

Public consultation on the Green Paper on on-line gambling in the Internal Market

You are invited to reply to the on-line questionnaire. The questions listed in the Green Paper are reproduced in the same order hereunder. A pdf version of the [Green Paper](#) is available in all EU languages for guidance to the questions.

There are 51 questions in the consultation document. You may reply to those questions in any one of the EU languages. You may focus your contributions on the areas of most interest to you; you are not obliged to answer all the questions.

Please save this document on your computer. Once you have completed the questionnaire, come back to the on-line questionnaire. You will be able to upload your answers on page 3 of the on-line questionnaire.

The consultation will close on 31/07/2011.

We thank you for your participation.

Your name / Your organisation:

GREECE Ministry of Finance

Questions from the Green Paper on on-line Gambling in the Internal Market

1. Regulating on-line gambling in the EU: Recent developments and current challenges from the Internal Market standpoint
 - 1.1. Purpose of the consultation
 - 1.2. On-line gambling in the EU: current situation

(1) Are you aware of any available data or studies on the EU on-line gambling market that would assist policy-making at EU and national level? If yes, do the data or study include licensed non-EU operators in the EU market?

GAMBLING COMPLIANCE reports, GREF, Investment Banks' in house produced reports and own data

(2) Are you aware of any available data or studies relating to the nature and size of the black market for on-line gambling services? (Unlicensed operators)

Total prohibition of on line games on the basis of Law 3037/2002 as well as the absence of regulation and surveillance of market led progressively to de facto opening of the related

markets. Today, in Greece operate an estimated 20 000 gaming machines and 150 000 computers in public places illegally adapted with online games. Annual turnover of the illegal online betting in Greece is estimated to reach €2 bln, equal with brick and mortar betting of state monopoly. Also, the turnover in the betting exchanges, illegal poker and casino games reaches a €1,5 - 2,0 bln. In the amounts above, must be added the turnover of AWP's, VLT's and public computers which operate illegal betting games.

(3) What, if any, is your experience of EU-based on-line gambling operators licensed in one or more Member State and providing and promoting their services in other EU Member States? What are your views on their impact on the corresponding markets and their consumers?

Although the provision of on-line betting is illegal in Greece, there are more than 250 sites offering online betting, 60 of which are translated into greek. Some of these companies have an EU licence. The annual turnover of the illegal online betting in Greece is estimated to reach more than €3 bln (including the turnover of betting exchanges operating illegally in Greece). The immediate financial impacts of these operations are a) a significant market share loss for the licenced land-based operators and b) significant loss of tax revenues for the states

(4) What, if any, is your experience of licensed non-EU on-line gambling operators providing and promoting their services in EU Member States? What are your views on their impact on the EU market and on consumers?

The legislation for gambling market in Greece is rather restrictive meaning that only casinos and state monopolies (lotteries, horse races etc) are allowed. The other games, including on-line gambling, are prohibited according to the Law 3037/2002. However, a draft law regarding a partial opening of the gaming market is about to be elaborated currently. The main lines of the said draft law, the discussion of which is still ongoing, provides for the establishment of a control and surveillance committee in the Ministry of Finance, the protection of the vulnerable groups, specific number of operators to receive national licences. The general idea governing this draft is to keep the operations at national level in an effort to control the finances - given mainly the particular circumstances of the current Greek economic situation. Therefore, the automatic recognition of licence holders from other EU MS and nationals from third countries is rather premature.

(5) If any, which are the legal and/or practical problems that arise, in your view, from the jurisprudence of national courts and the CJEU in the field of online gambling? In particular, are there problems of legal certainty on your national and/or the EU market for such services?

No experience

(6) Do you consider that existing national and EU secondary law applicable to on-line gambling services adequately regulates those services? In particular, do you consider that coherence / consistency is ensured between, on one hand, the public policy objectives pursued by Member States in this field and, on the other hand, the national measures in force and/or the actual behaviour of public or private operators providing on-line gambling services?

Remains to be seen

Other comments on issues raised in section 1

The evaluation of the jurisprudence of EUCJ and the constraints in establishing national regulations shows that the related market makes a specific case linked with national priorities and particularities. In this framework and taking into account the lack of unifying legal framework, the degree of observance of basic principles of TFEU should be judged from the angle of national needs, characteristics and social references, given that the gambling market is neither a common commercial activity nor a supply of ordinary services.

2. Key policy issues subject to the present consultation

2.1. Definition and organisation of on-line gambling services

(7) How does the definition of on-line gambling services in the Green Paper differ from definitions at national level?

We have no specific definition for on-line games. These are included in the pleasure games of chance

(8) Are gambling services offered by the media considered as games of chance at national level? Is there a distinction drawn between promotional games and gambling?

No

(9) Are cross-border on-line gambling services offered in licensed premises dedicated to gambling (e.g. casinos, gambling halls or a bookmaker's shop) at national level?

Currently, there are no on-line gambling services legally provided in Greece.

(10) What are the main advantages/difficulties associated with the coexistence in the EU of differing national systems of, and practices for, the licensing of on-line gambling services?

Actually, Greece is about to initiate tentatively the on-line gambling expecting to abolish illegal operation of it. This is the reason we try to keep the whole operation on a national level.

Other comments on issues raised in section 2.1

2.2. Related services performed and/or used by on-line gambling services providers

(11) With focus on the categories mentioned in the Green Paper, how are commercial communications for (on-line) gambling services regulated for at national level? Are there specific problems with such cross-border commercial communications?

The draft law on gambling and betting envisages the commercial communications for on-line gambling services at national level.

(12) Are there specific national regulations pertaining to payment systems for on-line gambling services? How do you assess them?

The draft law provides for payment systems, geared as well at national level.

(13) Are players' accounts a necessary requirement for enforcement and player protection reasons?

Yes.

(14) What are the existing national rules and practices relating to customer verification, their application to on-line gambling services and their consistency with data protection rules? How do you assess them? Are there specific problems associated with customer verification in a cross-border context?

The customer verification in on-line gambling is ensured by specific article of the draft law which provides for the issue of an individual player's card. This card will supply data about the player, such as his age, time of participation in the game, maximum amounts available per day and all necessary information for the autoprotection of the player. The data protection is ensured through the provisions of specific article.

Other comments on issues raised in section 2.2

2.3. Public interest objectives

2.3.1. Consumer protection

(15) Do you have evidence that the factors listed in the Green Paper are linked to and/or central for the development of problem gambling or excessive use of on-line gambling services? (if possible, please rank them)

Factors that are central for the development of problem gambling are ranked as follows:

Accessibility and Social Environment

Event frequency

Perceived skills of involvement

Commercial communications that could trigger vulnerable groups

Chasing losses of being close to winning

Payout interval

(16) Do you have evidence that the instruments listed in the Green Paper are central and/or efficient to prevent or limit problem gambling relating to on-line gambling services? (if possible, please rank them)

The instruments efficient to prevent problem gambling are ranked as follows:

Age limits (Greek project law prohibits all gambling to people under 21 years old)

Diligence obligation for the on-line operator (Greek project law provides specific penalties for the on-line operators in case the rules are not observed).

Reality checks

Self limitation (financial and time) and self exclusion

Banning the use of credit

Restricting certain forms of games or bets that are considered the most risky and

Other

(17) Do you have evidence (e.g. studies, statistical data) on the scale of problem gambling at national or EU level?

We have usually consult FATF (Financial Action Task Force) data and studies

(18) Are there recognised studies or evidence demonstrating that on-line gambling is likely to be more or less harmful than other forms of gambling for individuals susceptible to develop a pathological gaming pattern?

There are no recognised studies in Greece on the subject above

(19) Is there evidence to suggest which forms of on-line gambling (types of games) are most problematic in this respect?

(20) What is done at national level to prevent problem gambling? (E.g. to ensure early detection)?

The draft law provides for the prevention of problem gambling in several instances

(21) Is treatment for gambling addiction available at national level? If so, to what extent do on-line gambling operators contribute to the funding of such preventive actions and treatment?

In Greece operate several specialised - mainly private - institutions for the ex post treatment of gambling addiction.

(22) What is the required level of due diligence in national regulation in this field? (e.g. recording on-line players' behaviour to determine a probable pathological gambler?).

(23) What is the statutory age limit for having access to on-line gambling services in your Member State? Are existing limits adequate to protect minors?

The draft law provides for the age limit of 21 for having access to all gambling activities.

(24) Are on-line age controls imposed and how do these compare to off-line 'face-to-face' identification?

The draft law provides for an individual player card which is described above (14) . Also, an on-line account is foreseen in specific article for the protection of on-line players.

(25) How are commercial communications for gambling services regulated to protect minors at national or EU level? (e.g. limits on promotional games that are designed as on-line casino games, sports sponsorship, merchandising (e.g. replica jerseys, computer games etc) and use of social on-line networks or video-sharing for marketing purposes.

Draft law provides through specific article the conditions governing the commercial communications of all gambling activities. More specifically, the details of the said communications will be subject to the Gambling Ethics Code to be established by the Committee of Surveillance and Control.

(26) Which national regulatory provisions on license conditions and commercial communications for on-line gambling services account for the risks described in the Green Paper and seek to protect vulnerable consumers? How do you assess them?

The draft law provides for the information of the customers regarding the risks through a text which appears on the screen of the games and it is similar to the warnings directed to the smokers on the cigarette packages.

Other comments on issues raised in section 2.3.1

2.3.2. Public order

(27) Are you aware of studies and/or statistical data relating to fraud and on-line gambling?

Studies of FATF (Financial Action Task Force) studies .

(28) Are there rules regarding the control, standardisation and certification of gambling equipment, random generators or other software in your Member State?

The draft law provides specifically for the control, standardisation and certification of gambling equipment

(29) What, in your opinion, are the best practices to prevent various types of fraud (by operators against players, players against operators and players against players) and to assist complaint procedures?

By operators against players

(30) As regards sports betting and outcome fixing - what national regulations are imposed on on-line gambling operators and persons involved in sport events/games to address these issues, in particular to prevent 'conflicts of interest'? Are you aware of any available data or studies relating to the magnitude of this problem?

In Greece there is an ongoing investigation for possible fraud in sports games. The regulating authority and the "economic police" are the competent bodies for the control.

(31) What issues should in your view be addressed in priority?

It is not possible to prioritise the issues with the current legal framework. .

(32) What risks are there that a (on-line) sports betting operator, which has entered into a sponsorship agreement with a sports club or an association, will seek to influence the outcome of a sports event directly or indirectly for profitable gain?

(33) What concrete cases are there that have demonstrated how on-line gambling could be used for money laundering purposes?

(34) Which micro-payments systems require specific regulatory control in view of their use for on-line gambling services?

(35) Do you have experience and/or evidence of best practice to detect and prevent money laundering?

(36) Is there evidence to demonstrate that the risk of money laundering through on-line gambling is particularly high in the context of such operations set up on social web-sites?

(37) Are national e-commerce transparency requirements enforced to allow for illegally operated services to be tracked and closed? How do you assess this situation?

Other comments on issues raised in section 2.3.2

2.3.3. Financing of benevolent and public interest activities as well as events on which on-line sports betting relies

(38) Are there other gambling revenue channeling schemes than those described in the Green Paper for the public interest activities at national or EU level?

A percentage of 20% of total gambling revenues are redistributed to social policies (handicapped persons, fight against unemployment, treatment for gambling addiction etc)

(39) Is there a specific mechanism, such as a Fund, for redistributing revenue from public and commercial on-line gambling services to the benefit of society?

Yes, according to the draft law this will be done by an an inter-ministerial decision

(40) Are funds returned or re-attributed to prevention and treatment of gambling addiction?

Yes, see 38

(41) What are the proportions of on-line gambling revenues from sports betting that are redirected back into sports at national level?

At this stage, the draft law does not foresee any redirection

(42) Do all sports disciplines benefit from on-line gambling exploitation rights in a similar manner to horse-racing and, if so, are those rights exploited?

n/a

(43) Do on-line gambling exploitation rights that are exclusively dedicated to ensuring integrity exist?

n/a

(44) Is there evidence to suggest that the cross-border "free-riding" risk noted in the Green Paper for on-line gambling services is reducing revenues to national public interest activities that depend on channelling of gambling revenues?

(45) Do there exist transparency obligations that allow for gamblers to be made aware of whether and how much gambling service providers are channelling revenues back into public interest activities?

n/a

Other comments on issues raised in section 2.3.3

2.4. Enforcement and related matters

(46) Which form of regulatory body exists in your Member State and what are its competences, its scope of action across the on-line gambling services as defined in the Green Paper?

According to the draft law, this will be the Gambling Commission

(47) Is there a national register of licensed operators of gambling services? If so, is it publicly accessible? Who is responsible for keeping it up to date?

According to the draft law there will be one

(48) Which forms of cross-border administrative cooperation are you aware of in the domain of gambling and which specific issues are covered?

According to the draft law, this will be one of the tasks of the Gambling Commission to establish

(49) Are you aware of enhanced cooperation, educational programmes or early warning systems as described in the Green Paper that are aimed at strengthening integrity in sport and/or increase awareness among other stakeholders?

(50) Are any of the methods mentioned in the Green Paper, or any other technical means, applied at national level to limit access to on-line gambling services or to restrict payment services? Are you aware of any cross-border initiative(s) aimed at enforcing such methods? How do you assess their effectiveness in the field of on-line gambling?

(51) What are your views on the relative merits [in terms of suitability and efficiency] of the methods mentioned in the Green Paper as well as any other technical means to limit access to gambling services or payment services?

Other comments on issues raised in section 2.4

Other comments on issues raised in the Green Paper