

Order of the Court (Seventh Chamber) of 7 April 2016 — (request for a preliminary ruling from the Tribunale di Frosinone — Italy) — Criminal proceedings against Paola Tonachella

(Case C-8/16) ⁽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 270/16)

Language of the case: Italian

Referring court

Tribunale di Frosinone

Criminal proceedings against

Paola Tonachella

Operative part of the order

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 90, 7.3.2016.

Appeal brought on 4 June 2015 by The Royal County of Berkshire Polo Club Ltd against the judgment of the General Court (Ninth Chamber) delivered on 26 March 2015 in Case T-581/13: Royal County of Berkshire Polo Club v OHIM

(Case C-278/15 P)

(2016/C 270/17)

Language of the case: English

Parties

Appellant: Royal County of Berkshire Polo Club Ltd (represented by: J. Maitland-Walker, Solicitor)

Other party to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)

By order of 14 January 2016 the Court of Justice (Sixth Chamber) held that the appeal was inadmissible.
