

Gambling Services in the Internal Market



EUROPEAN ASSOCIATION FOR THE STUDY OF GAMBLING

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DG MARKT

European Commission

Internal Market & Services DG

Gambling Services in the Internal Market

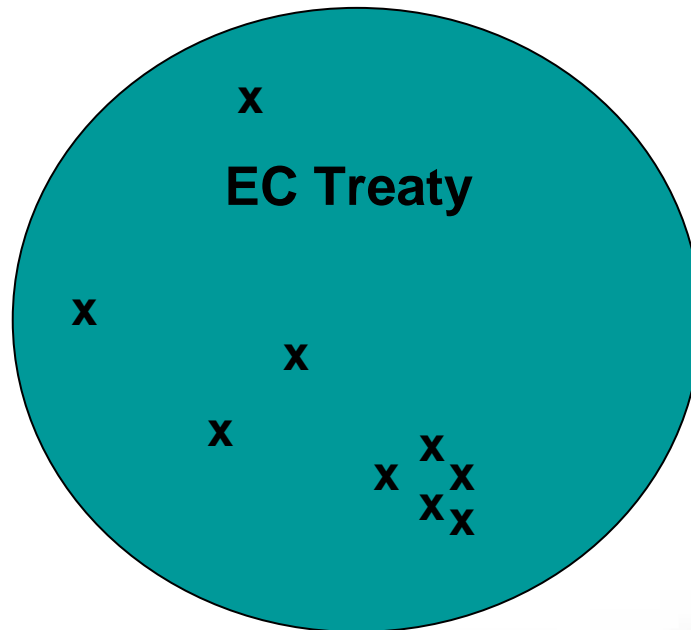
- **Institutions, EU laws & legal actions**
- **Justifying national restrictions - prevention of problem gambling or criminal activities**

EU and the legal context

- **Giving powers to the EU (the EC Treaty)**
- **Application of the EC Treaty**
 - case by case
- **Approximation of national legislation**

EU and the legal context

Application of the Treaty – case by case



Letter of formal notice

Reasoned Opinion

Referral to the ECJ

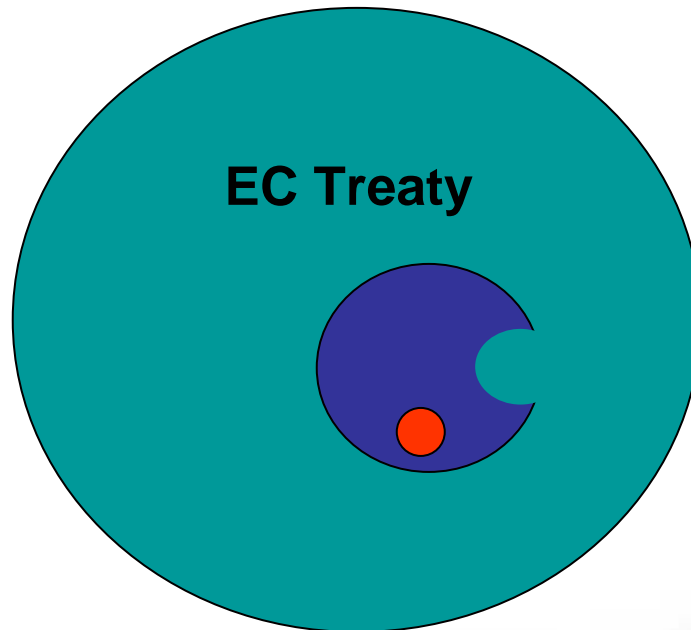
EU laws & something about legal actions

Direct application of the Treaty (case by case) and complaints taken forward by the Commission:

- Since April 2004 opened cases against 10 Member States, mainly cross border provision of sports betting (AT, DE, DK, EL, FI, FR, HU, IT, NL and SE).
- Two of these cases (DK and SE) have reached the stage for referral to the ECJ - neither propose to amend their laws.

EU and the legal context

Harmonisation



Harmonisation
(ex Directive)

Derogation

Harmonised exclusion
no free movement

EU laws & something about legal actions

Approximation of laws and examples of directives:

- including gambling services
- excluding gambling services

Problems with harmonisation ...

Assessment of restrictions

Restriction? Discrimination?

Valid public interest objectives?

Necessary (1) and proportionate?

Justification and evidence

Consistency?

Necessary (2) and efficiency

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Thank you for your attention

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Observations

- Addiction problems -

- Opening infringements → increased efforts to prevent problem gambling
- Many Member States have little - if any – control of marketing
- Obligation to provide an analysis of the appropriateness and proportionality – more research on gambling problem

Observations

- Crime -

- Competition *may* prevent criminal organisations to enter the market (low profit margin – less crime)
- High payback *may* be an incentive to use bookmaking services for money laundering purposes.

Efficient controls, enforcement and co-operation?

- Need for independent gambling boards?
- Controlling the Internet? Is it possible to detect any money laundering schemes with a large number of points of sale?

ECJ

- 1. Case C-42/07 (PT)**
Liga Portuguesa de Futebol Profissional & Baw
- 2. Case C-525/06 (BE)**
De Nationale Loterij & Customer Service Agency
- 3. Case C-46/08 (DE)**
Carmen Media Group Ltd & Land Schleswig-Holstein
- 4. Case C-64/08 (AT)**
Engelmann
- 5. Case C-212/08 (FR)**
Zeturf
- 6. Case ?/08 (NL)**
Pending Case / Ladbrokes – DeLotto