This report was prepared pursuant to Section 16 of the Gaming and Betting Act of 7 May 1999 on betting, gambling establishments and the protection of players, and covers the period from 1 January to 31 December 2015. The Gaming Commission approved this report during the meeting held on 13 April 2016. The report can also be viewed on the www.gamingcommission.be website.
INTRODUCTION - A WORD FROM THE CHAIRMAN 08

INTRODUCTION TO THE GAMING COMMISSION 12

POLICY 14

THE SITUATION IN THE WORLD OF BELGIAN GAMBLING 20
  3.1. Offline gambling establishments 21
     3.1.1. A licences: Casinos 21
     3.1.2. B licences: Slot machine arcades 22
     3.1.3. C licences: Drinking establishments 25
     3.1.4. D licences: Staff 25
     3.1.5. E licences: Manufacturers, installers and maintenance companies 26
     3.1.6. F licences: Betting 26
     3.1.7. G1 licences: Media games 29
  3.2. Online gambling establishments 30
     3.2.1. A+ licences: Online casinos 31
     3.2.2. B+ licences: Online slot machine arcades 32
     3.2.3. F1+ licences: Online betting 32
  3.3. National Lottery 32
  3.4. Financial aspects 33

PROTECTING THE PLAYERS 40
  4.1. List of excluded players 40
  4.2. Assistance and prevention 41

INSPECTIONS AND SANCTIONS 44
  5.1. Inspections 44
  5.2. Sanctions 48

TECHNICAL EVALUATIONS - METROLOGY OFFICE 52
  6.1. Approval of models 52
  6.2. Inspections 53

LEGISLATION AND CASE LAW 56
  7.1. Regulatory developments 56
  7.2. Case law 58
  7.3. Parliamentary initiatives 61

SECRETARIAT AND RESOURCES 64
  8.1. Staff 64
  8.2. Budget 67
  8.3. Computer science 68
  8.4. Communications 71

COLLABORATIONS AND PARTICIPATIONS 74

CONCLUSION 78

CONTACT 80
The Gaming Commission celebrated its 15th anniversary in 2015. So it is time to take stock and reflect briefly on what the future may hold for gaming policy and the protection of players. For this, we will look back briefly and consider the state of affairs of two aspects. The first aspect concerns developments in legislation. After that, we will examine how these developments relate to European law.

First, we will look at the various successive phases in legislation:
- The Gaming Commission was created in the wake of the Gaming and Betting Act of 7 May 1999. This Act regulated games of chance in casinos, slot machine arcades and drinking establishments, and introduced a gaming fund to the budget of the Federal Public Service for Justice.
- The Act of 3 April 2003 allowed casinos to offer their licences for manufacturers and installers of gambling equipment. The Act also made the Gaming Commission the main authority in the area of gambling, which is the second aspect we examine here: the protection of players.
- The Act of 3 April 2003 allowed casinos to offer their clients gifts; it also introduced credit cards in casinos, set the average hourly loss of gaming machines and introduced a gaming fund to the budget of the Federal Public Service for Justice. The Act also regulated games of chance offered by online casinos, slot machine arcades and betting. The implementation decrees on real-world betting were published during the period when the caretaker government was in charge. Since then, countless other decrees (for instance, on online gambling) have been suspended.
- Finally, the Act of 10 January 2010 extended the authority of the Gaming Commission to include betting, media games and the range of games of chance offered by online casinos, slot machine arcades and betting. The implementation decrees on real-world betting were published during the period when the caretaker government was in charge. Since then, countless other decrees (for instance, on online gambling) have been suspended.

The European Union has focused its attention on online gambling, which is the second aspect we examine here:
- It became clear in 2000 that online gambling had become a major challenge as a result of technological developments. At that stage, the problem was still in its infancy, and the correct structural measures stood a good chance of ring-fencing the phenomenon. But the minister opted to implement the Act that had only just been announced, rather than immediately expanding its scope of application.
- In 2001, Belgium took on the presidency of the European Union and failed to put gambling on the agenda. At the time, the battle against terrorism (11 September 2001) dominated that agenda.
- In 2003, McCreevy, commissioner for the Internal Market, wanted to see a liberalization of online gambling and for betting in particular.
- In 2010, Belgium was president of the European Union and, after heated debates, resolutions were adopted unanimously.
- In 2015, the European Commission proposed an unlimited administrative collaboration between countries. It also expressed its wish to start a dialogue with the online gambling sector so that due course technical standards could be introduced that would be consistent from country to country.

Separate from European policy, but in the same spirit, the notion of free competition for gambling gained ground when the Council of State lifted a royal decree that entrusted the organizing of betting to the National Lottery on the basis of its own Act.

The activities that took place in 2015 become clear against this background. On the occasion of the fifteenth anniversary of the Gaming Commission, the Minister of Justice set his priorities for the policy on games of chance and the protection of players (see Section II – Policy – Point 1). These topics were deliberated the rationalization and restriction of the games of chance sector. A day was organized in the Academy Palace to discuss these subjects (see Section II – Policy – Point 2). It also became even more obvious in 2015 that a better framework for the advertising of gambling was required. This was achieved through a covenant drawn up together with the Jury for Ethical Practices in Advertising (see Section II – Policy – Point 3). A study day to discuss an advertising framework was organized for 25 November 2015, but it had to be postponed because the terror threat level was ratcheted up to 4.

In recent years, protecting minors has become a permanent concern for the Gaming Commission. For this reason, the Gaming Commission made it a priority to fit bingo machines in drinking establishments with an 18 card reader so that age of players could be checked. This was intended to stop young people from playing bingo and trivializing it as a game (see Section II – Policy – Point 4). There was also a need for a correct description of the slot machines that fall within the scope of Section 3.3 of the Act. Machines that fall under 3.3 were included as illegal gaming machines in the repertory of the tax administration (see Section II – Policy – Point 5). Checks will be carried out in 2016 to stop infringements of this.

In order to cope with the many new kinds of gambling, and the accompanying uncertainties about which regulations apply, the Gaming Commission set up the Sub-Commission for Gaming (see Section II – Policy – Point 6). The crowning of the good collaboration with the Wallon Region took the form of a renewed tax protocol containing guidelines for an efficient information flow (see Section II – Policy – Point 7).

Finally, and unfortunately, the problem of match fixing was still relevant in 2015 (see Section II – Policy – Point 8).

It is the government’s duty to channel the increased demand for games of chance so that addiction, and the attendant debt burden and crime, can be curbed. A good gambling policy also provides preventative information and the possibility of denying access to games of chance. This gives gaming operators a special role in society.

Government agencies’ ought to ensure that public interest prevails, while at the same time they must evolve to become economically relevant organizations. The Gaming Commission will continue to keep an eye on these developments, but it is at all times prepared to impose the same coherent framework on all games of chance, and thus meet the requirements of the public.

The policy on games of chance remains the exclusive jurisdiction of the members of the European Union. Each member may impose restrictions on the free movement of services within the framework of fraud prevention, the protection of players and combatting money laundering.

The permanent priorities of the Gaming Commission are an independent and public nature. However, the current budget proposals threaten these priorities. What prevails is the application of the Gambling and Betting Act, and only budgetary considerations are subject to it. If one was to allow the budget to prevail, and by doing so work against what is in the public interest, this would be contrary to the express wishes of Parliament for a commendable gaming policy. Parliament could reinforce the specific nature and independence of the Gaming Commission by providing it with additional structural resources, both in terms of staff and investments in technical and computer science. If budgetary measures are given priority, then the Court of Justice may rule that budgetary restrictions have an impact.
on free movement of services for gambling and that, as a consequence, the Belgian policy on games of chance is in conflict with the European treaties. This may lead to the gambling sector moving its activities to countries with a more flexible socio-economic policy.

What are the potential scenarios?

• There is the near future: the framework for advertising and the various kinds of gaming and gambling, the restriction of the number of gambling establishments, and the notification procedure for the issuing of casino concessions.

• There is the slightly more distant future: Will real-world games of chance be completely replaced by online games of chance? Will online games of chance also evolve because of new technological developments such as faster surfing speeds, 4G or the advent of robots? Will evolution accelerate or will there be an increase in scale? In the last hypothesis, a national gambling policy is absolutely essential because the globalization of online gambling will have to be reviewed and machines will have to be modified. There are people who claim that there is ‘no digital solution for most of the problems’.

In the Gaming Commission’s 2014 annual report, questions were raised about the government policy statement that provided for two new casinos. Did this constitute a U-turn? Which aspects in 2015 provide an answer to this question? Not a single tangible initiative was taken to amend the Act. So there was no clear turnaround as far as the number of casinos was concerned, but the absence of any royal decrees for online gambling will undoubtedly lead to a further trivialization of gambling and a lowering of the threshold for vulnerable groups. This absence of royal decrees is allowing the gambling market to be exposed to globalization whereas, due to the special nature of gambling, national operators would do better to close ranks. It is not the competition within the Belgian market that constitutes a threat for the protection of the players. Rather it is the external supply, driven solely by the pursuit of profit in the short term, that is a risk.

Étienne MARIQUE
Chairman

8 VERRYCKEN (R.) Dave EGGERS, The circle. McSweeney’s L’ECHO 26 September 2015 p. 50
The Gaming Commission was established pursuant to the Gaming and Betting Act of 7 May 1999 which regulated betting, the gambling establishments and the protection from the players. The minister of Justice, Koen Geens, is the political point of contact for issues related to gambling and relationships with the Gaming Commission.

A secretariat assists the Gaming Commission in its daily operations. The Secretariat of the Gaming Commission comprises various units. These units carry out the various duties and execute the powers that the Gaming and Betting Act of 7 May 1999 conferred on the Gaming Commission.

Protecting the players is a top priority for the Gaming Commission. To be able to carry out its assignment more effectively, the Gaming Commission is advocating that it should be transformed into an independent supervisory authority that can work closely together with the federal government and local authorities. The Gaming Commission wants to ensure that the exploitation of games of chance is curtailed. Too much supply at an urban, regional or federal level is not desirable. The Gaming Commission wants to evolve to become a fully-fledged regulator that can provide a counterbalance to the recent developments.

Having its own statute is important for the Gaming Commission because the current structure sometimes hampers a smooth operation. As it stands now, six ministers have to approve every royal decree in the implementation of the Gaming and Betting Act.
Games of chance are part of a continuously evolving sector. In recent years, the gambling sector has changed tremendously, and this trend will continue in the foreseeable future. This is a consequence of the advent of the internet and mobile telephony, among other things, which means that traditional gambling establishments now have to compete with what is easily accessible online. In the meantime, consumers (players) have become used to having everything at their fingertips, wherever and whenever they want it.

This section highlights some of the incidents that were significant for policy in 2015.

1. START OF THE ANNIVERSARY YEAR – 15 YEARS OF THE GAMING COMMISSION

On 15 January 2015, the 15th anniversary of the Gaming Commission got off to a festive start in the presence of Minister of Justice Geens. He held the opening speech, after which the Chairman and the Head of the Secretariat of the Gaming Commission gave a speech about the gambling policy to be pursued. The Gaming Commission took the opportunity to clarify its future strategy in line with the minister’s planned policy. Visit http://www.gamblingcommission.be/opencms/opencms/jhksweb/en/gamingcommission/news/news_0015.html.

Minister of Justice Geens: “In its social mandate to regulate the gambling market, the legislator is pragmatic in its approach: in principle, gambling is prohibited because of the risks associated with it. Yet the prohibition has been watered down through the issuing of licences, which in a sense are profitable for the provider, after a thorough investigation of the solvency, transparency and requirements of the function. Belgium has come a long way since 1903. It can now afford to boast about its legal framework that regulates gambling in both the real and virtual market. In this rapidly changing world, with its uncertain social character, typified by lightning-fast technological developments and the internationalization of the gambling context, we cannot afford to rest on our laurels. We must continuously adjust, fine-tune and adapt our legislation. We call that “remaining vigilant”.

As the minister of Justice, I am therefore delighted to be able to rely on an authority that keeps its finger on the pulse. More than that: it is one that gives advice based on broad expertise, that issues licences after thorough research, and that is also in a position to take punitive action should this “right” be violated. I use the word “right” deliberately because in principle gambling is prohibited. The legislator is justified when it argues that the exploitation of the human vice of “greed”, munus vult decipi, cannot be allowed to pass without sounding the necessary alarms.

So I would urge the Gaming Commission to continue to be creative, inventive, innovative and above all pre-emptive in its endeavours to create a gambling market where the emphasis is on “play and relaxation” and less on “gambling”. This can primarily be achieved by expanding a clear legal basis. The scope of the Gaming and Betting Act of 7 May 1999 was extended in 2010, and virtually the entire gambling sector is defined, regulated and controlled by this Act and its implementation decrees. Now, anno 2015, there are still a few important royal decrees that need to be passed. In collaboration with the Gaming Commission, this will be the first “chore” that we will have to tackle. After that, and following a thorough investigation and evaluation, the coalition agreement will be implemented in accordance with the principles for rationalizing the gambling market, the subsidiarity principle is applicable here. This principle is now being refined by those who believe that more attention should be paid to free movement of services. It remains to be seen where the balance lies between free movement of services and regulations designed to protect consumers. I am in favour of an exchange of good practices at European level, whereby Member States have enough leeway to ensure consumer protection and the necessary regulation for a good gaming policy for the general public. In this respect, I am pleased that other countries in the European Union as well as those from other continents are introducing systems that are closely related to the system that Belgium has introduced.

These developments build trust between the various parties: the minister, his cabinet and administrative staff, the Gaming Commission, the chairman and the various members, as well as and above all the Secretariat of the Gaming Commission (and the technical members of its staff) as the driving force. It goes without saying that there are many more parties involved, for instance the entrepreneur who is looking forward to the introduction of a high-quality regulatory framework for games of chance, and who moreover aspires to developing
2. STUDY DAY ON COVENANTS, CONCESSIONS AND RECOMMENDATIONS FROM THE MUNICIPALITIES

The Gaming Commission organized a study day on covenants, concessions and recommendations from the municipalities. The study day was held on 27 May in the Academy Palace. Key to this day was the collaboration between local authorities and the Gaming Commission. The gambling world is evolving continuously, so it is useful to regularly reflect on the roles of all the various parties involved. There is a need for initiatives and experience so that the gambling policy can be pursued as efficiently as possible with the means currently available. The organization of the games of chance in 2015 is perhaps rather outdated in some respects, and so there is room for improvement. In Section II – The situation in the world of Belgian gambling – you will find the conclusions of this study day presented according to gaming establishment category (see p. 20).

3. ADVERTISING

The Gaming Commission notes that more and more advertisements and advertising campaigns are popping up in the streets of Belgium. It's not only the National Lottery but also online gambling operators who are using advertising to raise awareness for their products among the general public. As the regulator, the Gaming Commission is also getting more and more questions and comments from members of the public and media firms because of this.

At the request of Minister of Justice Geens, a draft covenant was drawn up for ethical and responsible advertising for and the marketing of games of chance. Socially responsible advertising is the aim. In this context, the Gaming Commission had its first meeting with the Jury for Ethical Practices in Advertising on 17 March 2015.

The Jury for Ethical Practices has already entered into agreements for advertising in the past with similar organizations (for instance, the Alcohol Covenant that arose on the initiative of the Federal Public Service for Health). However, gambling is a special commercial case (among other things because of its link with crime), which means that trying to get a fair comparison with other sectors is problematic. The Jury for Ethical Practices proposed a covenant that has a wide support base given the range of sectors that would undertake to comply with it. If the media committed to it, then it would work as a deterrent for those operators that would be reluctant to conform to a certain type of advertising campaign. After all, without a channel through which to distribute the campaign, the advertising cannot reach the target audience. Even though it is not enforceable through the courts, such a covenant is quite powerful.

The Gaming Commission would like to thank all speakers and members of the Secretariat for their extremely informative presentations and conclusions.
game events four times a year must not lead to a new professional circuit that is not licensed. An alternative may involve restricting the amounts wagered to the extent that it is not financially interesting for these games to be exploited professionally.

The previous Gaming Commission recommendation of 5 May 2010 entailed a ban on the operation of 3.3 machines. That ban, however, is too restrictive. It would be better to work out a control system that would see these machines falling under the monitoring powers of the Gaming Commission, but that would lead to significant regulatory consequences (from a tax perspective, regulations limiting the number of games in bars, the impact on royal decrees, interference with National Lottery policy plans and so on).

6. ESTABLISHMENT OF A SUB-COMMISSION FOR GAMING (SEE P. 28)

The Gaming Commission has noticed that games are increasingly being presented whereby the difference between the various kinds of games of chance, be they online or real-world, and/or the location where they are exploited, is shrinking (betting, casino games, game room games and instant win games). Betting sometimes resembles casino games, while casinos and slot machine arcades now also want to offer games that are evolving in the direction of betting. Given the diverse, sometimes even opposing, reactions from the sector, the Gaming Commission decided to establish a sub-commission that will further analyze these issues, and will pay particular attention to virtual betting, live betting and instant win games.

A new protocol was therefore necessary to provide a framework for this joint effort. The protocol was signed on 9 October after the Gaming Commission approved the agreement in the session held on 9 September 2015. This protocol unites the three parties involved:
- the Gaming Commission
- the Direction générale opérationnelle de la fiscalité, Département de la fiscalité immobilière et environnementale (DGOF)
- the Walloon Region tax authority

The main objective of this agreement is to exchange information between the various services. This allows for a more comprehensive approach to the games of chance sector, with a focus on the legal as well as tax issues. Through this exchange of information, it will also be possible to detect fraud more quickly, and it will facilitate practical collaboration for monitoring legal and illegal operators. This protocol provides for an annual evaluation in which the achievements of the previous year will be assessed.

Etienne Marique, Chairman of the Gaming Commission
Jean-Paul Gérard, General Inspector of DGOF
Bernard Géhénot, Chairman of the Walloon Region tax authority

8. MATCH FIXING

In 2015, the Gaming Commission joined forces with the Secretariat-General of the Benelux to organize an afternoon seminar on match fixing in the presence of the minister of Justice, Mr Geens. Since the Zheyun Ye case, football and match fixing are often mentioned in the same breath. Unfortunately other sports are also involved. From betting on fixed tennis matches in Belgium, Switzerland, Germany and the United Kingdom to approaching top volley ballers in Denmark to manipulate match results: there is not a single sport that is safe from organized mafia. It is the mafia who recognize match fixing as the perfect way to launder their dirty money, while at the same time making a bit of money on the side through gambling winnings. In recent years, the integrity of the sport has taken some hard knocks.

The Benelux countries did not want to simply stand by and watch the going-on, and instead decided to take concrete action to call a halt to this cross-border problem in sport. The afternoon workshop was scheduled for 23 November, but that did not take into account the terror threat that followed the Paris attacks on 13 November. In the weekend before the seminar, the government increased the threat level for Brussels from 3 to 4, which led the Gaming Commission and the Secretariat-General of the Benelux to decide to postpone the afternoon workshop to 2016. Even though the organization had done everything possible to ensure the safety of its guests, many of those invited dropped out. But postponement is not necessarily equate to cancellation: in 2016 the Gaming Commission will continue to invest in this issue, one that also concerns the integrity of the betting offered.
3.1. OFFLINE GAMBLING ESTABLISHMENTS

3.1.1. A LICENCES: CASINOS

I) Current situation

Important times are on the horizon for casinos because various concession contracts and/or licences are up for renewal or may be declared open.

In principle, the concession contracts entered into before 31 July 2001 remain valid until 31 July 2021 at the latest. Contradictory conditions in the concession contracts in this regard may be null and void. Concession contracts entered into after the Royal Decree of 26 June 2002 came into effect – specifically this means after 29 July 2002 – may terminate by operation of law on the expiry of the term stipulated for A licences. The advantage of this is that concession periods and licence periods may coincide in the future.

In the coming years, the expiry of the following concessions and licences that are currently in force will be decided.

The municipality has to submit a concession contract to the Gaming Commission so that it can review the legal requirements of the Gaming and Betting Act.

However, if the concession contract lapses before the expiry date of the licence (e.g. Middekerke and Vinktikke), the principle upheld is that existing licences are given priority so that operations can continue. If the Gaming Commission determines that the concession contract does not exist at a given point in time because it has lapsed, then the licence holder risks forfeiture of the licence.

The final approval in terms of the ultimate issuing of licences remains with the Gaming Commission. A concession contract based on all the regulations prescribed in Europe between the municipality and a concession holder does not automatically mean that the Gaming Commission will issue a licence for this concession holder if the legal requirements are not observed (for instance, due to the exploitation of illegal gambling).

Under Section 43(8) of the Gaming and Betting Act, the term of validity of the additional licence is linked to the term of validity of the A licences in question. This means that the additional licences, too, will lapse if the licence for the real-world casino expires. However, if the concession holder does not change, the A licence can be renewed under the law and the additional licence can also be retained.

II) The future

With nine establishments, casinos will remain an exclusive product in Belgium, even though the word ‘casino’ is increasingly being used by people who do not have an A licence. The municipalities can support their casino through proactive and interactive collaboration, for instance, by offering safe parking spaces and organizing socio-cultural activities. Despite the fact that these socio-cultural activities are not dealt with anywhere in the Act or its implementation decrees, it has been laid down that they may not be systematically organized in practice.

Attention was paid to casinos in Point 6.3.1. of the Coalition Agreement of 11 October 2014:

“The government will review the Gaming and Betting Act of 7 May 1999 on betting, gambling establishments and the protection of the players, with the intention of increasing the number of permitted Class I gambling establishments to eleven. The government will develop a scheme to permit international cruise ships that have a casino and/or gambling facilities to exploit games of chance or betting in our territorial waters until the time that they drop anchor (in the port).”

It is therefore expected that the number of casinos on offer will expand in the future. This will entail an amendment of the Gaming and Betting Act given that the maximum number of casinos allowed has been set by law at nine. The government did not take any steps in 2015 to change this statutory number of casinos.

10 Act of 14 April 2002 rationalizing the operation and management of the National Lottery, Section VI, §4.

11 Section 28 of the Gaming and Betting Act. Class I gambling establishments or casinos are establishments in which the games of chance permitted by the King, be they automatic or not, are exploited and socio-cultural activities, such as performances, exhibitions, conferences and hospitality sector activities, are organized.
The Gaming Commission examined the licence to operate gambling facilities on cruise ships in Belgian territorial waters, but the government did not view it as being a priority.

The Gaming Commission notes that casinos are in the hands of large groups that often manage other kinds of gambling establishments (e.g. slot machine arcades, bingos and so on). Acquisitions continue to take place. For instance, the Chaudfontaine casino – previously controlled by the Pariurtsche group – changed ownership in 2015. The casino was taken over by a group that was already operating in Belgium in the slot machine arcades sector. Large-scale modernization works were carried out in the casino. A recapitalization was implemented in September to consolidate the company’s financial position.

III) Items for consideration

Players who smoke continue to be of concern in real-world casinos. The Gaming Commission would like to emphasize that it obviously observes the general smoking ban in public places in accordance with national law, and that it meticulously enforces the judicial system of the appeal and other courts. The Gaming Commission in no way questions the general rule of whether it is acceptable that smoking is used to attract players.

It is, however, important to examine this subject in neighbouring countries and to apply the European directive uniformly. Guarantees for personal welfare are necessary, as is the proper implementation of the channelling policy designed to guide players to the legal and controlled gambling market. This could be achieved, for instance, by permitting automatic gambling machines in smoking areas specially provided for that purpose, areas where there are no staff.

Another innovation in 2015 was allowing a live poker tournament to be held outside the casino. In 2015, Unibet Belgium requested permission to organize a one-off poker tournament in Antwerp under the licence held by the Blankenberge casino. The Municipal Executive of the city of Blankenberge gave its permission on 28 May 2015 to organize a poker tournament. Finally, in a letter dated 10 June 2015, the procurator general of Antwerp announced that its office did not have any objections. The Gaming Commission consequently decided to give its permission for a poker tournament to be organized in Antwerp under the licence held by the Blankenberge casino.

3.1.2. B LICENCES: SLOT MACHINE ARCADES

I) Current situation

The slot machine arcades sector is finding itself in financially turbulent times. The turnover figures that the sector can put forward speak for themselves. Some licence holders are in a position to respond to these unfavourable times by taking advantage of the growing online market, but this is certainly not the case for all B licence holders.

As of 31 December 2015, 36 B licence holders had an additional B+ licence. All in all, these licence holders provide online games of chance on 29 different websites.

What this also means is that, at the end of 2015, a total of 143 B licence holders did not have an additional B+ licence, and so they could not in principle compensate for the less favourable financial circumstances. From the perspective of profitable exploitation, the Gaming Commission will increasingly be focusing on licence holders that are not part of a larger group, and cannot afford the necessary investments.

In October 2008, the Gaming Commission put in place a relocation scheme to offer those slot machine arcades that were based in unviable locations (from a financial or structural point of view, for instance) the opportunity to look for another location. More than 30 slot machine arcades have taken advantage of the relocation scheme since this relaxation of the rules. But this more flexible relocation scheme has also had several knock-on effects.

The first side effect is the fact that the B licence holders sector is no longer open to newcomers on the market. Since October 2008, only three B licences have been voluntarily relinquished to make way for new licences.

Licences for the unprofitable gaming halls were not made available again. Also, at the end of 2015, unviable gaming halls were kept open using a minimum of resources in order to meet the exploitation conditions and not to lose the licence. Here we have in mind gaming halls that are only open on Friday and Saturday evenings, or only for a few hours in the afternoon, gaming halls with only two machines and so on.

A second side effect is the accelerated development of a market with a wide range of licence holders to a market in which a few large, financially strong groups gradually take over the market.

In 2015, 57% of the licences were in the hands of groups that operate ten or more slot machine arcades. This trend of consolidation into groups increased in 2015 thanks to an important acquisition within the Belgian gambling sector Waterland, an independent investment company that has five different investment funds, requested the approval in principle of the Gaming Commission for the acquisition in December 2014. In 2015, the two proposed restructuring constructions were effectively carried out.

On the one hand, 26 companies in the Napoleon Games Group were placed with a new public limited company. Together, the acquired companies had at their disposal 23 B licences, 9 additional B+ licences, 1 F1 licence, and additional F1+ licence, and an A licence, an additional A+ licence and 18 F2 licences.

On the other hand, eight companies from the Michelis Group were placed in another public limited company. All eight companies had E licences.

None of the shareholders of the new companies and none of the institutional investors within the funds in question had a share participation of 20% or more, which means that the cumulation prohibition stipulated in Section 27 of the Gaming and Betting Act was observed.
II) The future

Section 34 of the Gaming and Betting Act of 7 May 1999 stipulates that the maximum number of slot machine arcades permitted is 180. In 2015, there were 179 B licences for the exploitation of 179 slot machine arcades.

Slot machine arcades are going through financially challenging times. On the one hand, there are too many of them, partially due to the expanding online market, which means that the market is becoming saturated, while at the same time the lack of innovation in this sector is also playing a role. On the other hand, there are the stringent regulations (smoking ban or the ban on offering gifts) which have seen slot machine arcades losing their appeal.

Structural measures are needed to restrict the supply side, and to improve the financial viability of slot machine arcades. This can be done by gradually reducing the number of B Licences to 150. This subject was discussed at length during the study day held on 27 May 2015. The sector is also convinced that a structural reduction of the number of licences will benefit the viability of slot machine arcades.

In its session of 1 July 2015, the Gaming Commission decided to take structural measures to reduce the number of slot machine arcades to 174 by the end of 2015, to 165 in the course of 2016, and to 150 in the course of 2017. The intention here is to safeguard the financial viability of slot machine arcades.

The Gaming Commission recommends that this reduction should be structurally enshrined in the Gaming and Betting Act through an amendment to Section 34.

The Gaming Commission is a proponent of a rational approach and has chosen to reduce the number of B licences firstly through the voluntary relinquishment by the licence holder. From this perspective, the Gaming Commission would like to impose several measures designed to encourage people to voluntarily relinquish their B licences.

- **NOT MAKING LICENCES THAT ARE RELEASED VOLUNTARILY AVAILABLE:**
  The Gaming Commission may opt not to apply the Royal Decree of 2014 and that lays down the procedure when a B permit is released. At the end of 2015, the Gaming Commission did already do so given that for some time only 179 active B licences have been active.

Licences become available in various ways, namely through the voluntarily discontinuation of a licence by the licence holder, by the withdrawal of a licence by the Gaming Commission and when the Gaming Commission does not renew the licence. At the end of 2015, sanctions were initiated against seven B licence holders due to their failure to actually exploit their slot machine arcades. The ruling on these sanctions is expected in 2016.

- **RESTRICTING RELOCATION OPTIONS:**
  Voluntary terminations can be encouraged by restricting the options to relocate. A transitional period is appropriate here so that imminent relocations are not impeded.

- **APPLYING STRicter CONDITIONS FOR THE RENEWAL OF LICENCES:**
  When renewing licences, the Gaming Commission may be stricter when overseeing the financial capacity and profit margins of companies. The licences for companies that are losing money structurally would in this way not be renewed.

Along with restricting the market, the Gaming Commission can also encourage other initiatives to keep the gambling sector viable. For instance, it should be possible for operators of slot machine arcades to offer their clients gifts of a limited value at regular intervals.

**B Licences**

<table>
<thead>
<tr>
<th>Licence type</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Licences renewed</td>
<td>7</td>
</tr>
</tbody>
</table>

**III) Items for consideration**

Slot machine arcades that do not offer online gambling can get into trouble faster and more often. The internet will put the nail in the coffin of the offline world if an amended policy is not developed. As is the case with casinos, the trend among slot machine arcades was towards large groups getting their hands on several gambling establishments (e.g. Waterland). It is not possible for the smaller players to keep a handle on things in financially difficult times, and this in turn is not good for the protection of players (exploitation is too aggressive, solutions for keeping revenues up are too creative, there are shortcomings in registration and so on).

3.1.3. C licences: Drinking establishments

**I) Current situation**

The introduction of the electronic ID card reader for bingo machines was an important technical measure taken to secure the games and to check the age of players (see p. 17 and p. 44).

Since 1 October 2015, all bingo games must be fitted with an eID reader. Players must first insert their ID cards before they can play bingo. This system keeps players who are younger than 18 years old at bay. The Gaming Commission has been advocating for these card readers to be obligatory for four years now. Bingo machines that are not fitted with these card readers are considered to be illegal gambling machines. They can then also be confiscated. Administrative as well as judicial penalty files are opened in the event of infringements. Prosecution proceedings will be conducted with respect for the rights of defence.

**II) The future**

Gaming activities in drinking establishments must be controlled. Drinking establishments are not permitted to become mini gaming halls. For this reason, a clear regulatory framework must be established for low-stake machines. If the public authorities were to approve Section 3.3 of the Royal Decree, this would send out a clear message (see p. 17).

A royal decree on recommendations for mayors would provide the opportunity to simplify the procedures for applying for a licence, to offer municipalities a standard document, and to shorten the period for handling files.

A stronger partnership is required for monitoring to counter illegal machines installed in drinking establishments. These machines are a real nuisance given that they are installed at random and do not have to comply with any technical restriction. Appointing a contact person for ‘gambling’ in the local police force would provide more effective communication and better responsiveness in the event of crime.

3.1.4. D licences: Staff

In 2015, the Gaming Commission issued 584 D licences for members of staff working in casinos, slot machine arcades and betting offices.

In this period, 380 D licences were refused, mainly because the applicants had not taken the obligatory course, but also because some applicants did not meet the requirements of the job.
As of May 2015, the Secretariat stopped holding the monthly courses for D licence staff provided via the online e-learning platform. This was done due to staff shortages. The applications for D licences are, however, still entered into the databank and a copy of the application must always be kept at the applicant’s place of work. The e-learning system remained accessible to everyone visiting the http://gaming.now.be/ as a ‘guest’.

3.1.5. LICENCES: MANUFACTURERS, INSTALLERS AND MAINTENANCE COMPANIES

In addition to four E licence renewals, the Gaming Commission also received nine new applications for E licences from businesses targeting the online gambling market as companies that wanted to supply games of chance to Class III gaming establishments.

E LICENCES NUMBER

| Licences issued | 9 |
| Licences renewed | 4 |
| Operations terminated | 8 |

Eight licence holders discontinued their operations in 2015. All these cases bar one were companies that operated globally and installed slot machine in drinking establishments.

3.1.6. F LICENCES: BETTING

New trends in the betting sector can be seen in the diversification of betting products that operators want to offer. Similar to live betting, which has gained huge popularity in recent years, there was a constant demand for new products in 2015 (eg. virtual betting). The discussion about the correct classification of this kind of virtual betting led to extensive discussions within the Gaming Commission and to the establishment of a sub-committee to deal with this topic (see p. 28).

Subsequently, at the end of 2015 the Gaming Commission received the first questions from operators about the option of offering other innovative products like betting on e-sports, (multiplayer computer game competitions) and fantasy games (sports betting by putting together a fictitious team of athletes from a specific branch of sport).

These products differ from traditional betting because of the short space of time between the time of placing the bet and the time the outcome is known, otherwise known as short odds betting.

In the years to come, the Gaming Commission will have to assess whether the draft legal framework for betting, conceived since 2011, affords the players sufficient protection. It will also have to assess whether it remains sufficiently coherent as a consequence of these innovative betting products compared to the other games of chance.

2015 saw the renewal of many F2 licences for newspaper vendors; these licences were issued in 2012.

3.1.6.1. F1 LICENCES

No F1 licences for betting operators were discontinued or withdrawn in 2015, as the maximum number of licences for organizing betting had been issued.

On 4 March 2015, the Gaming Commission gave two F1 licence holders permission to organize mutual betting on South African horse racing. Phumelela Gaming and Leisure Limited set up these foreign horse races.

3.1.6.2. F2 LICENCES

A. Class IV fixed gaming establishments (bookmakers)

i) Current situation

The Gaming Commission was authorized for betting on 1 January 2011, which has led to a channeling of supply. However, the framework around this channeling is still inadequate. Accessing betting is still too easy, and vulnerable players need to be protected more effectively.

Reducing the maximum number of offline licences may be opportune for curbing the excessive expansion of supply.

The betting offices must retain their specific characteristics (see p. 29 and p. 46 Fake newspaper vendors) and they are not permitted to become slot machine arcades by offering a range of innovative betting products that is too large. If the range becomes similar to that of casinos and slot machine arcades, then the coherency of player protection must be safeguarded (registering players and consulting the excluded persons information system (EPIs) database). An incoherent scheme may give rise to problems at European level.

A collaboration with local authorities is extremely important to find out whether the legal obligations are being observed, or to check whether the booking office is actually being exploited. The checks must then be carried out before and after issuing of the licence.

ii) The future

Local authorities should be able to obstruct the opening of a booking office in a problematic environment on the basis of objective criteria (decision for administrative closure, number of observations in a specific perimeter and so on).

Section 1 of the Royal Decree of 22 December 201014 stipulates that a maximum of 1,000 permanent bookmakers may be permitted.

The Gaming Commission notes that the current supply of permanent betting offices is stabilizing. A further expansion of the supply side is not desirable and may be counterproductive because the licences that would be issued would be unprofitable or it may give rise to oversupply in the cities or municipalities.

The Gaming Commission is of the opinion that a structural reduction of the maximum supply from 1,000 permanent betting offices to 600 is indicated.

The Gaming Commission recommends structurally anchoring the reduction by amending Section 1 of the Royal Decree of 22 December 2010.

F2 LICENCES NUMBER

| Licences issued | 110 |
| Licences renewed | 70 |
| Licence rejections | 20 |
| Renewal rejections | 1 |

The refusals were due to non-compliance with the 1000 m rule, the operator’s involvement with accepting bets without a valid licence, and a carefully reasoned negative opinion from the mayor based on a police report that reflected the objective crime statistics and trends in the neighbourhood in question.

Regarding the negative opinions from mayors, the Gaming Commission ignored countless recommendations in 2015 because the reasons given in the negative opinion did not constitute a legal or regulatory basis to refuse the licence.

iii) Items for consideration

The 1000 m rule issue

In 2015, the 1000 m rule, i.e. that the minimum distance between betting offices must be 1000 metres, was the subject of discussion at the Gaming Commission. According to Google Earth, the premises of the company that had applied for a betting office licence was between 850 m and 900 m from an existing betting office. A chartered land surveyor, appointed by the applicant, measured the distance and found that the distance was 1004 metres.

He took the foot path into account in the process. The Gaming Commission decided that evidence provided by a chartered land surveyor prevails over Google Earth.

Virtual betting in betting offices

In 2015, new betting products were the subject of a great
many discussions at the Gaming Commission, which led to the establishment of a Sub-Commission for Gaming at the end of 2013.

Virtual betting is a complicated innovative type of gambling. The product is a hybrid on several levels. On the one hand, virtual betting is situated at the interface between betting and automatic gambling, and on the other hand at the interface between offline and online gambling. Below is an overview of developments in terms of the regulation of these products.

The first extensive discussion on virtual betting led to a framework memorandum on 8 February 2012 on the possibility of setting up virtual betting. The Gaming Commission approved an amended version of this memorandum on 17 April 2013.

After a thorough assessment, the Gaming Commission decided to amend the memorandum once again on 1 July 2015, laying down stricter conditions for the following betting office products: Betting on virtual events – 1 July 2015 (http://www.gamingcommission.be/opencms/opencms/jhkweb.nl/gamingcommission/besl/vdsch/).

The memorandum of 1 July 2015 and the related amended conditions came into force on 1 September 2015.

Given the complexity of this hybrid betting product and the reactions that the 1 July 2015 memorandum triggered among traditional gambling operators due to the interface with traditional automatic games of chance, the classification of virtual betting in the amended memorandum of 1 July 2015 did not bring an end to the discussion on the classification of virtual gambling.

On 9 September 2015, the Gaming Commission decided to set up the Sub-Commission for Gaming. The first subject for discussion was virtual betting, and the intention was to assess these new betting products in the most extensive and thorough manner.

On the one hand, licence holders who were directly involved were invited to clarify a written document during the discussion on the classification of virtual betting. Important aspects of the discussion were:

• a thorough legal analysis;
• a letter from the healthcare sector on the increased danger of addiction brought on by these kinds of new betting products;
• an official police report that noted the accompanying nuisance in some offices that offer these kinds of virtual betting.

The Sub-Commission held two sessions, one on 29 October 2015 and the other on 26 November 2015. The Sub-Commission also visited a betting office to observe the exploitation of virtual betting.

At the end of 2015, the Sub-Commission for Gaming drafted a comprehensive recommendation for the Gaming Commission on the regulation of virtual bets 'Memorandum on virtual betting – 1 July 2015'.


The new product is extremely complicated due to the interface that virtual betting has with automatic gambling because of the role that random number generators have in identifying the ultimate winner, on the one hand, and the characteristics that virtual betting shares with betting on sports when it comes to operators and players, on the other hand. The hybrid nature is further reinforced because of the common ground these products share with offline and online games of chance.

In 2016, the Gaming Commission will therefore give an opinion of a royal decree for the necessary legal framework for virtual betting in which coherency will be an essential criterion.

• Online virtual betting comments on the memorandum of 1 July 2015.
• Conclusion regarding the regulation of virtual betting.

B. Class IV mobile-gaming establishments

In the course of 2015, the maximum number of sixty licences was reached. If a licence becomes available, a royal decree stipulates the specific procedure for awarded licences.

Six licences were renewed in 2015.

C. Newspaper vendors

The number of licences issued for taking bets at a newspaper vendor remained stable (193 in 2015 compared to 192 in 2014).

The Gaming Commission renewed 529 licences and 3 licences were withdrawn.

Licences issued 193

Licence renewal 529

Renewal rejections 1

Licence rejections 8

In 2015, 228 licence holders decided that they did not want to renew their licences.

The main reason for refusing to issue a licence was because the establishment was not actually a newspaper vendor.

D. Race courses

One licence was renewed in 2015 for the Oostend racecourse, which meant that they could continue to offer bets.

3.1.7. G1 LICENCES: MEDIA GAMES

At the beginning of 2015 it was proposed that there should be an annual report for call-in competitions. This only concerned the French community given that for several years there have been no call-in competitions broadcast in Flanders.

After a break in call-in competitions on television for a period of 9 months in 2014, this type of game returned in 2015. They fell within the scope of the Royal Decrees of 21 June 2011 (Belgian Official Journal dated 8 July 2011) in which this particular subject matter is covered.

The Gaming Commission set a fixed number of daily broadcasting hours. It concerned the broadcasting of games that were transmitted during the two hours after midnight via RTL-TVI and Club RTL by the only holder of a G1 licence, TV Shows.
In 2015, the Gaming Commission identified and listed the problems that confronted not only the Gaming Commission. The objective of a server visit is, among other things, to check:

- whether the accounts of players are closed due to the suspicion of serious fraud. The web services that monitor access to the websites based on the players’ identification were dealt with in 2014. However, the fact that the Gaming Commission could not consult the National Register remained a structural issue in 2015. It was all too easy for vulnerable and excluded players to consult the National Register automatically. Prior to that, it was more attention was given to the daily complaints handling procedure and a procedure for blocking the accounts of players. Fewer players than expected are active on the Belgian market because of this phenomenon. For this reason, more attention was given to the daily complaints handling procedure and a procedure for blocking the accounts of players who play using a false or fictitious account. Fewer players than expected are active on the Belgian market because of this phenomenon. For this reason, more attention was given to the daily complaints handling procedure and a procedure for blocking the accounts of players who play using a false or fictitious account. Fewer players than expected are active on the Belgian market because of this phenomenon. For this reason, more attention was given to the daily complaints handling procedure and a procedure for blocking the accounts of players who play using a false or fictitious account.

The internet group dealt with a wide range of subjects: web services, E licences, servers, the Council of State, following up social gambling, advertising, prepaid tickets, payments on illegal websites. A major challenge is the problem of natural persons who play using a fake or fictitious account. By August, there was light at the end of the tunnel. There were eventually given permission to continue to operate live games in anticipation of intensive exploitation on Belgian territory. Operators who wish to offer (new) live games must register this in advance via the games@gamingcommission.be hotline.

### Visits to the server

When applications for online games of chance are submitted, the Gaming Commission first has to visit the server to establish whether all the legal obligations have been met.

The objective of a server visit is, among other things, to check:

- the access for the players to the gambling site;
- the logfiles for all online games and bets;
- the infrastructure located in Belgium and the connections with foreign countries.

The actual certification is conducted by an accredited certification body, but this requires royal decree.

The Gaming Commission carried out 12 server visits in 2015. One operator was given a negative opinion, one a favourable opinion without comments and 10 applications were eventually given permission to continue to operate live games in anticipation of intensive exploitation on Belgian territory. Operators who wish to offer (new) live games must register this in advance via the games@gamingcommission.be hotline.

At the end of 2015, the Gaming Commission felt obliged to notify online licence holders that the necessary caution is still required when it comes to offering online games of chance. Online games of chance must be similar in nature (with the same kind of bets and winnings) as those in the real world, depending on the nature of the licence (A or B).

#### 3.2 ONLINE GAMBLING ESTABLISHMENTS

#### Internet working group

The Gaming Commission internet working group convened seven times during 2015. No new meetings were held towards the end of 2015 due to a lack of opportunities to follow up (information, reporting, monitoring, illegal websites and so on). The establishment of the European Gaming-Compliance Institute (see p. 288) on 15 October also caused some confusion at the Gaming Commission. Finally, the Gaming Commission felt obliged to notify online licence holders in the information memorandum of 15 November 2015 that the Gaming Commission’s express permission is no longer required for the operation of online games of chance that use random number generators.

The web services that monitor access to the websites based on the players’ identification were dealt with in 2014. However, the fact that the Gaming Commission could not consult the National Register remained a structural issue in 2015. It was all too easy for vulnerable and excluded players to consult the National Register automatically. Prior to that, it was not possible to carry out real-time ID verifications. This is a problem that confronted not only the Gaming Commission. Other sectors, airlines for instance, were also confronted with challenges related to identification.

The Gaming Commission identified and listed the problems with ID registration, and made every effort at the end of 2015 to remove any false or incorrect accounts from the system.

#### NATURE OF THE COMPLAINT NUMBER

| Comments on the course of the game and/or the selection method | 19 |
| Various vague remarks about the game or call-in TV in general | 14 |
| Contesting the show or the correctness of the response(s) | 8 |
| Request for intervention for the payment of a gambling prize | 6 |
| Information about the call costs – Call-in invoicing contested | 5 |
| Information regarding the payment percentages | 1 |

Below are some figures for call-in games held by i-TV Shows in 2015:

- 463,280 call-ins on the premium rate number.
- 45,184 candidates broadcast;
- 3,368,364 candidates called; 20 and 975 euro/game and an average of 160.97 euro in profit/game;
- 463,280 call-ins on the premium rate number.

#### 3.2.1. A+ LICENCES: ONLINE CASINOS

<table>
<thead>
<tr>
<th>LICENCE</th>
<th>NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>A+</td>
<td>2</td>
</tr>
<tr>
<td>B+</td>
<td>6</td>
</tr>
<tr>
<td>F1+</td>
<td>4</td>
</tr>
</tbody>
</table>

**Nature of games of chance**

At the end of 2015, the Gaming Commission felt compelled to remind A+ and B+ licence holders that the necessary caution is still required when it comes to offering online games of chance. Online games of chance must be similar in nature (with the same kind of bets and winnings) as those in the real world, depending on the nature of the licence (A or B).

Two A+ licences were issued in the course of 2015:

- The firm CASINO AUSTRIA INTERNATIONAL BELGIUM SA, which operates the Brussels casino, was issued a licence for the www.betway.be URL on 1 July 2015.
- CHAUDFONTAINE LODSRS SA, which operates the Chaudfontaine casino, was issued a licence for the www.starcasino.be URL on 9 September 2015.

**Black list**

The black list grew steadily (http://www.gamingcommission.be/opencms/opencms/jhksweb/en/establishments/Online/blacklist/index.html). That said, websites were also removed from the black list after paying a fine (see p. 45).

**Live gaming**

In 2015, an important instruction was given about live gaming that contributed to determining the shape that the exploitation of live gaming would take in Belgium. By way of the informative memorandum of 7 January 2015, the Gaming Commission enforced its decision to prohibit live games that are exploited from outside the country. All online operators that offer live gaming were given until 16 January 2015 at the latest to report this to the Gaming Commission. During the commission meeting of February 2015, the Gaming Commission ruled which operators could continue to offer their products so that exploitation in Belgium could start. In a resolution taken on 4 February 2015, seven websites were eventually given permission to continue to operate live games in anticipation of intensive exploitation on Belgian territory. Operators who wish to offer (new) live games must register this in advance via the games@gamingcommission.be hotline.

**Visits to the server**

When applications for online games of chance are submitted, the Gaming Commission first has to visit the server to establish whether all the legal obligations have been met.

The objective of a server visit is, among other things, to check:

- the access for the players to the gambling site;
- the logfiles for all online games and bets;
- the infrastructure located in Belgium and the connections with foreign countries.

The actual certification is conducted by an accredited certification body, but this requires royal decree.

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In 2015 the Gaming Commission issued four additional A+ licences for the exploitation of online games of chance:
- The firm WORLD FOOTBALL ASSOCIATION NV, which operates a slot machine arcade under reference number B3866, was issued a licence for the www.unibet.be URL on 7 October 2015.
- The firm PRES CARATS SPORTS SA, which operates a slot machine arcade under reference number B3976, was issued a licence for the www.pas.co.be URL on 7 October 2015.
- The firm PANACHE EUROPE BVBA, which operates a slot machine arcade under reference number B20636, was issued a licence for the www.netbetclic.be URL on 18 November 2015.

Five additional F1+ licences were issued in 2015:
- The firm WORLD FOOTBALL ASSOCIATION NV, which holds live betting under reference number FA116870, was issued a licence for the www.betworld.be URL on 7 January 2015.
- The firm LASVIT N.V., which holds live betting under reference number FA134751, was issued a licence for the www.bet365.be URL on 6 May 2015.
- The firm LOGIC STARS INTERNATIONAL BELGIUM SA, which holds betting under reference number FA11768, was issued a licence for the www.logicstars.be URL on 17 July 2015.
- The firm CIRCUS LEISURE SA, which holds live betting under reference number FA11768, was issued a licence for the www.circusbet.be URL on 8 October 2015.
- The firm CIRCUS LEISURE SA, which holds live betting under reference number FA124887, was issued a licence for the www.betvictor.be URL on 15 October 2015.

On 1 April 2015 the Gaming Commission gave a favourable opinion15 regarding a draft royal decree laying down the forms and general rules for gambling and betting organized by the National Lottery, subject to the deletion of the word ‘gambling’. The Gaming Commission advised the minister responsible for the National Lottery to get to work on the implementation of Section 21, §1 of the National Lottery Act in order to address the problems with minors who buy lottery products in National Lottery outlets, and also to address any problems arising from conflicts between the standards laid down in the management agreement and the standards as contained in the legislation for the implementation of the Gaming and Betting Act.

The Gaming Commission and the National Lottery had a meeting on 28 September 201516 (see p. 20). The following subjects were discussed during this meeting:
- the future of games of chance in Belgium;
- the implications of abolishing the gambling fund on the proper functioning of the Gaming Commission;
- the protection of gambling addicts who play online;
- applying the EPIS list for lottery products;
- the signing of the cooperation agreement as proposed by the European Commission;
- the recommendation from the European Commission regarding consumer protection;
- the procedure for the Council of State regarding the National Lottery’s F1 licence;
- lottery distributors and betting offices;
- the competition authority’s announcement (transaction decision and dismissal (decision not to prosecute));
- the 0800 telephone line.

The chairman and a delegation from the Gaming Commission Secretariat also took part in the consultation sessions that the National Lottery held in March 2015. The National Lottery invited various stakeholders to give their opinion on the implications that the National Lottery activities would have on society. Corporate social responsibility was central in this.

The National Lottery as well as the licence holders in question were asked to provide an explanation as a consequence of the press releases regarding licensed operators offering gambling to minors and the lack of adequate monitoring of bets and the age of players. The conclusion was that licensed operators do not try in any way to attract minors to their gambling products.

In 2014 holders of A licences realized a total of €158,857,545,44 in GGR from the exploitation of games of chance. The table below shows the GGR for offline gambling on the one hand, and online gambling on the other hand.

<table>
<thead>
<tr>
<th>Licence Type</th>
<th>Year</th>
<th>Financial Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offline (GGR)</td>
<td>2015</td>
<td>€104,401,312,53</td>
</tr>
<tr>
<td>Online (GGR)</td>
<td>2015</td>
<td>€9,467,919,33</td>
</tr>
</tbody>
</table>

The financial information shown below is the information that licence holders provided at the request of the Gaming Commission. The Audit Unit requested additional information from the licence holders so that the prevailing situation in the gambling sector could be presented as accurately as possible.

In order to follow the development of the gambling market as closely as possible, and to supplement certain missing data from previous years, the Gaming Commission thoroughly changed its approach for the analysis of financial information.

For 2014, the information analyzed related to the calendar year and no longer to the companies’ financial years, as was previously the case. The information was also gathered per licence. As a consequence, the information is no longer grouped according to type of main licence for the holders of the various kinds of licences. All revenues obtained from the various licences are entered under the correct section.

In this report, the gross gaming revenue (GGR) is taken into account in the financial information on the exploitation of games of chance, unless otherwise indicated. The turnover is used for the financial information for other activities.

The GGR is calculated per gaming establishment as the total of the amounts betted less the winnings paid out. In previous years, turnover figures were used as the basis. Because these turnover figures are calculated in various ways the turnover was sometimes more, sometimes the same and sometimes less than the GGR depending on the operator, a comparison based on GGR is a more realistic reflection. This does, however, mean that a comparison with figures for previous years will not always be accurate.

Pursuant to Section 21, §1 of the National Lottery Act, the Gaming Commission is responsible for monitoring compliance with the detailed regulations set out in the implementing decree taken pursuant to Section 5, §1, second paragraph.

Act of 19 April 2002 rationalizing the operation and management of the National Lottery, Section I, §4.
The GGR realized from games of chance that are exploited in the real world are shown below per casino.

<table>
<thead>
<tr>
<th>WEBSITE</th>
<th>GGR</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>€ 19.416.342,56</td>
</tr>
<tr>
<td>2</td>
<td>€ 14.796.240,00</td>
</tr>
<tr>
<td>3</td>
<td>€ 10.700.731,05</td>
</tr>
<tr>
<td>4</td>
<td>€ 10.052.851,39</td>
</tr>
<tr>
<td>5</td>
<td>€ 7.935.108,40</td>
</tr>
<tr>
<td>6</td>
<td>€ 1.230.609,00</td>
</tr>
<tr>
<td>7</td>
<td>€ 1.191.770,00</td>
</tr>
<tr>
<td>8</td>
<td>€ 909.334,28</td>
</tr>
<tr>
<td>9</td>
<td>€ 154.586,28</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>WEBSITE</th>
<th>GGR</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>€ 9.156.977,00</td>
</tr>
<tr>
<td>11</td>
<td>€ 8.156.856,37</td>
</tr>
<tr>
<td>12</td>
<td>€ 7.906.128,71</td>
</tr>
<tr>
<td>13</td>
<td>€ 6.913.447,35</td>
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<tr>
<td>14</td>
<td>€ 6.173.553,63</td>
</tr>
<tr>
<td>15</td>
<td>€ 6.010.723,04</td>
</tr>
<tr>
<td>16</td>
<td>€ 5.644.851,48</td>
</tr>
</tbody>
</table>

In 2015, the casino in Chaudfontaine introduced several strategies to counter the erosion of revenue. These various strategies were put to the Gaming Commission.

Whereas the GGR realized from the online range products offered by A+ licence holders amounted to € 24.879.811,21 in total in 2013; this rose to € 54.456.232,91 in 2014.

The analysis of the online gambling shows that they have recorded more than a doubling of the revenue overall, which once again suggests a shift in income from traditional gambling to online gambling.

The GGR realized from the online exploitation of games of chance shown in table below is divided per website and sorted according to the size of the amount.

<table>
<thead>
<tr>
<th>WEBSITE</th>
<th>GGR</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
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<td>7</td>
<td>€ 1.191.770,00</td>
</tr>
<tr>
<td>8</td>
<td>€ 909.334,28</td>
</tr>
</tbody>
</table>

The Partouche Group, which owned the Knokke, Oostend, Chaudfontaine and Dinant casinos, sold all its shares on the Belgian market to other actors, with the exception of the shares in the Oostend casino.

The Dinant casino stopped all its online gambling activities in the course of 2014.
The table below shows the GGR figures for 2014 for online and offline slot machine arcades, as well as the turnover from other B licence holders activities.

### B LICENCES – GGR

<table>
<thead>
<tr>
<th>Year</th>
<th>Online</th>
<th>Offline</th>
<th>Other</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>€22,740,394,96</td>
<td>€168,450,303,28</td>
<td>€4,967,540,12</td>
<td>€173,417,843,60</td>
</tr>
<tr>
<td>2011</td>
<td>€40,288,267,83</td>
<td>€166,966,406,04</td>
<td>€4,807,204,77</td>
<td>€171,773,610,81</td>
</tr>
<tr>
<td>2012</td>
<td>€49,786,398,79</td>
<td>€162,341,305,29</td>
<td>€4,308,834,83</td>
<td>€189,390,535,08</td>
</tr>
<tr>
<td>2013</td>
<td>€49,786,398,79</td>
<td>€155,865,600,10</td>
<td>€3,712,581,47</td>
<td>€200,866,449,40</td>
</tr>
<tr>
<td>2014</td>
<td>€49,786,398,79</td>
<td>€152,017,574,55</td>
<td>€5,469,097,29</td>
<td>€207,275,070,63</td>
</tr>
</tbody>
</table>

The proportion of foreign companies in the total turnover for B licence holders activities is negligible given that these companies usually only sell software, and they do not directly offer games of chance to players on the Belgian market. For this reason, the amounts given by these companies is referred to in the ‘Other’ section.

### B LICENCES – STAFF

- **STAFF WORKING IN SLOT MACHINE ARCADES (FULLTIME EQUIVALENTS)**
  - 2010: 885.92
  - 2011: 862.91
  - 2012: 899.07
  - 2013: 872.59
  - 2014: 844.60

There was a drop of 3.31% of the number of fulltime equivalents employed by the sector in 2014.

### B LICENCES – SOLVENCY

The average solvency ratio of the B licence holders fell from 2013 to 2014, from 47.73% to 40.55% to be specific. This confirms the trend observed in 2013, which demonstrates the challenges facing the sector at the moment. Twenty operators of slot machine arcades did not reach the required threshold. The Gaming Commission took the necessary measures so that licence holders put their house in order, namely by:
- only increasing their capital;
- having the partners deposit an advance in an account to increase the capital;
- demonstrating that their financial position improved in the course of the following financial year and that the ratio was met.

### 3.4.3. C LICENCES – DRINKING ESTABLISHMENTS

Making a multi-year comparison of the turnover trends for C licences based on financial statements is not possible given that some of those running drinking establishments worked as natural persons and so were not obliged to publish balance sheets. Moreover, exploiting games of chance accounts for only part of the turnover of these establishments.

### 3.4.4. E LICENCES – SUPPLIERS, MAINTENANCE COMPANIES, MANUFACTURERS AND INFORMATION COMPANIES OF/FOR GAMES OF CHANCE

Despite various reminders, some licence holders had not yet responded to the Gaming Commission’s request for financial information at the time that this report was drafted. In 2016, these licences will be closely monitored so that all the requisite information can be obtained. If necessary, legal proceedings will be initiated against the licence holders in question. The impact on the figures is limited because it does not involve the major players in the market. The majority of the licence holders whose registered offices are located outside the country responded to the request for information.

### E LICENCES – TURNOVER FIGURES

The overall turnover for E licence holders also fell in 2014, even though there were more active licences.
THE SITUATION IN THE WORLD OF BELGIAN GAMBLING

3.4.5. F1 LICENCES – BETTING OPERATORS

The table below shows the turnover figures generated by betting operators. A column has also been added to show the GGR for 2014.

From 2014 onwards, licence holders who had several licences (for instance, for a casino and betting, or for slot machine arcades and betting) were required to split their turnover figure according to the licences. The amounts involved in betting for these companies is currently negligible.

The amount obtained from betting, both offline and online, increased significantly, even extremely significantly in 2014. Seventy-four per cent of the online betting market was in the hands of only three providers. In 2014, certain sporting events (e.g. the Football World Cup) were responsible for an increase in the number of online betting.

The table below shows the GGR generated in 2014 by the nine websites of F1 additional licence holders.

One foreign licence holder had not yet responded to the Gaming Commission's request for financial information at the time that this report was drafted. The figures from the National Lottery were removed from the list because the information provided is not inherent to the F1 licence. The National Lottery also did not respond to the various requests to improve the way the information required is documented.

The Gaming Commission's Audit Unit is taking the necessary measures to obtain the rest of this financial information about the various inadequacies. Legal proceedings will be started for this if necessary.
PROTECTING THE PLAYERS

4.1 LIST OF EXCLUDED PLAYERS

Belgium has had the excluding persons information system (EPIS), an electronic system that combines all excluded players, since 2004. When entering an offline or online casino, a slot machine arcade, or an online betting office, the name, first name and date of birth of the player is entered into EPIS to check whether the person is allowed access to the gambling facility. This is without doubt an extremely powerful instrument in the fight against gambling addiction.

Below is a list of the total number of exclusions per category as of 31 December of the previous four years:

<table>
<thead>
<tr>
<th>REASON FOR EXCLUSION</th>
<th>31/12/2012</th>
<th>31/12/2013</th>
<th>31/12/2014</th>
<th>31/12/2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group debt management scheme</td>
<td>86,638</td>
<td>122,434</td>
<td>122,601</td>
<td></td>
</tr>
<tr>
<td>Court decision</td>
<td>71,501</td>
<td>82,580</td>
<td>95,415</td>
<td>116,476</td>
</tr>
<tr>
<td>Voluntary exclusions</td>
<td>17,354</td>
<td>19,670</td>
<td>21,985</td>
<td>24,322</td>
</tr>
<tr>
<td>Exclusions at the request of an interested third party</td>
<td>37</td>
<td>89</td>
<td>130</td>
<td>220</td>
</tr>
<tr>
<td>Exclusions due to the nature of the person’s profession</td>
<td>45,869</td>
<td>46,344</td>
<td>45,957</td>
<td>45,436</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>134,761</strong></td>
<td><strong>235,321</strong></td>
<td><strong>285,921</strong></td>
<td><strong>309,055</strong></td>
</tr>
</tbody>
</table>

These numbers show the amount of exclusion “files”. It is possible that one person’s exclusion shows up in different categories. For example, a police officer can also apply for a voluntary demand. If he does so, he will be in category “exclusions due to the nature of the person’s profession” as well as in category “voluntary exclusions”, which will lead to 2 files for 1 exclusion. On 31 December 2015, a total of 263,620 persons were excluded.

During the course of 2015, 4,303 people requested voluntary exclusion, while 1,966 people submitted a request to the Gaming Commission to have their voluntary access injunction lifted. Specifically, this means that in 2015 an additional 2,337 people were excluded on a voluntary basis compared to the previous year.

In 2015, 91 exclusions at the request of an interested third party were approved by the Gaming Commission (e.g. partner, child, parent of a person with a gambling problem). One request from an interested third party to lift the ban was granted. An important criterion that the Gaming Commission takes into consideration when lifting a ban is the presence of adequate social and psychological assistance.

On 29 October 2015, the Council of State’s College of Competition Prosecutors submitted a report about the request from a third party to repeal a decision to exclude a person from gambling taken in December 2014. The author of the report ruled that the appeal should be dismissed. In his report, the prosecuting officer ruled that the official report of the interview, which was signed by the chairman of the Gaming Commission and an official, was an authentic instrument that can only be contested through a forgery lawsuit. There is no legal principle that falls within the adi similia similiae maxim that stipulates that it is obligatory to submit such an official report to the individual concerned for approval.

4.2. ASSISTANCE AND PREVENTION

4.2.1. WWW.GOKHULP.BE AND WWW.AIDE-AUX-JOEURS.BE

In October 2012, www.gokhulp.be/www.aide-aux-joueurs.be, a bilingual self-help website, was launched. This website involved a one-year public contract, to be renewed twice, with 20 March 2015 as the scheduled end date. The website managed to keep the website operational with their own funds and a small staff complement despite not having subsidies.

The two assistance associations bore the costs of promoting the website, one Flemish and one in French, which have a good professional network. These associations have offered numerous courses to mental health and debt counselling services on using the assistance website. For its part, the Gaming Commission distributed almost 50,000 leaflets and promotional posters among the various Belgian gambling establishments. In addition to this, it ensured that the self-help website was accessible for online players by asking the gambling websites to place their information banner that refers to www.gokhulp.be/www.aide-aux-joueurs.be websites.

The Gaming Commission is currently considering launching a new public contract for delivering the same services in 2016, namely informing the public about the Belgian Gaming Commission and how to recognize gambling addiction, including self-assessment and -awareness tests, and a self-help desk. Following the welcome royal decree on the code of ethics, the Gaming Commission still hopes that a third desk will be added where players can get online (i.e. via chat or e-mail) counselling from a professional.
Below is an overall overview of the calls received for 2015:

<table>
<thead>
<tr>
<th>Month</th>
<th>Calls</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>285</td>
</tr>
<tr>
<td>February</td>
<td>286</td>
</tr>
<tr>
<td>March</td>
<td>359</td>
</tr>
<tr>
<td>April</td>
<td>296</td>
</tr>
<tr>
<td>May</td>
<td>286</td>
</tr>
<tr>
<td>June</td>
<td>261</td>
</tr>
<tr>
<td>July</td>
<td>297</td>
</tr>
<tr>
<td>August</td>
<td>290</td>
</tr>
<tr>
<td>September</td>
<td>333</td>
</tr>
<tr>
<td>October</td>
<td>362</td>
</tr>
<tr>
<td>November</td>
<td>314</td>
</tr>
<tr>
<td>December</td>
<td>372</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>3741</strong></td>
</tr>
</tbody>
</table>

The number of visits and unique visits fell compared to 2014, but this is largely due to an overestimation in 2014 that was based on visits from spambots. The actual number of visitors in 2015 is estimated to be between 100,000 and 120,000. The website was also visited regularly by spambots during the first months of 2015.

Most visitors found the website using search engines (mainly Google). Several actual visitors also found the website via the links that were placed on legal gambling websites. Visitors to these gambling websites are obviously not all by definition problem players, but the influx to these websites did significantly enhance the preventative function of the www.gokhulp.be website. Through this website, more problem players were reached and numerous professionals were sensitized about gambling addiction.

### 4.2.2. SOS GAMES: 0800 34 777

Section 61 of the Gaming and Betting Act provides for a free 24/7 help line. In 2015, the calls that this service received, which is insured by the firm IPG, were mainly about lottery games, exclusion procedures for gambling, and the search for help. It is not a listening service, but rather an information service that refers callers to specialized counselling services if necessary. There was a significant increase in the number of calls in 2015, of which on average 3,404 calls were answered within 10 seconds.

Below is an overview of the calls received for 2015:

<table>
<thead>
<tr>
<th>Month</th>
<th>Calls</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>285</td>
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<td>March</td>
<td>359</td>
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<tr>
<td>April</td>
<td>296</td>
</tr>
<tr>
<td>May</td>
<td>286</td>
</tr>
<tr>
<td>June</td>
<td>261</td>
</tr>
<tr>
<td>July</td>
<td>297</td>
</tr>
<tr>
<td>August</td>
<td>290</td>
</tr>
<tr>
<td>September</td>
<td>333</td>
</tr>
<tr>
<td>October</td>
<td>362</td>
</tr>
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<td>November</td>
<td>314</td>
</tr>
<tr>
<td>December</td>
<td>372</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>3741</strong></td>
</tr>
</tbody>
</table>

### 4.2.3. BLUF!

In 2010, the Gaming Commission had an educational film made about gambling addiction intended for young people aged 14 to 18 years; the film is entitled ‘BLUF’. About 3,500 educational packages were distributed. The Gaming Commission is still sending these packages on request and also intends to send 400 DVDs to the Association for Alcohol and other Drug Problems for a preventative campaign on gambling addiction that the Association launched in various schools in 2016 (the target population being from 16 to 18 years). In this context, the Association developed an online party game. BLUF can be viewed on the www.bluffonline.be website.

### 4.2.4. FACEBOOK

The Player Protection Unit’s Facebook page, which opened in January 2011, was closed in 2015. It was replaced by the Gaming Commission’s new, general Facebook page, https://www.facebook.com/KSC-Commission-des-jeux-des-hazard-1686158671605637/.

### 4.2.5. ASSISTANCE

The Gaming Commission itself does not offer assistance to people with a compulsive gambling problem. There are, after all, no psychologists or psychiatrists employed by the Gaming Commission. It does have a referral function and ensures that those who request help are sent to the right assistance organization where they can rely on counselling provided by experienced experts. For this reason, the Gaming Commission also gladly hands over to the care sector, which is active in this respect and regularly participates in initiatives to protect players. What is their view of the work done in 2015 to protect players and which sensitive issues are the subject of discussions?

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Mia De Bock
Femke Wijgaerts
Association for Alcohol and other Drug Problems

2015 was a year that paid a great deal of attention to gambling and, as the Gaming Commission’s 15th anniversary year, a year full of challenges related to new developments. Protecting players is a priority for us. The biggest challenge for the Gaming Commission is in maintaining a good balance between protecting players and the appeal of the sector. The tendency to regard gambling as an ordinary economic activity is contrary to the original spirit of the law and should not be allowed to become a reality. The risks associated with excessive gambling are not insignificant and should be always taken into account for new initiatives. A gambling sector that always explores the boundaries of what is possible within the law when it comes to innovations and targeting new groups of players requires clear legislation and strict control. For this reason, we welcome the regulatory initiatives for the 3.3 machines, social games and virtual betting among other things. Besides this, the implementation decrees required for regulating the online market have been delayed. We are also eagerly awaiting statutory measures that will restrict marketing and advertising in our society. Gambling problems remain an unrecognized and underestimated problem for many. For this reason we would like to encourage all initiatives that give direction to the policy and underpin it with scientific information. A systematic lack of statistical data means that it is difficult if not impossible to monitor policy changes. Up-to-date information is more than welcome after all the years in which the gambling landscape has changed.

We therefore wish the Gaming Commission every success in 2016, a year which promises to be a challenging year once again.”
5.1. INSPECTIONS

— HANDBOOK

The Inspection Unit has a handbook for the police services that contains both theoretical and practical aspects of the inspections that must be carried out in gambling establishments. The handbook is available on request from info@gamingcommission.be. The Gaming Commission Secretariat is available to provide courses for police services who request this training. Furthermore, a list of the licences that have been issued is available on the Gaming Commission website at http://www.gamingcommission.be/opencms/opencms/jhksweb_en/establishments/index.html.

— EID IN DRINKING ESTABLISHMENTS

On 23 October 2015, the Gaming Commission’s Inspection Unit held the first national ‘Teen ID’ inspection that is designed to remove the problem of minors playing bingo. In collaboration with the local police and offices of the Public Prosecution Service, on site inspections were carried out in drinking establishments, and bingos were taken out of operation in the major cities of the three regions (Ghent, Brussels and Liège).

Thirty-two bingo machines had already been taken out of circulation for this reason in Liège and Brussels. All in all, 35 drinking establishments were inspected.

In future, new inspections will be carried out together with the local police services. There will be even more focused inspections in Brussels and in Limburg Province where the largest number of bingos without eID are apparently to be found.

The Gaming Commission wishes to make a new contribution to the battle to prevent underage gambling. It is noteworthy that pub owners and customers alike are aware of the new measures, and that the support base for applying the rules properly is significant. A crackdown on illegal gambling operations is therefore called for.

— BLACK LIST OF ILLEGAL GAMBLING SITES

One website — www.casinoclub.com — was removed from the black list after a penalty was paid and after access to the website by Belgian users was blocked.

In 2015, the Gaming Commission received several questions about the www.degroteprijzenpot.eu website. An investigation showed that online gambling had been offered illegally on this site. For a fee, players could enrol for a series of draws. The website was deactivated after an official complaint was submitted to the Federal Judicial Police.

To check whether a website offers games of chance illegally in Belgium, the Gaming Commission has to check, among other things, whether a bet can be placed from Belgium on the games of chance on offer. If this is the case, then certain financial information is required from the player, for instance, an account number. In 2015, the Gaming Commission therefore requested an account number with a corresponding payment card so that they could carry out thorough investigations. Most illegal gambling site operators are aware of the fact that their websites are not permitted in certain countries (including Belgium). So they often make sure that the payments are made via foreign payment providers.

The Gaming Commission receives information about illegal gambling sites via competing legal websites who have a licence from the Gaming Commission, as well as from private individuals or private companies.

WEBSITE | GAMING COMMISSION RULING OF | PUBLISHED ON
--- | --- | ---
www.fruitycasa.com | 4/03/2015 | 20/03/2015
mybookie.ag | 4/03/2015 | 20/03/2015
www.silveroakcasino.com | 1/04/2015 | 16/04/2015
www.deuceclub.com | 1/04/2015 | 16/04/2015
www.poldercasino.com | 6/05/2015 | 22/05/2015
www.hugeslots.com | 3/06/2015 | 18/06/2015
www.casumo.com | 1/07/2015 | 16/07/2015
www.inter tops.eu | 09/09/2015 | 21/09/2015
www.casinoheroes.com | 09/09/2015 | 21/09/2015
www.rouletteexpress.com | 7/10/2015 | 22/10/2015
www.aladdingsoldcasino.com | 18/11/2015 | 1/12/2015
www.cresuscasino.com | 9/12/2015 | 24/12/2015
www.casinoclub.com |  |  |
— ILLEGAL BETTING TERMINALS

Since November 2015, a criminal gang has been installing automatic betting terminals and casino games in bars or clubs (non-profit-making associations). These terminals were mainly automatic machines for online sports betting. These machines had to be connected to the internet in order to be exploited. Casino games were found on the premises. The investigation showed that one organization was behind the installation of these machines.

Nine automatic gambling machines had already been confiscated. They were found in pubs or clubs in Antwerp, Ghent and Mechelen. The same sports betting software was used in these betting terminals that had been developed by a reputable foreign company that is also the supplier of this software to F1 licence holders.

The Gaming Commission Inspection Unit carried out the investigation together with the Antwerp Police Zone.

— FAKE NEWSPAPER VENDORS

In 2015, the Gaming Commission Inspection Unit was confronted with a rise in the number of fake newspaper vendors (see p. 29) that had been established for the sole purpose of acting as a betting office. The response in Antwerp and Ghent was swift and these newspaper vendors were inspected shortly after opening by the local police and in some cases together with the Gaming Commission’s Inspection Unit. For commercial reasons (for instance, a drop in the betting offices’ market share due to the much more stringent conditions like the 1000 m rule, camera surveillance systems, and obligatory registration for games in excess of 1,000 euro per day and per player), more and more operators are opting to establish a newspaper vendor outfit (or fuel station shop, tobacconist, corner store and so on), and they are doing so in the vicinity of a betting office.

During inspections in the newspaper vendors carried out in 2015, the following trends came to light:

- exceeding the maximum stake of 200 euro per day and per player;
- the generalized provision of loans for placing bets;
- giving a temporary registration ticket number by telephone to the operator of a betting office and/or newspaper vendor. The customer would first generate the ticket at home on a computer via a betting operator’s website. The ticket would specify the choice of bets. By doing so, the customer does not need to open a player account and EPIS is circumvented.

— MATCH FIXING

In 2015, the Gaming Commission Inspection Unit was able to expand its expertise on suspect betting patterns for sports bets (tennis, football etc.). Various partners were consulted on the subject of match fixing and the criminal organizations involved. For instance, the Gaming Commission attended seminars and meetings with the IOC in Lausanne, the UK Gambling Commission and the Tennis Integrity Unit in Birmingham, and Europol in The Hague. The fact that two police offices work for the Gaming Commission helps when it comes to detecting, forming an impression and handling these case files. The Gaming Commission Inspection Unit manages a great deal of information and is able to retrieve all the documents for licensed operators that may be useful for the investigation. Operators and their personnel, as well as the police services and the administrative authorities, are also obliged to provide any additional information that the Inspection Unit needs.

It was proved once again in 2015 that it is not only football that is vulnerable to match fixing. In De Tijd of 5 September 2015, there was an article citing a warning from Chris Eaten of Interpol about the widespread match fixing that takes place in the lower tier of the tennis world. ‘The Challenger tournaments provide male players with a way to try to push through to the top tournaments of the ATP World Tour. But prize money is so low that the players are very susceptible to bribery from organized crime. They apparently use front men to bet on unimportant tennis matches. Umpires, who are also scantily paid despite the key role that they play in the match, are likewise susceptible to manipulation. In 2015, the Federal Office of the Public Prosecution Service had concrete evidence of this. Hundreds of suspect bets were placed in betting offices in the districts of Antwerp, Mechelen, Brussels, Bruges and Oudenaarde, but also in Switzerland, Germany and the United Kingdom.’ Good cooperation with the licensed operators is crucial to this. After all, they are in a position to sound the alarm. If many gamblers suddenly make exactly the same selection at the same time, and if they keep on pressing the ‘cash in’ button at the right time, or when lots of players bet from the same IP address. These suspect accounts can then be blocked and passed on to the Gaming Commission via an e-mail address set up specifically for that purpose, namely fraud@gamingcommission.be.

Ideally match fixing is dealt with by a multidisciplinary team comprising various public representatives such as the judicial authorities, police services, and the Gaming Commission, and private organizations like sport integrity units, sports federations, professional associations, licensed betting operators, sports associations and so on. Based on their own expertise and perspective, these organizations are all able to assess, investigate and take the appropriate measures in the short term, and to do so in the interests of all the parties involved (athletes, gamblers, betting operators and so on).

The Gaming Commission also gave a favourable opinion on the signing of the Convention of the Council of Europe and the creation of a national platform for match fixing. As a small country, Belgium must use its accumulated expertise as effectively as possible to tackle large criminal organizations.

— THE INSPECTION UNIT IN FIGURES

Inspections performed in 2015:

<table>
<thead>
<tr>
<th></th>
<th>Flanders</th>
<th>Wallonia</th>
</tr>
</thead>
<tbody>
<tr>
<td>Casinos</td>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td>Slot machine arcades</td>
<td>3</td>
<td>15</td>
</tr>
<tr>
<td>Drinking establishments</td>
<td>37</td>
<td>55</td>
</tr>
<tr>
<td>Bookmakers</td>
<td>9</td>
<td>14</td>
</tr>
<tr>
<td>Newspaper vendors</td>
<td>12</td>
<td>14</td>
</tr>
<tr>
<td>Illegal gambling establishments</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>66</strong></td>
<td><strong>108</strong></td>
</tr>
</tbody>
</table>

**TOTAL NUMBER OF DUTCH AND FRENCH OFFICIAL STATEMENTS DRAWN UP IN 2015 BY THE GAMING COMMISSION’S LIASON OFFICERS**

- LO KSC NL: 190
- LO CJH FR: 83
- **TOTAL**: 273

**INSPECTIONS AT THE REQUEST OF OTHER POLICE SERVICES/Offices OF THE PUBLIC PROSECUTION SERVICE**

- Flanders: 228 files
- Wallonia: 108 files

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17 Section 13, (1)(2) and (3) of the Gaming and Betting Act
18 Belgian courts discover gambling scandal in tennis world by Lars Bové
5.2. SANCTIONS

The Gaming Commission has the authority to impose sanctions if infringements of the Gaming and Betting Act are established. The options for imposing sanctions are twofold. On the one hand, the Gaming Commission can sanction licence holders by issuing a warning, suspending or withdrawing their licence, or imposing a temporary operating ban. On the other hand, the Gaming Commission has the authority to impose administrative fines in certain cases provided for under Section 15(1) of the Gaming and Betting Act.

As part of the process, the party concerned is entitled to submit a defence, either verbally or in writing. Verbal defences are presented before a separate panel and no longer before a plenary session of the Gaming Commission. The panel comprises two commission members and the chairman of the Gaming Commission. Four Dutch and three French hearings were held in 2015.

5.2.1. RULINGS ON LEGAL PROCEEDINGS STARTED IN 2014

In 2015, the Gaming Commission ruled on 25 sanction procedures that were initiated in 2014. An administrative penalty was imposed for four files; the other sanctions were directed against licences.

Specifically, four B licence holders (for slot machine arcades) were sanctioned for repeated violations related to registering their customers. Depending on the severity of the facts, they were given an operating ban for several machines for a specified period.

In addition, C licences (for drinking establishments) were withdrawn from three licence holders. In two cases, the licence holders no longer acted in a manner appropriate to the requirements of the job. A third licence holder was involved in exploiting illegal poker sessions. A fourth legal proceedings was declared devoid of purpose.

Legal proceedings were initiated against 3 members of staff at slot machine arcades because they had taken part in gambling in the slot machine arcades where they themselves worked. Two of these members of staff even resorted to manipulating the surveillance images in the process. The D licences of these individuals were withdrawn. One person also had an administrative fine imposed on the request of the Office of the Public Prosecution Service.

The Gaming Commission withdrew the licence of one E licence holder due to fraud with bingo machines. One legal proceedings against an F1 licence holder F1 was declared devoid of purpose after the licence holder took the necessary steps to address the solvency issue.

The licences of three F2 licence holders were withdrawn because there was no transparency in the exploitation of their betting office and also because it was not possible to register there. Alcoholic beverages were sold in one of these betting offices. A fourth licence holder against whom proceedings were initiated for the same reasons handed his F2 licence in voluntarily. In addition to this, two legal proceedings against F2 licence holders were declared devoid of purpose after they were able to demonstrate that they had in effect commenced exploitation of their betting office.

Legal proceedings were also initiated against two newspaper vendors. One newspaper vendor did not meet the conditions of limited bets and limited space. This newspaper vendor handed in his licence voluntarily. The licence of the other newspaper vendor was withdrawn because it was demonstrated that his main activity did not involve being a newspaper vendor, but instead he exploited a shop.

Finally, the Gaming Commission imposed an administrative fine of 5,000 euro each time on three organizers of illegal gambling.

5.2.2. SANCTION PROCEDURES INITIATED IN 2015

In 2015, the Gaming Commission opened 253 penalty files. The Gaming Commission has not yet ruled on 24 files; the legal proceedings were still pending at the end of 2015.

In 2014, the Gaming Commission opened 253 penalty files. The Gaming Commission has not yet ruled on 24 files; the legal proceedings were still pending at the end of 2015.

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The Gaming Commission withdrew the licence of one E licence holder due to fraud with bingo machines. One legal proceedings against an F1 licence holder F1 was declared devoid of purpose after the licence holder took the necessary steps to address the solvency issue.

The licences of three F2 licence holders were withdrawn because there was no transparency in the exploitation of their betting office and also because it was not possible to register there. Alcoholic beverages were sold in one of these betting offices. A fourth licence holder against whom proceedings were initiated for the same reasons handed his F2 licence in voluntarily. In addition to this, two legal proceedings against F2 licence holders were declared devoid of purpose after they were able to demonstrate that they had in effect commenced exploitation of their betting office.

Legal proceedings were also initiated against two newspaper vendors. One newspaper vendor did not meet the conditions of limited bets and limited space. This newspaper vendor handed in his licence voluntarily. The licence of the other newspaper vendor was withdrawn because it was demonstrated that his main activity did not involve being a newspaper vendor, but instead he exploited a shop.

Finally, the Gaming Commission imposed an administrative fine of 5,000 euro each time on three organizers of illegal gambling.

Finally, the Gaming Commission imposed an administrative fine on two operators who allowed minors to gamble.

Three organizers had already had a fine imposed in these proceedings. The administrative fines handed down for these infringements reached 5,000 euro. It is anticipated that the ruling for the other four files will be passed down in 2016.

The fines must be paid within 30 days of the notification of the ruling. If the payment is not made within this term and after a reminder has been sent, the file is handed over to the Federal Public Service for Finances (Domain) for the collection of the amounts still owed.

Since June 2015, Gaming Commission fines have been booked in a specific general account and transferred to the Treasury.

In the past, the general services of the Federal Public Service for Justice followed up on the payment of penalties.

Overview of the penalty amounts:

<table>
<thead>
<tr>
<th>CRIMINAL FINES</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL TO BE COLLECTED</td>
<td>60,000,00</td>
<td>254,000,00</td>
<td>€132,150,00</td>
</tr>
<tr>
<td>AMOUNT COLLECTED</td>
<td>€ -60,000,00</td>
<td>€ -202,500,00</td>
<td>-89,850,00</td>
</tr>
<tr>
<td>IN 2015</td>
<td>€ -202,500,00</td>
<td>-89,850,00</td>
<td></td>
</tr>
<tr>
<td>RECOVERY SHIPMENT DOMAIN</td>
<td>€ -38,000,00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BALANCE STILL OWED</td>
<td>€ 0,00</td>
<td>€ 11,100,00</td>
<td>€ 42,300,00</td>
</tr>
</tbody>
</table>

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5. INSPECTIONS AND SANCTIONS

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6 ADMINISTRATIVE FINES

The Gaming Commission has the power to impose administrative fines.16

In 207 cases, the public prosecutor decided to drop the charges which gave the Gaming Commission the opportunity to impose an administrative fine itself. The remaining 46 case files concerned administrative sanctions imposed against licence holders. This figures clearly show that offices of the Public Prosecution Service are increasingly dismissing gambling cases, which gives the Gaming Commission the opportunity to impose administrative fines.

The ion’s share of the files (200) for which the Gaming Commission instigated sanctions to impose administrative fines concerned participating in illegal gambling. For 186 players it had been established that they had taken part in gambling on illegal websites; the remaining 14 players were discovered during inspections of illegal gambling houses. The administrative fines that the Gaming Commission imposed on 170 players varied between 200 euro and 11,000 euro. No penalty was imposed in 26 cases. For the two other files, proceedings had not yet been completed by the end of 2015. The total amount in penalties for the Betclic file (162 players) amounted to €82,900.

In addition, the Gaming Commission opened five files to impose administrative fines on illegal gambling operators. These files involved drinking establishment operators who did not have a C licence to exploit bingos as well as operators who organized illegal betting terminals or illegal barbotte or poker sessions.

Finally, the Gaming Commission imposed an administrative fine on two operators who allowed minors to gamble.

Three organizers had already had a fine imposed in these proceedings. The administrative fines handed down for these infringements reached 5,000 euro. It is anticipated that the ruling for the other four files will be passed down in 2016.

The fines must be paid within 30 days of the notification of the ruling. If the payment is not made within this term and after a reminder has been sent, the file is handed over to the Federal Public Service for Finances (Domain) for the collection of the amounts still owed.

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16 Article 15(3) of the Gaming and Betting Act of 7 May 1999.
Five of the 206 fines imposed were intended for companies that exploited illegal gambling sites and that had been placed on a blacklist. These fines amounted to 260,000 euro in total and have been outstanding since 2013. It should be noted that some of these rulings were still being appealed at the time this report was being drafted; a 6,000 euro fine dating back to 2014 was still being contested and one of 5,000 euro for 2015.

The Gaming Commission also permitted various debt settlement schemes, and these are being observed. The Audit Unit is following up on various outstanding amounts and the process to transfer these files to the Domain is underway.

-- ADMINISTRATIVE SANCTIONS THROUGH LICENCE

The Gaming Commission opened 46 penalty files against licence holders for infringements of the Gaming and Betting Act.

Sanction procedures have been instituted against eight holders of B licences (for slot machine arcades). Infringements of the registration requirement were established in one file, and this led to a temporary operating ban. It turned out that the other seven holders of B licences were not actually operating slot machine arcades. A ruling for these sanction procedures is expected in 2016.

In addition to this, 10 proceedings were initiated against holders of C licences (for drinking establishments). Infringements of the registration requirement were established in one file, and this led to a temporary operating ban. It turned out that the other seven holders of B licences were not actually operating slot machine arcades. A ruling for these sanction procedures is expected in 2016.

Sanction procedures are pending against 3 holders of D licences. These persons are suspected of fraud during the performance of their jobs.

Two sanction procedures were initiated against holders of F1 licences who did not meet the solvency requirement. These licence holders addressed their solvency issues during the sanction procedures, rendering these procedures devoid of purpose.

The Gaming Commission also initiated proceedings against 17 operators of permanent betting offices. In 14 cases, the betting offices were not actually exploited. Two sanctions were initiated for improper exploitation (e.g. no obligation to register, no camera surveillance and so on). Finally, legal proceedings were initiated against a licence holder who permitted underage betting. Three proceedings were declared devoid of purpose, one licence was temporarily suspended and nine licences were withdrawn. The other four rulings are expected in 2016.

Finally, the Gaming Commission initiated six proceedings against newspaper vendors, of which four were against fake newspaper vendors. These establishments were those who resorted to applying for F2 licences as newspaper vendors without actually selling newspapers, tobacco products or lottery products (see p. 29 and p. 46). They did this because they did not have the option of opening a betting office because of the location. They setup focused mainly on taking bets, which meant betting was no longer a sideline. A fifth legal proceedings was initiated because the newspaper vendor permitted underage betting. The sixth procedure involved a newspaper vendor who did not act in a manner appropriate to the requirements of the job. Two licences were withdrawn in these proceedings. The other proceedings were still pending at the end of 2015.

5.2.3. OVERVIEW

The table below gives an overview of all sanctions dealt with in 2015. All in all, 278 penalty files were handled, of which 30 files were still awaiting a ruling at the end of 2015.

<table>
<thead>
<tr>
<th>ADMINISTRATIVE FINES</th>
<th>LICENCES WITHDRAWN</th>
<th>LICENCES SUSPENDED</th>
<th>TEMPORARY OPERATING BAN</th>
<th>DEVOID OF PURPOSE</th>
<th>LICENCES SURRENDERED VOLUNTARILY</th>
<th>2016</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Organizer</td>
<td>6</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>Player</td>
<td>170</td>
<td>28</td>
<td>2</td>
<td>200</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D</td>
<td></td>
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<td></td>
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<tr>
<td>E</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fixed F2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F2 newspaper vendors</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>177</td>
<td>26</td>
<td>5</td>
<td>37</td>
<td>2</td>
<td>30</td>
<td>278</td>
</tr>
</tbody>
</table>
6.1. MODEL APPROVALS

Below is an overview of the number of model approvals delivered for new models as well as variants:

<table>
<thead>
<tr>
<th>CLASS</th>
<th>NEW APPLICATIONS</th>
<th>ADDITIONS TO EXISTING FILES (VARIANTS, CHANGES TO SOFTWARE ETC.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>20</td>
<td>1</td>
</tr>
<tr>
<td>II</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>III</td>
<td>7</td>
<td>27</td>
</tr>
<tr>
<td>IV</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>TOTAL</td>
<td>29</td>
<td>36</td>
</tr>
</tbody>
</table>

The tests for Class I machines were carried out by accredited laboratories under the supervision of the Gaming Commission. The Technical Assessments Department conducts several additional tests once it receives these reports. These tests include among other things applying the RAM clear procedure, the configuration of the settings and the ability to protect the software integrity (installing a CPU switch). Sometimes this can lead to the machine still requiring software or physical changes even after a report from an accredited lab has been received.

For Class I equipment (casinos), it may take longer to process these applications even though the applications are the same. This increase in the time required is due to ‘kiosk’ machines becoming more widespread; these are machines that play up to ten games. Because there are several games on these kiosk machines, and the appendix gives a detailed description of each game separately and includes information about bonus games, preparing the assessment is much more time consuming, even though only one model approval is ultimately provided.

The number of applications remained the same for Class II models (slot machine arcades), but additions to files showed a downward trend. This reduction can be attributed to the time that these games have been on the market; the initial mistakes in the software have already been corrected. Most new applications are for kiosk machines and mainly for the dice games category. Several new Class II machines were presented to the Technical Assessments Department for the first time on the ICE show (see p. 74). Model approvals were granted for some of these machines; others were still in the test phase at the end of 2015.

We noted a significant general increase in the number of applications for Class III machines (drinking establishments). This was due to the implementation of the regulations concerning eID readers and the glass protection system, both of which have been in force since 1 July 2015. Machines that do not comply with the new regulations are no longer permitted on the market since that date. The Inspection Unit carried out inspections in October under the supervision of people from the Technical Assessments Department. These inspections proved to be very useful because it emerged that many bingo machines were still not in order even though the new regulations had been in force since July. These machines were confiscated on the spot. These inspections that led to machines being confiscated prompted the last remaining stragglers to quickly get their machines in order and thus avoid sanctions. These confiscations significantly increased the Inspection Unit’s workload.

The Technical Assessments Department regularly analyses new game designs proposed by manufacturers for model approvals in every class. As a general rule, it concerns new concepts for bonus games, alternative games and how the games are presented graphically. New applications were mainly for Class III dice games.

6.2. INSPECTIONS

6.2.1. INITIAL CALIBRATIONS

As is the case every year, the Technical Assessments Department carried out calibrations before new machines were commissioned in the nine casinos (initial calibrations).

It emerged that these calibrations were necessary because some machines were configured wrongly and, without these calibrations, they would be put on the market with an illegal configuration that would be disastrous for the players. The functioning of the CPU switch is also checked during these initial calibrations. The CPU switch sends an event to the online system when the CPU compartment is opened. Only authorized individuals (holder of E licences and the Technical Assessments Department) are allowed to open this CPU compartment but they must give a clear reason for doing so. Installing this CPU switch protects the integrity of the software.

During the initial calibrations carried out in 2015, a huge increase in progressive jackpots of the ‘community jackpot’ type soon came to light in most of the casinos. A maximum of ten machines are permitted to be connected to this community jackpot; these machines have to be grouped and situated in the same casino.

There is a new kind of progressive jackpot, namely the ‘car jackpot’. This new type of jackpot is based on the ‘community jackpot’ principle, i.e. there is an 80:20 distribution of the progressive jackpot between the various ‘eligible’ players, whereby the 80% is awarded to the player who generated the jackpot. But in this version, instead of proposing that the players win the progressive amount in money, the proposal presented to the player who generated the jackpot involves a car plus a progressive addition in money. Without this addition, the concept of a progressive...
For many years, inspectors from the Federal Public Service for the Economy carried out the initial calibrations of the other classes (II, III and X). On 1 January 2016, this task was transferred to the Gaming Commission.

We note a significant increase in the number of calibrated machines in casinos (Class I), but the total number of machines exploited in Class I remains virtually unchanged. This increase in initial calibrations can be explained by the renovation of some of the various casinos’ machinery because some of the machines have reached their normal life expectancy, and through changes to games in existing machines so that customers can be presented with innovations.

A slight increase in the number of machines in slot machine arcades (Class II) was observed. This increase can be attributed to new kiosk machines that were tested and that are more suited to operations in gaming halls. Because players have a choice of various games on the same machine, they do not have to leave the machine to play another game.

The increase in the number of initial calibrations was the greatest for drinking establishments (Class III). This can be explained by the obligée, which came into effect on 1 July 2015, to equip all machines on the market with eID readers and glass protection systems.

The number of new machines introduced in betting offices (Class IV) dropped by almost half. This reduction can probably be attributed to the saturation of the market for this type of machinery and especially to the lack of diversity in the supply of this type of games. No new model approvals were granted for Class IV in 2015. A variation was, however, approved (adding another game to an existing machine).

### 6.2.2. Periodic Calibrations

<table>
<thead>
<tr>
<th>Class</th>
<th>Machines</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>1336</td>
</tr>
</tbody>
</table>

Periodic calibrations (calibrations of the software versions, settings and CPU switch) were also carried out and demonstrated the necessity for this once again. A total of 20 red vignettes (serious deviations) were installed in four different casinos. These machines had to be stopped and rectified, provided there was an acceptable explanation, before they could be restarted, after the Technical Assessments Department calibrated them. The anomalies varied: configuration errors in the parameters, CPU switches that no longer worked, the required information not being transferred to the Gaming Commission server.

In addition to the principal and periodic calibrations, Technical Assessments Department regularly carries out compliance checks when casinos ask for changes to the configuration of their machines.

### 6.2.3. Protocols

As is the case every year, the audit protocols were updated in 2015. They were published on 1 November 2015. The changes were minor and were implemented following the annual sector meeting that was held in September 2015.

### 6.2.4. New Programming Act

A new Programming Act was published on 26 December 2015. Section 50 of this Programming Act amends Section 52(1) of the Gaming and Betting Act of 7 May 1999, amended by the Acts of 23 December 2009 and 10 January 2010:

- under the first indent, the words ‘Metrological Service of the Federal Public Service for Economy’ were replaced by the words ‘Technical Assessments Department of the Gaming Commission’;
- under the second indent, the words ‘Belgian Metrological Service’ were replaced by the words ‘Technical Assessments Department of the Gaming Commission’;
- the third indent was removed.

The authority of the Federal Public Service for Economy was transferred to the Gaming Commission through this amendment in legislation. This transfer of authority constituted a veritable challenge for the Technical Assessments Department because these new tasks brought a reorganization of all the work and a review of priorities in their wake.

### 6.2.5. Other Tasks

In addition to the tasks already mentioned, the Technical Assessments Department also does the following:

- it answers the various technical questions from recognized manufacturers and laboratories;
- it oversees the proper receipt of online files from casinos;
- it participates in inspections at the request of the Inspection Unit;
- it manages the blacklist of illegal gambling sites;
- it investigates illegal, confiscated machines.
7.1. POLITICAL DEVELOPMENTS IN EUROPE

7.1.1. STRATEGY FOR THE ESTABLISHMENT OF THE DIGITAL SINGLE MARKET

On 6 May 2015, the European Commission launched its strategy for the establishment of the digital single market. In concrete terms, this includes 16 initiatives to be undertaken between 2015 and 2017, several of which are important for games of chance. Among other things, the analysis of the role of platforms and illegal content on the internet will be the subject of discussion.

7.1.2. PUBLICATION OF THE FOURTH ANTI-MONEY LAUNDERING DIRECTIVE

The fourth anti-money laundering directive was published in EU’s Official Journal on 5 June 2015. This directive has significant implications for gambling given that the scope of application was expanded (previously it only included casinos) to all online and offline gaming operators. Special regulations were introduced whereby operators and games, with the exception of offline casinos, can take advantage of an exception to the customer screening measures subject to certain conditions. Article 11 of the directive comprises an exclusion from this exception: “for providers of gambling services, when collecting a prize, placing a bet, or both, carrying out transactions amounting to EUR 2,000 or more, regardless of whether the transaction is carried out in a single operation or in several operations which appear to be linked.”

At a national level, a working group was set up that is coordinating the transposition of the 4th anti-money laundering directive. The Gaming Commission participates in this working group.

7.1.3. ANSWERS TO QUESTIONS FROM THE EUROPEAN PARLIAMENT REGARDING GAMES OF CHANCE

1. Gambling addiction in the EU (13/05/2015) — Answer to question from MEP Mara Bizzotto (27/02/2015)

The European Commission does not intend to propose EU legislation with particular emphasis on the gaming sector, nor is it planning to launch a specific campaign on gambling.

The European Parliament resolution of 2011 expressly rejected taking such an initiative for harmonization. In the absence of such a harmonization, it is the responsibility of national authorities to adopt regulations concerning the locations where slot machines can be played.

Nevertheless, the Commission has undertaken to support Member States in the gambling sector. In 2012, it accepted the Green Paper in which numerous initiatives were put forward. The Commission Recommendation of July 2014 is the result of this, and posits a number of principles that Member States must accept in order to protect consumers and players in online gaming. Furthermore, there are various European instruments that are applicable to the games of chance sector. One of them is Directive 2005/29/EC.

2. Protection of children and online gaming (7/05/2015) — Answer to question from MEPs Manolis Kefalogiannis and Theodoros Zagorakis (12/02/2015)

The European Commission is of the opinion that it is important to take steps to counter potentially harmful content, such as gambling, on the internet. At the same time, children should have adequate access to the benefits that the internet has to offer in terms of education, relaxation and positive online interaction.

Conclusions from studies supported by the Safer Internet Programme have shown that approximately 6% of teenagers had already been exposed to online gambling; this can be associated with dysfunctional internet behaviour. Even though gambling is associated with dysfunctional internet behaviour, these studies do not prove that there is a direct link between the online activities of children, and a threshold-lowering effect with respect to gambling and a future gambling addiction.

The Commission Recommendation of July 2014 posits a number of principles aimed at protecting children from online gambling, among other things through identification procedures, education, warning messages, advertising, and so on.

3. Harmonization of gambling legislation (8/12/2015) — Answer to question from MEP Marc Tarabella (16/06/2015)

The European Parliament expressly rejected further harmonization with regard to games of chance in its 2011 resolution. Nevertheless, the Commission acknowledges that joint efforts at European level are appropriate. For this reason, the Commission has endeavoured over the last two years to realize initiatives that it announced in the 2012 Green Paper, which includes the recommendation of July 2014. In this, several principles are explained that are aimed at protecting consumers. In addition to this, the scope of application for anti-money laundering regulations has been extended so that all games of chance now fall under their scope. The Commission also actively participated in the negotiations regarding the Convention against match fixing; it did so under the auspices of the Council of Europe.
7.2 CASE LAW

7.2.1. EUROPE

1. Ruling on Stanley International Betting, C-463/13

Redesigning the concession system by synchronizing the final dates of new concessions that are shorter in duration than those granted in the past helps to ensure that the legitimate aim of restricting match opportunities or combating crime linked to those matches is pursued in a coherent manner. At the same time, this system complies with the requirements of proportionality.

If, in the future, the national authorities wish to reduce the number of concessions granted, or wish to monitor gambling more strictly, it would be easier for them to take such measures if all concessions have the same duration and end at the same time.

2. Ruling in the Berlington Hungary case, C-98/14

The Court of Justice ruled in this case inter alia that the statement of new concessions that are shorter in duration than those granted in the past helps to ensure that the legitimate aim of restricting match opportunities or combating crime linked to those matches is pursued in a coherent manner. At the same time, this system complies with the requirements of proportionality.

If, in the future, the national authorities wish to reduce the number of concessions granted, or wish to monitor gambling more strictly, it would be easier for them to take such measures if all concessions have the same duration and end at the same time.

3. Ruling on disallowance of Belgium v. the Commission T-721/14 (Appeal C-16/15)

In October 2014, Belgium submitted an appeal for annulment against the Commission Recommendation on consumer protection in online gambling. On 27 October 2015, the Court declared this appeal inadmissible.

The Court held that a recommendation should be taken into account in the interpretation of national law if it supplements mandatory provisions of EU law (43), or if there is a best efforts obligation to implement the recommendation (48). Considering inter alia that the court stated expressly for the first time that the recommendation should be observed in the case law of the Court of Justice, an appeal was lodged against this on 7 January 2016.

4. Opinion of Advocate General Sporn in the Ince case, C-356/14

On 11 July 2014, a preliminary question was referred to the Court of Justice of the European Union in the Ince case, and the advocate general gave an opinion on it on 22 October 2015. The date of the ruling is the beginning of February 2016. The Advocate General’s opinion is brief and only addresses a limited number of legal issues.

Firstly, the AG examined whether the German authorities do in fact have the power to impose a penalty for organizing sports betting. The AG emphasized that the answer to this depends in particular on the legality of German gambling legislation per se. The AG then referred to established case law that national legislation, including criminal sanctions, cannot be enforced insofar as it is not in accordance with EU law. Finally, the AG also repeats the case law that penalties for organizing sports betting cannot be applied if the national court finds that the principles of non-discrimination, of equal treatment and of open government would be infringed.

7.2.2. BELGIUM

In 2015, the Gaming Commission paid for legal assistance in 23 pending legal proceedings. One operator has already brought 13 lawsuits in which similar Gaming Commission decisions to award additional licences are systematically contested. Appeals were also filed with the court of first instance against several administrative penalties that had been imposed. However, the Gaming Commission found that the criminal fines imposed by the court itself are considerably higher than the administrative fines it imposed.

1) Courts

Court of first instance Luxembourg, Marche-en-Famenne division
The Gaming commission imposed an administrative fine of 3,000 euro for an infringement of Section 4, §2 of the Gaming and Betting Act, specifically for creating a bank account on betlic.com, a prohibited website.

Requesting a suspension was the principal issue in the appeal, secondary to this was the request to reduce the administrative fine to the minimum penalty of 156 euro.

In the first place, it was argued that the infringement would not have been committed had he known that the website was prohibited. The Gaming Commission submitted in reply to this that the list of illegal websites had been published in the Belgian Official Journal.

The court of first instance noted that it is an administrative fine and not a penalty within the meaning of Section 69 from the Gaming and Betting Act, so the advantage of suspension in the context of the current proceedings cannot be granted.

For reasons of proportionality (first infringement, understands the significance of his act and so on), the administrative fine will, however, be reduced to 246 euro.

Court of Appeal Ghent, 17th division, 3 February 2015
The only charge involved the defendants being accused of having exploited a Class IV gaming establishment without having an F2 licence as referred to in Section 25(7) of the Gaming and Betting Act. In addition, the Public Prosecution Service demanded the special confiscation of the money wagered in the game, being the money found with the defendants as well as the money not found in the property of the defendants.

The defendants invoked the transitional provision of Section 76(1) of the Gaming and Betting Act, on the grounds of which existing gaming establishments for which the operator could submit a certificate from the Federal Public Service for Finances proving that they had registered correctly and had met their tax obligations, and that they could continue their operations until the Gaming Commission had taken a decision on issuing an F2 licence, provided this licence had been requested properly and legally after 1 January 2011 and before 1 March 2011.

The defendants submitted an application on 7 February 2011. From the criminal file it is indisputable that the betting office could not be considered to be an existing establishment within the meaning of Section 76(1) of the Gaming and Betting Act, which meant that the defendants could not rely on the transitional provision.

Establishing that the betting office had issued one ticket for 11.76 euro does not demonstrate that it concerned an existing establishment given that this ticket was only intended to give the false impression that operations had commenced.

The betting office was exploited in the contested period without an F2 licence. Both defendants were ordered to pay a fine, one of which was deferred. Regarding the special confiscation, the Court of Appeal confirmed that the special confiscation under Section 67 of the Gaming and Betting Act can only be applied to money wagered in the game if it is identifiable (can be traced in the assets of the defendants or third parties). Section 67 provides no basis for value confiscation.

Court of first instance Brussels, 10 March 2015
Five defendants were convicted of organizing and participating in gambling, in particular barbette and rami poker (a type of poket), in a pub in the Court District of Brussels without the prior authorization of the Gaming Commission.

The evidence came to light during an inspection organized by the local police and the public prosecutor in collaboration with the Gaming Commission. The defendants were ordered to pay fines of 1,000 euro to 4,000 euro (plus 10% surcharges reduced to 6,000 and 24,000 euro).

The gaming equipment and money seized was confiscated.

20 See Court of first instance Brussels, 10 March 2015
The applicant intended to move one of its gambling establishments because it wanted to close its establishment due to roadworks in the vicinity. The applicant urgently submitted that it is in danger of losing its Class B licence given that the agreement with the City of Mechelen was not going to be concluded. The City is of the opinion that the alleged possibility of losing the Class B licence does not follow from the contested decision, but instead from its own decision to close the existing establishment. Incidentally, the applicant did not demonstrate that the Gaming Commission had initiated a withdrawal procedure (in accordance with Section 37 of the Gaming and Betting Act).

To the extent that applicant invoked loss of an opportunity, the Council was of the opinion that this is merely hypothetical given that it is ultimately the Gaming Commission that rules on the application for relocation.

Ruling of 27 October 2015, no. 232.697

The Gaming Commission resorted to withdrawing a Class F2 licence. A site visit and an accounting investigation revealed that the exploitation did not involve a newspaper vendor. It was established that 59% of the turnover was not realized from the sale of items in the product group ‘newspapers, magazines, tobacco and tobacco products, SIM cards and National Lottery products’. The turnover figures showed that 92% of the turnover was realized from taking bets.

The applicant urgently submitted that withdrawing the licence would bring about a considerable reduction in income just when significant investments had been made in renovating the shop. The Council was of the opinion that the applicant failed to demonstrate in concrete terms that financial losses would lead to irrevocable harmful consequences. Moreover, it concerned a Class F2 licence for which exploiting betting is a sideline activity, alongside the main activity of ‘newspaper vendor’. A loss of income that would lead to irrevocable harmful consequences could just as well be attributed to the applicant itself not actually exploiting the business as a newspaper vendor.

Ruling of 29 October 2015, no. 232.752

The Gaming Commission decided on 5 December 2012 to put a website on the list of prohibited online games of chance. The Council was of the opinion that the game coins obtained after paying a subscription can indeed be considered to be bets as referred to in the Gaming and Betting Act. The fact that payment also provides access to a social platform does not detract from the fact that additional gaming opportunities are provided. In addition, the Council is of the opinion that the gains may be monetary as well as material, both large and small.

The Council is of the opinion that the conditions Section 2(1) of the Gaming and Betting Act have indeed been met. The applicant also submitted that the scope of the term ‘gambling’ in Section 2(1) of the Gaming and Betting Act would not be proportionate to the objective of the Gaming and Betting Act, namely protecting players from addiction. The Council argued that the applicant did not demonstrate this disproportionally.

II) Council of State

Ruling of 7 May 2015, no. 231.158

The Royal Decree of 22 December 2010 on the maximum number of bookmakers (organizers of bets) and the procedure for handling licence applications if a licence becomes available due to a withdrawal or cancellation21 restricted the number of Class F1 licences for the period between 1 February 2011 and 1 January 2020 to 34.22 Under the Royal Decree of 20 July 2012 on the conditions for organizing betting by the National Lottery,23 it is possible that an additional, 35th Class F1 licence may be issued to the National Lottery. The Gaming Commission issued a licence to the National Lottery on 7 November 2012 on the basis of this royal decree. In March 2014, the Council of State annulled the Royal Decree of 20 July 2012 in judgment no. 226.797 of 18 March 2014 for material failure to state reasons. The Royal Decree of 2 April 2014 was intended to fulfill the annulment judgement of 18 March 2014.

The Royal Decree of 2 April 2014 was annulled because it was not submitted to the Legislation Division of the Council of State for a (mandatory) opinion. In the opinion of the Council, there was no exceptional urgency to justify the absence of the opinion. Moreover, the Council of State noted that in this case the Royal Decree of 2 April 2014 is not identical to the Royal Decree of 12 July 2012 given that, on the one hand, an additional legal basis was specified in the Royal Decree of 2 April 2014 and, on the other hand, Article 2 of the Royal Decree provided for the retroactive application of the royal decree.24


Even though rejecting an agreement is an administrative act that can be contested by the Council of State (since such a rejection implies that the applicant does not meet all the conditions of Article 36 of the Gaming and Betting Act), entering into an agreement with a potential competitor does not have any immediate adverse legal consequences for the operator of an existing gaming establishment. Ultimately, it is solely up to the Gaming Commission to assess whether all the conditions of Section 36 of the Gaming and Betting Act have been met.

Ruling of 15 October 2015, no. 232.576

The City of Mechelen refused to enter an agreement because in its opinion the proposed location does not comply with Section 36(6) of the Gaming and Betting Act.
7.3.2. PARLIAMENTARY QUESTIONS AND ANSWERS

<table>
<thead>
<tr>
<th>NR</th>
<th>DATE OF RESPONSE</th>
<th>PERSON POSING THE QUESTION</th>
<th>SUBJECT</th>
<th>URL</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-6</td>
<td>23/02/2015</td>
<td>Pol Van Den Driessche</td>
<td>Games of chance-Gambling addiction-Gaming Commission-Inspections-Gambling sites-Black list</td>
<td><a href="http://www.senate.be/www/?MIval=/Vragen/54/54K0043.pdf#search=%223689%22">http://www.senate.be/www/?MIval=/Vragen/54/54K0043.pdf#search=%223689%22</a></td>
</tr>
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</table>
In 2015, the new organization chart for the Secretariat was presented to the Gaming Commission.

In terms of human resources, the Gaming Commission had a challenging task in 2015. Despite a doubling of the range of duties and the rise in income and budgetary surpluses, at the end of 2015 the Gaming Commission found itself in a situation in which no investments had taken place for some years. It became increasingly clear that the time had come for the Gaming Commission to evolve towards being independent.

By 2015, it was no longer possible for the Gaming Commission to fulfil its core tasks, such as the protection of players and monitoring the legal and illegal gambling sectors. The many years of inadequate investment went unnoticed in the outside world thanks to the Secretariat that remained extremely committed to its work despite the difficulties. However, when two new sectors fell under its jurisdiction – online gambling and betting – the Gaming Commission was faced with a considerable challenge.

The table below shows that staffing trends have been negative since 2010. The fear is that even more staff will leave in the future due to this increased workload, with even more work-related pressure as a consequence.

Trends in the workforce are represented in graphs here:
They voluntarily took on a summer internship, which demonstrated their motivation.

In the summer of 2015, the Gaming Commission was able to rely on the assistance of three interns from the Faculty of Law at the Catholic University of Leuven:

- Laura Vos (1st half of September)
- Lieselotte Boddez (1st half of July)
- Thomas Cools (2nd half of July)

They voluntarily took on a summer internship, which demonstrated their motivation.

### Internships

In the summer of 2015, the Gaming Commission was able to rely on the assistance of three interns from the Faculty of Law at the Catholic University of Leuven:

- Lieclotte Boddez (1st half of July)
- Helene Levens (2nd half of July)
- Laura Vos (1st half of September)

### The Secretariat and Its Resources

#### Pension

2015 was also a year of bidding farewell for the Gaming Commission. Two valuable members of staff left the Gaming Commission Secretariat to enjoy their well-deserved retirement. In one fell swoop a sea of expense went with them, something that the existing staff had to compensate for.

Marc Callu, strategic expert on games of chance and head of the Inspection Unit, was involved at the Gaming Commission from the very beginning, and knew better than anyone else the ins and outs of the gambling sector. For many years, Richard France, head from the Metrology Department (Technical Assessments), was responsible for the technical support and metrological inspection of gambling machines, first with the Federal Public Service Economics and, since 1 January 2011, also officially with the Gaming Commission.

The Secretariat of the Gaming Commission would like to take this opportunity to thank Marc and Richard for the fruitful cooperation and wishes them all the best for the future.

#### Family Day

On 3 November 2015, the staff of the Secretariat and their partners and children gathered in the meeting room of the Gaming Commission for a delicious breakfast before heading off to the Royal Belgian Institute of Natural Sciences. It was a successful Family Day.

#### Operating, Staffing and Formation Expenses

Holders of A, A+, B, B+, C, E, F1, F1+, G1 and G2 licences are required by law to pay a contribution to the Gaming Commission. The Royal Decree of 10 February 2015 set the amounts for 2015.

In 2015, the Gaming Commission acquired 9,271,000 euro through the collection of contributions to licence holders' revenues. Section 19, 52 of the Gaming and Betting Act stipulates that, in the context of the budget of the Federal Public Service Justice, a fund be set up for the Gaming Commission that will be funded by the contributions.

The resources collected by the Gaming Commission are put into a budgetary fund and are intended, in line with the principle of the budgetary fund, to pay for the Gaming Commission’s operating, staffing and formation expenses. In actual fact, the Gaming Commission cannot use the revenue completely to pay for its operation. The ceiling for the expenses is set annually in the general expenditure budget. The unused part of the balance is added to the Gambling Fund.

The administrative ceilings specified in the general expenditure budget are linked to specific expenses. The Gaming Commission may transfer the resources from one post to another as long as it concerns operating expenses. Transferring operating resources to staffing resources is not permitted. This means that the Gaming Commission is not able to recruit additional staff, despite the extension of powers since 2011 and the associated expansion of resources.

The administrative ceilings included in the 2015 general expenditure budget are shown in the table below. During the budget conclave, the ceiling for staffing expenses was reduced by 194,000 euro; this was in line with the general cost-cutting policy for federal government.

Before an expense post can be realized, an amount must first be set, specifically as far as operating resources are concerned. Each time an amount is committed, the prior approval of the competent budgetary audit department is required. Not every application for committing an amount is validated.

### The Secretariat and Its Resources

#### THE SECRETARIAT AND ITS RESOURCES

| TABLE NUMBER OF STAFF MEMBERS AND FTE FROM 2010 TO DATE (EXCLUDING THE POLICE): |
|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
|                 | 2010            | 2011            | 2012            | 2013            | 2014            | 2015            |
| A               | 11              | 18              | 18              | 18              | 17              | 15              |
| B               | 5               | 4               | 5               | 4               | 4               | 3               |
| C               | 15              | 17              | 14              | 14              | 14              | 13              |
| D               | 2               | 2               | 2               | 2               | 2               | 2               |
| **TOTAL**       | **33**          | **41**          | **39**          | **38**          | **37**          | **33**          |
| **TOTAL FTE**   | **31.8**        | **36.3**        | **37.3**        | **35.1**        | **34.1**        | **31**          |

To highlight the precarious situation, the Secretariat took action and drafted a strategic memorandum that it presented to the Gaming Commission at the end of December 2015. The purpose of this memorandum was to get a clear overview of the Secretariat’s core tasks, its internal division of tasks and the associated workload. The Gaming Commission’s vision and mission were also examined and re-examined so that it could become an efficient regulator.

#### Internships

In the summer of 2015, the Gaming Commission was able to rely on the assistance of three interns from the Faculty of Law at the Catholic University of Leuven:

- Lieclotte Boddez (1st half of July)
- Helene Levens (2nd half of July)
- Laura Vos (1st half of September)

They voluntarily took on a summer internship, which demonstrated their motivation.
which meant that the full commitment appropriation for 2015 could not be used. Only once an expense is committed does the execution effectively take place, and only then can the invoice be paid via settlement credits.

**GAMBLING CHAIR**

The Gaming Commission is in need of fundamental scientific research in the long term and would like to obtain it through setting up a gambling chair. After all, scientific research is essential. Research is time consuming, but it does not have to deal with administrative obstacles. Given the limited nature of the subject, however, insufficient fundamental research into gambling is conducted. Yet it’s necessary and provides a framework for a fully-fledged gambling policy.

Given the various interests involved in the sector (government, operators, assistance, public opinion and so on), it is important that the research is conducted with sufficient independence. Activities need to be developed that will be beneficial to the regulation of gambling. Furthermore, work carried out on separate, unrelated studies is not as fundamental because it does not build on previously acquired expertise. It is also important to develop networks that add value to academic research, both in the breadth and in terms of quality. Developing these networks requires having a medium-term perspective at the very least.

The Gaming Commission has submitted a request to the Inspectorsate of Finance for the approval of funding for research for the longer term through the establishment of a chair. However, the Inspectorsate of Finance gave a negative opinion for this request on 19 May 2015.

**SECURITY PROJECTS**

At the end of 2015, after a Cabinet decision, the Gaming Commission was given additional resources amounting to 225,000 euro to fund security projects. The amount settled by the Gaming Commission in 2015 amounted to a total of 5,218,000 euro.

The balance, i.e. the difference between the revenue realized in 2015 (5,217,000 euro) and expenses generated in 2015 (5,218,000 euro), amounted to 4,003,000 euro. This means that 43.5% of the contributions obtained could not be utilized for funding the Gaming Commission's operating, staffing and formation expenses. From this balance and through reassessment, 200,000 euro is deposited in the Fund to Tackle Over-Indebtedness, as laid down in Section 19, 91 of the Gambling and Betting Act. The outstanding balance was then added to the budgetary fund for Gambling.

**MULTIDIsciplinary CHARACTER OF THE COMMUNICATIONS**

- From/to excluded players
- To other authorities (National Register, Crossroads Bank for Enterprises, Federal Public Service for Personnel and Organization, criminal records, justice of the peace courts etc.)
- From other government authorities (bailliffs, the police, magistracy etc.)
- From the gaming sector
- Offline: A, B, C, D, E, F licences
- Online: licences A+, B+, F1+
- Inspections: EPIS (excluded players) and e-games (online)

**EXPANSION OF THE IT UNIT**

IT infrastructure cannot be expanded without the necessary human support. In 2011, it was proposed that a human capital of eight fulltime equivalents should be added to expand the Gaming Commission’s IT Unit both vertically and horizontally.

However, for various reasons (e.g. recruitment freeze for government positions), the Gaming Commission’s IT Unit has remained unchanged to date. Despite this, the contributions from licence holders cover operating and staff expenses for the IT Unit.

The many technological resources not only require technical follow up, a technical maintenance and technical monitoring, but also human follow up, human maintenance and human monitoring.

The demand for IT support is steadily increasing. As it stands now, the Gaming Commission only has three ITES employed for IT. Two external specialists were temporarily recruited to meet the increased demand for expertise, knowledge about systems configuration, and an understanding of the local situation.

**8.3. COMPUTER SCIENCE**

**8.3.1. ASSESSMENT AFTER FIVE YEARS OF IT INDEPENDENCE**

**IT INDEPENDENCE**

The additional powers given to the Gaming Commission in 2011 soon made it clear that there was a need for a reliable and secure IT environment. It was decided to separate the Gaming Commission’s IT from that of the Federal Public Service for Justice mainly because of online gambling. Indeed, the Gaming Commission has a totally different business model: while the Federal Public Service has a multi-site configuration, designed to cater mainly for internal communication, the Gaming Commission has a mono-site configuration that mainly handles various external communications. These external communications are multidisciplinary and carriers of private and sensitive information in virtually all cases.

**8.3.2. TECHNICAL ACHIEVEMENTS**

In 2015, the entire 5-year old IT system was examined. Important reasons for doing so were:

- the relaunch of the custom software after a de facto standard of 2.5 years which had implications for the applications in terms of architecture, infrastructure and security;
- innovations are necessary for the IAS (internet access system) entailing a review of the new dimensions, customized performance and security at various levels;
- it was possible to initiate security projects (ISO 27000) under the supervision of the newly appointed CISO (chief information security officer);
- the further virtualization of all services;
- addressing the old backup technology.

New challenges in the field of security had to be incorporated. A vision for the IT system as a whole and an integrated approach with upgraded architecture was needed. Besides enhancing security, a great deal of attention was paid to monitoring our products and services.

Meetings with all the relevant departments were held in 2015 so that a consistent solution could be found across all layers of the IT infrastructure: This was started in 2015, but the full roll out will take place later in 2016.

**8.3.2. TECHNICAL ACHIEVEMENTS**

**IT COMPETENCY GRID**

A competency grid normally takes into account primary competences but also business continuity and backup. Currently, the IT Unit should have thirteen ITES:

- purely IT related (eight ITES): e.g. person responsible for IT, project manager and security officer for IT aspects;
- IT experts (three ITES): e.g. server specialist (server visits in Belgian data centres for new permit applications), internet specialist and programmer (inspection of work packages, consultancy, EPIS and e-game inspections, protocols etc.);
- technical support (2 ITES): e.g. non-IT security problems, facility management and switch board.
This infrastructure will no longer be supported, which will
The renovations that had been carried out on much of the
requirements
were made to meet the quality and quantity of the new

8.3.3. INTERNET ACCESS STREET
IAS stands for the Proximus Internet Access Street. This internet highway comprises several lanes that come with the delivery of products and services that require specific equipment, bandwidth, security and so on:
• Outgoing traffic: internet use, outgoing e-mails, etc.
• Incoming traffic: incoming e-mails, visits to our website etc.
• Other accesses are:
  > EP and e-games from the sector;
  > home working and teleworking via a VPN connection
using a token (similar to access to home banking);
  > 3PTY connections (the police, National Register,
justice of the peace courts, bailiffs and so on).

For the monitoring and security of the services, efforts were made to meet the quality and quantity of the new requirements:
• Virtual blue coat to control outgoing traffic more effectively;
• transactional monitoring which will allow problems
with transactions to be diagnosed (including problems with tax-on-web, pension services and so on);
• better protection against external attacks (NextGen).
The renovations that had been carried out on much of the infrastructure were also described in the last quarter of 2015. This infrastructure will no longer be supported, which will require a renewal of the technology in 2016.

8.3.4. JK3 CUSTOM SOFTWARE
The IT file was completed in December 2014, which led to the launching of new procedures in 2015. For instance, a 24/7 monitoring of business critical services (stand-by service, SLA) was provided, as well as the services that are handled in four major subsections (four axes); this was done over a 4-year time span:
• If for all modifications to the architecture, infrastructure and security of applications;
• Secretariat: for all modifications to optimize the operation of the Secretariat (e.g. management and computerization of files, documents, work schedules, correspondence etc.);
• services: modifications to online services (EPIS and e-games);
• reporting: modifications to the approach and reporting on the information in our databanks.

8.3.5. SECURITY
A call for tenders was made in 2014 for the management of all security aspects. For budgetary reasons, we could only start with a chief Information security officer (CISO), or a security officer. The demand for advice and support was immense in 2015. Apart from the internal demand for security checks, there was also work from outside the organization. For instance, the Federal Public Service for Information and Communication Technology asked the Gaming Commission to protect itself more effectively upstream and recommended that IPV6 be installed. In addition, the IT Unit with the support of the CISO had to implement the recommendations of the Federal Public Service for Justice steering committee. The CISO follows up on all security issues on a daily basis. This officer is involved in all new files and is asked to screen the demand for security (e.g. for IAS and JK3, see above).

In 2015, the Gaming Commission set to work on several security projects in the context of ISO 27000 (security policies, physical security, IT and non-IT asset inventory, hardening, SLA and so on).

Following several incidents at the Gaming Commission reception, a first range of measures was taken in the short term:
• intercom with camera at the entrance;
• emergency telephone (which is used to inform the entire Secretariat via the landline telephone speakers if there are problems);
• registration of visitors using Proxyclick at the general reception (ground floor);
Additional measures to monitor the physical access to the offices will be provided in 2016.

8.3.6. IT AND DATA ROOMS
2015 was a challenging year for the IT Unit thanks to the many changes and modifications. The production environment was transferred from the old cumbersome SUN machines to HP blade systems and it now uses virtual servers and services. The test environment was set up in a similar way.
The 24/7 monitoring of the servers and services also started in mid-2015. The old backup tapes were replaced by modern backup disks.
The increased activity put pressure on the active memory (storage), which meant that an expansion was required. The further roll-out and implementation of this system will take place in the first quarter of 2016.
The fire-extinguishing system was completed and activated in 2015. An alarm system with a control room that transmits alarm signals was designed and will be installed at the beginning of 2016. The inspection and certification of the system can then take place after that.

8.3.7. IT HUMAN RESOURCES
At present, the Gaming Commission is engaging an external systems engineer via the EGDV channel because the IT Unit has required more support since it became independent in terms of IT. There has been no adjustment to the workforce since this independence. The optimum staffing capacity for the IT Unit is 10 FTEs according to the management plan.

The duties of the IT Unit increased exponentially in 2015:
• increased ticket handling;
• participation in night-time interventions such as those carried out by officers of the Judicial Police;
• involvement in the inspections of the servers at external datacentres in connection with online services, e-gaming and e-betting in Belgium;
• analysis of information and videos for the Inspection Unit;
• following up the 24/7 monitoring of hardware, services and the custom software, including meetings, reporting, monitoring of SLAs and so on.

8.4. COMMUNICATIONS

8.4.1. INTERNAL
In 2015, all Secretariat staff received an electronic newsletter in their inbox every month. This newsletter keeps staff informed of what was discussed during the last commission meeting, among other things. After all, work is much more enjoyable when it is also clear what the results are.
The Gaming Commission therefore tries to involve its staff as much as possible in the work that it does. Information of a more personal nature, like births, marriages and impending birthdays, is also announced through this channel. For the rest, there is also space for reports and/or photographs of recent events.

Furthermore, internal communications at the Secretariat are also done via an inbox set up specially for this purpose and managed by the HRA Unit. This is a fast and efficient way to spread information among staff and to keep everyone up to date about certain situations. For instance, when senior level was increased at the end of November, members of staff received a daily update about the state of affairs and how to deal with it.

8.4.2. EXTERNAL
• CONTACT FORM WEBSITE – INFO@GAMINGCOMMISSION.BE

In 2015, too, the Gaming Commission received many e-mails via the contact form on its website and via the general e-mail address: info@gamingcommission.be.
The table below shows the number of e-mails received via info@gamingcommission.be in 2015 according to category:
that are not intended for the Gaming Commission categories are labelled ‘General’. These are often e-mails that cannot be placed under one of the specific General subcategories. E-mails that end up in the Gaming Commission inbox more than once. This immediately explains the high number.

**Administration**

Questions under the heading ‘Administration’ come from people who wish to apply for a licence for organizing gambling as well as from existing licence holders who wish to information the Gaming Commission about specific information.

**Protection of players**

The large quantity of e-mails in this category can be attributed to the many questions about exclusions from people who request exclusion as well as from people who are wondering when their access injunction is due to expire. Players who are addicted to gambling.

**Inspections**

Each year, the Gaming Commission receives a few reports about games of chance that may not be being organized according to the book. These reports are systematically sent on to the Inspection Unit which then investigates whether the complaints are founded. If necessary, a file is subsequently opened.

**HRM**

Although it is not possible at the moment to recruit staff, people sometimes apply to work at the Gaming Commission spontaneously. These e-mails are then forwarded to the HRM Unit.

**Offline games of chance**

Only rarely does the Gaming Commission receive an e-mail about gambling in the real world. Often problems are solved on the spot. For the rest, there are also questions about organizing a lottery or bingo game that fall under offline games of chance. Given that the Gaming Commission is not responsible for lotteries, it provides the necessary information so that people can turn to the right authority when it involves lotteries.

**Online games of chance**

Because there is no direct interaction between the player and the operator in online games of chance – as opposed to offline games of chance – the Gaming Commission receives questions from players almost every day about, for instance, payouts that are delayed or accounts that can suddenly no longer be accessed. In the first instance, the Gaming Commission tries to find a solution with the player. If that fails, then the Gaming Commission contacts the gaming operator in question to find out more about the case. Bar a few exceptions, almost all the people that contact the Gaming Commission prove to be active players. Some of them, judging by the content of the e-mails, are actually addicted to gambling.

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**FAQS**

Many of the e-mails sent to info@gamingcommission.be are similar in nature (e.g. what to do if after a collective debt management scheme has ended). Standard answers that often recur were collected and placed online under the ‘Frequency Asked Question’ sections: http://www.gamingcommission.be/opencms/opencms/jhksweb_en/faq/index.html

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**SOCIAL MEDIA**

The Gaming Commission wants to be a transparent organization that is easy to access and has a modern image. Members of the public, players and gambling addicts must be able to find their way to the Gaming Commission quickly and easily if they need to. For this reason, the Gaming Commission jumped onto the social media bandwagon in 2015; since then we can be found on Facebook, Twitter and LinkedIn. #beingmodern

By the end of 2015, social media users had gradually found their way to the Gaming Commission’s new channels. Information was mainly shared via Twitter retweets, while Facebook an additional way is to reach the Gaming Commission for questions.

- **Twitter:**
  - https://twitter.com/Ksc_cjh
  - LinkedIn: https://www.linkedin.com/company/KSC—Commission-des-jeux-de-hasard

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**PRESS**

In 2015, the Gaming Commission sent a total of five messages on its own initiative to the Belga press agency to draw attention to specific facts:

- Study day on concessions, covenants and recommendations from the municipalities (27/05/2015)
- Announcement of inspections from 1 October on the subject of obligatory eID at bingos (30/09/2015)
- The tax protocol with the Walloon Region (19/10/2015)
- Inspection on the subject of the obligatory eID card reader in bingo machines (23/10/2015)
- Results of the inspection in Liège on the subject of an illegal game of poker (8/12/2015)

This does not detract from the fact that the Gaming Commission was strongly represented in the print media with the 201 articles that appeared. See http://www.gamingcommission.be/opencms/opencms/jhksweb_en/gamingcommission/Pers/2015/
COLLABORATIONS AND PARTICIPATIONS

— 3 TO 5 FEBRUARY 2015
ICE conference in London The mission to London consisted of three main parts: a visit to the ICE show, a round table conference and debates, and an interview with the UK regulator about the added value of an integrated structure for all games of chance. A striking number of people attended the round table meetings on Belgium. This can mainly be explained by the likelihood of two additional Belgian casinos and the legal proceedings against the European Commission. South Africa and Ukraine showed particular interest. A meeting was held with representatives of the Regulator of the National Lottery (Ben Haden and Mark Harris) on the functioning of the UK regulator which is responsible for lotteries as well as private games of chance. Attending on behalf of the Gaming Commission were: Christophe VIDsAR, Katrien VAN DAELLE, Koen BEYAEERT and Peter NAESSENS.

— 13 MARCH 2015
As one of the first European regulators, the Gaming Commission gave a presentation at the scientific conference in Stuttgart-Hohenheim. The Belgian approach to gambling regulations was elucidated, as were the role of the Gaming Commission and the battle against illegal markets.

— 17 TO 18 MARCH 2015
Enlarged Partial Agreement on Sport (EPAS) in Oslo. As the regulator, the Gaming Commission attended this international conference for the promotion of the Convention on the Manipulation of Sports Competitions which was drafted under the auspices of the Council of Europe. Attention was mainly focused on the way in which a national platform – as provided for in the Convention – can be elaborated at national level as a central information centre in the fight against match fixing. The Gaming Commission advocated for the signing of the Convention by Belgium and wishes to play a pivotal role if Belgium sets up such a central information centre.

— 19 MARCH 2015
The Gaming Commission set aside the time required to receive a delegation from the Netherlands. The firm Acsone and the IT department provided more information about the management and operation of the Belgian databank for excluded players (EPIS).

— 13 APRIL 2015
The Gaming Commission attended the first International Forum for Sports Integrity in Lausanne. A roadmap was accepted that must be followed in order to protect honest athletes and to safeguard the integrity of the sport.

— 21 APRIL 2015
A representative from the Gaming Commission participated as a speaker in the National Lottery Forum in Stockholm. An interpretation was given of the current hybrid system that accommodates with the National Lottery as a public monopoly as well as the private licensed gambling market.

— 5 TO 8 MAY 2015
At the beginning of May, representatives, guest speakers and the audience gathered for the annual Gaming Regulators European Forum meeting in Vilnius, the Lithuanian capital. Representatives from more than 25 countries signed in and played their part in a successful conference. Belgium’s protection measures, whereby an interested third party can apply for a gambling exclusion, attracted interest, as did the plans for an agreement for ethical and responsible advertising for the marketing of games of chance.

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At the beginning of May, representatives, guest speakers and the audience gathered for the annual Gaming Regulators European Forum meeting in Vilnius, the Lithuanian capital. Representatives from more than 25 countries signed in and played their part in a successful conference. Belgium’s protection measures, whereby an interested third party can apply for a gambling exclusion, attracted interest, as did the plans for an agreement for ethical and responsible advertising for the marketing of games of chance.

— 21 MAY 2015
A hearing took place in the parliament in The Hague for the Standing Committee on Security and Justice in the Netherlands. The subject under discussion was the bill to amend the Betting and Gaming Act, the Betting and Gaming Tax Act and several other Acts related to organizing games of chance remotely (Parliamentary Paper 33996). The Gaming Commission participated in ‘Block 1: General, market and enforcement’: The ‘stop page’ was proposed; this is the page that players are directed to if they want to gamble on an illegal gambling site in Belgium. In addition, the Gaming Commission entered into collaborations with internet service providers and banks in the fight against illegal gambling sites. The Gaming Commission is very satisfied with this measure. The preparatory notes for the discussion – which the general public could follow live streaming – can be found on https://www.vaninfo.nl/wp-content/uploads/2014/01/20150521-Schema-en-gespreksnotities-RTG.pdf

— 27 MAY 2015
The Gaming Commission’s study day on covenants, concessions and recommendations from municipalities was on the agenda in the Academy Palace in Brussels (see Policy p. 16), as determined when the Gaming Commission’s strategic landmarks were laid down on 15 January 2015. The role of local government authorities was highlighted and re-evaluated to bring the policy more in tune with the municipalities. Numerous well-known guest speakers raised various problems and offered solutions. More information about this study day can be found on http://www.gamingcommission.be/opencms/opencms/jkisweb_ni/gamingcommission/news/news_018.html
**COLLABORATIONS AND PARTICIPATIONS**

**28 MAY 2015**
The Gaming Commission attended the Euromat Gaming Summit in the Netherlands. During a discussion, the role of the regulator was elucidated, as was the vital importance of convergence between the online and offline worlds (http://www.euromat.org/euromat-gaming-summit-2016/programme-speakers-16).

**7 TO 8 JULY 2015**
The Gaming Commission gave a presentation during the World Gaming Executive Summit 2015 in Barcelona. The subject of the presentation was social gaming.

**26 AUGUST 2015**
A delegation from the Gaming Commission visited Minister of Justice Koen Geens, during which the following aspects were discussed:

- the budget
- the general cost-cutting policy and the position of the Gaming Commission
- the problem of the not using of charges
- collaboration on administration (central administration and Inspector of Finance)
- the need for scientific research via a chair (see p. 68)
- staffing issues (introducing new files remains an option)
- match fixing: study day 23 November (see p. 18)
- royal decrees
- National Lottery and protection of players

**10 SEPTEMBER 2015**
The Gaming Commission was invited to the Responsible Gambling & Reputation Management Conference in London. The Belgian exclusion model was proposed; there was a great deal of interest in the option of applying for an exclusion as an interested third party on behalf of a player. After the presentation, the Gaming Commission took part in a panel discussion on protection measures for players.

**15 TO 18 SEPTEMBER 2015**
The Gaming Commission received a Swiss delegation from the department for the technical monitoring of gambling establishments. The first day was mainly devoted to presentations; the second day was spent on a company visit to Gaming1 and the casino in Spa.

**1 OCTOBER 2015**
A cooperation protocol between the Gaming Commission and the Walloon Region was approved during a Gaming Commission session. On 9 October, an agreement was signed by the various partners, and concrete joint actions and an exchange of information took place.

**15 OCTOBER 2015**
Consultations took place between the Gaming Commission and the Belgian Financial Sector Federation on the financial activities of illegal operators in Belgium and the application of the protocol that the Gaming Commission and the Belgian Financial Sector Federation both signed to avoid any (unintended) cooperation between banks and illegal gambling operators in the future. Belgian Financial Sector Federation had a very open attitude and showed willingness to take further steps together. New consultations are planned for 2016.

**1 OCTOBER 2015**
A delegation from the Gaming Commission visited the UK Gambling Commission in Birmingham in the context of research into match fixing tennis. Alongside representatives of the UK Gambling Commission, there were also two representatives from the Tennis Integrity Unit. The Sports Betting Intelligence Unit was discussed. The Convention on match fixing in Belgium and the UK, the importance of the Convention on match fixing, tackling match fixing in tennis and the importance of prevention, research and raising awareness.

**22 TO 23 SEPTEMBER 2015**
The Gaming Commission received a Swiss delegation from the department for the technical monitoring of gambling establishments. The first day was mainly devoted to presentations; the second day was spent on a company visit to Gaming1 and the casino in Spa.

**24 NOVEMBER 2015**
The city council of Sint-Truiden drafted a detailed gambling prevention policy. It was elucidated during a special study morning on Tuesday 24 November. The Gaming Commission also attended.

**26 NOVEMBER 2015**
The expert group has met five times. On 26 November 2015, the European Commission also invited the Gaming Commission to give a presentation on social gaming for experts from the various Member States. An important event was the signing by the chairman of the Gaming Commission (as the regulating authority for games of chance in Belgium) of the Cooperation Arrangement by the EEA Gambling Regulatory authorities. With this, the Gaming Commission demonstrated once again that it wishes to support a correct, European and supplementary approach to games of chance.

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In 2015, too, the Gaming Commission and its Secretariat have contributed to the development of the gambling policy and the protection of players. They must continue to work actively on the enormous challenges that present themselves, by persuading the government and parliament of the need to continue to work on the coherence of the system. Central to the regulation is the Gaming Commission whose legitimacy must be strengthened by a committed approach, transparency and democratic government control.

Because games of chance are a tremendously complicated matter, it is the duty of the Gaming Commission to provide an interpretation of the initiatives in a comprehensible way. The synthesis should contribute to a better clarification of the real social challenges. An investment in the regulation of gambling may not be felt immediately, and some of the fruits may only be plucked in the medium to long term, or they may even remain invisible. It is essential that the authorities responsible for making decisions continue to pay attention to gambling because of their specific nature, and because they constitute a risk for ordinary members of the public. Conscious and well-considered choices must be made, ones with the right priorities.31

The Gaming Commission must tackle crime more efficiently and offer better protection for the vulnerable sections of the population. The work of the Gaming Commission, therefore, is to expose the major trends and achieve a strong, ambitious political will that covers the entire spectrum of gambling. That policy will need to be anchored in the two pillars mentioned previously: the sector needs to be rationalized and the range of games of chance on offer must be restricted.

How can Belgian legislation be consistent with the European Commission’s vision that believes that too much regulation prejudices companies?32 Because games of chance are not covered by European treaties, gambling policy is pursued at a national level, without having to be subjected to any legal criticism from the European Commission.

An independent regulator certainly offers additional benefits for the protection of vulnerable people, for treating all operators in the same way, for restricting the range of games of chance on offer, for combating illegal gambling, and for ensuring that licence holders comply with the professional and financial criteria in a sustainable manner so that they can maintain and exploit their operation.

The objective of this regulator is to take on the role of administrative police for gambling, with the requisite powers and human, technical and information technology resources. It must take into account social developments, changes in demographics, new technological developments as well as the ostensible exclusivity of certain foreign gambling providers. Having more sovereignty would be beneficial for the regulator.

In 2015, the Gaming Commission continued to build on previous achievements, and we take this opportunity to apply the Gaming and Betting Act with a view to the next major anniversary. After all, the Gaming Commission turns 20 in 2020. That is when it evolves from adolescence to adulthood. The Gaming Commission must aim for the comprehensive implementation of the gambling policy.

Etienne MARIQUE
Chairman

32 KUCZKIEWICZ JUREK, Réguler moins ou réguler mieux UE La Commission a présenté son plan pour «mieux légiférer», LE SOIR 20 mei 2015, p. 12
The annual report can be viewed on the Gaming Commission's website:
www.gamingcommission.be

There is more information about the Gaming Commission on this website.

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