

Status of the draft: Notification

The Federal State of Baden-Württemberg,
the Free State of Bavaria,
the Federal State of Berlin,
the Federal State of Brandenburg,
the Free Hanseatic City of Bremen,
the Free Hanseatic City of Hamburg,
the Federal State of Hessen,
the Federal State of Mecklenburg-Western Pomerania,
the Federal State of Lower Saxony,
the Federal State of North Rhine-Westphalia,
the Federal State of Rhineland-Palatinate,
the Saarland,
the Free State of Saxony,
the Federal State of Saxony-Anhalt,
the Federal State of Schleswig-Holstein and
the Free State of Thuringia
(hereinafter referred to as the 'Federal States')

hereby conclude the following State Treaty:

State Treaty on the re-regulation of gaming in Germany

(State Treaty on Gaming 2021 – GlüStV 2021)¹

Of DD. Month 2020

Section One

General provisions

§ 1 Objectives of the State Treaty

The objectives of the State Treaty are, with equal priority,

1. to prevent the occurrence of gaming and betting addiction and to create the preconditions for an effective addiction control,
2. to guide the population's natural gaming desire into orderly and supervised channels and to counteract the development and spreading of prohibited games of chance on the black market by means of a limited offer of games of chance which constitute a suitable alternative to illicit games of chance,
3. to ensure youth protection and player protection,
4. to ensure that gaming proceeds in an orderly fashion, players are protected from fraudulent manipulation, and to prevent the occurrence of crime as a consequential or associated phenomenon of gaming.
5. to prevent risks to the integrity of sports competition in the organisation and brokerage of sports bets.

In order to achieve these objectives, a number of differentiated measures for the individual game forms have been defined in light of their specific potential for addiction, fraud, manipulation and crime.

§ 2 Scope

(1) With this State Treaty, the Federal States regulate the organisation, performance and brokerage of public games of chance.

(2) Only §§ 1 to 3, § 4(1) to (4), §§ 5, 6 and 7 to 8d, 20 and 23 and the provisions of Section Ten shall apply to casinos.

¹ Notified in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).

(3) Only §§ 1 to 3, § 4(1), (3) and sentence 2 of (4), §§ 5, 6 and 7 to 8d and 23, as well as the provisions of Sections Seven and Ten shall apply to gaming arcades that provide gaming machines which present the opportunity to win money or goods. Testing devices are also considered to be gaming machines which present the opportunity to win money or goods.

(4) Only §§ 1 to 3, § 4(3) and sentence 2 of (4), §§ 5, 6, 7 to 8d and § 23 as well as the provisions of Section Ten shall apply to public houses (establishments providing food and/or drink as well as establishments providing accommodation) and bookmakers' establishments for taking bets that provide gaming machines which present the opportunity to win money or goods.

(5) Only §§ 1 to 3, 5 to 9a and 23 as well as the provisions of Sections Eight and Ten shall apply to betting on horse races.

(6) Only §§ 1 to 9a, 21, 21a, 23 and the provisions of Sections Ten shall apply to sports betting.

(7) Only §§ 1 to 9a, 22a, 23 and the provisions of Section Ten shall apply to virtual slot machines.

(8) Only §§ 1 to 9a, 22b, 23 and the provisions of Section Ten shall apply to online poker.

(9) Only §§ 1 to 4, 5 to 9a, 22c, 23 and the provisions of Section Ten shall apply to online casino games.

(10) Only §§ 1 to 4, 5 to 10, 12 to 18, 22, 23 and the provisions of Section Ten shall apply to online casino games.

(11) Only § 11 of the State Media Treaty shall apply to radio sweepstakes (§ 2(1)(1) and (2) of the State Media Treaty).

§ 3 Definitions

(1) A game of chance is at hand where, in the context of a game, a fee is charged in order to obtain a chance of winning, and the fact of winning or losing depends entirely or predominantly on random events. The decision on winning or losing depends on random events at least when it is dependent on the uncertain occurrence or outcome of future events. Bets on the occurrence or outcome of a future event in exchange for payment are games of chance. Sports bets are bets at fixed rates on a future occurrence during a sports event or the result of a sports event or the result of segments of sports events. A sports event is a sporting competition between people according to defined rules. Bets on horse races are bets in connection with public horse races and other public performance trials for horses.

(1a) Virtual slot machines are replicas of terrestrial slot machines offered on the Internet. Online casino games are virtual replicas of banker games and live broadcasts of a terrestrial banker game that can be played over the Internet. Online poker is a variant of the game of poker without a banker, in which different natural persons play against each other at a virtual table.

(2) A public game of chance is at hand where a larger, non-closed group of persons is enabled to participate, or it pertains to games of chance organised routinely in clubs or other closed associations.

(3) A game of chance, as defined in paragraph 1, in which a number of persons are enabled to obtain a chance of winning an amount of money according to a certain schedule against payment of a certain fee, is a lottery. The provisions on lotteries also apply where goods or other valuable benefits can be won instead of money (raffle).

(4) A game of chance is deemed to be organised and brokered at the place where the player is enabled to participate in it.

(5) Gambling offices and lottery collectors are salespersons integrated in the sales organisation of hosts as defined in § 10(2) and (3).

(6) Betting agencies are sales offices of either the betting operator or of brokers who only mediate betting contracts on behalf of a betting operator which are integrated into the sales organisation of sports betting operators.

(7) Bookmaker locations are those within the meaning of § 2(2) of the Race Betting and Lottery Act. They can be sales offices of the betting operator that are integrated into the sales organisation of horse race organisers. The provisions for bookmakers under the Race Betting and Lottery Act remain unaffected.

(8) Commercial gaming brokerage is carried out by anyone who, without a gambling office, lottery collector, betting agency or bookmaker location,

1. brokers individual gaming contracts for a lottery operator, or
2. introduces interested gamers to gaming communities together and brokers game stakes to the lottery operator, either themselves or via third parties,

to the extent that this is done with the objective of making a sustained profit through these activities.

(9) An arcade, as defined by this State Treaty, is an undertaking or part of an undertaking that serves exclusively or primarily to provide gaming machines as defined by § 33c(1)(1) of the Trade, Commerce and Industry Regulation Act (Gewerbeordnung) or to provide other games as defined in § 33d(1)(1) of the Trade, Commerce and Industry Regulation Act in the version of 22 February 1999 (Federal Law Gazette I p. 202; last amended by § 15 of the Act of 22 November 2019, Federal Law Gazette I p. 1746).

§ 4 General provisions on the granting of permits

(1) Public games of chance may only be organised or brokered with a permit from the competent authority of the relevant State. The organisation and brokerage of public games of chance without this permit (illegal gaming), as well as the participation towards payments made in connection with illegal gaming, are prohibited. If an organiser or broker of public games of chance offers, in addition to illegal gaming, other services in such a way that those involved in payment transactions cannot make payment transactions completely distinguishable and separate according to the offers, participation in payment transactions is also prohibited for the other services.

(2) The permit shall not be granted if the organisation and brokerage of the game of chance is incompatible with the objectives of § 1. The permit may not be granted for brokering games of chance that are not permitted under this State Treaty.

(3) The organisation and brokerage of public games of chance may not be incompatible with the requirements of the protection of minors. Participation by minors shall not be permitted. Organisers and brokers shall ensure that minors are excluded from participation. Sentences 2 and 3 do not apply to the participation of minors in games pursuant to Section Three at festivals, fairs, special markets and similar events, if the winnings consist solely of goods of low value.

(4) A permit for public games of chance on the Internet may only be granted for direct sale and brokerage of lotteries, organisation, brokerage and direct sale of sports betting and horse betting as well as the organisation and direct sale of online casino games, virtual slot machines and online poker. The organisation and brokerage of public games of chance on the Internet is prohibited.

(5) The granting of a permit as per paragraph 4(1) for public games of chance on the Internet presupposes that there are no grounds for refusal as per § 4(2) and requires the following prerequisites to be met:

1. The exclusion of minors or barred players is guaranteed by identification and authentication and, if there is an obligation pursuant to § 8, by comparison with the blacklist file.
2. Players are not granted any loans by the organiser, broker, employees thereof or third parties commissioned by them; loans may not be advertised on the Internet domain of the organiser or intermediary, or otherwise referred to or linked to (ban on credit). Sentence 1 only applies to lotteries in the form of saved winnings in accordance with § 12(1)(2) for loans granted for participation in games of chance.
3. Special addictive impulses from rapid repetition are ruled out.

4. A social concept adapted to the special conditions of the Internet pursuant to § 6 must be developed and put to use; its effectiveness must be scientifically evaluated.
5. Different forms of games of chance may only be offered via the same Internet domain if an independent and graphically separate area is set up for each form of game of chance; paragraph 1 remains unaffected. As an exception to this, sports betting and horse betting can be offered together in one area of the same Internet domain. Advertisements in one area for games of chance in other areas are not permitted, nor may the player be otherwise called upon to play in the other areas. After participating in a game of chance in one area, participation in another area of the same permit holder is only permitted after one minute at the earliest; during this time it is not possible to participate in free or demo games and information must be presented on the dangers and prevention of gambling addiction (to be described in greater detail in the social concept) as well as advice on counselling options that the player must confirm before participating in the other area. The permit holder must ensure that winnings from one area can only be used for games of chance in other areas after a waiting period of one hour. Sentence 4 applies accordingly to switching between different Internet domains of the same permit holder.
6. The requirements arising from §§ 6a to 6j and the requirements arising from this State Treaty and other statutory provisions are complied with.

(6) The organisers and brokers of lotteries on the Internet must notify the authority competent for granting their permit of the number of players and the sum of the stakes, each ordered according to the games and Federal States, for evaluation purposes on a quarterly basis.

§ 4a Special permit requirements for sports betting, online poker and virtual slot machines

(1) A permit for the organisation of sports betting, online poker and virtual slot machines may only be granted if

1. (expanded reliability)

- a) the owner and shareholding relations with the applicant have been fully disclosed; in the case of partnership companies, it is necessary to state the identities and addresses of all partners, shareholders or other investors; in the case of legal entities thereof under private law which hold more than five per cent of the capital stock or more than five per cent of the voting rights, it is necessary to state the identity and addresses of all partners, shareholders or other investors as well as all trustee relationships in general;

- b) the applicant and the responsible persons he has commissioned possess the reliability and expertise required to host public games of chance and guarantee that the hosting is conducted in a proper manner which is comprehensible to the game participants as well as the permit authority; in the case of legal entities and partnership companies, all authorised representatives must possess the prerequisites of reliability and expertise;
- c) the lawful origin of the funds required to host public games of chance has been demonstrated;
- d) neither the applicant himself nor a company affiliated with him, nor a person controlling the applicant nor a person controlled by the person controlling the applicant, organises or brokers illegal gambling;

2. (performance capability)

- a) the applicant possesses sufficient equity capital for long-term business activity and at the same time ensures trouble-free business conduct;
- b) the profitability of the intended offer for a game of chance has been demonstrated in consideration of the expenses;
- c) the necessary security deposits have been prepared and the necessary insurance for the further protection of the players has been taken out;

3. (transparency and security of the game of chance)

- a) the transparency of the operation has been ensured and it is guaranteed that the sales network can be monitored at any time and cannot be impeded by third parties or participants in the operation;
- b) the applicant has a registered office in a Member State of the European Union or a Signatory State to the Agreement on the European Economic Area;
- c) the applicant names an authorised person for receipt and representation in Germany who possesses reliability as defined by subparagraph 1(b) if he does not have a registered office in Germany;
- d) the applicant establishes its own accounting for all game and payment processes in Germany and game-related payment processes are processed through an account in Germany or at a credit institution based in a Member State of the European Union, and
- e) the applicant provides interfaces for inspecting all game processes in real time.

(2) Other requirements for the granting of a permit remain unaffected.

§ 4b Permit procedure for sports betting, online poker and virtual slot machines

(1) The permit to organise sports betting, online poker or virtual slot machines is granted on application. The application must be submitted in written form. It must contain all the details, information, evidence and documents in German that are required to check the requirements in accordance with § 4a (1). These include in particular:

1. a representation of the direct and indirect shareholdings as well as the capital and voting rights relations with the applicant and its affiliated companies in the sense of the German Stock Corporation Act (Aktiengesetz) as well as information on family members in the sense of § 15 of the German Tax Code (Abgabenordnung) amongst the shareholders; the same applies to representatives of the person or partnership company or of a member of the executive board of a legal entity. In addition, the applicant's articles of association and statute-related provisions, as well as agreements existing between direct or indirect shareholders in the applicant which relate to the organisation of games of chance must be submitted,
2. a representation of the measures to ensure public safety and order and other public interests in special consideration of IT and data security (security concept),
3. a social concept including measures to ensure the exclusion of minors and barred players,
4. a representation of the profitability, taking tax duties into account (profitability concept),
5. a declaration of the assumption of the expenses for monitoring the safety, social and profitability concept as well as other documents (if required) by an official expert or auditor commissioned by the competent authority,
6. a declaration of the applicant's commitment not to organise or broker illegal games of chance which are prohibited in Germany, be it himself or by way of affiliated companies, and
7. a declaration by the applicant that the submitted documentation and information are complete.

Evidence and documents from another Member State of the European Union or other Contracting State to the Agreement on the European Economic Area are deemed equivalent to domestic evidence and documents if they show that the requirements of the prerequisites specified in sentence 3 are met. A notarised copy and a notarised German translation are to be submitted at the applicant's expense.

(2) The competent authority may request applicants to provide or supplement additional information, documentary evidence and documents in German in order to inspect the prerequisites specified in paragraph 1(4). Said authority is entitled to request findings from the security authorities of the Federal Government and the Federal States, in particular on the prerequisites pursuant to § 4a(1)(1)(1)(c). If a circumstance which relates to processes

outside of the scope of application of this State Treaty is significant for the inspection in the permit procedure, the applicant shall clarify said circumstance and procure the documentary evidence required. He shall make use of all legal and actual possibilities open to him in doing so. The applicant may not appeal that he cannot clarify circumstances or procure documentary evidence if he could have done so in planning his means to do so based on the situation of the case.

(3) Parties subject to the disclosure duty and obligation to submit documents in the scope of the permit procedure must inform the competent authority of any change in significant circumstances after the application and announce planned changes to shareholding relationships or other influences during the permit procedure to the competent authority in text form.

§ 4c Granting of permits for sports betting, online poker and virtual slot machines

(1) The permit for the organisation of sports betting, online poker or virtual slot machines is issued by the competent authority in written form with effect for all Federal States upon initial issue to the applicant for a period of five years, otherwise for a period of seven years. The competent authority can set a shorter period in justified cases. The permit may only be transferred to a third party or relinquished for exercise with the competent authority's consent.

(2) The permit must establish the content-related and ancillary provisions which are required to sustainably ensure the prerequisites for the permit as well as the compliance with and monitoring of the duties which exist in accordance with this State Treaty and which are assumed in the offer.

(3) The granting of the permit presupposes that the applicant provides a security deposit in the form of an unlimited joint and several bank guarantee from a credit institution domiciled in the European Union or in a Contracting State to the Agreement on the European Economic Area in order to secure payment claims by the players and state payment claims. The security deposit amounts to EUR 5 million. The authority issuing the permit may increase the security deposit to the expected average turnover of one month, up to a maximum of EUR 50 million.

§ 4d Obligations; Supervisory measures in sports betting, online poker and virtual slot machines

(1) The holder of a permit for the organisation of sports betting, online poker or virtual slot machines is obliged to immediately notify the competent authority of any change in the circumstances relevant to the granting of the permit. § 4b) shall apply accordingly. The

termination of a representation relationship pursuant to § 4a(1)(1)(3)(c) shall only take effect vis-à-vis the competent authorities once it has been notified in written form and a new authorised person for receipt and representation has been appointed.

(2) In the case of partnership companies, any planned change to shareholding relationships or other influences must be notified to the competent authority in written form; with legal entities, only those which relate to more than five per cent of the capital stock or voting right must be notified to the competent authority in written form. The permit holder and his direct or indirect shareholders are subject to the notification requirement. The changes may only be confirmed to be innocuous by the competent authority if it would be possible to issue a permit under the altered conditions. The permit shall be revoked if a planned change is conducted which cannot be confirmed as being innocuous in accordance with sentence 3; the details of the revocation shall be based on the applicable legislation of each Federal State. Regardless of the notification requirement pursuant to sentence 1, the permit holder and his direct or indirect associates shall be required to provide the competent authority with a declaration on whether and to what extent a change has taken place in the shareholding and assignment circumstances during the past calendar year at the end of each calendar year.

(3) In deviation from § 6(2)(3)(10), the permit holder must report annually. The correctness of the data collection and transfer can be monitored by an independent body at regular intervals. The test report of a suitable external and independent body regarding compliance with the technical standards and the effectiveness of the security measures provided for in the security concept and prescribed in the permit must also be submitted together with the report. If requested by the competent authority, the permit holder shall additionally have to provide account information, if turnover is not processed through a domestic account.

(4) If a permit holder violates a notification duty pursuant to paragraph 1, paragraph 2(5) and paragraph 3, the content-related and ancillary provisions for permit holders established pursuant to § 4c(2), the competent authority may request him to comply with the duties within a reasonable deadline. If the duties are not fulfilled or not fully fulfilled once the said deadline has elapsed, the competent authority may take the following measures in particular, in consideration of the severity of the violation:

1. public warning with a newly established deadline;
2. suspension of the permit for three months;
3. reduction of the permit's duration by a quarter of the total period of validity, or
4. revocation of the permit.

The same applies in the event that the permit holder organises or brokers illegal games of chance within the scope of application of this State Treaty, or a company affiliated with him does so. The provisions of the Federal States' Administrative Procedure Acts corresponding to § 49 of the Administrative Procedures Act remain applicable. § 9(4)(3) shall be applied.

§ 5 Advertising

(1) Subject to other legal regulations, holders of a permit pursuant to § 4 may advertise the permitted games of chance and conduct sponsoring. They may commission third parties to carry out the advertising. Content-related and ancillary provisions regarding the design of advertising for public gambling, in particular on television and on the Internet, including television-like telemedia and video sharing services, as well as mandatory information must be laid down in the permit as per § 4. Advertising on telecommunication systems is prohibited. Calls from the player or anyone interested in the game to the organiser or broker are not included in the prohibition according to sentence 4; with the consent of the player or those interested in the game (§ 7(2)(3) Act against Unfair Competition [UWG]), these telephone calls may also include advertising for a permitted game of chance. Furthermore, telecommunications within an existing contractual relationship are not covered by the prohibition according to Sentence 4.

(2) The type and extent of advertising for public games of chance may not contradict the objectives of § 1. The advertising may not be excessive. Special features of the respective game of chance may be emphasised when advertising individual games of chance. Advertising may not address minors or comparably vulnerable target groups. Minors are to be excluded as recipients of advertising as far as possible. Misleading advertising for public games of chance, particularly advertising which contains unfounded statements on the chances of winning or the type and sum of the winnings, is prohibited. In advertising, the results of games of chance must not be depicted as being influenced by the player and games of chance may not be presented as a solution to financial problems. Advertising that gives the impression that it is editorial content is not permitted.

(3) Radio and Internet advertising for virtual slot machines, online poker and online casino games is not permitted between 6.00 a.m. and 9.00 p.m. daily; paragraph 4 remains unaffected. Advertising for sports betting on this sports event is not permitted on the broadcasting channel immediately before or during the live broadcast of sports events. Advertising for sports betting with active athletes and officials is not permitted.

(4) Advertising of games of chance in sports venues is only permitted in the form of umbrella brand advertising on jerseys and boards and similar advertising media.

(5) Advertising for games of chance addressed to individual persons, in which barred players may not participate in accordance with § 8(2), may only take place if the intended recipient has given prior consent to the receipt of advertising and to the blacklist file being requested by the advertiser. Personal advertising for these games of chance to barred players is not permitted. Advertisers are obliged to ensure that the recipient is not a barred player before sending such advertising, in particular by post or email, by comparing it with the blacklist file.

If the comparison shows that a player is barred, consent as per sentence 1 given to the organiser or broker is deemed to be revoked.

(6) Payment depending on turnover, deposits or stakes may not be agreed upon or paid for advertising for games of chance in which barred players are not allowed to participate as per § 8(2) on the Internet, in particular in the form of affiliate links. Live scores of sports events may not be linked to the advertising of sports betting on this sports event; this does not affect the display of live interim scores for betting offers on a betting provider's own website.

(7) Advertising and sponsoring for illegal games of chance are prohibited.

§ 6 Social concept

(1) Organisers and brokers of public games of chance are obliged to ensure the protection of minors and players, to encourage players to engage in responsible gaming and to prevent gaming addiction.

(2) They shall develop and implement social concepts for this purpose. The social concepts shall set forth the measures that will be taken to prevent and remedy the socially harmful effects of gaming. The social concepts must be tailored to the different forms of games of chance and must contain at least the following content:

1. Appointment of officers for the social concept with the permit holder in accordance with § 4 and, in the case of terrestrial offers, the appointment of a responsible person on site;
2. Consideration of the concerns as per paragraph 1 in internal corporate communication, advertising and sponsorship;
3. Regular staff training courses for the supervisory staff in the terrestrial venues as well as for the permit holders as per § 4 and for the brokers as per subparagraph 1 with the involvement of third parties with qualifications on addiction treatment and pedagogy with the following minimum content:
 - a) legal bases for the protection of minors and players, taking into account the various forms of games of chance,
 - b) knowledge of gambling addiction, including provider-independent help offers, and
 - c) teaching skills, especially in the early detection of conspicuous gaming behaviour and communication with players;
4. Implementation of protection of minors and identity checks, including comparison with the blacklist file;
5. Clarification according to § 7 including the reference to telephone advice with a nationwide uniform telephone number and the provision of information with the following minimum content:

- a) addiction risk and possible negative consequences of the various games of chance,
 - b) prohibition of the participation of minors,
 - c) advice on responsible gaming behaviour,
 - d) possibility of the player assessing his/her own gaming behaviour and personal risk,
 - e) information on provider-independent help offers, in which online gambling domains can be called up directly from independent advisory institutions for games of chance on the Internet and special attention should be paid to the independence of the relevant help offers, and
 - f) barring procedure;
6. early detection with the inclusion of addiction-based knowledge;
 7. early intervention and information about regional addiction counselling centres and other provider-independent help offers;
 8. implementation of the barring procedure with self-barring and third-party barring;
 9. continuous documentation of the measures taken for the purpose of drawing conclusions about the effects of the games of chance offered on gaming behaviour and the emergence of gambling addiction, as well as to assess the success of the measures taken to protect minors and players;
 10. reporting to the gaming supervisory authorities or other competent permit authorities every two years based on the documentation as per subsection 9.

(3) The managerial staff of public gaming operators may not be paid based on turnover. The staff employed in terrestrial gaming venues as well as the staff working in connection with games of chance on the Internet are excluded from the games of chance offered there.

(4) The organisers and brokers of public games of chance are entitled and, upon request by the competent authority, obliged to provide anonymised data in accordance with § 6 for the purposes of research into gambling addiction by the Federal States conducting such research as per § 11.

§ 6a Gaming account with the provider of games of chance on the Internet

(1) Organisers and brokers of public games of chance on the Internet must set up a provider-related gaming account for each player. It is not permitted to participate in the game without a gaming account. Each player may only have one gaming account with the same organiser or broker. Sentences 1 to 3 apply accordingly to the direct sale of public games of chance.

(2) In order to set up the gaming account, a player has to register with the organiser or broker with details of first name, surname, birth name, date of birth, place of birth and place of residence. Organisers and brokers with whom registration takes place must check the

accuracy of the information. The check must be carried out using suitable and reliable procedures. Individual suitable and reliable procedures can be determined in the permit.

(3) If the accuracy of the information provided by the player cannot be determined in the course of the check pursuant to paragraph 2(2), the organiser or broker must request the player to correct the information or to provide evidence of the accuracy of the information. The event organiser or broker must check the correctness of corrected information. Paragraph 2(2) and (3) shall apply accordingly.

(4) Before the accuracy of the information pursuant to paragraph 2 has been confirmed, it is not permitted to allow the player to play the game and receive pay-outs. In deviation from this, organisers or brokers can enable game participation via a player account up to a deposit limit of EUR 100 within 72 hours of registration in accordance with paragraph 2(1). In this case, the player must be advised that pay-outs are not permitted until the information provided has been confirmed; the player has to confirm acknowledgment of the notice.

(5) Organisers and brokers must regularly request the player to confirm the information stored on the gaming account in accordance with paragraph 2(1). The possibility of notifying changes must be provided for. Organisers and brokers must recheck the accuracy of the confirmed or changed information without delay. Enabling further participation in the game is not permitted if the accuracy of the confirmed or changed information cannot be determined; paragraph 3 applies accordingly. Enabling further participation in the game is not allowed even after one year from the date of the last confirmation of accuracy as a result of a check by the organiser. Pay-outs remain permissible in the cases of sentences 4 and 5. Sentences 3 to 6 do not apply to gaming accounts which only allow participation in games of chance in which barred players may participate in accordance with § 8(2).

(6) In the event of a change in the player's payment, bank and account details, organisers and brokers must recheck the accuracy of the information provided in accordance with paragraph 2(1). Paragraph 5(4) and (7) shall apply accordingly. Before the accuracy of the information has been confirmed, pay-outs are only permitted using the player's payment, bank and account details saved before the change.

(7) Organisers and brokers have the opportunity to give the player the opportunity to close their gaming account at any time. The player is to be given the opportunity to enter a payment, bank and account details for the remaining credit to be paid out. With the exception of sentence 2, closing the game account for the player may not involve more effort than setting it up.

(8) Organisers and brokers should bar a gaming account if there is a suspicion that winnings have been acquired illegally or if statutory provisions, in particular in the area of money laundering, the present State Treaty or conditions for the gaming account, have been violated. Players are to be informed immediately of the reasons why their account has been

barred, insofar as there are no legal or official requirements to the contrary. Organisers and brokers must make a substantive decision within a reasonable period of time. The player cannot close the gaming account for the duration of the barring.

§ 6b Amounts of money on the gaming account; deposits and pay-outs

(1) The amounts available for participation in the game are recorded on the gaming account. The amounts are to be shown in euro and cents.

(2) Player deposits must be credited to the gaming account immediately after receipt of the payment by the organiser or broker. Winnings are to be credited to the gaming account immediately. Pay-outs are to be deducted immediately upon request by the player.

(3) Organisers and brokers must provide a function with which it can be determined that winnings over a certain amount are paid out automatically.

(4) Payments to or from a gaming account may only be made from a payment account in accordance with § 1(17) of the Payment Services Supervision Act which was established in the player's name with an obligated party pursuant to § 2(1)(1) or (3) of the Money Laundering Act. Deposits and withdrawals via anonymous means of payment are not possible in remote sales.

(5) Transfers of money, game points, etc. between game accounts are not permitted. The ban on credit must be observed.

(6) The funds that players have in the gaming account are entrusted funds that must be available in a clearing account with a credit institution which must be separate from the organiser's or broker's own funds and which only the organiser or broker will have access to. Payments from the clearing account may only be made to players or to the organiser's or broker's accounts for their own funds to settle a claim by the organiser or broker against players; funds in the clearing account may not be used to cover claims by third parties against the organiser or broker. The funds must be secured in the event of insolvency or bankruptcy of the organiser or broker or the credit institutions where the players' funds are kept. The organiser or broker shall have this certified for submission to the competent authority by a third party authorised to independently pursue a legal or tax consulting profession. The funds in the clearing account must always correspond to the total amount in the players' gaming accounts.

(7) If a gaming account is closed, the gaming providers must transfer the balance on the gaming account to the player's account without delay, albeit within five working days at the latest. No fees may be charged for closing and pay-out.

§ 6c Self-limitation; limit file for online gambling

(1) Upon registration, players are requested to set an individual monthly deposit limit across all providers. The deposit limit across all providers may not exceed EUR 1 000 per month. In order to achieve the objectives of § 1, the permit can stipulate that (and under what conditions) the permit holder can set a different amount in individual cases with effect across all providers. Sentence 3 applies accordingly to the organisation of online casino games in accordance with § 22c(1)(1)(1) and the granting of permits in accordance with § 22c(1)(1)(2). Regarding the conditions under which a provider of online casino games can be permitted to set a different amount in accordance with sentence 4, binding general provisions are laid down by the institution in accordance with § 27a. The deposit limit across all providers must be set; if it is not specified, participation in the game may not take place. The deposit limit across all providers is exhausted if the cumulative deposits made by a player in one calendar month to all organisers and brokers of public games of chance on the Internet to which this limit as per paragraph 9 applies exceed the amount specified in sentence 1. If the monthly deposit limit across all providers according to sentence 1 is exhausted, the player may not make any further deposits; the permit holder must ensure this by taking suitable measures. If players try to set a monthly deposit limit that exceeds the amount according to sentence 2, they must be requested to correct their entry. Players may only be shown the maximum amount as per sentence 2 when the request for correction is made.

(2) In addition, players must be given the possibility to set the daily, weekly or monthly limit on their deposits or losses in relation to the provider at any time. If a deposit or loss limit has been exhausted, further participation in the game may not be permitted; paragraph 1(8) applies accordingly to a deposit limit.

(3) The players must be given the opportunity to set a new limit at any time in accordance with paragraphs 1 and 2. If a player wishes to increase the limit, the increase will only take effect after a protective term of seven days. If limits are reduced, the new limits will take effect immediately.

(4) The competent authority maintains a central limit monitoring file (limit file) to monitor the deposit limit across all providers pursuant to paragraph 1. The data required to monitor the limit is saved, processed and used in the limit file. The following data may be saved:

1. surnames, first names, birth names,
2. date of birth,
3. place of birth,
4. address,
5. The amount of the deposit limit across all providers set by the player,
6. date of setting the limit,

7. amount and date of the deposits made and

8. total amount of deposits made,

The total amount of the deposits made is made up of the deposits made as per paragraph 6(4) in the current calendar month.

(5) Organisers and brokers must transmit the player's data specified in paragraph 4(3)(1) to (4) as well as the amount of the new deposit limit to the limit file upon each determination and change of the deposit limit across all providers. If a deposit limit had already been saved in the limit file, it will be replaced by the newly transmitted limit; paragraph 3(2) and (3) apply. For the player's information, the transmitting organiser or broker is informed of the amount of the limit entered and any lower limit that may still have to be temporarily observed in accordance with paragraph 3(2).

(6) Organisers and brokers must submit the player's data specified in paragraph 4(3)(1) to (4) and the amount of the intended payment to the limit file before the completion of each payment process. The transmission is only permitted once the player has finally applied for the intended deposit. The organiser or broker is informed whether the limit across all providers has already been exhausted and whether the intended deposit exceeds the deposit limit across all providers. If the deposit limit across all providers has not been exhausted and is not exceeded by the intended deposit, the intended deposit is saved as a deposit made in the limit file. If the deposit limit across all providers has not yet been exhausted before the intended deposit and the intended deposit would exceed the deposit limit across all providers, the limit file also transmits the amount of the limit that has not yet been exhausted. If the limit has already been exhausted, the intended deposit must be rejected by the organiser or the broker. The same applies if the intended deposit would exceed the limit; in this case, the player can be informed of the amount of the limit that has not yet been exhausted and a new deposit process can be started to which this paragraph applies.

(7) The data mentioned in paragraph 4(3)(7) and (8) are to be deleted immediately after the month in which they were saved.

(8) The data specified in paragraph 4(3)(1) to (6) must be deleted from the limit file after one year has elapsed since the last activity. Activity within the meaning of sentence 1 is any transmission as defined by paragraph 5(1) and paragraph 6(1). If the data mentioned in paragraph 4(3)(1) to (6) have already been deleted and a transmission as per paragraph 6(1) is conducted, the transmitter must be informed of the deletion of the data. In this case, the deposit process has to be cancelled and the player is requested to set new limits.

(9) The deposit limit across all providers applies to all public games of chance on the Internet with the exception of deposits which can only be used for lotteries that are held no more than twice a week and for lotteries in the form of saved winnings. Instant lotteries on the Internet are not considered lotteries as defined by sentence 1.

(10) Connection to the limit file and use of the limit file are subject to a charge for the permit holder. The permit holder may not charge the player any costs or fees for setting or changing a limit.

§ 6d Obligations of the provider to provide information on games of chance on the Internet

(1) Players must have the opportunity at any time to view the balance on the game account, the overall game history and, depending on the game form, deposits and withdrawals, limits and changes to limits as well as other transactions from the last twelve months. The game history as defined by sentence 1 must in any case include the individual bets, winnings and losses of the player stating the respective point in time.

(2) Organisers and brokers have to inform players about the accumulated deposits, winnings and losses of the previous 30 days. The information must be provided after each identification and authentication and before the start of a game if more than 24 hours have passed since the last information. Participation in a game may only take place after the player has expressly declared knowledge of the information.

(3) Organisers and brokers must immediately provide players with an orderly listing of all transactions on the gaming account of the past twelve months free of charge.

§ 6e Further provisions on the protection of minors and players in games of chance on the Internet

(1) The exclusion of minors and barred players must be ensured at all times by suitable technical procedures for identification and authentication. Specifications for carrying out the identification and authentication can be specified in the permit; in particular it can be specified that a different authentication method from the authentication method usually used must be used at regular intervals which are to be determined in the permit.

(2) Random number generators used in games of chance on the Internet must be checked for their proper function by an independent expert, to be determined by the competent permit authority, at the expense of the permit holder before they are used for the first time and once a year thereafter. The competent permit authority must be informed of the result immediately.

(3) The offer of public games of chance on the Internet must be made under an Internet domain whose country-specific top-level domain is '.de'. In any case, it must be stated on the homepage of the permit holder's website under the domain name in a clearly visible place that participation in games of chance is not permitted for people under the age of 18 and that the permit holder has a permit from the competent gaming supervisory authority and is under

the supervision thereof. Direct access to the Internet domain of the competent gaming supervisory authority must be provided.

(4) All information that the permit holder must provide to players must be accessible in German on the permit holder's Internet domain and must contain access to all pages of the domain.

(5) Players must immediately be informed about the risks and possible negative social consequences of gambling when participating in the game. Information on gambling addiction must be provided. Direct access to the Internet domains of independent counselling institutions must be made possible.

§ 6f IT security concept

(1) Permit holders must describe and implement suitable security measures in the IT security concept. The security concept must be checked regularly and revised if necessary.

(2) The security measures must include the following aspects in any case:

1. protection of the player's data from unlawful processing at all times,
2. ensuring the permanent and continuous availability, integrity and confidentiality of data, e.g. through encryption mechanisms, access checks and virus protection programs,
3. regular backup of all relevant data,
4. the establishment and regular testing of processes that enable the fast recovery of backed up data,
5. protection of the systems used against manipulation from the interior and exterior and
6. the complete traceability of the system's integrity.

(3) The permit holder must have an independent qualified body check the effectiveness of the security concept on at least an annual basis at his own expense. The test report must be submitted to the competent permit authority.

§ 6g Data protection, storage, retention

(1) Permit holders must keep the personal information of the players for five years after the game account has been closed. The data is to be deleted after this period of time.

(2) Existing data must be effectively protected from unauthorised access at all times.

(3) The parties concerned must be informed about the type and scope of data storage.

§ 6h Prevention of parallel gaming with several providers on the Internet; waiting period before changing providers on the Internet

(1) The parallel playing of games of chance by a player is not permitted.

(2) In order to prevent parallel gaming across providers on the Internet, the competent authority maintains a file in which the following data of a player is processed:

1. surnames, first names, birth names,
2. date of birth,
3. place of birth,
4. address and
5. the information as to whether a player is activated as defined by the following paragraphs.

(3) The permit holder may only enable a player to participate in games of chance if he has previously transmitted the data pursuant to paragraph 2(1) to (4) as well as the information that the player is to be activated in the file and is not immediately notified that the player is already activated in the file. The permit holder is informed that the player is active when he transmits the message pursuant to sentence 1 and the information in the file that the player is active is noted. If the player is not activated at the time of transmission by the permit holder as per sentence 1, it is also noted in the file that the player is activated as per paragraph 2(5). The transmission by the permit holder as per sentence 1 may only take place immediately before the start of the player's first game. This paragraph does not apply to games of chance in which barred players may take part in accordance with § 8(2).

(4) The information as per paragraph 2(5) that the player is activated is removed five minutes (waiting period) after the permit holder has reported to the file that the player is no longer to be activated. The notification according to sentence 1 may only be made at the player's initiative and in the cases of sentence 5. The permit holder must give the player the opportunity to initiate the notification according to sentence 1; this opportunity must be easily noticeable by the player. The notification as per sentence 1 must be made immediately after the player has initiated it. The permit holder must also make the notification under sentence 1 immediately if more than 30 minutes have passed since the player's last entry. Upon the player's initiation as per sentences 2 to 4 or after a notification as per sentence 5, the permit holder may only allow the player to continue participating in public games of chance on the Internet under the conditions of paragraph 3.

(5) The data pursuant to paragraph 2 shall be deleted after the waiting period pursuant to paragraph 4(1) has elapsed. The evaluation and use of the data for purposes other than those described in the previous paragraphs is not permitted.

(6) The file pursuant to paragraph 2 can be kept together with the limit file pursuant to § 6c. If the file is kept together, paragraph 5 shall apply with the proviso that only the data pursuant to paragraph 2(1)(5) must be deleted immediately; otherwise § 6c(8) shall apply.

(7) The permit holder must notify the player of the time elapsed since the last transmission in accordance with paragraph 3(1). After 60 minutes have elapsed since the last transmission as per paragraph 3(1), further participation in the game may only be enabled if the player is notified of the time elapsed and the player has expressly confirmed the notification. Sentence 2 applies accordingly to the passage of 60 minutes since the last confirmation as per sentence 2.

(8) Connection to the file as per paragraph 2 and its use are subject to a charge to the permit holder. The initiation by the player pursuant to paragraph 4 is free of charge.

§ 6i Early detection of gambling addiction; safe server; short-term barring

(1) Organisers of online casino games, online poker and virtual slot machines on the Internet as well as organisers and brokers of sports betting on the Internet must use an algorithm-based automated system for the early detection of gamblers at risk of gambling addiction and gambling addiction; details are to be specified in the permit. In any case, the system must evaluate the data to be recorded on the gaming account and must be updated regularly. It is to be taken into account in the social concept pursuant to § 6. Measures are to be taken in the social concept if the system pursuant to sentence 1 identifies a player who may be at risk of gambling addiction. The measures are to be implemented.

(2) Organisers of sports betting, online casino games, online poker and virtual slot machines on the Internet must establish and operate at their own expense a technical system which correctly records all data required for the performance of gaming supervision, stores them digitally so that they cannot be changed, and enables electronic control at all times, including direct access by the competent supervisory authority. The data must be pseudonymised, whereby the competent supervisory authority must be able to see which stored processes affect the same player. The details are to be determined by the permit authority in the permit or by general ruling.

(3) In the case of sports betting, online casino games, online poker and virtual slot machines on the Internet, a clearly recognisable and clearly labelled button is to be displayed which, when activated, triggers an immediate short-term barring of the player. The button must be permanently displayed wherever it is possible to participate in a game. §§ 8(1) and (2), 8a(4) and 23 are to be applied accordingly, whereby the reason for the barring as per § 23(1)(7) must be the actuation of the button as per sentence 1 and § 23 (1)(8) does not apply. In the entry as per § 8a(4), the time when the button is clicked must also be sent to and saved in the blacklist file. The barring ends without a request after 24 hours of the time the button is

pressed. In deviation from § 23(5), the data entered must be deleted within two weeks after the barring expires. After the button has been pressed, it is not allowed to ask the player for confirmation.

§ 6j Free offers

(1) Organisers and brokers of public games of chance on the Internet may only offer free entertainment offers which, with the exception of a fee not having to be paid and no monetary winnings being paid out, correspond to or replicate a public game of chance organised or brokered by them, to players with whom a gaming account as defined by § 6a has been established. The permit holder is not permitted to allow these entertainment offers to be used without a gaming account. Sentence 2 applies accordingly to the participation of minors and barred players.

(2) If organisers and brokers offer free entertainment offers as defined by paragraph 1(1) which correspond to a specific public game of chance on the Internet or, in particular, are named or outwardly designed to give the appearance of corresponding to a specific virtual slot machine game or an online casino game, the free entertainment offer must correspond to the public game of chance in its entirety, in particular with regard to the probability of winning and the pay-out ratio, with the exception that no money is paid in and no winnings are paid out. If, in the public game of chance, the player has to pay fees or similar charges to the benefit of the permit holder or third parties, these must be simulated and stated in the case of free entertainment offers as defined by paragraph 1(1).

§ 7 Instructional information

(1) Organisers and brokers of public games of chance shall provide players with game-related information prior to participation in the game, as well as information on the risks of addiction which the games offered to them pose, and must explain the prohibition of the participation of minors and indicate the possibilities of consultation and therapy. Information considered to be game-related may include the following in particular:

1. all costs which are initiated through participation,
2. the amount of all winnings,
3. when and where any winnings are publicised,
4. the percentage of pay-outs for winnings from stakes (pay-out quota),
5. information on the probabilities of winning and losing,
6. the cut-off time for participation,

7. the procedure according to which the winner is ascertained, in particular information on the means of randomisation upon which the generation of chance-dependent game results is based,
8. how the winnings are distributed amongst the various winners,
9. the limitation period within which winners must claim their winnings,
10. the name of the permit holder as well as his contact data (address, e-mail, telephone),
11. the commercial register number (if available),
12. how the player can submit a complaint, and
13. the date of the permit issued.

Any information on maximum winnings are to be connected to information on the probabilities of winning and losing. Both players as well as authorities must have easy access to this information.

(2) Lots, tickets, game receipts and comparable certificates must contain information about the risk of addiction of the game of chance in question and about the possibility of obtaining help; in the case of games of chance that are offered on the Internet, there shall be a link to corresponding offers in accordance with § 6(2)(3)(5).

§ 8 Player barring system; comparison with the barring system

(1) A central barring system across all game forms (§ 23) shall be maintained in order to protect the players and combat addiction to games of chance.

(2) Barred players may not participate in public games of chance. Exempt from this prohibition are the participation in lotteries which are held no more than twice a week, lotteries in the form of saved winnings and participation in horseracing bets which are operated by clubs that operate the business of a totalisator as per § 1 of the Race Betting and Lottery Act, or are offered at the spot of a domestic horse racing track. Instant lotteries on the Internet are not considered lotteries as defined by sentence 2.

(3) Organisers and brokers of games of chance in which barred players are not allowed to participate are obliged to identify persons intent on playing by checking an official ID or conducting a comparable identity check and by comparing them with the blacklist file. In the case of games of chance on the Internet, identification is to be carried out before the comparison by means of suitable technical processes. Organisers and brokers of games of chance must ensure that barred players do not participate in games of chance. In the case of games of chance on the Internet, the comparison must take place at the point in time at which the provider has to be transmitted in accordance with § 6h(3)(1). In the case of terrestrial games, the comparison must be made in betting agencies, in arcades and in

casinos upon each entry as well as before the first game during a stay in the gaming facility in question.

(4) Organisers and brokers of games of chance in which barred players are not allowed to participate are not allowed to encourage them to apply to be unblocked. No benefits, such as bonuses or discounts, may be granted to players whose ban has been lifted.

§ 8a Registration of players' barring; duration of barring

(1) Organisers and brokers of games of chance in which barred players may not participate shall bar persons who request to be barred (self-barring) or with respect to whom they either know – based on observations by their staff or reports from third parties – or else should assume based on other factual evidence that they are at risk of gaming addiction or excessive gaming debts, cannot meet their financial obligations or are betting amounts out of proportion to their income or funds (third-party barring).

(2) An application for self-barring or third-party barring can also be submitted to the body responsible for maintaining the blacklist file.

(3) Before a third-party ban is registered, the person concerned must be given the opportunity to comment. The opportunity and any comments must be documented.

(4) The organisers, the brokers and, in the case of paragraph 2, the body responsible for maintaining the blacklist file, must enter the data specified in § 23(1) in a blacklist file. Records are also to be entered even if it is not possible to obtain all of the data.

(5) The person registering the barring shall immediately inform the data subject in text form that a barring has been entered for them and shall them of the procedure for ending being barred.

(6) The barring shall last at least one year, unless a person applying for a self-barring requests a different period of time, which may not be less than three months. If a duration of less than three months is given, it will be considered to be three months.

(7) The persons under obligation as per paragraph 1 must retain the applications for self-barring and the documents for third-party barring. In the event of a business cessation, merger, bankruptcy or if there are any other reasons that make it impossible for the party obligated to initiate the barring as defined by paragraph 1 to retain these documents, the latter must hand over all documents relating to the barring to the authority responsible for maintaining the blacklist file. If there is a legal successor, the authority responsible for maintaining the blacklist file can assign the bars to it and hand over the associated documents for responsible storage.

§ 8b Termination of barring

(1) The bar can only be lifted upon written request from the barred person. This also applies if a specific period of time for the duration barring was specified when the bar was applied for. The application can be made at the earliest after the minimum period of barring as per § 8a(6). If no application is made according to sentence 1, the barring does not end.

(2) The application to lift the barring must be submitted to the authority responsible for maintaining the blacklist file. It is sufficient to forward the application through an organiser or broker.

(3) In the event of an application for the lifting of a self-barring or third-party lock, the authority responsible for maintaining the blacklist file will have the bar lifted by making a corresponding entry in the blacklist file. The bar will be lifted after registration, but not before one week has elapsed in the case of self-barring and not before a month after the application has been received by the authority in the case of third-party barring. The applicant must be informed of the unbarring.

(4) In the event of an application for the lifting of third-party barring, the authority responsible for maintaining the blacklist file must immediately inform the organiser or broker who entered the third-party barring that the application has been received. If the third-party barring is based on a notification from third parties, they must also be informed of the application and of the possibility of submitting another application for barring.

§ 8c Costs for the use of the barring system

The connection to the barring system and the use of the barring system are subject to a charge for the parties obligated as per § 8(3). The filing of an application for barring and an application for the barring to be ended are free of charge.

§ 8d Transfer of data from other blacklist files into the nationwide barring system across all forms of games

(1) The database of the overarching barring system created by the First State Treaty amending the State Treaty on Gaming and the Hessian blacklist file for arcades are transferred to the nationwide barring system across all forms of games. Other state blacklist files for arcades can also be transferred.

(2) The parties concerned will be informed of this by public notice by the body previously responsible for the transferred file.

(3) If unbarring provisions apply to the transferred barring systems under § 8b, these become null and void once the transfer is completed. Unbarring is based exclusively on § 8b.

Section Two

Responsibilities of the State

§ 9 Gaming supervisory

(1) Gaming supervisory has the task of supervising compliance with the public-law provisions enacted by or pursuant to the present State Treaty, and of preventing illegal gaming and advertising for illegal gaming. The authority responsible for all Federal States or in the respective Federal State can issue the necessary orders in individual cases. It may take the following actions without prejudice to other measures provided for in this State Treaty and other legal provisions, in particular

1. request at any time information and submission of any and all documents, data and evidence needed for the inspections as referred to in sentence 1, and to enter any commercial premises and plots where public gaming is being organised or brokered for purposes of such inspections during normal business and work hours,
2. place requirements on the organisation, performance and brokerage of public games of chance and advertising for public games of chance, as well as on the development and implementation of the social concept,
3. ban the organisation, performance and brokerage of illicit games of chance as well as any associated advertising,
4. prohibit the parties involved in payment transactions, in particular the credit and financial service institutions, upon prior notification of illegal gaming offers, from participating in payments for illegal gaming and in payments from illegal gaming without requiring prior mobilisation of the organiser or broker of public games of chance by the gaming supervisory authority; this also applies in the cases of § 4(1)(3); and
5. after prior notification of illegal gaming offers, take measures to block these offers against responsible service providers as per §§ 8 to 10 of the Telemedia Act, in particular connectivity providers and registrars, provided that measures against an organiser or broker of this game of chance cannot be carried out or are not promising; these measures can also be taken if the illegal gaming offer is inextricably linked to other content.

The basic right of telecommunications secrecy (Article 10(2) Basic Constitutional Law) is restricted by the arrangement pursuant to sentence 3(5). This concerns telecommunications activities as defined by § 88(3)(3) of the Telecommunications Act.

(1a) If illegal gaming is organised or brokered, advertising for illegal gaming is undertaken, or the public-law obligations as defined in sentence 1 are violated in any other manner, in several Federal States, each Federal State concerned may empower the competent

authority of each other Federal State to enact and implement the necessary regulations for each individual case, with effect for the Federal State concerned. The implementation shall be governed by the laws of the Federal State so empowered.

(2) Any objections and complaints against such regulations shall not have suspensive effect. In the case of implementation of regulations under paragraph 1 by means of a recurring penalty, such penalty shall be commensurate with the economic interest that the penalised party has in engaging in or refraining from the activity concerned. If the statutory ceiling is not sufficient to achieve this, it may be exceeded. The economic interest of the penalised party shall be assessed with due care.

(2a) To fulfil their duties, the gaming supervisory authorities can carry out test purchases or test games that are not recognisable as measures by the gaming supervisory authority. For this purpose, gaming supervisory employees may participate in legal transactions under a permanently altered identity (legend). For this purpose, suitable certificates can be produced, procured and used, and necessary entries can be made in registers, books or files. Gaming supervisory authorities may conduct test purchases or test games with minors in fulfilment of their supervisory duties. For the person carrying out the test purchase or test game, the game of chance is not considered to be an illegal game of chance.

(3) The Federal States shall cooperate in gaming supervision; they may also cooperate and exchange data with the competent supervisory authorities of the Member States of the European Union and the Contracting States to the Agreement on the European Economic Area for this purpose, if doing so is necessary to fulfil their tasks. Unless this State Treaty specifies otherwise, the Federal States shall vote for the permits for the hosts specified in § 10(2) after consultation.

(3a) The responsible gaming supervisory authorities work together with the law enforcement authorities, the state media authorities, the Federal Network Agency, the Federal Financial Supervisory Authority and the Federal Cartel Office to fulfil their duties. This applies accordingly to the state media authorities with regard to the cooperation with the gaming supervisory authorities.

(4) Unless otherwise stipulated in this State Treaty, permission is granted by the competent authority for the territory of the respective Federal State or a part of this territory. It shall be revocable and time-limited. It may also be made subject to additional requirements, even at a later time. The permit cannot be transferred, nor can the exercise thereof be delegated to a third party.

(5) The following shall be preconditions for a permit to introduce new gaming offers by the hosts as referred to in § 10(2) and (3):

1. the expert committee (§ 10(1)(2)) shall have previously examined and evaluated the effects of the new offer on citizens, taking account of the objectives of § 1; and

2. the organiser shall inform the competent authority of the social effects of the new offer immediately after the introduction of the new game of chance.

The introduction of new mediation channels or the significant expansion of existing mediation channels by organisers or brokers shall be equated with the introduction of new game offers.

(6) Information on the personal and factual circumstances of a natural person or legal entity or a partnership company as well as industrial or business secrets which become known to the competent authorities and bodies and civil servants thereof or to third parties commissioned and entrusted in the scope of fulfilling their tasks, or otherwise become known, may not be disclosed without authorisation. If personal data is processed, the data protection provisions under Federal State law shall apply.

(7) Gambling supervision shall not be exercised by an authority that is responsible for the finances of the Federal State or investment management for the hosts as referred to in § 10(2) and (3).

(8) The competent authority publishes a common official list on the Internet, which lists the organisers and brokers of games of chance who have a permit or licence under this State Treaty. The following are not listed:

1. arcade operators and operators of gaming machines with the possibility of winning money according to the Gaming Ordinance (Spielverordnung) in the currently applicable version,
2. the organisers' gambling offices as per § 10(2),
3. commercial game brokers that only operate in one Federal State,
4. local sales outlets for lottery collectors of the common class lottery of the Federal States,
5. providers of small lotteries according to § 18,
6. operator of local betting agencies.
7. totalisators and bookmakers as defined by the Race Betting and Lottery Act.

The list is updated as the need arises, albeit at least once a month. The competent authority will provide information on the current status of the list on request. The highest gaming supervisory authorities of the Federal States shall immediately notify the competent authority of any changes to the list that affect their area of responsibility.

§ 9a Federal State-specific procedures

(1) The respective competent authority issues with effect for all Federal States

1. the permits for the institution as per § 10(3) and for its lottery recipients,
2. the permits for a jointly run institution according to § 10(2)(1)

3. the permits for the brokerage of sports betting on the Internet, for the organisation of sports betting, online poker and virtual slot machines as well as the permit according to § 27(2) including the respective related permits, and
4. the permits pursuant to § 12(3).

(2) In the cases of paragraph 1, the authority responsible for granting the licence also exercises the duties of the gaming supervisor in accordance with § 9(1) with effect for all Federal States from the time the permit is granted; it can issue the necessary orders in individual cases and enforce them in accordance with the applicable Federal State law as well as carry out official acts in other Federal States. The competent authority pursuant to sentence 1 monitors in particular compliance with the content-related and ancillary provisions of the permit and decides on measures pursuant to §§ 4a to 4d. § 9(2) and (2a) shall apply accordingly.

(3) There is also a single responsibility for an authority for all Federal States for measures

1. as per § 9(1)(3)(4) and (5) in the case of unauthorised games of chance which are offered in more than one Federal State, and
2. gaming supervision due to unauthorised public gambling and advertising for it, which is offered on the Internet in more than one Federal State.

Sentence 1(2) does not apply to unauthorised online casino games that are organised or brokered by an organiser who has been granted an effective permit for the organisation of online casino games within the scope of the permit.

(4) The competent authorities as per paragraphs 1 and 2 charge costs for official acts in fulfilling the tasks under paragraphs 1 to 3 (fees and expenses). The following fees are collected for the granting of a permit for the organisation of a game of chance, the use of approved or expected betting or betting stakes

1. up to EUR 40 million, a fee of 2.0 % of the stakes or bets, at least EUR 100,
2. over EUR 40 million to EUR 65 million, a fee of EUR 80 000 plus 1.6 % of gaming or betting stakes in excess of EUR 40 million,
3. over EUR 65 million to EUR 130 million, a fee of EUR 120 000 plus 1.0 % of gaming or betting stakes in excess of EUR 65 million,
4. over EUR 130 million a fee of EUR 185 000 plus 0.6 % of gaming or betting stakes in excess of EUR 130 million.

The sum of the approved or expected gaming or betting stakes in all participating Federal States is to be used as a basis. For permits under paragraph 1(1), (2) and (4), the fee according to sentence 2 is reduced by half. If permit is granted for several consecutive years or events, the calculation is carried out separately for each year and each event, whereby the fee pursuant to sentences 2 and 3 is reduced by 10 % for subsequent years or subsequent

events. A fee of 50 per cent of the fee as per sentences 2 and 3 is charged for granting a permit to broker a game of chance; sentence 4 is to be applied accordingly. A fee of EUR 500 to EUR 500 000 is charged for orders to remedy or end unlawful circumstances and for other orders from the gaming supervisory authorities; the administrative effort associated with the official act of all participating authorities and bodies must be taken into account. The costs provisions of the respective state of domicile of the acting authority shall also apply.

§ 10 Ensuring an adequate supply of games of chance

(1) To achieve the objectives of § 1, States shall have the regulatory duty of ensuring an adequate supply of games of chance. In this respect, they shall be advised by an expert committee. This committee shall consist of persons who have particular scientific or practical experience in light of the objectives of § 1.

(2) Based on an Act, the Federal States may implement this public duty themselves or delegate it to a public authority under the joint direction of all Federal States party to this Treaty, to public-law entities with legal personality, or to private-law companies in which legal entities under public law have a substantial direct or indirect participation. Based on an administrative agreement, the relevant duties may also be fulfilled jointly or by an undertaking in another Federal State which meets the requirements of sentence 1 in such Federal State.

(3) Class lotteries may only be organised by an institution of public law collectively run by all contracting states.

(4) The Federal States shall limit the number of gaming offices to achieve the objectives of § 1.

(5) It shall be ensured that a substantial part of the income from games of chance specified in paragraphs 2 and 3 is used for public or non-profit, church or charitable purposes.

(6) Parties other than those referred to in paragraphs 2 and 3 may only be allowed to organise lotteries and raffles subject the requirements of Section Three.

§ 11 Addiction prevention, addiction counselling and addiction research

The Federal States shall ensure addiction prevention measures, suitable counselling offers and scientific research on the prevention and control of the risks of addiction produced by games of chance.

Section Three

Lotteries with lower risk potential

§ 12 Permit

(1) The permission for the organisation of a lottery or drawing as per § 4(1) may only be granted to others than those mentioned in § 10(2) and (3) if

1. there are no grounds for refusal pursuant to § 13 that would oppose the organisation,
2. the requirements of §§ 14, 15(1) and (2) and § 16(3) have been fulfilled,
3. the organisation does not pursue any economic objectives other than advertising the possibility of monetary gain, and
4. It is not expected that the organising itself or the achievement of the purpose of organising, or the use of the net revenue will jeopardise public safety or public order, or affect the relations of the Federal Republic of Germany with other countries.

Sentence 1(3) shall not apply to lotteries in the form of saved winnings, provided that a portion of not more than 25 per cent of the amount to participate is used as the ticket share for the saved winnings lottery.

(2) A decision must be made within the permit as to how far the requirements of §§ 6 and 7 must be met.

(3) If a lottery with a uniform game plan through Federal States across is organised in all Federal States, the permit for conducting it shall be issued in a uniform manner throughout the Federal States. If a lottery with a uniform schedule across all Federal States is only to be organised in a few Federal States, the Federal State in which the organiser is based can also issue the permit with effect for the Federal States that have authorised it.

§ 13 Grounds for refusal

(1) A permit shall not be granted if the organisation is in violation of § 4(2) to (5). This will particularly be the case if it cannot be excluded that the organisation of the lottery will be especially conducive to the gaming impulse, in light of the total existing supply of gaming, specifically in connection with the number of games of chance already being organised or their type or manner of implementation.

(2) Specifically, a permit shall not be granted if

1. the game plan provides that
 - a) the outcomes of draws will be published more frequently than twice a week,
 - b) the value of the maximum winnings exceeds EUR 3 million, or

c) parts of the fees payable by players are accumulated to create wins for future draws (scheduled jackpots),

or

2. interactive participation is made possible through broadcast and telecommunications media, with real-time disclosure of winnings.

§ 14 Organisers

(1) A permit may only be granted if the organiser

1. meets the requirements of § 5(1)(9) of the Corporate Income Tax Act [Körperschaftsteuergesetz], and
2. is reliable, specifically ensures that the game of chance is organised properly and verifiably for both players and the permit authority and the net revenue is used appropriately.

Sentence 1(1) shall not apply to lotteries organised by organisers as referred to in § 10(2) and (3) and by the public-law body Bavarian Red Cross, nor to games of chance in the form of a lottery for saved winnings (§ 12(1)(2)).

(2) If the game is wholly or predominantly organised by a third party, the permit may only be granted if there is no risk that it will be organised in a manner affecting the transparency and verifiability of its organisation, and provided that the third party:

1. meets the requirements of paragraph 1(2) and
2. is subject to the instructions of the organiser with respect to the implementation of the game, and has no significant legal or factual control over the organiser.

§ 15 Game schedule, costing and conducting of the event

(1) The game plan shall provide for a reasonable ratio between the net revenue, total winnings and costs; the cost of organisation shall be kept to a minimum. The net revenue is the sum of the fees received after deduction of costs, total winnings and taxes. The game plan shall provide for a proportion of at least 30 per cent for both net revenue and total winnings, and there shall be no reason to suspect that these proportions will not be achieved. The application shall be accompanied by a calculation of the expected cost of hosting, total winnings, taxes and net revenue. If it is found after the permit has been granted that the cost as calculated is likely to be exceeded, the competent authority shall be informed without delay and a new calculation shall be submitted.

(2) The cost of the lottery shall include costs incurred by any third parties as defined in § 14(2), both in terms of nature and of amount, only to the extent compatible with sound commercial principles. Any fees payable to third parties may not be calculated depending on turnover.

(3) A organiser shall submit all documents and provide all information to the competent authority that is necessary for verification of the correct implementation of the lottery. In particular, he shall submit a financial account detailing the actual amount of the fees received, the net revenue, the winnings paid out, and the cost of organisation.

(4) The competent authority may, at the expense of the organiser, appoint an officially approved auditor, or require that such an auditor be appointed to prepare an audit report of the correct planning or implementation of the lottery, in particular the reasonableness of the cost of the lottery, and submit it to the authority. The cost of such an audit report shall be part of the cost of the lottery.

§ 16 Use of net proceeds

(1) The net revenue from the game shall be used without undue delay for the purpose as laid down in the permit.

(2) If the organiser wishes to use the net revenue for another non-profit, church or charitable purpose than that laid down in the permit, or if the intended use cannot be realised at all or only with undue delays, then the organiser shall inform the competent authority appropriately without delay. The latter may determine a new intended use after consulting the organiser.

(3) A reasonable proportion of the net revenue shall be used in the Federal State where the lottery is organised.

§ 17 Form and content of permit

The permit shall be issued in written form. It shall specifically define the following:

1. the organiser, or in the case of § 14(2), the third party,
2. the type, place or area as well as the start and duration of the event,
3. the intended use of the net revenue, the method of proof of such use, and the time when the proof shall be presented,
4. the game plan, and
5. the form of distribution.

§ 18 Small lotteries

The Federal States may deviate from the provisions of the State Treaty for lotteries in which:

1. the sum of fees to be paid does not exceed EUR 40 000,
2. the net revenue will be used exclusively and immediately for non-profit, church or charitable purposes, and
3. the net revenue and total win are each at least 25 per cent of the fees received.

Section Four

Commercial gaming brokerage

§ 19 Commercial game brokerage

(1) In addition to §§ 4 to 8d, and without prejudice to any other legal provisions, the activity of commercial gaming brokers shall be subject to the following requirements:

1. A commercial gaming broker shall pay to the organiser at least two-thirds of the amounts received from players for their participation in the game. He shall have this certified for submission to the competent authority by a third party authorised for the independent exercise of a legal or tax consulting profession. He shall inform players in writing before entering into a contract, in a clear, comprehensible manner, of the amount that will be paid to the organiser, and shall inform them of the identity of the organiser without delay after brokerage of the game.
2. Commercial gaming brokers and any third parties commissioned by them or by gaming prospects as defined in § 3(8) shall be required to provide transparency to the organiser with respect to their brokerage for each participation in a game.
3. Commercial gaming brokers shall be required to ensure that upon contract closing a trustee, authorised for the independent exercise of a legal or tax consulting profession, is entrusted with keeping the gaming receipts and asserting win claims towards the organiser. Upon conclusion of the contract, players shall be given a right to inspect the gaming receipts brokered on their behalf. If a claim to winnings is not asserted by the player with the trustee within a period of three months, the amount of the win shall be paid to the organiser.

(2) If commercial game brokers operate in all or multiple Federal States, the permits pursuant to § 4(1)(1) and paragraph 4 are issued in bundles by the central competent authority. §§ 9a(2) and (4) must be applied accordingly.

(3) § 4(6) shall apply accordingly.

Section Five

Special provisions

§ 20 Casinos

The number of casinos in the Federal States must be limited in order to achieve the objectives of § 1.

§ 21 Sports betting

(1) Sports betting can be permitted as combination bets or single bets on the outcome of sports events or sections of sports events (bets on outcomes) as well as on individual events during the sports event, or on a combination of such events (bets event).

(1a) The design of sports betting must not contradict the goals of § 1. Sports betting on sports events in which minors are exclusively or predominantly involved is not permitted, unless it is a matter of major national or international sports events. The same applies to sports events in which exclusively or predominantly amateurs take part. Sports betting that is significantly susceptible to manipulation or that endangers the integrity of sports competition is not permitted; this applies in particular to events that a participant in a sports event can bring about arbitrarily on their own. Sports betting on the occurrence of illegal behaviour or the sanctioning of illegal or allegedly illegal behaviour is not permitted.

(2) Sports bets may not be brokered in a building or building complex in which a gaming arcade or casino is located.

(3) The organising and brokerage of sports bets must be separated from the hosting or organisation of sports events and the operation of facilities in which sports events are held in terms of organisation, legal affairs, business and staff. Participants who have direct or indirect influence on the outcome of a betting event as well as third parties commissioned by said persons may not conclude sports bets on the outcome or course of sports events, nor promote sports bets by others. Sports betting organisers are obliged to participate in an independent early warning system which serves to prevent manipulation of the sports competition and is capable of identifying manipulation at an early stage. The organisers shall immediately inform the authorities of any abnormalities, participate in the clarification and provide available information. The authority responsible for granting the permit may request further suitable measures to prevent betting manipulation.

(4) The transmission of sports events in radio broadcasting and telemedia may not be linked to the organising or brokerage of sports bets. Only the following bets may be placed during the current sports event:

1. bets on the final outcome, or

2. betting on the next goal, the next set or a similar part of a final result in sports in which there are regularly only a small total number of these events occurring during the course of the sports event, particularly in football, hockey, ice hockey or volleyball.

(5) Sports bets may only be offered if they have previously been approved by the competent authority in terms of type and layout. The permit to offer a bet is granted on request. In the permit, the competent authority can refer to a list of permitted bets published on the authority's website. A permit to offer further bets is considered to have been granted for bets that are already included in the list as per sentence 3 if the organiser has notified the competent authority of the intention to offer these bets and has not objected to them within two weeks. A permit to offer a bet can be withdrawn unless it should be re-issued at the time of the withdrawal. The permit pursuant to sentence 4 does not apply if the bet concerned is deleted from the list pursuant to sentence 3. Organisers of sports betting are obliged to check the list pursuant to sentence 3 on a regular basis, albeit at least once a month.

(6) Organisers of sports betting may process personal data for the purpose of checking the prohibition in paragraph 3(2). For this purpose, the organisers of sports competition organisers may collect and process the names and dates of birth of the participants in the competition as defined by Article 3(6) of the Council of Europe Convention on the Manipulation of Sports Competitions. The personal data must be processed separately from other data and deleted immediately if they are no longer required to check the ban on betting.

(7) A permit for the brokerage of sports betting on the Internet may only be granted under the conditions of § 4a(1)(1)(a), (b) and (d), subparagraph 2(a) and (c) as well as subparagraph 3(b) to (e). §§ 4b, 4c(1) and (2) and 4d shall apply.

§ 21a Betting agencies

(1) The Federal States shall limit the number of betting agencies to achieve the objectives of § 1. The brokerage of sports betting at these offices requires the permit pursuant to § 4(1)(1); § 29(2)(2) shall apply accordingly.

(2) Stationary sales and the brokerage of sports betting outside of betting agencies are prohibited.

(3) Only bets from an organiser may be marketed or brokered in a betting agency.

(4) If the organiser whose sports betting is marketed or brokered at the betting agency, or the broker also offers sports betting on the Internet, the bets made by a player in betting agencies must be recorded on his gaming account in accordance with § 6a. The payments made for bets in the betting agency are not to be recorded within the deposit limit across all providers in accordance with § 6c, unless the deposits or winnings from sports bets that have

been concluded in the sports betting agency are credited to the gaming account in accordance with § 6a and can be used as stakes for Internet gambling. Organisers and brokers have to ensure this by taking appropriate technical measures.

(5) The particulars on betting agencies shall be regulated by the Federal States' provisions on execution.

§ 22 Lotteries with a scheduled jackpot; instant lotteries

(1) The amount of scheduled jackpots must be restricted in the permit in order to attain the objectives of § 1. Lotteries with a scheduled jackpot may not be organised more frequently than twice per week. The organising of lotteries with scheduled jackpots is also permissible across borders in cooperation with other lottery organisers. The effects on the population must be evaluated by means of an accompanying academic examination.

(2) For the organisation of instant lotteries, in order to achieve the objectives of § 1, the permission to limit the type and layout of the lottery, for example maximum winnings and profit plans, sales opportunities and advertising opportunities, must be provided.

§ 22a Virtual slot machine games

(1) The design of virtual slot machines may not contradict the objectives of § 1. Permit holders pursuant to § 4(5) may only offer a virtual slot machine game if this has been previously authorised by the competent authority at their request. For this purpose, the authority must be provided with a version of the game for the purpose of granting the permit. Substantial changes to the virtual slot machine game after a permit as per sentence 1 has been issued requires the permission of the competent authority. The permit as per sentence 2 can be revoked at any time, unless it would have to be granted again at the time of the revocation. Virtual slot machines that are not permitted under sentence 2 are unauthorised games of chance.

(2) Virtual slot machine games that correspond to table games with bankers, especially roulette, blackjack or baccarat, which are conventionally organised in casinos, are not permitted.

(3) The chances of winning must be random and the same opportunities must be open for every player. The rules of the game and the winning plan must be easy to access and easy to understand for the player. The player must be able to see the probability of winning the maximum prize and the average pay-out ratio for each deposit of one euro. The notification must be made where the bet can be made.

(4) A virtual slot machine game may only start after a corresponding declaration by the player. The explanation may only be given after the previous game has ended. In particular,

program sequences that allow another game to start automatically after the previous game has ended and that allow a player to declare that they will play multiple games in a row are not allowed.

(5) Deposits and winnings may only be made in euro and cents. The conversion of funds into other currencies, points or other units before, during or after the game or as a result of the game is not permitted.

(6) A game must last an average of at least five seconds. A game begins with the explanation in the sense of paragraph 4 and ends with the display of the result.

(7) The deposit may not exceed one euro per game. The authority responsible for granting the permit can adjust the maximum stake per game according to sentence 1 to changed conditions to achieve the objective of § 1.

(8) A winning must consist of a multiple of the stake determined before the start of the game. Deposits, winnings or portions of bets or winnings may not be accumulated for the purpose of creating winnings for future games (ban on jackpots).

(9) § 6h(7)(2) and (3) is to be applied with the proviso that the player may not be allowed to continue participating in virtual slot machines until five minutes after the notice has been confirmed.

(10) The simultaneous playing of multiple virtual slot machines is prohibited. This also applies to playing the same game. Permit holders have to ensure this through appropriate technical measures. Players can only see one game at a time.

(11) The use of the terms 'casino' or 'casino games' is not allowed in connection with the event and the direct sale of virtual slot machine games or advertising for them.

(12) The organisation of virtual slot machine games is only permitted via the Internet. The stationary marketing of virtual slot machine games is prohibited.

§ 22b Online poker

(1) Permit holders as per § 4(5) may only offer variants of online poker if the variant of online poker game offered has been previously permitted by the competent authority at their request. You have to inform the competent authority about the intended rules of the game. Substantial changes to the rules of the game after a permit as per sentence 1 has been issued requires the permission of the competent authority. The permit as per sentence 1 can be revoked at any time, unless it would have to be granted again at the time of the revocation. The permit as per sentence 1 can only be granted if the variant does not contradict the objectives of § 1. Variants of online poker that are not permitted under sentence 1 are unauthorised games of chance.

(2) Provisions for the organisation of the variant of the poker game are to be provided in the permit as per paragraph 1; in particular the following are to be specified:

1. maximum limits for the minimum stakes per hand,
2. maximum amounts for the amount a player can have at a table and
3. maximum amounts for the amount payable to enter or continue to participate in a poker tournament.

Further requirements for the organisation of the variants of the poker game can be provided if doing so serves to better achieve the objectives of § 1.

(3) Only natural persons may play against one another. Providers must take appropriate measures to ensure this. If natural persons use programs that automatically play on their behalf, these programs are deemed to be illegal games of chance for these persons.

(4) The assignment of a player to one of several virtual tables with the same games offered must be random. The player may not choose the table.

(5) Playing several games of online poker at the same time is prohibited. Organisers must ensure this through appropriate technical measures. The authority responsible for granting the permit can allow simultaneous playing on up to four virtual tables to better achieve the objectives of § 1.

§ 22c Online casino games

(1) The Federal States can proceed as follows for online casino games for their territory on a legal basis:

1. organise the online casino games themselves, by a legal entity under public law or by a private company in which legal entities under public law are significantly involved, be it directly or indirectly, or
2. issue one licence, albeit no more than the number of licences that can be awarded to casinos as defined in § 20 under the respective casino legislation of the Federal State as of 17 January 2020.

Licences under sentence 1(2) are valid for a limited period of time.

(2) A joint event or the event by an organiser according to paragraph 1(1)(1) of another Federal State is possible on the basis of an administrative agreement. On a statutory basis, Federal States can grant joint licences in accordance with paragraph 1(1)(2) for their territories; in this case the number of licences is limited to the total number of licences permitted in the cooperating Federal States.

(3) Licences are to be revoked if the licensee disregards the limitation to the territory of the licence grantor pursuant to paragraph 1 or 2.

(4) The audio-visual or purely visual transmission of slot machines from a casino or from gaming arcades or other locations in which gaming devices as defined by § 33c(1)(1) of the Trade, Commerce and Industry Regulation Act are set up or other games as defined by § 33d(1)(1) of the Trade, Commerce and Industry Regulation Act are held and participation in them via the Internet is prohibited.

(5) The Federal States provide for further details in their state legislation.

Section Six

Data protection

§ 23 Blacklist file, data processing

(1) Data which is required for an exclusion is processed in the blacklist file, which is run centrally by the competent authority. The following data may be saved:

1. surnames, first names, birth names,
2. aliases, any pseudonyms used,
3. date of birth,
4. place of birth,
5. address,
6. photos,
7. reason for blacklisting,
8. duration of blacklisting, and
9. the reporting body.

In addition to the above, the documents that have led to the blacklisting may also be stored.

(2) The stored details shall be transmitted as needed to the entities responsible for monitoring the gaming blacklists. The data may also be transmitted through automated retrieval processes.

(3) The transmission of statistical query and access data for the purpose of usage monitoring by the competent authority is permitted.

(4) Any information retrieved from and access to the electronic system shall be recorded.

(5) The data shall be deleted six years after the end of the blacklisting.

(6) The data controller as defined by Regulation (EU) 2016/679 (General Data Protection Regulation – GDPR) for the data of barred players is the entity who entered the data. In the case of § 8a(7)(2), this is the authority responsible for keeping the blacklist file. If the authority responsible for maintaining the blacklist file transfers the imposition of barring to the

legal successor in accordance with § 8a(7)(2), then it is also the data controller as defined by the GDPR.

(7) Without prejudice to the data subject's right to information in accordance with Article 15 of the GDPR, the possibility of obtaining information from the authority responsible for maintaining the blacklist file remains unaffected.

Section Seven

Gaming arcades

§ 24 Permits

(1) Without prejudice to other permit requirements, the establishment and operation of an arcade require a permit in accordance with this State Treaty.

(2) The permit shall be refused if the establishment and operation of a gaming arcade conflict with the objectives of § 1. It shall be issued in written form and shall be valid for a limited period of time. Ancillary provisions may be attached to this permit, and may also be attached subsequently.

(3) The particulars shall be regulated by the Federal States' provisions on execution.

§ 25 Restrictions on gaming arcades; prohibition of multiple licences

(1) A minimum distance must be maintained between gaming arcades. The particulars shall be regulated by the Federal States' provisions on execution.

(2) Permits shall not be granted for gaming halls which are structurally connected to other gaming halls, especially those located within a shared building or building complex.

(3) The Federal States may limit the number of permits to be issued in a municipality.

§ 26 Requirements for the design and operation of gaming arcades

(1) The exterior design of the gaming arcade may not incorporate advertising for the gaming operation or the games offered in the gaming arcade or create additional incentive for the gaming operation by means of a particularly conspicuous design.

(2) The Federal States shall establish cut-off times for gaming arcades which provide gaming machines in order to safeguard the objectives of § 1; said cut-off times may not be shorter than three hours.

Section Eight

Betting on horse races

§ 27 Betting on horse races

(1) The stationary organisation and brokerage of horse bets may only take place with a permit according to the Race Betting and Lottery Act. § 4(2)(1) and (3) is applicable.

(2) The organisation and brokerage of horse bets permitted in accordance with paragraph 1 can be permitted in accordance with § 4(4) and (5) in a state-wide procedure. §§ 4b(1)(1) to (3) and (4) subparagraphs (2), (3), (5), (6) and (7), paragraphs (2) and (3) and §§ 4c and 4d apply accordingly. In deviation from § 4c(3)(2) and (3), the security deposit is set by the authority responsible for granting the permit at the amount of the expected average turnover of one month, maximum of EUR 50 million. Evidence and documents from another Member State of the European Union or other Contracting State to the Agreement on the European Economic Area are deemed equivalent to domestic evidence and documents if they show that the requirements of the prerequisites specified in sentences 1 and 2 and paragraph 4 are met. A notarised copy and a notarised German translation are to be submitted at the applicant's expense.

(3) The type of horse betting that is to be offered must be specified in the permit procedure under paragraph 2. The permit can stipulate that significant changes to the offer must be approved by the permit authority. Furthermore, it can be determined that new types of horse betting may be offered for the first time after a waiting period to be specified in the permit after the notification has been received by the permit authority.

(4) The permit as per paragraph 2 may only be granted if

1. the permit holder and the responsible persons he has commissioned possess the reliability and expertise required to host public games of chance and guarantee that the hosting is conducted in a proper manner which is comprehensible to the players as well as the authorisation authority; in the case of legal entities and partnership companies, all authorised representatives must possess the prerequisites of reliability and expertise,
2. neither the applicant himself nor a company affiliated with him, nor a person controlling the applicant nor a person controlled by the person controlling the applicant, organises or brokers illegal gambling,
3. the transparency of operations is ensured,
4. the permit holder has a registered office in a Member State of the European Union or a Contracting State to the Agreement on the European Economic Area,
5. the permit holder names an authorised person for receipt and representation in Germany who possesses reliability in the sense of subparagraph 1 if he does not have a registered office in Germany,

6. a '.de' Internet domain has been established in the case of top-level online offers,
7. the permit holder establishes its own accounting for all game and payment processes in Germany and game-related payment processes are processed through an account in Germany or at a credit institution based in a Member State of the European Union,
8. the permit holder provides interfaces for inspecting all game processes in real time.

Section Nine

Common Gaming Authority of the Federal States

§ 27a Establishment, legal form, name, registered office, applicable law, official seal

(1) The Federal States set up a legal institution under public law (institution) based in Saxony-Anhalt (state of domicile) to perform the tasks of gaming supervision, in particular in the area of the Internet, on 1 July 2021. The institution is deemed to be an institution of the state of domicile.

(2) The institution bears the name 'Common Gaming Authority of the Federal States'.

(3) The law of the state of domicile applies to the establishment and operation of the institution, unless otherwise stated in this State Treaty.

(4) Unless otherwise stipulated in this State Treaty, the law of the state of domicile is applicable for the implementation of administrative procedures and for administrative enforcement. The institution is simultaneously deemed to be an institution of the state of domicile for the application of the law of the state of domicile.

(5) The institution bears an official seal.

§ 27b Statutes

The institution shall adopt statutes in accordance with this State Treaty. The statutes and amendments thereto are to be published in the gazette of the state of domicile.

§ 27c Sponsorship and financing of the institution

(1) The Federal States are the sponsors of the institution (sponsor states). They are simultaneously users of the institution.

(2) The sponsor states mutually undertake to ensure that the institution is adequately financed.

(3) The sponsor states provide the financial resources provided for in the confirmed economic plan on a pro rata basis, in accordance with the Königstein formula modified for

the institution (financial contributions). The modified Königstein formula for the institution is the Königstein formula published in the Federal Gazette, converted to the sponsor states and rounded to five decimal places. The percentage shown in the Federal Gazette for each sponsor state is divided by the sum of the percentage shares of all sponsor states and then multiplied by 100 per cent. The current Königstein formula modified for the institution applies to all payments.

(4) For the 2021 financial year, the institution will receive [.....] euro which are borne by the sponsor states in accordance with the Königstein formula modified for the institution in accordance with paragraph 3(2) to (4) and are to be provided to the institution by 30 September 2021.

(5) The institution is managed according to commercial principles and economic considerations, taking into account the particularities resulting from the tasks of the institution. The institution's accounting is based on the principles of double-entry bookkeeping (state double-entry). The fiscal year is the calendar year. The statutes regulate the details of budgetary and economic management.

(6) The details of the financing are regulated in an administrative agreement.

§ 27d Liability

The sponsor states have unlimited subsidiary liability for the institution's liabilities. The sponsor states are jointly and severally liable in their external relationship with third parties if and insofar as their claims cannot be satisfied from the institution's assets. Internally, the sponsor states assume liability in proportion to their shares according to the Königstein formula modified for the institution in accordance with § 27c(3)(2) to (4).

§ 27e Tasks of the institution

(1) The institution acts as a permit and supervisory authority for gaming offers across the Federal States, in particular on the Internet, within the framework of the responsibilities laid down in this State Treaty.

(2) The institution also monitors developments in the gaming market and research in connection with gaming.

(3) The institution is intended to promote scientific research in connection with games of chance. The institute can commission studies and expert opinions on this subject.

(4) The institution supports the Federal States in cooperation with their gaming supervisory authorities in the cooperation between the gaming supervisory authorities of the Federal States and those of other countries.

§ 27f Competences of the institution

- (1) The institution is competent for the permits to be issued with effect for all Federal States in accordance with § 9a(1).
- (2) The institution is the competent authority in the cases of § 9a(3).
- (3) It is the competent authority as per § 9(8).
- (4) The institution is also the competent authority for
 1. keeping the player blacklist file as per §§ 8a to 8d, 23,
 2. maintaining the limit file as per § 6c (including the permission to set a different maximum amount for the deposit limit in the gaming permit as per § 6c(1)(3) and the establishment of binding general provisions on the prerequisites for permission to set a different maximum amount for the deposit limit as per § 6c(1)(5),
 3. keeping the file to prevent parallel gaming on the Internet amongst several providers according to § 6h and
 4. the adjustment of the maximum stake per game as per § 22a(7)(2).
- (5) The institution is the central competent authority as per § 19(2).

§ 27g Bodies

The bodies of the institution are the administrative board and the executive board.

§ 27h Administrative board

- (1) Each sponsor state shall delegate a representative to the administrative board. Representatives may include department heads or state secretaries of the ministry in charge of gaming supervision in the sponsor state. They can only be represented by other department heads or state secretaries of the same sponsor state. The posting as per sentence 1 is revocable at any time. It also expires without revocation if the prerequisite of sentence 2 no longer applies. In the cases of sentences 4 and 5, a new representative must be posted immediately.
- (2) The chairmanship of the administrative board changes annually in alphabetical order of the sponsor states, starting with the institution's state of domicile. The chairperson prepares the meetings of the administrative board.

(3) The administrative board shall adopt its rules of procedure. It decides on the fundamental matters of the institution, in particular on

1. the institution's statutes,
2. on the economic plan for the following year by 31 October,
3. the appointment to and dismissal from the executive board position and the appointment and dismissal of the board members,
4. the discharge of the board members,
5. the hiring, promotion and dismissal of employees from a management level to be specified in the statutes,
6. the appointment of the auditor and examiners for extraordinary audits, the approval of the annual financial statements and the approval of the management report as well as the use of the annual results,
7. general agreements and measures to regulate the employment, service, salary and pension conditions of the employees within the framework of the legal and collective bargaining regulations,
8. taking out loans,
9. the conduct of legal disputes with a contested value exceeding a limit to be determined in the statutes,
10. the initiation of the award of contracts, the amount of which in individual cases exceeds a limit to be determined in the statutes and
11. the conclusion of contracts with a term of more than two years, provided that the obligation of the institution in individual cases exceeds a limit stipulated in the statutes, or the conclusion of contracts with a term of more than five years.

(4) The administrative board adopts decision-making guidelines that are binding for the administrative board. It can adopt further decision-making guidelines and instructions in individual cases. The representative of each sponsor state can request the decision. The administrative board is obliged to decide on the request within a reasonable period. Every decision must be substantiated. The significant factual and legislative reasons must be announced in the substantiation.

(5) The administrative board monitors the executive board. The executive board is obliged to provide information and information to the administrative board, also at the request of a representative of a sponsor state. Details are to be determined in the statutes.

(6) The administrative board is to make the decisions referred to in paragraph 3(2)(1) and (2) unanimously. The other decisions require a majority of two thirds of the members of the administrative board. Each representative of a sponsor state has one vote.

(7) The administrative board is the highest administrative authority for the civil servants working at the institution. It appoints the members of the administrative board, is the superior of the civil servants of the administrative board and is responsible for the rights and obligations of the institution as an employer towards the members of the administrative board in the employment relationship. The administrative board can transfer all or part of its responsibilities as the highest administrative authority to the executive board.

(8) Further details on the administrative board are set out in the statutes.

§ 27i Executive board

(1) The executive board consists of at least two members. It heads the institution and is its legal representative. The executive board is the superior and supervisor of the civil servants working at the institution. It performs the duties of the body responsible for the appointment and the rights and obligations of the institution as an employer vis-à-vis the employees of the institution, unless they are assigned to the administrative board by this State Treaty.

(2) The executive board is bound by the decisions of the administrative board. The executive board has to report to the administrative board on ongoing matters and procedures. It can propose the adoption of a decision-making guideline by the administrative board.

(3) The executive board is appointed by the administrative board for a maximum of five years. Reappointments are possible. Early dismissal is permitted.

(4) The executive board is entitled to attend the meetings of the administrative board in an advisory capacity, unless the administrative board decides otherwise. It is obliged to attend administrative board meetings if the administrative board so determines.

(5) The statutes arrange the details on the executive board.

§ 27j Entitlement to employ civil servants, recruiting

(1) The institution can employ workers and have civil servants. The sponsor states can delegate employees to the institution and delegate or transfer civil servants. The institution is the employer as defined by the state law of the state of domicile. The Civil Servant Status Act (BeamtStG) and the provisions on civil servants of the state of domicile apply to the legal relationships of the institution's employees, unless the provisions of this State Treaty provide otherwise. The collective agreement for the public service of the Federal States or the collective agreement for trainees of the Federal States in training occupations pursuant to the Vocational Training Act, including the supplementary, amended and superseding collective agreements in the version applicable in the state of domicile shall apply to the employees and trainees of the institution. A special personal allowance can be granted to cover personnel needs and to retain qualified specialists in areas that are of particular importance

for the fulfilment of the institution's purpose and in which there is a particular shortage of skilled workers. The allowance may be granted for a limited period of time. It is also revocable as a temporary allowance. If the collective agreement for the public service of the Federal States is not applicable in the institution's state of domicile, the relevant provisions of the Federal State's collective agreement shall apply to the employees accordingly.

(2) The sponsor states are obliged to delegate qualified self personnel of their own to the institution, if the institution itself has demonstrably not been able to recruit sufficient staff. Such a demand on the sponsor states requires a decision by the administrative board which measures the burden on the sponsor states, taking particular account of the previous personnel transfers and the Königstein formula modified in accordance with Section 27c(3)(2) to (4).

(3) The apportionment of civil servant benefits between the sponsor states and the institution is based on the State Treaty on the apportionment of civil servant benefits in the event of federal and state cross-border changes of employer (State Treaty on apportionment of civil servant benefits) in the currently applicable version. In the case of delegations in accordance with § 14 of the Civil Servant Status Act, a pension allowance of 30 % of the respective pensionable remuneration according to the provisions of the delegating employer is to be agreed upon in the reimbursement of staff costs for civil servants. This does not apply to delegations which are declared with the aim of the transfer or which result in a transfer, insofar as there is an apportionment of civil servant benefits in accordance with the State Treaty on apportionment of civil servant benefits.

(4) Immediately upon being established, the institution shall create the conditions for the conclusion of a contributory agreement with the federal and state pension institution. If a contributory agreement cannot be reached, the institution ensures the legal rights of the employees to an occupational pension scheme in accordance with § 25 of the Collective Agreement for the public service of the Federal States or § 17 of the Collective Agreement for trainees of the Federal States in training occupations according to the Vocational Training Act.

§ 27k Cooperations

(1) With the consent of the administrative board, the institution may make use, either fully or partially, of the cooperation of authorities or institutions in the state of domicile or another sponsor state, in carrying out its administrative tasks, including the associated automated processing of personal data, as well as the decision on legal remedies by means of administrative agreements in exchange for reimbursement of the administrative costs. In this case, the approval of the administrative board requires the approval of the representative of the state of domicile or other sponsor state in the administrative board.

(2) Paragraph 1 applies in particular to the following administrative tasks:

1. tasks in the field of salaries and other financial payments in accordance with the Salary Act of the state of domicile, including aid and pensions in accordance with the Civil Service Pensions Act of the state of domicile,
2. the powers the institution has as an employer with regard to the remuneration of employees and those employed for training (trainees),
3. the calculation and arrangement of travel expenses and severance pay,
4. the performance of procurement and award procedures,
5. the holding of training events as well as
6. the keeping of the files referred to in § 27f(4).

(3) Each Federal State can make use of the institution with the unanimous consent of the administrative board in exchange for reimbursement of the administrative costs in carrying out administrative tasks in connection with this State Treaty. This applies in particular to the monitoring and evaluation of the data recorded by the technical system according to § 6i(2).

§ 27I Legal and technical supervision

(1) The highest state authority responsible for gaming supervision in the state of domicile conducts legal oversight of the institution in consultation with the highest state authorities responsible for gaming supervision in the other sponsor states, insofar as the need for urgent action does not require immediate intervention. In this case, the highest state authorities responsible for gaming supervision in the other sponsor states must be informed immediately.

(2) When performing the tasks under § 27e, the institution is subject to technical supervision by the highest state authority responsible for gaming supervision in the state of domicile, unless the administrative board exercises its powers pursuant to § 27h(4).

(3) Each supreme gaming supervisory authority of a Federal State may request the highest state authority responsible for gaming supervision in the state of domicile to examine the technical supervision measures pursuant to paragraph 2; the result of the examination shall be communicated in text form within four weeks.

§ 27m Financial controlling

The budgetary and economic management of the institution is subject to examination by the court of auditors in the state of domicile.

§ 27n Applicable data protection law

The data protection regulations of the state of domicile apply to the processing of personal data by the institution.

§ 27o Information security

(1) In the course of processing, collecting information to performs tasks and inspections, data processing must be organised in such a way that the data can be separated according to the purposes pursued in each case and depending on the different parties involved.

(2) The institution shall appoint an official IT security officer.

§ 27p Transitional provisions

(1) In deviation from § 27f(1) and (5),

1. the competent authority for granting permits pursuant to § 9a(1)(1) is the competent gaming supervisory authority of the state in whose territory the institution is based as per § 10(3) (Free and Hanseatic City of Hamburg) until 31 December 2022,
2. the competent authority for granting permits pursuant to § 9a(1)(2) is the competent gaming supervisory authority of the Federal State of Baden-Württemberg until 31 December 2022,
3. the competent authority for granting permits pursuant to § 9a(1)(3) when pertaining to permits for the brokerage of online sports betting, the organisation of sports betting and the permit pursuant to § 27(2), is the competent gaming supervisory authority of the Federal State of Hesse, and, for the rest, the competent gaming supervisory authority of the Federal State of Saxony-Anhalt until 31 December 2022,
4. the competent authority for granting permits pursuant to § 9a(1)(4) is the competent gaming supervisory authority of the Federal State of Rhineland-Palatinate until 31 December 2022 and
5. the competent authority for granting permits pursuant to § 19(2) is the competent gaming supervisory authority of the Federal State of Lower Saxony until 31 December 2022.

(2) Deviating from § 27f(2), the competent authority in cases of § 9a(3)(1) in conjunction with § 9(1)(3)(4) is uniformly the competent gaming supervisory authority of the Federal State of Lower Saxony, and the other cases of § 9a(3) the responsible gaming supervisory authorities of the Federal State of Saxony-Anhalt until 30 June 2022.

(3) In deviation from § 27f(3), the competent authority pursuant to § 9(8) is the competent gaming supervisory authority of the Federal State of Saxony-Anhalt until 31 December 2022.

(4) In deviation from § 27f(4), the following are, until 31 December 2022, the competent authority for

1. keeping the player blacklist file as per §§ 8a to 8d, 23: the competent gaming supervisory authority of the Federal State of Hesse,
2. keeping the limit file as per § 6c: the competent gaming supervisory authority of the Federal State of Saxony-Anhalt and
3. keeping the file to prevent parallel gaming on the Internet amongst several providers as per § 6h: the competent gaming supervisory authority of the Federal State of Saxony-Anhalt.

(5) The competent authorities pursuant to paragraphs 1 to 4 shall provide the institution with all the documents and information necessary to perform the institution's duties in good time before the responsibility is transferred to the institution.

(6) The Federal States' Gaming Council [Glücksspielkollegium] shall exist to fulfil the tasks performed uniformly in accordance with paragraphs 1 to 4 until 31 December 2022. In doing so, the Federal States' Gaming Council enables the Federal States to collectively supervise the respective highest gaming supervisory authorities.

(6a) § 6c(1)(3) (permission to set a different maximum amount for the deposit limit in the gaming permit) and § 22a(7)(2) (adjustment of the maximum stake per game) do not apply until 31 December 2022; paragraph 11 applies accordingly. During this period, § 6c(1)(4) (permission to set a different maximum amount for the deposit limit for providers of online casino games) applies, with the proviso that, in deviation from § 6c(1)(5) and § 27f(4)(2), the competent authority in accordance with paragraph 4(2) is responsible for the establishment of binding general provisions in agreement with the competent gaming supervisory authorities of the other Federal States party to the State Treaty. During this period, the competent authority under paragraph 1 may also grant organisers of sports betting and horse betting exemptions from the legal consequences of § 6c(1)(8) in individual cases in order to better achieve the objectives of § 1; a limitation is to be provided.

(7) The Federal States' Gaming Council is made up of 16 members. Each Federal State appoints one member each by way of its supreme gaming supervisory authority as well as a representative thereof in the event that the said member is indisposed. The Gaming Council shall establish rules of procedure for itself by means of mutual agreement. § 9(6) applies accordingly.

(8) The Federal States shall establish an office for the Gaming Council in the Federal State of Hesse. The financing of the Gaming Council and its office as well as the distribution of

revenue from administrative fees pursuant to § 9a are regulated in an administrative agreement between the Federal States.

(9) The Gaming Council shall reach its decisions with a majority of at least two thirds of the votes of its members. The decisions must be substantiated. The significant factual and legislative reasons must be announced in the substantiation. The decisions are binding for the competent authorities and the office pursuant to paragraphs 1 to 3; they shall enforce the decisions within the deadline set by the Gaming Council. The Gaming Council must reach a decision within three months of the office's receipt of the process.

(10) If this State Treaty does not enter into force on 1 July 2021 in one of the Federal States referred to in paragraphs 1 to 4, the competent gaming supervisory authority in the state of domicile will take the place of the competent gaming supervisory authority in the Federal State in which the State Treaty does not apply.

(11) With a unanimous decision of the administrative board, the institution may delegate tasks pursuant to paragraphs 1 to 3 for a period of up to two years to be determined in the decision based on the data specified in paragraphs 1 to 3 to the competent gaming supervisory authority of the Federal State mentioned in paragraphs 1 to 3, if the board of directors has determined by unanimous decision that the institution is not yet able to properly perform the task on the date specified in paragraphs 1 to 3.

Section Ten

Transitional and final provisions; entry into force and termination

§ 28 Provisions of the Federal States

(1) The Federal States shall enact the provisions necessary to implement this State Treaty. They may lay down more stringent requirements, in particular with respect to the conditions for organisation and brokerage of games of chance. They may also establish in their implementing acts that violations of the provisions of this State Treaty shall be punishable with pecuniary or criminal penalties.

(2) Notwithstanding the provisions of this State Treaty, the Federal States may allow in their implementation provisions traditional gaming tournaments outside of casinos which are not organised commercially and only held occasionally, and in which the stake per player is a maximum of EUR 20 and the sum of monetary or non-cash prizes is EUR 500 at most. This does not apply to forms of games of chance that are offered in casinos.

§ 28a Administrative offences

- (1) Fines shall be handed out to any person who deliberately or negligently
1. organises or brokers a game of chance in violation of § 4(1)(1),
 2. contributes to payments in connection with an illegal game of chance in violation of § 4(1)(2) or (3),
 3. allows a minor to participate in a game of chance in violation of § 4(3)(2) or (3),
 4. organises, brokers or markets public games of chance without authorisation in violation of § 4(4)(1) or (2),
 5. violates the ban on credit in § 4(5)(2),
 6. fails to immediately report a change of a circumstance which was a decisive factor in the granting of the permit in violation of § 4d(1),
 7. advertises via telecommunications systems in violation of § 5(1)(4),
 8. addresses advertising to minors in violation of § 5(2)(4),
 9. advertises virtual slot machine games, online poker and online casino games on radio and the Internet in violation of § 5(3)(1),
 10. advertises sports betting on the sports events in question directly before or during a live broadcast in violation of § 5(3)(2),
 11. advertises in sports venues in violation of § 5(4),
 12. addresses barred players personally in advertising in violation of § 5(5)(2),
 13. arranges remuneration for advertising based on turnover, deposit or stakes in violation of § 5(6)(1),
 14. combines advertising for sports betting for a sports event with live interim standings during said sports event in violation of § 5(6)(2),
 15. advertises or sponsors an illegal game of chance in violation of § 5(7),
 16. fails to implement the social concept in violation of § 6(2)(3), (7) and (10),
 17. pays the managerial staff depending on turnover or fails to exclude staff from terrestrial or online games of chance in violation of § 6(3),
 18. enables participation in a game without opening a provider-related gaming account in violation of § 6a(1)(2),
 19. enables participation in a game without a deposit limit across all providers being set in violation of § 6c(1)(6),
 20. allows a deposit if the deposit limit across all providers has been exhausted in violation of § 6c(1)(8),
 21. enables further participation in a game in violation of § 6c(2)(2),
 22. fails to send the required data to the limit file, or fails to do so completely or in a timely manner in violation of § 6c(5) and (6),
 23. fails to fulfil duties to inform the players in violation of § 6e(5),
 24. enables a parallel game in violation of § 6h(1) and (3)(1),
 25. does not comply with the information duty in violation of § 6h(7),

26. fails to operate a system for the early detection of players at risk of gambling addiction or fails to update it as necessary in violation of § 6i(1),
27. offers free entertainment without a gaming account pursuant to § 6a or allows minors or barred players to take part in said entertainment offer in violation of § 6j(1),
28. fails to provide a necessary reference to lots, game tickets or game receipts or fails to link to offers of help in violation of § 7(2),
29. as the organiser or broker of games of chance in which barred players are not allowed to participate, fails to identify persons intent on playing by checking an official ID card or conducting a comparable identity check, in violation of § 8(3)(1),
30. as the organiser or broker of games of chance in which barred players are not allowed to participate, fails to compare persons intent on playing with the blacklist file, in violation of § 8(3)(1),
31. as the organiser or broker of games of chance, fails to ensure that barred players do not take part in the games of chance, in violation of § 8(3)(3),
32. as the organiser or broker of games of chance in which barred players are not allowed to participate, encourages a barred player to apply to be unbarred, in violation of § 8(4),
33. as an organiser or broker of games of chance in which barred players are not allowed to participate, grants benefits such as bonuses or discounts for players whose ban on playing has been lifted, in violation of § 8(4)(2),
34. as the organiser or broker of games of chance in which barred players are not allowed to participate, fails to bar persons who apply to be barred or whom they either know – based on observations by their staff or reports from third parties – or else should assume based on other factual evidence that they are at risk of gaming addiction or have excessive debts, cannot meet their financial obligations or are betting amounts out of proportion to their income or funds, in violation of § 8a(1)(1),
35. as the organiser or broker, fails to enter the data specified in § 23(1) in a blacklist file, in violation of § 8a(4),
36. as an obligated party pursuant to § 8a(1), fails to hand over all documents concerning the blacklisting to the body responsible for keeping the blacklist file in the event of a business cessation, merger, bankruptcy or other reasons that make further storage of documents as defined by § 8a(7)(1) impossible, in violation of § 8a(7)(2),
37. as a commercial game broker, does not pass on at least two thirds of the amounts received from the players to the organiser, in violation of § 19(1)(1),
38. as a participant who has direct or indirect influence on the outcome of a betting event as well as third parties commissioned by said participant, concludes sports bets on the outcome or course of sports events, or promotes sports bets by others, in violation of § 21(3)(2),

39. as a sports betting organiser, fails to participate in an independent early warning system which serves to prevent manipulation of the sports competition and is capable of identifying manipulation at an early stage, in violation of § 21(3)(3),
40. as the organiser, fails to immediately inform the authorities of any abnormalities, fails to cooperate in investigations or fails to provide available information, in violation of § 21(3)(4),
41. links the transmission of sports events in radio broadcasting and telemedia to the organising or brokering of sports bets, in violation of § 21(4)(1),
42. as a broker or organiser of sports betting fails to ensure that bets made by a player in the broker's betting agency are recorded on his gaming account in accordance with § 6a, in violation of § 21a(4)(1),
43. as broker or organiser of sports betting, fails to ensure that the payments made for bets in the betting agency are recorded within the deposit limit across all providers in accordance with § 6c, in violation of § 21a(4)(2),
44. fails to provide rules of the game and the winning plan that are readily accessible and are described in a manner easily understandable for the player, in violation of § 22a(3)(2),
45. fails to only commence a virtual slot machine game following suitable declaration by the player, in violation of § 22a(4)(1),
46. allows the declaration to be made before the end of the previous game, in violation of § 22a(4)(2),
47. allows program sequences to begin that allow another game to start automatically after the previous game has ended and that allow a player to declare that they will play multiple games in a row, in violation of § 22a(4)(3),
48. allows stakes and winnings that are not only in euro and cents, in violation of § 22a(5)(1),
49. offers, organises or arranges a game that does not last at least five seconds on average, in violation of § 22a(6)(1),
50. offers, organises or brokers a game in which the stake exceeds one euro per game, in violation of § 22a(7)(1),
51. fails to only enable the player to continue to participate in virtual slot games five minutes after confirmation of the notice, in violation of § 22a(9),
52. enables the simultaneous playing of multiple virtual slot machines, in violation of § 22a(10)(1),
53. uses the terms 'casino' or 'casino games' in connection with the organising and the sale of virtual slot machine games or advertising for this, in violation of § 22a(11),
54. sells stationary virtual slot machine games, in violation of § 22a(12)(2),

55. offers, organises or brokers substantial changes to the rules of the game after a permit as per § 22b(1)(1) has been granted, without the permission of the competent authority, in violation of § 22b(1)(3),
56. fails to ensure that only natural persons play against one another, in violation of § 22b(3)(1) and (2),
57. fails to ensure that the assignment of a player to one of several virtual tables with the same game offer is random, in violation of § 22b(4)(1),
58. transmits machine games in an audio-visual or purely visual manner, in violation of § 22c(4),

(2) The administrative offence may be punishable by a fine of up to EUR 500 000.

(3) If an administrative offence as per paragraph 1 has been committed, the objects

1. to which the offence relates or
2. which facilitated the offence or were used, or are meant to be used, in perpetrating or preparing for perpetration of the offence,

may be confiscated under the conditions of §§ 22(2), 23 of the Code of Administrative Offences. § 17(4) of the Code of Administrative Offences remains unaffected.

(4) The competent administrative authority as defined by § 36(1)(1) of the Code of Administrative Offences is the competent authority pursuant to § 9.

§ 29 Transitional provisions

(1) Permits issued by 30 June 2021 for organisers as defined by § 10(2) and (3) and the equivalent authorisations under Federal State legislation shall continue to be valid as permits until 30 June 2022 (even if a shorter term has been set in the notification), with the stipulation that the provisions of this State Treaty (except for the permit requirement pursuant to § 4(1)(1)) shall apply. The provisions issued in a permit pursuant to § 5(3)(2) of the First State Treaty to amend the State Treaty on Gaming apply in this period as substantive and auxiliary conditions as defined by § 5(1)(3). Organisers as per § 10(2) and (3) will have to obtain a new permit as per § 4(1) by no later than 1 July 2022.

(2) Paragraph 1 shall apply accordingly to lottery operators and brokers of permissible public games of chance pursuant to Section Three (including lottery collectors of class lotteries and commercial game brokers). If brokers are incorporated in the sales organisation of an organiser, the organiser shall file the application for the issuance of the permit pursuant to § 4(1) for the brokers working for him.

(3) Permits for the organisation of sports betting granted by the entry into force of this State Treaty and in effect on 30 June 2021 shall continue to be valid as permits until 31 December 2022 (even if a shorter term has been set in the notification), with the stipulation that the

provisions of this State Treaty (except for the permit requirement pursuant to § 4(1)(1)) shall apply. Paragraph 1(2) shall apply accordingly. A new permit must be obtained by 1 January 2023 at the latest. Paragraph 9(2) and (3) applies accordingly.

(4) The Federal States can stipulate in their implementing provisions that for arcades existing on 1 January 2020, which are structurally connected to other arcades, in deviation from § 25(2), a temporary permit can be issued for up to three arcades per building or building complex upon joint application by the operator, if at least all of the arcades have been certified by an accredited testing organisation and the certification is repeated at regular intervals, at least every two years, the operators have a certificate of competence acquired on the basis of information with an examination and the staff of the arcades is specially trained. The transition period is to be determined by state law. The particulars shall be regulated by the Federal States' provisions on execution.

(5) Bookmaker permits pursuant to the Race Betting and Lottery Act shall continue to be valid in their previous extent for one year as of this State Treaty's entry into force.

(6) In deviation from § 21a(2), the Federal States can allow bets on outcomes to also be brokered in gambling offices that are integrated into the sales organisation of organisers as per § 10(2) until 30 June 2024; betting during an ongoing sports event is not permitted.

(7) The permits granted by the Ministry of the Interior of the State of Schleswig-Holstein prior to the entry into force of this State Treaty and effective on 30 June 2021 for the organisation and marketing of online casino games in accordance with § 4 in conjunction with §§ 19 and 20 of the Act on the Re-Regulation of Gaming (Gaming Act) of 20 October 2011, Official Gazette p. 280, in conjunction with § 1 of the Act on the Transitional Regulation for Online Casino Games of 11 June 2019, Official Gazette p. 145, shall remain valid for a transitional phase until a permit pursuant to this State Treaty is issued, until 31 December 2024 at the latest, with the proviso that the provisions contained in the authorisation and in the supplementary ancillary provisions apply. They only apply to the territory of Schleswig-Holstein. The organiser cannot rely on this transitional provision if he does not apply for a permit in accordance with this State Treaty by 1 July 2022 at the latest.

(8) § 9a(4) shall apply accordingly to the continued validity of permits issued in accordance with paragraphs 1 to 3 in a uniform manner for the Federal States and in a bundled procedure.

(9) In deviation from § 4(4), permits for public games of chance on the Internet for the organisation, brokerage and direct sale of sports betting as well as the organisation and direct sale of online casino games, virtual slot machines and online poker, if the player blacklist file as per § 23 or the limit file as per § 6c are not yet available at the time of the decision, can only be granted

1. with a term of validity limited until 31 December 2022 at the latest,

2. in the absence of the player blacklist file on the condition that the provider carries out self-barring and third-party barring for all games of chance offered by itself or affiliated companies under the conditions of §§ 8a, 8b and the provisions of this State Treaty for players barred in the player blacklist file as per § 23 apply accordingly to the barred players, and
3. in the absence of the limit file on the condition that the provider requests the players upon registration to set a monthly deposit limit in accordance with § 6c with effect for all games of chance offered by the provider itself or affiliated companies, and the provisions of this State Treaty for the deposit limit across all providers maintained in the limit file apply accordingly to the deposited deposit limit.

§ 30 Further provisions

(1) The competent authority may allow a lottery which is conducted by multiple organisers in all Federal States as of this State Treaty's entry into force and for which the net proceeds are converted exclusively for fulfilling the purposes specified in § 10(5), in deviation from § 12(1)(1)(3), § 13(2), § 14(1)(1) and § 15(1)(3).

(2) Any net proceeds from events in the form of saved winnings must amount to at least 25 per cent of the fees. The net proceeds must be used for public, charitable or benevolent purposes. Permits may be issued on a general basis.

§ 31 Relationship with other State Treaty provisions for class lotteries

If the provisions of the State Treaty between the Federal States of Baden-Württemberg, Bavaria, Hesse, Rhineland-Palatinate, Saxony and Thuringia on a state class lottery of 26 May 1992 (SCL State Treaty) or the provisions of the State Treaty between the Federal States of North Rhine-Westphalia, Lower Saxony, Schleswig-Holstein, the Free Hanseatic City of Hamburg, the Free Hanseatic City of Bremen, Saarland, Berlin, Brandenburg, Mecklenburg-West Pomerania and Saxony-Anhalt on a state class lottery of 30 June/1 September 2008 (NCL State Treaty) as well as the provisions of the Federal States' State Treaty on the collective class lottery of 15 December 2011 (the CCL State Treaty) conflict with the provisions of this State Treaty, then the provisions of this State Treaty shall be applied with priority.

§ 32 Evaluation

The gaming supervisory authorities of the Federal States to evaluate the effects of this State Treaty, in particular §§ 4(4) and (5), 4a to 4d, 6a to 6j, 9, 9a, 21, 22a, 22b and 22c on the development and expansion of illegal games of chance in black markets in cooperation with

the Common Gaming Authority of the Federal States and the advisory board. An interim report should be submitted by 31 December 2023. A summary report is expected to be submitted by 31 December 2026 and every five years thereafter.

§ 33 Review before the Federal Administrative Court

The review before the Federal Administrative Court may also be supported in court proceedings by the fact that the judgment being disputed is based on the violation of the provisions of this State Treaty.

§ 34 Equal linguistic treatment

The designation of persons and functions in this State Treaty apply in both male and female form.

§ 35 Entry into force, termination, repromulgation

(1) This State Treaty shall enter into force on 1 July 2021. In the event that at least 13 ratification documents are not filed with the State Chancellery of the chairperson of the Conference of Minister-Presidents by 31 March 2021, the State Treaty shall become invalid. The State Treaty shall also become invalid if the ratification document of the Federal State of Saxony-Anhalt is not filed with the State Chancellery of the chairperson of the Conference of Minister-Presidents by 30 June 2021.

(2) The State Chancellery or the chairperson of the Conference of Minister-Presidents shall inform the Federal States that it has received the ratification documents.

(3) Accession to this Treaty takes place by way of written declaration of accession to the State Chancellery of the respective chairperson of the Conference of Minister-Presidents and, if the consent of the legislative body of the acceding Federal State is required, with its consent. The State Chancellery of the respective chairperson of the Prime Ministers' Conference shall inform the other Federal States party to the Treaty of the receipt of the declaration of accession. The provisions of this Treaty enter into force for the acceding Federal State on the day after receipt of the declaration of accession by the State Chancellery of the respective chairperson of the Conference of Minister-Presidents. Insofar as the consent of the legislative body of the acceding Federal State is required, then the provisions of this shall enter into force for the acceding Federal State on the day after receipt of the declaration of accession by the State Chancellery of the respective chairperson of the Conference of Minister-Presidents. Accession is also possible after a termination.

(4) This State Treaty is concluded for an indefinite period of time. It can be terminated by any of the Federal States with a notice period of one year to the end of a calendar year, albeit for the first time as of 31 December 2028. The termination must be declared to the chairperson of the Conference of Minister-Presidents in written form. He or she will immediately notify the other Federal States party to the Treaty of the notice of termination. If the Treaty is terminated by the signatory Federal State that provides the chair of the Minister-President, or if this Federal State is not a signatory, the notice of termination must be given in writing to all other Federal States party to the Treaty; the notice period is deemed to have been met if the notice of termination was submitted before the notice period expired and was received by at least one signatory Federal State.

(5) In the event of termination, this State Treaty shall continue to exist between the other signatory Federal States subject to paragraph 8; however, each of the other signatory Federal States may terminate the treaty relationship within a period of three months after receipt of the notification pursuant to paragraph 4(4) or after receipt of the notice of termination pursuant to paragraph 4(5) at the same time.

(6) In the event of termination, the Common Gaming Authority of the Federal States will continue to exist under the sponsorship of the remaining signatory Federal States pursuant to § 27a. In the event of termination by the state of domicile of the Common Gaming Authority of the Federal States, § 27l shall apply from the time the termination takes effect, with the proviso that the highest state authority responsible for gaming supervision in the state of domicile is responsible for the supervisory state authority responsible for gaming supervision in the Federal State, which is to provide the chairperson of the Conference of Minister-Presidents, or, if this Federal State is not party to the Treaty, the Federal State which, from that time, provides the chairperson of the administrative board of the Conference of Minister-Presidents. Sentence 2 applies accordingly to § 27m. As soon as a termination on the part of the state of domicile takes effect, promulgations as per § 27b(2) are to be announced in all Federal State. For the rest, it remains until another state treaty arrangement in the application of the law of the state of domicile.

(7) In the event of termination, the Federal States undertake to conclude a settlement agreement regarding the withdrawal from the Common Gaming Authority of the Federal States by 30 September of the year at the end of which the termination should take effect.

(8) If less than 13 signatory Federal States would remain after a termination, this State Treaty shall cease to be effective upon the termination's entry into force. Upon expiry of this State Treaty, the Common Gaming Authority of the Federal States will set about the goal of dissolution. Paragraph 7 shall apply accordingly. The settlement agreement includes in particular provisions on the distribution of the institutional assets, the assumption of costs until the dissolution and existing liabilities as well as the handling of the staff.

(9) Paragraph 8 shall apply accordingly in the event of another form of dissolution of the Common Gaming Authority of the Federal States.