



PRESS RELEASE
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FOR IMMEDIATE RELEASE

ECA WELCOMES ECJ RULING CONFIRMING THE RIGHT OF THE MEMBER STATES TO RESTRICT ACCESS TO ONLINE GAMBLING MARKETS

The European Casino Association (ECA) strongly welcomes the ruling of the European Court of Justice (ECJ), in the case of the Liga Portuguesa de Futebol Profissional and Bwin against Portugal (C-42/07), which **upholds the right of EU Member States to maintain restrictions on the provision of online gambling service within their territory in order to safeguard responsible gambling and combat fraud and crime**. Today's ruling by Europe's highest court is crucial for the future regulation of gambling services in Europe, particularly in the on-line space where the challenge of protecting consumers is the greatest.

In its ruling, the Court confirms the compatibility of national regulatory regimes limiting the offer of gambling and betting services with EU rules on the freedom to provide services and the freedom of establishment. In doing so, the Court has once again **recognised the very specific nature of gambling services** and the need to protect European consumers by channelling the demand towards **responsible, highly regulated operators**.

DISCRETIONARY POWER OF THE MEMBER STATES UPHELD

In its judgement, published on 8th September 2009, the Court **upholds the right of the Portuguese authorities to restrict access to the on-line betting and gambling market** in Portugal to one national operator, where such restrictions can be justified by an overriding reasons relating to the public interest, such as consumer protection and the fight against fraud, and are proportionate and non-discriminatory.

In its clearest ruling yet in this area, the Court finds the fact that a private operator such as Bwin lawfully offers services via the internet in another Member State in which it is established, **cannot be regarded as amounting to a sufficient assurance that national consumers will be protected** against the risks of fraud and crime in the country of destination.

The ECA welcomes this **recognition of the importance of the principle of subsidiarity** for the regulation of gambling services, which is in line with previous rulings in this area. Although it will be left to the Portuguese court to determine whether the Portuguese legislation in question was properly notified, as required by EU law, the ruling clearly **confirms the discretionary powers of the Member States** in regulating this highly sensitive sector.



Welcoming the ruling **Ron Goudsmit, Chairman of the European Casino Association**, said: *In ruling on this case the Court has once again acknowledged that the **Member States are the best placed to ensure consumer protection and fraud prevention through the regulation and control of their individual gambling markets.***

Mr. Goudsmit continued: *'The ECA and its members are committed to offering fair and controlled gambling services and providing a **safe and responsible environment for consumers.** ECA members take their social responsibilities very seriously and as such the association welcomes the Court's decision to allow national regulators maintain control of their markets and to **enforce responsible behaviour by operators**'*

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About the ECA

The European Casino Association (ECA) represents the interests of some 1,000 casinos and more than 80,000 employees across Europe. Founded in the early 90's as the European Casino Forum, the ECA has progressively grown over the years and today includes 23 members from the majority of the EU's Member States, Switzerland and Serbia.

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