

2. Refers the case back to the General Court of the European Union for it to give judgment on the pleas raised before it on which it did not rule;
3. Reserves the costs.

(¹) OJ C 130, 30.4.2011.

Judgment of the Court (Fourth Chamber) of 24 January 2013 (requests for a preliminary ruling from the Symvoulío tis Epikrateias — Greece) — Stanleybet International LTD (C-186/11), William Hill Organization Ltd (C-186/11), William Hill Plc (C-186/11), Sportingbet plc (C-209/11) v Ypourgos Oikonomias kai Oikonomikon, Ypourgos Politismou

(Joined Cases C-186/11 and C-209/11) (¹)

(Articles 43 and 49 EC — National legislation granting an exclusive right for the running, management, organisation and operation of games of chance to a single undertaking, in the form of a public limited company listed on the stock exchange — Advertising of the games and expansion in other Member States of the European Union — State controls)

(2013/C 71/04)

Language of the case: Greek

Referring court

Symvoulío tis Epikrateias

Parties to the main proceedings

Applicants: Stanleybet International Ltd (C-186/11), William Hill Organization Ltd (C-186/11), William Hill Plc (C-186/11), Sportingbet plc (C-209/11)

Defendants: Ypourgos Oikonomias kai Oikonomikon, Ypourgos Politismou

Intervener: Organismos prognostikon agonon podofairou AE (OPAP)

Re:

Request for a preliminary ruling — Symvoulío tis Epikrateias — Interpretation of Articles 49 and 56 TFEU (Articles 43 and 49 EC) — National legislation under which, for the purpose of restricting games of chance, an exclusive right to run, manage, organise and operate games of chance is granted to a single undertaking, in the form of a public limited company listed on the stock exchange — Advertising of the games by that company and expansion in other countries of the European Union

Operative part of the judgment

1. Articles 43 EC and 49 EC must be interpreted as precluding national legislation, such as that at issue in the main proceedings, which grants the exclusive right to run, manage, organise and operate games of chance to a single entity, where, firstly, that legislation does not genuinely meet the concern to reduce opportunities for gambling and to limit activities in that domain in a consistent and systematic manner and, secondly, where strict control by the public authorities of the expansion of the sector of games of chance, solely in so far as is necessary to combat criminality linked to those games, is not ensured. It is for the national court to ascertain whether this is the case.
2. In the event that the national legislation governing the organisation of games of chance is incompatible with the Treaty provisions on the freedom to provide services and the freedom of establishment, the national authorities may not refrain from considering applications, such as those at issue in the main proceedings, for permission to operate in the sector of games of chance, during a transitional period.
3. In circumstances such as those of the main proceedings, the competent national authorities may examine applications for permission to organise games of chance submitted to them according to the level of consumer protection and the preservation of order in society that they intend to uphold solely on the basis of objective, non-discriminatory criteria.

(¹) OJ C 186, 25.6.2011.
OJ C 194, 2.7.2011.

Judgment of the Court (Grand Chamber) of 22 January 2013 (reference for a preliminary ruling from the Bundeskommunikationssenat — Austria) — Sky Österreich GmbH v Österreichischer Rundfunk

(Case C-283/11) (¹)

(Directive 2010/13/EU — Provision of audiovisual media services — Article 15(6) — Validity — Events of high interest to the public that are subject to exclusive broadcasting rights — Right of access of broadcasters to such events for the purpose of making short news reports — Limitation of possible compensation for the holder of the exclusive right to additional costs incurred in providing such access — Charter of Fundamental Rights of the European Union — Articles 16 and 17 — Proportionality)

(2013/C 71/05)

Language of the case: German

Referring court

Bundeskommunikationssenat