Act

amending the Lotteries Act

By decision of Parliament, the following

sections of the Lotteries Act (1047/2001) shall be *amended:* section 1, subsection 1; section 2, subsection 2; section 3, subsection 2, paragraph 2; section 4, paragraph 4; sections 12, 13b, 13c, 14, 14a-14c, 15 and 16; title of chapter 4; section 19; section 35, subsection 2; section 36, subsection 1; sections 42, 43, 44, 47, 49-53, 62a-62c; sections 64 and 66;

of these section 1, subsection 1; section 3, subsection 2, paragraph 2; section 4, paragraph 4; sections 12, 13b and 14b; title of chapter 4; section 19; section 35, subsection 2; sections 43, 44, and 51-53, as laid down in Act 1286/2016; sections 13c, 14, 14c and 16 and section 36, subsection 1, as laid down in Act 677/2019; sections 14a and 64 as laid down in Acts 1286/2016, 460/2017 and 677/2019; section 42 as laid down partially amended in Acts 506/2009 and 575/2011; sections 47, 62a and 62b as laid down in Acts 1286/2016 and 677/2019, the Finnish wording of section 62c in Acts 661/2010 and 134/2013; the Swedish wording of section 62c as laid down partially amended in Act 661/2010; and section 66 in Act 1358/2019; and

new sections shall be *added*: new section 16a in the Act; new subsection 3 in section 45, as laid down in Act 1286/2016; new sections 54 and 55 to replace sections 54 and 55 as repealed in Act 1286/2016; and new sections 62d-62n as follows:

Section 1

Scope of application and purpose

This Act provides for the running of lotteries and supervising the running of lotteries, Veikkaus Oy’s activities and restrictions on activities, rendering accounts of the proceeds, the purposes of use of the proceeds, and supervising the use of the proceeds.

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Section 2

Definition of lotteries

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The provisions of this Act with regard to lotteries shall also apply to the operation of casino activities and to making available for use by the public casino games, slot machines and non-money prize gaming machines and other gaming machines and gaming equipment in return for consideration, so that the player may win a prize of monetary value based either partly or wholly on chance.

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Section 3

Definitions of gambling and of the different forms of provision of gambling

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For the purposes of this Act:

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2) *betting* means gambling in which players have the opportunity to participate in the distribution of winnings determined according to the product of the stake placed by the player and the odds indicating the probability of an outcome of a gambling event on the basis of a guess made about the events in or results of a sporting or other competition, including horse racing, or gambling; in the case of betting, players may claim all or part of the win, even if the event is not yet completed;

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Section 4

Other definitions

For the purposes of this Act:

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4) *player account* means an account maintained by a gambling company for a player;

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Section 12

Veikkaus Oy

Veikkaus Oy is a wholly state-owned limited company.

The company shall carry on gambling activities so as to protect the legal rights of gambling participants, prevent irregularities and crimes, and prevent and reduce gambling related economic, social and health harms.

The company has an administrative council. It is the responsibility of the administrative council to monitor and supervise that the company carries on gambling activities as laid down in subsection 2 and to support collaboration between the company and its stakeholders.

A subsidiary established by Veikkaus Oy pursuant to the permission referred to in section 13b, subsection 2, may carry on activities other than gambling activities. These activities must be separated from Veikkaus Oy’s gambling activities in terms of accounting. The financial relationship between the subsidiary and Veikkaus Oy must be organised on market terms.

Unless otherwise provided in this Act or elsewhere by law, the provisions concerning limited liability companies and the State Shareholdings and Ownership Steering Act (1368/2007) shall apply to the company.

Section 13b

Restrictions on Veikkaus Oy’s activities

Veikkaus Oy may not run any lotteries other than gambling.

Veikkaus Oy may not, without the permission of the Prime Minister’s Office, establish or acquire ownership of any companies other than those necessary for its gambling activities, or shares in such companies, nor may it transfer the shares of such companies to a new owner.

Without the permission of the Prime Minister’s Office, Veikkaus Oy or its subsidiary may not:

1) establish funds or make transfers to unallocated reserves or alter the nature of the accounting for these;

2) alter its share capital or its Articles of Association;

3) grant loans;

4) make investments other than in fixed assets necessary for its activities.

Veikkaus Oy may not distribute dividends on its profits or from its unrestricted equity to its shareholders. Neither may Veikkaus Oy or its subsidiary distribute gratuitous benefits from its profits or surplus to its staff.

Section 13c

Provision of gambling services

Gambling services shall be provided so as to protect the legal rights of gambling participants, prevent irregularities and crimes, and prevent and reduce gambling related economic, social and health harms.

The following is laid down by government decree:

1) the proportion of gambling payments accrued from the provision of gambling to be paid out to players in the form of winnings, how winnings are to be rounded and how unclaimed winnings are to be distributed;

2) the types and maximum number of slot machines and casino games in gambling locations, specific game rooms and casinos, the maximum number of specific game rooms, and the number, locations and hours of business of casinos.

In addition, provisions on the permitted sales periods of gambling may be given by government decree.

Provisions on the game rules for gambling are laid down by decree of the Ministry of the Interior. The game rules shall include provisions on the distribution of winnings and the return of stakes and on the maximum permitted stakes and gaming wins for slot machines and casino games. The rules on money lotteries, pools, betting and pool betting shall also include provisions on the draw.

In order to prevent and reduce gambling related economic, social and health harms, game rules may also include:

1) provisions concerning the pace or other features of games depending on the game genre, game type or a specific game;

2) provisions on quantitative restrictions and time limits depending on the game genre, game type, game and player.

Section 14

Player registration, identity verification for gambling, player account and customer due diligence

To ensure the implementation of the restrictions on gambling referred to in section 13c, subsection 5 and section 14c, Veikkaus Oy shall register a player, open a player account for the player and ensure that the player can play gambling games only as a registered player of Veikkaus Oy whose identity has been verified.

Each player may have only one account. A player account is personal.

When registering a player, Veikkaus Oy must verify the identity of the player in order to ascertain that the player is of legal age. When registering a player and routinely during the customer relationship, Veikkaus Oy must verify the domicile of the player in order to ascertain that the territorial scope of the legislation of another state or region is honoured.

However, the provisions in subsections 1 and 3 on opening a player account and the verification of the domicile of the player shall not apply to the provision of gambling at a casino.

The player shall be informed of the funds in the player account, transfers of funds, gambling transactions, and restrictions on gambling.

Further provisions on the player account, verification of the identity and domicile of the player, and the procedure for ensuring authenticated gambling by a registered player may be given by government decree.

Provisions on customer due diligence related to the prevention of money laundering and terrorist financing are laid down in the Act on Preventing Money Laundering and Terrorist Financing (444/2017).

Section 14a

Gambling age restrictions

Veikkaus Oy or a trader or organisation that supplies participation entries or participation fees related to gaming or provides space for making slot machines available for use must not allow persons under 18 to gamble.

Further provisions on the methods to be used to verify that a player is of legal age may be given by government decree.

Section 14b

Marketing of gambling

Veikkaus Oy may market gambling and the company if the marketing is moderate in quantity, scope, visibility and frequency, as well as necessary in order to direct demand for gambling towards gambling services provided under this Act and towards gambling associated with fewer economic, social and health harms.

Marketing must not promote gambling that causes economic, social and health harms:

1) by glamorizing gambling, presenting gambling as desirable or excessively positive, or by inciting gambling;

2) by presenting heavy gambling in a favourable light or non-participation in gambling or moderate gambling in a negative light;

3) by treating gambling as mundane by comparing gambling to everyday life or as part of a person’s day-to-day routines or a person’s everyday or usual consumer behaviour, such as purchasing food or clothing, or by presenting gambling as necessary or harmless entertainment;

4) by presenting gambling as a solution to a person’s financial problems, as a means of improving a person's financial position or as a coping strategy, or as an alternative to working;

5) by describing gambling as a way of promoting a person’s social success or acceptance;

6) by providing a misleading or unrealistic view of the chances of winning at gambling, by overemphasising the potential for large wins or by describing gambling as being risk free in terms of economic, social or health impacts;

7) by exploiting ignorance, inexperience or credulity associated with gambling;

8) by offering gambling money or by offering gambling free of charge or at a reduced price or through pooled offers;

9) by offering, at the time of purchase or selection of a gambling game or other commodity, or in connection with collection of a win, another gambling game for purchase or selection;

10) by providing, at the time of purchase of a gambling game, a benefit based on chance other than the possibility of a win inherent in gambling;

11) by encouraging the financing of activities of general interest through gambling;

12) by any other means equivalent to those referred to in paragraphs 1-11.

Marketing shall not be targeted at minors or other vulnerable persons. Marketing shall not feature minors. Gambling must not be marketed in television and radio broadcasting, public screenings of audiovisual programmes in a cinema and publishing activities aimed at minors, nor in media services that are aimed at minors or appeal specifically to minors and young persons.

The following gambling games must not be marketed outside the specific game rooms and casinos in which the gambling is located:

1) money lotteries, where they are provided online;

2) fast-paced pools, where they are implemented exclusively online;

3) slot machines; and

4) casino games.

Combination games, which in connection with the establishment of the game rules have been identified as being associated with a particular risk of gambling related harms, must not be marketed other than in the specific game rooms, casinos and such racecourses where the games or their point of sale are located.

Gambling venues referred to in paragraphs 4 and 5 above must not be marketed. Information about such gambling venues may be provided, however.

Gambling marketing must always include information on the legal age limit for gambling, as well as details of where to obtain information on tools to manage gambling and on service providers offering support for gambling problems.

Marketing must not be directed at a player who has self-imposed a block on all gambling. If a player has imposed a game-specific block, only marketing of the kind of gambling that the player has not blocked may be directed at the player.

It is the responsibility of the National Police Board to ensure that gambling marketing complies with the provisions of this Act and the Consumer Protection Act (38/1978). Veikkaus Oy is required to submit an annual report on the marketing of gambling to the Ministry of the Interior and the National Police Board.

Further provisions concerning the contents of the report referred to in subsection 9 may be given by government decree.

Section 14c

Restrictions on gambling imposed by Veikkaus Oy

Veikkaus Oy shall, if necessary, impose quantitative restrictions and time limits depending on the game genre, game type, game and player in order to prevent and reduce gambling related economic, social and health harms and shall offer the player the opportunity to self-impose the above-mentioned restrictions.

Section 15

Blocking and banning gambling in a casino and in a specific game room

Veikkaus Oy shall not allow a person to enter a casino or a specific game room and Veikkaus Oy shall remove from the casino or specific game room any person who is under the age of 18 or who is apparently under the influence of alcohol or other intoxicating or narcotic substance.

Veikkaus Oy and its staff shall have the right to ban a person from entering a casino and a specific game room, to remove a person or to restrict his or her gambling, if:

1) the person is suspected of gambling fraud or he or she is guilty of gambling fraud;

2) the person’s behaviour is causing, or there is reason to suspect it will cause, a disturbance to the peace and good order of the casino or specific game room;

3) gambling has caused or is apparently going to cause economic, social or health harm to the person; or

4) the person has asked Veikkaus Oy to block him or her access to a casino or a specific game room or to restrict his or her gambling.

The ban or restriction may be imposed for a limited period of time or until further notice. A fixed-term ban or restriction shall be in effect for at least one month and not more than one year.

A person may request the lifting of an indefinitely imposed ban or restriction not earlier than one year after the ban or restriction has been imposed. The ban or restriction until further notice imposed pursuant to subsection 2, paragraphs 1-3 above shall be lifted unless there are serious reasons for extending the ban. A ban or restriction until further notice imposed at the request of a player in accordance with subsection 2, paragraph 4 above shall be removed three months after the request for removal.

Section 16

Specific provisions on slot machines

Slot machines must be placed in such a way as to allow for unhindered supervision of playing. They shall not be placed in such a way that their use may endanger safety or cause a public disturbance.

The principles governing the placement of slot machines and making these available for use in gambling locations shall be designed so as to minimise gambling related economic, social and health harms. In particular, placement and making available for use shall take into consideration the harms of gambling to minors and vulnerable persons.

Section 16a

Self-supervision of slot machines

Veikkaus Oy must draw up a written plan for the general implementation of the supervision and planning referred to in section 16 and keep records of the placement of slot machines and of the general and specific provisions it has issued for their supervision.

The owner of a slot machine gambling location shall draw up a written plan to ensure the legality of its activities and compliance with the plan referred to in subsection 1 and keep a record of its implementation. The plan shall be kept up to date and the owner of the gambling location shall ensure that the staff involved in supervision are aware of their obligations as laid down in this Act and specified in the plan.

The plans referred to in subsections 1 and 2 shall describe the obligations laid down in the Act, the risks associated with their practical implementation, how compliance with the obligations will be monitored and how any deficiencies identified will be corrected.

Further provisions on the preparation of the plans referred to in subsections 1 and 2 and their content and implementation may be given a decree of the Ministry of the Interior.

Chapter 4

Veikkaus Oy’s proceeds

Section 19

Rendering accounts of the proceeds

Veikkaus Oy shall render accounts of its proceeds to the ministry responsible for the distribution of proceeds for each purpose of use according to the proportions provided for in section 17.

Further provisions on the procedure for rendering accounts may be issued by government decree.

Section 35

Bingo prizes

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The maximum value of the prizes distributed to players may not exceed 75% of the total sales value for 12 calendar months, however, ensuring that the maximum value of the prizes distributed to players in any one calendar month does not exceed 95%.

Section 36

Rendering and correcting accounts

The licence holder shall render accounts of bingo games for the accounting period specified by the licensing authority. The accounting period may be a maximum of 12 months. The accounts shall be submitted to the licensing authority, which shall examine the accounts, within two months of the end of the accounting period.

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Section 42

Supervision of lotteries

The running of lotteries is supervised in order to ensure the legal rights of participants in the lottery, to prevent irregularities and crimes, and to prevent and reduce gambling related economic, social and health harms.

The National Police Board is responsible for national supervision of the running of lotteries and for compilation of statistics on lotteries. The National Police Board may issue statements and instructions concerning the running of lotteries and supervision of the running of lotteries. In addition, the National Police Board is responsible for supervising that Veikkaus Oy and such traders and organisations which act as agents for participation entries or participation fees related to gambling offered by Veikkaus Oy comply with the relevant provisions and regulations on the prevention of money laundering and terrorist financing.

The police departments supervise the lotteries run in their respective areas.

Where necessary, electronic supervision systems shall be used to supervise the provision of gambling services. Further provisions on electronic supervision systems for gambling may be issued by government decree.

The Ministry of the Interior shall approve the introduction of supervision arrangements by the National Police Board in respect of gambling services where the gambling systems are located in a Member State of the European Union or of the European Economic Area.

Section 43

Gambling supervision and official supervisors

The National Police Board shall supervise that the provision of gambling services complies with the game rules issued by decree of the Ministry of the Interior as provided for in section 13c and that the data in Veikkaus Oy’s gaming system and supervision system correspond to each other. The National Police Board shall use the supervisory systems to confirm the results and amounts of winnings in each round of pools, unless the official supervisor performs these tasks with the consent of the National Police Board. The National Police Board shall also supervise the draw and mixing of tickets for money lotteries and confirm the results of the draw, unless a notary public performs these tasks with the consent of the National Police Board.

The National Police Board may appoint official supervisors to supervise gambling services. The provisions on criminal liability while in public office shall apply to the official supervisor in the performance of the duties referred to in this Act. Provisions on liability for damages are laid down in the Tort Liability Act (412/1974).

An official of the National Police Board may not participate in gambling, the technical supervision of which is the responsibility of the official, if he/she may obtain in his/her official capacity information about such gambling event material which he or she can use in his/her own gambling. Decisions to restrict gambling are made by the National Police Board.

The Ministry of the Interior may authorise gambling referred to in section 62, subsection 5 and approve the introduction of supervisory arrangements for such gambling.

Section 44

Right of access to data of the National Police Board, the police departments and the official supervisor

The National Police Board shall have the right, confidentiality provisions notwithstanding and free of charge, to receive information necessary to perform their supervisory duties and for compilation of statistics on lottery activities from Veikkaus Oy, any organisation or foundation authorised to run lotteries and from any party responsible for the practical arrangements of a non-monetary lottery The right of access to data shall also apply to essential personal data.

The National Police Board shall have the right, confidentiality provisions notwithstanding and free of charge, to receive information necessary to perform their supervisory duties from any organisation or foundation authorised to run lotteries and from any party responsible for the practical arrangements of a non-monetary lottery. The right of access to data shall also apply to essential personal data.

 The official supervisor shall have the right, confidentiality provisions notwithstanding and free of charge, to receive information necessary to perform their supervisory duties from Veikkaus Oy. The right of access to data shall also apply to essential personal data.

The data may be disclosed by means of a technical interface or otherwise electronically.

Section 45

Right to inspect and prohibit

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Under this Act and the provisions issued under it, the National Police Board shall have the right to inspect Veikkaus Oy’s premises, information systems and activities for the purposes of supervision, if the inspection is necessary to deal with a supervision task.

Section 47

Collection of winnings and prizes

Winnings from money lotteries shall be collected within one year of the confirmation of the result of the draw, the end of the sales period notified on the tickets or the date of purchase of the ticket.

Winnings from pools and betting shall be collected within one year and winnings from pool betting within three months of obtaining the final result or confirmation of the final result in accordance with the game rules for these games.

Winnings from slot machines and casino games shall be collected within one year of obtaining the result giving entitlement to the winnings.

Winnings from combination games shall be collected within one year of obtaining the result giving entitlement to the winnings.

Bingo prizes shall be collected within one year of obtaining the result giving entitlement to the prize.

Prizes in non-monetary lotteries and guessing games, excluding non-monetary lotteries permitted without the licence laid down in this Act, shall be collected within two months of the end of the validity period of the non-monetary lottery licence.

Provisions on the start of the period for collection of the winnings of the games referred to in subsections 1 and 2 shall be issued by decree of the Ministry of the Interior.

Section 49

Restriction on gambling in a casino

The official supervisor employed by a casino and responsible for the supervision of gambling services provided in the casino, as referred to in section 43, may not participate in gambling provided in the casino.

Section 50

Technical surveillance of casinos and specific game rooms

Provided advance notice is given, Veikkaus Oy shall have the right to supervise gambling operations by using technical equipment to observe and film the entrances and customer areas of casinos and specific game rooms as well as the work areas of casino staff. The right to technical surveillance does not apply to staff break areas or changing rooms.

Provisions on employee camera surveillance are laid down in sections 16 and 17 of the Act on the Protection of Privacy in Working Life (759/2004).

Section 51

Veikkaus Oy’s right to process personal data

Veikkaus Oy shall have the right to process the following personal data concerning the company’s customers and their gambling, if this is necessary to protect the legal rights of participants in gambling, prevent irregularities and crimes, investigate irregularities or prevent and reduce gambling related economic, social and health harms:

1) the nationality of customers and the information contained in documents verifying the identity of foreign customers;

2) photographs of customers of casinos and specific game rooms and information collected by means of technical surveillance of a casino and specific game room referred to in section 50;

3) information on the customer’s disorderly conduct at a casino, specific game room or otherwise in connection with gambling;

4) information on suspected or detected gambling fraud;

5) information on a gambling ban and restriction on gambling;

6) information on suspected harmful gambling;

7) customer identification data, information on game events and other information related to Veikkaus Oy’s customer relationship, excluding data belonging to special categories of personal data.

Veikkaus Oy shall assess customers’ risk of gambling related economic, social and health harms by means of automated processing of personal data as referred to in subsection 1, paragraphs 3-7, and shall take measures to prevent and reduce the risks identified on the basis of the assessment, if necessary. However, a decision preventing or restricting a customer's gambling must not be based solely on the automatic processing of personal data.

Veikkaus Oy may process the personal data referred to in subsection 1 for processing purposes in accordance with subsection 1 for a period of five years from the date on which the information was deposited or from the end of the ban on gambling or marketing.

Section 52

Monitoring and researching harms resulting from the running of lotteries, evaluation and development of prevention and treatment

Harms resulting from participation in lotteries shall be monitored and researched. The Ministry of Social Affairs and Health is responsible for monitoring and researching harms, evaluation of gambling related harms, and for developing prevention and treatment of such harms. The National Institute for Health and Welfare shall implement this task in accordance with the mandate of the Ministry of Social Affairs and Health.

Veikkaus Oy shall reimburse the state for the costs arising from monitoring, evaluation of the harms linked to the provision of gambling services, research of harms, as well as the development of preventive measures and treatment. The Ministry of Social Affairs and Health shall charge the company a fee equal to the total costs incurred on these activities.

Provisions on payment of the fee shall be given by decree of the Ministry of Social Affairs and Health.

Section 53

Disclosure of Veikkaus Oy’s data

Each year, Veikkaus Oy shall submit its action plan, its budget for the following year and its final statement documents immediately after these have been completed to the ministry responsible for dealing with the distribution of proceeds for each purpose of use, as well as to the Ministry of Finance, the Ministry of the Interior and the National Police Board.

Each year, the company shall submit a report on the development of its gambling services and the measures it has taken to prevent and reduce gambling related economic, social and health harms to the ministry responsible for dealing with the distribution of proceeds for each purpose of use, as well as to the Ministry of the Interior and the National Police Board.

Veikkaus Oy may, confidentiality provisions notwithstanding, disclose information concerning the company’s customers and their gambling for the purposes of scientific research if the recipient has the right to process such data under data protection legislation.

Section 54

Right of access to data of the Ministry of Social Affairs and Health

The Ministry of Social Affairs and Health shall, confidentiality provisions notwithstanding and free of charge, have the right to receive from Veikkaus Oy and the National Institute for Health and Welfare information necessary for the purposes of monitoring and research of harms resulting from participation in lotteries, evaluation of the harmfulness of gambling, and the development of prevention and treatment of harms. The right of access to data shall also apply to essential personal data. The data may be disclosed by means of a technical interface or otherwise electronically.

Veikkaus Oy or the National Institute for Health and Welfare shall anonymise the personal data referred to in this section before they are disclosed. Personal data may only be processed for the purpose for which they have been disclosed and for statistical purposes. The Act on Secondary Use of Social and Health Data (552/2019) shall not apply to the processing of personal data referred to in this section.

Section 55

Right of access to data of the National Institute for Health and Welfare

The National Institute for Health and Welfare shall, confidentiality provisions notwithstanding and free of charge, have the right to obtain from Veikkaus Oy and the Ministry of Social Affairs and Health information necessary for the purposes of monitoring and research of harms resulting from participation in lotteries, evaluation of the harmfulness of gambling, and the development of prevention and treatment of harms. The right of access to data shall also apply to essential personal data. The data may be disclosed by means of a technical interface or otherwise electronically.

The National Institute for Health and Welfare shall have the right to combine personal data referred to in subsection 1 with data received under its right of access to data provided for elsewhere, if this is necessary for the purpose of processing.

The National Institute for Health and Welfare shall anonymise personal data before transferring the data for analysis. Personal data may only be processed for the purpose for which they have been disclosed and for statistical purposes. The Act on Secondary Use of Social and Health Data shall not apply to the processing of personal data referred to in this section.

Section 62a

Prohibition on providing gambling services

The National Police Board may prohibit the provision of gambling services if:

1) gambling services are provided by an operator other than Veikkaus Oy;

2) the provision of gambling services is in violation of the prohibition laid down in section 62, subsections 1-4; or

3) the provision of gambling is otherwise in violation of this Act or a decree issued under this Act in ways other than those referred to in section 62b.

The prohibition may be imposes on:

1) the gambling operator;

2) a trader or organisation that acts as an agent for participation entries or participation fees, provides space for making slot machines available for use, or markets gambling;

3) a natural person who for financial or other gain markets gambling or otherwise promotes participation in gambling.

The prohibition shall be in effect for a maximum period of 12 months. The National Police Board may extend the ban by a maximum of 12 months at a time if the way gambling services are provided has not been corrected.

The National Police Board may temporarily prohibit the provision of gambling services if the legal rights of players or the supervision of the provision of gambling services is jeopardised and the possibility of abuse increases or the reliability of the draw is otherwise jeopardised. The ban may remain in effect for a maximum of 30 days at a time. The National Police Board must lift the ban if there are no longer grounds for it to remain in effect.

Section 62b

Prohibition on the marketing of gambling

The National Police Board may prohibit the marketing of gambling that is contrary to section 14b.

The prohibition may be imposed on:

1) the gambling operator;

2) a trader or organisation that acts as an agent for participation entries or participation fees, provides space for making slot machines available for use, or markets gambling.

The ban shall be in effect for a maximum of three months. The National Police Board may extend the ban by no more than six months at a time if the way gambling is marketed has not been corrected.

Section 62c

Conditional fine

The National Police Board may impose a conditional fine in order to reinforce the prohibition referred to in sections 62a, 62b and 62m.

The National Police Board orders the payment of conditional fines imposed to reinforce the prohibition referred to in sections 62a and 62m. The Market Court orders the payment of conditional fines imposed to reinforce the prohibition referred to in section 62b upon application of the National Police Board.

Provisions on the conditional fine procedure are laid down in the Act on Conditional Fines (1113/1990).

Section 62d

Financial penalty for violation of the provisions on the marketing of gambling

A financial penalty may be imposed on such a gambling operator or trader who deliberately violates the provisions of section 14b on the marketing of gambling.

 A financial penalty may be imposed on such a gambling operator, trader or natural person who deliberately violates the marketing ban provided for in section 62, subsection 2, paragraph 1 of this Act.

Section 62e

Amount of the financial penalty

The amount of the financial penalty shall be based on an overall assessment and shall be determined taking into account:

1) the nature, extent, gravity and duration of the infringement;

2) the benefit achieved through the infringement, where this information is available;

3) action taken by the gambling operator, trader or natural person to mitigate or remedy the damage;

4) any previous infringements of the marketing provisions by the gambling operator, trader or natural person.

The financial penalty imposed on the gambling operator or trader shall not exceed four per cent of the turnover of the year preceding the end of the infringement in question; however not more than EUR 5 million. However, the financial penalty shall not be less than EUR 10,000. If the financial statements have not yet been completed at the time of the imposition of the financial penalty, if the business has only just started and no financial statements are available, or if the financial statements are not available for other reasons, turnover may be estimated on the basis of other available information.

The financial penalty to be imposed on a natural person referred to in section 62a, subsection 2, paragraph 3 shall not exceed four per cent of the person's taxable income in the tax return submitted for the year preceding the end of the infringement; however it shall not exceed EUR 40,000. However, the financial penalty shall not be less than EUR 500. If the income cannot be reliably established, it can be estimated on the basis of other available information.

Turnover above in this section refers to turnover referred to in chapter 4, section 1 of the Accounting Act (1336/1997) or corresponding turnover.

Section 62f

Non-imposition of a financial penalty

The imposition of a financial penalty shall not be proposed or a financial penalty imposed if:

1) the infringement is minor; or

2) the imposition of a financial penalty must be regarded as manifestly excessive.

A financial penalty shall not be proposed or imposed if the gambling operator, trader or natural person has taken sufficient steps to remedy the infringement immediately after its detection and the infringement is not serious or repeated.

A financial penalty shall also not be proposed or imposed if a fine has been imposed for the same infringement or an application for payment of a fine is pending.

Section 62g

Relationship to criminal procedure

A financial penalty shall not be imposed on a person suspected of the same offence in a pre-trial investigation in respect of which a prosecution of the same offence is pending or who is the defendant before a court in a criminal case relating to the same infringement. Nor shall a penalty be imposed on a person who has been convicted of the same offence in a criminal case.

If a case for the imposition of a penalty is pending for the same offence or has been resolved, criminal charges shall not be brought nor judgement given in a criminal case.

Section 62h

Imposition of a financial penalty

The penalty is imposed by the Market Court on the basis of a proposal by the National Police Board. A financial penalty may not be imposed if the National Police Board has not submitted a proposal to impose it to the Market Court within five years of the end of the infringement. Provisions on consideration of a case in the Market Court are laid down in the Market Court Proceedings Act (100/2013).

Any financial penalty is ordered to be paid to the State. The decision to impose a financial penalty may not be enforced until the decision is final.

Section 62i

Appeal against a decision of the Market Court

A Market Court decision on a financial penalty may be appealed by submitting an appeal for reconsideration to the Supreme Administrative Court without permission to appeal.

The decision of the Market Court may be challenged by the party on whom the financial penalty has been imposed.

The National Police Board may appeal against a decision of the Market Court which rejects all or part of the proposal put forward by the National Police Board.

Section 62j

Adjournment of proceedings

A court may adjourn proceedings in a financial penalty case if legal proceedings concerning the same activity are pending in another case, which may have an impact on the decision in the case of a financial penalty.

Section 62k

Enforcement and expiry of a financial penalty

The enforcement of a financial penalty shall be carried out by the Legal Register Centre. The enforcement of a financial penalty imposed under this Act is laid down in the Act on the Enforcement of a Fine (672/2002). The financial penalty shall expire five years after the date the financial penalty decision becomes final.

The financial penalty expires upon the death of the person liable for payment.

Section 62l

Prohibition on initiation and execution of a payment transaction

The National Police Board shall make available on a public data network a list of gambling operators that market gambling in violation of section 62, subsection 2, paragraph 1 of the Lotteries Act and who have been banned from providing gambling services by the National Police Board pursuant to section 62a.

A payment service provider shall not execute or initiate a gambling payment transaction where the payer is a natural person operating as a player and the payee is a gambling operator referred to in subsection 1.

The provisions of subsection 2 shall also apply to virtual currency services provided by virtual currency providers and the use of virtual currency as a medium of exchange.

Section 62m

Prohibition of initiation and execution of payment transactions

The National Police Board may prohibit the initiation and execution of gambling transactions if a payment service provider or virtual currency provider infringes the prohibition laid down in section 62l.

The prohibition may be imposed on a payment service provider or a virtual currency provider.

The ban shall be in effect for a maximum period of 12 months. The National Police Board may extend the ban by a maximum of 12 months at a time if the procedure for initiation and execution of a payment transaction has not been corrected.

Section 62n

Access to data from the payment service provider

The provisions on confidentiality notwithstanding, the National Police Board shall have the right, free of charge, to obtain from a payment service provider or virtual currency provider information about a gambling operator that is a payer or payee and the service provider that executes or initiates payment transactions on behalf of the operator.

The right of access to data shall apply to the following information, if it is available from the service providers’ systems:

1) account number;

2) industrial classification code;

3) payer identification data of the gambling entity or the service provider transmitting payments to the gambling entity;

4) the number of payment transactions;

5) information other than that referred to in points 1-4 which is necessary to monitor a prohibition on the initiation and execution of a payment transaction.

However, the National Police Board shall not have the right to obtain personal data related to individual payment transactions.

Section 64

Lottery violation

Anyone who wilfully or as a result of negligence:

1) violates the prohibition laid down in section 10 on running lotteries by offering credit;

2) violates the gambling age restrictions laid down in section 14a;

3) does not comply with the duty to prohibit entry to a casino or specific game room in the cases referred to in section 15, subsection 1;

4) violates the prohibition on participation laid down in section 27, subsection 3;

5) acts as a party responsible for the practical arrangements of a non-monetary lottery in contravention of the provisions of section 28, subsection 2;

6) performs the draw or mixing of tickets in a non-cash prize lottery contrary to the provisions of section 29, subsection 1, or does not comply with the obligation to report the result of the draw as laid down in section 29, subsection 2;

7) violates the provisions under section 16, subsection 1 on the location of slot machines; section 40 on the location of non-money prize gaming machines or the provisions under section 56, subsection 1 on the location of gaming machines or gaming equipment; or

8) violates the provisions of section 57 on payment transaction monitoring equipment;

shall be ordered to pay a fine for a *lottery violation*.

Section 66

Appeals

The Administrative Judicial Procedure Act (808/2019) provides for an appeal to the Administrative Court.

A decision on the withdrawal of a licence or amendment to the terms of the licence pursuant to this Act, the prohibition on providing gambling referred to in section 62a and the prohibition on the execution or initiation of a payment transaction referred to in section 62 m shall be complied with in spite of an appeal, unless otherwise determined by the appellate authority.

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This Act shall enter into force on 1 January 2022.

However, for gambling at a gambling location, section 14, subsection 1 shall not apply until 1 January 2023. However, in the case of slot machine gambling, section 14, subsection 1 shall apply from the entry into force of the Act. However, for the running of money lotteries other than lotteries offered online, section 14, subsection shall not apply until 1 January 2024. However, sections 62l-62n shall not apply until 1 January 2023.

Helsinki, 22 December 2021

President of the Republic

Sauli Niinistö

Minister of the Interior, Krista Mikkonen