

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:

European Game Developer Federation ekonomisk förening, 37882052302-18

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?

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(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)

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(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?

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(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?

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(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?

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(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?

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Other comments on issues raised in section 1

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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?

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(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?

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(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?

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(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?

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Other comments on issues raised in section 2.1

Video and computer games must be strictly differentiated from both gambling and online gambling.

Video game companies are the forerunners of a multitude of innovative content, services and business models driving today's digital economy. In order not to hinder European innovation and creativity in this booming and quickly changing cultural sector by European regulation on gambling, it is highly important to make a clear difference between on the one side gaming as an emerging medium of culture and on the other side gambling. Consequently it is crucial that the focus of the proposed regulation is strictly limited.

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?

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

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

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(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?

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Other comments on issues raised in section 2.2

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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)

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(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)

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

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(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?

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

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

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(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?

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(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?).

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(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?

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

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(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.

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(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?

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Other comments on issues raised in section 2.3.1

Online gambling services have modified many traditional games for gambling purposes. For example, in some online casinos it is possible to play many traditional games like Solitaire or Mahjong for money.

Therefore possible limitations on "promotional games" based on the type of game will only lead to arbitrary classifications of the games of chance. Consequently EGDF underlines that the possible limitations on "promotional games" have to be based strictly on an online casino like user interface, not on the type.

2.3.2. Public order

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

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

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(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?

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(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?

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

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(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?

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

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

European video game industry uses a wide range of different micro-payment systems, as different consumer groups want to use different kinds of services in order to have access to digital interactive culture. Thus the multitude of existing micro-payment options significantly widens the possibilities of the European video game industry. Therefore the European Commission should be careful not to hinder the access of certain consumer groups to digital culture by over regulating micro-payment systems that are the most suitable for them.

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

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(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?

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(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?

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Other comments on issues raised in section 2.3.2

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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?

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(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?

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

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

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(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?

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

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(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?

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(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?

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Other comments on issues raised in section 2.3.3

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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?

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(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?

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

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(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?

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(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?

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(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?

It is very important that the European Commission defends an open and neutral internet, as it is the base of digital innovation in Europe. We should not give up the fundamental innovative elements of the Internet in Europe in order to limit access to some gambling or payment services. Therefore the current non-discriminatory approach should be kept, as weakening network neutrality eventually endangers the innovation potential of Europe in the Digital Era.

Before, the main parts of the distribution chains of media content were in the hands of overseas distribution giants. European content makers did not receive enough to live, but had too much to die. For years content production was hampered by technical standardisation on handsets as well as by barely cooperative business propositions from the operator side for the content community.

Therefore the importance of the free and neutral Internet, as a historical chance for European content producers to overcome post-war distribution structures dominated by non-European players and to touch down directly to consumers, cannot be underlined too much. It is the main source of digital innovations. For those, who are able to find users, this will be also an economic success.

There is a risk that infrastructure and service providers will in the name of blocking access to some services try to leverage barriers-to-entry and their key strategic positions into the field of online distribution. This is a danger for content innovation. The providers might misuse exceptions and “hide” behind it to prioritize their preferred content in order to recoup their investments in a network. In the meantime, network capacity becomes more relevant, which means that this issue will become even a greater priority. Thus easing up network neutrality raises a serious risk of dividing European digital single market area based on national mobile and broadband networks, as the network providers would have a possibility to slow down access to virtual services competing with their own. Consequently, this would raise new borders for the free movement of services, content and knowledge inside EU.

Other comments on issues raised in section 2.4

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Other comments on issues raised in the Green Paper

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