



ONCE POSITION PAPER GREEN PAPER ON ON-LINE GAMBLING IN THE INTERNAL MARKET

WHAT IS ONCE?

The Spanish National Organisation of the Blind (ONCE in Spanish) is a Public Law Corporation which was set up in 1938. ONCE has permission from the Spanish government to operate gaming and lotteries in order to fund both the specialised social services it provides to blind and severely partially sighted people and its Foundation, through which ONCE's commitment to fighting for the full social inclusion of all persons with disabilities in Spain - some four million citizens - is extended.

To achieve this aim, the ONCE Foundation focuses its activities on training, employment and universal accessibility by and for people with disabilities in Spain.

More specifically, ONCE's mission is to ensure personal autonomy and full inclusion in society for blind and severely partially sighted people by offering a wide range of specialised services. ONCE also carries out actions aimed at boosting social inclusion, equal opportunities, non-discrimination and securing full rights for the part of the population it represents. ONCE has become a structured and specialised solution in this social field which co-operates, through a complementarity system, with the public authorities of the state and contributes approximately 500 million Euros annually to the national tax and social security systems.

ONCE is composed of over 70 000 people with a visual impairment of more than 90%. ONCE membership is open to all Spanish citizens who have this level of visual impairment, and membership is free.

ONCE and its Foundation have an annual turnover of approximately 3 000 million Euros. Its network of lottery sales staff provides employment to around 21 000 people with visual impairment and other types of disability, and it invests approximately 1 000 million Euros per annum in specialised social services for blind people and in mainstreaming persons with disabilities in society. Thanks to ONCE and its Foundation, more than 125 000 jobs have been created in Spain - 81% of these jobs are held by persons with disabilities - and its 70 000 plus members have secured social inclusion.

ONCE provides a social lottery model which has served as an inspiration for other countries, for instance Sweden. It is a long-standing member of the European Lotteries Association and is certified as meeting the association's responsible gaming standards. Its social character includes the principles and values of solidarity, general interest and not-for-profit in the nature and purpose of the organisation.

Moreover, ONCE's engagement can be seen internationally, where the organisation works to improve the quality of living of blind people in other parts of the world, and especially in Latin America, Sweden, Portugal, Eastern Europe and North Africa.

ONCE is involved in a number of European representative social platforms such as the European Blind Union (EBU), the European Disability Forum (EDF) and Social Economy Europe (SEE), among others.

ONCE POSITION REGARDING ON-LINE GAMBLING IN THE INTERNAL MARKET

ONCE warmly welcomes the publication by the European Commission of the Green Paper on on-line gambling in the EU, which includes a public consultation open to all interested parties.

ONCE will obviously take part in the public consultation as a stakeholder and with the aim of contributing to the objective of gathering information on the current situation in the UE on-line gambling market. It does so from a somewhat different perspective and with more than 70 years of experience.

Our organisation strongly supports the efforts to regulate the gaming sector in Spain by means of Law 13/2011, dated May 27th, to regulate gaming, and welcomes the way in which **ONCE** is specifically treated in the Act as a **social entity of general interest**.

ONCE recognises that **gaming is a service which has a very special nature** due to the risks involved in the sector related to public order (fraud, money laundering, other criminal acts), consumer protection (addiction, access by minors and other vulnerable groups), and social interest (use of gaming to fund good causes). Due to its specific nature, ONCE believes it is vital to take into account the specificity of gaming when implementing Internal Market and Competition regulations.

In referring to gaming, whether it be on-line or not, ONCE upholds the following principles:

1 Subsidiarity principle: due to the specific nature of the issue in question and the risks involved, ONCE believes gaming should be strictly regulated by the player's state of residence. ONCE recognises there should be a certain margin for discretion when regulating the sector in order to take into account the customs and traditions of the country, as well as issues regarding public order, consumer protection and social interest.

To this end, the State should be entitled to establish limits on the freedom to provide services and freedom of establishment, such as not recognising gaming-sector licenses mutually, provided such limitations are set in a manner which respects the principles of transparency, proportionality and non-discrimination and in accordance with European Court case law (for instance in the case of the Portuguese league).

We believe restrictive regulations should seek to reduce the opportunities to play in a consistent and systematic fashion, but with the aim of channelling demand for gaming services to a supply which is strictly controlled and authorised. Gaming services supplied in this way should offer an attractive alternative to illegal gaming, which means authorised operators should be allowed to offer a range of attractive options, to partake in advertising to a certain extent, and to use new distribution methods, such as internet, provided they do so in a manner which is proportional to meeting their objectives.

The regulator must put in place a suitable legislative framework to enable authorised operators to offer their games in a way which is consistent with these principles.

2 Solidarity principle: ONCE believes games and lotteries must continue to be the foundation for funding good causes in accordance with this principle.

Gaming and lotteries have traditionally contributed to states' incomes and helped to finance sporting activities, culture, social projects, research and other general interest causes. ONCE contributes approximately 800 million Euros annually from its gaming products and lottery sales to the social activities it has been entrusted with by the Spanish state.

As a whole, state lotteries in European Union Member States make a contribution of over 20 000 million Euros to state budgets and good causes. This role was recognised by the European Council in the resolution adopted on December 10th 2010, which points out that the sustainable contribution made by lotteries to society must be considered in any co-ordinated approach at European level. Furthermore, the European Parliament, in a resolution on on-line gaming adopted in 2009, considers that profits from gambling should be used for the benefit of society, including funding for education, health, sport and culture.

3 Integrity principle: ONCE believes that in managing gaming the principle of integrity should be uppermost in order to achieve the aforementioned objectives related to public order, consumer protection and social interest. To this end, the gaming sector should be regulated under strict state control, using a licensing scheme in line with international regulations, with strict requirements in terms of transparency, applying responsible gaming standards, under effective anti-money laundering regulations and including measures to ensure compliance with applicable regulations.

States should implement effective measures to guarantee compliance with the law and pursue illegal gaming, that is to say gaming provided by operators which do not have a license in the player's state of residence.

4 Precaution principle: marketing gaming products on internet, where borders do not exist, has brought about major developments in the gaming sector, obliging governments to introduce new regulatory measures for the sector to adapt to the new situation. ONCE believes governments should introduce such changes with precaution, gradually and having assessed such changes prior to enactment.

5 Need for a co-ordinated and specific approach to the sector to ensure consistency in relation to gaming services in the European Union: the fact that internet-based gaming services can be easily made available across national borders, and the problems faced by many EU Member States, demonstrate the need for a co-ordinated approach by Member States in order to effectively regulate and control on-line gaming services.

This concern was recognised by the 27 Member States in the conclusions adopted by the European Council at its meeting on December 10th 2010. Current domestic measures to ensure legal compliance are easily avoided and secondary legislation which may be implemented in the gaming sector is not specific to the sector and is insufficient in terms of solving existing problems and overcoming the risks which exist.

As a result of the above:

ONCE believes co-operation at international level by Member States is required in order to adopt a co-ordinated and specific approach to the sector, with a view to implementing the measures needed to maintain the integrity of gaming and the objectives set out, as well as to draw up specific supplementary regulations for the sector.



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For more information please contact:

ONCE International Relations Department
C/Almansa 66
28039 Madrid
Spain

Tel: 00 34 91 436 53 00

otae@once.es