

# Preface

Exclusively available in English, the edited volume “Games of Chance EU/Austria” addresses current economic, social, and legal aspects of the gambling market and its participants. Although the title of this edited volume might refer to several previous publications, it is an entirely new and independent anthology except for the following three contributions: an updated and revised paper on European law (*Torsten Stein*), the updated deliberations on “Compliance in the Gambling Sector” by co-editors *Dietmar Hoscher* and *Markus Eder*, and an updated contribution on gambling addiction (*Quantschnig/Zingerle/Scholz*).

Any legal observations presented as part of this volume correspond to the legal situation in 2018/19. Even though all contributions were prepared in compliance with scientific standards, each of the authors represents and assumes responsibility for their own opinions and valuations. Nevertheless, this edited volume grew into a homogenous publication in line with the overall ambitions and objectives of the editors. The main goal of this publication has not changed since the very first collaboration in 1999: aside from the classic social, economic, and legal analysis of “games of chance”, the authors provide a transdisciplinary examination and discussion of the European dimension as well as individual examples from EU Member States.

In order to meet the challenges of the present, however, we cannot simply continue along beaten paths but also need to delve into and address new issues, such as the aspect of personal responsibility of license holders (*Dietmar Hoscher/Markus Eder*), the increasing value of corporate social responsibility as well as the paradigmatic stance of the European Commission towards the gambling sector (*Per Jaldung/Philip Easthill*), changing criminogenic activities (*Jörg Ennuschat/Johannes Güldner*), and various tax models in EU Member States (*Radim Boháč*). Moreover, new threats and regulations in the context of combating money laundering needed to be reviewed from both the European and German perspective (*Jörg Ennuschat/Johannes Güldner*). The present volume is complemented by contributions on law and economics (*Wolfgang Weigel*), gambling addiction (*Bettina Quantschnig/Helmut Zingerle/Herwig Scholz*), the specific threats of gambling and how they might be contained (*Andrew Harris/Mark Griffiths*), and online games of chance (*Gerhard Strejcek/Christoph Schlintner/Barbara Weiß*).

The following publication made it possible to bring together ten internationally renowned authors from Germany, Sweden, the UK, Austria, and the Czech Republic to offer a transdisciplinary perspective on many relevant aspects of the gambling and betting sector (status 2018/19). We hope that our book is able to offer scientifically substantiated information as well as inspiring food for thought to all readers, audiences, and stakeholders in the gambling sector.

The various topics and contents of the individual contributions can only be outlined in a nutshell: as already mentioned above, our edited volume starts off with an outstanding legal treatise by the long-time director of the Europa-Institut at Saarland University, *Torsten Stein*. His clear and understandable deliberations provide an excellent overview and foundation deserving utmost recognition and the status of a standard reference text. As one of the highest qualified experts on European law anywhere in the EU, Torsten Stein managed to further develop his characterisation of the “legal framework” and update his analysis of CJEU case law. Stein also identifies the reasons for the legitimate non-recognition of online licenses and takes a closer look at the practice of offshore licensing (certain states grant licenses only valid “abroad” for a small fee), which calls into question gambling policies justified by so-called overriding reasons in the public interest.

Stein further characterises the CJEU’s continued argument that a state needs to enforce systematic and coherent gambling policies that must not be undermined by disproportionate (excessive) sanctions or discriminatory regulations and measures at the legislative or executive level. The prevailing principle appears to be the notion that the state cannot impose regulatory “linking” between licenses for land-based and online activities in the gambling and betting sector. Legislation only moved forward in the last two years due to case law concerning Hungary *Unibet* (CJEU Judgment of 22 June 2017, EU:C:2017:491) and *Sporting Odds* (CJEU Judgment of 28 February 2018, EU:C:2018:130). The grounds for the decision published on 6 April 2018 (OJ C-3/17) clearly demonstrate that EU Member States may not establish an already issued land-based license (e.g., for a casino) as a mandatory requirement for an online license. Nevertheless, it is permissible under European law to limit the number of issued licenses even to just a single one, provided that the application procedure is generally free from discrimination and open to all applicants. In light of overall consistency, EU Member States – such as Austria – are thus well advised not to realise a questionable “liberalisation” to generate such budget benefits as one-off effects.

*Per Jaldung* and his co-author *Philip Easthill* examine the gambling market from a European perspective. They focus their attention to the decision of the European Commission in late 2017 to close or end all infringement procedures in the area of online gambling. Similar to *Torsten Stein*, the authors also emphasise that there does not have to and never will be an explicit practice of mutual recognition of licenses for the online gambling sector. The reason for this is the principle of sub-

siarity by which the European Commission should not and will not get involved in matters that have remained subject to Member State legislation and jurisdiction and where they are effectively able to fulfil their public interest objectives (health protection, combatting compulsive gambling, regulatory policies). The representatives of the Casino Association – which in turn represents the interests of land-based casinos – impressively illustrate the problems created by illegal online gambling companies with regard to the disruption of public policy objectives at Member State level on the one hand and protection objectives which the EU considers to be of fundamental importance in the gambling sector on the other. In Luxembourg, for example, 1,200 manipulated online terminals that had been converted into slot machines generated almost EUR 50 million.

*Dietmar Hoscher* and *Markus Eder* were in charge of revisiting the issue of compliance, which has become even more important in recent years. *Radim Boháč* of Charles University, Prague presents tax models in the Czech Republic both from a federal and European perspective. His contribution takes a closer look at the Czech reform of gambling regulations in two stages in 2016. *Boháč* not only addresses financial issues but also discusses key regulatory interests, such as combatting gambling addiction.

*Jörg Ennuschat* of the German Ruhr University Bochum and money laundering expert *Johannes Güldner*, who published his dissertation as a remarkable monograph on this topic, explain the implications of the German State Treaty on Games of Chance and as well as the revised and amended Money Laundering Act, discussing fields of application and related questions of criminal policy. The criminological reference text also addresses money laundering in the context of games of chance, which are recognised as problematic in German casinos exclusively licensed under the German Trade, Commerce and Industry Regulation Act. In his standard work “Kriminologie und Kriminalpolitik”<sup>23</sup> (2016), for example, *Hans-Dieter Schwind* dedicates a chapter to associated crime related to gambling. Considering *Swind*’s focus on slot machines and associated crime, the following contribution might inspire criminal investigation to take a closer look at the aspect of money laundering.

*Wolfgang Weigel*, who made a name for himself at the University of Vienna with publications on such issues as the economic analysis of law, outlines the basics of “law and economics” to examine the connection between his field of study and the sector of gambling and betting.

The psychologist *Mark Griffiths* at Nottingham Trent University is an internationally renowned expert with an impressive body of work on compulsive gambling. In cooperation with *Andrew Harris*, they write about the threats of slot machines and online gambling as well as potential strategies of minimising their negative effects (e.g., “messaging” and “limit setting”).

The second psychological contribution of this volume takes a similar direction: a dangerous phenomenon, and one that must be fought for social reasons, is so-called pathological or compulsive gambling which – as already depicted by Fyodor Dostoyevsky – may ruin a person's life. The article "Strategies for the Treatment of Pathological Gamblers" by psychotherapy experts (who focus inter alia on different forms of addictions) *Bettina Quantschnig*, *Helmut Zingerle*, and *Herwig Scholz* draw parallels to alcoholism and show exit strategies for those striving to free themselves from the clutches of addiction.

Taken as a whole, this edited volume offers discussions of highest quality and a wide range of current and highly exciting topics.

It is the hope of the editors and the editorial assistants (*Stephan Krenn*, *Christoph Schlintner*, *Teresa Schön*, *Hannah Stindl*, *Christian Tödting* and *Barbara Weiß*), that this volume will stir or reinforce the interests of its readers and is able to better explain the sensitivity and complexity of the various presented subject fields.

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