



**Kansspelautoriteit**

**Datum**

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**Ons kenmerk**

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# Bijlage 8

Brief van 10 september 2013:  
1 waarschuwing



Gaming Authority

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SEND BY REGISTERED MAIL



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**Our reference**

00.015.846

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

Date 10 September 2013  
Concerning Approach towards online games of chance

Dear Sir/Madam,

Our research of August 26th and 27th 2013 has revealed that you presumably offer online games of chance. Before mentioned takes place on the website, [REDACTED] which is accessible from the Netherlands.

**Online games of chance are prohibited**

In the Netherlands, it is prohibited to offer, facilitate participation in games of chance, unless a relevant license has been issued under the (Dutch) Betting and Gaming Act, Section 1, paragraph 1 under a.

The Betting and Gaming Act currently does not make provisions for the issuance of licenses for online games of chance, because the objectives of the policy regarding games of chance can't be sufficiently implemented within the current legal framework. These objectives are: the prevention of addiction to games of chance, consumer protection and the prevention of fraud and criminality.

However, this may change in the long term. In view of the above, online games of chance that are (also) aimed at the Dutch market do not have the required license and are therefore illegal.

**Action against illegal online games of chance**

The Gaming Authority (Kansspelautoriteit) is responsible for the supervision and for the enforcement of the Betting and Gaming Act.

The Gaming Authority takes legal action against illegal games of chance. This includes illegal online games of chance that are (also) aimed at the Dutch market. In view of the substantial amount of such games, the Gaming Authority has had to set priorities in its approach towards and its fight against these illegal online games of chance.

Therefore, the Gaming Authority has decided to focus its attention on offerors:

- whose website, on which games of chance are 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.



The Gaming Authority will take enforcement measures against offerors who meet one or more of the aforementioned prioritisation criteria with priority. Violations of the Betting and Gaming Act will initially be enforced under administrative law. As the last resort, the Gaming Authority may draw up an official report and forward it to the Public Prosecution Service for criminal prosecution.

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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 to the maximum amount of the sixth category i.e., €780.000, or if this amount is higher, 10% of the sales in the financial year preceding such decision, for acting in violation of Section 1, paragraph 1 under a, or for violation of Section 1, paragraph 1 under b of the Betting and Gaming Act. The Board may also impose an order subject to a penalty for non-compliance or an order subject to enforce an administrative order (last onder dwangsom/bestuursdwang).

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

For more information about the Gaming Authority and its approach towards online games of chance, I refer you to [www.kansspelautoriteit.nl](http://www.kansspelautoriteit.nl).

#### **Enforcement**

Our research has shown that currently you are presumably offering games of chance via internet that are (also) aimed at the Dutch market, inter alia via the website [REDACTED]. You also meet one or more of the previously mentioned prioritisation criteria, namely a Dutch language version of your website.

**Within two months** after the date of this letter, November 10th 2013, you must have ceased your entire range of games of chance aimed at the Dutch market, or you must have adjusted your advertisement policy and/or website(s), including mobile websites, to such an extent that you no longer meet the prioritisation criteria, thereby falling outside the scope of our focus.

The earlier mentioned research has also shown that the websites [REDACTED] belong to your management.

For the sake of completeness, I want to emphasise that this demand also applies to any other websites on which you offer online games of chance that are (also) aimed at the Dutch market, including mobile websites i.e., websites that can be consulted on mobile devices such as smartphones and tablets.

I request you to inform me in writing within the term stated above whether you intend to take the necessary measures, or if you have already taken such measures. I also request you to give me your complete and accurate company details (name, address, contact person) as well as information about your other games of chance websites, including mobile websites, which have not been mentioned in this letter.

If you still meet one or more of the prioritisation criteria after the two-month term, the Gaming Authority will take administrative enforcement measures.

Within the framework of prioritisation the Gaming Authority does not take enforcement measures against an offeror of games of chance who does not meet or no longer meets one of the prioritisation criteria as of yet.



In other words, the Gaming Authority's primary focus does not lie with this group of games of chance offerors. However, this does not mean that this group of offerors of games of chance is tolerated, or that their range of games of chance is considered to be legal. After all, this group of offerors of games of chance is still offering games of chance in the Netherlands without a license and thus illegally under the Betting and Gaming Act. This means that these offerors are in violation of the Betting and Gaming Act, but, in light of the prioritisation criteria, enforcement measures are not taken against them as of yet. Therefore, it cannot be ruled out that enforcement measures will be taken against these offerors of games of chance in the future.

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Only if games of chance websites are not aimed at the Dutch market, meaning they cannot be accessed or consulted from a Dutch IP address and/or the offeror does not accept Dutch clients, the Betting and Gaming Act does not apply in principle.

In addition to adjusting the prioritisation criteria, the Gaming Authority may decide - for reasons of its own - to still take enforcement measures against offerors of games of chance who no longer meet one or more of the prioritisation criteria. This could be the case when there are signs indicating that such offerors of games of chance act contrary to one of the objectives of the policy regarding games of chance, which comprises the prevention of addiction to games of chance, protecting and informing consumers and the prevention of fraud and criminality related to games of chance. This may be reason for the Gaming Authority, whether or not in cooperation with other enforcement agencies, to take enforcement measures.

#### **Future licenses for online games of chance**

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

The Dutch government intends to regulate online games of chance and to enable licenses for particular games of chance. The legislative proposal states that these licenses for games of chance may be refused or revoked (for a certain period of time). If the reliability of the offeror of games of chance is not beyond question, this may lead to a rejection of the application for a license. According to the legislative bill, the reliability of the offeror of games of chance may be assessed based on the Public Administration (Probity Screening) Act (*Wet bevordering integriteitsbeoordelingen openbaar bestuur, Wet Bibob*). This assessment may include the assessment of administrative penalties.

I trust to have informed you sufficiently in this matter.

Yours sincerely,  
Head of the Enforcement Department,

