

Conclusions towards a solution

Dear audience, I think the time has come to draw some conclusions. Due to the very intimate contributions of our speakers we may decide a whole spectrum of problems and solutions has been brought to our attention. Some of you will say, I've been hearing these things for years, and maybe in some cases you're right, but that doesn't mean that well-known problems have already been discussed at a political level.

When you see the subjects that have been brought to your attention today, there's not necessarily a trace of these in previous work of presidencies. And that was exactly the aim of this conference, seeking solutions. Solutions building on a good overview of the problems which has been achieved in the morning sessions.

Any interested stakeholder sees the important role a regulator should play. In fact, that's a matter of common sense. Fewer regulated markets, as the financial ones, have thrown the world in a deep economic crisis and these markets did not directly deal with the operation of particular services as the gambling services. Regulation should be inextricably bound up with gambling.

It's crystal clear that online gambling is problematic and more action needs to be taken. Member States may decide which policy they want to implement and they must have instruments to effectively enforce their regulations. Simultaneously with the establishment of a regulated online market, it's

essential to take the wind out of illegal operator's sails. To realize a good regulation, the regulator therefore needs competences to achieve this goal.

But due to the cross-border nature of internet, national power is curtailed. Closer cooperation between regulators must lead to more effective law enforcement. We welcome therefore an instrument such as the IMI-system presented by the European Commission today.

First of all regarding **the role of the regulator**. A regulator is necessary but not every type of regulator would have a role to play. You need to know who you're working with. Empty barrels make the most noise. A Member State with a gambling policy must have a central authority. The possibility of other MS to contact an authority and the opportunity to undertake action towards illegal activities must ensure a more effective law enforcement.

A second conclusion is that aggressive cross-border **marketing** of operators who aren't licensed in the country of residence of the consumer remains a big problem. There's a risk that after a certain time, many of them come to forget that the funding of this marketing campaign is originated by illegal activities. Marketing activities, such as advertising and sponsoring, should be possible for authorized players to inform citizens about the legal options. An excessive and aggressive marketing of gambling activities shouldn't be allowed. Moreover controlling promotional activities for unauthorized operators in the state of residence of the consumer and which target such consumers is a necessary tool for the effectiveness of a regulated market.

Another important conclusion we draw is the subject of **co-regulation of betting activities** between the gambling regulator and sports bodies. There's no principal argument against co-regulation, at least on the condition that the main principles of regulation will be safeguarded. An independent regulator who cooperates with third parties such as for instance the local division of the International Olympic Committee may cooperate with the regulatory authority without imposing its private policy. It will be the regulatory authority who has to give account of the policy. The authority must keep the lead, not the private organizations. Co-regulation to protect the integrity of the gambling related activities is an example of good policy insofar as the third party is not an operator.

Finally, a last conclusion can be drawn after speakers' remarks related to the **protection of the players** or the protection of the citizens in general. The reasons a player is excluded are not limited to the borders of a country. They adhere to the person. An excluded player should also be excluded from online gambling activities. Therefore a European system is needed to list all excluded persons all over Europe to prevent, that they find a way to circumvent the legislation of their home country.

It's time for Council conclusions. The urgency is now. The conviction that the gambling sector should not just to be regulated by rulings of the European Court of Justice is gaining ground. More legal certainty is necessary and Council conclusions may stimulate the political level on the matter.

Even though it's not easy to find a way with 27 Member States, the commitment that has evolved within the Council working group can now be turned into more concrete conclusions.

We will not take bets on whether the Council will succeed to accept these conclusions, but enough elements are on the table to decide.

We thank the commission for the support to this conference and their presentation of the IMI-system. And we also thank Commissioner Barnier for giving his contribution to this conference. The Belgian Presidency will support any initiative from his part.

I thank you all for your presence and for your contribution to this conference and I'm certain we'll see each other at other stimulating conferences. Thank you.

Peter Naessens