

# IMGL Annual Gaming Industry Event

1 February 2019

Industrieele Groote Club

Dam 27, Amsterdam

Ladies and gentlemen,

I have been looking forward to being here today.

A *new* face in front of you; but an *old* use that the Gambling Authority is delivering one of the speeches here.

I thank the organisation for the trust that was given to the Gambling Authority again this year.

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It is my first public appearance as Chairman of the Executive Board of the Netherlands Gambling Authority, the *Kansspelautoriteit* or *Ksa*.

Standing here, in the midst of you, feels really like a lift off, a new journey that has begun.

An imaginary journey with lots of exciting new "places" to visit; A journey that I really look forward to!

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My professional journey has taken me previously to two other regulators:

- the Dutch Healthcare Authority and the
- the Netherlands Competition Authority

The experience I gained there, is the basis of my supervision philosophy.

That philosophy starts with (1): Good cooperation and good consultation with licensees, based on mutual trust.

When trust is harmed (2): firm enforcement; and not being afraid of imposing sanctions.

Our interventions will be mainly based on risk analyses and focused on solving problems. Our strategy and oversight will always be directed by the public goals we want to serve:

- Protecting consumers

- Preventing gambling addiction
- Fighting illegality and criminal behaviour.

Enforcement is an important instrument, but – at the same time – it's no more than that. Enforcement as such is not our goal. Our goal is compliance with laws and regulations by the industry.

If I were to give my supervision philosophy a motto, then that would be (and I quote Barack Obama): "Without a watchful eye, the market can spin out of control"<sup>1</sup>

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Back now, to my new journey.

The first stop in that journey will be a place called KOA.

This is not a destination in India (Goa), but rather the abbreviation of the new Dutch online gambling legislation (Wet Kansspelen Op Afstand).

I am sure you have heard about it before.

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We have travelled long to get there. The road has been bumpy. There were road blocks, traffic jams and detours.

But, it seems that we are nearly there. Our destination should be within reach.

The foreseen timetable for that is:

- 5<sup>th</sup> February: plenary discussion in the Senate with the responsible Minister (Mr Sander Dekker)
- 12<sup>th</sup> February: voting in the Senate

Of course, we all hope that the vote of the Senate will be a positive one. If so, after the vote, it will take some time for KOA to come into force. Due to legislative procedures, and due to the fact that we need time to get ready for the licensing procedure.

I do *not* know the expected date of entry into force (and I am not going to make any predictions on it).

But I *do* know that the Ksa, operators and consumers all need KOA:

- KOA will enable us to take a better stand against illegal online offer;
- KOA will enable us to protect consumers in a better way;

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<sup>1</sup> Barack Obama in his inaugural speech, 20-01-2009.

- And KOA gives principles with regard to the prevention of gambling addiction.

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Ladies and gentlemen, allow me to elaborate a little more in depth on the issue of preventing addiction.

The basic principles of KOA regarding addiction prevention are:

- that providers and players have their own responsibility to prevent gambling addiction;
- and that Government has the task of ensuring that there is a fair, safe legal supply of (online) games of chance, where players can play safely.

Although not all the underlying regulations are yet public, it can be concluded from the Explanatory Memorandum that:

- licensees in cooperation with experts in the field of gambling addiction must develop, implement and maintain an addiction prevention policy;
- and that licensees have to elaborate on that policy, especially with regard to the implementation of their duty of care.

By the way, with regard to the lower regulations:

- the consulted version was sent to the Senate;
- the reaction of the Senate, which we will hear on 5<sup>th</sup> February, will be incorporated into the earlier consulted version of the regulations;
- only after the vote on KOA (we hope that will be on 12<sup>th</sup> February, Senate), the regulations will be final.

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The "duty of care", that I mentioned, includes in any case:

- that licensees inform the players, register gaming behaviour, monitor and intervene appropriately if players exhibit risky or problematic gambling behaviour;
- that licensees refer, if necessary, to addiction treatment;
- that licensees pay particular attention to the instruments available to mitigate the gambling behaviour of players, the cases in which and the way in which these instruments are used and the quality assurance thereof;
- and that licensees have a sound door policy.

This means that with the entry into force of KOA, the duty of care of providers of games of chance will be supplemented.

This is not new for you.

In 2017/2018, the Ksa held discussions with regulated/licensed providers about the interpretation of 'responsible gambling' by these parties.

The conclusion was that the interpretation of the duty of care not only differs greatly, but also that the interpretation is not always sufficient.

The current legal requirements for the duty of care are quite brief; the norm itself is therefore an open one.

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Although not new to you, I realise that the changes introduced by KOA require a great effort of you.

That is why the Ksa, having in mind our shared and complementary responsibility, offers you some guidance.

We have drafted a document with guidelines, called in Dutch the *Leidraad Zorgplicht* or in English the "Duty of Care Manual".

The guidelines within this document are not only about the prevention of addiction, but contains standards on consumer protection as well.

The guidelines do not only concern online gambling. They will be applicable for landbased gambling as well.

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The draft "Duty of Care Manual" consists of 14 guidelines, for example:

-(guideline 4) "When offering via a player account, consumers must enter personal playing limits prior to the first participation."

-(guideline 6) "The license holder has a clear access policy at all gambling locations and participation policy for the offered games of chance."

-(guideline 11) "In the case of risk and problematic gambling behaviour, the license holder intervenes in the gambling behaviour of the consumer."

If KOA enters into force, all the guidelines will be given a legal basis. In other words: the guidelines anticipate the new legal requirements from KOA.

**N.B.** Please note: In the unfortunate case KOA will not enter into force, the guidelines of the "Leidraad Zorgplicht" will be the basis of supervision on responsible gambling anyway.

The guidelines have already been presented to certain parties for informal testing (pre-consultation); the formal external consultation will start in March this year.

I call on you all to make a contribution to this. It gives you the opportunity to participate in the discussion and, by doing that, influence future legal requirements.

Moreover, this will give you the opportunity to get used to the new regime.

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Ladies and gentlemen,

I have said a few words about the first stop in my new journey, called KOA.

I have stressed a special and important highlight of that destination, the Duty of Care;

and I have invited you to participate in the external consultation of our guidelines document.

It is up to you whether or not to accept this invitation, but I sincerely hope that you will.

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I talked about *my* journey, but - ladies and gentlemen - I would like *your* company during this journey.

We have a shared and complementary responsibility with regard to:

- protecting consumers
- preventing gambling addiction
- preventing illegal offer, and
- preventing gambling related crime.

Only a joint effort, a group trip, will lead to the best results; leading to a healthy and prosperous industry that flourishes and in which consumers are well protected.

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For many of us present here this afternoon, the next stop will be ICE<sup>2</sup>. And that is not an abbreviation of new Dutch legislation!

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<sup>2</sup> International Casino Exhibition in London, 4-6 February 2019.

I am looking forward seeing you there again next week.

Thank you very much!