



Kansspelautoriteit

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Brief van 13 juni 2012:
11 gestandaardiseerde waarschuwingen



Gaming Authority

> Return address PO Box 298 2501 CG Den Haag

BY REGISTERED POST



Gaming Authority

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Contact
Enforcement Department

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Date 13 June 2012
Concerning Games of chance via Internet

Our reference
00.001.701

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

Dear Sir, Madam,

Research has shown that you are offering games of chance through the Internet, inter alia via the website [REDACTED]. This website is available in Dutch. It is also possible to participate in the games of chance offered on this website from the Netherlands.

Games of chance through the Internet are illegal

In the Netherlands, it is prohibited to offer games of chance without a licence (Section 1 introduction and under a of the Betting and Gaming Act). At present, the Betting and Gaming Act does not provide for a possibility to grant licences for games of chance through the Internet. This may change in due course. As a consequence, games of chance through the Internet aimed at the Netherlands are currently prohibited.

The Gaming Authority

By virtue of the Betting and Gaming Act, the Gaming Authority (*Kansspelautoriteit*) is charged with the supervision of games of chance and with the fight against illegal games of chance.

For the sake of brevity, I refer you to www.kansspelautoriteit.nl for more information on the Gaming Authority.

Enforcement of illegal games of chance through the Internet

As stated above, it is prohibited to offer games of chance through the Internet, aimed at the Dutch market, 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.



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.

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Under title VIb of the Betting and Gaming Act, the Board of 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 non-compliance or an order subject to enforcing an administrative order (last onder bestuursdwang/ last onder dwangsom).

Preventing enforcement

It has shown that a two months' term is a reasonable term for offerors to discontinue any advertising addressing the Dutch market and to adjust their website so as to ensure that they do not meet the prioritisation criteria listed above.

As stated above, we have found that you meet one or more of the prioritisation criteria listed above.

I hereby allow you to adjust your advertising policies and/or website within two months after the date of this letter, so as to ensure that you no longer meet the prioritisation criteria and that our focus will no longer be on your activities.

Should you not succeed in taking the necessary measures to remove the Dutch language from your website or to change your .nl extension within the set term, I strongly recommend you to make your website inaccessible for Dutch IP addresses. If you continue to meet one or more prioritisation criteria, the Gaming Authority will take enforcement measures.

I kindly request you to inform me in writing within two weeks after the date of this letter whether you will take the necessary measures. If you have any questions on this matter or you want a consultation after receiving this letter, don't hesitate to contact me.

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.

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.

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Yours sincerely

