

Guidelines for the Formation of the Future of Online Gambling in Europe

Online gambling is becoming an increasingly important channel for the distribution of games. Indeed, many European Casino Association (ECA) members take advantage of this highly dynamic technology for providing their services. Herein, the ECA would like to present a concise list of position statements and explanations in light of the current ongoing discussions relevant to debates on the future of online gambling at national, EU and global level.

What is the regulatory status quo?

With respect to the principle of subsidiarity and under the country-of-destination principle, and as confirmed by the CJEU as well as the EFTA Court, Member States have the right to determine what gambling services can be provided in their jurisdiction as long as the measures are compatible with the EU Treaties and the interpretation given thereof by the CJEU. This approach is based on the premise that Member States are best placed to understand national needs and cultural preferences in light of the challenges intrinsic to any form of gambling.

What changes with online gambling?

Online gambling is in itself only another channel for the distribution of games. Equally to terrestrial gambling, if not properly regulated, online gambling can lead to negative social and economic consequences, which vary from youth and problem gambling to illegal, criminal and fraudulent activities. Herein, the cross-border nature of online gambling has brought with it an increasing need for cooperation between countries.

How to approach the challenges to harness the opportunities?

In light of very diverse national legislation on gambling across EU Member States, it is highly beneficial to allow a gradual evolution of ever closer cooperation between Member States, rather than a top-down approach of blanket European-wide liberalisation or harmonisation. Furthermore, it would be important to guarantee that the subsidiarity principle along with the country-of-destination principle is strengthened. At the same time, it is the responsibility of all stakeholders in the gambling sector, no matter whether operators, equipment providers, civil society organisations or researchers to closely cooperate with the national regulators in optimising regulation with a view of creating the most appropriate national regulatory frameworks for online gambling, in line with ideal levels of consumer protection and public order. This should also be done with a view of helping Member States to gradually increase cooperation amongst themselves.



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Member State approach: Technical approximation

The agreement signed by EEA Gambling Regulators in November 2015 (“Cooperation Arrangement between the gambling regulatory authorities of the EEA Member States concerning online gambling services”) for a mechanism to share information is an important first step to create the context of cooperation amongst regulators. Equally important is the European Commission’s opening of discussions on standardisation of gambling equipment allowing regulators as much as operators or equipment providers to identify grounds for cooperation. These should allow for Member States at their own pace to constantly improve their regulation as is necessary through learning out of experiences from others, find common ground on technical issues, and as such increase cooperation towards better consumer protection and public order standards; a stark difference to blank European-wide harmonisation and/or liberalisation that risks lowering already established national standards necessary to ensure a controlled and responsible gambling environment.

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