

Staatliche Lotterieverwaltung - Postfach 20 19 53 - 80019 München

Schleswig-Holsteiner Landtag
Innen- und Rechtsausschuss
Der Vorsitzende
Herrn Thomas Rother
Landeshaus

Deutscher Lotto- und
Totoblock (DLTB)

Federführende Gesellschaft:
Staatliche Lotterieverwaltung

Düsternbrooker Weg 70
24105 Kiel

Schleswig-Holsteinischer Landtag
Umdruck 17/2410

Datum: 05.05.2011

**Entwurf eines Gesetzes zur Neuordnung des Glücksspiels
(Glücksspielgesetz)
Mündliche Anhörung am 04.05.2011**

Sehr geehrter Herr Vorsitzender, sehr geehrter Herr Rother,

zunächst danke ich Ihnen nochmals für die Gelegenheit zur
Stellungnahme als Federführer des Deutschen Lotto- und
Totoblocks in der Anhörung zum oben genannten Gesetzentwurf.

Bei der gestrigen Anhörung waren einige Fragen offen geblieben,
die ich hiermit beantworten möchte.

Der EuGH hat in verschiedenen Entscheidungen ausdrücklich
festgestellt, dass die einem privaten Anbieter in seinem Sitzland
erteilte Erlaubnis in einem anderen Mitgliedsstaat nicht anerkannt
werden muss. Vielmehr billigt der EuGH dem einzelnen
Mitgliedsstaat ausdrücklich die Möglichkeit zu, die Marktpresenz
des im Ausland konzessionierten Glücksspielanbieters auf dem
eigenen Glücksspielmarkt von einer durch eine inländische
Behörde erteilten Erlaubnis abhängig zu machen. (EuGH,
Carmen Media, C-46/08, Rn. 44 ff.; EuGH, Liga Portuguesa de
Futebol Profissional und Bwin International, C-42/07, Rn. 68 f.)

Im Deutschen Lotto- und Totoblock zusammengeschlossene Unternehmen: Staatliche Toto-Lotto GmbH Baden-
Württemberg, Staatliche Lotterieverwaltung Bayern, Deutsche Klassenlotterie Berlin, Land Brandenburg Lotto
GmbH, Bremer Toto und Lotto GmbH, LOTTO Hamburg GmbH, Lotterie-Treuhandgesellschaft mbH Hessen,
Verwaltungsgesellschaft Lotto und Toto in Mecklenburg-Vorpommern mbH, Toto-Lotto Niedersachsen GmbH,
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Außerdem wurde nach Belegen für die Zahlen zu Großbritannien und Frankreich gefragt. Meine Aussagen zu der Umsatz- und Steuerentwicklung in Großbritannien beruhen auf Zahlen der HM Revenue & Customs, der Steuerbehörde in Großbritannien, die wir im beigefügten Schaubild zusammengefasst haben. Die Angaben zur dortigen Entwicklung beim problematischen Spielverhalten haben wir der British Gambling Prevalence Study und den beiliegenden Presseartikeln entnommen. Die Informationen zur Entwicklung in Frankreich stammen aus dem beigefügten Presseartikel und dem ebenfalls beiliegenden Interview mit Stéphane Courbit, dem Hauptaktionär von BetClic.

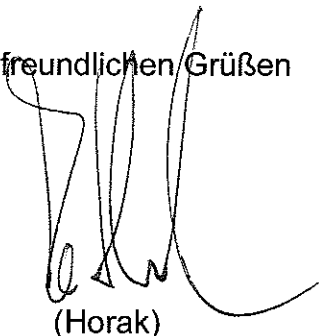
Die NordwestLotto Schleswig-Holstein GmbH & Co. KG hat mir zugesagt, Ihnen noch eine Ausarbeitung zur rechtlichen Bewertung der länderübergreifenden Spielteilnahme bei unterschiedlichen Gesetzeslagen zu schicken.

Zur noch offenen Frage der vertraulichen Bereitstellung des Blockvertrages der deutschen Lotto- und Totounternehmen in seiner neuesten Fassung beziehe ich mich auf das Gespräch mit Ihrer Mitarbeiterin, Frau Schönfelder. Ich hatte dabei eine Übersendung zeitnah nach der nächsten Sitzung der Geschäftsführer, die am 30. und 31. Mai stattfindet, in Aussicht gestellt. Mir wurde zu dieser Thematik noch ein Schreiben von Ihnen zugesichert.

Vorab zu Ihrer Kenntnis ein Schreiben der NordwestLotto Schleswig-Holstein GmbH & Co. KG an die FDP-Fraktion, aus der Sie schon einmal den Text der vorwiegend in Frage stehenden Präambel entnehmen können.

Falls sich weitere Fragen ergeben sollten, stehe ich Ihnen jederzeit gerne zur Verfügung.

Mit freundlichen Grüßen

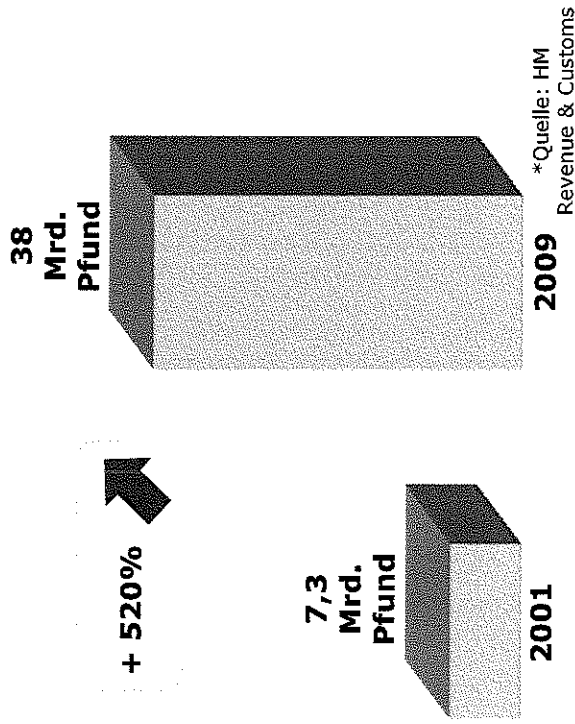
A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end. Below the signature, the name "(Horak)" is printed in parentheses.

Anlagen

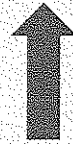
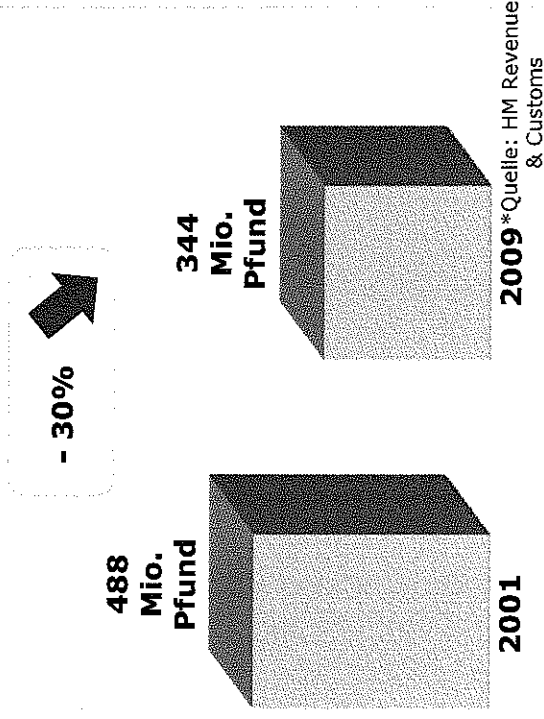
Wetten in Großbritannien: Trotz massiver Ausweitung weniger Steuern

- Bis **2001** besteuerte Großbritannien Wetten mit **6,75% auf den Umsatz**.
- Um mit Steueroasen wie Gibraltar oder Malta konkurrieren zu können, wurde eine **Wettsteuerreform** durchgeführt.
- Seit **2002** gilt ein Steuersatz von etwa **1% auf den Umsatz** (formal 15% auf den Rohertrag = Einsätze abzgl. Gewinnauszahlungen).

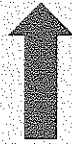
Entwicklung Wettumsätze 2001-2009*



Entwicklung Steuern 2001-2009*



Die Wettsteuerreform führte in Großbritannien zu einer massiven Ausweitung der Wettaktivitäten, zu einer Verfünffachung des Umsatzes und zu einem Rückgang der Steuern um 30%.



Ähnliche Erfahrungen macht man gerade in Frankreich, wo die kommerziellen Anbieter nach Einführung des Konzessionsmodells auf weitere Steuersenkungen drängen.

UK Government Demands Action On Problem Gambling Rise

16 Feb, 2011 / GamblingCompliance / Daniel Macadam

The UK's gambling minister yesterday slammed the country's responsible gambling policy, calling it a "mess", which needs to be dealt with "urgently", after the latest Gambling Prevalence Study showed a small but measurable rise in problem gambling.

John Penrose, the coalition government minister in charge of gambling, pinned the blame squarely on the previous Labour administration and their "reckless" 2005 Gambling Act, which, he said, adopted a more liberal approach to gambling without providing proper safeguards.

The comments come ahead of a series of much anticipated government announcements on remote gambling and other gambling- related areas due later this month.

Before the day was out, though, Penrose's comments had also provoked a backlash from industry figures, who accused the government of political point- scoring and of overplaying the findings in the latest British Gambling Prevalence Study.

The nationwide study, published yesterday, showed that 73 percent of the UK population, or 35.5 million adults, gambled in the UK in the past year, up from 68 percent recorded in the prior study in 2007.

The 188- page report, which gives the first snapshot of gambling in the UK since the Gambling Act came into effect in 2007, also showed that under certain measures problem gambling increased from 0.6 percent to 0.9 percent, or 451,000 adults, over the same period.

"The increase in problem gambling is a direct result of Labour's reckless Gambling Act," Penrose said in a statement released by the Conservative party.

"The Labour government liberalised gambling laws but failed to implement the safeguards needed to protect the public and as a result the number of problem gamblers has risen to almost half a million.

"We are looking into this urgently and will announce shortly measures to tackle it. Once again the coalition government has been left to clear up the mess left by Labour."

Penrose has so far been quiet on gambling issues, but the suggestion yesterday from the government was that the Prevalence Study's findings have put gambling towards the top of its to- do list.

A separate statement from the Department for Culture, Media and Sport, where Penrose is a minister, said: "We are extremely concerned that the number of problem gamblers has risen.

"Fundamentally, though, we still do not know enough about the causes of problem gambling and we must make research in this area a top priority."

Clive Hawkswood, chief executive of the Remote Gambling Association, warned last year against simplifying the prevalence study's findings and was quick to criticise the gambling minister yesterday for using it to attack Labour.

"Frankly I think it's irresponsible. We hoped for more than that. The DCMS statement is slightly more measured, but the comments from Penrose playing up the threat of gambling were very aggressive," Hawkswood told GamblingCompliance.

The findings in the report are complicated, Hawkswood said, and the 0.9 percent problem gambling rate should be approached with caution.

The study uses two different measures for problem gambling, and while one of them sees an increase to 0.9 percent from 0.6 percent in 2007, the other has it flatter at 0.7 percent.

"People can take the upper figure and run with it if they want to because that is a sexier figure, but it's more complicated than that," Hawkswood said.

"[The 0.9 percent] is not a figure that should send people running for the hills," he added.

The bodies behind the report, the UK's Gambling Commission and the National Centre for Social Research,

yesterday said that the 0.6 to 0.9 percent increase was "statistically significant", but stressed that the study did not look at what led to the rise.

Still, Brian Pomeroy, chairman of the Gambling Commission, told GamblingCompliance: "Obviously there has been a very large scale change in the whole gambling scene over the last few years, with the 2005 Act, reducing restrictions on advertising and the government of the day designing a regime to make it possible for people to gamble as a leisure activity subject to safeguards."

Since the 2007 results, which were designed as a baseline for these later findings, more people are gambling in the UK and on more forms of gambling.

The National Lottery continued to be the most popular gambling activity, with 59 percent of adults buying tickets in 2010 - a slight rise on the 57 percent recorded in 2007 but lower than the 1999 level of 65 percent.

There was a significant increase outside of the National Lottery, though, as the percentage of UK adults participating in some other form of gambling surged to 56 percent from 46 percent and 48 percent in 1999 and 2007 respectively.

Measuring which forms of gambling are most dangerous is difficult, according to the report's authors, because problem gamblers tend to take part in multiple forms of gambling.

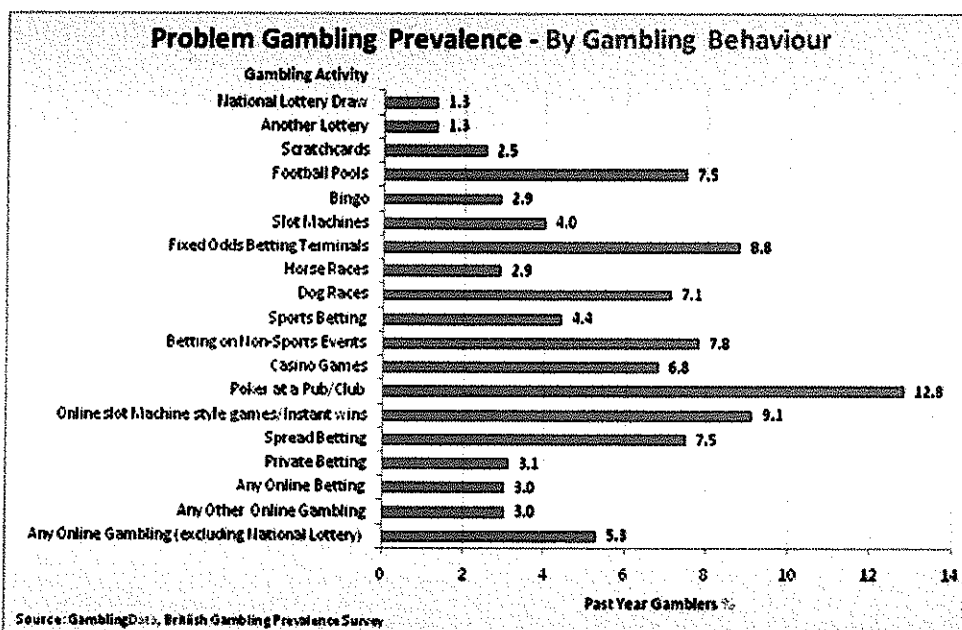
The study still breaks out which games have the highest problem gambling prevalence, with those playing poker in pubs and clubs the highest and National Lottery players the lowest.

In the 2007 results spread betting and fixed odds betting terminals (FOBTs) were particular flashpoints, but both saw lower rates of problem gambling prevalence this time round.

Despite the overall increase in gambling prevalence, Britain remains mid-table compared to other countries which carry out national prevalence studies.

The new problem gambling figures put Great Britain on a level with Germany and Norway, albeit before they both brought in tighter gambling legislation in 2007 and 2008 respectively.

But Britain is still behind countries such as Hong Kong, Singapore and the United States.



To view GamblingCompliance's video package on the British Gambling Prevalence Study 2010 click [here](#).



News

CRACKDOWN ON FOREIGN INTERNET GAMBLING OPERATORS

BY JAMES CHAPMAN POLITICAL EDITOR

457 Wörter

14 Januar 2011

Daily Mail

DAIM

04

Englisch

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A DRAMATIC crackdown on online gambling firms could result in hundreds of foreign operators being forced out of Britain.

Culture Secretary Jeremy Hunt is planning to stop companies based overseas from advertising in this country amid mounting concern that millions are becoming addicted to gambling.

He is also considering a ban on the use of credit cards for internet gaming to stop people risking money they do not have, the Daily Mail has learned.

The moves would drive hundreds of foreign firms out of this country, officials believe. They would involve tearing up large parts of Labour's controversial 2005 **Gambling Act**, which is blamed by critics for a dramatic deregulation of the industry.

A senior government source said: 'Ministers are concerned about the explosion of internet gambling advertising since Labour relaxed the gambling laws. Changes the Government want to make would help protect the public from gambling companies that don't meet UK standards but have been allowed to profit from Labour's lax approach to internet gambling.'

Experts say around a million children are addicted to gambling and Labour's lenient gaming laws are largely to blame. They warn that vulnerable children have become hooked after casinos, bookmakers and betting websites were allowed to advertise on TV.

Under the **Gambling Act**, any company that holds a licence for online gaming in the UK must carry out stringent checks to prevent children playing highly addictive games. But only operators who locate their key equipment in Britain are required to be licensed by the Gambling Commission.

And a loophole in the law means that countries across Europe – and others in a so-called 'white list' – can advertise their services in the UK without being subject to strict regulations. They include Alderney, the Isle of Man, Antigua and the Australian state of Tasmania.

UK consumers spent £2.5billion on internet or telephone gambling, and operators licensed by the Gambling Commission represented less than a quarter of this. 'This means that UK consumers aren't being as well protected as they could be,' said the government source.

Italy and France have recently moved to license and tax firms in their own countries rather than overseas, and others, including Spain and Greece, look likely to follow suit. 'We are the only country to permit overseas operators to advertise whilst relying on an overseas licence on issues of playing protection,' the source added.

Mr Hunt is considering overhauling the law so that all online and telephone gambling is regulated here. All those offering services in the UK market would have to hold a Gambling Commission licence and subject themselves to the provisions of the law.

Loophole in the law

Dokument DAIM000020110114e71e0001f

Online Sports Betting Flops In France

12 Apr, 2011 / GamblingCompliance / William Chambers



Official figures released yesterday by French gaming regulator ARJEL confirmed a continued slump in online sports betting since the start of 2011, while horseracing giant PMU announced results that were boosted by growth at its internet betting business.

In figures covering the first three months of 2011, ARJEL confirmed yesterday that the poor performance in online sports betting during the first two months of the year actually grew worse in March.

The figures showed that turnover from online sports betting dropped 26.5 percent between the first quarter of 2011 and the last quarter of 2010, falling to €147m.

Online poker turnover also fell sequentially, albeit only slightly, down to €1.921bn in the period from January 1 to March 31 from €1.923bn in the final quarter of 2010.

The only product area which registered growth was online pari- mutuel horseracing - where PMU has a nearly 80 percent share of the market.

According to ARJEL's figures confirmed yesterday, the amounts staked on racing in the first quarter of 2011 crept upwards slightly to €241m, from €240m in the final three months of 2010.

ARJEL said that in the first quarter there were 1.3m active accounts on the dot.fr websites which are licensed to take bets from French players. 3.5m accounts have been opened since the liberalisation of the French market last summer.

More than half of sports bets were on football, while live betting represents 49 percent of amounts staked, according to the regulator.

According to the figures from the French watchdog, 61 percent of French customers who bet on sports stake less than €100 per quarter. This compared to 46 percent of poker players and 46 percent of those on horseracing.

The latest numbers also show that the top one percent of players generated over 51 percent of revenues for poker and sports betting, while the top 10 percent account for 76 percent of revenues.

The underwhelming performance of the French online sports betting market so far this year comes against a backdrop of concern over high tax rates that are set against operators' turnover.

Many private online gambling companies say the French tax rates are stifling the market and they insist France now represents a poor example for other European countries also considering regulation such as Spain, Greece and Germany.

Last month, operators were left disappointed when France's finance minister ruled out any quick change of tax rates for online operators before next year's French presidential elections.

Instead, a special parliamentary committee has proposed cutting regulatory red tape for operators in an effort to ease their compliance costs.

There has also been some criticism levelled at the position of former racing monopolist Pari- Mutuel Urbain, whose control of France's terrestrial betting market has raised some concern among French competition watchdogs.

PMU – which offers online poker and betting in addition to its extensive network of retail betting outlets – yesterday said its turnover in the first three months of 2011 was up 8.3 percent year- on- year to €2.58bn. Gross gaming and betting revenue has increased 3.8 percent to €628.5m, PMU said.

PMU also reported turnover for the full year of 2010 yesterday. The group said its 2010 turnover rose 2.6 percent year- on- year to €9.54bn as net profit was up 8 percent on 2009 to €791m last year.

For the first quarter of 2011, PMU said it saw a rise in turnover on horse race wagers of 3.8 percent year- on-year to €2.47bn.

Leading this growth was PMU's online betting site which saw turnover up 56.8 percent to €318m in the first quarter.

PMU said yesterday that it expects total stakes on its offerings in 2011 to reach €10bn, of which it expects €1.2bn to come through the internet.

In an interview yesterday with French newspaper *Le Figaro*, ARJEL boss Jean- Francois Vilotte said the fall in online betting turnover in the first quarter of 2011 could be put down to the lack of major sporting events during the period. The figures do not mean the sector is in crisis, he said.

Vilotte added that ARJEL was monitoring the situation to ensure that the drop was not due to punters turning to unregulated sites that operate without a French licence.

See past ARJEL figures from the French market on [GamblingData here](#).

«La loi sur les jeux en ligne favorise la fraude»



Par Mathilde Visseyrias, Ivan Letessier

28/11/2010 | Mise à jour : 20:57 Réactions (12)

Stéphane Courbit, le 24 novembre dans son bureau, à Paris. Crédits photo : Hughes Légli-Bataille/Hughes Légli-Bataille

INTERVIEW - Stéphane Courbit, président du conseil d'administration et actionnaire à 50 % de BetClic Everest Group, réclame un assouplissement de la législation.

Propriétaire de Lov Group, actionnaire à 50 % de BetClic Everest Group aux côtés de la Société des bains de mer, Stéphane Courbit - ancien patron d'Endemol - déplore les conditions de l'ouverture du marché des jeux d'argent sur Internet en France. Depuis le 8 juin, date de cette ouverture, l'Autorité de régulation des jeux en ligne (Arjel) a accordé 46 agréments à 33 opérateurs. Les joueurs français ont la possibilité de parier dans 30 disciplines sportives, même s'ils privilégient de loin le foot. Mi-novembre, selon l'Arjel, le montant des mises avait atteint 363 millions d'euros pour les paris sportifs et 329 millions d'euros pour les paris hippiques.

LE FIGARO. - Quel bilan tirez-vous de la libéralisation des jeux d'argent sur Internet ?

Stéphane COURBIT. - En France, où nous opérons déjà en respectant la législation européenne, notre produit brut des jeux pour les paris sportifs a été multiplié par deux entre le second semestre

2010 et la même période de 2009. Mais alors que BetClic Everest Group sera à l'équilibre cette année, avec un produit brut des jeux de 360 millions d'euros, son activité de paris sportifs sur le territoire français, bénéficiaire l'an passé, va perdre 25 millions d'euros ! Le président de la République et le gouvernement ont été courageux en décidant d'ouvrir ce marché. Mais la loi française est absurde dans son exécution. C'est la pire d'Europe. Elle ne nous permet pas d'exister : nous sommes trop taxés, le périmètre des jeux autorisés est trop limité et le taux de retour aux joueurs, plafonné, est trop bas. La loi pousse les opérateurs à ne pas prendre de licence en France, s'ils ne veulent pas être structurellement déficitaires.

Vous connaissiez pourtant les nouvelles règles en demandant une licence !

Ce qui se passe est une demi-surprise. Le démarrage a été très bon. Pendant la Coupe du monde de football en juin-juillet, nous recrutions plus de 10 000 joueurs par jour. C'était bien plus que nos prévisions. Mais la courbe s'est totalement infléchie en août, et il n'y a pas eu de reprise en septembre. Le problème vient du plafonnement du taux de retour aux joueurs imposé par la loi française. Aujourd'hui, nous ne pouvons pas redistribuer plus de 85 % des sommes mises aux gagnants. Partout en Europe, mais également en France si vous n'avez pas pris de licence, vous redistribuez 96 %. Nous n'avions pas imaginé à quel point la déception serait grande pour les joueurs français, qui savent qu'à l'étranger, et sur les sites aujourd'hui illégaux, les taux de distribution sont nettement plus élevés.

La loi a tout de même l'avantage de dissuader les sites illégaux d'opérer en France...

La loi française favorise au contraire la fraude ! Les joueurs savent qu'ils ont intérêt à aller jouer sur les sites qui n'ont pas de licence et ils ne s'en privent pas. L'Autorité de régulation des jeux en ligne a annoncé que la loi a permis de réduire de deux tiers le nombre de joueurs allant sur des sites illégaux. Notre analyse est que les sites autorisés en France ne représentent pas plus de 30 % du marché en valeur des jeux d'argent sur Internet. L'Arjel fait ce qu'elle peut, mais avec une vingtaine de personnes en charge du contrôle, c'est impossible de stopper les sites illégaux. À titre de comparaison, la Chine annonce avoir fermé 2 500 sites de jeux illégaux les quatre derniers mois. Mais 40 000 salariés chinois contrôlent en permanence Internet. La meilleure preuve que le marché illégal perdure, c'est que certaines sociétés cotées, qui ne respectent pas la législation française mais proposent des paris en -ligne, ont affiché publiquement de très bons profits au troisième trimestre.

Vous sentez-vous désavantagé par rapport à La Française des jeux et au PMU ?

Aujourd'hui, ils bénéficient d'avantages indéniables. Soit la loi évolue vers plus d'équité, soit nous devons nous poser la question d'aller remettre en cause le monopole de la FDJ sur les jeux de tirage et de grattage et celui du PMU sur les paris hippiques hors Internet.

Qu'attendez-vous du gouvernement ?

Nous voulons faire prendre conscience aux parlementaires que nous ne pouvons attendre la clause de révision de la loi prévue en décembre 2011 pour faire évoluer la loi. Cela dans l'intérêt du monde sportif, dans l'intérêt de la lutte contre le jeu illégal et dans l'intérêt de l'État. L'Italie a, au cours des dernières années, progressivement baissé sa fiscalité sur les jeux, passée de 14 % à 3,5 %, et même les jeux de casino ont été autorisés sur Internet. Cela a permis au gouvernement de capter 90 % du marché illégal, mais surtout d'augmenter ses recettes fiscales. En France, non seulement nous sommes à 12 %, mais, en plus, tous les jeux de hasard en ligne sont interdits. Le minimum vital est un niveau de fiscalité en dessous de 5 %. Cela profiterait aussi bien aux consommateurs, qui auraient plus de plaisir à jouer, qu'à l'État, avec des recettes fiscales en augmentation. Aujourd'hui, il n'y a que des perdants. La loi doit évoluer au plus vite au risque de laisser les jeux d'argent sur Internet aux mains d'opérateurs étrangers. BetClic Everest Group, seul opérateur français, réalise le quart de son chiffre d'affaires en France, mais n'a pas les moyens de vivre sur son marché d'origine. C'est un handicap majeur pour se développer à l'étranger. La loi française telle qu'elle existe empêche les groupes français de se développer mais profite aux groupes étrangers. C'est un paradoxe.

Sans assouplissement de la loi, qu'allez-vous faire ?

Nous allons arrêter la publicité à la télé. BetClic Everest Group est de très loin le premier sponsor privé du sport français en 2010. Nous avons investi une trentaine de millions d'euros en 2010. Nous soutenons les équipes de football de Marseille et de Lyon. Nous finançons aussi 1 500 clubs de foot amateurs, mais également le rugby, le basket, le tennis, l'escrime, le ski, le handball... Dès 2011, nous allons réduire ces investissements de 80 % en nous concentrant sur le foot professionnel. Ce sera une douche froide pour le monde du sport français, mais nous y sommes contraints.

Geschäftsführung

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hs/scha

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0431/98 05-410
0431/98 05-444

Datum
Kiel, 21. April 2011

Blockvertrag

Sehr geehrte Frau Dr. Rieckhof,

mit E-Mail an unseren Kundenservice am 18. April 2011 haben Sie um Übersendung des Vertrages zwischen den 16 Landeslotteriegesellschaften, den Blockvertrag, gebeten.

Leider müssen wir Ihnen mitteilen, dass einige Gesellschaften der Zusendung des Blockvertrages an Sie nicht zugestimmt haben. Da es sich um einen Vertrag von 16 eigenständigen Unternehmen handelt, wäre Einstimmigkeit in dieser Frage erforderlich.

Gleichwohl möchten wir Ihnen eine für das Thema eines möglichen Ausschlusses unseres Unternehmens aus dem Deutschen Lotto- und Totoblock maßgebende Passage im Zitat wiedergeben:

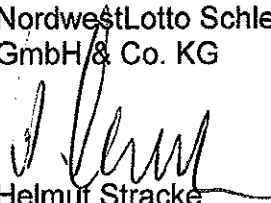
„Alle Maßnahmen der Lotto- und Totounternehmen zur Veranstaltung und Durchführung von Lotterien und Sportwetten müssen der Erreichung der Ziele des § 1 Abs. 1 GlüStV dienen.

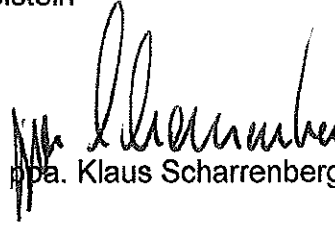
Um diesen Auftrag zu erfüllen, insbesondere um ein ausreichendes, zeitgemäßes, der Spielsuchtprävention verpflichtetes Glücksspiel anzubieten und weiterzuentwickeln, ist die bundeseinheitliche Durchführung einzelner Glücksspiele nach einem einheitlichen länderübergreifenden Spielplan (Poolung) geboten.“

Sofern Sie Nachfragen haben bzw. die Thematik näher erörtern möchten, sind wir gerne zu entsprechenden Gesprächen bereit.

Mit freundlichen Grüßen

NordwestLotto Schleswig-Holstein
GmbH & Co. KG


Helmut Stracke


Hr. Klaus Scharrenberg