

Committee on Technical Barriers to Trade

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6.

1.	Member to Agreement notifying: <u>THE NETHERLANDS</u> If applicable, name of local government involved (Articles 3.2 and 7.2):
2.	Agency responsible: Agency or authority designated to handle comments regarding the notification shall be indicated if different from above: National Enquiry Point
3.	Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], other:
4.	Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Gambling machines, including games of chance and games of skill machines.
5.	Title, number of pages and language(s) of the notified document: Decree of, on Rules to Implement Title VA of the Betting and Gaming Act (Gambling Machines Decree 1999).
6.	<p>Description of content: Article 30m of the Betting and Gaming Act stipulates that gambling machines may not be manufactured in or imported into the Netherlands, unless they correspond to the model approved by the Minister for Economic Affairs. In accordance with article 30n, para. 1, of this Act, as recently amended, this model shall comply with the regulations with regard to the issues referred to in article 30n, para. 2. These regulations are to be laid down by or pursuant to an Order in Council. The draft Gambling Machines Decree 1999 imposes various requirements with the main aim of protecting the player. According to the Dutch government, this draft decree probably contains technical regulations within the meaning of the Agreement on Technical Barriers to Trade.</p> <p>By way of indication, the requirements regarding information to be displayed on gambling machines, as well as the requirements in terms of construction and operation of gambling machines included in articles 9 - 16 and 18 of the draft decree can be deemed to be technical regulations. The key provisions are: the obligation to guarantee the character of chance of the game at all times, a maximum outlay of NLG 0.25 per game, a minimum of three seconds of playing time, an average return percentage of no less than 60 per cent, an average hourly loss of maximum NLG 50 and a maximum price of NLG 50 per game (Articles 12 and 13 of the draft decree). In addition, the draft decree contains provisions regarding the amounts payable for permits of presence (Article 3), regarding morality and knowledge requirements on the part of those applying for permits, operating managers and administrators (Articles 4 and 5) and regarding the amounts payable for the operations permit (Article 6).</p>

The draft Gambling Machines Decree 1999 does not contain a clause of mutual recognition because, in the opinion of the Dutch government, the objectives of channelling gambling fever and combating fraud can only be achieved if gambling machines meet the requirements included in the decree.				
7.	Objective and rationale, including the nature of urgent problems where applicable: The decree applies to products of Dutch and foreign origin alike. These measures are justified from a social policy and fraud control point of view and to protect the interests of public health.			
8.	Relevant documents: - Betting and Gaming Act - Draft Gambling Machines Regulation 1999			
9.	<table> <tr> <td>Proposed date of adoption:</td><td rowspan="2">} 28 February 2000</td></tr> <tr> <td>Proposed date of entry into force:</td></tr> </table>	Proposed date of adoption:	} 28 February 2000	Proposed date of entry into force:
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10.	Final date for comments: 6 February 2000			
11.	Texts available from: National enquiry point [X] or address, e-mail and telefax number of the other body:			