

Full title of regulation

Reclamecode Online Kansspelen (ROK) 2023

<https://www.reclamecode.nl/nrc/reclamecode-online-kansspelen-rok-2021/>

(Despite the date in the url, this is in fact the 2023 version and the link will take you to that)

This is an unofficial, non-binding translation of the code linked above, the SRC's Advertising Code for Online Gambling. We use the term 'Gambling' versus 'games of chance' in this context as there is a separate games of chance code and online gambling is what this code is about. It was effective July 1, 2023. We will replace this with any more formal English translation from the SRC, though much of it is anyway taken from their earlier translation of a former online gambling code. Where some of the translation below might be a little clumsy, that can be the way of some SRO translations, or even our own. Either way, the gist should be clear and the applicable code is anyway and obviously that in the original Dutch.

Title of relevant section

All

1. Scope

1.1. This code applies to advertising by licensed online games of chance providers for online games of chance, if and insofar as such advertising is also aimed at the Netherlands. This code does not affect the Gambling Act and the relevant regulations based on that law, such as the Decree on Recruitment, Advertising and Prevention of Gambling Addiction (which regulates, among other things, the prohibition of untargeted advertising) and the Regulation on Recruitment, Advertising and Prevention of Gambling Addiction.

2. Definitions and Interpretation

2.1. Terms in this code have the meanings set out below:

Bonus: a benefit, not forming part of the game conditions of the online game of chance itself, intended to make participation in an online game of chance more appealing, such as a discount, temporary increase in winnings, refund, or free play credit such as a free bet, participation or stake, or any other comparable financial or material incentive;

Bonuses play an important role in online gambling advertising in both the recruitment and retention of players. A separate article is therefore devoted to bonuses (article 5). In the Decree on Recruitment, Advertising and Prevention of Gambling Addiction Decree, a bonus is defined as: "a good or service, including free credits, offered to recruit or retain players for the licensed games of chance or to advertise those games of chance". The chosen definition in the ROK is intended to provide an equally broad definition, but one that is clearer to the industry.

BWRVK: Decree on Recruitment, Advertising and Prevention of Gambling Addiction

Essential bonus conditions: terms and conditions of a bonus required by a consumer to get a realistic picture of the bonus, including but not limited to the number of times – per game or otherwise – that the entire bonus must be staked before the bonus amount will be paid out and, if relevant, the relationship between the bonus and the consumer's own stake, any limitation of the period of validity, fair play requirements and important conditions that substantively differ from those relating to playing with the consumer's own resources;

Young adult: (a person who is) older than 18 but younger than 24;

Youth athlete: an athlete who is a minor or young adult;

Game of chance: an opportunity to compete for prizes or premiums whereby the winners are selected through any chance determination over which the participants generally cannot exercise dominant influence;

Vulnerable group: a group consisting of socially vulnerable people. Such persons include in any event minors, young adults, persons with an intellectual disability, gambling addicts, and persons showing characteristics of risky gambling behaviour;

On-demand media service: on-demand media service per article 1.1 paragraph 1 of the Media Act;

Minor: a person under the age of 18;

Broadcasting service: broadcasting service per article 1.1 paragraph 1 of the Media Act;

Online game of chance: a game of chance that is exclusively played remotely via electronic means of communication as per Article 31 paragraph 1 of the Betting and Gambling Act;

Online games of chance provider: an organisation that has a license per Title VB of the Games of Chance Act;

Role model: in any event, those who are in the public eye and those with whom other people wish to identify or associate themselves, including:

- a. People who derive their notoriety from past or present activities such as:
 1. Professional athlete, sports trainer or another person with a publicly visible role within professional sport;
 2. Actor, director, presenter, singer or any other person with a publicly visible role in the television, film, theatre, music or other entertainment industry;
 3. Model, fashion designer or any other person with a publicly visible role in the beauty or fashion industry;
 4. Author, journalist, columnist, influencer, vlogger, blogger or any other person in a publicly visible role due to the use of print, audiovisual, audio, online or other media;
 5. Representative of a political party or other person with a publicly visible role in national, regional or local politics;
 6. Frequent participant in games of chance or another person with a publicly visible role in the games of chance industry;
- b. Persons who visibly fulfill or portray an office or profession that serves as a social example.

RWRVK: Regulation on Recruitment, Advertising and Gambling Addiction Prevention;

Sponsorship: support for activities of third parties by online gambling providers, in the form of providing a financial or other contribution in return for the neutral mention or display of the name, brand, logo or any other distinctive sign of the online gambling provider.

2.2. References to regulations or to certain articles in regulations are valid at the time of entry into force of this code. After any amendments to the regulations, the references are deemed to be references to regulations and/or articles that regulate the same.

3. General requirements

3.1. In general, advertising for online games of chance must:

- a. Direct consumers to the legal offering of games of chance and away from illegal offers;
- b. Show restraint;
- c. Also be aimed at responsible participation;
- d. Not encourage risky gambling behaviour that can lead to gambling addiction; all as set out in detail in this code.

This code is built on the premises in Article 3. The channeling principle plays an important role in that respect. The premise of the ROK is to make the legal offer appealing compared to the illegal offer, without the legal offer becoming so appealing that too many people start playing who did not initially intend to do so.

This balance must be kept in mind when interpreting the ROK. These principles also play a decisive part in the evaluation of the ROK.

4. Responsible participation: general

4.1. Advertising for online games of chance:

- a. Must not use language or other means that encourage irresponsible behavior or impulsively or irresponsibly participate in an online game of chance, such as: "you have nothing to lose", "grab your chance, you only live once" or "hurry up, gamble now!"
- b. Must not downplay excessive participation;
- c. Must not promote behaviour that actually leads to financial loss;

Financial loss means loss that happens because a player's participation leads to them losing more than just their stake. This can be interest on loans taken out to play, or loss of income for example

due to the suggestion of quitting one's job. There are connections here with other provisions. The pure loss of the stake, which could also be deemed a "financial loss", is not intended here.

- d. Must not use language or other means that show, condone and/ or encourage anti-social or criminal behaviour;
- e. Must not explicitly appeal to greed;

Elements that lead to the conclusion that 'explicitly appealing' is involved can be, for example: the use of popular expensive designer clothes or watches, the use of expensive car brands, etc. Much will depend on how exactly the element is used. Not every (implicit) appeal to greed will result in a transgression of this article.

Advertising will often implicitly appeal to the fact that people want to have things and that must remain possible. Humour is also an important part of advertising and the use of humour must also continue to be possible, as long as this does not transgress other provisions.

- f. Must not appeal to superstitions about gambling or good fortune;
- g. Must not urge players to continue playing and may not appeal to social pressure not to stop;

It must be noted here that the first part of Article 4.1 sub g does not apply in full to bonuses. Bonuses are also seen as part of advertising in this code, but are treated differently. At variance with this Article 4.1 sub para g, Article 5 paragraph 2 sub para b applies to bonuses: "An online gambling provider may not use bonuses that encourage the player to continue playing for so long, or otherwise put so much pressure to play on players, that the bonus can no longer be deemed to be aimed at responsible participation. This is the case, for example, if the payment of the bonus requires multiple deposits." Therefore, unlike other advertising, a bonus may encourage a player to continue playing, but not to the extent that there's too much pressure to play.

- h. Must not in any event minimise or increase the risk factors identified with regard to gambling addiction to the relevant online game of chance. Texts such as: 'participation is harmless', 'playing is easy', 'innocent pastime', 'risk-free', 'completely safe gambling' must be avoided in this context.

4.2. Advertising for online gambling must not state or suggest that:

- a. Participation is an important part of someone's life;
- b. Participation leads to social acceptance or happiness;
- c. Participation is more important than family and friends or professional or educational obligations;
- d. Participation enhances personal qualities or self-confidence;
- e. Participation can make a player more appealing, sexually or otherwise;
- f. Excessive participation can serve as an example;
- g. Participation may be a solution to problems, such as financial, personal, or professional problems or problems in school or any other form of education;
- h. Participation is a substitute for work or for a regular investment;
- i. There is no risk of loss, when in fact there is;
- j. The game of chance is free of risk, when this is not the case.

5. Responsible
Participation: Bonuses

The offering of a bonus by an online gambling provider is a form of advertising within the meaning of article 1 of the Dutch Advertising Code to which this code applies. It does not matter where or how the bonus is offered.

5.1 An online games of chance provider must not use a bonus, the content of which and/or the conditions under which the bonus can actually be obtained do not correspond to the manner in which the online games of chance provider represents the bonus or its acquisition.

5.2 An online gambling provider must not use bonuses:

- a. If time pressure occurs that may lead to the impulsive acceptance of an offer or attempts are otherwise made to convince the consumer to impulsively accept an offer. Such "time pressure" from the previous sentence exists in any event if a consumer is
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- required to respond to an offer within 24 hours, and such time pressure does not exist in any event if the consumer is given at least three days to consider the offer; or
- b. That encourage players to continue playing for so long, or otherwise put such pressure to play on players that the bonus can no longer be deemed to be aimed at responsible participation. This is the case, for example, if payment of the bonus requires multiple deposits.

This article is intended to reduce the risk of bonuses leading to impulsive behavior and pressure to play. In order to create clarity to the sector regarding time pressure, in article 5.2.a the ROK presumes that there is in any case time pressure if the consumer has not been able to “get a good night's sleep” and that more than three “nights of sleep” will in any case not result in time pressure. Whether time pressure exists in the intervening period between these two must be assessed on a case-by-case basis. When a bonus is no longer aimed at responsible participation due to the compulsion to play is more difficult to specify. This also needs to be considered on a case-by-case basis. In any case, it is clear, and included in the ROK, that if the consumer must make multiple additional deposits to obtain payment of a bonus, this qualifies as pressure to play.

5.3. If an online gambling operator offers a bonus to a first-time consumer participating in an online game of chance or a consumer returning after a period of six months since their last stake, that bonus may amount to no more than:

- a. 100% of the amount of the first deposit if the amount of that deposit is lower than EUR 250 but higher than or equal to EUR 50; and
- b. EUR 50.00 if the amount of the first deposit is less than EUR 50.00; and
- c. EUR 250.00 in all other cases.

5.4 A bonus must be explicitly accepted before it is given. An online gambling provider therefore must not provide a bonus on the basis of tacit consent. An online gambling provider must not offer a bonus to a person who expressly states that he does not wish to receive one. An online gambling provider will cancel a bonus as quickly as possible upon request.

5.5 An online gambling operator must properly and comprehensibly clarify the terms and conditions attached to a bonus, including the essential bonus terms and conditions, using language no more complicated than level B1, before the bonus is accepted. It will do so in a prominent manner where the bonus must be accepted, with the terms and conditions of the bonus being pointed out in the same font and font size as the rest of the text. An online gambling provider will also ensure that the terms and conditions of the bonus remain easily accessible to the player.

5.6. An online gambling provider must present the essential bonus terms and conditions in an accessible, understandable and concise manner. An online gambling provider must include the essential bonus terms and conditions in the message that includes the bonus and, in the event of text, must include these immediately below the headline. If this is impossible due to the limited size or duration of the message, an online gambling provider must make the essential bonus terms and conditions available via a single click on a clear button that redirects to the place where the essential bonus terms and conditions and the other terms and conditions referred to in the previous paragraph are described, without prejudice to the previous paragraph.

The regulation of articles 5.5 and 5.6 is intended to provide the consumer with a comprehensible and sufficient insight into the most important conditions of the bonus. An insight that, as article 5.5 makes clear, cannot be provided by hiding those terms and conditions in general terms and conditions. Nor, according to article 5.6, somewhere at the bottom of a long internet page.

5.7. Bonuses may not be offered to a player while they are actually playing. This means, among other things, that bonuses may in fact be offered, for example, after a bet has been placed while the player is awaiting the result, or when a player is logged in but is not actually playing.

5.8. The online gambling provider must ensure that young adult players cannot use a

bonus.

6. Protection of vulnerable groups of people: substantive criteria

This article aims to reduce the risk of advertising that appeals relatively strongly to vulnerable people. These are substantive requirements.

6.1. Advertising content for online gambling must not specifically target vulnerable groups of people.

6.2. Advertising for online gambling must not appeal to the specific needs or weaknesses of vulnerable groups of people. It must not use products or services, of third parties or otherwise, that specifically target vulnerable groups.

Minors and Young Adults

6.3. Advertising for online gambling must clearly and prominently state the minimum age for participation.

6.4. Advertising for online gambling must not use, among other things:

People of a certain age

a. People under the age of 25 or who appear to be under the age of 25;

Fantasy figures that appeal especially to young people

b. Cartoon characters, superheroes or other fictional characters or figures that may be expected to appeal primarily to minors or young adults;

Athletes, other role models

c. Individual professional athletes or teams of professional athletes, or other role models, unless, in the case of professional athletes or teams of professional athletes:

- i. The use of their names is by a sports betting provider to the extent required to specify the offer; or
- ii. The use by an online gambling provider of their names and still images on its own social media channels or website exclusively within the context of a discussion or announcement of a sporting event.

Behaviour

d. Behaviour and language used mainly by minors or young adults;

e. Claims that participation is part of the transition to adulthood or that not participating is immature.

7. Not dishonest

7.1. Advertising for online gambling must not be dishonest. Among other things, advertising for online gambling must not create an unrealistic or incorrect positive impression of an online game of chance or of one or more of its elements.

7.2. Examples of dishonesty when advertising for online gambling:

a. Creating the impression that a player has already won or will win a prize or will win a prize by performing a certain action, when there is only a chance of winning such a prize;

b. Offering a "free" service or product if:

i. It is not immediately clear that conditions are attached to this, such as:

- a. Permission to be approached by an online gambling provider or by another party;
- b. The procurement of a credit, other service or other product;
- c. Following acceptance of the offer, having to terminate a subscription that started with such acceptance in order to remain free of charge;

ii. Such participation is not free of charge because the price has been factored into a higher price or in less advantageous terms for the online game of chance;

c. Not providing clarity on the price of the participation;

d. Not clarifying that the advertisement originates from or is made on behalf of an online

Gambling Provider;

- e. Claiming or suggesting that:
 - i. In general, the player can have dominant influence on the outcome;
 - ii. Dominant influence on the result of the participation can generally be acquired by training or study;
 - iii. The Online Gambling Provider holds a European Gambling license;
 - iv. Participation can be anonymous;
 - v. Government-issued approval is in place, in which regard the following statement, which must be neutral and reserved in terms of layout and otherwise, is permitted: "licensed in accordance with Dutch law". ("bezit vergunning op grond van de Nederlandse wet".)
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8. Channels: restraint

8.1. Operators of Online Games of Chance must provide their players with an options menu in their personal environment (for example, a "dashboard") that enables players to easily set their preferences with regard to receiving and/ or seeing advertisements, including an option to directly unsubscribe from all individual advertisements disseminated under the control of the relevant operator of online games of chance, in which regard the operator of online games of chance is able to identify the player who unsubscribed. Unsubscribing in the manner described above does not mean that the player will no longer see advertising from the relevant operator of online games of chance. For example, the player may see advertising that is targeted using such limited data that it is not reasonably possible to identify the player in question (targeted on the basis of a limited profile, for example), while complying with the regulations applicable to the provision of that advertising.

Offering software or a dashboard in which data subjects, players, can manage their privacy preferences themselves, is an important privacy tool. The ROK now prescribes this in so many words.

*At variance from the rules concerning unsubscribing to e-mail advertising, for example, the ROK requires it to be possible for the data subject/ player directly to unsubscribe from **all** individual advertising. The reasoning behind including this broader option for unsubscribing here is more in the interest of preventing addiction than in the interest of privacy. This is because it is conceivable that a player wants to ensure by unsubscribing that they are no longer tempted to participate in an online or other game of chance.*

Specific situations

8.2. Online gambling operators may not advertise in or around online games and also may not allow third party advertising for online games on their channels. For example, advertising for online games of chance on a web page where casual games of skill are offered is not permitted.

8.3. On a game of chance interface of an online gambling operator no other advertising may appear other than advertising for the online games of chance for which the relevant gambling operator has obtained a licence.

8.4. It is clearly stated on an online gambling provider's social media accounts that it is an official account of the relevant online gambling provider.

9. Channels: vulnerable groups

Ban on untargeted advertising

9.1 The online gambling provider publishes for online gambling:

- a. Only such specifically targeted advertising that must not reach members of vulnerable groups;
 - b. No advertising:
 - 1. Via a broadcast service;
 - 2. In newspapers, magazines or other printed, publicly available means of communication;
 - 3. That can be seen in a public place per Section 1 of the Public Manifestations Act, in a building accessible to the public as referred to in Section 174(1) of the Municipalities
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Act or on an associated property.

9.2. Article 9.1 does not apply to advertising via the Internet or via an on-demand media service, if the online gambling provider:

- a. Has given people the opportunity to state that they do not wish to be exposed to the advertising;
- b. Takes the best available measures to prevent an advertisement from reaching a member of the vulnerable group of people;
- c. Demonstrates, using best available techniques, that at least 95% of individuals are not minors or young adults.

9.3. The online gambling provider must not advertise:

- a. Where the information as referenced in article 8 paragraphs 1 and 2 of the BWRVK is provided; and
- b. Where a player states the limits of his playing practices or with the information provided about his playing practices.

Gambling addicts and people who display risky gambling behaviour characteristics

9.4. Online gambling providers may not send targeted bonuses or other advertising for online gambling to people who have excluded themselves or with whom there has been an intervention, for example in the form of e-mails addressed to them or banners targeted at them. The prohibition from the previous sentence with regard to people who have incurred an intervention expires after a period following that intervention that is in line with the nature and severity of that intervention measure and amounts to at least the period shown in the table below.

Intervention and related expiration period

Provide the player with insight into his gambling behaviour via a conversation, pointing out in particular excessive or risky gambling behaviour that has been identified:

30 days

Advising the player to use a facility which will provide the player with a simple means to get insight into their playing practices:

30 days

Advising the player to make use of the facility that limits the player's access to the games of chance organised by the online gambling provider in accordance with a maximum period of time per visit or registration to be determined by that player, or during time periods to be determined by that player:

60 days

To limit the player's access to the games of chance organised by the online gambling provider to a maximum period of time per registration or during certain time blocks without the player's permission:

60 days

Advising the player to make use of the possibility to exclude himself for a definite or indefinite period from participation in the games of chance organized by the online gambling provider:

90 days after the end of the exclusion period

Exclude the player from participation in the games of chance organised by the online gambling provider without the player's consent for a specific or indefinite period of time:

90 days after the end of the exclusion period

9.5. With the exception of bonuses, targeted advertising for online games of chance may be sent to persons with whom one of the following interventions has taken place:

- a. If that person has been made aware of their playing practices by the sending of
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messages on the player interface;

- b. If that person has been advised to make use of a facility that provides a simple means to get insight into their playing practices:

In the case of one of these interventions, bonuses may be sent after 30 days after the relevant intervention in case a) and after 60 days in case b).

10. Sponsorship

10.1. Article 9 paragraph 1 does not apply to sponsorship that takes place on the basis of contracts concluded before 1 July 2023. This exception applies until July 1, 2024 and for sports sponsorship until July 1, 2025

After July 1, 2024, this article 10 expires for all sponsorships except sports sponsorship and after July 1, 2025, this article expires completely. With regard to the mention of the name, logo, brand or other distinctive sign of an online gambling provider as consideration for sponsorship, the other articles of this code, in particular article 6.4, are fully complied with.

Sponsor communications are advertising and must therefore meet the requirements of the ROK. Sponsorship must continue to comply with the rules such as those laid down in Article 1.1 of the code, among others.

Before this version of the ROK entered into force, (sports) sponsorship was permitted. The legislator, and with it this version of the ROK, provide for a transitional phase, particularly with a view to mutual obligations already entered into by parties in the market. After the transition period, sponsorship will be treated like any other form of advertising.

Sports sponsorship occupies a special place as shown in Article 10.2.

10.2. Contrary to Article 6 paragraph 4 sub c, professional athletes and professional teams may be sponsored, with the exception of individual youth athletes, young adult athletes and professional teams that mainly consist of minors. To avoid misunderstandings: the ROK applies in full to the use of images of that sponsorship in advertising by the online gambling provider.

Sponsorship of professional athletes and their teams is permitted. Other advertising that uses athletes and teams is not (article 6 paragraph 4 sub c). This means that images of a sponsored team, for example, may not be used in a provider's communication. Also, for example, the sale of shirts of a sponsored football player with the name of the sponsor in children's sizes is not allowed. After all, the sponsorship would then be aimed at minors, part of the group of socially vulnerable people.

The exception to Article 6.4 sub c for sponsorship of professional athletes is the result of the choice of the regulator, who chose to make sponsorship possible in the interest of sport. This is a deliberate deviation from the general ban on the use of athletes in advertising for online games of chance. The ROK also prohibits the sponsoring of underage and young adult individual professional athletes. For professional teams, the age limit has been set for minors. In practice, it is sometimes the case that, for example, in the professional football league, more than half of a team consists of young adult players. The ROK wants to put beyond doubt that this sponsorship opportunity, which is important for this sport, is allowed as long as sports sponsorship is allowed.

11. Place in the chain

11.1. The online gambling provider must ensure that all parties that advertise or have advertised its online games of chance are obliged to comply with this code, the Dutch Advertising Code and other relevant laws and regulations. The online gambling provider will monitor and ensure compliance with the rules. The online gambling provider will not cooperate with parties that do not respect the rules.

The advertiser is ultimately responsible for advertising its products and services. This article lays down the duty of the advertiser to ensure that the parties in the chain who advertise for him (or who give instructions to do so) undertake to the advertiser to comply with this code. These are parties such as advertising and media agencies. This article does not apply to parties such as advertising networks and social media that distribute exclusively in accordance with instructions given by or on behalf of the advertiser. If mistakes are made in the chain without an instructional relationship with the advertiser, the advertiser is not necessarily blamed for such an error, but this

article does not apply.

The wording of the last sentence indicates that not every mistake made obliges the advertiser to cease cooperation with an offending party. Errors can happen. Only when it appears that a party does not respect the rules, will the advertiser have to discontinue the cooperation. This is the case, for example, when an error is the result of a system that is (and continues to be) set up incorrectly or when the rules are deliberately violated.

12. Responsible participation information

12.1. With each separate advertisement and in each (social) media account of the online gambling provider, the following information will be provided immediately clearly visible or audibly:

- a. The minimum age required for participation;
- b. The slogan 'what does gambling cost you? Stop on time, 18+' or its successor; ('wat kost gokken jou? Stop op tijd, 18+' of zijn opvolger)
- c. Online (on websites, email and social media), the warning that the content should not be shared with minors and young adults;
- d. The web page(s) of the online gambling provider on which the information of article 5 of the Decree on Recruitment, Advertising and Prevention of Gambling Addiction is provided.

This article is without prejudice to the information obligations as referenced in article 4a paragraph 3 of the Betting and Gaming Act and article 5 paragraph 1 of the BWRVK.

Changes to this code

This code can be changed by the online gambling providers. When shaping the changes, the initiator or initiators will give all online gambling providers the opportunity to express their views. This code will be regularly evaluated, the first evaluation to commence on October 1, 2026. Consumer organisations and media will be involved in the evaluation.

All license holders will be involved in formulating any possible change.

The evaluation of the ROK will begin in the fourth quarter of 2026. The objective and scope of the evaluation will be determined under the supervision of an independent external agency. Various stakeholders are involved in this, such as license holders for online games of chance, media companies and stakeholders from the supervisory domain and addiction care. The restrictions to be included, the agreements on bonuses and the restraint in advertising can be part of the evaluation. The evaluation will be carried out in 2027. The evaluation includes at least a qualitative study and a survey among consumers. A new advertising code will be prepared in the first quarter of 2028, partly based on the results of the evaluation. If there is reason to do so, the code can also be evaluated in the interim.
