

**International
Comparative
Legal Guides**



Practical cross-border insights into gambling law

Gambling 2022

Eighth Edition

Contributing Editor:

Jason Chess
Wiggin LLP



ICLG.com

Introductory Chapter

1

In a Post-Pandemic World, the Gaming Industry Can Thrive
Marc Ellinger, International Masters of Gaming Law

Expert Analysis Chapters

3

The Ambiguity of Compliance Within the Gaming Industry
Bas Jongmans & Xavier Rico, Gaming Legal Group

7

A New Era in Canadian Gaming
Danielle Bush, McCarthy Tétrault LLP

Q&A Chapters

11

Argentina
MF Estudio – Abogados: Tomás Enrique García Botta

16

Australia
Senet: Julian Hoskins & Daniel Lovecek

26

Austria
BRANDL TALOS: Thomas Talos & Nicholas Aquilina

33

Belgium
Sirius Legal: Bart Van den Brande

39

Brazil
FYMSA Advogados: Luiz Felipe Maia,
Flavio Augusto Picchi & Maria Luiza Kurban Jobim

46

Cyprus
A.C. Couccoullis & Associates LLC:
Dr. Alexia Couccoullis

52

Czech Republic
WH Partners: Robert Skalina

60

Denmark
Mazanti-Andersen: Nina Henningsen

67

Estonia
Gabnys.Gabniene: Andrius Gabnys

73

Finland
Legal Gaming: Minna Ripatti

78

Germany
Melchers Law Firm: Dr. Joerg Hofmann &
Dr. Matthias Spitz

86

Greece
KG Law Firm: John C. Kyriakides & John Broupis

91

Hungary
DLA Piper Hungary: Viktor Radics, Dániel Élő &
András Nemescsói

97

India
IndusLaw: Ranjana Adhikari & Shashi Shekhar Misra

109

Ireland
McCann FitzGerald: Alan Heuston

116

Isle of Man
Appleby (Isle of Man) LLC: Claire Milne &
Sophie Corkish

123

Israel
M. Firon & Co.: Jacob (Koby) Sarov, Ido Nahon &
Leehe Asif

128

Japan
Nagashima Ohno & Tsunematsu: Masayuki Fukuda

135

Kenya
TripleOKLaw LLP: John M. Ohaga & Michelle C. Koske

141

Latvia
Gabnys.Gabniene: Andrius Gabnys

148

Lithuania
Gabnys.Gabniene: Andrius Gabnys

154

Macau
Rato, Ling, Lei & Cortés – Advogados e Notários | Lektou:
Pedro Cortés & Óscar Alberto Madureira

162

Malta
GTG Advocates in collaboration with Aflexion Alliance:
Reuben Portanier & Dr. Terence Cassar

168

Mexico
Portilla, Ruy-Díaz y Aguilar, S.C.: Carlos Fernando
Portilla Robertson & Ricardo Valdivia González

174

Netherlands
Kalff Katz & Franssen: Justin Franssen &
Dr. Alan Littler

180

Norway
Brækhus Advokatfirma DA: Brede A. Haglund &
Alexander Mollan

186

Poland
WH Partners: Ewa Lejman-Widz

Q&A Chapters Continued

194 **Portugal**
Luiz Gomes & Associados: Gonalo Afonso Proena

201 **Romania**
Nestor Nestor Diculescu Kingston Petersen (NNDKP):
Alina Tace & Lucian Barbu

209 **Russia**
4H Agency LTD: Ilya Machavariani, Ivan Kurochkin,
Viktor Kuzmenko & Sophia Balashvili

216 **Spain**
LOYRA Abogados: Patricia Lalanda Ord3ñez &
Fernando A. Mart3n Mart3n

224 **Sweden**
Nordic Gambling: Maria McDonald & Elvin Sababi

232 **Switzerland**
MME Legal | Tax | Compliance: Dr. Andreas Glarner &
Stefan Keller

238 **Ukraine**
Sports & Gaming Lawyers: Iryna Sergienko &
Robert Khorolsky

247 **United Kingdom**
Wiggin LLP: Jason Chess & Chris Elliott

253 **USA – Illinois**
Taft Stettinius & Hollister LLP: Paul T. Jenson,
Erin Lynch Cordier, Anne Kremer & Alexandra Van Dusen

261 **USA – Iowa**
Butler Snow LLP: Sean McGuinness

265 **USA – Nevada**
Lewis Roca: Karl F. Rutledge & Glenn J. Light

Belgium

Sirius Legal



Bart Van den Brande

1 Relevant Authorities and Legislation

1.1 Which entities regulate what type of gambling and social/skill gaming activity in your jurisdiction?

Relevant Product		Who regulates it in digital form?	Who regulates it in land-based form?
Gaming	Casino gaming (including slots and casino table games such as roulette & blackjack)	Gaming Commission.	
	Poker		
	Bingo		
Betting	Betting	Gaming Commission.	
	Sports/horse race betting (if regulated separately to other forms of betting)		
	Fantasy betting (payment to back a 'league' or 'portfolio' selection over a period of time, for example in relation to sport or shares)		
Lotteries	Lotteries	Gaming Commission.	
Social/Skill arrangements	"Social" gaming with no prize in money or money's worth	Gaming Commission.	
	Skill games and competitions with no element of chance		

1.2 Specify: (i) the law and regulation that applies to the Relevant Products in your jurisdiction; and (ii) – in broad terms – whether it permits or prohibits the offer of Relevant Products to persons located in your jurisdiction.

All matters that are subject to the Law of May 7, 1999 (*Wet van 7 mei 1999 op de kansspelen, de weddenschappen, de kansspelinrichtingen en de bescherming van de spelers*, as amended by the two laws of January 10, 2010) are regulated by the Gaming Commission. This includes all gambling and betting activities.

Matters that fall outside the scope of this law, due to the fact that they are not considered games of chance, are: promotional contests that do not include an element of chance (this excludes sweepstakes); sporting activities; games that offer no financial gain and only allow the player to continue playing for a maximum of five consecutive times; card games or parlour games that do not offer any financial gain and are played outside gaming establishments; and games exploited by amusement parks or fairs and occasional games organised by local associations no more than four times a year on account of a special event or by an unincorporated association with a social or charitable cause or a non-profit organisation for a social or charitable cause, that require only a very limited bet and can only muster a material advantage of limited value to the gamblers.

The Gaming Commission is a commission composed of a president and two representatives from each of the six competent Ministries (Ministry of Justice, Ministry of Finance, Ministry of Economic Affairs, Ministry of Internal Affairs and Ministry of Public Health).

Local authorities in turn regulate building and exploitation permits for casinos and gambling or betting halls. Permits do not necessarily have the same conditions or the same duration as gambling licences, which has led, in 2017, to the difficult situation whereby certain casinos must renew their exploitation permits for 30 years, even though it is uncertain that they will retain their gambling licence when this comes up for renewal in one or more years' time.

The Law of May 7, 1999 on games of chance, bets, gaming establishments and the protection of players (*Wet van 7 mei 1999 op de kansspelen, de weddenschappen, de kansspelinrichtingen en de bescherming van de spelers*, as amended by the two laws of January 10, 2010) explicitly states that all games of chance and bets and the exploitation of gaming establishments are prohibited unless they are licensed by the *Kansspelcommissie*. Offering these unlicensed games is prohibited, but it is also prohibited to promote them, and to participate in them, if you are aware of their unlicensed nature.

Games of chance are all activities that combine a direct or indirect payment by the player with the chance to win or lose

something insofar that this chance depends, even partially, on coincidence.

The consequence of this is that commercial contests, sweepstakes, lotteries organised by advertisers, private poker games and bingo games are restricted or even forbidden.

Other applicable legislation includes Book VI of the Belgian Commercial Code concerning Consumer Protection and Market Practices (*Boek VI van het Wetboek Economisch Recht betreffende Consumentenbescherming en Marktpraktijken*), which contains a series of rules that also apply to gambling providers (information to the consumer, fair trade practices, distance sales for online gambling, etc.).

The Law of December 31, 1851 (*Wet van 31 december 1851 op de loterijen*) gives the Belgian National Lottery a monopoly on all lottery games, scratch card games with money prizes and tombola games with very strict and limited exceptions for tombola games organised for a good cause.

Several articles in the Belgian Penal Code sanction illegal gambling activities (articles 301, 302, 303 and 304 of the Belgian Penal Code – *Strafwetboek*).

Local building and exploitation regulations are relevant as far as permits for physical offline casinos and gambling halls are concerned.

Also relevant is the self-regulating Sector Code on Advertising for Gambling activities, dating back to October 2016, which will be replaced by a new law that will limit advertisement for gambling activities by the beginning of 2019.

2 Application for a Licence and Licence Restrictions

2.1 What regulatory licences, permits, authorisations or other official approvals (collectively, “Licences”) are required for the lawful offer of the Relevant Products to persons located in your jurisdiction?

All gambling and betting, both online and land-based, requires a licence. The licence system is based on a closed number of licences per category (see question 2.2) and with separate licences for online activity that can only be obtained by providers that are already in possession of a land-based licence.

2.2 Where Licences are available, please outline the structure of the relevant licensing regime.

The law distinguishes nine types of licences.

Gaming industry providers must, depending on the nature of their activities, obtain one or more of the following licences:

- Class 1 activities (casinos) require a licence A. If activities include the offering of games or bets over the internet, an additional licence A+ is required.
- Class 2 activities (amusement arcades) require a licence B and, if the activities take place over the internet, an additional licence B+.
- Class 3 activities (establishments that sell alcohol, and cafés) require a licence C, for the permission to exploit a maximum of two games (bingo and/or one-ball).
- Class 4 activities (bookmakers) require a licence F. To organise bets, a licence F1 is required. Bookmakers that take bets on the account of licence F1 holders (gaming establishments) require a licence F2. For betting over the internet, an additional licence F+ is required.

2.3 What is the process of applying for a Licence for a Relevant Product?

Applications should be filed with the Gaming Commission by registered letter containing the form that can be found in Annex 1 of several Royal Decrees:

- For Class A: *Koninklijk besluit van 19/07/2001 betreffende de werking en het beheer van de kansspelinrichtingen klasse I, de wijze van aanvraag en de vorm van de vergunning klasse A.*
- For Class B: *Koninklijk besluit van 22/12/2000 betreffende de werking en het beheer van de kansspelinrichtingen klasse II, de wijze van aanvraag en de vorm van de vergunning klasse B.*
- For Class C: *Koninklijk besluit van 22/12/2000 betreffende de werking en het beheer van de kansspelinrichtingen klasse III, de wijze van aanvraag en de vorm van de vergunning klasse C.*
- For Class D: *Koninklijk Besluit van 20/06/2002 betreffende de modaliteiten van de aanvraag, de vorm van de vergunning klasse D en de vereiste bewaambeden en getuigenschappen voor het uitoefenen van een beroepsactiviteit in een kansspelinrichting klasse I of II.*
- For Class E: *Koninklijk besluit van 22/12/2000 betreffende de modaliteiten van de aanvraag, de vorm van de vergunning klasse E.*
- For Class F1: *Koninklijk besluit van 22/12/2010 betreffende de vorm van de vergunning klasse F1, de wijze waarop de aanvragen voor een vergunning klasse F1 moeten worden ingediend en onderzocht en de verplichtingen waaraan vergunninghouders F1 moeten voldoen inzake beheer en boekhouding.*
- For Class F2: *Koninklijk besluit van 22/12/2010 betreffende de vorm van de vergunning klasse F2, de wijze waarop de aanvragen voor een vergunning klasse F2 moeten worden ingediend en onderzocht en de verplichtingen waaraan vergunninghouders F2 moeten voldoen inzake beheer en boekhouding.*
- For Class G1: *Koninklijk besluit van 21/06/2011 betreffende de vorm van de vergunning klasse G1, de wijze waarop de aanvragen van een vergunning klasse G1 moeten worden ingediend en onderzocht en de verplichtingen waaraan de houders van deze vergunning moeten voldoen.*

This form will be sent to the applicant by the Commission at the applicant's request. For Class G and F licences, an electronic procedure is also possible.

2.4 Are any restrictions placed upon licensees in your jurisdiction?

Every licence held by a natural person requires that the person is in full possession of their civil and political rights and behaves in a manner which fulfils the requirements of their position. If the licensee is a legal entity, its directors and managers need to meet those same requirements. (Articles 31, 36, 41, 43/5, 43/10, 45, 50.)

Holders of licences A, B, C, E, F1, F2, G1 or G2 need to obtain a statement from the FOD of Finance, which states that all fixed and undisputed tax liabilities are satisfied.

If the holder of licence A, B, E, F1, F2, G1 or G2 is a natural person, they need to be a subject of an EU Member State. Legal entities (which cannot be a non-profit organisation) should be incorporated in compliance with Belgian law, or the law of an EU Member State.

A holder of licence A, B, E, F1 or F2 needs to present proof of their credibility and financial capacity and must at all times give the Commission meticulous intelligence which offers transparency, the operations and the identity of the shareholders, and it must monitor all future alterations in these matters.

All holders of licences A or B have to be registered in the *Kruispuntbank van Ondernemingen* (companies register) as a commercial company.

There are only nine A licences available in Belgium (article 29), which means that there are only nine casinos within the entire country. They are only allowed on the territory of the municipalities of Blankenberge, Chaudfontaine, Dinant, Knokke-Heist, Middelkerke, Namen, Oostende, Spa and one of the 19 municipalities of the Brussels-Capital Region. In each of these municipalities, only one casino is allowed, and only after the municipality enters into a concession agreement with the applicant. Both table games and automatic games are allowed; the average hourly loss for each game is set at 70 EUR.

A licence A can only be granted to applicants in possession of a valid concession delivered by the municipality in which the Class 1 gaming establishment is to be located.

At present, there are 180 licence Bs, of which 179 are actually in use by a licence holder. A 2015 law change decided to bring this number down to 150 by the end of 2017. A licence B establishment cannot be established in close proximity to schools, hospitals, places frequently visited by youths, places of worship or prisons. The average hourly loss is set at 25 EUR.

To be granted a licence B, the licensee needs to present an agreement, as delivered by the municipality in which the Class 2 gaming establishment would be located, which is concluded on the condition of the granting of the licence.

The number of F1 licensees is limited to 34 on Belgian territory. Mobile betting offices are limited to a total of 60 licence F2 holders. Fixed offices are limited to 1,000 licence holders. Following a 2015 law change, this number will be brought down to 600 by the end of 2017.

2.5 Please give a summary of the following features of any Licences: (i) duration; (ii) vulnerability to review, suspension or revocation.

- Class A licences are valid for 15 years.
- Class B licences are valid for nine years.
- Class C licences are valid for five years.
- Class E licences are valid for 10 years.
- Class F licences are valid for nine years.
- Class G1 licences are valid for five years.
- Class G2 licences are valid for one year.

Licences can be revoked or suspended if licence conditions are no longer met. There is no periodical review, but there is constant monitoring by the Gaming Commission.

2.6 By Relevant Product, what are the key limits on providing services to customers? Please include in this answer any material promotion and advertising restrictions.

The key limit for licence As is the minimum age of customers for entering a casino, set at 21.

For licence B establishments, the minimum age for entry is 18. It is forbidden to place a restaurant or bar in the area where gambling activities take place.

For licence Cs, the minimum age for customers is 18, but contrary to licence As and Bs, the law does not make age verification at the doors obligatory.

For licence F2s, the minimum age for customers is 18 years old.

For licence G2s, customers must also be 18 years old.

2.7 What are the tax and other compulsory levies?

The taxation of games of chance is regulated by the “code of taxes equal to the income tax” (*Wetboek van de met de inkomstenbelastingen gelijkgestelde belastingen van 23 november 1965*), articles 43 through 93.

The taxation of games of chance is a regional competence, so each of the three regions has separate tax rates. At present, taxes are collected by the Federal Government, but as of 1 January 2017, the Flemish Region will take responsibility for tax collection on its territory.

A general tax of 15% (11% in the Walloon area) is levied on the gross amounts of wagers. There are exclusions from this tax, including: national lotteries; pigeon races, if the participant is the one wagering; and games of chance organised by non-profit organisations.

A tax of 15% is levied on all horse and dog races. This amount is levied on the gross margin. A 2015 decree of the Flemish Government (*decreet van 3 juli 2015 houdende bepalingen tot begeleiding van de begroting 2015*) extends the 15% flat tax to horse and dog races and sporting events outside the EU, whereas before, these were not subject to taxation.

If the wagers are organised online, 11% is levied on the gross margin, being the result of the total amount wagered minus the amount paid to the people betting.

Taxable persons are those placing bets.

Besides this general taxation system, casinos are also taxed on the gross margin, depending on the type of game played.

A fixed tax is levied on the gaming machines themselves, which is applicable to machines in Class A, B and C establishments.

2.8 What are the broad social responsibility requirements?

The game room has to be kept strictly separated from spaces in the gaming establishment that serve a different purpose, and also from spaces outside the gaming establishment that are accessible to the public, so that the gambling games cannot be followed from outside the game room.

A draft of a Code of Ethics has been on the table for over three years now, but has yet to be approved. This Code will most likely include the following subjects:

- privacy of the game players;
- a prohibition on the exploitation of unapproved games;
- the obligation to inform the Commission when organising demonstration games;
- a prohibition on focusing publicity on vulnerable persons;
- the prohibition of certain content in publicity campaigns;
- the obligation to inform game players and the staff;
- a guarantee of payment upon winning; and
- a prohibition for staff on accepting gifts from game players.

In October 2016, the sector has agreed upon a self-regulation Sector Code on Advertising for Gambling Activities, including, among others, the obligation to refrain from advertising towards minors and to incorporate warning messages in all advertising materials.

2.9 How do any AML, financial services regulations or payment restrictions restrict or impact on entities supplying gambling? Does your jurisdiction permit virtual currencies to be used for gambling and are they separately regulated?

Suppliers of Class 1 gaming establishments (casinos) have to inform the Belgian Financial Intelligence Processing Unit (CTIF-CFI) if they notice that:

- a client sells or buys counters using a false identity, an alias, or any other way that makes identification of that person more difficult;

- a client sells or trades counters for an amount of 1,000 EUR or more, coming from other casinos;
- a client purchases counters for an amount of 10,000 EUR or more, paid with cash or with a bank or credit card;
- a client purchases counters for an amount of 2,500 EUR or more using foreign currency;
- a client sells counters for an amount of 2,500 EUR or more for one or more cheques or bank transfers;
- a client purchases counters for an amount that is not proportionate with his financial situation;
- a client sells counters when his game play is not proportionate with a normal game pattern and the profit is absent or subordinate;
- a client deposits cash, cheques or others for an amount of 2,500 EUR or more;
- there is a payment of counters to a third party on the request of the client;
- there is a payment of counters and the client asks for a proof of payment; or
- there is a regular purchase or selling of counters by a client under the abovementioned thresholds, supposedly to avoid a declaration to the CTIF-CFI.

There are no specific rules regulating the use of virtual currencies or cryptocurrencies. What is important to know is that in a report on loot boxes in computer games (*Research Report on Lootboxes*, FPS Justice Gaming Commission, Brussels, April 2018), the Gaming Commission underlined that just because virtual currency is used in a game this does not mean that there is no wager, since it is generally accepted that it is sufficient and possible to be able to attribute a value to a wager (“Kansspel” in *Recht en Onderneming*, K. Andries, N. Carette and N. Hoekx, Die Keure, 2006, 249). Value can be defined as the degree of usability. Specifically, items that the player finds useful or nice and for which he pays money. The Gaming Commission and the Highest Belgian Administrative Court (The *Raad van State* or Council of State) consider that neither the purchase of the game nor the subscriptions that are connected to games for playing online can be considered a wager, but only the amounts that constitute real compensation for participating in the game and where it is possible for the wager (either in its original amount or augmented) to be returned to the player in the form of profit (Judgment no. 232,752 by the Council of State, dated October 29, 2015; *Research Report on Lootboxes*, FPS Justice Gaming Commission, Brussels, April 2018, 9–14).

A differentiation must be made between a created currency value in the regular course of the game (game-play currency) and the paid currency (in-game currency). Game-play currency consists of virtual currencies (points, coins, crystal, etc.) that a player gets when playing the game but that he cannot necessarily purchase. It is a type of virtual reward system for the player. Usually, he will be able to bet these currencies in the game at some point. This is not considered a “wager” or “bet”. The situation is different when it comes to currencies that can be purchased directly with money (in-game currency). In-game currency is an additional “layer” on top of the game whereby purchases are made in the game with money. So when the player purchases in-game currency to be able to participate in a game that will offer him a chance to win or lose, this will indeed constitute a wager in the sense of the Belgian Gaming and Betting Act because an asset value is brought into the game that serves as a participation fee/compensation fee for participating in a game that offers a chance to win or lose (*Research Report on Lootboxes*, FPS Justice Gaming Commission, Brussels, April 2018, 10).

2.10 What (if any) restrictions were placed during the COVID-19 pandemic? Are they still in force?

Contact tracing and face coverings and limited opening hours for “bricks and mortar” gambling facilities are still in place and will most likely remain in place until at least the end of 2021.

3 Online/Mobile/Digital/Electronic Media

3.1 How does local law/regulation affect the provision of the Relevant Products in online/mobile/digital/electronic form, both from: (i) operators located inside your jurisdiction; and (ii) operators located outside your jurisdiction?

Online activity is restricted, in the sense that a Belgian licence is required, and the required licences can only be acquired if the applicant can link his online activities to a land-based establishment that has the appropriate Belgian licence.

Licences from foreign jurisdictions are not recognised. Foreign operators need to acquire a Belgian licence. If they wish to offer online services, they need both the land-based licence and the online licence, or they need to seek an arrangement with the holder of a Belgian licence (land-based and online).

Only licence A holders can acquire a licence A+, which is the licence required to exploit online casino games in Belgium and to Belgian consumers. This also implies that the duration of the licence A+ is directly linked to the licence A that accompanies it. Furthermore, if the licence A is revoked, so is the A+.

For licence B holders, an additional licence B+ makes it possible to offer online games. This licence B+ is in its duration also linked to the licence B.

Licence F1 holders can apply for the additional F+ licence, which gives them permission to offer their online services. This licence is also linked in its duration to the licence F1.

Mobile gambling (in-phone games) requires a G1 licence, media games require a G2 licence. Both activities are under the scrutinous watch of the Gaming Commission.

3.2 What other restrictions have an impact on Relevant Products supplied via online/mobile/digital/electronic means?

Other applicable legislation includes Book VI of the Belgian Commercial Code concerning Consumer Protection and Market Practices (*Boek VI van het Wetboek Economisch Recht betreffende Consumentenbescherming en Marktpraktijken*), which contains a series of rules that also apply to gambling providers (information to the consumer, fair trade practices, distance sales for online gambling, etc.).

3.3 What terminal/machine-based gaming is permitted and where?

Depending on where terminal/machine-based gaming is offered, either a licence A (in casinos), a licence B (in amusement arcades) or a licence C (in cafés, bars and establishments that sell alcohol, and cafés and only for the permission to exploit a maximum of two games (bingo and/or one-ball) is required.

4 Enforcement and Liability

4.1 Who is liable under local law/regulation?

Natural persons, chairmen, managers and representatives shall bear civil liability. The same rule is applicable to shareholders of corporations that are not legal entities if the shareholders, managers or representatives have breached the relevant legislation.

4.2 What form does enforcement action take in your jurisdiction?

Unregulated supplies are strictly forbidden. Only supplies that are regulated and approved are legal. The Gaming Commission updates its “blacklist” on a regular basis. It currently contains around 100 providers. This blacklist contains the websites that are blocked in Belgium because they do not have the necessary licence.

4.3 Do other non-national laws impact upon liability and enforcement?

The four freedoms of the Treaty on the Functioning of the European Union must be respected at all times.

4.4 Are gambling debts enforceable in your jurisdiction?

Gambling debts are by nature unenforceable obligations, but gambling debts towards licensed operators are considered enforceable.

4.5 What appetite for and track record of enforcement does your local regulatory authority have? Have fines, licence revocations or other sanctions been enforced in your jurisdiction?

The Belgian Gaming Commission has limited means of action in case of violation of the Belgian Gaming Act. In most cases, the Belgian Gaming Commission will notify the public prosecutor, who in turn will decide on further legal action.

The Belgian Gaming Commission’s annual report for 2020 (the last published report to date) reported 71 cases that were transferred by the Belgian Gaming Commission to the public prosecutor. Since the investigations are confidential and there is no systematic publishing of court decisions in Belgium, it is hard to determine how many of these 71 cases actually led to penal fines.

In 68 cases, the Gaming Commission started its own investigations in 2020. This led to 55 sanctions in 23 different files for a total amount of almost 60,000 EUR.

The Belgian Gaming Commission itself conducts active investigations into non-licensed operators that are active on the Belgian territory or that offer online gambling services to Belgian citizens online. An average of three illegal websites per month are blacklisted and their IP addresses blocked.

The Belgian Gaming Commission is, furthermore, actively engaged in enforcing the 500 EUR cross-operator weekly gambling limits, but in its annual report for 2020, the Gaming Commission pointed out that it has insufficient technical means to efficiently investigate and enforce the gambling limit.

Another recent action was aimed at ending illegal gaming and gambling activities by vloggers and bloggers, which had seen a serious rise in recent months.

5 Anticipated Reforms

5.1 What (if any) intended changes to the gambling law/regulations are being discussed currently?

A Royal Decree of October 25, 2018 forbids almost all advertising for games of chance as of June 1, 2019 and expands the possibilities for local authorities to control betting and café games. Advertising for games of chance is now prohibited:

- during live coverage of sports competitions (regardless of the medium used). This means that no gambling advertisement may be broadcast during an interruption of a game, race or contest;
- 15 minutes before and after programmes that specifically address children and minors;
- before 8 pm, except in the case of the broadcast of sports matches (before and after a sports competition that is broadcast live in the afternoon gambling advertising is permitted, but not during the sports competition); and
- on sports equipment and equipment of underage sports teams.

Further measures:

- only one spot for gambling can be shown per advertising block; and
- all commercials will have to contain a message about responsible gaming and must state the minimum age, together with the message “gamble in moderation”.

With regard to games of chance in pubs:

- the automatic machines that are placed in pubs, such as electronic card games, are brought under the control of the Gaming Commission and the municipalities.

Per café a maximum of four devices is now set that can only function with coins.

All devices are equipped with an e-ID card reader to check the age condition of 18 years.

The municipalities will now decide on the granting of the permit for aircraft.

Fewer betting offices and public participation municipalities:

- The number of betting offices will gradually decrease from 684 to 600.

Also, recent Royal Decrees regulate virtual sports events and have made age checks based on ID cards mandatory to prevent underage persons from gambling.



Bart Van den Brande has been a member of the Dutch-speaking Brussels Bar Association since 2001.

Bart has worked at several well-known Brussels law firms and has built extensive expertise in media and advertisement law, market practices and consumer protection, intellectual property, internet and e-commerce, privacy and data protection, IT, software development and gambling law.

Parallel to his law practice, Bart was a part-time teaching assistant at Brussels University VUB between 2005 and 2013. He is the author of several articles, is an experienced speaker in seminars and for training courses, and is regularly asked to comment on current legal events in the national media. Several court cases handled by Bart were later published.

Sirius Legal
Wolstraat 68/72
1000 Brussels
Belgium

Tel: +32 2 721 13 00
Email: bart@siriuslegal.be
URL: www.siriuslegal.be

Sirius Legal is a Brussels-based Belgian boutique law firm, specialising in internet law, advertisement law, media and entertainment law, IP/IT, consumer protection and gambling. The Sirius Legal team is a small and young but experienced team of law professionals that try to offer tailor-made solutions to a wide range of clients, ranging from multinationals to individual players.

Sirius Legal has offices in Brussels and Mechelen.

www.siriuslegal.be

SIRIUS.LEGAL
BUSINESS LAW FIRM

ICLG.com



Current titles in the ICLG series

Alternative Investment Funds	Franchise
Anti-Money Laundering	Gambling
Aviation Finance & Leasing	Insurance & Reinsurance
Aviation Law	International Arbitration
Business Crime	Investor-State Arbitration
Cartels & Leniency	Lending & Secured Finance
Class & Group Actions	Litigation & Dispute Resolution
Competition Litigation	Merger Control
Construction & Engineering Law	Mergers & Acquisitions
Consumer Protection	Mining Law
Copyright	Oil & Gas Regulation
Corporate Governance	Patents
Corporate Immigration	Pharmaceutical Advertising
Corporate Investigations	Private Client
Corporate Tax	Private Equity
Cybersecurity	Product Liability
Data Protection	Project Finance
Derivatives	Public Investment Funds
Designs	Public Procurement
Digital Business	Real Estate
Digital Health	Renewable Energy
Drug & Medical Device Litigation	Restructuring & Insolvency
Employment & Labour Law	Sanctions
Enforcement of Foreign Judgments	Securitisation
Environment & Climate Change Law	Shipping Law
Environmental, Social & Governance Law	Technology Sourcing
Family Law	Telecoms, Media & Internet
Fintech	Trade Marks
Foreign Direct Investment Regimes	Vertical Agreements and Dominant Firms

The International Comparative Legal Guides are published by:

gig global legal group