

**Legal Services of the State
Chancellery of the Republic of
Latvia**

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- Mission and structure of the State Chancellery
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- E-government

EXECUTIVE

- President**
 - Elected for 4 years by majority of at least 51 MP
 - Head of State
 - Representation of State
 - Initiation of legislation
 - Promulgation of adopted laws
 - Dismissal of Parliament through national referendum
- Prime Minister**
 - Nominated by President and approved by Parliament
 - Head of Government
 - Accountable to Parliament
- Cabinet of Ministers**
 - 18 ministers (2008)
 - Nominated by Prime Minister and approved by Parliament
 - Supervision of public administration
 - Enforcement of laws

LEGISLATIVE

- Saeima**
 - Single chamber parliament
 - 100 MPs elected for 4 years in general / direct elections
 - Initiation of legislation
 - Adoption of draft laws
 - Vote of confidence
 - Rejection of President's veto by simple majority
 - Amendment of Constitution by 2/3 majority vote

JUDICIAL

- Constitutional Court**
 - 7 judges proposed by President for 6 years
 - Examination of constitutionality of laws and international agreements
- Supreme Court**
 - 13 judges proposed by President for 12 years
 - 2 judges proposed by Parliament
 - Highest judicial instance for the Republic
 - Court of Appeal
 - Courts of First Instance

Hierarchy of regulatory enactments

- Constitution
- EU Regulation Law
International agreement ratified by law
- Regulations of Cabinet of Ministers
International agreement accepted by
Regulations of Cabinet of Ministers
- Binding regulations of local governments

Legislative system

State President → Law initiatives / Draft laws → **Parliament**

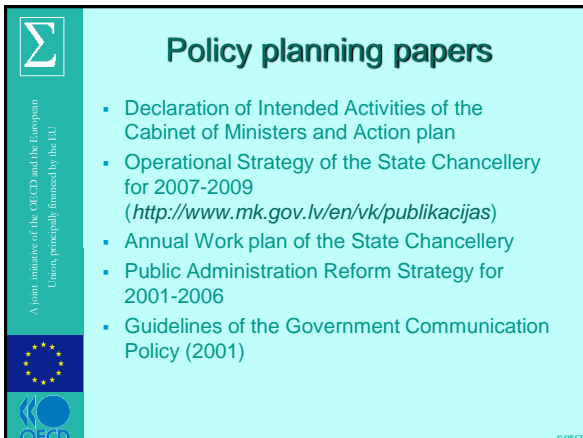
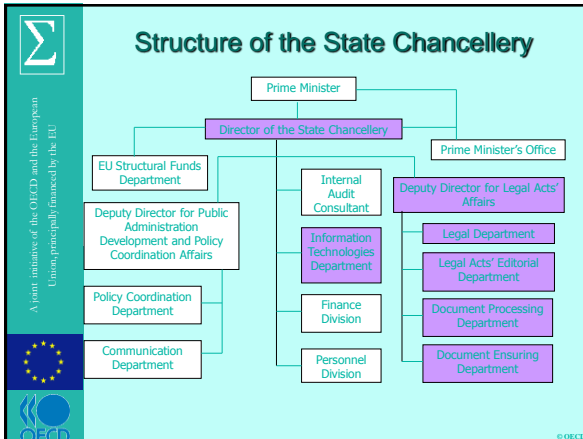
Cabinet of Ministers → Draft laws → **Parliament**

Parliament → Laws → **State President**

Parliament → Draft laws → **Parliamentary commissions** (5 MPs, 1/10 of electorate)

Mission of the State Chancellery

- Ensure legitimate, motivated, efficient, transparent and continuous decision-making process of the Latvian Government
- Represent the State interests in the processes of international arbitration and local courts, as required
- Coordinate policy planning and Government communication
- Coordinate enforcement of laws and implementation of decisions of the Government




 **Consent of the Ministry of Finance**

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- According to the Rules of Procedure consent (opinion) has to be acquired from the Ministry of Finance on all draft legislation and policy papers, and informative notices with fiscal impact on the budgets of the State and/or local governments
- Explanatory note has to be completed for all draft laws and draft Government regulatory enactments. Ministry of Finance comments the section III describing impact on budgets
- Explanatory note:
 - description of situation, problem, substance of proposed regulation
 - socio-economic impact analysis
 - fiscal impact analysis
 - impact of the legal system, accompanying amendments
 - compliance with international commitments and EU legislation
 - consultations with non-governmental sector
 - enforcement of regulation, institutions

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 **Section III of Explanatory Note**

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III. Impact of the draft legal act on the State budget and budgets of local governments

Indicators	n-year (current year)	Next 3 years		
		n+1	n+2	n+3
1. Changes in budget incomes:				
1.1. State budget, including incomes of institutions from payable services and other institution's own incomes;				
1.2. special budget;				
1.3. budgets of local governments.				
2. Changes in budget expenditures:				
2.1. State budget;				
2.2. special budget;				
2.3. budgets of local governments.				
3. Fiscal impact:				
3.1. State budget;				
3.2. special budget;				
3.3. budgets of local governments.				
4. Envisaged compensatory measures for funding of additional expenditures				
5. Detailed estimates of incomes and expenditures				
6. Other information				

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 **Debates on draft legal acts**

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- **Draft legal acts**, are discussed at the Meeting of State Secretaries if no solution has been reached on objections expressed in opinions of Ministries and other institutions during the inter-institutional consultations. State Secretary of Ministry may submit draft to this meeting.
- **Representatives from Ministries, other institutions and NGOs may participate in discussions.**
- If agreement on objections is reached at the meeting of State Secretaries the **draft legal act** is prepared by the responsible Ministry for submission to the meeting of the Cabinet of Ministers.
- If no agreement is reached the **draft legal act** is either rejected or prepared by the responsible ministry for submission to further debates at the meeting of Committee of the Cabinet of Ministers.


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 **Committee of the Cabinet of Ministers**

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- Drafts may be submitted to the Committee meeting by the **Cabinet Members** (Prime Minister, Minister). Committee discusses:
- All draft policy papers prior to adoption at the Cabinet meeting.
- **Draft legal acts**
 - after unsuccessful discussions at the Meeting of State Secretaries;
 - if Legal Department of the State Chancellery raises substantial objections;
 - if objections have been raised at the Cabinet meeting.
- Informative Notices that provide further action if no agreement has been reached among ministries and other institutions during consultation process.
- **Discussion take place also at the Meeting of Committee of the Cabinet of Ministers.**
- If the draft is accepted it is included in the agenda of the meeting of the Cabinet of Ministers.


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 **Meeting of the Cabinet of Ministers**

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- Only **Cabinet Member** may submit drafts and other documents to adoption at the Cabinet Meeting.
- **Cabinet takes decisions in the Cabinet Meetings.** Decisions are taken by majority of attending Cabinet Members. In case of equal number of votes the vote of the Prime Minister is the deciding.
- Cabinet meetings are open; individual meetings or parts may be convened as closed.
- Normally no debates take place at the Cabinet Meeting on **draft legal acts** and **draft policy papers**. Exception – matters of urgency, drafts and other documents that by substance may be discussed only by the Cabinet, as well as classified documents, informative notices, Government opinions.
- Cabinet in its Meeting adopts **draft legal acts** that are finalized and ready for signature.

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 **Issues of urgency**

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- **Summary procedure** applied
- **Mandatory opinions** from the Ministry of Justice, Ministry of Finance, and the State Chancellery PPU
- **Obligation to provide the following information:**
 - motivation of urgency
 - motivation on why the issue has not been submitted in time
 - consequences if the issue is not solved immediately
 - final deadline for adoption
 - institutions, organizations, persons to be invited to attend the Cabinet meeting
 - official in the Ministry that was responsible for preparation of the issue

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Entering into force

- Decisions of the Cabinet of Ministers entered into the Minutes of the Meeting take effect immediately
- Orders of the Cabinet of Ministers enter into force after being signed by the line Minister and the Prime Minister
- Regulations, Instructions and Recommendations of the Cabinet of Ministers (also signed by the line Minister and the Prime Minister) enter into force:
 - on the next day after publication in the Official Gazette
 - on the date stated by the legal act

E-Government

All materials on the day of meeting are available on-line on the internet web site of the Government:
<http://www.mk.gov.lv>

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    graph TD
      E-Portfolio --> DM[Document management system]
      DM --> GWS[Government web site]
      DM --> DBA[Data base of public administration institutions]
      GWS --> DBP[Data base of policy planning documents]
    
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ePortfolio – what is it?

- Electronic version of the agenda, including electronic version of selected documents
- ePortfolio is used to ensure the work of Cabinet Meetings, Meetings of the Cabinet Committee and Meetings of State Secretaries
- Documents of an ongoing meeting are available 3 working days before the meeting
- ePortfolio is fully accessible also during the meeting, interactive

Users of ePortfolio

- **Participants of the meeting** - access to all documents (including restricted), possibility to add comments, exchange information on-line.
- **Group members** - access to public documents (generally), possibility to add comments addressed to the respective participant of the meeting.
- **Guests** - access to only to public documents, without possibility to add comments.

Users of ePortfolio

Group members (450)

Participants of the meeting (60)

Guests (600)

Questions Comments

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