

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:

Marcin Zwierko

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?

YES / The studies include licensed non-EU operators in the EU market

(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)

NO

(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?

I've been using their online service from companies such as bwin.com and bet-at-home, they provide better service than local on-site stores, in Polish market gambling is restricted policy and cannot be advertised anywhere, the recent policy also does not allow for a person residing in Poland to participate in any foreign game or lottery under financial and jail punishment (art. 107 k.k.s.), this policy exclude polish operators (but they do not offer online service), and does not refer to national lottery which has very aggressive advertisement campaign. I would very much like to participate in online service, but at this moment it is impossible.

(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?

I believe that in open market the licensed non-EU on-line gambling operators are important for EU market, as they offer competition to EU gambling operators, and will be key component to provide the best service from the customer point of view, also to prevent price fixing, and service fixing within EU

(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?

As i stated before the legal aspect within Poland is very unfair, the policymakers have prohibited people residing within Poland (both Polish, and other nation) to use any gambling operator from outside the Poland. The policy (art 107 K.K.S.) is very wide to the subject, hypothetically if the polish national would go abroad to other country and decide to play any local lottery, and get back to Poland for the time of draw he would be facing up to 3 years jail punishment, loss of win and other financial punishment, the same article prevents Polish national to participate in such lotteries as US Green Card Lottery, IntelRetailEdge lotteries, and even playing scrabble or solitaire online. This act is in tact despite EU law of freedom of action of the companies registered within EU. As i have studied many legal documents this state would be lawful if the country would not use aggressive marketing of domestic lotteries, and as a matter of fact it does, as the national lottery is entirely excluded from the gambling policy.

(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?

I believe that Polans national law is not adequately adjusted, the policymakers wish to restrict entirely the online gambling to Poland registered companies only, as they say to limit the addiction rate (as one man commented: that it is equal to the making illegal drugs from abroad and legalize national drugs). Polish government presented the 'representive' study done on 184 people that stated that more than 55% of them are addicted gamblers and 12% are on their way to become addicted (which would state that more than 25 million people are or soon will become addicted gamblers). Therefore i believe that both EU and Polish law is

inadequate, because the Polish law is nonsense, and the EU law allows polish lawmakers to introduce such things

Other comments on issues raised in section 1

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?

The Polish law is in conflict with Green Paper by my opinion

(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?

There is Polands National lottery called 'Lotto' with great media coverage, advertising in all media channells, gamling and games of chance are in the same level (within Poland)

(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?

The use of any cross-boarder on-line game of chance or gambling are strictly prohibited and punishable by law (art 107 K.K.S.)

(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?

art 107 K.K.S. is the main obstacle, there is no licensinnng of non-Polish operators

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?

art. 107 K.K.S. (Polish) prevents poland's residing people from any online gambling service (as there is no online gambling operator within Poland)

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

no- relevance

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

no relevance

(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?

no relevance (Poland is not offering any verification, protection for online gamblers)

Other comments on issues raised in section 2.2

The policymakers are clearly creating the way to raise monopoly for polish companies

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)

no

(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)

no

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

I have gained insight into 2 national studies:

1. presented by government stating that apx. 55% of polulation are addicted gamblers and 12% are on their way to soon become addicted gamblers, performed under 'representative population of 184 people

2. Medical statistics regarding registered addicted gamblers in 2008 - about 1000 people, and in 2009 - about 1300 people

(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?

no

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

no

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

nothing

(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?

not to my knowledge

(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?).

none at this point ir performed within Poland

(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?

18 years old, i don't believe that they are adequate to protect minors, i believe that the limits should be raised up to 21 year old

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

no revelance

(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.

all advertisement of gambling, games of chance is banned, this does not include national lottery - 'Lotto' and videolotteries

(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?

none

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?

no

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

no reference

(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?

licencing gambling operators, evaluation of their activities, creating the customer office for reporting bad practices, creating black list of operators (banning them from EU operations)

(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?

no advertisement is allowed, no foreign operator is allowed, none of polish operator provides online service - therefore - no relevance

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

allowing people residing in Poland to participate in foreign gambling services

(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?

if there would be one monopoly or oligopoly in gambling industry - then it would present above mentioned risk

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

Current Polish law (art 107 K.K.S.) is forcing and ensuring money laundering proceses from polish gamblers.

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

probably credit cards payments might benefit from creating single EU payment service to provide security

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

no

(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?

not to knowledge

(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?

not to my knowlegde

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?

not to my knowledge

(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?

Polish national lottery is to fund sports but their activities are not clear

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

not to my knowledge

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

no relevance

(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?

no revelance

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

no

(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?

no

(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?

no

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?

under Polish regulations there is no legal on-line gambling

(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?

only register of casinos on-site

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

none applicable in Poland

(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?

no

(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?

none are applied in Poland

(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?

Green Paper is not sustained in Poland

Other comments on issues raised in section 2.4

Other comments on issues raised in the Green Paper