SEMINAR ORGANISED BY THE GREEK COUNCIL OF STATE IN COLLABORATION WITH ACA-EUROPE

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Climate change-crisis / Overtourism
Questionnaire

Introduction

In keeping with the Guiding Principle [Leitmotiv] of the Greek presidency of ACA-Europe, the first seminar, which will be held in Athens in November 2025, will focus on the role of the administrative judge when confronted with current challenges related to the climate crisis and the harmful effects of overtourism. The following questionnaire focuses on the six points outlined in the Guiding Principle. The presentation of the regulatory framework in the various countries [international law, European law and national law] and the application of this normative framework by judges in each country will enable us to address questions relating to the effectiveness and relevance of the traditional tools and methods available to judges when they are called upon to rule on disputes concerning the aforementioned challenges.

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Part A: Climate change-crisis

I. The regulatory framework

I.A. Supranational rules

I.A.1. Rules of international law

➥ What international instruments [treaties/conventions] relating to climate change are in force in your country?

Kyoto Protocol* ☒

Paris Accords* ☒

Aarhus Convention (procedural matters) ☒

Other (please specify) ☐

* United Nations Framework Convention on Climate Change

➥ What is the formal validity of the aforementioned rules of international law in your country's legal system? (please describe briefly the procedure for incorporating international rules into the legal system)

The legal system of the Republic of Latvia is governed by the doctrine of monism, according to which the provisions of international law binding on the Republic of Latvia are directly applicable. According to the

1969 United Nations Vienna Convention on the Law of Treaties, to which the Republic of Latvia acceded on 6 April 1993, the primacy of international law is recognised in the Republic of Latvia, including that national provisions do not constitute grounds for non-compliance with international obligations (Article 27 of the Vienna Convention).

The Constitution of the Republic of Latvia (Latvijas Republikas Satversme), in its Article 68, stipulates that all international treaties concerning matters to be decided through the legislative process require the approval of the Saeima (Parliament). A more detailed procedure for concluding, implementing, and denouncing international treaties of the Republic of Latvia is set out in the Law "On International Treaties of the Republic of Latvia". According to this law, the Saeima (Parliament) adopts a decision on the conclusion of any international treaty. In certain cases specified by law, the Cabinet of Ministers (Government) may also adopt a decision on the conclusion of an international treaty. In general, *international treaties are approved by a law* adopted by the Saeima, on the basis of which the Ministry of Foreign Affairs prepares the instrument of ratification, which is signed by the President of the State and countersigned by the Minister of Foreign Affairs. The exchange of instruments of ratification is carried out by the President of the State, the Minister of Foreign Affairs, or their authorized representatives. The Ministry of Foreign Affairs carries out the exchange of ratification notes, informs about the fulfilment of necessary requirements for the treaty to enter into force in the territory of the Republic of Latvia, deposits instruments of accession, and transfers international treaties to the depositary.

Article 13 of the Law „On International Treaties of the Republic of Latvia" expressly provides: „If an international treaty ratified by the Saeima (Parliament) contains different provisions than legal acts of the Republic of Latvia, the provisions of the international treaty shall apply." Article 15(3) of the Administrative Procedure Law also states: „The provisions of international law regardless of their source shall be applied in accordance with their place in the hierarchy of legal force of external legal acts. If a conflict between a provision of international law and a legal provision of Latvian law of the same legal force is determined, the provision of international law shall be applied."

I.A.2. EU rules

↳ Which are the main EU climate change rules that have been incorporated into your national legislation?

- Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC;
- Directive 2003/87/EC of the European Parliament and of the Council (of 13 October 2003) establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC;
- Directive 2004/101/EC of the European Parliament and of the Council (of 27 October 2004) amending Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community, in respect of the Kyoto Protocol's project mechanisms;
- Directive 2009/29/EC of the European Parliament and of the Council (of 23 April 2009) amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community;
- Directive 2009/30/EC of the European Parliament and of the Council (of 23 April 2009) amending Directive 98/70/EC as regards the specification of petrol, diesel and gas-oil and introducing a

mechanism to monitor and reduce greenhouse gas emissions and amending Council Directive 1999/32/EC as regards the specification of fuel used by inland waterway vessels and repealing Directive 93/12/EEC;

- Directive 2009/31/EC of the European Parliament and of the Council (of 23 April 2009) on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006;
- Directive 2010/31/EU of the European Parliament and of the Council (of 19 May 2010) on the energy performance of buildings;
- Directive 2012/27/EU of the European Parliament and of the Council (of 25 October 2012) on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC;
- Directive (EU) 2016/2284 of the European Parliament and of the Council (of 14 December 2016) on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC;
- Directive (EU) 2018/410 of the European Parliament and of the Council (of 14 March 2018) amending Directive 2003/87/EC to enhance cost-effective emission reductions and low-carbon investments, and Decision (EU) 2015/1814;
- Directive (EU) 2018/844 of the European Parliament and of the Council (of 30 May 2018) amending Directive 2010/31/EU on the energy performance of buildings and Directive 2012/27/EU on energy efficiency;
- Directive (EU) 2018/2001 of the European Parliament and of the Council (of 11 December 2018) on the promotion of the use of energy from renewable sources (recast);
- Directive (EU) 2018/2002 of the European Parliament and of the Council (of 11 December 2018) amending Directive 2012/27/EU on energy efficiency;
- Directive (EU) 2022/2464 of the European Parliament and of the Council (of 14 December 2022) amending Regulation (EU) No 537/2014, Directive 2004/109/EC, Directive 2006/43/EC and Directive 2013/34/EU, as regards corporate sustainability reporting;
- Directive (EU) 2023/1791 of the European Parliament and of the Council (of 13 September 2023) on energy efficiency and amending Regulation (EU) 2023/955 (recast);
- Directive (EU) 2023/2413 of the European Parliament and of the Council (of 18 October 2023) amending Directive (EU) 2018/2001, Regulation (EU) 2018/1999 and Directive 98/70/EC as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652.

↳ Has your country been the subject of proceedings for failure to fulfil its obligations under EU legislation in this area?

Yes.

↳ If so, please indicate what stage has been reached in the proceedings (warning letters, Commission appeals, rulings by EU courts)

According to publicly available information, the European Commission has so far initiated 8 (eight) infringement procedures (cases) against Latvia in the field of climate change, of which 5 (five) have been closed and 3 (three) are still ongoing. In all cases, the European Commission has adopted a formal notice

(reasoned opinion). So far, the European Commission has not referred Latvia to the Court of Justice of the European Union in relation to infringements in the field of climate change.

The infringement cases that are still ongoing are related to the lack of transposition of Directive (EU) 2023/959 on the emissions trading system (regarding the first and the second transposition deadline) and the lack of transposition of Directive (EU) 2023/958 on the emissions trading system in the aviation sector.

I.B. Rules of national law

I.B.1.1. Does your country have any principles or provisions at constitutional level:

for the protection of the environment in general	☒
for climate change	☐
for the protection of health	☒
for the protection of young people or other population groups	☒

1.B.1.2. If so, do these provisions:

Contain only substantive rules?	☒
Or do they also establish procedural guarantees?	☒

Do they make explicit reference to: solidarity between generations?	☒
the rights of future generations?	☐
vulnerable groups?	☐

The preamble of the Constitution of the Republic of Latvia (Satversme) stipulates that everyone cares for themselves, their relatives, and the common good of society, *acting responsibly towards others, future generations, the environment, and nature*. Likewise, the preamble of the Constitution states that Latvia, while acknowledging its equal status in the international community, protects its national interests and promotes the *sustainable* and democratic *development* of a united Europe and the *world*.

Similarly, the Constitution of the Republic of Latvia (Satversme) contains separate articles aimed at the protection of the environment in general, the protection of health, and the protection of several population groups. Namely:

- Article 115 of the Constitution states: "The State shall protect the right of everyone to live in a benevolent environment by providing information about environmental conditions and by promoting the preservation and improvement of the environment."
- Article 111 of the Constitution states: "The State shall protect human health and guarantee a basic level of medical assistance for everyone."
- Article 110 of the Constitution states: "The State shall protect and support marriage – a union between a man and a woman, the family, the rights of parents and the rights of the child. The State shall provide special support to disabled children, children left without parental care or who have suffered from violence."

I.B.2. Has the national legislator adopted specific legal instruments to address climate change issues, apart from the legislation necessary to comply with secondary EU law?

yes ☒

no ☐

If so, please briefly mention this legislation, as well as the main content of the relevant substantive and procedural rules.

For example.

1. Climate Change Financial Instrument (KPFI)

The government has introduced national financial instrument, such as the Climate Change Financial Instrument (KPFI). This instrument supports projects that promote energy efficiency, renewable energy, and adaptation to climate change.

The KPFI is a Latvian national initiative, funded from emissions trading revenues, that directly reinvests these funds into projects promoting energy efficiency, renewable energy, and climate adaptation. While the EU Emissions Trading System (EU ETS) regulates emissions trading at the EU level, the use of revenues for climate projects is left to national discretion. Latvia has chosen to create a dedicated financial instrument for reinvesting these funds.

The Law on Latvia's Participation in the Flexible Mechanisms of the Kyoto Protocol establishes the principles of Latvia's involvement in Joint Implementation projects (JI), the Clean Development Mechanism (CDM), and international emissions trading. It also regulates the management and use of Kyoto units owned by the state. The primary aim is to promote global climate change mitigation and adaptation efforts and to facilitate Latvia's compliance with its greenhouse gas emission reduction commitments.

At the same time, this law supports the implementation of Directive 2004/101/EC, which integrates Kyoto Protocol mechanisms into the EU ETS. The directive allows JI and CDM credits to be used within the EU ETS, enhancing cost-effective emissions reductions.

2. Energy Efficiency Duty

Apart from the legislation necessary to comply with secondary EU law, Latvia has also adopted also specific legal instruments to address climate change issues – the energy efficiency duty – that is applicable to large electricity consumers. This duty is regulated by Article 13 of the Energy Efficiency Law and includes measures aimed at promoting energy efficiency and sustainable resource use.

This measure ensures that companies consuming more than 500 MWh per year implement an energy management system in line with ISO 50001 or ISO 14001 (with an energy management extension). The duty functions as a "tax on inefficient resource use", meaning that companies complying with energy efficiency requirements are exempt from paying the duty.

This law demonstrates Latvia's commitment to climate action beyond EU requirements by creating financial incentives for energy efficiency and establishing a regulatory mechanism to encourage sustainable business practices.

I.B.3. Does your country have a specific action plan to address climate change?

yes ☒

no ☐

If so:

➥ What is the level of planning (national, regional, etc.)?

The National Energy and Climate Plan for 2021–2030 (updated on July 12, 2024) and the Latvian Strategy for Achieving Climate Neutrality by 2050 (adopted on January 28, 2020) are national-level planning documents. Other national policy planning documents related also to climate change issues include the Environmental Policy Guidelines for 2021–2027 (adopted on August 31, 2022) and the Latvia's National Development Plan for 2021–2027.

☒ Please specify whether this planning is limited to defining policy guidelines (for example: limits on the use of fossil fuels; favouring other forms of energy; support for 'green' investments; improvement of infrastructure, buildings and vehicles - in the public or private sectors; cost sharing for the 'green' transition; special measures for vulnerable population groups; management of climate change-related crises, etc.),

➥ or whether it also contains binding rules?

The policy planning process (such as the development and adoption of the Latvia's National Development Plan for 2021–2027, the Environmental Policy Guidelines for 2021–2027, the National Energy and Climate Plan for 2021–2030 or the Latvian Strategy for Achieving Climate Neutrality by 2050) forms the basis for the further development of the national legal framework. In turn, when drafting and amending legal acts, the objectives and approved solutions set out in policy planning documents are taken into consideration.

I.B.4. In your legal system [in the Constitution and/or in the laws] is there an explicit obligation for the State and/or other public-sector bodies to adopt positive measures or avoid certain actions in relation to climate change?

Article 115 of the Constitution of the Republic of Latvia (Satversme) stipulates that the state shall protect everyone's right to live in a favourable environment, provide information about the state of the environment, and care for its preservation and improvement. Therefore, Article 115 of the Constitution imposes a positive obligation on the state to create and ensure an effective environmental protection system, including in relation to climate change.

In addition, the Article 52(1) of the Law on Pollution stipulates that the Ministry of Climate and Energy, in cooperation with other sectoral ministries, develops the policy for the implementation of climate change mitigation commitments — reducing greenhouse gas emissions and carbon dioxide sequestration — and coordinates the implementation of the relevant policies.

➥ If so, what is the nature of these measures?

(a) preventive measures

(b) repressive measures

(c) restitution measures

It should be noted that, according to Article 191(2) of the TFEU, the implementation of the EU's environmental policy is based on certain principles: the precautionary and preventive action principle, the

principle that harm should be remedied by primarily addressing its cause, and the principle that the polluter pays. Therefore, these principles also apply to the Latvian legal system. As a result, these measures include preventive, repressive, and restorative actions.

Likewise, Article 3 of the Environmental Protection Law *expressis verbis* states that the environmental policy of the country is developed, and decisions that may affect the environment or human health are made in accordance with the following environmental protection principles:

1. „Polluter pays" principle – a person covers the costs related to the assessment, prevention, limitation, and elimination of the consequences of pollution caused by their activities.
2. Precautionary principle – it is permissible to restrict or prohibit an activity or measure that may impact the environment or human health but whose effects have not been sufficiently assessed or scientifically proven, provided that the prohibition is a proportionate means to ensure environmental or human health protection. This principle does not apply to urgent measures taken to prevent threats of harm or irreversible damage.
3. Prevention principle – a person, as far as possible, prevents the occurrence of pollution and other harmful effects on the environment or human health. If prevention is not possible, they must prevent its spread and mitigate its negative consequences.
4. Assessment principle – the consequences of any activity or measure that may significantly impact the environment or human health must be assessed before the respective activity or measure is authorized or initiated. An activity or measure that may negatively impact the environment or human health, even if all environmental protection requirements are met, is permissible only if the expected positive outcome for society as a whole outweighs the harm caused to the environment and society.

➥ Do individuals have any rights to ensure that this obligation is met? If so, under what conditions?

According to Article 9(3) of the Environmental Protection Law, the public is entitled to contest and appeal the administrative act or actual action of a State institution or local government if it does not meet the requirements of laws and regulations regarding the environment or creates a threat of damage or environmental damage.

Thus, the law provides that any person may bring an action before the court not only if his or her subjective rights have been infringed, but also if his or her rights have not been directly infringed but the administrative act or actual conduct constitutes a threat of harm or damage to the environment (*actio popularis*). This also includes climate change issues.

➥ Is the legal pursuit of this right regulated?

Yes, in Article 9(3) of Environmental Protection Law.

At the same time, the Senate (the court of cassation) has interpreted Article 9(3) of the Environmental Protection Law in multiple rulings. Notably, only the Senate's case law establishes that the key criterion for the admissibility of such an application (*actio popularis*) is whether the violation or threat to environmental rights is genuine, substantial, and serious.

➥ Do individuals have any rights to ensure that private persons comply with similar obligations?

Yes, Article 9(4) of the Environmental Protection Law provides that if a private person violates environmental regulatory requirements, any other person may, by submitting substantiated information about the potential violation, address the authority responsible for overseeing compliance with the relevant regulation and request that it take appropriate action within its competence.

At the same time, by contesting the administrative act or actual action of a State's institution or local government in accordance with Article 9(3) of the Environmental Protection Law, individuals have also the right to ask the court to examine whether private persons comply with all legal requirements imposed on them, including adherence to the principles of environmental protection set out in Article 3 of the Environmental Protection Law.

➥ Are there specific regulations for the ecological damage caused by climate change?

At the EU level, Directive (2004/35/EC) on environmental liability establishes a framework for preventing and remedying environmental damage, the requirements of which have been incorporated into the Environmental Protection Law. While the law provides mechanisms for assessing, preventing, and mitigating environmental harm, there are no specific regulations directly addressing ecological damage caused specifically by climate change.

I.B.5. In your country, is the allocation of public responsibilities in the field of climate change subject to regulation?

yes ☒

no ☐

➥ If so, which are the authorities responsible for managing issues related to the climate crisis [protection against the effects of the crisis and/or disaster management]?

Special Ministry ☒

Legal entity under public law ☒

Other organisational unit ☐

In Latvia, the allocation of public responsibilities related to climate change is regulated. Several institutions are responsible for managing issues related to the climate crisis, including protection against its effects and disaster management:

a) Ministry of Climate and Energy (KEM) — the leading institution responsible for the development and implementation of climate policy, including climate change mitigation and adaptation measures;
b) Ministry of Smart Administration and Regional Development (VARAM) — responsible for involvement of municipalities in crisis prevention and adaptation measures;
c) State Fire and Rescue Service (VUGD) — the leading institution in disaster management, responding to emergencies, including those caused by natural disasters and climate-related crises;
d) Latvian Environment, Geology, and Meteorology Centre (LVĢMC) — provides climate, meteorological, and hydrological data collection, analysis, and distribution of warnings to the public and state institutions;
e) Ministry of Defence (AM) and National Armed Forces (NBS) — responsible for national security aspects in emergencies, including those caused by climate disasters;

f)	Local municipalities — implement local-level measures for crisis prevention, protection of residents, and adaptation efforts.

- Is there a body responsible for: the collection and processing of scientific data? yes ☒ no ☐
- conducting comparative studies and surveys? yes ☒ no ☐
- monitoring the implementation of measures and the achievement of objectives? yes ☒ no ☐
- evaluating research carried out on climate change? yes ☒ no ☐

The Ministry of Climate and Energy is the leading (highest) state administrative authority responsible for the development and implementation of climate and energy policy. In order to achieve policy objectives, the Ministry has concluded several delegation agreements for specific public administration tasks with other institutions, including scientific institutions. For example, agreements have been signed with the state scientific institute — the derived public entity "Institute of Physical Energetics", the limited liability company "Environmental Investment Fund", the Latvian State Forest Research Institute "Silava", the state limited liability company "Latvian Environment, Geology and Meteorology Centre", the derived public entity "Latvia University of Life Sciences and Technologies".

- If so, please describe the composition and the operating rules of the competent bodies (participation of elected representatives, scientists, guarantees of independence)?

These institutions are either derived public entities – state scientific entities (such as institutes and universities) that carry out scientific activities in accordance with the Law on Scientific Activity, or state 100% owned capital companies – limited liability companies that engage in commercial activities within the private law sector as per regulations set forth in the Law on Governance of Capital Shares of Public Entities and Management of Capital Companies. The operational independence of scientific institutes and universities is secured by the principle of academic freedom.

The governance of these institutions is typically overseen by a board or council that includes both appointed and elected representatives, who are often experts in their respective fields. The specific composition of these boards and the process for selecting representatives may vary depending on the institution, but they are generally guided by the relevant laws and regulations.

- What is the nature of power allocated to these bodies (purely advisory power, decision-making power)?

The power allocated to these bodies varies depending on the institution and its specific functions. In general, these bodies may hold both advisory and decision-making powers, depending on the scope of their responsibilities. In many cases, boards or councils act in an advisory capacity, providing expert opinions, recommendations, and strategic guidance on specific issues related to scientific research, policy, and administration. However, some of these bodies may have decision-making authority in specific areas, such

as approving and signing contracts for KPFI projects. In these cases, the entity has the power to make binding decisions within the framework of their mandate.

➥ Is prior consultation with a court or other independent bodies provided for when adopting a regulation concerning climate change?

No, a prior consultation with a court is not provided when adopting a regulation concerning climate change. However, consultations with social partners, like the Latvian Association of Local and Regional Governments, the Latvian Confederation of Employers, the Latvian Chamber of Commerce and Industry, and others, are ensured.

➥ Is there a provision for public participation in the development of climate action plans or legislation? If so, what form of participation (consultation, other)?

Yes, when developing policy planning documents (such as the National Energy and Climate Plan for 2021–2030, the Latvian Strategy for Achieving Climate Neutrality by 2050 and others, see **Q&A I.B.3.**) or legislation, the public is involved. The form of cooperation is consultations.

➥ Is access to relevant information guaranteed? yes ☒ no ☐

To ensure public participation, the draft legal act is posted on the internet.

II. The application of the regulatory framework by the judge

II.A. Have any disputes been brought before the courts in your country that involve, directly or indirectly (as a result of the claims, allegations and arguments of the parties to the dispute), issues related to climate change?

If so:

-Please mention the main categories of cases in which issues related to climate change arise:

(a) cases related to energy sources (conventional/renewable),

(b) cases related to the improvement of infrastructure (buildings/vehicles),

(c) cases related to environmental impact assessment during project authorisation.

- Please mention the important cases brought before the courts in your country and the judgments handed down.

Yes, there have been disputes brought before the courts that involve issues related to climate changes.

In the cassation court, cases related to the following have been examined:

a) the implementation of energy efficiency measures (in connection with Directive 2012/27/EU) – cases SKA-147/2023 and SKA-114/2023 (see „Energy Efficiency Duty" in **Q&A I.B.2.)**;
b) the construction of a wind farm (in connection with Directive 2018/2001) – case SKA-571/2022 (for more information about this case, see **Q&A II.E.1.**);

c) greenhouse gas emission permits (in connection with Directive 2003/87/EC) – case SKA-67/2020 (for more information about this case, see **Q&A II.E.1.**).

II.B. Organisation of the judicial system: Does the system of dual jurisdiction (civil courts for private disputes, administrative courts for administrative disputes) apply in your country?

yes ☒

no ☐

➥ If so, are issues related to climate change dealt with:

-mainly by the administrative courts, when they examine the legality of the actions or omissions of the State and other public entities;

-mainly by the administrative courts, when they examine compensation claims against the State and other public entities;

-mainly by the civil courts (in disputes aimed at protecting the applicant against actions by individuals)?

Issues related to climate change are primarily addressed by the administrative courts, particularly when reviewing the legality of actions or omissions by the State and other public entities.

II.B.1. In your country, does the legislation provide for a specific remedy for cases relating to the climate crisis? [No]

If so:

➥ Which courts have jurisdiction to hear such cases?

n/a

➥ What is the composition of these courts?

n/a

➥ What are the main features of the relevant remedies?

n/a

II.B.2. If the answer to the previous question is no [if your legal system does not provide for a special remedy]:

➥ Among the remedies generally provided for, which remedies deal mainly with disputes involving issues related to the climate crisis?

actions for annulment against acts or omissions of the State and other public entities ☒

full jurisdiction remedies for the recognition of a right ☒

actions for damages ☐

remedies for the protection of the applicant's personality ☐

procedures for requesting interim measures ☒

II.B.3. If your legal system does not provide for a special remedy, are disputes relating to the climate crisis examined:

- by specialised divisions of the courts and/or according to a special procedure — yes ☐ no ☒

II.B.4. According to existing practice, what is the main legal remedy for disputes relating to climate change?

According to existing practice, the main legal remedy for disputes related to climate change is the issuance or annulment of an administrative act, or the application for interim protection measures.

II.B.5. In your country, are there seminars or other organised training courses for judges, specifically aimed at issues related to climate change?

No. Although seminars and training courses on various topics, including environmental law, are regularly organized for judges, there have not been any specific courses on climate change issues so far.

II.C. In your legal system, does the judicial review of laws and regulations:

- is exclusively an ultra vires review (review of legality)?
- ☒ or can it also be the subject of a full jurisdiction control?
- If so, under what conditions?

In the Latvian legal system, judicial review is not limited to an ultra vires review (review of legality); it also includes full jurisdictional control, where courts assess whether legal norms comply with higher legal standards, such as the Constitution or international legal norms. Article 104 of the Administrative Procedure Law stipulates that upon examining the lawfulness of an administrative act or actual action, the court shall, in case of doubt, verify whether the legal provision applied in the administrative court proceedings conforms to the legal provisions of higher legal force. If the court believes that the legal norm does not comply with the Constitution or an international legal norm (act), it suspends the proceedings and sends a reasoned request to the Constitutional Court. After the decision or judgment of the Constitutional Court has entered into force, the court resumes the proceedings and bases further actions on the Constitutional Court's opinion. On the other hand, if the court finds that local (municipal) regulations do not comply with Cabinet regulations or a law, or if Cabinet regulations do not comply with the law, or if an internal normative act does not comply with an external normative act or a directly applicable general legal principle, the court simply does not apply the relevant legal norm and does not refer the matter to the Constitutional Court. In such cases, the court justifies its opinion on the non-compliance with higher legal norms in its ruling. According to the case law of the cassation court, it is the court's duty to assess the legal norms applied in the administrative case. If there are doubts as to whether the applicable norm complies with a higher legal norm, the court must *ex officio* (on its own initiative) consider this in every case. However, if the court does not have such doubts, it is not necessarily required to address this in the ruling, but it still must consider it (case SKA-155/2024).

The above means that courts are required to ensure that administrative acts and regulations align with higher legal norms, especially when there are doubts about their compatibility. This ensures that courts not only review the legality of administrative acts but also protect constitutional rights and principles, thereby safeguarding the public interest.

II.D. Access to justice and admissibility of appeals:

- Does your legislation provide for specific rules of procedure for disputes relating to climate change?

yes ☐
no ☒

If so:

- which special rules of procedure apply?
- Please indicate the reasons which, according to the legislator, justify the differentiation from the generally applicable rules of procedure.

n/a

- If the legislation does not provide for specific rules of procedure, please mention any special rules of procedure developed by case-law in your country?

No, there are no special procedural rules developed by case law specifically for disputes related to climate change. However, Latvian legislation recognizes *actio popularis*, which allows individuals to bring actions in support of environmental interests (see **Q&A II.D.1.**).

If special rules of procedure developed by case-law exist:

- what are the conditions of admissibility according to case-law rules (legal capacity, legitimate interest in bringing an application before the court, conditions of admissibility linked to the nature of the contested acts or omissions, time limit for lodging an appeal, etc.)
- Please indicate the reasons which, according to the case-law, justify the differentiation from the generally applicable rules of procedure.

n/a

II.D.1. More specifically, with regard to legitimate interest in bringing an application before the court:

- Does your legal system recognize the *actio popularis* (as a constitutional principle or rule, by legislation or case-law)?

Yes. The Supreme Court has recognized that any application submitted by any person, provided that it includes reasoning that aligns with the Article 9(3) of the Environmental Protection Law, is admissible as an *actio popularis* application against an administrative act or actual conduct of a state or municipal authority (for example, cases SKA-1/2019, SKA-1008/2022).

How is the legitimate interest in bringing an application before the court, as a condition for the admissibility of an appeal, defined:

- in relation to certain groups or categories of the population [minors, the elderly or other vulnerable groups more exposed to the effects of climate change];
- in relation to legal persons [public law legal entities, private law entities: associations, etc]?

There are no specific provisions granting automatic legal standing to any particular group of the population. In general, a legitimate interest may be recognized if a person can demonstrate that the contested decision or action directly affects their rights or legal interests. However, broader access to justice is provided in environmental matters. Namely, according to Article 9(3) of the Environmental Protection Law, the public (and, in accordance with Article 6(1), the term "public" refers to any private individual, as well as associations of persons, organizations, and groups) has the right to challenge and appeal an administrative act or actual action of a state or municipal authority that *does not comply with environmental regulatory requirements*, *poses a threat of harm*, or causes damage to the environment. This provision allows for *actio popularis*, meaning that any person may bring a claim in the interest of environmental protection without having to prove an infringement of personal rights.

- Concerning the allegations made by the parties to substantiate their interest in bringing proceedings in the disputes in question, what degree of specification is required?

It is not necessary to assess whether the person has suffered (or might suffer) an infringement of individual rights or legal interests. Any application submitted by any person, provided that it includes reasoning that makes it compliant with Article 9(3) of the Environmental Protection Law, is admissible as an *actio popularis* application against an administrative act or actual action of a state or municipal authority.

- What standards of proof are required for the allegations made?

In this regard, when assessing the applicant's subjective right to file a public interest claim regarding potential environmental harm, significant importance is given to the circumstances that the applicant presents as essential for substantiating the infringement of the public's legal interests. A reference to the need for environmental protection and public rights in environmental matters in a court application must not be merely formal. Article 9(2)(3) of the Environmental Protection Law should be interpreted in such a way that the right to bring a case before the court based on these provisions is not recognized if it is established that the application, which argues the denial of participation rights in decision-making affecting the environment or a potential violation of environmental regulations or environmental threat, serves only as a means to achieve other objectives unrelated to environmental protection.

The law does not establish any specific criteria that must be assessed when representatives of the public bring a claim before the court to prevent a violation of environmental regulations or environmental harm (or the threat of harm). The Supreme Court has stated that caution must be exercised when applying the *actio popularis* provision in Article 9(3) of the Environmental Protection Law to cases where the reference to environmental protection is insignificant, formal, or where the circumstances mentioned in the application do not indicate a substantial risk of environmental harm. Otherwise, unrestricted access to filing applications could extend to trivial cases where there is no serious concern about environmental damage. Therefore, the criterion for the admissibility of such an application is whether the infringement or threat to environmental rights is real, significant, and serious.

II.D.2. Nature of the contested acts or omissions:

- What are the categories of cases brought before the courts in disputes concerning climate change?

The main categories of cases brought before the courts in disputes concerning climate change are:

1) cases related to the fulfilment of administrative contracts for projects financed by the state with funds obtained from the sale of state-owned Kyoto units – „KFPI projects" (see **Q&A I.B.2.**);
2) cases concerning the implementation of energy efficiency measures (see **Q&A I.B.II.** regarding Energy Efficiency Duty), in order to achieve the targets set in Directive 2012/27/EU;
3) cases related to spatial planning (taking into account climate-induced flood risks);
4) cases related to the construction of wind farms (considering that decarbonization of electricity is a shared global goal on the path to climate neutrality, and one of the key pillars for achieving it is increasing the share of renewable energy sources, including wind energy);
5) cases involving state and European Union support for rural development (for climate improvement).

➥ What are the admissibility requirements for taking legal action against omissions in disputes concerning climate change?

The admissibility requirements for taking legal action against omissions in disputes concerning climate change generally follow the principles of administrative law. The key aspects are as follows:

1. Legal Standing (*locus standi*). According to Article 9(3) of the Environmental Protection Law, any person (including private individuals and NGOs) has the right to challenge an administrative act or omission that violates environmental regulations, poses a threat, or causes harm to the environment (*actio popularis*). This means that broad access to justice is granted in environmental matters.
2. Demonstration of interest. While personal legal interest is not always required, the applicant must present sufficient reasoning demonstrating that the claim falls within the scope of environmental protection and is not used as a pretext for unrelated objectives. The courts assess whether the alleged environmental harm or risk is real, significant, and serious.
3. Specificity of the claim. The applicant must specify the nature of the alleged omission (e.g., failure of a public authority to enforce environmental laws, regulate emissions, or implement climate policies) and provide evidence or arguments supporting the claim.
4. Procedural requirements. The claim must comply with procedural rules set out in the Administrative Procedure Law, including filing deadlines, proper jurisdiction, and formal application requirements.
5. Exhaustion of administrative remedies. In most cases, before taking the matter to court, the applicant must first challenge the omission through administrative procedures, such as submitting complaints to the responsible authority.

➥ Have the courts in your country been asked to examine questions of cross-border interest [parties to the dispute resident or headquartered in another country, acts or omissions with environmental impacts in another country]?

➥ If so, how were these disputes handled [limitation of liability only for actions or omissions within the borders of the State or recognition of liability also for actions outside the borders]?

So far, there is no court cases in Latvia specifically addressing cross-border climate change disputes.

II.E. Nature, extent and intensity of judicial review:

- In matters of climate change, how does the judge consider the delimitation of jurisdictional control in relation to:

  -the political choices made by the legislator or the administration?

  -the balancing of contradictory interests?

  -assessments of an essentially technical nature?

The court respects the separation of powers between the judiciary, executive, and legislative branches, and thus does not interfere with political choices made by the legislator or the administration. However, the judiciary can scrutinize whether the law, adopted based on political decisions, complies with the Constitution (Satversme) and the international obligations that Latvia is bound by.

Judges play a key role in balancing various conflicting interests, particularly in environmental (climate change-related) cases, such as economic growth vs. environmental protection, or public health vs. industrial development. In these cases, judges will assess the proportionality of decisions, ensuring that the environmental harm caused by certain actions does not outweigh the economic or social benefits. The principle of proportionality is often applied in these circumstances. The public interest, especially in environmental protection, is central in such cases. When a conflict arises between different interest groups (e.g., industries vs. affected communities), the courts will weigh the long-term environmental and social consequences of these decisions against short-term economic gains.

In technical matters concerning environmental issues and climate change, such as the assessment of greenhouse gas emissions, environmental risks, or the effectiveness of mitigation measures, courts typically rely on the expertise of scientific bodies, environmental agencies, and other specialists. Courts will assess whether the technical assessments are based on sound science and comply with the law, but they generally do not overrule technical evaluations unless there is a clear breach of legal obligations. The court may rely on expert reports and scientific evidence provided by the parties involved.

II.E.1. On the balancing of conflicting interests, please give examples from the case-law in your country when the conflict concerns:

-environmental protection, and in particular protection against the effects of climate change, on the one hand;

-the protection of private assets and interests, on the other hand.

1. The „Pienava wind" (LLC – limited liability company) case (SKA-571/2022) concerns a dispute between the applicant (the company) and the municipality regarding the acceptance of a proposed wind farm construction project „Pienava". The municipality refused to accept the project on the grounds that its negative environmental impacts, particularly on landscape quality, outweighed its public benefits. The applicant challenged this decision and sought interim relief, arguing that the project is crucial for increasing renewable energy production, reducing greenhouse gas emissions, and contributing to climate change mitigation. The case thus raised the issue of balancing the public interest in environmental protection and climate change action with concerns about potential adverse impacts on local cultural heritage, visual quality of the landscape, and private interests.

   In this case, the court emphasized that increasing the share of renewable energy – such as through wind power – is essential for reducing greenhouse gas emissions and achieving climate neutrality. The court considered the project within the broader context of national and international climate goals, recognizing that renewable energy development is a key instrument in combating climate change.

At the same time, the court analysed the potential negative impacts on the visual character of the landscape, local cultural heritage, and possibly on the economic interests of local property owners. Although the project might alter the landscape and affect nearby private properties, the court found that these impacts did not outweigh the substantial public benefits. The negative effects were deemed manageable through targeted mitigation measures – such as specific conditions for visual impact reduction and monitoring – rather than by completely prohibiting the project.

2. In LLC „Sabiedrība Mārupe" case (SKA-67/2020) sought to cancel its greenhouse gas emissions permit for a heating plant that included combustion units from LLC „Sabiedrība Mārupe", LLC „Mārupes Siltumnīcas", and LLC „Zaļā dārzniecība". Initially, the emissions from these companies were combined due to their shared facilities. However, after decommissioning one unit and restructuring the operations, applicant argued that the total heat input no longer exceeded the threshold requiring an emissions permit, and the companies should not be treated as a single entity for emissions purposes.

   The conflict here involved balancing environmental protection, specifically climate change mitigation efforts, with the private interests of the companies, which sought to reduce their financial and regulatory burden by separating their operations.

   While the companies argued that their activities should be evaluated separately to limit their emission allowances, the authorities maintained that the emissions should be aggregated, given the shared production facilities. The case thus raised the issue of whether private economic interests could override the need for effective environmental regulation.

   The court ruled that environmental protection, particularly in terms of mitigating climate change, should take precedence over private interests. It emphasized that, according to national and EU law, emissions from their combined operations should be counted together for emission allowance purposes, regardless of the companies' efforts to separate their activities. The court affirmed that public interests, such as reducing carbon emissions, were more important than the companies' desire to limit their regulatory obligations.

   This case underscored the priority of environmental protection and climate change mitigation in balancing conflicting interests, with national and EU legal frameworks placing greater emphasis on environmental sustainability over private economic benefits.

- Can the judge limit the temporal effects of an annulment decision [example: limitation of the retroactive effects of an annulment decision] based on the balancing of conflicting interests?
- If so, under what conditions?

Yes, the judge can limit the time effects of an annulment decision by balancing conflicting interests, as stated in the Administrative Procedure Law.

Article 253(1) of the Administrative Procedure Law says that the court decides from which date the administrative act is considered annulled. Usually, the act is annulled from the moment it was adopted. However, the court may decide that the act is annulled from the moment the annulment decision takes effect, depending on the specific circumstances of the case.

According to Article 253(2), if the execution of the administrative act has already begun before its annulment, the court may specify how the authority should mitigate the consequences of the execution. This provision allows the judge to limit the retroactive effects of the annulment to prevent harm to public

interests. Additionally, under Articles 85(3) and 86(2)3, the person may claim compensation for losses or non-material damages caused by such annulment.

II.E.2. Technical and scientific judgments:

- Please give examples from case-law concerning the criteria and methods used by judges to rule on disputes involving technical and scientific judgments.

For example, the case No A420099124 concerns a dispute over the approval of a detailed urban (spatial) planning plan for a wind-farm project in Ventspils, Latvia. The applicants (NGO) challenged the decision by the municipality to approve the plan, arguing that the location of potential wind-farm would cause adverse environmental impacts, such as shadowing effects on nearby properties and harm to local birds and bats. While the case itself did not explicitly address climate change issue, the approval of spatial plan for construction of the wind-farm is part of a climate change mitigation strategy, as wind energy is a key technology in transitioning to a low-carbon economy.

The court ruled that the challenged provision allowing the installation of a shadow control module for the wind turbine (which automatically stops the movement of the wind turbine blades to prevent shadowing effects on residential buildings) did not violate the relevant construction (zoning) regulations. The applicant (NGO) had argued that the possibility of equipping the wind turbine with this technology contradicted the regulation, which requires written consent from property owners if the wind turbine causes shadowing effects on existing buildings. However, the court found that since the technology would prevent shadowing, and no actual shadowing would occur, the provision in the construction regulations did not violate the construction (zoning) rules. Additionally, the court noted that the monitoring and control of the wind turbine's operational modes, including shadowing effects, would be supervised by relevant authorities, ensuring compliance. Therefore, the court concluded that the zoning regulations had not been breached.

- Does the judge have the specific tools required to exercise the above mentioned control effectively and efficiently [assistance from specialised scientists, appointment of experts, amicus curiae]?

Yes, under the Administrative Procedure Law, the court has tools to effectively and efficiently exercise control over cases involving technical and scientific data, utilizing both expert opinions and *amicus curiae*.

According to Article 178, the court can appoint experts when specialized knowledge in science, technology, art, or other areas is required to determine significant facts in a case. Experts can be appointed from recognized expert institutions or independent professionals, depending on the case's needs. The court is empowered to assign one or more experts and can consider the opinions of the parties involved in the process when choosing the expert(s). Furthermore, the parties are allowed to submit questions that they believe the expert should address, with the court deciding which questions are relevant. This, for example, ensures that technical aspects, such as the potential environmental impacts of the wind farm, are thoroughly analysed and evaluated by qualified professionals.

In addition to experts, Article 183 provides for the involvement of *amicus curiae* – individuals or organizations with recognized expertise in a relevant field who can offer impartial opinions on the facts or legal issues in the case. The court can invite such entities to provide their views, either upon request or with the court's permission. This provision, as should be noted, is particularly useful in cases involving complex scientific and environmental matters, as it allows the court to consider a broader range of perspectives from stakeholders who may not be directly involved in the case but whose input could contribute to a more comprehensive and objective review.

II.E.3. In the judicial review, how is the diversity and complexity of the factors contributing to the phenomenon of climate change evaluated?

In judicial review, the diversity and complexity of the factors contributing to climate change are evaluated through expert opinions and evidence-based assessments. Courts often rely on specialized knowledge in science, technology, and environmental studies to fully understand and evaluate the diverse and complex nature of climate change. Judges may appoint scientific experts to provide insights into various environmental factors, such as greenhouse gas emissions and specific environmental impacts. Thus, the court operates in an interdisciplinary manner, considering input from various fields, including science, economics, public health, and environmental policy, to address the complex factors of climate change.

II.F. Civil liability of the State

- With regard to compensation claims, has your country's case-law considered disputes involving the civil liability of the State for damage attributed by applicants to climate change? yes ☐ no ☒
- If so: to address the relevant issues, does the judge simply apply the standard provisions and methods, for example with regard to proof of damage, causal links or methods of compensation for damage,
- or does he apply specific rules?

Latvia's case law has not yet addressed compensation claims for damage attributed to climate change in the context of the civil liability of the State. However, individuals or organizations may file claims against the State for failure to adequately protect the environment or to ensure compliance with environmental laws, which could indirectly relate to climate change. The focus in these cases is often on the State's responsibility to enforce environmental regulations and to prevent harm to the environment, health or property. These cases involve complex legal questions surrounding State responsibility, causation and the scope of liability.

- What is the content of the specific rules and their legal basis?

n/a

- With regard to ecological damage, how are questions of causality dealt with?

n/a

- Is monetary compensation recognised regarding compensation for non-material damage caused by ecological damage? yes ☐ no ☐

There is no case law on this issue. However, the legal framework provides for the possibility of such claims.

- Does the 'polluter pays' principle apply to disputes concerning climate change?

Yes (see **Q&A I.B.4** part „nature of measures").

II.G. Provisional judicial protection [interim measures]

➥ How are requests for provisional judicial protection in climate change cases handled? What parameters are taken into account by the courts?

The basis for the application of provisional protective measures is the fulfilment of two cumulative criteria. First, the court's finding that, if the provisional measures were not applied, significant harm or losses could occur, the prevention or compensation of which would be considerably difficult or would require disproportionate resources (subjective criterion). Second, the conclusion that the contested decision is *prima facie* unlawful (objective criterion). The court, when examining the main dispute in the case, is not bound by the *prima facie* assessment carried out by the court in the interim measures case.

While evaluating the subjective criteria (risk of significant harm), the court assesses whether, without the application of interim measures, significant harm or loss (both to private or public interests) could occur. In climate change-related cases, this could involve assessing the potential for environmental damage, such as harm to ecosystems or public health, if certain actions – like constructing a wind farm or approving certain energy projects – proceed before the final ruling.

On the other hand, when evaluating the objective criteria (*prima facie* illegality), the court assesses whether the contested decision or action appears to be *prima facie* illegal. This means the court must find that there is a strong likelihood that the applicant's case may succeed in the final ruling, based on the facts and legal arguments available at the time when the interim measures are requested.

The decision to apply interim measures considers both the risk of harm and the legality of the action being contested, ensuring that any immediate damage is avoided while the main dispute is resolved. Thus, the court takes into account both the urgency and the legality of the situation when deciding whether provisional judicial protection is necessary.

➥ Please mention the measures that the judge may order.

According to Article 195 of the Administrative Procedure Law, the provisional measures may include a court decision:

a) that, until the court's judgment, replaces the requested administrative act or the actual action of the authority;

b) that imposes an obligation on the relevant authority to perform a specific action within a specified time frame or prohibits a specific action;

c) instructing the Land Registry to register a prohibition on the disposal of a person's real property.

Additionally, according to Article 185 of the Administrative Procedure Law, the applicant, until the substantive examination of the case is completed, may request the court, and by justifying the request, *to suspend the operation of the administrative act or actual action of the authority*. In deciding on the suspension of the administrative act, the court may simultaneously determine measures to prevent the consequences caused by the execution of the administrative act, if necessary and possible.

Lastly, Article 265 of the Administrative Procedure Law provides that, upon the applicant's request, the court may order that *the judgment be enforced in full or in part immediately*, if due to special circumstances, delaying the enforcement of the judgment may cause significant harm to the applicant or if enforcement may become impossible. Also, the court itself shall order immediate enforcement of the judgment in full or in part, if this is explicitly provided by law.

- How does the judge consider the ecological damage alleged by the parties?

The judge considers the ecological damage alleged by the parties by assessing the available evidence and expert opinions on the potential environmental impact. This may include evaluating scientific reports, environmental assessments, and opinions from environmental specialists to determine the extent of the alleged damage.

II.H. Regarding the enforcement of a court decision:

- Is there a procedure for checking whether the legislator and/or the administration have adopted the necessary measures to comply with a court decision?

There is a procedure set by the law for checking whether the administration has adopted the necessary measures. Namely, if a party believes that a court decision has not been properly or adequately implemented, they may file a complaint regarding the non-compliance with the court's decision. The court that issued the decision will then examine the complaint in writing to assess whether the necessary measures have been taken. When deciding on the complaint, the court may also impose a fine on the responsible official from their personal funds. The court may impose the fine repeatedly. The minimum fine is 50 *euro*, and the maximum fine is 5000 *euro*.

- In case-law, what are the most striking examples of the methods used to monitor the enforcement of judgments in disputes relating to acts or omissions linked to climate change?

n/a

III.A. In your country:

- Are there any court decisions that have explicitly recognised the obligation of the State [and/or other public entities] to take positive measures to address climate change?

In Latvia, there have been no court decisions that explicitly recognize the obligation of the State or other public entities to take positive measures to address climate change. However, Latvian courts have upheld these obligations in cases related to environmental protection, including issues such as noise, air quality, energy regulation, and biodiversity protection, which indirectly address the impacts of climate change. In these cases, courts may have recognized the State's obligation to ensure proper environmental governance, but explicit rulings specifically mandating positive measures for climate change mitigation are not yet common.

- Are there any court decisions recognising a right to ensure compliance with this obligation?

n/a

- If a relevant case-law rule has been formulated, on what legal basis?

n/a

III.B. If the courts in your country have already considered issues relating to climate change:

- Do the relevant decisions refer to existing practice in another legal system, for example to the case-law of national judges in other countries or to the case-law of judges in supranational bodies:

  -dialogue between the national courts of different countries

-dialogue between the courts of your country and the European Union judge

-dialogue between the courts in your country and the ECtHR

-dialogue between the courts in your country and the bodies of other international organisations [for example the UN]?

In Latvia, there have been no references to case law related to climate change from other countries in court decisions.

Latvian courts engage in dialogue with the CJEU through the preliminary ruling procedure (prejudicial questions). In cases involving EU law, Latvian courts may submit questions to the CJ to clarify the interpretation or application of EU legislation related to environmental protection, which may indirectly address climate change issues.

Regarding the ECtHR, Latvian courts may refer to ECtHR case law, particularly in human rights cases, such as the right to a healthy environment, which could be impacted by climate change. However, the application of ECtHR case law specific to climate change issues is not yet used in cases.

Additionally, Latvian courts have not engaged in dialogue with the UN or other international organizations on climate change matters through case law.

III.C. In your country's case-law, is the obligation to act against climate change considered mainly:

☒ as an obligation based on national law

☒ or as an obligation under international law?

Both. The obligation to act against climate change may primarily be derived from the preamble of the Constitution (Satversme), which emphasizes the principles of sustainability and responsibility towards future generations, as well as from Article 115, according to which the state protects everyone's right to live in a favourable environment, provides information about the state of the environment, and ensures its preservation and improvement.

↳ Within the case-law, can we find decisions aimed at harmonising the rules of international law, European law and national law?

Yes, Latvian courts often refer to EU law, including judgments from the CJEU, to ensure alignment between national law and EU legislation. Furthermore, when relevant, Latvian courts may consider international treaties to ensure consistency with Latvia's international obligations. This process of harmonization ensures that national law aligns with both European and international legal frameworks, particularly in areas such as environmental protection and climate change regulation. For example, in the case SKA-571/2022 (see **Q&A II.E.1.**), the Latvian Supreme Court referred to EU and international law to interpret national legal norms in a manner consistent with broader legal principles.

↳ In your country, have any court decisions considered the Paris Agreement to be a legally binding instrument?

In Latvia, the Paris Agreement has been adopted and ratified by the law „On the Paris Agreement of the United Nations Framework Convention on Climate Change". Therefore, the Paris Agreement is legally binding in

Latvia as law. However, so far, there have been no court decisions that specifically address the Paris Agreement.

III.D. Does the approach of the courts in your country align with the approach of the ECtHR in *Verein Klimaseniorinnen Schweiz v. Switzerland*? [please mention any differences]

The Latvian case law, so far, has not yet been linked to the ECtHR's judgment in *Verein Klimaseniorinnen Schweiz v. Switzerland* (April 9, 2024). While Latvian courts recognize the importance of environmental protection, they have not yet directly connected climate change to human rights violations as the ECtHR did in this case. In this case, the court recognized that climate change could be linked to the violation of human rights and that states have positive obligations to take measures to protect the environment and, by extension, the citizens' right to a healthy environment. Thus, this case is significant because it acknowledges that climate change, as a global phenomenon, can have direct and severe impacts on human rights. It should be noted that Article 115 of the Constitution of the Republic of Latvia (Satversme) imposes an obligation on the state to establish and ensure an effective environmental protection system. However, Latvian courts have not yet addressed climate change as a specific human rights issue, largely due to the lack of relevant cases.

At the same time, the Constitutional Court of the Republic of Latvia has recognised that „*the Constitution of the Republic of Latvia by its very nature cannot provide for a lesser extent of guarantee or protection of fundamental rights than is provided for in any international human rights instruments. A different conclusion would contradict the idea of the state governed by the rule of law as enshrined in Article 1 of the Constitution, since one of the main forms of expression of the rule of law is the recognition of human rights and fundamental freedoms as the supreme value of the state. In interpreting the Constitution and international obligations binding on Latvia, a solution must be sought that would ensure harmony, not opposition of both*." Therefore, in respect of the judgments of the European Court of Human Rights, it is expected that, in a similar case, if one arises, Latvian courts will be guided by the findings of the ECtHR.

III.E. Have the courts in your country referred questions to the CJEU or the ECtHR for a preliminary ruling on matters directly or indirectly related to climate change?

So far, no questions directly related to climate change have been referred to the CJEU for a preliminary ruling. However, there have been cases, such as C-234/20 (Sātiņi-S) and C-251/21 (Piltenes meži), that relate to the interpretation of EU law concerning compensation for restrictions on economic activities in specially protected environmental areas (*Natura 2000*). These cases focus on compensation mechanisms for limitations imposed on economic activities due to environmental protection requirements. While not directly addressing climate change, these cases may be indirectly linked to climate-related issues due to the protection of biodiversity.

Furthermore, Latvian courts do not refer questions to the ECtHR for advisory opinions, as Latvia has not acceded to Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms.

Part II: Overtourism

I. The regulatory framework [the rules of law]

I.A. Have the negative effects of the excessive development of tourist activity been adressed by the legislator and the courts of your country, following concerns discussed in the public debate?

yes ☐

no ☒

➥ If so, what are the problems envisaged in the legislation and case-law on this subject?

saturation capacity of urban and non-urban space ☐

deterioration of living conditions in urban areas (increase in housing prices, lack of properties to rent especially for younger generations and/or families with low and medium incomes - particularly in city centres, on islands and in other tourist destinations, deterioration of traffic conditions, insufficient infrastructure, increase in energy consumption, etc.) ☐

overexploitation of natural resources (increased density due to the construction of hotels and other buildings for tourism in extra-urban areas, intensification of land use - particularly in coastal areas and the islands, insufficient infrastructure in small villages, effects on protected landscapes and/or on historical sites and/or archaeological sites and monuments) ☐

other problems ☐

n/a

I.B. Has your country taken an initiative/participated in a collective initiative for the establishment, within the EU, of a regulatory framework to address the adverse effects of 'hypertourism'?

[No]

If so, what is the content of the proposed measures?

n/a

I.C. Are there any relevant principles and guidelines at international level?

☒ If so, have they been recorded:

-in binding texts?

-in non-binding texts?

➥ Could non-binding texts serve as a basis for regulations [please give examples]?

Yes, relevant principles and guidelines exist at the international level. Some of these principles are recorded in binding texts, such as the European Landscape Convention, which emphasizes the importance of landscape as a key component of quality of life in both urban and rural areas. Latvia, aligning with this convention, has integrated its principles into national legislation, including the Tourism Law, which highlights the need to preserve and enhance landscapes as an essential part of sustainable tourism.

I.D. In your country, are there any constitutional principles or provisions that can serve as a basis for dealing with issues related to overtourism?

As far as is known, there have been no legal proceedings initiated in Latvia related to the restriction of overtourism. However, as previously mentioned, Article 115 of the Constitution (Satversme) stipulates that the state protects everyone's right to live in a favourable environment, providing information about the state of the environment and taking care of its preservation and improvement. Therefore, as the law evolves, this constitutional provision (the right to live in a favourable environment) could potentially serve as the basis for addressing issues related to overtourism.

I.E.1. Has the national legislator established a regulatory framework specifically designed to address the problems resulting from excessive tourist activity?

yes ☐
no ☒

➥ If so, please summarise the legislation adopted and the main content of the relevant regulations (for example preventive and/or repressive measures, other provisions)

n/a

I.E.2. Does your country have a special action plan to address the problems resulting from excessive tourist activity?

yes ☐
no ☒

➥ If so, does this plan establish guidelines for the policies to be followed or does it also contain binding rules?

n/a

➥ What is the level of planning [national, regional, etc.] ?

n/a

I.E.3. In your country, are there any regulations concerning:

-the allocation of responsibilities for the management of 'hypertourism'? ☐

-other provisions concerning the organisation of the competent authorities? ☐

No.

➥ What are the responsibilities assigned to the various bodies (advisory, decision-making)?

n/a

➥ Are there any provisions for public participation in the adoption of action plans or laws?

yes ☒
no ☐

II. The application of the regulatory framework by the judge

II.A. Have issues related to 'hypertourism' been the subject of litigation in your country?

yes ☐

no ☒

➥ If so, what points were raised in the arguments of the parties to the dispute?

yes ☐

no ☐

n/a

➥ Please summarise the landmark cases heard by the courts in your country and the decisions handed down.

n/a

II.B. According to legal practice, what is currently the main channel through which the relevant disputes are brought before the courts?

-litigations concerning control of the legality of administrative acts or omissions? ☐

-litigations concerning compensation for damage caused by acts or omissions of the administration? ☐

-other categories of litigations? ☐

n/a

II.C. Please cite any court decisions:

-that have expressly recognised the obligation of the State and/or other public entities to take positive measures in order to address the phenomenon of 'hypertourism'? ☐

-that have recognised a right of individuals to ensure compliance with this obligation? ☐

➥ Have case-law rules been formulated in this regard? If so, on what legal basis?

n/a

II.D. Do issues linked to overtourism:

- mainly concern the administrative courts, when they monitor the actions of the State and public entities,

or do they mainly concern the civil courts called upon to judge appeals against the actions of individuals?

administrative courts ☒

civil courts ☐

both ☐

II.E. Can examples be found in your country's legislation and case-law that highlight the relationship between climate change and overtourism?

yes ☐

no ☒

➥ If so, please present the main content of the relevant legislation or court decisions.

n/a

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