, adjudge recovery of the court expenses paid by the plaintiff as against the defendant.
(3) If an action is left without examined, the court shall, upon request of the defendant, adjudge recovery of the court expenses paid by the defendant as against the plaintiff, except the case indicated in Section 219, Paragraph one, Clause 2 of this Law.
[31 October 2002; 8 September 2011]

Section 42. Reimbursement of Court Expenses to the State

(1) If a plaintiff is exempted from court expenses, recovery of such court expenses, in proportion to that part of the claim that has been satisfied, may be adjudged against the defendant, for payment to the State.
(2) If an action is dismissed, recovery of court expenses as have not been paid previously, may be adjudged as against the plaintiff for payment to the State.
(3) If a claim has been satisfied in part, but the defendant is exempted from payment of court expenses, such expenses, in proportion to that part of the claim which has been dismissed, may be recovered from a plaintiff as is not exempt from the payment of court expenses for payment to the State.
(4) If both parties are exempt from payment of court expenses, the court expenses shall be subrogated by the State.
(5) If a court approves amicable agreement and terminates legal proceedings in a case, the court expenses that have not been paid previously shall be adjudged from both parties into the State income in equal amount, unless provided otherwise by the amicable agreement.
[8 September 2011]

Section 43. Exceptions from General Provisions Regarding Court Expenses

(1) The following persons shall be exempt from payment of court expenses to the State:

1) plaintiffs – in claims for recovery of remuneration for work and other claims of employees arising from legal employment relations or related to such;

1^1) plaintiffs – in claims arising from agreement on performance of work, if the plaintiff is a person who serves his or her sentence at a place of imprisonment;

2) plaintiffs – in regard to claims arising from personal injuries that result in mutilation or other damage to health, or the death of a person;

3) plaintiffs – in claims for recovery of the child maintenance or parent support, as well as in claims for determination of paternity, if the action is brought concurrently with the claim for recovery of the child maintenance;

3^1) applicants – in regard to recognition or recognition and enforcement of a decision of a foreign country on recovery of the child maintenance or parent support;

4) plaintiffs – in claims for compensation for financial loss and moral damages resulting from criminal offences;

5) public prosecutors, state or local government institutions and persons who are conferred the right by law to defend the rights, and interests protected by law, of other persons in court;

6) applicants – in cases regarding restricting the capacity to act of a person due to mental disorders or other health disorders, revising the restriction of capacity to act or restoration of capacity to act;

6^1) applicants – in regard to establishment and termination of temporary trusteeship;

7) applicants – in regard to restricting the capacity to act of a person or establishment of trusteeship for a person due to a dissolute or spendthrift lifestyle, as well as excessive use of alcohol or other intoxicating substances;

8) defendants – in cases regarding reduction of child or parent support adjudged by a court, and reduction of such payments as the court has assessed in claims arising from personal injuries resulting in mutilation or other damage to health, or the death of a person;

9) applicants – a spouse and heirs of the first and second degree, in that part of inheritance cases regarding inheritance of privatisation certificates;

9^1) applicants – in cases regarding the wrongful removal of children across borders or detention;

10) administrators – in claims that are brought for the benefit of persons in respect of which insolvency proceedings of a legal person and insolvency proceedings of a natural person have been announced, as well as when submitting an application in a case regarding insolvency proceedings of a legal person in the case specified in Section 51, Paragraph three of the Insolvency Law;

11) creditors – in enforcement cases regarding recoveries for payment into State revenues;

11^1) creditors – in enforcement cases when recovery should be performed according to the uniform instrument permitting enforcement of claims in the requested Member State;

12) tax (fee) administration – in applications in cases regarding insolvency proceedings of a legal person;

13) the Office of Citizenship and Migration Affairs – in cases regarding revocation of Latvian citizenship; and

14) the State Social Insurance Agency – in cases regarding recovery of financial resources in the State budget in the part regarding overpayment of social insurance services or State social allowances or disbursement of social insurance services or State social allowances due to road traffic accidents.

(2) If a public prosecutor or state or local government institutions or persons who are conferred the right by law, to defend in court other persons' rights and interests protected by law, of other persons in court, withdraws from an application which has been submitted on

behalf of another person, but such person demands examination of the case on the merits, the court expenses shall be paid in accordance with generally applicable provisions.
(3) The parties may also be exempted from payment of court expenses to the State in other cases provided for in law.
(4) A court or a judge, upon considering the material situation of a natural person, shall exempt him or her partly or fully from payment of court expenses into State revenues, as well as postpone payment of court expenses adjudged into State revenues, or divide payment thereof into instalments.
(5) In claims for divorce upon request of the plaintiff the judge shall postpone payment of State fees or divide payment thereof into instalments if a minor child is in the care of the plaintiff.
[20 June 2001; 31 October 2002; 19 June 2003; 7 September 2006; 1 November 2007; 5 February 2009; 30 September 2010; 9 June 2011; 8 September 2011; 15 March 2012; 29 November 2012]

Section 44. Expenses Related to Conducting a Case and Reimbursement Thereof

(1) Expenses related to conducting a case shall be reimbursed in the following amounts:
1) costs for the assistance of an advocate:
a) reimbursable expenses for paying for the assistance of an advocate in claims which are financial in nature and the claim sum in which does not exceed 6000 lats – in the actual amount thereof, but not exceeding 30 cent of the satisfied part of the claim,
b) reimbursable expenses for paying for the assistance of an advocate in claims which are financial in nature and the claim sum in which is from 6001 lats up to 40 000 lats – in the actual amount thereof, but not exceeding 2000 lats,
c) reimbursable expenses for paying for the assistance of an advocate in claims which are financial in nature and the claim sum in which exceeds 40 001 lats – in the actual amount thereof, but not exceeding 5 cent of the satisfied part of the claim,
d) reimbursable expenses for paying for the assistance of an advocate in claims which are not financial in nature – in the actual amount thereof, but not exceeding 2000 lats,
e) reimbursable expenses for paying for the assistance of an advocate in claims which are not financial in nature and in cases which have been recognised as complex by a court – in the actual amount thereof, but not exceeding 3000 lats;
2) travel and accommodation expenses related to attendance at a court hearing, as well as related to the presence or participation of parties or representatives thereof in obtaining of evidence when evidence is obtained abroad upon request of Latvia – in accordance with the rates determined by the Cabinet for reimbursing official travel expenses;
3) expenses related to taking documentary evidence – the actual amount disbursed;
4) expenses for an interpreter related to the presence or participation of parties or representatives thereof in obtaining of evidence when evidence is obtained abroad upon request of Latvia – in amount of actual expenses.
(2) It shall be adjudged that expenses related to the conducting of a case be recovered against the defendant in favour of the plaintiff, if the plaintiff's claim has been allowed fully or in part, or if a plaintiff does not maintain the claims because the defendant has voluntarily satisfied them after an action is brought.
(3) If an action is dismissed, recovery of expenses related to the conducting of the case shall be adjudged as against the plaintiff in favour of the defendant.
(4) If a claim has been examined only at the first instance court, the reimbursable expenses for paying for the assistance of an advocate shall not exceed 50 per cent from the maximum amount of remuneration laid down in Paragraph one of this Section.

(5) A court may determine a lesser amount for reimbursable expenses for paying for the assistance of an advocate in conformity with the principle of justice and proportionality, as well as by assessing objective circumstances related to a case, particularly – the level of complexity and volume of the case, the number of court hearing during examination of the case and the court instance in which the claim is examined.
[20 June 2001; 5 February 2009; 29 November 2012]

Section 45. Appeal of Decisions on Court Expenses

The person to whom it applies may appeal a decision in respect of an issue related to court expenses.
[19 June 2003]

Chapter 5
Procedural Time Periods

Section 46. Determination of Procedural Time Periods

(1) Procedural actions shall be carried out within the time periods laid down in law. If the law does not prescribe the procedural time periods, a court or a judge shall determine them. The length of the time period specified by a court or a judge must be such as makes it possible for the procedural action to be carried out.
(2) A precise date, time period ending on a set date or period of time (expressed in years, months, days or hours) shall be determined for the carrying out of a procedural action. If the procedural action is not required to be carried out on a specific date, it may be carried out at any time during the time period.
(3) The time period may also be determined by indicating an event, which shall occur in any case.
(4) If time periods for examining of cases or for carrying out other procedural actions are laid down in law for a court or judge and a participant in a case is notified regarding performance of the relevant procedural action in accordance with Section 56.[2] of this Law, but the performance of the relevant procedural action is not possible within the determined time period, a court or judge is entitled to specify more reasonable and longer time period.
[31 October 2002; 5 February 2009]

Section 47. Commencement of the Calculation of Procedural Time Periods

(1) A procedural time period calculated in years, months or days shall commence on the day following the date or event indicating its commencement.
(2) A procedural time period calculated in hours commences from the next hour following the event indicating its commencement.
[31 October 2002]

Section 48. Termination of Procedural Time Periods

(1) A time period calculated in years shall expire on the respective month and date of the final year of the time period. A time period calculated in months shall expire on the respective date of the final month of the time period. If a time period calculated in months terminates on a month that does not have the respective date, it shall expire on the last day of such month. A set time period extending until a particular date shall expire on such date.
(2) If the final day of a time period is Saturday, Sunday or a holiday laid down in law, the following working day shall be considered the final day of the time period.

(3) A procedural action regarding which a time period expires may be carried out until 12 o'clock midnight on the final day of the time period.
(4) If a procedural action is to be carried out in court, the time period shall expire at that hour when the court ceases work. If a statement of claim, appeal or other postal sending is delivered to a communications institution on the final date of the time period by 12 o'clock midnight, they shall be considered to have been submitted within the time period.
[31 October 2002; 5 February 2009]

Section 49. Consequences of Default Regarding Procedural Time Periods

The right to perform procedural actions shall lapse after expiration of the time period laid down in law or by a court. Appeals and documents submitted after expiration of a procedural time period shall not be accepted.
[31 October 2002]

Section 50. Staying of Procedural Time Periods

If proceedings in a case are stayed, the calculation of a time period is stayed. The calculation of a time period is stayed from the time when a circumstance has occurred as is cause for a stay of proceedings. The calculation of a procedural time period shall be continued from the day when proceedings are renewed in the case.
[31 October 2002]

Section 51. Renewal of Procedural Time Periods

(1) Upon the application of a participant in the case, the court shall renew procedural time periods regarding which there has been default, if the reasons for default are found justified.
(2) In renewing a time period regarding which there has been default, the court shall at the same time allow the delayed procedural action to be carried out.
[31 October 2002]

Section 52. Extension of Procedural Time Periods

The time periods determined by a court or a judge, may be extended pursuant to an application by a participant in the case.

Section 53. Procedures for Extending and Renewing Procedural Time Periods

(1) An application regarding extension of a time period or renewal of delayed time period shall be submitted to the court where the delayed action had to be carried out, and it shall be examined by written procedure. The participants in the case shall be notified in advance regarding examination of the application by written procedure, concurrently sending them an application regarding extension of the time period or renewal of delayed time period.
(2) An application regarding renewal of a procedural time period shall be accompanied by documents required for the carrying out of the procedural action, and the grounds for renewal of the time period.
(3) A time period specified by a judge may be extended by a judge sitting alone.
(4) An ancillary complaint may be submitted regarding a refusal by a court or a judge to extend or renew a time period.
[8 September 2011]

Chapter 6
Court Notifications, Summonses and Delivery and Service of Judicial Documents
[5 February 2009]

Section 54. Summons to Court

(1) Participants in a case shall be summoned to the court through the giving of due notice as to the time and place of the court hearing or individual procedural actions.
(2) Participants in a case shall be summoned to the court with a court summons. In the cases laid down in this Law a defendant may be summoned to the court by publication in the official gazette *Latvijas Vēstnesis*.
(3) Witnesses, experts and interpreters shall be summoned to the court with a summons.
[29 November 2012]

Section 54.[1] Ascertaining of the Place of Residence of a Defendant

(1) If a defendant does not have a declared place of residence in Latvia, the plaintiff has an obligation to indicate the address of the place of residence of the defendant to the court, if he or she knows it.
(2) If due to objective reasons the plaintiff has not been able to ascertain the place of residence of the defendant, which is not in Latvia, the court upon justified request of the plaintiff may use the procedures provided for international agreements binding to the Republic of Latvia or legal acts of the European Union for ascertaining the address of the defendant.
[29 November 2012]

Section 55. Court Summons

The following shall be set out in a summons:
1) the given name, surname and address of a natural person or the name and legal address of a legal person summoned or summonsed;
2) the designation and address of the court;
3) the time and place of attendance;
4) the name of the case to which the person is summoned or summonsed;
5) a statement of reasons why the addressee is summoned or summonsed;
5^{1}) an indication that a video conference will be used;
6) a notice that it is the obligation of a person who has received the summons on account of the absence of the addressee to pass it on to the addressee;
7) the consequences of failure to attend.
[5 February 2009; 8 September 2011; 29 November 2012]

Section 56. Delivery and Service of a Summons and Other Judicial Documents

(1) A summons shall be sent by registered mail, by registered mail with notification of receipt, by electronic mail, or it shall be delivered by a messenger.
(2) Other documents prepared by a court (judgments, decisions, notifications, etc.), as well as documents (an application according to special trial procedures, appeal, cassation complaint, true copies of written explanations, etc.) which are prepared and submitted to a court by the participants in a case, but which are further served by a court upon request of a participant in the case or upon discretion of the court may be delivered in one of the ways referred to in Paragraph one of this Section or sent by ordinary mail.

(3) Judicial documents may be served to an addressee in person upon signature, if necessary, by summoning the addressee by a summons to arrive to a court in order to receive the documents to be served.
(4) A participant in a case may, with the consent of a judge, receive judicial documents for delivery to another addressee in the case.
(5) Judicial documents shall be delivered to a natural person based on the address of the declared place of residence, but in cases when additional address is indicated in the declaration – based on the additional address, unless the natural person has not indicated his or her address to the court for correspondence with the court shall be carried out. The natural person has an obligation to be located at the address of his or her declared place of residence, at the additional address indicated in the declaration or at the address indicated by such person for correspondence with the court. If the defendant does not have an address of declared place of residence and he or she has not indicated his or her address for correspondence with the court, the judicial documents shall be delivered based on the address indicated by the participant of the case in accordance with Section 54.[1], Paragraph one of this Law. The judicial documents may also be delivered to the workplace of the person.
(5[1]) In executing a request of a foreign country for service of documents (Sections 662, 672 and 681), documents shall be delivered to the addressee based on the address indicated in the request, but if the addressee cannot be located at such address, they may be delivered in accordance with the procedures laid down in this Section.
(6) Judicial documents shall be delivered to a legal person based on the legal address thereof.
(6[1]) Judicial documents shall be delivered by electronic mail, if a participant in the case has notified the court that he or she agrees to use electronic mail for correspondence with the court. In such case judicial documents shall be sent to the electronic mail address indicated by the participant in the case. If the court determines technical obstacles for delivery of judicial documents by electronic mail, they shall be delivered by other method referred to in Paragraph one of this Section.
(7) Judicial documents delivered by a messenger or a participant in the case shall be served to the addressee in person upon signature, by indicating the time and date of service of the document in the signature part and returning the signature part to the court.
(8) If the person serving the judicial documents does not meet the addressee, he or she shall serve the judicial documents to any adult family member residing with such person. If the person serving the judicial documents does not meet the addressee at his or her workplace, he or she shall leave the documents to be served with the workplace administration for them to be given to the addressee. In the abovementioned cases the recipient of the judicial documents shall set out his or her given name and surname, the time and date of service of the document in the signature part, as well as indicate his or her relationship to the addressee or his or her work position, and the judicial documents shall be given to the addressee without delay.
(9) If the addressee of the judicial documents cannot be located, the person serving the judicial documents shall make an appropriate note in the signature part of the document. The person serving the judicial documents shall also indicate in this part of the document the place to which the addressee has gone, and the time when the addressee is expected to return, if he or she has ascertained this.
(10) In respect of certain judicial documents the law may provide for certain types of delivery or service thereof.
[5 February 2009; 8 September 2011; 29 November 2012]

Section 56.[1] Date of Delivery and Service of Judicial Documents

(1) If judicial documents have been delivered in accordance with the procedures laid down in Section 56 of this Law, except the case provided for in Paragraph nine thereof, it shall be considered that a person has been notified regarding the time and place of a court hearing or

procedural action or regarding the content of the relevant document and that the judicial documents have been served:

1) on the date when the addressee or another person has accepted them in accordance with Section 56, Paragraph three, seven or eight of this Law;

2) on the date when the person has refused to accept them (Section 57);

3) on the seventh day from the day of sending, if the documents have been sent by mail; or

4) on the third day from the day of sending, if the documents have been sent by electronic mail.

(2) The fact *per se* that judicial documents have been delivered based on the address of the declared place of residence of a natural person, based on the additional address indicated in the declaration, based on the address indicated by the natural person for correspondence with the court or the legal address of a legal person and a statement is received from the post office regarding delivery of the postal item or documents are returned shall not affect the fact that the documents have been notified. The addressee may refute the presumption that documents have been issued on the seventh day from the day of sending if documents have been sent as a postal item, or on the third day from the day of sending if documents have been sent as an electronic mail item, indicating to objective circumstances which have served as an obstacle for the receipt of the documents based on the address indicated by him or her regardless of his or her will.

[5 February 2009; 8 September 2011; 29 November 2012]

Section 56.[2] Delivery and Service of Judicial Documents to a Person whose Place of Residence or Location is not in Latvia

(1) Judicial documents shall be delivered in the following ways to a person whose place of residence, location or legal address is not in Latvia and whose address is known:

1) in accordance with the procedures provided for in Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000 (hereinafter – Regulation No 1393/2007 of the European Parliament and of the Council) (Chapter 81);

2) in accordance with the procedures provided for in Article 13 of Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure (hereinafter – European Parliament and Council Regulation No 861/2007);

3) in accordance with the procedures provided for in international agreements (Chapter 82) binding on Latvia;

4) in accordance with the procedures provided for in Chapter 83 of this Law.

(2) If judicial documents have been delivered to a person in accordance with the procedures laid down in Paragraph one of this Section, it shall be considered that the person has been notified regarding the time and place of procedural action or regarding the content of the relevant document only in such case, if the confirmation regarding service of the document has been received. Documents shall be considered as served on the date indicated in the confirmation regarding service of documents.

(2[1]) If judicial documents have been delivered to a person in accordance with the procedures laid down in Paragraph one of this Section and a confirmation regarding non-delivery thereof has been received, the court shall consider the reasons for non-delivery of the documents and determine the impact of non-delivery of the documents on court proceedings in accordance with the provisions of this Law. After considering the reasons for non-delivery of the documents the court may perform repeat delivery of the documents or use another method for

the issuance of documents. If repeat issuance of documents is unsuccessful, Section 59 of this Law shall be applied.
(3) This Section shall not be applied, if a person whose place of residence, location or legal address is not in Latvia conducts a case through the mediation of a representative authorised in Latvia. In such case judicial documents shall be served only to the representative according to general procedure.
[5 February 2009; 29 November 2012]

Section 57. Consequences Caused by Refusing to Accept Judicial Documents

(1) If an addressee refuses to accept the judicial documents, the person serving the documents shall make a relevant note in the document, specifying also reasons for refusal, date and time thereof.
(2) Refusal to accept judicial documents shall not be an impediment to the examination of a case.
[5 February 2009]

Section 58. Change of Address during Proceedings Regarding a Case

(1) A participant in a case shall notify the court about any change in their address during proceedings regarding a case. If there is no such notice, a summons shall be sent based on the last known address of the person. In such case it shall be presumed that the participant in the case has been notified about the time and place of the examination of the case.
(2) If a participant in the case does not notify the court about a change of their address during proceedings, a fine may be imposed upon them by a court or a judge, not exceeding 30 lats.
[30 September 2010]

Section 59. Summoning to Court through Publication in a Newspaper

(1) A defendant, whose address could not be ascertained in accordance with Section 54.[1] of this Law or to whom documents could not be delivered based on the address which was indicated by the participant of the case in accordance with Section 54.[1], Paragraph one of this Law, or to whom judicial documents could not be delivered in accordance with Section 56.[2] of this Law, shall be summoned to the court through publication in the official gazette *Latvijas Vēstnesis*.
(2) Independently of the publication of a summoning notice in the official gazette *Latvijas Vēstnesis*, plaintiffs have the right to publish the text of the court summons in other newspapers at their own expense.
(3) The text of the summons published in a newspaper shall correspond to the contents of the summons.
(4) A court may examine a case without the participation of the defendant, if not less than one month has passed since the day the summons was published in the official gazette *Latvijas Vēstnesis*.
(5) At the same time as a newspaper summons to a defendant is published, the summons shall also be sent to the defendant in accordance with the location of his or her immovable property, if the plaintiff has indicated such location.
[29 November 2012]

Section 60. Search for a Defendant if their Place of Residence is Unknown

If the place of residence of a defendant is unknown, the court, upon request of the plaintiff, is entitled to announce a search for the defendant.

Chapter 7
Minutes

Section 61. Obligation of Keeping Minutes

(1) Minutes of the court hearing shall be kept at every hearing of the court. The course of the court hearing in full amount may also be recorded by technical means. A decision of the judge regarding use of technical means shall not be subject to appeal.
(2) In the cases provided for in this Law, minutes shall also be kept regarding separate procedural actions performed outside a court hearing.
[8 September 2011; 29 November 2012]

Section 62. Contents of Minutes

(1) There shall be set out in the minutes of a court hearing:
1) the year, date, month and location of the court hearing;
2) the name of the court which examines the case, the composition of the court, the court recorder of the court hearing, advocates and public prosecutors who participate in the case;
2^1) the fact that the course of the court hearing is being recorded by technical means;
3) the time when the court hearing is opened;
4) the name of the case;
5) information about the attendance of participants in the case, witnesses, experts and interpreters;
6) information as to the procedural rights and obligations of the participants in the case having been explained to such participants;
7) information as to the witnesses, experts and interpreters having been warned regarding criminal liability;
8) explanations of participants in the case, testimony of witnesses, oral explanations of experts regarding their conclusions;
8^1) information concerning the examination of real and documentary evidence;
9) applications of participants in the case;
10) court orders and decisions that have not been taken as separate procedural documents;
11) brief summaries of opinions of state and local government institutions;
12) brief summaries of court arguments and public prosecutors' opinions;
13) information regarding the retiring of the court in order to take a decision or give judgment;
14) information regarding the declaring of judgments or decisions taken as separate procedural documents;
15) information as to the explaining of the contents of judgments or decisions, of appeal procedures and time periods;
16) information as to when the participants in the case may acquaint themselves with the minutes of the court hearing and a complete text of the judgment;
17) the time when the court hearing is closed;
18) the time when the minutes of the court hearing are signed.

(2) There shall be entered in the minutes of the court hearing the withdrawal of a claim by a plaintiff, the admitting of a claim by a defendant and the admitting of legal facts by the participants in the case, and such entry shall respectively be signed by the defendant, the plaintiff or both parties.
(2^1) If the course of a court hearing is recorded using technical means, the information determined in Paragraph one, Clauses 8, 9, 11 and 12 of this Section shall not be indicated in the minutes of the court hearing.
(3) The minutes of the court hearing shall be signed by the chairperson of the court hearing and the court recorder of the court hearing.
(4) Minutes of separate procedural actions performed outside a court hearing shall conform to the requirements of this Section.
[20 June 2001; 19 June 2003; 8 September 2011; 29 November 2012]

Section 63. Writing of Minutes

(1) Minutes shall be written by the court recorder of the court hearing.
(2) Minutes shall be signed not later than three days after termination of a court hearing or implementation of separate procedural actions, but in complex cases – not later than five days thereafter.
(3) All additions and amendments in the minutes shall be justified before the chairperson of the court hearing and the court recorder of the court hearing sign the minutes. Incomplete lines and other blank spaces in the minutes shall be crossed out. Erasures or blocking out shall not be permitted in the text of minutes.

Section 64. Notes Regarding Minutes

(1) Participants in a case who have participated in the court hearing, within three days from the time the minutes are signed, may submit written notes regarding the minutes, indicating defects and errors appearing therein.
(2) The notes submitted shall be examined by the chairperson of the court hearing within five days, and if the chairperson agrees to the notes, the chairperson shall confirm their validity and attach them to the minutes of the court hearing.
(3) If the chairperson of the court hearing does not agree with the notes submitted, such notes shall be examined at a court hearing, by the same court panel as there was at the examination of the case, within ten days from the day when the notes are examined by the chairperson of the court hearing. If a court panel of three judges examined the case and it is not possible to ensure the same court panel, the issue shall be examined by a court in the panel of which are at least two of the judges who participated in the examination of the case.
(4) Participants in a case shall be notified regarding the time and place of the court hearing. The failure of such persons to attend is not an impediment to the examining of the issue.
(5) After examining the notes, the court shall take a decision on the correctness thereof or rejection of the notes.
[19 June 2003]

Chapter 8
Procedural Sanctions

Section 65. Types of Procedural Sanctions

In the cases laid down in this Law, the court may apply the following procedural sanctions:

1) a warning;

2) expulsion from the courtroom;
3) a fine;
4) forced conveyance to the court.

Section 66. Warning

A person who disturbs the order during the trial of a case shall be given a warning by the chairperson of the court hearing and in regard to this a notation shall be made in the minutes of the court hearing.

Section 67. Expulsion from the Court Room

If participants in a case, witnesses, experts or interpreters repeatedly disturb the order during the trial of a case, they may be expelled from the court room pursuant to a decision of the court, but other persons present may be expelled pursuant to an order of the chairperson of the court hearing even without prior warning.

Section 68. Fine

(1) A court shall impose a fine in the cases and in the amounts stipulated by this Law.
(2) A true copy of the court decision (extract from the minutes) regarding imposition of a fine shall be sent to the person on whom the fine is imposed.
(3) A person on whom a fine has been imposed may, within ten days after service of a true copy of the court decision (extract from the minutes), petition the court which imposed the fine to release such person from the fine or reduce the amount thereof. Such submission shall be examined at a court hearing, and the person on whom the fine has been imposed shall be notified of the hearing in advance. The failure of such person to attend is not an impediment to the examining of the submission.
(4) Fines imposed on officials shall be collected from their personal resources.
[5 February 2009]

Section 69. Forced Conveyance

(1) In the cases laid down in this Law a court may take a decision on forced conveyance of a person to the court.
(2) Such decision shall be enforced by a police institution specified by the court.

Section 70. Administrative and Criminal Liability of Participants in a Case and Other Persons

Participants in a case and other persons who by their acts or failure to act disrupt the work of the court may, parallel to the procedural sanctions provided for in law, be held to administrative or criminal liability in the cases laid down in law.

Division Two
Participants in a Case

Chapter 9
Civil-procedural Legal Capacity and Civil-procedural Capacity to Act

Section 71. Civil-procedural Legal Capacity

(1) Civil-procedural legal capacity is the capacity to have civil-procedural rights and obligations.
(2) All natural persons and legal persons shall be recognised as having equal civil-procedural legal capacity.

Section 72. Civil-procedural Capacity to Act

(1) Natural persons who have attained legal age, insofar as their capacity to act has not been restricted by the court, and legal persons have the right to exercise civil-procedural rights and perform obligations (civil procedure capacity to act).
(2) Court cases for natural persons from 15 to 18 years of age shall be conducted by their statutory representatives. Court cases for natural persons who have attained legal age and whose capacity to act has been restricted by a court shall be conducted by their representatives or – in the cases laid down in the law – by representatives together with such persons. In cases conducted by representatives of the abovementioned persons the court shall also invite such persons themselves to participate.
(3) Court cases shall be conducted, for natural persons who have not attained the age of 15 by their statutory representatives.
(4) In cases laid down in law, minors are entitled to independently exercise their civil-procedural rights and to perform obligations. In such case the statutory representatives of such persons may, in the discretion of the court, be called upon to assist such persons in conducting the case.
(5) Natural persons who have attained legal age and whose capacity to act has been restricted by a court shall have complete civil-procedural capacity to act in cases in which restrictions to their actions and freedom, as well as disputes between such person and his or her trustee are examined. In such cases the court shall invite a public prosecutor and a representative of the Orphan's Court.
[29 November 2012]

Section 73. Concept of Participant in a Case

(1) Participants in a case are parties, third persons, representatives of parties and third persons, public prosecutors, persons who have, by law, been conferred the right to defend the rights and lawful interests of other persons in court, authorities which may be called upon to provide opinions in cases provided for in law, and representatives of such persons.
(2) Persons possessing civil-procedural legal capacity and civil-procedural capacity to act may be participants in cases. State and local government institutions upon which, by law, has been conferred the right to defend the rights and interests protected by law, of other persons in court may be participants in cases regardless of whether or not they are legal persons.
[7 April 2004]

Chapter 10
Parties

Section 74. Parties, their Rights and Obligations

(1) Any natural or legal person may be a party (a plaintiff or a defendant) in a civil case.
(2) Parties have the following civil-procedural rights:

1) to acquaint themselves with the materials of a case, make extracts therefrom and prepare copies thereof;

2) to participate in court hearings;

3) to make application regarding removal;

4) to submit evidence;

5) to participate in examination of evidence;

6) to submit petitions;

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

8) to express their arguments and considerations;

9) to raise objections against requests, arguments and considerations of other participants in the case;

10) to appeal court judgments and decisions;

11) to receive true copies of judgments, decisions and other documents in the case, and to enjoy other procedural rights granted them by this Law.

(3) In addition, plaintiffs have the right:

1) to withdraw their claims partly or fully;

2) to reduce the amount of their claims;

3) in writing, to amend the basis or the subject-matter of their action or to increase the amount claimed, before examination of the case on the merits is commenced (Section 163 of this Law).

(4) A defendant is entitled to admit a claim fully or partly, or to bring a counterclaim.
(5) Parties may enter into a settlement or agree to transfer the case for examination to an arbitration court.
(6) Parties shall exercise their rights and perform their obligations in good faith.
(7) It is the obligation of the parties:

1) to attend the court pursuant to a court summons;

2) to give timely notice in writing of reasons preventing them from attending a court hearing by submitting evidence thereon;

3) to perform other procedural obligations imposed upon them in accordance with this Law.

[4 August 2011]

Section 75. Co-party Participation

(1) An action may be brought by several plaintiffs against one defendant, one plaintiff against several defendants, or several plaintiffs against several defendants.
(2) Each co-plaintiff and co-defendant acts independently in relation to the other party and other co-participants.
(3) Co-participants may transfer the conducting of the case to one of the co-participants or to one joint representative.

Section 76. Plaintiffs in a Case Initiated by Other Persons

A person in whose interests a case has been initiated pursuant to the application of a public prosecutor, or of a State or local government institution or person to whom has been

conferred the right to defend rights and interests protected by law, of other persons in court, shall participate in the case as a plaintiff.

Section 77. Subrogation of the Procedural Rights of a Party

(1) If one of the parties in a case withdraws (a natural person dies, a legal person ceases to exist, a claim is ceded, a debt is transferred or other circumstances), the court shall allow such party to be replaced by the successor in interest of the party.
(2) Subrogation of rights may take place at any stage of the procedure.
(3) All actions performed in the procedure up until the time a successor in interest enters therein, shall be as binding upon the successor as they were upon the person whose rights are subrogated.
[8 September 2011]

Chapter 11
Third Persons

Section 78. Participation of Third Persons in the Civil Procedure

(1) Natural or legal persons whose rights or obligations in relation to one of the parties may be affected by the judgment in a case may be third persons in the civil procedure.
(2) Provisions regarding procedural legal capacity and capacity to act applicable to parties apply to third persons; third persons have the procedural rights and obligations of parties with exceptions as laid down in Section 80 of this Law.
(3) Third persons may enter into a case before examination of the case on the merits has been completed in a first instance court. They may also be invited to participate in the case pursuant to the petition of a public prosecutor or the parties.

Section 79. Third Persons with Separate Claims

(1) Third persons presenting separate claims for the subject-matter of a dispute, may enter into the case upon submitting a statement of claim.
(2) Third persons with separate claims have the rights and obligations of plaintiffs.

Section 80. Third Persons without Separate Claims

(1) Third persons presenting separate claims for the subject-matter of the dispute may enter into the case on the side of the plaintiff or the defendant if the judgment in the case may affect the rights or obligations of such third persons towards one of the parties.
(2) Third persons presenting separate claims have the procedural rights and obligations of parties, except the rights to amend the basis or the subject-matter of an action, to increase or decrease the amount of a claim, to withdraw from an action, to admit a claim or enter into a settlement, or to demand the enforcement of a court judgment.
(3) In submissions regarding the inviting of third persons to participate, and in submissions of third persons regarding entering into a case on the side of the plaintiff or the defendant, there shall be set out the grounds why third persons should be invited or allowed to participate in the case.

Section 81. Court Decisions on Inviting or Allowing Third Persons to Participate in Cases

A third person shall be invited or allowed to participate in a case according to the decision of a court. A decision by which a request regarding inviting of or allowing a third person to participate in a case is satisfied or rejected shall not be subject to appeal.
[29 November 2012]

Chapter 12
Representatives

Section 82. Right to Representation in the Civil Procedure

(1) Natural persons may conduct cases in court personally or through their authorised representatives.
(2) Cases of legal persons shall be conducted in court by officials who act within the scope of powers conferred upon them pursuant to law, articles of association or by-law, or by other representatives authorised by legal persons.
(3) Cases of State or local government institutions entitled by law to protect the rights or lawful interests of other persons in court shall be conducted by the head of the institution or a representative authorised by the head of the institution.
(4) The participation by participants in civil cases referred to in Paragraphs one, two and three of this Section does not deprive them of the right to retain an advocate to provide legal assistance in their case. In such case Section 86 of this Law shall prescribe the scope of powers of the advocate, and he or she shall not provide explanations regarding the substance of the case.
(5) [12 February 2004]
[20 June 2001; 31 October 2002; 12 February 2004]

Section 83. Persons who may be Authorised Representatives in the Civil Procedure

Any natural person may be an authorised representative in the civil procedure, taking into account the restrictions specified in Section 84 of this Law.
[20 June 2001; 31 October 2002; 19 June 2003; 12 February 2004]

Section 84. Persons who May not Act as Representatives in the Civil Procedure

(1) The following may not act as representatives in the civil procedure:
1) persons who have not attained legal age;
2) persons for whom trusteeship has been established;
3) persons who, by a judgment of a court, have been deprived of the right to conduct the cases of other persons;
4) persons who are in kinship relations to the third degree, or in affinity relations to the second degree, with the judge who is to try the case;
5) persons who have given legal assistance to the other party in the dispute in this case or in another case related thereto.
(2) Upon ascertaining that the circumstances referred to in Paragraph one of this Section exist, the court shall not allow the respective person to participate in examination of the case.
[29 November 2012]

Section 85. Formalising Representation

(1) Representation of natural persons shall be formalised with a notarially certified authorisation. The authorisation of a representative may be expressed by way of an oral submission in court by the person to be represented, and shall be recorded in the minutes of the court hearing.
(2) Representation of legal persons shall be formalised with a written authorisation or documents attesting to the right of an official to represent the legal person without special authorisation.
(3) Authorisation of an advocate to provide legal assistance shall be confirmed by an order. If an advocate acts as an authorised representative of a party, their authorisation shall be confirmed by a written authorisation.
(4) Parents, adopters, guardians and trustees shall present to the judicial documents confirming their rights.
(5) If an authorised representative is one of the procedural participants on behalf of another participant, such authorisation may be expressed by way of an oral submission in court by the person to be represented, and shall be recorded in the minutes of the court hearing.
[20 June 2001; 12 February 2004; 17 February 2005]

Section 86. Scope of Powers of Representatives

(1) A representative shall have the right to perform, on behalf of the person represented, all procedural actions, except those that require special authorisation. If the case of a natural person is directed through the intermediation of an authorised representative, court notifications and documents shall be sent only to the representative.
(2) Full or partial withdrawing of an action, varying of the subject-matter of an action, bringing of a counterclaim, full or partial admitting of a claim, entering into a settlement, transferring of a case to an arbitration court, appealing court decisions in accordance with appellate or cassation procedure, submitting enforcement documents for recovery, receiving property or money adjudged, and terminating enforcement proceedings must be specially set out in the authorisation issued by the person represented.
(3) All procedural actions performed by representatives according the authorisation issued to them are binding upon the person represented.
[19 June 2003]

Section 87. Early Termination of Representation

(1) Persons represented may at any time withdraw the authorisation given their representative by a written notice to the court. Oral notice of revocation of authorisation may be given at a court hearing, and shall be recorded in the minutes of the court hearing.
(2) A representative has the right to withdraw from the conducting of a case, giving timely written notice thereof to the person represented and to the court.

Chapter 13
Authorities and Persons Participating in Procedure in Accordance with the Law
[7 April 2004]

Section 88. Participation of State or Local Government Institutions and Persons in the Procedure in Order to Protect the Rights of Other Persons

(1) In cases provided for in law, international agreements binding on the Republic of Latvia or legal acts of the European Union, State or local government institutions and persons may

submit an application to the court in order to protect the rights and lawful interests of other persons.
(2) The institutions and persons set out in this Section may become acquainted with the materials of a case, make application regarding removal, provide explanations, provide evidence, participate in examination of evidence, submit petitions, and appeal judgments and decisions of a court.
(3) Withdrawal of an application by the institutions and persons set out, which has been submitted by them in accordance with Paragraph one of this Section, shall not deprive the person in whose interests the application was submitted of the right to require that the court examine the case on the merits.
[9 June 2011]

Section 89. Participation of Authorities in the Procedure in Order to Provide Opinions

(1) In cases provided for in law, the court shall invite authorities to participate in the procedure, so that they may, within the scope of their competence, provide their opinion in the case and defend the rights, and interests protected by law, of persons.
(2) The invited authorities have the right to become acquainted with the materials of a case, to participate in examination of evidence, to submit petitions and to provide opinions.
[7 April 2004]

Chapter 14
Public Prosecutors

Section 90. Participation of Public Prosecutors in the Civil Procedure

(1) Public prosecutors are entitled to participate in examination of a case, if they have brought an action or submitted an application, or if their participation is compulsory.
(2) A public prosecutor has the right to bring an action or submit an application to a court, if:
1) it is necessary in order to protect the rights and interests of the State or of local governments set out in law;
2) the rights or lawful interests of minors, persons under guardianship, disabled persons, prisoners or other such persons who have limited means to protect their rights;
3) in conducting an inspection of public prosecutors, a violation of law is ascertained.
(3) Participation of the public prosecutor in examination of a case is compulsory where that is laid down in law or found necessary by the court.
(4) A public prosecutor who participates in examination of a case has the right to become acquainted with the materials of the case, to make application for removal, to provide evidence, to participate in the examination of evidence, to submit petitions, to provide opinions on issues arising in the course of trial of the case and regarding the substance of the case in general, to submit a protest regarding a court judgment or decision, to receive a true copy of the judgment or decision, or of other documents in the case and to perform other procedural actions laid down in law.
(5) If a public prosecutor is a participant in the case, he or she has the right to submit a protest regarding a court judgment or decision in all cases where other participants in the case have the right to appeal a judgment or decision.
(6) A public prosecutor's withdrawal from an action or application he or she has submitted to the court shall not deprive the person in whose interests the action has been brought or application submitted, of the right to require that the court examine the case on the merits.
[29 November 2012]

Section 91. Withdrawal or Removal of a Public Prosecutor

(1) A public prosecutor may not deliver their opinion in a case if in the course of a previous examination of the case they have acted as a judge, party, third person, representative, expert, interpreter, or court recorder of the court hearing, as well as in cases specified in Section 19, Paragraph one, Clauses 2, 3 and 4 of this Law.
(2) Where any of the abovementioned circumstances are present, a public prosecutor shall withdraw himself or herself prior to the commencement of the trial of the case.
(3) If a public prosecutor has not withdrawn himself or herself, participants in the case have the right to apply for removal of the public prosecutor on the basis referred to in this Section.
(4) Removal of a public prosecutor shall be applied for and the court shall decide such application, in accordance with the procedures laid down in Sections 20 and 21 of this Law.

Division Three
Evidence

Chapter 15
General Provisions Regarding Evidence

Section 92. Evidence

Evidence is information on the basis of which a court determines the existence of non-existence of such facts that are significant in the adjudication of the case.
[31 October 2002]

Section 93. Obligation Regarding Proof and Submission of Evidence

(1) Each party shall prove the facts upon which they base their claims or objections. Plaintiffs shall prove that their claims are well-founded. Defendants shall prove that their objections are well-founded.
(2) Evidence shall be submitted by the parties and by other participants in the case. If it is not possible for the parties or other participants in the case to submit evidence, the court shall, at their reasoned request, require such evidence.
(3) 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. The second sentence of Section 48, Paragraph four of this Law shall not apply to such time period.
(3^1) During trial of the case evidence may be submitted upon reasoned request of the party or other participants in the case if it does not impede the trial of the case or the court finds the reasons for untimely submission of evidence justified, or the evidence concerns facts which have become known during the trial of the case.
(3^2) If a participant in a case submits evidence after the time period has expired, and the court does not find the reasons for untimely submission of evidence justified, the court shall impose the participant in the case a fine up to 500 lats.
(3^3) A decision by the court to refuse to accept evidence may not be appealed, but objections regarding such may be expressed in an appellate or cassation complaint.
(4) If the court admits that in respect of any of the facts, on which the claims or objectives of the party are based, no evidence is submitted, it shall notify the parties thereof and, if necessary, set a time period within which evidence is to be submitted.
[31 October 2002; 19 June 2003; 7 September 2006; 29 November 2012]

Section 94. Relevance of Evidence

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

Section 95. Admissibility of Evidence

(1) The court shall admit only such means of evidence as provided for in law.
(2) Facts that, in accordance with law, may be proved only by particular means of evidence, may not be proved by any other means of evidence.

Section 96. Basis for Exemption from Providing Evidence

(1) If the court acknowledges a fact to be universally known, it need not be proved.
(2) Facts established pursuant to a judgment that has come into lawful force in one civil case need not be proved again in trying other civil cases involving the same parties.
(3) A court judgment which has entered into lawful effect in a criminal case, a prosecutor's injunction regarding the punishment, as well as a decision to terminate criminal proceedings for reasons other than exoneration shall be binding on a court examining the case regarding civil liability of the person regarding whom the relevant decision was made, only with respect to the issue of whether a criminal act, or failure to act, occurred and whether such has been committed, or respectively been allowed, by the same person.
(4) Facts, which in accordance with law are deemed to be established, need not be proved. Such subrogation may only be disputed according to general procedure.
(5) A party need not prove the facts, which in accordance with the procedures laid down in this Law, have not been disputed by the other party.
[31 October 2002; 5 February 2009]

Section 97. Assessment of Evidence

(1) A court shall assess the evidence in accordance with its own convictions, which shall be based on evidence as has been thoroughly, completely and objectively examined, and in accordance with judicial consciousness based on the principles of logic, scientific findings and observations drawn from every-day experience.
(2) No evidence shall have a predetermined effect as would be binding upon the court.
(3) A court shall set out in its judgment why it has given preference to body of evidence in comparison to another, and has found certain facts as proven, but others as not proven.

Chapter 16
Securing of Evidence

Section 98. Admissibility of Securing the Evidence

(1) If a person has cause to believe that the submission of necessary evidence on their behalf may later be impossible or difficult, they may request for such evidence to be secured.
(2) Applications for securing evidence may be submitted at any stage of the proceedings, as well as prior to the bringing of an action to a court.
(3) Prior to court proceedings, evidence shall be secured by the district (city) court in the territory of which the source of evidence to be secured is located. After initiation of the case the court examining the case shall secure the evidence.
[14 December 2006]

Section 99. Application for Securing Evidence

The following shall be indicated in an application regarding securing of evidence:

1) the given name and surname of the applicant, the case for examination of which the securing of evidence is required, or the potential participants therein;

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.

Section 100. Procedures by which Application for Securing of Evidence Prior to Bringing an Action to a Court are Decided

(1) The application for securing evidence shall be decided by a court or a judge within ten days of its receipt.

(2) If the application for securing evidence is decided by a court, the applicant and potential participants in the case shall be summoned to the court hearing. The failure of such persons to attend is not an obstacle to examination of the application submitted.

(3) With a decision by a judge, evidence without summoning potential participants in the case may be ensured only in exceptional cases, including immediate breahces of intellectual property rights or cases of possible violations or in cases, where it is impossible to determine the participants in the case.

(4) If a decision to secure evidence has been taken without the presence of the potential defendant or the other participants in the case, they shall be notified regarding such decision not later than by the moment of the enforcement of the abovementioned decision.

(5) Examination of witnesses, as well as inspection on site and expert-examination, shall be carried out in accordance with the applicable norms of this Law.

(6) In satisfying an application for securing evidence prior to bringing an action, the judge shall determine the time period for the submission of the statement of claim not longer than 30 days.

(7) In satisfying an application for securing evidence prior to bringing an action, the judge may request that the potential plaintiff pay in a specified amount of money into the bailiff's deposit account or provide an equivalent guarantee to ensure coverage of the losses, which may be caused to the defendant in relation to the securing of evidence.

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

(9) An ancillary complaint may be submitted in regard to a decision by a judge to reject an application regarding the securing of evidence or the decision referred to in Paragraph three of this Section. If the decision to secure evidence has been taken without the presence of the participants in the case, the time period for the submission of the ancillary complaint shall be counted from day of the issuance or sending of the decision.

[7 April 2004; 14 December 2006; 20 December 2010]

Section 101. Procedures for Examination of Application for Ensuring Evidence after Initiation of the Case in a Court

(1) An application for ensuring evidence shall be examined at a court hearing in accordance with the relevant norms of this Law.

(2) The applicant and other participants in the case shall be notified of the time and place of the hearing. The failure of such persons to attend is not an impediment to examination of the application regarding securing of evidence.

Section 102. Court Assignments

(1) If the court examining the case is unable to collect evidence located in another city or district, the court or the judge shall assign the performing of specific procedural activities to the appropriate court.
(2) In the decision on the court assignment, there shall be a succinct description of the substance of the case to be examined, circumstances to be clarified, and the evidence that the court performing the assignment is required to collect. Such a decision shall be mandatory for the court to which it is addressed and shall be performed within 15 days.
[31 October 2002]

Section 103. 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 in the case shall be notified of the time and place of the hearing. The failure of such persons to attend is not an impediment to performance of the assignment.
(2) Minutes and other material 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.

Section 103.[1] Termination of Securing of Evidence

If a decision to secure evidence has been taken prior to the bringing of an action and the action is not brought within the time period specified by the court, the judge on the basis of the receipt of an application from the potential plaintiff or defendant shall take a decision to withdraw the securing of evidence.
[14 December 2006]

Section 103.[2] Compensation of Losses Caused by the Securing of Evidence

A defendant is entitled to claim compensation for losses, which he or she has incurred in relation to the securing of evidence if the securing of evidence has been withdrawn in the case specified in Section 103.[1] of this Law if against him or her the action brought was refused, left without examination or court proceedings were terminated in the cases specified in Section 223, Clauses 2 and 4 of this Law.
[14 December 2006]

Chapter 17
Meansof Evidence

Section 104. Explanations by Parties and Third Persons

(1) Explanations by parties and third persons which include information about facts on which their claims or objections are based, shall be admitted as evidence, if supported by other evidence verified and assessed at a court hearing.
(2) If one party admits the facts on which the claims or objections of the other party are based, a court may find such facts to be proven, if the court is not in doubt that the admission was not made due to the effects of fraud, violence, threat or error, or in order to conceal the truth.

Section 105. Testimony of Witnesses

(1) A witness is a person who has knowledge of facts related to the case and who has been summoned by the court to a court hearing.
(2) Where a participant in a case requests the examining of a witness, they shall indicate what circumstances relevant to the case the witness may affirm.
(3) A witness who has been called to court does not have the right to refuse to give testimony, except in the cases laid down in Sections 106 and 107 of this Law.
(4) A witness may only be questioned regarding facts relevant to the instant case.
(5) Testimony based on information from unknown sources, or on information obtained from other persons, unless such persons have been examined, may not be allowed as evidence.

Section 106. Persons who may not be Witnesses

The following persons may not be summoned or examined as witnesses

1) ministers – regarding circumstances, which have come within their knowledge through hearing confessions, and persons whose position or profession does not permit them to disclose certain information entrusted to them – regarding such information;

2) minors – regarding circumstances that testify against their parents, grandparents, brothers or sisters;

3) persons whose physical or mental deficiencies render them incapable of appropriate assessment of circumstances relevant to the case;

4) children under the age of seven.

Section 107. Persons who may Refuse to Testify

(1) The following persons may refuse the obligation to testify:

1) relatives in a direct line and of the first or second degree in a collateral line, spouses, affinity relatives of the first degree, and family members of parties;

2) guardians and trustees of parties, and persons under guardianship or trusteeship of the parties;

3) persons involved in litigation in another case against one of the parties.

(2) The court shall explain to the above-mentioned persons their right to refuse to testify.

Section 108. Obligations of Witnesses

(1) A person called as a witness shall attend at the court and give true testimony regarding circumstances of which they have knowledge. A witness may be questioned also by using a video conference at the court based on the location of the witness or at the place specially equipped for such purpose.
(2) A witness shall answer questions asked by the court and participants in the case.
(3) A court may question a witness at their place of residence, if the witness is unable to attend pursuant to a court summons because of illness, old age, invalidity or other justified cause.
[8 September 2011]

Section 109. Liability of Witnesses

(1) For refusal to testify for reasons which the court has found unjustified, and for intentionally providing false testimony, a witness is liable in accordance with the Criminal Law.

(2) If a witness, without justified cause, fails to attend pursuant to a summons by a court or a judge, the court may impose a fine not exceeding forty lats on him or her, or have them brought to court by forced conveyance.

Section 110. Documentary Evidence

Documentary evidence is information regarding facts relevant to the case, which information is recorded by letters, figures or other written symbols or use of technical means in documents, in other written or printed matter, or in other relevant recording media (audio and video tapes, computer diskettes etc.).

Section 111. Procedures for Submitting Documentary Evidence

(1) In submitting documentary evidence to a court, or requesting the requiring of such evidence, participants in a case shall indicate what meaningful circumstances in the case such evidence can attest to.
(2) Documentary evidence shall be submitted by way of original, or true copy, copy or extract certified in accordance with the specified procedures. If a part of a written document or of other written matter is sufficient to clarify facts meaningful in the case, an extract therefrom may be submitted to the court.
(3) Original documents, as well as documentary evidence certified in accordance with prescribed procedures, shall be submitted if laws or international treaties binding on the Republic of Latvia provide that the particular facts may be proven only with original documents or with true copies certified in accordance with prescribed procedures.
(4) If documentary evidence has been submitted to the court by way of a true copy, copy or an extract, the court is entitled to require, upon justified request of participants in the case or upon its own initiative, to submit or present the original if it is necessary for determining the circumstances in the case.
[8 September 2011]

Section 112. Procedures for Requiring Documentary Evidence

(1) A court or a judge is entitled to require, upon justified request of a participant in the case, documentary evidence from State and local government institutions and from other natural or legal persons.
(2) Participants in a case, who request the court to require documentary evidence, shall describe such evidence and provide their reasons for presuming that the evidence is in the possession of the person referred to.
(3) State and local government institutions and other natural or legal persons which cannot submit the required documentary evidence, or cannot submit such within the time limit specified by the court or the judge shall notify the court thereof in writing, stating their reasons.
(4) If a party refuses to submit the documentary evidence required to the court, without denying that the party possesses such evidence, the court may find as proved facts which the opposite party sought to prove by referring to such documentary evidence.
[31 October 2002]

Section 113. Return of Documentary Evidence in a Case

Pursuant to a justified written application from the person who has submitted the originals of documentary evidence, the court shall return such evidence to this person after the court judgment has entered into lawful effect. If such evidence has been referred to in a

judgment or decision of the court, true copies of the documentary evidence certified by the judge shall remain in the case file.

Section 114. Inspection of Documentary Evidence at the Place of Keeping

If it is impossible or problematic to submit to the court documentary evidence because of the amount or volume thereof or for other reasons, the court may perform an inspection and examination of documentary evidence at the place where it is kept.
[31 October 2002]

Section 115. Real Evidence

Real evidence consists of tangible things that may, due to their properties, characteristics or very existence, be useful in clarifying facts, which are significant in a case.

Section 116. Submitting and Requesting of Real Evidence

(1) A participant in a case, who submits real evidence to a court or requests that such evidence be required, shall indicate what circumstances significant in the case such evidence can attest to.
(2) Participants in a case, who request the court to require real evidence shall describe such evidence and indicate their reasons for presuming that the evidence is in the possession of the person referred to.
(3) A court or a judge has the right to require, upon justified request of a participant in the case, real evidence from State and local government institutions and from other natural or legal persons.
(4) State and local government institutions and other natural or legal persons which cannot submit the required real evidence, or cannot submit such within the time limit specified by the court or the judge, shall notify the court thereof in writing, stating their reasons.
[31 October 2002]

Section 117. Inspection of Real Evidence at the Place of Keeping

If it is impossible or problematic to submit real evidence to the court because of the amount or volume thereof or for other reasons, the court may perform inspection and examination of the real evidence at the place where it is kept or transfer performance thereof to a bailiff.
[31 October 2002]

Section 118. Storage of Real Evidence

(1) Real evidence shall be attached to the case file or kept at the real evidence storage facility of the court.
(2) Objects that cannot be delivered to the court shall be kept at their current location. These shall be described and, if necessary, photographed or filmed. The descriptions and recorded images shall be attached to the case file.
(3) Real evidence that deteriorates rapidly shall be inspected by the court without delay, and participants in the case shall be notified. After inspection such real evidence shall be returned to the persons from whom it was obtained.

Section 119. Return of Real Evidence

(1) After a court judgment has entered into lawful effect, real evidence shall be returned to the persons from whom it was obtained, or transferred to persons who, in accordance with the court judgment, have the right to these things.
(2) Real evidence that may not, in accordance with law or the court judgment, be returned to participants in the case or persons, from whom it was obtained, shall be transferred by the court to relevant State institutions.
(3) In individual cases real evidence may be returned before the judgment has entered into lawful effect, provided that this is not detrimental to examination of the case.

Section 120. Liability for Failure to Submit Documentary and Real Evidence

If a court has not been notified that the required documentary or real evidence cannot be submitted or has not been submitted for reasons that the court has found to be unjustified, the court may impose a fine, not exceeding twenty five lats, upon the person at fault. Payment of the fine shall not release such person from the obligation to submit the evidence required by the court.

Section 121. Expert-examination

(1) A court shall order expert-examination in a case, upon request of a party, where clarification of facts relevant to the case requires specific knowledge in science, technology, art or another field. If necessary, a court may order several such examinations.
(2) Expert-examination shall be performed by experts of relevant expert-examination institutions or by other specialists. The parties shall select the expert, by mutual agreement, but if agreement is not reached within the time limit set by the court, the expert shall be selected by the court. If necessary, several experts may be selected.
(3) Participants in the case have the right to submit to the court issues regarding which expert opinion must, in their opinion, be provided. The court shall determine issues requiring an expert opinion. The court shall indicate grounds for rejection of issues submitted by participants in the case.
(4) A court decision on the ordering of expert-examination shall specify what issues an expert opinion is required in regard to and whom the performing of the expert-examination has been assigned to.
(5) Expert-examination shall be performed in the court, or outside the court if its performance in the court is not possible or is problematic.

Section 122. Obligations and Rights of Experts

(1) A person selected as an expert shall attend pursuant to a court summons. The expert may be examined also by using a video conference at the court based on the location of the expert or at the place specially equipped for such purpose.
(2) If an expert who has been summoned fails to attend the court hearing for reasons that the court finds unjustified, the court may impose a fine, not exceeding forty lats, upon the expert.
(3) An expert has the right to review materials in the case, to question the participants and witnesses in the case, and to ask the court to require additional materials.
(4) An expert shall provide an objective opinion, in their own name, and shall be personally liable for it.
(5) An expert may refuse to provide an opinion, if the material provided for their examination is not sufficient, or if the questions asked are beyond the scope of the special knowledge of

the expert. In such cases the expert shall notify the court, in writing, that it is not possible to provide an opinion.
(6) For refusal to perform their obligation without justified cause, or for knowingly providing a false opinion, the expert shall be liable in accordance with the Criminal Law.
[8 September 2011]

Section 123. Withdrawal or Removal of an Expert

(1) An expert may not participate in examination of a case, if they have previously been a judge or a participant in examination of the case, and in cases as provided for in Section 19, Paragraph one, Clauses 2, 3 and 4 of this Law.
(2) An expert also may not participate in examination of the case if:
1) they are or have been, due to their position or otherwise, dependent on a party or another participant in the case;
2) there has been, prior to the initiation of the court proceedings, a connection between a party in the case being examined and the performance of professional obligations by this expert; or
3) it is determined that the expert is not competent.
(3) Where the abovementioned circumstances exist, the expert shall withdraw prior to the commencement of the trial of the case.
(4) If the expert does not withdraw, participants in the case have the right to apply for removal of the expert on the bases referred to in this Section.
(5) Removal of an expert shall be applied for, and a decision made by the court in regard thereto, in accordance with the procedures laid down in Sections 20 and 21 of this Law.

Section 124. Expert Opinion

(1) An expert opinion shall be reasoned and the basis thereof provided.
(2) An opinion shall be stated in writing and submitted to the court. There shall be included in an expert opinion a precise description of the examination performed, conclusions formed as a result thereof, and reasoned answers to the questions asked by the court. If, in performing the expert-examination, an expert ascertains circumstances as are significant in the case and the expert has not been questioned regarding them, he or she has the right to indicate such circumstances in their opinion.
(3) If several experts are selected, they have the right to consult with one another. 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 125. Assessment of Expert Opinion

(1) The court shall assess expert opinions in accordance with the provisions of Section 97 of this Law.
(2) If the expert opinion is not clear enough or is incomplete, a court may order a supplementary expert-examination, assigning performance thereof to the same expert.
(3) Where an expert opinion is not justified, or the opinions of several experts contradict one another, the court may order a repeated expert-examination, assigning performance thereof to another expert or experts.

Section 126. Opinions of Authorities

An opinion of an authority, summoned in accordance with the procedures laid down in Section 89 of this Law, shall be assessed by the court as evidence. Reasons for a court's disagreement with such opinion shall be set out in the examination made in the case.
[7 April 2004]

Part B
Court Proceedings in a First Instance Court

Division Four
Court Proceedings by Way of Action

Chapter 18
Bringing of Actions

Section 127. Persons who may Bring Actions in Court

(1) Any natural person who has reached legal age and has the capacity to act, as well as any legal person, may bring action in court to protect their infringed or disputed rights of a civil nature.
(2) Actions in the interests of minors shall be brought by the statutory representatives of such persons, but in cases provided for in Section 72, Paragraph four of this Law, actions may be brought by minors themselves. Actions in the interests of persons under trusteeship shall be brought by the statutory representatives of such persons together with the person under trusteeship or by themselves on behalf of the relevant person, if it has been determined by the court, except the case provided for in Section 72, Paragraph five.
(3) A public prosecutor, State or local government institutions, or persons entitled by law to protect the rights or lawful interests of other persons in court, may bring an action in order to protect the infringed or disputed rights of a civil nature of such persons.
[29 November 2012]

Section 128. Statement of Claim

(1) An action shall be brought by submitting a written statement of claim to the court.
(2) There shall be set out in a statement of claim:

1) the name of the court to which the statement of claim is submitted;

1^1) the given name, surname, personal identity number, declared place of residence of the plaintiff, but, if none, the place of residence; for a legal person – the name, registration number and legal address thereof. In addition the plaintiff may also indicate another address for correspondence with the court;

1^2) the given name, surname, personal identity number, declared place of residence and the additional address indicated in the declaration of the defendant, but, if none, the place of residence; for a legal person – the name, registration number and legal address thereof. The personal identity number or registration number of the defendant shall be indicated if known;

1^3) the given name, surname, personal identity number and address for correspondence with the court of the representative of the plaintiff, if the action is brought by a representative, but for a legal person – the name, registration number and legal address thereof;

2) [29 November 2012];

2^1) in the claim for recovery of monetary amount – name of the credit institution and account number to which payment is to be made, if any;

3) the subject-matter of the claim;

4) the amount of the claim, if the claim can be assessed in terms of money, as well as a calculation of the amount being recovered or disputed;

5) the circumstances on which the plaintiff bases his or her claim, and evidence, which corroborates such facts;

6) the law on which the claim is based;

7) the claims of the plaintiff;

8) a list of documents attached to the statement of claim;

9) the date of preparing the statement of claim and other information, if such information is necessary for examination of the case.

(3) The statement of claim shall be signed by the plaintiff or his or her representative, or the plaintiff together with the representative if determined by the court, except the case laid down in Section 72, Paragraph five of this Law. If an action is brought on behalf of the plaintiff by his or her representative, the statement of claim shall be accompanied by a power of attorney or another document confirming the authorisation of the representative to bring the action.

(4) The central authority of Latvia shall, in the case regarding recovery of the maintenance or recovery of the child maintenance and determination of paternity, in applying Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in case relating to maintenance obligations (hereinafter – Council Regulation No 4/2009), bring an action or forward a statement of claim, by submitting a form set out in Annex VII to the abovementioned Regulation to the court, taking into account the details specified in Article 57 of the Regulation.

[9 June 2011; 8 September 2011; 29 November 2012]

Section 129. Documents to be Attached to a Statement of Claim

(1) A statement of claim shall be submitted to the court, attaching thereto as many true copies as there are defendants and third persons in the case.

(2) There shall be attached to a statement of claim, documents which confirm:

1) payment of State fees and other court expenses in accordance with the procedures and in the amounts laid down in law;

2) conformity with the procedures regarding preliminary extrajudicial examination of the case, where such examination is laid down in law;

3) circumstances on which the claim is based.

(3) A judge may, depending on the circumstances and nature of the case, impose an obligation upon a plaintiff to submit true copies of the documents attached to the statement of claim in order for sending to the defendant and third persons.

(4) A translation certified in accordance with the specified procedures shall be attached to a statement of claim and true copies of the attached documents in the cases provided for in the law, if documents are intended to be served to a person in accordance with Section 56.^{2} of the this Law. Translation need not be attached by a person who is released from the payment of court expenses.

[5 February 2009]

Section 130. Submission of a Statement of Claim to the Court

(1) A statement of claim shall be submitted to a first instance court in accordance with the provisions regarding jurisdiction.

(2) A statement of claim may be submitted by the plaintiff in person, or by a person authorised by the plaintiff. A statement of claim may also be sent by mail.

(3) An authorisation for the submitting of a statement of claim may be included in the statement of claim itself.

Section 131. Taking a Decision to Accept a Statement of Claim and Initiation of a Civil Case

(1) Upon receipt of a statement of claim in court, a judge shall take a decision within seven days but upon the receipt of the application referred to in Section 644.[7] or 644.[17] of this Law not later than on the next day on:

1) acceptance of the statement of claim and initiation of a case;

2) refusal to accept the statement of claim;

3) leaving the statement of claim not proceeded with.

(2) If examination of a case is not possible in accordance with European Parliament and Council Regulation No 1896/2006, a judge shall take one of the decisions provided for in Paragraph one of this Section in the cases provided for in the abovementioned laws and regulations regarding proceeding of the statement of claim.

[5 February 2009; 4 August 2011; 8 September 2011]

Section 132. Grounds for Non-Acceptance of a Statement of Claim

(1) A judge shall refuse to accept a statement of claim if:

1) the dispute is not allocated to the court;

2) the action has been brought by a person who does not have the right to bring an action;

3) the parties have, in accordance with procedures laid down in law, agreed to transfer the dispute for it to be examined by an arbitration court;

4) there is already a case pending before the same court or another court, concerning a dispute between the same parties, regarding the same subject-matter, and on the same basis;

5) in a dispute between the same parties, regarding the same subject-matter, and on the same grounds, a court judgment or decision has entered into lawful effect to terminate the court proceedings because of the withdrawal of the action by the plaintiff, or confirmation of a settlement between the parties;

6) the case is not within the jurisdiction of this court;

7) the plaintiff has not complied with the procedures in regard to preliminary extrajudicial examination determined for the respective category of case, or has not taken the measures laid down in law to resolve the dispute with the defendant prior to action being brought;

8) the statement of claim has been submitted by a person without the civil-procedural capacity to act;

9) the statement of claim has been submitted on behalf of a person who does not have the authority to do so in accordance with procedures laid down in law.

(2) A judge shall take a reasoned decision to refuse to accept a statement of claim. The decision, together with the submitted statement of claim, shall be issued to the plaintiff.

(3) A decision may be appealed in accordance with procedures laid down in this Law.

(4) Refusal by a judge to accept a statement of claim on the basis of Paragraph one, Clauses 6-9 of this Section is not an impediment to the submitting of the same statement of claim to the court after the deficiencies in regard to it have been eliminated.

[29 November 2012]

Section 133. Leaving a Statement of Claim Not Proceeded With

(1) A judge shall leave a statement of claim not proceeded with if:

1) there are not set out in the statement of claim all of the details prescribed in Section 128 of this Law;

2) there are not attached to the statement of claim the documents prescribed in Section 129 of this Law;

3) the statement of claim in the case of claim for small amount has not been drawn up in conformity with that specified in Section 250.[20] of this Law.

(2) A judge shall take a reasoned decision to leave a statement of claim not proceeded with, send such decision to the plaintiff and set a time limit for rectifying the deficiencies. Such time limit shall be not less than 20 days, counting from the day the decision is sent. The decision of a judge may be appealed in accordance with the procedures laid down in this Law. The time limit for appeal shall be counted from the day when the decision is served to the plaintiff.

(3) If a plaintiff rectifies the deficiencies within the time limit set, the statement of claim shall be regarded as submitted on the day when it was first submitted to the court.

(4) If a plaintiff does not rectify the deficiencies within the time limit set, the statement of claim shall be considered to not have been submitted and shall be returned to the plaintiff.

(5) Return of a statement of claim to the plaintiff shall not be an impediment to the repeated submission thereof to the court in conformity with the general procedures in regard to submitting statements of claim prescribed in this Law.

[5 February 2009; 8 September 2011]

Section 134. Merging of Claims and Civil Cases

(1) A plaintiff has the right to merge several mutually related claims in one statement of claim.

(2) If there are before a court more than one similarly constituted cases, involving the same parties, or cases where one plaintiff is bringing an action against several defendants, or several plaintiffs are bringing actions against one and the same defendant, the court is entitled to merge such cases in the same court proceeding, provided such merging favours quicker and a more correct examination of the cases.

[8 September 2011]

Section 135. Separation of Claims and Civil Cases

(1) A judge may require a plaintiff to separate out, into a separate action, one or several claims from claims that have been merged, if he or she finds that separate examination of such claims will be more appropriate.

(2) The court examining a case may, pursuant to a decision made by it, separate out, into a separate case, one or several claims from claims that have been merged, if their examination in a single proceeding has become difficult or impossible.

Section 136. Bringing a Counterclaim

(1) A defendant is entitled, up to the moment of the closing of examination on the merits in a first instance court, to bring a counterclaim against the plaintiff.

(2) A counterclaim shall be brought in accordance with the general provisions regarding bringing of actions.

(3) A court or a judge shall accept a counterclaim if:

1) a mutual set-off is possible as between the claims in the initial action and the counterclaim;

2) satisfying the counterclaim would exclude, fully or partly, the satisfying of the claims in the initial claim;

3) the counterclaim and the initial actions are mutually related, and their joint examination would favour a more quicker and correct trial of the case.

(4) A counterclaim shall be examined together with the claims in the initial action.

[19 June 2003; 5 February 2009]

Chapter 19
Securing Claims

Section 137. Grounds for Securing Claims and Content of Application

(1) If there is a reason to believe that enforcement of the court judgment in the case may become problematic or impossible, the court or judge may, according to a reasoned application by the plaintiff, take a decision to secure a claim. The following shall be set out in an application regarding securing of a claim:

1) the name of the court to which the application has been submitted;

1^1) the given name, surname, personal identity number, declared place of residence of the plaintiff, but, if none, the place of residence; for a legal person – the name, registration number and legal address thereof. In addition the plaintiff may also indicate another address for correspondence with the court;

1^2) the given name, surname, personal identity number, declared place of residence and the additional address indicated in the declaration of the defendant, but, if none, the place of residence; for a legal person – the name, registration number and legal address thereof. The personal identity number or registration number of the defendant shall be indicated if known;

1^3) the given name, surname, personal identity number and address for correspondence with the court of the representative of the plaintiff, if the action is brought by a representative, but for a legal person – the name, registration number and legal address thereof;

2) [29 November 2012];

3) the subject-matter of the claim;

4) the sum of the claim;

5) the means for securing the claim, which the plaintiff requests to apply;

6) the circumstances by which the plaintiff justifies the necessity for securing claim.

(2) Securing of claims may be allowed only in claims of a financial nature.

(3) Examination of the issue of securing of a claim may be allowed at any stage of the proceedings, as well as prior to the bringing of court action.

[7 September 2006; 4 August 2011; 29 November 2012]

Section 138. Means of Securing Claims

(1) The means by which claims may be secured are:

1) arrest of movable property and monetary funds of the defendant;

2) entering of a prohibitory endorsement in the register of the respective movable property or any other public register;

3) entering of an endorsement regarding the securing of a claim in the Land Register or Ship Register;

4) arrest of a ship;

5) prohibition for the defendant from performing certain actions;

6) attachment of those payments, which are due from third persons, including monetary funds in credit institutions and other financial authorities;

7) postponement of enforcement activities (also enjoining bailiffs from transferring money or property to a creditor or debtor, or staying of sale of property).
(2) In securing a claim by entering of a prohibitory endorsement in the register of the respective movable property or any other public register, the decision shall indicate the way in which the prohibition shall be entered.
(3) If the subject-matter of an action is property rights with respect to movable property or immovable property, or the action is directed towards attaining the corroboration of rights, the securing of the claim shall be made by attaching the disputed movable property or by entering a prohibitory endorsement in the respective immovable property division of the Land Register.
(4) If the subject-matter of an action is property rights in regard to immovable property, the securing of the claim shall be made by entering an encumbrance endorsement in the respective immovable property division of the Land Register.
(5) If the subject-matter of an action is a monetary claim, the securing of such claim with immovable property shall be done by entering a pledge rights endorsement in the respective immovable property division of the Land Register, indicating the amount of the sum of the claim to be secured.
(6) Arrest upon a ship shall be applied only for maritime claims.
(7) Staying of sale of property shall not be allowed in cases where a claim is brought regarding the recovery of money.
(8) In satisfying an application for the securing of a claim, there shall be set out in the decision the amount to which the security extends, but this shall not exceed the amount claimed.
(9) Simultaneous application of several means of securing claims may be allowed, taking into account the provisions of Paragraph eight of this Section.
[31 October 2002; 12 February 2004; 7 September 2006; 5 February 2009; 4 August 2011]

Section 139. Securing of Claims Prior to the Bringing of an Action

(1) A potential plaintiff may request securing of their claim prior to bringing a court action, and even before the deadline for fulfilment of an obligation has set in, if the debtor, with the purpose of avoiding the fulfilment of their obligation, removes or alienates their property, leaves his or her declared place of residence or place of residence without informing the creditor, or performs other actions which evidence that the debtor is not acting in good faith. When submitting an application for securing a claim prior to bringing a court action, the potential plaintiff shall submit evidence that confirms his or her rights to the obligations and the necessity of securing the claim.
(2) An application for the securing of a claim before an action is brought shall be submitted to the court in which the action, regarding the claim sought to be secured, is to be brought. If the parties have agreed to submit the dispute to an arbitration court, an application shall be submitted to a court in accordance with the location of the debtor or his or her property.
(3) In satisfying an application regarding the securing of a claim prior to action being brought, a judge shall set a time period for the plaintiff within which they must submit a statement of claim to the court.
[31 October 2002; 19 June 2003; 7 September 2006; 29 November 2012]

Section 140. Examination of Issues Regarding Securing of Claims Issues

(1) A decision on an application for securing a claim shall be taken by a court or a judge not later than the day following receipt thereof, without giving prior notice to the defendant and other participants in the case. In deciding an issue regarding securing of a claim, a court or judge shall take into account *prima facie* formal legal grounds.

(2) In satisfying an application regarding securing of a claim, a court or judge may require that the plaintiff secure losses which the defendant may suffer because of the claim enforcement, by assigning a certain sum of money to be deposited into the bailiff's deposit account.
(3) On the basis of an application by a participant in the case, a court may replace the specified means of securing a claim with other means.
(4) In cases in which the subject-matter of an action is a monetary claim, the defendant may pay into the secured claim amount into the bailiff's deposit account. The defendant shall indicate in a submission to the bailiff in what case this amount is paid into for the replacement of the applied means of securing a claim, as well as shall submit a true copy of the relevant decision to the plaintiff regarding securing a claim. A court or judge shall, on the basis of certificate issued by the bailiff regarding payment of the amount into a deposit account, replace the accepted means of securing of a claim by attachment of monetary funds paid into. The replacement of attached movable property with money by paying in a secured claim amount into the bailiff's deposit account shall be deemed to be the replacement of a means of securing a claim.
(5) The securing of a claim may be withdrawn by the same court which has secured the claim on the basis of a reasoned application by the party, or by the court in the record-keeping of which there is a case for examination on the merits.
(6) In rejecting a claim, the securing of a claim shall be withdrawn in the court judgment. The securing of a claim is preserved until the day the judgment comes into lawful effect.
(7) If a claim is left without examination or proceedings are terminated, in the court decision the securing of a claim shall be withdrawn. The securing of a claim is preserved until the day the judgment comes into lawful effect.
(8) If the decision to secure a claim has been taken prior to bringing a court action and in the time period specified by the court a court action has not been brought, the judge on the basis of the receipt of an application from the potential plaintiff or defendant shall take a decision to withdraw the security.
(9) The applications referred to in Paragraphs three and five of this Section shall be decided in a court hearing, previously notifying the participants in the case of this. The non-attendance of such persons shall not be an obstacle for examination of the application. The day of court hearing shall be determined not later than within 30 days after receipt of the application.
[7 September 2006; 5 February 2009; 4 August 2011; 8 September 2011]

Section 141. Appeal of Decisions Taken Regarding Securing of Claim Issues

(1) An ancillary complaint may be submitted in regard to the decision referred to in Section 140, Paragraph three of this Law, the decision with which the application for securing of a claim is refused, and the decision with which the application regarding revocation of securing of a claim is refused. In the case referred to in Section 140, Paragraph two of this Law an ancillary complaint may be submitted regarding a court decision for the part, by which a plaintiff is assigned to secure damages.
(2) If a decision to secure a claim has been taken in the absence of the participant in the case, the time period for submitting a complaint shall be calculated from the day when such decision was served.
[31 October 2002; 7 September 2006; 14 December 2006; 5 February 2009; Constitutional Court judgement of 30 March 2010 /Section 141, Paragraph one of the Civil Procedure Law has been acknowledged as not complying with Article 92 of the Constitution of the Republic of Latvia, in so far it does not provide for the right to submit an ancillary complaint regarding a decision by which an application regarding securing of a claim has been satisfied, or a decision by which an application regarding revocation of the securing of a claim has been rejected./ Section 141, Paragraph one of the Civil Procedure Law has been acknowledged as

invalid since the time of adoption thereof, in so far it does not provide for the right to submit an ancillary complaint regarding a decision by which an application regarding securing of a claim has been satisfied in respect of applicants – stock company TOPMAR HOLDINGS and Vitālijs Grinčišins./ To determine that until the time when the Saeima makes amendments to the regulation, Section 141, Paragraph one of the Civil Procedure Law shall be in force in the version of 14 December 2006, in so far it provides for the right for a defendant to submit an ancillary complaint regarding a decision by which a court has refused to withdraw the securing of a claim./; 4 August 2011]

Section 142. Enforcement of Decisions Taken on Securing of Claims Issues

(1) A decision to secure a claim (Section 140, Paragraph one) and a decision to withdraw securing of a claim (Section 140, Paragraph five) shall be enforced immediately after it is made.
(2) A decision to secure a claim, which has been taken on the conditions specified in Section 140, Paragraph two of this Law, shall be enforced after the plaintiff has paid into a bailiff's deposit account the amount specified by the court or judge. The enforcement documents or a true copy of the decision referred to in Paragraph three of this Section shall be issued after the amount specified by the court has been paid.
(3) If a claim is secured with immovable property or a ship, or by entering a prohibitory endorsement in a movable property register or any other public register, the court shall issue the plaintiff a true copy of the respective decision with an notation thereon that a true copy of the decision has been issued for the entering of an endorsement in the Land Register, a movable property register or any other relevant public register, but in the case of arrest of a ship – for the detention of the ship in a port.
(4) A decision to secure a claim by attachment of movable property or monetary funds belonging to the defendant, and which is in the possession of the defendant or a third person shall be enforced in accordance with the procedures laid down in Chapter 71 of this Law.
(5) In attaching payments, which are due to the defendant from third persons in accordance with a contract (including monetary funds in credit institutions or other financial institutions), the bailiff on the basis of the enforcement document shall send a request to such persons to notify if they have an obligation to pay any amounts to the defendant, in what amount and time period, as well as to notify that such amounts are attached in the amount of the claim, by taking into account the restriction specified in Paragraph 3 of Annex 1 to this Law in respect of the debtor, and give an order to transfer the payments due to be paid (also sight deposits) into the bailiff's deposit account. Attached payments may be paid out to other persons only in conformity with the calculation of the bailiff who first performed the attachment of payments.
(6) A decision to secure a claim by prohibiting the defendant from performing certain actions shall be enforced by a bailiff who shall notify the defendant or the relevant third person of the court decision, for which they shall sign, or by sending it by registered mail.
(7) If in cases in which the subject-matter of an action is a monetary claim, the defendant has paid in the claim amount into the bailiff's deposit account, the bailiff shall release from attachment the attached movable property.
(8) The revocation of the means of securing of a claim applied if the securing of the claim is withdrawn shall be enforced on the basis of an order by the bailiff who enforced the decision to secure the claim.
(9) A decision to replace a means of securing of a claim shall be enforced by a bailiff, firstly securing the claim with the replacement means of securing of a claim and afterwards revoking the replaced means of securing of a claim. The sum which has been paid into the bailiff's deposit account as means of securing of a claim shall be repaid by the bailiff only on the basis of a court decision.
[31 October 2002; 19 June 2003; 7 September 2006; 5 February 2009; 5 February 2009]

Section 143. Compensation for Losses Caused by Securing of a Claim

If a claim made against a defendant is dismissed, the defendant is entitled to demand compensation for losses he or she has incurred due to the securing of the claim if securing of the claim has been withdrawn in the case laid down in Section 140, Paragraph eight of this Law or if the claim brought against him or her is left without examination or legal proceedings in the case have been terminated in the cases laid down in Section 223, Clauses 2 and 4 of this Law.
[4 August 2011; 8 September 2011; 29 November 2012]

Section 144. Revocation of Security for a Claim [7 September 2006]

Section 145. Termination of Security for a Claim [7 September 2006]

Section 146. Appeal of a Decision [7 September 2006]

Chapter 20
Preparation of Civil Cases for Trial
[30 October 2002]

Section 147. Preparation of Civil Cases for Trial

(1) In order to ensure timely examination of a case, the judge subsequent to receipt of a statement of claim shall prepare the case for trial.
(2) Participants in the case have an obligation to participate in preparation of the case for trial: to answer within the time periods set by the judge his or her requests, to submit written explanations, the necessary evidence and to attend the court pursuant to the summons of the judge.
[30 October 2002]

Section 148. Sending of a Statement of Claim and Attached Documents to the Defendant

(1) After a case is initiated, the statement of claim and true copies of documents attached thereto (Section 129, Paragraph three) shall be sent, without delay, to the defendant by registered mail, therewith setting the time period for submitting a written explanation – 15-30 days from the day the statement of claim was sent.
(1^1) If the statement of claim and true copies of documents attached thereto (Section 129, Paragraphs three and four) are to be sent to the defendant after initiation of a case in accordance with Section $56.^2$ of this Law, the time period for submitting a written explanation shall be 30 days, counting from the day when the statement of claim was served to the defendant.
(1^2) A plaintiff shall be notified regarding sending of the statement of claim and true copies of documents attached thereto to the defendant.
(2) In the explanation the defendant shall state:

1) whether he or she admits the claim fully or in a part thereof;

2) his or her objections against the claim and substantiation thereof;

3) evidence corroborating his or her objections against the claim and their substantiation, as well as the law on which they are based;

4) petitions regarding acceptance of evidence or requiring thereof;

5) other circumstances which he or she considers significant in examination of the case.

(3) The defendant shall attach to the explanation true copies thereof in conformity with the number of participants in the case and documentary evidence corroborating the circumstances on which the objections are based.
(4) After receipt of the explanation a true copy thereof shall be sent without delay to the plaintiff and third persons. If the judge finds it necessary, he or she has the right to request from the plaintiff a response regarding the explanation.
[30 October 2002; 7 September 2006; 5 February 2009]

Section 149. Actions of a Judge in Preparing a Case for Trial

(1) After receipt of the explanation or expiry of the time period set for the submission thereof the judge shall decide on the actions for preparation of the case to be able to examine it in a court hearing.
(2) In preparing a case for trial the judge shall strive to reconcile the parties.
(3) In preparing a case for trial the judge shall rule on the petitions of participants in the case regarding:
1) invitation or admission of third persons;
2) provision of evidence;
3) summonsing of witnesses;
4) ordering of an expert-examination;
5) acceptance or requiring of documentary and real evidence;
6) participation of persons in the trial of the case by using a video conference.
(4) The judge is entitled to require from the participants in the case written explanations in order to clarify circumstances of the case and evidence. Explanations and evidence shall be submitted within the time period specified by the judge.
(5) The judge shall decide the issue regarding participation in the case of representatives from State and local government institutions and of a public prosecutor, in cases provided for in law, regarding sending of assignments to other courts regarding participation of persons in the trial of the case by using a video conference, as well as perform other necessary procedural actions.
(6) For the performance of the actions specified in this Section the judge may order a preparatory hearing to which the parties and third persons shall be summoned.
(7) If a preparatory hearing is not required the judge shall set the date and time of the court hearing and the persons to be summoned and summonsed to court.
(8) In cases regarding the reinstatement of an employee in work and cases regarding the annulment of an employer's notice of termination, the date of the court hearing shall be determined not later than 15 days after receipt of explanations or the end of the time period for the submission thereof, or after a preparatory hearing.
(9) In cases regarding claims arising from alienation of immovable property for public needs, the date of the court hearing shall be determined within 15 days after receipt of explanations or the end of the time period for the submission thereof, or after a preparatory hearing.
(10) In cases regarding claims in favour of insolvent debtors in the cases specified in Chapter XVII of the Insolvency Law and regarding recovery of losses from members of administrative bodies of a legal person and participants (shareholders) of a capital company on the basis of their obligation to be liable for the damages caused, as well as from members of a partnership personally liable on the basis of their obligation to be liable for the obligations of a partnership, the court hearing shall be determined not later than three months after receipt of explanations or the end of the time period for the submission thereof, or after a preparatory hearing.
[30 October 2002; 7 April 2004; 9 June 2005; 30 September 2010; 8 September 2011]

Section 149.[1] Preparatory Hearing

(1) During a preparatory hearing the judge shall interview participants in the case regarding the substance of the case in order to clarify the subject-matter and limits of the dispute, explain to the participants in the case their procedural rights and obligations, the consequences of performing or failing to perform procedural actions, decide issues provided for in Section 149, Paragraphs three, four and five of this Law, strive to reconcile the parties, if necessary, set a time period by which separate procedural actions shall be performed.
(2) If the date of a court hearing has not been set in advance, during the preparatory hearing the judge shall set the date and time of the court hearing and notify the present participants in the case thereof for which they shall sign, as well as specify the persons to be summoned and summonsed to the court hearing.
(3) Minutes shall be taken of the preparatory hearing. The minutes shall specify the information regarding the proceedings of the hearing, the substance of the explanations by the participants in the case and the decisions taken by the judge.
[30 October 2002]

Section 150. Liability of Participants in a Case

(1) If a participant in a case without a justified reason fails to submit explanations, does not reply to a request by the judge within the time period set by the judge, the judge may impose a fine not exceeding 100 lats on him or her.
(2) If a participant in a case without a justified reason fails to attend the preparatory hearing, the judge may impose a fine not exceeding 100 lats on him or her.
(3) If the defendant has failed to submit explanations, has failed to attend the preparatory hearing and has failed to notify the reason for his or her failure to attend, the court may give a default judgment at the preparatory hearing.
[30 October 2002; 30 September 2010; 29 November 2012]

Chapter 21
Trial of Civil Cases

Section 151. Court Hearings

(1) Cases shall be tried at a court hearing presided over by a judge.
(2) A judge shall conduct the trial of a case so as to ensure equal opportunity for all participants in a case to participate in the determining of the circumstances in the case.
(3) In the course of the trial of a case, the judge shall strive to reconcile the parties.

Section 152. Procedures in Court Hearings

(1) Participants in a case, witnesses, experts and interpreters shall, during a court hearing, follow the procedures laid down in this Law and shall, without objection, conform to the orders of the judge and decisions of the court.
(2) Persons present in the court room of a court shall behave so as not to disrupt the course of the court hearing.
(3) The course of the trial of a case may be written down or otherwise recorded, without the procedures of the court hearing being disturbed. Photography, filming or videotaping at a court hearing shall be allowed only with the permission of the court. Before deciding such issue, the court shall hear the opinion of the participants in the case.

(4) The number of persons to be admitted to the court room of a court shall be determined by the court according to the number of places in the room. Relatives of parties and representatives of mass media shall have priority to be present at the trial of the case.
(5) Upon the entrance of the court into the court room and the departure of the court therefrom, all persons present in the court room shall rise.
(6) While providing explanations and opinions to the court, submitting petitions or giving evidence, the participants in the case, witnesses and experts shall stand up. Derogation from this provision shall be allowed only with the permission of the judge.
(7) All persons present in the courtroom of the court shall stand up while hearing the judgment of the court.
[19 June 2003]

Section 153. Maintaining Order at a Court Hearing

(1) Persons who disturb the order of the court during the time when a case is being tried shall be warned by the judge.
(2) If participants in the case, witnesses, experts or interpreters disturb the order of the court repeatedly, the court may impose a fine upon such persons not exceeding fifty lats.
(3) If a public prosecutor or an advocate disturbs the order repeatedly, such a fact shall be reported to a more senior public prosecutor or to the Council of Latvian Sworn Advocates.
(4) If a person who is not a participant in the case disturbs the order of the court repeatedly, he or she shall be expelled from the courtroom of the court. Such person may also be held liable, as laid down in law, for contempt of court.

Section 154. Commencement of a Court Hearing

At the time appointed for trial of the case the court shall enter the court room, the chairperson of the hearing shall open the court hearing and announce:

1) the year, day, month and place of the court hearing;

2) the name of the court which examines the case, the court panel, the court recorder of the court hearing, the interpreter, the representative appointed by the court for the progress of a video conference, the advocate and prosecutor who participate in the case;

3) the time of opening of the court hearing;

4) the name of the case.

[8 September 2011]

Section 155. Verifying Attendance of Participants in the Case

(1) The court recorder of the court hearing shall inform the court as to which of the summoned and summonsed persons are in attendance, whether persons not attending have been notified of the hearing, and what information has been received regarding the reasons for such persons failing to attend.
(2) The court shall verify the identity of the persons present and the authorisations of representatives. A representative specified by the court shall verify the identity of those persons who participate in the court hearing by using a video conference.
[8 September 2011]

Section 156. Consequences of Failure to Attend of Participants in a Case, Witnesses, Experts or Interpreters

(1) If a participant in a case, witness, expert or an interpreter fails to attend a court hearing, the court shall begin examination of the case, provided that there is not a basis for postponing it in accordance with Section 209 or 210 of this Law.
(2) If a participant in a case who has failed to attend the court hearing has not given timely notice to the court of the reasons for their failure to attend, the court may impose a fine upon such person not exceeding 50 lats.
(3) If a participant in a case fails to attend the court hearing for reasons, which the court finds unjustified, the court may impose a fine upon such person not exceeding 100 lats.
(4) Witnesses and experts who fail to attend a court hearing shall be subject to the procedural sanctions laid down in Sections 109 and 122 of this Law.

Section 157. Explaining the Obligations of Interpreters

(1) The court shall explain to interpreters their obligation to translate the explanations, questions, testimony, applications and petitions of persons who do not understand the language of the court proceedings, and to translate to such persons the explanations, questions, testimony, applications and petitions of other participants in the case and the contents of the documents read, the judge's instructions and the court decisions.
(2) The court shall warn interpreters that they are liable in accordance with the Criminal Law for refusal to translate, or for knowingly translating falsely.

Section 158. Exclusion of Witnesses from the Court Room of a Court

Witnesses shall be excluded from the courtroom of the court until their examination commences. The chairperson of the hearing shall ensure that the witnesses who have been examined by the court do not communicate with witnesses who have not been examined.

Section 159. Explaining Rights and Obligations to Participants in a Case

(1) The court shall explain to the participants in a case their procedural rights and obligations.
(2) In the course of examining a case, the court shall explain to the parties and third persons the consequences of performing or failing to perform procedural actions.

Section 160. Decisions on Removal

(1) The court shall ascertain whether the participants in the case wish to remove a judge, public prosecutor, court recorder of the court hearing, expert or interpreter.
(2) Applications regarding removal shall be decided by the court in accordance with the procedures laid down in Section 21 of this Law.

Section 161. Explaining Rights and Obligations to Experts

The court shall explain to experts their rights and obligations and warn them that for refusal to provide an opinion, or knowingly providing a false opinion, an expert is liable in accordance with the Criminal Law.

Section 162. Decisions on Petitions Submitted by Participants in a Case

The court shall ascertain whether the participants in the case have petitions related to the trial of the case and decide on such after hearing the opinion of other participants in the case.

Section 163. Commencement of Examining a Case on the Merits

(1) Examining a case on the merits shall commence with the judge's report regarding the circumstances of the case.
(2) After the judge's report, the court shall ascertain whether the plaintiffs maintain their claim, whether defendants admit a claim, and whether both parties wish to enter into a settlement or to transfer the case for examination to an arbitration court.

Section 164. Withdrawal of a Claim, Admission of a Claim, Settlement, Agreement to Transfer a Case to Arbitration Court

(1) Withdrawal of a claim or admission of a claim shall be recorded in the minutes of the court hearing and signed respectively by the plaintiff or by the defendant.
(2) If withdrawal of a claim or admission of a claim is expressed in a written application addressed to the court, such application shall be attached to the case file.
(3) A settlement shall be submitted to the court in writing and attached to the case file.
(4) Agreement to transfer a case to an arbitration court shall be drawn up in writing and attached to the case file.
(5) The court shall take a decision to withdraw a claim by the plaintiff, agreement of the parties to transfer the case for examination to an arbitration court, as well as a settlement of the parties, and such decision shall simultaneously terminate the court proceedings in the case. The provisions of a settlement shall be set out in a decision by which the settlement is confirmed.
(6) The court shall take a reasoned decision to refuse to confirm a settlement, and shall continue to examine the case on the merits.
(7) So long as the examination of a case on the merits is not completed, it shall be possible to withdraw a claim, admit a claim, enter into a settlement or an agreement to transfer the dispute for it to be examined in an arbitration court.

Section 165. Explanations by Participants in the Case

(1) In a court hearing participants in the case shall provide explanations in the following order: plaintiffs, third persons with separate claims, defendants.
(2) If a third person without a separate claim participates in the proceedings, he or she shall provide explanations after the plaintiff or after the defendant, depending on whose side the third person participates in the case.
(3) If an action has been brought by a public prosecutor, a State or local government institution, or a person to whom the right to defend the rights and lawful interests of other persons in court has been conferred by law, they shall be the first to provide explanations at the court hearing.
(4) Representatives of participants in the case shall provide explanations on behalf of the persons they represent.
(5) Participants in the case shall state in their explanations all the circumstances upon which their claims or objections are based.
[31 October 2002]

Section 166. Written Explanations of Participants in the Case

(1) Participants in a case have the right to submit their explanations to the court in writing.
(2) Written explanations of participants in a case shall be read at the court hearing in accordance with the order set out in Section 165 of this Law, and shall be attached to the case file.

Section 167. Order of Questions Being Put

(1) With the permission of the court, participants in a case may put questions to each other. The court may reject questions, which are not relevant to the case.
(2) The judge may put questions to participants in the case, if a participant expresses himself or herself obscurely or indefinitely, or if it is not evident from the explanations whether or not the participant admits or denies the circumstances on which the claims or objections of the other party are based.
(3) If a party refuses to answer a question regarding disputable circumstances, or refuses to provide explanations regarding such, the court may assume that the party does not dispute such circumstances.

Section 168. Determining the Procedures for Examination of Evidence

After hearing the explanations and opinion of the participants in the case, the court shall determine the procedure for the examining of witnesses and experts and for examination of other evidence.

Section 169. Warning of Witnesses

(1) Before questioning a witness, the court shall determine their identity and warn them regarding their liability for refusing to testify or for knowingly providing false testimony, as well as explain the substance of Section 107 of this Law.
(2) Before being examined, a witness shall sign a warning regarding such substance: "I, . . (given name and surname of the witness), undertake to testify to the court about everything I know regarding the case in which I am called as a witness. It has been explained to me that for refusing to testify or for knowingly giving intentionally false testimony I may be criminally liable in accordance with the Criminal Law."
(3) The warning signed by the witness shall be attached to the minutes of the court hearing.
(4) The judge shall explain to witnesses who have not attained the age of 14 years, their obligation to testify truthfully and to tell all they know regarding the case, but shall not warn such a witness about liability for refusing to testify or knowingly giving false testimony.

Section 170. Examination of Witnesses

(1) Each witness shall be examined separately.
(2) The witnesses designated by the plaintiff shall be examined first and the witnesses designated by the defendant thereafter. The order of the examination of the witnesses designated by a party shall be determined by the court, taking into account the opinion of such party.
(3) A witness shall give testimony and answer questions orally.
(4) The court shall determine the relationship of the witness with the parties and third persons and ask the witness to tell the court everything that he or she personally knows regarding the case and to avoid providing information the source of which he or she cannot identify, as well

as expressing his or her own subrogations and conclusions. The court may interrupt the narrative of a witness, if the witness speaks about circumstances not relevant to the case.
(5) With the permission of the court, participants in the case may put questions to the witness. Questions shall be put first by the participant at whose request the witness was called, and thereafter by other participants in the case.
(6) The judge may put questions to the witness at any time during the examination of the witness. During the examination of a witness, questions may also be put to the participants in the case.
(7) The court may examine a witness a second time during the same or at another court hearing, as well as confront witnesses with each other.
(8) If the circumstances for the determining of which witnesses were called have been determined, the court, with the consent of the participants in the case, upon taking an appropriate decision on this, may waive examining the witnesses in attendance. The consent of the participants in the case shall be recorded in the minutes of the hearing and shall be signed by each participant in the case.

Section 171. Right of a Witness to Use Written Notes

When giving testimony, a witness may use written notes, if the testimony is in connection with calculations or other data, which are difficult to remember. Such notes shall be shown to the court and to the participants in the case and may, pursuant to a court decision, be attached to the case file.

Section 172. Examination of Witnesses who are Minors

(1) The examination of a minor shall be conducted, at the discretion of the court, in the presence of a statutory representative or a teacher. Such persons may put questions to the witness who is a minor.
(2) In cases where it is necessary to determine the circumstances of a case, any participant in the case or any person present in the courtroom may, pursuant to a court decision, be sent out of the courtroom during the examining of a witness who is a minor. After the participant in the case returns to the courtroom, he or she shall be acquainted with the testimony of the minor witness and shall be given an opportunity to put questions to the witness.
(3) Witnesses who have not reached the age of 15 years shall be sent out of the courtroom after their examination, except in cases where the court finds that it is necessary that such a witness be present in the courtroom.

Section 173. Reading the Testimony of a Witness

The testimony of a witness obtained in accordance with the procedures regarding the securing of evidence or regarding court assignments, or at a prior court hearing, shall be read during the court hearing at which the case is being tried.

Section 174. Obligations of Witnesses who have been Examined

Witnesses who have been examined shall remain in the courtroom until the end of the trial of the case. They may leave the courtroom before the end of the trial of the case only pursuant to a court decision, taken after hearing the opinion of the participants in the case.

Section 175. Examination of Expert Opinions and Examining Experts

(1) An expert opinion shall be read at the court hearing.

(2) The court and the participants in the case may put questions to the expert in the same order as with respect to witnesses.
(3) In cases referred to in Section 125 of this Law the court may order additional or repeat expert-examination.

Section 176. Attaching of Documentary Evidence to the Case File

(1) The court shall decide issues regarding the attaching of documentary evidence to the case file after it has acquainted the participants in the case with the substance of such evidence and has heard their opinion.
(2) Subject-matters of State secrets shall be compiled in a separate volume.
[5 February 2009]

Section 177. Examination of Documentary Evidence

(1) Documentary evidence or the minutes of the examination thereof shall be read at the court hearing or presented to participants in the case, and, if necessary, also to experts and witnesses.
(2) Personal correspondence may be read at an open court hearing only with the consent of the persons involved in such correspondence. If no such consent has been given, or if the persons are deceased, such evidence shall be read and examined in a closed court hearing.

Section 178. Disputing of Documentary Evidence

(1) Participants in a case may dispute the veracity of documentary evidence.
(2) Documentary evidence may not be disputed by the person who himself or herself has signed such evidence. Such a person may dispute the evidence by bringing an independent action, if their signature was obtained under the influence of duress, threat or fraud.
(3) The veracity of Land Register entries, notarised documents or other acts certified in accordance with procedures laid down in law may not be disputed. Such may be disputed by bringing an independent action.
(4) The submitter of disputed documentary evidence shall explain at the same court hearing whether they wish to use such documentary evidence or whether they request that it be excluded from the evidence.
(5) If a participant in the case wishes to use the disputed evidence, the court shall decide as to allowing its use after comparing such evidence with other evidence in the case.

Section 179. Application Regarding Forgery of Documentary Evidence

(1) A participant in a case may submit a justified application regarding forgery of documentary evidence.
(2) The person who has submitted such evidence may request the court to exclude it.
(3) In order to examine an application regarding forgery of documentary evidence, the court may order an expert-examination or require other evidence.
(4) If the court finds that the documentary evidence has been forged, it shall exclude such evidence and notify a public prosecutor about the fact of forgery.
(5) If the court finds that the participant in the case has, without good cause, initiated a dispute regarding the forgery of documentary evidence it may impose a fine on such a participant not exceeding one hundred lats.

Section 180. Examination of Real Evidence

(1) Real evidence shall be inspected at the court hearing and presented to the participants in the case, and, where necessary, also to experts and witnesses.
(2) Participants in the case may provide explanations regarding real evidence and express their opinions and requests.
(3) Minutes of the inspection of real evidence, written pursuant to the procedures for securing evidence or a court assignment, shall be read at the court hearing.

Section 181. Inspection and Examination of Evidence on Site

(1) If documentary or real evidence cannot be brought to the court, the court shall take, pursuant to the petition of a participant in the case, a decision on inspection and examination of such evidence at the site where it is located.
(2) The court shall notify participants in the case of an inspection on site. The failure of such persons to attend shall not be an impediment to performing the inspection.
(3) In conducting an inspection on site, the court may summon experts and witnesses.
(4) The course of the inspection shall be recorded in the court hearing minutes, to which shall be attached plans, technical drawings and representations of the real evidence drawn up and examined during the inspection.

Section 182. Opinion of an Authority

(1) After the evidence has been examined, the court shall hear the opinion of the authorities participating in the proceedings in accordance with law or a court decision.
(2) The court and participants in the case may put questions to representative of such authorities concerning their opinion.
[7 April 2004]

Section 183. Closing the Examining on the Merits of a Case

(1) After all submitted evidence has been examined, the court shall ascertain the opinion of the participants in the case regarding the possibility of closing the examining on the merits of the case.
(2) If it is not necessary to examine additional evidence, the court shall determine whether plaintiffs maintain their claim and whether the parties wish to enter into a settlement.
(3) If a plaintiff does not withdraw his or her claim and the parties do not wish to make a settlement, the court shall declare that the examining on the merits of the case is closed, and proceed to court argument.

Section 184. Court Argument

(1) In court argument plaintiffs or their representatives shall speak first, followed by defendants or their representative. Public prosecutors, representatives of State or local government institutions and persons who have come to the court in order to defend the rights and interests protected by law of other persons, shall be the first to speak at the court argument.
(2) If third persons with separate claims for the subject-matter of the dispute are participating in the case, such persons or their representatives shall speak after the parties.
(3) Third persons without separate claims for the subject-matter of the dispute, or their representative, shall speak after plaintiffs or defendants on whose side the third person is participating in the case.

(4) Participants in the court argument are not entitled to refer in their statements to such circumstances and evidence as have not been examined at the court hearing.
(5) The court may interrupt a participant in the argument, if the participant discusses circumstances not relevant to the case.

Section 185. Reply

(1) After the participants in the case referred to in Section 184 of this Law have spoken in the argument, each of them has the right to one reply.
(2) The court may limit the time for reply.

Section 186. Opinion of the Public Prosecutor

If a public prosecutor who has not brought an action participates in the proceedings, he or she shall, subsequent to the court argument and comments, provide an opinion regarding the validity of the claim.

Section 187. Deliberation by the Court

(1) Following the court argument, the replies and the opinion of the public prosecutor, the court shall retire to the deliberation room to give judgment, prior thereto notifying the persons present in the courtroom thereof.
(2) If in a complex case, the court acknowledges that in this court hearing it is not possible to give a judgment, it shall determine the next court hearing in which it shall notify the judgment within the nearest 14 day time period.
[19 June 2003]

Section 188. Resuming the Examining on the Merits of a Case

(1) If, during deliberation, the court finds it necessary to determine new circumstances that are significant in the case or to further examine existing or new evidence, it shall resume the examining on the merits of the case.
(2) In such case the court hearing shall continue in accordance with the procedures laid down in this Chapter.

Chapter 22
Judgments

Section 189. General Provisions

(1) A court decision, by which a case is adjudged on the merits, shall be made by the court in the form of a judgment and declared in the name of the Republic of Latvia.
(2) A judgment shall be given and declared after examination of the case.
(3) A judgment must be lawful and well-founded.
(4) No direct or indirect interference with the giving of a judgment, or exerting of influence upon the court, shall be permitted.
[19 June 2003]

Section 190. Lawfulness and Basis of Judgment

(1) In giving a judgment, the court shall take into account the norms of substantive and procedural law.

(2) The court shall base the judgment on the circumstances that have been established by evidence in the case. In a judgment the court shall not disclose information that is a subject-matter of a State secret, but indicate that it has become acquainted with such information and assessed it.
[5 February 2009]

Section 191. Procedures for Giving Judgment

(1) The court shall give judgment in the deliberation room.
(2) While a judgment is being given, only judges who are members of the court panel in the case to be examined may be present in the deliberation room.
(3) If a judgment is made collegially, the chairperson of the court hearing shall be the last to state his or her opinion.
(4) In giving judgment, the court shall adopt all decisions with a majority vote. All the judges shall sign the judgment.
(5) The judgment in a case examined by a judge sitting alone shall be signed by the judge.
(6) After the judgment has been signed, no alterations or changes shall be permitted.
(7) No erasures or blockings out shall be permitted in a judgment, but corrections or written additions shall be justified before all the judges sign it.

Section 192. Observance of Claim Limits

The court shall make a judgment regarding the subject-matter of the action set out in the action, and on the basis specified in the action, not exceeding the extent of what is claimed.

Section 193. Form and Contents 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 set out that the judgment is made in the name of the Republic of Latvia, as well as the date when the judgment was given, the name of the court giving the judgment, the court panel, the court recorder of the court hearing, the participants in the case and the subject-matter of the dispute.
(4) The descriptive part shall set out the claim of the plaintiff, the counterclaim of the defendant, objections, and the substance of the explanations provided by participants in the case.
(5) The reasoned part shall state the facts established in the case, the evidence on which the conclusions of the court are based, and the arguments by which such evidence, or other evidence, has been rejected. This part shall also set out the laws and regulations, which the court has acted pursuant to, and a judicial assessment of the circumstances determined in the case, as well as the conclusions of the court regarding the validity or invalidity of the claim. If the defendant has fully recognised the claim, the reasoned part of the judgment shall include only an indication of the laws and regulations, which the court has acted pursuant to.
(6) The operative part shall set out the court decision regarding the complete or partial allowing of the claim, or the complete or partial dismissal thereof and the substance of the judgment. Furthermore, it shall set out by whom, and to what extent, court expenses shall be paid, the time period for voluntary enforcement of the judgment if the court has specified such, the time period and procedures for appeal of the judgment, as well as the date of drawing up of the full judgment.
[17 February 2005; 7 September 2006; 5 February 2009]

Section 194. Summary Judgment

In a complex case, the court may prepare a summary judgment consisting of an introductory part and an operative part. In such case, the court shall prepare a full judgment within 14 days.

Section 195. Judgments regarding Recovery of Monetary Amounts

In giving a judgment regarding recovery of monetary amounts, the court shall set out in the operative part thereof the type of claim and the amount to be recovered, indicating separately the principal debt and the interest, the time period for which the interest has been adjudged, the rights of the plaintiff regarding receipt of interest for the time period prior to enforcement of the judgment (the day of an auction), including also a reference to the extent thereof, as well as the name and account number of the credit institution to which the payment is to be made, if any has been indicated in the statement of claim.
[8 September 2011]

Section 196. Judgments regarding Recovery of Property in Specie

In giving judgment regarding recovery of property in specie, the court shall set out in the operative part thereof the specific property and stipulate that in the case of the non-existence of the property its value shall be recovered from the defendant, referring to the specific amount.

Section 197. Judgments Imposing an obligation to Perform Specific Actions

(1) In a judgment, which imposes an obligation to perform specific actions, the court shall state specifically who is to perform them, what actions are to be performed and the time period within which they are to be performed.
(2) In making a judgment which imposes an obligation on the defendant to perform specific actions not related to the providing of property or amounts of money, the court may set out in the judgment that if the defendant does not perform the said actions within the specified time period, the plaintiff is entitled to perform such actions at the expense of the defendant, and thereafter recover payment from the defendant for the necessary expenses.

Section 198. Judgments in Favour of Several Plaintiffs or against Several Defendants

(1) In a judgment in favour of several plaintiffs, the court shall set out which part of the judgment refers to each of them, or that the right to recovery are solidary.
(2) In a judgment against several defendants, the court shall state which part of the judgment shall be enforced by each of them, or that their liability is solidary.

Section 199. Declaration of Judgment

(1) After the judgment is signed, the court shall return to the court room of the court where the judge shall declare the judgment by reading it.
(2) After declaring the judgment the judge shall explain its substance and the procedures and time periods for appeal.
(3) In declaring a summary judgment, the court shall announce the date by which a full judgment shall be prepared.

Section 200. Correction of Clerical and Mathematical Calculation Errors

(1) The court may, upon its own initiative or upon an application of a participant in the case, correct clerical and mathematical calculation errors in the judgment. An issue regarding correction of mistakes shall be examined by written procedure. The participants in the case shall be notified in advance regarding examination of the abovementioned issue by written procedure. If the application is submitted by a participant in the case, concurrently with sending of the notification the court shall send an application regarding correction of clerical and mathematical calculation errors in the judgment.
(2) Clerical and mathematical calculation errors in the judgment shall be corrected pursuant to a decision of the court, the true copy of which shall be sent to the participant in the case within three days after receipt thereof.
(3) The participant in the case may submit an ancillary complaint regarding a decision to correct a mistake in the judgment.
[8 September 2011]

Section 201. Supplementary Judgment

(1) The court that gives a judgment in a case is entitled, upon its own initiative or pursuant to the application of a participant in the case, to give a supplementary judgment if:
1) judgment has not been given regarding any of the claims for which the participants have submitted evidence and provided explanations; or
2) the court has not specified the amount of money adjudged, the property to be transferred, the actions to be performed, or compensation for court expenses.
(2) The giving of a supplementary judgment may be initiated within the time period laid down in law for appealing the court judgment.
(3) The court shall notify the participants in the case about the date and place such issue is to be examined. The failure of such persons to attend is not an impediment to deciding the issue regarding the giving of a supplementary judgment.
(4) An ancillary complaint may be submitted regarding a court decision to refuse to give a supplementary judgment.

Section 202. Explanation of Judgment

(1) The court that has given a judgment may, pursuant to the application of a participant in the case, take a decision explaining the judgment without changing its substance.
(2) Explanation of a judgment shall be permitted, if the judgment has not yet been enforced and the time period for its enforcement has not expired.
(3) An issue regarding explanation of a court judgment shall be examined in a court hearing upon prior notice to the participants in the case. The failure of such persons to attend is not an impediment to examination of the issue.
(4) An ancillary complaint may be submitted regarding a court decision concerning explanation of a judgment.

Section 203. Entering into Lawful Effect of a Judgment

(1) A court judgment shall enter into lawful effect when the time period for its appeal in accordance with appellate procedures has expired and no notice of appeal has been submitted. If an appellate instance court has left a notice of appeal without examination or closed appellate proceedings, the judgment shall enter into effect from the time the respective decision is declared.

(2) If a part of a judgment is appealed, the judgment shall enter into effect regarding the part, which has not been appealed, after expiration of the time period for appeal thereof.
(2^1) If the time period for submission of a notice of appeal regarding a judgment of the court of first instance in respect of different participants in the case is determined in accordance with Section 415, Paragraph one or two and Section 415, Paragraph $2.^2$ of this Law or the time period for a notice of appeal regarding a judgment of the court of first instance in respect of all participants in the case is determined in accordance with Section 415, Paragraph three of this Law, a judgment of court shall enter into lawful effect after expiration of the time period for appeal thereof, by counting the time period from the latest day of service of true copy of the judgment, unless a notice of appeal has been submitted.
(2^2) If in the cases referred to in Paragraph $2.^1$ of this Section the relevant confirmation regarding service of a true copy of the judgment (Section $56.^2$) has not been received, the judgment shall enter into lawful effect within six months after declaration thereof.
(3) After a judgment has entered into lawful effect, the participants in the case or their successors in interest are not entitled to dispute at other court proceedings the facts established by the court, as well as to bring court action anew regarding the same subject-matter and on the same basis, except in the cases specified in this Law.
(4) If, after a judgment imposing periodic payments on a defendant has entered into lawful effect, there is a change of circumstances affecting the determination of the amount or duration of payments, either party is entitled to request that the amount or time period of payments be varied, by submitting a new claim.
(5) A judgment that has entered into lawful effect shall have the force of law, it is compulsory and may be enforced throughout the territory of the State, and it may be revoked only in cases, and in accordance with procedures, laid down in law.
[7 September 2006; 5 February 2009]

Section 204. Enforcement of a Judgment

A judgment shall be enforced after it has entered into lawful effect, except in cases where the judgment is to be enforced without delay.

Section $204.^1$ Voluntary Enforcement of a Judgment

(1) In giving a judgment regarding the recovery of amounts of money, the return of property in kind, the eviction of persons and property from premises and the recovery of court expenses, a court shall determine a time period for voluntary enforcement of the judgment, except in cases where the judgment is to be enforced without delay.
(2) The time period for the voluntary enforcement of a judgment may not be longer than 10 days from the day of the entering into effect of the judgment.
[17 February 2005]

Section 205. Judgments to be Enforced without Delay

(1) Upon request of a participant in the case, the court may state in the judgment that the following judgments shall be enforced, fully or with regard to a specified part, without delay:
1) regarding recovery of the child maintenance or parent support;
2) regarding recovery of remuneration for work;
3) regarding reinstatement to employment;
4) regarding compensation for mutilation or other injury to health;
5) regarding recovery of the maintenance as a result of the death of a person who had an obligation to support someone;
6) in cases where the defendant has admitted the claim;

7) in cases where delayed enforcement of the judgment may, due to special circumstances, cause substantial losses for the creditor, or recovery itself may become impossible;

8) in cases arising from custody rights and access rights.

(2) Immediate enforcement of a judgment provided for in Paragraph one, Clause 7 of this Section shall be permitted only by requiring adequate security from the creditor in the event that an appellate instance court varies the judgment.

[9 June 2011; 29 November 2012]

Section 206. Postponement, Division into Time Periods, Varying of the Form and Procedure of Enforcement of a Judgment

(1) The court which has given a judgment in a case is entitled pursuant to the application of a participant in the case and taking into account the financial situation of the parties, children's rights or other circumstances, to take a decision to postpone the enforcement of a judgment or divide it into time periods, as well as to vary the form and procedures of enforcement thereof. A decision on postponement, division into time periods, varying of the form and procedure of enforcement of a judgment shall be implemented without delay.

(2) The application shall be examined at a court hearing upon prior notice to the participants in the case. The failure of such persons to attend is not an impediment to examination of the application.

(3) An ancillary complaint may be submitted regarding a court decision to postpone the enforcement of a judgment or divide it into time periods, or to vary the form and procedures of a judgment. The submission of the ancillary complaint shall not stay enforcement of the decision.

[14 December 2006; 8 September 2011]

Section 206.[1] Issues of Enforcement of a Judgment Given in Accordance with the Procedures Provided for in European Parliament and Council Regulation No 861/2007 and of the European Order for Payment Rendered in Accordance with the Procedures Provided for in European Parliament and Council Regulation No 1896/2006

[8 September 2011]

(1) A court that has given a judgment in accordance with the procedures provided for in European Parliament and Council Regulation No 861/2007 or a European order for payment in accordance with the procedures provided for in European Parliament and Council Regulation No 1896/2006, upon an application of the debtor in the cases provided for in Article 15(2) of European Parliament and Council Regulation No 861/2007 or Article 23 of European Parliament and Council Regulation No 1896/2006, is entitled to:

1) replace enforcement of the judgment or the European order for payment with the measures provided for in Section 138 of this Law for securing enforcement of the judgment or the European order for payment;

2) amend the type or procedures for enforcement of the judgment or the European order for payment;

3) stay the enforcement of the judgment or the European order for payment.

(2) The application referred to in Paragraph one of this Section shall be examined at a court hearing upon prior notice to the participants in the case. The failure of such persons to attend shall not be an impediment to examination of the application.

(3) An ancillary complaint may be submitted regarding a court decision.

[5 February 2009; 8 September 2011]

Section 207. Securing the Enforcement of a Judgment

Pursuant to the application of participants in a case the court, in order to secure the enforcement of a judgment, may order in the judgment the measures provided for in Section 138 of this Law.
[7 September 2006]

Section 208. Sending of a True Copy of the Judgment to the Participants in the Case

(1) A true copy of the judgment shall be sent to the participants in the case who have not attended the court hearing, not later than three days after the judgment has been declared, but where a summary judgment is declared – within three days of the full judgment being drawn up.
(2) If a participant in the case has been present at the court hearing and the court has declared a summary judgment, the court shall send to the participant, pursuant to his or her written request, a true copy of the full judgment within three days of the full judgment being drawn up.
(3) If in the cases referred to in Paragraphs one and two of this Section a true copy of the judgment should be sent to a person in accordance with Section 56.[2] of this Law and a translation should be attached to a true copy of the judgment in the cases provided for in this Law, a court shall send the true copy of the judgment together with the translation immediately after preparation of the translation.
[5 February 2009]

Chapter 22.[1]
Default Judgment
[31 October 2002]

Section 208.[1] Default Judgment

(1) A default judgment is a judgment, which is given by first instance court in a case where the defendant has failed to provide explanations regarding the claim and has failed to attend pursuant to the court summons without notifying the reason for the failure to attend.
(2) A default judgment shall be given by the court on the basis of the explanations by the plaintiff and the materials in the case if the court recognises such as sufficient for settling of the dispute.
(3) A default judgment may not be given in cases:
1) which may not be terminated by settlement;
2) in which the declared place of residence, place of residence, location or legal address of the defendant is not in the Republic of Latvia;
3) in which the defendant has been summoned to court by a publication in the official gazette *Latvijas Vēstnesis*;
4) in which there are several defendants and at least one of them participates in proceedings.
(4) Provisions regarding the default judgment shall not apply to the special trial procedures.
[30 October 2002; 29 November 2012]

Section 208.[2] Form and Contents of a Default Judgment

(1) A court shall give and draw up a default judgment in accordance with the procedures laid down in Sections 189-198 of this Law, taking into account the features provided for by this Section.
(2) The fact that the judgment is made by default shall be indicated in the title thereof.
(3) The descriptive part of a default judgment shall set out the claims of the plaintiff, the substance of the explanation of the defendant and the procedural basis for giving such judgment.
(4) The operative part of a default judgment in addition to the provisions prescribed in Section 193, Paragraph six of this Law shall set out that the plaintiff is entitled to appeal the judgment in accordance with appellate procedures, but the defendant is entitled, within 20 days from the day the default judgment was sent, to submit to the court which given the default judgment an application regarding renewal of court proceedings and examination of the case anew.
[30 October 2002]

Section 208.[3] Sending of a True Copy of the Default Judgment to the Defendant

A true copy of the default judgment shall be sent to the defendant by registered mail.
[30 October 2002; 5 February 2009]

Section 208.[4] Appeal of a Default Judgment

(1) A plaintiff is entitled to appeal a default judgment in accordance with the appellate procedures.
(2) A defendant is not entitled to appeal a default judgment in accordance with the appellate procedures.
[30 October 2002]

Section 208.[5] Renewal of Court Proceedings and Examining of the Case Anew

(1) A defendant is entitled, within 20 days from the day a default judgment was sent, to submit to the court, which gave the default judgment, an application regarding renewal of court proceedings and examination of the case anew.
(2) In an application shall be set out:
1) the name of the court that gave the default judgment;
2) the given name, surname, personal identity number, declared place of residence of the defendant, but, if none, the place of residence; for a legal person – the name, registration number and legal address thereof. In addition the defendant may also indicate another address for correspondence with the court;
3) the date when the default judgment was given and the substance thereof;
4) reasons due to which the defendant did not participate in the case;
5) objections of the defendant against the claim and judgment, grounds for the objections;
6) evidence corroborating the objections and the grounds thereof, the law on which they are based;
7) a petition regarding acceptance of evidence or requiring thereof;
8) a petition to renew court proceedings in the case and examine the case anew.
(3) An application shall have attached documents, which attest to the following:
1) payment of State fees and other court expenses in accordance with the procedures and in the amounts laid down in law;
2) the grounds for objections.

(4) The application shall have attached true copies thereof and true copies of documentary evidence for sending to the plaintiff and third persons.
[30 October 2002; 29 November 2012]

Section 208.[6] Leaving Application Not Proceeded With

(1) A judge shall leave an application not proceeded with if:

1) the application does not contain all details laid down in Section 208.[5], Paragraph two of this Law;

2) the application is not accompanied by all of the documents provided for in Section 208.[5], Paragraphs three and four of this Law.

(2) A judge shall take a reasoned decision on leaving an application not proceeded with, a true copy of which shall be sent to the defendant, and shall stipulate a time period of at least 20 days for rectification of deficiencies. The time period shall be calculated from the day when the decision was served. The decision of a judge may be appealed in accordance with the procedures laid down in this Law. The time period for appeal shall be calculated from the day when the decision was served.

(3) If the defendant does not rectify the deficiencies within the time period stipulated by the judge, the application shall be deemed as not submitted and shall be returned to the defendant. The decision on the return of the application may not be appealed.

(4) If the application is returned to the defendant, he or she has no right to submit the application to the court repeatedly.
[30 October 2002; 5 February 2009]

Section 208.[7] Actions of a Judge after Acceptance of the Application

(1) Having recognised that the application complies with the requirements of Section 208.[5] of this Law, the judge shall notify the plaintiff and third persons of the application and send them true copies of the application and the documents attached thereto.

(2) The judge shall examine the application within seven days after receipt thereof and take one of the following decisions:

1) to renew court proceedings and examine the case anew if it is recognised that examination of the case without participation of the defendant and examination of his or her applied evidence has led or may have led to an erroneous adjudging of the case;

2) to dismiss the application if it is recognised that examination of the case anew does not have the grounds specified in Paragraph two, Clause 1 of this Section.

(3) The judge shall specify in the decision to renew court proceedings and examine the case anew the day and time of the court hearing and the persons to be summoned and summonsed to the court.

(4) If a decision to renew court proceedings and examine the case anew has been taken and the plaintiff has submitted a notice of appeal with respect to the default judgment, the complaint shall be returned to the plaintiff.

(5) An ancillary complaint may be submitted regarding the decision by which an application is dismissed. A decision to renew court proceedings and examine the case anew may not be appealed.
[30 October 2002]

Section 208.[8] Entering into Lawful Effect of a Default Judgment

(1) A default judgment shall enter into lawful effect if within the time period laid down in law no notice of appeal has been submitted and no application regarding renewal of court proceedings and examination of the case anew has been submitted.

(2) If the application regarding renewal of court proceedings has been dismissed and a notice of appeal with respect to the court decision has not been submitted, a default judgment shall enter into effect after the time period for appeal of the decision of the judge has expired.
(3) If the decision of the judge to dismiss the application is appealed and the appellate instance court has left it unvaried, a default judgment shall enter into effect from the moment the decision of the appellate instance court is declared.
[30 October 2002]

Section 208.[9] Examination of Cases Anew

If a decision to renew court proceedings and examine the case anew has been taken, a default judgment shall not enter into effect and the case shall be examined anew in full in accordance with the procedures provided for in Chapter 21 of this Law. The restriction on the judge prescribed by this Law to participate in examination of a case anew shall not apply to this case.
[30 October 2002]

Chapter 23
Postponement of Examination of a Case

Section 209. Obligation of the Court to Postpone Examination of a Case

The court shall postpone examination of a case if:
1) any participant in the case is absent from the court hearing and has not been notified of the time and place of the court hearing;
2) any participant in the case, who has been notified of the time and place of the court hearing, is absent from the court hearing because of reasons that the court finds justified;
3) a true copy of the statement of claim has not been served to the defendant and therefore he or she is asking for postponement of examination of the case;
4) it is necessary to summon, as a participant in the case, a person whose rights or lawful interests might be infringed by the judgment of the court;
5) in the case provided for in Section 240 of this Law;
6) if the defendant fails to arrive to a court hearing to whom a notification has been sent in accordance with Section 56.[2], Paragraph one of this Law regarding the time and place of the court hearing and a confirmation regarding service of the documents has been received (Section 56.[2], Paragraph two), but the defendant has not received the notification in due time;
7) if the defendant fails to arrive to a court hearing to whom a notification has been sent in accordance with Section 56.[2], Paragraph one of this Law regarding the time and place of the court hearing or a true copy of the statement of claim and a confirmation regarding service of the documents or non-service of the documents has not been received (Section 56.[2], Paragraph two).
[5 February 2009; 8 September 2011]

Section 210. Right of the Court to Postpone Examination of a Case

(1) The court may postpone examination of a case if:
1) a plaintiff who has been notified of the time and place of the court hearing fails to attend the court hearing for reasons which are unknown;
2) a defendant who has been notified of the time and place of the court hearing fails to attend the court hearing for reasons which are unknown;

3) it is found that examination of the case is impossible because of the failure to attend of a participant in the case, whose participation in the examination of the case is compulsory in accordance with law, or of a witness, expert or interpreter;

4) pursuant to a petition of a participant in the case, in order that the participant be given the opportunity to provide additional evidence;

5) if a person cannot participate in the court hearing by using a video conference due to technical or other reasons not depending on the court.

(2) For the reason set out in Paragraph one, Clause 1 or 2 of this Section, the court may postpone examination of the case not more than once.

[8 September 2011]

Section 211. Decision to Postpone Examination of a Case

(1) A decision to postpone the examination of a case shall be recorded in the minutes of the court hearing.

(2) In a decision to postpone the examination of a case all the procedural actions as must be performed prior to the next court hearing shall be mentioned, and the date of the next court hearing stipulated. If the court postpones examination of the case in the case provided for in Section 209, Clause 7 of this Law, the next court hearing shall be determined only after the conditions referred to in Article 19(2) of Regulation No 1393/2007 of the European Parliament and of the Council or the second paragraph of Article 15 of Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (hereinafter – Hague Convention 1965) have been complied with or, if the laws and regulations referred to in this Paragraph are not applicable, equivalent measures have been performed.

(3) The court shall inform the persons attending the court hearing about the date of the next court hearing, for which such persons shall sign. Absent persons shall be again summoned or summonsed to the court hearing.

(4) A decision to postpone examination of the case may not be appealed, except a decision in which the date of the next court hearing is not stipulated.

[8 September 2011]

Section 212. Examination of Witnesses if Examination of a Case is Postponed

(1) If all participants in the case are present at the court hearing, the court may, upon postponing the examination of the case, examine the witnesses who are present.

(2) Where necessary, witnesses who have been examined may be summonsed to the next court hearing.

Section 213. Recommencement of Examination of a Case [7 September 2006]

Chapter 24
Stay of Court Proceedings in Civil Cases

Section 214. Obligation of the Court to Stay Court Proceedings

The court shall stay court proceedings if:

1) a natural person has died or a legal person has ceased to exist, which person is a party or third person with separate claims in the case, and if rights in connection with the disputed legal relations are capable of being subrogated;

2) the court has determined such restriction for the capacity to act for a party or third person which prevents him or her from independent exercising of the civil-procedural rights and obligations;

3) a party or third person is no longer able to participate in the examination of the case because of serious illness, old age or disability;

4) the court takes a decision to submit an application to the Constitutional Court or also the Constitutional Court has initiated a case in relation to the constitutional complaint submitted by the parties or a third person;

4^{1}) it takes a decision to make a request to the Court of Justice of the European Union for the giving of a preliminary ruling;

5) examination of the case is not possible prior to the deciding of another case, which is required to be examined in accordance with civil, criminal or administrative procedures;

6) [8 September 2011].

[20 June 2001; 7 April 2004; 7 September 2006; 5 February 2009; 8 September 2011; 29 November 2012]

Section 215. Right of a Court to Stay Court Proceedings

The court, pursuant to the initiative of a participant, or on its own initiative, may stay the court proceedings if:

1) a party or a third person with separate claims is outside the borders of Latvia in connection with lengthy official business, or the performing of obligations for the State;

2) a search for a defendant has been announced;

3) a party or a third person with separate claims is unable to participate in examination of the case due to illness;

4) the court orders an expert-examination;

5) the parties have mutually agreed to stay the proceedings and a third person with separate claims does not object.

Section 216. Duration of Stay of Court Proceedings

Court proceedings shall be stayed:

1) in cases provided for in Section 214, Clause 1 of this Law – until determination of a successor in interest or appointing of a statutory representative;

2) in cases provided for in Section 214, Clause 2 of this Law – until the appointing of a statutory representative;

3) in cases provided for in Section 214, Clause 3 of this Law – until the date set by the court to formalise representation;

4) in cases provided for in Section 214, Clauses 4, $4.^{1}$ and 5 of this Law – until the decision of the Constitutional Court or the Court of Justice of the European Union or a court decision in the civil case, criminal case or administrative case comes into lawful effect;

5) in cases provided for in Section 215, Clauses 1-4 of this Law – until the time when the conditions referred to in these Clauses are no longer in effect;

6) in cases provided for in Section 215, Clause 5 of this Law – for the time period stipulated in the court decision;

7) [8 September 2011].

[20 June 2001; 7 April 2004; 5 February 2009; 8 September 2011]

Section 217. Decision on Stay of Court Proceedings

(1) In regard to staying court proceedings, the court shall take a reasoned decision, which shall be drawn up in the form of a separate procedural document.

(2) In the decision shall be set out the conditions, until coming into effect or ceasing of which the court proceedings have been stayed, or the time period for which the court proceedings have been stayed.
(3) An ancillary complaint may be submitted regarding a court decision to stay court proceedings.

Section 218. Renewal of Court Proceedings

Court proceedings shall be renewed by the court pursuant to a decision on its own initiative or pursuant to the application of a participant in the case.

Chapter 25
Leaving Claims without Examination

Section 219. Obligation of the Court to Leave a Claim without Examination

(1) The court shall leave a claim without examination if:
1) the plaintiff has not complied with the preliminary procedures for examination extrajudicially provided for the relevant category of case or has not, prior to submitting the claim, performed the measures laid down in law in order to resolve his or her dispute with the defendant;
2) the statement of claim has been submitted by a person lacking civil-procedural capacity to act;
3) the action has been brought in the name of the plaintiff by a person who has not been authorised, in accordance with the procedures laid down in law, to do so;
4) the dispute in the case in the action is already, between the same parties, regarding the same subject-matter and on the same basis is being examined by the same or another court;
5) the case is not within the jurisdiction of the Latvian court according to the international agreements binding to the Republic of Latvia and legal norms of the European Union.
(2) The court shall leave a claim without examination in a part regarding which a European order for payment is not issued in the case provided for in Article 10(2) of European Parliament and Council Regulation No 1896/2006.
[5 February 2009; 29 November 2012]

Section 220. Right of the Court to Leave a Claim without Examination

The court may leave a claim without examination if the plaintiff or his or her representative has repeatedly failed to attend the court and has not requested that the case be examined in his or her absence.
[31 October 2002; 19 June 2003]

Section 221. Decision to Leave a Claim without Examination

(1) In regard to leaving a claim without examined examination, the court shall take a reasoned decision, which shall be in the form of a separate procedural document.
(2) An ancillary complaint may be submitted regarding the decision of the court to leave a claim without examination.

Section 222. Consequences of Leaving a Claim without Examination

If a claim is left without examination, the plaintiff has the right to resubmit a statement of claim to the court in conformity with the procedures laid down in law.

Chapter 26
Termination of Court Proceedings

Section 223. Basis for Terminating Court Proceedings

The court shall terminate court proceedings if:

1) examination of the case is not allocated to the court;

2) the case has been submitted by a person who does not have the right to make a claim;

3) a court judgment, which has been made in a dispute between the same parties, regarding the same subject-matter and on the same basis, or a court decision to terminate the court proceedings has entered into lawful effect;

4) the plaintiff withdraws his or her claim;

5) the parties have entered into a settlement and the court has confirmed it;

6) the parties have agreed, in accordance with procedures laid down in law, to submit the dispute for it to be examined in an arbitration court;

7) a natural person who is one of the parties dies and rights in connection with the disputed legal relations are not capable of being subrogated;

8) a legal person who is one of the parties has ceased to exist and a successor in interest does not exist.

Section 224. Decision to Terminate Court Proceedings

(1) Court proceedings shall be terminated pursuant to a reasoned decision of the court, made in the form of a separate procedural document.
(2) An ancillary complaint may be submitted regarding a court decision to terminate court proceedings.

Section 225. Consequences of Termination of Court Proceedings

If court proceedings have been terminated, repeated court proceedings regarding the dispute, by the same parties, regarding the same subject-matter and on the same basis shall not be permitted.

Chapter 27
Settlement

Section 226. Agreement Regarding Settlement

(1) A settlement shall be permitted at any stage in the procedure.
(2) A settlement shall be permitted in any civil dispute, except in cases provided for in this Law.
(3) Settlement shall not be permitted:

1) in disputes in connection with amendments in registers of documents of civil status;

2) in disputes in connection with the inheritance rights of persons under guardianship or trusteeship;

3) in disputes regarding immovable property, if among the participants are persons whose rights to own or possess immovable property are restricted in accordance with procedures laid down in law;

4) if the terms of the settlement infringe on the rights of another person or on interests protected by law.

Section 227. Entering into a Settlement

(1) The parties shall enter into a settlement in writing and shall submit it to the court.
(2) There shall be set out in the settlement:

1) the given name, surname, personal identity number, declared place of residence of the plaintiff, but, if none, the place of residence; for a legal person – the name, registration number and legal address thereof;

2) the given name, surname, personal identity number, declared place of residence and the additional address (addresses) indicated in the declaration of the defendant, but, if none, the place of residence; for a legal person – the name, registration number and legal address thereof;

3) the subject-matter of the dispute;

4) the obligations of each party which they voluntarily undertake to perform.

(3) A court may confirm a settlement without the participation of the parties if the settlement has been certified by a notary and contains a statement by the parties that they are aware of the procedural consequences of the court confirming the settlement.
[29 November 2012]

Section 228. Court Decision on Confirmation of a Settlement

(1) A court, upon receiving a settlement of the parties, shall determine whether the parties have agreed to the settlement voluntarily, whether it conforms to the provisions of Sections 226 and 227 of this Law, and whether the parties are aware of the procedural consequences of the court confirming the settlement.
(2) If the court finds that the settlement conforms to the requirements of this Law, it shall take a decision pursuant to which it confirms the settlement and terminates court proceedings in the case.
(3) A settlement confirmed by a court decision shall be enforced in accordance with the provisions regarding enforcement of court judgments.

Chapter 28
Court Decisions

Section 229. Taking Decisions

(1) A court decision by which a case is not adjudged on the merits shall be taken in the form of a decision.
(2) A decision shall be drawn up in the form of a separate procedural document, or shall be written into the minutes of the court hearing and shall be declared after the minutes are approved. In the cases provided for in this Law a decision may be drawn up in the form of a resolution. Then that laid down in Section 230, Paragraph one, Clauses 1, 2 and 6 of this Law shall be indicated in the decision.
(3) In cases provided for in this Law, a court decision in the form of a separate procedural document shall be drawn up in the deliberation room.

(4) In regard to a judge's procedural work outside the court hearing a decision shall be taken, which shall be drawn up in the form of a separate procedural document.
[15 March 2012]

Section 230. Contents of a Decision

(1) In a decision the court or a judge shall set out:
1) the time when and the location where the decision was taken;
2) the name and composition of the court;
3) the participants in the case and the subject-matter of the dispute;
4) the issues regarding which the decision has been taken;
5) the reasons for the decision;
6) the decision of the court or judge;
7) the procedure and time period for appealing the decision.

(2) In decisions which are necessary for a bailiff, additional information regarding the participants in the case [natural person – plaintiff or applicant – given name, surname, personal identity number (if it is known) and declared place of residence, but if none, place of residence; natural person – defendant – given name, surname, personal identity number (if it is known), declared place of residence, additional address (addresses) indicated in the declaration and place of residence if it is known; legal person – name, legal address and registration number (if it is known) thereof] shall be indicated in addition.
[19 June 2003; 29 November 2012]

Section 231. Sending a True Copy of the Decision

(1) A true copy of the court decision shall be sent within three days to the participants in the case who were not present when the decision was declared.
(2) A true copy of a judge's decision shall be sent within three days to a person to whom it relates.
(3) If in the cases referred to in Paragraphs one and two of this Section a true copy of the court decision is sent to a person in accordance with Section 56.^{2} of this Law and in the cases provided for in this Law a translation should be attached to the true copy of the court decision, a court shall send the true copy together with the translation immediately after preparation of the translation.
[5 February 2009]

Section 232. Ancillary Decision of a Court

(1) If in the course of a case being examined, circumstances are found that evidence possible violation of law, a court is entitled to take an ancillary decision, which shall be sent to the appropriate institution.
(2) An ancillary decision of a court may not be appealed.

Division Five
Features of Examination for Separate Categories of Cases

Chapter 29
Cases Regarding Annulment and Divorce

Section 233. Procedures for Examining Cases

Cases regarding annulment and divorces shall be examined by the court in accordance with the general provisions of procedures regarding actions and in conformity with the exceptions provided for in this Chapter.

Section 234. Jurisdiction Regarding Cases

An action for annulment or divorce may also be brought in a court based on the declared place of residence of the plaintiff, but if none, the place of residence of the plaintiff if:

1) there are minor children with the plaintiff;

2) [29 November 2012];

3) the marriage to be dissolved is with a person who is serving a sentence in a penal institution;

4) the marriage to be dissolved is with a person who does not have a declared place of residence and whose place of residence is unknown or who resides abroad.

[29 November 2012]

Section 235. Cases Regarding Divorce Pursuant to the Application of Both Spouses [28 October 2010]

Section 235.[1] Statement of Claim for Divorce

In addition to the information provided for in Section 128 of this Law, the statement of claim shall specify the following:

1) since when the parties live separately;

2) whether the other spouse agrees to the divorce;

3) whether the parties have agreed regarding the custody of children, the procedures for exercising the access rights of the other parent, the means of support and division of the property acquired during marriage or are submitting relevant claims.

[31 October 2002; 19 June 2003]

Section 236. Participation of the Parties in a Court Hearing

(1) A case regarding divorce shall be examined with the participation of both parties.

(1^1) Upon request of one spouse the court may hear each spouse in a separate court hearing, if the divorce is related to violence against the spouse requesting the divorce or against the child of the spouse, or a joint child of the spouses.

(2) If the defendant, without justified cause, fails to attend pursuant to a court summons, he or she may be brought to court by forced conveyance.

(3) If one of the parties lives far or due to other reasons cannot attend pursuant to a court summons, the court may admit as sufficient for examination of the case a written explanation by this party or the participation of a representative thereof.

(4) If the place of residence of the defendant is unknown or it is not located in Latvia, the case may be examined without the participation of the defendant if he or she has been summoned to court according to the procedures laid down in law.
(5) In cases regarding divorce or annulment of a marriage the representative of a party must be specifically authorised to act in such case. Authorisation regarding representation in cases regarding divorce or annulment of marriage shall also apply to all other claims associated thereto.
[31 October 2002; 19 June 2003; 29 November 2012]

Section 237. Bringing Actions Regarding Annulment of a Marriage

An action for annulment of a marriage may be brought by persons interested or by a public prosecutor.

Section 238. Prohibition to Separate Claims and Temporary Decisions in Separate Disputes

(1) In a case regarding divorce or annulment of marriage claims arising from family legal relationships shall be adjudged concurrently. Such claims shall be disputes regarding:
1) determining of custody;
2) exercising of access rights;
3) child maintenance;
4) means for the provision of the previous welfare level of the spouse;
5) joint family home and household or personal articles;
6) division of the property of spouses (also if it affects third persons).
(2) Upon request of a party the court may take a decision which temporarily, until the decision on divorce or annulment of marriage is given, specifies the procedures for child care, the procedures for exercising access rights, child maintenance, prohibition to taking the child out of the State, means for the provision of the previous welfare level of the spouse, procedures for use of the joint home of the spouses or instructs one of the parties to issue to the other party household and personal articles.
(3) The parties shall be notified of the court hearing but in cases relating to children a representative of the Orphan's Court, shall be summoned to the court hearing, as well as the opinion of the child shall be clarified if he or she is capable to formulate it by taking into account his or her age and degree of maturity. The failure of the other spouse to attend is not an impediment to examination of the issue.
(4) The decision shall cease to be in force if another decision in the relevant issue is taken.
(5) An ancillary complaint may be submitted regarding the court decision in the issues referred to.
[31 October 2002; 7 September 2006; 4 August 2011; 29 November 2012]

Section 239. Preparation of Divorce Cases for Examination and Examination Thereof

(1) In cases regarding divorce or annulment of marriage the court on its own initiative shall require evidence, especially for deciding of such issues which are related to the interests of a child.
(2) In issues regarding granting custody rights, childcare and exercising of access rights the court shall require an opinion by the Orphan's Court and summon a representative thereof to participate in the court hearing, as well as the opinion of the child shall be clarified if he or she is capable to formulate it taking into account his or her age and degree of maturity.

(3) Cases regarding divorce shall be examined and the judgment shall be declared in a closed court hearing. Copies of documents (full text of the documents) shall only be issued to third persons if it directly pertains to such persons.
[31 October 2002; 7 September 2006; 4 August 2011]

Section 240. Postponing Examination of Divorce Cases

(1) The court on its own initiative shall postpone examination of a case for the purpose of restoring the cohabitation of spouses or promoting friendly settlement of the case. Upon request of a party the examination of the case for such purpose may also be repeatedly postponed.
(2) The court may not postpone the examination of the case if the parties have lived separately for more than three years and both parties object against postponing of the examination of the case or if the divorce is related to violence against the spouse requesting the divorce or against the child of the spouse, or a joint child of the spouses.
[31 October 2002; 29 November 2012]

Section 241. Settlement and Conciliation

(1) In cases regarding divorce or annulment of a marriage, settlement by the parties shall be permitted only in disputes related to family legal relationships (Section 238, Paragraph one).
(2) Withdrawal of an action regarding divorce or termination of court proceeding regarding divorce is not an impediment for examination of the remaining claims on the merits.
[31 October 2002]

Section 242. Court Judgments in Divorce Cases

In giving a judgment in divorce case, the court shall:
1) adjudge all claims arising from the family legal relationships and regarding which actions have been brought;
2) specify whether a party who on entering into the marriage has changed his or her surname shall be granted use of the premarital surname;
3) divide between the parties court expenses, taking into account their financial situation.
[31 October 2002]

Section 243. Court Judgments in Annulment of Marriage Cases

In giving judgment regarding annulment of a marriage, the court shall set out in the judgment:
1) the basis for annulment of the marriage in accordance with Sections 60-67 of The Civil Law;
2) whether a party who changed his or her surname upon entering the marriage is to be granted the use of his or her premarital surname or whether the married surname shall remain in effect;
3) which children shall remain with which parent, if this is in dispute;
4) from which parent and in what amount means for child maintenance shall be recovered, if this is in dispute.

Section 244. Issuing and Sending of True Copies of Judgments and Giving Notice of Judgments

(1) After a judgment regarding annulment or divorce has entered into lawful effect, a true copy of the judgment or an extract from the judgment shall be sent to the General Registry office where the relevant civil status document registration is kept, but if the marriage was entered into before a minister – to the relevant church (minister of the congregation) and the General Registry office in whose jurisdiction the church (congregations) is located.
(2) In a case in which the defendant does not have a declared place of residence and his or her place of residence is unknown, the court shall give notice regarding the annulment of the marriage in the official gazette *Latvijas Vēstnesis*.
(3) The court shall issue to the former marriage partners a true copy of a judgment by which a marriage is dissolved or declared annulled.
[31 October 2002; 8 September 2011; 29 November 2012]

Chapter 29.[1]
Cases that Arise from Custody rights and access rights
[7 September 2006]

Section 244.[1] Procedures for Examining Cases

Cases that arise from custody rights and access rights shall be examined by the court in accordance with the general provisions of procedures regarding actions and in conformity with the exceptions provided for in this Chapter.
[7 September 2006]

Section 244.[2] Bringing an Action

(1) An action for cases that arise from custody rights may be brought by the parents of the child, guardians, the Orphan's Court or the public prosecutor.
(2) An action for cases that arise from access rights may be brought by the persons indicated in Section 181 of The Civil Law, as well as by the public prosecutor or Orphan's Court.
[7 September 2006]

Section 244.[3] Jurisdiction Regarding Cases

(1) An action for cases that arise from custody rights and access rights shall be brought in a court based on the place of residence of the child.
(1^1) In cases that arise from custody rights and access rights the declared place of residence of parents of the child shall be deemed the place of residence of the child. If declared places of residence of parents of the child are located in different administrative territories, the declared place of residence of the parent with whom the child is living shall be deemed the place of residence of the child. If parents of the child or the child do not have a declared place of residence, the place of residence of parents of the child shall be deemed the place of residence of the child.
(2) If cases that arise from custody rights and access rights are examined together with cases regarding divorce or annulment of a marriage, the provisions of Chapter 29 of this Law shall be applied.
[7 September 2006; 29 November 2012]

Section 244.[4] Participation of the Parties in a Court Hearing

(1) A case that arises from custody rights and access rights shall be examined with the participation of both parties.
(2) If the defendant, without justified cause, fails to attend pursuant to a court summons, he or she may be brought to court by forced conveyance.
(3) If one of the parties lives far or due to other reasons cannot attend pursuant to a court summons, the court may admit as sufficient for examination of the case a written explanation by this party or the participation of a representative thereof.
(4) If the place of residence of the defendant is unknown or it is not located in Latvia, the case may be examined without the participation of the defendant if he or she has been summoned to court according to the procedures laid down in law.
[7 September 2006]

Section 244.[5] Preparation of Divorce Cases for Examination and Examination Thereof

(1) In cases that arise from custody rights and access rights the court on its own initiative or the request of an interested person shall request evidence.
(2) In cases that arise from custody rights and access rights the court on its own initiative or the request of an interested person shall request an opinion by the relevant Orphan's Court and summon a representative thereof to participate in the court hearing, as well as the opinion of the child shall be clarified if he or she is capable to formulate it taking into account his or her age and degree of maturity.
(3) On the basis of a request from the parties the court shall take a decision with which for a period to the giving of a judgment shall determine the place of residence of the child, the procedures for the care of the child, procedures for the use of access rights, and a prohibition to taking the child out of the State.
(4) A court in applying the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children, and evaluating the jurisdiction of the case in conformity with the interests of the child, on its own initiative or the request of an interested person may take a decision on the transfer of the case for examination in a court in another state if the child during the court proceedings procedure has acquired a place of residence in such state and the court of the relevant state has consented to take over the case.
(5) If in the mutual relations of the involved states Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial cases and the cases of parental responsibility, repealing Regulation (EC) No 1347/2000 (hereinafter – Council Regulation No 2201/2003) is applicable, the court decision on the transfer of the case shall be taken in accordance with the provisions of the abovementioned regulation.
[7 September 2006; 4 August 2011]

Section 244.[6] Amicable Settlements between the Parties

(1) In cases that arise from custody rights and access rights, the parties are entitled to enter into an amicable settlement.
(2) The amicable settlement shall be approved by the court on its own initiative requesting an opinion from the relevant Orphan's Court or inviting the representative thereof to participate in the court hearing.
[7 September 2006]

Section 244.[7] Consequences of a Court Judgment

If after a judgment has entered into lawful effect in a case that arises from custody rights and access rights, the circumstances change, each party is entitled to submit a new claim to the court by general procedures.
[7 September 2006]

Chapter 30
Cases Regarding Determination of the Parentage of Children

Section 245. Procedures for Examining Cases

A court shall examine cases regarding the determination of the parentage of a child or a paternity dispute in accordance with general provisions and observing the exceptions provided for in this Chapter.
[19 June 2003]

Section 246. Persons who may Dispute the Presumption of Paternity

(1) The presumption of paternity may be disputed in a court by the mother of a child, the husband of the mother of the child, and the child himself or herself after he or she attains legal age.
(2) After the death of the husband of the mother of a child, the parents of the husband may bring such an action if the husband up to the time of his death had not known about the birth of the child.
(3) After the death of the husband of the mother of the child his lawful heirs may, as successors in interest to him, enter the proceedings initiated by the husband.
(4) If the presumption of paternity has been disputed by a person who has been established trusteeship, the court shall invite a representative of the Orphan's Court to participate in the case.
(5) Actions referred to in this Section may be brought in accordance with the provisions of Section 149 of The Civil Law.
[19 June 2003; 7 September 2006; 29 November 2012]

Section 247. Persons who may Dispute the Acknowledgement of Paternity

(1) Paternity, which has been acknowledged and registered in a General Registry office, may be disputed by the person who has acknowledged the paternity, the mother of the child or the person who deems himself the father of the child.
(2) A child, if his or her parents are deceased, may himself or herself bring such action after attaining legal age.
(3) After the death of the father of the child his lawful heirs may, as successors in interest to him, enter the proceedings initiated by the father.
(4) Paternity, which has been determined pursuant to a court judgment that has entered into lawful effect, may not be disputed.
(5) An action referred to in this Section may be brought in accordance with the provisions of Section 156 of The Civil Law.
[19 June 2003; 29 November 2012]

Section 248. Persons who may Bring an Action Regarding Determination of Paternity

(1) An action regarding the determining of the paternity of a child may be brought in court by the mother or guardian of the child, as well as by the natural father of the child.
(2) A child himself or herself may bring such action after attaining legal age.
(3) Actions referred to in this Section may be brought in accordance with Section 158, Paragraph one of The Civil Law.
[19 June 2003]

Section 249. Procedures for Bringing Actions Regarding Determination of Paternity of a Child

(1) The mother, the child himself or herself or guardian of the child may bring a paternity action against the person from whom the child is descended.
(2) The person from whom the child is descended may bring an action to determine paternity against the mother of the child if she does not consent to the determination of paternity or there exists other obstacles indicated by law in making a record of paternity in the birth register.
(3) [7 September 2006]
(4) Actions regarding dispute of the presumption of paternity and the determination of paternity may be merged.
[19 June 2003; 7 September 2006]

Section 249.[1] Specification of Court Expert-examination

(1) A court on the basis of a petition from a participant in the case shall determine expert-examination for the specification of the child's biological descent.
(2) If one of the participants in the case evades the expert-examination, the court shall take a decision on the forced conveyance of such person for the conduct of the expert-examination.
[19 June 2003]

Section 249.[2] Determination of the Fact of Paternity

If a person from whom the child is descended has died, the fact of paternity may be determined according to special trial procedures.
[19 June 2003]

Section 250. Sending and Issuing True Copies of Court Judgments

A true copy of the judgment regarding determination of paternity, the determination of the fact of paternity and the recognition of the record of paternity as void shall be sent by the court for amendment of the record to the General Registry Office where the birth of the child is registered.
[19 June 2003]

Chapter 30.[1]
Cases Regarding Division of Estate
[31 October 2002]

Section 250.[1] Jurisdiction of Cases

(1) A statement of claim for division of an estate, unless the heirs agree thereon in accordance with informal procedures or at a notary, shall be submitted to the court in accordance with the declared place of residence of one heir, but if none, based on the place of residence, but if immovable property is in the estate — in accordance with its location.
(2) A statement regarding division of an estate shall specify which property of the estate is subject to division and which heirs have applied for such.
[31 October 2002; 29 November 2012]

Section 250.[2] Actions of a Judge in Preparing a Case

(1) A judge may set a preparatory hearing that shall be notified to the parties.
(2) According to a decision of the judge an endorsement regarding the securing of a claim shall be entered in the Land Register in conformity with the provisions regarding securing of a claim.
(3) The judge may assign the notary who has issued the inheritance certificate or another notary practising in the judicial region to supervise the course of drawing up an estate division plan.
[31 October 2002]

Section 250.[3] Drawing up of a Draft Division of an Estate

(1) The notary who has received the assignment to supervise the course of drawing up a draft division of an estate, if necessary, shall invite a bailiff to draw up an estate property inventory statement and perform appraisal of the estate.
(2) Inventorising of the estate shall take place in accordance with the provisions of this Law. The inventory statement shall also specify the known debts, obligations and entries in the Land Register, which encumber the estate.
(3) The notary shall perform activities to harmonise the views of the parties and reach an agreement.
(4) Persons who draw up a draft division of an estate shall specify in their opinion which grounds they have taken into account.
(5) The notary shall submit the property inventory statement, the appraisal of the property and the draft division of the estate to the judge.
[31 October 2002]

Section 250.[4] Actions of a Judge after Receipt of a Draft Division of an Estate

(1) The court shall send true copies of the documents submitted by the notary to co-heirs and set a time period for provision of explanations.
(2) In addition to written explanations the judge may summon all co-heirs for verification of calculations and adjusting of the draft division of the estate.
[31 October 2002]

Section 250.[5] Auctioning of the Estate to be Divided

(1) The estate shall be appraised and auctioned in conformity with the general provisions of this Law. If all heirs and in appropriate cases also the Orphan's Court (Sections 280-283 of The Civil Law) agrees, the estate may be sold on the open market.
(2) Sale of immovable property for determination of the actual value thereof shall be performed pursuant to the regulations regarding voluntary sale at auction through the court, in conformity with the provisions of Sections 737 and 738 of The Civil Law, moreover the inventory of the immovable property shall be taken and it shall be appraised only if any of the co-heirs require such.
[31 October 2002; 7 September 2006]

Section 250.[6] State Fees in Cases Regarding Division of Estate

State fees in cases regarding division of estate shall be distributed among the heirs, taking into account the value of the estate granted to each heir.
[31 October 2002]

Section 250.[7] Division of Joint Property

Provisions of this Chapter shall also be applicable in dividing joint property of all kinds and observing in such division the provisions of the relevant laws.
[31 October 2002]

Chapter 30.[2]
Cases Regarding Breach and Protection of Intellectual Property Rights
[14 December 2006]

Section 250.[8] Procedures for Examining Cases

A court shall examine cases regarding breach and protection of intellectual property rights by claim procedure on the basis of general procedures taking into account the exceptions provided for in this Chapter.
[14 December 2006]

Section 250.[9] Persons who may Submit Application Regarding Breach and Protection of Intellectual Property Rights

The persons laid down in law may submit an application regarding breach and protection of intellectual property rights.
[14 December 2006]

Section 250.[10] Basis and Means for the Specification of Provisional Remedy

(1) If there is a basis to believe that the rights of a holder of intellectual property rights of the right are being infringed or may be infringed, a court on the basis of a reasoned application from a claimant may take a decision on the specification of means of provisional remedy. In the application for the specification of means of provisional remedy shall be indicated the means of provisional remedy.
(2) The examination of the question of the specification of means of provisional remedy is allowed at any stage of the proceedings, as well as prior to the bringing of an action to a court.
(3) Means of provisional remedy are:

1) pledging of such movable property with which it is alleged that intellectual property rights are being infringed;

2) an obligation to recall goods with which it is alleged that intellectual property rights are being infringed;

3) a prohibition to perform specific activities by both the defendant and persons whose provided services are used in order to infringe intellectual property rights, or persons who make it possible for the committing of such infringements.

[14 December 2006]

Section 250.[11] Specification of Provisional Remedy prior to the Bringing of an Action

(1) Within three months from the day when the potential plaintiff found out about the infringement or the possible infringement, he or she may request a court that provisional remedy be specified prior to the bringing of an action.

(2) In submitting an application for the specification of means of provisional remedy prior to the bringing of an action, the potential plaintiff shall provide evidence that certifies his or her intellectual property rights, which are being infringed, and evidence that are being infringed or may be infringed.

(3) An application for the specification of means of provisional remedy prior to the bringing of an action shall be submitted to the court wherein the action shall be brought.

(4) In satisfying an application for the specification of means of provisional remedy prior to the bringing of an action, the judge shall determine a time period for the plaintiff to bring an action to the court not longer than 30 days.

[14 December 2006]

Section 250.[12] Examination of the Issue Regarding Determination of Means of Provisional Remedy

(1) An application for the specification of means of provisional remedy shall be decided by a court or a judge within 10 days after receipt of the application or initiation of the case if the application has been submitted together with the bringing of the action.

(2) If delay may cause irreversible harm to a holder of intellectual property rights, then a court or judge shall decide an application for the specification of means of provisional remedy not later than the next day after receipt of the application without previously notifying the defendant and other participants in the case. If a decision on the specification of means of provisional remedy has been taken without the presence of the defendant or the other participants in the case, they shall be notified regarding such decision not later than by the moment of the enforcement of the abovementioned decision.

(3) In satisfying an application for the specification of means of provisional remedy prior to bringing an action, a court or a judge may request that the plaintiff, in order that he or she secures the losses, which may be caused to the defendant or other persons who are referred to in Section 250.[10], Paragraph three, Clause 3 of this Law in relation to the specification of means of provisional remedy pay in a specified amount of money into the bailiff's deposit account or provide an equivalent guarantee.

(4) A court on the basis of an application by the plaintiff may replace the specified means of provisional remedy with other means.

(5) Means of provisional remedy may be withdrawn by the same court on the basis of an application by a participant in the case.

(6) In refusing a claim, the means of provisional remedy shall be withdrawn in the court judgment. The means of provisional remedy shall be in effect up to the day when the judgment comes into lawful effect.

(7) If the claim is left without examination with or the court proceeding is terminated, in the decision the court shall withdraw the means of provisional remedy. The means of provisional remedy shall be in effect up to the day when the decision comes into lawful effect.
(8) If a decision on the specification of means of provisional remedy has been taken prior to the bringing of an action and the action is not brought within the time period specified by the court, the judge on the basis of the receipt of an application from the potential plaintiff or other possible participant in the case or the defendant shall take a decision on the revoking of the means of provisional remedy.
(9) The applications referred to in Paragraphs one, four and five of this Section shall be decided in a court hearing, previously notifying the participants in the case regarding this. The failure of such persons to attend shall not be an impediment to examination of the application.
[14 December 2006; 4 August 2011]

Section 250.[13] Appeal of the Decision Taken on Specification of Means of Provisional Remedy

(1) In respect of the decisions referred to in Section 250.[12], Paragraph four of this Law, the decision by which the application for the specification of means of provisional remedy has been refused and the decision by which the application for the revocation of means of provisional remedy has been refused an ancillary complaint may be submitted.
(2) If the decision to specify means of provisional remedy has been taken without the presence of a participant in the case, the time period for the submission of an ancillary complaint shall be counted from the day of the issuance of the decision.
[14 December 2006; 4 August 2011]

Section 250.[14] Enforcement of the Decision Taken on Specification of Means of Provisional Remedy

(1) A decision to specify means of provisional remedy (Section 250.[12], Paragraphs one and two) and a decision to withdraw means of provisional remedy (Section 250.[12], Paragraph five) shall be enforced immediately after it has been taken.
(2) The decision to specify means of provisional remedy, which has been taken with the conditions referred to in Section 250.[12], Paragraph three of this Law, shall be enforced after the plaintiff has paid in the amount specified by the court or judge into the bailiff's deposit account or provided an equivalent guarantee. The enforcement document shall be issued after receipt of payment of the amount specified by the court or the equivalent guarantee.
(3) A decision to specify means of provisional remedy by pledging of movable property with which allegedly intellectual property rights are being infringed, shall be enforced in accordance with the procedures laid down in Chapter 71 of this Law.
(4) A decision to specify means of provisional remedy by determining a prohibition to perform specific activities or an obligation to recall goods with which allegedly intellectual property rights are being infringed, shall be enforced by a bailiff and shall notify the court decision to the defendant or a relevant third person, such person signing therefor, or sending it by registered mail.
(5) The revocation of an applied means of provisional remedy shall be enforced by the order of the bailiff who enforced the decision to specify means of provisional remedy.
(6) A decision to replace the means of provisional remedy shall be enforced by a bailiff, firstly applying the replacement means of provisional remedy and afterwards revoking the replaced means of provisional remedy.
[14 December 2006; 5 February 2009; 4 August 2011]

Section 250.[15] Compensation of Losses Caused by the Means of Provisional Remedy

A defendant is entitled to claim compensation for losses, which he or she has incurred in relation to the specification of means of provisional remedy if the means of provisional remedy have been withdrawn in the case specified in Section 250.[12], Paragraph eight of this Law if against him or her the action brought was refused, left without examination or court proceedings were terminated in the cases specified in Section 223, Clauses 2 and 4 of this Law.
[14 December 2006]

Section 250.[16] Rights to Information

(1) In cases of a breach of intellectual property rights, a court on the basis of a reasoned request from the plaintiff, taking into account the rights of participants to the case to protection of trade secrets, may request that the information regarding the origin of the goods or services and the distribution thereof be provided by the defendant or a person:

1) at whose disposal are the infringing goods (infringing copies) on a commercial scale;

2) who on a commercial scale has provided or used services associated with the unlawful use of objects of intellectual property rights; or

3) about whom the persons referred to in Clauses 1 and 2 of this Paragraph have provided information, that he or she is involved the manufacture, distribution or offering of the infringing goods (infringing copies) or the provision or offering of such services, which are associated with the unlawful use of objects of intellectual property rights.

(2) In the information referred to in Paragraph one of this Section shall be indicated information regarding the relevant manufacturer, distributor, supplier, wholesaler and retailer of the goods or the relevant service provider and distributor [natural persons – given name, surname, personal identity number (if such is known) and declared place of residence and place of residence if different, and legal persons – name, legal address and registration number (if such is known), information regarding the amount manufactured, distributed, received or ordered goods or provided or ordered services, as well as the price, which was paid for them.

(3) If there exists evidence of the fact of an obvious infringement of intellectual property rights and the holder of intellectual property rights has requested that the securing of evidence, security for a claim or specification of means of provisional remedy specified in this Law be applied, then the holder of intellectual property rights is entitled to request that the information referred to in Paragraphs one and two of this Section be ensured also prior to the bringing of an action in court within the scope of the security for a claim procedure specified in this Law.
[14 December 2006; 4 August 2011; 29 November 2012]

Section 250.[17] Court Judgment in Breach and Protection of Intellectual Property Rights Cases

(1) If the fact of a breach has been proven, a court in the judgment may specify one or several of the following measures:

1) stop and prohibit the use of unlawful objects of intellectual property rights;

2) stop and prohibit measures, which are recognised as preparation for the unlawful use of objects of intellectual property rights;

3) stop and prohibit the provision of services, which are used for unlawful activities with objects of intellectual property rights by persons:

a) the services of whom are used in order to breach the rights of the holder of intellectual property rights, or

b) who make possible the performance of such breaches; or

4) in accordance with the procedures laid down in law, reimburse the losses and moral damages caused due to unlawful use of an object of intellectual property rights.

(2) Upon an application of a plantiff, regardless of the loss and harm caused to the plantiff, a court may specify one or several of the following measures to be performed on the account of the plaintiff:

1) cancel or withdraw completely the unlawful goods (infringing copies) from trade;

2) destroy the goods in breach (copies in breach);

3) cancel or withdraw completely from trade the facilities and materials used or intended to be used for making of goods in breach (copies in breach) if the owner thereof knew or should have known from the circumstances that such facilities and materials have been used or intended for the performance of unlawful activities;

4) fully or partially publicize the court judgment in newspapers and other mass media.

[14 December 2006]

Chapter 30.[3]
Cases Regarding Claims for Small Amount
[8 September 2011]

Section 250.[18] Procedures for Examining Cases

(1) A court shall examine cases regarding claims for small amount in accordance with the procedures for legal proceedings according to general provisions, taking into account the exceptions provided for in this Chapter.

(2) The provisions of this Chapter shall not prejudice the application of Regulation No 861/2007 of the European Parliament and of the Council.

Section 250.[19] Initiation of a Case

(1) Initiation and examination of cases regarding claims for small amounts in accordance with the procedures provided for in this Chapter shall be permissible only in claims for recovery of money and recovery of the maintenance (Section 35, Paragraph one, Clauses 1 and 3).

(2) A judge shall initiate a case regarding claim for a small amount on the basis of a written statement of claim, if a principal debt or – in claim for recovery of the maintenance – the total amount of payments does not exceed 1500 lats on the day when the claim was submitted. The total amount of payments in claims for recovery of the maintenance shall be applicable to each child individually.

Section 250.[20] Content of Statement of Claim

(1) A statement of claim shall be drawn up in conformity with the sample approved by the Cabinet.

(2) In a statement of claim in addition to that specified in Section 128 of this Law it shall be indicated whether a plaintiff requests trial of a case in a court hearing.

Section 250.[21] Sending of a Statement of Claim and Documents Attached Thereto to the Defendant

(1) An explanation form shall be sent to the defendant concurrently with sending of a statement of claim and true copies of the documents attached thereto, determining the time period for submitting a written explanation – 30 days counting from the day when the statement of claim has been sent to the defendant.

(2) A court shall inform the defendant additionally on the fact that non-submission of an explanation is not an obstacle for giving judgment in a case, as well as the fact that the defendant may ask trial of the case in a court hearing.

Section 250.[22] Explanation of Procedural Rights to Parties

(1) Concurrently with sending of documents to the parties (Section 148) a court shall explain them the procedural rights, inform regarding the court panel that will examine the case and explain the right to apply for recusal of a judge.
(2) The parties are entitled to use the civil-procedural rights referred to in this Law that are related to the preparation of a case for trial not later than seven days prior the time notified for examination of the case (Section 250.[25], Paragraph one).

Section 250.[23] Explanations of a Defendant

(1) Explanations shall be drawn up in conformity with the sample approved by the Cabinet.
(2) A defendant shall indicate the following information in the explanation:

1) the name of the court to which explanations have been submitted;

1^1) the given name, surname, personal identity number, declared place of residence of the plaintiff, but, if none, the place of residence; for a legal person – the name, registration number and legal address thereof;

1^2) the given name, surname, personal identity number, declared place of residence and the additional address of the defendant indicated in the declaration, but, if none, the place of residence; for a legal person – the name, registration number and legal address thereof. In addition the defendant may also indicate another address for correspondence with the court;

2) [29 November 2012];

3) the number of the case and subject-matter of the claim;

4) whether he or she recognises the claim fully or in any part thereof;

5) his or her objections against the claim and substantiation thereof, as well as the regulatory enactment on which they are based upon;

6) evidence that confirms his or her objections against the claim;

7) requests for requisition of evidence;

8) the fact whether it is requested to recover the court expenses;

9) the fact whether it is requested to recover expenses related to conducting of the case, indicating the amount thereof and attaching the documents justifying the amount;

10) the fact whether the trial of the case in a court hearing is requested;

11) other circumstances that he or she considers as important for examination of the case;

12) other requests;

13) the list of documents attached to explanations;

14) the time and place of drawing up of explanations.

[29 November 2012]

Section 250.[24] Bringing of a Counterclaim

(1) A defendant is entitled to bring a counterclaim for the provision of explanations within a specific period of time.
(2) A court shall accept a counterclaim (Section 136, Paragraph three) and examine a case in accordance with the procedures laid down in Chapter 30.[3] of this Law, if the counterclaim complies with the amount of the sum of the claim specified in Section 250.[19] of this Law and has been drawn up in conformity with Section 250.[20] of this Law.

(3) A court shall accept a counterclaim (Section 136, Paragraph three), but continue to examine the case in accordance with the procedures for legal proceedings of the claim according to the general provisions, if the sum of the claim indicated in the counterclaim exceeds the sum of the claim specified in Section 250.[19] of this Law or it is not the claim for recovery of money or recovery of the maintenance (Section 35, Paragraph one, Clauses 1 and 3).

Section 250.[25] Examination of Cases by Written Procedure and Drawing up of a Judgment and Declaration Thereof

(1) If parties do not request trial of the claim in a court hearing or a court does not consider it as necessary to trial the case in a court hearing, cases regarding claims for small amount shall be examined by written procedure, notifying the parties in due time regarding the date when a true copy of the judgment may be received in the Court Registry. This date shall be deemed as the date when the full judgment was drawn up.
(2) A court judgment shall be declared, issuing a true copy of the judgment to the parties immediately after drawing up of the judgment.
(3) Upon written request by the party a true copy of the judgment may be sent by post or, if it is possible, in other way in accordance with the procedures for delivery and service of judicial documents laid down in this Law. A true copy of the judgment shall be sent immediately after the date of drawing up of the full judgment. Receipt of the judgment shall not affect the counting of the time period.

Section 250.[26] Trial of Cases in a Court Hearing

A court shall trial a case in a court hearing in accordance with the procedures of legal proceedings, if it is requested by any of the parties or if the court considers it as necessary to trial the case in a court hearing.

Section 250.[27] Entering into Lawful Effect of a Judgment in Cases Regarding Claims for Small Amount

(1) A court judgment in cases regarding claims for small amount may not be appealed in accordance with appeal procedures.
(2) Participants in the case may appeal a judgment in cases regarding claims for small amount in accordance with the cassation procedures (Division Ten). In such case the operations of the judge of an appellate instance court referred to in Division Ten of this Law shall be performed by a judge of the first instance court.
(3) A court judgment shall enter into lawful effect when the time period for appeal in accordance with the cassation procedures has expired and a cassation complaint has not been submitted.
(4) If a cassation complaint has been submitted, the court judgment shall enter into lawful effect concurrently with:

1) a decision of the Senate assignments hearing, if it has been refused to initiate the cassation proceedings (Section 464, Paragraph three and Section 464.[1]);

2) a cassation instance court judgment, if a court judgment in a case regarding claim for small amount has not been revoked or the abovementioned judgment or part thereof has been revoked and the application has been left without examination or the court proceedings have been terminated (Section 474).

(5) The provisions of Section 203, Paragraphs two, three, four and five of this Law shall be applicable to the lawful effect of a court judgment in cases regarding claims of small amount.

(6) If in respect of different participants in the case the time period for submitting a cassation complaint regarding a court judgment in cases regarding claims of small amount is determined in accordance with both, Section 454, Paragraphs one and two and Section 454, Paragraph 2.[1] of this Law, or in respect of all participants in the case the time period for submitting a cassation complaint regarding a court judgment in cases regarding claims of small amount is determined in accordance with Section 454, Paragraph 2.[1] of this Law, the court judgment shall enter into lawful effect after expiration of the time period for appeal thereof, counting the time period from the latest day of service of a true copy of the judgment, unless a cassation complaint has been submitted.
(7) If in the cases referred to in Paragraph six of this Section the relevant confirmation regarding service of a true copy of the judgment (Section 56.[2]) has not been received, the judgment shall enter into lawful effect six months after declaration thereof.
(8) A court judgment in cases regarding claims of small amount shall be enforced in accordance with the provisions of Sections 204, 204.[1] and Section 205, Paragraph one of this Law. Immediate enforcement of a judgment in the case provided for in Section 205, Paragraph one, Clause 7 of this Law shall be permitted only by requiring adequate security from a creditor for the case when a cassation instance court would take the judgment referred to in Section 474, Clause 2, 3 or 4 of this Law.

Division Six
Special Trial Procedures

Chapter 31
General Provisions

Section 251. Cases to be Examined According to Special Trial Procedures

Courts shall examine the following cases in accordance with special trial procedures:
1) regarding approval and revocation of adoption;
2) regarding restriction of the capacity to act of a person due to mental disorders or other health disorders, reviewing of restriction and restoration of the capacity to act;
2[1]) regarding establishment and termination of temporary trusteeship;
3) regarding restriction of the capacity to act of a person and establishment of trusteeship for persons because of their dissolute or spendthrift lifestyle, as well as because of excessive use of alcohol or other intoxicating substances;
3[1]) regarding suspension of the rights of a future authorised person;
4) regarding establishment of trusteeship for the property of absent or missing persons;
5) regarding declaration of missing persons as deceased;
6) regarding determination of such circumstances as are legally significant;
7) regarding extinguishing of rights in accordance with notification procedures;
8) regarding renewal of rights pursuant to debt instruments or bearer securities;
9) regarding inheritance rights;
10) regarding pre-emption with respect to immovable property;
11) regarding legal protection proceedings and insolvency proceedings;
12) regarding liquidation or insolvency of a credit institutions;
13) regarding declaration of a strike or an application to strike as being unlawful;
14) regarding declaration of a lock-out or an application to lock-out as being unlawful.
[31 October 2002; 1 November 2007; 29 November 2012 / Clause 3.[1] shall come into force from 1 July 2013. See Paragraph 64 of Transitional Provisions]

Section 252. Initiation of Cases

Cases to be examined according to special trial procedures shall be initiated by a judge on the basis of a written application.

Section 253. Participants in a Case

(1) Participants in cases to be adjudicated according to special trial procedures shall be applicants and their representatives, interested persons and their representatives, and in the cases provided for in law, public prosecutors or State or local government institutions.
(2) Parties in cases to be adjudicated according to special trial procedures shall have the procedural rights of parties as provided for in Section 74, Paragraph two of this Law.

Section 254. Application for Adjudication According to Special Trial Procedures

(1) The following shall be indicated in an application:
1) the name of the court to which the application has been submitted;
1^1) the given name, surname, personal identity number, declared place of residence of the applicant, but, if none, the place of residence; for a legal person – the name, registration number and legal address thereof. In addition the applicant may also indicate another address for correspondence with the court;
1^2) the given name, surname, personal identity number, declared place of residence and the additional address of the interested party indicated in the declaration, but, if none, the place of residence; for a legal person – the name, registration number and legal address thereof. The personal identity number or registration number of the interested party shall also be indicated if known;
2) [29 November 2012];
3) the subject-matter and basis of the application;
4) the circumstances on which the application is based and evidence corroborating them;
5) the law on which the application is based;
6) the request of the applicant;
7) a list of attached documents;
8) the date when the application was drawn up.
(2) An application shall be signed by the applicant or his or her representative, or the applicant together with the representative, if determined by the court, except the case laid down in Section 72, Paragraph five of this Law. If an application has been signed by a representative, the application must include an authorisation or other document, which confirms the authorisation of the representative to submit the application to the court.
(3) An application shall be submitted to the court with as many true copies attached thereto as there are interested persons in the case.
[29 November 2012]

Section 255. Leaving an Application Not Proceeded With

If an application does not conform to the requirements of Section 254 of this Law and the provisions set out in the separate chapters of this Part, or if court expenses have not been paid, the judge shall leave the application not proceeded with and the consequences provided for in Section 133 of this Law shall come into effect.

Section 256. Procedures for Examining Cases

Cases to be examined according to special trial procedures shall be prepared by a judge, and the court shall examine it in accordance with the provisions of this Law, and in conformity with the provisions of the separate Chapters of Division Six.

Section 257. Judgments

A judgment in cases to be examined according to special trial procedures shall conform to the requirements of Section 193 of this Law and shall be in conformity with the provisions of this Part.

Section 258. Leaving an Application without Examination

If in a case to be examined according to special trial procedures a dispute arises regarding rights and such dispute is required to be examined in court in accordance with procedures regarding actions, the court, depending on the substance of the dispute, shall leave the application without examination or stay the court proceedings until the dispute is decided.

Chapter 32
Approval and Revocation of Adoptions

Section 259. Jurisdiction

(1) An application regarding approval of an adoption shall be submitted to a court based on the declared place of residence of the adopter, but if none, based on the place of residence of the adopter, but an application to revoke an adoption – to a court based on the declared place of residence of one applicant, but if none, based on the place of residence of the applicant.
(2) An application from an alien or a person living in a foreign state regarding approval of an adoption shall be submitted to a court based on the declared place of residence of the adoptee, but if the adoptee is under out-of-family care, according to address of the place where out-of-family care is provided.
[31 October 2002; 19 June 2003; 29 November 2012]

Section 260. Contents of an Application

There shall be set out in an application the circumstances referred to in Sections 162-169 of The Civil Law, attached to the application evidence corroborating such circumstances and the opinion of the Orphan’s Court.
[31 October 2002]

Section 261. Examination of an Application

(1) The case shall be examined with the participation of at least one of the adopters in person and the public prosecutor.
(2) The persons set out in Section 169 of The Civil Law shall be summoned to examination of the case.
(3) Upon request of the adopter the court shall ensure that the parents of the child to be adopted do not find out the identity of the adopter. If it is not possible, the parents of the adoptee shall be heard in a separate court hearing.

(4) If up to the approval of the court of the adoption the adopter dies, this is not an impediment to the approval of the adoption, but if the adoptee dies before approval, then the case shall be terminated.
[31 October 2002; 19 June 2003]

Section 262. Court Judgment Regarding Approval of the Adoption

(1) The court, having examined the basis of the application and whether it conforms to the requirements of the law, shall give a judgment regarding approval of the adoption or dismissal of the application.
(2) In a court judgment approving of an adoption there shall be set out such information as is necessary to make an entry in the appropriate Births Register.
(3) The court shall issue to the former parents of the child an extract of the judgment in which information regarding the adopter is not indicated.
(4) A judgment approving an adoption, which has entered into lawful effect, shall constitute a basis for making an entry in the appropriate Births Register and for issuing a new birth certificate to the adoptee.
[20 June 2001; 31 October 2002]

Section 263. Revocation an Adoption

(1) The court may revoke an adoption pursuant to a joint application by the adopter and an adoptee who has attained legal age.
(2) A court judgment, regarding the revocation of an adoption, which has entered into lawful effect, shall constitute a basis for making an entry in the appropriate Births Register and for issuing a new birth certificate.
[31 October 2002; 7 September 2006]

Chapter 33
Restricting the Capacity to Act of a Person and Establishing of Trusteeship due to Mental Disorders or Other Health Disorders
[29 November 2012]

Section 264. Jurisdiction

An application to restrict the capacity to act of a person due to mental disorders or other health disorders shall be submitted to a court based on the declared place of residence of such person, but it none, based on the place of residence of such person; if the person has been placed in a medical treatment institution, based on the address of the medical treatment institution.
[29 November 2012]

Section 264.[1] Applicants

An application to restrict the capacity to act of a person due to mental disorders or other health disorders and to establish trusteeship may be submitted by the person himself or herself, his or her children, brothers, sisters, parents, spouse or a public prosecutor.
[29 November 2012]

Section 265. Content of an Application

The restriction of the capacity to act to be determined for a person shall be indicated in the application. Evidence confirming the necessity of restricting the capacity to act in the interests of the person shall be attached to the application.
[29 November 2012]

Section 266. Preparation of a Case for Trial and Examination of an Application

(1) A case regarding determining restrictions of the capacity to act of a person and establishing of trusteeship due to mental disorders or other health disorders shall be examined by the court, with a representative of the Orphan's Court and a public prosecutor participating.
(2) A representative of the Orphan's Court shall participate by submitting evidence of significance to the case. The representative of the Orphan's Court has the right to get acquainted with materials of the case, to participate in examination of evidence and to submit petitions.
(3) The court has an obligation to invite such person to a court hearing in relation to whom the case of restricting of the capacity to act is examined. A true copy of the application shall be sent to the person in relation to whom restricting of the capacity to act and establishing of trusteeship is proposed, except the case when such person himself or herself is the applicant, determining a time period not exceeding 30 days for the person for the provision of an explanation.
(4) Upon examining a case, the court upon its initiative shall request a statement from the medical treatment institution and other evidence necessary for determination of the amount of restricting the capacity to act of the person from the applicant and institutions.
(5) Upon preparing a case for trial, the court may convene a preparation meeting and in case of insufficient evidence to determine carrying out of additional expert-examination or to request other evidence.
[29 November 2012]

Section 267. Ordering Expert-examination

(1) The court may decide the issue as to determining a court psychiatric and, if necessary, a court psychological expert-examination. The decision to determine a court expert-examination shall be subject to appeal.
(2) If a person, regarding whom a case has been initiated, evades the expert-examination, the court, with a public prosecutor and an expert participating, may take a decision on the forced sending of such person to the court expert-examination.
(3) [29 November 2012]
[7 September 2006; 29 November 2012]

Section 267.[1] Establishment of Temporary Trusteeship

(1) Upon request of participants in the case the court may take a decision by which temporary trusteeship is established for the relevant person for the time period until a judgment is given regarding restriction of the capacity to act in accordance with the provisions of Chapter 33.[2] of this Law regarding establishment of temporary custody rights.
(2) The decision shall enter into effect without delay. It shall cease to be in effect if another decision is given on the relevant issue.

(3) An ancillary complaint may be submitted regarding a court decision to establish temporary trusteeship.
[29 November 2012]

Section 268. Court Judgment

(1) If a court, on the basis of evidence, determines that the capacity to act of a person should be restricted, the court shall give a judgment in which the extent of restriction of the capacity to act is indicated and trusteeship is established for the person.
(2) In determining the extent of restriction of the capacity to act, the court shall take such circumstances into consideration, regarding which evidence has been submitted. In determining the extent of restriction of the capacity to act, upon request of a participant in a case the court may consider restricting of the capacity to act in such areas as:

1) making and receiving of payments;

2) entering into transactions;

3) action involving property and management thereof, particularly alienation, pledging and encumbering of immovable property with property rights;

4) conducting of commercial activity and economic activity.

(3) The court may consider the extent of restriction of the capacity to act in other areas also.
(4) Upon considering the capacity of a person, the court shall determine whether and to what extent the trustee acts together with the person under trusteeship and only afterwards the court shall determine the extent to which the trustee will act independently.
(5) After the judgment has entered into lawful effect a true copy of the judgment shall be sent to the Orphan's Court – for the appointing of a trustee, as well as to the public prosecutor and the person whose capacity to act is restricted. The court shall send information regarding the judgment also to the Population Register and, if necessary, a true copy of the judgment for an endorsement to be entered in the Land Register, the movable property register or another relevant public register.
(6) After the judgment has entered into lawful effect, the court shall send a notice to the official gazette *Latvijas Vēstnesis* for publication, in which the following shall be indicated:

1) the name of the court which gave the judgment;

2) the given name, surname and personal identity number of the person regarding whom the judgment was given;

3) the fact that such person has been found to be a person with restricted capacity to act;

4) the operative part of the judgment;

5) the day when the judgment enters into lawful effect.

[29 November 2012]

Section 269. Court Expenses

(1) Court expenses in such cases shall be covered from State funds.
(2) If the court finds that the applicant has intentionally submitted an unjustified application, such person shall be imposed an obligation to cover the court expenses.
[29 November 2012]

Section 270. Finding a Person as Having Capacity to Act and Terminating Trusteeship
[29 November 2012]

Chapter 33.[1]
Reviewing of Restriction of the Capacity to Act of a Person due to Mental Disorders or Other Health Disorders

[29 November 2012]

Section 270.[1] Jurisdiction

An application regarding reviewing the restriction of the capacity to act of a person shall be lodged to the same court which determined the restriction of the capacity to act.

Section 270.[2] Applicants

(1) An application regarding reviewing the extent of the restriction of the capacity to act of a person may be lodged by the person himself or herself, his or her trustee, children, brothers, sisters, spouse or a public prosecutor. A representative of the Orphan's Court shall participate in examination of cases by submitting evidence of significance to the case. A representative of the Orphan's Court has the right to get acquainted with materials of the case, to participate in examination of evidence and to submit petitions.
(2) A trustee has an obligation to submit an application to the court regarding reviewing the extent of the restriction of the capacity to act not less than once in seven years from the day when a court judgment regarding restriction of the capacity to act entered into effect.

Section 270.[3] Content of the Application

(1) The extent of reviewing the restriction of the capacity to act shall be indicated in the application.
(2) Evidence certifying it shall be attached to an application regarding reviewing the extent of the restriction of the capacity to act.

Section 270.[4] Preparation of a Case for Trial

(1) A true copy of the application shall be sent to a person reviewing of whose capacity to act is proposed in case if such person himself or herself is the applicant. Then he or she shall be determined a time period not exceeding 30 days for lodging explanations.
(2) The court has an obligation to invite to a court hearing the person in relation to whom restriction of the capacity to act is reviewed.
(3) In examining a case the court, upon its initiative, shall request a statement from a medical treatment institution and other evidence from the applicant and institutions, which are necessary for reviewing the extent of restriction of the capacity to act.

Section 270.[5] Determination of Court Expert-examination

A court expert-examination shall be determined according to the provisions applied in cases regarding restriction of the capacity to act of a person and establishment of trusteeship due to mental disorders or other health disorders.

Section 270.[6] Court Judgment

(1) If the court reviews restriction of the capacity to act of a person, it shall indicate in the judgment whether the restriction should be:
1) withdrawn completely;
2) withdrawn in part;

3) kept;

4) amended.

(2) The withdrawn and kept extent of restriction shall be indicated in the operative part of the court judgment.

(3) After entering of a judgment into lawful effect the court shall send a true copy thereof to the Orphan's Court – for amending the extent of the rights and obligations of a trustee or for withdrawal of a trustee, as well as to the public prosecutor, trustee and the person in relation to whom restriction of the capacity to act is reviewed. The court shall send information regarding the judgment also to the Population Register and, if necessary, a true copy of the judgment for amending an endorsement in the Land Register, the movable property register or another relevant public register.

(4) After the judgment has entered into lawful effect, the court shall send a notice to the official gazette *Latvijas Vēstnesis* for publication, in which the following shall be indicated:

1) the name of the court which gave the judgment;

2) the given name, surname and personal identity number of the person regarding whom the judgment was given;

3) the fact that restriction of the capacity to act has been reviewed for the person;

4) the operative part of the judgment;

5) the day when the judgment enters into lawful effect.

Chapter 33.[2]
Establishment of Temporary Trusteeship
[29 November 2012]

Section 270.[7] Jurisdiction

An application regarding establishment of temporary trusteeship for a person shall be lodged to the court based on the declared place of residence of such person, but if none, according to the place of residence of such person; if the person is placed in a medical treatment institution – based on the address of the medical treatment institution.

Section 270.[8] Applicants

An application regarding establishment of temporary trusteeship for a person may be lodged by the person himself or herself, his or her children, brothers, sisters, spouse or a public prosecutor.

Section 270.[9] Content of the Application

In addition to that laid down in Section 254 of this Law the circumstances referred to in Section 364.[2] of The Civil Law shall be indicated in the application, attaching evidence confirming such circumstances, and whether the applicant is requesting trying of the case in a court hearing.

Section 270.[10] Court Action after Initiation of a Case

(1) After a case regarding establishment of temporary trusteeship for a person is initiated, a judge upon his or her own initiative or upon request of a participant in the case shall request evidence, including a statement of a medical treatment institution regarding whether the person has lost the ability to understand the significance of his or her actions and to control them due to mental disorders or other health disorders.
(2) A true copy of the application shall be sent to the person in relation to whom establishment of temporary trusteeship is proposed, except the case when such person himself or herself is the applicant. Then he or she shall be determined a time period not exceeding 15 days for lodging explanations.
(3) After a case is initiated, without organising a court hearing, the court shall inform the Prosecutor's Office and the Orphan's Court regarding initiation of the case. After explanations, all evidence and a statement from a medical treatment institution have been received, the court shall request the public prosecutor to lodge a written opinion in the case within 10 working days, but the Orphan's Court – evidence of significance in the case.

Section 270.[11] Examination of the Application

(1) The judge shall decide in respect of an application regarding establishment of temporary trusteeship without delay.
(2) If the applicant is not requesting trial of the case in a court hearing and the court does not deem it necessary to try the case in a court hearing, the application shall be shall be examined by written procedure, notifying the participants in the case in due time regarding the date when a true copy of the judgment may be received in the Court Registry. This date shall be deemed as the date when the full judgment was drawn up.
(3) If the application is examined by organising a court hearing, a public prosecutor and a representative of the Orphan's Court shall participate therein. The court has an obligation to invite such person to the court hearing, in relation to whom temporary trusteeship are to be established.

Section 270.[12] Court Decision

(1) If on the basis of evidence the court determines that temporary trusteeship should be established in relation to the person, the court shall give a judgment regarding establishment of such trusteeship, indicating the obligation of the trustee to conduct certain cases and the term of validity of the decision which does not exceed two years.
(2) A decision to establish temporary trusteeship for a person shall enter into effect without delay and shall be in effect for the time period indicated in such decision.
(3) A true copy of the decision to establish temporary trusteeship shall be sent to the Orphan's Court – for appointing of a temporary trustee, as well as to the public prosecutor and the person in relation to whom temporary trusteeship has been established.
(4) An ancillary complaint may be submitted regarding a court decision to establish temporary trusteeship. Submission of an ancillary complaint shall not stay the enforcement of the decision.

Section 270.[13] Termination of Temporary Trusteeship

(1) Temporary trusteeship shall terminate within the term stipulated by the court.
(2) If prior to the term referred to in Section 270.[11], Paragraph two of this Law circumstances which were the grounds for establishing temporary trusteeship have ceased to exist, the same

court shall terminate the established temporary trusteeship upon application of the trustee or the person under trusteeship.
(3) The decision to terminate temporary trusteeship shall enter into effect without delay.
(4) A true copy of the decision to terminate temporary trusteeship shall be sent to the person in relation to whom temporary trusteeship was established, to the trustee, public prosecutor and Orphan's Court – for withdrawal of the temporary trustee.

Section 270.[14] Court Expenses

If the court finds that the applicant has intentionally submitted an unjustified application, such person shall be imposed an obligation to cover the court expenses.

Chapter 34
Restriction of the Capacity to Act of a Person and Establishment of Trusteeship due to Dissolute or Spendthrift Lifestyle, as well as Excessive Use of Alcohol or Other Intoxicating Substances
[29 November 2012]

Section 271. Jurisdiction

An application to restrict the capacity to act and to establish trusteeship for a person due to his or her dissolute or spendthrift lifestyle, as well as excessive use of alcohol or other intoxicating substances shall be submitted to a court based on the declared place of residence of such person, but if none, based on the place of residence.
[29 November 2012]

Section 271.[1] Applicants

An application to restrict the capacity to act and to establish trusteeship for a person due to his or her dissolute or spendthrift lifestyle, as well as excessive use of alcohol or other intoxicating substances may be submitted by the person himself or herself, his or her children, brothers, sisters, parents, spouse or a public prosecutor.
[29 November 2012]

Section 272. Content of the Application

(1) The basis on which and the extent to which the capacity to act shall be restricted for a person and trusteeship shall be established due to his or her dissolute or spendthrift lifestyle, as well as excessive use of alcohol or other intoxicating substances and the evidence corroborating this shall be indicated in the application.
(2) In an application a request may be made for immediate securing of property against it being squandered, by application of the security measures provided for in Section 138 of this Law. A judge shall rule on such a request no later than the next day after receipt of the application.
[7 September 2006; 29 November 2012]

Section 273. Preparing a Case for Examination

(1) A true copy of the application shall be sent to the person in relation to whom the restriction of the capacity to act and establishment of trusteeship has been initiated, if the applicant is the person himself or herself. Then he or she shall be determined a time period of not more than 30 days for submitting explanations.

(2) The court may impose an obligation upon an applicant to submit supplementary evidence.
[29 November 2012]

Section 274. Participation of a Representative of the Orphan's Court and a Public Prosecutor

A case for establishing trusteeship for a person due to his or her dissolute or spendthrift lifestyle, as well as excessive use of alcohol or other intoxicating substances, shall be examined with the participation of a representative of the Orphan's Court and a public prosecutor. A representative of the Orphan's Court shall participate in examination of the case by submitting evidence of significance to the case. The representative of the Orphan's Court has the right to get acquainted with materials of the case, to participate in verification of evidence and to submit petitions.
[29 November 2012]

Section 275. Court Judgment

(1) If the court has determined that a person living dissolutely or with a spendthrift lifestyle or excessively using alcohol or other intoxicating substances, is creating a threat that he or she or his or her family will be led into privation or poverty, the court according to a judgment shall deprive such person the right to manage his or her property, restrict his or her actions with such property and establish trusteeship for the relevant person. If the court, on the basis of evidence, determines that the capacity to act should be restricted for the person, the court shall give a judgment in which restriction of the capacity to act and joint action of the trustee with the person under trusteeship or independent action of the trustee is indicated.
(2) After a judgment has entered into lawful effect the court shall send a true copy of the judgment to the Orphan's Court – for appointing of a trustee, as well as to a public prosecutor and the person whose capacity to act is being restricted. The court shall send information regarding the judgment also to the Population Register and, if necessary, a true copy of the judgment for an endorsement to be entered in the Land Register, the movable property register or another relevant public register.
(3) After the judgment has entered into lawful effect the court shall send a notice for publication to the official gazette *Latvijas Vēstnesis*, in which the following shall be indicated:

1) the name of the court that gave the judgment;

2) the given name, surname and personal identity number of the person in relation to whom the judgment was given;

3) the fact that such person has been recognised as a person with restricted capacity to act;

4) the operative part of the judgment;

5) the day when the judgment enters into lawful effect.

[29 November 2012]

Section 276. Court Expenses

(1) If the application is allowed, the court expenses shall be adjudged against the property of the person whose capacity to act has been restricted and for whom the trusteeship has been established.
(2) If the court has determined that the application is unfounded, the court expenses shall be adjudged against the person pursuant to whose application the case was initiated, but if the case was initiated pursuant to an application of a public prosecutor, the court expenses shall be covered from State funds.
[7 September 2006; 29 November 2012]

Section 277. Reviewing the Restriction of the Capacity to Act of a Person

In reviewing the restriction of the capacity to act for persons due to dissolute or spendthrift lifestyle, as well as excessive use of alcohol or other intoxicating substances, the provisions of Chapter 33.[1] of this Law shall be applied.
[29 November 2012]

Chapter 34.[1]
Suspension of the Rights of a Future Authorised Person
[29 November 2012]

Section 277.[1] Jurisdiction

An application to stay the rights of a future authorised person may be submitted by the children, brothers, sisters, parents, spouse of the authorising person or a public prosecutor based on the declared place of residence of the authorising person, but if none, based on the place of residence of the authorising person.

Section 277.[2] Content of the Application

The circumstances which are the basis for staying the rights of a future authorised person shall be indicated in the application and the evidence corroborating such circumstances shall be attached.

Section 277.[3] Examination of the Application

(1) The court shall examine a case regarding staying the rights of a future authorised person with the participation of a public prosecutor.
(2) The person who has issued a future authorisation shall be invited to the court hearing.

Section 277.[4] Preparation of a Case for Examination

A true copy of the application shall be sent to the authorised person determining a time period of not more than 30 days for him or her for submitting explanations.

Section 277.[5] Court Judgment

(1) If the court has determined that the activities of an authorised person are contrary to the interests of the authorising person or the authorised person does not fulfil his or her obligations at all, the court shall stay the rights granted to him or her by the future authorisation.
(2) After a judgment has entered into lawful effect the court shall send a true copy of the judgment to the authorised person, authorising person, public prosecutor and the Council of Sworn Notaries of Latvia.

Section 277.[6] Court Expenses

If the court finds that the activities of an authorised person are contrary to the interests of the authorising person or the authorised person does not fulfil his or her obligations at all, the authorised person shall be imposed an obligation to cover the court expenses.

Chapter 35
Establishing Trusteeship for the Property of Absent or Missing Persons

Section 278. Jurisdiction

Cases regarding trusteeship for the property of an absent or missing person shall be examined by a court based on the last place of residence of the missing or absent person.

Section 279. Content of an Application

(1) An application to establish trusteeship for the property of an absent or missing person may be submitted by persons who have an interest in preserving the property of the absent or missing person or in protecting the rights of such person, or by a public prosecutor.
(2) There shall be set out in the application the circumstances as confirm the absence of the person and the location of this person's property regarding which it is necessary to establish trusteeship.
(3) If the whereabouts of the absent or missing person are known, the court must summon them as an interested person.

Section 280. Court Judgment

(1) The court, having found that a submission is well founded, shall give a judgment regarding the establishment of trusteeship for the property of the absent or missing person.
(2) After the judgment has entered into lawful effect, the court shall send a true copy of the judgment to the Orphan's Court.
(3) After the judgment has entered into lawful effect, the court shall send a true copy of the judgment to the absent person, if their place of residence is known; if it is not known, the court shall send an appropriate notice for publication in the official gazette *Latvijas Vēstnesis*.
[7 September 2006; 29 November 2012]

Section 281. Termination of Trusteeship

Upon the entering into effect of the circumstances specified in Section 375, Clause 1 of The Civil Law, trusteeship may be terminated according to the judgment of the court, which established trusteeship.

Chapter 36
Declaring a Missing Person as Deceased

Section 282. Jurisdiction

An application to declare a missing person as deceased shall be submitted to a court based on the last place of residence of such person.

Section 283. Contents of an Application

There shall be set out in an application the given name, surname, personal identity number, if known, and year of birth of the missing person, the date when he or she left his or her place of place of residence and when the latest information about such person was received and, if possible, the place of birth of the missing person, and the given name, surname and other information about his or her parents.

Section 284. Notice Regarding a Missing Person

(1) After accepting an application, the judge shall take a decision to publish a notice in the official gazette *Latvijas Vēstnesis*, to be paid for by the applicant.
(2) There shall be set out in the notice:

1) the name of the court which received the application;

2) the given name, surname and year of birth of the person proposed to be declared deceased, and other information regarding him or her set out in the application ;

3) a stipulation that the missing person appear in court or advise as to his or her whereabouts within three months, and a statement that otherwise the person will be declared deceased;

4) a request to anyone who knows the whereabouts of the missing person or who has knowledge of his or her death to notify the court within three months.

[29 November 2012]

Section 285. Participation of a Public Prosecutor

Cases regarding the declaration of a missing person as deceased shall be examined with a public prosecutor participating.

Section 286. Court Judgment

(1) The court, having found the application to be well founded, shall give a judgment regarding the declaration of the missing person as deceased.
(2) If the court has determined the presumed date of death of the missing person, it shall be set out in the judgment.
(3) If the court is unable to determine the presumed date of death of the missing person, the date of death of the missing person shall be deemed to be the date when the application was submitted to the court, concerning which the court shall make a statement in the judgment.
(4) After the judgment, pursuant to which the person has been declared deceased, has entered into lawful effect, a true copy of the judgment shall be sent to the General Registry office to register the death of the missing person and to the Orphan's Court to establish trusteeship over the property of the person declared deceased.
(5) After the judgment, by means of which the person has been declared deceased, has entered into lawful effect, the Court shall send a notice for publication to the official gazette *Latvijas Vēstnesis* in which shall be set out:

1) the name of the court which made the judgment;

2) the given name, surname, year of birth and other personal data that have been determined regarding the missing person;

3) the fact that this person has been declared deceased;

4) the presumed date of death of the missing person or the date this person is deemed to have died.

[7 September 2006; 29 November 2012]

Section 287. Consequences of the Appearance of the Person Declared Deceased

(1) If the person, who by court judgment has been declared deceased, appears or their whereabouts are determined, the court which gave the judgment shall pursuant to a new judgment revoke the judgment which declared this person as deceased.
(2) An application to revoke a judgment may be submitted by the person who has been declared deceased, by the person pursuant to whose application the case was initiated, or by a public prosecutor.

(3) After the court judgment comes into lawful effect, a true copy of the judgment shall be sent to the General Registry office for the registration of death to be annulled, and an appropriate notice shall be sent for publication to the official gazette *Latvijas Vēstnesis*.
[29 November 2012]

Chapter 37
Determination of Juridical Facts

Section 288. Cases to be Examined by the Court

(1) The court shall examine cases regarding determination of such circumstances as affect the creation, varying or termination of property rights and other rights of natural or legal persons.
(2) The court shall determine circumstances regarding:

1) the kinship relationships of natural persons;

2) a person's being maintained;

3) the registration of adoptions, entering into and divorces, and deaths;

4) the ownership of documents (except passports and certificates issued by institutions which register civil status documents) that create rights for natural persons whose given name, patronymic, surname or date of birth do not correspond with those set out in a passport or birth certificate;

5) the ownership of documents that create rights for legal persons whose name or registration data do not correspond with those shown in the relevant register;

6) death of a person in specific time and specific circumstances if the General Registry Office refuses to register a death.

(3) The court shall also determine other facts that have legal significance, if the legal enactments in force do not provide for other procedures to determine such facts.
[29 November 2012]

Section 289. Provisions Applicable to the Determination of Legal Facts

The court shall determine legal facts only if it is not possible through some other procedure for the applicant to obtain the relevant documents, which confirm such facts, or if such documents have been lost, stolen or destroyed and the possibility of renewing them is not available.

Section 290. Jurisdiction

An application to determine legal facts shall be submitted to the court based on the declared place of residence of the applicant, but if none, based on the place of residence.
[29 November 2012]

Section 291. Content of the Application

(1) There shall be set out in an application the purpose for which the applicant requires a declaration of the relevant fact.
(2) Corroborating evidence, which confirms the inability of the applicant to receive the relevant documents or to have reissued lost, stolen or destroyed documents, must be attached to the application.

Section 292. Court Judgment

(1) Where an application is allowed, the court judgment shall state what facts have been determined and for what purpose.
(2) A court judgment regarding determination of such facts may be registered in a General Registry office or formally recorded in other agencies, but shall not constitute a replacement of the documents issued by such agencies; however, after entering into lawful effect such judgment shall constitute a basis for registration or formal recording by such agencies.

Chapter 38
Summoning Procedures Regarding Extinguishing of Rights

Section 293. Cases as May be Examined by Way of Summoning Procedures

(1) Summoning procedures are applicable only in the cases where provided for in law.
(2) Summoning shall be done on the basis of an application from the interested person, unless otherwise provided for in law.

Section 294. Submission of the Application

(1) In an application for summoning to be conducted and rights to be extinguished, the following shall be set out:
1) the circumstances upon which the request for summoning to be conducted are based, together with a reference to any corroborating evidence;
2) any interested persons known to the applicant;
3) consequences if the persons summoned fail to attend.
(2) An application regarding extinguishing of rights as relate to immovable property shall be submitted to a court in accordance with the location of such property; but where the application is in regard to other rights, to a court in accordance with the applicant's location – the declared place of place of residence, but if none, based on the place of residence of a natural person, or the legal address of a legal person, unless prescribed otherwise by law.
[29 November 2012]

Section 295. Preparation of a Case for Examination

(1) After an application has been accepted, a judge shall take a decision on the publication of a notice in the official gazette *Latvijas Vēstnesis*, to be paid for by the applicant.
(2) There shall be set out in the notice:
1) the name of the court which received the application;
2) the applicant's given name and surname – but in regard to a legal person, its name;
3) the basis for the summoning and the subject-matter to which the summoning relates;
4) the time period for making an application regarding rights;
5) the consequences of failing to conform to a time period.
(3) The time period, if it is not laid down in law, shall be determined by the court, but it must not be less than three months from the date of publication of the notice.
(4) If the summoning is in regard to rights related to immovable property or to claims secured by a mortgage, the notice shall also be posted in the relevant Land Registry Office.
[29 November 2012]

Section 296. Examination of the Application

(1) A case shall be examined by the court after expiry of the time period stated in the notice; the applicant, interested persons indicated by the applicant and persons who have submitted a claim within the time period shall be summoned.
(2) An application in regard to rights, that has been submitted after the time period stated in the notice but prior to judgment being given in the case, shall be considered to be submitted within the time period.
(3) If, in connection with the summoning, a dispute arises with respect to rights that may affect the judgment in the case, the court shall stay the court proceedings, and set a time period for the bringing of an action.
(4) If an action is not brought within the time period set, or a judgment is issued regarding the deciding of the dispute, the court proceedings shall be renewed.

Section 297. Court Judgment

(1) Where an application is allowed, the court shall give judgment declaring that all rights, regarding which application has not been made within the time period, are invalid, except those mentioned in Section 327, Paragraph two of this Law.
(2) The extinguishing of rights is not an impediment to the bringing of an action according to general procedure in the cases as provided for in Section 327, Paragraph three of this Law.

Chapter 39
Renewal of Rights based on Debt Instruments or Bearer Securities

Section 298. Submission of the Application

In cases where a debt instrument of bearer security has been lost, stolen or destroyed, the creditor or person to whom the document has been pledged, given for safekeeping, administering, or on commission or entrusted in some other way, and the last holder of the document if it was endorsed to bearer or the endorsement was in blank, may petition the court to cancel such document and thereafter renew the rights related to it.

Section 299. Jurisdiction

An application for the cancelling of a lost, stolen or destroyed document and renewal of rights related to it shall be submitted to a court in accordance with the payment location indicated on the document, but if the payment location is not known, then to a court in accordance with the location of the debtor – the declared place of residence, but if none, based on the place of residence if the debtor is a natural person, or their legal address if the debtor is a legal person – and if the location of the debtor is also unknown, then in accordance with the location where the document was issued.
[29 November 2012]

Section 300. Content of the Application

(1) There shall be set out in an application for cancellation of a lost, stolen or destroyed document the following:
1) the given name, surname, personal identity number and declared place of residence of the applicant, but in none – the place of residence, but if the applicant is a legal person, its name, registration number and legal address. In addition the applicant may indicate also another address for correspondence with the court;

2) the given name, surname, declared place of residence and the additional address indicated in the declaration of the person who issued the document, but, if none, the place of residence; for a legal person – the name and legal address thereof, as well as the given name, surname, declared place of residence and the additional address indicated in the declaration of the person who, in accordance with the document, must perform the obligation, but, if none, the place of residence; for a legal person – the name and legal address thereof. Also, the personal identity number or registration number of such persons shall be indicated, if known; the given name, surname, personal identity number, declared place of residence and the additional address indicated in the declaration of the defendant, but, if none, the place of residence; for a legal person – the name, registration number and legal address thereof. The personal identity number or registration number of the defendant shall be indicated if known;

3) the name, contents and identifying features of the document;

4) the circumstance in which the document was lost, stolen or destroyed.

(2) Where possible, a true copy of the document shall be attached to the application.

[29 November 2012]

Section 301. Preparation of a Case for Examination

(1) After an application is accepted, a judge shall take a decision on:

1) the enjoining of persons, who according to the document must perform an obligation, from making payment monetarily or otherwise pursuant to such document;

2) publication of a notice in the official gazette *Latvijas Vēstnesis*.

(2) There shall be set out in the notice the following:

1) the name of the court in which the application was received;

2) the given name and surname of the applicant, but if the applicant is a legal person, their name and legal address;

3) the name, contents and identifying features of the lost, stolen or destroyed document;

4) a stipulation regarding the submitting to the court – within three months, but in the case of a promissory note or a cheque within two months from the day the notice is published – of an application by the holder of the document, in regard to the holder's right to this document, and a statement that in the absence of such submission the document may be declared cancelled.

(3) The court shall send a true copy of the decision, as provided for in Paragraph one, Clause 1 of this Section, to the person who according to the document must perform the obligation and also, if possible, notify all persons mentioned in the document regarding the decision.

[29 November 2012]

Section 302. Obligation of the Holder of the Document

(1) It is the obligation of the holder of the document, after the notice has been given regarding the loss, theft or destruction of the document, to submit, within the time period set out in the notice, to the court which took the decision, an application regarding his or her rights with respect to this document together with the original of the document.

(2) If the holder of the document has not submitted such application, but the cancellation of the document infringes his or her rights, he or she may defend his or her infringed rights in accordance with the procedures for court proceedings by way of action.

Section 303. Actions by the Court Following Receipt of an Application from the Holder of the Document

(1) If an application from the holder of the document is received by the court within the time period set out in the notice, the court shall leave without examination the application of the person requesting cancellation of the document and shall set a time period during which any payments, monetary or otherwise, made in accordance with the document are prohibited. Such time period shall not exceed two months.
(2) The court shall, at the same time, explain to the applicant his or her right to bring an action against the holder of the document to reclaim such document, and to the holder of the document his or her right to recover from the submitter losses caused as a result of injunctive measures determined by the court.
(3) An ancillary complaint may be submitted regarding the decision of the court.

Section 304. Examination of the Application

(1) The court shall adjudge a case regarding cancellation of a document and renewal of rights related to it after expiration of the time period set out in the notice, provided an application has not been received from the holder of the document.
(2) The court shall notify the submitter and the person who issued the document and, where possible, all persons mentioned in the document, regarding the time when and place where the case is to be examined. The failure of such persons to attend is not an impediment to the examination of the case.

Section 305. Court Judgment

(1) If the court finds that the document set out in the application has been lost, stolen or destroyed and that the applicant was the lawful holder of such document, it shall give judgment regarding the cancellation of the document and renewal of the rights of the applicant related to it.
(2) A court judgment that has entered into lawful effect shall be a basis for issuing a new document to replace the cancelled document, if such is provided for in law.
(3) If the law does not provide that a new document may be issued, the judgment shall be a basis to make a claim for realisation of rights arising from the cancelled document.

Chapter 40
Reading and Entering into Lawful Effect of Last Will Instruction Instruments
[31 October 2002 / See Paragraph 12 of Transitional Provisions]

Chapter 41
Protection of Estates and Trusteeship
[31 October 2002 / See Paragraph 12 of Transitional Provisions]

Chapter 42
Announcement of Opening of Succession
[31 October 2002 / See Paragraph 12 of Transitional Provisions]

Chapter 43
Accepting an Inheritance
[31 October 2002 / See Paragraph 12 of Transitional Provisions]

Chapter 44
Confirmation of Rights of Intestate Succession
[31 October 2002 / See Paragraph 12 of Transitional Provisions]

Chapter 45
Pre-emption of Immovable Property

Section 336. Jurisdiction of Cases

Applications regarding pre-emption of immovable property shall be submitted to the court in accordance with the location of the immovable property subject to pre-emption.

Section 337. Substance of the Application

(1) There shall be set out in an application the location of the immovable property subject to pre-emption, the acquirer thereof and the basis for the right of pre-emption (Section 1382 of The Civil Law).
(2) There shall be attached to the application:
1) a true copy of the instrument on the basis of which the immovable property has been alienated;
2) evidence regarding the right of the applicant to pre-empt the immovable property;
3) information regarding the sale price of the immovable property, alienation costs and fees, and payment thereof.

Section 338. Sending a True Copy of the Application to the Acquirer of the Immovable Property

The court shall send a true copy of the application to the acquirer of the immovable property, setting out a term of one month for submission of explanations and providing of information regarding necessary and useful expenses incurred in regard to the immovable property.

Section 339. Examination of the Application

An application shall be examined at a court hearing to which the applicant and the acquirer of the immovable property shall be summoned.

Section 340. Court Judgment

Where it finds that the application is well founded, the court shall give judgment regarding the right of pre-emption of the applicant in regard to the immovable property and the right of the acquirer of the pre-empted immovable property to compensation for expenses.

Section 341. Leaving an Application without Examination

If the acquirer of the immovable property disputes the right of pre-emption of the applicant, the court shall leave the application without examination, and explain to the participants in the case that the dispute is required to be resolved in accordance with the procedures applicable to actions.

Chapter 45.[1]
Cases Regarding Legal Protection Proceedings
[30 September 2010]

Section 341.[1] Jurisdiction in Regard to Case Regarding Legal Protection Proceedings

A case regarding legal protection proceedings shall be examined based on the legal address of a debtor.

Section 341.[2] Content of the Legal Protection Proceedings Application

(1) The following information shall be indicated in a legal protection proceedings application:

1) the firm name (name), registration number and legal address of a debtor;

2) that restrictions specified in the Insolvency Law for initiation of a case regarding legal protection proceedings do not exist in respect of a debtor;

3) whether during a year a case regarding legal protection proceedings has been initiated in respect of a debtor but implementation of legal protection proceedings has not been announced.

(2) Documents confirming the following shall be attached to the application:

1) payment of the State fee and other court expenses in accordance with the procedures and in the amount specified by the law;

2) conditions by which the application is justified.

[29 November 2012]

Section 341.[3] Receipt and Registration of the Legal Protection Proceedings Application

(1) A court shall accept a legal protection proceedings application from a debtor in whose name the application is submitted, or from a person who has been authorised to submit such application.

(2) A court shall verify the identity of the submitter when a legal protection proceedings application is received. If it is not possible to verify the identity or the applicant does not have the relevant authorisation, the application shall not be accepted.

(3) Legal protection proceedings application shall be registered in a separate register, in which the submitter and the recipient of the application shall sign.

Section 341.[4] Initiation of a Case Regarding Legal Protection Proceedings

(1) Not later than the day following receipt of a legal protection proceedings application the judge shall take a decision:

1) to leave the legal protection proceedings application not proceeded with;

2) to refuse to accept the legal protection proceedings application; or

3) to accept the legal protection proceedings application and initiation of a case.

(2) If the legal protection proceedings application has been left not proceeded with, then the judge shall take a decision to accept the legal protection proceedings application and to initiate a case not later than the day after rectifying of the deficiencies indicated in the judge's decision. If the time period for rectifying deficiencies indicated in the decision has expired and they have not been rectified, the application shall be deemed as not submitted and it shall be returned to the applicant.

Section 341.[5] Court Activities to be Performed and Issues to be Decided after Taking of a Decision to Initiate a Case Regarding Legal Protection Proceedings

(1) A true copy of a court decision to initiate a case regarding legal protection proceedings shall be sent without delay to:

1) the responsible institution that makes entries in the Insolvency Register;

2) the Finance and Capital Market Commission, if a decision has been taken on a participant of the finance and capital market, the activity of which is supervised by the Finance and Capital Market Commission in accordance with the requirements of laws and regulations.

(2) After taking of a decision to initiate legal protection proceedings, the judge shall:

1) decide on compliance of the candidate for the position of the administrator with the performance of the administrator's obligations in the relevant legal protection proceedings and on his or her appointment as the administrator;

2) according to the application of a secured creditor decide on a permit to sell the pledged property of the debtor (Section 37, Paragraph two of the Insolvency Law).

(3) If the candidate for the position of the administrator has been indicated in the plan for legal protection proceedings, the judge shall immediately decide on his or her appointment as the administrator.

(4) If the debtor in submitting a plan for measures of legal protection proceedings requests the court to appoint an administrator, the judge shall invite the Insolvency Administration to recommend a new candidate for the position of the administrator.

(5) After receipt of a recommendation from the Insolvency Administration the judge shall immediately decide on appointment as the administrator of the candidate for the position of the administrator. The judge shall determine a time period for the provision of the administrator's opinion in the decision, and it may not be longer than 15 days from the day when a decision on appointing of the administrator was taken.

(6) Having determined that restrictions for the performance of the administrator's obligations in the relevant legal protection proceedings exist for the candidate indicated by the debtor or recommended by the Insolvency Administration, the judge shall take a decision on refusal to appoint as the administrator the candidate for the position of the administrator and send the invitation to the Insolvency Administration to recommend a new candidate for the position of the administrator. The judge shall decide on appointment as the administrator of the candidate for the position of the administrator in accordance with the procedures laid down in Paragraph five of this Section.

(7) A true copy of the decision to appoint the administrator shall be sent to administrator and the responsible institution that makes entries in the Insolvency Register.

Section 341.[6] Procedures for Examining an Application for Legal Protection Proceedings and Judgment in a Case Regarding Legal Protection Proceedings

(1) A court shall examine an application for legal protection proceedings by written procedure, except the case when it considers as necessary to examine the case in a court hearing. If the application for legal protection proceedings is examined in a court hearing, the debtor and the administrator shall be summoned to the court hearing. The non-attendance of such persons shall not be an obstacle for examination of the case.

(2) A court shall examine an application for legal protection proceedings within 15 days from:

1) the day when in accordance with Section 341.[5], Paragraph three of this Law a decision was taken on appointing of the administrator;

2) the day of receipt of the opinion of the administrator.

(3) A court shall satisfy the application and give a judgment regarding implementation of legal protection proceedings, if on the basis of the opinion of the administrator and other evidence, as well as upon evaluation of objections of creditors, if any have been received, it is determined that the plan for measures of legal protection proceedings:

1) complies with the requirements of the Insolvency Law;

2) has been supported in accordance with the procedures and in the time period laid down in the Insolvency Law.

(4) If the insolvency proceedings specified in Article 3(2) of Council Regulation No 1346/2000 has been commenced against a debtor in Latvia and the liquidator of the main proceedings has not co-ordinated the plan for measures of legal protection proceedings in accordance with the procedures laid down in the Insolvency Law, a court shall satisfy the application and give a judgment regarding implementation of the legal protection proceedings if it determines that the implementation of the legal protection proceedings is in the interests of the creditors of the insolvency proceedings specified in Article 3(1) of the abovementioned Regulation.

(5) When giving a judgment regarding implementation of legal protection proceedings, a court shall approve the plan for measures of legal protection proceedings.

(6) A court shall indicate a list of pledged property in the judgment regarding implementation of the legal protection proceedings, to which restrictions in respect of secured creditors to exercise their rights are applicable until termination of the legal protection proceedings.

(7) In refusing the application for legal protection proceedings, a court shall concurrently terminate the legal protection proceedings and recover the court expenses and the administrator's remuneration from the applicant for legal protection proceedings.

(8) A court judgment in a case regarding legal protection proceedings may not be appealed.

(9) A true copy of the judgment shall be issued to a applicant for legal protection proceedings and the administrator, as well as sent to the responsible institution that makes entries in the Insolvency Register.

Section 341.[7] Decision to Implement Legal Protection Proceedings in Extrajudicial Legal Protection Proceedings

(1) The provisions of this Chapter shall be applied in cases regarding legal protection proceedings in the extrajudicial legal protection proceedings, unless otherwise provided for in this Section.

(2) A court shall examine an application for legal protection proceedings in the extrajudicial legal protection proceedings within 15 days by written procedure, except the case when it considers as necessary to examine the case in a court hearing. If the application in a case regarding legal protection proceedings is examined in a court hearing, the debtor and the administrator shall be summoned to the court hearing. The non-attendance of such persons shall not be an obstacle for examination of the case.

(3) When the decision to initiate the case regarding legal protection proceedings is taken, a court shall not decide the issue regarding a permit to sell the pledged property of the debtor upon an application of the secured creditor.

(4) If the conditions referred to in the Insolvency Law exist for the implementation of legal protection proceedings in the extrajudicial legal protection proceedings, a court shall take a decision to implement legal protection proceedings in the extrajudicial legal protection proceedings and approve a plan for measures of legal protection proceedings, as well as concurrently appoint the administrator indicated in the plan for measures of legal protection proceedings.

(5) A court decision in a case regarding legal protection proceedings in the extrajudicial legal protection proceedings may not be appealed.

(6) A true copy of the decision shall be issued to the applicant and the administrator, as well as sent to the responsible institution that makes entries in the Insolvency Register.

Section 341.[8] Issues to be Decided after Taking of a Decision Regarding Implementation of Legal Protection Proceedings

(1) After a decision regarding the implementation of legal protection proceedings upon the relevant application has been taken, a court shall decide on:

1) amendments to the plan for measures of legal protection proceedings;

2) discharge of the administrator by determining the time period for drawing up a statement for acceptance and delivery of documents and property and transfer of documents and property to another administrator;

3) appointment as the administrator of a new candidate for the position of the administrator, if the previous administrator has been discharged from the relevant legal protection proceedings;

4) performance of the activities specified in Article 37 of Council Regulation No 1346/2000;

5) termination of legal protection proceedings.

(2) The administrator may be discharged by a court upon its own initiative if it, in examining the application or complaint in a case regarding legal protection proceedings, has determined that the administrator fails to observe the requirements of laws and regulations or fails to fulfil court decision.

(3) A court shall send true copies of the decisions referred to in Paragraph one of this Section to the responsible institution that makes entries in the Insolvency Register. A court shall immediately send a true copy of the decision to discharge the administrator, after entering into effect thereof, to the debtor and the Insolvency Administration for suggesting a new candidate for the position of the administrator.

(4) After receipt of a proposal from the debtor the court shall immediately decide on appointing as the administrator of the candidate for the position of the administrator nominated by the debtor and co-ordinated with creditors, if the restrictions specified in the Insolvency Law do not exist in respect of him or her for the performance of the obligations of the administrator in the relevant legal protection proceedings. If the debtor has not submitted a proposal to the court regarding a candidate for the position of the administrator within 15 days from the day of taking of the decision to withdraw the administrator, a court shall immediately decide on appointing as the administrator of the candidate for the position of the administrator nominated by the Insolvency Administration. A true copy of the decision shall be sent to the Insolvency Administration and the responsible institution that makes entries in the Insolvency Register.

(5) A court may request that the administrator submits a report or other information regarding his or her activity for examination of the issues referred to in this Section.

(6) A court shall examine an application and complaint within 15 days from the day of receipt of the application or complaint. The judge shall examine the application by a written procedure without organising a court hearing, except the case when he or she considers as necessary to examine the case in a court hearing. The judge shall examine a complaint by a written procedure without organising a court hearing, except the case when the administrator requests to examine the case in a court hearing or the court considers as necessary to examine the complaint in a court hearing. The applicant or complain, the administrator, representative of the debtor and other interested persons shall be summoned to the court hearing. The non-attendance of such persons shall not be an obstacle for examination of the case.

(7) A court shall take a decision to examine an application and complaint, which may not be appealed. A court decision to withdraw the administrator on the basis of Section 22, Paragraph two, Clause 1, 2, 3, 4 or 7 of the Insolvency Law may be appealed by submitting an

ancillary complaint. The regional court shall examine such ancillary complaint within 15 days.
(8) In examining the ancillary complaint referred to in Paragraph seven of this Section the regional court has the right:
1) to leave the decision unamended and to reject the complaint;
2) to withdraw the decision and, by its decision, to decide on the issue on the merits.
(9) The decision referred to in Paragraph eight of this Section shall enter into effect and must be enforced without delay.
(10) The regional court shall send a true copy of the decision referred to in Paragraph eight, Clause 1 of this Section to the Insolvency Administration for recommending a new candidate for the position of an administrator.
[21 June 2012]

Section 341.[9] Examination of a Complaint in a Court Regarding a Decision Taken by the Insolvency Administration on the Conduct of the Administrator in the Legal Protection Proceedings or Imposition of a Legal Obligation

(1) A court shall examine a complaint of a creditor, a representative of a debtor, administrator or third person whose rights are concerned regarding a decision taken by the Insolvency Administration on the actions of the administrator in the legal protection proceedings or imposition of a legal obligation. A court shall examine a complaint regarding the decision of the Insolvency Administration taken after termination of the relevant legal protection proceedings in accordance with the procedures laid down in this Section.
(2) If a court acknowledges that the appealed decision of the Insolvency Administration fails to conform to the requirements of laws and regulations, it shall satisfy the complaint and decide on:
1) complete or partial revocation of the decision of the Insolvency Administration;
2) imposition of an obligation on the Insolvency Administration to accept or examine a complaint regarding the actions of the administrator; or
3) imposition of an obligation on the administrator to eliminate the violation admitted, except the cases when a decision to terminate the relevant legal protection proceedings has been taken.
(3) A court, having determined that the appealed decision of the Insolvency Administration complies with the requirements of laws and regulations, shall reject the complaint.
(4) A submitter of the complaint has the right to withdraw his or her complaint while examination thereof on the merits has not been completed. If the submitter of the complaint withdraws the complaint submitted, a court shall take a decision to terminate legal proceedings of the complaint.
(5) After examination of the complaint a court shall immediately send a true copy of the decision to the Insolvency Administration.
(6) If a decision of the Insolvency Administration on actions of the administrator in the legal protection proceedings is taken within a year after termination of the relevant legal protection proceedings, a complaint regarding the decision of the Insolvency Administration shall be submitted to a court, in the legal proceedings of which was the relevant case regarding legal protection proceedings.

Section 341.[10] Decision to Terminate Legal Protection Proceedings

(1) A court shall examine an issue regarding termination of legal protection proceedings upon its own initiative or upon an application of the debtor.
(2) A court shall take a decision upon its one initiative to terminate legal protection proceedings in the case determined in Section 51, Paragraph one of the Insolvency Law.

(3) A court shall take a decision upon an application of the debtor to terminate legal protection proceedings in the case determined in Section 51, Paragraph four of the Insolvency Law.
(4) In the case specified in Paragraph three of this Section the debtor shall attach a written opinion of the administrator regarding implementation of the plan for measures of legal protection proceedings to the application regarding termination of legal protection proceedings.
(5) A court shall send immediately a true copy of the decision on legal protection proceedings to the applicant, the administrator, as well as the responsible institution that makes entries in the Insolvency Register.

Section 341.[11] Decision to Terminate Legal Protection Proceedings Declaring Insolvency Proceedings of a Legal Person

(1) A court shall take a decision upon its own initiative to terminate legal protection proceedings, if insolvency proceedings of a legal person have been declared on the basis of Section 57, Clause 8 or 9 of the Insolvency Law.
(2) A court shall take a decision upon its own initiative to terminate legal protection proceedings and declare insolvency proceedings of a legal person in the case determined in Section 51, Paragraph two of the Insolvency Law.
(3) A court shall take a decision to terminate legal protection proceedings and declare insolvency proceedings of a legal person upon an application of the person referred to in Article 29(a) of Council Regulation No 1346/2000, if it determines that the performance of the activity determined in Article 37 of the Regulation is in the interests of the creditors of the insolvency proceedings specified in Article 3(1) of the abovementioned Regulation.
(4) An application of insolvency proceedings of a legal person in the case specified in Paragraph one of this Section shall be submitted to the court, in legal proceedings of which is the case regarding legal protection proceedings.
(5) A court shall send immediately a true copy of the decision to terminate legal protection proceedings to the responsible institution that makes entries in the Insolvency Register.

Chapter 46
Cases Regarding Legal Protection Proceedings
[30 September 2010]

Chapter 46.[1]
Cases Regarding Insolvency Proceedings of a Legal Person
[30 September 2010]

Section 363.[1] Jurisdiction of Cases Regarding Insolvency Proceedings of a Legal Person

(1) A court shall examine a case regarding insolvency of a legal person based on the legal address of the debtor.
(2) A case regarding the commencement of insolvency proceedings specified in Article 3(1) of Council Regulation No 1346/2000 shall be examined by the court according the location of the main interest centre of the debtor, but in the case of commencement of insolvency proceedings specified in Article 3(2) of this Regulation – based on the location of the debtor's undertaking (within the meaning of Article 2(h) of the abovementioned Regulation).
[29 November 2012]

Section 363.[2] Content of the Application for Insolvency Proceedings of a Legal Person

(1) A creditor shall provide the following information in an application for insolvency proceedings of a legal person (hereinafter in this Chapter – application for insolvency proceedings):

1) the firm name (name), registration number and legal address of the creditor;

2) the firm name (name), registration number and legal address of the debtor;

3) the element of insolvency proceedings.

(2) In submitting an application for insolvency proceedings, a creditor shall attach documents that certify payment of the State fee and other court expenses, as well as payment of the insolvency proceedings deposit.

(3) In submitting an application for insolvency proceedings in conformity with the element of insolvency proceedings referred to in Section 57, Clause 1 of the Insolvency Law, the evidence regarding substantiation and amount of the claim shall be attached to the application, as well as a statement issued by the bailiff regarding impossibility to recover the debt from the debtor.

(4) In submitting an application for insolvency proceedings in conformity with the element of insolvency proceedings referred to in Section 57, Clauses 2 and 3 of the Insolvency Law, the evidence regarding substantiation and amount of the claim, a copy of the warning regarding intention to submit an application for insolvency proceedings, documents regarding issue or sending of the warning (a receipt regarding sending of a document with certificate of consignment content) shall be attached to the application, as well as it shall be certified in the application that the debtor has not brought justified objections.

(5) In submitting an application for insolvency proceedings in conformity with the element of insolvency proceedings referred to in Section 57, Clause 4 of the Insolvency Law, it shall be indicated in the application regarding what time period the work remuneration and compensation for damages have not been disbursed, and a statement issued by the employer regarding the amount of work remuneration and mandatory social insurance payments shall be attached thereto, but in case the employer has not issued the abovementioned statement, such fact shall be indicated in the application.

(6) In submitting an application for insolvency proceedings on the commencement of the insolvency proceedings specified in Article 3(1) or (2) of Council Regulation No 1346/2000 against a debtor, the creditor shall indicate a substantiation therein and attach evidence thereto that confirm the conditions on which the application is justified, if any are at his or her disposal.

(7) In submitting an application for insolvency proceedings on the commencement of the insolvency proceedings specified in Article 3(2) of Council Regulation No 1346/2000 against a debtor, the creditor shall send a true copy to the liquidator involved in the insolvency proceedings specified in Article 3(1) of the abovementioned Regulation.

[29 November 2012 / The norm of Paragraph two regarding payment of insolvency proceedings deposit insofar as applicable to employees whose sole means of legal protection are proclamation of the employer as insolvent has been recognised as non-conforming to the first sentence of Section 92 of the Constitution of the Republic of Latvia by the Constitution Court judgment of 20 April 2012 which shall enter into effect on 24 April 2012; 29 November 2012]

Section 363.[3] Content of Application for Insolvency Proceedings of a Debtor

(1) An application for insolvency proceedings on behalf of the debtor may be submitted by the administrative body or members of a partnership who have the right of representation, or a specially authorised person.

(2) A debtor shall provide the following information in an application for insolvency proceedings:

1) the firm name (name), registration number and legal address of the debtor;

2) the element of insolvency proceedings;

3) information regarding the location of the main interest centre of the debtor within the meaning of Council Regulation No 1346/2000;

4) whether the debtor owns an undertaking in another Member State within the meaning of Article 2(h) of Council Regulation No 1346/2000;

5) the number of the case regarding legal protection proceedings if the application for insolvency proceedings has been submitted in conformity with the element of the insolvency proceedings referred to in Section 57, Clause 9 of the Insolvency Law.

(3) A debtor shall attach the following to the application for insolvency proceedings:

1) a list of the members of administrative bodies, auditors (the members of audit bodies) and proctors, indicating the given name, surname, address and other information with the help of which they may be identified and located;

2) evidence that the participants (members) of the commercial company, members of the society or other founders or participants of a legal person are informed regarding submission of the application for insolvency proceedings;

3) evidence regarding the right of representation;

4) documents that attest payment of the State fee and other court expenses, as well as of the deposit for the insolvency proceedings.

(4) In submitting an application for the commencement of insolvency proceedings, a debtor shall attach a certificate regarding the location of main interest centre of the debtor to the application for insolvency proceedings in addition to the documents indicated in Paragraph three of this Section.

[29 November 2012]

Section 363.[4] Content of the Application for Insolvency Proceedings of a Debtor in the Liquidation Proceedings

(1) A liquidator shall submit an application for insolvency proceedings on behalf of the debtor in conformity with the element of insolvency proceedings referred to in Section 57, Clause 6 of the Insolvency Law.

(2) The provisions of Section 363.[3], Paragraphs two, three and four of this Law shall be applicable to the application for insolvency proceedings of a liquidator.

Section 363.[5] Content of the Application for Insolvency Proceedings of the Person Referred to in Council Regulation No 1346/2000

(1) The person referred to in Article 29(a) of Council Regulation No 1346/2000 shall submit an application for insolvency proceedings to the court in order to initiate the insolvency proceedings determined in Article 3(2) of this Regulation against a debtor.

(2) The person referred to in Article 29(a) of Council Regulation No 1346/2000 shall provide the following information in the application for insolvency:

1) the firm name (name), registration number and legal address of the debtor;

2) the name of the court that has initiated the insolvency proceedings specified in Article 3(1) of Council Regulation No 1346/2000 against the debtor, the date of adoption and coming into effect of the court decision;

3) justification for commencing the insolvency proceedings specified in Article 3(2) of Council Regulation No 1346/2000 against the debtor;

4) information on whether the insolvency proceedings specified in Article 3(2) of Council Regulation No 1346/2000 have been commenced against the debtor in another Member State of the European Union (hereinafter – Member State).

(3) The person referred to in Article 29(a) of Council Regulation No 1346/2000 shall attach the following to the application for insolvency proceedings:

1) a true copy of the court decision regarding the commencement of the insolvency proceedings specified in Article 3(1) of Council Regulation No 1346/2000 against the debtor and translation thereof in the official language, certified in accordance with the specified procedures;

2) a true copy of the court decision or another certificate regarding appointing of the liquidator in the insolvency proceedings specified in Article 3(1) of Council Regulation No 1346/2000 and translation thereof in the official language, certified in accordance with the specified procedures;

3) documents certifying that an undertaking within the meaning of Article 2(h) of Council Regulation No 1346/2000 owned by the debtor is located in Latvia;

4) documents certifying payment of the State fee and other court expenses, as well as payment of the insolvency proceedings deposit.

[29 November 2012]

Section 363.[6] Content of the Application for Insolvency Proceedings by the Administrator

(1) An administrator shall, when submitting an application for insolvency proceedings, specify the following in conformity with the element referred to in Section 57, Clause 8 of the Insolvency Law:

1) the firm name (name), registration number and legal address of the debtor;

2) the representative or representatives in the case regarding insolvency proceedings;

3) the number of the case regarding legal protection proceedings.

(2) Documents justifying the facts referred to in the application shall be attached to the application.

[29 November 2012]

Section 363.[7] Receipt and Registration of the Application for Insolvency Proceedings

(1) The court shall accept an application for insolvency proceedings from a person in whose name the application is submitted, or from a person who has been authorised to submit such application.

(2) The court shall verify the identity of the submitter when an application for insolvency proceedings is received. If it is not possible to verify the identity or the applicant does not have the relevant authorisation, the application shall not be accepted.

(3) An application for insolvency proceedings shall be registered in a separate register, in which the submitter and the recipient of the application shall sign.

Section 363.[8] Prohibition to Amend Subject of the Application for Insolvency Proceedings and to Withdraw the Application for Insolvency Proceedings by a Debtor

(1) In cases regarding insolvency proceedings amending of the application for insolvency proceedings is not permissible.

(2) A debtor is not entitled to withdraw an application for insolvency proceedings.

Section 363.[9] Deciding of Issue on Accepting of the Application for Insolvency Proceedings and Initiation of a Case

(1) Not later than on the day following the receipt of an application for insolvency proceedings a judge shall take a decision:

1) to leave the application for insolvency proceedings not proceeded with;

2) to refuse to accept the application for insolvency proceedings;

3) to accept the application for insolvency proceedings and initiation of the case.

(2) If the application for insolvency proceedings is left not proceeded with, the judge shall take a decision to accept the application for insolvency proceedings and initiation of the case not later than on the day after elimination of the deficiencies indicated in the decision. If the time period for elimination of the deficiencies indicated in the decision has ended and they have not been eliminated, the application shall be considered as not submitted and returned to the applicant.

(3) The judge shall take a decision to refuse to accept an application for insolvency proceedings of a creditor, if he or she has determined that a case regarding insolvency proceedings of a legal person has been initiated against the debtor upon the application for insolvency proceedings of the debtor.

(4) A court shall, upon its own initiative, initiate a case regarding insolvency proceedings of a legal person, if upon taking of a decision to terminate legal protection proceedings the element of insolvency proceedings of a legal person specified in Section 57, Clause 7 of the Insolvency Law is determined.

(5) The judge shall take a decision to merge the initiated case regarding insolvency proceedings of a legal person into one legal proceeding, if until the commencement of examining the case regarding insolvency proceedings of a legal person, which was initiated upon the application for insolvency proceedings of a creditor, on the merits it is determined that the case regarding insolvency proceedings of a legal person has been initiated against the debtor upon the application for insolvency proceedings of another creditor.

(6) The judge shall take a decision to stay legal proceedings in the case upon the application for insolvency proceedings of a creditor, if until the commencement of examining the case regarding insolvency proceedings of a legal person, which was initiated upon the application for insolvency proceedings of a creditor, on the merits it is determined that the case regarding insolvency proceedings of a legal person has been initiated against the debtor upon the application for insolvency proceedings of the debtor. In announcing insolvency proceedings of a legal person upon the application of insolvency proceedings of the debtor, the court shall renew legal proceedings in the stayed case upon the application of insolvency proceedings of a creditor and terminate it.

Section 363.[10] Court Activities in Preparing Case Regarding Insolvency Proceedings of a Legal Person for Examination

(1) A judge shall immediately send a true copy of the decision to initiate a case to:

1) the Insolvency Administration;

2) the Financial and Capital Market Commission, if a decision is taken on a participant of the financial and capital market, the activity of which is supervised by the Financial and Capital Market Commission in accordance with the requirements of laws and regulations.

(2) If the case is initiated upon the application for insolvency proceedings of a creditor, the judge shall send the application of the creditor to the debtor and a true copy of the decision to initiate the case, as well as inform the debtor and creditor regarding the day of examination of the application for insolvency proceedings.

(3) After receipt of the proposal of the Insolvency Administration regarding the candidate for the position of the administrator, the judge shall assess his or her compliance with the

performance of the administrator's obligations in the relevant insolvency proceedings of a legal person.
(4) Having determined that restrictions for performance of the administrator's obligations in the relevant insolvency proceedings of a legal person exist for the candidate recommended by the Insolvency Administration, the judge shall take a decision on refusal to appoint as the administrator the candidate for the position of the administrator and send the invitation to the Insolvency Administration to recommend a new candidate for the position of the administrator.

Section 363.[11] Procedures for Examining the Application for Insolvency Proceedings

(1) A court shall examine an application for insolvency proceedings submitted by a creditor within 15 days from the day of initiation of the case. The applicant for insolvency proceedings and the debtor shall be summoned to the court hearing. If applications for insolvency proceedings of several creditors are merged in one legal proceeding, the applicants which may be notified at least seven days before the relevant hearing shall be summoned to the court hearing. The non-attendance of such persons shall not be an obstacle for examination of the case.
(2) A court shall examine an application for insolvency proceedings submitted by the debtor by a written procedure within seven days from the day of initiation of the case.
(3) A court shall examine the case regarding insolvency proceedings of a legal person which has been initiated upon the application for insolvency proceedings of an administrator by a written procedure within seven days from the day of initiation thereof.
(4) If until giving the judgment a court determines that the submitter has not paid the State fee or insolvency proceedings deposit, except the case when the court has initiated the case regarding insolvency proceedings of a legal person upon its own initiative, it shall leave the application for insolvency proceedings without examination.

Section 363.[12] Sequence of Examining the Application for Insolvency Proceedings and the Application for Legal Protection Proceedings

(1) A court shall stay legal proceedings if until commencement of examination of a case regarding insolvency proceedings of a legal person on the merits it is determined that the case regarding legal protection proceedings has been initiated in respect of the debtor.
(2) Legal proceedings in the case regarding insolvency proceedings of a legal person shall be stayed until the decision in the case regarding legal protection proceedings is taken.
(3) Legal proceedings in the case regarding insolvency proceedings of a legal person shall be terminated if legal protection proceedings are implemented in respect of the debtor in accordance with the decision.
(4) Legal proceedings in the case regarding insolvency proceedings of a legal person shall be renewed and examined in accordance with the procedures laid down in this Chapter, if legal protection proceedings in respect of the debtor are terminated on the basis of Section 341.[10], Paragraph two of this Law.

Section 363.[13] Court Judgment in a Case Regarding Insolvency Proceedings of a Legal Person

(1) A court shall declare insolvency proceedings of a legal person and the judgment thereof may not be appealed.
(2) A court shall declare insolvency proceedings of a legal person, if on the day of examination of an application it determines an element of insolvency proceedings indicated in the application.

(3) In satisfying an application a court shall appoint as the administrator the candidate for the position of the administrator recommended by the Insolvency Administration in accordance with the procedures laid down in Section 363.[10] of this Law.
(4) In declaring the insolvency proceedings, a court shall indicate the type of insolvency proceedings in the judgment in conformity with Council Regulation No 1346/2000.
(5) A court shall commence the insolvency proceedings specified in Article 3(1) of Council Regulation No 1346/2000, if it determines that the main interest centre of the debtor is located in Latvia.
(6) A court shall commence the insolvency proceedings specified in Article 3(2) of Council Regulation No 1346/2000, if it determines that the undertaking of the debtor within the meaning of Article 2(h) of the abovementioned Regulation is located in Latvia. Having determined that a court of the other Member State, which has commenced the insolvency proceedings specified in Article 3(1) of this Regulation against the debtor, has been entitled to commence such proceedings, the court shall give a judgment regarding commencement of the insolvency proceedings specified in Article 3(2) of the abovementioned Regulation No 1346/2000 against the debtor without prejudice to that specified in Paragraph two of this Section.
(7) In declaring insolvency proceedings of a legal person and terminating legal protection proceedings a court shall appoint concurrently the administrator who was the last to perform the obligations of the administrator in legal protection proceedings of the relevant legal person.
(8) In declaring insolvency proceedings of a legal person, a court shall send a true copy of the court judgment to the appointed administrator, the liquidator involved in the insolvency proceedings specified in Article 3(1) of Council Regulation No 1346/2000, if it has commenced the insolvency proceedings specified in Article 3(2) of the abovementioned Regulation against the debtor in Latvia, and the responsible institution that makes entries in the Insolvency Register.
(9) If the element of insolvency proceedings indicated in the application is not determined, a court shall reject the application for insolvency proceedings and terminate the case regarding insolvency proceedings of a legal person, as well as decide the issue whether the application for insolvency proceedings should be recognised as unfounded or knowingly false.
(10) Having recognised an application for insolvency proceedings as unfounded or knowingly false, a court shall recover court expenses from the applicant for insolvency proceedings. In other cases such costs shall be indicated in the court judgment and included in the costs of insolvency proceedings.

Section 363.[14] Issues to be Decided by the Court after Declaration of Insolvency Proceedings of a Legal Person

(1) After declaration of the insolvency proceedings of a debtor a court shall, on the basis of the relevant application, decide on:

1) discharge of the administrator in the cases specified in the Insolvency Law, specifying the time period for drawing up a statement for acceptance and delivery of documents and property and transfer of documents and property to another administrator;

2) appointment as the administrator of a new candidate for the position of the administrator, if the previous administrator has been discharged from the relevant insolvency proceedings;

3) performance of the activities specified in Article 33 of Council Regulation No 1346/2000;

4) approval of a statement of auction of immovable property or undertaking (Sections 611 and 613) and corroboration of the sold immovable property in the name of the buyer;

5) expungement of the insolvency endorsement in the Land Registry, if the immovable property has been sold in auction;

6) termination of insolvency proceedings.

(2) The administrator may be discharged by a court upon its own initiative if the court, in examining the application or complaint in a case regarding insolvency proceedings, has determined that the administrator fails to observe the requirements of laws and regulations or fails to fulfil a court decision.

(3) If after declaration of insolvency proceedings a court has taken a decision to discharge the administrator after entering into effect thereof, it shall send a true copy of such decision to the Insolvency Administration for suggesting a new candidate for the position of the administrator. Having received a proposal from the Insolvency Administration regarding a new candidate for the position of the administrator, the court shall appoint as the administrator the candidate for the position of the administrator recommended by the Insolvency Administration.

(4) In taking a decision to discharge the administrator upon proposal of the creditors meeting, a court shall appoint as the administrator the candidate for the position of the administrator nominated by the creditors meeting. If the creditors meeting has failed to submit a proposal regarding a new candidate for the position of the administrator, the court shall appoint the administrator in accordance with the procedures laid down in Paragraph three of this Section.

(5) Having determined that restrictions exist for the performance of the administrator's obligations in the relevant insolvency proceedings of a legal person for the candidate for the position of the administrator nominated by the creditors meeting or the Insolvency Administration, the judge shall take a decision on refusal to appoint as the administrator the candidate for the position of the administrator and send an invitation to the Insolvency Administration to recommend a new candidate for the position of the administrator. The judge shall decide on appointing as the administrator of a candidate for the position of the administrator in accordance with the procedures laid down in Paragraph three of this Section.

(6) If upon the application of the liquidator involved in the insolvency proceedings specified in Article 3(1) of Council Regulation No 1346/2000 the court determines that the performance of the activities specified in Article 33(1) of this Regulation No 1346/2000 is in the interests of the creditors of insolvency proceedings specified in Article 3(1) of the abovementioned Regulation, it shall take a decision to perform the activities specified in Article 33(1) of Council Regulation and determine appropriate measures for ensuring the interests of the creditors of insolvency proceedings specified in Article 3(2) of this Regulation.

(7) If upon the application of the liquidator involved in the insolvency proceedings specified in Article 3(1) of Council Regulation No 1346/2000, the liquidator or creditor involved in the insolvency proceedings specified in Article 3(2) of this Regulation the court determines that the performance of the activities specified in Article 33(1) of the abovementioned Regulation is no longer founded, it shall take a decision to perform the activity specified in Article 33(2) of Council Regulation No 1346/2000.

(8) A court shall send a true copy of the decision to perform the activities referred to in Article 33 of Council Regulation No 1346/2000 to the debtor's representative and the administrator.

(9) A court shall send true copies of the decisions referred to in Paragraph one, Clauses 1, 2, 3 and 6 of this Section to the responsible institution that makes entries in the Insolvency Register.

(10) A court shall examine a complaint regarding the decision of the creditors meeting, a complaint regarding the decision of the administrator, as well as a complaint regarding the decision taken by the Insolvency Administration on the action of an administrator during the insolvency proceedings or imposition of the lawful obligation. The court shall send a true copy of the decision taken after the examination of the abovementioned complaints, except a

decision on the complaint regarding the decision of the creditors meeting, to the Insolvency Administration.
(11) A court shall examine an application and complaint within 15 days from the day of receipt of the application or complaint. The judge shall examine an application by a written procedure without organising a court hearing, except the case when he or she considers as necessary to examine the case in a court hearing. The judge shall examine a complaint by a written procedure without organising a court hearing, except the case when the administrator requests to examine the case in a court hearing or the court considers as necessary to examine the complaint in a court hearing. The applicant or complaint, the administrator, representative of the debtor and other interested persons shall be summoned to the court hearing. The non-attendance of such persons shall not be an obstacle for examination of this issue.
(12) A court decision on examination of an application and complaint may not be appealed. A court decision to remove the administrator on the basis of Section 22, Paragraph two, Clause 1, 2, 3, 4 or 7 of the Insolvency Law may be appealed by submitting an ancillary complaint. The regional court shall examine such ancillary complaint within 15 days.
(12^1) An ancillary complaint may be lodged regarding a court decision to approve an auction act.
(13) A court may request that the administrator submits a report or other information regarding his or her activity for examination of the issues referred to in this Section, but the liquidator involved in the insolvency proceedings specified in Article 3(1) of Council Regulation No 1346/2000 – the information that is necessary for taking of the decisions referred to in this Section.
(14) In reviewing the ancillary complaint referred to in Paragraph twelve of this Section the regional court has the right:
1) to leave the decision unamended and to reject the complaint;
2) to withdraw the decision and, by its decision, to decide on the issue on the merits.
(15) The decision referred to in Paragraph fourteen of this Section shall enter into effect and must be enforced without delay.
(16) The regional court shall send a true copy of the decision referred to in Paragraph fourteen, Clause 1 of this Section to the Insolvency Administration for recommending a new candidate for the position of an administrator.
[21 June 2012; 29 November 2012]

Section 363.[15] Decision to Approve a Statement of Sale of Property in the Insolvency Proceedings

(1) If the administrator has sold immovable property at auction, the statement of auction shall be submitted for approval to the court when the highest bidder has paid all amount to be paid by him.
(2) A court shall approve the statement of auction in accordance with the provisions of this Law regarding auction of immovable property. In satisfying an application the court shall concurrently take the decisions provided for in Section 613, Paragraph three of this Law.
(3) The activities specified in this Section shall be performed by the court, in the legal proceedings of which is the case regarding insolvency proceedings of a legal person.

Section 363.[16] Procedures for Examining an Application for Legal Protection Proceedings in Extrajudicial Legal Protection Proceedings after Declaration of Insolvency Proceedings of a Legal Person

(1) After declaration of insolvency proceedings of a legal person an application for legal protection proceedings in extrajudicial legal protection proceedings shall be submitted to the

court, in the legal proceedings of which is the case regarding insolvency proceedings of a legal person.
(2) After declaration of insolvency proceedings of a legal person a court shall examine the application for legal protection proceedings in extrajudicial legal protection proceedings in accordance with the procedures laid down in Chapter 45.[1] of this Law.

Section 363.[17] Examination of a Complaint in a Court Regarding a Decision of the Administrator in Insolvency Proceedings of a Legal Person

(1) A court shall examine a complaint of a creditor, a representative of a debtor or third person whose lawful rights are concerned regarding a decision of the administrator in insolvency proceedings of a legal person in the cases specified in the Insolvency Law.
(2) If a court acknowledges that the appealed decision of the administrator fails to conform to the requirements of laws and regulations, it shall satisfy the complaint and assign the administrator to eliminate the violation admitted.
(3) If a court determines that the appealed decision of the administrator complies with the requirements of laws and regulations, it shall reject the complaint.
(4) If in examining the complaint regarding the decision of the administrator a court determines that there is a dispute regarding rights, it shall determine a time period within which the submitter of the complaint may bring an action to the court in accordance with the general procedures.
(5) The submitter of the complaint has the right to withdraw his or her complaint while examination thereof on the merits has not been completed. If the submitter of the complaint withdraws the complaint submitted, a court shall take a decision to terminate legal proceedings of the complaint.

Section 363.[18] Examination of a Complaint in a Court Regarding a Decision of the Creditors Meeting in Insolvency Proceedings of a Legal Person

(1) A court shall examine a complaint of a creditor, a representative of a debtor or administrator regarding a decision of the creditors meeting in insolvency proceedings of a legal person.
(2) Having acknowledged the appealed decision of the creditors meeting as non-complying with the requirements of laws and regulations, a court shall withdraw it.
(3) By revoking the decision of the creditors meeting regarding non-approval of the costs of insolvency proceedings, non-approval of remuneration for the administrator or refusal to extend the time period for insolvency proceedings, a court may concurrently decide on approval of the costs of insolvency proceedings, approval of remuneration for the administrator or extension of the time period for insolvency proceedings.
(4) Having determined that the appealed decision of the creditors meeting complies with the requirements of laws and regulations, a court shall reject the complaint.
(5) The submitter of the complaint has the right to withdraw his or her complaint while examination thereof on the merits has not been completed. If the submitter of the complaint withdraws the complaint submitted, a court shall take a decision to terminate legal proceedings of the complaint.

Section 363.[19] Examination of a Complaint in a Court Regarding a Decision Taken by the Insolvency Administration on Action of the Administrator during Insolvency Proceedings of a Legal Person or Imposition of a Lawful Obligation and on Disbursement of Deposit

(1) A court shall examine a complaint of a creditor, a representative of a debtor, administrator or third person whose lawful rights are concerned regarding a decision taken by the Insolvency Administration on action of the administrator during insolvency proceedings or imposition of a lawful obligation and on disbursement of the deposit. The court shall examine the complaint regarding a decision of the Insolvency Administration which has been taken after termination of the relevant insolvency proceedings of a legal person, except the decision on disbursement of the deposit, in accordance with the procedures laid down in this Section.
(2) If a court acknowledges that the appealed decision of the Insolvency Administration fails to conform to the requirements of laws and regulations, it shall satisfy the complaint and decide on:

1) revocation of the decision taken by the Insolvency Administration completely or partly;

2) imposition of an obligation upon the Insolvency Administration to accept or examine a complaint regarding action of the administrator;

3) imposition of an obligation upon the administrator to eliminate the violation admitted, except the case when the debtor has been excluded from the relevant public register.

(3) If a court determines that the appealed decision of the Insolvency Administration complies with the requirements of laws and regulations, it shall reject the complaint.
(4) The submitter of the complaint has the right to withdraw his or her complaint while examination thereof on the merits has not been completed. If the submitter of the complaint withdraws the complaint submitted, a court shall take a decision to terminate legal proceedings of the complaint.
(5) After examination of the complaint a court shall immediately send a true copy of the decision taken to the Insolvency Administration.
(6) If the decision of the Insolvency Administration on actions of the administrator in insolvency proceedings of a legal person has been taken within a year after termination of the relevant insolvency proceedings of a legal person, a complaint regarding the decision of the Insolvency Administration shall be submitted to the court, in the legal proceedings of which was the relevant case regarding insolvency proceedings of a legal person.

Section 363.[20] Termination of Insolvency Proceedings of a Legal Person

(1) A court shall terminate insolvency proceedings of a legal person rejecting the application for insolvency proceedings or terminating insolvency proceedings.
(2) A court shall take a decision to terminate insolvency proceedings of a legal person, if:

1) the debtor has settled all the obligations thereof;

2) legal protection proceedings have been declared for the debtor (transfer of insolvency proceedings to legal protection proceedings);

3) a proposal to terminate insolvency proceedings has been expressed in a report on non-existence of the debtor's property and agreement has not been reached regarding the source of financing of insolvency proceedings;

4) the plan for covering of creditors claims has been fulfilled.

(3) A plan for measures of legal protection proceedings co-ordinated in accordance with the procedures laid down in the Insolvency Law shall be attached to an application regarding termination of insolvency proceedings in the case referred to in Paragraph two, Clause 2 of this Section.

(4) A report on non-existence of the debtor's property, objections of creditors, if any have been expressed, and a reply of the administrator shall be attached to the application regarding termination of the insolvency proceedings in the case referred to in Paragraph two, Clause 3 of this Section.
(5) The administrator shall provide information in the application regarding objections of creditors not taken into account in respect of the report regarding the fulfilment of the plan for covering of the creditors claims in the case referred to in Paragraph two, Clause 4 of this Section and a report on fulfilment of such plan shall be attached thereto.
(6) The liquidator shall attach a report of his or her activity and a certificate regarding payment of surplus of the funds to the liquidator involved in the insolvency proceedings specified in Article 3(1) of Council Regulation No 1346/2000 to the application regarding termination of the case regarding insolvency proceedings, if a court has commenced insolvency proceedings specified in Article 3(2) of the abovementioned Regulation.
(7) A court shall send a true copy of the decision to terminate insolvency proceedings to the responsible institution that makes entries in the Insolvency Register.

Chapter 46.[2]
Cases Regarding Insolvency Proceedings of a Natural Person
[30 September 2010]

Section 363.[21] Norms to be Applied to Examination of Cases

A court shall apply the provisions of Chapter 46.[1] of this Law to insolvency proceedings of a natural person in so far as it is not otherwise provided for in this Chapter.

Section 363.[22] Jurisdiction of Cases Regarding Insolvency Proceedings of a Natural Person

(1) A court shall examine a case regarding insolvency of a natural person based on the declared place of residence of the debtor, but if none, based on the place of residence.
(2) A case regarding the commencement of the insolvency proceedings specified in Article 3(1) of Council Regulation No 1346/2000 shall be examined by a court according the location of the main interest centre of the debtor, but in the case of commencement of the insolvency proceedings specified in Article 3(2) of this Regulation – based on the location of the debtor's undertaking (within the meaning of Article 2(h) of Council Regulation No 1346/2000).
[29 November 2012]

Section 363.[23] Application for Insolvency Proceedings of a Natural Person

(1) The following information shall be provided for in an application for insolvency proceedings of a natural person (hereinafter in this Chapter – application for insolvency proceedings):

1) the given name, surname, personal identity number and declared place of residence of the debtor;

2) the circumstances due to which the natural person is not able to fulfil his or her obligations;

3) the total amount of all obligations not fulfilled in due time;

4) the total amount of all obligations the due time of which will set within a year;

5) the composition of the property of the debtor, including a part of the debtor in the joint property of spouses and in other joint property;

6) whether the provisions of Council Regulation No 1346/2000 are to be applied to the insolvency proceedings.

(2) The documents confirming the following shall be attached to the application for insolvency proceedings:

1) payment of the State fee and other court expenses in accordance with the procedures and in the amount specified in the law;

2) that there are funds or property at the disposal of the debtor in order to cover the necessary single remuneration for the administrator in full amount;

3) conditions justifying the application.

Section 363.[24] Receipt and Registration of the Application for Insolvency Proceedings

(1) The court shall accept an application for insolvency proceedings from a debtor, his or her guardian or trustee.

(2) The court shall verify the identity of the submitter when an application for insolvency proceedings is received. If it is not possible to verify such identity or the applicant does not have the relevant authorisation, the application shall not be accepted.

(3) An application for insolvency proceedings shall be registered in a separate register, in which the submitter and the recipient of the application shall sign.

Section 363.[25] Deciding of Issue on Acceptance of the Application for Insolvency Proceedings and Initiation of the Case

(1) Not later than on the day after receipt of an application for insolvency proceedings the judge shall take a decision:

1) to leave the application for insolvency proceedings not proceeded with;

2) to refuse to accept the application for insolvency proceedings;

3) to accept the application for insolvency proceedings and initiation of the case.

(2) If the application for insolvency proceedings is left not proceeded with, the judge shall take a decision to accept the application for insolvency proceedings and to initiate the case not later than on the day after elimination of the deficiencies indicated in the decision. If the time period for elimination of the deficiencies indicated in the decision has ended and they have not been eliminated, the application shall be considered as not submitted and returned to the applicant.

(3) The judge shall take a decision to refuse to accept the application for insolvency proceedings, if he or she has determined that:

1) the debtor is not a subject of insolvency proceedings of a natural person;

2) [4 August 2011];

3) funds or property is not at the disposal of the debtor in order to cover the necessary single remuneration of the administrator in full amount.

[4 August 2011]

Section 363.[26] Court Activities in Preparing a Case Regarding Insolvency Proceedings of a Natural Person for Examination

(1) A court shall immediately send a true copy of the decision to initiate the case regarding insolvency proceedings of a natural person to the Insolvency Administration.

(2) After receipt of the proposal of the Insolvency Administration regarding the candidate for the position of the administrator, the judge shall assess his or her compliance with the performance of the administrator's obligations in the relevant insolvency proceedings of a natural person. A court shall appoint the candidate for the position of the administrator recommended by the Insolvency Administration as the administrator, satisfying the application.

(3) Having determined that restrictions for performance of the administrator's obligations in the relevant insolvency proceedings of a natural person exist for the candidate recommended by the Insolvency Administration, the judge shall take a decision on refusal to appoint as the administrator the candidate for the position of the administrator and send an invitation to the Insolvency Administration to recommend a new candidate for the position of the administrator.

Section 363.[27] Examination of the Application for Insolvency Proceedings and Judgment in a Case Regarding Insolvency Proceedings of a Natural Person

(1) A court shall examine a case regarding insolvency proceedings of a natural person within seven days from the day of initiation thereof.
(2) A court shall declare insolvency proceedings of a natural person, if it determines that the debtor has an element of insolvency proceedings and such insolvency proceedings of a natural person have not been declared during the last 10 years, within the framework of which the obligations have been extinguished, as well as sufficiency of funds for covering of the single remuneration for the administrator has been proved.
(3) A court, in declaring insolvency proceedings of a natural person, shall appoint an administrator.
(3^1) If an element of insolvency proceedings indicated in the application for insolvency proceedings is not detected, the insolvency proceedings of a natural person has been declared during the last 10 years for a debtor within the framework of which the obligations have been extinguished or existence of funds for covering of a single remuneration for the administrator has not been proven, the court shall refuse the application for insolvency proceedings and terminate the case regarding insolvency proceedings of a natural person.
(4) A court judgment may not be appealed in the insolvency proceedings of a natural person.
(5) A court shall issue a true copy of a judgment to the applicant and the administrator, as well as the liquidator involved in the insolvency proceedings specified in Article 3(1) of Council Regulation No 1346/2000, if it has commenced the insolvency proceedings specified in Article 3(2) of the abovementioned Regulation against the debtor in Latvia. The court shall send a true copy of the judgment to the responsible institution that makes entries in the Insolvency Register.
[4 August 2011]

Section 363.[28] Issues to be Decided by the Court after Declaration of Insolvency Proceedings of a Natural Person

(1) After declaration of insolvency proceedings of a natural person the court shall, on the basis of the relevant application, decide on:

1) discharge of the administrator, determining the time period for drawing up a statement for acceptance and delivery of documents and property and transfer of documents and property to another administrator;

2) appointing as the administrator of a new candidate for the position of the administrator, if the previous administrator has been discharged from the relevant insolvency proceedings;

3) approval of completion of the bankruptcy procedure;

4) approval of a plan for extinguishing obligations of a natural person and amendments thereto;

5) termination of insolvency proceedings of a natural person.

(2) Administrator may be discharged by a court upon its own initiative if it, in examining the application or complaint in a case regarding insolvency proceedings of a natural person, has

determined that the administrator fails to observe the requirements of laws and regulations or fails to fulfil the court decision.
(3) If after declaration of insolvency proceedings a court has taken a decision to discharge the administrator after entering into effect thereof, it shall send a true copy of such decision to the Insolvency Administration for suggesting a new candidate for the position of the administrator. Having received a proposal from the Insolvency Administration regarding a new candidate for the position of the administrator, the court shall appoint as the administrator the candidate for the position of the administrator recommended by the Insolvency Administration.
(4) In taking a decision to discharge the administrator upon proposal of the creditors meeting, a court shall appoint as the administrator the candidate for the position of the administrator nominated by the creditors meeting. If the creditors meeting has failed to submit a proposal regarding a new candidate for the position of the administrator, the court shall appoint the administrator in accordance with the procedures laid down in Paragraph three of this Section.
(5) Having determined that the restrictions exist for the performance of the administrator's obligations in the relevant insolvency proceedings of a legal person for the candidate for the position of the administrator nominated by the creditors meeting or the Insolvency Administration, the judge shall take a decision on refusal to appoint as the administrator the candidate for the position of the administrator and send an invitation to the Insolvency Administration to recommend a new candidate for the position of the administrator. The judge shall decide on appointing as the administrator of the candidate for the position of the administrator in accordance with the procedures laid down in Paragraph three of this Section.
(6) A court shall immediately send true copies of the decisions referred to in Paragraph one of this Section to the responsible institution that makes entries in the Insolvency Register.
(7) A court shall examine a complaint regarding the decision of the administrator, as well as a complaint regarding the decision taken by the Insolvency Administration on the action of the administrator during insolvency proceedings or imposition of the lawful obligation. The court shall immediately send a true copy of the decision taken after examination of the complaint to the Insolvency Administration.
(8) A court shall examine an application and complaint within 15 days from the day of receipt of the application or complaint. The judge shall examine the application by a written procedure without organising a court hearing, except the case when he or she considers as necessary to examine the case in a court hearing. The judge shall examine a complaint by a written procedure without organising a court hearing, except the case when the administrator requests to examine the case in a court hearing or the court considers as necessary to examine the complaint in a court hearing. The applicant or complaint, the administrator, representative of the debtor and other interested persons shall be summoned to the court hearing. The non-attendance of such persons shall not be an obstacle for examination of this issue.
(9) A court decision on examination of the application and complaint may not be appealed. A court decision to withdraw the administrator on the basis of Section 22, Paragraph two, Clause 1, 2, 3, 4 or 7 of the Insolvency Law may be appealed by submitting an ancillary complaint. The regional court shall examine such ancillary complaint within 15 days.
(9^1) An ancillary complaint may be lodged regarding a court decision on approval of an auction act.
(10) A court may request that the administrator submits a report or other information regarding his or her activity for examination of the issues referred to in this Section.
(11) In examining the ancillary complaint referred to in Paragraph nine of this Section the regional court has the right:
1) to leave the decision unamended and to reject the complaint;
2) to withdraw the decision and, by its decision, to decide on the issue on the merits.
(12) The decision referred to in Paragraph eleven of this Section shall enter into effect and must be enforced without delay.

(13) The regional court shall send a true copy of the decision referred to in Paragraph eleven, Clause 1 of this Section to the Insolvency Administration for recommending a new candidate for the position of an administrator.
[21 June 2012; 29 November 2012]

Section 363.[29] Termination of Bankruptcy Procedure

(1) A court shall decide on termination of a bankruptcy procedure upon an application of the administrator.
(2) The administrator shall indicate the basis for termination of the bankruptcy procedure in the application for the termination of bankruptcy procedure.
(3) A court shall terminate the bankruptcy procedure if it determines restrictions for the application of insolvency proceedings to a natural person.
(4) In terminating the bankruptcy procedure, a court shall concurrently take a decision to terminate insolvency proceedings.

Section 363.[30] Completion of Bankruptcy Procedure

(1) Upon an application of the administrator a court shall decide on termination of a bankruptcy procedure.
(2) The administrator shall indicate the following in the application for completion of the bankruptcy procedure:
1) basis for the completion of the bankruptcy procedure;
2) measures performed within the framework of the bankruptcy procedure;
3) the list of the sold property of the debtor, including the sold part of the debtor's property in the joint property of spouses and in another joint property and income obtained from the sale of the debtor's property and distribution thereof;
4) whether the procedure for extinguishing of obligations should be applied to the debtor;
5) objections and proposals received from the debtor and creditors that have not been taken into account.
(3) If it is intended for the debtor to apply the procedure for extinguishing of obligations the debtor shall submit a plan for extinguishing of obligations for approval to the court and the objections and proposals of creditors received and not taken into account in respect of such plan.
(4) In examining an issue regarding completion of the bankruptcy procedure, a court shall verify whether the bankruptcy procedure has occurred in accordance with the procedures laid down by the law.
(5) If the court approves completion of the bankruptcy procedure and the procedure for extinguishing of obligations is not applied to the debtor, the court shall concurrently take a decision to terminate insolvency proceedings.

Section 363.[31] Approval of a Plan for Extinguishing of Obligations

(1) In approving the completion of a bankruptcy procedure, a court shall concurrently examine an issue regarding approval of a plan for extinguishing of obligations.
(2) A court shall not approve a plan for extinguishing of obligations, if it determines restrictions for the application of the procedure for extinguishing of obligations.
(3) A court shall verify whether the plan for extinguishing of obligations complies with the requirements of the law.

(4) If a court determines deficiencies in the plan for extinguishing of obligations, it shall determine a term for elimination of the deficiencies for the debtor and it may not be less than 10 days and more than 30 days.
(5) A court shall approve the plan for extinguishing of obligations, if it complies with the requirements of the law and objections have not been received from creditors and debtors or such objections are to be recognised as unfounded.

Section 363.[32] Examination of a Complaint in a Court Regarding a Decision of the Administrator in the Insolvency Proceedings of a Natural Person

(1) A court shall examine a complaint of a creditor, debtor or third person whose lawful rights are concerned regarding a decision of the administrator in insolvency proceedings of a natural person.
(2) If a court acknowledges that the appealed decision of the administrator fails to conform to the requirements of laws and regulations, it shall satisfy the complaint and assign the administrator to eliminate the violation admitted.
(3) If a court determines that the appealed decision of the administrator complies with the requirements of laws and regulations, it shall reject the complaint.
(4) If in examining the complaint regarding a decision of the administrator a court determines that there is a dispute regarding rights, it shall determine the time period within which the submitter of the complaint may bring an action to the court in accordance with the general procedures.
(5) The submitter of the complaint has the right to withdraw his or her complaint while examination thereof on the merits has not been completed. If the submitter of the complaint withdraws the complaint submitted, a court shall take a decision to terminate legal proceedings of the complaint.

Section 363.[33] Examination of a Complaint in a Court Regarding a Decision of the Creditors Meeting in the Insolvency Proceedings of a Natural Person

(1) A court shall examine a complaint of a creditor, debtor or administrator regarding a decision of the creditors meeting in insolvency proceedings of a natural person.
(2) Having acknowledged the appealed decision of the creditors meeting as non-complying with the requirements of laws and regulations, a court shall withdraw it.
(3) By revoking a decision of the creditors meeting on non-approval of the costs of insolvency proceedings, non-approval of remuneration for the administrator or refusal to extend the time period for insolvency proceedings, a court may concurrently decide on approval of the costs of insolvency proceedings, approval of remuneration for the administrator or extension of the time period for the insolvency proceedings.
(4) Having determined that the appealed decision of the creditors meeting complies with the requirements of laws and regulations, a court shall reject the complaint.
(5) The submitter of the complaint has the right to withdraw his or her complaint while examination thereof on the merits has not been completed. If the submitter of the complaint withdraws the complaint submitted, a court shall take a decision to terminate legal proceedings of the complaint.

Section 363.[34] Examination of a Complaint in a Court Regarding a Decision Taken by the Insolvency Administration on Action of the Administrator during Insolvency Proceedings of a Natural Person or Imposition of a Lawful Obligation and on Disbursement of the Deposit

(1) A court shall examine a complaint of a creditor, debtor, administrator or third person whose lawful rights are concerned regarding a decision taken by the Insolvency Administration on the action of the administrator during insolvency proceedings or imposition of a lawful obligation. The court shall examine a complaint regarding a decision of the Insolvency Administration which has been taken after termination of the relevant insolvency proceedings of a natural person in accordance with the procedures laid down in this Section.
(2) If a court acknowledges that the appealed decision of the Insolvency Administration fails to conform to the requirements of laws and regulations, it shall satisfy the complaint and decide on:

1) revocation of the decision taken by the Insolvency Administration completely or partly;

2) imposition of an obligation upon the Insolvency Administration to accept or examine the complaint regarding action of the administrator;

3) imposition of an obligation upon the administrator to eliminate the violation admitted, except the case when insolvency proceedings of a natural person have been terminated.

(3) If a court determines that the appealed decision of the Insolvency Administration complies with the requirements of laws and regulations, it shall reject the complaint.
(4) The submitter of the complaint has the right to withdraw his or her complaint while examination thereof on the merits has not been completed. If the submitter of the complaint withdraws the complaint submitted, a court shall take a decision to terminate legal proceedings of the complaint.
(5) After examination of the complaint a court shall immediately send a true copy of the decision taken to the Insolvency Administration.
(6) If a decision of the Insolvency Administration on action of the administrator in insolvency proceedings of a natural person has been taken within a year after termination of the relevant insolvency proceedings of a natural person, a complaint regarding the decision of the Insolvency Administration shall be submitted to a court, in the legal proceedings of which was the relevant case regarding insolvency proceedings of a natural person.

Section 363.[35] Termination of Procedure for Extinguishing of Obligations

(1) A court shall examine an issue regarding termination of a procedure for extinguishing of obligations upon an application of the debtor or administrator.
(2) A court shall approve termination of the procedure for extinguishing of obligations, if it determines that the debtor has fulfilled the plan for extinguishing of obligations and objections have not been received from creditors and debtor or the objections received are to be recognised as unfounded.
(3) In approving termination of the procedure for extinguishing of obligations, a court shall decide on extinguishing of the obligations which have not been fulfilled during extinguishing of obligations.
(4) The debtor, creditor or administrator shall attach evidence to the application regarding termination of the procedure for extinguishing of obligations, confirming the conditions indicated in the application.
(5) In approving termination of the procedure for extinguishing of obligations, a court shall concurrently take a decision to terminate insolvency proceedings.

Section 363.[36] Termination of Insolvency Proceedings of a Natural Person

(1) A court shall take a decision to terminate insolvency proceedings of a natural person, if:

1) after completion of the bankruptcy procedure the procedure for extinguishing of obligations is not applied for the debtor;

2) the debtor has settled all the obligations thereof;

3) restrictions for the application of insolvency proceedings of a natural person are determined;

4) restrictions for the application of the procedure for extinguishing of obligations are determined;

5) the debtor fails to fulfil the plan for extinguishing of obligations;

6) the plan for extinguishing of obligations has been fulfilled.

(2) If a court, in terminating the procedure for extinguishing of obligations, determines that the debtor should be released from debt obligations in accordance with Section 164 of the Insolvency Law, it shall, concurrently with termination of the procedure, release him or her from the obligations indicated in the plan for extinguishing of obligations of a natural person.

(3) A court shall immediately send a true copy of the decision to terminate insolvency proceedings of a natural person to the responsible institution that makes entries in the Insolvency Register.

Chapter 47
Cases Regarding Credit Institution Insolvency and Liquidation

Section 364. Jurisdiction of Cases

Cases regarding insolvency or liquidation of credit institutions shall be examined by the court in accordance with the legal address of the credit institution.

[29 November 2012]

Section 365. Submitters of Insolvency Petitions

An insolvency petition may be submitted to the court by:

1) a credit institution or the liquidator of a credit institution;

2) a creditor or group of creditors;

3) an administrator for another insolvency case; or

4) the Finance and Capital Market Commission.

[20 June 2001]

Section 366. Submitter of a Liquidation Application

Liquidation applications shall be submitted to the court by the Finance and Capital Market Commission.

[20 June 2001]

Section 367. Procedures for Submitting Insolvency Petitions

(1) An insolvency petition may, after the application has been examined by the Finance and Capital Market Commission, be submitted to the court by a credit institution, the liquidator of a credit institution, a creditor or group of creditors, or the administrator of another insolvency case.

(2) Insolvency petitions shall be submitted to the court by the Finance and Capital Market Commission, and thereto shall be attached the Finance and Capital Market Commission's

decision on submission of the petition to the court and other documents that could be significant in the case. In such case the person who shall be deemed the applicant is the person in whose name the insolvency petition is prepared and who submits it to the Finance and Capital Market Commission. The insolvency petition must conform to the requirements of Sections 368 and 369 of this Law.

(3) If the Finance and Capital Market Commission dismisses an insolvency petition, the persons mentioned in Paragraph one of this Section may submit it directly to the court. In this case, attached to the insolvency petition shall be the decision of the Finance and Capital Market Commission regarding refusal to submit the insolvency petition to the court.

[20 June 2001]

Section 368. Insolvency Petitions Submitted by a Creditor, a Group of Creditors or the Administrator of Another Insolvency Case

(1) Set out in an insolvency petition submitted by a creditor, a group of creditors or the administrator of another insolvency case, shall be the following:

1) the name of the court which has jurisdiction over the case;

2) the given name, surname, personal identity number and declared place of residence of the applicant, but if none, the place of residence; for a legal person – the name, registration number and legal address, as well as information regarding their representative (given name, surname, personal identity number, position and address), if the application is submitted by a representative. In addition the applicant may indicate also another address for correspondence with the court;

3) the name and legal address of the credit institution;

4) the actual state of insolvency and evidence which confirms this state;

5) the documents attached to the insolvency petition.

(2) Attached to the insolvency petition shall be documents, which confirm the actual insolvency of the credit institution, as well as the decision of the Finance and Capital Market Commission regarding refusal to submit the insolvency petition to the court.

[20 June 2001; 29 November 2012]

Section 369. Insolvency Petitions by Credit Institutions

(1) Set out in an insolvency petition submitted by a credit institution shall be:

1) the name of the court which has jurisdiction in the case;

2) the name and registration number of the credit institution, the number and dates of issue and re-registration of the licence issued to operate the credit institution, legal address and the details of all accounts open in the credit institution;

3) the actual state of insolvency or the probability of it happening, and evidence confirming such state;

4) the documents attached to the insolvency petition.

(2) Attached to the insolvency petition shall be:

1) a list (given name, surname, personal identity number and address) of chairpersons and members of the advisory board, and the executive and audit bodies of the credit institution and of the representatives of the credit institution;

2) the most recent balance of the credit institution, prepared in conformity with the instructions of the Finance and Capital Market Commission regarding the preparation of annual accounts;

3) documents which confirm the actual state of insolvency of the credit institution or the probability of it happening;

4) a list of property belonging to third persons that is in the possession of or held by the credit institution, except deposits and interest from them;

5) the decision of the Finance and Capital Market Commission to refuse to submit the insolvency petition to the court.
[20 June 2001; 29 November 2012]

Section 370. Petition by the Finance and Capital Market Commission Regarding Insolvency of a Credit Institution

(1) Set out in an insolvency petition submitted by the Finance and Capital Market Commission shall be:

1) the name of the court which has jurisdiction over the case;

2) the address of the Finance and Capital Market Commission and information (given name, surname, personal identity number and position) in regard to its representative who is submitting the petition;

3) the name and legal address of the credit institution;

4) the actual state of insolvency or the probability of it happening, and evidence that confirms these conditions;

5) the documents attached to the insolvency petition.

(2) Documents that confirm the actual state of insolvency of the credit institution or the probability of it happening shall be attached to the insolvency petition.
[20 June 2001; 29 November 2012]

Section 371. Content of the Credit Institution Liquidation Application

(1) The following shall be indicated in a credit institution liquidation application:

1) the name of the court which has jurisdiction in the case;

2) the address of the Finance and Capital Market Commission and information (given name, surname, personal identity number and position) regarding its representative who is submitting the application.

3) the name and legal address of the credit institution;

4) the representatives of the credit institution and persons whose participation in the liquidation of the credit institution is obligatory;

5) the conditions, as a result of which the operating licence issued to the credit institution has been annulled and evidence which confirms these conditions;

6) the documents attached to the application.

(2) Attached to the liquidation application shall be the decision on annulment of the operating licence issued to the credit institution, and documents that confirm the conditions as a result of which the operating licence issued to the credit institution has been annulled.
[20 June 2001; 12 February 2009; 29 November 2012]

Section 372. Submission and Registration of Credit Institution Insolvency Petition and Liquidation Application

(1) An insolvency petition or liquidation application in regard to a credit institution may be submitted to the court by a representative of the Finance and Capital Market Commission, but in cases provided for in Section 367, Paragraph three of this Law – by the applicant or his or her representative.

(2) The identity of the applicant shall be verified upon receipt of an application. If such application cannot be verified or if the applicant does not have the appropriate authorisation, the application shall not be accepted.

(3) Insolvency petitions and liquidation applications in regard to credit institutions shall be registered in separate registers, in which the applicant and the recipient shall sign.
[20 June 2001]

Section 373. Initiation of Insolvency Cases and Liquidation Cases of Credit Institutions

(1) A judge shall take a decision to initiate an insolvency case or a liquidation case or refusal to accept an application not later than the day following receipt of the application in court, but if an application is left not proceeded with, then not later than the day following the rectification of deficiencies indicated in a judge's decision or after expiry of the time period for fulfilling the deficiencies.
(2) Upon initiating a case, the court shall impose pledge upon the property of the credit institution, except in cases where the insolvency petition has been submitted in accordance with the procedures provided for in Section 367, Paragraph three of this Law.

Section 374. Activities of a Judge in Preparing Credit Institution Insolvency Cases for Examination

(1) Upon an insolvency case being initiated in regard to a credit institution, a credit institution administrator recommended by the Finance and Capital Market Commission shall be appointed by the judge.
(2) A person to whom the restrictions laid down in the Credit Institution Law apply may not be appointed as administrator.
(3) Upon a person being appointed an administrator, he or she shall be assigned the following functions:
1) to prepare a list of those persons whose participation in the insolvency case is mandatory;
2) to prepare an account of the assets (property) of the credit institution at its actual (market) value;
3) to ascertain any property of third persons as is in the possession of the credit institution or it is holding, and to prepare a list of such property;
4) to prepare a list of creditors based on the existing accounting data of the credit institution, setting out information regarding the creditors, the amount of debt and obligations, and performance time periods;
5) to submit the abovementioned information to the court up to examination of the case.
(4) Attached to the file shall be a declaration signed by the administrator, which shall confirm his or her consent to occupy the position and assume the liability laid down in law.
(5) The judge shall certify the identification document of the administrator.
[20 June 2001]

Section 375. Examination of Insolvency and Liquidation Cases Regarding Credit Institutions

(1) The court shall examine insolvency and liquidation cases regarding credit institutions within seven days of the time the case is initiated.
(2) The applicant, a representative of the credit institution and a representative of the Finance and Capital Market Commission, and in regard to insolvency cases also the administrator, shall be invited to the court hearing.
(3) In insolvency or liquidation cases in regard to credit institutions, withdrawal or varying of applications shall not be permitted.
(4) In examining insolvency cases of credit institutions, the court shall verify the existence of any condition set out in the Credit Institution Law, which condition indicates insolvency of the credit institution, and verify whether the preliminary extrajudicial examination procedures of applications, provided for in Section 367 of this Law, have been complied with.

(5) In examining a credit institution liquidation case, the court shall not assess the solvency of the credit institution.
[20 June 2001; 12 February 2009]

Section 376. Court Judgment in a Credit Institution Insolvency Case

(1) If the court finds any condition that indicates insolvency of a credit institution, the court shall, pursuant to its judgment, declare the credit institution insolvent and shall determine that the insolvency of the credit institution sets in on the day of declaration thereof. If a liquidator submitted the insolvency petition, the court, while declaring the credit institution insolvent, shall at the same time, based on the liquidator's application, take a decision to initiate bankruptcy procedures. The judgment shall be final and not subject to appeal.
(2) In giving a judgment regarding insolvency of a credit institution, the court shall confirm the appointed administrator.
(3) The court shall, on the basis of an application by the Finance and Capital Market Commission and the list submitted by the administrator, determine those representatives of the credit institution and persons whose participation in the insolvency proceeding is mandatory.
(4) The judgment shall constitute the basis for a stay of court proceedings in civil cases initiated against a credit institution, and to terminate enforcement of judgment in cases regarding the recovery of amounts adjudged against the credit institution, but not yet recovered.
(5) If the court does not find any circumstances indicating that the credit institution is insolvent, the court shall dismiss the petition, and at the same time shall terminate the insolvency proceedings and decide the issue of whether it should be found that the petition is knowingly false, in accordance with the Credit Institution Law.
(6) Upon finding that a petition is intentionally false, the court shall recover from the applicant the court expenses and remuneration for the administrator and the administrator's assistant.
[20 June 2001; 8 September 2011]

Section 377. Court Judgment in a Credit Institution Liquidation Case

(1) If the court determines that the Finance and Capital Market Commission has, in accordance with the Credit Institution Law, annulled the operator's licence issued to the credit institution, the court shall declare the credit institution subject to liquidation. The judgment shall be final and may not be appealed by way of appellate procedures.
(2) In giving a judgment regarding liquidation of a credit institution, the court shall appoint a liquidator for the credit institution. The court shall appoint as liquidator for the credit institution a person recommended by the Finance and Capital Market Commission.
(3) Persons subject to the restrictions set out in the Credit Institution Law may not be appointed as liquidators.
(4) The court shall, on the basis of an application by the Finance and Capital Market Commission, determine those representatives of the credit institution and persons whose participation in the liquidation of the credit institution is mandatory.
(5) The judgment constitutes the basis for stay of court proceedings in civil cases initiated against the credit institution, and termination of enforcement proceedings with respect to judgments in cases regarding recovery of amounts adjudged against the credit institution, but not recovered.
[20 June 2001; 12 February 2009]

Section 378. Court Activities Following Declaration of Insolvency or Liquidation of a Credit Institution

(1) After declaration of a judgment, the court shall issue to the administrator or liquidator three true copies of the judgment certified in accordance with prescribed procedure with an endorsement regarding the entering into effect of the judgment.
(2) The judge shall warn the representatives of the credit institution and persons specified in the judgment, whose participation in the credit institution insolvency proceedings or the liquidation of the credit institution is mandatory, for which such representatives and persons shall sign, that:

1) it is their obligation to attend all court hearings, that their failure to attend is not an impediment to examination of the case at the court hearing and that nevertheless, the court may declare their attendance mandatory and require forced conveyance;

2) it is their obligation to provide the necessary information to the court and the administrator or liquidator;

3) in case of change of the declared place of residence, place of residence and address for correspondence with the court they must, within three days, notify the court and the administrator or liquidator regarding their new declared place of residence, place of residence and address;

4) in case of failure to perform their obligations, they may be held liable as laid down in law.

(2^1) After declaration of the judgment, the court shall inform the Financial and Capital Market Commission of this, ensuring that the commission receives the relevant information on the day of the declaration of the judgment. The procedures for informing the Financial and Capital Market Commission shall be determined by the Minister for Justice.
(3) Pursuant to the petition of the administrator or liquidator, the judge shall take a decision on the release of property from pledge and its transfer to the administrator or liquidator.
[12 February 2004; 29 November 2012]

Section 379. Issues to be Decided by the Court after Declaring the Insolvency of a Credit Institution

(1) After declaring a credit institution insolvent on the basis of the respective application, the court shall decide on:

1) revocation of restoration;

2) initiation and conclusion of bankruptcy procedures;

3) costs of insolvency proceedings;

4) procedures and time periods for settling debts;

5) termination of insolvency proceedings;

6) appointing of several administrators;

7) accepting the resignation of or discharging the administrator and appointing another administrator.

(2) The court shall also examine complaints about the actions of the administrator and decide other issues relevant to the insolvency proceedings.
(3) The court may, in connection with examination of the issues noted in this Section, require the administrator to submit a report of his or her actions or other information.
(4) The court shall examine applications and complaints within 15 days from the day they are received. The following shall be invited to the court hearing: the applicant or complaint, the administrator, the credit institution representatives selected by the court and persons whose participation in the insolvency process is mandatory. The failure of the invited persons to attend is not an impediment to examination of the issue in court. Nevertheless, the court may determine that representatives of the credit institution or persons whose participation in the

insolvency proceeding is mandatory must attend a court hearing and require that they be brought by forced conveyance.
(5) The court shall take decisions on examining of applications and complaints, which decisions may not be appealed.

Section 380. Issues to be Decided by the Court after Declaration of the Liquidation of a Credit Institution

(1) After declaring the liquidation of a credit institution based on the respective application, the court shall decide on:

1) appointing of several administrators;

2) accepting the resignation of the liquidator or dismissing him or her and appointing another liquidator;

3) concluding the liquidation and approving the report of the liquidator.

(2) The court shall also examine complaints about the actions of the liquidator and decide other issues connected with the liquidation.
(3) The court may, in connection with examination of the issues referred to in this Section, require the liquidator to submit a report of his or her actions or other information.
(4) The court shall adjudge applications and complaints within 15 days of the date of their receipt. The following shall be invited to the court hearing: the applicant or complaint, the liquidator, the credit institution representatives determined by the court and persons whose participation in the liquidation of the credit institution is mandatory. The failure of the invited persons to attend is not an impediment to examination of the issue in the court hearing. Nevertheless, the court may determine that the representatives of the credit institution or persons whose participation in the liquidation is mandatory must attend the court hearing and require them to be brought by forced conveyance.
(5) The court shall take decisions on examining of applications and complaints, which decisions may not be appealed.

Section 381. Revocation of Restoration

(1) The court shall, pursuant to the application of an administrator, decide in regard to revocation of restoration.
(2) In the application of the administrator shall be set out the conditions under which the decision on restoration of the credit institution was taken. Attached to the application shall be the restoration plan and the opinion of the Finance and Capital Market Commission regarding revocation of the restoration.
(3) The court shall withdraw the decision to restore a credit institution only if the court determines that the taking of such a decision has been achieved by fraud or duress, or as a result of error.
[20 June 2001]

Section 382. Decision to Initiate Bankruptcy Procedures

The court shall take a decision to initiate bankruptcy procedures pursuant to the application of an administrator. Attached to the application shall be the relevant decision of the administrator, as confirmed by the Finance and Capital Market Commission.
[20 June 2001]

Section 383. Disputing the Procedures for Covering Expenses and Debts of Insolvency Proceedings and Liquidations

(1) Pursuant to the application of a creditor or group of creditors the court shall decide as to whether the administrator's or liquidator's decision by which the procedures for covering the expenses of the insolvency or liquidation proceeding and for settling debts is specified, conforms to law.
(2) If the court determines that the procedures laid down by the administrator to cover the expenses and debts of the insolvency proceeding or the procedures specified by the liquidator to cover the expenses and debts of the liquidation do not conform to law, the court shall take a decision in which it shall determine the procedures for covering the expenses and debts of the insolvency proceeding or liquidation, concurrently, if necessary, deciding the issue regarding covering unfounded expenses of the insolvency proceeding or liquidation from the security of the administrator or liquidator.

Section 384. Decision to Conclude Bankruptcy Procedures

(1) The court shall take a decision to conclude the bankruptcy procedures pursuant to the application of the administrator, to which application shall be attached documents certifying monetary payments.
(2) At the same time the court shall take a decision to terminate insolvency proceedings.
(3) The court, after the decision has been taken, shall obtain from the administrator his or her identification document and seal, and shall destroy them.

Section 385. Decision to Conclude Liquidation

(1) The court shall decide as to the concluding of liquidation pursuant to the application of the liquidator.
(2) The court shall take a decision to conclude the liquidation, and at the same time confirm the liquidator's report on the whole liquidation period.
(3) The court, after the decision is taken, shall receive from the liquidator his or her identification document and seal, and shall destroy them.

Section 386. Complaints Regarding the Actions of an Administrator or Liquidator

(1) In examining a complaint regarding the actions of an administrator or liquidator, the court may require a report on the actions of an administrator or liquidator and the opinion of the Finance and Capital Market Commission regarding the actions of the administrator or liquidator, and may decide in regard to the discharge of the administrator or liquidator.
(2) If the court determines that the action appealed from does not conform to law, it shall allow the complaint and instruct the administrator or liquidator to rectify the violation allowed to occur.
(3) If the court determines that the action appealed from is lawful, it shall dismiss the complaint.
[20 June 2001]

Section 387. Decision to Accept the Resignation of or Discharge an Administrator or Liquidator

(1) The court shall accept the resignation of an administrator or liquidator if he or she submits a reasoned submission, to which is attached a report of his or her actions.

(2) The court may discharge an administrator or liquidator, pursuant to the application of the Finance and Capital Market Commission. To the submission shall be attached the decision of the Finance and Capital Market Commission regarding expression of no-confidence in the administrator or liquidator in connection with any of the following conditions:

1) the administrator or liquidator does not conform to the provisions of Section 131, Paragraph one or Section 131.[1], Paragraph one of the Credit Institution Law, or any of the circumstances referred to in Section 132 or 132.[1] have become disclosed;

2) the administrator or liquidator is incompetent; or

3) the administrator or liquidator are using his or her powers in bad faith.

(3) The court may, according to the application of a creditor or group of creditors or on its own initiative, examine the issue of discharging an administrator of liquidator, if there is evidence at the disposal of the court that the administrator or liquidator in the course of performing his or her obligations is failing to conform to the provisions of the Credit Institution Law and other laws and regulations or court decisions, the administrator or liquidator does not conform to the provisions of Section 131, Paragraph one or Section 131.[1], Paragraph one of the Credit Institution Law or any of the circumstances referred to in Section 132 or 132.[1] have become disclosed, or the administrator or liquidator is incompetent or is using his or her powers in bad faith.

[20 June 2001; 12 February 2009]

Section 388. Appointing of a New Administrator or Liquidator in the event of Resignation or Discharge of the Administrator or Liquidator

In the event of the resignation or discharge of an administrator or liquidator, the court, pursuant to the recommendation of the Finance and Capital Market Commission, shall without delay appoint another administrator or liquidator and determine the time period for submitting a document as confirms security.

[20 June 2001]

Section 389. Appointing of Several Administrators or Liquidators

(1) Taking into account the amount of assets of the credit institution, the court may, pursuant to the petition of the Finance and Capital Market Commission, appoint several administrators or liquidators, specifying their functions and mutual reporting relationships.

(2) The restrictions set out in law shall apply to all candidates for the position of administrator or liquidator.

[20 June 2001]

Chapter 48
Declaring a Strike or an Application to Strike as Unlawful

Section 390. Submitting an Application

(1) An employer may submit an application regarding the declaring of a strike or an application to strike as unlawful in accordance with the grounds referred to and procedures laid down in the Law On Strikes.

(2) The application to declare a strike or an application to strike as unlawful shall be submitted to the court based on the location where the strike is to take place.

Section 391. Content of the Application

(1) There shall be set out in an application the applicants for the strike, the claims of applicants for the strike or the strikers, the leader, membership and location of the strike committee, and the grounds referred to in the Law On Strikes in accordance with which the strike or the strike application may be declared unlawful.
(2) Attached to the application shall be the minutes of the discussions of the employer and workers or workers' trade organisation.

Section 392. Examination of an Application

(1) The court shall examine an application within 10 days of the day when it is received. The application shall be examined in a court hearing, regarding which prior notice shall be given to the employer, the State Labour Inspectorate and the strike committee.
(2) The participation of the applicant at the court hearing is mandatory. His or her failure to attend shall be cause for the court to terminate the case.

Section 393. Mandatory Participation of a Public Prosecutor

Cases regarding the declaring of a strike or an application to strike as unlawful shall be examined by the court with mandatory participation by a public prosecutor.

Section 394. Court Judgment regarding an Application

(1) Having examined an application, the court shall give a judgment which:
1) finds the employer's application to be unfounded and dismisses it; or
2) finds the employer's application to be well-founded and the strike or the strike application to be unlawful.
(2) The court judgment shall be final and shall not be subject to appeal by way of appellate procedures.

Chapter 48.[1]
Declaring a Lock-out or an Application to Lock-out as Unlawful

[31 October 2002]

Section 394.[1] Submitting an Application

(1) Representatives of employees may submit an application regarding the declaring of a lock-out or an application to lock-out as unlawful in accordance with the grounds referred to and procedures laid down in the Law On Labour Disputes.
(2) The application to declare a lock-out or an application to lock-out as unlawful shall be submitted to the court based on the location where the lock-out is to take place.
[31 October 2002]

Section 394.[2] Content of the Application

There shall be set out in an application the applicant for the lock-out and the grounds referred to in the Law On Labour Disputes in accordance with which the lock-out or the application to lock-out may be declared unlawful.
[31 October 2002]

Section 394.[3] Examination of an Application

(1) The court shall examine an application within 10 days of the day when it is received. The application shall be examined in a court hearing, regarding which prior notice shall be given to the representatives of employees, the State Labour Inspectorate and the applicants for the lock-out.
(2) The participation of the applicant at the court hearing is mandatory. If the applicant fails to attend the court hearing the court shall have a cause to terminate the case.
[31 October 2002]

Section 394.[4] Mandatory Participation of a Public Prosecutor

Cases regarding the declaring of a lock-out or an application to lock-out as unlawful shall be examined by the court with mandatory participation by a public prosecutor.
[31 October 2002]

Section 394.[5] Court Judgment Regarding an Application

(1) Having examined an application, the court shall give a judgment by which the application by the representatives of employees shall be found:
1) to be unfounded and dismiss it; or
2) to be well-founded and the lock-out or the lock-out application to be unlawful.
(2) The court judgment shall be final and shall not be subject to appeal by way of appellate procedures.
[31 October 2002]

Division Seven
Performance of Obligations through the Court

Chapter 49
Voluntary Sale of Immovable Property at Auction through the Court

Section 395. Jurisdiction

Applications for the voluntary sale of immovable property at auction through the court shall be submitted to the district (city) court based on the location of the immovable property.

Section 396. Application for Voluntary Sale at Auction of Immovable Property through the Court

(1) An application regarding voluntary sale of immovable property at auction through the court may be submitted by the owner or the pledgee who has the right to sell the pledge on the open market.
(2) Attached to the application for voluntary sale of immovable property at auction through the court shall be the conditions of sale and a certified print-out from the relevant part of the Land Register, which specifies the entries and endorsements in force, but if the application has been submitted by a pledgee – also a true copy of the pledge agreement, evidence regarding warning of the debtor, unless it does not follow from the law that such warning is required. A certificate regarding issue of warning may also be a statement drawn up by a sworn bailiff or his or her assistant regarding refusal to receive the warning.
(3) There shall be set out in the conditions of sale:
1) what the immovable property that is for sale consists of;

2) encumbrances and pledges of the immovable property;
3) the opening price for the auction;
4) the form of the procedure for payment of the highest bid;
5) rights in the immovable property reserved by the owner for himself or herself;
6) other conditions of sale which the vendor considers necessary.

(4) If the immovable property which is to be sold is, being owned by more than one person, held in joint ownership, the concurrence of all the joint owners is required to order a voluntary sale of the immovable property at auction through the court pursuant to application by the owner.

(5) If the first mortgages are registered for the same pledgee and for immovable property of the same debtor and mutually they are related functionally or they have a joint borderline, an applicant has the right to ask a court to auction as an aggregation the immovable properties indicated in the application.

[31 October 2002; 5 February 2009; Constitutional Court Judgement of 24 November 2010 /the words "the document itself" of Section 396, Paragraph two of the Civil Procedure Law have been acknowledged as not complying with Article 92 of the Constitution of the Republic of Latvia and shall be invalid from 10 December 2010; the words "the pledgee who has the right to sell the pledge on the open market" of Section 396, Paragraph one, the words "but if the application has been submitted by a pledgee – also a true copy of the pledge agreement, evidence regarding warning of the debtor, unless it does not follow from the document itself or the law that such warning is required" of Section 396, Paragraph two, the words "without notifying the applicant and the debtor thereof" of Section 397, Paragraph one and the words "or by a debtor of a pledgee and the pledgee has the right to sell the immovable property on the open market" of Section 397, Paragraph two, Clause 1 of the Civil Procedure Law have been acknowledged as complying with Article 92 of the Constitution of the Republic of Latvia/; 20 December 2010; 8 September 2011]

Section 397. Decision by a Judge

(1) An application regarding voluntary sale of immovable property at auction shall be examined by a judge sitting alone within seven days from the day of submission of the application, on the basis of the submitted application and documents attached thereto, and without notifying the applicant and the debtor thereof.

(2) The judge shall take a decision to permit the sale at auction having ascertained that:

1) the immovable property is owned by the applicant or by a debtor of a pledgee and the pledgee has the right to sell the immovable property on the open market;

2) there is no lawful impediment to the sale of this immovable property with the conditions set out in the application.

[31 October 2002; Constitutional Court Judgement of 24 November 2010 /the words "without notifying the applicant and the debtor thereof" of Section 397, Paragraph one and the words "or by a debtor of a pledgee and the pledge has the right to sell the immovable property on the open market" of Section 397, Paragraph two, Clause 1 of the Civil Procedure Law have been acknowledged as complying with Article 92 of the Constitution of the Republic of Latvia/]

Section 398. Auction Procedure

The sale at auction shall be performed by a bailiff in accordance with the procedures laid down in this Law for the enforcement of court judgments and in conformity with the provisions of Sections 2075, 2083, 2084, 2087, 2089 and 2090 of The Civil Law, and the following conditions:

1) the immovable property shall be listed and evaluated only if requested by the person on the basis of whose application the sale is taking place;

2) the notice shall set out the conditions of sale, as well as the fact that the sale is voluntary;

3) the auction shall begin with a reading of the conditions of sale;

4) pursuant to a request by the applicant, the auction may be considered as having taken place even in the event it is attended by only one buyer;

5) if, in accordance with the conditions of sale, the acceptance of the highest bid depends on the person on the basis of whose application the sale is taking place and if he or she has not commented on this within the time period provided for by the conditions of sale or as set by the court, then it shall be considered that he or she has implicitly agreed to the highest price bid.

[31 October 2002]

Section 399. Documents to be Issued to a Purchaser

(1) After the purchaser of the immovable property has fulfilled all the conditions of sale, the regional court shall take a decision on confirmation of the statement of auction (Sections 611 and 613) and the corroboration of the sold immovable property in the name of the purchaser. If insolvency proceedings have been declared for an owner of the immovable property, the district (city) court shall decide on approval of the statement of auction and corroboration of the sold immovable property in the name of the purchaser, in the legal proceedings of which is the case regarding insolvency proceedings of a legal person.

(2) The court decision together with the conditions of sale and the statement of auction shall be issued to the purchaser.

[19 June 2003; 30 September 2010]

Chapter 50
Undisputed Enforcement of Obligations

Section 400. Obligations, on the Basis of which Undisputed Enforcement is Permitted

(1) Undisputed enforcement of obligations is permitted:

1) pursuant to agreements regarding obligations which are secured with a public mortgage or a commercial pledge;

2) pursuant to notarially certified term agreements or term agreements of equivalent juridical effect regarding monetary payments or return of movable property;

3) pursuant to term lease or rental of property agreements, which are notarially certified or entered in a Land Register, and which provide that the lessee or tenant has an obligation, due to expiry of the term, to vacate or deliver the leased or rented property (except an apartment) and to pay the lease or rental payments;

4) pursuant to a protested promissory note.

(2) The obligations set out in Paragraph one of this Section shall not be subject to undisputed enforcement if:

1) such enforcement is directed against State-owned property;

2) the obligation has been extinguished by prescription, the elapse of which is unequivocally manifest from the document itself.

Section 401. Persons Eligible to Submit an Application Regarding Undisputed Enforcement

The following may submit an application regarding undisputed enforcement:

1) the person in whose name the document (agreement, promissory note) is issued;

2) the person to whom the document is transferred with an endorsement certified in accordance with bearer documents procedure, a separate Land Register document, a document certified in accordance with bearer procedures, or a notarised document;

3) the heir of the persons mentioned, if the heir's inheritance rights are evidenced with a court judgment or an inheritance certificate regarding a will entering into lawful effect or confirmation of the heir's inheritance rights, or pursuant to a court decision by means of which the heir has been provided with possession of the property bequeathed (Section 638 of The Civil Law) or a court decision or a certificate by a notary by which it is recognised that he or she has accepted the inheritance (Section 697 of The Civil Law);

4) a guarantor who, on the basis of a court judgment or enforcement procedures, has made payment in place of a debtor, or the payment made by whom is confirmed by a receipt, or an endorsement on the document, which are certified in accordance with bearer procedures;

5) the acquirer of immovable property, pursuant to a lease or rental agreement of such property, if the rights of the acquirer are certified by a Land Register instrument, or by documents regarding change of ownership through inheritance, as set out in Paragraph three of this Section; or

6) pursuant to protested promissory notes – the holder of a promissory note in whose name it has been protested, and a guarantor, endorser or intermediary, who have paid a promissory note and bring a subrogation action.

[31 October 2002]

Section 402. Persons against whom Undisputed Enforcement shall be Permitted

Undisputed enforcement shall be permitted:

1) against persons in whose name a document is issued (contracting parties), but pursuant to a protested promissory note – against all persons liable therefor;

2) against guarantors, if they have undertaken obligations as a principal debtor (Section 1702, Paragraph two of The Civil Law);

3) against an heir of a person who has undertaken an obligation, if acceptance of the inheritance is confirmed by the evidence referred to in Section 401, Paragraph three of this Law.

Section 403. Jurisdiction

(1) Applications for undisputed enforcement regarding obligations concerning monetary payments, obligations concerning the return of movable property or obligations according to contracts, which are secured with a commercial pledge, shall be submitted to the Land Registry Office of a district (city) court based on the declared place of residence of the debtor, but if none, based on the place of residence.

(2) Applications for undisputed enforcement, pursuant to immovable property pledge documents or the obligation to vacate or return leased or rented immovable property, shall be submitted to the Land Registry Office of a district (city) court based on the location of the debtor's place of residence. If the obligation is secured with several immovable properties and Land Registry offices of different district (city) courts have jurisdiction over examination of applications, the application shall be examined by the Land Registry Office of the district (city) court according to the choice of the applicant – based on the location of one immovable property.

(3) Applications for undisputed enforcement based on a ship mortgage obligation shall be submitted to the Land Registry Office of a district (city) court based on the place of registration of the ship mortgage obligation.
[4 August 2011; 8 September 2011; 29 November 2012]

Section 404. Content of the Application

(1) In an application there shall be set out the obligations and the documents pursuant to which the creditor requests undisputed enforcement.
(2) Applications in regard to undisputed enforcement regarding monetary payment shall set out the principal debt to be recovered, penalties and interest – as agreed to, as well as those set out in law – but pursuant to promissory notes, also the expenses related to protesting and the compensation set out in law.
(3) The following shall be attached to the application:

1) the document to be enforced by way of undisputed compulsory procedure, and a true copy thereof, but where such enforcement is to be pursuant to a promissory note – also the protest document;

2) a document regarding payment of the State fee;

3) evidence that the debtor (including owner of the immovable property or provider of commercial pledge) has been given a warning, unless it does not follow from the law that such warning is required. The certificate regarding issue of the warning may be a statement drawn up by a sworn bailiff or his or her assistant regarding refusal to receive the warning.
[8 September 2011]

Section 405. Decision by a Judge

(1) An application regarding undisputed enforcement shall be settled by a judge sitting alone, within seven days from the day of submitting the application, on the basis of the submitted application and documents attached thereto, and without notifying the applicant and the debtor thereof.
(2) The judge, having examined the validity of the submitted application and having found that it is to be allowed, shall take a decision pursuant to which the obligation to be enforced, and the extent to which it is to be enforced, in accordance with undisputed compulsory procedure, are determined. A true copy of the decision shall be sent to the applicant and to the debtor within three days.
(3) The judge's decision shall enter into effect without delay, and it shall have the effect of an enforcement document. The decision shall be enforced in accordance with the provisions regarding the enforcement of judgments. It shall be submitted for enforcement together with a true copy of the document subject to undisputed enforcement.
(4) If the judge finds that the application is unfounded or the amount of penalty indicated in the application is disproportionate to the principal debt, or the document to be enforced contains unfair contractual provisions violating consumer rights, he or she shall take a decision on dismissal thereof. The judge shall send the applicant a true copy of the decision together with the submitted documents.
[5 February 2009]

Section 406. Procedures for Disputing Undisputed Enforcement

(1) If a debtor is of the opinion that the claim of the creditor is, on the merits, unfounded he or she may, within six months from the date when the true copy of the decision is sent, bring an action against the creditor to dispute the claim. The action shall be brought in such court in accordance with the procedures laid down in this Law, which examined the application

regarding undisputed enforcement of obligations. If examination of the claim is within the jurisdiction of a regional court, it shall be brought in such regional court, in the territory of operation of which the Land Registry Office of the district (city) court that examined the application regarding undisputed enforcement of obligations is located.
(2) In bringing action, the debtor may request a stay of the undisputed enforcement, but if the creditor has already received satisfaction through such process – may petition to ensure the action.
[29 November 2012]

Chapter 50.[1]
Enforcement of Obligations according to warning procedures
[31 October 2002]

Section 406.[1] Obligations, on the Basis of which Enforcement according to warning procedures is Permitted

(1) Enforcement of obligations according to warning procedures is permitted in payment obligations, which are justified by a document and for which the term for enforcement is due, as well as payment obligations regarding the payment of such compensation, which is in the entered into contract regarding supply of goods, purchase of goods or provision of services if such obligations are justified by a document and for which a time period for enforcement has not been specified.
(2) Enforcement of obligations according to warning procedures is not permitted:
1) for payments related to unperformed correlative performance;
2) if the declared place of residence or place of residence of the debtor is not known;
3) if the declared place of residence, place of residence or legal address of the debtor is not in the Republic of Latvia;
4) if the requested penalty exceeds the amount of the principal debt;
5) if the requested interest exceeds the amount of the principal debt.
[31 October 2002; 7 September 2006; 5 February 2009; 8 September 2011; 29 November 2012]

Section 406.[2] Jurisdiction

(1) Enforcement of obligations according to warning procedures shall be initiated pursuant to an application of a creditor.
(2) An application regarding enforcement of obligations according to warning procedures shall be submitted to the Land Registry Office of a district (city) court based on the place of residence of the debtor, but if none, the place of residence or legal address.
[31 October 2002; 4 August 2011; 29 November 2012]

Section 406.[3] Contents of the Application

(1) An application shall be formalised in conformity with the sample approved by the Cabinet.
(2) There shall be set out in the application:
1) the name of the court to which the application is submitted;
1^{1}) the given name, surname, personal identity number, declared place of residence of the applicant, but, if none, the place of residence; for a legal person – the name, registration number and legal address thereof. In addition the applicant shall also indicate an address for correspondence with the court, as well as an electronic mail address for the receipt of court notifications, if he or she agrees to use electronic mail for correspondence with the court;

1[2]) the given name, surname, personal identity number, declared place of residence and the additional address indicated in the declaration of the debtor, but, if none, the place of residence; for a legal person – the name, registration number and legal address thereof. The personal identity number or registration number of the defendant shall be indicated if known;

1[3]) the given name, surname, personal identity number and address for correspondence with the court of the representative of the applicant, if the action is brought by a representative, but for a legal person – the name, registration number and legal address thereof;

2) [29 November 2012];

3) payment obligation in relation to which the application is submitted, indicating the information identifying the documents justifying the obligation and the time period for performance of obligation, as well as the name of credit institution and account number to which the payment is to be made, if any;

4) the amount requested and calculation thereof, specifying the principal debt, penalties and interest – as agreed to, as well as those set out in law, and court expenses;

5) certificate by an applicant that the claim is not dependent on correlative performance or that correlative performance has been carried out;

6) a petition to the court to issue a warning to the debtor;

7) a petition to decide on enforcement of payment obligation and recovery of court expenses.

(3) Documents certifying payment of the State fee and expenses related to the issuance of a warning shall be attached to the application.

[31 October 2002; 5 February 2009; 29 November 2012]

Section 406.[4] Reasons for Non-Acceptance of Application

(1) The judge shall refuse to accept an application if it does not meet the requirements of Sections 406.[1], 406.[2] and 406.[3] of this Law.

(2) A judge shall take a reasoned decision on refusal to accept an application. The judge shall send to the applicant a true copy of the decision.

(3) The decision on refusal to accept an application may not be appealed.

(4) Refusal by a judge to accept an application shall not be an impediment for submitting the same application to the court after deficiencies have been eliminated or to bringing of an action in accordance with the procedures of legal proceedings. In such cases the State fee paid and expenses related to the issue of a warning shall be included, if the same application is submitted to the court after elimination of deficiencies or action is brought in accordance with the procedures of legal proceedings.

[31 October 2002; 5 February 2009; 8 September 2011]

Section 406.[5] Contents of Warnings

(1) A warning shall be formalised in conformity with the sample approved by the Cabinet.

(2) The following shall be set out in the warning:

1) the number of the warning and the name of the court which issues the warning;

2) the applicant, the payment obligation, the information identifying the documents justifying the obligation, the time period for performance of the obligation, the name of credit institution and account number to which payment is to be made, if any;

3) the debtor;

4) the fact that the court has not verified the validity of the claim;

5) a proposal to the debtor to pay the amount specified in the application within 14 days from the day of issuance of the warning, notifying the court thereof, or to submit objections to the court;

6) the fact that the obligation specified in the warning will be transferred for enforcement if within the specified 14 days objections or evidence on payment is not submitted.
(3) The warning shall be signed by the judge. If the warning is prepared electronically, it shall be binding without a signature.
[31 October 2002; 5 February 2009]

Section 406.[6] Issuance of a Warning to a Debtor

(1) The warning and an answer form formalised in conformity with the sample approved by the Cabinet shall be issued to the debtor for which he or she shall sign. The document with a signature regarding receipt and a notation regarding the date of issue of the warning shall be submitted to the court.
(2) If issuance of the warning to a debtor is not possible, the judge shall take a decision on leaving the application without examination. A true copy of the decision shall be sent to the applicant.
(3) Leaving an application without examination shall not be an impediment for repeated submission of the application regarding enforcement of obligations according to warning procedures or bringing of action according to the procedures of legal proceedings. In such cases the State fee paid shall be transferred.
[31 October 2002; 5 February 2009; 8 September 2011]

Section 406.[7] Answer by a Debtor

(1) Debtor's objections submitted within the prescribed time period against the validity of the payment obligation or the payment of the debt shall be the basis for termination of court proceedings regarding enforcement of obligations according to warning procedures.
(2) If the debtor admits the application in any part thereof, the answer of the debtor shall be notified to the applicant and the time period shall be determined in which he or she notifies the court of the transfer of the obligation for enforcement in the part admitted.
(3) If the applicant does not agree with the enforcement of obligations in the part admitted or has not provided an answer within the time period specified in the notification, the court proceedings shall be terminated.
(4) If the applicant agrees to enforcement of obligations in the part admitted, the judge shall take a decision in conformity with the requirements of Section 406.[9] of this Law.
(5) Answer by a debtor submitted after the time period specified, but until the decision in the case is taken, shall be deemed to have been submitted within the time period.
[31 October 2002; 19 June 2003; 5 February 2009]

Section 406.[8] Termination of Court Proceedings

(1) The judge shall take a decision to terminate the court proceedings for enforcement of obligations according to warning procedures. The decision to terminate the court proceedings may not be appealed.
(2) A true copy of the decision together with the answer by a debtor shall be sent to the applicant.
(3) The decision to terminate the court proceedings for enforcement of obligations according to warning procedures in relation to the objections of the debtor, is not an impediment to bringing an action in accordance with the procedures for court proceedings by way of action. In such cases the State fee paid shall be transferred.
[31 October 2002; 19 June 2003; 5 February 2009; 8 September 2011]

Section 406.[9] Decision by a Judge on Enforcement of Obligations

(1) If the debtor has failed to submit objections within the time period specified in the warning, the judge shall, within seven days from the date of expiry of the time period for objections, take a decision on enforcement of the payment obligation specified in the application and recovery of court expenses. A true copy of the decision shall be sent to the applicant and to the debtor within three days.
(2) The decision of the judge shall come into effect without delay, it shall have the effect of an enforcement document and it shall be enforced in accordance with provisions regarding enforcement of court judgments.
[31 October 2002]

Section 406.[10] Procedures for Disputing Enforcement of Obligations

(1) If a debtor is of the opinion that the claim of the applicant is, on the merits, unfounded he or she may, within three months from the date when the true copy of the decision is sent, bring an action against the creditor to dispute the claim. The action shall be brought in such court in accordance with the procedures laid down in this Law, which examined the application regarding enforcement of obligations according to warning procedures. If examination of the claim is within the jurisdiction of a regional court, it shall be brought in such regional court, in the territory of operation of which the Land Registry Office of the district (city) court that examined the application regarding enforcement of obligations according to warning procedures is located.
(2) In bringing the action, the debtor may request a stay of the enforcement of obligations, but if the creditor has already received satisfaction through such process – may petition to ensure the action.
[31 October 2002; 29 November 2012]

Chapter 51
Submitting the Subject-matter of an Obligation for Safekeeping in the Court
[28 October 2010]

Part C
Appeal of Court Judgments and Decisions

Division Eight
Appellate Proceedings

Chapter 52
Submission of Notices of Appeal

Section 413. Right to Submit a Notice of Appeal or an Appellate Protest

(1) Participants in a case may submit a notice of appeal regarding a judgment (supplementary judgment) of a first instance court, but a public prosecutor may submit an appellate protest in accordance with the procedures provided for in this Chapter, except for judgments, the appeal of which in accordance with appellate procedure is not provided for in law. A representative shall submit a complaint in accordance with the requirements of Section 86 of this Law.
(2) An appellate protest shall be submitted and examined in accordance with the same procedures as a notice of appeal provided that it is not otherwise laid down in this Division.

Section 414. Procedures for Submitting a Notice of Appeal

(1) A district (city) court judgment, which has not enter into lawful effect, may be appealed, in accordance with appellate procedure, to the applicable regional court.
(2) A judgment of a regional court as a first instance court, which has not enter into lawful effect, may be appealed, in accordance with appellate procedure, to the Chamber of Civil Cases of the Supreme Court.
(3) A notice of appeal addressed to an appellate instance court shall be submitted to the court, which gave the judgment.
(4) If within the time period required, a notice of appeal is directly submitted to an appellate instance court, it shall be deemed that the time period is complied with.

Section 415. Time Periods for Submitting Notices of Appeal

(1) A notice of appeal regarding a judgment of a first instance court may be submitted within 20 days from the day of declaration of the judgment.
(2) If a summary judgment has been drawn up after the determined time period, the time period for appeal of the judgment shall be calculated from the date of actual drawing up of the judgment.
(2^1) [22 May 2008]
(2^2) In the cases provided for in Paragraphs one and two of this Section a participant in the case to whom a judgment has been sent in accordance with Section 56.^{2} of this Law may submit a notice of appeal within 20 days from the day when a true copy of the judgment was served.
(3) A notice of appeal submitted after expiration of the time period shall not be accepted and shall be returned to the submitter.
[31 October 2002; 1 November 2011; 22 May 2008; 5 February 2009; 8 September 2011]

Section 416. 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 complaint is addressed;
2) the given name, surname, personal identity number and declared place of residence of the submitter of the complaint, but if none, the place of residence, but for a legal person, its name, registration number and legal address. In addition the submitter of the complaint may indicate also another address for correspondence with the court;
3) the judgment regarding which the complaint has been submitted and the court which gave the judgment;
4) the extent to which the judgment is being appealed;
5) how the error in judgment is manifested;
6) whether the allowing of new evidence is being applied for, what evidence, regarding what circumstances and why this evidence had not been submitted to the first instance court;
7) the request of the submitter;
8) a list of documents accompanying the complaint.
(2) A notice of appeal shall be signed by the applicant or his or her authorised representative. Appellate protests shall be signed by such officials of the Office of the Prosecutor as is laid down in law.
(3) A notice of appeal, which has been submitted by a person who is not authorised to appeal a court judgment, shall not be accepted and shall be returned to the submitter.
[31 October 2002; 29 November 2012]

Section 417. True Copies of a Notice of Appeal

(1) A notice of appeal shall be accompanied by true copies thereof and true copies of the documents accompanying the complaint, in such number as corresponds to the number of participants in the case.
(2) This provision does not apply to documents, originals or true copies of which are already in the possession of participants in the case.
(3) In the cases provided for in the Law a translation certified in accordance with the specified procedures shall be attached to a notice of appeal and true copies of the documents attached thereto, if the documents are intended for service to a person in accordance with Section 56.[2] of this Law. The translation need not be attached by a person who is released from payment of court expenses.
[5 February 2009]

Section 418. Limits Regarding Notices of Appeal

(1) In a notice of appeal, the subject-matter or basis of an action may not be amended to include new claims as were not brought in the first instance court.
(2) The following shall not be regarded as new claims:
1) making a claim more precise;
2) correction of manifest errors in a claim;
3) addition of interest and increments to a claim;
4) a claim for compensation for the value of property related to alienation or loss of the property claimed or a change in what it consists of;
5) amendment of component parts of the total amount of a claim within the limits of this amount;
6) amendment of a claim, in which there is a request that rights be recognised, to a claim that infringed rights be restored, as a result of a change in circumstances in the course of the case;
7) increase in the amount of a claim as a result of increase in market prices in the course of the case.

Section 419. Joining in a Notice of Appeal

(1) Co-participants and third persons, which participate in the procedure on the side of a submitter who has submitted a notice of appeal, may join in the submitted notice of appeal.
(2) An appellate instance court shall be notified, in writing, of the joining in a complaint not later than 10 days prior to examination of a case at appellate instance.
(3) A State fee shall not be charged regarding a submission to join in a notice of appeal.

Section 420. Leaving a Notice of Appeal not Proceeded with

(1) A judge of a court of first instance shall take a decision to leave a notice of appeal not proceeded with and set a time period for the submitter to rectify deficiencies, if:
1) the notice of appeal submitted does not conform to the requirements of Section 416, Paragraph one or two of this Law;
2) the notice of appeal is not accompanied by all required true copies or, in the cases provided for in the law, the translation of the notice of appeal or true copies of documents attached thereto certified in accordance with the specified procedures have not been attached thereto; or
3) the State fee has not been paid regarding the notice of appeal submitted.

(2) If the deficiencies are rectified within the time period set, the notice of appeal shall be deemed to have been submitted on the date when it was first submitted. Otherwise, the complaint shall be deemed not to have been submitted and shall be returned to the applicant.
[5 February 2009]

Section 421. Appeal of a Judgment by a Judge

An ancillary complaint may be submitted regarding a decision of a judge to refuse to accept a notice of appeal.

Section 422. Action by a First Instance Court after Receipt of a Notice of Appeal

(1) A judge of a first instance court, after he or she has satisfied himself or herself that a notice of appeal complies with the requirements in Sections 416 and 417 of this Law, shall without delay notify the other participants in the case of such complaint and send them a true copy of the complaint and documents accompanying it, indicating the time period for submission of a written explanation.
(2) After the time period for submission of a notice of appeal has expired, the judge shall without delay send the case with the complaint and documents accompanying it to the appellate instance court.

Section 423. Written Explanation by a Participant in a Case

(1) A participant in a case may submit, in regard to the submitted notice of appeal, a written explanation, together with true copies thereof in the number corresponding to the number of participants in the case, to an appellate instance court within 30 days from the day a true copy of the notice of appeal was sent to the participant.
(2) The court shall send true copies of the explanation to the other participants in the case.
(3) [22 May 2008]
(4) If a true copy of a notice of appeal is sent to a participant in the case in accordance with Section 56.^{2} of this Law, the time period for submitting a written explanation shall be counted from the day when the true copy of the notice of appeal was served to the participant in the case.
[1 November 2011; 22 May 2008; 5 February 2009]

Section 424. Appellate Cross Complaint

(1) After service of a true copy of a notice of appeal, a party has the right to submit an appellate cross complaint.
(2) An appellate cross complaint shall conform to the requirements of Sections 413, 416, 417 and 418 of this Law.
(3) An appellate cross complaint shall be submitted to an appellate instance court within the time period provided for in Section 423 of this Law.
(4) After receipt of an appellate cross complaint, an appellate instance court shall without delay send true copies of the complaint to the other participants in the case.
[5 February 2009]

Chapter 53
Examining Cases at Appellate Instance

Section 425. Initiation of Appellate Instance Court Proceedings

(1) Having satisfied himself or herself that the procedures regarding submission of notices of appeal have been observed, a judge, after receipt of an explanation or after expiration of the time period prescribed for its submission, shall take a decision on the initiation of appellate instance court proceedings and shall set down the case for it to be examined at an appellate instance court hearing.
(1^1) In cases regarding the reinstatement of an employee in work and cases regarding the annulment of an employer's notice of termination the date of the court hearing shall be determined not later than 15 days after receipt of explanations or the end of the time period for the submission thereof.
(1^2) In cases regarding claims in favour of insolvent debtors in the cases specified in Chapter XVII of the Insolvency Law and regarding recovery of losses from members of administrative bodies of a legal person and participants (shareholders) of a capital company on the basis of their obligation to be liable for the damages caused, as well as from members of a partnership personally liable on the basis of their obligation to be liable for the obligations of a partnership, the court hearing shall be determined not later than within three months after receipt of the explanation or the end of the time period for the submission thereof.
(2) Having determined that a notice of appeal has been sent to an appellate instance court in violation of procedures provided for by this Law regarding submission of notices of appeal, a judge shall take one of the following decisions:

1) to refuse to initiate appellate instance court proceedings, if there is failure to conform to a time period set for the submission of the notice of appeal, or the notice of appeal has been submitted by a person who is not authorised to appeal a court judgment; in such case, the complaint together with the case shall be sent to the first instance court which shall return the complaint to the submitter; or

2) to send the case to the first instance court for the carrying out of the actions laid down in law if, in the submission of the notice of appeal, the deficiencies set out in Section 416, Paragraph one of this Law have been allowed to occur or a State fee has not been paid.

(3) If an appellate instance court determines that the conditions set out in Paragraph two, Clause 1 of this Section exist, the court shall take a decision to leave the notice of appeal without examination.
[31 October 2002; 7 April 2004; 1 November 2007; 22 May 2008; 30 September 2010]

Section 426. Limits Regarding Examination of a Case at Appellate Instance

(1) An appellate instance court shall examine a case on the merits in connection with a notice of appeal and an appellate cross complaint to the extent as is petitioned for in such complaint.
(2) An appellate instance court shall examine only those claims, which have been examined by a first instance court. Amendment of the subject-matter or the basis of an action shall not be permitted.
(3) An appellate instance court shall examine a case on the merits without sending it for re-examination to a first instance court, except in the cases set out in Section 427 of this Law.

Section 427. Cases where a Judgment of a First Instance Court shall be Revoked and the Case shall be Sent to be Re-examined in a First Instance Court

(1) Irrespective of the grounds for the notice of appeal, an appellate instance court shall by its decision revoke a judgment of a first instance court and send the case for it to be re-examined in a first instance court, if the appellate instance court determines that:

1) the court was unlawfully constituted when examining the case;

2) the court examined the proceeding in violation of procedural law which prescribes an obligation to notify participants in the case of the time and place of the court hearing;

3) norms of procedural law regarding the language of the court proceedings have been violated;

4) the court judgment confers rights or imposes obligations upon a person who has not been summoned to the case as a participant in the case; or

5) there are not minutes of the court hearing or a there is not a full judgment in the case.

(2) An appellate instance court, finding a notice of appeal regarding a court judgment for a part in which court proceedings have been terminated in the case or an action left without examination as valid, shall revoke the judgment at first instance in this part and send the case for it to be examined at a first instance court.

Section 428. Appellate Instance Court Trial Procedures

(1) Participants in a case shall be summoned and other persons summonsed to a court in accordance with the provisions of Chapter 6 of this Law.

(2) A hearing of an appellate instance court shall take place in accordance with the provisions of Chapter 21 of this Law, in conformity with the specific requirements of this Chapter.

Section 429. Submitting Explanations in an Appellate Instance Court

(1) Explanations in an appellate instance court hearing shall first be submitted by the submitter of the notice of appeal, but if both parties have submitted a complaint, by the plaintiff.

(2) If a public prosecutor has submitted an appellate protest, their explanation shall be provided prior to the explanations by the other participants in the case.

Section 430. Examination of Evidence in an Appellate Instance Court

(1) An appellate instance court itself shall decide which evidence is to be examined at a court hearing.

(2) In examining and assessing evidence, an appellate instance court shall observe the provisions of the Division Three of this Law.

(3) Facts that have been established by a first instance court are not required to be examined by an appellate instance court if these have not been contested in the notice of appeal.

(4) If a participant in a case submits to or requests in an appellate instance court that evidence be examined which the participant was able to submit during examination of the case in the first instance court and if the appellate instance court does not find justifying reasons for not submitting the evidence to the first instance court, the appellate instance court shall not accept the evidence.

[29 November 2012]

Section 431. Termination of Appellate Court Proceedings

(1) The submitter of a notice of appeal (an appellate cross-complaint) has the right to withdraw it so long as examination of the proceeding on the merits has not been concluded.
(2) If a notice of appeal is withdrawn, the appellate instance court shall take a decision to terminate the appellate proceedings, except in cases where a notice of appeal (an appellate cross complaint) has been submitted by other participants in the case or an appellate protest has been submitted.
(3) If the submitter of a notice of appeal, without justified cause, has twice failed to attend a court hearing and has not petitioned that the case be examined in his or her absence, the court may terminate the appellate proceedings.
(4) If appellate proceedings are terminated, the State fee shall not be refunded.

Chapter 54
Judgments and Decisions of Appellate Instance Courts

Section 432. Judgment of an Appellate Instance Court

(1) A decision of an appellate instance court by which a case is adjudged on the merits, shall be given by the court in the form of a judgment.
(2) An appellate instance court shall give and draw up a judgment in accordance with the procedures laid down in Sections 189-198 of this Law, and in conformity with the features indicated in this Section.
(3) In the introductory part of a judgment, in addition to the items referred to in Section 193, Paragraph three of this Law, a court shall set out the submitter of the notice of appeal and the court judgment regarding which the complaint is submitted.
(4) In the descriptive part of a judgment a court shall include a short outline of the reasoned part and operative part of the judgment of the first instance court, as well as a short substance of the notice of appeal (appellate cross complaint) and objections.
(5) In the reasoned part of the judgment the conditions referred to in Section 193, Paragraph five of this Law shall be indicated, as well as a court shall set out the reasons for its opinion with respect to the judgment of the first instance court. If the court, in examining a case, recognises that the justification included in the judgment of the lower instance court is correct and fully 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 193, Paragraph five of this Law need not be indicated in the reasoned part of the judgment.
[8 September 2011]

Section 433. Declaration of an Appellate Instance Court Judgment

(1) An appellate instance court shall declare judgment in accordance with the procedures laid down in Section 199 of this Law.
(2) A true copy of the judgment shall be sent to participants in the case in the cases and in accordance the procedures provided for in Section 208 of this Law.

Section 434. Entering into Lawful Effect of an Appellate Instance Court Judgment

(1) An appellate instance court judgment shall enter into lawful effect when the time period for appeal in accordance with cassation procedures has expired and a cassation complaint has not been submitted.

(2) If a cassation complaint has been submitted, an appellate instance court judgment shall enter into lawful effect concurrently with:

1) a decision of the Senate assignments hearing, if it has been refused to initiate cassation proceedings (Section 464, Paragraph three and Section 464.[1]);

2) a cassation instance court judgment, if an appellate instance court judgment has not been revoked or a judgment or part thereof has been revoked and the application has been left without examination or the court proceeding has been terminated (Section 474).

(3) The provisions of Section 203, Paragraphs two, three, four and five of this Law shall be applicable to the lawful effect of an appellate instance court judgment.

(3^1) If in respect of different participants in the case the time period for submitting a cassation complaint regarding an appellate instance court judgment is determined in accordance with the both, Section 454, Paragraphs one and two and Section 454, Paragraph 2.[2] of this Law, or in respect of all participants the time period for a notice of appeal regarding a first instance court judgment is determined in accordance with Section 454, Paragraph 2.[2] of this Law, the appellate instance court judgment shall enter into lawful effect after expiration of the time period for appeal thereof, counting the time period from the latest day of service of a true copy of the judgment, unless a notice of appeal is submitted.

(3^2) If in the cases referred to in Paragraph 3.[1] of this Section the relevant confirmation regarding service of a true copy of the judgment (Section 56.[2]) has not been received, the judgment shall enter into lawful effect six months after declaration thereof.

(4) An appellate instance court judgment shall be enforced in accordance with the provisions of Sections 204, 204.[1] and Section 205, Paragraph one of this Law. Immediate enforcement of a judgment in the case provided for in Section 205, Paragraph one, Clause 7 of this Law shall be permitted only by requiring adequate security from the creditor for the case if a cassation instance court took the judgment referred to in Section 474, Clause 2, 3 or 4 of this Law.

[22 May 2008; 2 June 2008; Constitutional Court judgement of 2 June 2008 /Section 434 of the Civil Procedure Law has been acknowledged as not complying with Article 92 of the Constitution of the Republic of Latvia and as invalid from 1 July 2008/; 5 February 2009]

Section 435. Correction of Clerical and of Mathematical Calculation Errors in a Judgment of an Appellate Instance Court

(1) An appellate instance court is entitled, on its own initiative or pursuant to the application of a participant in the case, to correct clerical or mathematical calculation errors in a judgment.

(2) An issue concerning correction of errors shall be decided by written procedure upon prior notice to the participants in the case. If the application is submitted by a participant in the case, concurrently with sending of the notification to the participants in the case the court shall send an application regarding correction of clerical and mathematical calculation errors in the judgment.

(3) An ancillary complaint regarding a court decision to correct errors in a judgment may be submitted by a participant in the case.

[8 September 2011]

Section 436. Supplementary Judgment of an Appellate Instance Court

(1) An appellate instance court may, on its own initiative or pursuant to the application of a participant in the case, make a supplementary judgment if:

1) judgment not has been given in regard to a claim, which has been the subject-matter of examination by the appellate instance court;

2) the court has not determined the extent of the amount adjudged, the property to be delivered, or the actions to be performed; or

3) the judgment does not contain a decision on reimbursement of court expenses.
(2) The giving of a supplementary judgment may be initiated within the time period specified by the law for appeal of the judgment.
(3) A supplementary judgment shall be given by a court after the case is examined at a court hearing, upon prior notice to the participants in the case. The failure to attend by such persons is not an impediment to the giving of a supplementary judgment or the dismissing of an application.
(4) [5 February 2009]
(5) An ancillary complaint may be submitted regarding a decision of the court by which the giving of a supplementary judgment is refused.
[5 February 2009]

Section 437. Explanation of the Judgment of an Appellate Instance Court

(1) Pursuant to an application by a participant in the case an appellate instance court may, by its decision, explain a judgment without varying its substance.
(2) A judgment may be explained if it has not yet been enforced and the time period for enforcement of the judgment has not expired.
(3) An issue regarding explanation of a judgment shall be examined at a court hearing, upon prior notice to the participants in the case. The failure of such persons to attend is not an impediment to examination of the case.
(4) An ancillary complaint may be submitted regarding a court judgment with respect to an issue regarding explanation of a judgment.

Section 438. Postponement or Division into Time Periods of Enforcement of an Appellate Instance Court Judgment, and Varying of the Forms and Procedures for its Enforcement

(1) Pursuant to an application of a participant in the case and taking into account the financial state of the parties or other significant circumstances, an appellate instance court is entitled to postpone the enforcement of a judgment or divide it into time periods, and to vary the form and procedures for its enforcement. A decision to postpone enforcement of a judgment, division into time periods or varying of the form and procedures for its enforcement shall be implemented immediately.
(2) An application shall be examined at a court hearing, upon prior notice thereof to the participants in the case. The failure of such persons to attend is not an impediment to examination of the application.
(3) An ancillary complaint may be submitted regarding a court decision as postpones enforcement of a judgment or divides it into time periods, or varies the form and procedures for its enforcement. Submission of the ancillary complaint shall not stay enforcement of the decision.
[8 September 2011]

Section 439. Actions by an Appellate Instance Court, if a Judgment is not Appealed in Accordance with Cassation Procedures

After expiration of the time period provided for the submission of a cassation complaint, if a cassation complaint has not been submitted, an appellate instance court shall send the case to the court of first instance.

Section 439.[1] Actions by an Appellate Instance Court after Performance of Actions by a Cassation Instance Court

After an appellate instance court has received a case following performance of the actions by a cassation instance court specified in Section 477.[1] of this Law, it shall issue a writ of execution. After issue of the writ of execution an appellate instance court shall send the case to the court of first instance.
[22 May 2008]

Section 440. Stays of Proceedings, Leaving Claims without Examination and Termination of Court Proceedings by Appellate Instance Courts

Appellate instance courts shall stay court proceedings, leave a claim without examination or terminate court proceedings in the cases and in accordance with the procedures laid down in Chapters 24, 25 and 26 of this Law.

Division Nine
Appeal of Decisions of First Instance Courts and of Appellate Instance Courts

Chapter 55
Submitting and Examining Ancillary Complaints

Section 441. Basis for Appeal or Protest of a Decision of a First Instance Court or of Appellate Instance Court

(1) The decisions of a first instance court or of an appellate instance court may be appealed separately from a court judgment by participants in the case, by the submission of an ancillary complaint, or by a public prosecutor, by the submission of an ancillary protest:
1) in cases provided for by this Law; or
2) if the court decision hinders the case being proceeded with.
(2) An ancillary complaint may not be submitted regarding other decisions of a first instance court or of an appellate instance court; objections to such decisions, however, may be expressed in a notice of appeal or a cassation complaint.
(3) An ancillary protest shall be submitted and examined in accordance with the same procedures as pertain to ancillary complaints.

Section 442. Time Periods for Submitting an Ancillary Complaint

(1) An ancillary complaint may be submitted within 10 days from the day when the decision is taken by a court, unless otherwise set out in this Law. The time period for submitting an ancillary complaint regarding a decision taken by written procedure, shall be counted from the day when the decision was issued.
(1[1]) A participant in a case to whom a decision of the court has been sent in accordance with Section 56.[2] of this Law may submit an ancillary complaint within 15 days from the day of service of true copy of the decision or, if a court has declared a summary decision, from the day of service of true copy of the full decision.
(2) An ancillary complaint which has been submitted after the elapse of the abovementioned time period, shall not be accepted and shall be returned to the submitter.
[5 February 2009; 29 November 2012]

Section 443. Procedures for Submitting an Ancillary Complaint

(1) An ancillary complaint shall be submitted to the court, which has taken the decision, and it shall be addressed:

1) in regard to a decision of a first instance court, to the relevant appellate instance court;

2) in regard to a decision of a regional court as an appellate instance court, the Chamber of Civil Cases of the Supreme Court;

3) in regard to a decision of the Chamber of Civil Cases, the Civil Cases Department of the Senate of the Supreme Court.

(2) [5 February 2009]

[5 February 2009]

Section 444. True Copies of an Ancillary Complaint

(1) Attached to an ancillary complaint shall be true copies of it and true copies of the documents accompanying the claim, in number corresponding to the number of participants in the case.

(2) In the cases provided for in the law a translation certified in accordance with the specified procedures shall be attached to an ancillary complaint and true copies of the documents attached thereto, if the documents are intended for service to a person in accordance with Section 56.[2] of this Law. The translation need not be attached by a person who is released from payment of court expenses.

[5 February 2009]

Section 445. Leaving an Ancillary Complaint without Examination

(1) If the submitter does not sign an ancillary complaint or all of the required true copies are not attached to it or a translation of the ancillary complaint and true copies of documents attached thereto certified in accordance with the specified procedures is not attached in the cases provided for in the law, or a document that attests the payment of the State fee in accordance with the procedures and in the amount specified by the law, a judge shall take a decision to leave the ancillary complaint not proceeded with and set a time limit for rectification of deficiencies.

(2) If the submitter rectifies the deficiencies indicated in the decision within the time limit set, the appellate claim shall be deemed to have been submitted on the date when it was first submitted. Otherwise, the ancillary complaint shall be deemed not to have been submitted and shall be returned to the submitter.

[5 February 2009; 8 September 2011]

Section 446. Court Action after Receipt of an Ancillary Complaint

(1) After receipt of an ancillary complaint, a judge shall without delay send true copies of the claim and true copies of documents accompanying it to the participants in the case.

(2) After expiration of the time period for appeal, the judge shall without delay transfer the case with the ancillary complaint to that instance of court to which the complaint is addressed.

Section 447. Procedures for Examining an Ancillary Complaint

(1) An ancillary complaint shall be examined by written procedure. The court shall notify participants in the case regarding the day of examination of the ancillary complaint. A true copy of the decision shall be sent to the participants in the case within three days.

(2) If an ancillary complaint is examined in a court hearing, then examination thereof shall be take place in accordance with the procedures laid down in this Law for examining of cases in an appellate instance court.
(3) An ancillary complaint regarding the decisions referred to in Section 640 of this Law shall be examined at a court hearing.
[4 August 2011; 29 November 2012]

Section 447.[1] Decision Taken on Ancillary Complaint

(1) In a decision on ancillary complaint in addition to that referred to in Section 230 of this Law the court shall indicate the submitter of the ancillary complaint, include the outline of the ancillary complaint and appealed decision, as well as justify its attitude towards the appealed decision.
(2) If the court, in examining an ancillary complaint, recognises that the grounds included in the appealed decision are correct and sufficient, it may indicate in the decision that it agrees to the grounds of the appealed decision. In such case the grounds of the decision specified in Section 230, Paragraph one, Clause 5 of this Law need be not indicated.
[4 August 2011]

Section 448. Competence of a Regional Court, the Chamber of the Court and the Senate

(1) A regional court, the Chamber of the Court and the Senate, when examining an ancillary complaint, have the right:
1) to leave the decision unamended and dismiss the complaint;
2) to revoke the decision in full or in part and refer the case for re-examination to the court which made the decision;
3) to revoke the decision in full or in part and pursuant to its own decision decide the issue on the merits;
4) to amend the decision.
(2) A regional court or the Chamber of the Court, when examining an ancillary complaint regarding a decision by which an application regarding renewal of court proceedings and examination of the case anew has been dismissed in a case where a default judgment has been given, has the right:
1) to leave the decision unamended and dismiss the complaint; or
2) to revoke the decision, to renew the court proceedings and refer the case for examination anew to the first instance court.
[31 October 2002]

Section 449. Lawful Effect of a Decision Taken on an Ancillary Complaint

(1) A decision taken on an ancillary complaint may not be appealed and shall enter into lawful effect at the time when it is made, except in the cases provided for in this Section and Section 641 of this Law.
(2) A decision of a regional court or of the Chamber of the Court on an ancillary complaint may be appealed to the Senate within 10 days from the day the decision was taken if by this decision:
1) an ancillary complaint has been dismissed regarding a decision to refuse to accept a claim, on the basis of Section 132, Paragraph one, Clauses 1 and 2 of this Law;
2) an ancillary complaint has been dismissed regarding termination of court proceedings, on the basis of Section 223, Clauses 1 and 2 of this Law; or
3) in deciding the issue on the merits in accordance with Section 448, Clause 3 of this Law, a decision to refuse to accept a claim, on the basis of Section 132, Paragraph one,

Clauses 1 and 2 of this Law or a decision to terminate court proceedings, on the basis of Section 223, Clauses 1 and 2 of this Law has been taken.
(3) A decision of the Chamber of the Court on an ancillary complaint in regard to a decision of a Land Register judge may be appealed to the Senate within 10 days from the day it is made.
(3^1) The time periods referred to in Paragraphs two and three of this Section in respect of a participant in a case to whom a decision has been sent in accordance with Section $56.^2$ of this Law, shall be counted from the day of service of a true copy of the decision.
(4) Where a decision as provided for in Paragraph two or three of this Section, as well as in Section 641, Paragraph one of this Law is appealed to the Senate, a security deposit in the amount of 40 lats shall be paid in. Persons who in accordance with the law or a decision of a court or judge are released from State fees need not pay the security deposit. A court or judge, taking into account the financial circumstances of a natural person, may fully or partially release the person from the payment of a security deposit.
[31 October 2002; 7 April 2004; 25 May 2006; 5 February 2009]

Division Ten
Cassation Procedure

Chapter 56
Submission of Cassation Complaints

Section 450. Right to Submit a Cassation Complaint or a Cassation Protest

(1) A judgment of a first instance court that has been given by applying the provisions of Chapter $30.^3$ of this Law and a judgment (supplementary judgment) of an appellate instance court may be appealed by participants in the case in accordance with cassation procedures, and a public prosecutor may submit a cassation protest.
(2) A cassation protest shall be submitted and examined in accordance with the same procedures as cassation complaints provided that it is not otherwise provided for by this Division.
(3) A judgment of a first instance court that has been given by applying the provisions of Chapter $30.^3$ of this Law and a judgment of an appellate instance court may be appealed in accordance with cassation procedures if the court has applied or construed incorrectly the norm of substantive law, has violated the norm of procedural law or, in examining a case, has acted outside its competence.
[22 May 2008; 8 September 2011]

Section 451. Incorrect Application of Norms of Substantive Law

A court has applied the norm of substantive law incorrectly, if it has been incorrectly referenced to the conditions determined by the court or if a norm of substantive law has been construed incorrectly.
[22 May 2008]

Section 452. Breach of Norms of Procedural Law

(1) A court has allowed breach of a norm of procedural law if it has failed to ensure procedural procedures appropriate to the law or compliance with the procedural rights of persons during the court proceedings by not applying or construing incorrectly the relevant legal provision.

(2) Breach of a norm of procedural law may serve as the basis for an appeal pursuant to cassation procedures if such breach has led or may have led to an erroneous examination of the case.
(3) The following shall in any event be regarded as a breach of a norm of procedural law as may have led to an erroneous adjudication of a case:

1) the court that examined the case was unlawfully constituted;

2) the court has examined the case in breach of norms of procedural law which stipulate an obligation to notify participants in the case regarding the time and place of the court hearing;

3) norms of procedural law regarding the language of the court proceedings have been violated;

4) a court judgment confers rights or imposes obligations upon a person who has not been summoned to the case as a participant in the procedure;

5) there are not minutes of the court hearing or there is not a full judgment in the case.

[22 May 2008]

Section 453. Content of a Cassation Complaint

(1) There shall be set out in a cassation complaint:

1) the name of the court to which the complaint is addressed (the Civil Cases Department of the Senate of the Supreme Court);

2) the given name, surname, personal identity number and declared place of residence of the submitter of the complaint, but if none, place of residence, but for a legal person – name, registration number and legal address. In addition the submitter of the complaint may also indicate another address for correspondence with the court;

3) the judgment regarding which the complaint has been submitted and the court which has made the judgment;

4) the extent to which the judgment is appealed;

5) what norm of substantive law has been applied or construed incorrectly, what norm of procedural law has been violated by the court and how it has affected the adjudication of the case, or in what way the court has exceeded the scope of its competence;

6) a petition for the Senate assignments hearing to refer the case for examination in accordance with cassation procedures;

7) the request made to the Senate.

(2) The submitter or his or her authorised representative shall sign a cassation complaint. If the cassation complaint has been submitted by the representative, the relevant authorisation or other document, which certifies the rights of the representative, shall be attached to the complaint. The cassation protest shall be signed by an official of the Office of the Prosecutor laid down in law.
(3) A cassation complaint submitted by a person who has not been authorised thereto shall not be accepted and shall be returned to the submitter, refunding the security deposit.
(4) There shall be attached to a cassation complaint a document that confirms the payment of a security deposit.
[31 October 2002; 12 February 2004; 22 May 2008; 29 November 2012]

Section 454. Time Periods for Submitting a Cassation Complaint

(1) A cassation complaint may be submitted within 30 days from the day a judgment is declared.
(2) If a summary judgment has been declared, the time period for appeal shall be calculated from the date, which the court has announced for drawing up of a full judgment (Section 199).

If a judgment has been drawn up after the determined date, the time period for appeal thereof shall be counted from the date of actual drawing up of the judgment.
(2^1) A participant in a case to whom a true copy of the judgment has been sent in accordance with Section 56.^{2} of this Law may submit a cassation complaint within 30 days from the day of service of the true copy of the judgment.
(3) A complaint submitted after the elapse of such time period shall not be accepted and shall be returned to the submitter, refunding the security deposit.
[31 October 2002; 22 May 2008; 5 February 2009]

Section 455. Appeal of a Judge's Decision

An ancillary complaint may be submitted regarding a decision of a judge to refuse to accept a cassation complaint.

Section 456. Procedures for Submitting a Cassation Complaint

(1) A cassation complaint shall be submitted to the court, which gave the judgment.
(2) If a cassation complaint is directly submitted to a cassation court within the time period pertaining to cassation complaints, it shall not be considered that the time period has not been met.

Section 457. True Copies of a Cassation Complaint

(1) A cassation complaint shall be submitted together with true copies thereof, corresponding in number to the number of participants in the case.
(2) In the cases provided for in the law a translation certified in accordance with the specified procedures shall be attached to a cassation complaint and true copies thereof, if the documents are intended to be serviced to a person in accordance with Section 56.^{2} of this Law. The translation need not be attached by a person who is released from the payment of court expenses.
[5 February 2009]

Section 458. Security Deposit

(1) Upon a cassation complaint being submitted, a security deposit shall be paid in the amount of 200 lats.
(2) If the Senate, in full or in part, revokes or amends an appealed court judgment, the security deposit shall be refunded. If a cassation complaint is dismissed, the security deposit shall not be refunded.
(3) If a cassation complaint is withdrawn prior to the Senate assignments hearing, the security deposit shall be refunded to the submitter.
(4) A security deposit is not required to be paid by persons who pursuant to law or a judgment of a court or a judge are exempted from State fees. A court or a judge, by taking into account the material status of a person, may completely or partly release the person from payment of the security deposit.
[22 May 2008; 20 December 2010]

Section 459. Leaving a Cassation Complaint not Proceeded with

(1) If a submitted cassation complaint does not conform to the requirements of Section 453, Paragraph two of this Law, all required true copies have not been attached to the cassation complaint or a translation of the cassation complaint and true copies of documents attached

thereto certified in accordance with the specified procedures has not been attached in the cases provided for in the law or a security deposit has not been paid, a judge of the appellate instance court shall take a decision to leave the cassation complaint not proceeded with and set a time period for rectification of deficiencies.
(2) If the submitter, within the time period set, rectifies the deficiencies indicated in the decision, the cassation complaint shall be deemed to have been submitted on the day when it was first submitted.
(3) If the submitter has not rectified the deficiencies indicated in the decision within the time period set, the cassation complaint shall be deemed not to have been submitted and shall be returned to the submitter.
(4) An ancillary complaint may be submitted regarding a decision of a judge pursuant to which a cassation complaint has been returned to the submitter.
(5) If the Senate determines that the deficiencies set out in the first Paragraph of this Section exist, a cassation complaint shall be returned to the appellate instance court for the enforcement of the activities prescribed by Paragraphs two, three and four of this Section.
[5 February 2009]

Section 460. Action by an Appellate Instance Court after Receipt of a Cassation Complaint

(1) A judge of an appellate instance court shall send true copies of a cassation complaint to other participants in the case and notify them that they have the right to submit explanations to the Senate in relation to the cassation complaint within 30 days from the day the true copies are sent.
(1^1) If a true copy of a cassation complaint has been sent to a participant in the case in accordance with Section $56.^2$ of this Law, the time period for the submission of an explanation shall be counted from the day of service of the true copy of the cassation complaint to the participant in the case.
(2) Upon expiration of the time period for appeal of a judgment, an appellate instance court shall without delay transfer the civil case file together with the cassation complaint to the Senate.
[5 February 2009]

Section 461 Joining in a Cassation Complaint

(1) Co-participants in the case and third persons who participate in the procedure on the same side as the person who has submitted a cassation complaint, may join in the submitted complaint.
(2) A security deposit is not required to be paid upon an application to join in a cassation complaint being submitted.
[31 October 2002]

Section 462. Withdrawal of a Cassation Complaint

(1) A person who has submitted a cassation complaint has the right to withdraw it until the cassation instance court hearing.
(2) If a cassation complaint is withdrawn, the cassation proceeding in the case shall be terminated.

Section 463. Submitting a Cross Complaint

(1) A participant in a case may submit his or her cross complaint to the Senate within 30 days from the day the true copy of the cassation complaint is forwarded. The participant in the case to whom the true copy of a cassation complaint has been sent in accordance with Section 56.[2] of this Law may submit his or her cross complaint to the Senate within 30 days from the day of service of the true copy of the cassation complaint.
(2) In submitting a cross complaint, the provisions of Sections 450, 451, 452, 453, 457 and 458 of this Law shall be observed.
(3) The Senate shall send a true copy of the cross complaint to other participants to the proceedings and notify that they have the right to submit explanations to the Senate in relation to the cross complaint within 30 days after sending of a true copy.
(4) If a cassation complaint is withdrawn, the cross complaint shall be examined independently.
[22 May 2008; 5 February 2009]

Chapter 57
Initiation of Cassation Court Proceedings and Examination of Cases at Cassation Instance
[22 May 2008]

Section 464. Senate Assignments Hearing

(1) In order to decide an issue regarding the initiation of cassation court proceedings, cassation complaints, cross complaints and protests submitted to the Senate after expiry of the time period for submitting the explanations provided for in Section 460, Paragraph one and Section 463, Paragraph three of this Law shall be examined at the Senate assignments hearing by a collegium of the Senate established in accordance with the procedures laid down by the Chairperson of the Senate Department in the composition of three senators.
(2) If at least one of the senators considers that the case should be examined at cassation instance, the collegium of the Senate shall take a decision on the initiation of cassation court proceedings. It shall be determined in the decision that the case should be examined by written procedure or examined in a court hearing.
(3) If the collegium of the Senate unanimously finds that the initiation of cassation court proceedings is to be refused, it shall refuse by an assignments hearing decision to initiate cassation court proceedings.
(4) By a unanimous decision of the collegium of the Senate, the case may be referred to for examination, in accordance with the cassation procedures, to the Senate in expanded composition.
(4[1]) The decision referred to in Paragraphs two, three and four of this Section may be drawn up in the form of a resolution in conformity with that laid down in Section 229, Paragraph two of this Law.
(5) If cassation court proceedings are initiated, the collegium of the Senate, upon a request of a party, may take a decision to stay enforcement of the judgment until examining case in accordance with the cassation procedures.
(6) In a Senate assignments hearing the collegium of the Senate may also decide an issue regarding refusal to accept the submitted ancillary complaint and other procedural issues, for the deciding of which a court hearing is not necessary, as well as take a decision to make a request to the Court of Justice of the European Union for the giving of a preliminary ruling or to submit an application to the Constitutional Court regarding compliance of legal provisions with the Constitution or international legal provision (legislation).

[22 May 2008; Constitutional Court judgement of 2 June 2008 /Court proceedings shall be terminated regarding compliance of Section 464, Paragraph three of the Civil Procedure Law with Articles 1, 82, 86 and 92 of the Constitution of the Republic of Latvia/; 8 September 2011; 15 March 2012]

Section 464.[1] Substantiation for Refusal to Initiate Cassation Court Proceedings

(1) A collegium of the Senate shall refuse to initiate cassation court proceedings, if a cassation complaint fails to conform to the requirements of Section 450-454 of this Law.
(2) If a cassation complaint formally complies with the requirements referred to in Paragraph one of this Section and if appellate instance court has not allowed a violation of the provisions of Section 452, Paragraph three of this Law, the collegium of the Senate may refuse to initiate cassation court proceedings also in the following cases:

1) a jurisdiction has established in the issue regarding application of substantive law or breachs of the norms of procedural law indicated in the cassation complaint in respect of application and construing of such legal norms in judgments of the Senate in other similar cases, and a judgment of an appellate instance complies with it; or

2) no doubts have arisen regarding rule of law of the judgment of an appellate instance court and the case to be examined has no meaning in establishment of jurisdiction.
[22 May 2008]

Section 464.[2] Determination of Examination of a Case

Examination of a case shall be determined by a written procedure, if it is possible to take a decision according to the materials of the case. If additional explanations of participants in the case are necessary or according to the opinion of the Senate the relevant case may have a special significance in interpretation of legal norms, examination of the case in a court hearing may be determined.
[15 March 2012]

Section 464.[3] Examination of a Case by Written Procedure and Drawing up and Declaration of Judgment

(1) A case shall be examined by a written procedure according to the materials of the case in conformity with the competence of the cassation instance court.
(2) Persons who have submitted a complaint or a protest, as well as such persons whose interests are affected by the complaint or protest, shall be notified that the case will be examined by a written procedure, they will be explained their procedural rights, informed regarding the composition of the court examining the case, explained the right to apply removal of a judge and inform regarding the date when a true copy of the judgment may be received in the Court Registry. This date shall be deemed as the date when the full judgment is drawn up.
(3) The parties are entitled to exercise the civil procedural rights referred to in this Law, which are related to the preparation of the case for trial, not later than within seven days prior to the notified time of examining the case.
(4) If necessary, the court shall request to submit an opinion of the public prosecutor within 10 days.
(5) A court judgment shall be announced issuing a true copy of the judgment to the parties without delay after drawing up of the judgment.
(6) Upon a written request by a party a true copy of the judgment may be sent by post or, if possible, in another way in accordance with the procedures for delivery and issuance of court

documents laid down in this Law. A true copy of the judgment shall be sent to the parties without delay after the date when the full judgment was drawn up.
(7) Also a decision to transfer the case for examination in a court hearing may be taken by a written procedure.
[15 March 2012]

Section 465. Listing a Case for Examination at a Senate Hearing

(1) The time, composition of the court and referent for the examination of a case shall be determined by the Chairperson of the Department of the Senate. Notification of the time and place of examination shall be given to the participants in the case.
(2) The case shall be examined at cassation instance by three senators, but in the cases provided for by this Law, by a collegium of the Senate composed of not less than seven senators.

Section 466. Commencement of Examination of a Case

(1) The chairperson for a hearing shall open the court hearing and inform as to what proceeding is being examined by the Senate.
(2) The chairperson for a hearing shall ascertain which participants in the case have arrived, their identity and the authorisation of representatives.
[31 October 2002; 12 February 2004]

Section 467. Explanation of Rights and Obligations to the Participants in a Case

(1) The chairperson for a hearing shall announce the court panel and the name of the public prosecutor and the interpreter, if they participate in the court hearing, and shall explain to the participants in the case their right to apply for a removal, as well as other procedural rights and obligations.
(2) The grounds for removal and procedures for taking decisions on removal are as prescribed by Sections 19-21 of this Law.
[31 October 2002; 12 February 2004]

Section 468. Consequences Resulting from a Failure to Attend by Participants in a Case

The failure to attend by the participants in a case who have duly been notified of the time and place of a cassation instance court hearing is not an impediment to examination of the case.

Section 469. Deciding on Application

Applications from participants in a case relating to examination of the case shall be decided after hearing the opinions of the other participants in the case.
[31 October 2002; 12 February 2004]

Section 470. Report on a Case

Examination of a case shall commence with a report on the case by the referent senator.

Section 471. Explanations of Participants in a Case and Opinion of the Public Prosecutor

(1) Following the report of the senator, a court shall give a hearing to explanations by the parties or the representatives thereof. The court may previously set a time for providing of explanations; however, both sides shall be allotted equal time.
(2) The participant who submitted the cassation complaint, or a public prosecutor, if he or she has submitted a protest, shall speak first. If a judgment has been appealed by both parties, the plaintiff shall speak first.
(3) Senators may ask questions of the participants in the case.
(4) Each party has the right to one reply.
(5) If a public prosecutor participates in a proceeding for which a cassation protest has not been submitted, he or she shall deliver an opinion following the explanations and replies of the parties.
[31 October 2002; 12 February 2004]

Section 472. Giving Judgment

(1) Subsequent to the explanations of the participants in the case and the opinion of the public prosecutor, a court shall retire to the deliberation room to give judgment.
(2) If, in examining the case in three senator composition, a court does not reach a unanimous opinion, or all the senators consider that the case should be examined in expanded composition, the court shall take a decision to refer the case to the Senate for it to be examined in expanded composition.
(3) In examining the case in expanded composition, judgment shall be made by a majority vote and signed by all the senators.
(4) Subsequent to deliberation by the senators, a court shall return to the courtroom, and the chairperson of the hearing shall declare the judgment, by reading its operative part, and shall inform the participants in the case as to when they may become acquainted with the full text of the judgment.
(5) A senator who, during examination of the case in the expanded composition of the Senate, has a different opinion regarding translation of the law or application of the law, he or she, within 15 days after drawing up of full text of the judgment, is entitled to express his or her certain thoughts in writing which are to be attached to the case.
(6) If the senators acknowledge that in this court hearing it is not possible to give a judgment, the Senate shall determine the next court hearing in which it shall notify the judgment within the nearest 14 day time period.
[19 June 2003; 5 February 2009]

Section 472.[1] Suspension of Court Proceeding in a Cassation Instance

If the cassation instance court takes a decision to make a request to the Court of Justice of the European Union for the giving of a preliminary ruling, it shall stay the court proceedings until the decision of the Court of Justice of the European Union comes into legal effect.
[7 April 2004; 8 September 2011]

Chapter 58
Judgment of a Cassation Instance Court

Section 473. Limits Regarding Examination of Cases

(1) In examining a case by way of cassation procedure, a court shall examine the validity of the existing judgment for the appealed part of the case regarding persons who have appealed the judgment or who have joined in the cassation complaint and regarding arguments which have been mentioned in the cassation complaint.
(2) A court may revoke the entire judgment, even though only a part of it has been appealed from, if it determines that such violations of law exist as have led to an erroneous adjudication of the entire case.

Section 474. Rights of a Cassation Court

A court, following its examination of the case, may give one of the following judgments:

1) to leave the decision unamended and to dismiss the complaint;

2) to revoke the whole judgment, or a part thereof, and transfer the case for re-examination to an appellate or first instance court;

3) to revoke the whole judgment or a part thereof, and leave the application withot examination, or to terminate the court proceeding, if the court of second instance has not complied with the provisions of Section 219 or 223 of this Law; or

4) amend the judgment in regard to the part thereof pertaining to the extent of the claim, if, as a result of erroneous application of a substantive legal norm, it has been determined incorrectly.
[31 October 2002]

Section 475. Content of a Judgment by a Cassation Court

(1) A judgment by a cassation court shall consist of an introduction, of a descriptive part, of a reasoned part and an operative part.
(2) In the introductory part, the court shall set out:

1) the name and composition of the court;

2) the time when the judgment is given;

3) the participants in the case and the subject-matter of the dispute;

4) the persons who have submitted the cassation complaint (cross-complaint) or have joined in it.

(3) In the descriptive part, the court shall set out:

1) a brief description of the circumstances of the case;

2) the substance of the appellate instance court judgment;

3) the reasons for the cassation complaint;

4) the reasons for the cross complaint, or the substance of the explanations.

(4) In the reasoned part, the court shall set out:

1) in dismissing a cassation complaint, arguments due to which the complaint has been dismissed; or

2) in satisfying a cassation complaint – arguments regarding the breach of norms of law allowed by the appellate instance court and the erroneous construal thereof or the exceeding of the scope of its competence.

(5) In the operative part, a court shall set out the decision in accordance with the relevant Clause of Section 474 of this Law.

Section 476. Mandatory Directions of a Cassation Court

(1) The interpretation of law, which is expressed in a judgment of a cassation court, shall be mandatory for the court, which re-examines the case.
(2) In its judgment, a cassation instance court shall not set out what judgment shall be given in re-examining the case.

Section 477. Lawful Effect of a Judgment by a Cassation Court

A cassation court judgment may not be appealed and enters into effect at the time it is declared.

Section 477.[1] Action of a Cassation Court after Examining Cassation Complaint and Cassation Protest

A cassation court shall, after drawing up (taking) of full decision referred to in Section 462, Paragraph two, Section 464, Paragraph three, Section 464.[3], Paragraph two and Section 474, Clauses 1 and 4 of this Law, immediately send the case to an appellate instance court for issue of a writ of execution.
[22 May 2008; 15 March 2012]

Division Eleven
Re-examining Cases Regarding which a Judgment or a Decision has Entered into Lawful Effect

Chapter 59
Re-examining Cases in Connection with Newly-Discovered Circumstances

Section 478. Submitting an Application

(1) In connection with newly-discovered circumstances a case may be initiated by a participant in the case by submitting an application:
1) regarding the revocation of a judgment or a decision of a district (city) court, to the regional court concerned;
2) regarding the revocation of a judgment or a decision of a regional court, to the Chamber of Civil Cases of the Supreme Court;
3) regarding the revocation of a judgment or a decision of the Chamber of the Court, to the Senate Civil Cases Department of the Supreme Court.
(2) The application may be submitted within three months from the day when the circumstances forming a basis for re-examination of the case have been ascertained.
(3) The application may not be submitted if more than 10 years have elapsed since the judgment or the decision has come into effect.
(4) The application, in which the circumstances that in accordance with Section 479 of this Law may be recognised as newly-discovered circumstances have not been indicated, shall not be accepted and returned to the submitter. A judge shall refuse to accept for examination an application in connection with newly-discovered circumstances even then, if the application has been submitted repeatedly and it arises from it that the circumstances essential or actual for deciding the issue have changed. An ancillary complaint may be submitted regarding such decision of the judge.
[5 February 2009]

Section 479. Newly-Discovered Circumstances

The following shall be deemed to be newly-discovered circumstances:

1) essential circumstances of a case which existed at the time of examination of the proceeding but were not and could not have been known to the applicant;

2) the determination, pursuant to a court judgment which has entered into lawful effect regarding a criminal case, that there was knowingly false testimony of witnesses, expert opinions, or interpretations, or fraudulent written or real evidence, upon which the giving of a judgment was based;

3) the determination, pursuant to a court judgment that has entered into lawful effect regarding a criminal case, of criminal acts due to which an unlawful or unfounded judgment has been given or a decision taken;

4) the revocation of such court judgment or such decision by another institution as was a basis for the giving of the judgment or taking of the decision in this case;

5) the acknowledgement of a norm of law applied in the adjudication of the case as not in conformity with a higher norm of law in lawful effect;

6) a decision of the European Court of Human Rights or other international or trans-national court in such case, from which it arises that court proceedings should be commenced anew. In such case a court, in taking a decision in the resumed case, shall base on the facts determined in the decision of the European Court of Human Rights or other international or trans-national court and their legal assessment.

[20 June 2001; 22 May 2008]

Section 480. Calculation of Time Period for Submitting an Application

The time period for submitting an application shall be calculated:

1) regarding the facts set out in Section 479, Clause 1 of this Law, from the day such circumstances become disclosed;

2) in the cases set out in Section 479, Clauses 2 and 3 of this Law, from the day the judgment regarding the criminal case has entered into lawful effect;

3) in the cases set out in Section 479, Clause 4 of this Law, from the day of entering into lawful effect of a court decision by which a judgment regarding a civil case or a criminal case has been revoked or from the day of revocation of a decision of another institution, on which is based the judgment or decision being petitioned to be revoked due to newly-discovered circumstances;

4) in the case set out in Section 479, Clause 5 of this Law, from the day of entering into lawful effect of a judgment or other decision in relation to which the norm of law applied loses effect as not in conformity with a higher norm of law in lawful effect.

[20 June 2001]

Section 481. Examination of an Application

An application in connection with newly-discovered circumstances shall be examined by written procedure.

[5 February 2009]

Section 482. Court Decision

(1) After examining the application, a court shall examine whether the circumstances indicated by the applicant are to be found to be newly-discovered circumstances in accordance with Section 479 of this Law.

(2) If a court determines that there are newly-discovered circumstances, it shall revoke the appealed judgment or decision in full or as to part thereof and refer the case for it to be re-examined in a first instance court.
(3) If a court finds that the circumstances indicated in an application are not to be found to be newly-discovered, it shall dismiss the application.
(4) An ancillary complaint may be submitted regarding a decision of the court.

Chapter 60
Examination of Cases in Connection with Breach of Significant Substantive or Procedural Norms of Law

Section 483. Submitting a Protest

A protest regarding a court decision that has entered into effect may be submitted to the Senate by the Prosecutor General or the senior prosecutor of the Department for the Protection of the Rights of Individuals and State of the Office of the Prosecutor General, provided that not more than 10 years have elapsed since the decision entered into effect.
[29 November 2012]

Section 484. Grounds for Submitting a Protest

The grounds for submitting a protest regarding a court decision are the breach of substantive or procedural norms of law as has been ascertained in cases which have only been examined in a first instance court, if the court decision has not been appealed in accordance with the procedures laid down in law due to reasons independent of the participants in the case, or the infringement, pursuant to a court decision, of the rights of State or local government institutions or of such persons as were not participants in the case.

Section 485. Procedures for Examining Protests

A protest shall be examined by the Senate in accordance with the procedures laid down in Sections 464-477 of this Law.

Chapter 60.[1]
Re-examining Cases in Connection with Review of a Decision in Cases Provided for in Legal Norms of the European Union
[8 September 2011]

Section 485.[1] Submitting an Application

(1) Re-examination of a case in connection with review of a decision may be initiated by a defendant on the basis of Article 19 of Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims (hereinafter – European Parliament and Council Regulation No 805/2004), Article 18 of Regulation No 861/2007 of the European Parliament and of the Council, Article 20 of European Parliament and Council Regulation No 1896/2006 or Article 19 of Council Regulation No 4/2009, by submitting an application:
1) regarding the review of a judgment or a decision of a district (city) court – to the regional court concerned;
2) regarding the review of a judgment or a decision of a regional court – to the Chamber of Civil Cases of the Supreme Court;

3) regarding the review of a judgment or a decision of the Chamber of the Court – to the Senate Civil Cases Department of the Supreme Court.
(2) The application may be submitted within 45 days from the day when the circumstances of review provided for in the legal norms of the European Union referred to in Paragraph one of this Section have been ascertained.
(3) The application need not be submitted if limitation period has lapsed for the submission of an enforcement document regarding the relevant decision for enforcement.
(4) An application, in which the circumstances that in accordance with the legal norms of the European Union referred to in Paragraph one of this Section may be recognised as circumstances of review of a decision have not been indicated, shall not be accepted and returned to the submitter. A judge shall refuse to accept for examination an application regarding re-examination of a case in connection with review of the decision even then, if the application has been submitted repeatedly and it arises from it that the circumstances for deciding the issue have changed. An ancillary complaint may be submitted regarding such decision of the judge.

Section 485.[2] Examination of an Application

An application regarding review of a decision shall be examined by written procedure.

Section 485.[3] Court Decision

(1) After examining an application, the court shall examine whether the circumstances indicated by the applicant are to be found as circumstances for review of the decision in accordance with the legal norms of the European Union referred to in Section 485.[1], Paragraph one of this Law.
(2) If the court determines that there are circumstances for review of a decision, it shall revoke the appealed decision in full and refer the case for re-examination in a first instance court.
(3) If the court finds that the circumstances indicated in the application are not to be considered as circumstances for review of the decision, it shall dismiss the application.
(4) An ancillary complaint may be submitted regarding a decision of the court.

Part D
Arbitration Court

Division Twelve
Establishment and Operations of an Arbitration Court

Chapter 61
General Provisions

Section 486. Establishment of an Arbitration Court

(1) An arbitration court may be established for the resolution of a specific dispute. The arbitration court may also operate permanently.
(2) A permanent arbitration court shall operate on the basis of rules of procedure, whereas an arbitration court established for the resolution of a specific dispute shall operate in accordance with the procedures laid down in this Law.
(3) A permanent arbitration court may be established by one or more legal persons. The permanent arbitration court shall commence operations after registration in the Arbitration Court Register. The Enterprise Register shall maintain the Arbitration Court Register. The

Cabinet shall determine amount of the State fee for the making of a record in the Arbitration Court Register, the procedures for the payment thereof and rebates.
(4) In order for an arbitration court to register in the Arbitration Court Register, the founders of the arbitration court shall submit to the Enterprise Register the rules of procedure of the arbitration court and other documents in accordance with laws and regulations regarding the procedures for the registration of an arbitration court.
(5) The name of a permanent arbitration court may not coincide with the name of an arbitration court already registered or a registration applied for, as well as it may not include misleading information regarding important circumstances of the operation of the arbitration court. The restrictions and provisions for distinction specified for merchants in respect of the selection of a firm name shall also apply to the names of arbitration courts.
(6) The resolution of disputes by an arbitration court is not commercial activity.
[17 February 2005; 8 September 2011]

Section 486.[1] Arbitration Court Rules of Procedure

(1) The rules of procedure of a permanent arbitration court shall indicate:
1) the name of the arbitration court. In addition to the name of the arbitration court in Latvian, the rules of procedure may indicate the name of the arbitration court in one or more foreign languages;
2) the procedures for appointing, removal and ending powers of arbitrators;
3) the procedures by which the signature of arbitrators on awards shall be certified;
4) the procedures for preparing the arbitration court proceedings;
5) the procedures for resolving disputes – procedural time periods, the procedures for the renewal or extension thereof, the procedures for the submission of counterclaims, the procedures for the deferment and extension of the resolution of disputes and other procedural issues;
6) the name (firm name) of the founders;
7) other provisions, which are not in contradiction with the law.
(2) If amendments are made to the rules of procedure, the text of the amendment, as well as the new version of the full text of the rules of procedure shall be submitted to the Enterprise Register. Amendments to the rules of procedure shall acquire lawful effect after the registration thereof.
[17 February 2005]

Section 487. Disputes Resolvable by Arbitration Courts

(1) Any civil dispute may be referred for resolution to an arbitration court, with the exception of a dispute:
1) the award of which may infringe the rights or the interests protected by law of such a person as is not a party to the arbitration court agreement;
2) in which a party, albeit even one, is a State or local government institution or the award of the arbitration court may affect the rights of State or local government institutions;
3) which is related to amendments to the Civil Records Registry;
4) which is related to the rights and obligations of persons under guardianship or trusteeship or to their interests protected by law;
5) regarding establishment, alteration or termination of property rights in regard to immovable property, if among the parties to the dispute there is a person whose rights to acquire immovable property in ownership, possession or use are restricted by law;
6) regarding the eviction of a person from living quarters;
7) between employees and employers if the disputes has arisen entering into, amending, terminating or implementing an employment contract, as well as in applying or

translating provisions of laws and regulations, collective labour contract or working procedures (individual labour rights dispute);

8) regarding the rights and obligations of such persons in respect of whom, until the taking of the decision of the arbitration court, cases regarding insolvency proceedings or legal protection proceedings have been proposed.

(2) Disputes related to issues to be examined according to special trial procedures shall not be resolved in the arbitration court.

[31 October 2002; 17 February 2005; 1 November 2007]

Section 488. Procedural Norms Applicable to Resolution of Disputes

Only the procedural norms provided for in Part D of this Law, except insofar as this Part may otherwise provide, shall be binding on an arbitration court.

Section 489. Norms of Substantive Law Applicable to Resolution of Disputes

(1) In resolving a dispute, an arbitration court shall first consider whether the parties have agreed as to what laws or what customary transaction practices their mutual relations are to be discussed pursuant to. Such agreement shall apply to the extent it does not conflict with the provisions of Sections 19, 24 and 25 of The Civil Law.

(2) If such an agreement does not exist or the arbitration court has found it to be invalid, the law applicable to the legal relations of the parties shall be determined in accordance with the provisions of the Introduction to The Civil Law.

Chapter 62
Arbitration Court Agreement

Section 490. Concept of an Arbitration Court Agreement

(1) An arbitration court agreement is an agreement entered into by parties in accordance with the procedures provided for by this Law regarding the referring of a dispute for resolution to an arbitration court.

(2) Parties may agree to refer a dispute as has arisen or as may arise in the future for resolution to an arbitration court.

Section 491. Parties to an Arbitration Court Agreement

An arbitration court agreement may be entered into by:

1) a natural person who has the capacity to act, irrespective of his or her citizenship and place of residence;

2) a legal person registered in Latvia or in a foreign state;

3) other private law subjects.

[17 February 2005]

Section 492. Form of an Arbitration Court Agreement

(1) An arbitration court agreement shall be entered into in written form. It may be included in any agreement as a separate provision (an arbitration court clause).

(2) Such agreement as has been entered into by exchange of letters, faxes or telegrams or use of other means of telecommunication as ensure that the intent of both parties to refer a dispute or a possible dispute for resolution to an arbitration court is recorded, shall also be considered an agreement in writing.

(3) The agreement may include a stipulation regarding the procedures for resolution of disputes in accordance with the rules of procedure of the arbitration court or with the agreement of the parties.
(4) An arbitration court agreement may be rescinded or amended pursuant to an agreement in writing between the parties.

Section 493. Validity of an Arbitration Court Agreement

(1) Persons who have entered into an agreement to refer a dispute for examination to an arbitration court do not have the right to withdraw therefrom unless the arbitration court agreement has been amended or rescinded pursuant to the procedures stipulated by law or by the agreement.
(2) An arbitration court agreement shall be in effect so long as the legal relations in connection with which, it has been entered into have not been terminated.
(3) If an agreement to refer a dispute for resolution to an arbitration court is contained in a contract entered into by parties as a separate provision, such agreement shall be regarded as an independent agreement. If the time period of the contract has expired or the contract has been declared to not be in effect, the agreement to refer a dispute for resolution to an arbitration court shall remain in effect.
(4) Each party has the right to unilaterally withdraw from the arbitration court agreement, upon notification to the other party thereof, if the parties have not stipulated another time period for examination of the case by an arbitration court and if one of the following provisions applies:
1) during the arbitration court proceedings the composition of the arbitration court has not been established, or no procedural activities have been performed, for more than four months;
2) the arbitration court has not completed examination of the dispute with a decision within one year from the initiation of the arbitration court proceedings.

Section 494. Law Applicable to an Arbitration Court Agreement

If an arbitration court agreement does not stipulate under the laws of what state the validity of such agreement is to be determined, the applicable law for the arbitration court agreement shall be determined in accordance with Sections 19 and 25 of The Civil Law.

Chapter 63
Preparation Regarding Arbitration Court Proceedings

Section 495. Determination of Allocation in Relation to Disputes

(1) The arbitration court itself shall decide as to allocation in relation to a dispute, including in cases where one of the parties disputes the existence or the being in effect of the arbitration court agreement.
(2) A submission regarding the fact that a dispute is not to be allocated to an arbitration court may be submitted by a party until the day when the time period for submission of a reference expires.
(3) An arbitration court may decide a case regarding determination of allocation in relation to a dispute at any stage of the arbitration court proceedings.

Section 496. Securing a Claim before the Claim is Brought in Disputes which are Subject to Resolution by an Arbitration Court

(1) Pursuant to an application by a potential plaintiff, a court may, based on the location of the debtor or the location of the property of the debtor, secure a claim before it is made in accordance with the procedures laid down in Section 139 of this Law. The same court shall, pursuant to petition by a party or an arbitration court, decide as to revocation or varying the security for the claim.
(2) An application for the securing of a claim or an application for varying security for a claim shall not be considered as failure to observe the arbitration court agreement and shall not impede the resolution of a dispute by an arbitration court.
[7 September 2006]

Section 497. Arbitrator

(1) An arbitrator is a person who, in conformity with the provisions of an arbitration court agreement and of this Law, is appointed to resolve a dispute.
(2) Any person of legal age in relation to whom trusteeship has not been established, regardless of his or her citizenship and place of residence, who has an impeccable reputation, who has acquired higher vocational or academic education (except first level vocational education) and the qualification of a lawyer, who has at least three-year practical work experience in working in the position of academic staff specialising in law at an institution of higher education or in another position specialising in law and to whom the restrictions referred to in Paragraph four of this Section do not apply, may be appointed as an arbitrator, if such person has agreed in writing to be an arbitrator.
(3) Arbitrators shall perform their obligations in good faith, without being subject to any influence; they shall be objective and independent.
(4) The following persons may not be appointed as an arbitrator:
1) who do not conform to the requirements of Paragraph two of this Section;
2) who have been recognised as suspects or accused in criminal proceedings regarding committing an intentional criminal offence;
3) against whom criminal proceedings regarding committing an intentional criminal offence have been terminated for reasons other than exoneration;
4) who have been punished for committing an intentional criminal offence – regardless of conviction being extinguished or removed;
5) who have previously committed an intentional criminal offence, but who have been released from serving the sentence due to a limitation period, amnesty or clemency.
[29 November 2012 See Paragraphs 65, 66 and 67 of Transitional Provisions]

Section 498. Number of Arbitrators

(1) The number of arbitrators shall be comprised of an odd number. If parties have not agreed as to the number of arbitrators, the arbitration court shall consist of three arbitrators.
(2) An arbitration court may also consist of one arbitrator, if the parties agree thereto.

Section 499. Appointing of Arbitrators

(1) The procedures regarding appointing of arbitrators shall be determined by the parties.
(2) Parties may entrust the appointing of arbitrators to any natural or legal person having the capacity to act.
(3) If the parties have agreed that a dispute shall be referred to be resolved by a permanent arbitration court, but have not agreed regarding the procedures for the appointing of arbitrators, the arbitrators shall be appointed in accordance with the rules of procedure of the arbitration court, taking into account the equality of the parties.

(4) If parties have not agreed regarding the referring of a dispute to a permanent arbitration court and the procedure regarding appointing of arbitrators, each party shall appoint one arbitrator who, agreeing between themselves, shall appoint the third arbitrator, who shall be the chairperson of the arbitration court panel.

Section 500. Dismissal of Arbitrators

If a party has appointed an arbitrator and has notified the other party thereof, the first party may not dismiss such arbitrator without the consent of the other party.

Section 501. Grounds for Removal of an Arbitrator

(1) A person who is requested to consent to being appointed as an arbitrator shall disclose to the parties any circumstances, which could cause well-founded doubt as to the objectivity and independence of such person. If the arbitrator, up to the end of the arbitration court proceeding, knows such circumstances he or she shall without delay disclose them to the parties.
(2) An arbitrator may be removed, if circumstances exist which cause well-founded doubt as to his or her objectivity and independence, as well as if his or her qualifications do not conform to those agreed by the parties and any of the restrictions referred to in Section 497, Paragraph four of this Law are applicable to him or her. A party may remove an arbitrator whom it has appointed or in whose appointment it has participated, only where the grounds for removal have become known to such party after the appointing of the arbitrator.
[29 November 2012]

Section 502. Procedures for Removing an Arbitrator

(1) Parties may agree on the procedures for removing an arbitrator.
(2) Where a permanent arbitration court is resolving a dispute and the parties have not agreed on the procedures regarding removal of an arbitrator, they shall be determined in accordance with the rules of procedure of the arbitration court.
(3) Where a dispute is being resolved by an arbitration court which has been established for the resolution of the specific dispute and the parties have not agreed on the procedures regarding removal of an arbitrator, the party which intends to remove an arbitrator, within 15 days from the day the party is informed of the appointing of such arbitrator or becomes informed of a condition mentioned in Section 501 of this Law, shall send to the arbitrators a notice, setting out therein the arbitrator the party wishes to remove and the grounds for the removal. If the arbitrator to whom the removal has been declared does not withdraw from performing his or her obligations, the other arbitrators shall decide the issue regarding the removal thereof. If a single arbitrator is resolving the dispute, this arbitrator shall decide the issue regarding the removal.

Section 503. Termination of Powers of an Arbitrator

(1) Powers of an arbitrator are terminated:
1) if the removal of the arbitrator is accepted;
2) if the arbitrator has refused to resolve the dispute;
3) if the parties agree on the termination of powers of the arbitrator;
4) upon the death of the arbitrator.
(2) Parties may freely agree as to the procedures for terminating the powers of arbitrators. If the parties have not agreed on the procedures for terminating the powers of arbitrators and a

permanent arbitration court examines the dispute, the provisions of the rules of procedure of the arbitration court shall apply.

Section 504. Appointing of a New Arbitrator

If the powers of an arbitrator are terminated, a new arbitrator shall be appointed in accordance with the procedures laid down in Section 499 of this Law.

Chapter 64
Resolution of a Dispute by an Arbitration Court

Section 505. Equal Rights of and Adversarial Proceedings between Parties

In resolving a dispute, an arbitration court shall observe the principle of equal rights of and adversarial proceedings between parties. Each party has equal right to express their opinion and defend their rights.

Section 506. Determining Arbitration Court Procedures

(1) Parties have the right to freely determine the procedures of the arbitration court.
(2) If parties have agreed to refer a dispute for resolution to a permanent arbitration court, but have not agreed as to the arbitration court procedures, the dispute shall be resolved in accordance with the rules of procedure of the permanent arbitration court.
(3) If an arbitration court, which has been established for the resolution of the specific dispute, resolves a dispute and the parties have not agreed on the arbitration court procedures, the arbitration court shall determine these procedures itself.
(4) The chairperson of the panel of an arbitration court may independently decide procedural issues, if the parties or the other arbitrators have entrusted him or her with this.

Section 507. Time Periods

(1) An arbitration court itself shall set procedural time periods, within the limits of the time periods prescribed in Section 493 of this Law.
(2) A permanent arbitration court shall observe the procedural time periods stipulated in the rules of procedure of the arbitration court.
(3) Procedural time periods in a permanent arbitration court shall be renewed pr extended in accordance with the procedures laid down in the rules of procedure thereof.
[17 February 2005]

Section 508. Place for Resolving a Dispute

Parties have the right to freely determine the place for resolution of a dispute. If the parties have not agreed thereto, the arbitration court shall determine the place for resolution of the dispute.

Section 509. Language of the Arbitration Court

(1) The proceedings of an arbitration court shall be conducted in the official language. The proceedings may be conducted in another language if the parties have agreed thereto.
(2) If any of the participants in the proceedings does not understand the language in which the proceedings are conducted, the arbitration court shall summon an interpreter. The arbitration court shall determine the procedures pursuant to which the interpreter services are paid for.

(3) An arbitration court may require from parties a translation of any documentary evidence, or a translation certified by a notary, into the language in which the proceedings is conducted.

Section 510. Representation of Parties

(1) Natural persons shall conduct their cases in an arbitration court themselves or through their authorised representatives.
(2) Cases of legal persons shall be conducted in an arbitration court by their officials who act within the scope of the authorisation conferred pursuant to law, articles of association or by-law, or by other authorised representatives of legal persons.
(3) Parties may retain advocates to provide legal assistance during the arbitration court procedure.
[20 June 2001]

Section 511. Expenses of an Arbitration Court Procedure

(1) Expenses of an arbitration court procedure shall include expenses relating to examination of a dispute, as well as fees paid to an arbitrator.
(2) The amount of expenses of an arbitration court procedure, as well as the term and procedures for payment shall be determined by the arbitration court, taking into account the amount claimed, complexity of the dispute and provisions referred to in the arbitration court agreement.
(3) An arbitration court, which has been established for the resolution of a specific dispute, shall determine the fees to be paid to an arbitrator after the appointing of the arbitrator provided that the parties have not specified otherwise in their agreement.

Section 512. Confidentiality of an Arbitration Court Procedure

(1) Arbitration court hearings shall be closed. Persons, who are not participants in the case, may be present at an arbitration court hearing only with the consent of the parties.
(2) An arbitration court shall not provide to third persons or publish information concerning arbitration court proceedings.

Section 513. Initiation of an Arbitration Court Procedure

(1) The proceedings in an arbitration court established for the resolution of a specific dispute, if the parties have agreed in the arbitration court agreement on the composition of the arbitration court, or in a permanent arbitration court shall begin from the time of submission of a statement of claim.
(2) The proceedings of an arbitration court which has been established for the resolution of a specific dispute, if the parties have not agreed in the arbitration court agreement on the composition of the arbitration court, shall begin from the time of receipt by the defendant of a true copy of the statement of claim and of notification of the appointing of an arbitrator.

Section 514. Submission of a Statement of Claim

(1) A statement of claim shall be submitted to an arbitration court in writing.
(2) There shall be set out in the statement of claim:
1) information concerning the parties:
a) for legal persons: their name and legal address and, if known to the plaintiff, their registration number and telephone number;

b) for natural persons: their given name, surname and place of residence and, if known to the plaintiff, their personal identity number and telephone number;

2) the subject-matter of the claim, the amount claimed and the calculation of the amount claimed;

3) the grounds for the claim and evidence in proof thereof;

4) the claims of the plaintiff;

5) a list of accompanying documents.

(3) A statement of claim shall be accompanied by:

1) the agreement of the parties regarding the arbitration court unless such agreement is contained in an agreement in connection with which the dispute has arisen;

2) the agreement in connection with which the dispute has arisen;

3) the documents referred to by the plaintiff in the statement of claim;

4) evidence that the statement of claim has been sent to the defendant.

[29 November 2012]

Section 515. Response to a Claim

(1) A defendant shall submit a response to a claim within the time period specified by the parties or by the arbitration court. The time period for the submission of the response may not be less than 15 days, counting from the day of the sending of the request for a response to the claim.

(2) The response to a claim shall indicate:

1) whether he or she admits the claim in full or a part thereof;

2) his or her objections to the claim and the justification thereof;

3) evidence, which certify his or her objections to the claim and the justification thereof, as well as the law upon which they are based;

4) requests for the acceptance or request thereof of evidence;

5) other circumstances, which he or she considers to be important in examination of the case.

[17 February 2005]

Section 516. Counterclaim

(1) Parties may freely agree as to procedures regarding submission of a counterclaim, if the subject of the counterclaim is included in an arbitration court agreement.

(2) If parties have agreed to refer a dispute for resolution to a permanent arbitration court, but have not agreed on the procedures regarding submission of a counterclaim, these shall be determined by rules of procedure of the permanent arbitration court.

(3) If a dispute is being resolved by an arbitration court established for the resolution of the specific dispute and the parties have not agreed on the procedures regarding submission of a counterclaim, the defendant has the right to submit a counterclaim not later than the expiry of the time period set for the submission of a response.

Section 517. Amendment and Supplementation of a Claim

Unless otherwise agreed by the parties, a party may amend or supplement a claim during all of the time of the arbitration court procedure, until the resolution of the dispute is commenced.

Section 518. Resolution of a Dispute by an Arbitration Court

(1) An arbitration court, observing the arbitration court agreement entered into by parties, shall hold hearings to hear the explanations and objections of the parties and to examine evidence (oral procedure) or shall resolve a dispute on the basis of the documentary evidence and submitted materials only (written procedure). The arbitration court shall also organise oral procedure where the parties have agreed on written procedure, but one of the parties, up until the making of the decision, requests oral procedure.
(2) An arbitration court shall in good time notify parties of an arbitration court hearing. The notification of the first arbitration court hearing shall be sent to the participants in the case not later than 15 days prior to the hearing if the parties have not agreed to a shorter time period.
(3) An arbitration court shall acquaint the parties with any submissions, documents and other information, which it has obtained, as well as with expert opinions and other evidence.
(4) In accordance with the procedures of the rules of procedure of a permanent arbitration court, a decision may be taken regarding the deferment of the resolution of the dispute and other issues without adjudicating the case according to substance.
[17 February 2005]

Section 519. Correspondence

(1) During an arbitration procedure all notifications, applications and other forms of correspondence shall be sent by registered mail or in another manner, recording the fact of it being sent, or shall be delivered to the addressee personally to be signed.
(2) Correspondence shall be considered as received, if it is delivered to the addressee personally, or pursuant to the mailing address indicated by the addressee, or to the legal address of a legal person, or to the place of residence of a natural person, but if the address cannot be determined, to the last known address.
[29 November 2012]

Section 520. Consequences, if Parties do not Participate in the Arbitration Procedure

(1) If a defendant does not submit a response to a claim in accordance with Section 515 of this Law, an arbitration court shall continue the procedure without considering such failure to submit as recognition of the claim, unless provided otherwise by the arbitration court agreement.
(2) If parties, without justified cause, fail to attend an oral hearing or to submit documentary evidence, an arbitration court shall continue the procedure and resolve the dispute on the basis of the evidence at its disposal.

Section 521. Evidence

(1) Means of evidence in an arbitration court may consist of clarifications by the parties, documentary evidence, real evidence or expert opinions.
(2) Evidence shall be submitted by the parties. Each party shall evidence the circumstances to which they refer as a basis for their claims and objections. An arbitration court may require the parties to submit supplementary documents or other evidence.
(3) Documentary evidence shall be submitted in the form of an original or of a true copy. If a party submits a true copy of a document, an arbitration court may itself, or upon request of the other party, require that the original document be submitted. The arbitration court shall return an original document, upon request of the person who has submitted such document, leaving a certified true copy of it in the materials of the procedure.

(4) An arbitration court itself shall determine the admissibility and eligibility of evidence.
[17 February 2005]

Section 522. Expert-examination

(1) Unless the arbitration court agreement provides otherwise, an arbitration court, upon request of a party, may order an expert-examination and invite one or several experts. An expert-examination shall take place only if the party has previously paid for the services of the expert.
(2) Parties, pursuant to the requirement of the arbitration court, shall submit necessary information or documents and present goods or other articles to an expert.
(3) Upon request of a party, an arbitration court shall summon an expert, following the giving of an opinion, to participate in an arbitration court hearing in order to provide explanations and answer questions of the parties concerning the opinion.
(4) An arbitration court shall determine the procedures regarding distribution between parties of the costs of expert services.
[17 February 2005]

Section 523. Security for a Claim [17 February 2005]

Section 524. Procedural Consequences of Withdrawal by a Party

(1) The fact that a natural person who is a party dies or a legal person who is a party has ceases to exist, shall not of itself terminate an arbitration court agreement if it is not otherwise agreed to by the parties and the disputed legal relations allow the taking over of rights.
(2) In such case the arbitration court shall stay the arbitration court proceeding until the successor in rights is determined.
(3) Cession of a claim or assignment of a debt may be the basis for termination of an arbitration court proceeding only in those cases where the arbitration court agreement is cancelled in accordance with the procedures stipulated by law or by the agreement.

Section 525. Rights to Object

(1) If any of the provisions of the arbitration court procedure has been violated or has not been complied with, a party who is participating in the arbitration court proceeding, as soon as such violation has come or ought to have come to their knowledge, shall without delay submit objections in writing to the arbitration court and to the other party.
(2) The arbitration court shall decide if the objections are well-founded.
(3) If a party does not submit objections, it shall be deemed that the party has waived the right to raise such objections.

Section 526. Minutes

(1) Minutes of an arbitration court hearing shall be taken only if any of the parties requests it and has paid in remuneration for secretarial services to the arbitration court.
(2) The minutes shall be taken by the secretary chosen by the arbitration court.
(3) The minutes shall be signed by all the arbitrators and the secretary. The parties have the right to acquaint themselves with the minutes and within five days after the signing thereof submit in writing comments or objections regarding the minutes. The validity of grounds for objections or the conformity of comments to what has occurred at the hearing shall be decided by the arbitration court.
[17 February 2005]

Section 527. Storage of Procedure Documents after Completion of the Arbitration Court Procedure

(1) If a dispute is resolved by a permanent arbitration court, proceedings documents shall remain in storage at the arbitration court for 10 years after the completion of the arbitration court proceedings. The arbitration court shall store the documents in accordance with the archival storage procedures provided for in law.
(2) If a dispute is resolved by an arbitration court which has been established for the resolution of the specific dispute, procedure documents shall be drawn up in such number of copies as enables their supply in one copy to each party after completion of the arbitration court procedure.
[17 February 2005]

Chapter 65
Awards by an Arbitration Court

Section 528. Making of Awards by an Arbitration Court

(1) All awards (decisions and judgments) in an arbitration court, if it consists of more than one arbitrator, shall be made by a majority vote.
(2) An award of an arbitration court shall come into effect on the day it is made. It may not be appealed and a protest regarding it may not be submitted.

Section 529. Settlement

(1) If parties during an arbitration court procedure enter into a settlement, the arbitration court procedure shall be terminated.
(2) Parties shall enter into a settlement in writing and set out therein: for legal persons, their name, registration number and legal address and for natural persons, their given name, surname, personal identity number and place of residence, as well as the subject-matter of the dispute and the obligations of each of the parties as they have voluntarily undertaken to perform.
(3) Upon request of the parties, an arbitration court, by its decision, shall confirm a settlement provided that the provisions thereof are not contrary to law. Such decision shall have the same lawful effect as arbitration court judgments.
[17 February 2005; 29 November 2012]

Section 530. Arbitration Court Judgments

(1) A judgment of an arbitration court shall be made in writing and it shall be signed by the arbitrators. If the arbitration court consists of several arbitrators, the judgment shall be signed by all the arbitrators, but if any of the arbitrators does not sign the judgment, there shall be set out in the arbitration court judgment the reasons why his or her signature is missing.
(2) There shall be set out in the judgment:
1) the composition of the arbitration court;
2) the time and place of the giving of the judgment;
3) information concerning the parties;
4) the subject of the dispute;
5) the reasons for judgment unless otherwise agreed by the parties;
6) the conclusion regarding complete or partial satisfaction of the claim, or the complete or partial dismissal thereof, and the substance of the arbitration court judgement;

7) the amount to be recovered, if the judgment is given regarding recovery of money;

8) the specific property and the value thereof, which is to be recovered in the event the property does not exist, if the judgment is given regarding recovery of property in specie;

9) by whom, what and within what time period actions are to be fulfilled, if the judgment imposes an obligation to fulfil certain actions;

10) what part of the judgment refers to each plaintiff, if the judgment is made for the benefit of more than one plaintiff or what part of the judgment is to be fulfilled by each of the defendants, if the judgment is made against more than one defendant;

11) the costs of the arbitration court procedure and the allocation of such costs and the costs of legal assistance among the parties.

(3) A true copy of the arbitration court judgment shall be sent to the parties. In the case of written procedure, the true copy of the arbitration court judgment shall be sent to the parties within a period of three days.

(4) Until the enforcement of the judgment each party, notifying the other party thereof, may request an arbitration court to:

1) correct any calculation, grammatical or printing error allowed to take place in the judgment. The arbitration court may also correct such errors on its own initiative;

2) explain the judgment. The explanation of the judgment from the time of its making shall become an integral part of the judgment; or

3) make a supplementary judgment within 30 days from the day the judgment is sent, if any of the claims submitted until the making of the judgment has not been decided. If the arbitration court deems the request to be well founded, it shall decide such request by giving a supplementary judgment.

(5) The arbitration court shall decide whether the participation of the parties, in the deciding of such issue by the arbitration court, is necessary.

[17 February 2005]

Section 531. Procedures for Certifying Signatures of Arbitrators on an Award

In a permanent arbitration court the procedures for certifying signatures of arbitrators on an award shall be as determined by the rules of procedure of the permanent arbitration court, but in an arbitration court which has been established for the resolution of a specific dispute, prior to an award being issued, the signatures of the arbitrators shall be notarially certified.

Section 532. Termination of an Arbitration Court Proceeding

(1) An arbitration court shall take a decision to terminate an arbitration court proceeding if:

1) the plaintiff withdraws his or her claim and the defendant does not object thereto;

2) the parties agree to terminate the dispute through settlement;

3) the arbitration court agreement has, in accordance with the procedures laid down in law or by the agreement, ceased to be in effect;

4) the arbitration court finds that the dispute is not be allocated to the arbitration court; or

5) a natural person who is one of the parties dies, or a legal person who is one of the parties ceases to exist, and the legal relations do not allow the taking over of rights or the parties have agreed that in such case the procedure is to be terminated.

(2) If an arbitration court proceeding has been terminated for the reasons set out in Paragraph one, Clause 1 or 2 of this Section, a repeated bringing before an arbitration court or bringing before a court of a dispute between the same parties, over the same subject and on the same basis shall not be permitted.

(3) If an arbitration court proceeding has been terminated for the reasons set out in Paragraph one, Clause 3 or 4 of this Section, or if a natural person who is one party dies, or a legal person who is one party ceases to exist, and the parties have agreed that in such case the arbitration court proceeding shall be terminated, the parties shall have the right to bring the case before a court.

Chapter 66
Enforcement of Arbitration Court Awards

Section 533. Procedures Regarding Enforcement of Arbitration Court Awards

(1) An award of an arbitration court is mandatory for the parties and shall be enforced voluntarily by them within the time period stipulated in such award. For the voluntary enforcement of a judgment a time period not less than five days shall be determined.
(2) If an award of a permanent arbitration court is to be enforced in Latvia and is not being enforced voluntarily, the interested party is entitled to apply to the district (city) court based on the declared place of residence, but if none, the place of residence of a debtor or his or her legal address with an application for issue of a writ of execution for enforcement of the permanent arbitration court award.
[17 February 2005; 5 February 2009; 29 November 2012]

Section 534. Submission of an Application for Enforcement of an Arbitration Court Award

(1) An application for the issue of a writ of execution shall be accompanied by:
1) the award of the arbitration court;
2) a document which confirms the agreement in writing by the parties to refer a dispute for examination to an arbitration court, or a true copy of it certified by a notary;
3) true copies of the application in conformity with the number of the remaining participants in the case;
4) a document concerning payment of the State fees;
5) a statement that certifies the declared place of residence of the natural person.
(2) The documents shall be submitted in the official language or together with a notarially certified translation into the official language.
(3) Upon request of a party, the award of the arbitration court may be returned, substituting therefor a certified true copy.
[31 October 2002; 17 February 2005]

Section 534.[1] Sending of an Application to Participants in the Case

(1) When a court has received an application regarding the issuing of a writ of execution, the application shall without delay be sent to the remaining participants in the case by registered mail, determining a time period for the submission of written explanations, which is not less than 10 days and more than 15 days from the day of the sending of the application.
(2) In the explanation the participants in the case shall indicate:
1) whether he or she admits the application in full or a part thereof;
2) his or her objections to the application and the justification thereof;
3) evidence, which certify his or her objections and the justification thereof, as well as the law upon which they are based;
4) requests for the acceptance or request thereof of evidence;
5) other circumstances, which he or she considers to be important in the examination of the application.

(3) The participant in the case shall attach to the explanation true copies thereof in conformity with the number of the remaining participants in the case.
(4) After receipt of the explanation, the judge shall send the true copies thereof to the remaining participants in the case.
(5) The non-submission of an explanation shall not be an obstacle for examination of the issuing of a writ of execution.
[17 February 2005; 5 February 2009]

Section 535. Deciding on Application Regarding Enforcement of an Award by an Arbitration Court

(1) A decision to issue of a writ of execution or a reasoned refusal to issue such shall be taken by a judge on the basis of the submitted documents without summoning the parties, within 10 days from the day when the time period for the submission of explanations has ended, but if the explanations have been sent to the remaining participants in the case – within 10 days from the day the explanations were sent. In taking a decision to issue a writ of execution, the judge shall also decide the issue whether the State fee for the issue of a writ of execution shall be compensated.
(2) A decision to issue a writ of execution shall enter into effect without delay.
(3) An ancillary complaint may be submitted regarding a decision to refuse to issue a writ of execution within 10 days from the day the plaintiff receives a true copy of the decision.
[17 February 2005]

Section 536. Grounds for a Refusal to Issue a Writ of Execution

(1) A judge shall refuse to issue a writ of execution, if:
1) the particular dispute may be resolved only by a court;
2) the arbitration court agreement has been entered into by a person in relation to whom trusteeship has been established or a minor;
3) the arbitration court agreement, in accordance with the law applying thereto, has been revoked or declared null and void;
4) the party was not notified of the arbitration court proceedings in the appropriate manner, or due to other reasons was unable to submit his or her explanations, and this significantly has or could have affected the arbitration court proceedings;
5) the party was not notified of the appointing of an arbitrator in the appropriate manner, and this significantly has or could have affected the arbitration court proceedings;
6) the arbitration judge does not conform to the requirements of Section 497, Paragraph two of this Law, the arbitration court was not established or the arbitration court proceedings did not take place in accordance with the provisions of the arbitration court agreement or of Part D of this Law; or
7) the award of the arbitration court was made regarding a dispute which was not provided for in the arbitration court agreement or does not conform to the provisions of the arbitration court agreement, or also issues are decided in it as are not within the scope of the arbitration court agreement.
(2) If it is not possible to issue a writ of execution due to the reasons referred to in Paragraph one of this Section for some part of decision, it may be issued for the remaining part of the decision of the arbitration court.
[17 February 2005; 8 September 2011; 29 September 2012]

Section 537. Consequences of Refusal to Issue a Writ of Execution

After a decision to refuse to issue a writ of execution has entered into effect:

1) the dispute may be resolved in a court according to general procedure, if issue of the writ of execution has been refused on the basis of Section 536, Paragraph one, Clauses 1, 2, 3 and 7 of this Law;

2) the dispute may be repeatedly referred for resolution to an arbitration court, if the issue of the writ of execution has been refused on the basis of Section 536, Paragraph one, Clauses 4, 5 and 6 of this Law.

[17 February 2005; 8 September 2011]

Part E
Enforcement of Court Judgments

Division Thirteen
General Provisions Regarding Enforcement of Court Judgments

Chapter 67
Enforcement Documents

Section 538. Enforcement of Court Judgments and Decisions

Court judgments and decisions shall be enforced after they enter into lawful effect, except in cases where pursuant to law or a court judgment they are to be enforced without delay. The indication that the judgment and decision shall be enforced without delay must be contained in the writ of execution itself.

[31 October 2002]

Section 539. Decisions of Courts and Other Institutions, which must be Enforced

(1) In accordance with the procedures laid down for the enforcement of court judgments by this Law, the following court decisions, decisions of judges or decisions of other institutions shall be enforced:

1) court judgments and decisions by a court or a judge in civil cases and in cases which arise out of administrative legal relations;

2) recovery;

3) in such part of decisions by a judge or a court in cases regarding administrative violations as pertains to financial recovery;

4) court decisions on approval of settlements;

5) awards by a permanent arbitration court;

6) decisions by foreign courts or competent authorities and foreign arbitration courts in cases provided for in law;

7) court decisions on application of procedural sanctions – imposition of fines;

8) decisions by labour disputes commissions;

9) decisions of the institution regulating State public utilities (hereinafter – regulator) regarding examination of a dispute.

(2) The following shall also be enforced in accordance with the procedures laid down for the enforcement of court judgments unless otherwise provided for by the law:

1) decisions by institutions and officials in administrative violations and law violations cases in cases provided for in law;

2) administrative acts directed to the payment of money issued by institutions and officials endowed with State authority;

3) decisions of persons belonging to the judicial system (notaries, advocates, bailiffs) regarding remuneration for work, remuneration for legal assistance provided and expenses related to services provided, and the State fee;

4) the statements of the Council of Europe, Commission or European Central Bank adopted in accordance with Article 299 of the Treaty on the Functioning of the European Union.

(3) In accordance with the procedures laid down in Section 142 of this Law, decisions of the competent authorities regarding forced enforcement of sanctions specified by international organisations shall be enforced.

[31 October 2002; 12 February 2004; 7 April 2004; 17 February 2005; 7 September 2006; 26 October 2006; 5 February 2009; 8 September 2011]

Section 540. Enforcement Documents

Enforcement documents are:

1) writs of execution which are issued on the basis of court judgments or decisions by a court or a judge in civil cases, as well as in cases which arise out of legal administrative relations and criminal cases, court decisions on approval of settlements, permanent arbitration court decisions, decisions by a labour disputes commission, decisions by a regulator on examination of a dispute and decisions of foreign courts and foreign arbitration courts, in accordance with the statements of the Council of Europe, Commission or European Central Bank adopted in accordance with Article 299 of the Treaty on the Functioning of the European Union;

2) decisions by institutions and officials in administrative violations and law violations cases;

3) enforcement orders issued the basis of administrative acts (Section 539, Paragraph two, Clause 2 of this Law);

4) decisions by a judge on carrying out of undisputed enforcement of obligations, enforcement of obligations according to warning procedures or the voluntary sale at auction of immovable property through the court;

5) court decisions on application of procedural sanctions – imposition of a fine;

6) invoices issued by notaries, advocates and bailiffs;

7) European Enforcement Order issued by a foreign court or competent authority in accordance with European Parliament and Council Regulation No 805/2004;

8) certificates issued by foreign courts or competent authorities in accordance with Article 41(1) or Article 42(1) of Council Regulation No 2201/2003;

9) decisions by competent authorities on forced enforcement of sanctions specified by international organisations;

10) a certificate issued by a court, also a foreign court, in accordance with Article 20(2) of Regulation No 861/2007 of the European Parliament and of the Council;

11) a European order for payment issued by a court, also a foreign court, in accordance with Article 18 of Regulation No 1896/2006 of the European Parliament and of the Council;

12) a court decision on permission for a secured creditor to sell the pledged property of the debtor in the legal protection proceedings (Section 37, Paragraph two of the Insolvency Law);

13) an extract from the decision issued by the court or competent authority of the foreign country in accordance with Article 20(1)(b) of the Council Regulation No 4/2009;

14) an extract from the authentic instrument issued by the competent authority of the foreign country in accordance with Article 48 of the Council Regulation No 4/2009;

15) the uniform instrument permitting enforcement in the requested Member State and laid down in Annex II to Commission Implementing Regulation (EU) No 1189/2011 of 18 November 2011.
[31 October 2002; 19 June 2003; 7 April 2004; 17 February 2005; 7 September 2006; 26 October 2006; 5 February 2009; 30 September 2010; 9 June 2011; 8 September 2011; 15 March 2012]

Section 541. Issuing of Writs of Execution

(1) A writ of execution shall be drawn up by a first instance court or an appellate instance court after a judgment or a decision has entered into lawful effect, but in cases where the judgment or the decision is to be enforced without delay, immediately after the judgment is declared or the decision taken.
(2) If the enforcement of the court judgment specifies a time period for voluntary enforcement and the judgment has not been enforced, a court shall issue the writ of execution after the termination of the time period for voluntary enforcement.
(3) A writ of execution shall be issued to a creditor at his or her written request by the court in which the case is then found.
(3^1) In the case referred to in Section 539, Paragraph two, Clause 4 of this Law a writ of execution shall be issued to a creditor upon his or her written request by the Riga City Central District Court.
(3^2) In the case referred to in Sections $544.^1$ and $544.^2$ of this Law a writ of execution shall be issued to a creditor upon his or her written request by the district (city) court based on the place of enforcement of the decision or based on the declared place of residence, but if none, the place of residence of a debtor – natural person or based on the legal address of a legal person.
(4) If in accordance with a court judgment an amount of money is to be collected as State revenues, after the termination of the time period for voluntary enforcement a court shall send a writ of execution to a bailiff based on the declared place of residence, but if none, the place of residence of a debtor, if a natural person, or the legal address, if a legal person.
[31 October 2002; 17 February 2005; 5 February 2009; 8 September 2011; 29 November 2012]

Section $541.^1$ European Union Enforcement Documents and Service of Documents Associated with Enforcement

(1) A court shall draw up a European Enforcement Order based upon European Parliament and Council Regulation No 805/2004 on the basis of request from a creditor when the judgment or decision has entered into lawful effect, but in cases where the judgment or decision has to be enforced without delay – immediately after declaration of the judgment or the taking of the decision.
(2) A court shall draw up the certificate referred to in Article 41(1) or Article 42(1) of Council Regulation No 2201/2003, based upon the provisions of the regulation, on its own initiative or the request of a participant in the case when the judgment or decision has entered into lawful effect, but in cases where the judgment or decision has to be enforced without delay – immediately after the declaration of the judgment or the taking of the decision.
(3) The certificates referred to in Articles 54 and 58 of Lugano Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial cases of 30 October 2007, Articles 54 and 58 of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (hereinafter – Council Regulation No 44/2001) and Article 39 of Council Regulation No 2201/2003, shall be drawn up by a court upon request of a participant in the case.

(4) A court shall draw up the form referred to in Article 6(2) and (3) of Regulation No 805/2004 of the European Parliament and of the Council upon request of a participant in the case.
(4^1) A court shall draw up the certificate referred to in Article 20(2) of Regulation No 861/2007 of the European Parliament and of the Council upon request of a participant in the case.
(4^2) A court shall draw up a European order for payment in accordance with Article 18 of Regulation No 1896/2006 of the European Parliament and of the Council .
(4^3) The court shall issue the extract from the decision referred to in Article 20(1)(b) of the Council Regulation No 4/2009 upon request of a participant in the case, when the judgment or decision has entered into lawful effect, but in the cases when the judgment or decision is to be enforced immediately – immediately after declaration of the judgment or taking of the decision.
(5) The court in which the case is located at the time shall serve the documents referred to in Paragraphs one, two, three, four, $4.^1$ and $4.^3$ of this Section.
(6) A court shall take a reasoned decision to refuse to serve the documents referred to in Paragraphs one and two of this Section.
(7) An ancillary complaint may be submitted in respect of refusal by a court to serve the documents referred to in Paragraphs one and two of this Section.
[7 September 2006; 5 February 2009; 9 June 2011; 8 September 2011; 29 November 2012]

Section 542. Issuing Several Writs of Execution for One Judgment

(1) One writ of execution shall be issued for each judgment.
(2) If enforcement of a judgment is to be carried out in several places, a judgment in a part thereof is to be enforced without delay or a judgment has been made for the benefit of several plaintiffs or is directed against several defendants, a court shall, upon request of the creditor, issue several writs of execution. Where several writs of execution are issued, there shall accurately be set out in each of them the place of enforcement or that part of the judgment under which such writ of execution is to be enforced, but in cases of joint collection, also the defendant against whom recovery is directed under such writ of execution.
[31 October 2002]

Section 543. Content of a Writ of Execution

(1) There shall be set out 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 decision was made;
4) the operative part of the decision;
5) the time when the decision enters into lawful effect, or an indication that the decision shall be enforced without delay;
6) when the writ of execution was issued;
7) information concerning the creditor and the debtor: for natural persons – the given name, surname, personal identity number, declared place of residence, the additional address (addresses) indicated in the declaration and place of residence, if different, but for legal persons – the name, legal address and registration number;
8) information concerning a child – given name, surname, personal identity number and location – in cases when a decision on return of a child to the state, which is his or her place of residence, is to be enforced.
(2) A writ of execution shall be signed by a judge and shall be confirmed with the seal of the court.

(3) The contents of other enforcement documents shall be as prescribed by applicable laws.
[31 October 2002; 4 August 2011; 29 November 2012]

Section 543.[1] Correction of Errors in European Union Enforcement Documents

(1) A court, which has given a judgment or taken a decision, on the basis of a request by a participant in the case may rectify errors in a European Enforcement Order, based upon Article 10 of Regulation No 805/2004 of the European Parliament and of the Council, or in the certificate referred to in Article 41(1) or Article 42(1) of Council Regulation No 2201/2003, based upon Council Regulation No 2201/2003.
(2) In submitting an application for the rectifying of a European Enforcement Order, the form referred to in Article 10(3) of Regulation No 805/2004 of the European Parliament and of the Council shall be used.
(3) The issue of correction of errors shall be examined in a court hearing, previously notifying the participants in the case regarding this. The non-attendance of such persons shall not be an obstacle for examination of the issue.
(4) The enforcement document errors referred to in Paragraph one of this Section shall be rectified by a court decision.
(5) An ancillary complaint may be submitted in respect of a decision by a court to the correction of errors made in enforcement documents.
[7 September 2006]

Section 544. Issuing a Duplicate Copy of a Writ of Execution

(1) If a writ of execution has been lost, stolen or destroyed the court which has made the decision, pursuant to the application of the creditor, or if this has occurred during the process of enforcement of the judgment, pursuant to the application of the bailiff, may issue a duplicate copy of the writ of execution. There shall be set out in the application the circumstances in which the document was lost, stolen or destroyed.
(2) An application for the issue of a duplicate copy shall be examined in a court hearing, upon prior notice to the creditor and the debtor thereof. The failure of such persons to attend shall not impede examination of the application for the issue of the duplicate copy of the writ of execution.
(3) In making a decision to issue a duplicate copy of a writ of execution, a court shall at the same time declare the lost, stolen or destroyed writ of execution to have ceased to be in effect, and exempt the creditor from the payment of office fees if it is not determined that the creditor is at fault for the loss, destruction or theft of the writ of execution.
(4) An ancillary complaint may be submitted regarding the court decision.
(5) The duplicate copy of the writ of execution shall be issued to the creditor after the decision has come into effect and office fees have been paid, unless the creditor has been exempted therefrom.
[31 October 2002]

Section 544.[1] Enforcement of Decisions by Labour Disputes Commissions

(1) An application submitted to the court regarding issuing of a writ of execution shall be attached by a decision of a labour disputes commission.
(2) A decision to issue a writ of execution or a reasoned refusal to issue such shall be taken by a judge sitting alone on the basis of the submitted application and the decision of the labour disputes commission attached thereto within three days from the day the application was submitted, without summoning the parties.
(3) The decision to issue a writ of execution shall enter into effect without delay.

(4) An ancillary complaint may be submitted regarding a decision to refuse issuing of a writ of execution within 10 days from the day when a true copy of the decision has been issued to the plaintiff.
(5) The court shall refuse issuing of a writ of execution if it finds that in accordance with law the specific dispute may only be resolved at court.
[31 October 2002; 5 February 2009]

Section 544.[2] Enforcement of Decisions by the Regulator on Examination of Dispute

(1) A decision of the regulator on examination of a dispute shall be attached to an application submitted to the court regarding issuing of a writ of execution.
(2) A decision to issue a writ of execution or a reasoned refusal to issue it shall be taken by a judge sitting alone on the basis of the submitted application and the decision of the regulator attached thereto on examination of a dispute within three days from the day when the application was submitted, without summoning the parties.
(3) The decision to issue a writ of execution shall come into effect without delay.
(4) An ancillary complaint may be submitted regarding a decision to refuse issuing of a writ of execution within 10 days from the day when a true copy of the decision has been issued to the plaintiff.
(5) The court shall refuse issuing of a writ of execution if it finds that in accordance with law the specific dispute may only be resolved at court.
[8 September 2011]

Section 545. Liability for Storage of an Enforcement Document

A court may impose a fine not exceeding one hundred lats on an official who has failed to ensure the storage of an enforcement document deposited with him or her.

Section 545.[1] Withdrawal of European Enforcement Orders

(1) A court, which has given a judgment or taken a decision after receipt of an application from a participant in the case, using the form referred to in Article 10(3) of European Parliament and Council Regulation No 805/2004, may withdraw a European Enforcement Order, based upon Article 10 Regulation No 805/2004 of the European Parliament and of the Council.
(2) An application for the withdrawal of a European Enforcement Order shall be examined in a court hearing, previously notifying the participants in the case regarding this. The non-attendance of such persons shall not be an obstacle for examination of the issue.
(3) An ancillary complaint may be submitted in respect of a decision by a court.
[7 September 2006]

Section 546. Time Periods for Submission of Enforcement Documents for their Enforcement

(1) Enforcement documents may be submitted for enforcement within 10 years from the day when a decision by a court or a judge comes into effect, provided that other limitation periods are not provided for in law.
(2) Where periodic payments are recovered as a result of a court judgment, the enforcement document shall remain in effect for the whole period during which the periodic payments have been adjudged, but the running of the time period provided for by Paragraph one of this Section shall begin from the final day for each payment.

(3) Time periods within which other enforcement documents specified in Section 540 of this Law shall be submitted for enforcement shall be prescribed by applicable laws.
[31 October 2002]

Section 547. Suspension of Limitation Periods for Submission of Enforcement Documents

(1) A limitation period shall be stayed upon an enforcement document being submitted for enforcement. The limitation period shall also be stayed by partial voluntary enforcement of a decision.
(2) After suspension, the running of the limitation period shall begin anew, excluding the time period elapsed. If complete recovery has not been made pursuant to the enforcement document and the document has been returned to the creditor, a new time period for submission of the document shall be calculated from the day when it has been provided to the creditor.
[31 October 2002]

Section 547.[1] Time Periods within which Requests for Assistance of Recovery shall be Enforced

If an enforcement document is issued for enforcement of a foreign tax claim, enforcement shall be carried out within a time period indicated in the request of a foreign institution for assistance of recovery, but in case of changes therein within a time period indicated by the foreign institution in the notification lodged to the State Revenue Service.
[15 March 2012]

Chapter 68
Status of a Bailiff

Section 548. Bailiff

(1) Court decisions and other decisions set out in Section 539 of this Law shall be enforced by a bailiff.
(2) Supervision of bailiff's activities shall be performed in accordance with the procedures laid down by this Law and the Law On Bailiffs.
[31 October 2002]

Section 549. General Provisions Regarding the Activities of Bailiffs

(1) A bailiff shall, pursuant to an application in writing by a creditor and in cases set out in law pursuant to the initiative of the Latvian Council of Sworn Bailiffs, competent authorities or a court, commence enforcement activities on the basis of an enforcement document.
(2) A bailiff must accept for enforcement the enforcement document if the place of residence of the debtor (for legal persons — legal address), location of his or her property or workplace is located within the specified borders (district) of the official appointment location of the bailiff, as well as in the case referred to in Paragraph 2.[1] of this Section. A bailiff may also accept other enforcement documents, which are to be enforced within the operational territory of the regional court to which the bailiff is attached.
(2[1]) A bailiff shall accept for enforcement a decision by an institution on forced enforcement of sanctions specified by international organisations, and the amount of the official remuneration rates and the performance of enforcement activities necessary expenses shall be covered from State budget funds according to the procedures stipulated by the Cabinet.

(2[2]) A bailiff shall accept for enforcement an enforcement document regarding return of a child to the state, which is his or her place of residence, or the enforcement document indicated in Section 540, Clause 8 of this Law, if location of the child is within the specified boundaries (district) of the official appointment location of the bailiff.
(3) A bailiff shall perform enforcement of judgments outside the boundaries of his or her district, as well as in relation to debtors whose place of residence (for legal persons — legal address) is another district in communication with the bailiff of the relevant district in accordance with the procedures, which are determined by the Cabinet.
(4) The enforcement of a judgment on Sundays and holidays is permitted only in cases of emergency.
(5) Enforcement of a judgment between 24:00 and 6:00 o'clock is not permitted.
(6) Creditors and debtors have the right to be present during enforcement activities, inviting not more than two witnesses, and to obtain information concerning the enforcement of the judgment.
(7) The bailiff pursuant to his or her own initiative or upon request of the interested party, by taking a relevant decision, may correct clerical mistakes in the procedural documents drawn up in the enforcement cases within his or her management. Prior to correction of mistakes he or she shall request a reference from the persons who participated in the drawing up of the statement. Obvious mistakes may be corrected without requesting a reference. The decision by the bailiff in accordance with which mistakes are corrected shall have no consequences in respect of persons whose rights or obligations arise from the procedural document.
[31 October 2002; 19 June 2003; 7 September 2006; 26 October 2006; 4 August 2011]

Section 550. Withdrawal or Removal of a Bailiff

(1) A bailiff is prohibited from performing enforcement activities in cases, where one of the parties is the bailiff himself or herself, his or her spouse, including former spouse, his or her or his or her spouse's kin in a direct line of all degrees, in collateral line — to the fourth degree and in affinity relations — to the third degree, persons under guardianship and trusteeship of the bailiff or his or her spouse or adopters or adoptees of the bailiff or his or her spouse, as well as in case there are other circumstances under the influence of which the bailiff cannot retain objectivity and neutrality due to justified reasons.
(2) Removal of a bailiff, by submitting a written application to him or her, may be applied for by a creditor or a debtor if there are circumstances, which cause well-founded doubt regarding the objectivity of the bailiff. The bailiff shall decide on the application without delay. A decision by which the application has been left without satisfaction may be appealed to the district (city) court according to the official appointment location of the bailiff. Submission of a complaint shall not stay enforcement activities.
(3) An ancillary complaint may be submitted regarding a court decision to refuse removal of a bailiff.
(4) If a bailiff has withdrawn himself or herself or has been removed, he or she shall transfer enforcement document for enforcement to another bailiff in accordance with the procedures laid down in the Latvian Council of Sworn Bailiffs.
[31 October 2002; 5 February 2009]

Section 551. Mandatory Nature of a Bailiff's Requirements or Orders

(1) Requirements and orders by a bailiff, when executing court judgments and other decisions, are mandatory for all natural or legal persons throughout the territory of the State.
(2) If a bailiff's requirements or orders are not enforced, the bailiff shall draw up a statement and submit it to a court to decide the issue regarding liability. The court may impose a fine on

persons at fault — for a natural person up to two hundred and fifty lats, but for an official up to five hundred lats.
(3) A court may impose a fine not exceeding one hundred lats on a person (employer) who pursuant to a court decision was required to deduct child or parent support and who within the time period laid down in law has not notified the bailiff and the receiver of support, of the dismissal from employment of the payer of support and of his or her new place of work or residence, if such person had knowledge thereof.
(4) If, in a judgment being enforced, resistance is shown, a bailiff shall, in the presence of invited persons, but if is not possible to invite persons – singly, draw up a statement in respect of this, and in order to eliminate impedance apply for assistance to the police. The statement shall be submitted to the court for it to decide the issue regarding the liability of those persons who have resisted the enforcement of the judgment.
(5) If the creditor or the debtor refuses to sign the statement drawn up by the bailiff, a notation in respect of that shall be made in the drawn up statement, specifying the reasons for the refusal. Refusal to sign the statement drawn up by the bailiff shall not affect the effect of the statement.
[31 October 2002; 19 June 2003; 9 June 2011]

Section 552. Obligations of Debtors and Consequences for Failing to Fulfil Them

(1) A debtor, pursuant to a summons, shall attend before a bailiff and provide explanations regarding his or her financial situation and place of work by concurrently notifying regarding the sums against which recovery may not be directed (Section 596).
(2) A debtor shall notify a bailiff of a change of place of work or declared place of residence, the additional address indicated in the declaration or place of residence during enforcement of the decision, as well as of additional sources of income.
(3) If a debtor does not appear before a bailiff pursuant to a summons, refuses to furnish explanations or does not provide the information laid down in law, the bailiff may apply to a court for it to decide the issue regarding the liability of such person. The court may take a decision on the forced conveyance of the debtor, and impose upon a natural person a fine not exceeding fifty lats, but upon an official – not exceeding two hundred and fifty lats.
(4) If it is determined that a debtor has knowingly provided false information, a bailiff shall apply to a court for it to decide the issue regarding the initiation of an administrative violation case or criminal case.
[31 October 2002; 19 June 2003; 8 September 2011; 29 November 2012]

Chapter 69
General Provisions Regarding Enforcement Proceedings

Section 552.[1] Initiation of Enforcement Cases

(1) A bailiff shall initiate a separate enforcement case for each enforcement document received.
(2) If an enforcement document is not formalised in accordance with procedures laid down in law, State fees or other enforcement of judgment expenses have not been paid, the bailiff shall set a time period for rectification of deficiencies which shall not be less than 10 days.
(3) If deficiencies are rectified within the time period specified, an enforcement case shall be initiated and the enforcement document shall be deemed to have been submitted on the date when it was first submitted to the bailiff.
(4) If the creditor fails to rectify deficiencies within the time period specified, the enforcement document shall be deemed not to have been submitted and it shall be returned to the creditor.

(5) Returning of the enforcement document to the creditor is not an impediment for its repeated submission to the bailiff, in conformity with the procedures for submission of enforcement documents laid down in law.
(6) If a bailiff determines that the insolvency proceedings have been declared for the debtor, an enforcement case shall not be initiated and the enforcement document shall be returned to the submitter.
[31 October 2002; 30 September 2010]

Section 553. Explanation of a Court Decision to be Enforced

If the court decision to be enforced is not clear, a bailiff is entitled to request the court which has made the decision, to explain it. Explanation of the decision shall take place in accordance with the procedure specified in Section 202 or 437 of this Law.
[31 October 2002]

Section 554. Postponement, Division into Time Periods, Varying the Form and Procedure of Enforcement of a Judgment

(1) If there are circumstances which make the enforcement of a court judgment difficult or impossible, a bailiff is entitled to submit a proposal for the postponement, division into time periods, varying the form and procedure of enforcement of the judgment to the court which made the judgment in the case.
(2) An application by the bailiff regarding the postponement, division into time periods, varying the form and procedure of enforcement of the judgment shall be examined by the court in accordance with the procedures laid down in Section 206 or 438 of this Law.
[31 October 2002]

Section 555. Notification Regarding an obligation to Enforce the Decision

(1) A bailiff, when about to commence enforcement, shall notify the debtor by sending or issuing a notification regarding an obligation to enforce the decision within 10 days. If the decision is to be enforced without delay, the time period for voluntary enforcement of not less than three days shall be set. In cases regarding the return of a child to the state, which is his or her place of residence, except the case when the enforcement document referred to in Section 540, Clause 8 of this Law has been received for enforcement, in which the time period of enforcement of the decision has not been indicated, the recovery of remuneration for work, renewal of the employment (position), compensation for mutilation or other damage to health, as well as recovery of the maintenance in relation to the death of a person whose obligation was to support somebody, a notification regarding an obligation to enforce a judgment shall not be sent.
(2) If the debtor is a natural person, the bailiff shall send the notification to the debtor by registered mail to his or her last known place of residence or issue it to the debtor in person for which the debtor shall sign. If the bailiff does not meet the debtor at their place of residence, the bailiff shall give the notification to an adult family member residing with the debtor.
(3) If the place of residence of the debtor – a natural person – is not known, the notification regarding the obligation to enforce the decision shall be published in the official gazette *Latvijas Vēstnesis*.
(4) If the debtor is a legal person, the bailiff shall send the notification by registered mail to the legal address or issue it in person to a representative of the executive body of the debtor for which he or she shall sign.

(5) If the debtor or a representative of the executive body of the debtor refuses to accept or sign the notification, the bailiff or the server of the proposal shall draw up a statement in respect of that in the presence of two invited persons. Refusal to accept or sign the notification is not an impediment for enforcement of the decision.
(6) If the notification has been served in accordance with the procedures laid down in this Section, it shall be presumed that the debtor has been notified of the time period for enforcement of the decision.
(7) In any stage of enforcement procedure the bailiff may:

1) request that the debtor declare his or her financial situation and changes therein during the last year, warning the debtor regarding criminal liability;

2) pledge debtor's property, including pledging of monies and deposits in credit institutions, monies due from other persons or property which is located with other persons;

3) submit a request for corroboration to the Land Registry Office regarding making of an entry in the Land Register regarding recovery or send an order to another public register for the entering of an alienation or prohibition of other activities.

[31 October 2002; 19 June 2003; 5 February 2009; 4 August 2011; 8 September 2011; 29 November 2012]

Section 556. Enforcement of a Court Judgment [8 September 2011]

Section 557. Enforcement Measures

Enforcement measures are:

1) recovery directed against the movable property of a debtor, including the property in the possession of other persons and intangible property, by sale thereof;

2) recovery directed against money due to the debtor from other persons (remuneration for work, payments equivalent thereto, other income of the debtor, deposits in credit institutions);

3) recovery directed against the immovable property of the debtor, by sale thereof;

4) transfer of the property adjudged by the court to the creditor and performance of activities imposed by a court judgment;

5) eviction of persons and removing of property specified in the judgment from premises;

6) placing in possession;

6^1) return of a child to the state, which is his or her place of residence;

7) other measures as set out in a judgment.

[31 October 2002; 4 August 2011]

Section 558. Inspection of Premises of a Debtor

(1) A bailiff is entitled, where it is necessary to carry out enforcement, to carry out inspection of the premises or storage-places of a debtor. If the debtor does not participate in the inspection of such premises or storage-places, it shall be carried out in the presence of invited persons.
(2) If a debtor refuses to allow a bailiff entry into premises the debtor is in occupation of or the place where property is located, or refuses to open a storage-place, the bailiff shall invite a police representative, in the presence of whom the premises or the storage-places shall be opened and the inspection thereof conducted.
(3) If the manager of immovable property owned by the debtor during enforcement of a decision avoids or refuses to allow a bailiff entry into the immovable property and the manager has been notified of the time of inspection of the immovable property in writing at

least five days in advance, the bailiff may conduct inspection of the immovable property in the presence of a police representative without participation of the manager.
[31 October 2002; 19 June 2003]

Section 559. Postponement of Enforcement Activities

(1) A bailiff shall postpone enforcement activities on the basis of an application by a creditor or of a decision by a court or a judge regarding postponement of enforcement activities or stay of sale of property taken in accordance with Section 138, Paragraph one, Clause 7 of this Law or a court decision on the postponement of the enforcement of the judgment or the dividing thereof into time periods, which has been taken in accordance with Section 206, 438, 644.[1] or 620.[16] of this Law.
(2) A bailiff may postpone an enforcement activity on the basis of a court decision on the enforcement replacement of a foreign court or a decision of the competent authority by the measures provided for in Section 138 of this Law for ensuring the enforcement of such decision (Section 644.[2]).
(2[1]) A bailiff shall postpone recovery enforcement towards the property upon which pledge has been imposed in accordance with the procedures of criminal proceedings and for the marketing of which the person directing proceedings has not provided the consent until revocation of property pledge in the criminal proceedings or receipt of consent from the person directing proceedings.
(3) A bailiff shall notify a creditor and a debtor of the postponement of enforcement activities if it is not possible to be performed due to technical or other reasons independent of the bailiff.
[31 October 2002; 19 June 2003; 7 September 2006; 5 February 2009; 4 August 2011]

Section 560. Obligation of a Bailiff to Stay Enforcement Proceedings

(1) A bailiff shall stay enforcement proceedings if:
1) a natural person who is a debtor or a creditor dies or the legal person who is a debtor ceases to exist, and the legal relations established by the court allow the taking over of rights;
2) the capacity to act of the debtor has been restricted by a court judgment to the extent in which enforcement proceedings are taking place;
3) the Senate in the assignments hearing has taken a decision to stay enforcement of the judgment;
4) enforcement of a decision by an institution or an official shall be stayed in accordance with the law or a court decision;
5) a court or a judge has taken a decision to stay enforcement of obligations (Sections 406 and 406.[10]);
6) a court has taken a decision on the suspension of the enforcement of a foreign court or a decision of the competent authority (Section 644.[2]);
7) legal protection proceedings have been initiated in relation to a debtor or a decision regarding implementation of legal protection proceedings has been taken in the case of extrajudicial legal protection proceedings;
8) insolvency proceedings of a natural person have been declared for the debtor; or
9) in a case regarding return of a child to the state, which is his or her place of residence, the Orphan's Court cannot ascertain the daily regimen of the child or it is not possible to meet the child.
(2) If there is a decision taken in accordance with the procedures laid down in law to privatise an undertaking or company, enforcement proceedings, upon request of the institution carrying

out the privatisation, shall be stayed except for enforcement proceedings regarding compensation for losses in the event of an occupational accident or disease.
(2^1) If a debtor whose debt is being recovered, on the basis of the uniform instrument permitting enforcement in the requested Member State, has contested or appealed a claim regarding a request in the receiving Member State or has submitted a complaint regarding enforcement activities carried out in the receiving Member State and the procedure of examination of the complaint has been initiated in the institution of the Member State, enforcement proceedings upon request of the State Revenue Service shall be stayed in relation to the disputed or appealed part of the claim and according to the request of the institution of such Member State which has requested mutual assistance for the recovery of claims.
(3) In the case referred to in Paragraph one, Clause 7 of this Section a bailiff shall deduct costs for enforcement of a judgment from the sum recovered and satisfy the claim of the creditor in accordance with the procedures laid down in this Law. If the plan for measures of legal protection proceedings has been approved, the bailiff shall deduct costs for enforcement of the judgment from the sum recovered and satisfy the claim of the creditor in the amount and in accordance with the procedures laid down in the plan for measure of legal protection proceedings.
(4) In the case referred to in Paragraph one, Clause 8 of this Section a bailiff shall complete the commenced sale of the property, is any has been already announced or the property has been transferred to a commercial undertaking for sale, except the case when in the plan for sale of the property of a natural person it is intended to postpone the sale of the dwelling in accordance with Section 148 of the Insolvency Law. The bailiff shall deduct costs for enforcement of the judgment from the money received from the sale but the rest of money shall be transferred to the administrator for covering of creditors' claims in accordance with the procedures laid down in the Insolvency Law, conforming to the rights of the secured creditor.
[31 October 2002; 7 September 2006; 5 February 2009; 11 June 2009; 30 September 2010; 4 August 2011; 15 March 2012; 29 November 2012]

Section 561. Right of a Bailiff to Stay Enforcement Proceedings

A bailiff may stay enforcement proceedings if:
1) the debtor is placed in a medical treatment institution and this impedes the carrying out of enforcement activities;
2) a complaint is submitted regarding the actions of the bailiff;
3) [31 October 2002];
4) [14 December 2006].
[31 October 2002; 19 June 2003; 14 December 2006]

Section 562. Duration of Stay of Enforcement Proceedings

(1) Enforcement proceedings shall be stayed:
1) in cases provided for in Section 560, Paragraph one, Clause 1 of this Law, until the determination of the successor in rights of the debtor or creditor;
2) in cases provided for in Section 560, Paragraph one, Clause 2 of this Law, until the appointing of a trustee;
3) in cases provided for in Section 560, Paragraph one, Clauses 3, 5 and 6 of this Law, until the time set out in the court decision, or until such decision is revoked;
4) [19 June 2003];
5) in cases provided for in Section 560, Paragraph one, Clause 4 of this Law, until the time when in accordance with law the stay terminates or the time specified in the court decision or until such decision is revoked;

6) in cases provided for in Section 560, Paragraph two of this Law, until the determination of the successor in rights of the debtor and transfer of the undertaking to such successor, or the making of amendments to the basic documents of the company in the Enterprise Register;

7) in the case provided for in Section 561, Clauses 1 of this Law, until the time when the circumstances mentioned in this Clause have ceased;

8) in cases provided for in Section 561, Clause 2 of this Law, until the time when the court judgment or decision in connection with the complaint enters into lawful effect;

9) [19 June 2003];

10) in the cases provided for in Section 560, Paragraph one, Clause 7 of this Law – until the time when one of the following conditions has set in:

a) legal protection proceedings against the debtor have been terminated,

b) the implementation of legal protection proceedings has been declared in respect of the debtor and it has not been indicated in the judgment regarding the implementation of legal protection proceedings that the debtor's (pledged) property serving as the security has been included in the plan for measures of legal protection proceedings and restrictions are applicable thereto, in accordance with which the secured creditors may not implement their rights to such property,

c) the court provides a permit to sell the pledged property of the debtor in the case referred to in Section 341.[5], Paragraph two, Clause 2 of this Law;

11) in the case provided for in Section 560, Paragraph one, Clause 8 of this Law – until the decision regarding termination of the bankruptcy procedure or until the decision regarding termination of the procedure for extinguishing of obligations. Enforcement proceedings shall be resumed in the amount of the remaining debt;

12) in the case provided for in Section 560, Paragraph one, Clause 9 of this Law – until ascertaining the location of a child;

13) in the case provided for in Section 560, Paragraph 2.[1] of this Law – until the time when a notification of the State Revenue Service has been received that a decision given in the procedure of examination of a complaint, regarding disputing or enforcement of a claim, according to the information provided by the institution of such Member State which has requested mutual assistance for the recovery of claims has become enforceable.

(2) During the time when the enforcement proceedings are stayed the bailiff shall not perform enforcement activities.

(2[1]) In the cases referred to in Section 560, Clauses 7 and 8 of this Law the bailiff shall suspend the operation of the issued orders for the time period of suspension of enforcement proceedings, retaining the enforcement activities. The bailiff shall notify the storer of the property regarding the obligation to transfer the property to the administrator, the sale of which has not been commenced. The enforcement measures applied shall be cancelled if:

1) a plan for measures of legal protection proceedings where the action with the property owned by the debtors thereof is provided for in and whereto the bailiff has applied enforcement measures;

2) an application of the administrator regarding the necessity of the property has been submitted within the framework of the bankruptcy procedure.

(3) Enforcement proceedings shall be resumed pursuant to the application of a creditor or the initiative of the bailiff.

(4) In the cases referred to in Paragraph one, Clause 10, Sub-clauses "b" and "c" of this Section the bailiff shall sell only the pledged property in the resumed enforcement proceedings.

[31 October 2002; 19 June 2003; 7 September 2006; 14 December 2006; 11 June 2009; 30 September 2010; 4 August 2011; 15 March 2012; 29 November 2012]

Section 563. Termination of Enforcement Proceedings

(1) Enforcement proceedings, upon request of an interested party, shall be terminated if:

1) the creditor has waived recovery and the court has taken an appropriate decision on it;

2) a settlement between the creditor and the debtor confirmed by the court has been submitted;

3) the claim or obligation is not capable of passing to a successor in rights after the death of such natural person or the cessation of such legal person as was a creditor or a debtor;

4) the limitation period laid down in law for this form of recovery has expired;

5) the court decision or the decision of the relevant institution or official, on the basis of which the enforcement document has been issued, is revoked;

6) the time period for submission of a notice of appeal, cassation or ancillary complaint regarding a court decision, on the basis of which the enforcement document has been issued, is renewed;

7) the enforcement of a foreign court or a decision of the competent authority has been refused (Section 644.[3]);

8) a foreign court or competent authority withdraws the issued European Enforcement Order in accordance with Regulation No 805/2004 of the European Parliament and of the Council;

9) a court decision has been adopted regarding termination of legal protection proceedings in relation to the fulfilment of the plan for measures of legal protection proceedings;

9[1]) enforcement of the decision on return of a child to the state, which is his or her place of residence, or the enforcement document issued by a foreign court or institution and indicated in Section 540, Clause 8 of this Law has been refused;

10) a court decision has been adopted regarding termination of the procedure for extinguishing of obligations by releasing the natural person from his or her debt obligations, except enforcement proceedings regarding recovery of the maintenance and claims from infringing act;

11) a foreign institution withdraws a request of assistance for the recovery of tax, fee, expenses related to recovery or other mandatory payments.

(2) Enforcement proceedings regarding recovery from legal persons, partnerships, individual merchants, persons registered abroad that perform permanent economic activities in Latvia, and agricultural producers of the monetary amount adjudged shall be terminated according to the application of an administrator, if the debtor in accordance with the procedures laid down in law is declared insolvent. In such case the bailiff shall complete the commenced sale of property if such has already been announced or if the property has been transferred to a trading undertaking for sale unless the administrator has requested to cancel the announced auctions in order to ensure the sale of the property in the composition of aggregations of property. From the money received from sale the bailiff shall deduct enforcement of judgment expenses and transfer the remaining money to the administrator for covering of creditors' claims in accordance with the procedures laid down in the Insolvency Law, taking into account the rights of the secured creditor. The bailiff shall notify the storer of the property of the obligation to transfer the property to the administrator, the sale of which has not been commenced.

(3) In cases provided for by Paragraph one, Clauses 3 and 4 of this Section, a bailiff may also terminate enforcement proceedings pursuant to his or her own initiative.

(4) If enforcement proceedings are terminated, subsequent to covering of enforcement of a judgment expenses all enforcement measures taken by the bailiff shall be cancelled.

(5) Terminated enforcement proceedings may not be recommenced.

(6) If a foreign court or competent authority rectifies a European Enforcement Order, which is issued based upon Regulation No 805/2004 of the European Parliament and of the Council, the withdrawn part of enforcement of the decision shall be terminated and enforcement continued in conformity with the rectified European Enforcement Order.
[31 October 2002; 7 September 2006; 5 February 2009; 30 September 2010; 4 August 2011; 15 March 2012; 29 November 2012]

Section 564. Procedures for Staying Enforcement Proceedings, Staying Enforcement Record-keeping, Resuming or Terminating Enforcement Proceedings

(1) The bailiff in whose record-keeping the enforcement document is located shall decide as to stay of enforcement proceedings, suspension of enforcement record-keeping, resumption or termination of enforcement proceedings.
(2) A bailiff shall take the decision up to the activity to be stayed or enforced, but not later than within three days from the day of receipt of the submission.
(3) A bailiff shall notify the decision to the creditor, debtor and the relevant third person that has submitted the petition within three days after taking of the decision.
[31 October 2002; 19 June 2003]

Section 565. Returning of an Enforcement Document to a Creditor

(1) An enforcement document pursuant to which recovery has not been carried out or has been incompletely carried out shall be returned to the creditor:

1) pursuant to an application of the creditor;

2) if the debtor does not have any property or income against which recovery may be directed;

3) if the creditor has refused to receive the articles removed from the debtor which are set out in the court judgment;

4) if the debtor does not live or work at the address indicated by the creditor or property of the debtor is not located there;

5) if a creditor who is not exempted from payment of the costs relating to the enforcement of the judgment, has not paid such costs;

6) if through application of the enforcement measure indicated by the creditor it is not possible to enforce the judgment and within 10 days after service of an invitation the creditor has failed to notify regarding application of another enforcement measure;

7) if in a case regarding return of a child to the state, which is his or her place of residence, a bailiff determines that the location of the child is abroad;

8) if in a case regarding return of a child to the state, which is his or her place of residence, a creditor upon invitation of a bailiff, the Ministry of Justice or the Orphan's Court has not provided for two times the time and place when and where the child is to be taken to, or the time and place (as near as possible to the location of the child) when and where he or she will meet with the child, in order to renew the connection between the creditor and the child.

(2) In cases referred to in Paragraph one, Clauses 2, 3 and 4 of this Section, a bailiff shall draw up an appropriate statement.
(2^1) If in the enforcement case regarding periodical recovery of payments the debt and enforcement of judgment expenses are covered completely, an enforcement document shall be issued to the creditor.
(3) An enforcement document shall be issued to the creditor, if enforcement of judgment expenses have been covered, except the case when enforcement of judgment expenses shall be covered by the creditor in accordance with the provisions of this Law. When issuing the enforcement document to the creditor, the bailiff shall cancel all enforcement measures taken.

(4) The return of an enforcement document to a creditor is not an impediment to the new submission of such document for enforcement within the time period provided for in law.
(5) The bailiff shall issue the enforcement document according to which enforcement in State revenue is to be performed to the State Revenue Service.
(6) [5 February 2009]
[31 October 2002; 19 June 2003; 17 June 2004; 5 February 2009; 4 August 2011]

Section 566. Enforcement of Judgment Expenses

(1) Enforcement of judgment expenses shall include the State fee and expenses related to the enforcement of court judgments (Section 39): remuneration for the bailiff according to the tariff and expenses required for the performance of enforcement activities. They shall be as follows:

1) expenses associated with the delivery and issue of summonses and other documents;

2) expenses relating to the receipt of necessary information in a case for enforcement;

3) expenses relating to bank and other institution services;

4) expenses relating to the storage, transport or destruction of the property of the debtor;

5) travel expenses to the place of enforcement of the judgment;

6) payment to experts;

7) payment for the publication of advertisements regarding auction of property, invitations and other necessary advertising during the course of enforcement;

7^{1}) expenses relating to examination of the case, which have arisen in relation to the lodging of the application regarding corroboration of immovable property in the name of the acquirer;

8) other necessary expenses for the performance of enforcement activities.

(2) In determining the expenses associated with the securing of claims, safeguarding of estates and drawing up of inventory lists (Section 39), the provisions regarding expenses related to the enforcement of judgement shall be applied insofar as such activities have been performed by a bailiff.
(3) In determining the expenses related to securing of a claim, the provisions regarding expenses related to the enforcement of judgement shall be applied insofar as such activities have been performed by the bailiff.
[20 June 2001; 31 October 2002; 20 December 2010; 4 August 2011]

Section 567. Procedures for Paying Judgment Enforcement Expenses during Enforcement Process

(1) A creditor, when submitting an enforcement document for enforcement, shall indicate a enforcement measure in conformity with provisions of Sections 570 and 572 of this Law, pay the State fee and cover other judgment enforcement expenses to the extent required for commencement of the enforcement in the manner indicated by the creditor. During enforcement of the judgment the creditor pursuant to bailiff's instructions shall pay additionally required judgment enforcement expenses. In the cases laid down in law during enforcement of the judgment the judgment enforcement expenses for separate procedural actions shall be paid by the debtor.
(2) Creditors shall be exempt from payment of judgment enforcement expenses to the bailiff:

1) in regard to claims for recovery of remuneration for work and other claims of employees and persons in service arising from legal employment or service relations or being related to such;

2) in regard to claims arising from personal injuries that result in mutilation or other damage to health, or the death of a person;

3) in regard to claims for recovery of child the maintenance or parent support;

4) in cases where enforcement in State revenue is to be performed;

5) in cases where the person is released from the payment of court expenses by a court decision – fully or partially in conformity with the court decision;

6) in cases where recovery must be carried out according to the uniform instrument permitting enforcement in the requested Member State, except cases when the State Revenue Service has reached an agreement with the institution of the Member State which has requested mutual assistance for the recovery of claims, regarding special procedures for reimbursement of enforcement costs.

(3) In cases where a creditor is exempt from payment of judgment enforcement expenses, the expenses necessary for the performance of enforcement activities shall be covered from the funds of the State budget.

(4) The Cabinet shall determine the amount of expenses required for performance of enforcement activities and the procedures for payment of such.

(5) If a decision by a competent authority on forced enforcement of sanctions specified by international organisations is to be enforced, the amount of the official remuneration rates and the performance of enforcement activities necessary expenses shall be covered from State budget funds according to the procedures stipulated by the Cabinet.

(6) A bailiff may submit to the State Revenue Service a request of judgment enforcement expenses necessary for the carrying out of enforcement and request that they reach an agreement with the institution of the relevant Member State, which has requested mutual assistance for the recovery of claims, regarding special procedures for reimbursement of enforcement costs, if at least one of the following cases is established:

1) the judgment enforcement expenses for tax recovery claim concern a very large amount;

2) recovery is directed towards property of a participant of an organised group, which has been confiscated by a judgment in a criminal case (Article 20 of Council Directive 2010/24/EU).

[31 October 2002; 19 June 2003; 26 October 2006; 5 February 2009; 9 June 2011; 15 March 2012]

Section 568. Deduction of Judgment Enforcement Expenses

(1) Enforcement of a judgment shall be performed at the expense of the debtor. When the enforcement document has been submitted for enforcement, voluntary enforcement of a judgment or enforcement of a judgment directly to the creditor shall not exempt the debtor from reimbursement of the judgment enforcement expenses.

(1^1) If an enforcement document is issued to a creditor (also in the cases referred to in Section 567, Paragraph two, Clauses 1, 2, 3 and 5 of this Law) in accordance with Section 565, Paragraph one, Clause 1 of this Law or after introduction of the enforcement case the bailiff determines that a debtor has fulfilled his or her obligations prior to submitting the enforcement document, the judgment enforcement expenses shall be covered by the creditor.

(2) A bailiff shall make a calculation regarding the judgment enforcement expenses and send it to the debtor and creditor. The calculation may be appealed in accordance with the procedures laid down in Section 632 of this Law.

(3) The calculation shall specify the extent to which the judgment enforcement expenses shall be reimbursed to the bailiff (remuneration for work), creditor (his or her paid State fee and other judgment enforcement expenses) or transferred to State revenue.

(4) If it is not possible to deduct judgment enforcement expenses from the debtor or creditor, the bailiff shall issue an invoice on the basis of the calculation drawn up and transfer it for enforcement.
(5) The invoice shall be transferred for enforcement when the time period for appeal of the judgment enforcement expenses calculation drawn up by the bailiff has expired, but if it has been appealed — after entering into lawful effect of the court decision.
(6) The expenses which are related to enforcement of the decision on securing a claim or specification of means of provisional remedy shall be covered by the plaintiff.
(7) If enforcement record-keeping is terminated in accordance with Section 563, Paragraph one, Clause 11 of this Law and the reason for revocation of a request for assistance is revocation of the claim to be recovered or the document issued for enforcement thereof, a bailiff shall submit a cost estimate of enforcement expenses to the State Revenue Service and request that it reaches an agreement with the institution of the Member State, which has requested mutual assistance for the recovery of requests, regarding reimbursement of enforcement costs.
[31 October 2002; 5 February 2009; 15 March 2012]

Section 569. Search for a Debtor or Child

(1) If the location of a debtor is not known, a judge shall, upon request of an interested party, take a decision on search for the debtor with the aid of the police in the following cases:
1) regarding recovery of the child maintenance or parent support;
2) regarding claims arising due to personal injury resulting in mutilation or other injury to health, or in the death of a person; or
3) regarding recovery of revenues for the State.
(1^1) If the location of a child or debtor and a child is not known, a judge shall, upon request of a bailiff, take a decision on search for the abovementioned persons with the aid of the police in the following cases:
1) in cases regarding return of the child to the state, which is his or her place of residence;
2) when the enforcement document referred to in Section 540, Clause 8 of this Law has been received.
(2) Pursuant to an application by police authorities, a court shall take a decision on recovery of costs relating to a search for a debtor.
[9 June 2011; 4 August 2011]

Division Fourteen
Application of Enforcement Measures
[31 October 2002]

Chapter 70
General Provisions Regarding Recovery

Section 570. Directing Recovery against Property of Natural Persons

(1) Recovery shall be directed against the property of a natural person and against the share of such person in joint property and in joint spousal property and in cases provided for in law, against aggregate spousal property.
(2) Recovery shall not be brought against property of a debtor, if the debtor works or receives a pension or a scholarship and the amount to be recovered does not exceed that part of a monthly income against which recovery may be brought, pursuant to law.

Section 571. Property against which Recovery may not be Directed

In executing judgments, recovery may not be directed against the property referred to in Annex 1 to this Law, except for recovery of such debts, which are ensured by pledging the relevant articles.
[31 October 2002]

Section 572. Recovery from Legal Persons

(1) Pursuant to enforcement documents a bailiff shall first direct recovery against such monetary funds of legal persons as are deposited in credit institutions.
(2) If by directing recovery against monetary funds of legal persons in credit institutions the claim of the creditor is not satisfied, the bailiff shall direct recovery against the property of the legal person.
[31 October 2002]

Section 572.[1] Recovery in Favour of the Administration of the Maintenance Guarantee Fund

(1) If a creditor has expressed the relevant request and if, in applying all the enforcement measures indicated in Section 557, Clauses 1, 2 and 3 of this Law, the bailiff determines that recovery of the maintenance from a debtor is not possible or is possible in such amount that is smaller than the minimum amount of support determined by the Cabinet, the bailiff shall issue a statement to the creditor regarding impossibility of recovery of the maintenance or partial recovery thereof for submission to the Administration of the Maintenance Guarantee Fund.
(2) If the Administration of the Maintenance Guarantee Fund on the basis of Section 5, Paragraph two, Clause 1 of the Administration of the Maintenance Guarantee Fund Law has taken the place of the creditor in the case regarding recovery of the maintenance from a debtor which have been disbursed from the Maintenance Guarantee Fund, it shall have all the rights and obligations of the creditor determined in this Law.
(3) An enforcement order regarding the recovery of the maintenance unduly paid from a submitter shall not be issued. If the creditor of support has received a statement of the bailiff regarding impossibility of recovery of the maintenance or partial recovery, an enforcement document shall be issued to a creditor only after receipt of certificate from the Administration of Maintenance Guarantee Fund regarding non-existence of claim.
[5 February 2009; 12 June 2009]

Chapter 71
Directing Recovery against Movable Property

Section 573. Pledging of Movable Property of a Debtor

(1) Pledging of movable property of a debtor shall mean the inventorising, sealing (indicating who and in which case has pledged the property) and guarding of such property. Sealing of property need not be performed if it may damage the property or significantly affect the value thereof. Property included in movable property registers may not be sealed. The Cabinet shall determine the procedures for sealing of pledged movable property.
(2) [5 February 2009]
(3) The bailiff shall not pledge movable property if it might not be possible to sell such and judgment enforcement expenses might exceed the amount of money to be acquired from sale.
[31 October 2002; 7 September 2006; 5 February 2009]

Section 574. General Provisions Regarding Pledging of Movable Property of a Debtor

(1) A bailiff shall pledge movable property of a debtor in such amount as is required for the discharge of the amount to be recovered and to cover the judgment enforcement expenses. The bailiff shall not pledge ancillary articles of principal articles separately from the principal article.
(2) A bailiff may pledge the movable property of a debtor the value of which exceeds the amount adjudged to the creditor and judgment enforcement expenses if the debtor does not have another property subject to pledging or the value of such property does not cover the amount to be recovered and judgment enforcement expenses.
(3) After pledging of movable property the bailiff shall require the information from the registers of movable articles regarding possession of such things to the debtor, as well as shall ascertain in the Commercial Pledge Register whether the movable articles owned by the debtor have not been pledged. If the bailiff determines that the pledged property is owned by third persons, he or she shall immediately release it from pledge. If a commercial pledge in respect of the debtor's movable property is registered in the Commercial Pledge Register in favour of third persons, the bailiff shall require that the debtor and the pledgee notify the amount of the remaining debt.
(4) A bailiff may direct recovery against movable property, which is pledged as a commercial pledge or a possessory pledge for security of claims by third persons with consent of the relevant pledgee, as well as direct recovery against money surplus in the case the pledge is sold. If the pledgee does not agree to the sale and hesitates to sell the pledged property without a justifiable reason, the bailiff shall explain to the creditor that he or she may request the court to set a time period for sale of the pledged property to enable directing recovery against the money surplus, as well as explain the right to establish a commercial pledge.
(5) If the bailiff finds that the movable property has already been pledged for a different recovery, he or she shall compare the property with the property inventory statement drawn up in the previous pledge and pledge only those articles, which are not included in the previous inventory statement.
(6) If the debtor is absent or evades enforcement of the decision, movable property shall be pledged by a bailiff with participation of a representative from a local government or the police.
(7) The debtor and the creditor have the right to invite to pledging of the movable property of the debtor not more than two witnesses. The failure of witnesses to attend does not stay the pledging of the property.
(8) In the course of pledging of the movable property the debtor is entitled to inform the bailiff against which articles recovery should be directed first. The bailiff shall satisfy such application if it is not contrary to the provisions of this Law and does not impede enforcement of the decision.
(9) [5 February 2009]
(10) Pledging of a ship shall apply not only to the hull of the ship, but also to all ship equipment, including that which ensures the navigation of the ship. A ship in joint property shall be pledged in the entire composition thereof, without previously separating the debtor's right to his or her part. The Register of Ships shall be notified of the pledging of a ship.
(11) If a means of transport or another movable property subject to registration is pledged, the bailiff shall notify the relevant register institution of its pledging.
[31 October 2002; 7 September 2006; 5 February 2009]

Section 575. Pledging of Property of a Debtor if the Property is in the Possession of Another Person

(1) If there is evidence that the property of a debtor is in the possession of another person, a bailiff shall pledge such property according general procedures.
(2) [31 October 2002]
(3) If property of a debtor is located with another person as a result of a mutual agreement they have entered into, the issue concerning the preservation of the rights of the other person arising from the agreement shall be decided by a court according to the procedures regarding claims.
[31 October 2002]

Section 576. Inventorising of Movable Property

(1) In inventorising movable property, its individual qualities and quantity shall be accurately set out.
(2) In inventorising movable property, new articles shall be distinguished from used articles, and the degree of wear and tear shall be indicated for the latter.
(3) In inventorising precious metals, official hallmarks (assay marks) shall be indicated, if such are known. If articles decorated with precious stones are being described, the number, size and name of the stones shall be indicated.
(4) In inventorising goods, including products and materials kept in goods packaging, the numbers or marks on their packaging and the names and description of the goods to be kept in such packaging shall be indicated.
(5) In inventorising securities, their quantity, class, nominal value and numbers shall be indicated.
(6) In inventorising movable property the bailiff may pack separate articles in packages, indicating on the packaging the names of the inventorised articles.
[31 October 2002]

Section 577. Property Inventory Statement

(1) There shall be set out in a property inventory statement:
1) the time when and place where the statement was drawn up;
2) the official appointment location of the bailiff and location of his or her practice, and the given name and surname of the bailiff;
3) the judgment or decision of the court, other institution or official, which is being enforced;
4) the given name and surname of the creditor and the debtor, or of their authorised representatives present at the inventorising of the property;
5) the given name, surname and declared place of residence, the additional address indicated in the declaration, but if none, place of residence of witnesses and the given name, surname and official position of officials;
6) the name of each article inventorised and its individual features (Section 576), the appraisal of each individual article and the value of the entire property;
7) [31 October 2002];
8) the given name, surname and declared place of residence, the additional address indicated in the declaration, but if none, place of residence of the person to whom the property has been transferred for storage;
9) confirmation that the procedures and time periods regarding appeal of the actions of the bailiff have been explained to the creditor and the debtor;

10) confirmation that the procedures regarding storage of the inventoried property and civil and criminal liability if the property transferred for storage is embezzled, alienated, concealed or substituted have been explained to the storer of the property;

11) the remarks and objections made by the creditor or debtor, or by other persons present at the inventorising of the property.

(2) A property inventory statement shall be signed by a bailiff, creditor, debtor, storer of the property and by other persons, who have taken part in the inventorising of the property. If the creditor, debtor or their representatives do not sign the property inventory statement, the bailiff shall make an appropriate note thereof in the statement.

(3) A creditor or debtor who has signed the inventory statement without making any notes do not have the right to subsequently submit a complaint regarding errors in the inventory statement.

[31 October 2002; 29 November 2012]

Section 578. Appraisal of Property to be Pledged

(1) Appraisal of the property of a debtor shall be made by a bailiff in accordance with the prices prevalent in the area and taking into account the degree of wear and tear thereof. An expert shall be invited for appraisal of a ship.

(2) Until announcement of an auction of the pledged property or conclusion of a contract regarding commission the creditor or the debtor may request the bailiff in writing to invite an expert for repeated appraisal of the property. Prior to inviting an expert the bailiff shall notify the person who requested that an expert be invited of the amount of appraisal costs in writing. Appraisal costs shall be covered by the person who requested that an expert be invited, transferring the required amount of money to the bailiff’s account within five days after receipt of the notification. If the amount of money required for appraisal has not been paid, the bailiff shall dismiss the request to invite an expert.

(3) If it is not possible upon request of a party to invite an expert on the day when the property is inventorised, the bailiff shall specify in the property inventory statement the value of the property determined by himself or herself.

[31 October 2002]

Section 579. Guarding of Property

(1) In order to ensure guarding of pledged property the bailiff shall appoint a storer of property. The pledged property of the debtor shall be delivered by the bailiff for storage to a natural person upon signature therefor. If the storer of the property is not able to ensure guarding of the pledged property at the address where it was pledged, the bailiff shall remove the property and deliver it to the storer of the property. The bailiff at any stage of enforcement of the decision is entitled to take a decision to replace the storer of the property if the storer is not able to continue performance of his or her obligations or does not ensure appropriate storage of the property.

(2) A debtor or members of his or her family may use the property left with him or her for storage if, due to the characteristics of such property, the use thereof does not destroy the property or in substance decrease its value.

(3) If a storer is not a debtor or a member of the debtor's family, the storer shall receive remuneration for storage.

(4) In pledging movable property, there shall be obtained from the debtor or the storer their signature to the effect that they will not alienate, pledge or use the property for any other function or purpose and that they may be held criminally liable for its embezzlement, alienation, concealment or substitution.

(5) Upon request of the bailiff the storer of the property shall present the pledged property delivered to him or her for storage.
[31 October 2002]

Section 580. Storage of Valuable Property Removed from a Debtor

(1) A bailiff shall inventorise gold and silver articles and other valuables, as well as securities found in the possession of a debtor according to general procedure. The bailiff shall remove the inventorised valuables and securities and, if storage thereof cannot be ensured, transfer them for storage to a credit institution.
(2) Money found in the possession of a debtor shall, in such amount as is required for the discharge of the debt to be recovered and of the enforcement expenses, be removed by the bailiff and paid into the bailiff's deposit account.
[31 October 2002]

Section 581. Sale of Pledged Property

(1) A bailiff has the right to sell the property of a debtor if within 10 days after the property is pledged no complaints regarding the actions of the bailiff have been submitted or no request regarding invitation of an expert for repeated appraisal of the property has been submitted. If complaints have been submitted, the bailiff has the right to sell the property of a debtor after the complaints have been decided on but not earlier than 10 days after pledging of the property. If a request regarding invitation of an expert has been submitted — after repeated appraisal of the property or dismissal of the request but not earlier than 10 days after pledging of the property.
(2) In cases where, as a result of particular circumstances, a delay in the enforcement of a decision may cause significant losses to a creditor, or the recovery itself may become impossible, the property shall be removed and sold without delay.
(3) The bailiff may sell the pledged property by auction as one auction item if identical articles or main article and ancillary articles thereof have been pledged or it is not useful to sell pledged articles individually.
(4) If the bailiff decides to sell the pledged property by auction, he or she shall send an invitation to the debtor by registered mail to submit information on whether the debtor is a person subject to value added tax and whether by selling his or her pledged property by auction the auction price in accordance with the laws and regulations governing the value added tax is taxable with value added tax and what is the taxable value of such price.
[31 October 2002; 5 February 2009; 20 December 2010]

Section 582. Procedures Regarding Sale of Pledged Property

(1) A bailiff shall sell pledged property at auction, but if requested by the creditor and the debtor does not object, the bailiff may transfer the pledged property to a trading undertaking for sale pursuant to terms regarding commission. If the creditor has not requested it, the pledged property may only be transferred to a trading undertaking on commission in cases provided for by this Law.
(2) Capital shares of a company, co-operative shares and non-publicly issued stocks, as well as other intangible property shall be sold at auction by a bailiff, but publicly traded stocks and other securities shall be delivered for the sale thereof at the Rīga Stock Exchange.
(3) The bailiff may remove pledged movable property:
1) to transfer it for sale on commission;
2) prior to sale at auction, if necessary;

3) in order to transfer it, in the cases laid down in this Law, to the highest bidder of the movable property, creditor or debtor.
(4) If a debtor pays the debt and enforcement of a court judgment expenses in full prior to the sale of the pledged property, the sale shall be suspended and the pledged property returned to the debtor.
(5) After sale of the pledged property or transfer thereof to the creditor (in cases set out by this Law) the bailiff shall take a decision on release of the sold property from pledge, as well send to the relevant holder of a movable property register or another public register a notification regarding revoking of the prohibition and release of the property from pledge.
[31 October 2002]

Section 583. Sale of Pledged Property on Commission

(1) Pledged property of a debtor shall be sold on commission through a trading undertaking.
(2) Sale of property shall be permitted within the boundaries of the judicial region of the official appointment location of the bailiff.
(3) Pledged property shall be delivered by a bailiff for sale in conformity with the time periods specified in Section 581 of this Law. The pledged property shall be delivered for sale according to the price assessed by the bailiff, but if one or several repeated expert appraisals have been performed — according to the highest price assessed by the expert.
(4) Things, which are subject to rapid deterioration, shall be removed and delivered for sale without delay.
(5) Within a month from the transfer of property on commission, trading undertakings shall pay the amounts received to the bailiff's account. The trading undertaking shall receive remuneration in accordance with the terms of the contract.
(6) Property of a debtor, which is not sold within a month after it is delivered to a trading undertaking, shall be re-appraised by the bailiff together with a representative of the trading undertaking, but not more than by 50 per cent of the initial price of the property. The creditor and the debtor shall be notified of re-appraisement.
(7) If the property is not sold within two months after its re-appraisement, the creditor has the right to retain such property for himself or herself at the re-appraised amount, notifying the bailiff thereof in writing within 10 days. If the creditor does not retain the property, the bailiff shall return it to the debtor, releasing it from pledge, or sell by auction pursuant to provisions of the second auction at a price determined after re-appraisement.
[31 October 2002]

Section 584. Notification of an Auction of Movable Property

(1) Notification of an auction of movable property, except an auction of ships, shall be given by a bailiff at least seven days prior thereto. The articles to be sold and their appraisal, the amount of security to be paid into the bailiff's deposit account, the place and time of sale, the given name and surname of the debtor, as well as the given name, surname and official appointment location of the bailiff shall be set out in the notice. Additional information whether the auction price is taxable with value added tax and what is the taxable value of such price shall be set out in the notice. Information whether the auction price is taxable with value added tax and what is the taxable value of such price shall be indicated additionally in the notice.
(2) Notification of an auction shall be posted at the location of bailiff's practice, at the building where the auction is going to take place, and in a place determined by the local government.
(3) If the total appraisal of the property exceeds one thousand lats the sale thereof shall also be announced in a local newspaper.

(4) An interested person, at their own expense, may place a notice of an auction in newspapers and other mass media, as well as post the notice in public places in accordance with procedures stipulated by the relevant local government.
(5) The creditor and the debtor shall be notified of the auction.
[31 October 2002; 19 June 2003; 28 October 2010; 20 December 2010; 20 January 2011]

Section 584.[1] Security for the Purchase of Movable Property

(1) Persons wishing to participate in an auction of movable property shall pay, by way of security, the amount of 10 per cent of the appraised value of the movable property into the bailiff's deposit account.
(2) Prior to an auction the bailiff shall ascertain whether the amount of security has been transferred to the bailiff's deposit account.
(3) Security which has been paid by a person who has bid the highest price for movable property at an auction shall be included in the purchase price. After the auction, security paid in shall be returned, without delay, to other participants of the auction.
[28 October 2010]

Section 585. Notification of an Auction of a Ship

Notification of an auction of a ship shall be take place in accordance with the procedures laid down in Section 55 of the Maritime Code.
[31 October 2002; 19 June 2003]

Section 586. Persons Having no Right to Participate in Bidding

A debtor, their guardian or trustee, a person who has participated in pledging of the property, the auctioneer of the property and a police or local government representative present at an auction do not have the right to participate in the bidding. A creditor has the right to participate in the bidding according to general procedure.
[31 October 2002]

Section 587. Procedures Regarding an Auction of Movable Things

(1) An auction of movable property shall be commenced from the appraisal of the bailiff but if one or several repeated appraisals have been performed — from the highest appraisal by the expert. Before auction a bailiff shall inform whether the auction price is taxable with value added tax and what is the taxable value of such price. In opening an auction of each auction article, the bailiff shall announce the initial auction price of the article, determine the bid increment of not less than one per cent and not more than 10 per cent of the initial auction price of the property and ask the participants of the auction whether anybody bids more. The bailiff shall orally inform as to the prices bid by bidders and record them in the statement of auction so long as bidding of a higher price continues.
(2) When bidding of a higher price ceases, a bailiff shall ask three times if there is anyone who bids more. If the third time is not followed by a higher bid, a bailiff shall make a rap of the gavel and announce that higher bids are no longer accepted and the article to be auctioned is sold.
(3) An auction of a ship shall take place pursuant to the provisions provided for auctions of immovable property.
(4) A debtor has the right to determine the order in which articles are to be auctioned.
(5) If the amount received by selling part of the pledged property is sufficient to cover the complete recovery and enforcement of court judgment expenses, the remaining articles shall

not be auctioned. When the bidders have paid the purchase price in full and value added tax, if the auction price is taxable with value added tax, these articles shall be released from pledge and returned to the debtor, and the bailiff shall draw up a statement to this effect.
(6) The person who has bid the highest price for an article being sold, shall pay the full amount bid and value added tax, if the auction price is taxable with value added tax, not later than on the next working day after the auction. If the amount bid exceeds one thousand lats, the bailiff, upon request of the highest bidder, may postpone the payment of the full price of the purchase and value added tax for a period up to seven days. If the amount bid exceeds 100 000 lats, the bailiff, upon request of the highest bidder, may postpone the payment of the full price of the purchase and value added tax for a period up to 14 days. After the amount bid at the auction and value added tax have been paid in full, the purchased articles shall be given to the highest bidder and the bailiff shall draw up a statement to this effect.
(7) When the time period for appeal of the calculation drawn up by the bailiff has expired and such calculation has not been appealed, or, if such calculation has been appealed – when the court decision regarding the calculation drawn up has come into effect, the bailiff shall pay into the State budget the value added tax paid by the highest bidder and notify the debtor and the State Revenue Service thereof.
[31 October 2002; 5 February 2009; 28 October 2010; 20 December 2010]

Section 588. Statement of Auction

In a statement of auction a bailiff shall set out the following:
1) the date and place of the auction;
2) the given name, surname, official appointment location and location of practice of the bailiff;
3) the decision which is enforced;
4) the name or number of article to be sold, according to the inventory statement;
5) the initial auction price of the article to be sold and the bid increment;
6) the highest price bid at the auction;
7) the given name, surname, personal identity number and address of the highest bidder;
8) whether the debtor or their representative were present at the sale.
[31 October 2002; 5 February 2009]

Section 589. Announcement of an Auction as not Having Taken Place

(1) A bailiff shall announce an auction as not having taken place if:
1) bidders have failed to attend or only one bidder has attended the auction;
2) no one of those, who are present, bids more than the initial auction price;
3) the highest bidder, within the time period set, does not pay the whole amount due from him or her (Section 587, Paragraphs five and six).
(2) In the case provided for in Paragraph one, Clause 3 of this Section the security paid in shall not be refunded, but shall be added to the total amount received for the property. The security paid in shall be added also to the total amount, if it is determined that the highest bidder had no right to participate in the auction (Section 586).
[5 February 2009; 28 October 2010; 20 December 2010]

Section 590. Consequences Resulting from Announcement of an Auction as not Having Taken Place and Second Auction

(1) If an auction is announced as not having taken place, a creditor has the right to retain the pledged property at the initial auction price, notifying the bailiff thereof in writing within two weeks from the day of the auction.
(2) If several creditors wish to retain the pledged property at the initial auction price, a repeated first auction shall be organised with the participation of the creditors who wish to retain the pledged property for themselves at the initial price, and the bidding shall commence from the initial price of the first auction. The bailiff shall notify creditors of the time and place of the auction in writing seven days in advance. The failure of a creditor to attend the auction shall be considered as his or her waiver of the right to retain the property for himself or herself. If one creditor attends the auction he or she may retain the pledged property without bidding. If none of the creditors attend the auction, the bailiff shall, without delay, set a second auction.
(2^1) In the cases provided for in Paragraphs one and two of this Section a person who retains the pledged property for himself or herself at the initial auction price shall make payment and receive the pledged property in accordance with the procedures laid down in Section 587 of this Law.
(3) If an application of a creditor regarding retention of the pledged property at the initial auction price has not been received within two weeks from the date of the auction, a bailiff shall, without delay, order a second auction. Notification of a second auction shall take place in conformity with the provisions regarding the first auction.
(4) Bidding in the second auction of movable property shall be commenced from the initial price of the first auction and it shall take place in accordance with the procedures provided for in Section 587, Paragraph one of this Law.
(5) If none of those who have arrived bid more than the initial auction price, the bailiff shall announce that auctioning of the article with a decreasing bid is commenced. The bailiff shall decrease the initial auction price of the article by the previously specified bid decrement which may not be greater than 10 per cent of the initial auction price and ask whether anybody of the persons present bid such price. For each lowering of the price the bailiff shall make a notation in the statement of auction. The bailiff shall discontinue auctioning of the article if none of the persons who have arrived bid even 10 per cent of the initial auction price of the article.
(6) If any of the persons present at the second auction bids the announced price of the article, the bailiff shall ask three times if there is anyone who bids more and if no higher bid follows, make a rap of the gavel and announce that higher bids are no more accepted and the article to be auctioned is sold. If anyone bids more, the auction shall continue with an increasing bid in accordance with the provisions of Section 587, Paragraph two of this Law.
(7) A person who has bid for an article being sold below the initial price of the second auction, shall without delay pay the full amount bid and value added tax, if the auction price is taxable with value added tax. A person who has bid for the article being sold at a price higher than the initial price, shall pay the price bid and receive the article purchased in accordance with the procedures laid down in Section 587 of this Law.
(8) If the second auction is also announced as not having taken place and the creditor within two weeks from the second auction has not informed of his or her wish to retain the pledged property for himself or herself at the last bid price or the last price called by the bailiff, the property shall be returned to the debtor, releasing it from pledge and the bailiff shall draw up a statement to this effect.
[31 October 2002; 20 December 2010]

Section 591. Declaration of an Auction as Invalid

(1) A court shall declare an auction to be invalid if:

1) any person has unjustifiably not been allowed to participate in the auction, or a higher bid has wrongly been refused;

2) the property was bought by a person such as was not entitled to participate in the auction;

3) the property was sold before the time period stipulated by the notice of sale;

4) the bailiff, creditor or buyer has demonstrated bad faith.

(2) An ancillary complaint may be submitted regarding the court decision.

Chapter 72
Directing Recovery against Remuneration for Work, Payments Equivalent thereto and other Amounts of Money

[31 October 2002; 7 September 2006]

Section 592. Directing Recovery against Remuneration for Work

(1) Recovery shall be directed against remuneration for work of a debtor, also against payment received by the debtor for fulfilling a position in the civil service or military service if:

1) a decision regarding recovery of periodic payments is being enforced;

2) the amount to be recovered does not exceed such part of monthly payments for work or payments equivalent thereto as recovery may be directed against pursuant to law;

3) a creditor has requested to direct recovery against remuneration for work or payments equivalent thereto.

(2) Recovery shall also be directed against remuneration for work of a debtor in instances where the debtor does not have property or it does not suffice for recovery of the debt.

[31 October 2002]

Section 593. Information Concerning Debtor's Remuneration for Work and Payments Equivalent thereto

An employer, upon request of a bailiff and within his or her specified time period, shall provide information as to whether a debtor works for him or her and what the remuneration for work and payments equivalent thereto of the debtor within the time period specified by the bailiff are.

[31 October 2002]

Section 594. Amount of Deductions from Remuneration for Work and Equivalent Payments of a Debtor

(1) Until the debt to be recovered is discharged, deductions shall be made, in accordance with the enforcement documents, from remuneration for work and payments equivalent thereto paid to a debtor:

1) in recovery of the maintenance cases for the support of minor children or for the benefit of the Administration of Maintenance Guarantee Fund – in preserving the work remuneration of the debtor and payments equivalent thereto in the amount of 50 per cent of the minimum monthly wage;

2) in recovering support, compensating for losses arising from personal injuries which have resulted in mutilation or other injury to health or in the death of a person, or

compensating for losses which have been occasioned through commission of a crime – 50 per cent;

3) in other types of recovery, unless provided otherwise by law – 30 per cent.

(2) If recovery is directed against remuneration for work pursuant to several enforcement documents, the employee shall in any event retain 50 per cent of the remuneration for work and payments equivalent thereto, except in the case specified in Paragraph one, Clause one of this Section.

(3) [31 October 2002]

(4) The amount to be deducted from remuneration for work and payments equivalent thereto shall be calculated from the amount to be received by a debtor after payment of taxes.

[31 October 2002; 17 June 2004]

Section 595. Directing Recovery against Income of a Debtor other than Remuneration for Work

(1) The conditions and procedures laid down in this Chapter which shall be observed when directing recovery against remuneration for work also apply in instances where a debtor receives:

1) a scholarship to an educational institution;

2) amounts as compensation for losses arising from personal injuries which have resulted in mutilation or other injury to health, or in the death of a person;

3) [17 December 2009].

(2) In directing recovery against State pensions, State social insurance benefits and compensations, provisions regarding directing recovery against remuneration for work shall be applied, ensuring that the sum to be disbursed for the month is not lesser than the amount of the State social insurance benefit after performance of deductions, if other laws do not provide for other restrictions for deductions.

[31 October 2002; 17 December 2009]

Section 596. Amounts against which Recovery may not be Directed

Recovery may not be directed against:

1) severance pay, funeral benefit, lump sum benefit to the surviving spouse, State social benefits, State support to a child having celiac disease to whom disability has not been specified, survivor's pension and allowance for the loss of provider;

2) compensation for wear and tear of tools belonging to an employee and other compensation in accordance with laws and regulations governing lawful employment relations;

3) amounts to be paid to an employee in connection with official travel, transfer, and assignment to work in another populated area;

4) social assistance benefits;

5) child maintenance in the amount of minimum child maintenance stipulated by the Cabinet which on the basis of a court decision is to be paid by one of the parents, as well as child maintenance to be disbursed by the Maintenance Guarantee Fund.

[31 October 2002; 17 December 2009]

Section 597. Procedures Regarding Directing of Recovery against Remuneration for Work, Payments Equivalent thereto and Other Income of a Debtor

(1) A bailiff shall send an order to an employer or to the relevant legal person with instructions to make deductions from remuneration for work or other remuneration, a pension,

a scholarship or benefits of a debtor and, at the expense of the debtor, transfer the amounts deducted to deposit account of the bailiff.
(2) When terminating employment relations with the debtor, the employer shall inform the bailiff thereof, as well as indicate the new place of work of the debtor, if such is known. These provisions shall also apply to legal persons who have made deductions from a pension, a scholarship or benefits paid to a debtor, if the making of such payments is terminated.
[31 October 2002; 19 June 2003; 5 February 2009]

Section 598. Control of the Correctness of Deductions

A bailiff, pursuant to a written request of a creditor, shall examine whether an employer (the relevant legal person) has correctly and duly made deductions from the remuneration for work and other income of a debtor and whether the amounts deducted have been transferred to deposit account of the bailiff.
[31 October 2002; 5 February 2009]

Section 599. Directing of Recovery against Monetary Funds, which are Due from Other Persons

(1) If recovery is directed against monetary funds, which are due from other persons, including from another bailiff, a bailiff shall forward a request to such persons to inform whether they have an obligation to pay any amounts to a debtor, on what basis and within what time period.
(2) Simultaneously with the request, the bailiff shall give notice that such monetary funds shall be pledged in the amount to be recovered and the amount of enforcement of the judgment expenses, and that until the amount to be recovered and the amount of enforcement of the judgment expenses is fully discharged, these persons shall pay in the monetary funds into the bailiff's deposit account.
(3) If a debtor has a deposit in a credit institution, a bailiff shall give an order to the credit institution to transfer the deposited funds in the amounts indicated by the bailiff to be recovered and the amount of enforcement of the judgment expenses to the bailiff's deposit account, taking into account the limitation in relation to the debtor provided for in Paragraph 3 of Annex 1 to this Law. The order of the bailiff shall be enforced without delay.
[31 October 2002; 19 June 2003; 7 September 2006; 5 February 2009]

Chapter 73
Directing of Recovery against Immovable Property

Section 600. Notice of Directing of Recovery against Immovable Property

(1) If a creditor requests that recovery be directed against immovable property, a bailiff shall forward a notice by registered mail to a debtor and invite the debtor to settle the debt, as well as to provide the information on whether the debtor is a person taxable with value added tax and whether upon selling by auction his or her immovable property the auction price shall be taxable with value added tax and what is the taxable value of such price. If the auction price is taxable with value added tax in accordance with laws and regulations regulating the value added tax, the debtor shall indicate the taxable value of such price in the abovementioned information. The request of the creditor shall be accompanied with as many true copies of decisions issued by court which have enter into lawful effect as there are immovable properties against which recovery is directed.
(2) The bailiff shall submit a request for corroboration to the Land Registry Office regarding making of an entry of recovery. The consequences of such entry are set out in Section 1077,

Paragraph one; Sections 1082 and 1305 of The Civil Law, as well as in Section 46 of the Land Register Law.
(3) The bailiff shall request a true copy of the relevant Land Register subdivision from the Land Registry Office and send a notice by registered mail to the owner of the immovable property, if he or she is not a debtor, to joint owners of the immovable property, except joint owners of such residential house that has not been divided in residential properties, as well as to all mortgage creditors, including persons for whose benefit an entry regarding the right of pledge has been made, indicating:

1) the person whose claim the recovery against the immovable property are being directed to satisfy;

2) what the amount of the debt is and whether the debt has been secured by a mortgage on the relevant immovable property.

(4) In the notice referred to in Paragraph three of this Section the bailiff shall request that the mortgage creditors in a time period specified by the bailiff that is not less than 10 days submit information regarding the amount of the remaining mortgage debt.
(5) The bailiff shall request from a local government information regarding the tax arrears of the immovable property and invite the local government to submit a decision on recovery of the tax arrears if such exist.
(6) If a debtor has paid a debt and judgment enforcement expenses to the bailiff in full until the auction of the immovable property, the sale of the immovable property shall be cancelled.
[31 October 2002; 19 June 2003; 5 February 2009; 20 December 2010; 8 September 2011]

Section 601. Obligations of a Debtor

(1) From the date of receipt of a notice by a bailiff, a debtor is prohibited from:

1) alienating such immovable property or placing a lien thereon;

2) felling trees thereon, except as necessary to maintain the household;

3) alienating or damaging accessories of the immovable property;

4) transfer such immovable property in the possession to other person, including entering into rental, hiring and other agreements encumbering immovable property.

(2) Agreements which a debtor of immovable property has entered into after an entry has been made in the Land Register regarding recovery have no effect as against the creditor and a buyer of the immovable property at auction.
(3) The effect of those agreements which the debtor has entered into regarding the immovable property before an entry has been made in the Land Register regarding recovery shall be determined both as against the parties which participated in such agreements and as against the buyer of the immovable property at auction in accordance with The Civil Law.
(4) A debtor has an obligation to notify a bailiff within the specified time period regarding the actual possessor and manager of the immovable property, if any, as well as regarding all rental, hiring and other agreements encumbering immovable property entered into in respect of this immovable property, submitting copies of the abovementioned agreements and concurrently presenting originals thereof.
(5) A debtor has an obligation to notify a bailiff whether the he or she is a person taxable with value added tax and whether upon selling by auction his or her immovable property the auction price shall be taxable with value added tax and what is the taxable value of such price. If the auction price in accordance with the laws and regulations governing value added tax is taxable with value added tax, the debtor shall indicate the taxable value of such price in the abovementioned information.
[31 October 2002; 5 February 2009; 20 December 2010; 8 September 2011]

Section 602. Rights of Creditors and Other Creditors

(1) A creditor irrespective of the directing of recovery against immovable property shall have the right to request that a mortgage be corroborated on his or her behalf in the Land Register to the extent of the amount to be recovered.
(2) A mortgage creditor has the right to participate in the inventorising of immovable property, to receive an inventory statement and to publish advertisements of an auction using his or her own resources, notifying the bailiff thereof.
(3) A mortgage creditor and a creditor have the right to participate in bidding, paying in the security specified in Section 607, Paragraph one of this Law.
[31 October 2002; 5 February 2009]

Section 603. Inventorising of Immovable Property

(1) A bailiff shall inventorise immovable property upon request of a creditor. The bailiff shall notify the debtor of the time of inventorising of immovable property by sending a notice provided for in Section 600 of this Law, and the creditor. The debtor and the creditor have the right to invite to inventorising of immovable property not more than two witnesses. The failure of the debtor, creditor or witnesses to attend does not stay the inventorising.
(2) There shall be set out in an inventory statement:
1) the given name, surname, official appointment location and location of practice of the bailiff;
2) the decision by court or another institution which is being enforced;
3) the given name and surname of the creditor and debtor or their authorised representatives if such participate in the inventorising;
4) the given name, surname, declared place of residence and the additional address indicated in the declaration, but if none, place of residence of the witnesses if such participate in the inventorising;
5) the place where the immovable property is situated;
6) the component parts of the immovable property;
7) on the basis of entries in the Land Register:
a) the value of the immovable property to be inventorised, if such is specified, its owner, encumbrances with debt and their amount, as well as restrictions and encumbrances imposed on the immovable property,
b) information regarding the state of the immovable property and agreements entered into regarding such property, if the bailiff has knowledge thereof, as well as information regarding movable property which is an accessory of the immovable property;
8) the actual possessor or manager of the immovable property, if such are known.
(3) In inventorising a technologically mutually linked set of installations and buildings, there shall also be set out in which buildings it is situated in, the size and composition of the buildings occupied, the number of workrooms, machine tool benches and other equipment.
(4) In inventorising immovable property, provisions of Sections 576 and 577 shall also be applied.
(5) A debtor shall submit documents and plans by which the area of the immovable property to be inventorised and the rights of the debtor to such property have been determined, as well as notify the bailiff of the actual possessor and manager of the immovable property.
(6) A bailiff, upon request of the interested parties and at their expense, may request from the Land Registry Office true copies of such documents as pertain to the immovable property to be inventorised.
(7) Non-receipt of the documents mentioned in Paragraphs five and six of this Section does not stay the inventorising.

(8) If the debtor or the creditor has not participated in the inventorising of the immovable property, the bailiff shall send them the inventory statement within three days after the inventorising.
[31 October 2002; 29 November 2012]

Section 604. Appraisal of Immovable Property

(1) The appraisal of immovable property shall be made upon request of a bailiff using the resources of a debtor by a certified immovable property appraiser, determining the value of forced sale of the immovable property.
(2) A bailiff shall notify the debtor, creditor and mortgage creditor regarding appraisal by a registered mail, concurrently explaining their rights to request re-appraisal of the immovable property within 10 days from the day of sending the notification.
(3) A person who has requested re-appraisal shall cover appraisal expenses within the time period specified by the bailiff by paying the required sum of money into the bailiff's account. If the sum of money required for appraisal is not paid in within such time period, the bailiff shall dismiss the request regarding re-appraisal of immovable property.
[5 February 2009]

Section 605. Administration of Immovable Property

(1) Inventorised immovable property shall, until the transfer to the new owner, remain in the administration of the former possessor or manager.
(2) A possessor or manager of property shall preserve the inventorised immovable property in the condition in which it was at the moment of inventorising and together with the same movable property.
(3) If the possessor or manager of immovable property is not known, the bailiff may at his or her discretion appoint a manager of the immovable property. The manager of immovable property appointed by the bailiff shall have the same liability as the storer of movable property provided for by this Law.
(4) The possessor and manager of immovable property shall provide an accounting to a bailiff regarding the period of administration of the inventorised property. Income received from the immovable property shall be delivered to the bailiff and added to the amount received from the sale of such property.
[31 October 2002]

Section 606. Announcement of an Auction of Immovable Property

(1) An auction of immovable property, if no request regarding re-appraisal of immovable property has been submitted within the time period specified in Section 604 of this Law or it has been dismissed, shall be announced by a bailiff at least one month prior to the auction. Upon request of a creditor an auction may be announced at least two months prior to the auction, but not later than one month prior to the auction.
(2) A notice of an auction of immovable property shall be published by a bailiff in the official gazette *Latvijas Vēstnesis*, and at least two weeks prior to the auction posted at the immovable property which is to be sold and at the location of bailiff's practice.
(3) There shall be set out in a notice regarding an auction of immovable property:

1) the given name and surname of the owner and of the creditor of the immovable property, and for legal persons, their name and legal address;

2) the given name, surname, official appointment location and location of practice of the bailiff;

3) a short description, location and cadastre number of the immovable property;

4) an appraisal of the immovable property;

5) [5 February 2009];

6) that all persons having rights to the immovable property as do not allow of its sale by auction must submit their claims to the court by the day of the auction;

7) which auction, in order, it is;

8) the time and place of the auction;

8^{1}) whether the auction price is taxable with value added tax and what is the applicable value of such price;

9) the amount of security as is to be paid into the bailiff's deposit account.

(4) A bailiff shall notify debtor and creditor, owner of the immovable property, joint owner, except joint owners of such residential house that has not been divided in residential properties, mortgage creditor and a person in whose favour pledge rights or prohibitory endorsement has been corroborated, if any, of an auction of the immovable property at least two weeks in advance by registered mail, concurrently notifying whether the auction price is taxable with value added tax and what is the taxable value of such price.

(5) All documents relating to a sale at auction shall be available to all persons who wish to familiarise themselves with such, from the day of notification of the auction.

(6) In announcing an auction of immovable property provisions of Section 584, Paragraph four of this Law shall also apply.

[31 October 2002; 5 February 2009; 17 December 2009; 20 December 2010; 8 September 2011; 29 November 2012]

Section 607. Security for the Purchase of Immovable Property

(1) Persons wishing to participate in an auction of immovable property shall pay, by way of security, the amount of 10 per cent of the appraised value of the immovable property into the bailiff's deposit account.

(2) Prior to an auction the bailiff shall ascertain whether the amount of security has been transferred to the bailiff's deposit account.

(3) Security which has been paid by a person who has bought immovable property at auction shall be included in the purchase price. After the auction, security paid in shall be returned, without delay, to others participating in the auction.

[31 October 2002]

Section 607.[1] Initial Auction Price

An auction shall commence from the forced sale value indicated in the appraisal of immovable property. If there have been two appraisals, the auction shall start from the highest amount of appraisal of immovable property.

[5 February 2009]

Section 608. Procedures for an Auction of Immovable Property

(1) Prior to an auction the persons who have arrived to the auction shall present to a bailiff personal identity documents and documents certifying authorisation (representation right) and submit copies of these documents. In opening an auction the bailiff shall announce the immovable property to be sold, the initial auction price and determine the bid increment of not less than one per cent and not more than 10 per cent of the initial auction price of the immovable property, as well as shall inform whether the auction price is taxable with value added tax and what is the taxable value of such price. Thereafter the bailiff shall ask the participants of the auction whether anybody bids more. So long as bidding of a higher price

continues the bailiff shall orally inform as to the prices bid by bidders and record them in the statement of auction, specifying the given name and surname of the bidder.
(1^1) A debtor, his or her guardian or trustee, a person who has participated in inventorising of the immovable property, as well as the bailiff who organises an auction has no right to participate in bidding. The participants themselves are responsible for the observing of restrictions specified in other laws and regulations in respect of purchase of immovable properties.
(2) When bidding of a higher price ceases, the bailiff shall ask three times if there is anyone who bids more. If the third time is not followed by a higher bid, the bailiff shall make a rap of the gavel and announce that higher bids are no longer accepted and the immovable property to be auctioned is sold.
[31 October 2002; 5 February 2009; 20 December 2010]

Section 609. Double Auction

(1) A double auction may be requested by a mortgage creditor if, after a mortgage has been corroborated, such encumbrance of immovable property has been entered in the Land Register, without the consent of the mortgage creditor, as may affect the amount realisable by the mortgage creditor, and the auction takes place directly regarding recovery of the claim of such mortgage creditor or of the claim of a mortgage creditor entered in the Land Register in priority to such mortgage creditor.
(2) The immovable property may be sold at auction with the condition that the mentioned encumbrance is to remain or with the condition that the mentioned encumbrance is to be discharged.
(3) If no person wishes to acquire the immovable property with the encumbrance remaining thereon, it shall go to the highest bidder therefor with the condition that the encumbrance is to be discharged.
(4) If there are bidders wishing to purchase the immovable property with the encumbrance and others wishing to purchase it with the encumbrance discharged, the immovable property shall go to the highest bidder provided the encumbrance is discharged only if the price bid exceeds not only the highest price which has been bid on condition the encumbrance is to remain but also the amount of claims which have priority as compared to the claims of the mortgage creditor who has requested that there be a double auction.
[31 October 2002]

Section 610. Statement of Auction

(1) A bailiff shall set out in a statement of auction:
1) the date and place of the auction;
2) the given name, surname, official appointment location and location of practice of the bailiff;
3) the decision which is being enforced;
4) what immovable property is sold by auction and the initial auction price;
5) persons participating in the auction as creditors, debtors or bidders;
6) prices bid at the auction and the given name and surname of the bidder;
7) the highest price bid, the given name and surname or name, personal identity number or registration number and address of the highest bidder;
8) encumbrances if the immovable property is sold with a condition that they are to remain.

(2) The statement of auction shall be signed by the bailiff, the highest bidder, the last outbid bidder, the creditors and debtors, if they have been present at the auction, as well as by officials present at the auction.
[31 October 2002; 5 February 2009]

Section 611. Consequences of an Auction

(1) Immovable property shall go to that person who has bid a price higher than others.
(2) The highest bidder shall pay the whole amount he or she have bid, value added tax, if the auction price is taxable with value added tax, as well as the State fee specified in Section 34, Paragraph one, Clause 13 of this Law for the application regarding corroboration of the immovable property in the name of the acquirer within one month after the auction. A bank request guarantee letter submitted to a bailiff where the subject of the guarantee, sum and time period that cannot be less than three months counting from the day of approval of the statement of auction shall also be considered as payment of the whole sum, if the creditor and mortgage creditor have agreed on the use of such request guarantee letter.
(3) After the highest bidder of immovable property has paid the whole amount due from him or her, the bailiff shall submit the statement of auction for approval to the regional court in the territory of operation of which the immovable property is located.
(3^1) After the bailiff has submitted a copy of the court decision to the bank regarding approval of the statement of auction, the bank shall, within three days, transmit the sum indicated in the bank request guarantee letter to the deposit account of the bailiff.
(3^2) After the time period for appeal of the calculation drawn up by the bailiff has expired and such calculation has not been appealed, or, if such calculation has been appealed – when the court decision regarding the calculation drawn up has come into effect, the bailiff shall pay into the State budget the value added tax paid by the highest bidder and notify the debtor and the State Revenue Service thereof.
(4) If the highest bidder does not pay the whole amount due from him or her within the time period set, the security paid in shall be included in the total amount received for the property and divided pursuant to the same procedures as such amount. Security paid in shall also be included in the total amount where it is found that the bidder did not have the right to take part in the auction (Section 608, Paragraph $1.^1$).
[31 October 2002; 5 February 2009; 17 December 2009; 20 December 2010]

Section 612. Inclusions in Purchase Price

(1) The highest bidder shall be allowed to have included in the purchase price the highest bidder's mortgage claim which is justified by an enforcement document, as well as other mortgage debts if the mortgage creditors agree to leave them on the immovable property, transferring such debts to the highest bidder.
(2) If the amount received from the sale does not suffice to satisfy all the recovery and mortgage debts, the claims of the highest bidder may be included in the purchase price only to the extent of the amount which pursuant to calculation is due to the highest bidder after the claims having priority as compared to the highest bidder's claims, have been covered.
[5 February 2009]

Section 613. Approval of a Statement of Auction of Immovable Property

(1) A court shall examine a case regarding corroboration of immovable property in the name of the acquirer (a person who has subrogated immovable property or the highest bidder) by written procedure within 15 days from submitting the application of the bailiff to the court. The court shall notify the bailiff, as well as creditor, debtor, acquirer of the immovable

property, owner of the immovable property, mortgage creditor and a person in whose favour the pledge right or prohibitory endorsement has been corroborated and the person who has submitted the complaint referred to in Section 617, Paragraph two of this Law, if such complaint has been submitted, regarding examination of the case.

(1^1) A bailiff shall attach to the application regarding corroboration of the immovable property in the name of the acquirer the documents attesting that court expenses have been paid regarding the lodging of the abovementioned application to the court.

(2) Concurrently with an application regarding corroboration of the immovable property in the name of the acquirer the court may also examine a complaint regarding bailiff's actions, if the submitter of the complaint requests to announce an auction as invalid (Section 617, Paragraph two).

(3) In satisfying an application the court may take a decision:

1) to approve the statement of auction and corroboration of the sold immovable property in the name of the acquirer;

2) regardless of the consent of the creditor – to discharge all debt obligations entered in the Land Register against such property, regarding which the acquirer has not given a direct notice that the acquirer has subrogated them;

3) regardless of the consent of the creditor – to discharge such encumbrances, which have been accepted as a condition in acquiring the property (Section 609);

4) to discharge prohibitory endorsements entered in the Land Register against such property;

5) to refusal declaration of auction as invalid, if such claim has been submitted.

(4) By refusing an application, the court shall declare an auction as invalid.

(5) Upon request of the acquirer the court shall decide on his or her being placed in possession of the acquired immovable property.

(5^1) Upon request of the bank whose issued request guarantee letter has been used for the payment of the purchase sum, the court shall decide on establishment of the pledge right for the immovable property sold.

(6) An ancillary complaint may be submitted regarding the court decision.

(7) A court shall also approve a statement of auction of a ship in accordance with the procedures laid down in this Section.

[5 February 2009; 17 December 2009; 20 December 2010; 8 September 2011]

Section 614. Auction not Having Taken Place

(1) A bailiff shall declare an auction as not to have taken place, if:

1) no bidders attend the auction;

2) no person of those who attend the auction bids more than the initial price;

3) the highest bidder does not pay the whole amount due from him or her (Section 611, Paragraph two) within the time period set.

(2) A bailiff shall record in the statement and shall give notice to the persons who attended the auction, as well to the debtor and owner of the immovable property, if such persons were not present at the auction, that the auction should be deemed as not to have taken place in the cases referred to in Paragraph one, Clause 1 or 2 of this Section.

(3) A bailiff shall draw up the statement and shall give notice to the bidder, debtor and owner of the immovable property, that the auction shall be deemed as not to have taken place in the case referred to in Paragraph one, Clause 3 of this Section.

[31 October 2002; 19 June 2003; 5 February 2009; 20 December 2010; 8 September 2011]

Section 615. Consequences of an Auction not Having Taken Place

(1) If an auction is declared as not having taken place for the reasons provided for in Section 614, Paragraph one, Clauses 1 and 2 of this Law, a bailiff shall immediately notify every creditor and joint owner of the debtor thereof, inviting them to retain the immovable property for themselves at the initial price of the auction not having taken place. Every creditor and joint owner of the debtor has the right to notify the bailiff regarding retaining the immovable property for themselves within two weeks from the day when an invitation of the bailiff was sent.
(2) If the auction has been declared as not having taken place for the reasons provided for in Section 614, Paragraph one, Clause 3 of this Law, the bailiff shall immediately notify the last bidder outbid thereof by inviting him or her to retain the immovable property at the highest price he or she has bid. The last bidder outbid has the right to notify the bailiff regarding retaining of the immovable property for him or herself within two weeks. If the last bidder outbid has failed to notify regarding retaining of the immovable property within the time period specified by the law or has refused to retain the immovable property, every creditor or co-owner of the debtor has the right to notify the bailiff regarding retaining of the immovable property for themselves at the initial price of auction organised within two weeks from the day when an invitation of the bailiff was sent.
(3) If several persons wish to retain the immovable property for themselves, an auction shall be organised where these persons shall participate, moreover, the bidding shall start from the price of the auction not having taken place. The bailiff shall notify the persons wishing to retain the immovable property for themselves of the time and place of the auction in writing seven days in advance. The failure of a person to attend the auction shall be considered as his or her waiver of the right to participate in bidding. If one person attends the auction, such person may retain the immovable property at the initial price of the auction organised. If nobody attends the auction, the bailiff shall, without delay, announce a second auction.
(4) A person who retains immovable property for himself or herself shall, within one month, pay the State fee specified in Section 34, Paragraph one, Clause 13 of this Law for the application regarding corroboration of the immovable property in the name of the acquirer, as well as the amount indicated in Paragraph one, two or three of this Section and the value added tax, if the auction price is taxable with value added tax, into the bailiff's deposit account, in conformity with the calculation drawn up by the bailiff (Section 631, Paragraph three) and the provisions of Section 612 of this Law being taken into account.
(5) After payment of the amount referred to in Paragraph four of this Section, the bailiff shall submit an application to the regional court, in the territory of which the immovable property is located, regarding corroboration of the immovable property in the name of the highest bidder, joint owner or creditor and regarding the discharge of debts entered in the Land Register (Section 613).
(6) If no one has applied for the retaining of immovable property for himself or herself, a second auction shall be organised.
[5 February 2009; 17 December 2009; 20 December 2010; 8 September 2011]

Section 616. Second Auction

(1) A second auction shall be announced and organised, observing the provisions regarding a first auction. However, bidding for immovable property shall start from the amount which corresponds to 75 per cent of the initial price at the first auction.
(2) [17 December 2009]

(3) If the second auction has not taken place and no one intends to retain the immovable property for himself or herself, the immovable property shall remain in the ownership of the previous owner and the entry in the Land Register regarding recovery shall be expunged.
[31 October 2002; 17 December 2009]

Section 617. Invalid Auction

(1) A court shall declare an auction to be invalid, if:

1) any person has unjustifiably not been allowed to participate in the auction, or a higher bid has wrongly been refused;

2) the immovable property was bought by a person who was not entitled to participate in the auction;

3) the immovable property was sold before the time period stipulated in the notice regarding the sale;

4) [5 February 2009];

5) the creditor or the bidder has acted in bad faith;

6) by enforcing recovery towards immovable property, the bailiff has allowed important procedural violations or other important conditions have been determined, which preclude corroboration of the immovable property in the name of the purchaser.

(2) The interested parties may submit a complaint regarding bailiff's actions, which provide the basis for requesting that an auction is declared invalid, to the regional court according to the location of the immovable property, within 10 days from the day of the auction.
(3) An ancillary complaint may be submitted regarding the court decision.
(4) If an auction of immovable property is declared invalid, a repeated auction shall be organised pursuant to provisions of the auction, which was declared invalid.
(5) [5 February 2009]
[31 October 2002; 5 February 2009]

Section 618. Sale of Immovable Property Held Jointly

(1) In directing recovery against one or several owners of undivided joint property, such property shall be inventorised in its entirety but only the right of a debtor to his or her part, without prior separation thereof, shall be sold at the auction.
(2) Immovable property held jointly may also be sold in its entirety, if the joint owners wish and creditors do not raise objections thereto. The money received from the sale shall be divided between the owners of the immovable property but the amount due to the debtor shall be used for the discharge of the debt.

Chapter 74
Compulsory Delivery of Property Adjudged by a Court; Enforcement of Actions Imposed by a Court Judgment

Section 619. Delivery of Articles Set Out in a Court Judgment to the Creditor

(1) If specific articles set out in a court judgment are adjudged to a creditor, a bailiff in accordance with the procedures laid down in Section 555 of this Law shall notify the debtor of an obligation to enforce the judgment. The bailiff shall also set out in the notification the date when enforcement of the court judgment shall be performed if it is not enforced voluntarily. If the court judgment is to be enforced without delay, the bailiff shall not provide the debtor with a time period for voluntary enforcement of the court judgment but notify in writing the date and time when enforcement of the court judgment shall be performed, for which notice the recipient shall sign or it shall be sent by registered mail.
(2) Upon request of the bailiff during the time set by the bailiff for enforcement of the judgment the debtor has an obligation to present the articles specified in the writ of enforcement which are to be handed over to the creditor. The debtor and the creditor have the right to invite not more than two witnesses to handing over of articles. The failure of witnesses to attend shall not stay enforcement of the judgment.
(3) If during enforcement of a court judgment the debtor fails to present the articles specified in the judgment which are to be handed over to the creditor, refuses to disclose the location thereof and subsequent to inspection of the premises the articles are not found, the bailiff shall draw up a statement to this effect which shall be signed by the bailiff, the creditor and the witnesses if such have participated. When a statement regarding non-existence of the property to be handed over to the creditor has been drawn up the bailiff in conformity with provisions of this Law shall carry out enforcement activities to recover the amount specified in the court judgment (Section 196).
[31 October 2002; 5 February 2009; 8 September 2011]

Section 620. Consequences Resulting from a Failure to Enforce a Judgment Imposing on a Debtor an obligation to Perform Certain Actions

(1) If there is a failure to enforce a judgment which imposes on a debtor an obligation to perform stipulated actions which are not connected with the providing of property or of an amount of money, a bailiff shall draw up a statement regarding failure to enforce the judgment.
(2) If there are set out in the judgment the consequences of failure to enforce the judgment provided for in Section 197, Paragraph two of this Law, the statement drawn up shall be sent to the district (city) court based on the place of enforcement in order that it take a decision on the application of the consequences set out in the judgment in connection with the fact that the debtor does not perform the stipulated actions.
(3) If the consequences of a failure to enforce the judgment are not set out therein, the statement drawn up shall be sent to the court which gave the judgment in the case, and that court shall decide as to the issue regarding procedures for enforcement of the judgment in accordance with the provisions of Sections 206 and 438 of this Law.
(4) If a judgment which imposes on a debtor an obligation to fulfil actions which may be fulfilled only by himself or herself (Section 197, Paragraph one) is not enforced within the time period specified by the court judgment, the statement drawn up shall be forwarded by the bailiff to the court based on the place of enforcement. The issue regarding failure to enforce the judgment shall be decided at a court hearing. The creditor and debtor shall be notified of the time and place of the hearing; however, failure of such persons to attend shall not impede examination of the issue regarding the failure to enforce the judgment. Where a debtor does

not enforce a judgment which imposes on the debtor an obligation to fulfil actions which may only be fulfilled by the debtor himself or herself, within the time limit specified by the court, the court may impose a fine not exceeding two hundred and fifty lats on the debtor, stipulating a new time period for the enforcement of the judgment. The fine is recoverable from the debtor for payment into State revenues.
(5) If the debtor a second time and repeatedly violates the time period for the enforcement of the judgment, the court shall take measures provided for by Paragraph four of this Section anew. The court shall impose a fine in the amount of five hundred lats for a repeated failure to enforce the judgment. Payment of the fine shall not release the debtor from the obligation to fulfil actions provided for by the court judgment.
(6) If an employer does not enforce a court judgment regarding reinstatement of a dismissed or transferred employee, the court, upon request of the employee, shall take a decision on remuneration for work for the entire period from the day the judgment is given until the day it is enforced.
(7) An ancillary complaint may be submitted regarding the decision of the court.

Chapter 74.[1]
Eviction of Persons and Removal of Property from Premises
[31 October 2002]

Section 620.[1] Notification Regarding an obligation to Enforce Decision

(1) A bailiff shall issue a notification regarding an obligation to enforce a court judgment and vacate premises in accordance with the procedures laid down in Section 555 of this Law to each person of legal age who pursuant to the court judgment is to be evicted.
(2) In the notification the bailiff shall also set out the date on which enforcement of the judgment shall take place if the debtor fails to enforce it.
[31 October 2002; 8 September 2011]

Section 620.[2] Eviction in the Presence of the Debtor

(1) A creditor and a debtor have the right to invite to compulsory eviction not more than two witnesses each. A bailiff shall verify the identity of the witnesses and specify such persons in the statement. The failure of witnesses to attend shall not stay enforcement.
(2) The bailiff shall invite the debtor to clear the premises specified in the court judgment from property and to vacate such premises together with minor members of the family.
(3) If the debtor fails to fulfil the invitation of the bailiff, the bailiff shall inventorise and make appraisal of the property in conformity with the provisions of Sections 577 and 578 of this Law, as well as appoint a storer of the property, remove the property and transfer it for storage to the storer of the property pursuant to the statement.
(4) The bailiff shall issue one copy of the statement to the debtor.
(5) Subsequent to enforcement of the judgment the premises shall be transferred to the creditor.
(6) If things which are subject to rapid deterioration have been inventorised, the bailiff shall sell such in accordance with provisions of Section 583 of this Law. The received money shall be transferred for covering of judgment enforcement expenses but the probable money surplus shall be paid to the debtor.
[31 October 2002]

Section 620.[3] Eviction in the Absence of the Debtor

(1) If the debtor fails to appear at the time specified for eviction and there is no information regarding the reason for his or her absence or he or she has not appeared due to a justified reason, the bailiff shall postpone the eviction.
(2) If the debtor has repeatedly failed to appear for eviction at the time specified and has not notified the reason for his or her absence or has not appeared due to a reason which is not recognised as justified by the bailiff, the premises shall be opened by forcible means, in the presence of a police representative. The bailiff shall make a note in the statement regarding opening of premises by forcible means.
(3) Eviction shall be carried out in accordance with the procedures laid down in Section 620.[2] of this Law.
(4) The debtor is entitled to receive one copy of the property inventory statement.
[31 October 2002]

Section 620.[4] Actions with Debtor's Property

(1) A debtor has the right to receive the property transferred for storage within a period of one month, by paying the judgment enforcement expenses.
(2) If the debtor refuses to pay the judgment enforcement expenses, the bailiff shall detain debtor's property in the value required for covering the judgment enforcement expenses but transfer the remaining property to the debtor.
(3) The bailiff shall sell the detained property in accordance with the provisions of Chapter 71 of this Law.
(4) Money received from the sale of the property shall be transferred for covering of the judgment enforcement expenses but the probable money surplus shall be paid to the debtor. The bailiff shall notify the debtor of the sale of the property if he or she has information regarding the place of residence of the debtor.
(5) If the debtor fails to appear to receive the property transferred for storage within one month, the bailiff shall sell it in accordance with the provisions of Chapter 71 of this Law.
(6) The bailiff shall destroy property, which has no market value or which cannot be sold and which the debtor has failed to arrive to receive within the time period and in accordance with the procedures laid down in Paragraph one of this Section, in the presence of witnesses, drawing up a statement to this effect.
[31 October 2002; 5 February 2009]

Chapter 74.[2]
Placing in Possession of Immovable Property
[31 October 2002]

Section 620.[5] Notification Regarding an obligation to Enforce Decision

(1) A bailiff shall issue a notification regarding an obligation to vacate immovable property and to transfer it to the acquirer in accordance with the procedures laid down in Section 555 of this Law to a person from whose possession immovable property is to be removed (debtor).
(2) In the notification the bailiff shall also set out the date on which placing of the acquirer in possession of immovable property will take place if the debtor fails to enforce the obligation.
(3) Placing in possession shall also take place if the acquirer has not yet corroborated the ownership rights in the Land Register.
[31 October 2002; 8 September 2011]

Section 620.[6] Placing in Possession of Immovable Property in the Presence of the Debtor

(1) A bailiff shall carry out placing in possession of immovable property in the presence of the acquirer of the immovable property and the debtor or his or her family member of legal age. These persons have the right to invite not more than two witnesses each. The bailiff shall verify the identity of witnesses and specify these persons in the statement. The failure of witnesses to attend shall not stay enforcement.
(2) The bailiff shall invite the debtor to clear the immovable property from the property owned by him or her and to vacate the immovable property together with the family members and other persons living together with his or her family.
(3) If the invitation of the bailiff is not fulfilled, the bailiff shall inventorise and make appraisal of the property in conformity with the provisions of Sections 577 and 578 of this Law, as well as appoint a storer of the property, remove the property and transfer it for storage to the storer of the property pursuant to the inventory statement. Movable property belonging to the immovable property shall not be included in this inventory statement and shall not be removed.
(4) The bailiff shall issue one copy of the statement to the debtor or his or her family member of legal age in the presence of which placing of the immovable property in possession of the acquirer was carried out.
(5) The bailiff shall draw up a separate statement regarding the immovable property to be transferred to the acquirer which shall specify the state of the immovable property and movable property belonging thereto, which shall be transferred to the acquirer.
(6) If things which are subject to rapid deterioration have been inventorised and removed, the bailiff shall sell such in accordance with the provisions of Section 583 of this Law. The received money shall be transferred for covering the judgment enforcement expenses but the probable money surplus shall be paid to the debtor.
[31 October 2002; 8 September 2011]

Section 620.[7] Placing in Possession of Immovable Property in the Absence of the Debtor

(1) If neither debtor nor any of his or her family members of legal age appears at the time specified for placing in possession of immovable property and there is no information regarding the reason for his or her absence or he or she has not appeared due to a justified reason, the bailiff shall postpone placing in possession.
(2) If neither debtor nor any of his or her family members of legal age has repeatedly appeared at the time specified for placing in possession of immovable property and has not notified the reason for his or her absence or has not appeared due to a reason which is not recognised as justified by the bailiff, the premises shall be opened by forcible means, in the presence of a police representative and two witnesses. The bailiff shall make a note in the statement regarding opening of the premises by forcible means.
(3) Placing in possession of immovable property shall be carried out in accordance with the provisions of Section 620.[6] of this Law.
(4) The debtor is entitled to receive one copy of the property inventory statement.
[31 October 2002; 8 September 2011]

Section 620.[8] Disputes and Complaints in Connection with Placing in Possession of Immovable Property

(1) Objections of the possessor whose immovable property has been transferred to the acquirer, as well as objections of third persons against the transfer of the immovable property acquired at auction shall not stay placing in possession. The former possessor and third persons may prove their rights only by bringing an action at court.

(2) A complaint, which is submitted to a court by a third person who is in possession of the immovable property to be transferred, shall stay placing in possession until examination of the complaint. Satisfaction of the complaint does not impede the acquirer of the immovable property to bring an action according to general procedure against the possessor of the immovable property.
[31 October 2002]

Section 620.[9] Action with Property Transferred for Storage

(1) A debtor has the right, within a month, to receive a property transferred for storage by paying the judgment enforcement expenses.
(2) If a debtor refuses to pay the judgment enforcement expenses, a bailiff shall suspend the property of the debtor in such value that is necessary for covering the judgment enforcement expenses, but the rest of property shall be transferred to the debtor.
(3) A bailiff shall sell the suspended property in accordance with the provisions of Chapter 71 of this Law.
(4) The money received by sale of the property shall be transferred for covering the judgment enforcement expenses, but probable surplus of money shall be disbursed to the debtor. A bailiff shall notify the debtor regarding sale of the property if he or she has information regarding the place of residence of the debtor.
(5) If within a month the debtor fails to receive the property transferred for storage, a bailiff shall sell it in accordance with the provisions of Chapter 71 of this Law.
(6) Property that has no market value or that cannot be sold and that the debtor has not arrived to receive within a time period and in accordance with the procedures laid down in Paragraph one of this Section, a bailiff shall destroy in the presence of witnesses by drawing up a statement thereon.
[8 September 2011]

Chapter 74.[3]
Return of a Child to the State, which is his or her Place of Residence
[4 August 2011]

Section 620.[10] Decision Enforcement Expenses and Procedures for Payment Thereof

(1) A creditor shall, by submitting an enforcement document for enforcement, pay the State fee and cover the decision enforcement expenses in accordance with Section 567, Paragraph one of this Law.
(2) A creditor who does not participate in enforcement of decision shall, upon request by a bailiff in addition to the decision enforcement expenses referred to Paragraph one of this Section, pay in the sum for covering of such expenses that are related to conveyance of the child to a state, which is his or her place of residence (also for covering of expenses related to stay of the child in a crises centre or other safe conditions, travel expenses, expenses for the services of an interpreter and psychologist and other expenses). The amount of such expenses and procedures for the payment thereof shall be determined by the Cabinet.
(3) After transfer of the child to a representative of the Orphan's Court a bailiff shall immediately transmit the expenses referred to in Paragraph two of this Section to the account specified by the Orphan's Court.
(4) In issuing an enforcement document to the creditor (Section 565, Paragraph one, Clauses 7 and 8), a bailiff or Orphan's Court shall repay the expenses referred to in Paragraph two of this Section, which have not been spent for enforcement of the decision, to the creditor.
(5) A bailiff shall recover the decision enforcement expenses from the debtor.

Section 620.[11] Notification Regarding Obligation to Enforce Decision

Upon receipt of the enforcement document indicated in Section 540, Clause 8 of this Law for enforcement, in which the time period for voluntary enforcement of decision has not been determined, a bailiff shall, in accordance with the procedures laid down in Section 555 of this Law, send a notification to the debtor regarding obligation to enforce the decision within 30 days. In the notification the bailiff shall warn the debtor regarding consequences that will set in if the decision is not enforced.

Section 620.[12] Consequences that Arise if Debtor Fails to Enforce Decision Voluntarily

(1) A bailiff shall send the information that a debtor has failed to enforce a decision voluntarily to:

1) the district (city) court that has taken the decision on return of the child to the state, which is his or her place of residence – upon receipt of the abovementioned decision for enforcement; or

2) the district (city) court, in the territory of which the enforcement document referred to in Section 540, Clause 8 of this Law is to be enforced – after expiry of the time period for voluntary enforcement of the decision specified in the enforcement document or in accordance with Section 620.[11] of this Law.

(2) The court shall, after receipt of the information referred to in Paragraph one of this Section, shall impose a fine on the debtor in the amount of 500 lats.

(3) The issue regarding imposition of a fine shall be examined by written procedure.

(4) A true copy of the court decision on imposition of a fine shall be sent to the debtor.

(5) Within 10 days after receipt of a true copy of the court decision the debtor may ask the court that has imposed the fine to release him or her from the fine or reduce the amount thereof. Such submission shall be examined by written procedure.

(6) The fine shall be recovered from the debtor into income of the State.

(7) Payment of the fine shall not release the debtor from the obligation to enforce the decision.

Section 620.[13] Ascertaining of Daily Regimen of a Child

(1) Concurrently with sending of the information specified in Section 620.[12], Paragraph one of this Law, a bailiff shall issue an order to the Orphan's Court based on the location of the child to ascertain the daily regimen of the child and inform the bailiff thereof immediately.

(2) The Orphan's Court shall inform the bailiff regarding the information which applies to the child and the location of the child and which it has obtained by executing the order specified in Paragraph one of this Section. If it is not possible to obtain the abovementioned information, the Orphan's Court shall inform the bailiff thereof. The bailiff shall, upon receipt of the information that the location of the child is not known, in accordance with Section 569 of this Law, ask a judge to take a decision on search for the child or the child and debtor with the assistance of the police and stay enforcement proceedings.

(3) The bailiff shall, upon receipt of the information from the Orphan's Court or the police regarding location of the child that is not in the territory of the district court to which such bailiff belongs, immediately forward the enforcement case for continuing of enforcement to the bailiff within whose boundaries (district) of the official appointment location the child was found.

(4) After receipt of the enforcement case the bailiff shall immediately issue the order referred to in Paragraph one of this Section. The Orphan's Court shall, within 15 days from the day of receipt of the order, ascertain the daily regimen of the child and immediately inform the relevant bailiff thereof or provide any additional information and location of the child, if it is not possible to ascertain the daily regimen of the child.

Section 620.[14] Transfer of a Child to a Creditor or Representative of the Orphan's Court

(1) Upon receipt of the information referred to in Section 620.[13], Paragraph one or four of this Law, a bailiff shall determine the times and places when and where a child will be transferred to a creditor or representative of the Orphan's Court, if the creditor does not participate in the enforcement, and notify thereof:

1) the creditor by issuing a notification to him or her against a signature or by sending a notification by registered mail or forwarding it through the Ministry of Justice and informing him or her regarding the rights of the creditor to be present at the enforcement activities;

2) the Orphan's Court and the police based on the location of the child by issuing an order for their representatives to participate in enforcement. The Orphan's Court may, on its own preference, invite a psychologist to participate in enforcement of the decision.

(2) The bailiff shall not inform the debtor regarding the times and places when and where the child will be transferred to a creditor or representative of the Orphan's Court, if the creditor does not participate in the enforcement.

(3) Transfer of the child to the creditor or representative of the Orphan's Court shall be performed as soon as possible.

(4) The bailiff, representatives of the Orphan's Court, as well as a psychologist, if the Orphan's Court has invited him or her, shall participate in the transfer of the child. In the time and at the place specified in the order by the bailiff the representative of the Orphan's Court shall, in co-operation with a psychologist if any has been invited, carry out negotiations with a creditor or other persons with whom the child is located in order to convince to return the child to the creditor or representative of the Orphan's Court, if the creditor does not participate in the enforcement, as well as to prepare the child for conveyance back to the state, which is his or her place of residence. Representatives of the police shall ensure public order, as well as prevent or overcome any opposition or disobedience to the orders of the bailiff demonstrated by the debtor or other persons.

(5) If the bailiff is not allowed to enter the premises regarding which there is the information that a child is therein, they shall be opened by forced enforcement in the presence of the representative of the police. The bailiff shall make a note in the statement regarding forced opening of the premises.

(6) If a child is transferred to a creditor, the bailiff shall make a note in the statement regarding transfer of the child, indicating that the decision has been enforced.

(7) If the child is transferred to a representative of the Orphan's Court for the performance of further activities in order to convey the child back to the state, which is his or her place of residence, the bailiff shall make a note in the statement regarding transfer of the child. A copy of the statement shall be issued to the representative of the Orphan's Court. After receipt of the notification from the Orphan's Court that the child has been conveyed back to the state, which is his or her place of residence, the bailiff shall draw up a statement on enforcement of the decision.

Section 620.[15] Action of a Bailiff if it is not Possible to Transfer a Child to a Creditor or Representative of the Orphan's Court

If it is not possible for the Orphan's Court to acquire the information referred to in Section 620.[13] of this Law or the conveyance of the child back to the state, which is his or her place of residence, is not possible because the child had not been met in the times and at the places specified by the bailiff, the bailiff shall draw up a statement thereon and send such statement to the Office of the Prosecutor in order for it to decide an issue regarding

commencement of criminal proceedings against a debtor in relation to his or her malicious evasion from enforcement of the decision, and stay enforcement proceedings.

Section 620.[16] Refusal or Suspension of Enforcement of a Decision

(1) A debtor may submit to the district (city) court, which has taken a decision on return of a child to the state, which is his or her place of residence, or in the territory of which the certificate referred to in Section 540, Clause 8 of this Law is to be enforced, a proposal regarding suspension of enforcement of a decision or refusal of enforcement of a decision, if a change of important conditions has occurred.
(2) The following shall be considered as a change of important conditions within the meaning of this Section:
1) the fact that the conveyance of the child back to the state, which is his or her place of residence, is not possible due to the condition of health or psychological condition of the child which is certified by a statement from the hospital or psychiatrist;
2) objections of the child against his or her conveyance back to the state, which is his or her place of residence, that is certified by an opinion of the psychologist appointed by the Orphan's Court; or
3) the fact that a creditor does not demonstrate any interest regarding renewal of the connection with the child.
(3) The proposal referred to in Paragraph one of this Section may be submitted, if more than a year has passed since the decision on return of the child to the state, which is his or her place of residence (Section 644.[20]), except the case referred to in Paragraph two, Clause 1 of this Section.
(4) An application shall be examined in a court hearing, previously notifying the participants in the case thereof. The non-attendance of such persons shall not be an obstacle for examination of the application.
(5) In a decision to stay enforcement of a decision the court shall indicate the obligations of the debtor and creditor during the time period while enforcement of the decision is stayed, and, if necessary – also procedures by which a connection between the child and creditor is to be renewed.
(6) The decision shall be enforced without delay. An ancillary complaint may be submitted in respect of the court decision. Submitting of the ancillary complaint shall not stay enforcement of the decision.

Chapter 75
Apportionment between Creditors of Amounts Recovered

Section 621. Issue of Recovered Amounts to Creditors

(1) Enforcement of judgment expenses shall firstly be covered from the amount recovered by a bailiff from a debtor; claims of creditors, which are justified by enforcement documents present in the record-keeping of the bailiff, shall be satisfied from the balance of the amount. The amount remaining after satisfaction of all of the claims shall be returned to the debtor.
(2) Amounts, which are recovered from a debtor and are to be provided to a creditor shall be paid into the bailiff's deposit account, but subsequently shall be delivered or transferred in accordance with prescribed procedures.
(3) A bailiff shall pay amounts, which are to be paid in to State revenue, into a budget account of the State Treasury.
(4) Amounts recovered for the benefit of a person who is a foreign resident shall be transferred to the creditor in accordance with prescribed procedures.

(5) Persons who have enforcement documents in other cases may join in the recovery by submitting the enforcement document to the bailiff who organises the auction until the day of auction of the property or until the day when the property is transferred to a trading undertaking for sale pursuant to terms regarding commission.
[31 October 2001; 5 February 2009]

Section 622. Order of Satisfaction of Claims of Creditors

(1) If an amount recovered from a debtor does not suffice to satisfy all the claims pursuant to the enforcement documents, such amount shall be apportioned between the creditors in accordance with the order prescribed by this Law unless a specific law prescribes priority for certain creditors.
(2) Claims of every next order shall be satisfied after full satisfaction of claims of the previous order.
(3) If an amount collected does not suffice to satisfy all the claims of one order in full, such claims shall be satisfied in proportion to the amount, which is due to each creditor.

Section 623. First Order of Recovery

(1) The following shall be satisfied first of all:
1) claims for recovery of the child maintenance or parent support;
2) claims for recovery of remuneration for work;
3) claims arising from personal injuries which have resulted in mutilation or other injury to health, or in the death of a person.
(2) If support is paid in accordance with a decision of the Administration of Maintenance Guarantee Fund administration and the amount of support recovered:
1) does not ensure the minimal amount of support which, based upon Section 179, Paragraph five of The Civil Law, has been stipulated by the Cabinet, the recovered support shall be paid into the Maintenance Guarantee Fund;
2) ensures the minimal amount of support which, based upon Section 179, Paragraph five of The Civil Law, has been stipulated by the Cabinet, then support in such amount as based upon Section 179, Paragraph five of The Civil Law has been stipulated by the Cabinet, shall be paid out to the submitter, but the surplus amount shall be paid into the Maintenance Guarantee Fund until the debt is discharged in full.
[17 June 2004; 9 June 2011]

Section 624. Second Order of Recovery

Claims for taxes and non-tax payments into the budget shall be satisfied in the second order.

Section 625. Third Order of Recovery

Claims of natural persons regarding compensation for such losses as have been caused to their property by a criminal act or administrative violation shall be satisfied in the third order.

Section 626. Fourth Order of Recovery

All other claims shall be satisfied in the fourth order.

Section 627. Apportionment of Money Received from Sale of Movable Property Encumbered by a Pledge

Firstly, enforcement of a judgment expenses shall be covered from the money which has been received from the sale of movable property encumbered by a pledge and thereafter, claims shall be satisfied in the following order:

1) claims secured by a pledge;

2) other claims in accordance with the order laid down in this Law.

Section 628. Apportionment of Money Received from Sale of Immovable Property Encumbered by a Pledge

(1) From the money which has been received from the sale of immovable property encumbered by a pledge, there shall firstly be covered the enforcement of the judgment expenses as is connected with the sale of such property, and thereafter claims shall be satisfied in the following order:

1) those claims of employees regarding payment of salaries which are related to the maintenance of the immovable property and social insurance payments related to their salaries;

2) claims for tax payments which are payable regarding such immovable property;

3) real charges entered in the Land Register which have come due;

4) claims secured by a pledge on such immovable property according to the rights of priority thereof;

5) other claims in accordance with the procedures provided for by this Law.

(2) In satisfying mortgage claims according to the rights of priority thereof, the ancillary claims thereof – interest for the last three years up to the day of auction, court expenses adjudged and expenses related to the conducting of the court procedure not exceeding the amount of mortgage entered in the Land Register – shall also be satisfied concurrently. The claim in the remaining part not secured by immovable property pledge (mortgage) shall be satisfied in accordance with the procedures laid down in Section 622 of this Law.

(2^1) If mortgage creditor has not joined in the recovery (Section 621, Paragraph five), the money shall be transferred into the deposit account of the bailiff who organised an auction in the amount of mortgage sum indicated in the Land Register or in the amount indicated in the notification of mortgage creditor, if any has been received (Section 600, Paragraph four), taking into account the right of priority of the relevant mortgage claim, and shall be kept until receipt of enforcement documents.

(3) If immovable property has been sold by auction in respect of which an entry regarding the right of pledge has been made in the Land Register, money in the amount of the claim in conformity with the claim priority shall be transferred to the bailiff's deposit account and stored until examination of the ensured claim at the court.

[31 October 2002; 5 February 2009]

Section 629. Apportionment of Money Received from Sale of a Ship

From the amount received from the sale of a ship, the enforcement of the judgment expenses and other claims shall be satisfied taking into account Section 56, Paragraph two of the Maritime Code.

[19 June 2003]

Section 630. Order of Recovery in Cases where Property of a Debtor is Confiscated Pursuant to a Judgment in a Criminal Case

(1) In executing a judgment regarding confiscation of property in a criminal case, a bailiff shall transfer the property of a debtor to financial institutions after satisfaction of all the claims submitted as against the debtor which have arisen before the arrest of the property of the convicted person or pledge of it by preliminary investigation agencies or court.
(2) Claims for support and claims arising from personal injuries which have resulted in mutilation or other injury to health, or in the death of a person, shall also be satisfied if they have arisen after arrest is imposed or a pledge placed upon the property of the convicted person.
[31 October 2002]

Section 631. Calculation Drawn up by a Bailiff

(1) If a court has found that a creditor has the right to receive interest on the amount adjudged until the enforcement of the judgment (the day of an auction) or if the obligation to pay interest is specified in another law, a bailiff shall draw up a calculation of the total amount to be paid to the creditor.
(2) If there are several creditors and the amount recovered from a debtor does not suffice to satisfy all the claims in full, the bailiff shall make a calculation of the apportionment of the money between the creditors and issue it to the creditors and the debtor.
(3) If an auction of immovable property has been declared as not having taken place and a creditor, joint owner of the debtor or the last bidder outbid has expressed his or her wish to retain the immovable property for himself or herself, the bailiff shall draw up a calculation in order to determine the amount due from such person.
(4) A calculation drawn up by a bailiff may be appealed to the district (city) court according to the bailiff's official appointment location. An ancillary complaint may be submitted regarding the court decision.
[17 June 2004; 5 February 2009]

Chapter 76
Protection of Rights of Creditors, Debtors and Other Persons in Enforcement of a Court Judgment

Section 632. Appeal of Actions of a Bailiff

(1) A creditor or a debtor, by submitting a justified complaint, may appeal the actions of a bailiff in executing a judgment or the bailiff’s refusal to perform such actions, except the case specified in Section 617 of this Law, to the district (city) court according to the official appointment location of the bailiff within 10 days from the day when the actions appealed from are taken or the day when a complainant, who has not been notified of the time and place of actions to be taken, becomes informed of such actions.
(2) A complaint shall be examined at a court hearing within 15 days. A debtor and a creditor, as well as the bailiff, shall be notified of the court hearing. The failure of such persons to attend is not an impediment to examination of the issue.
(3) On the basis of a justified petition from the submitter of a complaint, a judge in accordance with the procedures laid down in Section 140 of this Law, may take a decision on a stay of enforcement activities, regarding a prohibition to transfer money to a bailiff or creditor or debtor or the suspension of the sale of property. The decision shall be implemented without delay after it has been taken.

(4) An ancillary complaint may be submitted regarding the court decision.
[31 October 2002; 19 June 2003; 5 February 2009]

Section 633. Protection of Rights of Other Persons in Enforcement of a Decision

(1) A person who considers that he or she has any right to the inventorised movable property or immovable property against which recovery is directed or a part thereof, shall bring an action in court in accordance with general jurisdiction on cases.
(2) Claims for exclusion of property from an inventory statement, deletion of an entry in the Land Register regarding recovery or another claim shall be submitted against the debtor and the creditor. If the property is inventorised on the basis of a judgment in a criminal case in the part regarding property confiscation, the convicted person and the financial institution shall be summoned as defendants.
(3) If the property has already been sold, a claim shall also be submitted against the persons to which the property was handed over. If the court satisfies a claim for immovable property, the entry in the Land Register regarding transfer of ownership rights to the acquirer thereof shall be declared invalid.
(4) If the claim for return of the already sold property in specie is satisfied, disputes among the acquirer of the property, the creditor and the debtor shall be examined by a court in accordance with the procedures applicable to actions.
[31 October 2002]

Section 634. Reversal of Enforcement of a Judgment

(1) If an enforced judgement is revoked and, upon re-examination of the case, a judgment is given dismissing the claim or a decision is taken to terminate court proceedings in the case or to leave the case without examination, there shall be returned to the defendant everything which has been recovered from the defendant for the benefit of the plaintiff pursuant to the judgment revoked (reversal of enforcement of a judgment).
(2) If it is impossible to return the property in specie, the court judgment or decision shall provide for compensation for the value of such property.

Section 635. Decision on Issue Regarding Reversal of Enforcement of a Judgment

(1) A court to which a case has been referred for re-examination shall, on its own initiative, examine the issue regarding the reversal of enforcement of the judgment and decide it in the new judgment or decision by which court proceedings in the case are terminated.
(2) If a court, which re-examines a case, has not decided the case regarding reversal of the enforcement of the judgment revoked, the defendant has the right to submit to such court an application for the reversal of enforcement of the judgment. Such application shall be examined at a court hearing upon prior notice to the participants in the case. The failure of such persons to attend is not an impediment to examination of the application.
(3) A cassation instance court, if by its judgment it varies a judgment which has been appealed (protested), revokes it and terminates court proceedings in a case or leaves an application without examination, shall decide the issue regarding reversal of enforcement of the judgment or transfer the deciding thereof to the court whose judgment has been appealed.
(4) If an appellate instance court dismisses a claim in a case in which a first instance court in accordance with Section 205 of this Law has permitted immediate enforcement of a judgment, or court proceedings in such case are terminated or a claim is left without examination, it shall, together therewith, decide the issue regarding the reversal of enforcement of the judgment.

(5) If a judgment is revoked in connection with newly-discovered circumstances or in connection with review of examination in the cases provided for in legal norms of the European Union, an issue regarding reversal of enforcement of the judgment shall be decided by the court which upon revocation of the judgment re-examines the case.
(6) Reversal of enforcement of a judgment shall be allowed in cases regarding recovery of the maintenance, recovery of remuneration for work, recovery of losses arising from personal injuries resulting in mutilation or other injury to health, or in the death of a person, if the judgment revoked was based on false information furnished by or forged documents submitted by the plaintiff.
(7) An ancillary complaint may be submitted in regard to a court judgment respecting an issue regarding reversal of enforcement of a judgment.
[8 September 2011]

Part F
International Civil Procedure
[7 April 2004]

Division Fifteen
International Civil Procedural Co-operation
[7 April 2004]

Chapter 77
Recognition and Enforcement of a Decision of a Foreign Court

Section 636. Examination of a Foreign Court

(1) A decision of a foreign court within the meaning of this Chapter is a judgment given by a foreign court, in which the issue of dispute between the parties has been adjudicated according to substance, as well as an approved amicable settlement of a foreign court.
(2) A decision of a foreign court within the meaning of this Chapter is also a decision of a foreign competent authority, which is to be enforced in the state that made it if the recognition of the decision and enforcement arises from directly applicable legal norms of the European Union or international agreements binding upon the Republic of Latvia.
[7 April 2004; 7 September 2006]

Section 637. Recognition of a Decision of Foreign Courts

(1) Recognition of decision of foreign courts shall take place in accordance with the general provisions of this Chapter.
(2) A decision of a foreign court shall not be recognised only if one of the following bases for non-recognition exists:

1) the foreign court, which made the decision, was not competent in accordance with Latvian law to examine the dispute or such dispute is an exclusive jurisdiction of the Latvian courts;

2) the decision of the foreign court has not entered into lawful effect;

3) the defendant was denied a possibility of defending his or her rights, especially if the defendant who has not participated in examination of the case was not notified regarding appearing in court in a timely and proper manner, except if the defendant has not appealed such examination even though he or she had the possibility to do so;

4) the decision of the foreign court is not compatible with a court decision already given earlier and entered into lawful effect in Latvia in the same dispute between the same

parties or with already earlier commenced court proceedings between the same parties in a Latvian court;

5) the decision of the foreign court is not compatible with such decision of another foreign court, which has already been earlier given and has entered into lawful effect, in the same dispute between the same parties, which may be recognised or is already recognised in Latvia;

6) the recognition of the decision of the foreign court is in conflict with the public structure of Latvia;

7) in the making the decision of the foreign court, the law of such state was not applied as should have been applied in conformity with Latvian international private law conflict of law norms.

(3) A decision of the foreign court in cases, which arise from custody, guardianship and access rights, shall not be recognised only if there exists at least one of the non-recognition bases referred to in Paragraph two, Clauses 1, 2, 3, 6 and 7 of this Section or one of the following non-recognition bases:

1) the decision of the foreign court is not compatible with a court decision that has been given later and has entered into lawful effect in Latvia in the same dispute between the same parties or with court proceedings between the same parties commenced later in a Latvian court;

2) the decision of the foreign court is not compatible with a decision of another foreign court that has been given later in the same dispute between the same parties and has entered into lawful effect, which may be recognised or is already recognised in Latvia.

(4) In deciding an issue regarding whether in conformity with the provisions of Paragraph two of this Section a court decision is to be recognised, the judge or court shall be guided by the circumstances, which are established by the decision of the foreign court.

(5) If with a decision of the foreign court several merged claims in one claim are satisfied and such decision is not to be recognised in full, the decision of the foreign court may be recognised in relation to one or more of the satisfied claims.

[7 April 2004; 7 September 2006]

Section 638. Submission of an Application

(1) An application for the recognition or recognition and enforcement of a decision of a foreign court shall be submitted for examination to a district (city) court based on the place of enforcement of the decision or also based on the declared place of residence of the defendant, but if none, place of residence or legal address of the defendant.

(2) An application shall indicate:

1) the name of the court to which an application is submitted;

1^1) the given name, surname, personal identity number (if there is none, then other identification data) and address of the applicant for correspondence with the court, but for a legal person – the name, registration number and legal address thereof;

1^2) the given name, surname, personal identity number (if there is none, then other identification data) and declared place of residence and additional address indicated in the declaration of the defendant, but for a legal person – the name, registration number and legal address thereof;

2) [29 November 2012];

3) the object of the application and the circumstances upon which the application is based;

4) the petition of the applicant to recognise or recognise and enforce the decision of a foreign court in full or any of its parts;

5) the authorised representative and his or her address if for the conduct of the case in Latvia a representative has been appointed;

6) a list of the documents attached;

7) the time of completing the application.

(2^1) The central authority of Latvia shall, in the case regarding recognition or announcement of enforcement of a decision of a foreign court regarding recovery of the maintenance, in applying Council Regulation No 4/2009, submit or forward the form laid down in Annex VII to the Council Regulation No 4/2009 which shall be considered as an application, taking into account the details specified in Article 57 of the Regulation No 4/2009.

(3) An application shall have attached:

1) a decision of a foreign court with a statement certifying that the decision has entered into lawful effect, or a properly certified true copy of the decision;

2) a document issued by a foreign court which certifies that the defendant, who has not participated in the examination of the case, was notified of the time and place of examination of the case in a timely and proper manner;

3) a document issued by a foreign court or a competent authority regarding the enforcement of the decision if the decision of the foreign court is already partially enforced;

4) a document issued by a foreign court, which certifies that a decision of the foreign court is to be enforced in the state wherein it was given if the applicant requests the recognition and enforcement of the decision of the foreign court;

5) the application and a translation of the documents referred to in Clauses 1-3 of this Paragraph into the official language certified according to specific procedures;

6) a document, which certifies the payment of the State fee according to the procedures and in the amount laid down in law.

(4) The applicant or his or her representative shall sign the application. If the application has been signed by the representative, to the application shall be attached the authorisation or another document, which certifies the authorisation of the representative to apply to the court with an application.

[7 April 2004; 2 September 2004; 7 September 2006; 9 June 2011; 8 September 2011; 29 November 2012]

Section 639. Application Left not Proceeded With

If an application does not conform to the requirements of Section 638, Paragraphs two, three and four of this Law, a judge shall leave the application not proceeded with and the consequences provided for in Section 133 of this Law shall come into effect.

[7 April 2004]

Section 640. Deciding on an Application

A decision to recognise and enforce a decision of a foreign court or a decision to refuse the application shall be taken by a judge sitting alone on the basis of the submitted application and the documents attached thereto within 10 days from the day of submission of the application without inviting the parties.

[7 April 2004]

Section 641. Appeal of Entering into Effect of Decisions of First Instance and Appellate Instance Courts

(1) In respect of a decision by a first instance court in a decision of a foreign court recognition case, an ancillary complaint to the regional court may be submitted, and a decision by the regional court in respect of an ancillary complaint may be appealed to the Senate by submitting an ancillary complaint.

(2) A participant in the case whose declared place of residence, but if none, place of residence or legal address is in Latvia, may submit the complaints referred to in Paragraph one of this Section within 30 days from the day of issue of the true copy of the decision, but a participant in the case whose declared place of residence, but if none, place of residence or legal address is not in Latvia – within 60 days from the day of receipt of the true copy of the decision.
(2^1) In the cases provided for in Council Regulation No 4/2009 a participant in the case whose place of residence or location is not in Latvia, may submit the ancillary complaint referred to in Paragraph one of this Section within 45 days from the day of issue of the true copy of the decision.
(3) A decision of the first instance court and a decision of appellate instance court shall enter into lawful effect when the time period for appeal has elapsed, counting from the latest date of issue of the true copy of the decision, and an ancillary complaint has not been submitted.
(4) If the relevant confirmation has not been received in the case referred to in Paragraph three of this Section regarding issue of the true copy of the decision, the decision shall enter into lawful effect six months after declaration thereof.
[7 April 2004; 5 February 2009; 9 June 2011; 29 November 2012]

Section 642. Competence of Regional Courts and the Senate

(1) A regional court and the Senate in examining an ancillary complaint have the right to:
1) leave the decision unamended, and reject the complaint;
2) revoke the decision fully or a part thereof and decide the issue of the recognition of the decision of the foreign court;
3) amend the decision.
(2) A court may request from the parties, explanations or also additional information from the foreign court that had made the decision.
(2^1) In applying Council Regulation No 4/2009, an ancillary complaint shall be examined within the time periods specified in Article 34 of Council Regulation No 4/2009.
(3) A court on the basis of a petition from the defendant may stay the court proceedings if the decision of the foreign court has been appealed according to general procedure or also the time period for such appeal has not ended. In the second case, the court may specify a time period within which a complaint to appeal the decision of the foreign court shall be submitted in the relevant foreign state.
[7 April 2004; 9 June 2011]

Section 643. Ensuring Enforcement of a Decision of a Foreign Court

(1) On the basis of an application from the applicant, a judge's or court decision with which a decision of the foreign court is recognised, may specify the measures provided for in Section 138 of this Law to ensure the enforcement of the decision of the foreign court.
(2) The submission of the ancillary complaints referred to in Section 641, Paragraph one of this Law shall not stop the enforcement of the judge's or court's decision in the part regarding ensuring the enforcement of the decision of the foreign court. The submission of ancillary complaint in respect of such a decision in a decision of the foreign court case as which the ensuring of the enforcement of the decision of the foreign court is revoked or the means of security is changed, shall stop the enforcement of the decision in this part.
[7 April 2004; 7 September 2006]

Section 644. Enforcement of a Decision of a Foreign Court

(1) A decision of a foreign court, which is to be enforced in the state wherein it was made, after its recognition shall be enforced in accordance with the procedures laid down in this Law.
(2) In relation to the procedures for the declaration of the enforcement of a judgment, which are provided for in Lugano Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters of 30 October 2007, Council Regulation No 44/2001, Council Regulation No 2201/2003 and Council Regulation No 4/2009, the provisions of Chapter 77 of this Law regarding the recognition of decisions of foreign courts shall be applied insofar as such is allowed by the provisions of the relevant convention and regulations.
(3) In the cases, which are provided for in Council Regulation No 2201/2003 and Regulation No 805/2004 of the European Parliament and of the Council, European Parliament and Council Regulation No 861/2007, Regulation No 1896/2006 of the European Parliament and of the Council and Council Regulation No 4/2009 a decision of the foreign court shall be enforced in accordance with the procedures laid down in this Law, without requesting recognition of the decision of the foreign court, as well as the declaration of the enforcement of the decision of the foreign court.
(4) Expenses related to the enforcement of a decision of the foreign court shall be covered according to general procedure.
[7 April 2004; 7 September 2006; 5 February 2009; 9 June 2011; 29 November 2012]

Section 644.[1] Postponement, Division into Time Periods, and Varying of the Forms or Procedures of the Enforcement of a Decision of the Foreign Court

(1) A court, which has taken a decision to recognise and enforce a decision of a foreign court, on the basis of an application by a participant in the case may postpone the enforcement of the decision of the foreign court, divide the enforcement into time periods, and vary the form or procedures of enforcement. A decision on postponement, division into time periods, varying of the form or procedures of the enforcement of a decision of the foreign court shall be implemented immediately.
(2) An application shall be examined in a court hearing, previously notifying the participants in the case regarding this. The non-attendance of such persons shall not be an obstacle for examination of the application.
(3) An ancillary complaint may be submitted in respect of a decision by the court to postpone or divide into time periods the enforcement of the decision of the foreign court, as well as to vary the form or procedures of enforcement. The submission of the ancillary complaint shall not stay the enforcement of the decision.
[7 September 2006; 8 September 2011]

Section 644.[2] Issues of Enforcement associated with European Union Enforcement Documents

(1) A district (city) court in the territory of which the relevant decision of the foreign court on the basis of Article 23 of Regulation No 805/2004 of the European Parliament and of the Council, Article 23 of Regulation No 861/2007 of the European Parliament and of the Council, Article 23 of Regulation No 1896/2006 of the European Parliament and of the Council or Article 21(3) of Council regulation No 4/2009 is to be enforced, on the basis of the receipt of an application from the debtor is entitled to:

1) replace the enforcement of the decision with the measures for ensuring the enforcement of such decision provided for in Section 138 of this Law;

2) amend the way or procedures for the enforcement of the decision;

3) stay the enforcement of the decision.

(2) A district (city) court in the territory of which the decision of the foreign court is to be enforced, in respect of which a certificate referred to in Article 41(1) of Council Regulation No 2201/2003 has been issued, on the basis of the receipt of an application from a participant in the case based upon Article 48 of the abovementioned regulation, may take a decision on the performance of practical enforcement measures.

(3) The applications referred to in Paragraphs one and two of this section shall be examined in a court hearing, previously notifying the participants in the case regarding this. The non-attendance of such persons shall not be an obstacle for examination of the application.

(4) An ancillary complaint may be submitted in respect of a decision by the court.

[7 September 2006; 5 February 2009; 9 June 2011]

Section 644.[3] Refusal of Enforcement of a Decision of a Foreign Court

(1) A district (city) court in the territory of which the decision of the foreign court, which has been approved as a European Enforcement Order, is to be enforced, upon receipt of an application from a debtor on the basis of Article 21 of Regulation No 805/2004 of the European Parliament and of the Council, may refuse the enforcement of the decision.

(2) A district (city) court in the territory of which the decision of the foreign court is to be enforced, in respect of which the certificate referred to in Article 41(1) or Article 42(1) of Council Regulation No 2201/2003 has been issued, upon receipt of an application from a participant in the case on the basis of Article 47 of the abovementioned Regulation, may refuse the enforcement of the decision.

(3) A district (city) court in the territory of which the decision of the foreign court is to be enforced, in respect of which the certificate referred to in Article 41(2) of Regulation No 861/2007 of the European Parliament and of the Council has been issued, upon receipt of an application from a participant in the case on the basis of Article 22 of the abovementioned Regulation, may refuse the enforcement of the decision.

(4) A district (city) court in the territory of which the European order for payment is to be enforced, upon receipt of an application from a debtor on the basis of Regulation No 1896/2006 of the European Parliament and of the Council, may refuse the enforcement of the decision.

(4[1]) A district (city) court in the territory of which the decision of the foreign court is to be enforced, in respect of which the extract referred to in Article 20(1)(b) of Council Regulation No 4/2009 has been issued, upon receipt of an application from a debtor on the basis of Article 21(2) of the abovementioned Regulation, may refuse enforcement of the decision.

(5) The application referred to in Paragraphs one, two, three, four and 4.[1] of this Section shall be examined in a court hearing, previously notifying the participants in the case thereon. The non-attendance of such persons shall not be an obstacle for examination of the application.

(6) An ancillary complaint may be submitted in respect of a court decision.

[5 February 2009; 9 June 2011]

Section 644.[4] Submission of an Application Regarding the Staying, Division into Time Periods, Amendment of the Way or Procedures, and Refusal of the Enforcement of a Decision of the Foreign Court and European Union Enforcement Documents

(1) The applications referred to in Sections 644.[1], 644.[2] and 644.[3] of this Law shall indicate:

1) the name of the court in which the application is submitted;

1^1) the given name, surname, personal identity number (if there is none, then other identification data) and address of the applicant for correspondence with the court, but for a legal person – the name, registration number and legal address thereof;

1^2) the given name, surname, personal identity number (if there is none, then other identification data) and declared place of residence and additional address indicated in the declaration of the defendant (creditor), but if none, place of residence, but for a legal person – the name, registration number and legal address thereof;

2) [29 November 2012];

3) the subject-matter of the application and circumstances upon which the application is based;

4) the request of the applicant;

5) the authorised representative and his or her address if a representative in Latvia has been appointed for the conduct of the case;

6) the list of attached documents;

7) the period of drawing up of the application.

(2) The following shall attached to the application:

1) a properly certified true copy of the decision of the foreign court;

2) in the relevant cases – a properly certified true copy of the European Enforcement Order, European order for payment issued by a foreign court, the certificate referred to in Article 41(1) of Council Regulation No 2201/2003, a certificate referred to in Article 20(2) of Regulation No 861/2007 of the European Parliament and of the Council or the extract referred to in Article 20(1)(b) of Council Regulation No 4/2009;

3) other documents upon which the applicant's application is based;

4) the application and a certified translation into the official language according to specified procedures of the documents referred to in Clauses 1, 2 and 3 of this Paragraph.

(3) The application shall be signed by the applicant or the representative thereof. If the application has been signed by the representative of the applicant, an authorisation or other document shall be attached to the application, which certifies authorisation to submit the application.

[7 September 2006; 5 February 2009; 9 June 2011; 29 November 2012]

Section 644.[5] Leaving a Submitted Application Regarding the Staying, Division into Time Periods, Amendment of the Way or Procedures, and Refusal of the Enforcement of a Decision of the Foreign Court – European Union Enforcement Documents – Not Proceeded With

If the in accordance with Section 644.[1], 644.[2] or 644.[3] of this Law submitted application does not conform to the requirements of Section 644.[4] of this Law, the judge shall leave the application not proceeded with and the consequences provided for in Section 133 of this Law shall come into effect.

[7 September 2006]

Chapter 77.[1]
Cases Regarding the Wrongful Removal of Children across Borders to a Foreign State or Detention in a Foreign State

Section 644.[6] Procedures for Examining Cases

Cases regarding wrongful removal of a child across borders to a foreign state or detention in a foreign state if the place of residence of the child is in Latvia shall be examined in accordance with the provisions of this Chapter, taking into account the general provisions of this Law.
[7 September 2006]

Section 644.[7] Application for the Issuance of a Request to a Foreign State for the Return of a Child to Latvia

(1) In order to ensure the return to Latvia of such a child whose place of residence is Latvia and who has been wrongfully removed to another state, the person whose right to implement custody or guardianship has been violated, as well as an Orphan's Court or a public prosecutor may submit an application to a court regarding the issuance of a request to a foreign state regarding the return of the child to Latvia.
(2) An application shall be submitted to a district (city) court on the basis of the declared place of residence of the applicant, but if none, place of residence, or the place of residence of the child in which he or she lived prior to the wrongful removal or detention.
(2^1) Within the meaning of Paragraph two of this Section the place of residence of the child shall be determined similarly as in cases arising from custody rights and access rights.
(3) The application shall indicate:

1) the name of the court in which the application is submitted;

2) the given name, surname, personal identity number (if there is none, then other identification data), declared place of residence, the additional address indicated in the declaration, but if none, place of residence and address in Latvia for correspondence with the court for the receipt of judicial documents;

3) the given name, surname, personal identity number (if such does not exist, then other identification data) of the wrongfully removed or detained child and other information regarding the child, as well as information regarding the possible whereabouts of the child and the identity of the person with whom the child may be found;

4) the given name, surname, personal identity number (if there is none, then other identification data) and declared place of residence, the additional address indicated in the declaration, as well as the place of residence of the defendant, if it is different from the declared place of residence and additional address indicated in the declaration, or information regarding his or her location;

5) the circumstances, which certify the custody or guardianship rights of the applicant;

6) the circumstances, which certify the fact of the wrongful removal or detention of the child and civil law aspects;

7) the request of the applicant;

8) the list of attached documents;

9) the period of drawing up of the application.

(4) The application shall have attached the documents upon which it is based.
(5) The application shall be signed by the applicant or the representative thereof. If the application has been signed by the representative of the applicant, an authorisation or other document shall be attached to the application, which certifies authorisation to submit the application.
[7 September 2006; 4 August 2011; 29 November 2012]

Section 644.[8] Leaving the Application Not proceeded With

If the application does not conform to the requirements of Section 644.[7], Paragraphs three, four and five of this Law, the court shall leave the application not proceeded with and the consequences provided for in Section 133 of this Law shall come into effect.
[7 September 2006]

Section 644.[9] Examination of an Application

(1) A court shall examine an application in a court hearing within 15 days after initiation of the case, with participation of the applicant and the representative of the relevant Orphan's Court. The Orphan's Court shall have the right of a participant in the case specified in Section 88, Paragraph two of this Law.
(2) The defendant shall be notified of the court hearing if his or her address is known. The defendant shall be notified of the court hearing based on the address of his or her declared place of residence, but in cases when additional address has been indicated in the declaration – based on the additional address, as well as based on the address of the place of residence or location, if it is different from the address of the declared place of residence and additional address indicated in the declaration. The non-attendance of such person shall not be an obstacle for examination of the application.
(3) If the court determines that the child has been wrongfully removed to another state or detained in another state, it shall take a decision that a request should be submitted to the foreign state regarding return of the child to Latvia.
(4) If the court determines that the child is located in Latvia, it shall take a decision on leaving the application without examination.
(5) In examining the application, the court shall, on its own initiative, request evidence.
(6) An ancillary complaint may be submitted in respect of the court decision. If the decision on leaving the application without examination has been taken without the presence of the participant in the case, the time period for submitting complaints shall be counted from the day of issue of a true copy of the decision.
(7) A decision of the first instance court shall enter into lawful effect when the time period for its appeal in accordance has expired.
[4 August 2011; 29 November 2012]

Section 644.[10] Competence of the Regional Court

(1) A regional court shall examine an ancillary complaint within 15 days after initiation of appeal legal proceedings. The regional court, in examining an ancillary complaint, has the right to:
1) leave the decision unamended, but reject the complaint;
2) withdraw the decision and decide the issue according to substance.
(2) A decision shall enter into effect and shall be enforced without delay.
[7 September 2006; 4 August 2011]

Section 644.[11] Actions after Taking of a Decision

(1) A true copy of the decision taken by a court regarding a request to a foreign state regarding the return of the child to Latvia shall be submitted to the Ministry of Justice.
(2) [12 June 2009]

(3) A court on its own initiative or that of the Ministry of Justice shall attach to the judicial documents information regarding the provisions of the Latvian laws and regulations.
[7 September 2006; 12 June 2009]

Section 644.[12] Consequences of a Decision Taken by a Foreign Court or Competent Authority Regarding Non-return of the Child

(1) In Latvia a decision by a foreign court or competent authority and other documents regarding the non-return of a child to Latvia taken on the basis of Article 13 of the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction shall be submitted to the court with the intermediation of the Ministry of Justice in accordance with Article 11(6) of Council Regulation No 2201/2003.
(2) The Ministry of Justice, after receipt of the documents referred to in Paragraph one of this Section, shall send them to the court based on the place of residence of the child, informing the relevant Orphan's Court regarding the decision of the foreign court or competent authority. Within the meaning of Paragraph two of this Section the place of residence of the child shall be determined similarly as in cases arising from custody rights and access rights.
(3) The court after receipt of the documents referred to in Paragraph one of this Section shall inform the interested persons and invite them to turn to the court in accordance with Article 11(7) of Council Regulation No 2201/2003 if it is applicable in the relevant case.
[4 August 2011; 29 November 2012]

Chapter 77.[2]
Cases Regarding the Wrongful Removal of Children across Borders to Latvia or Detention in Latvia

Section 644.[13] Procedures for Examining Cases

Cases regarding wrongful removal of a child across borders to Latvia or detention in Latvia if the place of residence of the child is in another state shall be examined in accordance with the provisions of this Chapter, taking into account the general provisions of this Law.
[7 September 2006]

Section 644.[14] Jurisdiction of Cases

(1) An application for the return of a child to the state, which is his or her place of residence, shall be submitted to a district (city) court based on the location of the child or the declared place of residence, but if none, the place of residence or location of such person, who has wrongly removed or detained the child.
(2) If the abovementioned person does not have a declared place of residence and if the place of residence of such person is not known, as well as if the location of such person and the child is not known, the application shall be submitted to the Rīga Central District Court.
[7 September 2006; 29 November 2012]

Section 644.[15] Application for the Return of a Child to the State, which is his or her Place of Residence

(1) In order to ensure the return to the state, which is his or her place of residence, of such a child who has been wrongfully removed to Latvia or detained in Latvia, the person whose right to implement custody or guardianship has been violated may submit an application to a court regarding the return of the child to the state, which is his or her place of residence, if the relevant state is a contracting state to the Hague Convention of 25 October 1980 on the Civil

Aspects of International Child Abduction or the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children.

(2) The application referred to in Paragraph one of this Section may be submitted to a court also by competent authorities in order to apply the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children or Council Regulation No 2201/2003.

(3) The application shall indicate:

1) the name of the court in which the application is submitted;

2) the given name, surname, personal identity number (if there is none, then other identification data), declared place of residence and the additional address indicated in the declaration, but if none, the place of residence of the applicant or information regarding his or her location, as well as a correspondence address in Latvia for the receipt of judicial documents;

3) the given name, surname, personal identity number (if such does not exist, then other identification data) of the wrongfully removed or detained child and other information regarding the child, as well as information regarding the possible location of the child and the identity of the person with whom the child may be found;

4) the given name, surname, personal identity number (if there is none, then other identification data), declared place of residence and the additional address indicated in the declaration, as well as the place of residence of the defendant, if it is different from the declared place of residence and the additional address indicated in the declaration, or information regarding his or her location;

5) the circumstances, which certify the custody or guardianship rights of the applicant to the child;

6) the circumstances, which certify the fact of the wrongful removal or detention of the child and civil law aspects;

7) the request of the applicant;

7^{1}) whether the applicant or his or her representative will participate in the voluntary enforcement of the decision on return of the child to the state, which is his or her place of residence, in the territory of Latvia;

8) the list of attached documents;

9) the period of drawing up of the application.

(4) The following shall be attached to the application:

1) the documents upon which it is based;

2) certified information from the relevant competent authority regarding legal regulations in the state, which is the place of residence of the child;

3) the application and a certified translation into the official language according to specified procedures of the documents referred to in Clauses 1 and 2 of this Paragraph.

(5) The application shall be signed by the applicant or the representative thereof. If the application has been signed by the representative of the applicant, an authorisation or other document shall be attached to the application, which certifies authorisation to submit the application.

[7 September 2006; 4 August 2011; 29 November 2012]

Section 644.[16] Leaving the Application not Proceeded With

(1) If the application does not conform to the requirements of Section 644.[15] of this Law, the court shall leave the application not proceeded with only in such case where the document or

necessary information deficiency will significantly influence the possibility of examining the application.
(2) If a court in conformity with Paragraph one of this Section leaves the application not proceeded, the consequences provided for in Section 133 of this Law shall come into effect.
[7 September 2006]

Section 644.[17] Search for Defendant and Child

(1) If the place of residence or whereabouts of the defendant or the child wrongfully removed to Latvia or detained in Latvia is not known, but there is a basis for believing that the child is located in Latvia, a judge on the basis of receipt of the application referred to in Section 644.[15] of this Law shall take a decision on search for the child or defendant with the assistance of the police.
(2) The court shall stay legal proceedings if a decision on search for the defendant and child with the assistance of the police has been taken.
(3) Legal proceedings shall be stayed until the defendant of child is found.
[4 August 2011]

Section 644.[18] Actions by a Court after Initiation of a Case

(1) A court shall notify the Ministry of Justice regarding initiating of a case. The Ministry of Justice shall inform the competent authorities, which are in the place of residence of the child of this in order to apply the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children or Council Regulation No 2201/2003.
(2) If the application is based upon a decision taken by the relevant competent authority of the foreign state regarding the return of the child, the court may in addition directly inform also the relevant foreign competent authority, which has taken the decision on the return of the child to the relevant state.
(3) Court documents and summons shall be delivered to the defendant based on the address of his or her declared place of residence, but in cases when additional address has been indicated in the declaration – according to additional address, as well as based on the address of the place of residence or location, if it is different from the declared place of residence and additional address indicated in the declaration.
[7 September 2006; 12 June 2009; 29 November 2012]

Section 644.[19] Examination of an Application

(1) An application shall be examined in a court hearing within 15 days after initiation of the case with participation of the parties. shall invite A representative of the Orphan's Court shall be invited to the court hearing, as well as the point of view of the child shall be ascertained if he or she can formulate it by taking into account his or her age and degree of maturity. The Orphan's Court shall have the rights of the participant in the case specified in Section 88, Paragraph two of this Law.
(2) If the defendant, without justified cause, fails to attend pursuant to a court summons, he or she may be brought to the court by forced conveyance.
(3) If one of the party lives far away or due to other reasons cannot attend pursuant to a court summons, the court may admit a written explanation by this party or the participation of a representative thereof as sufficient for examination of the case.

(4) In examining the application, the court shall, on its own initiative, request evidence by using the most appropriate procedural possibilities, as well as the quickest way of acquiring evidence.
(5) If the court determines that the child is located in a foreign state, it shall take a decision on leaving the application without examination.
(6) If the court determines that the child has been wrongfully removed to Latvia or detained in Latvia, it shall take a decision on return of the child to the state, which is his or her place of residence.
(7) The court shall take a decision on return or non-return of the child to the state, which is his or her place of residence, by applying the provisions of Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction or Council Regulation No 2201/2003.
(8) During examination of the case the court shall ascertain the opinion of the participants in the case regarding measures of voluntary enforcement of the possible decision on return of the child to the state, which is his or her place of residence.
(9) In giving a decision on return of the child to the state, which is his or her place of residence, the court shall indicate the time period for voluntary enforcement of the decision and, if possible, the procedures for voluntary enforcement of the decision. The time period for voluntary enforcement of the decision shall be determined not longer than 30 days from the day of coming into effect of the decision. In the decision the court shall warn the defendant – if the decision is not enforced voluntarily, a fine will be applied and enforcement will be performed in accordance with the procedures laid down in this Law, as well as an issue regarding commencement of criminal proceedings may be decided.
(10) In the decision the court shall impose an obligation to the defendant to notify the Ministry of Justice immediately, if until enforcement of the decision he or she changes his or her place of residence or location, or the location of the child is changed.
[4 August 2011]

Section 644.[20] Entering into Effect of Decision and Appeal Thereof

(1) An ancillary complaint may be submitted in respect of a court decision. If the decision has been taken without the presence of a participant in the case, the time period for submitting a complaint shall be counted from the day of issue of a true copy of the decision.
(2) A decision of the first instance court shall enter into lawful effect when the time period for its appeal has expired.
[4 August 2011]

Section 644.[21] Competence of the Regional Court

(1) A regional court shall examine an ancillary complaint within 15 days after initiation of the appeal legal proceedings. The regional court, in examining an ancillary complaint, has the right to:
1) leave the decision unamended, but reject the complaint; or
2) withdraw the decision and decide the issue according to substance.
(2) A decision shall enter into effect and shall be enforced without delay.
[7 September 2006; 4 August 2011]

Section 644.[22] Actions after Taking of a Decision

A true copy of the decision taken by a court regarding the non-return of the child to the state, which is his or her place of residence and other materials of the case, shall be submitted to the Ministry of Justice.

[7 September 2006; 12 June 2009]

Chapter 78
Recognition and Enforcement of a Decision of a Foreign Arbitration Court
[7 April 2004]

Section 645. Decision of a Foreign Arbitration Court

A decision of a foreign arbitration court is a binding decision made by a foreign arbitration court irrespective of its designation.
[7 April 2004]

Section 646. Recognition of Decisions of Foreign Arbitration Courts

Recognition of decisions of foreign arbitration courts shall take place in accordance with this Law and international agreements that are binding for the Republic of Latvia.
[7 April 2004]

Section 647.Submission of an Application

(1) An application for the recognition and enforcement of a decision of a foreign arbitration court shall be submitted for examination to a district (city) court on the basis of the place of enforcement of the decision or also based on the declared place of residence of the defendant, but if none, the place of residence of the defendant or legal address.
(2) An application shall indicate the information referred to in Section 638 of this Law.
(3) The following shall be attached to the application:
1) the original of the decision of a foreign arbitration court or a properly certified true copy of the decision;
2) a document that certifies the written agreement of the parties regarding the transfer of the dispute for examination to the arbitration court;
3) the application and a certified translation into the official language according to specified procedures of the documents referred to in Clauses 1 and 2 of this Paragraph;
4) true copies of the application and the attached documents thereto for issuing to the parties;
5) a document that certifies the payment of State fees in the amount and in accordance with the procedures laid down in law.
(4) The applicant or his or her representative shall sign the application. If the application has been signed by the representative, to the application shall be attached the authorisation or another document, which certifies the authorisation of the representative to apply to the court with an application.
[7 April 2004; 29 November 2012]

Section 648. Application Left not Proceeded With

If an application does not conform to the requirements of Section 647, Paragraphs two, three and four of this Law, a judge shall leave the application not proceeded with and the consequences provided for in Section 133 of this Law shall come into effect.
[7 April 2004]

Section 649. Examination of Application

(1) An application for the recognition and enforcement of a decision of a foreign arbitration court shall be examined at a court hearing, notifying the parties thereof beforehand. The failure of such persons to attend shall not impede examination of the application.
(2) A court may request explanations from parties or also additional information from the foreign arbitration court, which gave the decision.
(3) Having examined an application for the recognition and enforcement of decision of a foreign arbitration court, a court shall take a decision to recognise and enforce the decision or to reject the application.
(4) An application shall only be dismissed in the cases provided for by international treaties binding upon the Republic of Latvia.
(5) An ancillary complaint may be submitted regarding the decision of the court.
[7 April 2004]

Section 650. Ensuring Enforcement of a Decision of a Foreign Arbitration Court

(1) On the basis of an application from the applicant, a court decision with which a decision of the foreign arbitration court is recognised, may specify the measures provided for in Section 138 of this Law to ensure the enforcement of the decision of the foreign arbitration court.
(2) The submission of the ancillary complaints referred to in Section 649, Paragraph five of this Law shall not stop the enforcement of the court decision in the part regarding ensuring the enforcement of the decision of the foreign arbitration court.
[7 April 2004; 7 September 2006]

Section 651. Enforcement of a Decision of a Foreign Arbitration Court

(1) A decision of a foreign arbitration court after its recognition shall be enforced in accordance with the procedures laid down in this Law.
(2) Expenses related to enforcement of a decision of the foreign arbitration court shall be covered according to general procedure if not laid down otherwise in international agreements binding on the Republic of Latvia.
[7 April 2004]

Chapter 79
International Legal Co-operation
[7 April 2004]

Section 652. Requests for Legal Assistance [5 February 2009]

Section 653. Communication of Latvian Courts with Foreign Courts and Law Enforcement Institutions

The Latvian courts communicate with foreign courts and law enforcement institutions in accordance with laws, international agreements binding upon the Republic of Latvia and the legal norms of the European Union.
[7 April 2004]

Section 653.[1] Legal Co-operation in Cases Regarding the Wrongful Removal of a Child across Borders or Detention

(1) Unless otherwise provided for in this Law, in cases regarding wrongful removal of a child across border or detention, Latvian courts shall communicate directly with the relevant

foreign courts or competent authorities or through the intermediation of the Ministry of Justice.
(2) [12 June 2009]
(3) The judicial documents shall be translated into the language, which has been specified as the language of communication in the application of the relevant legal act, or in the official language of the recipient of the documents, or in such language, which the relevant state has notified as being acceptable for communications, and shall be ensured by the Ministry of Justice.
(4) In order to apply the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children, the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, or Council Regulation No 2201/2003, the documents of foreign competent authorities, the applications of persons or other documents to be submitted to the Ministry of Justice, in the relevant cases shall be drawn up in the original language attaching translation in the official language, but, if it is not possible, the documents may be submitted in English, and the translation shall be ensured by the Ministry of Justice.
[7 September 2006; 12 June 2009]

Chapter 80
Application of Foreign Laws to Trying of Civil Cases
[7 April 2004]

Section 654. Texts of Foreign Laws

In cases where foreign laws shall be applied, the participant in the case who refers to the foreign law shall submit to the court a translation of the text in a certified translation into the official language according to specified procedures.
[7 April 2004]

Section 655. Ascertaining the Content of Foreign Law

(1) In accordance with the specified procedures in international agreements binding on the Republic of Latvia, a court shall ascertain the contents of the foreign law to be applied.
(2) In other cases, a court through the intermediation of the Ministry of Justice and within the bounds of possibility shall ascertain the contents of the foreign law to be applied.
[7 April 2004]

Division Sixteen
International Civil Procedural Co-operation in Service of Documents
[5 February 2009]

Chapter 81
International Civil Procedural Co-operation in Service of Documents in Accordance with Regulation No 1393/2007 of the European Parliament and of the Council

Section 656. Grounds for International Civil Procedural Co-operation in Service of Documents

(1) A court shall serve documents on the basis of request of a foreign competent authority regarding service of judicial or extrajudicial documents (hereinafter – request of a foreign country for service of documents) and a decision of the Ministry of Justice on permissibility of the request of a foreign country for service of documents to a person whose declared place

of residence, place of residence, location or legal address is in Latvia and whose address is known.
(2) If judicial documents are served to a person whose place of residence, location or legal address is not in Latvia and whose address is known, the court may submit a request to the Ministry of Justice regarding service of judicial documents abroad (hereinafter – request of Latvia for service of documents) in accordance with Chapter II, Section 1 of Regulation No 1393/2007 of the European Parliament and of the Council, or a court may serve judicial documents using postal services in accordance with Article 14 of Regulation No 1393/2007 of the European Parliament and of the Council.
(3) A participant in the case upon the consent of a judge may receive judicial documents for service to another participant in the case whose place of residence, location or legal address is not in Latvia and whose address is known in accordance with Article 15 of Regulation No 1393/2007 of the European Parliament and of the Council, if such direct service is permitted by legal acts of the relevant Member State.
[29 November 2012]

Section 657. Competence of the Ministry of Justice in Service of Documents

(1) In accordance with Article 2 of Regulation No 1393/2007 of the European Parliament and of the Council the Ministry of Justice shall receive and decide on requests for service of foreign documents, as well as shall forward requests of Latvia for service of documents.
(2) The Ministry of Justice shall perform the functions referred to in Article 3 of Regulation No 1393/2007 of the European Parliament and of the Council.
(3) If necessary the Ministry of Justice shall:

1) forward a request of Latvia for service of documents to a foreign country through the intermediation of the Ministry of Foreign Affairs by using consular and diplomatic channels in accordance with Article 12 of Regulation No 1393/2007 of the European Parliament and of the Council;

2) request through the intermediation of the Ministry of Foreign Affairs to serve judicial documents to the diplomatic or consular agents of Latvia in accordance with Article 13 of Regulation No 1393/2007 of the European Parliament and of the Council.

Section 658. Language and Form of Request of a Foreign Country for Service of Documents

(1) In accordance with Articles 2, 4 and 10 of Regulation No 1393/2007 of the European Parliament and of the Council a request of a foreign country for service of documents, certificate of service of documents and other forms provided for in the abovementioned Regulation shall be accepted if such documents have been drawn up in the official language or in English.
(2) In accordance with Article 2 of Regulation No 1393/2007 of the European Parliament and of the Council a request of a foreign country for service of documents and certificate of service of documents may be accepted in writing or by available means of communication, if they are submitted also in writing. Other forms provided for in Regulation No 1393/2007 of the European Parliament and of the Council may be accepted by available means of communication, they need not be submitted in writing.

Section 659. Language and Form of Request of Latvia for Service of Documents

(1) In accordance with Articles 2, 4 and 10 of Regulation No 1393/2007 of the European Parliament and of the Council a court shall draw up a request of Latvia for service of documents, certificate of service of documents and other forms provided for in Regulation No

1393/2007 of the European Parliament and of the Council in writing in the language of the Member State receiving the request or in the language which the relevant country has notified as acceptable for communication.
(2) A request of Latvia for service of documents shall be signed by a judge and approved by the seal of a court.
(3) In accordance with Article 2 of Regulation No 1393/2007 of the European Parliament and of the Council a request of Latvia for service of documents or a certificate of service of documents may be submitted to a foreign country in writing or by other means of communication acceptable for a foreign country, by submitting them also in writing. Other forms provided for in Regulation No 1393/2007 of the European Parliament and of the Council may be accepted by other available means of communication, they need not be submitted in writing.

Section 660. Language of Documents Attached to a Request of Latvia for Service of Documents

(1) If judicial documents are served to persons abroad upon request of the party, a court in accordance with Article 5 of Regulation No 1393/2007 of the European Parliament and of the Council shall explain the party that the addressee is entitled to refuse to accept judicial documents if they have not been drawn up or a translation has not been attached thereto in any of the languages referred to in Article 8(1) of Regulation No 1393/2007 of the European Parliament and of the Council. In such case the party may, according to his or her preferences, draw up judicial documents or attach a translation thereto in any of the languages referred to in Article 8(1) of Regulation No 1393/2007 of the European Parliament and of the Council.
(2) In other cases, including in the cases when in accordance with Article 8(1) of Regulation No 1393/2007 of the European Parliament and of the Council the addressee has refused to accept judicial documents accompanied by a request of Latvia for service of documents, a translation shall be attached thereto in the language of the Member State receiving the request or in a language which the addressee understands.

Section 661. Deciding on Request of a Foreign Country for Service of Documents

(1) A request of a foreign country for service of documents shall be decided by the Ministry of Justice within seven days from the day of receipt thereof.
(2) The Ministry of Justice shall take one of the following decisions:
1) on permissibility of enforcement of the request for service of documents by determining the authority for enforcement of the request for service of documents, time periods and other conditions;
2) on refusal to accept a request for service of documents or a part thereof for enforcement in accordance with Article 6 or 7 of Regulation No 1393/2007 of the European Parliament and of the Council.
(3) A decision of the Ministry of Justice may not be appealed.

Section 662. General Provisions for Enforcement of Request of a Foreign Country for Service of Documents

(1) A district (city) court shall enforce a request of a foreign country for service of documents in the territory of operation of which the address of the addressee or the declared place of residence of the addressee, but if none, the place of residence or legal address of the addressee indicated in the request of a foreign country for service of documents is located.
(2) A request of a foreign country for service of documents shall be enforced in accordance with Section 56 of this Law, except cases when in accordance with Article 7(1) of Regulation

No 1393/2007 of the European Parliament and of the Council the documents are served applying a particular method requested by the foreign transmitting agency.
(3) The enforcement of a request of a foreign country for service of documents shall be commenced immediately after taking of a decision on permissibility of enforcement of the request for service of documents. If it is not possible to effect the request of a foreign country for service of documents within one month from the day it was received in the Ministry of Justice, or within the time period indicated in the request, a court shall, in accordance with Article 7 of Regulation No 1393/2007 of the European Parliament and of the Council, notify the Ministry of Justice thereof in writing, specifying the reasons that preclude the enforcement of the referred-to request.
(4) If the enforcement of a request of a foreign country for service of documents is not possible or it has been enforced partly, a court shall, in accordance with Article 6 of Regulation No 1393/2007 of the European Parliament and of the Council, notify the Ministry of Justice the reasons for non-enforcement of the referred-to request in writing, as well as send the documents not served.
[29 November 2012]

Section 663. Enforcement of Request of a Foreign Country for Service of Documents by Foreign Diplomatic or Consular Agents

In accordance with Article 13 of Regulation No 1393/2007 of the European Parliament and of the Council the enforcement of a request of a foreign country for service of documents by foreign diplomatic and consular agents, in serving of documents, is allowed only in case when documents are served to the citizens of the relevant foreign country.

Section 664. Right of Refusal of Addressee to Accept Documents

(1) The court shall explain the addressee the right provided for in Article 8(1) of Regulation No 1393/2007 of the European Parliament and of the Council to refuse to accept documents on the basis specified in the abovementioned Article.
(2) If in accordance with Article 8(1) of Regulation No 1393/2007 of the European Parliament and of the Council the addressee has not refused to accept documents at the time of service thereof, he or she may refuse to accept documents within a week after receipt thereof by returning the documents to the court which served them.
(3) If in accordance with Article 8(1) of Regulation No 1393/2007 of the European Parliament and of the Council the addressee has refused to accept documents, a court shall notify the Ministry of Justice thereof, by returning the request of a foreign country for service of documents and documents for translation in accordance with Article 8(3) of Regulation No 1393/2007 of the European Parliament and of the Council.

Section 665. Costs for Enforcement of Request of a Foreign Country for Service of Documents

(1) In the cases provided for in Article 11(2) of Regulation No 1393/2007 of the European Parliament and of the Council the court shall notify the Ministry of Justice regarding the costs of enforcement of request of a foreign country for service of documents, if any have incurred.
(2) The Ministry of Justice may request a competent authority of a foreign country to cover the costs of enforcement of request of a foreign country for service of documents which have incurred in accordance with Article 11(2) of Regulation No 1393/2007 of the European Parliament and of the Council.

Chapter 82

International Civil Procedural Co-operation in Service of Documents in Accordance with International Agreements Binding on the Republic of Latvia

Section 666. Grounds for International Civil Procedural Co-operation in Service of Documents

(1) A court shall serve documents to a person whose declared place of residence, place of residence, location or legal address is in Latvia and whose address is known, on the basis of a request of a foreign country for service of documents and a decision of the Ministry of Justice on permissibility of the request of the foreign country for service of documents.
(2) If judicial documents are served to a person whose place of residence, location or legal address is not in Latvia and whose address is known, a court shall submit a request for service of documents to the Ministry of Justice.
(3) In accordance with Article 10(a) of Hague Convention 1965 a court may serve judicial documents to a person whose place of residence, location or legal address is not in Latvia and whose address is known, directly through post, by taking into account the conditions stipulated by the relevant contracting country, if it has not objected against such method of service.
(4) In accordance with Article 10(c) of Hague Convention 1965 a participant in the case upon consent of a judge may receive judicial documents for service to other participant in the case, whose place of residence, location or legal address is not in Latvia and whose address is known, directly from judicial officers, other officials or other competent persons of the receiving contracting country, by taking into account the conditions stipulated by the relevant contracting country, if it has not objected against such method of service.
[29 November 2012]

Section 667. Competence of the Ministry of Justice in Service of Documents

(1) The Ministry of Justice shall receive and decide on requests of a foreign country for service documents and forward requests of Latvia for service of documents in accordance with Hague Convention 1965 or other international agreements binding on the Republic of Latvia.
(2) In the cases provided for in the international agreements binding on the Republic of Latvia, if necessary, the Ministry of Justice shall:

1) forward a request of Latvia for service of documents through the intermediation of the Ministry of Foreign Affairs, using consular or diplomatic channels;

2) through the intermediation of the Ministry of Foreign Affairs request diplomatic or consular agents of Latvia to serve judicial documents.

Section 668. Language of Request for Service of Documents

A request for service of documents shall be prepared and submitted in the language that is determined as the language for communication in the application of the international agreements binding on the Republic of Latvia.

Section 669. Language of Documents Attached to Request of Latvia for Service of Documents

(1) Judicial documents attached to a request of Latvia for service of documents shall be drawn up in the official language. A translation may be attached to them in the language of the country receiving the request or in other language, if the international agreements binding on the Republic of Latvia allow for such possibility.

(2) If in accordance with the international agreements binding on the Republic of Latvia the country receiving a request or the addressee has refused to accept a document in the language that is not the language of the country, a translation in the language of the country receiving the request or another language, which the country receiving the request has notified as acceptable for communication, shall be attached to the documents.
(3) If it is not possible to ensure a translation in any of the languages referred to in Paragraph two of this Section, competent authorities of Latvia or a foreign country shall mutually agree on another language in which the documents should be drawn up or in which a translation should be attached thereto.

Section 670. Request for Service of Documents Form

(1) A court shall draw up a request of Latvia for service of documents and documents attached thereto in writing.
(2) A request of Latvia for service of documents shall be signed by a judge and approved with a seal of the court.
(3) The Ministry of Justice may submit a request of Latvia for service of documents and documents attached thereto to the foreign country by other means of communication, submitting them also in writing.
(4) A request of a foreign country for service of documents and documents attached thereto shall be accepted prepared in writing. A request of a foreign country for service of documents and documents attached thereto may be accepted by other means of communication if they are submitted also in writing.

Section 671. Deciding on Request of a Foreign Country for Service of Documents

(1) The Ministry of Justice shall decide on a request of a foreign country for service of documents within seven days from the day of receipt thereof.
(2) The Ministry of Justice shall take one of the following decisions:
1) on permissibility of enforcement of the request for service of documents by determining the authority for enforcement of a request for service of documents, time periods and other conditions;
2) on refusal to accept a request for service of documents or a part thereof for enforcement in the cases provided for in the international agreements binding on the Republic of Latvia.
(3) A decision of the Ministry of Justice may not be appealed.

Section 672. General Provisions for Enforcement of a Request of a Foreign Country for Service of Documents

(1) A request of a foreign country for service of documents shall be enforced by a district (city) court in the territory of which the address of the addressee or the declared place of residence, but if none, the place of residence of legal address of the addressee indicated in the request of a foreign country for service of documents is located.
(2) A request of a foreign country for service of documents shall be enforced in accordance with Section 56 of this Law, except the cases when in accordance with the international agreements binding on the Republic of Latvia the documents are served in accordance with the procedural procedures of the applying country or by a particular method requested.
(3) The enforcement of a request of a foreign country for service of documents shall be commenced immediately after taking of a decision on permissibility of enforcement of the request for service of documents. If it is not possible to effect the request of a foreign country for service of documents within one month from the day it was received in the Ministry of

Justice, or within the time period indicated in the request, a court shall notify the Ministry of Justice thereof in writing, specifying the reasons that preclude the enforcement of the abovementioned request.
(4) If the enforcement of a request of a foreign country for service of documents is not possible or it has been enforced partly, a court shall notify the Ministry of Justice the reasons for non-enforcement of the abovementioned request in writing, as well as send the documents not served.
[29 November 2012]

Section 673. Right of Refusal of Addressee to Accept Documents

(1) The court shall inform the addressee in writing regarding his or her right to refuse to accept documents if they have been prepared or a translation has been attached thereto in a language other than the official language or language which the addressee understands.
(2) The addressee may refuse to accept the documents at the time of service thereof or within a week after receipt of documents by submitting or returning them to the court that has served them. If the addressee refuses to accept documents which are not in the official language, the addressee shall notify the court regarding the language which he or she understands.
(3) If in accordance with Paragraphs one and two of this Section the addressee has refused to accept the documents, a court shall notify the Ministry of Justice thereof, returning the request of a foreign country for service of documents and documents for translation.
(4) If in accordance with Article 10(a) of Hague Convention 1965 the documents are sent by mail directly to the addressee in Latvia, the addressee may refuse to accept documents if they have been prepared or a translation has been attached thereto in a language other than the official language, or they have been sent by a method other than registered mail with notification of receipt. In such case the addressee shall submit or return the documents to the Ministry of Justice.

Section 674. Costs for Enforcement of Request of a Foreign Country for Service of Documents

(1) In the cases provided for in Article 12(2) of Hague Convention 1965 the court shall notify the Ministry of Justice regarding the costs of enforcement of request of a foreign country for service of documents, if any have incurred.
(2) The Ministry of Justice may request a competent authority of a foreign country to cover the costs of enforcement of the request of a foreign country for service of documents, which have incurred in accordance with Article 12(2) of Hague Convention 1965.

Chapter 83
International Civil Procedural Co-operation in Service of Documents, if there is no Agreement with a Foreign Country which Provides for Co-operation in Service of Documents

Section 675. Basis for International Civil Procedural Co-operation in Service of Documents

(1) A court shall serve documents to a person whose declared place of residence, place of residence, location or legal address is in Latvia and whose address is known, on the basis of a request of a foreign country for service of documents and a decision of the Ministry of Justice on permissibility of the request of the foreign country for service of documents.

(2) If judicial documents are served to a person whose place of residence, location or legal address is not in Latvia and whose address is known, a court shall submit a request for service of documents to the Ministry of Justice.
[29 November 2012]

Section 676. Competence of the Ministry of Justice in Service of Documents

(1) A request of Latvia for service of documents shall be submitted by and a request of a foreign country for service of documents shall be received and decided by the Ministry of Justice.
(2) The Ministry of Justice may request or issue a certificate to the foreign country that reciprocity will be observed in co-operation, i.e. that hereinafter the co-operation partner will provide assistance, complying with the same principles.
(3) If necessary the Ministry of Justice shall:

1) forward a request of Latvia for service of documents to a foreign country through the intermediation of the Ministry of Foreign Affairs, using consular or diplomatic channels;

2) through the intermediation of the Ministry of Foreign Affairs request diplomatic or consular agents of Latvia to serve judicial documents to citizens of Latvia, requesting the consent of the relevant country for such method of service.

Section 677. Content of Request for Service of Documents

(1) The following shall be indicated in a request for service of documents:

1) the name of the authority submitting the request for service of documents;

2) the subject and essence of the request for service of documents;

3) data regarding the addressee: for natural persons – given name, surname, personal identity number (if not any, other identification data) and place of residence, but for legal persons – the firm name, registration number and legal address, as well as data regarding the status of the addressee in the court proceedings procedure;

4) essence of the case and brief statement of the facts;

5) other information that is necessary for the fulfilment of the request for service of documents.

(2) In a request for service of documents it may be requested to serve documents in accordance with the procedures laid down in the law of the country submitting the request.
[29 November 2012]

Section 678. Language of Request for Service of Documents and Documents Attached Thereto

(1) A request of Latvia for service of documents and documents attached thereto shall be prepared and submitted in the official language attaching a translation in any of the following languages:

1) in the language of the country addressed;

2) in the language which the addressee understands, if the relevant country permits it;

3) in another language, upon mutual agreement by foreign competent authorities thereon.

(2) If the country receiving the request or the addressee has refused to accept documents in the language that is not the language of such country, the translation in the language of the country receiving the request or another language, which the country receiving the request has notified as acceptable, shall be attached to the documents.
(3) A request of a foreign country for service of documents shall be accepted prepared in or with a translation attached in the official language, Russian or English.

(4) Documents attached to a request of a foreign country for service of documents shall be accepted prepared in or with a translation attached in any language, unless the addressee accepts them of his or her own free will (Section 682).
(5) If it is not possible to ensure a translation in any or the languages referred to in Paragraph two of this Section or in a language which the addressee understands, competent authorities of Latvia and the foreign country may mutually agree on another language in which a request of the foreign country for service of documents and documents attached thereto should be prepared or in which the translation should be attached thereto.

Section 679. Form of a Request for Service of Documents

(1) A court shall prepare a request of Latvia for service of documents and documents attached thereto in writing.
(2) A request of Latvia for service of documents shall be signed by a judge and approved with a seal of the court.
(3) The Ministry of Justice may submit a request of Latvia for service of documents and documents attached thereto to the foreign country by other means of communication, submitting them also in writing.
(4) A request of a foreign country for service of documents and documents attached thereto shall be accepted drawn up in writing. A request of a foreign country for service of documents and documents attached thereto may be accepted by other means of communication if they are submitted also in writing.

Section 680. Deciding on Request of a Foreign Country for Service of Documents

(1) The Ministry of Justice shall decide on a request of a foreign country for service of documents within 10 days from the day of receipt thereof.
(2) The Ministry of Justice shall take one of the following decisions:
1) on permissibility of enforcement of the request for service of documents by determining the authority for enforcement of the request for service of documents, time periods and other conditions;
2) on refusal to accept the request for service of documents or a part thereof for enforcement, justifying the refusal.
(3) If additional information is necessary for deciding on the request for service of documents, the Ministry of Justice shall request it from the competent authority of the relevant foreign country.
(4) Enforcement of a request of a foreign country for service of documents may be refused if:
1) enforcement of the request of the foreign country for service of documents is in contradiction with social structure of Latvia;
2) sufficient information has not been submitted and it is not possible to acquire additional information.
(5) If enforcement of a request of a foreign country for service of documents is refused, the Ministry of Justice shall immediately notify thereof the competent authority of the country submitting the request.
(6) A refusal to enforce a request of a foreign country for service of documents or a part thereof shall not prohibit the competent authority of the foreign country from submitting the same request repeatedly after elimination of deficiencies.
(7) A decision of the Ministry of Justice may not be appealed.

Section 681. General Provisions for Enforcement of a Request of a Foreign Country for Service of Documents

(1) A request of a foreign country for service of documents shall be enforced by a district (city) court, in the territory of which the address of the addressee or the declared place of residence of the addressee, but if none, the place of residence or legal address of the addressee indicated in the request of a foreign country for service of documents is located.
(2) A request of a foreign country for service of documents shall be enforced in accordance with Section 56 of this Law, except the cases when the competent authority of the foreign country requests to serve documents in accordance with the procedural procedures thereof or by a particular method requested.
(3) Enforcement of a request of a foreign country for service of documents shall be commenced immediately after taking of a decision on permissibility of enforcement of the request for service of documents. If it is not possible to effect the request of a foreign country for service of documents within one month from the day it was received in the Ministry of Justice, or within the time period indicated in the request, a court shall notify the Ministry of Justice thereof in writing, specifying the reasons that preclude the enforcement of the abovementioned request.
(4) If enforcement of a request of a foreign country for service of documents is not possible or it has been enforced partly, a court shall notify the Ministry of Justice the reasons for non-enforcement of the abovementioned request in writing, as well as send the documents not served.
[29 November 2012]

Section 682. Right of Refusal of Addressee to Accept Documents

(1) A court shall inform the addressee in writing regarding his or her right to refuse to accept the documents if they have been prepared or translation has been attached thereto in any other language other than official language or language which the addressee understands.
(2) The addressee may refuse to accept the documents at the time of service thereof or within a week after receipt of documents by submitting or returning them to the court that served them. If the addressee refuses to accept documents which are not in the official language or in the language which the addressee understands, the addressee shall notify the court regarding the language which he or she understands.
(3) If in accordance with Paragraphs one and two of this Section the addressee has refused to accept the documents, a court shall notify the Ministry of Justice thereof, returning the request of a foreign country for service of documents and documents for translation.

Section 683. Costs for Enforcement of Request of a Foreign Country for Service of Documents

(1) Expenses which have incurred when executing a request of a foreign country for service of documents shall be covered from the funds from the State budget, except the case provided for in Paragraph two of this Section.
(2) If expenses have incurred when executing a request of a foreign country for service of documents in the cases provided for in the law in accordance with the procedural procedures specified by the law of a foreign country or by a particular method requested, a court shall notify the Ministry of Justice regarding the costs of enforcement of the abovementioned request and the Ministry of Justice may request the competent authority of the foreign country to cover such costs.

Division Seventeen
International Civil Procedural Co-operation in the Taking of Evidence

Chapter 84

International Civil Procedural Co-operation in the Taking of Evidence in Accordance with Council Regulation No 1206/2001 of 28 May 2001 on Cooperation between the Courts of the Member States in the Taking of Evidence in Civil or Commercial Cases

Section 684. Grounds for International Civil Procedural Co-operation in the Taking of Evidence

(1) A court shall take evidence in Latvia on the basis of a request of a foreign competent authority regarding taking of evidence in Latvia (hereinafter – request of a foreign country for taking of evidence) and a decision of the competent authority of Latvia on permissibility of the request of the foreign country for taking of evidence.
(2) A court shall, upon its own initiative or upon a justified request of a participant in the case in the cases and in accordance with the procedures provided for in this Law, decide an issue regarding taking of evidence abroad (hereinafter – request of Latvia for taking of evidence).
(3) Within the meaning of this Chapter taking of evidence shall also be ensuring of evidence in accordance with the procedures provided for in this Law.

Section 685. Competent Authorities in Taking of Evidence

(1) In accordance with Article 2 of Council Regulation No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (hereinafter – Council Regulation No 1206/2001) a court shall receive and decide on requests of a foreign country for taking of evidence, as well as decide on taking of evidence abroad and submit requests of Latvia for taking of evidence directly to the foreign country or – in the cases provided for in Article 3(1)(c) of Council Regulation No 1206/2001 – to the Ministry of Justice.
(2) The Ministry of Justice shall perform the functions referred to in Article 3 of Council Regulation No 1206/2001.

Section 686. Language and Form of a Request of a Foreign Country for Taking of Evidence

(1) In accordance with Articles 4 and 5 of Council Regulation No 1206/2001 a request of a foreign country for taking of evidence and documents attached thereto, as well as notifications shall be accepted if such documents have been prepared in the official language or in English.
(2) A request of a foreign country for taking of evidence and documents attached thereto, as well as notifications shall be accepted prepared in writing.
(3) In accordance with Article 6 of Council Regulation No 1206/2001 a request of a foreign country for taking of evidence and documents attached thereto, as well as notifications may be accepted by other means of communication, if they are submitted also in writing.

Section 687. Language and Form of a Request of Latvia for Taking of Evidence

(1) In accordance with Articles 4 and 5 of Council Regulation No 1206/2001 a request of a foreign country for taking of evidence and documents attached thereto, as well as notifications court shall prepared in writing in the language of the Member State receiving the request or in the language which the relevant country has notified as acceptable for communication.
(2) A request of Latvia for taking of evidence shall be signed by a judge and approved by the seal of a court.
(3) In accordance with Article 6 of Council Regulation No 1206/2001 a court or the Ministry of Justice may submit a request of Latvia for taking of evidence and documents attached

thereto, as well as notifications to a foreign country by other means of communication, submitting them also in writing.

Section 688. Request of Latvia for Taking of Evidence Regarding Presence or Participation of Parties or Representatives of a Court in Taking of Evidence Abroad

In the cases provided for in this Law a court, upon its own initiative or upon a justified request of a participant in the case, may request in a request of Latvia for taking of evidence:

1) to permit the participants in a case or their representatives to be present or participate in taking of evidence in accordance with Article 11 of Council Regulation No 1206/2001;

2) to permit court representatives to be present or participate in taking of evidence in accordance with Article 12 of Council Regulation No 1206/2001.

Section 689. Deciding on Request of a Foreign Country for Taking of Evidence

(1) A request of a foreign country for taking of evidence shall be decided by a district (city) court in the territory of which the source of evidence to be taken is located, or by the Ministry of Justice in the cases provided for in Article 3(3) and Article 17 of Council Regulation No 1206/2001 within seven days from the day of receipt thereof.

(2) If a court in which a request of a foreign country for taking of evidence has been submitted in accordance with Paragraph one of this Section determines that a part of evidence is located in another city or district, it shall assign the relevant court to perform specific procedural activities in accordance with Articles 102 and 103 of this Law.

(3) In examining a request of a foreign country for taking of evidence, a court shall take one of the following decisions:

1) on permissibility of enforcement of the request for taking of evidence, accepting it for enforcement or determining the authority for enforcement of the request for taking of evidence, time periods and other conditions;

2) on refusal to accept the request for taking of evidence or a part thereof for enforcement in accordance with Article 14 of Council Regulation No 1206/2001.

(4) In examining a request for taking of evidence in the case provided for in Article 17 of Council Regulation No 1206/2001, the Ministry of Justice shall take one of the following decisions:

1) on permissibility of enforcement of the request for taking of evidence, determining that the district (city) court is participating in the enforcement of the abovementioned request in the territory of which the source of evidence to be taken is located, time periods for enforcement of the request for taking of evidence and other conditions;

2) on refusal to accept the request for taking of evidence or a part thereof for enforcement in accordance with Article 17 of Council Regulation No 1206/2001.

(5) A decision of the competent authority may not be appealed.

Section 690. General Provisions for Enforcement of Request of a Foreign Country for Taking of Evidence

(1) A request of a foreign country for taking of evidence shall be enforced in accordance with the procedures laid down in this Law, except the cases when enforcement of the request of the foreign country for taking of evidence is permitted in accordance with the procedural procedures upon request of the competent authority of the foreign country.

(2) Enforcement of a request of a foreign country for taking of evidence shall be commenced immediately after taking of a decision on permissibility of enforcement of the request for

taking of evidence. If it is not possible to effect the request of a foreign country for taking of evidence within 90 days from the day it was received, a court shall, in accordance with Article 15 of Council Regulation No 1206/2001, notify the competent authority thereof in writing, specifying the reasons that preclude the enforcement of the abovementioned request.
(3) If enforcement of a request of a foreign country for taking of evidence is difficult or not possible, a court shall, in accordance with Article 10 of Council Regulation No 1206/2001, notify a competent authority the reasons for non-enforcement of the abovementioned request.

Section 691. Enforcement of Request of a Foreign Country for Taking of Evidence in the Presence of Parties or Representatives of the Competent Court of the Foreign Country or with Their Participation

(1) A court that enforces a request of a foreign country for taking of evidence in accordance with Article 11 or 12 of Council Regulation No 1206/2001 shall notify the representatives of the competent court of the foreign country or the parties, or their representatives regarding the time and place of taking the evidence, as well as regarding conditions for participation.
(2) A court shall ascertain whether representatives of the competent court of the foreign country, the parties or their representatives need an interpreter.
(3) If the persons referred to in Paragraph one of this Section fail to understand the official language and if there are no important practical difficulties, an interpreter shall participate in taking of evidence upon request of representatives of the competent court of the foreign country or the parties, or their representatives.

Section 692. Taking of Evidence Using Technical Means

(1) If enforcement of a request of a foreign country for taking of evidence is permitted using technical means, such request of a foreign country for taking of evidence shall be enforced by the district (city) court for which the necessary technical means for taking of evidence are available.
(2) If necessary, an interpreter shall participate in taking of evidence in Latvia or abroad using technical means.
(3) A court shall confirm the identity of persons involved and ensure the performance of taking of evidence in Latvia.

Section 693. Right of Refusal of Witnesses to Testify

(1) In executing a request of a foreign country for taking of evidence a court shall ascertain whether the obstacles indicated in Section 106 of this Law exist, as well as explain the witnesses their right of refusal to testify in the cases provided for in Section 107 of this Law.
(2) In executing a request of a foreign country for taking of evidence a court shall, in accordance with Article 14 of Council Regulation No 1206/2001, explain the witnesses their right of refusal to testify also in accordance with the law of the country submitting the request.

Section 694. Costs for Enforcement of Request of a Foreign Country for Taking of Evidence

(1) In the cases provided for in Article 18(3) of Council Regulation No 1206/2001 a court may request the competent court of the foreign country to pay in the amounts to be disbursed to experts until enforcement of the request of the foreign country for taking of evidence.
(2) In the cases provided for in Article 18(2) of Council Regulation No 1206/2001 a court may request the competent court of the foreign country after enforcement of the request of the foreign country for taking of evidence to cover:

1) the sums of expenses that are to be disbursed to experts and interpreters;

2) the costs incurred if the request of the foreign country for taking of evidence upon request of the competent authority of the foreign country has been enforced in accordance with the procedural procedures of the foreign country;

3) the costs incurred if the request of the foreign country upon request of the competent authority of the foreign country has been enforced using technical means.

Chapter 85
International Civil Procedural Co-operation in the Taking of Evidence in Accordance with International Agreements Binding on the Republic of Latvia

Section 695. Basis for International Civil Procedural Co-operation in the Taking of Evidence

(1) A court shall take evidence in Latvia on the basis of a request of a foreign country for taking of evidence and a decision of the Ministry of Justice on permissibility of the request of the foreign country for taking of evidence.
(2) A court shall, upon its own initiative or upon a justified request of a participant in the case in the cases and in accordance with the procedures provided for in this Law, decide an issue on a request of Latvia for taking of evidence.
(3) Within the meaning of this Chapter taking of evidence shall also be ensuring of evidence in accordance with the procedures provided for in this Law.

Section 696. Competence of the Ministry of Justice in the Taking of Evidence

The Ministry of Justice shall receive and decide on requests of a foreign country for taking of evidence and send requests of Latvia for taking of evidence in accordance with Hague Convention 1965 and other international agreements binding on the Republic of Latvia.

Section 697. Language of Request for Taking of Evidence and of Documents Attached Thereto

A request for taking of evidence and the documents attached thereto shall be prepared and submitted in the language that has been determined as the language for communication in the application of the international agreements binding on the Republic of Latvia.

Section 698. Form of a Request for Taking of Evidence

(1) A court shall prepare a request of Latvia for taking of evidence and documents attached thereto in writing and submit them to the Ministry of Justice.
(2) A request of Latvia for taking of evidence shall be signed by a judge and approved with a seal of the court.
(3) The Ministry of Justice may submit a request of Latvia for taking of evidence and documents attached thereto to the foreign country by other means of communication, submitting them also in writing.
(4) A request of a foreign country for taking of evidence and documents attached thereto shall be accepted prepared in writing. A request of a foreign country for taking of evidence and documents attached thereto may be accepted by other means of communication if they are submitted also in writing.

Section 699. Request of Latvia for Taking of Evidence Regarding Participation of Parties or Representatives of a Court

In the cases provided for in this Law a court may, upon its own initiative or upon a justified request of a participant in the case, request in a request of Latvia for taking of evidence:

1) to permit the participants in the case or their representatives to participate in taking of evidence in accordance with Article 7 of Hague Convention 1970;

2) to permit court representatives to participate in taking of evidence in accordance with Article 8 of Hague Convention 1970.

Section 700. Deciding on Request of a Foreign Country for Taking of Evidence

(1) The Ministry of Justice shall decide on a request of a foreign country for taking of evidence within seven days from the day of receipt thereof.

(2) The Ministry of Justice shall take one of the following decisions:

1) on permissibility of enforcement of the request for taking of evidence, determining the authority for enforcement of the request for taking of evidence, time periods and other conditions;

2) on refusal to accept a request for taking of evidence or a part thereof for enforcement in the cases provided for in the international agreements binding on the Republic of Latvia.

(3) In examining a request of a foreign country for taking of evidence in the case provided for in Article 16 or 17 of Hague Convention 1970, the Ministry of Justice shall take one of the following decisions:

1) on permissibility of enforcement of the request for taking of evidence, determining that the district (city) court is participating in the enforcement of the abovementioned request in the territory of which the source of evidence to be taken is located, time periods for enforcement of the request for taking of evidence and other conditions;

2) on refusal to accept a request for taking of evidence or a part thereof.

(4) A decision of the Ministry of Justice may not be appealed.

Section 701. General Provisions for Enforcement of Request of a Foreign Country for Taking of Evidence

(1) A request of a foreign country for taking of evidence shall be enforced by a district (city) court in the territory of which the source of evidence to be taken is located.

(2) If a court in which a request of a foreign country for taking of evidence has been submitted in accordance with Paragraph one of this Section determines that part of the evidence is located in another city or district, it shall assign the relevant court to perform specific procedural activities in conformity with Articles 102 and 103 of this Law.

(3) A request of a foreign country for taking of evidence shall be enforced in accordance with the procedures laid down in this Law, except the cases when enforcement of the request of the foreign country for taking of evidence is permitted in accordance with the procedural procedures upon request of the competent authority of the foreign country.

(4) Enforcement of a request of a foreign country for taking of evidence shall be commenced immediately after taking of a decision on permissibility of enforcement of the request for taking of evidence. If it is not possible to effect the request of the foreign country for taking of evidence within 90 days from the day it was received, a court shall notify the Ministry of Justice thereof in writing, indicating the reasons that preclude the enforcement of the abovementioned request.

(5) If enforcement of a request of a foreign country for taking of evidence is difficult or not possible, a court shall notify the Ministry of Justice the reasons for non-enforcement of the abovementioned request.

Section 702. Enforcement of Request of a Foreign Country for Taking of Evidence by Participation of Parties or Representatives of Competent Court of a Foreign Country

(1) If enforcement of a request of a foreign country for taking of evidence is permitted in the presence or with the participation of the representatives of the competent court or parties, or their representatives in the taking of evidence in accordance with Article 7 or 8 of Hague Convention 1970, the court that enforces the request of the foreign country for taking of evidence shall notify the competent authority of the foreign country or directly the representatives of the competent court of the foreign country or the parties, or their representatives regarding the time and place of taking of evidence, as well as regarding conditions for participation.
(2) A court shall ascertain whether representatives of the competent court of the foreign country, the parties or their representatives need an interpreter.
(3) If the persons referred to in Paragraph one of this Section fail to understand the official language and if there are no substantial practical difficulties, an interpreter shall participate in taking of evidence upon request of representatives of the competent court of the foreign country or the parties, or their representatives.

Section 703. Taking of Evidence Using Technical Means

(1) If enforcement of a request of a foreign country for taking of evidence is permitted using technical means, such request of the foreign country for taking of evidence shall be enforced by the district (city) court for which the necessary technical means for taking of evidence are available.
(2) If necessary, an interpreter shall participate in taking of evidence in Latvia or abroad, using technical means.
(3) A court shall confirm the identity of the persons involved and ensure the performance of taking of evidence in Latvia.

Section 704. Right of Refusal of Witnesses to Testify

(1) In executing a request of a foreign country for taking of evidence a court shall ascertain whether the obstacles indicated in Section 106 of this Law exist, as well as explain the witnesses their right of refusal to testify in the cases provided for in Section 107 of this Law.
(2) In executing a request of a foreign country for taking of evidence a court shall, in accordance with Hague Convention 1970, explain the witnesses their right of refusal to testify also in accordance with the law of the country submitting the request.

Section 705. Costs for Enforcement of Request of a Foreign Country for Taking of Evidence

(1) In conformity with Article 14(2) of Hague Convention 1970 the court shall notify the Ministry of Justice regarding the costs of enforcement of request of a foreign country for taking of evidence, if any have incurred.
(2) The Ministry of Justice may request the competent authority of the foreign country to cover the costs of enforcement of request of a foreign country for taking of evidence which have incurred in accordance with Article 14(2) of Hague Convention 1970.

Chapter 86
International Civil Procedural Co-operation in the Taking of Evidence, if there is no Agreement with a Foreign Country that Provides for Co-operation in Taking of Evidence

Section 706. Basis for International Civil Procedural Co-operation in the Taking of Evidence

(1) A court shall take evidence in Latvia on the basis of a request of a foreign country for taking of evidence and a decision of the Ministry of Justice on permissibility of the request of the foreign country for taking of evidence.
(2) A court shall, upon its own initiative or upon justified request of a participant in the case in the cases and in accordance with the procedures provided for in this Law, decide an issue regarding a request of Latvia for taking of evidence.
(3) Within the meaning of this Chapter taking of evidence shall also be ensuring of evidence in accordance with the procedures provided for in this Law.

Section 707. Competence of the Ministry of Justice in Service of Documents

(1) If there is no agreement with a foreign country that provides for co-operation in the taking of evidence, a request of Latvia for taking of evidence shall be submitted by and a request of a foreign country for taking of evidence shall be received and decided by the Ministry of Justice.
(2) The Ministry of Justice may request or issue a certificate to a foreign country that reciprocity will be observed in co-operation, i.e. that hereinafter the co-operation partner will provide assistance, complying with the same principles.
(3) If necessary the Ministry of Justice shall transmit a request of Latvia for taking of evidence to a foreign country through the intermediation of the Ministry of Foreign Affairs, using consular or diplomatic channels.

Section 708. Content of Request for the Taking of Evidence

(1) The following shall be indicated in a request for taking of evidence:
1) the name of the court submitting the request for taking of evidence;
2) the subject and essence of the request for taking of evidence;
3) data regarding a participant in the case and representatives thereof: for natural persons – given name, surname, personal identity number (if not any, other identification data) and place of residence, but for legal persons – the firm name, registration number and legal address;
4) essence of the case and brief statement of the facts;
5) data regarding evidence to be taken and relation thereof with the case;
6) data regarding the cases provided for in the law when witnesses may refuse to testify;
7) other information that is necessary for the fulfilment of the request for taking of evidence.
(2) It may be requested by a court, upon its own initiative or justified request of a participant in the case, in a request of Latvia for taking of evidence:
1) to permit participants in the case or their representatives to be present or participate in the taking of evidence;
2) to permit representative of a court to be present or participate in the taking of evidence;

3) to take evidence using technical means;

4) to take evidence in accordance with the procedural procedures provided for in this Law.

[29 November 2012]

Section 709. Language of Request for the Taking of Evidence and Documents Attached Thereto

(1) A request of Latvia for taking of evidence and documents attached thereto shall be prepared and submitted in the official language attaching a translation in any of the following languages:

1) in the language of the country addressed;

2) in another language, upon mutual agreement by competent authorities of Latvia and foreign country thereon.

(2) A request of a foreign country for taking of evidence shall be accepted prepared in or with a translation attached in the official language, Russian or English.

(3) If it is not possible to ensure translation in any or the languages referred to in Paragraph two of this Section, the competent authorities of Latvia and the foreign country may mutually agree on another language in which the request of the foreign country for taking of evidence and the documents attached thereto should be drawn up or in which the translation should be attached thereto.

Section 710. Form of a Request for the Taking of Evidence

(1) A court shall prepare a request of Latvia for taking of evidence and the documents attached thereto in writing.

(2) A request of Latvia for taking of evidence shall be signed by a judge and approved with a seal of the court.

(3) The Ministry of Justice may submit a request of Latvia for taking of evidence and the documents attached thereto to the foreign country by other means of communication, submitting them also in writing.

(4) A request of a foreign country for taking of evidence and the documents attached thereto shall be accepted prepared in writing. A request of a foreign country for taking of evidence and the documents attached thereto may be accepted by other means of communication if they are submitted also in writing.

Section 711. Deciding on Request of a Foreign Country for the Taking of Evidence

(1) The Ministry of Justice shall decide on a request of a foreign country for taking of evidence within 10 days from the day of receipt thereof.

(2) The Ministry of Justice shall take one of the following decisions:

1) on permissibility of enforcement of the request for taking of evidence, determining the authority for enforcement of the request for taking of evidence, time periods and other conditions;

2) on refusal to accept a request for taking of evidence or a part thereof for enforcement, justifying the refusal.

(3) If additional information is necessary for deciding on the request for taking of evidence, the Ministry of Justice shall request it from the competent authority of the relevant foreign country.

(4) Enforcement of a request of a foreign country for taking of evidence may be refused if:

1) enforcement of the request of the foreign country for taking of evidence is in contradiction with the social structure of Latvia;

2) sufficient information has not been submitted and it is not possible to acquire additional information;

3) enforcement of the request of the foreign country is difficult.

(5) If enforcement of a request of a foreign country for taking of evidence is refused, the Ministry of Justice shall immediately notify thereof the competent authority of the country submitting the request.

(6) Refusal to enforce a request of a foreign country for taking of evidence or a part thereof shall not prohibit the competent authority of the foreign country from submitting the same request repeatedly after elimination of deficiencies.

(7) A decision of the Ministry of Justice may not be appealed.

Section 712. General Provisions for Enforcement of a Request of a Foreign Country for the Taking of Evidence

(1) A request of a foreign country for taking of evidence shall be enforced by a district (city) court in the territory of which the source of evidence to be taken is located.

(2) If a court in which a request of a foreign country for taking of evidence has been submitted in accordance with Paragraph one of this Section determines that part of the evidence is located in another city or district, it shall assign the relevant court to perform specific procedural activities in accordance with Articles 102 and 103 of this Law.

(3) A request of a foreign country for taking of evidence shall be enforced in accordance with the procedures laid down in this Law, except the cases when enforcement of the request of the foreign country for taking of evidence is permitted in accordance with the procedural procedures upon request of the competent authority of the foreign country.

(4) Enforcement of a request of a foreign country for taking of evidence shall be commenced immediately after taking of a decision on permissibility of enforcement of the request for taking of evidence. If it is not possible to effect the request of the foreign country for taking of evidence within 90 days from the day it was received, a court shall notify the competent authority thereof in writing, specifying the reasons that preclude the enforcement of the abovementioned request.

(5) If enforcement of a request of a foreign country for taking of evidence is difficult or not possible, a court shall notify the competent authority the reasons for non-enforcement of the abovementioned request.

Section 713. Enforcement of Request of a Foreign Country for the Taking of Evidence in the Presence of Parties or Representatives of the Competent Court of a Foreign Country or with the Participation Thereof

(1) If enforcement of a request of a foreign country for taking of evidence is permitted in the presence or with the participation of the parties or their representatives, or representatives of the competent court in the taking of evidence, a court that enforces the request of the foreign country for taking of evidence shall notify the competent authority of the foreign country or directly the representatives of the competent court of the foreign country or the parties, or their representatives regarding the time and place of taking of evidence, as well as regarding conditions for participation.

(2) A court shall ascertain whether representatives of the competent court of a foreign country, the parties or their representatives need an interpreter.

(3) If the persons referred to in Paragraph one of this Section fail to understand the official language and if there are no substantial practical difficulties, an interpreter shall participate in taking of evidence upon request of representatives of the competent court of the foreign country or the parties, or their representatives.

Section 714. Taking of Evidence Using Technical Means

(1) If enforcement of a request of a foreign country for taking of evidence is permitted using technical means, such request of the foreign country for taking of evidence shall be enforced by the district (city) court for which the necessary technical means for taking of evidence are available.
(2) If necessary, an interpreter shall participate in taking of evidence in Latvia or abroad, using technical means.
(3) A court shall confirm the identity of the persons involved and ensure the performance of taking of evidence in Latvia.

Section 715. Right of Refusal of Witnesses to Testify

(1) In executing a request of a foreign country for taking of evidence a court shall ascertain whether the obstacles indicated in Section 106 of this Law exist, as well as explain the witnesses their right of refusal to testify in the cases provided for in Section 107 of this Law.
(2) In executing a request of a foreign country for taking of evidence, the witnesses may refuse to testify also in accordance with the law of the country submitting the request, if such right is provided for in the request of the foreign country for taking of evidence or it has been otherwise confirmed by the competent authority of the foreign country.

Section 716. Costs for Enforcement of Request of a Foreign Country for the Taking of Evidence

(1) Expenses incurred when executing a request of a foreign country for taking of evidence shall be covered from the funds from the State budget, except the case provided for in Paragraph two of this Section.
(2) A court that enforces a request of a foreign country for taking of evidence shall notify the Ministry of Justice regarding the following costs for enforcement of the abovementioned request:

1) the sums of expenses that are to be disbursed to experts and interpreters;

2) the costs incurred executing the request of the foreign country for taking of evidence in accordance with the procedural procedures of the foreign country in the cases provided for in the law;

3) the costs incurred if the request of the foreign country for taking of evidence upon request of the competent authority of the foreign country has been enforced, using technical means.

(3) The Ministry of Justice may request the competent authority the foreign country to cover the costs provided for in Paragraph two of this Section.

Annex 1

Civil Procedure Law

List of Property against which Recovery may not be Directed Pursuant to Enforcement Documents

The following property and articles which belong to a debtor or constitute the debtor's part in joint property shall not be subject to the directing of recovery pursuant to enforcement documents:

1. Domestic equipment and household articles, and clothing required for the debtor, his or her family members and persons who are dependent on the debtor:

1) clothing, footwear and underwear necessary for everyday wear;

2) bedding, bedclothes and towels;

3) kitchen utensils and tableware which are required for everyday use;

4) furniture – one bed and chair for each person, as well as one table and one wardrobe per family; and

5) all children's articles.

2. Foodstuffs in the home in the amount required for the maintenance of the debtor and his or her family members for a period of three months.

3. Money in the amount of the minimum monthly wage for the debtor, each member of his or her family and persons dependent on the debtor, but in recovery of maintenance cases for the support of minor children or for the benefit of the Administration of Maintenance Guarantee Fund administration – money in the amount of 50 per cent of the minimum monthly wage for the debtor, each member of his or her family and persons dependent on the debtor.

4. One cow or goat and one pig per family, and feed in the amount required until new feed is gathered or until the livestock are taken to pasture.

5. Fuel required for preparing food for the family and for heating of the living premises during the heating season.

6. Books, instruments and tools required for the debtor in his or her daily work, providing the means needed for maintenance.

7. Agricultural stock, that is, agricultural tools, machinery, livestock and seed required for the farm, together with the amount of feed required for the maintenance of livestock of the relevant farm until a new harvest. What agricultural tools, how much livestock and what amount of feed is to be regarded as necessary shall be determined by instructions of the Minister for Agriculture.

8. Movable property which in accordance with The Civil Law is recognised to be an accessory to immovable property – separately from such immovable property.

9. Houses of worship and ritual articles.

Annex 2

Civil Procedure Law

Provisions Regarding Renewal of Lost Court Proceedings Materials and Enforcement Proceedings Materials

1. A court may renew lost court proceedings materials and lost enforcement proceedings materials in civil cases pursuant to the application of a participant in the case, of a bailiff or of a public prosecutor, as well as on its own initiative.

2. Lost court proceedings materials shall be renewed in full or in that part the renewal of which is necessary pursuant to the opinion of court. If there has been a judgment or a decision to terminate the court proceedings in the case, the renewal of such judgment or decision is mandatory.

3. An application for the renewal of lost court proceedings materials or writs of enforcement shall be submitted to the court which examined the case, but an application for the renewal of lost enforcement proceedings materials (except a writ of enforcement), to the district (city) court based on the place of enforcement.

4. Details concerning the case shall be set out in the application. The application shall be accompanied by documents or true copies thereof which have been retained by the submitter and which pertain to the case even if such have not been certified in accordance with prescribed procedures.

5. A court, in examining a case, shall use the preserved parts of materials of the judicial proceeding, request from participants in the case or other persons documents submitted to them before the court proceedings material were lost, and true copies of other documents and materials pertaining to the case. The participants in the case have the right to submit for consideration a draft made by them of the judgment or decision to be renewed.

6. A court may examine as witnesses persons who have been present at the performance of procedural actions and, if required, persons who were in the court panel when the case in which the judicial materials have been lost was examined and persons who enforced the court judgment.

7. If the materials gathered do not suffice for an accurate renewal of lost court proceedings materials, a court pursuant to a decision shall terminate the examining of the application for the renewal of the court proceedings materials. In such case, the submitter has the right to repeatedly submit an action or an application according to general procedure. Costs relating to the examining of such case shall be covered by the State.

8. Costs incurred by a court in the examination of a case regarding renewal of lost materials shall be covered by the State. If an application known to be false has been submitted, court expenses shall be recovered from the submitter.

Transitional Provisions

1. Procedures for examining cases arising from administrative legal relations shall, until the day when the Administrative Procedure Law comes into force, be regulated by general

provisions of the Civil Procedure Law and the provisions of Chapters twenty-two, twenty-three, twenty-three A, twenty-four, twenty-four A and twenty-five of the Latvian Civil Procedure Code.

2. The provisions of Section 548, Paragraph two and Sections 550 and 632 of this Law are applicable only after the relevant amendments to the Law On Judicial Power come into force.

3. Until the day when the amendments to the Law On Judicial Power mentioned in Paragraph 2 of these Transitional Provisions come into force:

1) the correctness and promptness of the enforcement of court judgments shall be controlled by the Bailiffs Department of the Ministry of Justice;

2) a decision of the Senior Bailiff by which an application for the refusal of a bailiff has been dismissed without satisfaction may be appealed to the Bailiffs Department of the Ministry of Justice. Submission of a complaint does not stay enforcement activities;

3) a creditor or a debtor may only submit complaints about activities of bailiffs or their refusal to carry out such activities to a court after the Bailiffs Department of the Ministry of Justice has examined the complaint. A complaint may be submitted within 10 days from the day the submitter of the complaint receives an answer from the Bailiffs Department of the Ministry of Justice or from the day when a period of one month has elapsed since the complaint has been submitted and the submitter has not received an answer thereto.

4. If immovable property has not been entered in the Land Register (apartment property in the cases provided for in law, in the Cadastral Register), in securing a claim or bringing recovery proceedings against it, the immovable property shall be inventorised and transferred for administration in accordance with the provisions of Section 603, Paragraphs two to four and Section 605 of this Law. Before inventorising the immovable property, a bailiff shall ascertain the ownership thereof or who its possessor is by requesting information from the State Land Service or the appropriate local government. The bailiff shall notify the State Land Service or the local government accordingly of the inventorising of the immovable property for the securing of the claim or recovery of the debt.

5. If on the day this Law comes into force the procedural time periods prescribed by the Latvian Civil Procedure Code in regards to enforcement activities regarding a judgment have not elapsed and this Law prescribes a longer time period, the longer time period is applicable, including the time elapsed.

6. If, by the day this Law comes into force, property has been delivered on commission in accordance with Section 390 of the Latvian Civil Procedure Code, its sale shall be carried out pursuant to terms of the commission agreement.

7. If, by the day this Law comes into force, capital shares or non-publicly issued stocks of a company have been delivered to the relevant company executive body in accordance with the provisions of Section 389, Paragraph three of the Latvian Civil Procedure Code, the executive body shall carry out the sale within the prescribed period of one month from the day of delivery.

8. If, by the day this Law comes into force, an auction of inventorised property belonging to a debtor has been advertised, it shall be conducted pursuant to the provisions advertised.

9. If, by the day this Law comes into force, calculations drawn up by a bailiff regarding enforcement of a judgment expenses have been submitted to a court, the court shall take a decision on the calculations previously drawn up by the bailiff.

10. If a bailiff has taken a decision to stay enforcement proceedings, then, in a case where the Civil Procedure Law does not provide for enforcement proceedings to be stayed, upon the coming into force of this Law the enforcement proceedings shall be resumed without delay. The bailiff shall take an appropriate decision thereon and send it to the persons interested.

11. Upon this Law coming into force, the Latvian Civil Procedure Code is repealed, with the exception of Chapters twenty-two, twenty-three, twenty-three A, twenty-four, twenty-four A and twenty-five thereof.

12. Amendments to the Civil Procedure Law regarding deletion of Section 34, Paragraph two, Clause 1 and 2 and first sentence of Paragraph three, Section 39, Clause 8, Section 43, Clause 9, Chapters 40, 41, 42, 43, 44 and Section 566, Paragraph two shall come into force on 1 January 2012.
[31 October 2002; 1 December 2005; 11 December 2008]

13. Courts shall examine cases regarding the rights of inheritance, which by 31 December 2002 have been accepted for examination according to special trial procedures, in accordance with the procedures laid down in the Civil Procedure Law that were in force until 31 December 2011 (the norms referred to in Paragraph 12 of the Transitional Provisions that become invalid from 31 December 2011).
[31 October 2002; 1 December 2005; 11 December 2008; 4 August 2011]

14. Courts shall examine applications regarding establishment of trusteeship for an estate in the inheritance cases which are in the record-keeping of notaries, by applying Section 323 of this Law and Section 660 of The Civil Law.
[31 October 2002]

15. Courts shall examine applications regarding establishing the existence of an oral will which are required for submission to a notary in an inheritance case in accordance with the procedures laid down in Section 309 of this Law, by summoning heirs as interested parties.
[31 October 2002]

16. Until determination of a State fee for transfer of property to heirs on the basis of an inheritance certificate issued by a notary the State fee shall be paid in the amount of 50 per cent of the rate provided for in Section 34 of the Civil Procedure Law in cases regarding confirmation of the rights of inheritance or entering into lawful effect of the last will instruction instrument. In the abovementioned cases the State fee in respect of immovable property shall be collected before corroboration of the ownership rights in the Land Register, but in respect of movable property it shall be paid before the issue of an inheritance certificate and the notary shall make a certification to this effect in the inheritance certificate. Holders of movable property registers, as well as persons who have the estate property in possession (credit institutions, etc) are not entitled to re-register the estate property or issue it to the heirs if the property is not specified in the inheritance certificate and State fee has not been paid.
[31 October 2001]

17. Section 346, Paragraph one, Clause 2 of this Law regarding the fact that the decision of a judge regarding initiation of an insolvency case shall be sent to the Finance and Capital Market Commission, and Section 378, Paragraph $2.^{1}$ of this Law shall come into force with a special law.
[12 February 2004]

18. All applications regarding the recognition and enforcement of a decision of a foreign court (except decisions of foreign arbitration courts), which are submitted to district (city) courts and have not been examined up to 1 May 2004, shall be examined according to the procedures of first instance courts that were in effect prior to 1 May 2004. On the basis of a petition from the applicant, the judge may decide such application in accordance with the procedures laid down in this Law, and the 10 day time period in respect of deciding an application shall count from the day of the submission of the petition from the applicant.
[7 April 2004]

19. If the district (city) court has taken a decision to recognise and enforce a decision of a foreign court (except decisions of foreign arbitration courts) or a decision to reject the application and on 1 May 2004 the time period for the submission of ancillary complaints has not ended, the time periods for the submission of ancillary complaints specified in Section 641, Paragraph two of this Law shall be applied, including in them the time already passed.
[7 April 2004]

20. The new version of Section 486 of this Law, which determines the procedures for establishing an arbitration court and Section 486.[1], shall come into force on 1 April 2005.
[17 February 2005]

21. An arbitration court, which has been established and regarding the establishment of which has been notified to the Ministry of Justice by 31 March 2005, shall not later than by 15 August 2005 submit an application to the Enterprise Register for the registration of an arbitration court, taking into account the procedures laid down in this Law and other laws and regulations.
[17 February 2005]

22. The Ministry of Justice shall by 20 October 2005 publish in the *Latvijas Vēstnesis* those arbitration courts, which up to 30 September 2005 have not registered in the Enterprise Register.
[17 February 2005]

23. If the parties have agreed regarding the referral of a dispute for resolution in a permanent arbitration court and this arbitration court has not registered according to the procedures laid down in law by 30 September 2005 or has terminated its operations, the parties shall agree regarding the transfer of the dispute to another arbitration court. If agreement cannot be reached, the dispute shall be examined in a court.
[17 February 2005]

24. The name of newly established arbitration courts shall clearly and specifically differ from the names of the arbitration courts in the Ministry of Justice's existing list. Benefit of a right to the name of an arbitration court in the Arbitration Court Register shall belong to the arbitration court, which has been entered first with such a name in the Ministry of Justice's list.
[17 February 2005]

25. If until 10 March 2005 arbitration court proceedings have been commenced in respect of the disputes referred to in Section 487, Clauses 6 and 7 of this Law (regarding the eviction of persons from living quarters and individual labour rights disputes), the resolution thereof shall be completed in the relevant arbitration court.
[17 February 2005]

26. Until 30 June 2006, applications regarding the insolvency of undertakings and companies shall be submitted to the relevant regional court. Until 30 June 2006, actions brought regarding the insolvency of undertakings and companies shall be examined by the relevant regional court.
[1 December 2005]

27. The new version of Section 447 of this Law, which determines that an ancillary complaint regarding the decisions of a judge and regarding decisions of a Land Registry Office judge shall be examined by written procedure, shall come into force on 1 July 2006 and shall apply to examination of ancillary complaints regarding the decisions, which have been taken from 1 July 2006.
[25 May 2006]

28. Amendments to Section 238, Paragraph three; Section 239, Paragraph two; Section 246, Paragraph four; Section 250.[5], Paragraph one; Section 266, Paragraph one; Section 267, Paragraph three; Section 268, Paragraph two; Section 270, Paragraphs one and three; Section 275, Paragraph two; Section 276, Paragraph two; Section 277, Paragraph two; Section 280, Paragraph two; Section 286, Paragraph four; Section 323 (regarding deletion of the words "parish court") and Section 329, Paragraph three (regarding the replacement of the words "parish court" with the words "Orphan's Court") of this Law, shall come into force on 1 January 2007.
[7 September 2006]

29. Cases in which the insolvency of an undertaking (company), as well as of a merchant registered in the Commercial Register is declared until 31 December 2007, shall be examined by the court that declared the insolvency.
[1 November 2007]

30. New version of Section 434 of this Law (regarding procedures by which an appellate instance court judgment of shall enter into lawful effect and shall be enforced), Section 439.[1], new version of Section 464 (regarding the Senate assignments hearing), as well as Sections 464.[1] and 477 shall come into force on 1 July 2008. An appellate instance court judgments, which the court has declared until 30 June 2008, shall enter into lawful effect at the time of declaration thereof and enforcement of such judgments of an appellate instance court shall be commenced, continued and completed in accordance with the procedures laid down in Part E of this Law.
[22 May 2008]

31. The court activities laid down in law in relation to sending of court decisions to the institution authorised by the law which makes entries in the Register of Insolvency shall not be applicable to those court decisions that have been taken in cases regarding insolvency in which the application of insolvency has been submitted until 31 December 2007 and in which further issues have been decided in conformity with those laws and regulations that until 31 December 2007 governed insolvency of undertakings and companies.
[22 May 2008]

32. In insolvency proceedings, in which an application of insolvency has been submitted to the court until 31 December 2007 and in which the issues are to be decided in the court in conformity with those laws and regulations that until 31 December 2007 regulated insolvency of undertakings and companies, the appointed administrator shall, until examination of a case or until the time period specified in the decision of a judge, submit to the court:

1) a list of those persons which in accordance with law are representatives of the debtor;

2) a list of property owned by third persons and in the possession or holding of the debtor;

3) lists of secured and unsecured creditors, which have been drawn up on the basis of data present in the accounting of the debtor;

4) a statement regarding funds present in the bank accounts and cash office of the debtor, the value of fixed assets and current assets of the debtor;

5) an opinion on whether the insolvency proceedings specified in Article (3)(1) or (2) of the Council Regulation No 1346/2000 should be commenced.
[22 May 2008]

33. In insolvency proceedings in which an application of insolvency has been submitted to the court until 31 December 2007, but a judgment regarding declaration of insolvency is taken after such date, the court shall determine representatives of a debtor in the judgment on the basis of the list of representatives of the debtor submitted by the administrator and determine the obligations thereof in conformity with those laws and regulations that until 31 December 2007 regulated insolvency of undertakings and companies.
[22 May 2008]

34. A court, in approving an amicable settlement, shall not terminate those insolvency proceedings in which an application of insolvency has been submitted to the court until 31 December 2007. The court shall take a decision to terminate insolvency proceedings in cases of entering into amicable settlement, if it is determined that the debtor has settled all his or her obligations in respect of which performance deadline has set in and following settlement of such obligations his or her assets exceed the remaining amount of the debt.
[22 May 2008]

35. In insolvency proceedings in which an application of insolvency has been submitted to the court until 31 December 2007, the court shall decide, on the basis of the relevant application, on revocation of an amicable settlement if:

1) the requirements of laws and regulations have been violated when entering into amicable settlement;

2) entering into amicable settlement has been reached by fraud or coercion, or occurred under influence of delusion; or

3) the debtor fails to perform the obligations provided for in the amicable settlement.
[22 May 2008]

36. In insolvency proceedings in which an application of insolvency has been submitted to the court until 31 December 2007 and in which the issues are to be decided in the court in conformity with those laws and regulations that until 31 December 2007 regulated insolvency of undertakings and companies, the complaints may be submitted by:

1) an administrator – regarding any decision of the creditors meeting and a decision of the creditors committee, as well as regarding a decision of the Insolvency Administration regarding actions of the administrator;

2) an interested creditor or group of creditors – regarding the decision of the creditors meeting, by which a claim of any creditor has been recognised or rejected, within three weeks from the day of the creditors meeting or the day when the decision thereof has been notified to the creditor who has not participated in the creditors meeting;

3) a creditor or group of creditors – regarding the decision of the creditors meeting (creditors committee) on administration costs and the procedures for covering debts within three weeks after taking thereof.
[22 May 2008]

37. In insolvency proceedings in which an application of insolvency has been submitted to the court until 31 December 2007 and in which further issues are to be decided in the court in conformity with those laws and regulations that until 31 December 2007 regulated insolvency of undertakings and companies, the debtor may submit an application to the court regarding the termination of insolvency proceedings, if he or she has settled all debt obligations within the specified time periods and the value of assets exceed the remaining amount of the debt.
[22 May 2008]

38. Orders which until 28 February 2009 in accordance with Section 597 of this Law have been issued for making of deductions shall be enforced in conformity with that specified in the relevant order of the bailiff.
[5 February 2009]

39. Until the day of coming into force of the Cabinet regulation referred to in Section 39, Paragraph two of this Law, but no longer than until 1 September 2009, Cabinet Regulation No. 154 of 27 April 1999, Procedures for the Calculation of Amounts to be Disbursed to Witnesses and Experts and Costs Related to Searching for Defendant in Civil Cases, shall be applied, in so far as it is not in contradiction with this Law.
[5 February 2009]

40. A court that until 28 February 2009 has commenced to examine a civil case in the materials of which a State secret object has been included, shall complete the commenced examination of the civil case.
[5 February 2009]

41. Amendments in respect of Section 345, Paragraph three of this Law (regarding extension of the time period for co-ordination of a plan for measures of legal protection proceedings) shall come into force concurrently with the amendments to the Insolvency Law providing that the plan for measures of legal protection proceedings shall be sent concurrently to the administrator and secured creditors for the provision of opinion, as well as unsecured creditors – for co-ordination.
[5 February 2009]

42. Section 363.^{9}, Paragraph seven of this Law shall not be applicable to amicable settlements that have been approved in a court until 30 June 2009.
[11 June 2009]

43. If an auction of immovable property has been announced until 31 January 2010, it shall be organised according to the provisions announced. If the second auction announced has not taken place and no one wishes to retain the immovable property for himself or herself (Section 615), a bailiff shall, after one month from the day of publishing the advertisement, organise the third auction upon request of the judgement creditor, complying with the provisions of the first auction, but bidding shall start from the sum that complies with 60% of the initial price at the first auction.
[17 December 2009]

44. Within a time period from 1 February 2010 until 31 December 2012 a mortgage creditor in favour of which the first mortgage has been corroborated, unless he or she is also a creditor, in addition to that determined in Section 600, Paragraph three of this Law concurrently is demanded to inform the bailiff whether he or she agrees to the sale of immovable property, except the cases when recovery is performed in favour of the following claims:

1) regarding recovery of child or parent support;

2) regarding recovery of remuneration for work;

3) regarding personal injuries that have resulted in mutilation or other damage to health, or the death of the person;

4) regarding tax and non-tax payments into the budget;

5) regarding compensation of such losses that have been incurred to the property of natural persons by a criminal offence or administrative violation;

6) regarding recovery of a debt in favour of insolvency subject.

[17 December 2009; 9 June 2011]

45. If a mortgage creditor, in favour of which the first mortgage has been corroborated, objects against the sale of the immovable property (Paragraph 44 of Transitional Provisions), the bailiff shall postpone the directing of recovery against immovable property for one year but no longer than until 31 December 2012.

[17 December 2009]

46. The version of Chapters 46, 46.[1] and 46.[2] of this Law that was in force until 31 October 2010 and Paragraph 42 of Transitional Provisions shall be applied to legal protection proceedings, extrajudicial legal protection proceedings, insolvency proceedings of a legal person, as well as insolvency proceedings of a natural person commenced until 31 October 2010.

[30 September 2010]

47. Cases regarding divorce pursuant to the application of both spouses and cases regarding submitting the subject-matter of an obligation for safekeeping to the court, which have been accepted until 31 January 2011 for examination in courts, shall be examined in accordance with the procedures laid down by the Civil Procedure Law that were in force until 31 January 2011.

[28 October 2010]

48. An auction of movable property that was announced until 31 January 2011 shall be organised in accordance with the provisions which were in force on the day when the auction was notified.

[28 October 2010]

49. The new version of Section 34, Paragraph one, Clause 7 of this Law (which provides for the amount of the State fee for the application regarding undisputed enforcement, enforcement of obligations according to warning procedures or voluntary sale of immovable property by auction through the court – two per cent of the amount of the debt or value of the property to be returned or voluntarily auctioned, but not exceeding 350 lats) shall come into force on 1 February 2011.

[20 December 2010]

50. The new version of Section 587, Paragraph six of this Law (which provides that a person who has bid the highest price for an article being sold, shall pay the full amount bid and value added tax, if the auction price is taxable with value added tax, not later than on the next working day after the auction) shall come into force on 1 February 2011.
[20 December 2010]

51. In respect of auctions of movable property and immovable property, which have been announced until 31 December 2010, the norms of the Civil Procedure Law which were in force until 31 December 2010 shall be applied.
[20 December 2010]

52. Section 133, Paragraph one, Clause 3, Chapter 30.[3] of this Law, as well as amendments to Section 37, Paragraph one, Section 406.[4], Paragraphs two and four, Section 406.[6], Paragraphs two and three, Section 406.[8], Paragraphs two and three, Section 450, Paragraphs one and three and Section 486, Paragraph five of this Law shall come into force on 1 October 2011.
[8 September 2011]

53. Provisions of Chapter 30.[3] of this Law shall not be applicable for examining such statements of claim that have been received in the court until 30 September 2011.
[8 September 2011]

54. The State fee paid until 30 September 2011 in cases regarding enforcement of obligations according to warning procedures shall be repaid in accordance with the procedures laid down in the Civil Procedure Law that were in force until 30 September 2011.
[8 September 2011]

55. Amendment in Section 486, Paragraph five of this Law regarding distinction of the names of arbitration courts shall not apply to the name of the arbitration court that has been entered in the Arbitration Court Register until 30 September 2011.
[8 September 2011]

56. The second sentence of Section 24 [regarding the competence of the Land Registry Office of a district (city) court in examination of applications regarding undisputed enforcement and enforcement of obligations according to warning procedures] and Section 566, Paragraph three of this Law, as well as the amendment that provides for exclusion of the introductory part of Section 34, Paragraph two, and amendments to Section 403 and Section 406.[2], Paragraph two [regarding submission of the applications to the Land Registry Office of a district (city) court] shall come into force on 1 January 2012.
[4 August 2011]

57. The administrator who has been withdrawn by a court decision from fulfilment of his or her obligations during the time period from 1 November 2010 until 1 July 2012 on the basis of Section 22, Paragraph two, Clause 7 of the Insolvency Law may appeal such court decision in accordance with the procedures laid down in Section 341.[8], Paragraph seven, Section 363.[14], Paragraph twelve or Section 363.[28], Paragraph nine of this Law until 11 July 2011. A decision of the regional court shall not be the grounds for renewal of the administrator in insolvency proceedings or legal protection proceedings from which he or she was withdrawn.
[21 June 2012]

58. For claim applications assessable as a monetary amount and received at the court until 31 December 2012 a State fee shall be paid in the following amount:

1) to 1000 lats – 15 per cent of the amount claimed but not less than 50 lats;

2) from 1001 lats to 5000 lats – 150 lats plus 2.5 per cent of the amount claimed exceeding 1000 lats;

3) from 5001 lats to 20 000 lats – 250 lats plus 1.6 per cent of the amount claimed exceeding 5000 lats;

4) from 20 001 lats to 100 000 lats – 490 lats plus one per cent of the amount claimed exceeding 20 000 lats;

5) from 100 001 lats to 500 000 lats – 1290 lats plus 0.3 per cent of the amount claimed exceeding 100 000 lats;

6) exceeding 500 000 lats – 2490 lats plus 0.05 per cent of the amount claimed exceeding 500 000 lats.

[15 November 2012]

59. If the court has established temporary trusteeship on the basis of Section 21, Clause 1 of the Law On Time and Procedures for Coming into Force of Family Law Part of the Renewed Civil Law of the Republic of Latvia of 1937 and an application regarding restricting the capacity to act of a person and establishment of trusteeship has not been submitted within a month after the day of coming into force of such amendments, a judge shall take a decision to terminate temporary trusteeship. The decision to terminate temporary trusteeship shall be sent to the Orphan's Court for enforcement, to the public prosecutor, trustee and person whose capacity to act is restricted.

[29 November 2012]

60. If the court has stayed court proceedings on the basis of Section 21, Clauses 2 and 3 of the Law On Time and Procedures for Coming into Force of Family Law Part of the Renewed Civil Law of the Republic of Latvia of 1937, it shall restore court proceedings upon its own initiative, upon application of a participant in the case or trustee. Upon restoring court proceedings, the court shall explain to the applicant his or her rights to amend the subject-matter and justification of the application. Such cases shall be examined in accordance with the procedures laid down in the Civil Procedure Law, which are in force from the day of coming into force of these amendments.

[29 November 2012]

61. A person whom until 31 December 2011 the court has recognised as lacking capacity to act due to mental illness or dementia and in relation to whom has established trusteeship due to his or her dissolute or spendthrift lifestyle, as well as excessive use of alcohol or other intoxicating substances, hereinafter shall be deemed a person with restricted capacity to act without restriction of personal non-financial rights. Until the time then the relevant amendments to other laws and regulations come into force, the legal order in relation to the person lacking the capacity to act and such person in relation to whom trusteeship has been established due to his or her dissolute or spendthrift lifestyle, as well as excessive use of alcohol or other intoxicating substances, shall be interpreted and applied in accordance with this Law and The Civil Law.

[29 November 2012]

62. The incapacity to act of the person referred to in Paragraph 61 of these Transitional Provisions shall be reviewed according to the same provisions as in relation to a person with restricted capacity to act. A trustee has an obligation to submit an application to the court regarding the person referred to in Paragraph 61 of these Transitional Provisions in relation to reviewal of restriction of the capacity to act within four years after coming into force of these amendments, if an application regarding reviewal of restriction of the capacity to act has not been submitted to the court or a judgment in relation thereto has not entered into effect. If an application regarding reviewal of restriction of the capacity to act has not been submitted to

the court after the abovementioned term or a judgment in relation thereto has not entered into effect, the Orphan's Court shall inform the Office of the Prosecutor regarding such persons lacking the capacity to act in relation to whom restriction of the capacity to act should be reviewed, within a year from expiry of the time period for the abovementioned obligation imposed on the trustee. The court shall inform the Population Register that it has received an application regarding reviewal of restriction of the capacity to act for a person, which has been submitted after four years from the day when the relevant amendments came into force. The Population Register shall inform the Office of the Prosecutor in relation to which person a judgment regarding reviewal of restriction of the capacity to act has not entered into effect after four years from the day when the relevant amendments came into force and in relation to which person referred to in Paragraph 61 of these Transitional Provisions reviewal of restriction of the capacity to act in the court has been proposed. The Office of the Prosecutor shall submit an application to the court regarding reviewal of restriction of the capacity to act within seven years after the day when these amendments came into force.
[29 November 2012]

63. A complaint submitted to the relevant official until the day when amendments to Section 483 of this Law come into force shall be examined according to the provisions that were in force on the day when the complaint was submitted.
[29 November 2012]

64. Amendments made to Section 11, Paragraph one, Clause 4.[2], Section 251, Clause 3.[1] and Chapter 34.[1] "Suspending of the Rights of a Future Authorised Person" shall come into force concurrently with Part Four, Chapter 18, Sub-chapter 1, Division III[1] "Future Authorisation".
[29 November 2012]

65. Until 1 April 2013 the founder of a permanent arbitrary court registered in the Register of Arbitrary Courts shall submit a certificate to the Enterprise Register that an arbitrary judge conforms to the requirements of Section 497, Paragraph two of this Law, attaching documents that justify the qualification of the arbitrary judge.
[29 November 2012]

66. If parties have agreed upon transfer of a dispute to the permanent arbitrary court and the founder of such arbitrary court has not submitted a certificate regarding conformity of the arbitrary judge in the permanent arbitrary court with the requirements of Section 497, Paragraph two of this Law until 1 April 2013, the parties shall agree upon transferring the dispute for settlement to another arbitrary court. If agreement is not reached, the dispute shall be examined in the court.
[29 November 2012]

67. An arbitrary judge who does not conform to the requirements of Section 497, Paragraph two of this Law shall complete the proceedings of the arbitrary court initiated until coming into force of these amendments in the relevant arbitrary court.
[29 November 2012]

Informative Reference to European Union Directives

This Law contains legal norms arising from:

1) Directive 2000/35/EC of the European Parliament and of the Council of 29 June 2000 on combating late payment in commercial transactions;

2) Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights;

3) Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters;

4) Council Directive 2010/24/EU of 16 March 2010 concerning mutual assistance for the recovery of claims relating to taxes, duties and other measures.

[7 September 2006; 14 December 2006; 20 December 2010; 15 March 2012]

This Law shall come into force on 1 March 1999.

This Law has been adopted by the *Saeima* on 14 October 1998.

President G. Ulmanis

Rīga, 3 November 1998

