



Agreement on combatting illegal remote gambling

Introduction

Whereas:

- The Netherlands Gaming Authority and the undersigned payment institutions have entered into this agreement to cooperate in blocking payment transactions between consumers and illegal remote gambling operators as much as possible in accordance with the below provisions;
- Pursuant to Section 1, subsection 1a, of the Dutch Betting and Gaming Act it is prohibited to offer participation in games of chance in the Netherlands without a licence;
- No licences are issued for the provision of remote gambling since it is not possible to adequately meet the objectives of the policy regarding games of chance within the current legal framework: to prevent gambling addiction, to protect consumers and to counter potential fraud and crime;
- Curtailing financial flows between consumers and operators of illegal remote gambling, thus making it unappealing if not impossible for these operators to offer illegal remote gambling services and for consumers to participate in illegal games of chance with these operators;
- In curtailing financial flows, the Netherlands Gaming Authority will initially focus on operators meeting one or more of the prioritisation criteria of the Netherlands Gaming Authority, i.e.: offering services in the Dutch language (amongst others), using a .nl extension and/or advertising on or in radio, television or printed media. These criteria may be adjusted by the Netherlands Gaming Authority in the course of time, if there is a reason to do so.
- The operators make use of the payment services and/or facilities of one or more of the undersigned payment institutions;
- This agreement is a temporary agreement, pending the amendment to the Betting and Gaming Act and several other acts in connection with remote gambling.

Definitions

- 1) Payment institution:
A party to this agreement engaged in providing payment services. Within the context of this agreement, scheme owners and sector associations also fall under the scope of the definition of payment institution.
- 2) Operator:
An illegal remote gambling operators of illegal games of chance via Internet, the websites of which targeting the Dutch market. This is an operator, which is offering illegal games of chance and/or is operating remote gambling distribution channels.
- 3) Customer:
The party making use of the financial services of a Payment institution or applying therefor.
- 4) List:
The List drawn up by the Netherlands Gaming Authority and issued to Payment institutions. The List containing details of illegal remote gambling operators who have been subjected to an administrative sanction by the Netherlands Gaming Authority. When the administrative sanction is final (i.e. is precluded from legal action in accordance with the res judicata principle), this also will be mentioned on the List.



Article 1. Objective

The aims of the collaborative effort under the auspices of the Netherlands Gaming Authority and in close partnership with the undersigned parties are:

- To counter illegality and crime;
- To prevent fraud and money laundering;
- To protect consumers.

Article 2. New customers of the agreement partners

2.1

If a Customer applies to a Payment institution for a financial service to make online payments, the List drawn up by the Netherlands Gaming Authority will first be consulted to ascertain whether the Customer is included in it. If so, it can be concluded that this Customer:

- Is offering illegal online games of chance, which is targeting the Dutch market and;
- Has been subjected to an administrative sanction by the Netherlands Gaming Authority.

2.2

Should a consultation of the List reveal that the Customer is named in it, the Payment institution will refuse to provide that Customer with its financial services.

Article 3. Existing customers offering illegal remote gambling

3.1

If the Netherlands Gaming Authority has imposed an administrative sanction on a Operator which has become final, the Netherlands Gaming Authority will notify the Payment institution(s) accordingly through inclusion in the List.

3.2

After the Netherlands Gaming Authority has imposed an administrative sanction on a Operator which has become final and the Operator fails to discontinue its offering targeting the Dutch market, the Payment institution will cease to make services, that are used for illegal remote gambling, available to that Customer in accordance with such reasonable contractual notice period as may be applicable.

Article 4. Method used to issue the information, periodic reports and updating of the list

4.1

The Netherlands Gaming Authority will inform the Payment institutions through the List after the Netherlands Gaming Authority has imposed an administrative sanction and also when the sanction has become final. The involved Operator will be informed in writing of the fact that it has been put on the List.

4.2

The following information will be on the List:

- The contact and address details of the Operator including its name under the articles of association and trade names;
- If relevant, the URL address, constituting the unique address indicating the location of a web page on the internet.



4.3

The Netherlands Gaming Authority will periodically issue all Payment institutions with information about the Operators referred to in article 3 if they are making use of the services of the Payment institutions.

4.4

The Netherlands Gaming Authority will periodically check the List to ascertain whether Operators are continuing to operate on the Dutch market. Operators no longer operating on the Dutch market will be removed from the List.

4.5

Payment institutions will, by means of the List, also be informed of a removal as referred to in Article 4.4. The relevant Operator will simultaneously be informed in writing of its removal from the List.

Article 5. Exchange of information

5.1

The Netherlands Gaming Authority and the Payment institutions will evaluate the effect of the agreement once a year. The approach will be modified where necessary, as will the agreement if required. The Netherlands Gaming Authority is responsible for organising this evaluation meeting.

5.2

The List will be treated confidentially by all parties and will not be disclosed to third-parties. The List is not for public use and is intended exclusively for use by the Netherlands Gaming Authority and the Payment institutions.

5.3

Payment Institutions are allowed to inform new Customers to whom they refuse to provide any financial services or existing Customers to whom they no longer want to provide financial services of the fact that they are on the List.

Article 6. Press policy

The press policy concerning this agreement will be implemented by the Netherlands Gaming Authority in cooperation with the competent representatives of the Payment institutions.

Article 7. Accession and withdrawal

7.1

Parties wishing to become a party to this agreement should inform the Netherlands Gaming Authority of this in writing. The other Payment institutions will be informed of this intention.

7.2

If one or more Payment institutions have an objection to a party's accession, they should notify the Netherlands Gaming Authority of this, within two calendar weeks, in writing and giving reasons.

7.3

A party will join this agreement by signing an accession declaration together with the Netherlands Gaming Authority. The accession declaration is attached to the agreement as an appendix.



7.4

If one or more Payment institutions terminate the agreement, it will remain in effect for the other Payment institutions.

Article 8. Term of the agreement

This agreement is entered into for the duration of the transition phase until such time as the amended Dutch Betting and Gaming Act comes into force and can be implemented in such a way that nothing further is added by the effect of this agreement.

Short title

This agreement can be cited with the title:

"Agreement between the Netherlands Gaming Authority and Payment institutions on combatting illegal remote gambling".