



Request for a preliminary ruling from the Landgerichts Erfurt (Germany) lodged on 23 December 2024 – A v TSG Interactive Gaming Europe Limited

(Case C-898/24, TSG Interactive Gaming Europe)

(C/2025/2354)

Language of the case: German

Referring court

Landgericht Erfurt

Parties to the main proceedings

Applicant: A

Defendant: TSG Interactive Gaming Europe Limited

Questions referred

- (1) Is Article 56 TFEU to be interpreted as precluding legislation of a Member State that prohibits the provision of virtual slot machines, online poker and/or other online casino games by a provider established in another Member State and licensed there by the State if
 - (a) that legislation provides, in parallel, for other types of gambling, namely lotteries, sports betting and horse betting, an exception to the prohibition, and the granting of licences with certain substantive requirements;
 - (b) the procedure for granting a licence for sports betting was not conducted in accordance with EU law and, as a result, no licences with corresponding content requirements were or are granted, but the offer of sports betting is nevertheless tolerated by the authorities of the Member State;
 - (c) in parallel – in terms of the risk of addiction – slot machine games in physical establishments, comparable with the virtual slot machine games prohibited on the Internet, may be offered in arcades, restaurants and casinos throughout the territory of the Member State;
 - (d) in parallel – in terms of the risk of addiction – poker games in physical establishments, comparable with the poker games prohibited on the Internet, may be offered in casinos throughout the territory of the Member State;
 - (e) in a federal State of the Member State (namely, Schleswig-Holstein) virtual slot machines and online poker may be organised with licences, not only on a transitional basis but for many years, and may benefit from being advertised throughout the territory of the Member State;
 - (f) at the time of the introduction of the prohibition with the above-mentioned exceptions, and also subsequently, there was probably insufficient evidence in the Member State for it to be considered that the online distribution of slot machines and poker poses higher risks in terms of player protection or with regard to the risks of manipulation, money laundering or other associated crime compared to the offer of gambling in physical establishments;
 - (g) at the time of the introduction of the prohibition with the above-mentioned exceptions, and also subsequently, there was probably insufficient evidence in the Member State for it to be considered that the risks linked to the online distribution of slot machines and poker could not, even by applying the same content requirements as for those applicable to forms of gaming authorised on the Internet, have been reduced to a level comparable with those forms of game;
 - (h) one of the objectives of the Member State's legislation on gambling, which is of equal importance to the prevention of addiction, is to channel the natural gambling instinct of the population into orderly and supervised channels by a limited gambling offer that constitutes a suitable alternative to unauthorised gambling, and to counteract the development and spread of unauthorised gambling on black markets; however, the prohibition at issue does not curb the black market, but perpetuates it in the Member State concerned, because customers interested in the prohibited games of chance cannot satisfy their specific demand through the legally offered games of chance;

- (i) the Member State decides, being aware of the above circumstances, whilst the prohibition is still in force, to introduce future authorisation procedures for the operation of virtual slot machines and online poker, but maintains the prohibition provisionally and only suspends the official enforcement of the prohibition approximately nine months before the entry into force of the new legal framework, against providers of virtual slot machines and online poker who, in anticipation of the future legislation, comply with various player protection requirements?
- (2) Is Article 56 TFEU to be interpreted as precluding a Member State from upholding a civil claim for reimbursement of gambling funds lost by a player residing in that Member State to providers of virtual slot machines, online poker and/or other online casino games established in another Member State and holding a license from that latter State, if the action is based on an infringement of the prohibition to organise unauthorised gambling and/or an infringement of the prohibition to organise such gambling on the Internet, but the prohibition as regards the Internet, relied upon to refuse a possibility of a licence, cannot be justified as a restriction on the freedom to provide services?

In the alternative, if the second question referred is to be answered in the negative and civil actions are not subject to the prohibition of sanctions:

- (3) Is Article 56 TFEU to be interpreted as precluding a court or tribunal of a Member State from retrospectively assessing the offer of virtual slot machines, online poker and/or other online casino games by a provider established and holding a license in another EU Member State against requirements which should have been reviewed by the licensing authority and/or which should first have been laid down in the licence and/or are directed only at licensed providers, such as for example substantive requirements on stake limits, and thus from assuming a hypothetical licensing procedure in compliance with EU law if, in the relevant period, no licences for the operation of virtual slot machines, online poker and/or other online casino games were actually granted due to of a prohibition laid down in the national legal framework, because that prohibition was wrongly considered as compatible with the freedom to provide services?
- (4) Is Article 56 TFEU to be interpreted as meaning that it precludes a restriction imposed by legislation on gambling in a Member State against a provider of virtual slot machines, online poker and/or other online casino games established and licensed in another Member State, in the form of a mandatory statutory monthly betting limit of EUR 1 000 per month/player if
 - (a) that limit applies only to distribution on the Internet, but not to distribution of the corresponding games of chance in physical establishments;
 - (b) exceptions to the limit of up to EUR 30 000 for sports betting and up to EUR 100 000 for horse betting are permitted by the competent licensing authorities for the online distribution of sports betting and horse betting;
 - (c) in parallel to the statutory limit, the player must in any event be given the opportunity to voluntarily, when registering with a gambling provider, set individual daily, weekly or monthly deposit or loss limits, and the Member State does not appear to have provided any evidence that the protection of players can be promoted as well as, or more effectively, by a mandatory limit than by the voluntary limit?