



C/2024/2721

29.4.2024

**Request for a preliminary ruling from the Tribunal Superior de Justicia de la Comunidad Valenciana (Spain) lodged on 23 November 2023 – Asociación Española de Fabricantes de Máquinas Recreativas y de Juego (Aseseam) and Others v Conselleria de Hacienda y Modelo Económico de la Generalitat Valenciana**

(Case C-720/23)

(C/2024/2721)

*Language of the case: Spanish*

**Referring court**

Tribunal Superior de Justicia de la Comunidad Valenciana

**Parties to the main proceedings**

*Applicants:* Asociación Española de Fabricantes de Máquinas Recreativas y de Juego (Aseseam), Asociación de Empresarios de Máquinas Recreativas de la Comunidad Valenciana (Andemar CV), Asociación Provincial de Empresas Comercializadoras de Empresas de Máquinas Recreativas y de Azar de Alicante (Apromar-Alicante), Federación Empresarial de Hostelería de Valencia

*Defendant:* Conselleria de Hacienda y Modelo Económico de la Generalitat Valenciana

*Other party:* Organización Nacional de Ciegos Españoles (ONCE)

**Questions referred**

1. Must Articles 26, 49 and 56 TFEU be interpreted as precluding national legislation such as that set out in Article 9 of Decreto 97/2021 (Decree 97/2021) in so far as such legislation makes it impossible to renew licences for the operation of Type B machines that existed prior to the entry into force of Ley 1/2021 (Law 1/2021), following its entry into force, and the tenth transitional provision of Ley 1/2020, de 11 de julio de la Generalitat Valenciana, de regulación del juego y de prevención de la ludopatía en la Comunidad Valenciana (Law 1/2020 of 11 July 2020 of the Regional Government of Valencia on the regulation of gaming and the prevention of gambling addiction in the Autonomous Community of Valencia), establishing a moratorium of five years from the entry into force of that law on the award of new licences or permits for gaming establishments and on the award of licences for the operation of Type B machines, because such restrictions are incompatible with the principles referred to above of freedom to conduct a business and freedom of establishment, as well as freedom to carry on activities and access to the markets?
2. Irrespective of the answer to the above question, must Articles 26, 49 and 56 TFEU be interpreted as precluding national legislation such as that set out in Article 9 of Decree 97/2021 and the tenth transitional provision of Law 1/2020 on the regulation of gaming and the prevention of gambling addiction in the Autonomous Community of Valencia, in so far as they have a detrimental impact only on the private sector (hospitality and similar undertakings where they are installed and, indirectly, on the manufacturers of such Type B machines) on whom restrictions on their operation are imposed, but which do not apply to public gaming and betting establishments, which are exempt from such restrictions because of the type of bets and games they promote?

Do the principles of market unity and of equal and uniform treatment and non-discrimination between and for the actors of the gaming sector preclude such provisions of national legislation?

Does the situation described constitute an advantage that is damaging to or distorts competition in the sector?