



Kansspelautoriteit

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Ons kenmerk

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Brief van 8 juni 2012:
12 gestandaardiseerde waarschuwingen



Gaming Authority

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Date 8 June 2012
Concerning Games of chance via Internet

Our reference
00.001.620

*Please quote date of letter
and our ref. when replying. Do
not raise more than one
subject per letter.*

Dear Sir, Madam,

Since March 2012, staff members of the Ministry of Security and Justice and the Gaming Authority have held consultations with you or with one of your staff members and/or a representative designated by you on the discontinuation of the illegal offering of games of chance aimed at the Dutch market. This letter serves to confirm the arrangements made within the framework of the enforcement policy of the Gaming Authority.

Reason for taking action

In September 2012 the Ministry of Security and Justice sent out warnings to a large number of companies regarding the illegal offering of games of chance through the Internet, aimed at the Dutch market. If these games were to continue being offered, the relevant data would be forwarded to the Netherlands Bankers' Association (Nederlandse Vereniging van Banken, NVB), requesting the NVB to pass those data on to its members in order for them to be able to take appropriate measures.

These letters have prompted the discussions held with one of your staff members and/or a representative designated by you at the end of March/beginning of April 2012.

Enforcement of illegal games of chance through the Internet

The offering of games of chance through the Internet, aimed at the Dutch market, is currently prohibited and the Gaming Authority will take enforcement measures against such offerings. With a view to the large amount of these offerings on the Internet, the Gaming Authority has set priorities in its approach towards and its fight against illegal games of chance aimed at the Dutch market.

Therefore, the Gaming Authority is currently focusing its attention on offerors:

- whose website, on which games of chance is played, ends with .nl; and/or
- whose games of chance website has a Dutch language version; and/or
- who advertise on radio, television or in the printed media addressing the Dutch market.



If there is any reason to do so, the Gaming Authority will adjust the prioritisation criteria. The Gaming Authority will inform the (games of chance) market in good time.

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Offerors meeting (one of) the prioritisation criteria listed above will be faced with the Gaming Authority's enforcement measures. Violations of the Betting and Gaming Act will initially be enforced under administrative law. As an ultimate remedy the Gaming Authority may make a report and transfer this to the Public Prosecution Service for further action based on criminal law.

Under title VIb of the Betting and Gaming Act, the Board of the Gaming Authority may take enforcement measures under administrative law and may impose an administrative penalty for acting in violation of Section 1 under a or Section 1 under b of the Betting and Gaming Act up to an amount of the sixth category (€ 780,000) or, if that amount is higher, 10% of the sales realised in the financial year preceding such decision. The Board may also impose an order subject to a penalty for noncompliance or an order subject to enforcing an administrative order (last onder bestuursdwang/ last onder dwangsom).

Arrangements

During the meetings at the end of March/beginning of April 2012 it was discussed with one of your staff members and/or a representative designated by you that all parties, including you, would adjust their advertising policies and/or website as soon as possible or at the latest within two months so as to ensure that they no longer meet the prioritisation criteria listed above.

I would like to receive your written confirmation within one week after the date of this letter, stating that you have carried out the necessary adjustments and that you will no longer meet the prioritisation criteria as of the date of this letter.

Perhaps superfluously, I would like to point out the following.

The current cabinet that has become a caretaker cabinet intended to regulate games of chance through the Internet for certain games of chance. It is not inconceivable that the regulation of games of chance through the Internet will continue after the formation of a new cabinet.

Within the context of the vast offering of games of chance through the Internet, for which the Netherlands has not laid down regulations, and with a view to all that this entails, the Dutch Lower House of Parliament has insisted on a forceful approach towards illegal offerors through the Internet. On 7 September 2011 a motion was tabled, urging the government to refrain from granting licences in the future to offerors who are offering illegal games of chance. This motion was passed unanimously. In his letter of 4 May 2012 addressed to the Lower House, the State Secretary of Security and Justice elaborated on this matter. In brief, the State Secretary replied by stating that parties persisting in illegally offering games of chance aimed at the Dutch market must take into account that this will constitute a reason for denying them a potential licence in the future.

Additionally, a legislative proposal for an amendment of the Public Administration (Probity Screening) Act (Wet bevordering integriteitsbeoordelingen openbaar bestuur, Wet Bibob) is currently before the Upper House, authorising the denial or withdrawal of specific games of chance licences, inter alia on account of imposed administrative penalties. It is certainly not inconceivable that the Wet Bibob will



also become applicable to other games of chance licences in the future, such as licences for games of chance through Internet.

Whenever the Gaming Authority discovers a games of chance website meeting the set prioritisation criteria, this offeror will be confronted with the above prioritisation criteria and will be granted the same term to make the necessary adjustments as has been determined for you. If such offeror persists in meeting one or more prioritisation criteria, the Gaming Authority will, within it's possibilities, take enforcement measures.

For the sake of completeness I point out to you that this demand also applies to any other Internet sites on which you are offering games of chance via the Internet and that are aimed at the Dutch market.

Yours sincerely,
Board of the Gaming Authority,



Gaming Authority

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