

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>NETHERLANDS</u> If applicable, name of local government involved (Articles 3.2 and 7.2):
2.	Agency responsible: Ministry of Justice Agency or authority designated to handle comments regarding the notification can 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): Equipment used for pricing a game of chance, such as a lottery.
5.	Title, number of pages and language(s) of the notified document: Betting and Gaming Decree (Available in English)
6.	Description of content: Article 1 of the Betting and Gaming Act bans the organising of games of chance, unless a licence to that effect has been granted. Article 6 of the Act stipulates that by Order in Council, further rules may be laid down for stipulations which may underlie a licence for a game of chance. These rules have been laid down in this Betting and Gaming Decree. According to the Dutch government, this Decree probably includes technical regulations within the Agreement on Technical Barriers to Trade. An indicative summary of the technical regulations can be found below. Article 5, Paragraph 1 of the Betting and Gaming Decree stipulates that the pricing for a game of chance should be such that the character of chance is guaranteed. The third paragraph of Article 5 stipulates that if mechanical, electrical or electronic processes are involved in the pricing and if the sum of prizes and premiums is greater than one hundred thousand Guilders, the pricing method is subject to prior approval by an independent expert or inspection institute appointed by Our Minister. If equipment is used for pricing, such equipment shall be inspected prior to use in order to guarantee the character of chance. Inspection requirements are not specified. The type of equipment used is irrelevant, as long as the character of chance is guaranteed during the use thereof.

7.	Objective and rationale: Insofar as the Decree contains technical barriers to trade, these are justified to protect the players against fraud and abuse (law and order and consumer protection). Since the technical regulations do not restrict the trading of a product but restrict the use thereof, a clause of mutual recognition is deemed unnecessary. Indeed, the trading of equipment is not subject to requirements but only at the time when the equipment is used for pricing is it examined whether the character of chance of such pricing is guaranteed.
8.	Relevant documents: The following documents are important for evaluating this draft: <ul style="list-style-type: none">- Articles 1-6 of the Betting and Gaming Act; and- the explanatory note to the original Betting and Gaming Decree.
9.	Proposed date of adoption: 1 November 1997 Proposed date of entry into force: 2 November 1997
10.	Final date for comments: 31 October 1997 The Netherlands will proceed to implement the proposed measure after 45 days if no comments or requests for extension of the time limit have been received from other Members within that time.
11.	Texts available from: National enquiry point [X] or address and telefax number of other body: