



**Mr. José Manuel Barroso**  
**President**  
European Commission  
200 rue de la Loi  
B-1049 Bruxelles  
Belgium

6 November 2008

**5 years on from ‘Gambelli’ – Removing the remaining restrictions within the sports betting market**

Dear Sir

On 6 November 2003, the European Court of Justice delivered its landmark ‘Gambelli’<sup>1</sup> judgment. This clearly recognised, for the first time, the right of a sports betting operator legally established in one Member State to provide these services in another. However, five years to the day since this judgment was delivered, many Member States still impose unlawful restrictions in this market. I am urging you now to do everything in your power to end these restrictions and thereby to bring about well regulated and competitive sports betting markets across the European Union.

FairPlayforSportsBetting.eu has been launched by Stanleybet International to campaign for fair, open and equal access to all European markets for all EU-based sports betting operators. Established in 1997 Stanleybet International is a leading retail sports betting operator. We operate in eight EU Member States, with a total over 1,500 outlets.

Gambling services remain subject to the fundamental freedoms of the internal market. Member States are entitled to set appropriate safeguards, to ensure that consumers enjoy a safe and secure environment. However, in the Gambelli judgment, the Court of Justice ruled that any restrictions to the fundamental freedoms must be suitable, proportionate and non-discriminatory in nature and practice. This ruling has been confirmed in a number of cases, particularly the 2007 Placanica judgment<sup>2</sup>.

The Commission has quite rightly initiated investigations into discriminatory restrictions in ten Member States. In 2007, Sweden, France, Denmark, Hungary and Finland all received “final warning” in the form of Reasoned Opinions, requiring them to amend their national legislation and practices into conformity with EU law.

We are extremely concerned that, despite these final warnings, a number of these countries remain in open defiance of the Commission and that the Commission has not progressed these

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<sup>1</sup> Case C243/01 Criminal proceedings against Piergiorgio Gambelli and Others, 6 November 2003

<sup>2</sup> C-338/04, C-359/04 and C-360/04 Criminal proceedings against Massimiliano Placanica and Others, 6 March 2007

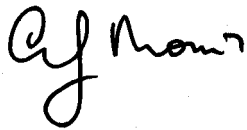
Reasoned Opinions into the Court of Justice. Whilst some Member States may have produced statements of intent, these have not been backed up by action, and promises of reform appear little more than prevaricating tactics.

The result of this is that the internal market remains a dream in our sector. This damages consumers, who are deprived of the benefits that a properly regulated, but open, sports betting market can bring in terms of customer value, product quality and innovation. Moreover, it also deprives the European economy of additional taxation revenues and jobs in a dynamic and expanding industry.

European Ombudsman Diamandouros, in his special report to the European Parliament<sup>3</sup> recommended in 2006 that “the Commission should deal with the complainant’s infringement complaint diligently and without undue delay”. We consider that the objective delay that is occurring in bringing to concrete results these infringement procedures is too long and, ultimately, undermines the very credibility of the Commission in its role as the guardian of the Treaty and the Internal Market.

I would therefore urge you to do everything you can to ensure that the Commission expedites these infringement cases to vigorously enforce the rules of the Internal Market. For information, I am copying this letter to Commissioners and members of the press.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Adrian Morris', written in a cursive style.

**ADRIAN MORRIS**  
**Director, FairPlayforSportsBetting**

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<sup>3</sup> Special report of the European Ombudsman to the European Parliament following the recommendation to the European Commission in complaint 289/2005 (WP) GG