



THE
EUROPEAN
LOTTERIES

ISTANBUL RESOLUTION GENERAL ASSEMBLY ON 11 JUNE 2009

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PREAMBLE

Having regard to the Treaty establishing the European Community,

Having regard to the conclusions of the European Council meeting in Edinburgh on 11-12 December 1992, Article 5 of the EC-Treaty and the Protocol on the application of the principles of subsidiarity and proportionality annexed to the Treaty establishing the European Community by the Treaty of Amsterdam,

Having regard to the judgements of the European Court of Justice in cases Schindler (C- 275/92), Läärä (C-124/97), Zenatti (C-67/98), Anomar (C-6/01), Lindman (C-42/02), Gambelli (C-243/01), Placanica (C-338/04) and the judgements of the EFTA Court *Esa vs Norway* (E-1/06) and *Ladbrokes* (E-3/06),

Having regard to the Directives 2006/123/EC (Services), 2007/65/EC (Audiovisual Media Services) and 2000/31/EC (E-Commerce),

Having regard to the European Parliament resolution on the White Paper on Sport adopted on 8 May 2008,

Having regard to the progress report of the French Presidency of the EU on **“Gambling and betting: legal framework and policies in the Member States of the EU”**, dated 27 November 2008, and the Council Conclusions of the Competitiveness Council on 1 December 2008,

Having regard to the European Parliament resolution on the integrity of online gambling adopted on 10 March 2009,

Whereas the organisation of lotteries, sport betting and gambling services are to be considered as economic services of a very particular nature,

Whereas EU Member States have imposed restrictions and a strict control on the organisation of lotteries, sport betting and gambling to prevent harmful consequences for the individual and for society, ensuring consumer protection and preserving the public order

Whereas in view of the social and cultural circumstances prevailing in each Member State, the national authorities have the discretionary power to limit the overall supply of lotteries, sport betting and gambling on their territory and to regulate and control in a strict way the nature of the games that are offered, the size of the stakes and the prizes and the operators that are allowed to organise these games,

Whereas a blind application of the EC Treaty causes a threat to the positive contribution of Lotteries to society,

Whereas the internal market rules and exceptions do not provide a comprehensive answer to all gambling related issues,

Whereas the principle of mutual recognition does not and cannot apply in the gambling sector,



Considering that the rapid development of the Internet urges for a solution to combat the illegal provision of gambling services,

Considering the growing number of preliminary referral cases pending before the European Court of Justice,

Considering there are still infringement proceedings against 9 EU Member States,

Considering that the growing number of litigations creates a serious legal uncertainty and could cause a serious threat to the future of the State lottery and sport betting model,

Considering that the upcoming Swedish Presidency of the EU will continue the discussions between the EU Member States on legal frameworks and policies on gambling and betting, building on the results of the discussions under the French Presidency,

Considering that the new European Parliament and the next Commission are expected to take up the EU debate on gambling,

Considering the recent legal and regulatory developments in the EU Member States,

THE GENERAL ASSEMBLY OF EUROPEAN LOTTERIES, MEETING IN ISTANBUL ON 11 JUNE 2009

HAS ADOPTED THE FOLLOWING RESOLUTION

- Recalling that EL has always been characterised by **unity in diversity** and that, despite differences in the concrete design of gambling and betting legislation between the states, whether they have existed since long or are the result of recent reviews of national laws, EL members continue to share the same fundamental values and act on them
- Affirming that these shared fundamental values clearly distinguish EL members from those gambling and betting operators which place profit over social and public order concerns and advocate 'one-size-fits-all' policy approaches at the EU level
- Affirming that these shared fundamental values and views on organisational principles fully correspond with the views (traditionally and again recently) expressed by the EU's two legislative bodies, the European Parliament and the Council

European Lotteries endorses a sustainable gaming model founded on subsidiarity, integrity, precaution and solidarity,



SUSTAINABILITY

Affirming that Lotteries make the long term commitment to the public interests of European societies by promoting an approach to gaming that is based upon subsidiarity, integrity, precaution and solidarity,

Recalling that Lotteries operate games of chance for the public benefit and largely contribute to the funding of good causes that are essential to the welfare of European societies,

SUBSIDIARITY

Recalling that the principle of subsidiarity, as defined in Article 5 of the EC-Treaty and in the Protocol to the Amsterdam Treaty, has to remain the foundation of gambling and betting regulation,

Concurring that transnational cooperation is needed in order to effectively respond to the challenges brought by the Internet,

Concurring that legal certainty for national legislation, which EU Member States can define in line with the discretion they have in the area of gambling and betting, can only be achieved at the EU level,

Advocating that an **active** approach founded on cooperation between Member States is necessary to resolve the problems in this policy area.

INTEGRITY

Affirms its commitment to place social and public order concerns over purely economic interests,

Commits to high ethical standards whereby Lotteries contribute to the canalisation of the demand for gambling without over-stimulating it, avoiding to harm people and pay special attention to the most vulnerable in society,

Considers that integrity in the area of gambling and betting requires a high level of social responsibility, including the protection of the integrity of sporting competitions, and requires abiding with the law, and a strong commitment to civil society,

Advocates that off-shore operations, tax fraud, money laundering and organised crime threaten each society and have to be actively fought against by socially responsible organisations.

PRECAUTION

Pointing to the special and sensitive nature of gambling and betting, advocates that a precautionary approach should be taken with regard to gambling services, in order to avoid a deregulation in gambling and the uncontrolled development of remote gambling.



SOLIDARITY

Notes that the role of Lotteries goes beyond the public interest objectives accepted by the European Court of Justice as justifications for the restriction of the EU market freedoms,

Recalls that Lotteries contribute to the 'non-commercial' construction of Europe by providing funding to integration projects and development aid; to education and academic research programs – herewith the development of a knowledge based society; to art and culture, and to amateur and grass root sports, amongst other good causes

Recalling that by doing so, Lotteries contribute to the Barcelona development commitments and the Lisbon strategy, and help implementing the different EU declarations on sport.

Instructs its Executive Committee to actively **promote a sustainable gaming model**

- whereby the principles of subsidiarity, integrity, precaution and solidarity constitute fundamental pillars,
- whereby a sustainable future for gambling services operated for the public benefit and legal certainty in the EU must be created
- and whereby Lotteries are given space to play their full role in society without constraints based on purely economic principles.

Instructs its Executive Committee to take all necessary steps for implementing this fundamental strategic approach.

Instructs its Executive Committee to put this resolution into execution and to report on a regular basis about the developments.

The preamble forms an integral part of the resolution

Done in Istanbul on 11 June 2009