

# Greece: RGA calls for Commissioner Barnier to Act

- \* Greece on the verge of approving award of online gambling monopoly to OPAP which is incompatible with EU law
- \* Commission issued Reasoned Opinion over 5 years ago where the Commission stated that Greece had not provided evidence to justify the offline monopoly of OPAP as required under EU law
- \* No such evidence has since been forthcoming – Greece has now also failed to provide evidence to justify the award of an online monopoly to OPAP
- \* Greece has breached its obligation under EU law to carry out transparent and fair tender procedures in awarding the online monopoly to OPAP
- \* OPAP monopolies (both online and offline) are in breach of EU law and serious risk of damages actions being brought

The Remote Gambling Association has written to the European Commissioner to demand that he acts to prevent anti-competitive reforms to Greek gambling law. The opening of the Greek online gambling market is under threat from amendments which will result in OPAP being gifted an illegal online monopoly against European Union law.

In 2008, the Commission sent a Reasoned Opinion to Greece setting out its view that OPAP's offline gambling monopoly is not compatible with EU law. Furthermore, the European Court of Justice stated in the recent Stanleybet ruling that Greece had not provided any evidence to justify the existence of OPAP's offline monopoly.

OPAP's promotion of its gambling products has become even more aggressive. It has launched new products (such as greyhound betting in March 2011) and has intensified the advertising of its gambling products by increasing the amount of advertising it does in relation to Greek sports. OPAP is now one of the

leading advertisers, if not the leading advertiser, in Greece.

Five years have passed since the Commission issued that Reasoned Opinion, but Greece has made no changes to its gambling laws to address those concerns. In fact, far from making their laws compliant, they are in the process of making them even less compliant by proposing to make a law to extend OPAP's monopoly to cover online gambling as well.

In doing so they are ignoring the EU requirement for such concessions to be awarded in a transparent manner. Consequently two RGA members have already applied for the Greek online gambling monopoly. Should they not obtain a satisfactory response, they will be in position to bring proceedings before the Greek Council of State about the legality of OPAP's monopoly and claim for damages that can run to millions of euros.

In these circumstances, the RGA believes it has no alternative other than to call directly on Commissioner Barnier to directly intervene by commencing infringement proceedings if the Greek Parliament passes the amendments to its gambling law which were recently notified to the European Commission and subject to a Detailed Opinion. By its actions Greece has demonstrated over a five year period a disregard for the views of the Commission and EU Internal Market rules and it is wrong to allow that situation to continue indefinitely.

Clive Hawkswood, Chief Executive of the RGA said: \_"The RGA understands that Greece is currently under considerable pressure because it has to address the obligations set by its creditors for the financing of its public sector and debts. We also appreciate that because of that, the Commission might be minded to give Greece greater leeway than usual.\_

\_However, after five years there must surely be a limit to how far Greece can unjustifiably be allowed to stretch the rules. Greece needs stability and legal certainty.\_

\_We are therefore urging Commissioner Barnier to make it clear to the Greek authorities that he will not hesitate to bring early infringement proceedings against Greece if it does not fulfil its obligations and, even worse, if it creates new breaches of EU law by awarding an online sports betting monopoly to OPAP instead of creating an EU compliant gambling regime”\_.