

# CONSUMER PROTECTION IN EU ONLINE GAMBLING REGULATION

Review of the implementation of selected  
provisions of the European Commission  
Recommendation 2014/478/EU across EU  
Member States.

**Follow Up Study**

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## **1. Section I - Introduction**

### **1.1. Executive summary / Key findings**

#### **1.1.1. In General**

- The European Commission Recommendation 2014/478/EU continues to be the only EU-wide instrument that addresses online gambling regulations within the European Union. While non-binding and advisory, it was intended to encourage a consistently high level of protection for consumers of online gambling across all EU jurisdictions. The implicit expectation of the Recommendation was that Member States will introduce common measures addressing matters such as players' identification requirements, prevention of underage gambling and social responsibility tools. Uniform rules would facilitate the provision of gambling services across all EU jurisdictions without the necessity of compliance with different regulatory burdens and consumers would be assured of comparable levels of safeguards from all lawful providers. Such standardisation would also potentially benefit enforcement actions by making it easier and more effective as regulatory checks and auditory requirements could also naturally converge.
- The implementation of selected provisions of the Recommendation was firstly evaluated by the author of this report in 2018. Then, it was concluded that, in the main, the primary objective of the Recommendation has not been achieved. While many States were found to have provisions in their regulatory regimes that corresponded to the principles stated in the Recommendation, only Denmark seemed to have implemented all of them. Furthermore, the detailed legal regulations of online gambling and their practical interpretation continued to substantially diverge between Member States, exposing online players to varied levels of protection and requiring gambling providers who operate across jurisdictions to comply with each national set of rules individually.
- Many of the provisions contained within national frameworks also appeared to have evolved organically within each Member State, suggesting that the actual impact of the Recommendation was limited<sup>1</sup>.
- The purpose of the current study is twofold. In the main, this study aims to re-examine the regulation of online gambling in the EU against selected provisions of the Recommendation,

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<sup>1</sup> M Carran, 'Consumer Protection in EU Online Gambling Regulation: Review of the implementation of selected provisions of European Union Commission Recommendation 2014/478/EU across EU States', (2018).

to evaluate if any reforms or updates have been implemented between 2018 and 2021. In addition to this, the study collected further evidence to complement the existing set of data and provide new insights. As such, direct comparisons between the 2018 and 2021 data are only made when the data collection method was the same and new insights are provided for matters that were either newly examined or when the nuances of the questions were asked or were amended.

- The findings of this study shows that the position in 2021 remains broadly the same. There continues to be significant variations in the specific provisions applicable to consumer protection aspects of online gambling regulations between Member States. However, most of those differences are found in granular details of the rules and not in the high-level provisions. Those are, in substance, relatively uniform across all Member States with formal online gambling legislations.

- Nonetheless, some important reforms and changes have taken place over the course of the last three years. Material amendments to all, or to some, of the regulatory frameworks were identified in Belgium, Bulgaria, Croatia, Czechia, Germany, Greece, Malta, the Netherlands, Romania, and Sweden. As the Netherlands has now removed the online gambling ban in the jurisdiction, and introduced new licensing regime from 1<sup>st</sup> October 2021, online gambling is now formally permitted in all Member States. From 2019, Sweden has formally replaced their exclusive monopoly model with a licensing regime and Germany has also introduced new regulations. Other amendments to the regulatory frameworks in the remaining Member States related to one or more of the examined provisions. As the UK has now formally exited the EU, it has not been included in this follow-up study.

#### **1.1.2. 'Know Your Customer'**

- 13 Member States have designated electronic databases which online gambling operators are encouraged to use to verify the identity of their customers (Austria, Belgium, Bulgaria, Croatia, Czechia, Denmark, Finland, Greece, Italy, Portugal, Slovakia, Slovenia, and Spain). Designated databases must be used in two Member States (Belgium and Finland). All other jurisdictions also permit alternative methods.

- Of those, the most common alternative methods include verifications through other relevant databases that are maintained by national authorities or commercial organisations (Austria, Denmark, Estonia, Germany, Hungary, Latvia, Lithuania, Malta, the Netherlands,

Romania, Slovenia, Sweden); and verification through financial systems, secure electronic digital signature (eIDAS), or electronic IDs (Croatia, Czechia, Denmark, Estonia, Germany, Greece, Latvia, Lithuania, Malta, Poland, Sweden). Customer verification through the presentation of identity documents remains the default position in cases of electronic identification failures. In 4 Member States (Bulgaria, Croatia, Slovakia, and Spain), copies of identity documents must be presented in addition to e-verification. In 6 Member States (Belgium, Hungary, the Netherlands, Portugal, Slovakia, and Spain), an application to open an online gambling account also triggers a check against the respective national self-exclusion registers.

- All Member States with online gambling regulations require online gambling operators to collect the full name and date of birth/age of all prospective customers. All Member States except 3 (Austria, Latvia, and Estonia) also require the collection of residential address. 12 Member States further prescribe the collection of either an electronic email address or telephone number, or both (Bulgaria, Croatia, Cyprus, Czechia, Italy, Lithuania, Malta, the Netherlands, Poland, Portugal, Romania, Slovenia). Details about the citizenship / nationality of applicants are required in 10 Member States (Belgium, Finland, France, Germany, Hungary, Malta, the Netherlands, Portugal, Romania, and Slovenia).
- Temporary accounts are not permitted in 14 Member States (Austria, Belgium, Croatia, Estonia, Finland, Hungary, Latvia, Lithuania, Malta, the Netherlands, Portugal, Slovakia, Slovenia, and Spain). This represents an increase of 7 Member States which do not permit temporary accounts when compared to the 2018 position.

### **1.1.3. Protection of Minors**

- 17 Member States have a legal requirement to display a 'no underage gambling sign' on gambling advertising (Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, France, Germany, Greece, Hungary, Latvia, Malta, the Netherlands, Poland, Romania, Spain, and Sweden). In comparison to the 2018 situation, this represents an increase of 5 Member States. One additional Member State (Finland) has this requirement planned in their draft Lotteries Act. Currently, this measure is complied with by the Finnish monopoly voluntarily.

### **1.1.4. Safer Gambling**

- Self-exclusion tools must be offered by operators to their customers in all but two jurisdictions (Bulgaria and Czechia). This is in addition to the national self-exclusion schemes.

In Bulgaria, the provision of self-exclusion is not yet a mandatory requirement, but all operators in the country offer it on a voluntary basis. The requirement for online gambling operators to offer self-exclusion tools has already been prescribed in the Bulgarian law and will come into force on 1<sup>st</sup> of January 2023. In Czechia, operators are not required to offer self-exclusion schemes as the existence of the national self-exclusion scheme is considered sufficient. This represents no substantial change since 2018.

- 18 Member States (Austria, Croatia, Cyprus, Czechia, Finland, France, Germany, Greece, Hungary, Italy, Lithuania, Malta, the Netherlands, Poland, Portugal, Romania, Spain, and Sweden) require online gambling operators to allow their customers to set up time and deposit limits of their choice if they wish to do so. In the Netherlands, the setting of both limits is mandatory, but the maximum duration or maximum financial exposure is not prescribed and is determined by the players themselves. In further 6 Member States online gambling operators must allow players to set up deposit limits (Belgium, Denmark, Estonia, Latvia, Slovakia, and Slovenia).

- 14 Member States permit self-exclusion to be initiated by third parties (Austria, Belgium, Czechia, Denmark, France, Germany, Greece, Hungary, Italy, Malta, the Netherlands, Portugal, Romania, and Spain). Typically, online gambling operators can exclude customers on social responsibility grounds but other parties, such as family members or guardians, may also initiate exclusion. In 5 Member States (France, Hungary, Portugal, Romania, and Spain) a court order is required for a person to be entered onto the national self-exclusion register without their consent.

- Requirements concerning the duration of self-exclusion continues to vary significantly between different jurisdictions. Since 2018, 3 Member States (France, Greece, and Germany) amended their minimum or maximum duration of self-exclusion. Minimum self-exclusion durations vary from 7 days (France) to 12 months (Germany, Latvia) and maximum duration from 12 months (Latvia) to permanent / lifetime exclusion (Denmark, France, Italy, Lithuania, Portugal).

- All Member States with permanent self-exclusion allow for its revocation. Temporary self-exclusion cannot be revoked in 5 Member States (Denmark, Estonia, France, Italy, Slovenia).

- 16 Member States have national self-exclusion registers (Belgium, Czechia, Denmark, Estonia, France, Germany, Hungary, Italy, Latvia, Lithuania, the Netherlands, Portugal,

Slovakia, Slovenia, Spain, Sweden). The monopoly operator in Finland is also required to keep a register of all excluded players which is equivalent to the national self-exclusion register in those jurisdictions with licensing regimes. Bulgaria's old national register of self-excluded persons has been discontinued on the 12<sup>th</sup> of December 2020 and a new one is due to be introduced on the 12<sup>th</sup> of December 2022. However, in the current interim period, no national self-exclusion register is operational. All Member States that have national self-exclusion register, except for 3 (Germany, Hungary, Slovakia), allow players to self-exclude using an online portal.

#### **1.1.5. Treatment Support**

- Almost all jurisdictions require online gambling operators to display the contact details and information of support helplines for problem gambling on their websites. In Lithuania, such information does not have to be displayed on the websites of online gambling operators but must be included in the gaming agreement between the customer and the online gambling provider.
- 12 Member States (Denmark, France, Germany, Greece, Hungary, Italy, Malta, the Netherlands, Romania, Spain, and Sweden) legally prohibit sending gambling advertising to self-excluded customers. In Italy, there is a generic prohibition of gambling advertising and in Latvia such advertising is severely restricted as well.
- 11 Member States (Austria, Croatia, Denmark, Germany, Greece, Hungary, the Netherlands, Romania, Slovakia, Slovenia, and Spain) have an obligation on online gambling operators to provide any customer who has self-excluded with the contact details of problem gambling support helplines and/or treatment centres in the country.

#### **1.1.6. Enforcement**

- While in all Member States there is a government authority tasked with regulating online gambling, 16 Member States (Belgium, Cyprus, Denmark, France, Greece, Hungary, Italy, Latvia, Lithuania, Malta, the Netherlands, Portugal, Romania, Slovakia, Spain, and Sweden) have established an independent gambling authority.
- The most common types of enforcement tools given to regulatory bodies are fines, licence suspensions and licence revocations. Those are available in almost all jurisdictions. Warnings as a formal sanction exist in 16 Member States (Belgium, Cyprus, Czechia, Estonia, France,

Greece, Hungary, Latvia, Lithuania, Malta, the Netherlands, Poland, Portugal, Slovakia, Slovenia, and Sweden).

- The most common contraventions of gambling regulations vary significantly between the Member States. The only ones that were listed in more than 3 jurisdictions were: offering gambling unlawfully (without an appropriate licence for the given activity), breaches of gambling advertising rules, and breaches of identity verification requirements.
- The number of regulatory sanctions that were issued in 2019 ranged from none (Austria, Estonia, Germany, Slovenia) to 544 (Romania) and in 2020 from none (Austria, Estonia, Germany, Slovenia) to 335 (Cyprus, Slovakia).

## **1.2. The background to the follow-up study.**

The Covid-19 pandemic that crippled the world since 2019 continues to have a profound and multifaceted impact on people's life. In most jurisdictions, attempts to contain the transmission rates included either total or partial lockdowns of various durations when non-essential businesses were mandated to close, and individuals were told to stay at home. Within the gambling context, this meant that land-based casinos, betting shops, horse racetracks and other venues that offered gambling opportunities became inaccessible and live sport events and tournaments were either suspended or cancelled entirely. Online gambling operators were able to continue to offer their services to consumers, but this gave rise to concerns that there could be an increase in the rates of problematic gambling behaviours<sup>2</sup>. It was speculated that this may materialise due to the overall paucity of alternative forms of entertainment during lockdowns and due to players, who would normally only gamble in land-based establishments, transferring their gambling to online forms<sup>3</sup>. The long-term effects of the pandemic on gambling patterns will remain uncertain for a foreseeable future. However, early evaluations of studies undertaken in some European countries<sup>4</sup> indicate that the position is nuanced and the effect multi-directional<sup>5</sup>. Contrary to

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<sup>2</sup> See, e.g., 'The Rise in Online Gambling During the Covid-19 Pandemic', The Dawn Press Release; 'The Pandemic has triggered a British online gambling crisis: stuck at home during the pandemic problem gamblers have been hounded by betting ads', Business 04.12.2020.

<sup>3</sup> Hodkin & Stevens, 'The Impact of Covid-19 on Gambling and Gambling Disorder: Emerging Data' (2021) 34(4) Current Opinion Psychiatry 2.

<sup>4</sup> Defined by geographical location and not confined but including states within the European Union.

<sup>5</sup> Hodkin & Stevens, 'The Impact of Covid-19 on Gambling and Gambling Disorder: Emerging Data' (2021) 34(4) Current Opinion Psychiatry 2.

early stipulations, the overall gambling frequency and gambling expenditure has indeed decreased. The lack of live sport events and changes to the financial circumstances of many individuals meant that many land-based gamblers have not started gambling online, contrary to predictions, and some even treated the lockdown periods as the opportunity to pause their gambling activities altogether<sup>6</sup>. However, the same studies also highlight that the severity of problem gambling among those who already suffer from gambling disorder has indeed increased during Covid-19 and that the overall rates of problem gambling and their severity have been further exacerbated by anxiety, social isolation, and overall boredom<sup>7</sup>. While the above findings remain tentative, the pandemic has indisputably brought to the fore the issues of overall mental health and placed consumer protection under an increased scrutiny. This, in turn, has further reinforced the need for ensuring that the mental health of online gamblers is sufficiently protected.

There remains no EU-wide legislation that mandates a harmonised regulatory framework for online or land-based gambling across all Member States and individual Member States continue to be largely free to determine how, within their given jurisdiction, this form of entertainment is managed<sup>8</sup>. This is, of course, limited by the normal rules of the principles of freedom to provide services across the whole of the European Union but the many derogation rights that exist in the context of gambling render this limitation somewhat superficial. In substance, Member States are permitted to regulate gambling as they wish provided that any regulations applicable to international entities reflect the conditions imposed on national operators or are otherwise justified<sup>9</sup>. This means that the Commission Recommendation 2014/478/EU on the Principles for the Protection of Consumers and Players of Online Gambling Services and for the Prevention of Minors from Gambling Online (thereafter referred to as ‘the Commission Recommendation’ or ‘the Recommendation’) continues to be the most recent and only attempt to encourage Member States to adopt uniform principles for the protection of online gamblers. As such it remains the appropriate benchmark for reference purposes. The main aim of the Commission Recommendation was to ensure that a consistently high level of protection for consumers is achieved through the

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<sup>6</sup> Ibid, ref.5.

<sup>7</sup> Ibid, ref.5.

<sup>8</sup> [https://ec.europa.eu/growth/sectors/online-gambling\\_en](https://ec.europa.eu/growth/sectors/online-gambling_en), last accessed October 2021

<sup>9</sup> M Carran, ‘Consumer Protection in EU Online Gambling Regulation: Review of the implementation of selected provisions of European Union Commission Recommendation 2014/478/EU across EU States’, (2018).

introduction of common provisions dealing with customers' identification requirements, prevention of underage gambling and introduction of safer gambling principles<sup>10</sup>. If interpreted and implemented consistently across Member States it would have led to a de-facto high-level harmonisation and would facilitate a high level of convergence for consumers and operators alike irrespective of the jurisdictions in which they choose to gamble in or offer their services from.

The underlying broad objectives and specific provisions of the Commission Recommendation have been fully outlined in the original report<sup>11</sup> and are only briefly restated here in a summary form. The main principles behind the Recommendation stemmed from the tacit recognition that gambling regulations are unlikely to converge organically without supranational interventions and that a high level of consumer protection can only be achieved within a legalised environment. Attempts to prohibit online gambling are argued to be ineffective and may result in driving determined gamblers, who are potentially vulnerable, to illegal providers and enforcement actions to eliminate them are generally labour intensive and only have a limited effect. However, intensive opposition within Member States towards any harmonisation attempts meant that only a non-binding instrument could have been adopted. Nevertheless, it was still anticipated that the Recommendation would still have the intended impact, especially as the principles stated in it envisaged only relatively minimal intervention and many of the requirements that Member States were recommended to adopt are relatively broad and flexible<sup>12</sup>.

The Recommendation's provisions that were examined in the original report focused on identification and verification of online customers, minors' protection, and safer gambling measures. The original study evaluation demonstrated that 'the legal regulations of online gambling and their practical interpretations continued to substantially diverge between Member States exposing online players to varied levels of protection'<sup>13</sup>. Only a small number of provisions were found to be common, but it is not possible to determine whether this was the result of the Recommendation or, as it seems more likely, the result of other mandatory

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<sup>10</sup> M Carran, 'Consumer Protection in EU Online Gambling Regulations: Review of the implementation of selected provisions of European Union Commission Recommendation 2014/478/EU across EU States', (2018).

<sup>11</sup> M Carran, 'Consumer Protection in EU Online Gambling Regulation: Review of the implementation of selected provisions of European Union Commission Recommendation 2014/478/EU across EU States', (2018).

<sup>12</sup> Ibid, ref.11.

<sup>13</sup> Ibid, ref.11.

provisions at EU-level (i.e., EU Anti-Money Laundering Directives), or due to the rules being already in existence within given jurisdictions. Nonetheless, provisions that were relatively common to most Member States included the mandatory requirement for online gambling operators to collect personal information to verify prospective customers' identity, the general prohibition of anonymous gambling unless only for a limited period of time, and the overall prohibition of underage gambling and of allowing an underage customer to gamble. All remaining rules were found to vary significantly between jurisdictions. Even if the broad provisions appeared similar, the specific details differed. Those included methods of verification, the existence and availability of electronic identification methods, the existence, or prohibition of temporary accounts, the duration and conditions of the self-exclusion schemes, the existence of national self-exclusion registers, and even with regards to the requirement to include a 'no underage gambling' sign in all commercial gambling advertising. It must be noted that the variations between jurisdictions were found to be multi-directional. Some Member States chose to adopt rules that would be deemed to be stricter than the provisions suggested by the Recommendation while others leaned towards a more liberal approach.

Nevertheless, the gambling legislation field typically progresses rapidly, and some significant developments have occurred over the period of the last three years. The Netherlands has now removed its online gambling prohibition and created an online gambling licensing regime from 1<sup>st</sup> October 2021. Germany introduced its new 2021 regulation; Sweden implemented its already pre-existing plans to liberalise its online gambling market and the United Kingdom has now formally left the EU. Additional progress has also further been made in some jurisdictions within their social responsibility and safer gambling requirements, and some jurisdictions have tightened their overall regulatory frameworks further. This means that an update on the current position within the EU Member States is beneficial as it produces new insight and creates a record of developments.

### **1.3. Terms of reference**

The European Gaming and Betting Association (EGBA) contracted City, University of London to collect, analyse and re-examine jurisdictional data on online gambling regulations against selected principles established in the Commission Recommendation 2014/478/EU on principles for the protection of consumers and players of online gambling services and for the

prevention of minors from gambling online. Original data was collected in 2018 and the data was re-examined between March and October 2021. The overall scope of the study remained broadly the same as the original project. However, some significant variations must be highlighted. This follow-up study assumed that some of the fundamental regulatory provisions remained unchanged and were not re-examined. Those include the requirement to open a gambling account before a player is permitted to gamble, the generic prohibition of underage gambling and the overarching requirement to offer some safer gambling tools to customers. The original data collection focused on sector practice and implementation of specific provisions by the industry whereas the current data aims to reflect the legal requirements irrespective of any practices or tools that may be offered voluntarily. As this represents a different measure, the differences in results also ensued. Those are noted in individual sections. Also, in this study, new questions were asked of regulatory authorities to obtain additional information, including details regarding treatment support and enforcement principles. As data on those items were not collected in 2018, no comparison can be made.

Where feasible, the data collected reflects the regulation that pertains to the regulatory framework for online gambling unless the relevant rule applies to both online and offline methods of gambling. While the definition of online gambling varies between the jurisdictions, for the purpose of the follow-up study the definitions used are the same as those that were utilised in the original report. This means that the term ‘online gambling’ is referred to as “gambling that is carried out on the Internet regardless of how the Internet is being accessed. This includes activities that involve accessing gambling websites via personal computers, ‘smart’ mobile phones, internet-enabled tablets and other electronic devices but excludes regulation that may affect land-based gambling operators, and which may differ from their online counterparts either generally or with regards to specific details”<sup>14</sup>. Gambling regulations that may apply to gambling offered via mobile applications that do not require connection to the Internet as well as ‘social gaming’ have been excluded. Furthermore, the project is focused on the legal position of the Member States of the EU. Accordingly, laws and regulations within Member States that are not part of the EU, and any potential relationship that Member States may have with any third countries, are outside the scope of the project.

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<sup>14</sup> M Carran, ‘Consumer Protection in EU Online Gambling Regulation: Review of the implementation of selected provisions of European Union Commission Recommendation 2014/478/EU across EU States’, (2018).

The review has been commissioned by the EGBA. The study findings illustrate the legal position within the Member States as of October 2021. The author declares that outside the fee paid for this review, there is no other conflict of interest to declare.

#### **1.4. Methodology**

Primary doctrinal research into the commentary of the scope, implementation and evaluation of the Recommendation was undertaken in 2018 and only a short follow up was carried out during the current phase. In the first instance, empirical fact-finding surveys were sent to key contacts within the relevant regulatory body, departments, or ministries responsible for gambling related regulations in the Member States. The relevant contacts were identified and provided by the EGBA who also supported the collection of the data. Respondents were asked to complete a survey questionnaire with a set of questions relating to identity verification processes, safer gambling measures, inclusion of the 'no underage gambling' sign on gambling advertising, treatment support, and enforcement. Responses from regulators / government officials were received from 22 Member States (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Malta, Poland, Portugal, Slovakia, Slovenia, Spain, and Sweden). The French gambling authority formally declined to engage with the survey. To collect data from the Member States where regulators felt unable to engage with the current phase of the project, additional surveys were sent to the representatives of national gambling associations (France, the Netherlands) or gambling lawyers (Romania). Those responses are also included in the study, but they do not represent the understanding of the legal position of the regulators. However, they ensured that the details from 25 Member States could have been analysed in the current study. As Ireland continues to lack specific legal provisions relating to online gambling, the situation in Ireland has not been included in the narratives and no responses were obtained from the authorities in Luxembourg. Not all questions in the surveys were answered by all respondents. Missing values are reflected in the study using the word 'unknown'. This means that the total number of countries with a specific provision reflects the number of complete responses for the specific questions and not the overall number of 27 Member States.

Responses were collected and evaluated by the author of the report. In cases of internal inconsistencies, verbatim comments were deemed to have priority over yes/no

answers. Some surveys required clarification to resolve inconsistencies and follow up enquiries were made. Where inconsistencies could not have been resolved these were excluded from the report and treated as data 'unknown'. Measures that were imposed due to Covid-19 but were intended only to apply on a temporary basis due to the pandemic were excluded from the analysis. Interim findings from this report were presented during a public webinar organised by the EGBA on the 3<sup>rd</sup> of November 2021.

### **1.5. Acknowledgement**

The evaluation of the legal positions within the Member States relies on the information provided by the gambling authorities or members of the relevant national departments / ministries responsible for gambling regulations. I would like to thank all respondents for completing the surveys as this overview would not have been possible without the efforts undertaken to provide me with the relevant data. This is especially important as the request to fill in the survey arrived in the middle of the global pandemic. The EGBA is also thanked for their assistance with the provision of the relevant contact details, help with the relevant data collection, and for helpful comments on the draft of this report.

## 2. SECTION II – DISCUSSIONS AND PROJECT’S FINDINGS IN DETAILS

### 2.1. ‘Know Your Customer’.

The principles behind ‘know your customer’ (KYC) requirements are not unique to gambling and indeed originate from the need to prevent identity fraud, money laundering and terrorist financing in financial institutions. At the most fundamental level, KYC regulations’ primary aim is to ensure that designated businesses only transact with customers who have been verified as being who they claim to be. However, within the gambling environment, identity verification is also a critical gateway to protecting minors from underage gambling and for effective implementation of social responsibility measures, such as self-exclusion.

The Recommendation’s provisions regarding KYC principles are contained in Part V. As a minimum standard, anonymous gambling should not be permitted, and players should open an online gambling account with the online gambling operator before engaging with gambling. Online gambling operators should be required to collect the name of the applicant, their address, date of birth, electronic mail (e-mail), and a mobile phone number<sup>15</sup>. This information must be provided by the customer but must be independently verified by the operator<sup>16</sup>. Independently of the Recommendation, online gambling providers have been designated as ‘obliged entities’ by the 2015/849 Directive on the Prevention of the use of the Financial System for the Prevention of Money Laundering and Terrorist Financing unless they have been exempted by the national legislations. However, such an exemption is only permitted with regards to online gambling operators who do not offer casino games as part of their service<sup>17</sup>. Due to the nature of online gambling, such exemptions, even if introduced in some jurisdictions, would only benefit a limited number of online gambling operators and as such it is not deemed to be significant. Being designated as ‘obliged entities’ means that relevant online gambling operators must comply with the requirements imposed by the anti-money laundering provisions which operate in addition to, and not as a replacement of, the requirements imposed by gambling regulations. The list of ‘obliged entities’ has been further

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<sup>15</sup> European Commission, Recommendation 2014/478/EU, Art.18.

<sup>16</sup> European Commission, Recommendation 2014/478/EU, Art.16.

<sup>17</sup> M Carran, ‘Consumer Protection in EU Online Gambling Regulation: Review of the implementation of selected provisions of European Union Commission Recommendation 2014/478/EU across EU States’, (2018).

extended by the Directive 2018/473 of the European Parliament and of the Council of 30 May 2018 when ‘custodian wallet providers’ have been added<sup>18</sup>.

The specific methods of identity verifications are determined by individual jurisdictions, however, the Recommendation encourages all States to ‘*adopt electronic identification systems in the registration process*’<sup>19</sup> or where such systems are not available ‘*to facilitate access to national registers, databases or other official documents*’<sup>20</sup> against which the provided identity details of the customer can be verified. Identity verification should take place in a reasonable time<sup>21</sup> and in the interim period, customers should be afforded the opportunity of a temporary account<sup>22</sup>

### **2.1.1. Identification requirements and methods.**

The existence of the requirement to open a gambling account<sup>23</sup> and permitted methods of identification were examined in the 2018 study. At that time, all jurisdictions except for the Netherlands, Ireland and Slovenia required players to open a gambling account. In the Netherlands, online gambling was still prohibited. In Ireland and Slovenia, the lack of specific regulation meant that there were no specific provisions mandating the opening of an account but online gambling operators operating in those two jurisdictions required it from their customers regardless. This condition has not been specifically re-examined, but the status quo remains the same except for Slovenia where opening of a gambling account is now formally required and in the Netherlands the need to open a gambling account also constitutes an integral part of the new Dutch online regulatory gambling framework. This brings it in line with the position applicable in other Member States. Similarly, the circumstances that generate the need to verify the identity of customers were broadly uniform. In most jurisdictions, identity verification was triggered by the opening of the gambling account and only 5 Member States (Austria, Ireland, Malta, Slovakia, and Slovenia) reported identity verification to be triggered by anti-money laundering legislations.

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<sup>18</sup> Directive (EU) 2018/473 of the European Parliament and of the Council of 30 May 2018 amending the Directive (EU) 2015/849 on the prevention of the use of the financial system for the purpose of money laundering or terrorist financing and amending Directive 2009/138/EC and 2013/36/EU.

<sup>19</sup> European Commission, Recommendation 2014/478/EU, Art.20.

<sup>20</sup> European Commission, Recommendation 2014/478/EU, Art.18.

<sup>21</sup> European Commission, Recommendation 2014/478/EU, Art.21(a).

<sup>22</sup> European Commission, Recommendation 2014/478/EU, Art.22(a).

<sup>23</sup> In response to the provision of Recommendation, Art.15.

The actual methods of identity verification were found to vary substantially. Member States were categorised according to three different options. In option 1 Member States created a nationally standardised electronic identification scheme for the purposes of identity verification; in option 2 licensed operators had access to national registers, databases, or other official electronic documents against which they could verify players' identity, but which were not created specifically for this purpose. In option 3 there were no specific electronic verification methods and operators developed their own procedures and/or relied on manual identification. Only 4 Member States (Denmark, Lithuania, Portugal and Spain) have introduced a nationally standardised electronic system that was developed or designated specifically for online gambling. In Denmark, operators used NEMId, a company chosen by the government to provide electronic verification; in Spain verification took place via a specifically designated online interface maintained and controlled by the gambling regulator; and in Portugal players were identified through the regulator SRIJ by reference to the public entity database. At the other end of the spectrum, 6 Member States (France, Germany, Greece, Luxembourg, Romania, and Slovenia) reported the need to see copies of the identity documents before identity verification was deemed to be successful. In Bulgaria, a two-stage process existed – registration with the National Revenue Agency and verification by identity documents. All jurisdictions (except the Netherlands) permitted a default mechanism of using the traditional offline method of submitting copies of their identity documents, such as ID card, passport or driving licence, to the online gambling operator who then manually checks the documents' validity.

In the current phase of data collection, the focus of the questions in this area have been amended allowing only for indirect comparison. Respondents were firstly asked what methods are permitted within their jurisdictions that are electronic and non-electronic. Secondly, they were asked whether there is any electronic national database that **must** be used for the purpose of identity verification and whether there are other electronic databases that **may** be used for the same reason. However, the question regarding mandatory database has often been interpreted by the respondents as 'designated' database for gambling identification. For this reason, in this report 'designated database' is used to denote those that are indeed mandatory, to the exclusion of other methods, but also those that only have been designated by national bodies or governments for this purpose, but other methods are also permitted.

On this basis, in 2021, 13 Member States (Austria, Belgium, Bulgaria, Croatia, Czechia, Denmark, Finland, Greece, Italy, Portugal, Slovakia, Slovenia, and Spain) reported to have a designated electronic database that can be used for the purpose of identification of online players. Of those countries, only Belgium and Finland require this form of electronic verification to be used and all remaining Member States permit alternative methods. Online gambling operators generally can choose what methods to adopt subject only to compliance with minimum standards. Alternative methods include reference to other national or commercial electronic databases (Denmark, Estonia, Germany, Hungary, Latvia, Lithuania, Malta, the Netherlands, Romania, Slovenia, and Sweden); verification through their respective banking systems, payment cards, secure digital signature (eIDAS) or electronic IDs (Croatia, Czechia, Denmark, Estonia, Germany, Greece, Latvia, Lithuania, Malta, Poland, Sweden); face to face / video verification (Croatia, Czechia, Germany, Greece, Latvia, Lithuania, and Slovenia); and signed contracts, copies of utility bills or other official letters (Denmark, Hungary, Greece, Malta, Romania). 3 Member States (Denmark, Greece, and Malta) also specifically permit verification to take place via contact with the applicant through their telephone number, registered mail, or text message.

In addition to references to the permitted electronic databases, copies of identity documents must also be checked in Bulgaria, Croatia, Slovakia, and Spain while in Czechia the online gambling operator must also ensure that the bank account or payment card used to open the gambling account belongs to the applicant. In Slovakia, online gambling operators must confirm a customer's identity with reference to two identity documents and in Hungary, copies of identity documents or other official documents or letters will only be accepted, if properly certified by the authorised notaries. In Croatia, online gambling operators must ensure that their systems comply with the mandated technical standards but once this is assured, they will be permitted to connect directly to the Ministry of Finance electronic services. Online gambling operators in Belgium, Hungary, the Netherlands, Portugal, Slovakia, and Spain must also, on the opening of the gambling account, check that the applicant does not appear on their respective registers of persons who have either self-excluded themselves or are barred from gambling either statutorily, by court order or have been entered onto the register upon application from a third party, where permitted. For full details, please see Table A below.

**Table A – Identity verification methods for online gambling**

	Designated database?	Name	Additional provisions?	Other listed databases?	Payment systems <sup>24</sup>	Other Methods
<b>Austria</b>	✓	Central Residence Register via CRIF	n/a	Not listed	No	Copy of Identify documents
<b>Belgium</b>	✓	The National Registry of Natural Persons	Checks against the Excluded Persons Information System (EPIS)	Not listed	n/a	n/a
<b>Bulgaria</b>	✓	NRA	Identity documents must be checked	No	No	Copy of identity documents (c)
<b>Croatia</b>	✓	Database maintained by the Tax Administration	Operators must comply with technical standards to connect directly to the Ministry of Finance electronic services	Not listed	✓	Face to face verification, video identification due to AMLFT (c)
<b>Cyprus</b>	✗	n/a	n/a	Not listed	n/a	Copy of identity documents
<b>Czechia</b>	✓	Ministry of Interior Affairs database	Ownership of the bank account or payment card must be verified independently	No	✓	Face to face verification
<b>Denmark</b>	✓	CPR – Register NEM-ID Register	n/a	PEP Statstidende	✓	Copy of identify documents, contact via customer’s phone number, customer’s signature on a contract
<b>Estonia</b>	✗	n/a	n/a	Estonian Population Register	✓	Copies of identity documents, Mobile ID, Trustly
<b>Finland</b>	✓	The Finnish Population Information System	Verification via Personal Identity Code	No	X	n/a
<b>France</b>	✗	n/a	n/a	Not listed	n/a	Copies of identity documents
<b>Germany</b>	✗	n/a	n/a	No	n/a	Method chosen by operators subject to minimum standards
<b>Greece</b>	✓	Tax database	Checks against registers of individuals subjected to restrictive measures	No	✓	Copies of identity documents, contact via customer’s phone number, sms or registered letter, face to face verifications
<b>Hungary</b>	✗	n/a	Checks against the Player Protection Register for self-excluded customers	Personal data and address records; central travel document registers; traffic records	n/a	Certified copies of identity documents or other official documents or letters
<b>Ireland</b>	✗	n/a	n/a	Not listed		Chosen by operators subject to minimum standards

<sup>24</sup> Identification through either payment cards or electronic payment systems.

<b>Italy</b>	✓	Fiscal code database	n/a	No	n/a	Copies of identity documents
<b>Latvia</b>	✗	n/a	n/a	Population Register of the Office of Citizenship and Migration	✓	Copies of identity documents, eIDAS – secure electronic signature, video identification
<b>Lithuania</b>	✗	n/a	n/a	Financial databases, not specifically listed	✓	Live call, direct transfer of a picture (e.g., IDenfy, Jumio), e-IDAS, face to face verifications
<b>Luxembourg</b>	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown
<b>Malta</b>	✗	n/a	n/a	Commercial databases, E-ID	✓	Copies of identity documents, copies of other official letters or utility bills, contact via registered mail
<b>Netherlands</b>	✗	n/a	Checks against the register of self-excluded persons	Commercial databases		Chosen by operators subject to minimum standards
<b>Poland</b>	✗	n/a	n/a	Not listed	✓	Chosen by operators subject to minimum standards
<b>Portugal</b>	✓	Public Entity Database (Gambling Regulatory Authority)	Checks against the register of self-excluded persons	Not listed		Copies of identity documents, digital mobile key
<b>Romania</b>	✗	n/a	n/a	Refnitive	n/a	Copies of identity documents, copies of utilities' bill or bank account statements
<b>Slovakia</b>	✓	Database of the Ministry of Interior of the Slovak Republic	Checks against the register of excluded persons (self-excluded and statutorily excluded)	Not listed	No	Copies of <b>two</b> identity documents (c)
<b>Slovenia</b>	✓	Tax database (Financial administration)	Checks against self-exclusion register	Not listed	No	Face to face verification, copies of identity documents and the tax number
<b>Spain</b>	✓	National Database 'Documento Nacional de Identidad'	Documentary verification is required in addition to reference to database. Checks against the General Register of Gambling Access Ban	No	No	Copies of identity documents (c)
<b>Sweden</b>	✗	n/a	n/a	Stattens Personadressregister <sup>25</sup>	Yes	Electronic ID or equivalent

<sup>25</sup> Data updated daily from the Swedish Population Register. It includes all persons who are registered as resident in Sweden.

### **2.1.2. Customers' Personal Information**

While the generic methods of identity verifications in each jurisdiction were explored in the original project, the exact details of what personal information online gambling operators must collect were not. This was explored in this follow-up study. Respondents were asked to declare what the minimum and maximum information is that a customer must provide and be collected by online gambling operators on account opening. In this context, the Recommendation only specifies, that, as a bare minimum, operators should be required to collect the name of the customer, their address, date of birth (age), electronic mail (e-mail), and a mobile phone number<sup>26</sup>.

With regards to the minimum data collection requirements, the situation is broadly uniform across all jurisdictions which have regulated gambling environments. As a minimum, the full name, date of birth/age and residential address of the customer must be collected either directly through a specific question on the account registration form or indirectly through their unique identification numbers and/or identity documents. Those include identity cards, passport, resident cards, and other nationally recognised documents. 3 exceptions must be noted. In Austria, Latvia and Estonia online gambling operators may require players to provide their address upon registration, but this is not mandated by law. With regards to the collection of email addresses and/or mobile telephone numbers the position is more nuanced. This has been declared as a requirement only in 12 Member States (Bulgaria, Croatia, Cyprus, Czechia, Italy, Lithuania, Malta, Netherlands, Poland, Portugal, Romania, and Slovenia) but it is likely that online gambling operators in all other Member States will collect those details regardless of the legal position as those are typically used for marketing purposes as well as social responsibility measures. Additional information that is collected vary and are unique to each jurisdictions' identification systems. In Member States where individuals are issued with unique registration numbers, this registration number is typically also asked for. This has been declared to be the case in Austria, Belgium, Croatia, Greece, Slovenia (either national registry number or passport number); Bulgaria (either PIN, PINF, NRA or UIC of CFL numbers); Denmark (civil registration number); Italy, Slovenia (fiscal code/tax number); Estonia, Latvia, Lithuania, Poland, Romania and Sweden (personal identification code or number), the Netherlands (social security numbers of Dutch residents),

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<sup>26</sup> European Commission, Recommendation 2014/478/EU, Art.18.

and Spain (official identity number or foreigner identity number). Less uniform but still relatively common is the collection of details of the applicant’s place of birth or citizenship / nationality. This is collected in 10 Member States (Belgium, Finland, France, Germany, Hungary, Malta, the Netherlands, Portugal, Romania, and Slovenia). Other details are unique to individual countries. In Belgium, applicants must also provide details of their profession as members of certain occupations (e.g., members of the police service) are precluded from gambling by statute. Occupation details are also asked for in Portugal and Slovakia also expects gamblers to declare their academic degrees status but the rationale behind those has not been determined. In Slovenia, municipality of residence or place of stay is also collected.

No Member State prescribe any maximum requirements in their gambling regulations, and, in theory, online gambling operators could collect any data they wish provided that the customers are willing to provide it. However, this is subjected to the overarching rules contained in the General Data Protection Regulation (EU) 2015/679 which stipulates that data should only be collected for a valid, relevant, and necessary reasons and only with the customers’ actual consent. This means, that in practice, it is unlikely that online gambling operators would ask for any data beyond the mandatory obligations with the exception of email address and telephone number, use of which can be fully justified under the principles contained in the GDPR.

**Table B – Type of personal data collected upon online gambling account opening**

	Full name	Address	DOB / age	Other Contact <sup>27</sup>	Additional requirements
<b>Austria</b>	✓	✗	✓	✗	Official photo ID that includes signature of the applicant and the issuing authority
<b>Belgium</b>	✓	✓	✓	✗	Either passport number or National Registry Number; profession, place of birth
<b>Bulgaria</b>	✓	✓	✓	✓	Either PIN, PINF, NRA or UIC of CFL numbers <sup>28</sup> or other personal identification number as may be determined by national legislation. For non-nationals without the above – unified identification code
<b>Croatia</b>	✓	✓	✓	✓	Player’s identification number from their identification document; their preferred username and password and one transaction account for pay-outs

<sup>27</sup> Email address and / or telephone number.

<sup>28</sup> PIN – Personal Identification Number for Bulgarian Citizens, PINF – Personal Identification Number of a foreigner, NRA – official number from the register; UIC of CFL – unique identification code of a foreign natural person.

Cyprus	✓	✓	✓	✓	Confirmation that the player has been informed on the terms of the bet and the way it is conducted, including the amount he may be required to pay to the Class B licensees
Czechia	✓	✓	✓	✓	n/a
Denmark	✓	✓	✓	✗	Civil registration number
Estonia	✓	✗	✓	✗	Personal identification code
Finland	✓	✓	✓	✗	Citizenship for the purpose of ensuring compliance with territorial scope of legislation of another state
France	✓	✓	✓	✗	Place of Birth
Germany	✓	✓	✓	✗	Original name in case of marriage, country of origin, bank account details
Greece	✓	✓	✓	✗	ID or passport number
Hungary	✓	✓	✓	✗	Nationality, type and number of identification document, place of birth
Ireland	n/a	n/a	n/a	n/a	n/a
Italy	✓	✓	✓	✓	Fiscal Code and copies of identity documents
Latvia	✓	✗	✓	✗	Personal identification code, the account number used for payments. Operators typically asked for player's address as well but this is not mandated by law
Lithuania	✓	✓	✓	✓	Personal Code
Luxembourg	Unknown	Unknown	Unknown	Unknown	Unknown
Malta	✓	✓	✓	✓	Copy of a valid identification document, clear photograph of the player's face. B2C licensees also need to collect details of high-risk players: place of birth, nationality, identity reference number
Netherlands	✓	✓	✓	✓	Place of birth, bank account number, for Dutch residents – social security number
Poland	✓	✓	✓	✓	PESEL number, age, for those who don't have PESEL – date of birth and a scan or photo of an ID card/passport
Portugal	✓	✓	✓	✓	Nationality, occupation, civil identification or passport number, tax number and identifying details of the payment account
Romania	✓	✓	✓	✓	Citizenship / fiscal residency, personal identification code
Slovakia	✓	✓	✓	✗	Academic degree of a natural person, personal identification number, nationality. Each gambler may only have one gambling account set up with one online game operators
Slovenia	✓	✓	✓	✓	Identity documents details (type, number, issuer, expiry date), tax number, municipality of residence or stay, citizenship, tax number and bank account number
Spain	✓	✓	✓	✗	Either Official Identity Number or Foreign de Identidad de Extranjero, for non-residents documentary verifications
Sweden	✓	✓	✓	✗	Personal number (SSN)

### 2.1.3. Temporary accounts

The permissibility of temporary accounts remains controversial. As the name specifies, temporary accounts are designed to afford the online gambling operator a reasonable time to identify the customer without preventing the player from gambling during the verification process. For this study, an account is only deemed temporary if the player can deposit funds and gamble during the interim period between the application and the verification. Allowing an account to be opened but not allowing any funds to be deposited or allowing funds to be

deposited but not allowing gambling until verification is completed is treated in this report as prohibiting the existence of temporary accounts. The controversy surrounding temporary accounts stems from the tension between allowing unidentified customers (who may subsequently transpire to be minors or those on the self-exclusion registers) to gamble, albeit for a relatively short period of time, and the rights of customers to engage in a lawful activity without unnecessary burdens and delays. Temporary accounts also afford commercial benefits to online gambling operators in the sense that they prevent them from losing customers who may be attracted to go elsewhere (including unlawful sites) if the delay is more than negligible. The plethora of instant electronic verification methods should render the need for temporary accounts redundant, but those methods are unlikely to benefit any individual who has recently relocated to another country and may not yet appear on any official registers or commercial databases. Intriguingly, there seems to be almost no empirical research as to whether the existence of temporary gambling accounts undermine minors' protection or safer gambling principles or whether the absence of temporary accounts would encourage customers to engage with illegal websites<sup>29</sup>. This leaves Member States with anecdotal evidence and political opinions to decide whether to permit such accounts or not without any robust evidence supporting either choice.

The Recommendation, however, provides that temporary accounts should be permitted<sup>30</sup> and upon successful verifications such accounts should be converted into a permanent account or closed if the identification process proved unsuccessful, or if it transpired that the applicant is indeed underage or not who they say they are<sup>31</sup>. In 2018, the adoption of this part of the Recommendation by Member States was widespread but not uniform and the durations of temporary accounts also varied. 7 Member States (Estonia, Finland, Hungary, Latvia, Lithuania, Portugal, Slovakia) did not allow the commencement of gambling until the full verification process has been successfully completed thus effectively prohibiting temporary accounts, and 3 Member States did not regulate the matter (the Netherlands due to the overall online gambling prohibition, Ireland, and Slovenia due to lack of specific legislation). All remaining Member States permitted the existence of temporary

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<sup>29</sup> Search in academic databases under the terms 'temporary online gambling account', 'provisional online gambling account' returned no peer-reviewed scholarly articles.

<sup>30</sup> European Commission, Recommendation 2014/478/EU, Art.22(a).

<sup>31</sup> European Commission, Recommendation 2014/478/EU, Art.19, Art.8 and Art.9 (by implication).

accounts, but the duration and specific conditions varied. The most popular duration was found to be 30 days or one month and this applied in Belgium, Bulgaria, Cyprus, Czechia, Denmark, France, Greece, Italy, and Romania. 5 Member States (Denmark, Germany, Czechia, Romania, and Sweden) imposed additional financial limits on the maximum amount that could be deposited while the account remained temporary, and all jurisdictions prohibited any withdrawal taking place until the identity verification was completed<sup>32</sup>.

The data collected in this current study phase demonstrated a trend contrary to the one that was envisaged by the Recommendation. Except for Sweden, that already had amending legislations in place in 2018 that was still due to come into force, the 7 other Member States (Estonia, Finland, Hungary, Latvia, Lithuania, Portugal, and Slovakia) that did not allow temporary accounts in 2018 continue to prohibit these in 2021. Sweden did not permit temporary accounts in 2018 but allow them currently. However, Austria, Belgium, Croatia, Slovenia, and Spain joined the list of countries that prohibits temporary accounts and the Netherlands' new regulatory framework also requires customers to be identified before they can play. In Slovenia, the current position is that operators must verify the customers as soon as possible and this is done typically on the same day as the player checks in and temporary accounts are not formally permitted. Austria's respondents also indicated that temporary accounts are also not permitted in their jurisdiction. However, in Austria there is no legal timeframe during which identity verification must take place and this remains to be governed by anti-money laundering provisions. This brings the total number of jurisdictions that formally prohibits temporary accounts to 14 Member States. In Bulgaria, temporary accounts were and still are only permitted partially and in Malta, primary identity checks must be carried out before customers are allowed to play but full verification is still only triggered by anti-money laundering thresholds. In jurisdictions where temporary accounts are permitted, their most common duration continues to be 30 days / one month. In Germany, GlüStV did not fully regulate the matter, but GlüStV 2021 specifies that identify verification must take place within 72 hours and Greece added financial limits to their temporary accounts of 800 Euros.

In the current phase of data collection, additional evidence was gathered to ascertain whether gambling operators have any specific obligations that they must comply with if a

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<sup>32</sup> M Carran, 'Consumer Protection in EU Online Gambling Regulation: Review of the implementation of selected provisions of European Commission Recommendation 2014/478/EU across EU States', (2018).

customer's identity verification is incomplete or fails within the permitted timeframe. This showed a relatively uniform provision across all jurisdictions as the main requirement is for the operator to close the account and return any deposits minus any winnings to the player. However, Sweden only returns what is remaining in the account and not the original amount deposited and in Romania the funds are not returned to the player but are transferred to the state budget. In France, funds will only be returned to the player if verification is eventually successful. The player has 6 years to reclaim their money and if they do not do so, they also accrue to the state budget. All jurisdictions with temporary accounts prohibit any withdrawal of any winnings before the identity of the player is formally verified. For the breakdown of details please see Table C below.

**Table C – Permissibility of temporary online gambling accounts 2018 and 2021**

	2018			2021		
	Permissibility of temporary accounts	Max Duration	Max deposit	Permissibility of temporary accounts	Maximum duration	Max deposit
<b>Austria</b>	✓ ?	AML threshold	None	✗	n/a	n/a
<b>Belgium</b>	✓	30 days	None	✗	n/a	n/a
<b>Bulgaria</b>	✓ (partial)	30 days	None	✓ (partial)	30 days	None
<b>Croatia</b>	Unspecified	Unspecified	Unspecified	✗	n/a	n/a
<b>Cyprus</b>	✓	30 days	None	✓	30 days	None
<b>Czechia</b>	✓	30 days	CZK 3,000	✓	30 days	CZK 3,000
<b>Denmark</b>	✓	30 days	DKK 10,000	✓	30 days	DKK 10,000
<b>Estonia</b>	✗	n/a	n/a	✗	n/a	n/a
<b>Finland</b>	✗	n/a	n/a	✗	n/a	n/a
<b>France</b>	✓	One month	None	✓	30 (60) days <sup>33</sup>	None
<b>Germany</b>	✓	Unspecified		✓	72 hours	None
<b>Greece</b>	✓	30 days	None	✓	One month	800 Euros
<b>Hungary</b>	✗	n/a	n/a	✗	n/a	n/a
<b>Ireland</b>	Unspecified	Unspecified	Unspecified	Unspecified	Unspecified	Unspecified
<b>Italy</b>	✓	30 days	None	✓	30 days	None
<b>Latvia</b>	✗	n/a	n/a	✗	n/a	n/a
<b>Lithuania</b>	✗	n/a	n/a	✗	n/a	n/a
<b>Luxembourg</b>	✓	Unspecified	Unspecified	Unknown	Unknown	Unknown
<b>Malta</b>	✓	30 days / AML	n/a	✗	n/a	n/a
<b>Netherlands</b>	n/a	n/a	n/a	✗	n/a	n/a
<b>Poland</b>	✓	Unspecified	Unspecified	✓	Unspecified	Unspecified
<b>Portugal</b>	✗	n/a	n/a	✗	n/a	n/a
<b>Romania</b>	✓	30 days	200 Euros	✓	30 days	200 Euros
<b>Slovakia</b>	✗	n/a	n/a	✗	n/a	n/a
<b>Slovenia</b>	Unspecified	Unspecified	Unspecified	✗	n/a	n/a
<b>Spain</b>	✓ (partial)	30 days	150 Euros	✗	n/a	n/a
<b>Sweden</b>	✗	n/a	n/a	✓	Unspecified	Unspecified
<b>UK</b>	✓	72 hours	n/a	Not included	Not included	Not included

<sup>33</sup> Customers must be verified within the period of 30 days from account opening; however gambling operators have 60 days before the account has to be closed following failure of verification.

## 2.2. MINORS' PROTECTION

### 2.2.1. Protection of minors from inducement to gambling.

Premature initiation of gambling among minors continues to be one of the most important concerns in legalised gambling environments, as early onset of gambling has been found to contribute substantially to the development of problematic gambling behaviour already during the adolescents' years and in adulthood<sup>34</sup>. The combination of gambling disorder being a progressive illness and minors' natural higher physical and psychological instability often means that the severity of gambling related harm is also higher among those who started gambling early. Those elements are generally not disputed. Therefore, the need to have effective policies in place that would prevent underage gambling is not controversial and remains one of the key measures that Member States adopt to protect their future adult consumers. However, how this overall objective is best achieved remains debatable and concerns remain that too many underage customers still choose to gamble and find opportunities to do so. The 2019 ESPAD report that measures the frequency of various behaviours among 15 and 16 years old within European countries reported that 7.9% of minors admitted to gambling online<sup>35</sup>. From within EU Member States, the highest rates of online gambling among the study group participants were found in Cyprus (16.4%) and Bulgaria (10.6%)<sup>36</sup>. While changes to methodology requires caution to be applied to identification of any trends, the report nevertheless suggests that the number of online underage gamblers is indeed increasing. Similar conclusions have been reached by other country specific studies. For example, Gomez et al reported that in the region of Galicia in Spain, online gambling by minors has seen over a triple increase over a period of 7 years between 2013 and 2020<sup>37</sup> and a wider Spanish national study that is carried out every two years by the Spanish Observatory of Drugs and Addiction (OEDA) also reported a significant increase in online gambling from 6.4% in 2016 to 10.3% in 2018<sup>38</sup>. Those studies strongly

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<sup>34</sup> M Carran, 'Gambling Regulation and Vulnerability' (2018) Edward Elgar Publishing.

<sup>35</sup> ESPAD Report 2019 – Results from the European School Survey Project on Alcohol and Other Drugs. [http://www.espad.org/sites/espad.org/files/2020.3878\\_EN\\_04.pdf](http://www.espad.org/sites/espad.org/files/2020.3878_EN_04.pdf), accessed September 2021.

<sup>36</sup> Ibid, ref.35; ESPAD Report 2019.

<sup>37</sup> Gómez, P., Feijóo, S., Braña, T. et al. Minors and Online Gambling: Prevalence and Related Variables. *J Gambli Stud* **36**, 735–745 (2020). <https://doi.org/10.1007/s10899-019-09923-3>.

<sup>38</sup> Observatorio Español Sobre Adicciones. ESTUDES 2018/19. 2019. Available online: [https://pnsd.sanidad.gob.es/fr/profesionales/sistemasInformacion/sistemaInformacion/pdf/ESTUDES\\_2018-19\\_Informe.pdf](https://pnsd.sanidad.gob.es/fr/profesionales/sistemasInformacion/sistemaInformacion/pdf/ESTUDES_2018-19_Informe.pdf) cited in

suggest that European countries need to continue their focus on preventing minors from being able to access online gambling and it is submitted that pan-European approach is likely to be more effective than localised initiatives.

The Recommendation itself is not highly prescriptive and generally only asks the Member States to ensure that underage players should not be permitted to gamble<sup>39</sup>. However, it does not specify what the minimum age for gambling should be. It further encourages Member States to ensure that gambling advertising does not target minors either through the locations where advertising appears or through advertising content<sup>40</sup>, and that all gambling advertisements carry a ‘no underage gambling’ sign. It further encourages Member States ‘to organise or promote regular educational and public awareness – raising campaigns to increase knowledge of consumers as a whole and of vulnerable groups, including minors, of the risks that may be associated with online gambling’<sup>41</sup>.

Data collected in 2018 demonstrated a high level of similarity with regards to the minimum age requirements for gambling but also a high level of variation with regards to educational activities and the requirements to include the ‘no underage gambling’ sign in gambling advertising. With small exceptions, the minimum age for gambling has been typically set at the traditional age of majority (i.e., 18 years of age). The exceptions included Belgium, Estonia, Greece, Lithuania and some German Länder that permitted casino games only to those who reached their 21<sup>st</sup> birthday. At the opposite spectrum, Estonia and UK permitted 16 years old to play lotteries and Slovenia only imposed age restrictions on online gambling, casinos and slots with no limitations being applied to other forms of gambling<sup>42</sup>. This element has not been re-examined for the current phase, but it can be noted that the UK<sup>43</sup> has since then increased the minimum age for lotteries to 18.

In 2018, the requirement to display a ‘no underage gambling sign’ on gambling advertising was formally adopted by 12 Member States (Austria, Belgium, Bulgaria, Cyprus, Czechia, Denmark, France, Hungary, Malta, Poland, Sweden, and the UK) but many operators

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Botella-Guijarro et al, ‘A Longitudinal Analysis of Gambling Predictors among Adolescents’ (2020) 17 Int.J.Environ.Public Health 9266.

<sup>39</sup> European Commission, Recommendation 2014/478/EU, Art 9.

<sup>40</sup> European Commission, Recommendation 2014/478/EU, Art 13 and Art.14.

<sup>41</sup> European Commission, Recommendation 2014/478/EU, Art. 49.

<sup>42</sup> M Carran, ‘Review of the implementation of selected provisions of European Union Commission Recommendation 2014/478/EU across EU States’ (2018).

<sup>43</sup> The UK is not included in this study due to its departure from the European Union.

included those in their advertising voluntarily regardless. Since 2018, Italy prohibits all gambling advertising under their decree n.87 2018 that was converted into law on the 9<sup>th</sup> of August 2018 and Latvia limits advertising to gambling venues, so those jurisdictions do not need such a requirement. In 2021, the number of other Member States with a formal obligation for operators to display such a sign on their advertisements has now increased to 17 (18 minus UK) as Croatia, Germany, Greece, the Netherlands, Romania, and Spain have since introduced the obligation. In Finland, no formal statutory provision to this effect exists but in practice, the National Police Board requests the monopoly provider Veikkaus to include the sign (K-18) in all printed and visual advertisements and it is planned to put this requirement on a statutory footing in the Finnish draft Lotteries Act. This demonstrates that a positive progress has been made and hopefully all remaining Member States will introduce the same requirement shortly.

**Table D – Legal requirement to include ‘no underage gambling sign’ on advertising**

	Gambling advertising must include ‘no underage gambling’ sign - 2018	Gambling advertising must include ‘no underage gambling’ sign - 2021
Austria	✗	✗
Belgium	✓	✓
Bulgaria	✓ direct advertising restricted	✓ direct advertising restricted
Croatia	✗	✓
Cyprus	✓	✓
Czechia	✓	✓
Denmark	✓	✓
Estonia	✗	✗
Finland	✗	✗
France	✓	✓
Germany	✗	✓
Greece	✗	✓
Hungary	✓	✓
Ireland	✗	✗
Italy	Since 2018 Italy imposed a general prohibition of gambling advertising	
Latvia	Gambling advertising limited to venues	✓ (substantial other restrictions apply)
Lithuania	✗	✗
Luxembourg	✗	Unknown
Malta	✓	✓
Netherlands	n/a – online gambling prohibited	✓
Poland	✓	✓
Portugal	✗	✗
Romania	✗	✓
Slovakia	✗	✗
Slovenia	✗	✗
Spain	✗	✓
Sweden	✓	✓
UK	✓	Not included

## **2.3. SAFER GAMBLING**

### **2.3.1. Safer gambling principles**

Social responsibility tools can be approached from several perspectives but most of them can be grouped into one of the three main categories. There are tools that control the overall gambling environment, tools that control the inherent properties of the gambling products, and tools that support gamblers with controlling their gambling behaviour. Art 1 of the Commission Recommendation specifies that *“Member States are recommended to achieve a high level of protection for consumers, players and minors through the adoption of those services, in order to safeguard health and to also minimise the eventual economic harm that may result from compulsive and excessive gambling”*<sup>44</sup>. As such the creation and maintenance of a socially responsible gambling environment and the provision of tools to support gamblers with their gambling behaviour lays at the core of the Recommendation’s principles. While it is up to the individual players to take advantage of the tools being offered, it is up to the Member States to ensure that appropriate tools that facilitate safer gambling practices are available. To this effect, the Recommendation specifies that online gambling operators should be required to allow players to set their own financial and temporal limits, to offer time-outs, temporary breaks and long-term self-exclusion schemes, to provide gamblers with information regarding their playing and expenditure patterns, and to initiate engagement with any customers whose playing patterns give indication of the potential development of gambling problems<sup>45</sup>. Additionally, the Recommendation suggests that gambling websites should display links to relevant support helplines and other details of support organisations and Member States should create national self-exclusion registers that would enable players to exclude themselves from all online gambling operators licensed in that jurisdiction and to ensure that all operators have access to such registers<sup>46</sup>.

### **2.3.2. Self – Exclusion and other Limiting tools.**

During the 2018 data collection exercise, it rapidly transpired that there are significant variations in how different terms are used in different jurisdictions. The Recommendation

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<sup>44</sup> European Commission, Recommendation 2014/478/EU, Art 1.

<sup>45</sup> M Carran, ‘Review of the implementation of selected provisions of European Union Commission Recommendation 2014/478/EU across EU States’ (2018).

<sup>46</sup> Ibid, ref.45.

provides two definitions. The term ‘time-out’ has been defined by the Recommendation as facilitating the suspension of gambling for at least twenty-four hours and self-exclusion has been defined as a period lasting not less than six months<sup>47</sup>. However, even those limited definitions have not been uniformly applied and some Member States permit self-exclusion to last for a period shorter than 6 months and other terms such as ‘cool-off’ and ‘cool-down’ have also been used. To ensure comparability of findings, in the 2018 report the relevant terms were defined as follows:

- ‘Cool off – this term denotes a period given to a player before their requests is actioned. This may indicate a time before self-exclusion becomes operational or before a self-exclusion period can be terminated.
- Time-out – this term refers to a short-term exclusion from gambling that does not typically exceed more than 24 hours.
- Self-exclusion – this refers to exclusion from gambling of a duration longer than 24 hours.’<sup>48</sup>

The duration of self-exclusions across several Member States continue to diverge from the definitions provided in the Recommendation and from each other, and accordingly, the terms in this report are used in the same manner as they were in the original report and not in accordance with the Recommendation itself.

Findings from the original study demonstrated very nuanced results and a high degree of diversity between the Member States. In general, almost all Member States have either developed and maintained a national self-exclusion register AND/OR obliged online gambling operators to develop such schemes themselves and to offer it to their players. Only Bulgaria, the Netherlands, Ireland, Luxembourg, and Slovenia did not impose any formal obligations in this respect. In those Member States, despite the lack of regulatory requirements, operators offered self-exclusion voluntarily, except for the Netherlands where online gambling was still prohibited<sup>49</sup> and Luxembourg where the players had to close their account with the monopoly

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<sup>47</sup> European Commission, Recommendation 2014/478/EU, Art 33.

<sup>48</sup> M Carran, ‘Consumer Protection in EU Online Gambling Regulation: Review of the implementation of selected provisions of European Union Commission Recommendation 2014/478/EU across EU States’, (2018).

<sup>49</sup> Self-exclusion principles therefore only applied formally only to land-based establishments.

provider if they wished to stop gambling<sup>50</sup>. Equally, most Member States also reported that they require online gambling operators to allow players to set deposit and / or time limits and to have additional time-outs and cool-off periods. However, despite the high-level appearance of uniformity, substantial variations were found in the specific details, the extent of which was such that only very superficial commonalities or patterns could have been identified. Those variations related to the minimum and maximum duration of self-exclusions, whether entry onto self-exclusion register can be requested by third parties and if so, whether a court order is needed or not; whether and how self-exclusion can be revoked before the expiry of the set period, and whether deposit or temporary limits are mandatory or optional to the players.

In 2018, the duration for self-exclusion was typically decided by the players themselves, except for Finland and Sweden when the limits were imposed by online gambling operators. However, some Member States also imposed minimum and maximum periods which may have superseded players' choices. When specified, these varied from 7 days (France) to 12 months (Germany, Latvia) as a minimum duration and from 12 months (UK) to permanent / lifetime exclusion (Denmark, France, Italy, Lithuania, Portugal) as maximum duration. Latvia had only one duration of 12 months (both min/max) and in Spain no temporary exclusion was formally permitted and inclusion in the national self-exclusion register was deemed permanent. Exclusion by third parties were permitted in 10 Member States. In Austria, Denmark, Finland, Greece, Italy and Malta, operators had a right to exclude customers if necessitated by social responsibility measures or other permitted reasons. In Belgium and Czechia, certain individuals are prohibited from gambling due to their professional occupation or satisfying certain characteristics respectively. In Belgium, the occupations which are prohibited from gambling are members of the police, magistrates, notaries, and bailiffs and in Czechia individuals who are in receipt of hardship or other emergency benefits, those declared bankrupt and those prohibited by court order are banned statutorily. In France, Hungary, and Portugal, any interested third party may attempt to exclude a player, but a court order is required, while this can be done without a court order in Austria, Belgium, Czechia, Denmark, Germany, Greece, Malta, and the Netherlands.<sup>51</sup> Once

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<sup>50</sup> M Carran, 'Review of the implementation of selected provisions of European Union Commission Recommendation 2014/478/EU across EU States' (2018).

<sup>51</sup> More specific details are included in the tables below.

entered on the national self-exclusion register, the customer should remain there for the duration that was initially set. However, all Member States reported that the permanent exclusion was revocable subject to minimum periods that must elapse before restrictions can be removed and several countries allowed for temporary self-exclusion to also be revoked. In addition to minimum periods, some Member States imposed further cooling-off periods (e.g., Belgium, France, Italy, Malta, Portugal), the duration of which varied.

The position in 2021 in respect of the above matters remains broadly the same. All countries that required self-exclusion to be offered by the gambling operators continue to do so and no substantial changes were introduced to the minimum and maximum durations. In Bulgaria, there continue to be no legal requirement to offer self-exclusion, but all licensed operators offer it on a voluntary basis, and it will be mandated formally when the new Bulgarian Gambling Act comes into force in January 2023. The Netherlands has now extended its land-based provisions to online providers who also have to offer self-exclusion to their players. In the Netherlands, there is also a national self-exclusion register that specifies a minimum period of self-exclusion of 6 months, but this period can be shorter if such exclusion is arranged with individual operators. Slovenia also formally added the need for self-exclusion schemes and their durations have been set at a minimum of 6 months and a maximum of 3 years. In France, Greece and Germany, the minimum period for self-exclusion has been decreased from 7 days to 24 hours in France, from 6 months to 1 month in Greece and from 12 months to 3 months in Germany. Similarly, no substantial changes have been introduced to the right of third parties to include someone else on the national self-exclusion register. With regards to the revocability of self-exclusion see Tables E and F below.

**Table E – Self-exclusion and other social responsibility tools**

	2018			2021				
	Self-exclusion <sup>52</sup>	Minimum / Maximum duration	Exclusion by third parties	Self – exclusion <sup>53</sup>	Minimum / maximum duration	Deposit / time limits?	Exclusion by third parties	Court order?
<b>Austria</b>	Yes (partial)	Set by player / operator	✓ (operators)	✓	6 months / 1 year / permanent	Both	✓	No
<b>Belgium</b>	✓	Set by the player	✓ (any interested party)	✓	Set by the player	Deposit	✓ (any interested party)	No, BGC decides
<b>Bulgaria</b>	✗	n/a	n/a	✓ ✗ <sup>54</sup>	n/a	No	Unknown	Unknown
<b>Croatia</b>	✓	Set by player	✗	✓	Set by player	Both	Unknown	Unknown
<b>Cyprus</b>	✓	Set by player	✗	✓	Set by player	Both	✗	n/a
<b>Czechia</b>	✓ ✗ (indirectly)	Set by player	✓ (operators)	✓ ✗ <sup>55</sup>	Set by player	Both	✓ (operators)	No
<b>Denmark</b>	✓	Min 30 days / no maximum	✓	✓	Min 30 days / no maximum	Deposit	✓ (only guardians)	No
<b>Estonia</b>	✓ <sup>56</sup>	6 months /36 months	✗	✓	6 months / 36 months	Deposit	✗	n/a
<b>Finland</b>	✓	Set by the operator	✓ (operators)	✓	Set by the operator (min. 1 year)	Both	✗	n/a
<b>France</b>	✓	7 days / Permanent	Yes (only upon court order)	✓	24 hours – 12 months, up to 3 years (national register)	Both: time limits for poker, deposit/stake limits for sports betting, horse racing, poker	✓	Yes
<b>Germany</b>	✓	12 months / max not collected	Yes (operators)	✓	3 months / permanent	Both	✓	No
<b>Greece</b>	✓	6 months / set by player	Yes (players’ family, operators)	✓	1 / 24 months / permanent	Both	✓	No

<sup>52</sup> Either national register or required to be offered by operators.

<sup>53</sup> Either national register or required to be offered by operators.

<sup>54</sup> While there is no legal requirement to offer self-exclusion, all licensed operators offer this option to gamblers on a voluntary basis. This requirement has already been proscribed in the law that will come into force on the 1<sup>st</sup> of January 2023 (Gambling Act). However, there is a national self-exclusion register that can be accessed via <https://nra.bg/wps/portal/nra/gambling/responsible.gambling>.

<sup>55</sup> Gambling operators are not required to offer self-exclusion as there is a state register where players can exclude themselves.

<sup>56</sup> Provided nationally rather than individual gambling operators.

<b>Hungary</b>	✓	3 months / 5 years	Yes (upon court order)	✓	1, 3, 5 years	Both	✓	Yes
<b>Ireland</b>	Unregulated	Unspecified	Unspecified					
<b>Italy</b>	✓	30 days / Permanent	✓ (operators)	✓	30 days – 90 days / Permanent	Both	✓ (gambling office, operators)	No
<b>Latvia</b>	✓	12 months	✗	✓	12 months	Deposit	✗	n/a
<b>Lithuania</b>	✓	6 months / Permanent	✗	✓	6 months / permanent	Both	✗	n/a
<b>Luxembourg</b>	✗	n/a	n/a	Unknown	Unknown		Unknown	Unknown
<b>Malta</b>	✓	Set by player	✓ (operators)	✓	Set by players	Both	✓	No
<b>Netherlands</b>	n/a	n/a	n/a	✓	Set by players NR (6 months) <sup>57</sup>	Both (mandatory set by players)	✓	No
<b>Poland</b>	✓	Unspecified	✗	✓	3 months/ max set by operators	Both	✗	n/a
<b>Portugal</b>	✓	3 months / permanent	✓ (only upon court order)	✓	3 months / permanent	Both	✓	Yes
<b>Romania</b>	✓	Set by player	✗	✓	Set by player	Both	✓	Yes
<b>Slovakia</b>	✓	Unspecified	✗	✓		Deposit	✗	Some individuals are barred from gambling by statute <sup>58</sup>
<b>Slovenia</b>	Unspecified	Unspecified	Unspecified	✓	6 months / 3 years	Deposit	✗	n/a
<b>Spain</b>	✓	Permanent only	✗	✓	Not answered	Both	✓	Yes
<b>Sweden</b>	✓	Set by operator	✗	✓	1 month / 12 month	Both	✗	n/a
<b>UK</b>	✓	6 /12 months	✗		Not included			

<sup>57</sup> NR = National Register.

<sup>58</sup> Those in receipt of social assistance, those diagnosed with compulsive gambling, university students on social scholarship.

**Table F – Revocability of self-exclusion**

	2018		2021	
	Revocation?	Conditions /min periods	Revocation?	Conditions/ min periods
<b>Austria</b>	✓	Temporary – 24 hours / Permanent – 7 days	Unknown	Unknown
<b>Belgium</b>	✓	Upon expiry of 3 months	✓	Voluntary – application + 3 months; If excluded due to addiction – min 1 year, recovery, application
<b>Bulgaria</b>	n/a	n/a	n/a	n/a
<b>Croatia</b>	✓	None	✓	None
<b>Cyprus</b>	✓	7 days	✓	
<b>Czechia</b>	✓	7 days	✓	
<b>Denmark</b>	⊖	12 months	✓ ✗	Temporary exclusion – irrevocable; permanent - year and 7 days
<b>Estonia</b>	✗	n/a	✗	n/a
<b>Finland</b>	✓	12+ 3 months cooling off period	✓	12 + 3 months cooling off period
<b>France</b>	✗	Temporary - irrevocable; permanent – 3 years	✗	Temporary - irrevocable, 3 years on national register
<b>Germany</b>	✗	Temporary- irrevocable / Lifetime – 12 months	✓	Written application to the relevant department
<b>Greece</b>	Unknown	12 months	✓	For indefinite self-exclusion only – only after 1 year has elapsed
<b>Hungary</b>	✓	Not permitted for exclusion under 180 days	✓	Vulnerable customers – self-exclusion of 1 year – irrevocable. Non vulnerable customers – 180 days must elapse
<b>Ireland</b>	Unspecified	Unspecified	Unspecified	Unspecified
<b>Italy</b>	Unknown	6 months + 7 days	✓ ✗	Temporary – irrevocable, only permanent can be revoked
<b>Latvia</b>	✗	Written application - 12 months	✓	Written application - 12 months
<b>Lithuania</b>	✓	6 months	✓	6 months
<b>Luxembourg</b>	n/a	n/a	Unknown	Unknown
<b>Malta</b>	✓	Temporary – 24 hours / Permanent – 7 days	✓	Temporary – 24 hours / Permanent – 7 days
<b>Netherlands</b>	n/a	n/a		
<b>Poland</b>	Unspecified	Unspecified	Unspecified	Unspecified
<b>Portugal</b>	✓	3 months + 1 month cool off	✓	3 months + 1 month cool off period
<b>Romania</b>	✗	6 months		
<b>Slovakia</b>	✓	6 months. Irrevocable if statutory bar applies	✓	6 months upon application. Irrevocable if statutory bar applies
<b>Slovenia</b>	Unspecified	Unspecified	✗	n/a
<b>Spain</b>	✓	6 months	✓	6 months (voluntary self-exclusion). Court order – irrevocable for the specified duration, or until cancelled by court
<b>Sweden</b>	Unspecified	12 months	✓	A minimum period of 12 months must elapse
<b>UK</b>	n/a	n/a	Not included	

### 2.3.3. National Self-Exclusion Registers

The creation and maintenance of national self-exclusion registers has been encouraged directly by Art.37 of the Recommendation. In 2018, only 14 Member States have established national self-exclusion registers maintained by the relevant regulatory authority, governmental body, or voluntary organisation. Those Member States were Belgium, Denmark, Estonia, France, Germany (partial, some Länder only), Hungary, Italy, Latvia, Lithuania, Portugal, Slovakia, Spain, Sweden, and the UK. While technically Finland does not have a national register, the monopoly provider must keep records of all customers who wish to exclude themselves and as such Finland should be treated as meeting this requirement as well. At the relevant time, the creation of such a register had already been mandated in Czechia but it was not yet operational. Informal discussion to create such a national register was also taking place in Ireland but no formal proposals were yet submitted. Access to the existing national registers was granted in all Member States to all online gambling operators licensed by the relevant Member State but not to any licensees of another Member State<sup>59</sup>.

Between 2018 and 2021, the number of national self-exclusion registers has now increased from 14 to 17 due to the addition of those in Czechia, the Netherlands and Slovenia. However, as the UK has now been removed from the study this brings the total number of Member States with national self-exclusion registers to 16. In Germany, the national register Oasis has now been extended to all Länders and efforts are underway to create such registers in Greece and Cyprus as well. In Bulgaria, the original register of vulnerable persons has been discontinued with effect from 12<sup>th</sup> December 2020 and an obligation was imposed on the National Revenue Agency to create and maintain a new self-exclusion register from 12<sup>th</sup> December 2022. However, during the interim two-year period, no new entries onto the old register can be made and while the existing entries have not been deleted there is no obligation on NRA or the gambling operators to prevent persons included on the self-exclusion register from playing<sup>60</sup>. This means that currently, there is no national operational self-exclusion register in Bulgaria, but one will again become operational from 12<sup>th</sup> December 2022. The overall increase in the number of Member States that have created or intend to create national self-exclusion registers in the foreseeable future demonstrates a positive

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<sup>59</sup> For details, please see M Carran, 'Consumer Protection in EU Online Gambling Regulation: Review of the implementation of European Union Commission Recommendation 2014/478/EU across EU States' (2018).

<sup>60</sup> Bulgarian jurisdictional response.

upward trend and leaves only 8 of the Member States included in this study that still need to implement this recommendation. In the current study phase, additional evidence was also collected to establish whether players can self-exclude themselves via a national online portal and the approximate number of registered players. All Member States with national registers, except for 4 Member States (Germany, Hungary, Slovakia, and Slovenia), afford the players the opportunity to self-exclude via an online portal and the website addresses of those are listed in Appendix 1. The number of self-excluded players included on the national registers was collected for information purposes and the data, where available, is listed in the table G below.

**Table G – National self-exclusion registers**

	2018		2021			
	National self-exclusion register?	Other details	National self-exclusion register?	Online portal?	Number of registrations	Other details
<b>Austria</b>	✗	n/a	✗	✗	n/a	n/a
<b>Belgium</b>	✓	Check on registration and login	✓	✓	37536 players (31.12.20)	
<b>Bulgaria</b>	✗	n/a	✗	✗	n/a	n/a
<b>Croatia</b>	✗	n/a	✗	✗	n/a	n/a
<b>Cyprus</b>	✗	n/a	✗ <sup>61</sup>	✗	n/a	n/a
<b>Czechia</b>	✗	n/a	✓	✓	Approx.200 000 people	Of those 200000 only appr.700 requested the registration
<b>Denmark</b>	✓	ROFUS (checks on registration and login)	✓	✓	25176 (1.11.20)	
<b>Estonia</b>	✓	Estonian Tax and Custom Board register	✓	✓	11294 (1.01.21)	Games of chance: 6149; Toto (or sports betting): 3435; Lottery: 1710
<b>Finland</b>	✗ ✓	Finish monopoly keeps its own register	✗ ✓	✓	Unknown	Finish monopoly keeps its own register
<b>France</b>	✓	Registry of Banned Players. Checks on registration, changes to personal data and weekly	✓	✓	Unknown	
<b>Germany</b>	✓ (partial)	OASIS	✓	✗	43948 (31.12.20)	Partial. Nationally was due to launch on 02.08.21
<b>Greece</b>	✗	n/a	✗ <sup>62</sup>	✗	n/a	n/a
<b>Hungary</b>	✓	Player Protection Register	✓	✗	21970	
<b>Ireland</b>	✗	n/a				
<b>Italy</b>	✓	AMD Register	✓	✓	Data not available	AMD Register via LoginSpid
<b>Latvia</b>	✓	Latvian Gambling Authority Register	✓	✓	14667 (1.01.21)	
<b>Lithuania</b>	✓	Restricted Gambling Register	✓	✓	Unknown	

<sup>61</sup> In Croatia, the NBA is in the process of creating the national self-exclusion register that should become available shortly.

<sup>62</sup> The National Self-Exclusion Register is not yet operational, but such creation has been prescribed by the Ministerial Decision of 24 July 2020 and it is intended that such register will become operational in Greece in 2022.

<b>Luxembourg</b>	✗	n/a	n/a	n/a	Unknown	
<b>Malta</b>	✗	n/a	✗	✗	n/a	n/a
<b>Netherlands</b>	n/a	n/a	✓	✓	Approx. 5000 players	
<b>Poland</b>	✗	n/a	✗	✗	n/a	n/a
<b>Portugal</b>	✓	SRIJ Register of Banned Person. Checks on registration and daily	✓	✓	72400 (31/12/2020)	
<b>Romania</b>	✗	n/a	✗	✗	n/a	n/a
<b>Slovakia</b>	✓	Register of natural persons excluded from gambling	✓	✗	108360 (28.02.21)	
<b>Slovenia</b>	✗	n/a	✓	✓	4269 (01/01/2021)	
<b>Spain</b>	✓	General Register of Gaming Access Ban	✓	✓	56006 (2020)	
<b>Sweden</b>	✓	Checks upon registration and log-in	✓	✓	Approx. 60000	Data from Spelpaus Statistik – Spelinspektionen
<b>UK</b>	✓	GamStop	Not included			

#### 2.3.4. Treatment Support

The data collection exercise undertaken in 2018 only gathered information as to whether online gambling operators were required to automatically refer gamblers to health group organisations or other treatment support centres upon self-exclusion. No jurisdiction in 2018 had imposed such a requirement on online gambling operators, and indeed, such automatic referral has not been suggested by the Recommendation itself. Accordingly, in this follow-up study this question has been reworded to reflect the provisions of the Recommendation more closely. Those are included in Part III of the Recommendation and specify that *“the following information should be displayed prominently on the landing page of the operator’s gambling website and be accessible from all pages on the website: (...) (c) a responsible gambling message, which in no more than one click away provides: (i) information that gambling can be harmful if not controlled; (ii) information about the player support measures on the website; (iii) self-assessment tests for players to check their gambling behaviour; (d) a link to at least one organisation providing information and assistance in respect of gambling disorder”*<sup>63</sup>. Additionally, gambling regulators were asked whether operators are required to inform customers of the available problem gambling supports that exists, i.e., does self-exclusion trigger specific intervention from the operator other than a closure of the account, and whether operators are prohibited from sending any direct advertising to self-excluded persons. Furthermore, regulators were asked to indicate whether there are any specific websites that are being recommended nationally for inclusion on the websites of online gambling operators and if so, to list them so a pan-European database of available support lines can be created.

The obligation to display contact details / information of problem gambling and support links on gambling websites is almost uniform across all jurisdictions. Only Latvia reported a lack of this requirement, but details of relevant helplines are still provided by the operators voluntarily. The question as to whether online gambling operators must inform the player of available support and the relevant helpline contact numbers was answered in the negative by 10 Member States (Belgium, Cyprus, Czechia, Estonia, Finland, France, Latvia, Malta, Poland, Portugal, and Sweden) while 11 Member States (Austria, Croatia, Denmark, Germany, Greece, Hungary, the Netherlands, Romania, Slovakia, Slovenia, and Spain)

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<sup>63</sup> European Commission, Recommendation 2014/478/EU, Art 4(c) and 4(d).

responded in the affirmative. The positive results, however, must be treated with caution as the responses did not always make it clear whether self-exclusion triggers specific intervention or whether this is deemed to be included in the overall requirement to display information of available support. Perhaps more surprisingly, there is no uniform prohibition of direct advertising to self-excluded gamblers. Only 10 Member States (Denmark, France, Germany, Greece, Hungary, Latvia, Malta, the Netherlands, Spain, and Sweden) declared that such prohibition is embedded in the legal provisions. However, in Portugal such advertising is prohibited by the Manual of Good Practice, in Sweden this is likely to be incorporated in general principles of consumer care although it is not specifically linked to self-exclusion, and in Italy, gambling advertising is prohibited generically. Almost all jurisdictions provided details of available support organisations and their contact details and those are included in Appendix 2 for reference.

**Table H – Treatment support**

	Does self-exclusion trigger specific contact	Prohibition to advertise to self-excluded customers	Requirement to display contact details/information of problem gambling on gambling websites?
<b>Austria</b>	✓ <sup>64</sup>	Unknown	✓
<b>Belgium</b>	✗ <sup>65</sup>	✗	✓
<b>Bulgarian</b>	n/a	✗	✓
<b>Croatia</b>	✓ (helpline)	Unknown	✓
<b>Cyprus</b>	✗	Unknown	✓
<b>Czechia</b>	✗ <sup>66</sup>	✗	✓
<b>Denmark</b>	✓	✓	✓
<b>Estonia</b>	✗	Unknown	✓
<b>Finland</b>	✗ <sup>67</sup>	✗ <sup>68</sup>	✓
<b>France</b>	✗	✓	✓
<b>Germany</b>	✓	✓	✓
<b>Greece</b>	✓	✓	✓
<b>Hungary</b>	✓	✓	✓
<b>Ireland</b>	Unknown	Unknown	Unknown
<b>Italy</b>	✗	✓ <sup>69</sup>	✓
<b>Latvia</b>	✗	✓ <sup>70</sup>	✗
<b>Lithuania</b>	✗	✗	✗ <sup>71</sup>

<sup>64</sup> Information and contact details must be provided on the basis of the player protection concept specified in the official notice of the granting of the license.

<sup>65</sup> The Belgian Gaming Commission does so voluntarily via the Gaming Commission’s helpdesk or otherwise.

<sup>66</sup> Gambling operators must inform the regulator of all self-excluded customers (disclosure requirements).

<sup>67</sup> Finland does not impose such a requirement but in practice, Veikkaus informs players who wish to self-exclude of the Peluuri’s helpline.

<sup>68</sup> Such requirement is currently being proposed to be included in the draft Lotteries Act.

<sup>69</sup> Gambling advertising is prohibited generically.

<sup>70</sup> Gambling advertising is prohibited generically.

<sup>71</sup> However, the relevant information must be included in the gaming agreement.

Luxembourg	Unknown	Unknown	Unknown
Malta	✗	✓	✓
Netherlands	✓	✓	✓
Poland	✗	Unknown	✓
Portugal	✗	✗ <sup>72</sup>	✓
Romania	✓	✓	✓
Slovakia	✓	✗	✓
Slovenia	✓	✗	✓
Spain	✓	✓	✓
Sweden	✗ <sup>73</sup>	✓	✓

## 2.4. Enforcement

The final section of the 2018 report focused on the existence of EU initiatives in the field of gambling regulations and the extent of cooperation between Member States. In this follow-up study, this subject matter was replaced with preliminary exploration of enforcement principles and practices within the Member States. National tools and their effectiveness that are utilised to prevent illegal operators from offering their services and to channel customers towards lawful sites has been comprehensively explored in the report written for the European Union titled ‘Evaluation of Regulatory Tools for Enforcing Online Gambling Rules and Channelling Demand towards Controlled Offers’<sup>74</sup>. The purpose of this section is more granular and aims to identify the relevant primary entities within each jurisdiction<sup>75</sup> responsible for the enforcement of the rules that apply to licensed online gambling operators, types of internal regulatory sanctions that enforcers have at their disposal to ensure satisfactory compliance, and to provide a broad insight into the level of enforcement activities. Moreover, data regarding the most common types of infringement was also collected to determine whether there may be any commonality across jurisdictions where concerted efforts could potentially prove more effective. The Commission Recommendation is rather silent on the issue of enforcement. The only provision that is relevant in this context is contained in Art. 51 which provides that “*Member States are invited to designate competent gambling regulatory authorities when applying the principles laid*

<sup>72</sup> There is no legal prohibition on such advertising, but the Manual of Good Practices specifies that gambling advertising cannot be directed at vulnerable players.

<sup>73</sup> Gambling operators have a duty of care which includes the requirement to counteract excessive gambling through continuous monitoring of gambling behaviour but there is no specific links with self-exclusion.

<sup>74</sup> J Hörnle, A Littler, G Tyson, E Padumadasa, MJ Schmidt-Kessen, DI Ibsiola, ‘Evaluation of Regulatory Tools for Enforcing Online Gambling Rules and Channelling Demand towards Controlled Offers’, TENDER No. 641/PP/GRO/IMA/17/1131/9610 FINAL REPORT, 2018.

<sup>75</sup> National police forces may also be typically involved in enforcement.

*down in this Recommendation to ensure and monitor in an independent manner effective compliance with national measures taken in support of the principles set out in this Recommendation”<sup>76</sup>.*

The data collected shows that Art.51 has not been uniformly adopted. All Member States have established a designated entity / entities that are responsible for compliance but only 16 Member States (Belgium, Cyprus, Denmark, France, Greece, Hungary, Italy, Latvia, Lithuania, Malta, Netherlands, Portugal, Romania, Slovakia, Spain, and Sweden) have specifically appointed independent gambling authorities. In Austria, Bulgaria, Croatia, Czechia, Estonia, Germany, Poland, and Slovenia compliance with gambling regulation is controlled by a specific department of the government and as such they cannot be deemed to be independent<sup>77</sup>. In Finland, enforcement is primary based on criminal code and is entrusted to the National Police Board. In most jurisdictions, criminal prosecution can be commenced but regulatory / administrative sanctions remain the starting principle. The type of regulatory / civil sanctions that can be applied for violation of gambling regulations have been identified to be broadly comparable across all jurisdictions. Administrative fines are the most common and those are closely followed by licence suspension or revocation. Only Czechia, Finland and Romania did not list them. This, in substance, reflects only two Member States as the existence of a monopoly in Finland renders such potential sanctions futile in practice, therefore it would not be reasonable to include them in the relevant provisions. Also, formal warnings as a form of sanction are used in 16 Member States (Belgium, Cyprus, Czechia, Estonia, France, Greece, Hungary, Latvia, Lithuania, Malta, the Netherlands, Poland, Portugal, Slovakia, Slovenia, and Sweden) and each jurisdictions have additional measures that they can utilise to work with gambling operators to ensure compliance. Those are listed in Table I below. The availability of varied sanctions does not mean that they all have equal status as this depends on the specific enforcement policies and the actual activities undertaken on a regular basis. The volume of regulatory sanctions issued by respective jurisdictions for the years 2019 and 2020 is listed in Table J below. Those range from no enforcement sanctions being imposed (Austria, Estonia, Germany, Slovenia) to a staggering 815 235 900 individual sanctions (Czechia since 2017). The data reported from Czechia is

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<sup>76</sup> European Commission, Recommendation 2014/478/EU, Art.51.

<sup>77</sup> For list of enforcement bodies, please see Appendix 3.

clearly an outlier as the highest number of sanctions reported for any given year in all other jurisdictions is 335 (Cyprus – 2020 and Slovakia – 2020) and most other Member States have a significantly lower rates of punished violations. Only very high-level conclusions can be reached from those details as the data is limited and only 7 Member States (Czechia, France, Malta, Netherlands, Romania, Spain, and Sweden) publish regulatory action registers. Those documents are critical in facilitating transparency and while they are not suggested by the Recommendation, they should be considered as examples of good practice. With regards to the types of the most common contraventions, it has been hypothesised that those will be common to many jurisdictions that may, in turn, support a more concerted efforts in addressing them. However, almost every Member State reported a different ‘most common’ type of violation for the years of 2019 and 2020. This may be the result of different infractions being most common or due to different priorities of individual regulators, but it entirely disproves that initial hypothesis that has been made.

**Table I – Enforcement bodies and permitted enforcement / civil sanctions<sup>78</sup>**

	Main enforcement body	Types of regulatory / administrative sanctions				
		Fines	License suspension or similar	License revocation or similar	Warnings	Others
<b>Austria</b>	Tax Authority	✓	✓	✓	Not listed	Personal prohibition on licensees
<b>Belgium</b>	The Gaming Commission; Public prosecutor	✓	✓	✓	✓	Criminal sanctions
<b>Bulgaria</b>	National Revenue Agency	✓	✓	✓	Not listed	Not listed
<b>Croatia</b>	Ministry of Finance – Tax Administration	✓	✓	✓	Not listed	Not listed
<b>Cyprus</b>	National Betting Authority	✓	✓	✓	✓	Not listed
<b>Czechia</b>	Custom Administration	✓	Not listed	Not listed	✓	Disqualification, confiscation of property, publication of the sanction
<b>Denmark</b>	Danish Gambling Authority	Not listed	Not listed	✓	Not listed	Notice of violation Reporting to the police Actions / Orders
<b>Estonia</b>	Estonian Tax and Custom Board	✓	✓	✓	✓	Not listed
<b>Finland</b>	The National Police Board	✓	✗	✗	Not listed	Lottery violations
<b>France</b>	ANJ: Autorite Nationale des Jeux	✓	✓	✓	✓	Reduction of a licence by a maximum of one year Ban on applying for a new licence

<sup>78</sup> Criminal sanctions have also been included if listed in the response by the respondent to the survey.

<b>Germany</b>	Licence Issuer	✓	Not listed	✓	Not listed	Criminal sanctions
<b>Greece</b>	Hellenic Gaming Commission (HGC)	✓	✓	✓	✓	Not listed
<b>Hungary</b>	GSB	✓	✓	✓	✓	
<b>Ireland</b>	Unspecified					
<b>Italy</b>	The Custom and Monopolies Agency Through (Remote Gambling Office)	✓	✓	✓	Not listed	Not listed
<b>Latvia</b>	Lotteries and Gaming Supervisory Inspection	✓	✓	✓	✓	Not listed
<b>Lithuania</b>	Gaming Control Authority	✓	✓	✓	✓	Not listed
<b>Luxembourg</b>	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown
<b>Malta</b>	Malta Gaming Authority	✓	✓	✓	✓	Adding, removing or amending conditions attached to the licence, Criminal proceedings
<b>Netherlands</b>	The Netherlands Gambling Authority (Kannsspelautoriteit)	✓	✓	✓	✓	
<b>Poland</b>	National Tax Administration Ministry of Finance	✓	Not listed	✓	✓	Not listed
<b>Portugal</b>	Instituto do Turismo de Portugal AND Servico de Regulacao e Inspecao de Jogos of Instituto	✓	✓	✓	✓	Additional penalties
<b>Romania</b>	National Gambling Office	✓	Not listed	Not listed	Not listed	Seizure of assets
<b>Slovakia</b>	Gambling Regulatory Authority; Ministry of Finance	✓	✓	✓ <sup>79</sup>	✓ <sup>80</sup>	Submission of special statement, announcement, and reports
<b>Slovenia</b>	Financial Administration of the Republic of Slovenia	✓	✓	✓	✓	Correction of irregularities
<b>Spain</b>	Directorate General for Gambling Regulation (online gambling)	✓	✓	✓	Not listed	Not listed
<b>Sweden</b>	Swedish Gambling Authority (Spelinspektionen)	✓	✓	✓	✓	

<sup>79</sup> The discontinuation of the unauthorised activity or prohibited activity.

<sup>80</sup> A measure for the elimination and rectification of the shortcomings found including the time limit for its fulfilment and the duty to inform the Authority on its fulfilment within the specified time limit.

**Table J – Volume and types of regulatory sanctions**

	Number of regulatory sanctions		Most common sanctions	Most common contraventions	Regulatory registers
	2019	2020			
<b>Austria</b>	0	0	n/a	n/a	No
<b>Belgium</b>	37	24	Administrative fines, warnings, licence suspension	Offering gambling unlawfully, allowing gambling on credit, allowing minors to gamble	No
<b>Bulgaria</b>	No data	No data	No data	Unknown	Unknown
<b>Croatia</b>	No data	No data	No data	Unknown	Unknown
<b>Cyprus</b>	197	335 <sup>81</sup>	Warnings, fines, suspension of licence	Employment of non-authorised employees, offering gambling unlawfully	No <sup>82</sup>
<b>Czechia</b>	815235900 since 2017		Fines <sup>83</sup>	Offering unlawful gambling <sup>84</sup>	Yes <sup>85</sup>
<b>Denmark</b>	55	79	Notice of violation, reporting to the police, orders	Violation of the marketing rules, violation of the certification programme, variation of violation of gambling legislation	No
<b>Estonia</b>	0	0	n/a	n/a	Unknown
<b>Finland</b>	1	3	n/a	Ban issued against running of fantasy sport in 2019 without the right to operate	No
<b>France</b>	No data	No data	n/a	n/a	Yes <sup>86</sup>
<b>Germany</b>	0 <sup>87</sup>	0	n/a	n/a	No
<b>Greece</b>	2	29	No data	Breaches of gambling advertising rules, granting of incentives contrary to the rules	Unknown
<b>Hungary</b>	2	9	Warning, fines, obliging operators to comply with conditions	Derogation from the approved game plan, failing to provide appropriate remote access to the operator's sever, inappropriate applying of player protection measures	Partial <sup>88</sup>
<b>Ireland</b>					
<b>Italy</b>	No data	No data	Fines, suspension, removal of permission to operate	Non-payment or late payment of tax and duties, non-renewal of insurance policies, offering gambling without appropriate licence (e.g. due to remote gambling operators offering land-based gambling without a separate licence)	Unknown
<b>Latvia</b>	8	8	Fines, warnings	Illegal lottery on gambling services, winning pay-out violations, non-compliance with identification requirements, allowing self-excluded customers to gamble	Unknown
<b>Lithuania</b>	Unknown	Unknown	Unknown	Unknown	Unknown
<b>Luxembourg</b>					

<sup>81</sup> 20 warnings to the operators; 218 warning to authorised agents; 97 fines.

<sup>82</sup> Under consideration from the NBA whether it should be included in the financial results.

<sup>83</sup> Unconfirmed.

<sup>84</sup> Unconfirmed.

<sup>85</sup> <https://vlada.cz/scripts/detail/php?pgid=384>.

<sup>86</sup> [https://anj.fr/sites/default/files/2021-07/Rapport\\_ANJ.pdf](https://anj.fr/sites/default/files/2021-07/Rapport_ANJ.pdf).

<sup>87</sup> No private operators until 2020.

<sup>88</sup> GSB discloses information about blocked illegal gambling operators on its website. This is available on <https://szf.gov.hu/hatosag/blokkolt-honlapok/>.

<b>Malta</b>	69	108	Administrative fines, warnings, cancellations	Breach of gaming authorisation and compliance directive, breach of Commercial Communication Regulations, breach of the Player Protection Directive	Yes <sup>89</sup>
<b>Netherlands</b>	Approx.15	Approx. 10	Fines, warnings, suspensions, revocation of license	Offering gambling unlawfully, advertising unlicensed gambling, violations of gambling advertising rules	Yes <sup>90</sup>
<b>Poland</b>	No data	No data	n/a	n/a	No
<b>Portugal</b>	No data	No data	Fines	Permitting banned players to gamble	No
<b>Romania</b>	544	No data	Fines	Unknown	Yes
<b>Slovakia</b>	75 <sup>91</sup>	335 <sup>92</sup>	Measures to eliminate shortcoming in operations, offering gambling unlawfully (without a licence)	Unknown	Unknown
<b>Slovenia</b>	0	0	n/a	n/a	No data
<b>Spain</b>	22	n/a	Unknown	Allowing banned persons to gamble, participating in gaming activities in contravention of bans, offering gambling unlawfully, using unapproved or unauthorised system	Yes <sup>93</sup>
<b>Sweden</b>	25	10	Warning, fines, remarks	Breach of bonus regulation, offering gambling unlawfully, allowing minors to gamble	Yes <sup>94</sup>

<sup>89</sup> <https://www.mga.org.mt/mga-enforcement-register/>.

<sup>90</sup> <https://hannspelautoriteit.nl/aanpak-misstanded/sanctiebesluiten/>.

<sup>91</sup> 67 calls to stop providing the prohibited offer, 8 orders of course for the operation or promotion of prohibited offers.

<sup>92</sup> 318 calls to stop providing the prohibited offer, 17 orders of court for the operation or promotion of prohibited offers.

<sup>93</sup> <https://www.ordenacionjuego.es/es/actividad>.

<sup>94</sup> Beslut aktorer – Spelinspektionen.

### 3. Concluding remarks

This study represents a follow-up to the project, undertaken in 2018, that evaluated the extent to which the principles recommended by the European Commission in its Recommendation 2014/478/EU were adopted by the EU Member States. The original study concluded that, in the main, the laws and regulatory regimes have not converged because of the Commission Recommendation and that they are unlikely to do so naturally without any mandatory legislation. The aim of this follow-up study was to explore whether any reforms have been introduced in any Member State over the course of the last three years and indirectly to re-examine the aforementioned conclusion. While it may be argued that a period of three years is insufficient for major modifications to occur, such developments within some of the Member States have indeed taken place and incremental amendments have been introduced in 10 other jurisdictions.

It is submitted that the most important high-level developments include the legalisation of online gambling in the Netherlands, termination of the Swedish monopoly and its replacement with an online gambling licensing system, and the significant overhaul of the German regulatory provisions including their new GlüStV 2021. The removal of online gambling prohibitions from the Netherlands and from the remaining parts of Germany means that there are no longer any Member States that prohibits online gambling. This indicates a successful liberalisation of the online gambling market in Europe, further reinforced by the Swedish decision to create a licensing regulatory framework leaving only Finland with a fully monopolistic regime. At face value, this may be taken to indicate that the Recommendation had indeed achieved its underlying aim, but such conclusion would be premature. This is because, while online gambling is now permitted in all Member States and the markets in the majority of the Member States are opened to licensees, the actual detailed regulations and principles that apply in any given jurisdictions have not converged and continue to vary significantly from Member State to Member State. Furthermore, even with respect to elements where similarities can be found, it is not certain whether this convergence can be attributed to the Recommendation's impact or, as it is more likely, it stems from jurisdictions co-operating with and learning from each other and from other mandatory legislations at EU-level (primarily with respect to anti-money laundering legislations and the GDPR).

The reasons for legislative decisions are notoriously difficult to discern. However, a high level of consistency in Member States' implementation of the Recommendation would support the argument that legislative provisions were introduced, amended, or maintained (if they were already in existence) in response to the Recommendation. On the other hand, partial or inconsistent enactments suggest otherwise. Many of the Recommendation's principles are broad and open to differing interpretation and at this level, those are applied in most Member States. However, this cannot detract from the fact that the Recommendation also contains principles that are detailed and specific. Those include the encouragement to designate electronic databases that gambling operators can use to verify their prospective customers, the types of personal data that must be collected by the gambling operators from the players on opening of the gambling account, the permissibility of temporary accounts, the requirement to include an appropriate 'no underage gambling' sign in all commercial advertising and the encouragement to create national self-exclusion registers. The implementation of those detailed provisions is inconsistent suggesting that Member States incorporated only the principles that were congruent with their national priorities and excluded or ignored others that were not. This could potentially be argued to indicate that the actual effectiveness of the Recommendation has been actually somewhat limited.

Nonetheless, irrespective of the underlying reasons, this follow-up study shows that some level of convergence, at least with regards to some of the principles applicable to online gambling, has started slowly to emerge. 13 Member States (Austria, Belgium, Bulgaria, Croatia, Czechia, Denmark, Finland, Greece, Italy, Portugal, Slovakia, Slovenia, and Spain) have designated electronic databases for the purpose of remote identity verification and a further 9 Member States (Estonia, Germany, Hungary, Latvia, Lithuania, Malta, the Netherlands, Romania, and Sweden) permit electronic verification through other national or commercially maintained databases. This represents a total number of 22 Member States that facilitate remote identification through reference to recognised databases and most of the remaining jurisdictions also permit electronic verification using the financial services' systems or through the electronic digital signature. This position is to some extent undermined by the requirement to also view copies of national identity documents, but this is only mandatory in 4 Member States (Bulgaria, Croatia, Slovakia, and Spain). On account opening, all jurisdictions require online gambling operators to collect the applicant's full name and date of birth and

all but 3 Member States (Austria, Latvia, and Estonia) also require the collection of residential address. While the collection of electronic emails and/or telephone numbers is prescribed in only 12 Member States (Bulgaria, Croatia, Cyprus, Czechia, Italy, Lithuania, Malta, the Netherlands, Poland, Portugal, Romania, and Slovenia), those details are likely to be collected by online gambling operators regardless of any mandatory requirements, meaning that the minimum personal data recommended to be collected by the Recommendation is likely to be acquired in the majority of the Member States. In 2021, 17 Member States legally require the display of ‘no underage gambling’ sign on all commercial advertising. While this still leaves 10 Member States without this requirement, it represents an increase of 5 Member States when compared to the position in 2018 and thus shows a positive progress. Similarly, the number of Member States with national self-exclusion registers has increased to 16 (from 14 in 2018)<sup>95</sup> and all jurisdictions but one (Bulgaria) require gambling operators to set up processes that allow players to self-exclude themselves. Equally, the requirement to display information about problem gambling and details of problem gambling helplines and treatment centres on gambling websites exist in all jurisdictions except Lithuania where those details must be included in the gaming contract between the player and the operator. The main principles of enforcement are also broadly comparable as in most Member States, regulatory sanctions include administrative fines, suspension, or revocation of a licence or equivalent and many jurisdictions also invoke warnings as a type of a formal sanction.

However, this is where the broad similarities end. The actual types of national databases that can be used for identity verification are specific to any given Member State and the periods during which this process must be completed also varies. Contrary to the Recommendation’s principle, temporary accounts are now only permitted in 10 Member States (Cyprus, Czechia, Denmark, France, Germany, Greece, Italy, Poland, Romania, Sweden). This represents a decrease of 7 Member States with temporary accounts. Even the duration of the temporary account is not uniform, although the most common period remains 30 days / one month. While the main personal data (name, date of birth, address) that must be collected during the opening of an online gambling account is reasonably uniform, other data that also needs to be collected is specific for each jurisdiction. Similarly, almost all Member

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<sup>95</sup> 17 countries including the UK but as the UK has not been included in the study, it has also been removed from the numbers.

States have either self-exclusion schemes that are offered nationally or by operators, but the exact operational details of these schemes differ substantially. Those differences include minimum and maximum durations that range from 7 days and 12 months (minimum) and 12 months and lifetime exclusion (maximum) as well as provisions that determine who can enter a player onto the self-exclusion register, whether such an entry can be revoked or terminated before the expiry of the set period and whether court order is required for any third party to enter a customer onto such a register. Those variations were already evidenced in 2018 and they remained largely unchanged in 2021. While almost all jurisdictions require online gambling operators to display information of problem gambling and details of treatment centres and problem gambling helplines, only 11 Member States legally prohibits sending gambling advertising to self-excluded players (Denmark, France, Germany, Greece, Italy, Hungary, Malta, the Netherlands, Romania, Spain, Sweden) and only 11 Member States (Austria, Croatia, Denmark, Germany, Greece, Hungary, the Netherlands, Romania, Slovakia, Slovenia and Spain) declared that self-exclusion triggers specific contact with a player where they are provided with information and contact details of gambling helplines and treatment centres.

The above examples clearly show that the high-level, fundamental provisions that underpin online gambling regulations have converged and are now broadly comparable across all Member States. However, the specific regulatory details continue to diverge. This exposes players to varied levels of protections and compels online gambling operators that offer their services across Europe to develop separate compliance processes for each jurisdiction. While this does not, in principle, prevent them from applying for a licence in the territory of another Member State, it does increase the regulatory burdens and costs of operations. This, in practice, hinders entries to the market. The actual underlying rationale for this continuing status quo and the ongoing reluctance to harmonise gambling regulations is not easy to discern. Formally, many justifications can be advanced. Those range from differences between public health and commercial freedom approaches, variations in moral and religious attitudes towards gambling, historical divergence in how gambling regulations developed, different emphasis and priorities of any given Member State, and disagreements on the effectiveness (or lack of it) of any specific provisions. However, the evaluation undertaken in this study shows that, in substance, those differences appear to be more

superficial than real. Most European jurisdictions seem to aim to achieve the same general outcome of allowing gambling as a legitimate form of entertainment while effectively protecting individuals and the society from gambling-related harm. It is the determination of which method would achieve those aims in the best and most efficient way is what causes controversies and disputes. However, the paucity of robust evidence on the effectiveness of specific measures and particular approaches within specific cultural settings means that many of the disagreements are underpinned by political opinions and anecdotal data rather than evidence-based determination. Those are unlikely to be resolved organically which is why online gambling regulation is likely to remain firmly within the national boundaries of Member States for a foreseeable future unless efforts to harmonise the rules are re-instated.

#### **4. Limitations / Disclaimer**

The above evaluation is the results of study project carried out between February and October 2021. The data relied on in this report has been provided by representatives of regulatory bodies, governmental officials, or those to whom this task has been delegated and by the representatives of national gambling association/gambling lawyers. As such, the findings are based on how those respondents understand and interpret the laws and regulation of their countries. Some of the responses may have been misunderstood by the researcher. Although the aforementioned risks are likely to be small in the context of the study questions, they need to be noted. Finally, this review presupposed that the proposals contained in the Commission Recommendation would achieve their intended aim and objective if fully and adequately implemented by Member States. However, it is recognised that this proposition remains contentious. There is no consensus among various jurisdictions that measures recommended are indeed adequate or appropriate. Accordingly, this review has not attempted to endorse or rebut this assumption.

All information contained in the review are to the best of my knowledge as of 29 November 2021.

## 5. SUPPORTING INFORMATION

### Appendix 1 – List of national self-exclusion websites

#### **Belgium**

- Online Portal
  - [Protection of players | Gaming Commission](#)

#### **Bulgaria**

- Online Portal
  - <https://nra.bg/wps/portal/nra/gambling/responsible.gambling>

#### **Czechia**

- Internal database from where gambling operators can request data via secure access.

#### **Denmark**

- Online Portal
  - [www.rofus.nu](http://www.rofus.nu)
  - Also accessible via <https://www.spillemyndigheden.dk/en/rofus>

#### **Finland**

- As gambling is offered by a monopoly, players self-exclude via the monopoly operator.

#### **France**

- Online Portal
  - <https://anj.fr/ts/demande-interdiction>

#### **The Netherlands**

- Online portal
  - <https://kansspelautoriteit.nl/veilig-spelen/gokproblemen/inschrijven-in-cruks/>

#### **Italy**

- Online portal
  - Customers must have a public digital identity system (SPID) to access the national portal. Customers without public digital identity system must submit exclusion request to the gambling provider.  
<HTTPS://WWW.ADM.GOV.IT/PORTALE/LOGINSPID>

#### **Latvia**

- Online portal
  - <https://registrars.iaui.gov.lv/>

#### **Lithuania**

- Online portal on the problem gambling website:
  - <https://nebenoriu-losti.lt/>

#### **Portugal**

- Online portal

- <https://www.srij.turismodeportugal.pt/pt/jogo-responsavel/autoexclusao-e-proibicao/>

### **Spain**

- Online portal
  - <https://www.ordenacionjuego.es/en/rgiaj>

### **Sweden**

- Online portal
  - <https://www.spelpaus.se/>

## Appendix 2 – List of treatment support websites

### Austria

- <https://www.bmf/gv.at/theme/gluecksspiel-spielerschutz/spielerschutz-hilfsangebote.html>

### Belgium

- Helpline number: 0800/35.777
- <https://gokhulp.be/>
- <https://joueurs.aide-en-ligne.be/>

### Bulgaria

- National Center for Public Health and Analysis: <https://ncpha.government.bg/bg/>
- National Information Line on Drugs, Alcohol and Gambling (2) – <https://solidarnost-bg.org/>
- Helpline telephone number - +359 888-99-18-66

### Croatia

- Pshihijatrijska Bolnica 'Sweti Ivan' – <https://www.pbsvi.hr/strucni-programi/kocka-terapijsko-rehabilitacijski-program-za-ovisnost-o-kockanju/>
- Kristina Vetmej – email: [kirstina.vutmerj@pbsvi.hr](mailto:kirstina.vutmerj@pbsvi.hr)
- KBC Sestre Milosrdnice – <https://www.kbcm.hr/kontakt/>
- KLOK - <https://hupis.hr/kontakt/>
- Humanitarna Udruga Remar Croatia – <https://remarcroatia.hr/rehabilitacija-ovisnika/>

### Cyprus

- Telephone number for helpline for problem gamblers for people aged 22 years old and above – 1454
- Telephone number for helpline for problem gamblers for people aged 22 years old and under – 1456

### Czechia

- Problem gambling helpline – <https://podaneruce.cz/>

### Denmark

- StopSpillet (Stop Gambling) – [www.StopSpillet.dk](http://www.StopSpillet.dk); telephone number: +45 70 22 28 25

### Estonia

- Problem gambling support website – <https://15410.ee>, email – [info@15410.ee](mailto:info@15410.ee), telephone number: (+372) 15410.

### Finland

- Peruuli website – [www.peluuri.fi](http://www.peluuri.fi)

### France

- The public helpline: <https://www.joueurs-info-service.fr/>
- Problem gambling helpline: <https://sosjoueurs.org>
- Problem gambling helpline: <https://www.adictel.fr/aide-au-joueur>

### **Germany**

- Bundeszentrale für Gesundheitliche Aufklärung (BZgA) – [www.spielen-mit-verantwortung.de](http://www.spielen-mit-verantwortung.de) ; telephone number: 0800 1 372700

### **Greece**

- Support freephone line – 1114
- Support website – <https://www.kethea.gr/chreizaesai-voitheia/tychaira-paichnidia/>

### **Hungary**

- Players' protection website - <https://www.casinosopron.hu/en/playerprotection>
- Players' protection website - <https://szf.gov.hu/jatekosvedelem/>
- Helpline operated by the state gambling operator in collaboration with Faculty of Education and Psychology of Eotvos Lorand University - <https://bet.szerencsejatek.hu/jatekszenvedely>

### **Italy**

- Problem gambling helpline – 800558822 – toll free

### **Latvia**

- Problem gambling helpline – <https://www.iaui.gov.lv/en> ; email – [psycholos@iaui.gov.lv](mailto:psycholos@iaui.gov.lv); telephone number: +371 67504966.

### **Lithuania**

- Problem gambling website - [www.nebenoriu-losti.lt](http://www.nebenoriu-losti.lt)

### **Malta**

- Responsible Gambling Foundation – <https://www.rgf.org.mt/>
- Sedqa – <https://fsws.gov.mt/en/sedqa/Pages/welcome-sedqa.aspx>
- Caritas Malta - <https://www.caritasmalta.org/>

### **Poland**

- National Bureau for Counteracting Drug Addiction – [www.narkomania.gov.pl/portal](http://www.narkomania.gov.pl/portal)
- Addiction Treatment Centre 'Therapy Naleczow' – [www.terapianaoleczow.pl](http://www.terapianaoleczow.pl)
- POLANA Private Center for Addiction Therapy and Psychological Assistance – [www.osrodekpolana.pl](http://www.osrodekpolana.pl)
- Gambles Anonymous Polska Anonimowi Hazardzisci – [www.anonimowihazardzisci.org.pl](http://www.anonimowihazardzisci.org.pl)
- Information portal for gamblers and their families – [www.hazardzisci.org](http://www.hazardzisci.org)
- Rehabilitation Center SPZOZ – [www.centrumodwykowe.waw.pl](http://www.centrumodwykowe.waw.pl)

### **Portugal**

- Accredited helpline for problem gambling – Linha Vida (Life Line) – telephone number: 1414; email – [1414@sicad.min-saude.pt](mailto:1414@sicad.min-saude.pt)

### **Romania**

- Problem gambling support website - <https://jocresponsabil.ro/>

### **Slovakia**

- Centre for Treatment of Drug Dependencies – <https://cpldz.sk/>

### **Slovenia**

- No formally accredited website but specific centres work within the framework of the health institutions and are partly co-financed by the state.
- Nova Gorica Health Center, Addiction Treatment Center – <https://www.zd-go.si/ambulante/zdravljenje-odvisnosti/>
- Zavod Etnika – <https://mladihazarder.si/si/page/kontakt>

### **Spain**

- A list of website is available at <https://www.jugarbien.es/contenido/enlaces-de-interes-en-materia-de-juego-responsable>

### **Sweden**

- Stodlinjen – [www.stodlinjen.se](http://www.stodlinjen.se)

### Appendix 3 – Enforcement bodies

- Belgium – The National Registry of Natural Persons – The Federal Public Service Internal Affairs.
- Bulgaria – NRA – National Revenue Agency.
- Croatia – Database maintained by the Tax Administration (Ministry of Finance) – Ministry of Finance – Tax Administration / Ministry of Interior.
- Czechia – Ministry of Interior Affairs Database – Ministry of Interior Affairs.
- Finland – The Finnish Population Information System – Digital and Population Data Services Agency.
- Greece – Tax database – The General Secretariat of Public Administration Information System.
- Portugal – Public Entity Database connected through the Portuguese Gambling Regulatory Authority – Instituto dos Registos e do Notariado (Institute of Registries and Notaries).
- Slovakia – Database of the Ministry of the Slovak Republic – Slovak Gambling Regulatory Authority<sup>96</sup>.
- Spain – National Database of ‘Documento Nacional de Identidad’ (Official Identity Documents).

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<sup>96</sup> Data is provided / collected from various sources: Central Office of Labour; Social Affairs and Family, National Health Information Centre, etc.

## Appendix 4 – Regulatory survey questions

### Questionnaire – Legal and Regulatory Requirements

#### Know your customer

1. What customer information must be collected by the gambling operator to open a gambling account? Please list the minimum and maximum requirements, as applicable.
2. Please describe what kind of identification methods are permitted in the online environment. Please list all identification methods permitted and group them under a) or b) below:
  - a) Methods permitted to be carried out electronically or by digital means.
  - b) Methods that are not electronic (e.g., sending identity documents by email or face to face verification).

3. What is the timeframe by when an operator must complete verification of a new customer's identity?

..... hours / days / months (please delete as appropriate)

4. Are temporary accounts permitted within your jurisdictions? **Yes / No (please delete as appropriate)**

If yes:

- a. Can the customer deposit funds in a temporary account before their identity is fully verified by the operator? **Yes / No (please delete as appropriate)**
- b. Can the customer withdraw any winnings from the temporary account before their identity is fully verified by the operator? **Yes / No (please delete as appropriate)**
- c. What are the obligations upon operators towards a temporary account, and any related funds inside it, if identity verification is not completed within the permitted timeframe?

5. Is there a national electronic database(s) which **must be used** for identity verification purposes relating to online gambling? **Yes / No (please delete as appropriate)**

If yes:

- a. What is the main purpose of the national electronic database (e.g., social security, electoral roll, tax purposes, online identity verification, others)?

- b. Who is responsible for the accuracy of the national database?
  - c. If verification takes place via reference to the national database, are there any additional requirements that operators must comply with before verification is deemed completed?
6. Is there a national electronic database(s) which **may be used** for identity verification purposes related to online gambling? **Yes / No (please delete as appropriate)**
  7. Please list the database(s) that may be referred to for identity verification purposes related to online gambling?

**Minor protection**

1. Is there a **legal** requirement for online gambling commercial communications/advertisements to carry a sign indicating the minimum age restriction for gambling? **Yes / No (please delete as appropriate)**

**Safer gambling**

1. Are operators required to offer their customers the possibility to set 1) time and/or 2) deposit limits?

**No / Time limits / Deposit limits / Both (please delete as appropriate)**

2. Are operators required to provide the customer with self-exclusion options? **Yes / No (please delete as appropriate)**

If yes:

- a. Are the self-exclusion requirements permanent, time-bound, or at the discretion of the operator or the customer?

Permanent – Yes / No (please delete as appropriate)

Time-bound – Yes / No (please delete as appropriate)

If time – bound – what are the minimum/maximum periods of self-exclusion

Minimum .....

Maximum .....

3. Is there a national self-exclusion register for online gambling? If yes:
  - a. Can customers self-exclude themselves via an online portal? **Yes / No (please delete as appropriate)**

If so, what is the web address of this portal?

- b. How many citizens are registered on the national exclusion register as per 1 Jan 2021 or the most recent data?

- c. Is the exclusion of a customer by a third party permitted? **Yes / No (please delete as appropriate)**

If so:

- a. Who are the third parties who are allowed to exclude the customer? If the operator itself can also exclude a customer **without customer's request**, please specify it as well.

- d. Is court order required for self-exclusion initiated by third parties? **Yes / No (please delete as appropriate)**

- e. Are customers permitted to undo their exclusion? **Yes / No (please delete as appropriate)**

If so, what conditions must be met before this can happen?

- f. Are companies prohibited from directly advertising to persons who have been excluded? **Yes / No (please delete as appropriate)**

- 4. If a customer is excluded is there any requirement on any party to inform the customer of the available problem gambling supports which exist (i.e., addiction helplines) and the relevant contact information for these? **Yes / No (please delete as appropriate)**

#### Treatment support

- 1. Are operators required to include on their websites the contact details or information of problem gambling telephone helplines or web supports? **Yes / No (please delete as appropriate)**
- 2. What are the accredited or commonly used helpline(s) for problem gambling in your country? Please list contact details/website for the helpline(s).

#### Enforcement

- Who has the main responsibility for ensuring that gambling operators comply with gambling specific regulations?
- What regulatory/civil sanctions can the operators be subjected to in cases of non-compliance? (e.g., fines, warnings, suspension / removal of permission to operate, donations in lieu of a fine, others).
- Approximately, how many regulatory / civil sanctions were issued in 2019 and 2020, in respect to the above?

2019 .....  
2020 .....

- What were the three most common types of regulatory / civil sanctions?

- Please list the three most common contraventions that led to regulatory / civil sanctions in 2019 and 2020?
- If your State publishes a regulatory action registers – could you please attach those for the years 2019 and 2020?

**Thank you for completing the survey. Your input is very much appreciated. Please kindly return it by email to [Margaret.Carran.1@city.ac.uk](mailto:Margaret.Carran.1@city.ac.uk).**