

THE ADVERTISING CODE FOR ONLINE GAMBLING IN THE NETHERLANDS (2021)

Full title

Reclamecode Online Kansspelen (ROK) 2021

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

This is an unofficial, non-binding translation of the 2021 Online Gambling Advertising Code. There is no authorisation, explicit or implicit, from the Self-Regulatory Organisation SRC.

Title of section

All sections; articles 1 through 13. **Uncertainties/ issues highlighted in yellow**

1. Scope

1.1. This code applies to advertising by online games of chance providers for online games of chance and advertising for certain other games of chance insofar as these are indicated, all if and insofar as they are also intended for the Netherlands. This code does not affect the Gambling Act and the relevant regulations based on that law, such as the Recruitment, Advertising and Prevention of Gambling Addiction Decree and the Recruitment, Advertising and Prevention of Gambling Addiction Regulation. The Advertising Code for games of chance offered by license holders pursuant to the Gambling Act (RVK) only applies to advertising to which that code applies, if and insofar as that advertising is also advertising for games of chance other than online games of chance.

The ROK relates to a new category of games of chance admitted to the Dutch market: online games of chance. In addition, a few provisions also relate to other games of chance. As with the RVK, the ROK only relates to advertising for (online) games of chance offered by license holders. Advertising for unlicensed games of chance is prohibited.

When it comes to advertising licensed games of chance, there are three options with regard to the applicable code:

- a) The advertising only relates to online games of chance: only the ROK applies;
 - b) The advertising only relates to other games of chance: the RVK applies and the ROK when applying Article 8 paragraph 1, 9 paragraph 1 and 9 paragraph 3 sub c and g;
 - c) The advertising relates to both online games of chance and other games of chance: both codes apply. Such a coexistence occurs, for example, when there is general brand advertising for a brand that is active in both online and offline games of chance.
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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 terms and conditions of the online game of chance itself, intended to make participation in an online game of chance more attractive, such as a discount, a temporary increase of winnings, a refund, a free play credit such as a free bet, participation or a wager, or other comparable financial or material inducement;

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

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

essential bonus conditions: conditions of a bonus that a consumer needs to get a realistic picture of that bonus, such as, but not limited to, the number of times (per game) that that bonus must be gambled in its entirety before payment of the bonus amount is transferred, if relevant: the relationship of the bonus with the player's own deposit, any limitation in the period of validity, fair play requirements and important conditions that differ materially from those associated with playing with the consumer's own funds;

young adult: (person of) 18 years or older, but younger than 24 years;

youth athlete: a minor or young adult athlete;

game of chance: an opportunity to compete for prizes and premiums where determination of the winners is made by some form of chance over which the participants generally cannot exercise predominant influence;

vulnerable group of persons: a group consisting of socially vulnerable persons. Such persons are, in any event, minors,

young adults, persons with learning disabilities, gambling addicts and persons displaying characteristics of risky gambling behaviour;

minor: person younger than 18 years;

broadcasting service: broadcasting service as defined in article 1.1 paragraph 1 of the Media Act 2008;

online game of chance: a game of chance that is played exclusively remotely using electronic means of communication as referenced in Article 31, paragraph 1 of the Gambling Act;

online games of chance provider: an organisation that has a license as referenced in Title VB of the Gambling Act;

other restricted games of chance: games of chance other than online games of chance that fall under the auspices of certain articles of the ROK, namely sports betting, totalisator and gambling casino, as defined in Articles 15, 23 and 27g of the Gambling Act, respectively, and games of chance that are played on a machine in a gaming hall, for which, when present, a license is required;

advertising message: advertising message as defined in article 1.1 paragraph 1 of the Media Act 2008;

sponsorship: support of third-party activities by online gambling providers, in the form of a financial or other contribution in exchange for increasing brand awareness;

RWRVK: Regulation on Recruitment, Advertising and Prevention of Gambling Addiction.

2.2. References to regulations or to certain articles in regulations are valid at the time of entry into force of this code. Following any changes to the regulations, the references shall be deemed to refer to the same regulations and/ or articles.

3. General requirements

3.1. Advertising for online games of chance should generally:

- a) direct consumers to legal games of chance and have them avoid illegal ones;
- b) be restrained;
- c) also aim for responsible participation;
- d) not encourage risky gambling behaviour that can lead to gambling addiction;

all this as further explained in this code.

The ROK is built on the principles in of Article 3. The channelling principle plays an important role in this context. After all, the basic principle of the ROK is to make the legal offer known in relation to the illegal offer, without the legal offer becoming so attractive that too many people start to play when initially they did not intend to. This balance must be kept in mind when interpreting the ROK. Furthermore, these principles play a critical role in evaluating the ROK (see the penultimate provision under the ROK).

3.2. An online games of chance provider must not make participation in online games of chance a condition for purchasing a service or product from outside the sector.

4. Responsible participation: general

4.1. Advertising for online gambling:

- a) must not use language or other means that encourage irresponsible behaviour or impulsive or irresponsible participation in an online game of chance, such as: "you have nothing to lose", "grab your chance, you only live once" or "hurry up, bet now!"
- b) must not downplay excessive participation;
- c) must not promote behaviour that leads to financial damage;

Financial damage means damage that occurs because the player loses more than simply the sum gambled as a result of his/ her participation. This can be interest on loans taken out in order to play, or loss of income (for example, by the suggestion to quit a job). There are links here to other provisions. The loss of the investment/ wager itself, which could also be deemed to be "financial damage", is not the issue here.

- d) must not use language or other means that show, condone and/ or encourage antisocial or criminal behaviour;
 - e) must not expressly play on greed;
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Elements that lead one to conclude that there is such an emphasis could be, for example: the use of well-known expensive designer clothes or watches, the use of prestigious car brands, etc. Much will depend on exactly how such an approach is used. Not every (implicit) play on greed will constitute transgression of this article. Advertising will often implicitly appeal to the fact that people want something and that aspect should remain possible. Humour is also an important part of advertising and its use should also remain possible, insofar as that use does not conflict with other provisions.

- f) must not play on superstitions related to gambling or luck;
- g) must not encourage continued play and must not respond to social pressure not to stop;

It should be noted here that the first part of this article is not applied exclusively to bonuses, which are also seen in this code as part of advertising, but are treated differently. Contrary to this article 4.1 sub g, article 5 paragraph 3 sub b applies to bonuses: "An online games of chance provider must not make use of bonuses that encourage the player to continue playing for so long or otherwise impose such a compulsion on the player that the bonus can no longer be considered to be associated with or directed at responsible participation. This is the case, for example, if multiple deposits are required for the bonus to be paid out." Different from other advertising, a bonus may therefore encourage you to continue playing, but not in such a way that there is excessive pressure to play.

- h) in no way trivialises or increases the risk factors associated with gambling addiction of the relevant online game of chance. Wording such as: 'there's no harm in joining', 'playing along is child's play', 'a harmless pastime', 'risk-free', 'completely safe gambling' should be avoided in this context.

4.2. Online gambling advertising will not state or suggest that:

- a) participation is an important part of one'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) personal qualities or self-confidence will be enhanced as a result of participation;
- e) participation makes a player more sexually or otherwise attractive;
- f) excessive participation can serve as an example;
- g) participation can solve problems, such as financial, personal, or occupational problems, or problems with school or other forms of education;
- h) participation is a substitute for work or represents a 'normal' investment;
- i) there is no risk of loss, if there is;
- j) the game of chance is risk-free, when in fact it is not.

5. Responsible Participation: Bonuses

5.1. Advertising for online games of chance in broadcasting services and outdoor media must not deploy bonuses.

5.2. An online gambling provider must not use a bonus when the content and/ or the conditions under which the bonus can actually be obtained do not correspond to how the bonus or its acquisition is represented by the online gambling provider.

5.3. An online gambling provider must not use bonuses:

- a) if time pressure mounts such that it can lead to impulsive acceptance of an offer or if an attempt is made in another way to persuade the consumer impulsively to accept an offer. There is in any case 'time pressure' from the previous sentence if a consumer has to respond to an offer within 24 hours and there is in any case no such time pressure if the consumer has at least three days to think about the offer; or
- b) that encourage the player to continue playing for so long or otherwise imposes such a compulsion on the player that the bonus can no longer be considered to be associated with or directed at responsible participation. This is the case, for example, if multiple deposits are required for the bonus to be paid out.

This article aims to reduce the risk that bonuses lead to impulsive behaviour and compulsion to play. For clarity in the area of time pressure for the field, the ROK in 5.3a assumes that there is in any case time pressure if the consumer has not been able to 'sleep on it' and that longer than three 'sleeping nights' in any event does not constitute time pressure. Whether there is time pressure in the intervening period must be assessed on a case-by-case basis. It is more difficult to be certain when a bonus is no longer directed at responsible participation because of the compulsion to play. This should also be considered on a case-by-case basis. It is clear, and incorporated in the ROK, that if the consumer has to make several additional deposits in order to receive a bonus, then that constitutes a compulsion to play.

5.4. If an online gambling provider offers a bonus to a consumer who participates for the first time in an online game of chance or who re-enters after a period of six months after that consumer's last bet, that bonus has a maximum amount

of:

- 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 if the amount of the first deposit is less than EUR 50; and
- c) EUR 250 in all other cases.

The same restrictions apply to bonuses offered via print media.

5.5. A bonus must be expressly accepted before it is awarded. 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 they do not wish to receive one and must, on request, cancel a bonus as soon as possible.

5.6. Before accepting a bonus, an Online Gambling Provider must make clear in an appropriate and comprehensible manner (using at the most language level B1 – CEFR Intermediate level) which conditions are attached to that bonus, including the essential bonus conditions. Where the bonus is to be accepted, the provider must do so in a prominent manner, using the same font size and font as the rest of the text to state the bonus terms. The provider further ensures that the bonus conditions remain readily available to the player.

5.7. An online gambling provider must present the essential bonus conditions in an accessible, understandable and concise manner. The provider must include the essential bonus conditions in the format in which the bonus is contained and, in the case of text, does so immediately below the headline. Where this is impossible due to the small size or duration of the format, the online gambling provider makes the essential bonus conditions available, without prejudice to the previous paragraph, by means of a single click on a clear button that leads to the location of the essential bonus conditions and the other conditions described in the previous paragraph. In doing so, the Online Gambling Provider uses the image designations as included in Appendix [A] if necessary. (The file provided did not include an appendix)

The rules from Articles 5.6 and 5.7 are intended to provide the consumer with an understandable and adequate grasp of the main conditions of the bonus. An insight that, as Article 5.6 makes clear, cannot be provided by hiding those terms and conditions in general terms and conditions. Nor, in line with article 5.7, at the base of a long web page. In addition, if space is limited, a uniform framework is offered that is provided in Appendix A to the ROK; this makes it possible to define the features of the bonus in totality and quickly in limited space.

5.8. Bonuses may not be offered to a player while actually playing a game of chance. This means, inter alia, that bonuses may be offered, for example, after placing a bet and while the player is waiting for the result, or if a player is logged in but not actually playing.

5.9. The Online Gambling Provider must ensure that a young adult player cannot use a bonus.

6. Protection of Vulnerable Groups of Persons: substantive criteria

This article aims to reduce the risk of advertising that appeals relatively strongly to vulnerable people. These are substantive obligations in this regard. Requirements for reach among vulnerable persons are set out in Article 9.

6.1. In terms of content, advertising for online games of chance must not be specifically aimed at vulnerable groups.

6.2. Advertising for online games of chance must not respond to specific needs or weaknesses of vulnerable groups. It must not use products or services, from third parties or otherwise, that are specifically aimed at vulnerable groups of people.

Minors and young adults

6.3. Online gambling advertisements must clearly and prominently state the minimum participation age.

6.4. Online Gambling Providers must not use merchandising or any other mention of their brands or logos on or with products or services specifically aimed at minors and young adults.

6.5. Advertising for online games of chance must not use, inter alia:

People of a certain age

- a) Persons under 25 years of age or who appear to be under 25 years of age;

Fantasy figures that appeal especially to young people

- b) Cartoon characters, superheroes or other fictional characters or figures that would be expected to appeal primarily
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to minors or young adults;

Athletes, other role models

- c) Individual professional athletes or teams of professional athletes, without prejudice to Article 10, unless it concerns:
- I. the use of their names by a sports betting provider to the extent necessary to indicate the offer; or
 - II. using their names and static images on an Online Gambling Provider's own social media channels or their own website solely in the context of a discussion or announcement of a sporting event.
- d) Role models other than professional athletes with a substantial reach among minors and/ or young adults.

The online gambling provider must research whether a role model has a substantial reach among minors and/ or young adults by collecting data about the age of the audience that the role model attracts, whereby use can be made, for example, of an 'age range' of visitors and the target audiences of the products or services that the role model has also advertised. Substantial reach among minors and /or young adults is if more than 25% of the audience of a role model's audience (to be determined by taking a weighted average of the reach figures of the various media) consists of minors and young adults.

In this article 6.5 sub d, the reach among minors and young adults is discussed for the first time. That group also plays a role in Article 9.3.

This article prohibits the use of a role model who has a certain reach among minors and young adults. The background to this is that a role model with a large reach among that group is more attractive to that group than a role model with a small reach. Should an advertiser use a role model with an extensive reach among minors and young adults, the suspicion of targeting that group is raised. In that sense, the actual reach and the focus are intertwined here.

The scope is also discussed in Article 9 paragraph 3 of the ROK. It is about the coverage that a specific advertisement has. That coverage is used to give substance to the criterion of 'targeting.'

In principle, coverage is defined as follows: the sum of all people who have been 'exposed' to the role model at least once via owned and earned media, per type of medium, in the last three months.

The basic principle of the ROK is that if there is a coverage among minors and young adults that is higher than 25% of the total reach, the focus is on minors and young adults. The rationale behind this is that 'targeting' means that the message has more appeal to a specific group than to society as a whole. This greater attraction then leads to a relatively higher percentage of reach among that group. This means that the concept of 'targeting' has been separated from the intention of the advertiser and is thus rationalised. That reach therefore plays an important role in this article when determining whether a role model may be used or not and in article 9 paragraph 3 ROK when answering the question whether the advertisement concerned is targeted or not.

For clarity, the limit set on the reach among minors and young adults is a separate requirement. In addition, the substantive requirements for the advertising itself of course also apply.

The percentage of 25% was reached by looking at the percentage that minors and young adults comprise of the entire Dutch population. According to Statistics Netherlands, that percentage was 28% of the population in 2020. If a role model or an advertisement has a lower reach among minors and young adults, it can be concluded that it is not aimed at that group.

Behaviour

- e) Behaviour and language used mainly by minors or young adults;
- f) Claims that participation is part of the transition to adulthood or that not to participate is immature.

7. Not dishonest

7.1. Advertising for Online Gambling must not be dishonest. Advertising for Online Games of Chance does not, among other things, give an unrealistic or incorrectly positive image of an Online Game of Chance or of one or more of its elements.

7.2. For example, it is dishonest when advertising for Online Gambling:

- a) Creates the impression that a player has already won, or will win a prize, or will win a prize by taking a certain action, when there is only a chance to do so;
 - b) offers a 'free' service or product if:
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- I. it is not immediately clear that conditions are attached to this offer, such as:
 - a. granting of permission to be approached by an Online Gambling Provider or by another party;
 - b. the purchase of a credit or other service or product;
 - c. having to cancel a subscription after accepting the offer in order for it to remain free; (original is 'het na accepteren van de aanbieding moeten beëindigen van een met die acceptatie gestart abonnement om gratis te blijven');
 - II. that participation is not free because the prize has been discounted from a higher prize or in inferior Online Gambling conditions;
- c) fails to provide clarity about the cost of the participation;
 - d) fails to make clear that the advertising originates from or is made on behalf of an Online Gambling Provider;
 - e) states or suggests that:
 - I. the player can generally have significant influence on the outcome;
 - II. a predominant influence on the result of the participation can generally be achieved through training or research;
 - III. the Online Gambling Provider holds a European Game of Chance license;
 - IV. participation can be anonymous;
 - V. this has government approval, when the term, in a neutral and detached statement, that is permitted is: "Licensed under Dutch law" (*Bezit vergunning op grond van de Nederlandse wet*).
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8. Channels: Restraint

8.1. The following applies to advertising distributed via a broadcasting service:

- a) Online games of chance providers, the providers of other restricted games of chance, and the broadcasting services, ensure that a maximum of three advertising messages of a maximum 30 seconds each are distributed for online games of chance and for the other restricted games of chance together;
- b) the use of 'tag-ons' in advertising for online games of chance and for other restricted games of chance is not allowed in an advertising break.

In case of transgression, all advertisers and the broadcaster are in principle in breach. Except, at the discretion of the RCC, circumstances are of such a nature that they do not warrant a ruling with respect to a particular party.

The message advising players to play responsibly is included in determining the maximum amount stated above and advertising must also meet the other conditions.

8.2. Online Gambling Providers must offer their players a functionality (for example a 'dashboard') in their personal environment, which enables players easily to establish their preferences for receiving and/ or seeing advertising, including the option to unsubscribe immediately from all personalised advertisements distributed by or under the control of the relevant Online Gambling Provider, whereby the Online Gambling Provider is able to identify the person who unsubscribed. A cancellation as referenced above does not mean that the player no longer sees advertising from the Online Gambling Provider concerned. For example, the player may see advertising distributed through broadcasting services, or shown also without being targeted by means of personal data (contextual advertising), or targeted using data so limited that it is not reasonably possible to identify the player in question (targeting based on a narrow profile, for example). A player who re-visits a website of the Online Gambling Provider concerned will also see the advertising of that Online Gambling Provider on that website.

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

Contrary to the rules on unsubscribing for e-mail advertising, for example, it is provided here that the data subject/ player must also be able to unsubscribe from all personalised advertisements immediately. The background to including this broader opt-out possibility here lies more in the interests of addiction prevention than in privacy. After all, it is not impossible that a player wants to ensure by opting out that he/ she is no longer tempted to participate in an (online) game of chance.

Untargeted: specific situations

8.3. Advertising for bets on a match aimed at those following that match live, physically, via any audio (visual) medium, via a live stream or otherwise, are prohibited during that match (including during intermissions, time-outs and similar situations associated with the game) with the exception of advertising on the gaming interface used for those bets. For

the absence of doubt:

- a) advertising other than for bets on the match concerned is permitted insofar as it otherwise meets the requirements of this code; and
- b) advertising for the relevant match within the digital systems used by the online gambling provider, such as an app, elsewhere than on the relevant gaming interface, is permitted, in as much as it is not aimed at those who follow live the match concerned.

8.4. Online Gambling Providers must not advertise in or around online games, nor do they allow third-party advertisements for online games on their channels. For example, advertising for online gambling on a web page that offers casual games of skill is not permitted.

8.5. No other advertising may appear on a games of chance interface of an online games of chance provider other than advertising for the (online) games of chance for which that provider has a license.

In that event, no bonus may be offered on the grounds of the mandatory cooling-off period for bonuses. Article 5, paragraph 3, sub para a.

8.6. Social media accounts of an Online Gambling Provider must clearly state that it is an official account of the online gambling provider concerned.

9. Channels: Vulnerable Groups of People

Untargeted advertising

9.1. Advertising messages for online games of chance via broadcasting services are prohibited between 6 am and 9 pm. An exception to this is neutral mentions of sponsorship of media offerings that also otherwise comply with this code. The distribution of video advertising messages for online games of chance and other restricted games of chance via online media is also prohibited between 6 am and 9 pm. Video advertisements in this article mean stand-alone commercials that mainly consist of moving images and sound. No video commercials, for example, rich media banners or sponsored content.

Television and radio are important media that are viewed or heard by consumers who are unknown to the stations concerned. It is therefore not possible to mitigate the risk that vulnerable people become aware of advertising for online games of chance broadcast via those media. That is why the legislator has opted to introduce an advertising ban for these games of chance for linear television and radio between 6 am and 9 pm. This ban is repeated in the code and extended to the distribution of commercials online.

The TV commercials that are not permitted to be broadcast between 6 am and 9 pm may not be distributed online during that period. The term "video advertising message" refers to the type of commercials as they appear in the channels in their commercial breaks. Those commercials are defined video messages with a more or less unambiguous message and of a limited length, hence the "self-contained" in the description. A description that has also been chosen to prevent, for example, sponsored programmes, organic video content or promotional films from being able to be distributed online.

"Distribution via online media" means, among other things, placing or having placed on the websites of others. It also includes social media advertising. Publishing on your own website is not covered by this provision. For social media, sometimes a commercial that has been placed cannot be removed. This applies, for example, to a commercial placed outside the window on your own channel. The distribution therefore refers to uploading and not to being there. Even if the commercial is placed on the provider's own timeline, it will remain visible in the followers' timeline, even during the window times. Others sharing the provider's commercial is also a situation that falls outside the advertiser's responsibility unless, of course, they are rewarded by the provider for doing so.

Advertising other than TV commercials, i.e. for example with static images, banners with animation/ other moving images, sponsored content, organic video content on social media channels and corporate films may be distributed online between 06:00 and 21:00.

With regard to the online advertising that is still permitted, of course, where possible, the provider must prevent that advertising from being seen by young people or other vulnerable people. This is stated in Article 9 paragraph 9.

9.2. Advertising of online games of chance on billboards, swanks (often a building wrap), bus shelters and mupis (an outdoor panel of sorts) and objects with a similar purpose is prohibited in the sight of educational institutions for the education of minors or young adults, amusement parks, playgrounds, addiction treatment institutions and hospitals.

9.3. Advertising for online games of chance must not reach an audience that consists of more than 25% of minors and

young adults together. The range is determined over a representative measurement period that is determined on the basis of the actual circumstances of the case (including the location, the medium, impact, proportionality, the classification of the person responsible for the medium itself, the judgment of independent media professionals and the nature of the products or services offered) and with the aid of reach figures that are as objective as possible. All this without prejudice to paragraph 5 of this article. Without prejudice to Article 9, paragraph 9, general reach figures of a medium are not relevant if and insofar as the online games of chance provider can guarantee that the actual reach among minors and young adults is lower than 25% through the use of filtering techniques or by other means. In the cases under c and g, the advertising ban also applies to other restricted games of chance. Prohibited in the context of this article are in any case advertising:

- a) at events attended by more than 25% minors and young adults combined;
- b) in cinemas immediately before films that are more than 25% viewed by minors and young adults combined;
- c) on a channel of which, according to annual averages in the period between 9 p.m. and 6 a.m., more than 25% of the total viewing and listening audience consists of minors and young adults combined together;
- d) in magazines that specifically target minors or other magazines where more than 25% of the readership consists of minors and young adults;
- e) on websites that specifically target minors or other websites where more than 25% of visitors consist of minors and young adults;
- f) on social media where an advertiser cannot determine the age range of the ad's reach, where more than 25% of those who can see the ad are minors or young adults;
- g) immediately before or immediately following programmes that, according to generally accepted listening or viewing figures, are heard or viewed by more than 25% minors and young adults together, based on an average over a recent, longer period (Reach v profile issue)

This article aims to protect the vulnerable age group of minors and young adults. The percentage of 25% has already been discussed in the explanation of Article 6.5 sub para d.

If the technology makes it feasible in a specific case to arrive at a figure lower than the stated 25%, that should be possible. It is important here that the ROK also establishes that the advertiser is required to use filtering techniques where possible. That is stated in Article 9.9. The advertiser cannot therefore limit himself to a filter with which he sets the percentage of minors and young adults at 24% if that filter can also be set in such a way that the percentage is lower. The advertiser must at all times attempt to bring the percentage as close to zero as possible. Experience will have to show whether, in this light, the scope for (technical) innovation offered in Article 9.3 is meaningful, or whether the requirements of Article 9.9 render it a dead letter.

With regard to determining the audience for channels and programmes, the relevant reach will be established on the basis of (generally accepted in the market) measurements in relation to persons over six years of age. In these cases, the prohibition is extended to other restricted games of chance.

An example of the application of this article is the following:

If it were to be clear that there would be a lot of young people in certain places at certain times and it is possible to arrange digital billboards in such a way that they do not show any advertising for online games of chance at those times, an online game of chance provider must ensure that this actually happens.

9.4. The prohibition from the previous paragraph does not apply if in an actual situation a public is reached that consists of more than 25% of minors and young adults, if this happens unintentionally and if this is unexpected on the basis of the reach figures of the relevant medium.

The audience cannot be predicted in all cases. An example is advertising in a football stadium. If this is opened up to students, for example in the context of a lustrum, the message in question will unexpectedly reach many minors. This does not necessarily result in a violation of the ROK. The advertiser will have to be able to demonstrate that it was indeed unexpected that the advertisement reached too large an underage audience.

9.5. The Online Gambling Provider only provides access to media content under its control after the visitor has declared that he/ she is 18 years or older, whether or not using age-gating tools for easy access. The same applies to the opportunity to post content.

9.6. Advertising for online games of chance beyond the situations included in this article must not be directed at minors and young adults.

9.7. Advertising of online gambling aimed at vulnerable groups of persons other than minors and young adults is also prohibited through media (including non-linear television services, print media, websites and social media) that specifically target such vulnerable groups of persons. The targeting focus of these media can be established by:

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- a) the classification of those responsible for the medium itself;
 - b) the judgment of independent media professionals;
 - c) the nature of the products or services offered;
 - d) qualitative and quantitative reach data.

9.8. The Online Gambling Provider must not advertise:

- a) **where the information referenced in Article 8, paragraphs 1 and 2 of the RVK (covered under 9.2?);** and
- b) when a player indicates the limits of his/ her playing behaviour or with the information provided to him/ her about his/ her playing behaviour.

Personalised advertising

9.9. In advertising where the recipients can be selected individually or by characteristics using personal data or otherwise, indicators and/or filters should be used where possible to exclude vulnerable groups of persons. Furthermore, no use may be made of data characteristics of vulnerable groups of persons.

This is the broad filter article referenced above (at Article 9.3). The wording is in line with advertising purchasing practice, where it is possible to state fairly precisely, among other things, which age category one wants to reach. That does not mean that minors are not unintentionally reached anyway. The same applies to more personalised advertising. After all, personal data will not always provide a definitive answer on age and that age will not always be recorded correctly. This article does not provide an absolute prohibition on reaching minors or young adults. In the event of a complaint, the advertiser will have to demonstrate that they have done the right thing. The circumstances of the case will establish whether the advertiser has done enough. This will be different for banner advertising based on tracking cookies than for advertising via Facebook. After all, the age of the recipients can be determined fairly precisely for the latter advertisement.

Gambling addicts and individuals who exhibit characteristics of risky gaming behaviour

9.10. Online Gambling Providers must not send people who have been excluded or who have been subject to intervention a targeted bonus or other advertising for online gambling, for example in the form of e-mails addressed to them or online banners aimed at them. The prohibition from the previous sentence with regard to persons against whom an intervention has taken place lapses after a period following that intervention that corresponds to the nature and severity of that intervention measure and amounts to at least the period stated in the table below.

Intervention	Expiration period
Provide the player with insight into his/ her gambling behaviour through a conversation and, in particular, point out to him/ her the excessive or risky gambling behaviour that has been signalled	30 days
Advise the player to use a facility where he/ she can gain insight into his/ her playing behaviour in a simple way for him/ her	30 days
Advise the player to make use of the option to limit his/ her access to the games of chance from the online gambling provider in accordance with a maximum length of time per visit or registration to be determined by that player, or during time blocks to be determined by that player	60 days
Limit the player's access to the games of chance from the online gambling provider to a maximum duration per registration or during certain time blocks without his/ her permission	60 days
Advise the player to make use of the option to exclude him/ herself from participation in the games of chance from the online gambling provider for a definite or indefinite period of time	90 days after the end of the exclusion period
Exclude the player from participation in games of chance from the online gambling provider for a definite or indefinite period of time without his/ her consent.	90 days after the end of the exclusion period

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

- a) if that person has been informed of his playing behaviour via messages on the player interface;
- b) if that person has been advised to use a facility with which he/ she can gain insight into his/ her gambling behaviour in a simple way for him/ her.

In the event of one of these forms of intervention, bonuses may be sent 30 days after the intervention concerned in the scenario set out under a) and after 60 days in the scenario set out under b).

9.12. Furthermore, the prohibitions of paragraphs 10 and 11 of this article do not apply insofar as it is not reasonably possible for the online gambling provider to know that the personal data used to target a bonus and other advertising belong to the persons referenced in the first sentence of paragraph 10 of this article.

10. Sponsorship

10.1. Sponsorship is permitted. The other articles of this code, in particular 6.5 and 9.3, are fully observed with regard to reference to the name, visual brand identity or other distinctive sign of an online games of chance provider.

Sponsorship is a form of advertising insofar as it is visible, and must therefore meet the requirements of the ROK with regard to visible messages. This article 10.1 is intended to avoid any doubt about this for the avoidance of doubt on this issue. Sports sponsorship occupies a special place, as is apparent from Article 10.2.

10.2. Contrary to Article 6, paragraph 5, sub c (GRS note: the article prohibits the use of athletes and teams in *advertising*), professional athletes and teams may be sponsored, with the exception of individual youth athletes and professional teams that consist mainly of minors. To avoid misunderstanding: the ROK applies in full for the use of images of the sponsorship in the advertising of the Online Gambling Provider.

Sponsorship of professional athletes and their teams is allowed. Other advertising that uses athletes and teams is not (Article 6, paragraph 5, sub c). This means that images from a sponsored team, for example, may not be used in a gambling provider's commercial. Also, for example, the sale of shirts of a sponsored football player with the sponsor's name in children's sizes is not allowed; that product falls under the prohibition of Article 6, paragraph 4.

The exception to Article 6.5 sub para c for sponsoring professional athletes is the consequence of the choice of the regulator, who chose to make sponsoring possible in the interest of sports. This is a deliberate departure from the general ban on the use of athletes in advertising for online games of chance. The ROK also prohibits sponsoring minors and young adult individual professional athletes. In professional teams, the age limit is set for minors. In practice it is sometimes the case that, for example, in the professional football competition more than half of a team consists of young adult players. The ROK wishes to avoid any doubt that this sponsorship opportunity, which is important for this sport, is allowed.

10.3. The sponsorship must not affect the independence, reliability and credibility of the beneficiary and of his/ her sector. For example, an Online Gambling Provider will not make the sponsorship contribution wholly or partially dependent on the turnover or results of that Online Gambling Provider.

11. Relationship with players (gamblers)

11.1. Players are not obliged to participate in any form of advertising, even if they have won. An Online Gambling Provider can ask a player who has won to participate in advertising. A player must explicitly agree to such cooperation.

12. Position in the chain

12.1. The online games of chance provider must ensure that all parties who advertise or have advertised for 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 supervise compliance with the rules and will not cooperate with parties that do not respect those rules.

The advertiser is ultimately responsible for the advertising of its products and services. This article lays down the advertiser's obligation to ensure that the parties in the chain that advertise for him (or commission to that effect) commit themselves vis à vis the advertiser to comply with this code. These are parties such as advertising and media agencies. This article does not refer to parties such as advertising networks and social media that only distribute in accordance with instructions given by or on behalf of the advertiser. If errors are made in the chain without there being an instructional relationship with the advertiser, the

advertiser is not necessarily exempt from such an error, but this article does not apply.

The wording of the last sentence indicates that not every mistake obliges the advertiser to cease cooperating with an offending party. Errors can happen. Only when it appears that a party does not respect the rules will the advertiser be obliged to cease the collaboration. This will be required, for example, when an error is the result of a system that is not properly established and continues to be inadequate, or when the rules are deliberately broken.

13. Responsible Participation Information

13.1. With every individual recruitment and advertising activity and in every (social) media account of the online gambling provider, the following information will be immediately clearly visible or audible:

- a) the minimum age for participation;
- b) the slogan 'Play with awareness' (*Speel bewust*) or its successor;
- 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 the following paragraph is provided.

13.2. The Online Gambling Provider provides easily accessible information on one or more pages on its website about:

- a) the specific characteristics of the online games of chance offered;
- b) the calculation of the winnings or any prizes and the deduction of gambling tax;
- c) the cost of participation;
- d) other obligations associated with participating or winning a prize;
- e) the categories of persons to whom online games of chance may not be offered;
- f) responsible participation in online gambling, the dangers of gambling addiction and access to addiction treatment;
- g) ensuring the privacy of players;
- h) the way in which participation in online games of chance can be terminated;
- i) the size and destination of the proceeds from online gambling.

Changes to this code

This code can be changed by the Online Gambling Providers. When designing the changes, the initiator or initiators will involve all online games of chance providers. The code will be regularly reviewed. In any case, the evaluation of the code will have commenced no later than October 1st, 2022. Consumer organisations and media will be involved in the evaluation, which will be completed in time for a revised version to enter into force on 1st March, 2023.

The ROK operates in a new playing field. Hence the relatively short period in which it will be evaluated. All license holders will be involved in formulating any changes. The evaluation of the ROK will mainly take place in the light of the general requirements formulated in Article 3. The question will be whether the specific amplifications of the principles laid down in Article 3 set out in the ROK ensure in practice that those principles are delivered or that adjustments are necessary or, if necessary, restrictions can be removed. The process will also deploy consumer research. The effectiveness of the restraint of Articles 8 (1) and 9 (1) will also be assessed.

A revised code will then have to be re-established by the SRC. The formal owner of the code is the Licensed Dutch Online Gambling Providers.

Entry into force and transition period

This code will come into effect on December 15th, 2021 and will be valid until March 1st, 2023.

From 1st October 2021, the specific advertising requirements from the Gambling Act and the consequent subordinate regulations also apply to games of chance as referenced in this code. In addition, a group of games of chance providers has committed themselves to a Voluntary Code of Conduct for Online Games of Chance as of that date. Now that the Advertising Code for Online Games of Chance (ROK) imposes additional obligations for all games of chance providers as referenced in this code, and some of these obligations will be accompanied by some implementation time, a transition period ending 1 February 2022 applies to Articles 5 para 9, 8 para 1, 9 paras 1 and 3 sub c and g of the ROK.
