

This is an extract from the Kansspelautoriteit Code of Conduct for Promotional Games of Chance intended to explain the nature and scope of the code with a few of the key related clauses. The full code should be read and, as ever, only the original language version applies

[kansspelautoriteit.nl/soorten-kansspelen/kansspel-promotie/gedragscode/](https://kansspelautoriteit.nl/soorten-kansspelen/kansspel-promotie/gedragscode/) (NL)  
[www.g-regs.com/downloads/NLGenCodepromotionalGamesChance2014EN.pdf](https://www.g-regs.com/downloads/NLGenCodepromotionalGamesChance2014EN.pdf) (EN)

Clauses shown below are not precisely accurate to the code itself

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- Under Article 1 Betting and Gaming Act (BGA), games of chance are defined as those that 'provide an opportunity to compete for prizes or premiums if the winners are designated by means of *any calculation of probability over which the participants are generally unable to exercise a dominant influence*, (italics ours) unless a licence has been granted therefore, under this law'. The player does not have to place a stake; the law does not differentiate between games of chance with or without monetary stakes
  - So, the BGA takes a 'prohibited unless licensed' approach (Art. 1); a licence must be granted for all types of games of chance *unless* they comply with the Code of Conduct for Promotional Games of Chance. If the Code is not observed, then the games are unlawful under the BGA. See Preamble of Code of Conduct; points 1 and 2

A promotional game of chance must:

- Only be offered to promote a product, service or organisation and may not be offered as an independent activity. (preamble; Point 4)
- Be free to enter, with the exception of communication costs of up to €0.45 per participant (Arts 3.1, 3.2)
- Be temporary with up to 20 draws being permitted annually, per good, service or organisation (Art. 2) More than one winner may be designated in any one draw (Explanation of Art. 1)
- Involve prizes or premiums with a total value not exceeding EUR100,000 per promotional game per year (Art. 4.1)
- Require minors to get permission from a parent or legal guardian to participate (Art. 6.4)
- Not gather any personal details of minors, nor permit these to be gathered, without verifiable permission from a parent of the minor, unless that is necessary to request the minor to provide contact details of his/her parent for the purpose of gaining permission for distributing prizes or premiums (Art. 6.3)
- Make sure the general conditions (T&Cs) for games (see Art. 7.2) are made available to participants and potential participants free of charge and easily available (Art. 7)
- Not have as its sole purpose the collection of personal data of the participants. It has to be for product, service, or brand promotion; the collection of the personal data of participants can only be an additional benefit (Notes accompanying Art. 1)
- Ensure the marketing (invitation to participate) as well as the terms and conditions are not misleading, incomplete or give rise to false expectations in the participants (Art. 5.1)
- Contain the name of the product, service or organisation to be promoted (Art. 5.1)
- Take care not to encourage excessive participation in the promotional games of chance organised by the supplier (Art. 5.2)

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