

WRITTEN QUESTION E-4440/06
by Henrik Lax (ALDE)
to the Commission

Subject: Private sports betting in the internal market

On 15 September, two co-CEOs of the Austrian gambling operator bwin were arrested in France and put into custody for four days on charges of violation of the French legislation introduced to protect the operations of the State gambling monopoly, Française des Jeux (FdJ). The French authorities conducted these arrests in an orchestrated attempt to attract the highest media attention possible, and the authorities proclaimed that further arrests could follow.

As a result, several other gambling operators fully and legally licensed to operate and provide their services in EU Member States have advised their executives to restrict their travelling – primarily in France.

The French legislation in question is of course raising serious issues of compatibility with the fundamental freedoms of establishment (Article 43) and of the provision of services (Article 49) in the Internal Market as enshrined in the EU Treaty. These issues should be investigated by the European Commission in response to various complaints, as it has already demonstrated on 4 April 2006 in similar issues concerning other Member States.

It is also affecting in practice another fundamental principle, which is the freedom for citizens of the EU to circulate freely and safely from unfair prosecution in all Member States.

1. Does the Commission find it acceptable that professionals complying in full with all requirements of their country of origin in the EU risk arrest and prosecution in other EU Member States?
2. What assurances can the Commission give that businesses will not be forced to issue travel recommendations in the EU to their executives due to the protectionist policies of Member States?
3. Does the Commission intend to take action? If yes, when?