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I have no financial interests or relationships to disclose regarding the subject matter of this presentation.

Normative response to gambling crime as an element of preventive activities in the legal order of the European Union and Polish law

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Gambling is a social phenomenon with economic, cultural and legal problem

Particularly dangerous is the so-called gambling crime, which includes both the illegal organization of games and criminal activities like addiction of players, money laundering or fraud

Where is the problem

Gambling = risk of addiction + economic crime

Online market growth – difficult control

Cross-border nature → normative gap

New technologies vs. old law

Gambling is a multidisciplinary problem and if we want to fight it, we need to join forces.

We need to strike with the law, e.g. effective combating of illegal gambling, use of new technologies, but also treatment because play game can turn into a behavioral addiction

European Union law and gambling

lack of harmonization

No common directive on gambling

Member States regulate the sector themselves
(including C-275/92 Schindler, C-243/01
Gambelli)

EC Recommendation 2014/478/EU – player
protection, no legal force

Poland – Gambling Act (2009) and Fiscal Penal Code 1999

- concessions

register of prohibited domains

- blocking of payments

- State monopoly

- Broad sanctions (administrative and criminal)

Predominance of repression over prevention

In Poland, we use a responsible gaming strategy.

The actions include:

- the possibility of self-exclusion from games - whether it is effective or whether a person will not break
- setting time and amount limits - without linking to an individual account it may not work
- educational materials

Responsible gaming – the illusion of protection

The strategy itself - although it sounds promising - may be just a PR tool. Shifting responsibility to the player is a tactic of many gambling corporations, allowing them to limit their liability for the harmful effects of addiction

A similar strategy is known in the activities of the alcohol industry, which talks about responsible drinking of alcohol

It is a type of Corporate Social Responsibility. CSR is an example of self-regulation and defines the ways in which industry implements social policies that are only potentially not related to maximizing profits.

Responsible gaming means transfers responsibility from operators to customers who, by their own choice, use various form reduction strategies (e.g. self-exclusion). The term RG get mistakes consumers by diverting attention from the negative effects of gaming

RGS – it sounds nice. But maybe better lets say it straight

„Don't say 'play responsibly' when you are designing your own addiction”

„It's not up to the players to be responsible – it's up to the system to stop being addictive”

Problems

Current law does not keep up with digital gambling

Lack of coordination between EU countries

Effects

gambling tourism

grey zone

gaps in protection

What we need

harmonization of regulations

central player registers

obligation prevention standards

If we join legal and mental health research, we
can more effectively combat gambling addiction

- AI to detect risky behavior
- Account blocking for addiction symptoms
 - Dynamic warning messages
- National self-exclusion registers
 - uniform regulations

Link limit to user account

Studies show that setting limits on gaming is effective when tied to an individual user account. This allows for monitoring of the gaming pattern and intervention if it becomes risky

So, it's not a limit that the player himself create and controls

Maximum loss limits in some forms of gambling

Removing licenses when a company does not
care about the customer

Maybe moving away from responsible gaming

A responsible gaming strategy cannot be treated as an effective prevention if it is not accompanied by strong regulations and supervision tools

Or maybe not develop a strategy for responsible gaming but advise on how to make gamble safely. Maybe use strong words and talk about the harm that gambling causes

The problem of gambling is not only administrative regulations but also criminal ones

I will show you on statistical data how it looks in Poland in five years. I draw attention to the dominance of financial penalty over isolation penalty of imprisonment

Diagnosis of gambling crime based on court statistical data for the years 2015-2019 regarding legally convicted adults

Types of fiscal crimes	Total number of convicted persons	fine	penalty of restriction of liberty	imprisonment
Art.107 §1 KKS	7683	7025	10	648

The length of prison sentences for legally convicted adults in 2015-2019

	up to 6 months	from 7 to 11 months	from 1 to 2 years	over 2 years
2015	2	1	2	0
2016	2	0	1	0
2017	54	8	2	0
2018	208	22	21	0
2019	285	28	29	0
Łącznie	551	59	55	0

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Thank you for your attention

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