

- Articles 49 TFEU and 56 TFEU must be interpreted as precluding a restrictive national provision, such as that at issue in the main proceedings, which requires a licensee of a betting and gambling service to transfer, free of charge, on the cessation of business as a result of the expiry of the final term of the licence, the rights to use tangible and intangible assets which he owns and which constitute his network for the management and collection of bets, in so far as that restriction goes beyond what is necessary to attain the objective actually pursued by that provision, which is for the referring court to verify.

⁽¹⁾ OJ C 448, 15.12.2014.

Order of the Court (Seventh Chamber) of 7 April 2016 — (reference for a preliminary ruling from the Tribunale di Bari (Italy)) — Criminal proceedings against Davide Cazzorla

(Case C-436/14) ⁽¹⁾

(Reference for a preliminary ruling — Article 99 of the Rules of Procedure of the Court — Identical questions referred for a preliminary ruling — Articles 49 and 56 TFEU — Freedom of establishment — Freedom to provide services — Betting and gaming — National legislation — Reorganisation of the licensing system through the alignment of licence expiry dates — New call for tenders — Licences for a shorter term than that of the former licences — Transfer, free of charge, of the rights to use tangible and intangible assets owned constituting the network for the management and collection of bets — Restriction — Overriding reasons in the public interest — Proportionality)

(2016/C 270/07)

Language of the case: Italian

Referring court

Tribunale di Bari

Criminal proceedings against

Davide Cazzorla

Operative part of the order

- Articles 49 TFEU and 56 TFEU and the principles of equal treatment and effectiveness must be interpreted as not precluding national legislation on betting and gaming, such as that at issue in the main proceedings, which provides for the organisation of a new call for tenders for the award of licences with a shorter period of validity than that of the licences awarded in the past on account of the reorganisation of the system through the alignment of licence expiry dates.
- Articles 49 TFEU and 56 TFEU must be interpreted as precluding a restrictive national provision, such as that at issue in the main proceedings, which requires a licensee of a betting and gambling service to transfer, free of charge, on the cessation of business as a result of the expiry of the final term of the licence, the rights to use tangible and intangible assets which he owns and which constitute his network for the management and collection of bets, in so far as that restriction goes beyond what is necessary to attain the objective actually pursued by that provision, which is for the referring court to verify.

⁽¹⁾ OJ C 448, 15.12.2014.