

View of the administration, not of the judge

European Lotteries confident of outcome of infringement proceedings in the gambling sector

Brussels, 27 June 2007

Today the European Commission decided to proceed with the infringement proceedings against Sweden and France (both launched last year) and to open a new infringement case against Greece. In the Commission's view, the countries' legislation which restricts the supply of sport betting services to their citizens is not in compliance with EU law.

The President of European Lotteries (EL), Dr. Winfried Wortmann said:

"I am confident that EU Member States will prove the regulatory validity surrounding gambling in their respective jurisdictions. What we are being presented with today is the view of the administration, the European Commission, not the final decision of the judge, which is the European Court of Justice (ECJ). And it is also not the view of the EU legislator.

Only recently the ECJ once again recognised, in its Placanica judgment in March, the right of Member States to restrict the offer of gambling services and the number of operators on their territory if justified by reasons of overriding general interest such as consumer protection, the prevention of both fraud and incitement to squander on gaming, as well as the general need to preserve public order. Also in March, the EFTA Court dismissed the first-ever infringement case on gambling in the European Economic Area brought forward by the European Commission's EFTA counterpart, expressedly upholding Norway's state-operated gambling monopoly.

In addition, the European Union's legislative bodies, the

European Parliament and the Council, have always recognised that gambling in all its forms, including sports betting, is a very sensitive activity which national governments must be able to control effectively. Accordingly, they refused to open national gambling markets to cross-border competition by excluding gambling from the EU Directives on E-Commerce (2000), on Services (2006) and, most recently, on Audiovisual Media Services.”

Dr. Wortmann expressed the expectation that the European Commission would reconsider its approach of looking at gambling from a purely economic perspective and enter into a “full picture dialogue“ with Member States and the Lotteries which should include the numerous social implications of gambling recognised by the ECJ and beyond.

European Lotteries (EL) is the association of the European state lotteries and sports betting companies and represents 72 organisations from 41 European countries.

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Note to the editors:

The European Court of Justice’s judgment of 6 March 2007 (Placanica, C-338/04) and the EFTA Court’s judgment of 13 March 2007 (E-1/06; Norwegian monopoly for gaming machines) are available at www.curia.europa.eu and www.eftacourt.lu, respectively.