

Latvia

Date: 20. January 2006

Location: Riga Graduate School of Law, Alberta iela 13, Riga

Organised by: Prof. John Burke (Latvian national correspondent) and IPR Verlag GmbH

Number of experts invited: 50

Number of experts present: 9

1. Experts present

- Mr. John J. A. Burke – Riga Graduate School of Law, Rector and Professor of International Commercial Law
- Mr. Peter Gjørtler – Riga Graduate School of Law, Senior Lecturer in European Union Law
- Mr. Mathias Siems – Riga Graduate School of Law, Associate Professor of International Commercial Law
- Ms. Inese Druviete – Riga Graduate School of Law, Lecturer in Law
- Mr. Jeffrey Sommers – Riga Graduate School of Law, Professor
- Judge Ralf Beitins – Judge in Court of First Instance
- Ms. Dace Cirule - Attorney at law, Baltmane & Bitans
- Ms. Elena Dadukina – Attorney at Law, Administrator of Insolvent Companies
- Ms. Irene Sarule – Attorney at the Ministry of Justice

The following experts invited were unable to attend but expressed their interest in participation in the project:

- Judge Jevgenijs Salims – Judge in Court of Appeals
- Judge Ilona Ruke - Judge in Court of First Instance
- Ms. Dagnija Pulcevskā – Attorney at the Ministry of Justice
- Mr. Martins Aljens – Attorney at Law
- Mr. A. Bitans, Attorney at Law, Baltmane & Bitans

Present on behalf of the project was: Ms. Sibylle Calabresi-Scholz.
Prof. Burke presided the meeting.

2. Agenda

1. Opening by Prof. Burke and introduction to the project
2. Presentation of all participants

3. Discussion: The factual situation of private international law in Latvia
4. Coffee break
5. Presentation of the project by Ms. Sibylle Calabresi-Scholz
6. Discussion: Possible structure and activities of the network
7. Closing
8. Dinner – continuation of the discussion

3. Report on the meeting

Following the opening speech by Prof. Burke and his introduction to the feasibility study, the participants introduced themselves stating their profession and relationship to private international law. Irene Sarule and Dagnija Palcevska (not present) of the Ministry of Justice are the national Latvian contact points for the European Judicial Network.

3.1. Factual situation of private international law in Latvia

Prof. Burke introduced a discussion on the factual situation of private international law in Latvia, especially from the point of view of the judiciary and the lawyers. The legal practitioners present informed the participants that until now there are rather few cases involving private international law and international civil procedure. Such cases only recently began to emerge. The judiciary stated that if a judge raises problematical questions on the applicable law without the parties having mentioned these questions, this might even lead to the judge being rejected for partiality.

The legal practitioners as well as the representative of the ministry of justice stated that as in Latvia experience in practice is still missing, it would be helpful if judges and lawyers could refer to the examples of foreign case law and the personal experience of foreign colleagues. This issue could be resolved through the creation of a European research network in the field.

The representative of the ministry of justice observed that the situation is already improving. The Latvian rules on private international law shall soon be revised, which will make their application easier. Initial translation problems concerning the implementation of treaties and directives and their translation into Latvian are being resolved, since the national-European cooperation in this regard has been improved in 2004. The ministry of justice would very much welcome the creation of a network – especially with the objective of providing information to judges.

The factual situation in private international law in Latvia may be summarized as follows:

1. The principles of private international law are found scattered in the Civil Procedure Code derived from 1937 [though process of amendment is underway];

2. There is limited awareness and understanding of the EC instruments governing Judicial Cooperation in civil matters;
3. There are few, if any, scholarly publications in the Latvian language regarding private international law;
4. Scholars at the major Latvian universities are not conducting systematic research in the area of PIL/Judicial Cooperation in Civil Matters;
5. Judges and practitioners when confronted with PIL problems, particularly application of foreign law or enforcement of foreign judgements, lack practical guidance as to how to proceed;
6. Extent of education at the universities in the field of private international law is limited and does not constitute a separate course of study.

Therefore, there is an urgent and immediate need in Latvia to raise the awareness and understanding of the law related to Judicial Cooperation in Civil Matters.

3.2. Objectives

After a short coffee break, Ms. Calabresi-Scholz presented the project in more detail and invited the participants of the meeting to discuss the possible objectives, structure and activities of the network, as well as their personal interest in participation.

Many participants stated that one important objective of the network should be to improve the standard of information in the field of private international law among the legal practitioners. The network should improve the effective and efficient application of EU instruments in the Member States.

The network should also become a platform for the creation of personal contacts and information exchange.

It could also provide a forum for the members of the network to publish their ideas and articles and put them to discussion among their European colleagues.

3.3. The form of the network

It was considered whether the network could be organised as a sub-organisation of existing organisations. However, as in Latvia only a general association of judges and a general association of lawyers without specialised subgroups exist, this idea was considered less feasible for Latvia.

It was clearly stated that the general language of the network should be English. The national members of the network could translate the information considered relevant for their non-member colleagues in the national languages.

The participants stated the need for national contact points of the network. The infrastructure of the network would need an organisation in each Member State. The Riga Graduate School of Law expressed its general interest in acting as a national contact point or secretariat for Latvia.

The network should be based on individual participation and should not be only a network of networks or institutions. Personal membership is considered important. However, universities and institutes could also be included and could for example build up a network for the facilitation of access to their electronic material (publications) through the other universities. This could further the flow of information between the Member States. This proposal is based on the fact that there already exist Institutes such as Max Planck that can provide valuable information and contribute expertise to the Network as a member.

An interest in including the European Commission in the network was expressed, as the national experts would like to personally exchange their opinions with representatives of the European Commission, for example on the occasion of meetings of the network.

3.4. Building up an internet portal

The participants stated that they would welcome access to information via the internet. Lawyers and judges have in general internet access at their disposal. Electronic information would guarantee a fast and easy access to information. Some specialised websites (such as the euro-civil website) already exist, but further information would be welcomed. The access to the portal should be free of charge and open to the legal public.

The internet portal could on the one hand directly provide relevant information and also link to existing websites. On the other hand, an informal chatroom would be welcomed in order to provide a forum where national experts and legal practitioners can discuss questions with their colleagues from other Member States. The idea of a chatroom was particularly attractive as many members of the Latvian legal community would prefer to retain anonymity in their discussions with local and foreign experts.

3.5. Conferences and training

It was stated that the organisation of conferences and training would be welcomed. This should be organised at two different levels: On the one hand for the members of the network themselves and on the other hand for legal practitioners and judges.

It was noted that a living network would need to be based on personal contacts. Therefore a platform for the exchange of information and the formation of new contacts would be essential.

The participants stated that they would be very interested to participate to meetings where representatives of the European Commission would also be present. There is a high interest to get to know experts from the European Commission and to be informed about the Commission's point of view. It would therefore be welcomed if representatives of the European Commission would participate actively to the meetings of the network.

3.6. Publications

The members of the network would appreciate a forum on which they could publish for example their ideas on how to improve the European legislation and put it to discussion within the network. This forum should be open to the members of the network only. It could for example take the form of a newsletter.

The network could filter the information and create a shortlist of the most important documents which should be translated into the national languages and put at the disposal of the legal public.

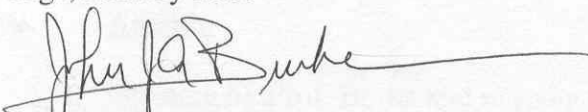
Important scientific articles could be summarised and these summaries should be made available in English on the internet portal. A mere list of relevant publications was not considered sufficient as these publications would not be available all over Europe and the titles would be in the national languages.

Further, it was suggested whether it would be possible to request large universities with significant holdings in their library collections to make their holdings available on line. In addition, as there are numerous publications in the area of private international law and Judicial Cooperation in Civil Matters, it was suggested that an expert or team of experts could vet the publications to identify those regarded as most valuable in the field.

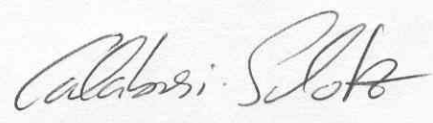
3.7. Final conclusions

In general, the participants expressed a high level of interest. This was already evident through the fact that a relatively high number of experts active in Latvia participated at the expert meeting although very bad weather conditions complicated the arrival. The participants expressed their willingness to participate in general in the network.

Riga, January 2006



John J. A. Burke



Sibylle Calabresi-Scholz