

Republic of Latvia

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1. What are the basic criteria for the courts of your jurisdiction to allow enforcement of a foreign judgment?

In order to allow the enforcement of a foreign judgment in Latvia, the basic criterion is the recognition of the judgment. In order for the Latvian court to recognise the judgment, it is necessary to see whether the foreign country that issued the judgment is a member of the European Union or whether it is another third country. The criteria for recognising the judgment depends on the respective status of the country in question.

If the foreign country is an EU Member State, except Denmark, the process of recognition and enforcement is governed by the Brussels I *bis* regulation (Regulation (EU) 1215/2012 of the European Parliament and of the Council on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast)). Pursuant to Articles 36 (1), 37, 39 and 42, a judgment passed in a Member State is recognised in other member states without any special procedure, and a person who wants to have the judgment enforced and recognised must file in the specific member state:

1. a copy of the judgment which meets the conditions for determining authenticity;
2. a certificate issued by the court of origin in accordance with Article 53 (this certificate, in accordance with Art 540(17) of the Civil Procedure Law of Latvia, is an executive document);
3. a translation, when requested in accordance with the Regulation.

Based on these documents, enforcement of the judgment will be initiated with the court bailiff. An interested party can submit an application for refusal of enforcement of the judgment, based on the criteria outlined in Article 45(1) of Brussels I *bis* regulation.

If the foreign country which issued the judgment is not an EU member, then the requirements of the concluded international conventions or bilateral agreements must be followed. In order to recognise such judgments and be able to enforce them, exequatur is necessary. Latvia is bound by the Lugano Convention (2007), as well as several bilateral agreements (eg, with Ukraine and Uzbekistan).

If the judgment must be enforced based on Lugano Convention (origin of the judgment is Denmark, Iceland, Norway or Switzerland), the creditor should file an *ex parte* application with the court of first instance of the place of enforcement, together with:

1. a copy of the judgment that satisfies the conditions necessary to establish its authenticity;
2. the standard certificate prescribed by the Convention confirming that the judgment is enforceable; and
3. a translation, when requested in accordance with the Convention.

The judgment shall be declared enforceable immediately on completion of the formalities without any review of the grounds for refusal.

The court may refuse enforceability only in a limited number of cases where:

1. the recognition of the judgment is manifestly contrary to public policy in Latvia;
2. in the event of a default judgment, the defendant was not served with the document that instituted the proceedings or with an equivalent document in sufficient time and in such a way as to enable them to arrange for their defence (unless the defendant failed to commence proceedings to challenge the judgment when it was possible for them to do so);
3. the judgment is irreconcilable with a Latvian judgment given in a dispute between the same parties;
4. the judgment is irreconcilable with an earlier judgment given in another Lugano Convention State or in a third state involving the same cause of action and between the same parties, provided that the earlier judgment fulfils the conditions necessary for its recognition in Latvia;
5. the judgment conflicts with certain grounds for (exclusive) jurisdiction defined in the Convention.

The first instance court's decision is notified to the opposing party, and it may be appealed.

If no convention or bilateral treaty is applicable, the foreign judgment will be enforced, according to a very similar procedure, as the one described regarding Lugano Convention, in accordance with the national laws and regulations. However, the criteria for refusal of recognition are slightly different (Art 637 of Civil Procedure Law of Latvia), namely:

1. the foreign court, which gave the ruling, was not competent in accordance with the Latvian law to examine the dispute or such dispute is an exclusive jurisdiction of the Latvian courts;
2. the ruling of the foreign court has not entered into lawful effect;
3. the defendant was denied a possibility of defending their rights, especially if the defendant who has not participated in the examination of the case was not notified regarding appearance in court in a timely and proper manner, except if the defendant has not appealed such ruling even though they had the possibility to do so;
4. the ruling of the foreign court is not compatible with a court ruling already given earlier and entered into lawful effect in Latvia in the same dispute between the same parties or with already earlier commenced court proceedings between the same parties in a Latvian court;
5. the ruling of the foreign court is not compatible with such ruling of another foreign court, which has already been given earlier and has entered into lawful effect, in the same dispute between the same parties, which may be recognised or is already recognised in Latvia;
6. the recognition of the ruling of the foreign court is in conflict with the public system of Latvia;

	<p>7. in giving the ruling of the foreign court, the law of such state was not applied as should have been applied in conformity with the rules on conflict of laws of the Latvian international private law.</p> <p>According to this procedure, only the judgments where the dispute is reviewed on its merits are recognised and executed.</p>
<p>2.</p>	<p>What other considerations may apply to enforcement of a foreign judgment against a state in your jurisdiction, (eg, notice provisions)?</p>
	<p>First, it should be mentioned that the recognition and enforcement of a foreign court’s decision against another country in Latvia is a debatable issue in line with the opinion and case law of ECtHR and the UN International Court of Justice. Also, Latvian Civil Procedure Law does not provide for any special provisions in relation to the case where the defendant is a state, and there is also no special case law on the matter.</p> <p>If a foreign judgment against the state was executed according to the standard procedure described above, no special approval from the government would be required, but it has to be emphasised, that there is no relevant case law on this matter in Latvia. The standard order in which foreign judgments are recognised is stipulated in the response to Question 1, above.</p>
<p>3.</p>	<p>What special considerations apply where the defendant/debtor in enforcement proceedings is a state, (eg, doctrine of sovereign immunity)?</p>
	<p>Latvian law and court practice do not provide for a specific or predetermined solution to this problem. However, based on the general principles of international law, it is most likely that Latvia would apply the doctrine of sovereign immunity and consider that the state cannot be sued in the national court for <i>jure imperii</i> actions. However, some exceptions are possible, for example in the case of commercial transactions, when the state acts outside of its general competence area (direct tasks and duties) and will be considered as a public body acting in the private sector.</p>
<p>4.</p>	<p>What exceptions may apply where the claim results from improper actions of the defendant state, (eg, wars of aggression)?</p>
	<p>Latvian law and court practice do not provide for a specific or predetermined solution to this problem.</p>
<p>5.</p>	<p>What due process standards and exceptions may apply in proceedings for enforcement of judgment against a state?</p>
	<p>Latvian law and court practice do not provide for a specific or predetermined solution to this problem. Please see the response to Question 1, above.</p>

5a.	What standard will the court apply in the enforcement proceedings when assessing whether the service requirements have been met in the original proceedings against a state?
	Latvian law and court practice do not provide for a specific or predetermined solution to this problem. The standards mentioned in the response to Question 1 above, and set by the applicable international conventions relating to service requirements may be applicable.
5b.	What exceptions may apply where conventional forms of service against a state are impossible, (eg, due to absence of diplomatic relations)?
	Latvian law and court practice do not provide for a specific or predetermined solution to this problem.
5c.	What standard will the court apply in the enforcement proceedings when assessing whether the right to representation requirements have been met in the original proceedings against a state?
	Latvian law and court practice do not provide for a specific or predetermined solution to this problem. Please see the standard grounds for refusal of recognition/enforcement or the grounds for recognition/enforcement in the response to Question 1, above.
5d.	What exceptions may apply where the defendant state cannot find legal representation, or chooses not to be represented?
	Latvian law and court practice do not provide for a specific or predetermined solution to this problem. Inability to find legal representation/assistance or choosing not to be represented (refraining from active participation), according to the standard procedure, would not lead to any exceptions.
6.	What assets may be subject of enforcement if the claim is against a state and what are the requirements, (eg, enforcement against assets of state-owned entities)?
	<p>Latvian law and court practice do not provide for a specific or predetermined solution to this problem.</p> <p>The requirements can be applied by analogy from the UN Convention on the Immunity of States and their Property from Jurisdiction (Arts 18, 19).</p>