

Summary of the position paper on gambling supervision

by
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Guiding principle: The problems relating to gambling supervision could be eliminated if the execution of gambling supervision would be transferred to the existing media supervision.

Analysis of the current legal situation, including presentation and evaluation of the current draft reforms for a Second Modified State Treaty on Gambling, shows that none of the current draft reforms of the federal states adequately solve the problems associated with gambling supervision.

The federal states have developed an efficient and successfully functioning oversight structure with the media supervision. The German Interstate Broadcasting Treaty requires oversight that centralises the decisions which have to be taken on a national level and transfers execution in the federal state system to the individual state media authorities.

The federal state media authorities must implement the decisions taken by commissions which ensures that the German Interstate Broadcasting Treaty is applied consistently throughout Germany. Four commissions have been set up to fulfil the oversight tasks: the Commission for Approval and Supervision (ZAK), the Conference of Committee Chairs (GVK), the Commission on Concentration in the Media (KEK) and the Commission for Youth Media Protection (KJM). This supervision model can be further developed and supplemented by means of a Gambling Commission (GSK).

Supplementing the supervision model by means of a Gambling Commission

The Gambling Commission should be responsible for issuing the licenses. It should also be responsible for the supervision of online gambling, the advertisement of online gambling on the internet, television and telemedia (in any case) as well as the refusal of licenses for the reasons set out in the State Treaty. This oversight cannot be funded by means of the broadcasting fee. It is conceivable that financing be realised by means of levies on the industry or through subsidies from the national budget on the basis of budgets submitted by the state media authorities.

The advantage of this type of solution lies in the possibility of using existing structures which represents a convincing solution for both centralised decision-making and decentralised execution. It also eliminates the paralysing 'dualism of the supervisory authorities' in gambling advertisement. At the same time, a number of delimitation issues which exist in current gambling law could be clarified.

Self-regulation of the bettertainment* industry

Self-regulation of the bettertainment industry can contribute to effective addiction prevention and the protection of minors through the establishment of a non-profit organisation. Examples of this are the German voluntary self-regulation body for television (FSF) and the German voluntary self-regulation body for multimedia (FSM). The self-regulation body can also work constructively together with the Gambling Commission.

* Bettertainment includes sports betting, poker and casinos, and online lotteries. At the same time, it also stands for a 'convergence strategy' along the entire value creation chain combined with an overall economic benefit.