

## Czech Government Hits Back At ISP Blocking Critics

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The Czech government has defended its decision to introduce website blocking of unlicensed online gambling firms after opposition parties threatened to challenge the provision in court.

Ondřej Závodský, the minister of finance of the Czech Republic, has hit back at opponents who claim that the blocking tool, which was introduced in a new gambling law adopted at the end of May, breaches constitutional law.

Several Czech politicians have now said they plan to take the matter to the country's Constitutional Court in a bid to scrap the measure.

Critics, which also include the internet service providers on whom the blocking burden falls, have focused on the fact that any decision to block an operator will be taken solely by the Ministry of Finance and not by an independent court.

Veronika Vrecionová, senator and member of the opposition party ODS, said: "This matter should never be decided by civil servants in the Ministry of Finance alone, particularly as it is subject to political influences.

"Only an independent court should be able to order such bans."

She added that she believes the provision is internet censorship and restricts freedom of expression and access to information. She said she will now turn to the country's Constitutional Court.

But she would need the signatures of 17 other senators for the court to consider the complaint.

Závodský said that opponents are "tilting at windmills" when they argue that the blocking powers are a threat to people's freedom.

He added that the decision to block a website will be taken in administrative proceedings "with all the legal guarantees of a fair trial".

In case of doubt, "it is the courts and not the Ministry of Finance" who will have the final word, he added.

Jan Kozubek, a lawyer at Prague-based Becker & Poliakoff, said that the chances of a possible challenge being successful are slim.

He said: "The European Commission and the Legislative Council of the government have approved legal conformity of the respective provisions and because there is still an option for the subject whose ISP where blocked to file a legal action against the ministerial decision to the Regional Court and claim damages.

"The ISP blocking is a penalty for violating laws and the state should have such a right to punish violators. We were assured that the blocking will and could not be misused."

The government also highlighted that several other European jurisdictions already have the measures in place.

Together with payment blocking and the ban on illegal advertising, Závodský said he was hopeful that illegal gambling would be minimised once the new law is implemented.

In May, the Czech [Senate adopted a trio of bills](#) that will reform the country's gambling regulation when they enter into force on January 1, 2017.

Online gambling will be regulated for the first time and offshore operators will be able to apply to enter the market.

The bills were published in the country's official gazette on June 15 and Kozubek said the ministry is now finalising the secondary legislation which is expected to be published in September or October.

The licence application process will then start, said Kozubek.

The Ministry of Finance is planning to stage workshops for the industry between July 27 and August 11. The workshops will address topics including the licence application process, taxation and state supervision. Both incumbent operators and firms interested in entering the market are invited to attend.

Today, the Ministry of Finance is also set to ink an agreement with the Ministry of the Interior to create a joint team to fight illegal gambling.

**Topics:** DRAFT LAWS WEBSITE BLOCKING

**Geography:** CZECH REPUBLIC

**Sectors:** ONLINE GAMBLING

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