



LATVIJAS REPUBLIKAS PROKURATŪRA
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01-07-2019
N-101-2019-00220

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Reference: Prosecution Office of the Republic of Latvia is a judicial authority in context of the Court of Justice of the European Union judgments in joined cases C-508/2018 and C-82/2019, and in case C-509/2018

The national legislation of Latvia provides for a guarantee for independence of the Prosecution Office. According to the Article 1 of the Law on Prosecution Office the Prosecution Office is an institution of judicial power, which is independently exercising the supervision over the compliance to law within the limits of competence prescribed for by the legal enactments.

The Prosecutor General's Office of the Republic of Latvia is the only competent authority to issue the European Arrest Warrant both for the purposes of conducting criminal prosecution and for the execution of custodial sentence. Therefore, the European Arrest Warrants are issued only by Prosecutors who according to the Law on Prosecution Office are part of the judiciary.

Latvian Prosecutors are not exposed to the risk of being subject, directly or indirectly, to directions or instructions in a specific criminal case coming from the executive power. The Law on Prosecution Office stipulates that Prosecutor shall be independent in his/her activities from any influence of other public and administrative institutions or officials and shall comply only with the law.

The Parliament, the Cabinet of Ministers, public and local government institutions, public and local government officials, enterprises and organizations of all types, as well as individuals shall be prohibited from intervening into the work of the Prosecution Office in investigation of cases or during the conducting of any other functions of the Prosecution Office.

In the Republic of Latvia, the European Arrest Warrant for prosecution of a crime is not issued until after a detention order has been passed by a court. Once the detention hearing has been held and the detention order has been passed by a court, Prosecutor General's Office can issue the European Arrest Warrant upon a request of the person conducting criminal proceeding.

A detention order can be appealed at the request of a suspect or suspect's legal representative. Thus, it is possible that a detention order can be examined simultaneously with an ongoing surrender process in the executing country.

Prosecutor General's Office as well as the person conducting criminal proceeding before issuing the European arrests warrant, has a duty to consider the principle of proportionality and to continually examine whether issued European Arrest Warrant is needed. If the degree of suspicion regarding the suspect decreases, Prosecutor handling the case is obliged to cancel the detention and withdraw the European Arrest Warrant.

At the same time persons involved in the proceedings, as well as a person whose rights or lawful interests have been infringed upon by the specific actions or ruling, may file a complaint regarding the actions of an official conducting criminal proceedings.

Thus, Latvian Prosecutor is not exposed to the risk of being subject, directly or indirectly, to directions or instructions in a specific case from the executive power in connection with the adoption of a decision to issue the European Arrest Warrant. That means that the European Court of Justice's judgments of 27 May 2019 in the cases C-508/18, 509/18 and C- 82/19 does not affect the Latvian Prosecutor's competence to issue the European Arrest Warrant.



Prosecutor General
Ēriks Kalnmeiers