



Satversmes tiesa

Press Release

• Case No 2020-62-01

• 27 January 2021

The Constitutional Court terminates proceedings in the case with regard to a provision restricting gambling during the state of emergency

On 26 January 2021, the Constitutional Court decided to terminate proceedings in Case No 2020-62-01 “On compliance of Article 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 Constitution of the Republic of Latvia”.

CONTESTED PROVISION

Article 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.”

PROVISIONS OF SUPERIOR LEGAL FORCE

- Article 1 of the Constitution (Satversme) of the Republic of Latvia (hereinafter – the Constitution): “Latvia is an independent democratic republic”.
- The first sentence of Article 105 of the Constitution: “Everyone has the right to own property.”

FACTS OF THE CASE

On the grounds of the contested provision, on 6 April 2020 the Lotteries and Gambling Supervisory Inspection suspended the licence to operate interactive gambling issued to the Applicant – SIA “viensviens.lv”.

According to the Applicant, the contested provision completely denies it the right to engage in business activities, i.e. to operate interactive gambling, and to gain profit from them. Therefore, the contested provision, which is allegedly incompatible with numerous general legal principles derived from substantive norms of a democratic rule-of-law state and included in Article 1 of the Constitution, violates the Applicant's property rights set forth in the first sentence of Article 105 of the Constitution.

On 11 December 2020, the Constitutional Court delivered a judgment in Case No 2020-26-0106 "On compliance of Articles 8 and 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, the first sentence of Article 91 and the first and the third sentences of Article 105 of the Constitution of the Republic of Latvia and compliance of Article 9 with Article 49 of the Treaty on the Functioning of the European Union (hereinafter – Case No 2020-26-0106), which, *inter alia*, declared the contested provision, insofar as it required the Lotteries and Gambling Supervisory Inspection to suspend licences to operate gambling in the interactive environment and (or) using the intermediation of electronic communications services, to be non-compliant with Article 1 of the Constitution in conjunction with the first and the third sentences of Article 105.

THE COURT'S FINDINGS AND DECISION

The Constitutional Court found that the subject of the claim in case No 2020-62-01 is identical to that in respect of which a judgment has already been delivered in Case No 2020-26-0106. What is more, in its judgment in Case 2020-26-0106 the Constitutional Court held that the contested provision in respect of operators of interactive gambling is to be declared void from the moment of violation of the fundamental rights. Therefore, in its judgment in Case No 2020-26-0106, the Constitutional Court resolved the issue of validity of the contested provision also in respect of the Applicant in Case No 2020-62-01.

On these grounds, the court proceedings in Case No 2020-62-01 are to be terminated pursuant to Article 29(1)(5) of the Constitutional Court Law.

- The Constitutional Court decided:

to terminate the court proceedings in Case No 2020-62-01 "On compliance of Article 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 Constitution of the Republic of Latvia".

The decision cannot be appealed.

The text of the decision is available on the website of the Constitutional Court:
https://www.satv.tiesa.gov.lv/wp-content/uploads/2020/11/2020-62-01_Lemums_par_tiesvedibas_izbeigsanu-1.pdf

This release has been prepared to inform the public about the work done by the Constitutional Court. More detailed information on current issues, cases initiated and decided by the Constitutional Court is available on the website of the Constitutional Court at www.satv.tiesa.gov.lv You are also invited to follow the information on the Court's *Twitter* account [@Satv_tiesa](https://twitter.com/Satv_tiesa) and *Youtube* [channel](#).

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