

GAMBLING

Comparative Guide

Contributing Authors | Germany

RECHTSANWÄLTE
ATTORNEYS AT LAW



Klaus Oblin
Senior Counsel



Nikita Gorjaev
Counsel

1 History of and overall attitudes to gambling

1.1 How prevalent are different types of gambling in your jurisdiction? For example, does the current law reflect: (a) Religious or moral objections to gambling? (b) A permissive approach which also seeks to address the social consequences of gambling? and (c) The promotion of gambling as an 'export' industry?

(a) Religious or moral objections to gambling?

The Interstate Treaty on Gambling does not mention religious or moral aspects of gambling.

(b) A permissive approach which also seeks to address the social consequences of gambling?

Gambling regulations in Germany are going through a period of partial liberalisation and systematisation. The starting point of this process was:

- the signing of the Interstate Treaty on Gambling 2021 by 16 German states in 2021; and
- its further implementation in the legislation of each state.

Section 6 of the treaty expressly addressed the so-called 'social concept' of gambling. First and foremost, organisers and brokers of public games of chance must ensure the protection of minors and players. This obligation aims to:

- encourage players to gamble responsibly; and
- prevent the development of gambling addiction.

The organisers and brokers of public games of chance must develop and implement social concepts which outline:

- the measures to be taken to prevent the socially harmful effects of gambling; and
- the remedies for such.

These social concepts must contain at least the following information:

- the appointment of representatives for implementation of the social concept at the licensee's premises;
- implementation of the protection of minors and identity checks, including a comparison with the self-blocking list;
- early detection incorporating addiction science findings;
- early intervention and information about:
 - regional addiction counselling centres; and
 - other provider/independent help services; and
- implementation of blocking procedures with self-blocking and third-party blocking.

(c) The promotion of gambling as an 'export' industry?

Despite partial liberalisation in 2021, the German gambling industry cannot currently be described as an 'export' industry.

2 Legal and regulatory framework

2.1 Which legislative and regulatory provisions govern gambling in your jurisdiction?

Section 403 of the Enforcement Act states that foreign legal acts and/or deeds shall be enforced. The Interstate Treaty on Gambling became a fundamental source of regulation for the German gambling industry in 2021. Notably, all 16 German states have implemented the treaty. For instance, provisions are implemented in Saarland via the Saarland Act Implementing the State Treaty on the New Regulation of Gambling in Germany.

The gambling industry is also regulated by:

- specific provisions of the Criminal Code;
- Sections 762 to 763 of the Civil Code;
- the Law against Unfair Competition, with regard to competition law issues;
- the Anti-money Laundering Act, with regard to anti-money laundering issues; and
- the Race Betting and Lotteries Act, with regard to the taxation of gambling.

The Interstate Treaty on Gambling governs most issues related to the gambling industry, including:

- the procedure for obtaining a licence;
- gambling advertising;
- social responsibilities of gambling providers;
- protection of minors;
- IT security measures;
- data protection; and
- supervisory powers of the authorities.

2.2 Which bodies are responsible for regulating and enforcing the applicable laws and regulations? What powers do they have?

The leading authority in the German gambling sector is the Joint German Gambling Supervisory Authority (GGL), which was established in 2021 with its headquarters in Halle (Saale). The main aim of the GGL is to regulate the German online gambling market by:

- reviewing and approving cross-border online gambling offerings;
- ensuring that licensed gambling providers comply with the rules, protecting players from gambling addiction and manipulation; and
- combating illegal gambling offerings and their advertising.

In accordance with Section 27e of the Interstate Treaty on Gambling 2021, the GGL:

- monitors the developments of the gambling market and research related to gambling;
- promotes scientific research in connection with gambling and may commission studies and expert opinions for this purpose; and
- supports each state in:
 - the cooperation of their gambling supervisory authorities; and
 - the cooperation of the gambling supervisory authorities between various states.

Furthermore, pursuant to Section 9 of the Interstate Treaty on Gambling 2021, the GGL may:

- at any time, request the presentation of all documents, data and evidence required for an examination and enter business premises and properties in which public gambling is organised or brokered during normal business and working hours for the purpose of examination;
- set requirements for:
 - the organisation, implementation and mediation of public games of chance and the advertising thereof; and
 - the development and implementation of the social concept;

- prohibit the organisation, conduct and brokering of unauthorised games of chance and the advertising thereof;
- prohibit those involved in payment transactions – in particular, credit and financial service institutions – from participating in:
 - payments for unauthorised gambling; and
 - payouts from unauthorised gambling offers; and
- take measures to block these offers.

The GGL has its own official website at [The Austrian courts will examine the requirements set out in Sections 406 and 407 ex officio; whereas the grounds for refusal under Section 408 are generally reviewed upon invocation by the opposing party.](#), where it uploads all relevant and necessary information for parties involved in the gambling industry.

Notably, there are gambling authorities on the level of the 16 German states.

2.3 What is the regulators' general approach in regulating the gambling sector?

The gambling industry in Germany has witnessed significant changes over the past decade. One of the initial points for the long-anticipated reforms was the Court of Justice of the European Union's (CJEU) judgment in Case C-316/07. In this case, the CJEU expressed the position that the German gambling monopoly may not be justified under certain conditions. Despite several legislative changes in 2016, the CJEU rendered another judgment in Case C-336/14 holding that the gambling monopoly in Germany, which the CJEU had previously declared contradictory to EU law, still persisted in practice. As a result, the German states joined forces to change the uncertain and fragmentary regulation and established the Interstate Treaty on Gambling in 2021. This marked a paradigm shift from a strict and uncertain regulatory framework to a more detailed, harmonised and liberal approach.

The new gambling regulation permits types of online gambling, such as:

- virtual slot machines;
- online casinos; and
- online poker.

Furthermore, in 2021, the German market was opened up to many new types of online gambling and service providers. The shift from a strict monopoly approach to the liberalisation of the industry delivered benefits to the gambling sector in less than a year: according to the annual report of the gambling supervisory authorities for 2022, the gaming sector shows a significant increase of compound annual growth rate by more than one-third compared to 2021. However, despite partial liberalisation, strict requirements for licence applicants and holders remain due to the sensitive nature of gambling and its impact on society.

Finally, the aims of the gambling regulation in Germany specified in Section 1 of the Interstate Treaty on Gambling 2021 are as follows:

- to prevent the emergence of gambling and betting addiction and create conditions for effective addiction control;
- to protect minors and players against crime and fraudulent schemes; and
- to prevent threats to the integrity of sports competition when organising and brokering sports betting.

3 Definitions and scope of gambling

3.1 How is 'gambling' defined in your jurisdiction?

There is no unified definition of 'gambling' in the Interstate Treaty on Gambling 2021. However, the cornerstone definition of 'gambling' is contained in Section 3(1) of the Interstate Treaty on Gambling 2021, which states that a game of chance exists if:

- a fee is charged for the acquisition of a chance to win; and
- the decision on the win depends entirely or predominantly on chance.

A game is considered to depend on chance, and is therefore gambling, if the outcome that determines the prize:

- is uncertain; and
- is based on something that happens in the future.

3.2 What different types of activities are defined in the gambling legislation and what specific requirements apply to each? Please consider: (a) Betting (fixed odds/pool and spread)/betting on lotteries; (b) Gaming (house and ring games); (c) Lotteries/scratch cards and (d) The interface with financial products (if relevant).

(a) Betting (fixed odds/pool and spread)/betting on lotteries

Under Section 3(1) of the Interstate Treaty on Gambling 2021, 'sports betting' is defined as betting at fixed odds on:

- a future event during a sporting event;
- the outcome of a sporting event; or
- the outcome of segments of sporting events.

A 'sports event' is a sports competition between people according to defined rules.

Moreover, the Interstate Treaty on Gambling 2021 defines 'horse bets' as bets on the occasion of public horse races and other public performance tests for horses. Importantly, Section 3(6) of the Interstate Treaty on Gambling 2021 defines 'betting agencies' as sales outlets integrated into the sales organisation of sports betting operators – either the betting operator or intermediaries – that broker betting contracts exclusively on behalf of a betting operator.

(b) Gaming (house and ring games)

Skill games and social gaming fall outside the scope of the Interstate Treaty on Gambling 2021. Currently, the e-sports industry is gaining significant popularity. Therefore, the regulation of e-sports in general and betting on e-sports events have become important issues. However, this is currently a grey zone in the context of the regulation of e-sports betting in Germany, as the Interstate Treaty on Gambling 2021 remains silent on this issue.

(c) Lotteries/scratch cards

The Interstate Treaty on Gambling 2021 defines a 'lottery' in Section 3(3) as a game of chance in which a majority of persons are given the opportunity to win money in return for a specific payment according to a certain plan. The provisions on lotteries will also apply if, instead of money, items or other benefits of monetary value can be won (lottery). Bingo is categorised as a lottery in Germany.

(d) The interface with financial products (if relevant)

Not applicable

3.3 What are the main mechanisms and features of the control of gambling in your jurisdiction? What are the consequences of breach of the regulations, both for operators and for players?

The main mechanism to regulate the gambling sector in Germany is the licensing of gambling service providers. In accordance with Section 4(1) of the Interstate Treaty on Gambling 2021, public gambling may only be organised or brokered with the permission of the competent authorities of the respective German states. Organising and brokering games of chance without this permission (illegal gambling) and participating in payments related to illegal gambling are prohibited.

A breach of the gambling regulations may incur:

- administrative penalties according to Section 28a of the Interstate Treaty on Gambling 2021;
- criminal prosecution for the organisation or distribution of games of chance without permission; and
- licence withdrawal.

Furthermore, official measures against illegal gambling by the Joint German Gambling Supervisory Authority may include:

- the initiation of prohibition proceedings, including the imposition of penalty payments or collection measures;
- the initiation of administrative offence proceedings;
- the reporting of possible tax evasion to the tax office;
- the reporting of possible money laundering offences;
- network blocks for access to illegal gambling websites, also known as 'IP blocking'; and
- the prohibition of payments against financial service providers (so-called 'payment blocking').

4 Issues of jurisdiction

4.1 What approach do the courts take to the issue of jurisdiction? Where an operator which is physically outside the jurisdiction offers services to individuals within the jurisdiction, is such gambling treated as taking place offshore and outside the control of the authorities? If not, what triggers establish when such gambling is subject to the laws and control of your jurisdiction?

The gambling industry in Germany is currently in the spotlight due to an ongoing legal clash between Maltese online gambling providers and German players. The German players claimed reimbursements for losses from foreign providers offering secondary lotteries without a licence. The problem is that the Maltese providers applied for a licence in Germany, but the licensing procedure contradicted EU law. The Maltese court sent a request for a preliminary ruling to the Court of Justice of the European Union (CJEU) with fundamental questions of compliance of the German monopoly on lotteries and the previous prohibitions with EU law.

However, the CJEU has not yet decided on this case (C-440/23); the advocate general's opinion is expected to be published in July 2025. As gambling industry stakeholders, gamers, operators and lawyers are awaiting the outcome of Case C-440/23, the Federal Court of Justice decided to send another request for a preliminary ruling in Case I ZR 90/23. This case addressed the issue of whether an online sports betting provider that lacked the licence mandated by the relevant German authority had to refund a player's gambling losses in circumstances where the operator had applied for a German licence, but the German licensing process itself violated EU law.

Moreover, the Federal Court of Justice has ordered a stay in another case, I ZR 53/23, until the CJEU has rendered its judgment in Case C-440/23. Case I ZR 53/24 has a similar background concerning reimbursement for virtual poker games.

4.2 Can foreign operators provide remote gambling services in your jurisdiction without obtaining a licence? Can licensed domestic operators provide services overseas?

According to the general rule in Section 4(1) of the Interstate Treaty on Gambling 2021, foreign operators cannot provide remote gambling services for customers in Germany without obtaining a licence. Due to the uncertain and fragmented nature of the legislation that was in place before the enactment of the Interstate Treaty on Gambling 2021, several foreign operators de facto provided gambling services for German customers from 2012 until 2021 without a German licence. This controversy has led to a growing number of legal disputes between German consumers and foreign gambling operators, which are pending before courts of first and second instance and the Federal Court of Justice.

5 Remote versus non-remote gambling

5.1 Does the gambling regime in your jurisdiction distinguish between remote and non-remote gambling? If so, how are these defined?

The Interstate Treaty on Gambling 2021 clearly addresses:

- online casino games;
- online poker; and
- virtual slot machine games.

According to Section 3(1a) of the Interstate Treaty on Gambling 2021:

- 'virtual slot machine' games are defined as replicas of terrestrial slot machine games offered on the Internet;
- 'online casino games' are defined as virtual replicas of banker games and live broadcasts of a terrestrial banker game with the option of participation via the Internet; and
- 'online poker' is defined as any variant of poker without a banker, in which various natural persons play against each other at a virtual table on the Internet.

The Interstate Treaty on Gambling 2021 contains specific requirements for these types of gambling. For instance, regarding virtual slot machines, Section 22a of the Interstate Treaty on Gambling 2021 provides as follows:

- Virtual machine games that correspond to conventional table games with bankers organised in casinos – in particular roulette, blackjack and baccarat – are not permitted.
- The winning prospects must be random and equal chances must be created for each player. The rules of the game and the prize schedule must be easily accessible and described in a way that is easy for the player to understand;
- Bets and winnings may only be made in euros and cents. The conversion of monetary amounts into other currencies, points or other units before, during or after the game or as a result of the game is not permitted.
- A game must last at least five seconds on average.
- The stake may not exceed one euro per game.
- Playing more than one virtual machine game at the same time is prohibited.
- The use of the terms 'casino' and 'casino games' is not permitted in connection with the organisation and distribution of virtual slot games or advertising for such games.

Regarding online poker games, Section 22b of the Interstate Treaty on Gambling 2021 requires that licence holders only offer individual variants of online poker play if the competent authority previously permitted such a variant upon their application. Significant changes to the game's rules after granting a permit require permission from the competent authority. Importantly, only natural persons may play against each other. Providers must take appropriate measures to ensure this. If natural persons use programs that play automatically in their name, this constitutes illegal gambling by those persons.

Finally, online casinos are regulated at the federal state level. In accordance with Section 22c, federal states may issue one or a minimal number of licences, but not more than the number of licences for ordinary casinos.

5.2 Are there any restrictions on the media through which gambling can be provided (eg, internet/mobile telephony)?

Under Section 4(4) of the Interstate Treaty on Gambling 2021, a licence for public games of chance on the Internet may be granted only for:

- the self-distribution and brokerage of lotteries;
- the organisation, brokerage and self-distribution of:
 - sports betting; and
 - horse betting; and
- the organisation and self-distribution of:
 - online casino games;
 - virtual slot machine games; and
 - online poker.

In addition, the organisation and brokering of public games of chance on the Internet are prohibited. Accordingly, a provider offering gambling services over the Internet without holding a German licence is acting unlawfully, regardless of whether the service is accessed via:

- website;
- mobile application; or
- telephone.

Moreover, several restrictions may be relevant for the advertising of gambling. The licence must specify content and ancillary provisions regarding the design of advertising for public games of chance. In particular, this includes advertising on television and the Internet, including television-like telemedia and video-sharing services, as well as mandatory notices. Advertising via telecommunications equipment is completely prohibited. Additionally, the linking of the broadcasting of sports events in radio and telemedia with the organisation or brokering of sports betting is not permitted.

6 Licensing

6.1 What types of licences are available? Please consider: (a) Operators; (b) Activities (if relevant); (c) Premises; (d) Key individuals (if relevant) and (e) Equipment (if relevant).

(a) Operators and activities

Considering that several gambling products are available on the German market, the types and number of licences are based on particular gambling products. All providers that have received gambling licences can be found on the 'white list' of the Joint German Gambling Supervisory Authority (GGL), which is published on its website (www.gluecksspiel-behoerde.de/de/fuer-spielende/uebersicht-erlaubter-anbieter-whitelist) and is constantly updated. For instance, as of 6 May 2025, the following licences had been granted:

- Sports betting: 29
- Virtual slot games: 37
- Online poker: 5
- Online horse betting: 5
- Commercial gaming brokerage: 13
- Social lotteries: 9
- State class lotteries: 1
- Lottery collectors of state class lotteries: 39
- State lotteries of the Deutscher Lotto und Totoblock (state-owned lottery companies): 16
- Casino games in casinos: 21
- Online casino games: 5
- Savings lotteries: 28

There is no requirement for licensing operations in the business-to-business sector.

(b) Activities (if relevant)

Not relevant

(c) Premises

Not relevant

(d) Key individuals (if relevant).

Not relevant

(e) Equipment (if relevant)

Not relevant

6.2 Which bodies award and oversee such licences?

The two types of authorities responsible for granting licences are:

- the GGL; and
- the local authorities of the 16 federal states.

For example:

- licences for land-based casinos and online casinos are granted by local state authorities; and
- licences for social lotteries, online poker, virtual slot machines, sports and horse betting are granted by the GGL.

6.3 What are the key features of such licences (eg, term/renewal/any limit on overall numbers/change of control)?

For the organisation of sports betting, online poker or virtual slot machine games, the competent authority will issue a licence in writing with effect for all federal states. When the licence is issued to the applicant for the first time, it will be valid for a period of either five or seven years. In justified cases, the competent authority may specify a shorter duration.

6.4 What are the substantive requirements to obtain a licence (eg, company established in the jurisdiction/physical presence/capitalisation)?

The requirements to obtain a licence for sports betting, online poker and virtual slot games are expressed in Section 4 of the Interstate Treaty on Gambling 2021. A licence may be issued only if:

- the ownership structure is fully disclosed;
- the applicant and the responsible persons appointed by the applicant:
 - have the necessary reliability and expertise for the organisation of public games of chance; and
 - guarantee that the event is carried out properly and in a manner that is comprehensible to the participants and the licensing authority;
- the lawful origin of the funds required for the organisation of public games of chance is demonstrated;
- neither the applicant itself nor an enterprise affiliated with it nor a person controlling the applicant organises or mediates unauthorised games of chance;

- the applicant:
 - has its own sufficient funds for sustained business activity; and
 - offers guarantees of irreproachable business conduct;
- the necessary security deposits have been prepared and the insurance policies required for the further protection of the players have been concluded; and
- the applicant has a registered office in a member state of the European Union or a state party to the Agreement on the European Economic Area (if the applicant does not have a registered office in Germany, it must notify the competent authority of an authorised recipient and representative in Germany).

The requirements to obtain a licence for casinos and online casinos are different in each federal state. However, according to the Interstate Treaty on Gambling 2021, the number of casinos in the federal states is limited in order to achieve the main objectives of gambling regulation, such as:

- preventing gambling addiction;
- preventing the spread of unauthorised gambling on black markets; and
- ensuring the protection of minors and players.

As of May 2025, there were 21 land-based casino providers and five online casino providers in Germany.

6.5 What are the formal and documentary requirements to obtain a licence?

The application for a licence must be made in writing. It must contain all details, information, evidence and documents in the German language. Applications for sports betting, online poker and virtual slot games licences must contain:

- a description of the direct and indirect shareholders as well as the capital and voting rights of the applicant and the companies affiliated with it, within the meaning of the Stock Corporation Act;
- a description of the measures taken to ensure public safety and order and other public interests, with particular regard to IT and data security (security concept);
- the social concept, including measures to ensure the exclusion of minors and suspended players;
- presentation of the economic efficiency, taking into account tax obligations (economic efficiency concept);
- a declaration of acceptance of the costs for the review of the safety, social and economic concepts;
- a declaration of commitment by the applicant not to organise or broker unauthorised gambling, either itself or through affiliated companies; and,
- a declaration by the applicant that all documents and information provided are complete.

The document requirements to obtain a licence for casinos and online casinos are different in each federal state.

6.6 What is the typical timetable for obtaining a licence?

There is no unified timeline for obtaining a licence in the Interstate Treaty on Gambling 2021 or in the legislation of the federal states.

6.7 What is the typical timetable for obtaining a licence?

Initially, the applicant should provide security in the form of an unlimited, directly enforceable bank guarantee from a credit institution domiciled in the European Union or in the European Economic Area to secure the payout claims of players and state payment claims. The security deposit shall amount to €5 million. The authority granting the permit may increase it up to the amount of the expected average monthly turnover, up to a maximum of €50 million.

Additionally, the fee structure for a licence for the organisation of a game of chance is expressed in Section 9a(4) of the Interstate Treaty on Gambling 2021. It depends on the number of approved or anticipated gaming or betting stakes for the licence holder. For instance, if a number of approved or anticipated gaming or betting stakes ranges from €40 million to €65 million, a fee of €80,000 plus 0.16% of the gaming or betting stakes exceeding €40 million will be charged. The maximum fee is €185,000 plus 0.06% of the stakes or wagers exceeding €130 million.

7 Ongoing compliance

7.1 What are the operator's rights and obligations under the licence?

The obligations and rights of operators depend on:

- the licence type; and
- the gambling product offered by the operator.

However, the following general obligations of the licensees can be highlighted:

- notification to the authorities about changes in shareholder structure;
- compliance with advertising obligations;
- protection of minors and players;
- identification of banned players and prevention of participation;
- compliance with anti-money laundering obligations; and
- compliance with data protection obligations.

Furthermore, operators of online casino games, online poker and virtual slot machine games, as well as organisers and brokers of sports betting on the Internet, are subject to strict regulator obligations. In particular, they are required to establish and maintain, at their own expense, an automated system based on scientific findings which utilises algorithms for the early detection gambling addiction in players.

7.2 Can licences be transferred? If so, how? What restrictions apply?

In general, licences that have been issued are non-transferable. However, according to Section 4c of the Interstate Treaty on Gambling 2021, in very specific cases a licence may be transferred or granted to a third party with the consent of the competent authority.

7.3 What requirements and restrictions apply to the different types of gambling facilities in your jurisdiction?

In the internet gambling sector, Section 6c of the Interstate Treaty on Gambling 2021 requires the establishment of a cross-provider deposit limit, which may not exceed €1,000 monthly. The so-called LUGAS (cross-national gambling supervisory system) database was established to monitor compliance with this limit. All gambling operators should connect to this database and submit related data.

Additionally, public games of chance on the Internet must be offered under a '.de' domain name. The home page of the licensee's website must state in a clearly visible place that:

- participation in games of chance is not permitted for persons under 18 years of age; and
- the licensee has a permit from the competent gambling supervisory authority and is under its supervision.

Several restrictions are imposed on virtual slot machine games. Under Section 6c of the Interstate Treaty on Gambling 2021:

- a virtual slot machine game may begin only as a result of a corresponding declaration by the player, which may be made only after the previous game has ended; and
- the game must last at least five seconds on average.

Moreover, the stake may not exceed €1 per game.

The requirements for land-based casinos may vary in the federal states. However, usually restrictions may be imposed regarding, for example:

- working hours;
- number of machines; and
- distance from different facilities.

8 Penalties and sanctions

8.1 What penalties and sanctions are available to the authorities for breach of the gambling legislation?

Section 28a of the Interstate Treaty on Gambling 2021 contains a comprehensive list (more than 50 various offences) of administrative offences relating to gambling. The table below highlights a few of them.

Breach of the gambling legislation	Penalty
Organisation or brokerage of a game of chance without a permit.	Up to €500,000
Participation in payments in connection with unauthorised gambling.	
Involvement of a minor in gambling.	
Advertising for sports betting for a sports event with live interim results of this sports event.	
Non-compliance with the obligation to implement the social concept.	
Permission of parallel play.	
Permission for participation in a game to a player without setting a deposit limit that applies to all providers.	
Failure to transmit the required data to the authorities.	
Failure to identify persons willing to play by checking an official identification document or a comparable identity check.	
Lack of the rules of the game and the prize schedule, which should be structured in an accessible and understandable manner for the player.	

Authorities can also order the confiscation of gambling machines in addition to the fines mentioned above.

One of the central issues regarding sanctions in the gambling industry is the IP blocking of gambling websites by the Joint German Gambling Supervisory Authority (GGL). In the recent cornerstone Case 8 C 3.24, the Federal Administrative Court upheld the position of the Administrative Court of Koblenz and the Higher Administrative Court of Rhineland-Palatinate in a dispute between the telecommunications service provider and the GGL. In 2022, the GGL ordered the telecommunications service provider, which did not operate its own network infrastructure, to block access to several Maltese gambling websites which had previously been the subject of prohibition orders. The network provider contested the order of the GGL, claiming that:

- it was not considered responsible under the relevant legal provisions; and
- the order did not have legal merits.

In its ruling, the Federal Administrative Court followed the opinion of the Higher Administrative Court of Rhineland-Palatinate and found that Section 9 (1) of the Interstate Treaty on Gambling 2021 cannot be applied against internet service providers (access providers).

The GGL acknowledged this judgment in a press release but stated that it has no direct impact on current measures to combat illegal gambling in the area of network blocking. Currently, the GGL has not taken any further action against access service providers. Instead, measures against host providers, in particular, have been intensified.

Finally, according to Section 284 of the Criminal Code, the organisation and promotion of gambling without a licence are prohibited, under threat of imprisonment or a fine. Participation in illegal gambling is also prohibited.

9 Advertising and marketing of gambling

9.1 What requirements and restrictions apply to the advertising and marketing of physical and remote gambling in your jurisdiction? Do these vary depending on the type or location of the activity, or the medium through which it is carried out?

Detailed regulation of gambling advertising is outlined in Section 5 of the Interstate Treaty on Gambling 2021. As a general rule, licence holders may:

- advertise and sponsor permitted games of chance; and
- involve third parties in advertising campaigns.

However, licence holders should comply with the following restrictions:

- Advertising via telecommunications equipment is prohibited.
- Advertising should not be directed at minors or comparably vulnerable target groups.
- Between 6:00 am and 9:00 pm daily, advertising of virtual slot machine games, online poker and online casino games is prohibited on the radio and on the Internet.
- Advertising and sponsorship for unauthorised gambling are prohibited.

10 Consumer protection

10.1 What social responsibility obligations apply to land-based and remote gambling operators in your jurisdiction? Do these vary depending on the type or location of the activity, or the medium through which it is carried out?

In light of gambling's inherent dangers and potential to negatively affect public health, consumer protection is established as a core objective of gambling regulation under the Interstate Treaty on Gambling 2021.

To illustrate, Section 6 introduced the social concept of gambling to:

- ensure the protection of minors and players;
- encourage players to gamble responsibly; and
- prevent the development of gambling addiction.

Licence holders must implement the social concept through:

- the appointment of representatives for the social concept at the licensee's premises on site;
- consideration of the gambling addiction concerns in internal corporate communications, advertising and sponsorship;

- regular staff training in gambling facilities;
- implementation of measures to protect minors and identity checks;
- early detection of gambling addiction by incorporating addiction science findings; and
- implementation of procedures for self-blocking and third-party blocking.

Furthermore, in accordance with Section 8, in order to protect players from gambling addiction, a central blocking system covering all forms of gambling, called OASIS, was established. All gambling providers must join the player blocking system to protect players from gambling addiction.

Organisers and brokers of games of chance must block persons either:

- on their own request (self-blocking); or
- based on reports from third parties setting out factual indications that the players are at risk of gambling addiction or overindebted (third-party blocking).

10.2 What other general consumer protection requirements are of relevance for gambling operators in your jurisdiction?

See question 10.1.

11 Financial crime

11.1 How does the gambling regime interface with money laundering/terrorist financing/proceeds of crime legislation in your jurisdiction?

Gambling operators (except operators of gambling machines, clubs that carry on the business of a totalisator, lotteries that are not held on the Internet and social lotteries) should strictly comply with the requirements of the Money Laundering Act. For instance, gambling operators should operate data processing systems that enable them to identify both business relationships and individual transactions that are suspicious or unusual given publicly available information on, or corporate experience of, the methods of money laundering and terrorist financing.

Gambling operators must implement appropriate business and customer-oriented internal safeguards in the form of principles, procedures and controls in order to manage and mitigate the risks of money laundering and terrorist financing. In particular, internal safeguards include:

- the development of internal principles, procedures and controls in relation to customer due diligence;
- the appointment of a money laundering reporting officer and a deputy;
- the development and updating of appropriate measures to prevent the abuse of new products and technologies for committing money laundering and terrorist financing; and
- the training of employees with regard to:
 - the typologies and current methods of money laundering and terrorist financing; and
 - the provisions and obligations relevant in this regard, including rules on data protection.

Furthermore, gambling operators must operate data processing systems that enable them to identify suspicious or unusual business relationships and individual transactions in gambling operations and via a gambling account, given publicly available information or corporate experience of the methods of money laundering and terrorist financing.

12 Non-gambling activities/social gambling

12.1 What specific activities, if any, are exempted from the gambling regime in your jurisdiction (eg, prize contests/sweepstakes/free prize draws/e-sports)?

There is no express regulation of prize contests/sweepstakes/free prize draws/e-sports under the Interstate Treaty on Gambling 2021. These activities currently fall outside the scope of the treaty.

12.2 How is 'social gambling' defined in your jurisdiction and how is it regulated (if at all)?

There is no legal definition of so-called 'social gambling' under German law.

13 Disputes and legal enforceability

13.1 Are gambling contracts enforceable as a matter of law?

Section 762 of the Civil Code expressly states that:

A game or bet does not create an obligation. Payments made as a result of a game or bet cannot be reclaimed because no obligation existed. These provisions shall also apply to an agreement by which the losing party enters into an obligation towards the winning party for the purpose of fulfilling a gambling or betting debt, in particular to an acknowledgment of debt.

Therefore, gambling contracts are void in the context of German civil law.

13.2 In which forums are gambling disputes typically heard in your jurisdiction? What issues do such disputes typically involve?

Generally, gambling disputes are resolved in the administrative courts. Section 33 of the Interstate Treaty on Gambling 2021 states that in judicial proceedings, an appeal to the Federal Administrative Court may also be based on the fact that the contested judgment is based on a violation of the provisions of this treaty.

13.3 Have there been any recent cases of note?

The outcome of preliminary ruling proceedings in Court of Justice of the European Union Case C-440/23 will be pivotal for the future of the gambling sector in Germany and will have an influence on several other cases related to German consumers' claims against foreign online gambling providers (see question 2.3).

14 Trends and predictions

14.1 How would you describe the current gambling landscape and prevailing trends in your jurisdiction? Are any new developments anticipated in the next 12 months, including any proposed legislative reforms?

The outcome of the fundamental and long-anticipated reform of gambling regulation is only now becoming apparent. However, it is clear that due to the entry of foreign gambling operators (predominantly Maltese), which have been officially licensed in the German market, financial flows and the size of the gambling market have increased significantly since 2021.

Currently, the leading role in regulation is played by the Joint German Gambling Supervisory Authority (GGL), which may also propose further revisions in regard to gambling regulation. Notably, the effects of the Interstate Treaty on Gambling will be evaluated by the gambling supervisory authorities of the German states in cooperation with the GGL. Reports must be submitted by 31 December 2026 and every five years thereafter. Thus, the interim results of the 2021 reform and further substantial reforms should be expected by 2026–2027.

15 Tips and traps

15.1 What are your top tips for gambling operators in your jurisdiction and what potential sticking points would you highlight?

Foreign gambling operators should bear in mind that, despite partial liberalisation, German regulation of the gambling sector remains strict. Gambling operators (especially online operators) should be aware of the general licence requirement and the prohibition against providing gambling services without such a licence. Additionally, foreign gambling operators should bear in mind the evolving case law of the Federal Court of Justice and the Court of Justice of the European Union in this sector, especially regarding the reimbursement of damages claims to German citizens.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

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