Lotyšsko

Article 65(3) - Information on how to determine, in accordance with national law, the effects of the judgments referred to in Article 65(2) of the Regulation

Participation by third parties in civil proceedings is governed by Articles 78 to 81 of the Law on civil procedure. According to the first paragraph of Article 78 of the Law, a third party in civil proceedings is a natural or legal person whose rights or obligations in relation to one of the litigating parties may be affected by the judgment in the case. The aim of involving the third party in legal proceedings is to promote an all-round elucidation of the facts of the case and to ensure procedural efficiency by allowing that third party to provide explanations and to state their viewpoint on the claims made. If a person who might have been a third party in a case does not intervene, this does not deprive that person of their rights in any other manner or prevent them from defending their interests in a separate action. However, it is worth bearing in mind that the intervention of a third party in the case may affect the way in which the initial claim is resolved. This is important, for example, when a subsequent claim for compensation comes to be considered, since it follows from Latvia's national rules of civil procedure that a subsequent claim can be looked into only after the examination of the initial claim, and the facts accepted in the grounds of the decision on the initial claim cannot be examined afresh by the court.

Third parties may be admitted to intervene in the case until such time as the proceedings on the merits before the court of first instance have been completed. They may also be called upon to participate in the proceedings at the request of one of the parties or the prosecutor. Depending on the nature and degree of their interest, third parties are classified as (a) third parties with an independent claim; or (b) third parties without an independent claim.

Third parties that present an independent claim in relation to the subject matter of the dispute can intervene on application: in principle their independent claim is directed against both the defendant and the applicant. They have the same rights and obligations as the applicant (see Article 79 of the Law on civil procedure). The position of a third party with an independent claim differs from a that of a party supporting the applicant, or a joint applicant, in that those parties' claims are not directed against one another, whereas satisfaction of the third party's claim would in principle preclude satisfying that of the applicant.

Third parties that do not present an independent claim in relation to the subject matter of the dispute can intervene in support of either the applicant or the defendant if the judgment in the case might affect the intervener's rights or obligations vis-à-vis one of the litigating parties. Third parties that do not present an independent claim have the same procedural rights and obligations as the litigating parties except that they cannot alter the grounds of the claim or subject matter, increase or diminish the extent of the claim, withdraw the application, acknowledge claims, conclude settlements or request enforcement of the court's judgment. Submissions asking for third parties to be called, and submissions by third parties asking to intervene in support of either the applicant or the defendant, must set out the grounds for calling the third party or granting them leave to intervene in the case (Article 80 of the Law on civil procedure).

Third parties without an independent claim usually intervene in cases where there is a possibility that one of the parties might subsequently seek redress from them, either in related cases, or in cases where the third party may themselves bring a subsequent action depending on the outcome of the initial action.

Consequently, it follows from the provisions of Articles 78 to 81 of the Law on civil procedure that the judgment in a case in which a third party participates is binding on the third party, and the judgment can be enforced against the third party (or the third party can apply for the enforcement of the judgment), only in those cases where the third party submitted an independent claim. The judgment nevertheless produces legal effects for the third party in any event, in the sense that the facts established in that judgment are binding with respect to any subsequent claim based on the initial proceeding.

Article 74 - Description of national rules and procedures concerning enforcement

Court rulings and decisions in extrajudicial cases are to be enforced once they attain legal force, unless, in accordance with a law or court judgment, they are enforceable immediately. If a time limit is fixed for the voluntary enforcement of a court ruling but the ruling is not enforced, the court will issue an enforcement order after the expiry of the voluntary enforcement time limit. Registered bailiffs are authorised to initiate enforcement activities on the basis of enforcement instructions.

Enforcement orders are issued to applicants at their request by the court dealing with the case. One enforcement order is issued for each judgment. If a judgment is to be enforced in different places, of which a part is immediately enforceable, is in favour of a number of applicants or against a number of defendants, the court will issue a number of enforcement orders at the request of the applicant. When several enforcement orders are issued, the place of enforcement, or the part of the judgment that is to be enforced according to that order is to be precisely indicated in each of them, but in the case of joint and several recovery, so too must be the defendant against whom recovery is sought further to the order.

Article 75 (a) – Names and contact details of the courts to which the applications are to be submitted pursuant to Articles 36(2), 45(4) and 47(1)

In Latvia, to the district or city district court (*rajona (pilsētas) tiesa*) in the jurisdiction of which the decisions are enforced.

Applications for recognition or for refusal of recognition (Article 36(2) and Article 45) are to be submitted to the district (or city district) court in the jurisdiction of which the rulings are enforced or to the district (or city district) court in the jurisdiction of which lies the declared place of residence of the defendant. However, if there is no declared place of residence, applications are submitted to the court in the jurisdiction of which lies the defendant's place of residence or registered address.

Article 75 (b) – Names and contact details of the courts with which an appeal against the decision on the application for refusal of enforcement is to be lodged pursuant to Article 49(2)

In Latvia, with the regional court (*apgabaltiesa*), through the district (or city district) court that handed down the decision.

Article 75 (c) – Names and contact details of the courts with which any further appeal is to be lodged pursuant to Article 50

Not applicable.

Article 75 (d) – Languages accepted for translations of the certificates concerning judgments, authentic instruments and court settlements

Not relevant.

Article 76(1)(a) – Rules of jurisdiction referred to in Articles 5(2) and 6(2) of the Regulation

In Latvia,

the second paragraph of Article 27 of the Law on civil procedure whereby if the defendant's place of residence is unknown, or the defendant has no permanent place of residence in Latvia, an action may be brought in the court of a place where he or she has immovable property, or the court of his or her last known place of residence;

the third paragraph of Article 28 of the same law, whereby an applicant may bring a claim arising from personal injuries based on his or her place of residence or the location in which the injuries were sustained;
the fifth paragraph of Article 28 of the same law, whereby a claim for the recovery of property or compensation for the value thereof may also be brought based on the declared place of residence of the applicant;
the sixth paragraph of the same law, whereby maritime claims may also be brought based on the place where the defendant vessel was seized;
the ninth paragraph of Article 28 of the same law, whereby an applicant may bring a claim arising from employment relationships based on his or her declared place of residence or place of employment.

Article 76(1)(b) – Rules on third party notice referred to in Article 65 of the Regulation

According to Article 640 of the Law on civil procedure, a decision to recognise and enforce a ruling of a foreign court or a decision to refuse the application is to be taken by a judge sitting alone on the basis of the submitted application and the documents annexed thereto within ten days of the case being brought without inviting the parties.

Article 76(1)(c) – Conventions referred to in Article 69 of the Regulation

Agreement of 11 November 1992 on legal assistance and legal relations between the Republic of Latvia, the Republic of Estonia and the Republic of Lithuania.
Agreement of 23 February 1994 between the Republic of Latvia and the Republic of Poland on legal assistance and legal relations in civil, family, labour and criminal matters.

Last update: 19/02/2024

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