

## LEGAL UPDATE

### **Flaw in new Dutch Remote Betting and Gaming Act does not solve match-fixing problem after all**

Date: 9 April 2021

We already discussed the new Dutch Remote Betting and Gaming Act (*Wet kansspelen op afstand*) earlier. Expectations were high, especially among the sports associations, who had hoped that the act would give them more influence and control over match-fixing. Match-fixing is an increasingly widespread problem, affecting Dutch sport too. A case that recently came to light involved basketball players for Aris, a premier league club based in Leeuwarden (the Netherlands), being suspected of intentionally losing four matches in the spring of 2019. They had allegedly cooperated with Korean gamblers who had bet tens of thousands of euros on the games. The Instituut Sportrechtspraak (ISR) is still investigating the matter, but says it lacks resources to continue the investigation.

On 19 February 2019, the Senate adopted the bill 'Remote Betting and Gaming' (*Kansspelen op afstand*). Although the act was originally intended to take effect on 1 January 2021, it did not enter into force until 1 April 2021. It recently became clear that it contains a flaw. The intention was to enable match-fixing signals to be shared with sports associations so that they could intervene. The drafters of the new act evidently overlooked the fact that, according to the Dutch Prevention of Money Laundering and Terrorist Financing Act (*Wet ter voorkoming van witwassen en financieren van terrorisme*, "WWFT"), anything possibly related to money laundering must be reported to the Financial Intelligence Unit ("FIU"). Given that match-fixing often involves money obtained from crime with a possible view to laundering it, any possible signal of it comes under the WWFT. The notification obligation that the sports organisations had been hoping this new act would provide therefore appears to be pointless. Notifications and/or signals of intended or completed unusual transactions, as referred to in Section 16 WWFT, should therefore be reported to the FIU. The FIU receives hundreds of thousands of notifications a year and has notified sports umbrella organisation NOC\*NSF that match-fixing will probably not be at the top of its list. Further, all information the FIU receives is subject to a confidentiality obligation. This undermines the object of the act, which is to improve the information position of the sports sector to enable it to take disciplinary measures. NOC\*NSF believes that this endangers the safety and reliability of the entire sports sector.

NOC\*NSF, the Royal Netherlands Football Association (*KNVB*) and the Royal Dutch Lawn Tennis Federation (*KNLTB*) have now sent the government a [position paper](#) asking for a swift legislative amendment to tackle the growing match-fixing problem. In a response, the Ministry of Justice and Security stated that the new act was actually a "major step in the right direction". The political parties SP and ChristenUnie have asked the Minister of Justice and Security for clarification.

We will keep you informed of any developments.

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