



One more case initiated with respect to a norm that prohibits organising of gambling in the interactive environment

On 2 June 2020, the 1st Panel of the Constitutional Court initiated the case “On Compliance of Section 9 of the Law “On Measures for the Prevention and Suppression of Threat to the State and Its Consequences Due to the Spread of COVID-19” with Article 1 and the First Sentence of Article 105 of the *Satversme* of the Republic of Latvia”.

The Contested Norm

Section 9 of the law “On Measures for the Prevention and Suppression of Threat to the State and Its Consequences Due to the Spread of COVID-19”:

“For the duration of operation of this Law the Lotteries and Gambling Supervisory Inspection shall suspend all the licences to operate gambling both in physical locations where gambling is organised (licence of a casino, license of a gambling hall, licence of a bingo hall) and in the interactive environment and (or) using the intermediation of electronic communications services.”

The Norms of Higher Legal Force

Article 1 of the *Satversme* of the Republic of Latvia (hereafter – the *Satversme*):

“Latvia is an independent democratic republic.”

The first sentence of Article 105 of the *Satversme* of the Republic of Latvia (hereafter – the *Satversme*): “Everyone has the right to own property.”

The Facts

The case was initiated with respect to an application by a limited liability company “Latsson Licensing”. On the basis of the contested norm, the Lotteries and Gambling Supervisory Inspection suspended the licences to organize gambling issued to the applicant. Thus, the applicant had been denied the right to engage in commercial activities – to organise gambling in the interactive environment – and gain profit from it.

The Applicant notes that the contested norm restricts a person's right to property, established in the first sentence of Article 105 of the *Satversme*, which comprises, *inter alia*, a person's right to engage in commercial activities on the basis of a licence. It is alleged that this restriction was not established by a legal norm adopted in procedure set out in regulatory enactments, is incompatible with the purpose to protect society from the spread of Covid-19, and had been adopted without a legitimate aim. Even assuming that the legitimate aim of the restriction on fundamental rights, established in the contested norm, is protecting persons against inexpedient expenditure, this restriction on fundamental rights is said to be disproportionate.

The applicant holds that the contested norm violates also the principle of legal certainty and legitimate expectations included in Article 1 of the *Satversme*. Moreover, in the procedure of adopting the norm, also the principle of good legislation, included in Article 1 of the *Satversme*, had been breached.

Legal Proceedings

The Constitutional Court has requested the institution, which issued the contested act, the *Saeima* of the Republic of Latvia, to provide a reply on the facts of the case and legal reasoning by **3 August 2020**.

The term for preparing the case is **2 November 2020**. The Court shall decide upon the procedure and the date for hearing the case after the case has been prepared.

The press release was prepared with the aim to facilitate understanding of cases heard by the Constitutional Court. It shall not be regarded as part of the judgement and is not binding to the Constitutional Court. The judgements, decisions and other information regarding the Constitutional Court are available at the homepage of the Constitutional Court www.satv.tiesa.gov.lv.

Ketija Strazda

Head of Public Relations and Protocol Department
of the Constitutional Court

Ketija.Strazda@satv.tiesa.gov.lv,
+ 371 67830749, + 371 26200580