EUROPEAN COMMISSION
Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Single Market Enforcement
Notification of Regulatory Barriers

Notification Number : 2024/0107/NL (Netherlands)

Regulation amending the Regulation on remote gambling and the Regulation on the recruitment, advertising and addiction prevention of gambling on gaming limits and additional measures to raise awareness of playing behaviour.

Date received : 28/02/2024
End of Standstill : 29/05/2024

Message

Message 001

Communication from the Commission - TRIS/(2024) 0532

Directive (EU) 2015/1535

Notification: 2024/0107/NL

Notification of a draft text from a Member State

Notification – Notification – Notifzierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késéseket - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħx il-perijodi ta’ dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20240532.EN

1. MSG 001 IND 2024 0107 NL EN 28-02-2024 NL NOTIF

2. Netherlands

3A. Ministerie van Financiën, Dienst Douane Noord, CDIU

3B. Ministerie van Justitie en Veiligheid, Directoraat-Generaal Straffen en Beschermen,
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4. 2024/0107/NL - H10 - Games of chance

5. Regulation amending the Regulation on remote gambling and the Regulation on the recruitment, advertising and addiction prevention of gambling on gaming limits and additional measures to raise awareness of playing behaviour.

6. Remote gambling

7.

8. The Amending Regulation contains additional requirements for licence holders who organise remote gambling in the Netherlands under Dutch licence conditions in order to implement measures and provisions to prevent gambling addiction and to protect participants while gambling. In relation to Article I: Articles 3.5 and 3.5.a lay down requirements for the displaying of bets, winnings and losses in order to promote the provision of information to the player. Article 3.19 lays down technical requirements for displaying the player profile in order to avoid influencing the player and to educate them about the risks of gambling. Article 3.19d also introduces a point of contact with the gambling provider if a deposit limit of more than EUR 350 per month, EUR 87.50 per week or EUR 12.50 per day is entered by a player aged 24 years or older. For a player aged between 18 and 24 years, the limit is EUR 150 per month, EUR 37.50 per week or EUR 5.35 per day. In relation to Article II: Article 5 lays down technical requirements for the player profile in order to display strictly necessary information only. Article 15 lays down technical requirements on how the licence holder must, during online gambling, inform the player of their playing behaviour in relation to the limits of their playing behaviour. Under D, the previously established high limit is considered as an indicator for the licence holder's addiction prevention analysis. Under E, there is a requirement that when the player reaches their limit and after completing the game of chance, they are automatically logged out and informed accordingly. In relation to Article III: This Article lays down requirements for licence holders regarding players who have already set a high limit. The first time they log in after the entry into force of the Amending Regulation, they should be informed thereof until they have used the confirmation option and then redirected to the screen with their player profile.
No rules of a cross-border nature are introduced, there is no mutual recognition.

9. Since the first licences for the provision of remote gambling were granted in October 2021, it has come to light that there are players who have lost a great deal of money in a short period of time when participating in these games of chance. Research had already demonstrated that the risk of addiction in remote gambling is higher than in what is known as land-based variants, but it was recently established that 31 % of players who participate in remote gambling meet the criteria for a 'moderate or high-risk gambler'. Currently, Dutch people have a total of 826,000 active accounts with remote gambling licence holders. It is important to protect them from excessive gambling and to promote addiction prevention.

There are three reasons underlying the Amending Regulation, namely: (1) the choice architecture that licence holders offer to players and the scope to opt for very high playing limits; (2) the process, information, feedback and terminology around setting, modifying and reaching playing limits are not unambiguous; and (3) the functioning of the playing limits as well as the lack of other measures that compel the player to moderate playing behaviour while gambling mean that the current approach does not prevent excessive participation and gambling addiction, and that additional measures are needed.

Regulatory changes are necessary and proportionate to provide protection for players participating in remote gambling. These changes will impose additional requirements on the licence holder and increase their burden, but the additional requirements are necessary to better protect players and educate them about the risks of gambling. A combination of self-regulation, better information and tighter supervision is not sufficient, as the regulations in place so far offer too much room in this respect. Furthermore, licence holders do not benefit financially from taking measures through self-regulation and therefore they will be reluctant to do so. For further substantiation regarding necessity, proportionality and suitability, please refer to the Regulation's explanatory notes. The notes include solid and comprehensive substantiation.

In so doing, suitability to achieve the objective and the proportionality require that national rules are suitable and proportionate to achieve a given objective only if achievement is pursued in a coherent and systematic manner. The Dutch gambling policy meets this requirement, partly because of the policy that is implemented to prevent excessive participation and gambling addiction, and also the gambling policy – which is being developed in new legislation – meets this requirement. Furthermore, it is non-discriminatory because the requirements apply to all licence holders who are licensed to organise remote gambling in the Netherlands.

10. Numbers or titles of basic texts: The basic texts were sent with a previous notification:
2020/0442/NL

11. No

12.

13. No

14. No

15. No

16.
TBT aspects: No

SPS aspects: No

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