



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Legal Affairs

2011/2084(INI)

13.7.2011

OPINION

of the Committee on Legal Affairs

for the Committee on the Internal Market and Consumer Protection

on online gambling in the internal market
(2011/2084(INI))

Rapporteur: Sajjad Karim

PA_NonLeg

SUGGESTIONS

The Committee on Legal Affairs calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Points out that online gambling is a special kind of economic activity, to which internal market rules, namely freedom of establishment and freedom to provide services, cannot fully apply;
2. Highlights the fact that Member States have the right to regulate and control their gambling markets in accordance with European internal market legislation and with their traditions and culture;
3. Notes that, while the Court of Justice has clarified a number of important legal questions concerning online gambling in the EU, legal uncertainty remains with regard to a number of other questions, which can only be solved at the political level;
4. Underlines that the Court of Justice has clarified in recent rulings¹ that Member States' regulatory restrictions must be justified, consistent and in line with the legal objectives pursued in order to protect consumers, prevent fraud and protect public order;
5. Calls on the Commission and the Member States to introduce effective measures to raise awareness of the risks of gambling addiction, targeting young people in particular;
6. Asks the Commission to support consumers if they have been affected by illegal practices and to offer them legal support;
7. Welcomes the Commission's statement that different games have different inherent risks and asks for a differentiated regulation;
8. Asks for minimum standards of consumer protection from online gambling, enabling Member States to have stricter rules;
9. Underlines the importance of national licenses for online gambling operators; considers that in this regard the Member States are best placed to act, in accordance with the principle of subsidiarity;
10. Notes the fact that more progress could have been made on pending infringement cases since 2008 and that no Member State has ever been referred to the European Court of Justice;
11. Welcomes the presentation of a Green Paper by the Commission as a step in the right direction and believes that action by the Commission in this field is needed to avoid fragmentation of the internal market and to ensure consumers' access to safe and properly regulated online services; supports the Commission's undertaking a wide public

¹ Joined cases C-316/07, C-358/07, C-359/07, C-360/07, C-409/07 and C-410/07, Markus Stoß, not yet published.

consultation, addressing all policy challenges and internal market issues raised by legitimate and illegal online gambling;

12. Reminds the Commission, as ‘guardian of the Treaties’, of its duty to swiftly act upon reception of complaints of violation of the freedoms enshrined in the Treaties; calls on the Commission, therefore, to urgently and systematically pursue existing and new infringement cases;
13. Welcomes the CEN Workshop Agreement¹, but nevertheless reaffirms its position that, in the area of gambling, industry self-regulation can only complement, but not replace, statutory legislation;
14. Reaffirms its position that sports bets are a form of commercial use of sporting competitions, and recommends that the European Commission and the Member States protect sporting competitions from any unauthorised commercial use, notably by recognition of sports bodies’ property rights over the competitions they organise, not only in order to secure a fair financial return for the benefit of all levels of professional and amateur sport, but also as a way to strengthen the fight against match-fixing;
15. Urges the Member States to ensure that the fraudulent manipulation of results for financial or other advantage is prohibited by establishing as a criminal offence any threat to the integrity of competitions, including those linked to betting operations;
16. Calls on the Commission to bring forward meaningful legislative proposals to provide a legal framework that will create legal certainty for legitimate European businesses and protect consumers;

¹ CWA 16259:2011: Responsible Remote Gambling Measures.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	11.7.2011
Result of final vote	+: 22 -: 0 0: 0
Members present for the final vote	Raffaele Baldassarre, Luigi Berlinguer, Sebastian Valentin Bodu, Françoise Castex, Christian Engström, Marielle Gallo, Klaus-Heiner Lehne, Antonio Masip Hidalgo, Bernhard Rapkay, Evelyn Regner, Francesco Enrico Speroni, Dimitar Stoyanov, Alexandra Thein, Rainer Wieland, Cecilia Wikström, Tadeusz Zwiefka
Substitute(s) present for the final vote	Kurt Lechner, Eva Lichtenberger, Toine Manders, Paulo Rangel, Dagmar Roth-Behrendt
Substitute(s) under Rule 187(2) present for the final vote	Giuseppe Gargani