

2. Orders Basic Net SpA to bear its own costs and to pay those incurred by the European Union Intellectual Property Office (EUIPO).

⁽¹⁾ OJ C 13, 15.1.2018.

Order of the Court (Eighth Chamber) of 6 September 2018 (request for a preliminary ruling from the Landesverwaltungsgericht Oberösterreich — Austria) — Proceedings brought by Gmalieva s.r.o. and Others

(Case C-79/17) ⁽¹⁾

Reference for a preliminary ruling — Article 99 of the Rules of Procedure of the Court of Justice — Freedom to provide services — Gambling services — Gambling monopoly in a Member State — National legislation prohibiting the operation of slot machines without prior authorisation from the administrative authorities

(2018/C 399/15)

Language of the case: German

Referring court

Landesverwaltungsgericht Oberösterreich

Parties to the main proceedings

Applicants: Gmalieva s.r.o., Celik KG, PBW GmbH, Antoaneta Claudia Gruber, Play For Me GmbH, Haydar Demir

Intervener: Landespolizeidirektion Oberösterreich

Operative part of the order

It is for the referring court to determine, in the light of the guidance given by the Court of Justice *inter alia* in the judgment of 30 April 2014, *Pfleger and Others* (C-390/12, EU:C:2014:281), whether a national statutory monopoly scheme in respect of games of chance, such as that at issue in the main proceedings, is to be regarded as coherent, in the light of Article 56 TFEU *et seq.*, where national judicial proceedings have established that:

- gambling addiction does not represent a societal problem justifying State intervention;
- the playing of prohibited games gives rise to police involvement in an administrative context and not to criminal offences;
- annual State income from games of chance exceeds EUR 500 million, being 0,4 % of the annual budget; and
- the advertising measures undertaken by licensees also seek principally to entice persons who have not previously played games of chance to do so.

⁽¹⁾ OJ C 178, 6.6.2017.