

Judgment of the Court (Second Chamber) of 14 June 2017 (request for a preliminary ruling from the Landesverwaltungsgericht Oberösterreich — Austria) — Online Games Handels GmbH and Others v Landespolizeidirektion Oberösterreich

(Case C-685/15) ⁽¹⁾

(Reference for a preliminary ruling — Article 49 TFEU — Freedom of establishment — Article 56 TFEU — Freedom to provide services — Games of chance — Restrictive legislation of a Member State — Penal administrative sanctions — Overriding reasons in the public interest — Proportionality — Charter of Fundamental Rights of the European Union — Article 47 — Right to effective judicial protection — National legislation laying down the requirement for the court to examine of its own motion the facts of the case before it in the context of the prosecution of administrative offences — Compliance)

(2017/C 277/12)

Language of the case: German

Referring court

Landesverwaltungsgericht Oberösterreich

Parties to the main proceedings

Applicants: Online Games Handels GmbH, Frank Breuer, Nicole Enter, Astrid Walden

Defendant: Landespolizeidirektion Oberösterreich

Operative part of the judgment

Articles 49 and 56 TFEU, as interpreted in particular in the judgment of 30 April 2014, *Pfleger and Others* (C-390/12, EU: C:2014:281), read in light of Article 47 of the Charter of Fundamental Rights of the European Union, must be interpreted as not precluding a national procedural system according to which, in administrative offence proceedings, the court called upon to rule on the compliance with EU law of legislation restricting the exercise of a fundamental freedom of the European Union, such as the freedom of establishment or the freedom to provide services within the European Union, is required to examine of its own motion the facts of the case before it in the context of examining whether administrative offences arise, provided that such a system does not have the consequence that that court is required to substitute itself for the competent authorities of the Member State concerned, whose task it is to provide the evidence necessary to enable that court to determine whether that restriction is justified.

⁽¹⁾ OJ C 118, 4.4.2016.

Judgment of the Court (First Chamber) of 21 June 2017 (request for a preliminary ruling from the Amtsgericht Kehl — Germany) — criminal proceedings against A

(Case C-9/16) ⁽¹⁾

(Reference for a preliminary ruling — Area of freedom, security and justice — Regulation (EC) No 562/2006 — Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) — Articles 20 and 21 — Crossing internal borders — Checks within the territory — National legislation authorising checks to establish the identity of persons apprehended within 30 kilometres of the common border with other States parties to the Convention implementing the Schengen Agreement — Possibility of checks irrespective of the behaviour of the person concerned or of the existence of specific circumstances — National legislation permitting certain controls on persons on the premises of railway stations)

(2017/C 277/13)

Language of the case: German

Referring court

Amtsgericht Kehl