



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Single Market Enforcement
Notification of Regulatory Barriers

Uimhir an Fhógra : 2016/0523/A (Austria)

Draft Act on the activities of betting operators in the province of Salzburg (Salzburg Betting Operator Act)

An dáta ar a bhfuarthas é/í : 30/09/2016

Deireadh leis an Tréimhse Neamhghníomhaíochta : 03/01/2017 (closed)

Message

Message 002

Communication from the Commission - TRIS/(2016) 03039

Directive (EU) 2015/1535

Translation of the message 001

Notification: 2016/0523/A

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késéket - Ma' jiftaħx il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201603039.EN)

1. MSG 002 IND 2016 0523 A EN 30-09-2016 A NOTIF

2. A

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4. 2016/0523/A - H10

5. Draft Act on the activities of betting operators in the province of Salzburg (Salzburg Betting Operator Act)

6. Betting terminals (technical facilities for the electronic input and display of betting data or the transmission of betting data over a data line)

7. -



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8. The draft Salzburg Betting Operator Act 2017, which has already been notified under number 2016/160/A, has been substantially amended, meaning that a new notification has become necessary.

The key innovations of the envisaged Salzburg Betting Operator Act 2017 compared with the current legal position under the Bookmaker Act 1994 are:

- inclusion of betting agents in the scope of application of the Act;
- inclusion of internet-based activities exercised by betting agents in the scope of application of the Act;
- comprehensive regulation of provisions on betting operators' activities and duties;
- comprehensive reorganisation of the powers of authorities as regards monitoring the activities of betting operators;
- inclusion of an authorisation compatible with the Data Protection Act 2000 enabling authorities to process and transfer data.

With respect to betting terminals, the following regulations are introduced:

Betting terminals may only be established or operated where they

1. can only be operated with a card ('betting customer card'),
2. only enable permitted bets to be placed or brokered,
3. do not permit simultaneous operation by more than one person,
4. do not have any characteristics that enable a bet to be placed or brokered through a technical device other than the betting terminal,
5. include a serial number and
6. are protected against data loss in the event of power failure as well as against electromagnetic or electrostatic influences or influences caused by radio waves.

9. The activities of bookmakers and totalisators are currently regulated in the Act on the activities of bookmakers and totalisators, Provincial Law Gazette 17/1995 (hereinafter the 'Bookmaker Act 1994'). Apart from two minor amendments (Provincial Law Gazette 46/2001 and Provincial Law Gazette 51/2010), this Act has been part of the body of law and unchanged since 1994 – i.e. for more than 20 years. In view of the technical developments and options for exercising the activities of a betting operator, it is obvious that the Bookmaker Act 1994 is no longer in a position to map reality in the area of betting.

The immediate reasons for amending the Bookmaker Act 1994 are, firstly, the necessity of transposing Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC. Secondly, following the decision of the Constitutional Court of 2 October 2013 (VfSlg 19.803), the activities of betting agents need to be incorporated in the scope of application of the Act. In its decision on the issue of competence for statutory regulation of the activities of betting agents, the Court ruled in summary that the activity of referring customers to bookmakers or totalisators could not be regulated as part of unregulated trade under the provisions of the Trade Act 1994, but rather under provincial regulations.

The resulting necessity to amend the Bookmaker Act 1994 also clearly showed that it needed to be comprehensively overhauled and updated, which is why, rather than implementing a comprehensive amendment, completely new betting regulations are being introduced in the province of Salzburg in terms of both content and structure. From a legislative perspective, the regulatory techniques of the Bookmaker Act 1994 involving references to individual provisions of the Trade Act 1994 have been abandoned in favour of incorporating the regulatory content of the relevant provisions in the new Act, which – in purely formal terms – certainly increases its scope but also gives enforcement authorities and parties concerned a self-contained body of regulations.

10. No basic text(s) available.

11. No

12. -



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13. No

14. No

15. Yes

16. TBT aspect

No - the draft has no significant impact on international trade.

SPS aspect

No - the draft has no significant impact on international trade.

No - the draft is neither a sanitary nor phytosanitary measure.

European Commission

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