

Preface

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PREFACE

Cyrille Fijnaut

This book is the final result of a colloquium on the European and national perspectives of the regulation of gambling that took place on 23 November 2005 at the Faculty of Law, Tilburg University, the Netherlands. This colloquium in its turn is part of a research programme that has been financed since 2004 by the Dutch State Lottery on the regulatory aspects of gambling in Europe. The offer of this company, one of the oldest in the Netherlands, to build up such a research programme did not come out of the blue. At the end of the 1980s I became heavily interested in this issue in the framework of my research on organised crime, particularly concerning the ways in which this form of serious crime can be controlled. One of the examples of how this could be done is by regulating the markets concerned. Already at that time the gambling market was one such example.

It nearly goes without saying that the great book of J. Skolnick, *House of Cards The Legalization and Control of Casino Gambling* (Little Brown & Co, Boston, 1978), on the regulation of gambling in Nevada was a big eye-opener in this context. In the early 1990s, I became convinced of the relevance and importance of this example of regulating a vice market. This followed my stay at the hotel casino 'The Nugget' in Reno, where I spent sometime with, amongst others, the famous American sociologist Gary Marx, who was also very interested in issues of social control. Subsequently I established a research group at the Law School of the Erasmus University Rotterdam to study the supply and demand sides of gambling and the regulating role of the state. This project generated the book: A. Van 't Veer, H. Moerland and C. Fijnaut, *Gokken in drievoud. Facetten van deelname, aanbod en regulering – Gambling in threefold. Facets of participation, supply and regulation* (Arnhem, Gouda Quint, 1993).

On the basis of this experience I was quite happy to catch up again the topic of regulation of gambling ten years later, in particular why it had become again – like in the early 1990s when the European Commission considered whether gambling should be regulated at the Community level and published the still interesting report *Gambling in the Single Market* – an important European issue. This also explains the set up of the ongoing research programme. One part of it is related to the European legal issues in connection with the regulation of gambling and

is the domain of Alan Littler. The second part concerns the economic side of the regulation debate in Europe and is dealt with by Tom Coryn. Last but not least, the third part covers the problem of illegal gambling and is dealt with by Toine Spapens. Apart from myself, Pierre Larouche and Eric van Damme, colleagues from the Faculty of Law and Faculty of Economics respectively and the directors of the Tilburg Law and Economics Center (TILEC) are also heavily involved in the management of the programme. We do not deal with problem gambling and gambling addiction, but concentrate entirely on the regulatory issues.

Part of the programme is an annual colloquium on some aspects of the regulation of gambling. The 2005 colloquium was the first conference we have organized on this topic. It focused upon the European and national perspectives of the regulation of gambling. Currently the regulation of gambling falls into the hands of national authorities in the European Community, yet whether this will remain the status quo is unclear. Case-law from the European Court of Justice arising out of preliminary references concerning the freedom to provide services shows that the Member States are not completely free in this field.

Although the European Parliament recently opposed the view of the European Commission that gambling services should be included in the Services Directive, one might well expect that this will not be the end of the story. One of the reasons for this is of course that numerous lobbying organizations representing the opposite ends of the spectrum are also highly active in this field at the European level. Discussions as to the appropriate role of the European Union also take place within Member States, with different sectors and operators offering different views. Furthermore, the national authorities of Member States take divergent approaches when compared to each other.

For these reasons the colloquium brought together the European debate with the European Commission, representatives of private operators and state lottery operators, and legal experts representing four Member States, to discuss the current situation and possible future developments. The morning session was devoted to the European perspectives, while the afternoon session covered the perspectives of the Member States.

Finally I would like to thank Ms Marjolijn Verhoeven of the Faculty of Law for the wonderful support she gave us with regard to the organisation of this colloquium and Ms Lindy Melman of Brill Publishers for her great interest in the publication of this book. It goes without saying that we are in particular very grateful towards the participants of the colloquium from so many European countries: Belgium, Czech Republic, Denmark, Finland Germany, Latvia, the United Kingdom and of course the Netherlands. They made this colloquium what it was: a European dialogue on one of the important and interesting issues of our time in the European Union.