

**Draft Act amending the Act of 7 May 1999 on games of chance, betting, gaming establishments and the protection of players**

**CHAPTER 1 General provisions**

**Article 1**

This Act governs a subject referred to in Article 74 of the Constitution.

**CHAPTER 2 Amendments to the Act of 7 May 1999 on games of chance, betting, gaming establishments and the protection of players**

**Article 2**

Article 3 of the Act of 7 May 1999 on games of chance, betting, gaming establishments and the protection of players, as last amended by the Act of 7 May 2019, is replaced by the following:

“Article 3. The following are not games of chance within the meaning of this Act:

1. sports activities;
2. games offering the player or better the right to continue the game free of charge, up to five times;
3. the following games, provided that they require only a very limited stake and that they can only provide the player or the better with a material advantage of low value:
  - a) card or board games, except those of an automatic nature, played outside class I and II gaming establishments;
  - b) games operated in amusement parks or by showmen on the occasion of fairs, trade shows or others and on similar occasions;
  - c) games organised occasionally and not more than four times a year by a local association on the occasion of a special event or by a de facto association with social or philanthropic aims or by a non-profit association for the benefit of a social or philanthropic work.

The municipal authority may subject the games referred to in subparagraph 1, 3, to prior authorisation and non-technical operating conditions.

The King shall determine, pursuant to subparagraphs 1, 2 and 3, the conditions of the type of establishment, the type of game, the amount of the bet and the advantage that may be awarded.”.

**Article 3**

In Article 15/3 of the same Act, inserted by the Act of 10 January 2010 and amended by the Acts of 7 May 2019 and 6 December 2022, paragraph 2 is supplemented by the following subparagraph:

“When the Commission finds that a player whose age on entry has not been checked by the operator or who has been found by the operator to be under the minimum age referred to in Article 54, but has nevertheless been granted access, the Commission may decide that the full bet shall revert to that player.”.

#### **Article 4**

In Article 27 of the same Act, as amended by the Acts of 10 January 2010 and 7 May 2019, a subparagraph worded as follows is inserted between subparagraphs 1 and 2:

The accumulation of several additional licenses of separate classes transiting through information society instruments and using the same domain name and associated URLs is prohibited. It is forbidden to redirect players to games of chance covered by another licence. It is prohibited to use the same player account to participate in games of chance that are operated on the basis of different licenses. It is also prohibited to make transactions between different player accounts.”.

#### **Article 5**

Article 54(1) of the same Act, replaced by the Act of 10 January 2010 and amended by the Act of 7 May 2019, is replaced by the following:

“§ 1. Access to the gaming rooms of class I, II and IV gaming establishments shall be prohibited for persons under 21 years of age, with the exception of adult staff of gaming establishments at their workplace. Playing of games of chance in class III gaming establishments is prohibited for persons under 21 years of age. Persons under 21 years of age are prohibited from participating in authorised betting outside class IV gaming establishments. The playing of games of chance through information society instruments shall be prohibited for persons under the age of 21.”.

#### **Article 6**

In Article 60 of the Act, as amended by the Acts of 8 April 2003 and 10 January 2010, subparagraph 1 is replaced by the following:

“Subject to the exception referred to in subparagraph 2, licence holders shall be prohibited from offering travel, meals, beverages or gifts free of charge or below market prices for comparable goods and services. This prohibition shall also apply to free participations in games, gaming credits and any form of advantage offered with a view to influencing the gaming behaviour of players or attracting or retaining players.”.

#### **Article 7**

Article 61(2) of that Act, inserted by the Act of 7 May 2019, is replaced by the following:

“It is forbidden to advertise games of chance, except in cases expressly authorised by the King, by decree deliberated in the Council of Ministers.

For the purposes of subparagraph 2, “advertising” means any form of communication which directly or indirectly aims to promote games of chance or to encourage games of chance, irrespective of the place, means of communication or techniques used. The affixing of the brand name or logo, or both, shall also be regarded as advertising.”.

### **CHAPTER 3 Transitional provisions**

#### **Article 8**

The Decrees issued in implementation of Article 61, subparagraph 2, as applied before the coming into force of this Act, shall continue to apply as they were in force on the day before the coming into force of this Act until they are replaced by a new Decree issued in implementation of Article 61, subparagraph 2, as amended by this Act.

#### **CHAPTER 4 Entry into force**

##### **Article 9**

This Act shall enter into force on the first day of the sixth month following that of its publication in the Belgian Official Gazette.