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Commissioners  
EUROPEAN COMMISSION  
RUE DE LA LOI, 200  
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Brussels, 20<sup>th</sup> March 2013

Ref: EPMA asks for coherence and clear answers to European Commissioners

Dear Commissioner,

European Tote operators representing 50% of the European Horse betting market, currently feel excluded from the debate on online gambling and call on European Commissioners with responsibilities for betting, horses and sport, to be forthcoming with a coherent set of responses to properly regulate the market at national and EU level.

While the Green Paper of March 2011 concerning online gambling rose all the delicate and important issues in the sector, the November 2012 Action Plan did not cover all of them in its 2-year programme. While this programme does not constitute overarching regulation of the sector at European level, the EU Commission is calling on Member States to update their legislation, either because recent legal reform does not meet with European Union treaty principles, or because older legislation does not take the sector in its modernity into consideration and leaves a legal vacuum concerning online gambling.

The national decision makers however still have little orientation nor frame of reference than they did 6 years ago when the first infringement proceedings were launched. While the Action Plan calls on the Member States to establish common goals through administrative cooperation, the Commission, in parallel, is calling on Governments to justify their gambling policies according to the overriding European principles of freedom of establishment and freedom to provide services. This step lacks coherence, all the more so because each national policy is framed with a view to meeting a domestic goal which can take different forms and because the Commission cannot appreciate - without having to make comparisons (something the Member States do not want because of the large cultural differences) or without having to refer to the evolution of a commercial sector...which is not a sector like any other.

To date the European Commission has not been forthcoming with answers to questions on responsible marketing, on preserving the integrity of sport, on financing good approaches, and on support to the horse and sport sectors essential to national economic policy. Moreover, in the current context it is

extremely difficult for sporting and horseracing authorities to control and monitor betting on sport events and it is also sensitive for sport and horseracing to collect a percentage of the betting turnover on these events.

However, at European level, in the area of online gambling and sport, European law still needs to establish the rules and the Commission, as it has done previously in other sectors, needs to be innovative and forward-looking.

For more than 5 years the Tote operators have been engaging in the political debate by highlighting studies on this betting model and the sector's interest which they support, without, however, having had answers on the long-term management of their model.

For the past 5 years, more than € 7 billion in total have returned from Tote operators to horseracing and equestrian sport as well as equine research and rural activities, such important sum has the advantage of not been subtracted from a State budget and not linked to advertising or sponsorship which has the characteristic to be reduced and based on short term period. The sum is 7 times bigger than the sponsorship signed by betting operators with sport structures.

**Tote operators expect clear and viable answers:**

- **How can we continue supporting the horseracing sector and equestrian sport apart from sponsorship rules which do not tally with the long-term needs?**
- **How can we establish a legal link between the organisers of sporting events and betting operators so that there can be a consistent exchange of data and regular controls?**
- **Apart from this sort of legal link, have the option to allow the sport authorities to prohibit and/or limit betting on certain competitions or on certain results,**
- **Work on a revision of database protection rules to adapt it to the needs of the sport sector.**

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