

stakeholders' opinions, particularly Member States' views on the need and effectiveness of EU action.

(C) Main recommendations for improvements

(1) Improve the problem description. The report should better demonstrate the magnitude of the problems from a cross-border perspective and better explain why these problems need to be addressed now. In order to do so, the problem definition should be strengthened with additional evidence relevant to the identified problems and their drivers. In particular, the alleged inadequacy of national online gambling regulations should be substantiated with a more detailed description of the situation in different Member States, clarifying which Member States have specific measures and which do not, and by explaining why planned or existing measures are considered insufficient with respect to both the protection of consumers and the avoidance of inappropriate commercial practices. Furthermore, internal market barriers (e.g. the alleged duplication of costs for operators offering their services in several Member States) need to be described in greater detail and underpinned by evidence, where possible quantitative. When factual evidence is not available, the arguments put forward should be backed by stakeholders' views (or otherwise properly qualified). Finally, the baseline scenario should better explain why the reported European self-regulatory initiatives and other international coordination efforts would not be effective in addressing the identified problems.

(2) Better demonstrate the added value of EU action. Considering the borderless and dynamic nature of the internet and the prevalence of non-regulated gambling sites in the EU, the report should better justify the added value of the planned initiative. In doing so, the report should better explain how this initiative relates to (or complements) other on-going/planned EU actions in the area of gambling (online and not).

(3) Better present the options and enhance the analysis of their impacts. The report should put forward a set of truly alternative options or packages thereof. In addition, their link to the identified objectives and problems should be more clearly established. Furthermore, the assessment of the options should be considerably strengthened with evidence, and where possible, quantitative. In particular, the analysis of the expected changes in costs, notably the administrative burden on operators and the costs for Member States, needs to be developed (making transparent assumptions about the uptake of the recommendations in the case of the preferred options). The report should also clarify the impact on the competitiveness of EU on-line gambling industry and assess whether smaller operators would risk being disproportionately affected by the envisaged measures.

(4) Better demonstrate the effectiveness of the retained options. On the basis of a more in-depth analysis of the expected impacts, the report should discuss the extent to which the measures envisaged would be effective in protecting online gamblers. In so doing, the report should describe the results of the behavioural study carried out and discuss the effectiveness of similar measures already taken in some Member States. It should also discuss what the recommendations would imply for different Member States and assess their likely level of uptake. Moreover, the challenge posed by the prevalence of unregulated sites needs to be more critically assessed regardless of the fact that this specific problem lies out of the scope of the proposed initiative. In this regard, the report should discuss how effective the planned measures would be in attracting players from unregulated sites to (safer) regulated sites.

(5) Better present stakeholders' views. The report should present stakeholders' opinions throughout the main text, in particular, in the options and impacts sections. When reporting

opinions, the text should avoid referring to general views but rather focus on the specific position of well identified stakeholders groups (i.e. gambling operator, expert, regulator, etc.). In particular, the views of Member States regarding the content, need and value added of the planned measures should be described.

Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report

(D) Procedure and presentation

The text should be rebalanced in favour of more detail in the analytical sections. In addition, the graphs and reported data should be clearly sourced and cross-references checked.

(E) IAB scrutiny process

Reference number	2013/MARKT/022&023
External expertise used	No
Date of IAB meeting	Written procedure