Λεττονία

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

The Law on Civil Procedure (*Civilprocesa likums*) guarantees that every person, natural or legal, has a right to court protection of their civil rights, if their rights are infringed or disputed, and to court protection of any interest safeguarded by the law. As a general rule, all civil disputes are dealt with by the courts, following the ordinary court procedures. In exceptional cases, and only where specified under legislation, civil disputes may be decided by other extrajudicial procedures. Where there is provision in legislation, a court will also hear claims brought by natural and legal persons which are not by their nature civil disputes. In all cases, however, the allocation of a dispute is decided by a court or a judge. If a court or a judge recognises that a dispute is not within the jurisdiction of a court, the decision to this effect indicates the body responsible for adjudicating the dispute.

At the same time, the ordinary rules of jurisdiction are subject to certain exceptions that stipulate the level of the court that is to hear the case at first instance. A specialised Court of Economic Affairs to hear certain categories of civil and criminal cases has been operating in Latvia since 31 March 2021.

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

District courts (*rajona tiesa*) and city courts (*pilsētas tiesa*) act as courts of first instance in civil cases. The Vidzeme Suburb Court of Riga City (*Rīgas pilsētas Vidzemes priekšpilsētas tiesa*) examines cases in which the files refer to a matter of State secrecy and cases regarding the protection of patents, topography of semiconductor products, designs, trademarks and geographical indications. The Land Registry Office of a district (city) court examines applications for the undisputed enforcement of obligations (*bezstrīdus piespiedu izpildīšana*) and compulsory enforcement of obligations on court notice (*saistību piespiedu izpildīšanu brīdinājuma kārtība*), and also applications for the confirmation of statements of auction (*izsoles aktu apstiprināšana*), except for the confirmation thereof in the cases regarding insolvency proceedings.

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

The merits of a case cannot be examined in a higher court until it has been heard in a lower court. The court of first instance for civil cases is the district or city court or the regional court (*apgabaltiesa*). In civil proceedings cases are considered on the merits by the court of first instance with jurisdiction for the type of case and subject matter and for the place of the dispute.

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

Civil cases are assigned to be heard at first instance to courts at different levels, on the basis of subject matter: cases are classed according to the category or nature of the claim. But even then courts at the same level each have their own territorial jurisdiction.

2.2.1 The basic rule of territorial jurisdiction

General procedures concerning territorial jurisdiction lay down that a claim against a natural person is to be brought before the court of the person's declared place of residence (Section 26 of the Law on Civil Procedure). A claim against a legal person is to be brought before the court of the legal person's registered office. Thus, the appropriate court of first instance is determined by the subject-matter and by the rules governing territorial jurisdiction.

2.2.2 Exceptions to the basic rule

The Law on Civil Procedure also specifies exceptions to the rules on territorial jurisdiction in civil cases, whereby a plaintiff may choose either to bring an action pursuant to the general provisions on territorial jurisdiction, i.e. apply to the court of the defendant's declared place of residence or registered office, or to bring an action before a different court of first instance, at the same level, which the legislation designates as an alternative court.

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

A claim against a defendant who has not got a declared place of residence is brought before a court determined by the defendant's *de facto* place of residence.

If the defendant's *de facto* place of residence is unknown, or the defendant has no permanent place of residence in Latvia, the claim is brought before the court of the place where any immovable property belonging to the defendant is situated, or of the defendant's last known place of residence.

In certain cases defined in legislation, a plaintiff has certain rights to choose to bring a claim either before a court which is determined by the defendant's declared place of residence or registered office or before another court.

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

Rules relating to the choice of jurisdiction by the plaintiff are laid down in Section 28 of the Law on Civil Procedure, which gives a detailed list of types of cases and alternative courts before which a claim may be brought:

an action arising in relation to the activities of a subsidiary or representative office of a legal person may also be brought in the court where the registered office of the subsidiary or representative office is located;

an action regarding recovery of maintenance for children or parents or determination of paternity may also be brought in the court of the declared place of residence of the plaintiff;

an action arising out of personal injury (Sections 1635, 2347–2353 of the Civil Law (*Civillikums*)) may also be brought in the court of the declared place of residence of the plaintiff or the place where the injury was inflicted;

an action regarding damage to the property of a natural or legal person may also be brought in the court of the place where the damage was inflicted;

an action regarding restitution of property, or compensation for the value thereof, may also be brought in the court of the declared place of residence of the plaintiff;

maritime claims may also be brought in the court of a place where a vessel belonging to the defendant has been seized;

an action against several defendants who reside at or are located in various places may be brought in the court of the place of residence or registered office of one defendant;

an action relating to a divorce or annulment of marriage may be brought before the court at the option of the plaintiff or of the declared place of residence of the plaintiff, but, failing that, before the court of the *de facto* place of residence of the plaintiff, if:

minors are residing with the plaintiff;

the marriage to be dissolved is with a person who is serving a prison sentence;
the marriage to be dissolved is with a person who has no declared place of residence, whose place of residence is unknown or who lives abroad;
an action arising out of an employment relationship may also be brought in the court of the declared place of residence or place of work of the plaintiff.
If a plaintiff in the cases referred to above does not have a declared place of residence, a claim may be brought before the court of the plaintiff's *de facto* place of residence.
There is also provision for exclusive jurisdiction in civil cases, which overrides not only the ordinary territorial jurisdiction but all the other forms of territorial jurisdiction too. Jurisdiction is determined by the type of action in the following cases:
an action regarding ownership rights or any other property rights in regard to immovable property or appurtenances thereof, or an action regarding registration of such rights in the land register or removal of such rights and exclusion of the property from the survey record, must be brought in the court of the place where the property is situated;
where an action is brought against a deceased's estate, and there are no known heirs who have been confirmed or who have accepted an inheritance, jurisdiction lies with the court of the declared place of residence or *de facto* place of residence of the deceased, but if the deceased's declared place of residence or *de facto* place of residence is not in Latvia or is unknown, jurisdiction lies with the court of the place where the property of the estate or a part thereof is situated.

Exclusive jurisdiction may also be prescribed in other legislative acts.

The provisions set out below also apply in cases subject to special judicial procedures:

an application for the approval of an adoption must be submitted to the court of the declared place of residence of the adopter, or failing that the *de facto* place of residence of the adopter; an application to annul an adoption must be submitted to the court of the declared place of residence of the applicant, or failing that the *de facto* place of residence of the applicant.
An application for the approval of an adoption that is brought by a foreign national or a person living in a foreign state must be submitted to the court of the declared place of residence of the adoptee, but if the adoptee is in extrafamilial care the application must be submitted to the court of the place where extrafamilial care is being provided. (Section 259(2) of the Law on Civil Procedure).
An application to restrict a person's capacity to act owing to a mental disorder or other health disorder is to be submitted to the court of the person's declared place of residence, or failing that the person's *de facto* place of residence; if the person has been placed in a medical institution, the application is to be submitted to the court of the place where the medical institution is situated. (Section 264 of the Law on Civil Procedure).
an application to restrict the capacity to act and to establish a trusteeship for a person owing to his or her dissolute or spendthrift lifestyle, or excessive use of alcohol or other intoxicating substances, must be submitted to the court of the person's declared place of residence, or failing that the person's *de facto* place of residence (Section 271 of the Law on Civil Procedure);
matters regarding trusteeship for the property of an absent or missing person are to be adjudicated by the court of the person's last place of residence (Section 278 of the Law on Civil Procedure);
an application to have a missing person declared dead is to be submitted to the court of the person's last place of residence (Section 282 of the Law on Civil Procedure);
an application to have facts of legal relevance established by a court must be submitted to the court of the declared place of residence of the applicant, or failing that the person's *de facto* place of residence (Section 290 of the Law on Civil Procedure);
an application to have rights in immovable property extinguished must be submitted to the court of the place where the property is situated; an application for the extinction of any other right must be submitted to the court of the applicant's declared place of residence, or failing that the applicant's *de facto* place of residence, or in the case of a legal person the registered office, unless prescribed otherwise by law (Section 294(2) of the Law on Civil Procedure);
an application for the cancellation of a lost, stolen or destroyed document and the renewal of rights related to it must be submitted to the court of the place of payment indicated on the document, or, if the place of payment is not known, to the court of the debtor's declared place of residence, if the debtor is a natural person, or failing that the debtor's *de facto* place of residence, or in the case of a legal person the registered office; if the debtor's *de facto* place of residence or registered office is also unknown, the application must be submitted to the court of the place where the document was issued (Section 299 of the Law on Civil Procedure);
an application for the redemption of immovable property must be submitted to the court of the place where the property is situated (Section 336 of the Law on Civil Procedure);
the court shall examine a case regarding legal protection proceedings based on the legal address of the debtor which was registered for the debtor three months prior to the submission of application to the court (Section 341.1 of the Law on Civil Procedure);
a case regarding insolvency proceedings for a legal person further to an application by the debtor, the creditor, or the majority of creditors as specified in Section 42(3) of the Insolvency Law (*Maksātnespējas likums*) is to be examined by a court based on the legal address of the debtor as registered for the debtor three months prior to the submission of the application to the court. In a case regarding the commencement of the insolvency proceedings as laid down in Article 3(1) of Council Regulation No 1346/2000, it is for the court based on the location of the main interest centre of the debtor to hear the action, but in a case of commencement of insolvency proceedings as laid down in Article 3(2) of the same Regulation, it is for the court based on the location of the debtor's undertaking (within the meaning of Article 2(h) of Council Regulation No 1346/2000) (Section 363.1 of the Law on Civil Procedure);
a case concerning the insolvency of a natural person on application by that person is to be adjudicated by the court of the debtor's declared place of residence as registered for the debtor three months prior to the submission of the application to the court, but failing that according to the debtor's *de facto* place of residence. A case regarding the commencement of the insolvency proceedings as laid down in Article 3(1) of Council Regulation No 1346/2000 is to be examined by a court based on the location of the main interest centre of the debtor, but in the case of commencement of the insolvency proceedings as laid down in Article 3(2) of the same Regulation, it is for the court based on the location of the debtor's undertaking (within the meaning of Article 2(h) of Council Regulation No 1346/2000) (Section 363.22 of the Law on Civil Procedure);
matters regarding the insolvency or liquidation of credit institutions are to be adjudicated by the court of the place where the credit institution has its registered office (Section 364 of the Law on Civil Procedure);
an employer may submit an application to have a strike or a strike notice declared illegal, on the grounds set out in and in accordance with the procedure of the Law on Strikes (*Streiku likums*). The application to have the strike or strike notice declared illegal is to be submitted to the court of the place where the strike is to take place (Section 390 of the Law on Civil Procedure);
representatives of employees may submit an application to have a lock-out or notice of lock-out declared illegal, on the grounds set out in and in accordance with the procedure of the Law on Labour Disputes (*Darba strīdu likums*). The application to have the lock-out or notice of lock-out declared illegal is to be submitted to the court of the place where the lock-out is to take place (Section 394.1 of the Law on Civil Procedure).

Cases relating to undisputed enforcement of obligations (*saistību bezstrīdus piespiedu izpildīšana*):

applications for the voluntary sale of immovable property at auction through the court must be submitted to the district or city court of the place where the immovable property is situated (Section 395 of the Law on Civil Procedure);
applications for the undisputed enforcement of monetary payments or the return of movable property or for the undisputed enforcement of obligations under contracts which are secured by a commercial pledge are to be submitted to the land registry office of the district or city court of the declared place of residence of the debtor, or failing that the debtor's *de facto* place of residence (Section 403(1) of the Law on Civil Procedure);
applications for undisputed enforcement under documents pledging immovable property, or the undisputed enforcement of an obligation to vacate or return leased or rented immovable property, must be submitted to the land registry office of the district or city court of the place where the immovable property is situated. If an obligation is secured against several immovable properties, and the applications would fall within the jurisdiction of the land registry offices of different district or city courts, the application is to be adjudicated by the land registry office of the district or city court of the place where one immovable property is situated, at the choice of the applicant (Section 403(2) of the Law on Civil Procedure).
applications for undisputed enforcement based on a ship mortgage obligation must be submitted to the land registry office of the district or city court of the place of registration of the ship mortgage (Section 403(3) of the Law on Civil Procedure).

Cases relating to the enforcement of obligations on court notice (*saistību piespiedu izpildīšana brīdinājuma kārtība*):

An application for the enforcement of obligations on court notice must be submitted to the land registry office of the district or city court of the declared place of residence of the debtor, or failing that the debtor's de facto place of residence or registered office (Section 406.2 of the Law on Civil Procedure).

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

Yes, this possibility does exist: Latvian legislation allows the parties to choose the court with territorial jurisdiction for their case by agreement between them. When concluding a contract, the parties can specify the court of first instance where any future disputes relating to the contract or fulfilment of its terms are to be settled. They may not alter the jurisdiction with regard to the subject matter of a dispute, that is to say the level of the court that is to hear the case at first instance (Section 25 of the Law on Civil Procedure); nor can they alter any exclusive jurisdiction (Section 29 of the Law). Jurisdiction by agreement is subject to two restrictions:
a choice of jurisdiction can be exercised only in respect of contractual disputes;
the agreement determining the territorial jurisdiction must be reached at the time a contract is concluded, and the specific court which would hear a potential dispute at first instance must be indicated.

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

Under the Latvian legislation, courts of general jurisdiction hear both civil and criminal cases. Latvia does not have specialised courts, for instance family courts, or judges who specialise in particular legal issues, as is the case in other countries.
As explained above, the merits of a civil case are considered in a court of first instance and cannot be examined in a higher court until the case has been disposed of in the lower court. The court of first instance for civil cases is the district (city) court under the jurisdiction of which a case falls. As a general rule, all civil disputes fall within the jurisdiction of the courts, which deal with them following the ordinary court procedures.

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