



Notification Number: 2007/658/F

Draft Decree on the methods of implementation of Chapter V of Title VI of Book V of the Monetary and Financial Code designed to combat prohibited lotteries, games and betting

Date received : 30/11/2007
End of Standstill : Closed
Issue of comments by : Commission, United Kingdom
Issue of detailed opinion by : Commission, Malta

Message

Message 002

Communication from the Commission - SG(2007) D/52828
Directive 98/34/EC
Translation of the message 001
Notification: 2007/0658/F

No abre el plazo - Nezahtajuje 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: 200702828.EN)

1. Structured Information Line

MSG 002 IND 2007 0658 F EN 29-02-2008 29-11-2007 F NOTIF 29-02-2008

2. Member State

F

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4. Notification Number

2007/0658/F - SERV60

5. Title

Draft Decree on the methods of implementation of Chapter V of Title VI of Book V of the Monetary and Financial Code designed to combat prohibited lotteries, games and betting

6. Products Concerned

Banking services (banking operations, payment instrument) gambling

7. Notification Under Another Act

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8. Main Content

The draft decree to which this notification relates is designed to state the provisions laid down by Article 36 of Law No 2007-297 of 5 March 2007 on crime prevention, which created the new Articles L. 565-1 to L. 565-5 in the Monetary and Financial Code. The law and the draft decree that implements it are designed to strengthen the fight against illegal gambling activities – which are of increasing importance on the Internet – by requiring banking establishments to put in place arrangements for blocking cash flow from people who, in breach of French criminal law, organise such activities on French soil.

By means of provisions that are to be codified in Articles R. 565-1 to R. 565-4 of the Monetary and Financial Code, the draft decree thus requires the Finance Minister and Minister for the Interior to draw up a list of persons who have been identified as organising prohibited gambling and betting on French soil and in connection with whom a ban on implementing orders for transfers of funds is declared. This provision will make it possible to prevent people who gamble illegally from collecting their winnings.

A derogation from this ban is, however, provided for when the banking establishments do not have enough information to identify the person who has actually issued the order for the transfer of funds. Moreover, the decree lays down the means by which the ministers will grant possible requests from organisers of illegal betting or gambling for the ban to be lifted in cases when said organisers demonstrate that a number of the transactions they initiate are carried out within the framework of operations not banned on French soil.

Key words: Prohibited games, betting and lotteries – banking establishments – blocking of transfers of funds from organisers of illegal games

9. Brief Statement of Grounds



The fight against the proliferation of illicit gambling activities, particularly on the Internet, is of ongoing concern to the French authorities. Such activities do in fact represent a considerable danger to public order (because of the risk of money laundering) and to the social order (because of the high risk of addiction). Together with the Law of 5 March 2007 on crime prevention, the draft decree is designed to introduce an autonomous provision into French law enabling the administrative authority to be more effective in obstructing such activities.

At present, the fight against prohibited gambling depends in large part on the judicial authority, since the administrative authority does not have effective means of participating in that fight. The new provision put in place will make it possible, via banking establishments on French soil, to block cash flow from natural or legal persons who infringe French law by organising games of chance for profit-making purposes.

10. Reference Documents - Basic Texts

The legal base of the decree to which this notification relates is Article 36 of Law No 2007-297 of 5 March 2007 on crime prevention.

11. Invocation of the Emergency Procedure

NO

12. Grounds for the Emergency

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13. Confidentiality

- a) NO
- b) -

14. Fiscal measures

- a) NO
- b) -

15. Impact assessment

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16. TBT and SPS aspects

TBT aspect (Agreement on Technical Barriers to Trade)

- a) NO
- b) -
- i) This draft is not a technical regulation or a conformity assessment procedure pursuant to Annex 1 to the TBT Agreement.

SPS aspect (Agreement on Sanitary and Phytosanitary Measures)

- a) NO
- b) -
- i) The draft is not a sanitary or phytosanitary measure pursuant to Annex A to the SPS Agreement.



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