

Начало>Предприемане на съдебни действия>Правна помощ

Legal aid

Латвия

1 What costs are involved in legal proceedings and who normally has to bear them?

Pursuant to the Civil Procedure Law (Civilprocesa likums), costs of legal proceedings include the following:

I Court costs and

II Costs related to the proceedings.

Court costs and costs related to the proceedings are established with the aim of :

partially compensating the expenses incurred by the State in funding the work of the courts;

compensating the party in whose favour the court's ruling is made for expenses incurred;

encouraging the voluntary discharge of liabilities by debtors.

Information on where the court costs can be paid can be obtained at the registry office of each court.

An ancillary claim against a decision on the costs of the proceedings can be filed by the person subject to the decision.

I COURT COSTS include:

a State fee (valsts nodeva);

a clerical fee (kancelejas nodeva);

costs related to the examination of the case.

Pursuant to Article 34 of the Law on Civil Procedure, each action brought before a court is subject to a specified State fee, be it an original claim or a counter-claim, an application submitted by a third party in a case already pending with an independent claim relating to the subject-matter of the dispute, an application in a special adjudication procedure, and other applications provided for in this Article. In petitions for divorce, where the petitioner has an under-age dependant, the judge will defer payment of the State fee or allow its payment in instalments at the request of the petitioner.

Pursuant to Article 38 of the Law on Civil Procedure, the clerical fee is payable:

for the issue of a true copy of a document in a case, and for the reissue of a court judgment or decision;

for the issue of a certificate;

for the issue of a duplicate of a written enforcement order;

for certifying the entry into force of a court ruling, where the ruling is to be submitted to a foreign authority;

for summoning witnesses.

Pursuant to Article 39 of the Law on Civil Procedure, expenses related to the proceedings include:

sums payable to witnesses and experts;

expenses related to the hearing of witnesses or carrying out inspections on site;

expenses related to searching the respondent;

expenses related to the enforcement of a judgment;

expenses related to the service, issue and translation of court summons and other judicial documents;

the costs of publishing notices in newspapers;

fees related to the securing of a claim.

Exemption from court costs:

The Law specifies the persons who are exempt from paying court costs (Article 43(1) of the Law on Civil Procedure), including the party granted State-funded legal aid.

In other cases, a party to the case may request the court for full or partial exemption from court costs on the basis of their financial situation and subject to provision of relevant proof.

The court or the judge considers the request and grants full or partial exemption from having to pay court costs to the national budget, taking account of the individual's financial situation.

Payment of court costs:

Accounts for the payment of State fees, clerical fees and adjudication expenses can be found on the portal in the 'State fees and court accounts' section (Valsts nodevas un tiesu konti).

Reimbursement of court costs:

The party in whose favour a judgment is made is awarded the recovery of all of its court costs from the opposite party.

If a claim has been satisfied in part, the recovery of court costs is awarded to the applicant in proportion to the part of the claims satisfied, and to the respondent in proportion to the part of the claims dismissed.

If an applicant withdraws a claim, they have to reimburse the court costs incurred by the respondent. In the event of this, the respondent does not have to reimburse the court costs of the applicant. However, if an applicant withdraws their claims because the respondent has voluntarily satisfied them after they were submitted, the court will, at the request of the applicant, order the respondent to reimburse the court costs paid by the applicant.

If an applicant is exempted from paying court costs, the respondent will be ordered to pay the applicant's court costs to the national budget in proportion to the part of the claim that has been satisfied.

If the claim is dismissed, left without further action, or the applicant withdraws the claim, the applicant will be ordered to pay the court costs that have not been paid in advance to the national budget. However, if the applicant does not pursue their claim because the respondent has voluntarily satisfied it after the claim was filed, the respondent will be ordered to pay the court costs to the national budget.

If the claim has been satisfied in part, but the respondent is exempted from paying court costs, the costs are to be paid by the applicant who is not exempted from paying court costs, in proportion to the amount of claim that has been dismissed.

If both parties are exempted from paying court costs, the costs will be borne by the State.

The court or the judge can defer payment of court costs or allow payment in instalments, taking account of the individual's financial situation.

Reimbursement of a State fee:

Information on the grounds and procedure for the reimbursement of a State fee can be found on the portal in the 'Reimbursement of fees' section (nodevu atmaksa).

II COSTS RELATED TO THE PROCEEDINGS are:

lawyer's fees;

costs related to travelling to court hearings;

costs related to collecting evidence;

costs of State-funded legal aid (applicable to proceedings initiated after 1 March 2016).

costs of an interpreter's assistance at the court hearing.

Reimbursement of costs related to the proceedings:

Costs related to the proceedings shall be reimbursed in the amount laid down in law.

The respondent will be ordered to pay the costs related to the proceedings incurred by the applicant, if the applicant's claim has been satisfied in full or in part, and if the applicant withdraws their claims because the respondent has voluntarily satisfied them after the claim was filed.

If a claim is dismissed, the court will order the applicant to reimburse the respondent's costs related to the proceedings.

If the party responsible for paying the costs of State-funded legal aid is exempted from payment of court costs, the costs related to the provision of State-funded legal aid will be borne by the State.

2 What exactly is legal aid?

State-funded legal aid is assistance in resolving a legal matter out of court or in court in order to defend infringed or disputed rights of a person or their interests protected by law in cases, by means and in scope provided for in the Law on State-funded legal aid (Valsts nodrošinātās juridiskās palīdzības likums).

State-funded aid covers legal advice, drafting of procedural documents and representation in court.

3 What are the requirements for legal aid to be granted?

The following persons can receive State-funded legal aid:

a person who has the status of a person on low-income or a person in need - the relevant certificates are issued by local social services;

a person who unexpectedly finds themselves in such circumstances and financial situation that prevent them from ensuring the protection of their rights (natural disasters, force majeure or other circumstances beyond the person's control) - they must submit relevant information and proof;

a person who is entirely dependant on the State or the local authority - the relevant information must be submitted by the State or local authority body at the request of the person or the Courts Administration (Tiesu administrācija).

Partially State-funded legal aid, where the person makes a co-payment, and a lawyer's assistance in specific types of civil cases (cases seeking to invalidate a decision of a general meeting of shareholders, cases concerning disputes stemming from contract law where the amount of claim exceeds EUR 150 000, and cases dealing with protection of commercial secrets from illegal acquisition, use and disclosure) can be granted to persons who meet the following criteria:

their income does not exceed the minimum monthly wage in Latvia;

their financial situation makes them eligible to receive legal aid.

Whistleblowers are eligible for State-funded legal aid irrespective of their financial situation.

The financial situation and level of income of a person who needs legal aid in a cross-border dispute and whose habitual residence or domicile is in one of EU Member States is considered eligible for receiving legal aid for adjudicating the dispute in Latvia if on the day of requesting legal aid their average monthly income over the previous three months did not exceed 50% of the minimum monthly wage in Latvia, subject to other applicable regulatory conditions.

4 Is legal aid granted for all types of proceedings?

State-funded legal aid is granted for resolving justified civil disputes and civil cases in court until the final verdict comes into force, with the exception of e.g.:

cases that concern a claim directly related to the person's commercial or business activities, or independent professional activities;

cases that concern customs or tax-related matters;

cases that concern a claim related to violation of honour and dignity;

cases that concern remedy for moral damage, with the exception of cases where provision of legal aid is related to seeking remedy for moral damage caused to the victim as a result of a criminal offence;

disputes that are adjudicated by an arbitration court or by other alternative mechanisms of dispute settlement;

cases that concern a claim related to luxury objects or luxury services;

costs of legal aid that are disproportionately high in comparison to the amount of the claim.

5 Are there special procedures in cases of need?

The person must submit a completed request for legal aid (an application form) to the Courts Administration with copies of supporting documents relating to the information included in the application (documents that prove eligibility for State-funded legal aid and documents describing the nature of the civil dispute and related proceedings). The documents must be submitted to the Courts Administration in person, by post or email pasts@ta.gov.lv, using an electronic signature with a time stamp.

The Courts Administration will review the application and take a decision to grant legal aid or decline the request within 21 days of receipt of the application or within 14 days of receipt of the application if the case concerns children's rights.

If additional information is requested, the deadline for decision will be postponed until the necessary information has been received or the deadline for its submission has expired.

When taking a decision on granting legal aid, the Courts Administration will appoint a provider of legal aid which has concluded a contract for the provision of legal aid with the Courts Administration.

The decision on the provision of legal aid stipulates the provider of legal aid and the place and time of provision of legal aid.

The applicant will be notified of the decision to grant legal aid or to decline the request in writing, by post or electronic message sent to the address indicated in the application; the applicant can also receive the notification in person from the Courts Administration office.

The decision of the Courts Administration can be appealed before the Ministry of Justice, whereas the decision of the Ministry of Justice can be appealed before an administrative court.

In cases concerning the provision of partial State-funded legal aid (i.e. a lawyer's assistance in specific types of civil proceedings), the Courts Administration will take a decision within a month of the date of receiving the application for legal aid and specify in the decision the scope of legal aid and the deadline by

which payment for legal aid must be made. Upon receipt of the payment, an assignment will be drawn up for the provider of legal aid within seven days on the provision of State-funded legal aid. If no payment for the provision of legal aid has been received, the Courts Administration will take a decision to terminate the provision of legal aid.

If a person whose habitual residence or domicile is in an EU Member State requires legal aid in a cross-border dispute and the cross-border dispute is adjudicated in Latvia, the Courts Administration will receive the relevant application in the cross-border dispute forwarded by a competent authority of the other EU Member State or by the person and consider it in accordance with the procedure established by the Law on State-funded legal aid. In cases where a cross-border dispute is adjudicated outside of Latvia, the person whose habitual residence or domicile is in an EU Member State shall submit the relevant application to the Courts Administration (the application form is available at https://e-justice.europa.eu/content_legal_aid_forms-157-en.do). In such cases, the Courts Administration will send a completed form for the transmission of the legal aid application and the relevant documents to the competent authority of the relevant EU Member State within seven days of receipt of all translations.

6 Where can I obtain a legal aid application form?

The application form for State-funded legal aid is available:

on the website of the Courts Administration <https://www.jpa.gov.lv/> in the 'Services' section (Pakalpojumi) (

<https://www.jpa.gov.lv/lv/juridiskas-palidzibas-sanemsanas-pieprasijuma-veidlapas>);

at the Courts Administration office, Antonijas iela 6, Riga;

at the offices of the local authorities in Latvian towns and municipalities where the person has their declared place of residence or where they legally reside.

The form for Legal Aid Application in another Member State of the European Union (in a cross-border dispute) is available on the European E-justice Portal in the 'Online forms' section (https://e-justice.europa.eu/content_legal_aid_forms-157-en.do).

7 Which documents need to be submitted with the legal aid application form?

The following documents must be enclosed with the application form for State-funded legal aid:

a copy of the document proving that the person is eligible for legal aid, e.g. a certificate that demonstrates that the individual has the status of a person in need or on a low income (or another document that proves that the person is eligible for State-funded legal aid);

copies of documents describing the nature of the dispute, proceedings of the case, etc. (e.g. an agreement, a court summons, a decision of the family tribunal).

Information on the conditions and procedures for provision of State-funded legal aid in other case categories is available at: <https://jpa.gov.lv/> (website of the Courts Administration, in Latvian) or <https://www.jpa.gov.lv/en> (website of the Courts Administration, in English).

8 Where do I submit my application for legal aid?

The address of the Courts Administration: Antonijas iela 6, Riga, LV-1010.

Email: pasts@ta.gov.lv

Free information line: +371 80001801 (for information on services provided by the Courts Administration and filling-in the forms).

9 How do I find out whether I am entitled to legal aid?

People with a status of a person in need or on low income, people who are entirely dependent on the State or local authority, or people who have unexpectedly found themselves in such circumstances and financial situation that prevent them from ensuring the protection of their rights are entitled to State-funded legal aid.

State-funded legal aid is provided in out-of-court and in-court civil cases (including cross-border disputes), in appeal proceedings in administrative cases dealing with provision of asylum, or in appeals against decisions with regard to contested removal orders or against decisions with regard to contested forced expulsion orders.

10 What should I do, if I am entitled to legal aid?

The person must submit a completed request for legal aid (an application form) to the Courts Administration with copies of supporting documents relating to the information included in the application (documents that prove eligibility for State-funded legal aid and documents describing the nature of the civil dispute and related proceedings). The documents must be submitted to the Courts Administration in person, by post or email pasts@ta.gov.lv, using an electronic signature with a time stamp.

In order to be granted State-funded legal aid, the following documents must be submitted to the Courts Administration:

1) a completed application form for State-funded legal aid with a copy of the document proving the eligibility for legal aid, e.g. a certificate that demonstrates the status of a person in need or on a low income;

2) copies of documents describing the nature of the dispute, proceedings in the case, etc.

11 Who chooses my lawyer, if I am entitled to legal aid?

The Courts Administration concludes agreements with legal aid providers for the purposes of legal aid. When taking a decision to grant legal aid, the Courts Administration will assign a legal aid provider to the specific case.

12 Does legal aid cover all the costs of the proceedings?

The individual must cover the costs of the proceedings themselves, unless exceptions apply.

13 Who bears the other costs, if I am entitled only to limited legal aid?

Costs not covered by legal aid must be covered by the individual.

14 Does legal aid also cover appeals?

The Courts Administration provides legal aid guaranteed by the State in the following cases:

1) In Constitutional Court proceedings, legal aid is provided to the person with regard to whose constitutional complaint the Constitutional Court has taken decision not to initiate proceedings solely on the basis of absence of legal grounds or their evident insufficiency to sustain the application;

2) in civil cases (except where the case concerns customs or tax-related matters, violation of honour and dignity, the case is directly connected with the person's commercial or business activities, or independent professional activities, etc.);

3) in administrative cases:

in appeal proceedings in cases dealing with provision of asylum;

in appeals against decisions with regard to contested removal orders or against decisions with regard to contested forced expulsion orders;

in appeals against a family tribunal decision with regard to protection of the rights and legitimate interests of a child;

in administrative cases where the court (the judge) has taken decision to provide State-funded legal aid in view of the complexity of the case and financial circumstances of the natural person.

Partial State-funded legal aid can be provided for a lawyer's assistance in specific types of civil cases:

in cases seeking to invalidate a decision of a general meeting of participants or shareholders of a capital company;

in cases concerning disputes stemming from contract law where the amount of claim exceeds EUR 150 000;

in cases dealing with protection of commercial secrets from illegal acquisition, use and disclosure.

15 Can legal aid be withdrawn before the proceedings are concluded (or even revoked after the proceedings have terminated)?

If the person does not need the legal aid granted, they can withdraw their application for legal aid before the proceedings are concluded, notifying the Courts Administration accordingly.

16 Can I contest a refusal to give legal aid?

A decision of the Courts Administration to grant or refuse legal aid can be contested and appealed against in accordance with the procedure laid down in the [Law on administrative procedure](#) (Administratīvā procesa likums).

17 Does the request for legal aid have the effect to suspend the limitation period?

An application for legal aid does not suspend the limitation period.

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