



Reports of Cases

Case C-463/13

Stanley International Betting Ltd

and

Stanleybet Malta Ltd

v

Ministero dell'Economia e delle Finanze

and

Agenzia delle Dogane e dei Monopoli di Stato

(Request for a preliminary ruling from the Consiglio di Stato)

(Reference for a preliminary ruling — Articles 49 TFEU and 56 TFEU — Freedom of establishment — Freedom to provide services — Betting and gambling — National rules — Reorganisation of the licensing system through the alignment of licence expiry dates — New call for tenders — Licences with a period of validity shorter than that of previous licences — Restriction — Overriding reasons in the public interest — Proportionality)

Summary — Judgment of the Court (Third Chamber), 22 January 2015

1. *Questions referred for a preliminary ruling — Admissibility — Need to provide the Court with sufficient information on the factual and legislative context*

(Art. 267 TFEU)

2. *Freedom of establishment — Freedom to provide services — Restrictions — Betting and gambling — National legislation providing for the organisation of a fresh call for tenders for the award of licences with a period of validity shorter than that of licences awarded previously because of the reorganisation of the system by way of an alignment of licence expiry dates — Justification in the public interest — Proportionality — Lawfulness*

(Arts 49 TFEU and 56 TFEU)

1. See the text of the decision.

(see paras 26, 27)

2. Articles 49 TFEU and 56 TFEU and the principles of equal treatment and effectiveness must be interpreted as not precluding national legislation which provides for the organisation of a fresh call for tenders for the award of licences with a period of validity shorter than that of licences awarded previously because of the reorganisation of the system by way of an alignment of licence expiry dates.

Even if that legislation constitutes an obstacle to the freedoms guaranteed by Articles 49 TFEU and 56 TFEU, the reorganisation of the licensing system may contribute to a coherent pursuit of the legitimate objectives of reducing gambling opportunities or combating criminality linked to betting and gambling and may also satisfy the proportionality requirements.

If, in future, the national authorities wanted to reduce the number of licences granted or exercise stricter control over activities in the field of betting and gambling, such measures would be facilitated if all the licences were awarded for the same duration and expired at the same time.

(see paras 46, 53, 55, operative part)