



**THE SENATE  
OF THE PARLIAMENT OF THE CZECH REPUBLIC  
8<sup>TH</sup> TERM**

**293<sup>RD</sup>**

**RESOLUTION OF THE SENATE**

Delivered on the 10<sup>th</sup> session held on 22 July 2011

**on the Green paper on on-line gambling in the Internal Market  
(Senate Press no. K 043/08)**

**The Senate**

**I.**

**1. Considers**

the issue of online gambling in the internal market, in view of its dynamic development, the ease of supplying cross-border services and the current absence of a Union-wide approach to regulation, to be of serious concern;

**2. Is convinced furthermore**

that the specific nature of providing online gambling services on the internet, over mobile telephony or IPTV, arising especially from their legal, technical and social aspects, calls for a qualitative analysis of all available information in order to find an effective policy response;

**3. Supports**

therefore the European Commission's initiative starting a public consultation by means of the green paper aimed at obtaining relevant available information from various stakeholders that could be used when searching for an optimal approach to regulation of online gambling in the EU internal market;

**4. Views**

the following part of the Resolution as its contribution to the consultation;

**II.**

**1. Notes**

that modern technologies enable providers of online gambling services to run their business practically from any place on the planet, which inevitably leads to providers being established in those jurisdictions that are most lenient especially with regard to the regulatory and tax environment;

**2. Is of the opinion**

that the fragmented legal rules for providing online gambling services in individual Member States do not represent an effective form of regulation as they do not ensure sufficient legal certainty in the internal market and may facilitate illegal activities by foreign providers within the EU territory;

**3. Believes**

that, with respect to the above mentioned and to technical possibilities of individual Member States to fight against illegal providers of online gambling services, a common Union approach to a certain form of regulation appears to be inevitable;

**4. Regards**

it as appropriate to base the Union's approach on setting key licence conditions for providers of online gambling services, e.g. by means of a directive establishing a common basic European licensing framework that would have to be respected by all companies offering their services in the EU;

**5. Adds,**

however, that Member States, on top of that common basic European licensing framework, must be allowed, in accordance with the principle of subsidiarity, to make allowances for their specific national conditions regarding especially the issues of consumer protection and public order; this state could be reached by means of additional national licensing systems that would safeguard societal interest specific for a given Member State, while respecting the European law and the case-law of the Court of Justice of the EU;

**6. Emphasizes**

that the purpose of creating such a two-tier licensing system should be above all to

- prevent offering of illegal online gambling services in the EU;
- establish a fair, transparent, non-discriminatory and objective environment for orderly competition between individual providers, including due fulfilment of tax obligations by providers of online gambling services, and
- make allowances for specific national features in area of consumer protection and public order;

**7. Supports**

setting up an effective European coordination and cooperation framework for national supervisory authorities of Member States in order to facilitate mutual exchange of information and best practises in legislative, technical and administrative matters;

**8. Would welcome**

the creation of a special expert working group dealing with technical aspects of enforcement of licensing systems and law enforcement (e.g. with blocking of internet web pages of illegal providers or blocking of payments related to these providers), especially in terms of their technical feasibility and with emphasis on their cost effectiveness;

**III.**

**1. Requests**

the Government to inform the Senate about the way this position was taken into account, and about further initiatives;

**2. Authorises**

the President of the Senate to forward this Resolution to the European Commission.

Milan Štěch  
sign manual  
President of the Senate

Jaromír Štětina  
sign manual  
Senate Verifier