

NOTE

Scope of the Gambling Act in Poland. This taken from Practical Law

https://uk.practicallaw.thomsonreuters.com/8-635-6028?_lrTS=20200607200605043&bhcp=1&transitionType=Default&contextData=%28sc.Default%29

General definition

The Gambling Law applies to "gambling games" (*gry hazardowe*), which consist of four main categories:

- **Games of chance** (*gry losowe*). This is an umbrella term for "games, including those conducted via the Internet, for cash or in-kind prizes, the result of which depends in particular on chance". In practice, the prevailing view of the courts is to interpret this definition restrictively: whenever an element of chance occurs in a game, even to a minor extent, the game is a game of chance. In addition to the general definition, the Gambling Law also lists the specific forms of gambling games that are considered games of chance. These include:
 - Number games;
 - Cylindrical games (roulette and so on);
 - Dice games;
 - Cash bingo;
 - Raffle bingo;
 - Telebingo;
 - Cash lotteries;
 - Raffle lotteries;
 - Promotional lotteries; and
 - Premium rate/audiotex lotteries (*loterie audioteksowe*).
- **Betting** (*zakłady wzajemne*). These are games played for cash or in-kind prizes, and consist of two subtypes:
 - Totalisator systems; and
 - Bookmaking.
 - **Card games** (*gry w karty*). Three types of card games are considered gambling games:
 - Blackjack;
 - Poker; and
 - Baccarat.

Only games played for cash or in-kind prizes are subject to gambling regulations.

- **Slot machine games** (*gry na automatach*). See Question 4, [Slot and other machine gaming](#).

Games where there is no element of chance (that is, games solely based on the participants' skill or knowledge) are not covered by the Gambling Law. However, in many cases, it can be hard to tell whether a particular activity constitutes a game of chance. This area is interpreted strictly by the authorities.

The Minister of Finance is authorised to issue on request decisions whether a particular game should be treated as a gambling game regulated by the Gambling Law. However, the decision is binding in individual cases only and the Minister does not issue universally binding interpretations of the Gambling Law.

Online gambling

No specific definition for online gambling is provided in the Gambling Law. The Gambling Law simply includes provisions that apply only to games "conducted via the Internet network", but does not explain this term further.

Online betting and promotional lotteries are the only forms of online gambling currently allowed to be organised by private entities. Other online gambling games are restricted for private entities, but a state-owned company (Totalizator Sportowy Sp. z o.o.) is exclusively entitled to offer them.

Sports betting

The Gambling Law allows for two forms of sports betting:

- **Bookmaking.** See above, [Betting](#).
- **Totalisator systems.** This is "betting for cash or in-kind prizes consisting of guessing the results of sports competitions among humans or animals, where participants pay stakes and the value of the prize depends on the total of stakes paid".

Both forms of sports betting fall within the broader category of betting (*see above, [Betting](#)*).

Casino games

For private entities, the following games may only be offered inside casinos and therefore a casino licence is required to organise them (in their land-based variation). A state-owned company is also exclusively allowed to offer them via the Internet.

- **Cylindrical games.** This a type of game where the "participation consists of choosing numbers, signs or other distinguishing marks, the value of the prize depends on a predefined ratio of the stake and prize, and the result of the game is determined by a rotary device or cylindrical games conducted via the Internet under the abovementioned rules". Roulette is the most popular cylindrical game.
- **Dice games.** These are not defined further by the Gambling Law.
- **Slot machine games.** See below, [Slot and other machine gaming](#).

Slot and other machine gaming

Under the Gambling Law, slot machine games are defined as "games played with the use of mechanical, electromechanical or electronic devices, computers included, as well as games conducted via the Internet, when their rules correspond to those of slot machines, for cash or in-kind prizes, where the game features an element of chance". As the definition is broad, many types of electronic games can be treated as slot machine games under the Gambling Law if they offer cash or in-kind prizes. An "in-kind prize" in relation to slot machine games is also understood to cover winning either:

- Additional play time.
- The ability to start a new game without having to pay a new game fee.

A further definition under the Gambling Law provides that slot machine games are "games played with the use of mechanical, electromechanical or electronic devices, computers included, as well as games conducted via the Internet, when their rules correspond to those of slot machines, organised for commercial purposes, even if there is no possibility to win any cash and/or in-kind prizes, but the game is of "random character". This definition is particularly broad, and it has been argued that it even covers some mechanics of "ordinary" (non-gambling) computer games, such as "loot boxes" (in November 2018 the regulator dismissed these claims, although only in a press statement with no official legal force).

Slot machine games are only permitted inside casinos or slot machine parlours, with the latter being exclusively operated by a state-owned company.