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Answer given by Executive Vice-President Séjourné
on behalf of the European Commission
(12.6.2025)

In 2017, the Commission de-prioritised activities regarding the application of Article 49 and 56 of the Treaty on the Functioning of the European Union (TFEU)¹ on gambling and this continues to apply². There are no sector-specific EU legislation or EU policy on gambling. Member States are free to regulate gambling activities as long as they are in line with the rules established by the TFEU and interpreted by the Court of Justice of the European Union (CJEU). According to the case-law of the CJEU, Member States may restrict games of chance and gambling services where necessary to achieve public interest objectives³. Gambling regulation and enforcement thus vary significantly between Member States. In addition and although this legislation is not specific to gambling, providers of online platforms allowing for gambling content on their interfaces are bound by the rules of the Digital Services Act⁴ aimed at preventing illegal content and providing safer online environment.

The Commission does not see the connection between alleged lack of regulation and enforcement in the gambling market and Third-Party Litigation Funding (TPLF). In response to the Resolution⁵ of the European Parliament, the Commission carried out a mapping study on the application of TPLF in the Member States⁶ and will decide on the appropriate next steps. TPLF is also on the agenda of the High-Level Forum on Justice for Growth⁷. The study finds that TPLF is used in various areas of law⁸. Directive (EU) 2020/1828⁹ already provides for rules to be followed by Member States that allow TPLF in representative actions on consumer matters covered by the Directive. TPLF is sometimes the only way for harmed consumers to have sufficient resources to take action in court.

¹ Article 49 of the TFEU concerns Freedom of establishment and Article 56 Freedom to Services.

² https://ec.europa.eu/commission/presscorner/api/files/document/print/en/ip_17_5109/IP_17_5109_EN.pdf.

³ Such as on protection of consumers and minors, fight against gambling addiction, combat money laundering, irregularities and fraud. See e.g. following case law: Judgment of 19/07 2012 || SIA Garkalns, C-470/11 || ECR [2012] I-0000.

⁴ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act).

⁵ European Parliament resolution of 13 September 2022 with recommendations to the Commission on Responsible private funding of litigation.

⁶ Study available at: https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/civil-justice/civil-and-commercial-law/third-party-litigation-funding-tplf_en.

⁷ This is an ongoing process, the TPLF was already discussed in the Forum on 27.3.2025.

⁸ With commercial law, civil law, competition/antitrust and consumer protection law as most frequently used areas.

⁹ Directive (EU) 2020/1828 of the European Parliament and of the Council of 25 November 2020 on representative actions for the protection of the collective interests of consumers and repealing Directive 2009/22/EC.