

## Provision of certain gambling services: Sweden

The Commission has decided to send an official request for information on national legislation restricting the supply and promotion of certain gambling services to Sweden. In April 2006 the Commission sent a similar request for information to Sweden concerning sports betting. In this new case the Commission wishes to verify whether

all national measures relating to poker games and tournaments are consistent and therefore compatible with Article 49 of the EC Treaty, which guarantees the free movement of services.



The Commission's decision relates only to the compatibility of the national measures in question with existing EU law. It does not touch upon the existence of monopolies as such, or on national lotteries. Nor does it have any implications for the liberalisation of the market for gambling services generally, or for the entitlement of Member States to seek to protect the general interest, so long as this is done in a manner consistent with EU law i.e. that any measures are necessary, proportionate and non-discriminatory.

The letter of formal notice is the first step in an infringement procedure under Article 226 of the EC Treaty. Sweden has two months in which to respond. The Commission hopes that the answer it receives will lead to an early and satisfactory resolution of the matter.

## Restrictions on gambling services: Germany

The Commission has decided to send to Germany an official request for information on national legislation restricting the supply of gambling services.

The Commission wishes to verify whether the measures in question are compatible with Articles 43, 49 and 56 of the EC Treaty. This decision relates only to the compatibility of the national measures in question with existing EU law. It does not have any implications for the liberalisation of the market for gambling services generally, or for the entitlement of Member States to seek to protect the general interest, so long as this is done in a manner consistent with EU law i.e. that any measures are necessary, proportionate and non-discriminatory.

The letter of formal notice is the first step in an infringement procedure under Article 226 of the EC Treaty. Germany has two months in which to respond. The Commission hopes that the answers it receives will lead to an early and satisfactory resolution of the matter.



## Special rights held by the State/public entities in Portugal Telecom

The Commission has decided to refer Portugal to the European Court of Justice as it considers that the special rights held by the State in Portugal Telecom discourage

investment from other Member States in violation of EC Treaty rules.

## Restrictions on the establishment of retail facilities in Poland

The Commission has decided to send an official request for information on the Polish legislation restricting the establishment of retail facilities in Poland. The Commission wishes to verify whether the measures in question are

compatible with Article 43 of the EC Treaty which guarantees the freedom of establishment. The letter of formal notice is the first step in an infringement procedure under Article 226 of the EC Treaty.

## Free movement of services: Sweden

The Commission has decided to send a reasoned opinion to Sweden as it believes that restricting the choice of legal adviser for persons receiving legal aid to lawyers whose

services will not lead to claims for additional costs is contrary to Article 49 of the EC Treaty.

## Public procurement: Italy

The Commission has decided to refer Italy to the European Court of Justice over the procurement of waste

management services by the city of Contigliano.

## Public procurement: Germany

The Commission has decided to refer Germany to the European Court of Justice over a contract for the supply of a software application. The Commission has also decided to send a reasoned opinion to Germany concerning

the award of a public service contract for the disposal of biodegradable and green wastes by the municipality of Bonn.

## Non-implementation of 'MiFID'

The Commission has decided to refer three Member States to the European Court of Justice over non-implementation of the Markets in Financial Instruments Directive (2004/39/EC), known as 'MiFID', and its implementing Directive (2006/73/EC). The Member States concerned

are the Czech Republic and Poland for Directive 2004/39/EC and the Czech Republic, Poland and Spain for Directive 2006/73/EC. The deadline for transposition of those measures expired on 31 January 2007.

## Non-implementation of Single Market laws

The European Commission has acted to ensure that the Capital Requirement Directives are implemented in Hungary and Spain and that the Fifth Motor Insurance Di-

rective is implemented in Belgium, the Czech Republic, Greece, Ireland and Malta.

More information on infringement proceedings relating to the Single Market is available at:  
[http://ec.europa.eu/internal\\_market/infringements/index\\_en.htm](http://ec.europa.eu/internal_market/infringements/index_en.htm)

The latest information on infringement proceedings concerning all Member States is available at:  
[http://ec.europa.eu/community\\_law/eulaw/index\\_en.htm](http://ec.europa.eu/community_law/eulaw/index_en.htm)