

**Cooperation Arrangement
between the gambling regulatory authorities of the EEA Member States
concerning online gambling services**

INTRODUCTION

The Council of the European Union, in its Conclusions of 2010 on the framework for gambling and betting in the EU Member States, recognises that Member States are confronted with different cross-border issues that require Member States to work more closely together. Cooperation between the Member States seems required to assess the scope, possibilities and mechanisms, in order:

- (a) to share information on gambling operators
- (b) to protect consumers, minors and ensure the integrity of game
- (c) to minimize, where possible, any unnecessary administrative burdens
- (d) to identify and share best practices in relation to for example player protection, technological tools for effective regulation and responsible gambling measures¹.

Notwithstanding divergent national regulatory frameworks, Member States share common public policy objectives.

Enhanced administrative cooperation amongst the gambling regulatory authorities of the Member States will contribute to address matters of common interest.

This Cooperation Arrangement (hereinafter referred to as the "Arrangement") is non-binding. It provides for the declarations of intent of the EEA Member States' competent gambling regulatory authorities (hereinafter referred to as the "Authorities") as designated by the Member States for open and constructive cooperation in the field of online gambling.

1. PURPOSE

- 1.1. This Arrangement is intended to facilitate administrative cooperation between the Authorities, within the limits of their respective margins of appreciation, competences and mandates, in accordance with their national laws and regulations

¹ "Conclusions on the framework for gambling and betting in the EU member states", 3057th Competitiveness Council, 10 December 2010

and with their commitments as set out in the gateways to administrative cooperation (hereinafter referred to as the "Gateways") in Appendix III.

- 1.2. This Arrangement contains the scope, procedure and practical arrangements for cooperation between the Authorities.
- 1.3. This Arrangement does not amend or supersede any law or regulation within the jurisdiction of the Authorities, nor does it affect other existing or future administrative cooperation arrangements between the Authorities.

2. SCOPE

- 2.1. Cooperation under this Arrangement covers the organisation of gambling, its supervision, enforcement and compliance with applicable laws and regulations within respective jurisdictions, including the protection of consumers and players, the prevention of money laundering and fraud, and the integrity of bets.
- 2.2. The Authorities undertake to share information with each other on a voluntary and proactive basis on matters of mutual interest such as market data, new games, results of studies and surveys, and international issues.
- 2.3. With a view to avoiding unnecessary administrative burdens, the Authorities endeavour to avoid sending a request for information where the information sought is available in the public domain or in the CIRCABC web-based library.

3. THE AUTHORITIES

The Authorities participating in this Arrangement are listed in Appendix I.

4. KEY TERMS

Within the framework of this Arrangement, the following key terms apply:

- 4.1. "cooperation" means the act of sharing information between the Authorities, upon request or on a voluntary basis, in accordance with applicable laws and regulations, within the limits of their respective competences, mandates and commitments as provided in the Gateways. "Information" may include assistance and exchange of good practices;
- 4.2. "gambling regulatory authorities" means the EEA Member States' competent authorities as designated by the Member States for the regulation and supervision of online gambling services listed in Appendix I;

- 4.3. "Gateways to administrative cooperation" means the framework for cooperation of each Authority in accordance with the national rules and regulations of the EEA Member States as set out in Appendix III;
- 4.4. "online gambling service" means any service which involves wagering a stake with monetary value in games of chance, including those with an element of skill, such as lotteries, casino games, poker games and betting transactions that are provided by any means at a distance, by electronic means or any other technology for facilitating communication, and at the individual request of a recipient of services;
- 4.5. "Requested Authorities" means the Authorities asked for cooperation pursuant to this arrangement;
- 4.6. "Requesting Authorities" means the Authorities asking for cooperation pursuant to this Arrangement.

5. CONFIDENTIALITY

Without prejudice to relevant national legislation and to information available in the public domain, the Authorities shall:

- 5.1. respect the confidentiality of the information shared under this Arrangement including:
 - the purpose and content of the request,
 - the information provided,
 - matters arising in the course of cooperation;
- 5.2. use the information only for the purpose for which it has been shared under this Arrangement;
- 5.3. consult and obtain the consent of the Requested Authorities in the event of a request by the public or by other competent authorities for access to information shared under this Arrangement.

6. PERSONAL DATA

When transferring personal data between each other, the Authorities will act in accordance with their respective data protection laws and frameworks. Directive 95/46/EC² with regard to processing of personal data as well as the national implementing measures apply to the processing of personal data in the framework of this Arrangement.

² Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23 November 1995)

7. COOPERATION REQUESTS

- 7.1. Uniform Cooperation Request forms are set out as examples in Appendix IV.
- 7.2. Requests for cooperation shall be assessed on a case-by-case basis by the Requested Authorities.
- 7.3. The Authorities shall:
 - submit requests for cooperation by electronic mail, unless otherwise accepted, specifying in a precise manner the purpose of the request,
 - where relevant, inform the data subject about the request for, and the processing of, information,
 - in the case of the Requested Authorities, send an acknowledgement of receipt of the request preferably within ten working days
- 7.4. The information exchange shall be in an official language of the European Union unless specified otherwise in the Gateways.
- 7.5. Where a request for information concerns proceedings related to one or more specific operators, the Requesting Authority shall clearly specify the manner in which the information may be processed and whether consent of the operators concerned has been obtained in accordance with the Gateways.

8. PROCEDURE

- 8.1. Requesting Authorities should inform the Requested Authorities when a request is withdrawn.
- 8.2. Requested Authorities should inform the Requesting Authorities where a reply will not be provided preferably giving the reason(s) in writing.
- 8.3. The Authorities undertake best efforts to provide a reply to a request for cooperation as soon as possible and preferably no later than twenty-five working days from the reception of the request.
- 8.4. Where, on the basis of the complexity, a reply requires a longer time to prepare the Requested Authority shall so inform the requesting Authority, if possible by indicating at the same time the date on which the reply can be expected.

9. INFORMATION PROCESSING

The Authorities undertake to ensure there are appropriate measures in place for the secure transmission and storage of the exchange of information, in particular in order to protect personal data.

10. FINAL PROVISIONS

- 10.1. Cooperation under this Arrangement will commence for each Authority on the date of signature.
- 10.2. The Authorities may review or revoke their participation in this Arrangement.
- 10.3. The Authorities and the European Commission may make this Arrangement and any subsequent review or revocation public.

Done at Brussels, on 27 November 2015