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Opinion Piece

February 20<sup>th</sup>, 2026 by Bas Jongmans, Esq.

## **Bling bling! Groothuizen may be right, but for the wrong reasons**

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In an opinion piece that I published on January 26<sup>th</sup>, 2026 about the Dutch regulator's 2026 Supervisory Agenda, I warned that supervision was in danger of sliding into something else.<sup>1</sup> Disruption is replacing policy. Pressure is standing in for design. The ambition to push channelisation above 90% may not be realistic but it is understandable. Its modus operandi, making the legal market ever more complex, fragile and costly, is not. Complexity is rarely a force of nature. More often, it is the result of policy choices that were never fully thought through.

### **Flashy**

The recent blog<sup>2</sup> on the new cabinet's gambling plans by Michel Groothuizen, the regulator's chair, unintentionally confirms that diagnosis. In explaining the political irritation with gambling advertising, he notes that the sector has, in his words, a certain "bling bling" character, flashy, attention-grabbing, and therefore an easy target for restriction. From that observation he draws two sensible conclusions. First, a full advertising ban will mainly hit the legal market while illegal operators continue to dominate social media. Second, capping the number of licences is both legally fragile and practically pointless: either products are allowed under strict conditions, or they are not. On both points, he is not wrong.

### **Pressure, disruption and restriction**

But these proposals are not isolated missteps. They are symptoms of a deeper pattern in Dutch gambling policy: the growing tendency to steer the market through pressure, disruption and restriction, instead of through coherent policy design. Measures that may look tough are politically attractive, but they often just substitute visibility for effectiveness. This shift can be seen across the board. Instead of making clear choices about which products are permitted, under what conditions, and at what cost, policy increasingly relies on indirect tools: limiting visibility (advertising), constricting access (platforms and intermediaries), restricting entry (licence caps), and applying financial pressure (taxation). That is not classic regulation. It is policy by attrition: make the legal route smaller, harder and less attractive, and hope behaviour changes.

There is also a rule-of-law dimension here. Groothuizen is right to note that excluding compliant operators on purely numerical grounds is difficult to justify. The same logic applies more broadly. If the state wants fewer products or fewer operators, it should say so openly, legislate it, and defend it under proportionality and equal-treatment standards. Achieving the same outcome indirectly, by making lawful activity economically or operationally unviable, does not make the choice cleaner. It only makes it less transparent and harder to review. Taxation illustrates this problem particularly well. Tax is not merely a budgetary instrument. It shapes markets. At some point, it stops supporting regulation and starts undermining it. We have already seen what that looks like in practice. The Dutch land-based sector is heavily taxed and tightly

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<sup>1</sup> [https://www.gaminglegalgroup.com/\\_files/ugd/e575da\\_63d6fb8ca24145ae9f25c35f2c588370.pdf](https://www.gaminglegalgroup.com/_files/ugd/e575da_63d6fb8ca24145ae9f25c35f2c588370.pdf)

<sup>2</sup> <https://kansspelautoriteit.nl/kansspelbeleid-onder-kabinet-jetten-0>



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regulated. Operators there have little room to adapt. When margins are squeezed, the only available response is cost-cutting.

### **The experience becomes thinner**

Hospitality disappears and that does not remain without consequence. The experience becomes thinner. Payout structures are adjusted. The product becomes less attractive. Players do what players always do. They migrate. First to legal online offers. But any legal online product is subject to the same pressure logic. The tax burden keeps rising, compliance costs remain high, and competitiveness suffers. Predictably, a second migration follows. This time to, often foreign, illegal operators. Offering better odds, better bonuses and fewer restrictions. The outcome is a lose-lose. The land-based sector weakens, the legal online market loses ground, the tax base erodes, supervision becomes harder, and only the illegal market benefits.

What makes this trajectory especially puzzling, is that it has been warned about. The regulator itself has acknowledged that excessive fiscal pressure weakens the legal market and undermines channelisation. Yet the tax burden keeps increasing. It is also striking how little weight is given to the experience of those who actually choose to comply. Channelisation is not achieved by decree; it is achieved by making compliance the rational choice. When policymakers consistently ignore both their own evidence and the incentives facing compliant operators, the results should not come as a surprise.

### **Policy by attrition: It always ends the same way**

Groothuizen is right to caution against measures that will push players away from the legal market. But advertising bans and licence caps are only the most visible examples of a broader approach that mistakes pressure for policy. Exactly the risk already visible in the debate on the 2026 Supervisory Agenda. You cannot defend channelisation with one hand while dismantling its economic foundations with the other.

In that sense, Groothuizen may indeed be right. But not because the market once had too much “bling bling.” The real problem is that policy has become very good at stripping away everything that makes the legal market work, while leaving the illegal market free to keep all the glitter. If this continues, incentives to participate will indeed continue to disappear from the legal market. It then simply appears exactly where supervision no longer reaches. Policy by attrition. It always ends the same way.

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