Introduction

Time goes by. Gambling has yet been from the earliest days a source of drama. In *Pique Dame* (Queen of Spades), Tchaikovsky’s opera of 1890, Gherman, a commoner among fellow officers who were aristocrats, was obsessed about discovering the winning three-card sequence secret from the Countess so as to assure his success at the gambling table. He used the Countess’ granddaughter Lisa, by declaring her his love, to gain access to the Countess. Instead of obtaining the secret from the Countess, Gherman frightened her to death. When Lisa learned of this deed and his obsession, she still wanted to forgive Gherman. But Gherman, no longer in need for Lisa, rejected her, following which she drowned herself in St- Petersburg’s Winter Canal. Despite the Countess’ death, Gherman learned the gambling secret from the Countess’ ghost which one night revealed to him the eternal winning sequence of three cards. Once he had arrived at the casino, Gherman used the sequence and won twice. The third time, while intending to select the ace, the third of the winning three-card sequence secret, Gherman choose in his anxiety the queen of spades instead. Having lost everything, Gherman saw no other way out than stabbing himself to death.

To his brother Modest, Tchaikovsky wrote on March 3, 1890, the following about his hero:

‘I finished the opera three hours ago ... When I got to Gherman’s death and the final chorus I was suddenly overcome by such commiseration with Gherman that I started to weep terribly. This eventually turned into a very pleasant sort of hysteria, by which I mean, it was so sweat to cry. Later I found out why I wept (never before have I spilled any tears over any of my heroes, and I am trying to determine why I suddenly had this desire). It seems that Gherman was not simply a means for me to write this or that kind of music, but that he is a real, alive and even likeable

1 All opinions expressed are those of the author and are not those of Eurojust.
person ... I think that my warm feelings towards the hero of the opera find a positive reflection in the music.’

Tchaikovsky’s writing provides a useful introduction to some insights surrounding gambling which motivate today’s policymakers in their regulation of this activity. Tchaikovsky shows that the gambler can be anyone and that the gambler’s motivations are embedded within human nature: at the end of the day we all enjoy the feeling of winning and to have some financial means which can bring us a degree of social advancement. Yet at the same time, Tchaikovsky illustrates how gambling can have a dramatic impact upon the gambler and his wider social environment.

In the context of the European Union, we face the question as to who should regulate gambling activities: should gambling belong to the regulatory powers of the EU or should it remain within the regulatory powers of the twenty-five national authorities? What is the appropriate legislative level and mix of legislative competences between the EU and the Member States to ensure that European citizens do not fall foul of the potential dangers Tchaikovsky describes? This hot political issue was addressed during this Colloquium.

The Colloquium on the European and National Perspectives of the Regulation of Gambling, organised by Professor dr. Cyrille Fijnaut, recently awarded a chair on the regulatory aspects of gambling in Europe, at Tilburg University, provided academics, practitioners and policymakers from both the national and European levels the opportunity to exchange views on the burning question as to who, in a EU context, should regulate gambling activities.

**European Perspectives**

**General Regulatory Framework**

Professor Pierre Larouche introduced us to the general regulatory framework to which gambling belongs. Surprising or not, that general regulatory framework is competition law. Competition law has yet a broader, nobler objective than an individual’s desire to win. Professor Larouche subsequently explained that the question of who should regulate the matter within the EU context should not be seen in black/white terms or from an antagonist perspective. Both EC law and national law strive for the same objective of increasing trade in an efficient way. The accomplishment of the Internal Market should yield to an increasing level of welfare in the society in general. According to Professor Larouche, the

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