



Notification Number: 2015/69/F

Decree amending Decree No 2010-509 of 18 May 2010 on the obligations imposed on approved operators of online gambling or betting to enable gaming data to be monitored by the online gambling regulator and Decree No 2010-518 of 19 May 2010 relating to the offer of online betting and gaming by accredited operators

Date received : 13/02/2015

End of Standstill : 18/05/2015

Issue of comments by : Commission

Message

Message 002

Communication from the Commission - TRIS/(2015) 00369

Directive 98/34/EC

Translation of the message 001

Notification: 2015/0069/F

No abre el plazo - Nezhajuje 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: 201500369.EN)

1. Structured Information Line

MSG 002 IND 2015 0069 F EN 13-02-2015 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
Bureau des recettes
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75572 Paris CEDEX 12

4. Notification Number

2015/0069/F - SERV

5. Title

Decree amending Decree No 2010-509 of 18 May 2010 on the obligations imposed on approved operators of online gambling or betting to enable gaming data to be monitored by the online gambling regulator and Decree No 2010-518 of 19 May 2010 relating to the offer of online betting and gaming by accredited operators

6. Products Concerned

Online gambling

7. Notification Under Another Act

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8. Main Content

It is proposed that the length of time that operators hold funds be extended to six years, and that players be informed within this time that they may collect the balance of their credit. Correspondingly, the length of time that data must be stored by approved operators, currently set at five years by Article 10 of Decree No 2010-509, would be extended to six years. Since personal data is involved, it is proposed that the current storage time following closure of a player account should also apply to data concerning the players and not only to the data declared by each player (which would exclude personal data generated by the operators). It is also proposed that data be stored relating to accounts on which there has been no gambling activity.

A number of changes to the right to rectify players' personal data are proposed, which would enable players, in the case of simple data entry errors, to rectify their date and place of birth and any other inaccuracies, and to access and rectify data pertaining to them.

It is also proposed that a requirement be created for the operator to advise players of any discrepancies between the information entered and the supporting documents submitted, due to a simple data entry error, and to enable rectification to be made by the player, or by the operator with the player's consent.

9. Brief Statement of Grounds

Article 3 of Decree No 2010-518 of 19 May 2010 relating to the offer of online betting and gaming by accredited operators provides that only a provisional player account may be opened until the operator has verified the documents required under Article 4. The holder of a provisional account cannot order even partial transfers of



credit balances to their payment account.

Article 8 of Decree No 2010-518 of 19 May 2010 requires accredited operators, when closing a provisional player account, to hold the credit balance for the player for a period of five years.

Furthermore, under Article 12 of the Decree, of the personal information relating to them, players may not amend their date and place of birth. This restriction of the right to rectify personal data, which seems to run contrary to Articles 39 and 40 of Law No 78-17 of 6 January 1978 on data processing, data files and individual liberties, makes it impossible to correct these two items of information if they were entered incorrectly when the player account was opened. It also contributes to an increase in the number of scenarios in which operators have to hold the balance of a closed provisional account due to the incorrect entry of a player's date and place of birth and the impossibility of rectifying this information.

10. Reference Documents - Basic Texts

Reference(s) to basic text(s): Law No 2010-476 of 12 May 2010 on the deregulation and control of the online gambling sector

The basic texts were forwarded with an earlier notification: 2010/167/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 not a technical provision or a conformity assessment procedure.

SPS aspect

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



EUROPEAN COMMISSION
GROWTH DIRECTORATE-GENERAL

Single Market for goods
Prevention of Technical Barriers

European Commission

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