

## AVISO

### *InfoGibraltar*

### **El juego *online* se aferra al Peñón (al menos por ahora)**

**Traducción del artículo de Thomas Hale publicado en *Financial Times* el martes, 28 de abril de 2015**

El Túnel Admiralty recorre casi un kilómetro a través del Peñón de Gibraltar. En 1942, el túnel se utilizó para planear la Operación Torch, un ataque al norte de África dirigido por Dwight Eisenhower.

A día de hoy, mientras que todavía cuelgan mapas de sus paredes, las numerosas salas del túnel tienen un uso muy diferente: actualmente acogen los servidores de Continent 8 Technologies, una empresa de gestión de datos encargada de procesar las transacciones en Internet de los jugadores de todo el mundo.

El túnel marca un giro de 180 grados en la identidad de Gibraltar. Con una ubicación estratégica, este Territorio británico de Ultramar se ha consolidado en el nuevo milenio como la capital *de facto* del sector del juego *online*.

Este sector vive un momento de pujanza: en 2014, generó unos beneficios brutos —total de cantidades jugadas menos todos los premios abonados— de 30.000 millones de euros, según los datos facilitados por H2 Capital, lo que supone un aumento del 11 % en comparación con el año anterior.

Gibraltar ha sido un enclave tradicionalmente atractivo para los operadores de juego por su generoso marco fiscal. Históricamente, estas empresas se han beneficiado de un impuesto de sociedades bajo, la exención del IVA para sus gastos en *marketing* y la exención de pagar impuestos sobre el juego en el Reino Unido.

En las últimas décadas, empresas británicas y algunas multinacionales —Ladbrokes, William Hill, Bwin.party y, más recientemente, Bet 365— han trasladado sus operaciones *online* a Gibraltar. Actualmente, hay más de 34 empresas de juego *online* en este minúsculo territorio que pende de la punta meridional de España.

A finales del año pasado, no obstante, la posición central de Gibraltar en el sector del juego se vio amenazada. El impuesto británico basado en “el punto de consumo” para empresas de juego *online* deslocalizadas que se introdujo en diciembre de 2014 después de años de preparación, implica que las empresas con sede en Gibraltar están sujetas al pago del 15 % de sus ingresos brutos obtenidos a partir de clientes domiciliados en el Reino Unido. Anteriormente, estas empresas eran gravadas en función de su ubicación y no de la de sus clientes.

## AVISO

Casi todos los operadores del sector gibraltareño están de acuerdo en que el impuesto en base al punto de consumo llevará a la consolidación del sector. No obstante, mientras que algunos pronosticaron que este impuesto conllevaría la partida de Gibraltar de las principales empresas, todavía hay pocos signos de que el sector del juego deje de estar enamorado de la región.

Boylesports, la corredora de apuestas irlandesa, ha sido la última en sumarse a la comunidad de juego *online* de Gibraltar, al recibir su licencia oficial este mes. De hecho, Continent 8 se está expandiendo dentro de la Roca e incorporando nuevos servidores para responder a una “demanda sin precedentes” del sector, a la vez que las principales empresas cotizadas insisten en que aumentarán su presencia.

“Tenemos previsto expandirnos en Gibraltar” señaló Jim Mullen, el nuevo Consejero Delegado de Ladbrokes, quien visitó a su equipo de Gibraltar este mes, sólo unas semanas después de su nombramiento. “Este nuevo Consejero Delegado visitará Gibraltar mensualmente”, añadió.

La empresa de apuestas británica Gala Coral, que posiblemente lance una OPV tras las elecciones generales, trasladó parte de su negocio a Gibraltar cuando la modificación del marco fiscal británico ya estaba en curso. Como muchos de sus competidores, Gala —con una plantilla de 400 empleados— cita la pujanza del ecosistema sectorial del juego en Gibraltar como el factor determinante para el traslado, incluso después de que quedara claro que desaparecerían algunas ventajas fiscales del sector.

“Es el mejor sitio para contratar nuevos empleados” comentó Paul Meeham, Director Financiero de la División Interactiva de Gala.

En una población de 33.000 habitantes, el sector del juego *online* da trabajo a alrededor de 3.000 personas, muchas de las cuales se distribuyen en las ciudades españolas aledañas.

“Desde 2011 hasta la actualidad, el impuesto en base al punto de consumo ha sido el tema candente, pero contamos con 1.000 puestos de trabajo nuevos en el sector”, comentó Albert Ísola, Ministro de Servicios Financieros y Juego, quien añadió: “Este impuesto no representa una amenaza al sector”.

El sector del juego *online* de Gibraltar es un caso de estudio antropológico de un entorno empresarial densamente poblado. Los bloques de oficinas de hormigón —reminiscentes de la arquitectura gris de los sesenta— acogen a docenas de empresas competidoras. Los empleados descontentos no tienen más que cruzar el pasillo para encontrar un nuevo empleo.

Un antiguo Comisario de Policía de West Yorkshire está al frente de la autoridad reguladora del juego en Gibraltar. Pero la normativa local es tan sólo una pequeña parte del panorama completo para las empresas de juego, que operan en todo el mundo y solicitan licencias en diferentes regiones. Stan James, la corredora de apuestas *online*, solicitó recientemente una licencia para operar en la lejana Delaware, por ejemplo.

“Cada país tiene el derecho de regular el juego como crea oportuno” declaró Scott Longley, Responsable de Contenidos de Regulus Partners, una consultora especializada en el sector del

## AVISO

juego, y añadió: “Esta presión no sólo aumentará en Europa, sino también en EE. UU. e incluso, a largo plazo, en algunas partes de Asia”.

De momento, Gibraltar ha sobrevivido a la introducción de un nuevo impuesto británico, aunque Longley afirma que “con el tiempo”, puede que algunas empresas “retornen al Reino Unido”. No obstante, más allá del Reino Unido, el sector del juego *online* —como Gibraltar— sigue expuesto a cambios bruscos en la legislación y en su estatus legal en diferentes países y estados.

Longley sugiere que la edad de oro para las empresas del sector ha llegado a su fin. “El marco fiscal los ha alcanzado y los reguladores —del Reino Unido, Francia, España, Italia y EE. UU.— se han hecho con ellos”, señaló.

Para las empresas de juego, a la conquista de nuevos mercados, las legislaciones y restricciones nacionales desentonan con la fluidez del mundo *online*. El impuesto británico en base al punto de consumo tuvo que lidiar con la dificultad de identificar si la ubicación real de los jugadores está en el Reino Unido, algo inimaginable para el sector tradicional de las corredoras de apuestas que operan en tiendas físicas.

“En la actualidad no pensamos a nivel de un país; no pienso nunca en la legislación inglesa, sino en la inglesa, la alemana, la estadounidense, la china”, declaró Peter Howitt, Presidente de la Asociación del Juego y las Apuestas de Gibraltar (Gibraltar Betting and Gaming Association), que presentó un recurso ante los tribunales por el nuevo impuesto británico en marzo. “Todos mis clientes operan en todo el mundo, por lo tanto, ¿cuál es la legislación en todo el mundo?”.

A medida que los marcos legislativos vayan evolucionando, las empresas de juego de Gibraltar vigilarán de cerca el cambiante mapa mundial de riesgos derivados de la legislación”. Por el momento, el juego *online* ha venido a formar parte integral del tejido cultural del territorio.

Meehan, de Gala Coral, señaló que la mayoría de personas en los numerosos bares y pubs de Gibraltar parece formar parte del sector y declaró “No estoy seguro de qué había aquí antes”.

### Historia del juego *online* en Gibraltar

El sector del juego aterrizó en Gibraltar en forma de apuestas telefónicas, de la mano de Ladbrokes y BetVictor, que prestan servicio desde Gibraltar desde mediados de los noventa.

Las cosas cambiaron rápidamente: “Llegaron por las apuestas telefónicas, pero a medida que esto se consolidaba, a alguien se le ocurrió que se había inventado Internet”, comentó Phill Brear, Regulador del Juego.

Internet abrió las puertas a un nuevo mundo de posibilidades para los jugadores. En la primera década del nuevo milenio, la comunidad del juego *online* creció. En 2005, la Ley de Juego del

## AVISO

Reino Unido (UK Gambling Act), que reconoció formalmente el juego *online*, dio el pistoletazo de salida al traslado de las operaciones de las principales compañías del sector como William Hill y Jackpotjoy al territorio.

El sector se topó con un obstáculo importante en 2006, cuando EE. UU. prohibió el juego online con la Ley de Prohibición de la Financiación de los Juegos de Azar Ilícitos en Internet (Unlawful Internet Gambling Enforcement Act).

Como consecuencia de ello, las autoridades gibraltareñas impidieron la prestación de servicios en dicho mercado a las compañías radicadas en el territorio, entre las que se encontraba PartyGaming, que centraba la mayoría de su actividad en EE. UU. y que, posteriormente, se fusionó con Bwin.

El impuesto británico en base al punto de consumo —el último desafío en cernirse sobre la industria— fue propuesto ya en 2010, pero tardó cinco años en aplicarse.

A la vez que las operaciones *online* se han disparado, el panorama del juego presencial también está creciendo, aunque no de la forma tradicional. El Sunborn de Gibraltar, un hotel flotante de cinco estrellas, abrirá su propio casino en mayo.

## AVISO

### Nota a redactores:

**Esta es una traducción realizada por la Oficina de Información de Gibraltar. Algunas palabras no se encuentran en el documento original y se han añadido para mejorar el sentido de la traducción. El texto válido es el original en inglés.**

Para cualquier ampliación de esta información, rogamos contacte con  
Oficina de Información de Gibraltar

Miguel Vermehren, Madrid, [miguel@infogibraltar.com](mailto:miguel@infogibraltar.com), Tel 609 004 166  
Sandra Balvín, Campo de Gibraltar, [sandra@infogibraltar.com](mailto:sandra@infogibraltar.com), Tel 661 547 573

Web: [www.infogibraltar.com](http://www.infogibraltar.com), web en inglés: [www.gibraltar.gov.gi/press-office](http://www.gibraltar.gov.gi/press-office)  
Twitter: [@InfoGibraltar](https://twitter.com/InfoGibraltar)

## BUSINESS LIFE

## Contortions are required to keep Cirque de Soleil's magic



**Andrew Hill**  
On management

When it comes to management challenges, fish fingers and circuses are at opposite extremes: one product is the acme of industrialised food processing, the other the ultimate expression of human creativity and energy. Somehow, private equity has found room for both: last week, Permira agreed to sell Iglo, which makes Birds Eye fish fingers in Europe, after nine years running the frozen foods company, while another buyout group, TPG Capital, led a deal to gain control of Montreal's Cirque du Soleil.

The coincidence made me wonder at the sheer breadth of private equity-owned businesses, which seems to defy the caricature of buyout kings as asset-stripping short-termists, interested only in targets with an annuity-like stream of revenue. But something else links these two apparently disparate businesses. All great enterprises start like a troupe of inventive and inspired circus performers. But over time most end up churning out the equivalent of pre-cut breaded strips of reconstituted seafood. The big question is: how can entrepreneurial and inventive companies slow their slippery slide to a fish-fingery fate?

I do not mean to disparage the creativity involved in food production. Iglo's new owner, Nomad Foods, says innovation is one reason it is ready to pay €2.6bn. A few years ago, when I visited Birds Eye's plant in Lowestoft, on England's easternmost tip, the man in charge would not let the FT photograph his state of the art potato-waffle-packer, he was justly proud of the scanners that screen out dodgy-

coloured peas before processing, and he was trialling new ready-meal combinations. But such incremental innovations are a long way from the original breakthrough of the eccentric Clarence Birdseye, who in the early 20th century, inspired by how Inuit people preserved the fish they caught, invented a way of processing flash-frozen food in bulk and thus launched a billion microwave television suppers.

Birds Eye sold out to the Post food empire and Goldman Sachs in 1929. It is hard to tell whether it was a critical turning point in how the business was managed. The founder was always interested in mass manufacturing and continued his innovative research. But the parallel with the dilemma that has faced Cirque du Soleil co-founder Guy Laliberté is intriguing and instructive.

Mr Laliberté wanted to keep control. He plays a lead role in management case studies, from *Blue Ocean Strategy* to Harvard Business School, based on how he and colleagues revived the tired circus format in the 1980s, with a new spectacle based on human skills and theatricality. He has long employed outside directors for the shows, but has a strong say in what they produce.

When you are the creative driving force and majority owner of any business, all interests are aligned. Mr Laliberté will stay involved after the sale. But the fear is that Cirque has taken a step down the tightrope that leads to mere mass production. Ajay Agrawal of Toronto's Rotman management school points out that once 90 per cent of the company has passed to TPG and other outside

How can inventive companies avoid turning into bland production lines?

shareholders, "you can imagine a world where he says 'I think we should do this creative show' and the people who stand to make a financial gain or loss say 'that's too risky'".

Daniel Lamarre, Cirque's chief executive, denies that will happen. He told me the buyers understood they "could spend a lot of time looking at the numbers but if the creativity is not there . . . you are losing everything".

Four things have to happen to keep that aim alive. The new owners must let the group's directors take artistic risks or there will be no business. The creative team must let the owners take steps to ensure Cirque's commercial health, or there will be no art. The managers themselves bear a bigger responsibility now to mediate between owners and artists. All must ensure that the owners honour undertakings to keep Cirque rooted in Montreal, where it has seeded an innovative cluster of some 40 circus companies.

Calculated risk-taking, commercial stability, management skill and a sense of history: these are prerequisites to stop innovative businesses turning into mere same-again production lines. Patrick Leroux of Montreal's Concordia University, who studies circus culture, says Cirque's new owners and their agents in management "have to focus on research and development and the creative core: otherwise it will just be a brand". A bit like Birds Eye, in fact, only with contortionists on the payroll not fish-packers.

andrew.hill@ft.com  
Twitter: @andrewtghill

## Art of persuasion

### The politician's old trick of pretending to be normal

SAM LEITH



*Argumentum ad populum* is a rhetorical term that roughly translates as "argument to the people" or "appeal to the crowd". What, after all, is an election campaign but a set piece making an argument to the people? So the run-up to the UK general election seems a good time to consider this technique.

First, it is worth teasing out what *argumentum ad populum* means in a bit more detail. It is actually used in two senses. There is the direct appeal to the crowd — "Friends, Romans, countrymen!" — which is how the great scholar of rhetoric Richard Lantham glosses it. This doesn't just mean addressing the nation directly over the airwaves or Caesar's corpse. It can include the abrupt change of addressee called an apostrophe: you are in a public debate, say, and you turn to the audience to appeal directly to them over the head of your opponent ("playing to the gallery" might be a useful tweak of the translation). Hey! Am I right, fellas, or am I right?

The second sense in which *argumentum ad populum* is used is to describe not an appeal to the crowd's ears, but to its wisdom. That is what strict logicians call an "informal fallacy", a conclusion not supported by its premise. It implies that because something is very widely believed, it must be true. Here is the argument that says, as per an old tourist T-shirt: "Western Australia is a great place. Six billion flies can't be wrong."

Polling repeatedly tells us that the British public is misinformed about all sorts of political facts — especially on emotive issues such as immigration and the welfare state — but if you're a candidate for high office there is not much political capital in saying so.

You see both senses of *argumentum ad populum* in a campaign, coming

together in a sort of feedback loop. The wisdom of the doorstep is recycled on the airwaves; you will hear a lot about "common sense", "what people are telling us out canvassing", and what "everybody knows" or "the hardworking men and women of this country" feel when it comes to immigration, tax, the NHS and what have you. To be, or to appear to be, "out of touch" is a very considerable political sin.

The point bears making that one of the ways you argue to the crowd, and — by arrogating its presumed wisdom — argue from the crowd, is to cast yourself as being of the crowd. The thing that comes to the fore in any election campaign is what the ancients called ethos: the way a speaker forges his or her connection with an audience.

This is why the nearer any nation comes to an election, the more strenuously its candidates for office insist that they are ordinary people just like you or me. In the UK, you will see them drinking tea out of mugs while "sharing a joke" with construction workers (or, at a push, with each other, like the SNP's Nicola Sturgeon and Alex Salmond, above). In the US they will be photographed wearing baseball caps and eating hot dogs at backyard cookouts.

This pleasurable pantomime of absurdity underscores, at least, something we can probably agree is a good thing: in a representative democracy, anyone aspiring to govern needs to look and sound like a representative of the governed. Informal fallacy it may be, but it is a good thing on the whole that all these *argumenta* need to be *ad populum* rather than otherwise.

artofpersuasion@ft.com

The writer is the author of 'You Talkin' to Me?' Rhetoric from Aristotle to Obama

## Internet gambling's enthusiasm for Gibraltar is yet to be dulled by the stiffer taxation of UK bets, says Thomas Hale

Admiralty Tunnel runs for almost a kilometre through the Rock of Gibraltar. In 1942, the tunnel was used to plan Operation Torch, an attack on north Africa led by Dwight Eisenhower.

Today, while military maps still hang from the walls, the tunnel's many rooms serve a very different purpose. They now host the servers of Continent 8 Technologies, a data company which processes the transactions of internet gamblers around the world.

The tunnel embodies a profound shift in Gibraltar's identity. A key strategic location, the British overseas territory has this millennium established itself as the unofficial capital of the online gaming industry.

The global industry has been booming: in 2014, it generated a gross win — total stakes minus winnings paid out, including bonuses — of just over €30bn, according to data from H2 Capital, up 11 per cent on the previous year.

Gibraltar was traditionally attractive to gambling companies because of its generous tax environment. Historically, they have benefited from lower corporation tax, no value added tax on marketing spend and exemption from gambling duty in the UK.

Over the past few decades, UK and international companies — among them Ladbrokes, William Hill, Bwin.party and, most recently, Bet 365 — have moved their online operations to Gibraltar. There are now 34 online gaming companies in the minuscule territory balanced off Spain's southern tip.

At the end of last year, however, Gibraltar's central position in the world of gaming came under threat. The UK's "point of consumption" tax, introduced for remote gaming companies in December 2014 after years of planning, means that Gibraltar-based companies now have to pay 15 per cent on gross profits from customers based in the UK. Previously, those companies were taxed on the basis of where they — rather than their customers — were located.

Almost all of Gibraltar's industry players agree the point of consumption tax will lead to consolidation. But while some predicted the tax would prompt the flight of major companies, there is little sign yet of the online gaming industry falling out of love with the region.

Boylesports, the Irish bookmaker, is the latest company to join Gibraltar's online gaming community, officially gaining its licence this month. Continent 8 is expanding further into the Rock, adding new servers to accommodate "unprecedented demand" from the industry, while major listed companies insist they will continue to increase their presence.

"We are looking to grow in Gibraltar," says Jim Mullen, Ladbrokes' new CEO, who was visiting his Gibraltar team earlier this month just weeks after his appointment. "The new chief executive of Ladbrokes will be in Gibraltar every month," he adds.



## Online betting sticks to the Rock — for now at least

Visible all over: Gibraltar's online gaming sector employs about 3,000 out of a population of 33,000

Getty Images

British betting company Gala Coral, which may launch an initial public offering after the general election, moved part of its business to Gibraltar while the UK tax change was occurring. Like many of its competitors, Gala — which now employs about 400 people locally — cites the rise of Gibraltar's gambling ecosystem as a key factor in the decision to move, even after it became clear some of the region's tax advantages would dissipate.

"It's the best place to recruit people," says Paul Meehan, finance director of its Gala Interactive arm.

The online gaming sector now employs about 3,000 in a population of 33,000, with many workers spilling over into bordering Spanish towns.

"Since 2011 to today, point of consumption has been the buzzword, but we've got over a thousand more jobs in the industry," says Albert Isola, minister for financial services and gaming. "It's not as though the point of con-

sumption tax is a threat to the industry," he adds.

Gibraltar's online gaming industry is an anthropological case study of a densely packed corporate environment. The territory's concrete office blocks — a throwback to grey 1960s architecture — host dozens of competing firms. Disgruntled employees need only walk across the corridor to find a new job.

A former deputy chief constable of West Yorkshire heads Gibraltar's gambling regulator. But local rules are only a small part of the bigger picture for gaming companies, which operate around the world and apply for licences in different regions. Stan James, the online bookmaker, recently applied for a licence to operate in distant Delaware, for example.

"Every country has the right to regulate gambling in the way it sees fit," says Scott Longley, editorial director at Regulus Partners, a consultancy specialising in the gambling industry. "That

pressure is only going to increase not just in Europe, but also the US and even further afield in parts of Asia," he adds.

Gibraltar has, so far, survived the introduction of a new UK tax, although Mr Longley says that "over time" some companies "might repatriate back to the UK". But far beyond the UK, the online gaming industry — and Gibraltar — remains exposed to abrupt regulatory shifts and changes in legal status across different countries and states.

Mr Longley suggests that a golden era for the industry has come to an end. "The tax has caught up with them, the regulators have caught up with them — UK, France, Spain, Italy, the US," he says.

For gaming companies forging ahead in new markets, national laws and boundaries sit uneasily with the fluidity of the online world. The UK's point of consumption tax grappled with the difficulty of identifying whether the gambler was in the UK or not — a problem scarcely imaginable for bricks-and-mortar bookmakers.

"We don't think in terms of one country now — I never think about what's English law, I think about English, German, American, Chinese," says Peter Howitt, head of the Gibraltar Betting and Gaming Association, which issued a fresh challenge to the new UK tax in court in March. "All my clients do business around the world, so what's the law around the world?"

As legal frameworks evolve, Gibraltar's gaming companies will keep a close eye on a shifting world map of regulatory risk. But online gaming has for now woven itself into the territory's culture.

Gala Coral's Mr Meehan points out that the majority of people in Gibraltar's many bars and pubs seem to be from the industry. "I'm not sure what existed here before," he says.

## History

### Gibraltar's growth in gaming

The gambling industry was first drawn to Gibraltar through telephone betting, with Ladbrokes and BetVictor providing services from the territory as early as the mid-1990s.

Things soon changed. "They came here for telephone betting, but as that was getting established, someone realised the internet had been invented," says Phill Brear, gambling commissioner.

The internet gave rise to a new world of possibility for gamblers. In the 2000s, Gibraltar's online gaming community grew. In 2005, the UK Gambling Act, which formally recognised online gaming, was followed by major companies including William Hill and Jackpotjoy moving their online operations to the territory.

The industry encountered a major

obstacle in 2006 when the US banned online gaming through the Unlawful Internet Gambling Enforcement Act. Gibraltar's regulator blocked any of its companies from offering services in that market as a result — including PartyGaming, which had the majority of its business in the US, and has since merged with Bwin.

The UK point of consumption tax — the latest challenge to hit the industry — was mooted as early as 2010, but has taken about five years to introduce.

While online operations have climbed, Gibraltar's real-life gambling scene is also growing, albeit not in the purest bricks-and-mortar sense. The Sunborn Gibraltar, a five-star hotel on a permanently-moored yacht, is opening its casino in May.

## Great place to meet

### Bonanza Coffee Roasters, Berlin



Where **Prenzlauer Berg, Berlin**  
Plug sockets **Yes**

WiFi **No**  
Espresso **€3.40**

Open **8.30am-6pm**

Privacy points **★★★☆☆**

In the darkest days of the cold war, the far end of Oderberger Straße, in the Prenzlauer Berg district of Berlin, was a draw for those seeking to flee to the west because it was close to a section of the wall. Today, in a sign of how far Germany's capital has transformed since the collapse of communism in Europe, people now flock to the street from the west of the city, lured by the bohemian atmosphere and the flat whites on sale at Bonanza.

A neon squiggle on the bare render shopfront is all that alerts you to the presence of Bonanza from the street. Inside, the stripped concrete walls and display of glass coffee making devices are suggestive of artisan coffee snobbery. But the drinks are

good and metal tables attached along the length of the interior walls are clearly designed for those looking to stop and linger, either for work or pleasure. There are also enough quiet corners at the back of the shop to hold a discreet business meeting over a refreshing hot drink.

During the weekend the area is awash with local families and tourists, drawn to the nearby flea market and street entertainers, who perform across the street at Mauerpark, a public space that once sat in the no-man's-land between East and West Berlin.

On a working day, however, the biggest competition for space at Bonanza is from bearded tech entrepreneurs.

Jonathan Moules