

# THE EUROPEAN LOTTERIES

## OSLO RESOLUTION

### ON UNITY IN DIVERSITY

## PREAMBLE

- Having regard to the Resolution of the General Assembly of European Lotteries (EL) adopted in Istanbul on 11 June 2009, which identified the common fundamental values of EL Members, and endorsed a sustainable gaming model founded on the principles of subsidiarity, integrity, precaution and solidarity;
- Having regard to the Resolution of the General Assembly of EL adopted in Barcelona on 4 June 2010 which reaffirmed the principles adopted in Istanbul, and set out the common regulatory principles to guarantee a sustainable future for Lotteries in the EU;
- Having regard to the Resolution of the General Assembly of EL adopted in Helsinki on 8 June 2011 setting out a framework relating to the protection of integrity of sport and public order;
- Having regard to the Treaties on European Union, and notably Article 5 (3) TEU according to which the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, as well as Article 4 (3) TEU according to which the Union shall respect the national identities of the Member States inherent in their fundamental structures, and their essential State functions including maintaining law and order;
- Whereas the Court of Justice has consistently held that that games of chance and lotteries constitute an economic activity of a special nature where unbridled competition is not desirable, whereby considerations of ethical or cultural nature play a role in all Member States, and whereby it must be recognized that Lotteries significantly contribute to the financing of non-profit activities of general interest;
- Whereas EU Member States have adopted restrictive policies on the organization of lotteries, sport betting and gambling to prevent harmful consequences for the individual and for society, ensuring consumer protection and preserving public order;
- Whereas, as recognised by the Court of Justice, these policies need to enable the Lotteries to respond to social and economic developments as well as fast changing technological solutions and innovation to channel the natural propensity to gamble in a controlled manner thereby expanding their activities wherever necessary to improve the fight against illegal operators.
- Whereas these policies need also to enable the Lotteries, in cooperation with the sport movement and stakeholders, to enhance and financially support the development of the European sport model and its

integrity as expressed by the EU and the Council of Europe

- Whereas the Council of Ministers of the EU on 10 December 2010 unanimously recognized that Lotteries play a distinctly important role in society, and that this specificity should be recognized in all discussions at the European level;
- Noting that on 14 July 2014, the European Commission as part of its action plan adopted a Recommendation on principles for consumer protection, and that this instrument failed to take full account of the jurisprudence of the Court, the powers conferred to the Commission and the unanimously adopted Council Conclusions;
- Whereas the European Parliament adopted resolutions relating to online gambling on 10 March 2009 and 10 September 2013, whereby it recognized the importance for the Member State of the residence of the consumer to be able to effectively control, limit and supervise gambling services provided on its territory;
- Considering that a number of pending infringement proceedings against several Member States concerns matters which go to the heart of a coherent and effective national gambling policy, and may therefore lead to circumvention of an in-depth political debate on a regulatory framework of games of chance in the EU and its Member States;
- Whereas these developments took place on the foundation of the Lisbon Treaty which underlined the existence of a political Union on the basis of common principles which are considered as essential by the EU and the Member States;
- Whereas the long-standing jurisprudence of the Court of Justice has consistently given space to the fundamental societal consensus as regards Lotteries in the legal orders of the Member States;
- Recognizing that the Court of Justice has done so in accordance with Article 6 of the EU Treaty, which states that general principles of EU law can be recognized insofar as they emanate from the common constitutional traditions of the Member States;
- Therefore observing that in the jurisprudence of the Court of Justice and the conclusions of the Council of the EU, a consensus surrounding Lotteries has emerged which is a

- reflection of *Unity in Diversity* of the national and European legal orders;
- Noting that from the perspective of *Unity*, there is the wide consensus on the special position of lotteries which emanates from the constitutional and social traditions of the Member States, where a strong connection is forged between the proceeds from games of chance, and the support for societally and ethically desirable objectives;
  - Noting that from the perspective of *Diversity*, that within the EU legal framework it is for the Member States themselves to exercise their wide policy discretion to set out the details of their gambling policies;
  - Noting that within this EU-wide consensus on public order, it is for the Member States to set the desired level of consumer protection in line with their cultural, ethical and religious, national public orders.

**THE EUROPEAN LOTTERIES GENERAL ASSEMBLY MEETING IN OSLO ON 8 JUNE 2015, HAS ADOPTED THE FOLLOWING RESOLUTION**

- The European Lotteries stands for a model of regulated lotteries which takes account of the intrinsic characteristic that lotteries are a special and sensitive service offered to a broad public. Therefore it has to be well-organized and individually regulated for the benefit of society, so as to minimize social costs and to determine the profit-usage ratio. Only a model which conforms to the principle of subsidiarity can appropriately reflect moral, cultural and national positions and is known for a high level of consumer protection and integrity of the games offered.
- The European Lotteries plays an important and recognized role in upholding the diversity of national models while reflecting the unifying principles on which these models are founded.
- The members acknowledge that The European Lotteries must be considered as the guardian of this model, based on four core values:

### **Subsidiarity**

Member States hold the primary competence to organize and regulate its gambling activities. They need to work together to guarantee player protection and law enforcement against illegal operators.

### **Precaution**

Players need to be protected from harmful and unregulated gambling offerings through effective and efficient law enforcement on a national and international basis. In light of the risks inherent to any gambling activity, The European Lotteries advocates that governments take a very cautious approach with regard to the regulation of games in their markets, and structure games of chance in a legal qualitative framework on the basis of a quantitative assessment.

### **Solidarity**

Beside consumer-protection, the revenue generated by Lotteries in Europe represents an important contribution to the State budget and specific good causes. On 10 December 2010 the Council of the EU unanimously recognized that Lotteries play a distinctly important role in society, through their wide and important contribution to charitable and philanthropic objectives. The Council agreed that this specificity should be recognized in all discussions at the European level.

### **Integrity**

As a special economic activity, it is the aim of The European Lotteries to protect European consumers by defending the integrity of the games its Members operate against any form of abuse, manipulation and/or criminal activity including money laundering. As the historic partners of sport, this includes defending sports against threats from match-fixing and other criminal activities to protect sport integrity.

**In furthering this model, the MISSION OF THE EUROPEAN LOTTERIES is to:**

- **provide a forum** for reflection between its members and acts as a proactive interlocutor for the relevant stakeholders;
- **serve as a laboratory** for the design and implementation of the further development and architecture of the lottery model as well as the games provided;
- **proactively promote**, through all legal and political means at its disposal, in the context of a rapidly changing economic and technological environment, and consumer behaviour where continuous innovation is key for the benefit of all, cooperation between members and stakeholders by providing them the platforms for exchange of information, integrity and education;
- **support and cooperate** as far as possible with the charity and public bodies that benefit from the revenues of its members.

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Instructs its Executive Committee to take all necessary steps for implementing this fundamental strategic approach, and promote the common regulatory principles and views expressed above to all EU institutions and EU and EEA Member States.

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 Oslo on 8 June 2015

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