



Notification Number: 2015/278/F

Decree amending Decree No 2010-605 of 4 June 2010 concerning the maximum ratio of amounts paid on average to players by licensed online horse-race and sports betting operators

Date received : 29/05/2015

End of Standstill : 31/08/2015

Message

Message 002

Communication from the Commission - TRIS/(2015) 01581

Directive 98/34/EC

Translation of the message 001

Notification: 2015/0278/F

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201501581.EN)

1. Structured Information Line

MSG 002 IND 2015 0278 F EN 29-05-2015 F NOTIF

2. Member State

F

3. Department Responsible

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3. Originating Department

Ministère des finances et des comptes publics,



Direction du budget
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4. Notification Number

2015/0278/F - SERV

5. Title

Decree amending Decree No 2010-605 of 4 June 2010 concerning the maximum ratio of amounts paid on average to players by licensed online horse-race and sports betting operators

6. Products Concerned

Online gambling

7. Notification Under Another Act

-

8. Main Content

This draft decree enables operators to pool their funds either with licensed operators or between a licensed operator and non-licensed operators providing their services abroad. The amendment of the decree provides, inter alia, for the deletion of the provision whereby the maximum ratio of amounts paid on average to players shall not 'exceed the ceiling referred to in Article 3 over two consecutive quarters'.

9. Brief Statement of Grounds

Pooling horse-race bets among operators would strengthen market competition. This would not lead to problems of social or public order, provided that the players' payout ratio remains limited to the amount in the common fund.

As they stand, the regulations do not allow funds to be pooled. The decree provides that the players' payout ratio in sports and horse-race betting shall not exceed 85 % for each individual operator. The decree does not allow operators to pool their stakes without making them take the risk of exceeding the authorised payout ratio.

In the case of pooling among licensed operators, the players' payout ratio applied by the operator shall be calculated by retaining, as the players' payout ratio for the stakes from a pooled fund, the players' payout ratio for that fund weighted by the share of bets registered by players in the pooled fund. A pooling agreement must be concluded between licensed operators, and a copy must be sent to the French Online Gambling Regulator (ARJEL).

In the case of pooling with non-licensed (foreign) operators, the players' payout ratio would only be calculated on the basis of the data from the licensed operators. Pooling with non-licensed operators creates particular obstacles for ARJEL's monitoring activities in order to combat money laundering and fraud. Moreover, ARJEL is only able to monitor licensed operators' compliance with the players' payout ratio ceiling through the game data of the players registered with licensed operators.

The amendment to the decree also enables the implementation of recommendation No 35, contained in the



ARJEL review report of 24 June 2011 ("relaxing the players' payout ratio control measures") by deleting the provision which establishes that the maximum ratio of amounts paid on average to players shall not 'exceed the ceiling referred to in Article 3 over two consecutive quarters'. The two quarters rule has been described as being of prejudice to operators in that events that are the subject of betting, in particular in sports betting, take place on the basis of 'seasons'. The players' payout ratio ceiling would hereafter be implemented on a calendar-year basis.

10. Reference Documents - Basic Texts

Reference(s) to basic text(s): - Law No 2010-476 of 12 May 2010 on the opening to competition and the regulation of the online gaming and gambling sector, in particular Article 13 thereof.

- Decree No 2010-605 of 4 June 2010 concerning the maximum ratio of amounts paid on average to players by licensed online horse-race and sports betting operators.

The basic texts were forwarded with an earlier notification: 2010/167/F: 2010/053/F

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

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13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

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16. TBT and SPS aspects

TBT aspect

No - the draft is neither a technical provision nor a conformity assessment procedure.

SPS aspect

No - the draft is neither a sanitary nor a phytosanitary measure.

European Commission



EUROPEAN COMMISSION
GROWTH DIRECTORATE-GENERAL

Single Market for goods
Prevention of Technical Barriers

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