



Brussels, 3<sup>rd</sup> June 2010

**The European Court of Justice confirms today its position on gambling: Member States are entitled to regulate the national gambling market as they wish**

Pari Mutuel operators support the Court decisions of today, 3rd June, to guarantee the rights of a Member State to regulate and organise its national gambling market.

In both cases C-203/08 and C-258/08, two referrals from jurisdictions in the Netherland, the Court states that a restrictive national legislation with an exclusive operator in the gambling sector can be justified by the objectives of consumer protection and the prevention of fraud.

Ladbrokes Betting & Gaming Ltd and Ladbrokes International Ltd as well as Betfair as holders of a licence issued in UK were arguing the possibility to operate gambling offer on Internet in the Netherlands. The Court reminds that an operator lawfully offering services in that sector on the Internet in another Member State is not a sufficient assurance that national consumers will be protected.

**The benefits of the horseracing sector will continue to be promoted**

EPMA sees in the Court Conclusions that it takes into account the many national specificities impacted by the gambling sector, particularly the promotion of horseracing and sport federations. EPMA members are active on national legal reforms. It is the case at the moment in Belgium where the new legal framework on gambling dated 10<sup>th</sup> January 2010 is contested in front of the Constitutional Court, notably on articles allowing racing authorities to offer Pari Mutuel bets on Belgium and International races. The Court decision today may comfort national laws interpretation.

It is particularly interesting to note that in the Sporting Exchange/Betfair case the Court indicates that the principle of equal treatment and the consequent obligation of transparency are applicable to procedures for the grant of a licence to a single operator or for the renewal thereof in the field of games of chance, in so far as the operator in question is not a public

operator whose management is subject to direct State supervision or a private operator whose activities are subject to strict control by the public authorities.

Such an important discretion given to the Member States in this sector should slow down the too important number of referrals related to gaming and gambling issues.

For more information on EPMA: [www.parimutuel-europe.org](http://www.parimutuel-europe.org)

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Members of EPMA are present in 10 countries, traditionally active in developing horseracing and horse breeding (Austria, Finland, France, Germany, Ireland, Italy, Norway, Sweden, Switzerland and United Kingdom). They wish to share their common concerns about developing efficient regulations taking into account the promotion of the equine sector and consumer's fairness and protection.

**AB Trav. Galopp** (ATG), Sweden - **Fintoto Oy**, Finland, **German Tote GmbH**, Germany - **Société de la Loterie de la Suisse Romande** Switzerland - **Foundation Norsk Rikstoto**, Norway - **Pari Mutuel Urbain** (P.M.U.), France - **Horserace Totalisator Board**, Great Britain - **Tote Ireland Limited**, Ireland - **Unione Nazionale Incremento Razze Equine** (U.N.I.R.E.), Italy, **Wiener Trabrennverein**, Austria, **Winrace**, Germany



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