

THE KINGDOM OF BELGIUM

FEDERAL PUBLIC SERVICE FOR JUSTICE

7 MAY 2024 - Law amending the Law of 7 May 1999 on games of chance, betting, gambling establishments and the protection of players and containing various provisions regarding gambling (1)

PHILIPPE, King of the Belgians,

To all those present and to come, Greetings.

The House of Representatives has adopted and We sanction the following:

CHAPTER 1. - *General provision*

Article 1. This Law governs a subject mentioned in Article 74 of the Constitution.

CHAPTER 2 - *Amendments to the Law of 7 May 1999 on games of chance, betting, gambling establishments and the protection of players*

Article 2. Article 4 of the Law of 7 May 1999 on games of chance, betting, gambling establishments and the protection of players, replaced by the Law of 10 January 2010, is supplemented by paragraphs 4 and 5 worded as follows:

‘§ 4. It is prohibited for any person to use, in any form, personal data not belonging to him/her for the purpose of accessing a gambling establishment or engaging in gambling.

It is prohibited for any person to make personal data available to another person in any form, knowing that such data will be used for the purpose of accessing a gambling establishment or engaging in gambling.

For the purposes of this paragraph, ‘personal data’ means personal data as defined in Article 4(1) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

§ 5. It is prohibited for any person to grant access to a gambling establishment or the practice of gambling to persons for whom such access or practice is not permitted pursuant to Article 54.’.

Article 3. Article 8/1 is inserted in the same Law as follows:

‘Article 8/1 The Consumer Mediation Service referred to in Article XVI.5 of the Code of Economic Law receives and processes requests for the out-of-court settlement of a consumer dispute relating to gambling in accordance with the provisions laid down in Section 2 of Chapter 3 of Title

3 of Book XVI of that Code.

Where the application concerns an infringement of this Law or its implementing decrees, the Consumer Mediation Service shall forward it to the Commission.’

Article 4. In Article 15(1)(4)(2) of that Law, the words ‘and in particular the register of professionals referred to in Article 55/4 and surveillance camera images placed by operators in compliance with the Law of 21 March 2007 regulating the installation and use of surveillance cameras’ are inserted between the words ‘require the communication of all documents’ and the words ‘may be useful for their investigation;’.

Article 5. In Article 15/2 of the same Law, inserted by the Law of 10 January 2010 and replaced by the Law of 7 May 2019, the following amendments are made

1) in paragraph 2(1)(3), the words ‘a person under the age of 18’ are replaced by the words ‘a person under the age of 21.’;

2) in paragraph 3(1)(2), the words ‘a person under the age of 18; ’ are replaced by the words ‘a person under the age of 21; ’.

Article 6. In Article 15/3(1) of the same Law, inserted by the Law of 10 January 2010, replaced by the Law of 7 May 2019 and last amended by the Law of 18 January 2024, the words ‘46, 54, 58, 60, 62 and the provisions adopted pursuant to those articles and Article 61(2)’ shall be replaced by the words ‘46, 58, 60, 61(2) and (3) and the provisions adopted pursuant to those articles’.

Article 7. In Article 20 of the same Law, amended by the Laws of 10 January 2010 and 18 September 2017, subparagraph 3 is replaced by the following:

‘The Commission shall receive complaints concerning the application and enforcement of this Law and its implementing decrees in accordance with the procedures to be determined by the Commission.’

Article 8. Article 24 of the same Law is replaced by the following:

‘Article 24. § 1. In order to strengthen player protection, the Commission shall meet at least once a year with the representatives of the licensees in order to learn about the perspectives and initiatives of operators in relation to behavioural addictions and on the subject of debt and the resources they dedicate to it.

This information shall be communicated in the report mentioned in Article 16.

§ 2. In matters falling within its competence, the Commission may, after consulting the Federal Public Service for Public Health, draw up common protocols for the technical and practical implementation of legal and regulatory provisions.

If, within a 30-day period, the Federal Public Service for Public Health does not send the commission any notice or request to extend the period to 60 days, the procedure shall continue without notice.

The Commission shall publish these protocols in the *Moniteur belge*’.

Article 9. Article 42/1 is inserted in the same Law as follows:

'Article 42/1. In order to remain the holder of a Class C licence, the applicant must continue to meet the conditions set out in articles 41 and 42'.

Article 10. In Article 43/1(1) in the same Law, inserted by the Law of 10 January 2010 and amended by the Law of 7 May 2019, the word 'minors' is replaced by the words 'persons under 21 years of age'.

Article 11. In Article 43/8 of the same Law, inserted by the Law of 10 January 2010 and amended by the Laws of 7 May 2019 and 28 November 2021, the following amendments are made:

1) in paragraph 2(1), point (e) is repealed;

2) paragraph 4 is supplemented by three subparagraphs, worded as follows:

'The Commission shall also keep an up-to-date list of the URLs of gambling operator websites which it finds to be offering, via information society tools, gambling in Belgium without holding a licence granted by it for this purpose. The updates of this list shall be published in the *Moniteur belge*.

URLs included in the list referred to in paragraph 2 shall be transferred to internet service providers pursuant to the Law of 13 June 2005 on electronic communications so that they can block access to them as soon as possible.

The King may lay down other arrangements relating to the list referred to in subparagraph 2'.

Article 12. In Article 44 of the same Law, as amended by the Law of 10 January 2010, the following changes shall be made:

1) the words 'and permanently bear the identification card attesting to the possession of that licence' shall be replaced by the words 'and have proof thereof permanently.';

2) in the Dutch text, the words " *in de vorm van een identificatiekaart,*" are deleted.

Article 13. In Article 47 of that Law, in 1., the words 'and the accompanying identification card' are deleted.

Article 14. In Article 54(3) of that Law, as amended by the Laws of 10 January 2010 and 17 March 2013, the following amendments are made:

1) the introductory sentence is replaced by the following:

'The holders of A, A+, B+, B+, F1+ and F2 licences shall prohibit access to the gaming halls of Class I and II gambling establishments or to Class IV gambling establishments, engaging in betting outside Class IV gambling establishments and gambling by means of information society instruments to the following persons who enter the gaming hall of the gambling establishment or wish to engage in gambling, with the exception of persons entering them for professional purposes, to whom the Commission has prohibited access:';

2) 4 is replaced as follows:

'4. persons who have a gambling addiction problem and for whom the commission has, at the request of any interested party, made an exclusion;'.

Article 15. Article 54/1, which reads as follows, is inserted in the same Law:

'Article 54/1. § 1. Holders of Class A, A+, B, B+, F1+ and F2 licences, with the exception of F2 licensees referred to in Article 43/4(5)(1) are required to identify any person who enters the gaming hall of the gambling establishment or who wishes to engage in gambling, with the exception of persons entering them for professional purposes.

The purpose of this identification is to:

- 1) verify whether the identity document presented belongs to the person referred to in subparagraph 1 who presents it
- 2) verify whether the person referred to in subparagraph 1 is authorised to access the gaming hall of the gambling establishment or to engage in gambling under Article 54(1-4).'

Where there are doubts as to the veracity or accuracy of the identification of the person, the licensee shall prohibit access to the gaming hall of the gambling establishment or engaging in gambling.

§ 2. For the purpose of the identification referred to in paragraph 1, the valid identity documents and residence documents that are admitted are as follows:

- 1) the Belgian electronic identity card;
- 2) an electronic residence permit or an electronic registration certificate;
- 3) a foreign identity card with a chip;
- 4) special electronic identity cards issued to categories of personnel working on diplomatic and consular missions and to members of their families, pursuant to the Vienna Convention of 18 April 1961 on Diplomatic Relations and the Vienna Convention of 24 April 1963 on Consular Relations and the Royal Decree of 30 October 1991 on the residence documents in Belgium of certain foreign nationals;
- 5) any other document determined by the King, provided that the royal decree is confirmed by law within six months of the publication of that decree.

For the purposes of paragraph 1(2), the person referred to in paragraph 1(1) shall be authenticated in EPIS by means of the e-ID authentication module for documents referred to in subparagraph 1 or by means of identification that meets the requirements of a substantial or high level of guarantee as defined in point 2.2 of the Annex to Commission Implementing Regulation (EU) 2015/1502 of 8 September 2015 on setting out minimum technical specifications and procedures for assurance levels for electronic identification means pursuant to Article 8(3) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market.

If identification and authentication by means referred to in subparagraphs 1 and 2 are not technically possible, only the following valid documents may be accepted:

- 1) a recognised passport or equivalent travel document;
- 2) an identity card issued by another Member State of the European Economic Area;

3) a residence permit or a certificate of registration without a chip.

The King may determine any other identity document or residence permit provided that the Royal Decree is confirmed by law within six months of the publication of such decree.

§ 3. The F2 licence holders referred to in Article 43/4(5)(1) shall verify the age of the player and authenticate it in EPIS pursuant to Article 54, by means of an appropriate computer system placed on the device and certified by an accredited body referred to Article 52(2), second indent.

The player's age is checked and authenticated in EPIS by means of a valid identity or residence document as referred to in paragraph 2(1)(1-4).

Except in the case provided for in Article 55/5(1)(2), verification of the player's age shall be automated by reading this information on one of the documents referred to in paragraph 2(1)(1-4).

The device may not be switched on if the practice of gambling is prohibited to the player pursuant to Article 54.

§ 4. At the time of the EPIS inspection, only the information that the person concerned by the verification is prohibited from gambling or excluded shall be communicated to the person authorised by the licence holder referred to in paragraph 1, responsible for that verification or in the computer application which triggers the activation of the gambling device as referred to in paragraph 3.';

Article 16. Article 55 of that Law, as amended by the Royal Decree of 4 April 2003 and by the Laws of 10 January 2010 and 30 July 2022, is replaced by the following:

'Article 55. § 1. A central system for processing information relating to the persons referred to in Article 54, known as the '*Excluded Persons Information System (EPIS)*', shall be set up at the Commission, for which it shall be the controller within the meaning of Article 4(7) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation).

The purposes of EPIS are as follows:

- 1) to allow holders of Class A, A+, B, B+, F1+ and F2 licences to ensure that persons who wish to access the gaming hall of their gambling establishment or to engage in gambling are not prohibited or excluded from gambling in accordance with Article 54(2-4);
- 2) to enable the Commission to manage requests for gambling exclusion or withdrawal of the gambling exclusion and, where appropriate, disputes relating thereto;
- 3) the investigation and detection of infringements of this Law and its implementing decrees.

§ 2. For each person referred to in Article 54(2-4), the following data shall be recorded in EPIS:

- 1) surnames and forenames;
- 2) date of birth;

3) the identification number of the National Register of Natural Persons, or if the number of the identity card issued by another Member State of the European Economic Area is not available, the passport number or, in the alternative, the Banque Carrefour identification number referred to in Article 8(1)(2) of the Law of 15 January 1990 on the establishment and organisation of a Banque Carrefour social security;

4) the reason, the start date and the end date of the exclusion.

The data referred to in subparagraph 1 shall be kept for a period of five years from the date on which the exclusion ends.

§ 3. Access to EPIS data is limited to the following persons:

1) the President of the Commission;

2) police officers referred to in Article 15(3)(1);

3) members of the Commission secretariat whose duties so require and who are appointed by the Commission.

§ 4. The King shall determine the technical and financial terms of EPIS.’;

Article 17. Article 55/2, which reads as follows, is inserted in the same Law:

‘Article 55/2. § 1. All EPIS consultations shall be stored in a log file, known as ‘Log-EPIS’, for which the committee is the controller within the meaning of Article 4(7) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

The purposes of Log-EPIS are as follows:

1) verify whether licence holders correctly fulfil their legal obligations as regards access control when entering the gaming hall of their gambling establishment or engaging in gambling

2) detect and trace any doubtful consultations of EPIS.

§ 2. For each EPIS consultation, the following data is recorded in the Log-EPIS:

1) the date and time of the consultation;

2) the data referred to in Article 55(2)(1-3);

3) the licence number of the gaming establishment from which EPIS was consulted;

4) the licence D number of the person who consulted EPIS or the identity of the person referred to in Article 55(3);

5) the result of the EPIS inspection;

6) the purpose of the consultation and, where the purpose for the consultation of EPIS is to carry out judicial police tasks to monitor compliance with this Law and its implementing decrees, the file number for which the consultation is carried out;

7) the means of identification referred to in Article 54/1(2).

The information referred to in subparagraph 1 shall be kept for a period of five years from the date of the EPIS consultation.

§ 3. Access to Log-EPIS data is limited to:

- 1) the President of the Commission;
- 2) police officers referred to in Article 15(3)(1);
- 3) members of the Commission secretariat whose duties so require and who are appointed by the Commission.’.

Article 18. Article 55/3, which reads as follows, is inserted in the same Law:

‘Article 55/3. § 1. Pursuant to Article 6.4 and Article 23.1(e), (g) and (i) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), the log-EPIS data may be subsequently processed by the Commission in order to:

- 1) allow it to verify whether a licence holder is properly fulfilling his legal obligations under Article 54;
- 2) allow it to carry out the task of player protection assigned to it by Article 54(3)(4).

§ 2. Pursuant to Article 6.4 and Article 23.1(e) and (g) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), the log-EPIS data may be subsequently processed by the Commission in order to:

- 1) to enable members of the police services, appointed by their head of corps, director or director-general on the basis of their need-to-know, to carry out the tasks referred to in Article 15 of the Law of 5 August 1992 on the police function when the investigations relate to the crimes or offences referred to in Article 90b(2-4) of the Code of Criminal Investigation. In this context, only the data referred to in Article 55/2(2)(1-3) of this Law may be disclosed;
- 2) allow the members of the investigation service of the Standing Committee P to carry out the tasks referred to in Article 16 of the Organic Law of 18 July 1991 on the Oversight of Police and Intelligence Services and the Coordinating Body for Threat Analysis;
- 3) to enable members of the Inspectorate General of the federal and local police to carry out the duties referred to in Article 4(3) and (4) of the Law of 15 May 2007 on the Inspectorate General and laying down various provisions relating to the status of certain members of the police to carry out its statutory duties.

Article 19. Article 55/4, which reads as follows, is inserted in the same Law:

'Article 55/4. § 1. The operator of a gaming hall of a Class I or II gambling establishment or of a Class IV fixed gambling establishment shall keep a register for the identification of persons who access the gaming hall his establishment for a professional reason, known as the 'register of professionals', for which he is the controller within the meaning of Article 4(7), of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation).

The purpose of the register of professionals is to enable the operator to justify why he allowed people to access the gaming hall of his gambling establishment without subjecting them to an EPIS inspection.

§ 2. For each person who accesses the gaming hall of the gambling establishment for a professional reason, the following data shall be recorded in the register of professionals:

1) surnames and forenames;

2) the reason, date and time of the visit;

3) the signature, preceded by the following: 'Access to this gambling establishment is only granted to me in the context of my professional activity and I undertake not to engage in any games of chance operated in this context'.

The information referred to in subparagraph 1 shall be kept for a period of one year.

§ 3. Access to data in the register of professionals shall be restricted to members of the Commission secretariat responsible for investigating and detecting infringements of this Law and its implementing decrees and to the police officers referred to in Article 15(3)(1).'

Article 20. Article 55/5, which reads as follows, is inserted in the same Law:

'Article 55/5. § 1. If, for any reason beyond the control of the operator, it is impossible to consult EPIS, players' data must be recorded in a separate back-up register kept by the licence holder referred to in Article 54/1(1), referred to as the 'back-up register', for which it is the data controller within the meaning of Articles 4(7), of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation).

If, for any reason, beyond the control of the operator, it is impossible to consult EPIS using the computer system referred to in Article 54/1(3), the licence holder referred to in Article 54/1(3) may turn on the device by means of an operating card after verification of the identity and age of the potential player.

The purpose of the back-up register is to allow operators of gambling establishments to subject players to an EPIS inspection as soon as the unavailability of EPIS is lifted and to exclude persons prohibited from gambling from gaming halls of gambling establishments or gambling devices.

§ 2. For each player, the data recorded in the back-up register is as follows:

1) surnames and forenames;

2) date of birth;

3) the identification number of the National Register of Natural Persons, or if the number of the identity card issued by another Member State of the European Economic Area is not available, the passport number or, in the alternative, the Banque Carrefour identification number referred to in Article 8(1)(2) of the Law of 15 January 1990 on the establishment and organisation of a Banque Carrefour social security.

§ 3. Access to data in the back-up register shall be restricted to the members of the Commission secretariat responsible for investigating and detecting infringements of this Law and its implementing decrees and to the police officers referred to in Article 15(3)(1).

§ 4. The licence holder shall immediately inform the Gambling Commission and the subcontractor chosen by the Commission to host EPIS and manage access to the EPIS system, of the impossibility of consulting EPIS.

When EPIS is again searchable, all players on the back-up register must be checked by the license holder with the date and time of the visit. If these players are excluded, it shall be immediately prohibited for them to have access to or engage in games of chance, and the Commission must be informed immediately.

After this check, the list is immediately destroyed by the license holder'.

Article 21. In Article 61(3) of that Law, inserted by the Law of 10 January 2010, the words 'and the licence holders referred to in Article 43/5(5)(1)' are inserted between the words 'of Classes I, II, III and IV' and the words 'leaflets'.

Article 22. In Article 63 of the same Law, as last amended by the Law of 10 January 2010, the words 'imprisonment for between one month and three years and a fine of between 26 francs and 25 000 francs or one of these penalties.' are replaced by the words 'a fine of between EUR 26 and EUR 120 000.'

Article 23. Article 64 of the same Law, as last amended by the Law of 18 January 2024, is replaced as follows:

'Article 64. The perpetrators of infringements of Articles 4(2)(4) and (5), 43/1, 43/2, 43/2/1 43/3, 43/4, 60, 61(2) and (3), and the decrees implementing these articles, shall be punished by a fine of EUR 26 to EUR 72 000'.

Article 24. In Article 65(2) of the same Law, the words 'a person under the age of 18.' are replaced by the words 'a person under the age of 21'.

CHAPTER 3. – Confirmation of the Royal Decree of 31 January 2024 on the contribution to the operating, staff and installation costs of the Gambling Commission due by holders of Class A, A+, B, B+, C, E, F1, F1+ and F2 licences for the calendar year 2024

Article 25. The Royal Decree of 31 January 2024 on the contribution to the operating, staff and installation costs of the Gambling Commission due by holders of Class A, A+, B, B+, C, E, F1, F1+ and F2 licences for the calendar year 2024 is hereby confirmed with effect from the date of its entry into force.

Chapter 4. – Repealing provisions

Article 26. Article 62 of the same Law, as amended by the Laws of 10 January 2010, 7 May 2019 and 30 July 2022, is repealed.

Article 27. The Royal Decree of 26 June 2002 laying down the procedures for the receipt of complaints and claims by the Gambling Commission is hereby repealed.

Article 28. The Royal Decree of 15 December 2004 on the register of access to the gaming halls of Class I and II gambling establishments and fixed Class IV gambling establishments, as amended by the Royal Decrees of 20 March 2022 and 6 September 2022, is hereby repealed.

Article 29. Articles 1–5, 6(1) and (5), 7 and 8 of the Royal Decree of 15 December 2004 on the creation of a system for processing information concerning players excluded from Class I, Class II and Class IV gambling establishments, as amended by the Royal Decrees of 20 March 2022 and 6 September 2022, are repealed.

CHAPTER 5. – *Transitional provision*

Article 30. Article 9 shall apply to all applications for licence C renewal made after this Law enters into force.

CHAPTER 6. – *Entry into force*

Article 31. For holders of an A, A+, B, B+, F1+ licence and holders of an F2 licence which allows bets to be placed on behalf of class F1 licence holders in a class IV fixed gambling establishment, articles 2, 14, 15, 16, 17, 18 and 20 shall come into force on the first day of the twelfth month following the date of publication of this Law in the *Moniteur belge*.

For holders of an F2 licence that allows bets to be placed on behalf of class F1 licence holders in a class IV mobile gambling establishment and holders of an F2 licence that allows bets to be placed outside class IV gambling establishments, articles 2, 14, 15, 16, 17, 18 and 20 come into force on the first day of the twenty-fourth month following the date of publication of this Law in the *Moniteur belge*.

Article 32. Articles 5, 10 and 24 shall enter into force on 1 September 2024.

Article 33. Articles 26, 28 and 29 shall enter into force on the first day of the twelfth month following the date of publication of this Law in the *Moniteur belge*.

We promulgate this Act, order it to bear the Seal of the State and to be published by the *Moniteur belge*.

Given in Brussels, 7 May 2024

PHILIPPE

By the King:

The Minister for Justice,

P. VAN TIGCHELT

Seal of the State:
The Minister for Justice,
P. VAN TIGCHELT

NOTE

(1) House of Representatives

(www.lachambre.be):
Documents: 55-3956

Full report: 02 May 2024