

Administrative Court of Freiburg grants sports betting agent relief from judicial execution: German sports betting monopoly in breach of Community law

In four judgments rendered in main proceedings, the 1st chamber of the Administrative Court of Freiburg (Verwaltungsgericht Freiburg) just recently declared the state sports betting monopoly to be in breach of Community law and revoked prohibition orders issued by the Regional Council of Karlsruhe (decisions of 16 April 2008, file-no. K 2683/07, 1 K 2063/06, 1 K 2066/06 and 1 K 2052/06). The 3rd chamber of the Administrative Court of Freiburg has now joined this legal opinion in summary proceedings. The agent, represented by attorney-at-law Alice Wotsch of ARENDTS ANWÄLTE (www.gaminglaw.de), can thus continue to transfer sports bets to his contractor, an EU-licensed bookmaker (decision of 30 June 2008, file-no. 3 K 1113/08).

In the court's opinion, the motion for protection is justified irrespective of the question whether the applicant is operator of the game of chance or not. The State of Baden-Württemberg's sports betting monopoly being in breach of Community law, the agents's interest to be spared of the consequences of judicial execution until a final decision in the main proceedings will be pronounced, prevails against the public interest in the execution. Moreover, it was not apparent, that there were currently specific dangers resulting from brokering sports bets.