

Lotteries in Europe: A Cultural Cornerstone, Social Contributor, and Economic Entity



During a two days colloquium in Brussels under the six months Belgian Presidency of the European Council (January until end of June 2024) the rich cultural heritage and important societal role of Lotteries in Europe was highlighted by a wide variety of speakers talking about the contributions of Lotteries to society, the cultural and economic dimension and the EU legal aspects. In the presence of her Royal Highness, Princess Claire of Belgium, speakers from different lotteries in Europe and experts did address the audience.

Lotteries, with their tantalizing promise of life-changing wins, have long held a captivating presence in European society. From their humble beginnings in 15th century Bruges to their widespread adoption across the world, lotteries have evolved into more than just of chance; they have become deeply embedded in the cultural fabric, acting as significant contributors to social causes and economic activities.

A Cultural Legacy

The history of lotteries in Europe is a

testament to their enduring appeal and cultural significance. The first modern lottery, held in Bruges in 1441, marked a turning point in the evolution of these games. This groundbreaking event sparked a lottery boom that swept across Europe, with the word "lottery" itself deriving from Flemish languages, reflecting the region's pivotal role in shaping this cultural phenomenon.

Lotteries have long been associated with a sense of fairness and equal opportunity, embodying the belief that chance can provide a level playing field for individuals seeking fortune. This notion, deeply rooted in European history, has contributed to the enduring popularity of lotteries and their cultural significance.

Social Contributions: A Cornerstone of Community

Beyond their entertainment value, lotteries have played a crucial role in shaping over centuries European societies and require

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Why Lotteries deserve EU Protection?

Arguing in favour of EU-level protection for lotteries may seem a little odd at first sight, but in reality it is not. Lotteries are an emanation of the sovereign power of Member States, which are the guarantors of their continuity. Made up of these, the European Union is the most appropriate level for confirming this national prerogative. This is why a Protocol in future treaties of the Union will establish a solid legal basis for the protection of the traditional Lotteries model.

protection within the EU Cultural heritage dimension. Their ability to generate substantial revenue has enabled them to contribute generously to a wide range of social causes, fostering a sense of community and solidarity. Philippe Vlaemminck, the European Lotteries legal advisor, referred in that regard to the double dimension of the EU as expressed by former EU Council President Herman Van Rompuy, to create an economic space (a 'raum' in German) and a citizen's living environment ('ein ort' in German). Recognizing this specific role of lotteries does by no means undermine the application of the EU Treaties and case law to other gambling activities, but it adds an essential non-economic dimension to the lottery activity. The Court of Justice of the EU has in other areas endorsed that there are fundamental human and societal principles and democratic values that stand on their own and are not subordinated to the economic freedoms.

Lotteries serve as a vital source of funding for public projects, from constructing bridges and roads to erecting monuments that adorn European cities. They have also played a pivotal role in supporting sports, charitable organizations, and cultural institutions, ensuring the preservation and promotion of Europe's rich heritage.

The impact of lotteries on European society extends beyond financial contributions. They foster a sense of unity and shared purpose, bringing people together in anticipation of a potential windfall. The excitement of purchasing a ticket, the thrill of checking the results, and the shared joy of celebrating a winner all contribute to a sense of camaraderie that transcends social and economic divides.

Economic Activity and Regulation:

“Lotteries have thus helped EU law to shape around games of chance.”

President of the Court of Justice, Prof. Koen Lenaerts

“We are jealous the way EU protects the French Camembert cheese. We would love Lotteries be protected in the same way”

Jannie Haek, CEO, Belgian National Lottery

Striking a Balance

While lotteries are deeply embedded in European culture and society, they also operate within the realm of economic activity. The EU Court of Justice (CJEU) has recognized lotteries as an "economic activity" subject to internal market rules. However, the unique social and cultural aspects of lotteries have necessitated a nuanced approach to regulation. This was emphasized by the President of the Court of Justice, Prof. Koen Lenaerts, in his speech. He emphasized the need not only to protect and recognize the societal contribution by Lotteries, but also their need to protect consumers and the social dimension of it in the EU Treaties.

Member states retain the discretion to regulate lotteries and gambling activities, striking a balance between economic freedoms and cultural and social considerations. This approach acknowledges the importance of protecting consumers from potential harms associated with gambling while preserving the cultural significance and societal contributions of lotteries.

Protecting Lotteries: A Call for Recognition

Proponents of lotteries argue for their continued protection and recognition within the European Union. They highlight the unique role that lotteries play in European culture, emphasizing their contributions to social causes and their embodiment of a sense of fairness and equal opportunity.

Jannie Haek, the CEO of the Belgian National Lottery said it with the following words: Drawing parallels with the protection of certain European products, such as Camembert cheese, advocates call for a similar level of recognition for lotteries. He argues that this recognition would safeguard the cultural and societal value of lotteries while ensuring their sustainable operation within the EU's economic framework. We need to have the ambition to work towards such recognition in the EU Legal framework as set up by the Treaties.

Conclusion: A Multifaceted Role

Lotteries in Europe are not merely games of chance; they are a multifaceted phenomenon that intertwines cultural traditions, social contributions, and economic activities. Their deep-rooted history, significant societal impact, and economic relevance underscore their importance within the European landscape.

As the EU continues to navigate the complexities of balancing economic freedoms with cultural and social considerations, the role of lotteries remains a subject of ongoing discussion. Recognizing the unique position of lotteries and striking a delicate balance between regulation and protection will be crucial in safeguarding their cultural significance and ensuring their continued contributions to European society. ■