[NL] New decree on untargeted gambling advertising

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On 1 July 2023, a new ban on "untargeted" online gambling advertising will come into effect, under the Decree on untargeted advertising of online games of chance. Notably, the new Decree bans online gambling advertising via broadcasting services under the *Mediawet* (Media Act) , in newspapers, magazines or other printed, publicly available means of communication, and in public spaces. Importantly, however, online gambling licence holders will still be permitted to engage in "targeted" advertising via the Internet or via on-demand media services under the Media Act, where the licence holder (a) has given individuals the opportunity to indicate that they do not want to be reached by the advertising; and (b) has demonstrated, using the best available techniques, that at least 95% of the individuals reached by the advertising have reached the age of 24.

Notably, the new Decree follows the Online Gambling Act 2021, which lifted a ban on online gambling advertising, and allowed online gambling advertising, but with strict standards on how and when to advertise (online) gambling. For example, under Article 4, it was stipulated that advertising cannot be targeted at anyone below the age of 25, anyone with gambling problems, or to anyone with mental health problems or disorders. Furthermore, advertising was allowed on television, but restricted to a timeslot outside of 6 a.m. to 9 p.m.; in additon to rules in the Online Gambling Advertising Code 2021 (see IRIS 2022-2/15). Crucially, however, the *Minister voor Rechtsbescherming* (Minister for Legal Protection) stated that the "opening of the online gambling market had led to a "large increase in so-called untargeted advertising" for online gambling, and vulnerable groups "unintentionally saw a lot of advertising for this risky product". As such, to guarantee protection, a broad ban has now been enacted under the 2023 Decree, namely restrictions on untargeted advertising for online gambling, and a ban on television.

Finally, the ban on online gambling advertising does not apply to sports sponsorship, for up to two years after the entry into force of the 2023 Decree; and other forms of sponsorship, for up to one year after the entry into force of Decree. Sponsorship is understood to mean: providing financial or other contributions in return for the neutral mention or display of the name, brand, logo or any other distinctive sign of the holder of a license for online gambling. The Minister stated that a transitional period applies to existing sponsorship contracts; and this offers sports clubs, in particular, financial scope to attract sponsors other than providers

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of online gambling. The transitional period for sponsorship of television programmes and events lasts until 1 July 2024. Sponsorship in the sports sector will remain permitted until 30 June 2025. From 1 July 2025, sponsorship by licensed online gambling providers will be prohibited.

Decree of 5 April 2023 amending the Recruitment, Advertising and Addiction Prevention of Games of Chance Decree in connection with the restriction of recruitment and advertising activities for remote games of chance (Decree on untargeted advertising of remote games of chance)

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