

# Remote gambling industry challenges protectionist law Greek

The Remote Gambling Association (RGA) and the European Gaming and Betting Association (EGBA) have today filed a complaint with the European Commission regarding the regulations recently notified by the Greek State which restrict the online gambling market. The complaint details a range of non-EU compliant barriers to new market entrants and requests that the Commission, as guardian of the EU Treaties, to address this as a matter of urgency.

The complaint sets out how Greece has failed to comply with EU law in respect of:

- \* The regulations allow for the introduction of internet blocking following the introduction of a blacklist of unlicensed gambling operators. This is in direct violation of Article 56 of the Treaty on the Functioning of the EU and of the fundamental right to give and receive information.

- \* Extending OPAP's offline gambling monopoly to an online monopoly of gambling and betting rights, with exclusivity being granted to OPAP until 2020 for online sports betting and on certain aspects of online gambling (i.e. poker and casino gaming) until 2030.

- \* The repeal of temporary licences that were applied for by commercial gambling operators and were granted by the Hellenic Gambling Commission in the expectation that full licences could be applied for at a later date.

This failure by the Greek State to authorise online gambling is disproportionate and inconsistent, and thus in violation of EU law because:

\* The Gambling Act makes it clear that online gambling is, in principle, allowed, subject to the requirements of the Gambling Act.

\* However, since 5 August 2011, when the Gambling Act was adopted, no full online gambling licenses have been granted or any licensing provisions announced, started, been consulted on etc.

\* The draft regulations will lead the HGC to publish a blacklist containing the names of all online gambling websites which are accessible in Greece, thus meaning that EU- licensed operators are effectively prevented from operating in Greece using their EU licences despite the fact that they are presently unable to apply for licences to provide their services in Greece.

Before the new technical regulations can come into effect there has to be time for the European Commission to look at the proposals and for complaints to be assessed, this is the “standstill period”. The Hellenic Gambling Commission has announced that it will start internet blocking of unlicensed websites the day after the closure of the “standstill period”. This does not take into account the serious concerns of operators and may result in the Greek Government being in breach of European Law if the regulations are not approved.

As part of a wide-ranging review of online gambling regimes across Europe, the European Commission is considering the compatibility of the Greek system with the Treaty. This is an opportunity for the Commission to ensure that citizens and companies get the full benefit of an open, secure and competitive online gambling market in Greece.

According to Maarten Haijer, Secretary General of EGBA, “Greece and its gambling monopoly OPAP have a long history of non compliance with EU law as recalled by the CJEU in January 2013. The latest notification to the European Commission contains a range of amendments, which are clearly anti-competitive and protectionists. It is high time for the

Commission to act and take firm action against Greece.\_

Clive Hawkswood, Chief Executive of the RGA added: *“The actions of the Greek State in first opening up and then closing down the online gambling market suggests that they are making decisions in the interests of OPAP rather than the citizens of Greece. Where a regime is contrary to the provision of the Treaties, challenges are unfortunately necessary and unavoidable. We therefore look to the Commission, as guardian of the Treaties, to enforce those provisions in relation to gambling, as the European Parliament has recently requested.”*