



COUNTRY REPORT: LATVIA

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I. How has parliamentary law-making practice changed during the pandemic in the state you are studying?

- **Briefly describe the new practices.**
- **Evaluate these practices. In your opinion, do these practices empower, disempower or not change anything regarding parliamentary law-making powers and practice?**

The main change in the parliamentary law-making in the COVID pandemic era concerned the introduction of the e-Saeima digital platform to conduct parliament plenary sessions (Saeimas Preses Dienests, 2020b). It is important to note that the Saeima Rules of Procedure (*Saeimas kārtības rullis*) were not amended formally to allow for a new digital mode of legislative procedure. In Latvia's political life, this fact became a point of political controversy until Latvia's Constitutional Court tacitly endorsed such legislative practice in a decision in early 2021.

With the start of the pandemic outbreak in spring 2020, a video conference format was used to conduct the Saeima plenaries. The MPs were joining the sitting conducted by the Presidium of the Saeima while staying on different premises of the building of the parliament itself (Rodina and Lībina-Egner, 2020). Moreover, parliamentary committees continued their work and were urged to convene physically at the utmost necessity (Saeimas Preses Dienests, 2020a). Shortly after that, the e-Saeima digital platform was introduced the same as technical solution for legislative work in the plenary sittings (LSM, 2020a). To enable the switch to digital plenary sittings legally, the Presidium of the Saeima relied on a blanket norm of the Rules of the Procedure,

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empowering the Presidium to decide about the mode of plenary sittings (Upleja, 2020).

The usage of the new system sparked a controversy in the parliament regarding the legality of the measure. Mainly, concerns were raised regarding the system's compatibility with Latvia's constitutional framework. Moreover, technical issues related to the digital platform usage were also cited as the reason to be critical of the remote plenary sittings (TVNet/LETA, 2021).

An extreme case of obstructing the decision to use e-Saeima digital platform was presented with the case of a parliamentarian refusing to take part in remote sittings of the parliament. Didzis Šmits, an MP of KPV LV, argued that any change in the parliamentary procedure should be done via amending the Saeima Rules of Procedure, which was not done in the case of the e-Saeima platform. In March 2021, the ethics committee of the parliament initiated ethical proceedings against the parliamentarian for being absent in the online plenary sittings in the previous calendar year. In his defense, the parliamentarian intended to litigate a potential punitive decision by the parliamentary committee in the country's courts to create a legal precedent over the usage of digital platform (Puaro, 2021).

Latvia's Constitutional Court resolved the deadlock of competing legal interpretations on the e-Saeima platform's constitutionality. In its decision over the administrative reform legislation (a major legislation piece, which was voted in one of the first remote sittings of the Saeima in 2020), the Constitutional Court acknowledged the constitutionality of the administrative reform legislation at large. In part, constitutional justices upheld the legality of parliamentary law-making conducted via digital means. In its legal reasoning over the case, the Court argued that the plenary sittings of the Saeima should adhere to a set of constitutional principles (openness to public, ability of a parliamentarian be uninhibited in her participation in legislative process etc.), which were adhered to in case of the legislation under question (Latvijas Republikas Satversmes Tiesa, 2021).

As for formal indicators of parliamentary performance for a surveyed period of 2019-2021, the outbreak of the COVID-19 pandemic in spring 2020 affected the legislative process in Latvia. Unlike in Estonia, where regular parliamentary elections of 2019 affected the law-making activity and led to a drop in legislation-making, Latvia's regular elections to the Saeima happened in late 2018 without intervening in a

country's pattern of parliamentary law-making. In other words, the impact of the COVID-19 outbreak can be process traced without controlling for the regularity of a 'life' cycle of the parliament.

The scores for legislative measures indicate the impact of the COVID-19 pandemic (the new circumstances of parliamentary procedure) on legislation-making output. There was a drop in adopted laws after the first COVID pandemic in spring 2020. The Saeima voted for 248 laws in 2020 in comparison to 298 in 2019 and 327 in 2021. At the same time, the number of administrative (non-legislative) acts by the Saeima was not impacted in any manner (2019: 159; 2020: 165; 2021: 210).

Moreover, a notable characteristic of the politics in the Saeima is a significant drop in the number of oral and written questions submitted to the government representatives by MPs. This drop can be interpreted as a consequence of the COVID pandemic and the new circumstances of parliamentary law-making. In 2020, Latvian MPs asked the lowest number of oral questions in plenary sittings (3) and submitted the lowest number of written questions to the members of the government (55). In 2021, the parliamentarians recuperated, having raised 184 written questions in 2021. The number of working days for each of the surveyed years was relatively the same.

As for the quality of legislative practice, there were three emergency bills dealing with the management of the COVID-19 pandemic outbreak in spring 2020. Each of the three laws were passed through two rounds of plenary readings instead of the usual three rounds. The concerns were raised if the laws over-empower the government to deal with the pandemic while at the same time reducing parliamentary oversight (Olsena, Birģelis and Kadile, 2022; LSM, 2020b).

Otherwise, the shortened (two rounds of readings) procedure was often used in parliamentary law-making in each surveyed year. In particular, in 2020, while the overall legislation-making output of the Saeima declined in the pandemic year, the portion of legislation voted through a shortened procedure within the overall score for 2020 grew compared to the preceding and subsequent calendar year. It is hard, however, to interpret the score as a sign of governmental aggrandizement over the parliament. In this regard, there is a remarkable regularity of the parliamentary process concerning urgent draft laws. Each November, there was an outstanding number of bills defined as urgent and, thus, voted according to shortened procedure (November 2019: 28; November 2020: 30; November 2021: 14). These were always

pieces of legislation processed by the Budget and Finances committee of the Saeima and related to a wide range of monetary or social issues (national budget for the next year foremost, amendments to taxation etc.).

II. Looking at formal changes and the practice of law-making in the state you are studying, has respect for the rule of law increased, decreased or not changed at all during the pandemic? Please elaborate on the question.

The respect for the rule of law decreased during the COVID pandemic period. The low trust in public institutions played into the perception of the integrity of parliamentary law-making in Latvia. On the one hand, as noted by observers, the traditionally low trust was exacerbated by the government's management of the COVID pandemic (Ikstens, 2022). In the domain of parliamentary law-making, the COVID pandemic created a number of ramifications for the legislative process raising rule of law-related concerns.

Firstly, a dubious decision of the Saeima to switch to remote meetings without amending the parliament's Rules of Procedure formally raised a political and legal controversy before being resolved by the country's Constitutional Court. Secondly, the impact of the pandemic outbreak could be traced clearly with a look at the formal indicators of legislative performance. The year 2020 was characterized by a notable drop in legislation-making output and in the number of inquiries submitted by parliamentarians to the government. While the parliament seemed to have recuperated next year on each of the indicators, the evidence of the impact of remote meetings on parliamentary performance was evident.

Table 1: Formal changes

Country_Name	Reference: Name_legal act changing formal rules of law-making (in original language)	Name_Chamber concerned (in original language)	Short description of the content of the reform (in English)	Which year?
LATVIA	Saeimas kārtības rullis, 1994*	Saeima (Latvijas Republikas Saeima)	*	*
	*The Rules of Saeima Procedure were not amended formally following the COVID outbreak in 2020. However, under the already existing legal framework, the format of a video conference were used to conduct plenaries of the Saeima in the spring 2020. The MPs were joining the sitting conducted by the Presidium of the Saeima while staying in different premises of the building of the Parliament. Moreover, the e-Saeima digital platform was introduced subsequently. The fact of not amending the Rules formally became a point of political controversy by itself. See more in the report.		*De facto introduction of remote sittings of the parliament via digital means.	2020

Source: Own

Table 2: Law-making practice

Country_Name	Chamber_Name (in original language)	Year	Number of ALL legislative bills	Number of resolutions/decisions/statements (various non-legislative measures)	Number of fast-tracked legislation (debate limited and/or shortened legislative process, including omnibus laws)	Most common forms of fast-track measures	Number of decree laws/gov decisions (no parliamentary consent)	Number of working days (parliamentary plenary sessions)	Number of oral questions to the government	Number of written questions
LATVIA	Saeima	2019	298	159	106	shortened legislative process	N/A	49	21	98
		2020	248	165	130	shortened legislative process	N/A	73	3	54
		2021	327	210	102	shortened legislative process	N/A	69	5	184

Source: Own

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