

The European Court of Justice (ECJ – Fifth Chamber) hosted a hearing concerning the losses of German Lottoland players and requesting to clarify the rule of law in German-Maltese dispute.

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The Court has been adjourned to permit the judges to further evaluate the written and oral observations by the applicant and the defendant, as well as by the Federal state of Germany, the Kingdom of Belgium, the Republic of Malta and the European Commission in case C-440, which task will most likely prove challenging as the circumstances around it include the question whether a Maltese judge is entitled to review Germany's gambling policy both prior to the adoption of its fourth gambling law iteration (GlüStV 2021) and afterwards.

MGA-licensed Lottoland was sued by the player back in 2021 for offering, according to the Defendant, supported by Germany, Belgium and the European Commission, illegal gambling services on the German market, by German lawyer **Volker Ramge**, who purchased the claim so that he could file it within the Maltese judiciary system.

The filing was expanded in its scope to represent more German consumers who were at one point customers not only of Lottoland, but also of other Maltese operators lacking a national licence in Germany.

The Maltese judge in the case then turned preliminary questions to European Court of justice for more clarity.

The ECJ's final verdict on the EU law questions will amongst others be based on the Advocate General's legal opinion, which will be announced on 10 July. However, the Court is not bound by the opinion of the AG.

International scrutiny keeps pressure on Malta

Malta's government has previously been accused of undermining other countries'

legal systems. The Maltese Parliament approved Bill 55 – legislation that aims to protect online gambling operators registered on the island against foreign legal judgements.

The texts, which allow Maltese courts to “refuse the recognition and enforcement of foreign, EU based judgements related to the online gambling sector”, were then officially added to Malta's Gambling Act.

Germany is well aware of this development, with the German regulator **Gluecksspiel (GGL)** openly criticising the bill as “incompatible with EU laws”.

The **Malta Gaming Authority (MGA)**, however, has remained firm in its defense of the legislation, stating that it protects MGA-licensed businesses from being targeted by actions that ‘do not correlate to its national public order and its economic value based upon its own, diverting interpretation of EU law.’ This bill is also subject to another case referred to the European Court of Justice (case SIGMA, C 530/24).

Bill 55 has led Malta into another recent legal entanglement, this time with Austria, in a case involving two Austrian players that strongly resembles the German one. ■

Pleading in front of the **Court of Justice of the European Union**, during the Court's hearing of 09 April 2025 by the 5th Chamber, on the reference for a preliminary ruling from Prim'Awla tal-Qorti Ċivili (Malta) v European Lotto and Betting Ltd regarding the interpretation of article 56 TFUE in regards to national gambling regulations. In that case C-440/23, **Philippe P. Vlaemminck**, Managing Partner of our law firm and **Cécile Jacob**, Agent of the Belgian Foreign Affairs department EU legal service, have delivered on 9 April a supporting **#pleading** for Germany on behalf of the Kingdom of Belgium by emphasizing the need to strongly protect consumers against illegal cross-border gambling. Philippe also recalled the social dimension of the public lotteries as recognized by the Council and the European Court.. Philippe was assisted by **Beata Guzik** and **Valentin Ramognino**. At the end of the hearing, we learned that **the opinion of the Advocate General in this case shall be published on 10th July 2025.**

Link to the case:
<https://lnkd.in/eFrpVe7b> #Luxemburg
#ECJ #VLAEMMINCKLAW



Beata Guzik, Philippe Vlaemminck, Valentin Ramognino