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from:	Presidency
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Subject :	Legal framework for gambling and betting in the Member States of the European Union

Presidency Progress Report

In view of the meeting of the Council (Competitiveness) on 25-26 May 2010, agenda item 19 "Any other business", delegations will find in Annex the Progress Report by the Spanish Presidency.

SPANISH PRESIDENCY PROGRESS REPORT

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SPANISH PRESIDENCY PROGRESS REPORT

I. INTRODUCTION

1. As a continuation of the debate that took place in previous Presidencies, the Spanish Presidency continued discussions, within this Working Party on Establishment and Services, on matters of common interest to the Member States in relation to the gambling sector, concentrating the debates on possible coordinated actions against illegal gambling in the Member States.
2. Continuing the methodological line established at previous meetings, this Presidency sent the Delegations of the Member States a questionnaire on the different legal policies and measures that the different Member States implement against illegal gambling and what may be considered illegal gambling.
3. This Presidency continued the work commenced during previous Presidencies, the result of which is considered very useful for some Member States. The Presidency included the suggestions made in the relevant Progress Reports and to added new ones, with the information obtained from the different replies that the Member States provided to the Spanish questionnaire and in the meeting discussions. The Presidency believes that this will serve as an input to implement actions against illegal gambling. Likewise, the intentions of the Spanish Presidency have been co-ordinated with the in coming Belgian Presidency, in order to be coherent with the work that may be carried out and to be able to highlight some issues open to discussion on the legal framework for gambling and betting.
4. By this Presidency report, the Council will be informed of the result of the discussions in this Working Group on Establishment and Services. The result of this debate may give rise for the Member States to co-ordinate actions to deal with the challenges of the online gambling sector, always taking into account the different legislations of Member States and fully respecting EU Treaty principles and the principle of subsidiarity and proportionality.

5. The Spanish Presidency understands that the last rulings of the European Court of Justice on this matter require Member States to start a constructive debate and an exchange of views on the concept of illegal gambling. Although, in principle, the Court raised doubts concerning application of certain restrictive measures to gambling in Member States (Gambelli Case, C-243/01), it has subsequently recognised that there may be a relation between the increase in games offered and the public order defence, while pointing out that, with regard to any measure taken against illegal gambling, the principle of proportionality must be respected (Placanica Case, C-338/04). With the *Santa Casa da Misericórdia* ruling (C-42/07), the Court affirms that restrictions on the freedom to provide services may apply to online gambling and betting in Member States, reiterating the requirement for those measures to be proportional. This confronts us with the need to reflect on whether there may be a co-ordinated concept of illegal gambling between Member States and whether there may be co-ordinated measures in the struggle against illegal gambling, especially that with a cross-border scope, which, while respecting the principle of proportionality, may be an efficient enforcement of existing Member State regulations to face illegal gambling.
6. Given the evolving situation, through the positions of the European Court of Justice, the European Parliament and the Commission, the fact that several Member States are considering amending their national laws on gambling, the Spanish Presidency considers it useful to have the most wide-ranging possible knowledge of the national legislations of the Member States, to debate on the proportional measures that may be adopted by Member States and, if possible, on a co-ordinated concept of illegal gambling, so effective co-operation between the different States may be established to provide a response to the situations created by illegal operators.

II. DEFINITION OF ILLEGAL GAMBLING

7. The replies to the questionnaires show that the Member States do not have a common definition of illegal gambling. Nevertheless, in the European Union, most of the Member States have a serious concern about illegal gambling and its negative effects on European citizens. The Member States agree that it is necessary and it should be effective to implement coordinated actions against illegal gambling.

In this sense, numerous Member States have carried out amendments in their laws on gambling and, more recently, countries such as Denmark, France and Belgium have begun a process of reform. Spain is also working on new legislation on this matter and other Member States are also considering it. These new legislative processes need to identify what is illegal gambling, especially in a cross border scope.

8. Just as shown by the replies given to the questionnaires, all the Member States have a Public Authority in their laws that licenses, regulates and controls gambling. In some of the countries this is configured, or there are plans to configure this, as an independent regulatory body (Italy, United Kingdom, Malta, the Netherlands, Belgium and France). In other Member States (Austria, Cyprus, Estonia, Hungary, Greece, Poland and Spain) the authority in gambling rests with the Ministry of Finance, although in the majority of these Member States there are also other related authorities involved in that regulation and control.

Most Member States use licensing systems to control gambling. On-line gambling is authorised or in the process of being authorised in most of the Member States, except in Greece, Portugal, Germany, Romania, Cyprus, Poland, The Netherlands and Lithuania, whereas the scope of that authorization varies from one Member State to another. Poland in its draft law is going to consider online gambling as illegal with exception of online betting, which will be allowed. In Portugal online gambling on lotteries and sports betting is authorized as an extension of the offline permit.

9. The European Court of Justice confirms in its Ruling C-42/07 (*Santa Casa da Misericórdia* Case) that each Member State is free to establish the objectives of its policy on gambling and betting, and to define the desired level of protection. Thus, any Member State may prohibit operators from offering gambling through the Internet within the territory of that Member State, even when they are established in another Member States in which they lawfully provide similar services. However, restrictions (on the freedom to provide services) must be appropriate to attain the objective intended by the Member State concerned. These measures must be proportional and applied without discrimination.
10. There is a common criterion among countries that authorise online gambling, which is that on-line gambling and betting should always be performed by operators with a license granted by the competent national body.

At present, due to the absence of a common definition in this regard, gambling that is operated without a licence, or without complying with the laws of the relevant country, may be considered unlawful. Therefore operators should adhere to the national laws of the countries where services are offered, and those national laws must be compliant with Treaty principles.

11. A relevant issue is what happens in the case when citizens or residents access to gambling operators who are legally granted with a licence in another Member State.

Different considerations could be taken into account: Whether the license obtained according to the legislation of the country of origin does not limit the offer of services to citizens in other Member States, or the country of residence considers illegal that its citizens or residents access to foreign operators, regardless whether they have a license granted by other Member States or not.

III. MEASURES AGAINST ILLEGAL OPERATORS

12. For more than ten years now, the Internet has considerably altered the gambling and betting sectors in Europe, erasing physical and legal boundaries and leading to a rapid rise in the range of transnational products on offer. This growth, which lies outside the current regulatory framework in some Member States, has the potential to create fundamental issues for public order, which may neither be ignored by the national governments, nor by the European Union. Faced with this situation, the majority of Member States agree to respond appropriately to regulate on-line gambling and to act against operators who do not respect the legal framework.
13. The information provided by the Member States in the questionnaire sent indicates that the Member States, to differing extents, are adopting measures to stop illegal gambling and betting. The measures foreseen by the Member States include: i. the possibility of imposing penalties through the gambling regulator or any other competent Authority; ii. the possibility of court resolutions of imprisonment; iii. blocking financial transactions for online gambling activities; iv. blocking system for web pages; v. prohibitions imposed on citizens on access to illegal gambling operators, or vi. sanctions against illegal advertising.
14. None of the Member States uses financial transaction blocking for on-line gambling activities (although some of them have foreseen this in their legislations) as technical problems can arise in the practical implementation of these measures. Many Member States have proposed applying these measures, but due to the practical difficulties involved, Member States remain reluctant to apply them. France is planning to include the blocking of financial transactions into its national regulation.
It has to be considered that the system of blocking financial transactions has been temporarily effective against illegal gambling in some cases, so it could be used as a resource against illegal operators.

15. Likewise, most of the Member States do not have a blocking system for unauthorised gambling and betting Web pages. As an exception, Italy has a Web page blocking system. This blocking system of Web pages could be an effective measure against illegal gambling that restricts the validity of licences to the own territory.
16. The most common measures against illegal gambling are administrative penalties. These are applied with greater or lesser intensity to illegal operators. From a practical point of view, administrative penalties cause fewer problems than the foregoing, even though the legal requirements of serving notice of the proceedings and the guarantees of the penalisation process should require the operator to have an establishment in the country where the gambling activities are carried out.
17. Another measure considered involves court resolutions of imprisonment for illegal operators, a measure that is foreseen in the laws of some countries, but which is not frequently put into practice.

Another matter to consider is whether citizens, which access illegal operators, should be penalised. It should be taken into account if Member States have carried out clear campaigns to explain to consumers which gambling is illegal. The measures adopted for that purpose must satisfy EU and national requirements.

18. According to the requirements for primary EU law, any measure that is adopted in order to avoid illegal gambling must be compatible with Treaty provisions. Within this context, Member States must reflect on the concept of “proportionality”: restrictive measures adopted in order to preserve public order must be also proportional to the gambling policy of the Member States concerned and subject to National Courts review.

IV. TRANSITIONAL PERIODS

19. In the background on the fact that several Member States have started to reform the national legislation on gambling, whilst some others are considering it, the Presidency estimates the need to raise issues within this Working Party related to the measures to be taken and situations that arise during the transitional periods in legislative changes, when it would be necessary.

According to the information obtained from the questionnaires, some Member States have limitations preventing illegal operators from obtaining a new licence. Other Member States do not have an explicit disqualification for illegal gambling operators to obtain a licence in the future, although the manner in which they have conducted their commercial operations up to that date is one of the criteria taken into account by the Government to decide if a gambling concession is awarded.

20. Denmark is preparing a new gambling law and the draft law states that the national authority can reject the application from operators convicted of a crime, which presents a risk of misuse of the possibility to work with gaming. A violation of the current law will normally not be seen to present such a risk. In the transitional period, the gaming operators will be able to apply for and receive a license in order to be able to supply gambling services on the Danish market as soon as the new law comes into force.

The French law foresees that the Online Gambling Regulatory Authority may refuse to issue a licence to a person who has been found guilty after a trial, of operating illegal gambling and betting. There are also another additional measures like to delete personal data, which have been obtained by illegal operators, in order to avoid non-competitive advantages for those operators.

21. Considering the new legislative amendments of some Member States, it might be useful to reflect on the transitional period's requirements when a nation changes its gambling legislation and the sector is open to new operators, so it may be considered if the implementation of a transitional period can be justified or if this measure may alter considerably the gambling sector.

Waiting periods until the new legislation enters into force, should protect the acquired rights of licence holders. For new entrants, nevertheless, it could provoke an uncertain situation from a business point of view. The interests of licence holders and new entrants therefore have to be carefully balanced.

Member States should examine those transitional requirements that must be compatible with EU Treaties principles. These kinds of provisions during the transitional period might cause negative effects for the attainment of the objectives set in the new legislation and therefore, they should be carefully reviewed.

V. USEFULNESS OF THE PUBLIC CAMPAIGNS ON ILLEGAL GAMBLING

22. The Spanish Presidency considers it useful to debate on whether public campaigns may be effective in preventing illegal gambling and in protecting consumers' rights.

According to the information the Presidency has received in the questionnaires submitted by the Member States, Finland, the United Kingdom, Sweden, Italy and Belgium have used public information campaigns to protect consumers. The Netherlands will launch a campaign at the start of the Gambling Authority, due on 1 January 2011. Other Member States such as Romania, Hungary, Greece, France, Ireland and Slovenia are studying and considering the possibility of commencing a public campaign targeting people who are more liable to the addiction risk involved in gambling and to protect consumers.

23. Member States could legitimately sanction consumers for participating in illegal gambling. Nevertheless, Member States should take into account whether the information concerning the lawfulness of the game has previously and clearly been made accessible to consumers in order to prevent them from dealing with illegal operators. It is therefore useful to establish effective information campaigns on illegal gambling. Member States should consider different possibilities of financing these public campaigns, including financial contributions of operators, which have obtained a license.

The Presidency also considers that public campaigns should take into consideration possible damage to the professional prestige of gambling operators, if there is not a precise legal framework that amounts to the qualification of these activities as illegal in the Member States.

Member States agree with the matter that advertising and sponsorship can only be made by legal operators. However, Member States might want to consider the case in which advertising or sponsoring of legal operators has effects on another Member State different from the one which has granted the licence, for example the sponsorship of a football team that occasionally plays in other Member States where the operator has not a license. In these cases, the Presidency deems it useful to make public information campaigns or take other alternative measures in order to restrict the access to these gambling operators, notwithstanding that Member States according to their national law could always forbid this kind of sponsoring.

Finally, Member States should consider the usefulness of sharing the experiences obtained from the public information campaigns on illegal gambling, including the exchange information about white listed operators.

VI. CONCLUSION

As a result of the constructive exchanges in the Working Party on Establishment and Services, Member States have come to a common understanding on a shared definition of illegal gambling. Illegal gambling may be defined as gambling in which operators do not comply with the national law of the country where services are offered provided those national laws are in compliance with EU Treaty principles.

In respect of the proportionality principle, a number of measures adopted by Member States, such as sanctions or IP blocking for online operators, have been identified as possibly effective against illegal gambling.

The Spanish Presidency considers that public campaigns about the risks of participating in illegal gambling, and on promoting responsible gaming will ensure better protection of the citizens who participate in the games. Moreover the sharing of information among Member States on these public campaigns could be a useful tool for avoiding illegal gambling in Europe.

Building on the work carried out by previous Presidencies, the Spanish Presidency considers that the previous Progress Reports would provide valuable information to the Commission for the proposed Green Paper in autumn.

The Spanish Presidency invites the Competitiveness Council to take into consideration this progress report. It recommends the continuation of the discussions in the preparatory bodies of the Council on the basis of this common understanding on the issue of illegal gambling and encourages the Commission to start consultations with Member States and stakeholders in the context of the awaited Green Paper, and to follow-up with specific proposals on the issue of illegal gambling, as appropriate.

ANNEX

SUMMARY EXTRACT OF DELEGATIONS' REPLIES TO THE QUESTIONNAIRE

The Presidency attaches a summary extract from the replies to the questionnaire sent by Delegations including the amendments requested by some Member States.

QUESTIONNAIRE: ACTIONS AGAINST ILLEGAL GAMBLING IN THE EUROPEAN UNION

1. Which authority is responsible for the licensing and control of authorised operators? What other judicial or administrative authorities, if any, are related to gambling activities?
2. Are on-line gambling and betting authorised in your country? If so, what sort of regulation is applied for on-line gambling and betting? Is there any independent licensing or is there an extension of the authorization for off-line gambling?
3. Are there any criteria in your legislation to consider gambling legal or illegal? Are there any specific criteria regarding cross-border gambling?
4. Are gambling operators licensed from other countries active in your country, especially concerning on-line gambling? What is estimate number of illegal websites operating in the gambling market in your country? What is the estimated number of illegal websites operating in the gambling market in your country? What is the estimated amount of the income from non licensed/non-authorised gambling in your country in the last three years?
5. What steps are being taken in your country against illegal betting and gambling? In particular, what tools are used or planned to be used against illegal on-line gambling and betting?
6. Is your country applying a blocking system of financial transactions related to illegal betting or gambling? If so, which authority is competent to decide on the blockage? (please specify system description and assessment of the effectiveness thereof)

7. Does your national system provide for a blocking system of Web pages that offer unauthorized betting and gambling? If so, which authority is competent to decide the blockage? (Description and assessment of the system)
8. Does your country have a sanctioning system specifically for illegal gambling operations? What kind of sanctions is applied? Is there any disqualification from obtaining a future license?
9. Is the media regulated when it comes to broadcasting advertising in favour of unauthorized gambling operators? If so, what kinds of measures are applied? What is the competent authority in the different media, television, press and so on?
10. Is a court authorization necessary for implementing any of the instruments of illegal gambling mentioned above? If so, in which case/s?
11. Is your country developing any kind of action to protect sports competitions against unauthorized commercial exploitation? What body or bodies are responsible for their control and, if applicable, sanction? Is the advertising or sponsoring of the organization of sports events from unauthorized sports betting operators allowed? Do you recognize any economic right to the organizer of sports events? Do you award to the organizers of sports events any intellectual property right over their competitions?
12. Does your national legislation provide for some kind of impediment or limitation for an illegal operator to be licensed as an authorised gambling or betting operator in your country? Is there some sort of transitional period?
13. Have you developed or are you planning to develop any public campaigns informing citizens about the risks of accessing illegal gambling activities? If so, is this institutional information considered as a consumer right?

ANSWERS ON THE SPANISH PRESIDENCY'S QUESTIONNAIRE

AUSTRIA

1	The responsibility for the licensee and the control of the federal authorized operators is placed on the Supervisory Board (Ministry of Finance). The license is awarded by the Ministry of Finances. Related to penal law: Ministry of Justice and of Interior. Related to administrative law: municipalities and district authorities.
2	Licence for on-line gambling is part of the general gaming licence. Sports betting and betting on horse racing is not considered as gaming, because they rather depend on skills over chance.
3	Games depending on chance awarding a license by the Ministry of Finance are legal. No answer regarding cross-border gambling.
4	Yes, there are some active. No estimated number of illegal web-sites and the amount of their income.
5	Complaints to the federal police, to the administrative district office and to the public prosecution (supervisory board in the M.F.). Planned amendments of the gambling act to strengthen the provisions of the gambling act.
6	Banks are obliged by the gambling law to prove if financial transactions are legal. Licensee is obliged to inform about suspicious transactions. Authorities could block the financial transactions.
7	No blocking system of web pages that offer unauthorised gambling.
8	Sanctions: monetary penalties, closing of the operator establishment. Disqualification from obtaining a license for the provider/operator depends on the criteria stated in the official tender.
9	Advertising supervised by the supervisory board in the M.F. Commercials and offers for foreign gambling are forbidden. However, commercials for licensed casinos within EU are allowed upon the M.F. approval. Such an approval will be granted especially if players' protection is of the same level as in Austria and a responsible standard of advertising is respected. (Austrian gaming Act)
10	See answers 3 and 5.
11	Except the rules regarding sport's promotion, the Austrian Gambling Act does not provide any rules regarding sport events.
12	Any company from the UE can be awarded by the M.F. through a transparent public procedure.
13	The Supervisory Board in the M.F. provides its legal opinion on their web site.

BELGIUM

The gambling legislation in Belgium (The Act of 7 May 1999 on games of chance, gambling establishments and the protection of players) has largely been amended in December 2009. The new Act of 7 May 1999 on games of chance, betting, gambling establishments and the protection of players, will come into force on 1st January 2011. This is a view of the current situation and of the future situation.

1	The Gambling Commission (casino, gaming arcades). National Lottery (good causes), which is a company under public law owned by the state. The Act is a criminal Act, so Prosecutors and the local police will be also competent for these matters. The fiscal administration, on a regional basis, is competent for taxation purposes.
2	Online gambling is forbidden (Gambling Act). In the new Act, this prohibition will be softened. The granting of the license is associated with the land-based operations.
3	The current situation says that gambling is prohibited; this is softened by the granting of licenses under strict conditions (transparency, honesty of the games, financial solvability). The definition of a game of chance remains unchanged.
4	There are several illegal websites operating in Belgium. More than one thousand among 14.823 are directly directed towards Belgian people. The estimated amount gambled on illegal gambling sites is 150 million €.
5	It is a criminal Law. It provides for imprisonment and fines. In addition the Gambling Commission has the possibility to impose sanctions (from warning to the withdrawal of the licence). With the new Act the player is also liable to prosecution. Providers of online gambling will have to impede illegal transactions and to cut connections.
6	This will be a competence of the Gambling Commission and the Prosecutors.
7	This will be a competence of the Gaming Commission and the Prosecutors.
8	See answer 5. The fact of breaching legal provisions can be taken in consideration by the Gambling Commission when deciding to grant a licence. Operators that will apply for an online licence should be legitimate as regards to their fiscal obligations.
9	See answer above.
10	The system mentions in questions 6/7 has not been implement yet.
11	The Gambling Commission is not competent for sports. It will be competent for betting .An information point will be created. The law prohibits advertising illegal gambling in establishments.
12	On the new Act operators will have two months to request for a licence. The Commission will decide whether grant it or not. Current operators will be able to operate meanwhile. There will be a limited number of licences. Offline operations will be a preliminary condition to the granting of a licence for online operations.
13	Information on gambling addiction on a leaflet. Telephone helpline the addresses of social services available to the public in a visible place. In the future the same provision will be applicable to all betting establishments. Advertising campaigns (doctors, social services). Possibility to register complaints. Educational films for young people against gambling addiction and illegal operators. Radio and TV campaigns are envisaged.

CZECH REPUBLIC

1	The Ministry of Finance, which also exercises supervision with financial authorities and municipality bodies. However, the responsibility is partly shared with municipal bodies.
2	Only on-line betting is authorized via Internet. It is granted through independent licensing, not as an extension of authorization of off-line gambling.
3	Illegal gambling is the gambling which has not been granted a license (Lotteries and Gambling Act). Cross border gambling is forbidden by this Act. The Ministry may grant an exception.
4	Yes there are some. Neither the number of illegal Websites nor the income from the non-licensed gambling has been estimated so far.
5	Criminal complaints filed by the Ministry. The licensing permissions appear to be a more efficient measure against illegal betting. Blocking of websites is planned in the near future.
6	No blocking system of financial transactions. Amendments to various legal acts would be necessary to make the blocking system workable.
7	Blocking of Websites is planned in the near future.
8	Unauthorized operating of lotteries and other similar games is a criminal act (Lotteries and Gaming Act). Sanctions: number of sanctions including imprisonment. The Act specifies financial penalties imposed by supervising bodies. The authority which granted a license can withdraw or suspend operating for a certain period of time, if any condition under which the license was granted ceases to be fulfilled. It is complicated to impose these sanctions. Criminal proceedings launched by filing criminal complaints are usually terminated for lack of evidence.
9	Broadcasting is not regulated specifically as regards the gambling operators. However, there is a restriction of advertising aimed at vulnerable groups of people. Internet gambling is not explicitly banned by the Lotteries and Gambling Act. The competent authority is the Council for Radio and Television Broadcasting. There is no specific supervisory authority for press.
10	No.
11	The Czech Republic has filed a criminal complaint against foreign on-line gambling operators.
12	The legislation does not contain any impediment or limitation for illegal operators to be licensed or authorized for operating in the Czech Republic. However, most illegal operators are based abroad and therefore they would not be granted authorizations since the law requires them to be located in the Czech Republic.
13	In connection with preparatory work on our new regulation few public discussions have been held, where among other issues, illegal operating was discussed.

CYPRUS

1	The Ministry of Finance. Other judicial and administrative authorities are the Ministry of the Interior, the police and the District Courts.
2	On-line gambling and betting are not authorised in Cyprus.
3	Gambling is considered legal when the operator holds a valid license according to the Collective Bets (Taxation and Regulation) Law of 1997 to 2007. There are not specific criteria for cross-border gambling, it is not presently regulated.
4	Yes, there are. No estimated number of illegal websites, or the amount of the income from unauthorized online gambling.
5	The steps taken are those in the provisions of the Collective Bets (Regulation and Taxation) Law. Suspend or revoke a licence, No license is issued for a year (M.F). The Police may search the premises (search warrant). Imprisonment and fine.
6	No blocking system of financial transactions.
7	No blocking system of Web pages.
8	The Ministry of Finance may sanction a licensed operator engaged in illegal gambling (provisions of the Collective Bets (Regulations and Taxation) Law 1997 until 2007. To revoke or suspend licenses. No license issued for a year, for the premises whose operator had his licence suspended. Anybody who has been convicted by a Court for an offence of lack of honesty, or has committed an offence in breach of The Regulation and Taxation Law is disqualified from obtaining a future license for a period of five years.
9	Advertisements and commercials by bookmaker's shops on betting and gambling are banned on radio and TV. The sanction is different fines. The competent authority is the Radio and Television Authority.
10	A court authorization is necessary for the police to search premises where there is suspicion of illegal acting.
11	It will be discussed in the near future. The advertising or sponsoring is not monitored. Each organizer of sports events negotiates their own media rights with the providers. No intellectual property rights are recognised.
12	Anybody who has been convicted by a Court for an offence which contains the element of lack of honesty or moral obscenity or has committed an offence in breach of the Betting Houses, Gambling Houses and Prevention of Gambling Law or Collective Bets (Regulation and Taxation Law) is allowed to hold a betting licence five years after the commitment of the offence.
13	N/A

DENMARK

(Answers based on the draft of the new Law expected to enter into force on 1st January 2011)

1	The Ministry of Taxation, a division called The Danish Gaming Board.
2	According to the draft new legislation a licence can be obtained for on-line and off-line betting supply (betting on horses and dog races excluded). Another license can be obtained for supply of games in an online casino, poker included.
3	It is legal when the supplier holds a Danish license. To supply gambling in Denmark without a Danish license is not allowed.
4	Gambling operators licensed from other countries are active. The number of illegal suppliers is not known. The estimated amount could be around 25-30. It is estimated that the total amount in 2008 of illegal betting on Internet corresponds to 430 million in gross gaming revenue.
5	Blocking of credit cards payments. It will become a criminal offence for Internet service providers to mediate Internet access to illegal gaming systems. By advertising bans. This prohibition has been already implemented in gaming legislation.
6	The draft new legislation provides for bank transactions blocking.
7	The draft law suggests expanding the penal sanctions that relate to the mediation of gaming providers that do not hold a licence, so that it becomes a criminal offence to mediate the payment of stakes and winnings of games and Internet access to an illegal gaming system.
8	Supply of illegal gambling will be regarded as a breach of the Danish gambling law, punishable with fines and imprisonment up to a year. The draft law states that the licensing authority can reject applications from operators or persons indicted or convicted for a crime.
9	Advertisement in favour of unlicensed gambling operators and games not permitted is illegal and punishable with a fine.
10	No.
11	Organizers of sports event are not allowed to use/show advertisements for unlicensed gambling operators (see answer 9). The competent authority is the Danish Gaming Board. Directive 2007/65/EC ON Audio Visual Media. It assists TV-station licensed in other member state circumventing and advertisement ban thus creating an obstacle against the enforcement of illegal gambling.
12	The draft gambling law does not limit the number of licenses to offer betting and casino games. The duration can be up to 5 years. In the period between the draft is passed and comes into force (6 months) DNS blocking and penal sanctions might be used. The draft law states that the national authority can reject the application from operators convicted of a crime which presents a risk of misuse of the possibility to work with gaming. A violation of the current law will normally not be seen to present such a risk. In this transitional period the gaming operators will be able to apply for and receive a license in order to be able to supply gaming services on the Danish market as soon as the new law comes into force.
13	Not currently.

ESTONIA

1	Licensing and supervision of authorised gambling operators The Tax and Customs Board of Estonia. The supervisory authority for the AML/CFT issues and the compliance with the Anti Money Laundering and Terrorist Financing Act is the Estonian Financial Intelligence Unit. The Estonian Consumer Protection Board (advertisement of gambling). The general gambling policy and drafting of legal acts the Ministry of Finance.
2	Yes. (1/1/10) There is a 2-level licensing system for on-line gambling. The activity license establishes the right to organise a specified type of gambling (totos, betting, and games of skill) and is the precondition to apply for the operating license, specifying the exact place or manner the gambling type will be organised. The activity licence procedure will concentrate on the operator as a legal person. The operating license procedure will concentrate on compliance with the technical requirements. Activity license may be awarded to a privately-owned legal person. The operation license for remote gambling can be only given to the holders of activity licenses for the relevant types of gambling.
3	The Gambling Act states that only the forms of gambling which conform to the requirements of this Act may be organised.
4	Since the Estonian regulation came to force in January 2010 the licensing has taken its due course. More information available in April 2010. No further estimations have been carried out on that subject.
5	Estonia is implementing blocking mechanisms for the communication service providers and for the payment intermediaries from 15 March 2010.
6	See answer 5.
7	ISP blocking to block a specified IP through precept issued by the Tax and Customs Board. In other communication services (broadcasting, telephone companies) the precept will be issued to stop the enabling of services to the illegal remote gambling organisers. The payment services providers will have to freeze the accounts used to organise illegal gambling in Estonia. From 2011 the payments to any frozen account will be blocked if the receiver is the account holder specified in the Tax and Customs Board's precept.
8	The organization of illegal gambling is a misdemeanour. Repeated act is punished as a criminal offence. Economic activities without licence and prohibited economic activities.
9	Advertising of any gambling operations is subject to a general prohibition. The supervisory authority is the Consumer Protection Board. Breaches of law are sanctioned with fines.
10	No
11	No such trends have been identified so far. The trade mark and presentation of the sponsor disclosed in the sponsor's announcement is not considered advertising according to the Advertising Act. A trade mark of an organiser of gambling which does not express gambling, a casino or a chance of winning in words or depict it in a picture may be exhibited.
12	No
13	No such campaigns are planned by Estonian authorities at the present.

FINLAND

1	The Government grants licenses upon proposition of the Ministry of the Interior. The National police Board / Gaming Administration is responsible for control of authorised operators as well as gaming activities. Other judicial or administrative authorities: The Ministry of the Interior, The Ministry of Social Affairs and Health, The Ministry of Education and The Ministry of Agriculture and Forestry.
2	On-line gambling and betting is authorized. Regulation: The Lotteries Act. Licensed operators may offer games belonging to which the license has been granted for, off-line, on-line or internet.
3	The criteria by which gambling is assessed are laid down in the Lotteries Act. There are no other specific criteria regarding cross-border gambling. A license must be granted.
4	Yes they are. Around 70 foreign gaming operators. There is no valid estimated amount of the income from non licensed / unauthorized gambling.
5	Request to police to investigate actors who act against prohibitions on running a lottery is laid down in section 62 of the Lotteries Act. According to the draft law pending in the Parliament prohibition on running games and penalty payment are proposed as new tools for the authority to be used against illegal gambling and betting.
6	No blocking system of financial transactions.
7	No blocking system of Web pages offering unauthorized gambling and betting.
8	Sanctions are laid down in the Penal Code, fines and imprisonment. Regarding the disqualification from obtaining a future license Finland has a monopoly system and the question has not become current yet.
9	Prohibitions on running lottery laid down in the Lotteries Act apply to all. National Police Board prohibits marketing of gaming and penalty payments are proposed in the draft law pending in the Parliament.
10	No.
11	No actions to protect sports competitions against unauthorized commercial exploitation. It is not allowed the advertising or sponsoring of the organisation of sports events from unauthorized sports betting operators. Finnish legislation does recognize economic rights to the organizers of sports events in general, even though legislation related to lotteries and gaming does not handle economic rights.
12	The national legislation does not provide impediment or limitation for illegal operator to be licensed as an authorized gambling or betting operator. No transitional period.
13	There are public campaigns informing citizens about excessive gaming in general.

FRANCE

1	The regulations applied vary according to the category of the gambling involved. Ministry of the Interior, National Racing and Gambling Service, The Minister of Agricultural, The Minister of the Budget. La Française des Jeux is the state-owned entity entrusted with the monopoly on lotteries and sport betting (Minister for the Budget and Minister for the Economy). The scope of the bill relating to opening to competition and to regulation of the online gaming market (which should be enacted in the course of 2010) is confined solely to online horse racing betting, online sports betting and online poker.
2	Two licensed operators for online gambling and betting: La Française des Jeux which has the monopoly on the operation of online lotteries and sports betting, and Paris Mutuel Urbain (PMU, online horse racing betting). On the basis of the above-mentioned bill, once the online gambling and betting market opens to competition, all operators in possession of a licence issued by Online Gambling Regulatory Authority will also be authorised to propose online gambling and betting services.
3	The legality of a gambling or betting service is determined by the existence of an administrative authorisation, whether the concerned operators provide on-line or off-line services.
4	There are online operators licensed in other European Union Member States and even outside the EU that offer their services to French consumers in violation of the law. 5000 illegal online gambling and betting sites estimated. The estimated amount of the income 3 and 4 billion euro annually, whether the services are operated by authorised or unauthorised operators.
5	Finding and prosecution of violations in the areas of off-line gambling and betting is upon the National Criminal Police Directorate of the Ministry of Interior. (National racing and Gambling Service). Enforcement against illegal online gambling is entrusted mainly to OCLCTIC and the SCCJ. The bill relating to the opening to competition and to regulation of the online gaming market calls for the implementation of new tools.
6	The system for blocking financial transactions is not yet developed.
7	The system for blocking access to illegal gambling Websites is not yet developed.
8	Within the framework of the adoption of the bill the sanctions: imprisonment fines, closing for up to 5 years, disqualifications from exercising the activity exercised in violation of regulations and dissolution or disqualification or revocation of license or authorisation.
9	Advertising in favour of an illegal gambling or betting operator is punishable by a fine. The judicial authority has the competence of sanctioning.
10	Only the judge is competent to order ISPs to block access to illegal online gambling and betting sites. The blocking of financial flows may be ordered by the Ministers for the Budget, the Finance and the Interior. The sanctions for offering illegal gambling or advertising in favour of illegal gambling services are decided by a judge.
11	A 1992 Law vested a property right in sports organisers. References to the bill. According to the bill, both ARJEL and the French Competition Authority will have to approve all agreements signed between operators and competitions organisers. The sponsorship of sports competition and sport teams by unauthorized sports betting operators is a criminal offence under the Bill.

12	According to the French positive law, an entity convicted of illegal operation of gambling or betting services may be sentenced with additional sanctions disqualifying it from exercising the profession of gambling operator or from applying for an authorisation which is required to exercise said activity. The Bill provides that Online Gambling Regulatory Authority may refuse to issue a licence to a person who has been convicted after a proper trial for illegal operation of gambling and betting services.
13	The French authorities are currently analysing the possibility of implementing such information campaigns. The future Online Gambling Regulatory Authority will post on its website a “white list” of operators to which it has granted a licence, to inform the public.

GERMANY

German legislation differentiates between the type, and the intensity of risk of specific games of chance. This has a corresponding impact on whether jurisdiction for such games lies at level of the Federal Government (Bund) or the Federal States (Länder).

1	The issuing of licenses (lotteries, sport betting, and other games of chance) is regulated in the Inter-State Gambling Agreement, as well as the implementing provisions of the Federal States. Under this legislation the responsibility for oversight and issuance of licenses falls to the respective Ministries of Interior. Depending on the type of gambling other authorities may hold competences (local or district public authorities). In some cases the Federal State supervisory authorities for private broadcasters. Slot machines fall within the remit of local trade authorities.
2	No. (Inter-State Gambling Agreement). The organising and arranging of public games of chance on the Internet is prohibited without exception. It applies to on-line slot machines too.
3	It is unlawful to operate or organise a game of chance, or to make equipment available for games of chance, without the permission of public authorities. (German Criminal Code). No specific criteria for cross-border gambling.
4	Yes. No reliable estimated number of illegal websites or the amount of the income from non-licensed/unauthorised gambling.
5	The responsible supervisory authorities use prohibition orders to take legal action against illegal operators, access providers and registrars. In the domain of on-line gambling, each gaming supervisory authority issues its own prohibition orders to the territory of its own Federal State. It has been effective to eliminate illegal operators located in Germany. The enforcement of prohibitions orders against operators located abroad is much more difficult.
6	The competent Federal state supervisory authority may prohibit banks and financial service institutions from being involved in payments and payouts relating to illegal games of chance. There is not yet a report on experiences with the blockage of financial transactions.
7	No. Gaming authorities have focused on taking action against operators, intermediaries and content providers.
8	Unlawful gambling (without the permission of a public authority) constitutes criminal offence under the German Criminal Code. Sanctions: imprisonment, confiscation of winnings and fines. If a commercial operator is convicted under the provisions of the German Criminal Code or Trade Regulation Act, a relevant trade authority may revoke, or refuse to issue the operator's license to install slot machines or to operate amusement arcade or similar establishment.

9	It is prohibited to advertise unauthorised games of chance (Inter-State Gambling Agreement). The Gaming supervisory authorities of the Federal States and in certain cases responsibility also falls to media authorities.
10	No
11	German law does not provide any specific ancillary copyright (related rights) or separate event protection for sport events. Any legislative initiatives on the part of the Federal Government, the competent authority in this area; are unknown at this time. The advertising of unlawful games of chance (including sport betting and advertising in the form of publicity-oriented sponsorship) is prohibited.
12	Only lotteries and sport betting may be organised legally by the Federal States or by private companies in which the Federal States are definitively involved. It is not possible for other providers to receive a license (monopoly). The reliability of the commercial operator is essential precondition for the issuance of a license (slot machines, amusement arcade). If an operator is engaged in illegal activities or convicted for the unauthorised organisation (German Criminal Code), such operator is unreliable. In such cases operators will not be issued license.
13	There has been no coordinated nationwide public outreach campaign to date. Information (addiction counselling agencies of the Federal states, and other counselling agencies) on the dangers of gambling addiction and the risks of illegal gambling. Operators are required to display informational material on the risks of excessive gambling. Providing information on addiction and the risks of illegal gambling serves the policy objective of consumer protection.

GREECE

1	The state authorities exercise according to the national legislation. There is a single regulatory authority, The Committee for the Supervision and Control of Gambling.
2	Absolute prohibition on the provision of betting and gambling services through the Internet within the Greek jurisdiction. Dispositions of the national legislation. No licensing system and no extension to the online betting and gambling of the authorization for the offline betting and gambling is provided in the Hellenic Republic.
3	Illegal are all betting and gambling services organized, managed, operated, and provided by operators that have not been granted by the Hellenic Republic a prior concession of the right to do so. Cross border betting and gambling is considered illegal within the Greek jurisdiction. The principle of mutual recognition is not recognised and it is not applicable in the betting and gambling sector.
4	Yes. No estimated amount of illegal websites. No estimated amount of the income from non licensed or unauthorised betting and gambling.
5	The Greek legislation prohibits the provision, advertisement and participation in illegal betting and gambling. It is punishable with imprisonment and fines. Immediate permanent removal of agent's license if the agent is engaged, by conduct or provision, to illegal betting and gambling. It is considered to introduce more severe legislative measures against illegal betting and gambling, to impose severe imprisonment and pecuniary penalties.
6	No blocking system of financial transactions applied.
7	No blocking system of web pages provided.
8	See answer 5. A conviction by a criminal court imposed to a participant to a public tender or to a member of the Board of Directors of a legal entity participating in a public tender constitutes a ground for disqualification.
9	Advertisement of illegal betting and gambling is prohibited. By means of the legislative disposition it is punishable by law. The sentences are imposed by penal courts.
10	If a court authorization would be necessary for implementing any of the instruments for combating illegal betting and gambling services, which are currently under consideration, is a matter to be decided by the national legislator, the Greek Parliament.
11	The Greek legislation prohibits the advertisement of illegal betting and gambling. There is a single regulatory authority, The Committee for the Supervision and Control of Gambling. The Hellenic Republic and the OPAP S.A. do not recognize and do not award to the organizers of sport events and to the sporting federations any intellectual property rights over the competitions.
12	Illegal are all betting and gambling services organized, managed, operated, conducted and provided by operators that have not been granted by the Hellenic Republic a prior concession of the right to do so. No licensing system and no extension of the authorization for offline betting and gambling through Internet.
13	It is considered the possibility to develop public campaigns, informing about the risks involved in illegal betting and gambling activities. The national legislator, the Greek parliament, will decide whether this related institutional information would be considered as a consumer right.

HUNGARY

1	The Ministry of Finance is preparing the Act on Gambling Operations. The Hungarian Tax and Financial Control Administration, responsible for licensing and control the operators. The Hungarian Authority for Consumer Protection and The national Communications Authority.
2	Yes they are, although there are exceptions like casino games. The regulation handles online gambling as a method of organisation. The organization of gambling has to take place between the boundaries set by license.
3	In general a gambling activity is considered illegal if the service provider does not have the license of APEH. Regarding cross border gambling only concession companies, the state gambling organizer and companies that have state gambling organizer ownership, can apply for license. The concession company has to do the organization of gambling in Hungary, so currently there is no way for a foreign company to offer cross-border gaming legally in Hungary.
4	Numerous websites can be accessed from Hungary operating without license. No estimated amount of the income from illegal online operators.
5	The tools are mainly financial sanctions against illegal betting. Sanctions: imprisonment and fines. The possibility of implementing other sanctions is under evaluation.
6	The Act on Gambling Operation has a declaration that no financial institutes can participate in the acceptance of illegal offers, but the issuance of proper executive regulation has been delayed by different circumstances.
7	No blocking system of Web sites that offer unauthorised gambling.
8	See answer 5.
9	According to the Act on gambling no sales, organization and mediation activities may be pursued in connection with any gambling activity organised in another country, if APEH did not grant authorization for the gambling activity in question. Explicit ban on gambling advertisement if the advertisement is directed to minors. The competent Authority is the Hungarian Authority for Consumer Protection. When the advertisement proves to be misleading or has comparative elements, the competent Authority is the Hungarian Competition Authority.
10	It is not necessary, but the effectiveness of future legislation will certainly be tested at courts on the basis of the Treaty and the various decisions of the ECJ.
11	The advertising and sponsoring activity of illegal operators are against the law.
12	No license can be issued if the applicant, its executive and owners have taken part in the organization of illegal gambling 5 years before the application was handed in.
13	The drafting of the communication have just been started.

IRELAND

1	There is more than one single public authority for the regulation of the gambling industry. Gaming and lotteries (Department of Justice, Equality and Law reform, except National Lottery) are regulated by the Police, Courts and Revenue Commissioners from which various permits and licences are issued. The National Lottery is subject to separate legislation (Department of Finance). The Betting Acts 1931 and 1994 govern all matters relating to betting, (Department of Finance). Bookmakers and betting shops are licensed by the Revenue Commissioners and licences may be revoked by either the Courts or by the Minister of Justice, Equality and Law Reform.
2	There is no provision in law relating specifically to the licensing of internet gambling and betting sites. It is not forbidden for Irish residents to bet on-line with bookmakers operating in other jurisdictions. An on-line betting operation based in Ireland would not be prohibited provided the applicant could meet the requirements applicable to any licensed bookmaker operating within the jurisdiction.
3	All lawful gaming in Ireland is confined to locations in respect of which Part III of the Gaming and Lotteries Act 1956 is in force, following a resolution passed by the relevant local authority. There are no specific arrangements to facilitate cross-border activity. Participation in foreign lotteries is generally forbidden.
4	Yes. It is no possible to estimate the amount of income from non licensed or non authorised gambling. The number of illegal websites is not to hand.
5	Penalties: fines or imprisonment. Equipment can be seized by the police. There are currently no specific tools being used against illegal online gambling and betting.
6	IP blocking or bank transaction blocking in relation to gambling is not being applied currently.
7	See answer to question 6.
8	See answer to question 5.
9	There is a prohibition on the promotion of unlawful gaming, or of a lottery, except a lottery permitted under the relevant legislation.
10	Fines or prison sentences are imposed by courts.
11	In general, Ireland does not stipulate as to what can be the subject of betting activity.
12	See answer 5. There are no transitional arrangements.
13	It is expected that the inclusion of social responsibility measures into a revised gambling regulatory framework will be one of the outcomes from the Major Review of Gambling being undertaken by the Department of Justice, Equality and Law Reform. (A public consultation on the major review of gambling was launched in May 2009 and has now concluded. An important objective of the review is to arrive at a renewed gambling architecture that is capable of attracting broad support, is cognisant of the societal, technological and the evolving situation at EU level, and is, at the same time, capable of being implemented effectively. The Government has not yet had the opportunity to consider the outcome of the consultation phase of the review).

ITALY

1	The sole authority responsible for the gambling is AAMS (Autonomous administration of state monopolies). It is part of the Ministry of Finance. Only licensed operators can legally offer games in Italy. Licenses (“concessions”) are granted with international tenders.
2	Some of the regulated games can be offered on-line. There is a single remote gambling license that is distinct from the off-line ones.
3	The strict principle is that obtaining an Italian license is mandatory to operate within the Italian territory.
4	There are plenty of operators licensed from other countries, without an Italian licence that are actively targeting Italy and competing with the legal ones. The number is not known. The income is not known.
5	Regulation of the same games that are available off-shore or in the “black market”, giving a legal alternative to the citizens. Advertising ban for the non-licensed operators. IP-blocking system.
6	Italy has not implemented such a system, and is waiting to see if other jurisdictions will be able to do it successfully.
7	Italy has a so-called “IP-blocking” system in place since 2006 (technically is a “DNS filtering method”). More information attached to this questionnaire.
8	The Law 401/1989 defines the criminal sanctions for the illegal organization, offering or promotion of games. Sanctions: imprisonment and other money sanctions. Not being sentenced for major crimes before is a requirement when applying for a license. This latter provision comes for the general law about public tenders in Italy.
9	The Law mentioned before also provides for sanctions in case of advertising in favour of illegal operators. The measures are the same as above.
10	It is the court that makes provision of the above-mentioned sanctions. In general the regulator is in charge of administrative sanctions and the court of the criminal ones.
11	The system for the connection of the authorised betting operators to the central data system of AAMS, operated by SOGEI, allows for effective controls and a rapid reaction system to suspicious bets. No intellectual property right is granted to sport organisations for the exploitation of their events.
12	The illegal operator that successfully goes through the licensing process becomes legal. If he has not been condemned before by an Italian Court, he has the right to apply for the license.
13	AAMS runs different advertising campaigns (TV, radio, newspapers, internet) about the risks of playing on the unlicensed web sites and outlining the difference between the legal and the illegal ones.

LATVIA

1	Lotteries and Gambling Supervisory inspection. State revenue service and State and Municipal police.
2	It is authorised. Licenses are issued to the capital companies by the Lotteries and Gambling Supervisory Inspection under procedure provided by the law.
3	No cross-border gambling or betting allowed. Any gambling and betting activities without national license is considered illegal.
4	Yes there are several. No estimated number of illegal websites. No estimated amount of the income from illegal gambling.
5	Prohibition of advertisements for any operator, legal or illegal, police investigations, stopping registered domain names and administrative or criminal prosecution against those who are involved in such illegal activities.
6	Planned in nearest future.
7	No blocking system for web pages.
8	Same as for every business operating without license.
9	Advertising is not allowed.
10	Depending on the case.
11	No
12	No limitation for number of licenses and no impediments to apply for the legal license.
13	No

LITHUANIA

1	The State Gaming Control Commission. Taxation and policy information under the scope of the Ministry of Finance. Illegal gaming activity and money laundering prevention under the scope of the Ministry of Interior.
2	On-line gambling and betting is not regulated by legal acts in Lithuania. Considering the provision that it is prohibited to operate gaming which is not provided for in the Gaming Law, on-line gambling and betting is prohibited. A new version of the draft Gaming Law is under preparation.
3	Gaming activity is licensed (provisions Gaming Law). It is prohibited to operate gaming which is not provided for in the Gaming Law. No specific criteria are established regarding cross-border gambling.
4	Yes, via internet. This activity is considered illegal. There is no data about the estimated amount of income from non licensed / non authorised gambling.
5	The Control Commission cooperates with The Lithuanian Criminal Police Bureau, Financial Crime Investigation Service, General Prosecutor Service in investigation of illegal subjects. Illegal activity is qualified as a criminal offence. The possibility to ban the transactions or monetary operations from/to unlawful companies and prohibited websites in domestic market is under debate with banks.
6	The measure is under consideration.
7	The measure is under consideration.
8	Criminal liability. Penalties: fines. Such type of penalty like disqualification from obtaining a future license for the company is not provided for in the Gaming Law or other legal Acts. However there is a restriction by licensing procedure.
9	See answer 5.
10	The Control Commission draws up the Administrative Violations Protocol for the illegal activity and the court decides on the sanction. In order to block information via internet, the permission of the court is required. No precedent case. The legal norm exists, but it is not implemented.
11	The Control Commission is responsible for control of all activities related to gaming. According to the Gaming Law the advertisement of gaming is prohibited, except where it contains only the name of a gaming company, gaming establishment etc, the address of places where gaming is operated, types of gaming and the number of gaming devices. This is applicable for domestic licensed companies. Unauthorised sport betting operators do not have more rights for such actions, as they are unlicensed.
12	There has not been such case till now. There is a restriction by a licensing procedure. Article 11 of the Gaming Law.
13	There are public discussions, publications and interviews, open media measures. The website of Control Commission.

LUXEMBOURG

1	Private operators hold a licence issued by the Minister of Justice. The National Lottery managed by a Public Law corporation. As the Public Law Corporation falls under the auspices of the Prime Minister, Minister of the State, the regulation of the National Lottery is performed on that basis.
2	Luxembourg makes no distinction between games offered on-line or off-line. An operator must be authorized. If the operator has its registered office or domicile in Luxembourg, it is subject to the applicable provisions on the matter.
3	The operator must hold a license held by the Minister of Justice to be considered legal. No specific criteria regarding cross-border gambling.
4	Yes, but not specifically with regard to on-line gambling. No information available about the estimated number of illegal websites and their income.
5	The Police of the Grand Duchy, Gambling Division, regularly proceeds to check the authorised operators, and proceeds to administer surveys based on the information eventually obtained concerning unauthorised operators. At present there are no specific instruments foreseen for that purpose.
6	No blocking system of financial transactions.
7	No blocking system of Web sites offering unauthorised betting and gambling.
8	No. There is no specific system. Operating gambling without a license is punishable by penal sanctions.
9	There are no specific provisions but if appropriate, the provisions concerning unfair competition may apply.
10	Yes, according to the general provisions of Criminal Law.
11	No (actions to protect sports competitions against unauthorised commercial exploitation. Advertising or sponsoring of the organisation of sports events from unauthorised sport betting operators allowed, Economic right to the organizer of sport events and intellectual property right over the competitions of the organizers of sport events)
12	An operator who has been reported for or found guilty of having illegally operated games of chance may be refused an operating license, according to the particulars of the case concerned. The Minister of Justice has a certain margin of manoeuvre in this regard; under reserve of control by certain administrative jurisdictions should the party concerned resort to said jurisdictions against refusal to issue a permit to operate games of chance.
13	No public campaigns.

MALTA

1	The lotteries and Gaming Authority (LGA). The functions and objectives of the LGA are provided for under the Lotteries and Other Games Act of 2001. Police investigations in the case of any breach of Malta's regulatory regime.
2	On-line gambling and betting is authorised through a robust legislative structure. These regulations specifically regulate the provision of on-line gambling and betting in or from Malta, which also include criminalisation provisions.
3	It is illegal to offer or operate games if not in possession of a valid license issued either by Maltese authorities, a relevant authority in the EU or EEA member State or by other jurisdiction or territory approved by LGA.
4	Gambling operators licensed from other EU/EEA countries are active in Malta.
5	In the terrestrial sector, the police close down operations which are not in possession of a valid license (LGA). Regarding illegal gambling in the on-line sector the police act in accordance with the Remote Gambling Regulations.
6	There is no form of bank transaction blocking. There are no intentions to introduce such blockings.
7	No form of IP blocking. There are no intentions to introduce such blockings.
8	The gaming sector is regulated by a robust regulatory regime through Acts and Regulations. These lay down those sanctions which are to be imposed in the case of illegal gambling operations. Penalties: fines and prison. LGA performs rigorous due diligence procedures when a potential operator opts to apply for a licence (remote or terrestrial level). If failed lead to the exclusion of that operator from a licence.
9	Any unauthorised game is prohibited from being promoted in Malta. The Maltese Broadcasting Authority has issued directions to broadcasting services imposing requirements as to gambling advertisements and methods of gambling advertising.
10	Police investigates matters which concern illegal gambling, after it can be taken before the Maltese Criminal Court.
11	There is nothing in Maltese legislation which deals with such matters.
12	If an illegal operator, who has been found guilty of an offence either by Court Law applies for a licence, then such application shall be refused on the operator's failure to pass the due diligence procedures established by the LGA.
13	None.

POLAND

1	The Minister of Finance and The Customs Service. Decisions of the Minister of Finance and the director of customs chamber like every different administrative decision shall be the subject of the judicial control of the administrative courts.
2	On-line betting is not permitted (Act on gaming). The amendment of the Act is being in process. It concerns on-line betting legalization.
3	The Act on gaming specifies which conditions shall be fulfilled. The Act regulates organizing of gaming only in the territory of Republic of Poland.
4	Illegal operators carry on their activity in Poland. No estimated amount of the income from illegal gambling.
5	A draft of Act on amendment to Act on gaming and some other acts has been prepared.
6	Currently there is no transaction blocking system related to illegal gambling and betting.
7	No blocking system related to Web pages that offer unauthorised betting and gambling.
8	Provisions of the penal Code. Penalties: imprisonment and fines. The Act on gaming defines positive premises that shall be fulfilled to obtain the permission or concession, as well as negative premises, not to be given such permission or concession.
9	Act on gaming includes provisions concerning prohibition of advertisement. Advertisement and promotion of cylindrical games, dice games, card games, betting and machine games is not allowed. The sanction for infringement is a fine.
10	A court is not involved in implementing the instruments against illegal gambling.
11	The competent authorities to perform supervision and control are Customs Service units. The Act on gaming stipulates that the concession or permission given to a person (company) may be withdrawn partially or completely.
12	Provisions in the fiscal penal code include sanction for illegal games and betting operators. See answer 8.
13	The Fund for Gambling Problems Solution (Minister of Healthy).

PORTUGAL

1	The existing games are authorized and regulated by the Government of the Republic, following a decree law. The Secretary of State for Tourism and The Tourism Institute of Portugal I.P. (supervision and regulation of casinos and bingo rooms). Concessions for Casinos on legally authorized places are assigned by the State, and their control by I.P. Entities with criminal body statue have the competence to repress illicit gambling. The organization of State social games (lotteries and bets, including Euromillions number game) is exclusive right granted to Santa Casa da Misericórdia de Lisboa, through its Gaming Department, supervised by the Ministry of Employment and Social Security.
2	In light of the actual Game Law, this kind of activity is prohibited. SCDM is allowed.
3	Only the State has the power to authorize the games that offer in the State itself (exclusive right) or by third parties licensed exceptionally to operate them. Legislation regulating gambling in casinos and in bingo rooms excludes the exploitation of these online. From this point of view there are no specific criteria regarding cross-border gambling. Cross border money games are not allowed. (C-42/07) ECJ judgment.
4	Yes, especially on the Internet. The estimated amount of websites operating illegally is 300. No figure regarding the incomes of illegal sites.
5	Inspections to repress illegal gambling. In early 2010 it is foreseen to begin the work to review the current gambling law.
6	No blocking system of financial transactions from illicit gambling practices.
7	See answers 5 and 6.
8	Specific sanctions. They can be administrative or penal actions. The disqualification from obtaining future concessions (casinos) is not foreseen by the law, but it is a natural consequence.
9	Pursuant to The Portuguese Advertising Code marketing activities regarding games of chance are forbidden in Portugal (except SCML). The sanction is a fine collected by he DG for Consumer Protection (Ministry of Economy, Innovation and Development). There is a process running in the Regulating Authority for the Social Communication (media). Advertising of gambling practiced in casinos is forbidden, when the essential element is the game. Advertising of bingo is permitted.
10	In administrative sanctions it is not necessary. Regarding crime for illegal operation of casino games, it is necessary.
11	Advertising and sponsorship of sport events by illegal operators is not allowed. There are no rights for the use of sporting events.
12	There is no possibility that an illegal operator might be granted a license for operating games in Portugal.
13	There is an awareness campaign under development.

ROMANIA

1	Authorizing Commission of Gambling Ministry of Finance. Supervision, the Ministry of Administration and Interior. After the authorization is granted, the Ministry of Finance, the Nation Agency for Fiscal Administration and the Ministry of Administration and Interior.
2	In the normative act that regulates the organization and exploitation of gambling activities there are clearly laid down the types of gambling that may be licensed/authorised, but on-line gambling and betting are not among them.
3	Gambling is consider to be legal if it is authorised by the Authorizing Commission of Gambling, and complies with the conditions related to the award of the authorizations.
4	Data corresponding to licensed/authorised gambling.
5	The specific legislation incriminates as offences the organization of illegal gambling. See answer 8.
6	The payment instruments used in the financial banking system (payment orders, bills of exchange bills, transfers etc.) are forbidden in the field of gambling.
7	No blocking system for Web pages offering unauthorised gambling. They have in view the adoption of such system.
8	Unauthorised gambling activities and gambling activities without license or authorization are sanctioned with fines and imprisonment. Those gambling activities in which the data or the initial parameters of the approved instruments for gambling are modified are sanctioned with the cancellation of the awarded license.
9	In compliance with the legal provisions the advertising, publicity or any other promotional activity for the forbidden gambling activities and games represents an offence.
10	It is not applicable.
11	See answer 5 and 9.
12	In order to obtain a license for gambling organization the operators have to submit a range of documents (approval of the police bodies, statutory declaration proving not having been convicted by final court, certificate of criminal record history). The lack of approval or no submitting of a document that may prove that the legal representative was not convicted previously, or that for the offence committed the rehabilitation has not been reinstated, leads to the rejection of the request concerning the award of the license.
13	Authorities are studying the problem concerning the addiction to gambling. If the analysis proves that the addiction to gambling is expanded there will be established measures related to the development of public campaigns.

SLOVENIA

1	<p>The Government of the Republic of Slovenia decides upon rewarding a gaming concession.</p> <p>The gaming supervision is carried out by the State Office for Gaming Supervision, an administrative authority within the Ministry of Finance.</p>
2	<p>The Gaming Act allows on-line gambling, but under specific conditions. On-line gambling is allowed to operators that have obtained a concession for the terrestrial classic games of chance (lottery) or a concession for the operation of terrestrial games of chance in casinos. Taking in consideration the limitation for land based gaming in the territory of the Republic of Slovenia (numerous clausus), the possibility of on-line gambling is legally rather limited. The legislation does not provide for an independent licensing for on-line gambling but more an extension of the authorization for off-line gambling. More detail regulation on on-line gambling was issued in 2008 as Rules of games via the Internet and other telecommunication means.</p>
3	<p>Gaming only may be operated on the basis of a license or concession granted by the competent authority. Any other kind of gaming is considered to be illegal.</p>
4	<p>Yes they are. No concrete number, especially regarding the amount of the income from non-license on-line gambling.</p>
5	<p>Prohibition of the games of chance operated without a licence. Amendments of the Gaming Act include a special provision stating that communication companies/IP providers may not mediate communications from their customers to domain names and IP addressees used for unlawful gambling services.</p>
6	<p>No blocking system of financial transactions. The Gaming Act provides an explicit provision (payment for illegal gaming is prohibited).</p>
7	<p>Amendments of the Gaming Act may impose restrictions on the Internet service providers on access to websites offering unauthorised online gaming.</p>
8	<p>Illegal gambling is criminalized in the Criminal code. Sanctions: imprisonment and fines. No explicit disqualification for illegal gambling operators from obtaining a future licence.</p>
9	<p>Advertisements are allowed only to the legally operating gaming organisers, but have not been explicitly regulated in the Gaming Act yet.</p>
10	<p>It is not needed for implementing blocking system of Web pages.</p>
11	<p>Organizers of sports competitions and participants can advertise only the gaming organizers to whom a concession has been granted.</p>
12	<p>The legislation does not provide for any kind of impediment or limitation for an illegal operator to be licensed as an authorized gaming operator.</p>
13	<p>To include information about the risk of accessing illegal gambling in public campaigns. To increase the content of the website of the SOGS.</p>

SPAIN

1	Loterías y Apuestas del Estado has exclusive competence in the authorization and organization of any gamble whose field of development and application exceeds the territorial limits of a specific Autonomous Community. The sanctioning authority is the Director of the Department of Customs and Special Taxes of the State Agency of Tax Administration. There are only two authorized operators, LAE (Ministry of Economy and Finance) and ONCE. The Ministry of the Interior has residual competence in public order. The Autonomous Communities have also competence on gambling matters within their territory.
2	The only authorized operators to offer on-line gambling are LAE (authorization granted by the Ministry of Finance, and the regulation is developed by General Director of LAE), and ONCE (the Government authorizes the operation and the exploitation is regulated by The Secretary of State for Social Family and Disability Services). Currently it is being drafting a bill to regulate gambling and betting activities.
3	All the gambling activities not authorized which are not developed strictly subject to the authorization granted are considered illegal. Regarding cross-border gambling Spanish law prohibits the sale, importation, circulation and production of tickets, coupons, stamps or any other medium of lotteries betting and other games organized or issued by foreign persons or Entities.
4	Yes, they are. Approximately 50 unauthorized online operators. The estimated amount of the income in 2008 was 75 million€
5	The State and the Autonomous Communities will have competence to take actions against illegal activities. Advertising on unauthorized gambling is an administrative offence.
6	No blocking system of financial transactions. It is under consideration.
7	No blocking system of Web pages offering unauthorized gambling and betting.
8	No specific sanctioning system for illegal gambling operations. Sanctions provided for in the Law of smuggling repression (imprisonment and fine).
9	The Act provides that advertising on gambling without proper authorization is a very serious offence. It is an administrative offence. The Ministry of Industry, Tourism and Trade through the General Department of Audiovisual is the competent authority (TV). Publishing ads on unauthorized activities organized by foreign persons or entities (the sanctioning authority is the Director of Customs and Special Taxes of the State Agency of Tax Administration).
10	It would be needed related to future action of financial transactions blocking. In relation with Web pages under certain circumstances it can be taken steps without judicial authorization.
11	No protective action is implemented for a sports competition against unauthorized commercial exploitation. It is allowed the sponsorship of sport events from sport betting operators. Regarding the recognition of economic rights to sport event organizers LAE allocates a percentage of the revenues of sport betting. No granting of intellectual property right.
12	There is currently no provision of this kind in the Spanish legislation.
13	So far, no campaign has been developed. It is not intended to perform.

SWEDEN

1	The Gaming Board for Sweden has the responsibility for control and authorisation of operators, with the exception of the state controlled operators (the Government). The Board is within the jurisdiction of the Ministry of Finance.
2	On-line gambling and betting are authorized. On-line lotteries are regulated in the Lotteries Act. Both independent licensing and an extension of the off-line gambling authorisation exist.
3	In order for an activity to be considered legal it has to be awarded a permit. If no permit is obtained, the ongoing activity is considered illegal. Only certain actors are allowed (public benefit organisations, horse-racing and the Swedish State). No specific criteria for cross-border gambling.
4	Yes they are. The estimated amount of illegal websites is about 50. The estimated amount of the income of unauthorized operators was 1,9 billion € in 2009, 1,5 billion € in 2007 and 1,7 in 2006.
5	The sanctioning system is to be more efficient. The idea of resorting to high administrative pecuniary sanctions is currently being considered.
6	No blocking system of financial transactions is applied.
7	No blocking system of Web pages is applied.
8	No specific sanctioning system for illegal gambling operators. Fines and imprisonment. No disqualification is applied.
9	There is a specific ban of promotions in the Lotteries Act regarding lotteries and gambling activities organised outside the country. The publication of advertisements in favour of unauthorized gambling operators is a breach of this ban. The Gaming Board is the competent authority.
10	A court order is currently necessary for a penalty of a fine in conjunction with an injunction to take immediate effect. There are plans to amend this regulation.
11	No new actions are planned. The Gaming Board is the competent authority. The Gaming Board is of the view that it is not allowed for the organizers of sports events to accept advertisements or sponsoring from unauthorized sports betting operators. The organizers of sport events are considered to be a holder of a economic right. No intellectual property right is formally laid down by law as regards the competition.
12	The criteria that only public benefit organisations, the horse-racing industry and the Swedish state can obtain a permit. No transitional period.
13	A public campaign is being planned.

THE NETHERLANDS

1	Licensing: Ministry of Justice. The Ministry of Justice and the Gaming control board are responsible for the control of the national license holders. On the 1 st July 2010 the independent Gambling authority is expected to start its activities. This authority will issue permits; will be responsible for compliance and sanctioning.
2	On-line gambling is illegal in the Netherlands.
3	It is considered illegal gambling unless a licence has been issued. The same applies to cross-border gambling. Foreign operators violate the Dutch and Gaming Act if Dutch citizens have access to games of chance they offer via the Internet.
4	Yes there are operators licensed from other countries active in the Netherlands. The turnover from illegal gambling operators is approximately 100-200 million € per year.
5	Warnings of the Ministry of Justice. Operators which keep on violating the Dutch Betting and Gaming Act can face criminal prosecution.
6	A number of the larger Dutch banks have been requested to end their relationships with illegal providers and to refrain from accepting such providers as customers. The minister of Justice has sent a similar request to the payment service providers.
7	No blocking system of Web pages offering unauthorized gambling and betting.
8	Violating the provisions of the Act is a crime. Offenders may be sentenced to prison, or receive a fine. There is no disqualification from obtaining a future license.
9	It is illegal, pursuant to Section 1 of the Betting and Gaming Act, to promote games of chance that are offered without the required license. There is no specific media regulation which prohibits the broadcasting or advertising in favour of unauthorized gambling operators.
10	Not applicable.
11	As stated before, it is illegal to promote games of chance that are offered without the required licence. Promoting is taken to mean facilitating or causing to take place. Broadcasting advertisements for games of chance without a licence is considered promoting. This is also applicable for sponsoring or advertising of sports events. There is no legislation or regulation on governmental level to protect sport competitions against unauthorized commercial exploitation. The economic rights of organizers of sports events are indeed recognized. Organizers of sports events do have intellectual property rights over their competitions. The principle is recognized by the national authorities.
12	No there is not impediment or limitation. No, there is not transitional period.
13	On the 1 st of January 2011 the independent Gambling authority is expected to start its activities. A big public campaign will start to inform the public and other parties about the law and the risk concerning gambling.

UNITED KINGDOM

1	The Gambling Commission (NDPB) is responsible for licensing and regulation of all gambling except the National Lottery (The National Lottery Commission –NDPB-) and spread betting ((The Financial Services Authority). Local authorities, the police, other Government Departments and agencies including the Serious and Organised Crime Agency.
2	There are ten different kind of operating licences, each of which has specific licence conditions. Facilities for gambling can be provided remotely or non-remotely. For each of the ten kinds, there are two basic types: a remote operating licence which authorises, for example the provision of particular facilities by means of the Internet; and a non-remote licence, which authorises the same facilities to be provided from premises. An operating license must either be remote or non-remote but cannot be both. Description of personal licenses, premises licenses, Gaming machine permits, register of licence holders and The National Lottery.
3	Having key remote gambling equipment located in Britain and operating without a Gambling Commission remote operating licence, providing facilities for gambling or using premises for gambling without licence, permit, authorisation or exemption is an offence. It is also an offence to advertise foreign gambling where the gambling is not subject to the laws of an EEA member state, Gibraltar or a white listed jurisdiction.
4	Yes. No estimated number of illegal Websites and their income.
5	See question 8 and summary at the end.
6	No application of blocking system of financial transactions.
7	No application for a blocking system of Web pages.
8	The Gambling Act contains a number of offences. Sanctions: fines and/or prison. Convictions, including offences committed under the Gambling Act would be taken into account when considering applications for an operating or personal licence.
9	The Secretary of State has reserve powers under the Gambling Act to make regulations with regard to the form, content, timing and location of gambling advertising. There are two advertising Codes of practice, monitored by the ASA: BCAP and CAP. There is also an industry voluntary code for socially responsible advertising.
10	n/a
11	The decision on whether to pursue further the idea of a sports right in the UK has not been taken.
12	n/a
13	The Gambling Commission produced a leaflet to inform British consumers considering gambling online. Possible changes to the UK system of remote gambling regulation.