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EUROPE, AN EXAMPLE IN THE REGULATION OF CASINOS. A STOP TO CLANDESTINE GAMING. ON-LINE GAMING LEGISLATION, A PENDING ISSUE



In general terms and from a legal perspective, the situation of Casinos in Europe is fairly acceptable, particularly in comparison with that of other continents. This sound health can be appreciated in many aspects: the opening of new and modern Casinos in the main cities, a high number of visitors, constant renewal of the slot machine and gaming table fleet, incorporation of the latest technological innovations, on-going increase in the entertainment offer for customers, promotions... Similarly, Europe is further ahead as regards the eradication of clandestine gaming. The number of unlawful Casinos, barring a few exceptions such as Russia and maybe a Baltic Republic, is negligible in the rest of Europe. Even in Russia, where no Gaming Law yet exists, the authorities seem to have taken the first steps towards a counter-attack, because everything seems to indicate that strict measures will be adopted in the regulations being drawn up. Any lawful economic activity, provided it is regulated, is far less likely to be misused than those that are unauthorised. Accordingly, progressive legalisation of Casinos in the various European countries was the first measure adopted to prevent the proliferation of clandestine halls. Clandestine gaming benefits the few who organise it, exclusively, and a small number of corrupt government officials, whereas lawful gaming benefits society as a whole. And quite the opposite occurs in Brazil, Mexico – with around 1,500 clandestine Casinos – and other African and Asian countries, where clandestine gaming never ceases to increase, generating millions of euros each year. In addition, another reason for the scant incidence of clandestine gaming in Europe is that, for many years, the development of this industry has been subject to the content of different national legislations, and this has contributed greatly towards its popularity. Similarly, the respective Administrations, with a modern and progressive mentality, have been aware of the significance of the

sector, which contributes to social well-being and job creation through tax. The idea of Casinos as another free-time option for the population is one of the main indicators of the “normality” with which gaming is, fortunately, carried out in Europe. Both the Administrations and national and European Casino establishments and associations were fully aware that they were the hardest-hit victims of the surge in unlawful gaming establishments. Hence, both parties have always shared the same interests and objectives in their approach to unlawful gaming. This European panorama is particularly encouraging if we compare it with the situation Latin America, for example, which has no bearing whatsoever on what occurs in Europe. In countries such as Ecuador, Dominican Republic, Mexico, Brazil or Bolivia, to give just a few examples, the authorities do not want, do not know or cannot fight against unlawful gaming, and this is why clandestine Casinos mushroom with absolutely no control. The black mark in Europe is that hardly any regulation exists for on-line gaming. With few exceptions, such as Finland or, more recently, Malta, there is no framework for the regulation of this growing market, either at national or at European Union level. This supranational institution has merely referred the matter to the respective national Administrations for them to draw up their own ruling. However, regulators in the European Union Member States must bear in mind that a very high number of their citizens are gaming in Cybercasinos located in the tax havens of Central America and the Caribbean and nothing has been done to prevent this. It is increasingly evident that regulation of this form of gaming must be undertaken. Accordingly, while we must acknowledge the exemplary work of the European authorities in the fight against clandestine gaming, at the same time we must wait until this situation is transferred to the competence of the European Commission for it to address the indispensable regulation of on-line Casinos as soon as possible.

