



27. **Amendment to the Tyrolean Betting Operators Act**

27. Law of 5 February 2025 amending the Tyrolean Betting Operators Act

The Provincial Parliament has decided as follows:

Article I

The Tyrolean Betting Operators Act (Provincial Law Gazette (*LGBL.*) No 85/2023), last amended by the Act published in the *LGBL.* under No 85/2023, is amended as follows:

1. *In the title of the Act, in brackets after the short title ‘Tyrolean Betting Operators Act’, a dash and the following abbreviation shall be added:*

‘TWUG’

2. *Section 9 shall read:*

‘Section 9

Economic capacity

Evidence of economic capacity shall be provided through a bank guarantee or a confirmation of credit facility in the amount of at least EUR 150 000 from a financial institution domiciled in the European Union or in a state deemed equivalent under European Union law, with a validity of at least one year.’

3. *Section 13(1)(c) shall read:*

‘c) upon the expiry of the bank guarantee or confirmation of credit facility, unless a new bank guarantee or confirmation of credit facility is submitted pursuant to Section 9 before the expiry date,’

4. *In the introductory part of Section 14, the words ‘by decision’ shall be inserted after the words ‘provincial government’.*

5. *In Section 14(c), the words ‘Gambling Act’ shall be replaced by the words ‘Gambling Act’. [Corrigendum applicable exclusively to German-language version]*

6. *Section 16(2)(d) shall read:*

‘d) a bank guarantee or a confirmation of credit facility in the amount of at least EUR 150 000 from a financial institution domiciled in the European Union or in a state deemed equivalent under European Union law, with a validity of at least one year,’

7. *Section 17(2)(a) shall read:*

‘a) they can be operated solely using a card issued specifically to a particular customer (a ‘betting customer card’) or through a biometric recognition procedure,”

8. In Section 17, the following provisions shall be added as paragraphs 4, 5 and 6:

‘(4) A betting customer card may be issued by the betting operator only to individuals who have reached the age of majority.

(5) The betting customer card shall contain at least the following data:

- a) the betting customer’s forename and surname;
- b) the betting customer’s date of birth;
- c) the date of issue of the betting customer card;
- d) the name of the betting operator;
- e) a photograph of the betting customer, on which the customer is clearly identifiable.

(6) Access to a betting terminal, established by means of a biometric recognition procedure, may be granted by the betting operator only to individuals who reached the age of majority and following the setting up of a customer account. The biometric recognition procedure must ensure the unique identification of the customer by means of a biometric identifier. A fingerprint, iris recognition or facial recognition may be used as a biometric identifier.’

9. Section 18(1), first sentence shall read:

‘The betting operator shall ensure and monitor compliance with operating regulations, in particular in connection with the protection of children and young people, and with the betting rules, labelling obligations and operating hours, for each betting outlet at which betting terminals are installed and operated.’

10. Section 19(3)(c) shall read:

‘(c) a reference to the identification requirement of betting customers when placing a bet, when issuing a betting customer card, when establishing access by means of a biometric recognition procedure and when placing an online bet; in the case of bets via input devices, the reference to the identification requirement of the betting customer for bets in excess of EUR 50,’

11. Section 19(4) shall read:

‘(4) The betting rules must be displayed in a prominent location in the betting outlet or made available to betting customers in any other appropriate form. For online bets, the betting rules must be in an easily accessible place on the betting operator’s website.’

12. Section 20(1)(a) shall read:

‘a) the identity of the betting customer, the beneficial owner or the person claiming to act on behalf of the betting customer, pursuant to Section 32, in the event of a betting transaction, when placing a bet, when issuing a betting customer card, when establishing access by means of a biometric identification procedure and when placing an online bet; this shall only apply for bets placed via input devices when the bet exceeds EUR 50,’

13. Section 26(2), fourth sentence shall read:

‘For certificates issued on the basis of notifications under Section 25(c) and (e), Section 12(3) shall apply by analogy.’

14. Section 31(1)(d) shall read:

‘(d) before the withdrawal of funds stored on the betting customer card or in the name of the betting customer, or of funds that can be accessed by means of a biometric recognition procedure if the withdrawal amount is equal to or greater than EUR 2 000;’

15. Section 35(2) shall be deleted and the former paragraph 3 shall be renumbered paragraph ‘(2)’.

16. Section 36(2), second sentence shall read:

‘In the event of doubt, bets may be accepted, but the payout of winnings or of funds stored on the betting customer card or otherwise stored in the name of the betting customer must be refrained from, and the betting customer’s access to the winnings or funds must be blocked by means of a biometric recognition procedure.’

17. The following sentence is added to Section 43(1):

‘In addition, they shall be entitled to place bets free of charge to the extent necessary.’

18. Section 43(2), first and second sentences shall read as follows:

‘The power of inspection shall include checks on the equipment and programs used, and on individual pieces of equipment and program parts outside the location where they are installed. For the purpose of the checks, the operator must allow the district administrative authority’s inspection body or the experts commissioned by it to place bets free of charge, and must also open up the equipment and hand over the data carriers (circuit boards, hard drives, etc.) for the programs.

19. Section 43(4) shall read:

‘(4) The betting operator must participate in all the inspection measures referred to in paragraphs 1 and 2. In the event of the betting operator’s absence, the betting operator shall ensure that the owner of the business premises, the persons otherwise entitled to dispose of the business premises, the person responsible or their assistants pursuant to Section 18 participate in facilitating the inspection measures referred to in paragraphs 1 and 2.’

20. In Section 44(7), Section 48(1) and (2) and Section 49, the words ‘Section 47(1)(s) to (v)’ are replaced by the words ‘Section 47(1)(t) to (w)’.

21. Section 45(2) shall read:

‘(2) The bodies of the Federal Police shall cooperate in implementing Section 47(1)(a), (c), (e), (f), (h), (k), (l), (n), (o), (p), (q), (r) and (x) as auxiliary bodies of the competent administrative criminal authority by means of preventive measures against threats of administrative offences and by means of measures necessary to initiate and pursue administrative criminal proceedings.’

22. In Section 47(1), the following provision is inserted as a point (h):

‘h) contrary to Section 17(4) and (6), issues a betting customer card to a person under the age of majority or grants access to a betting terminal to a person under the age of majority by means of a biometric identification procedure,’

23. In Section 47(1), the former points h) to w) are replaced by the letter designations ‘i’ to ‘x’.

24. The current Section 47(1)(i) shall read:

‘i) contrary to Section 18(1) or (2), fails to ensure that compliance with the performance regulations is ensured and monitored and, contrary to Section 18(2), continues to operate the betting terminals at the location concerned for more than four weeks after the departure of a responsible person,’

25. Section 47(2) shall read:

‘(2) The district administrative authority shall penalise:

- a) administrative offences referred to in paragraph 1(a) to (f) and (h) to (x) with a fine not exceeding EUR 25 000;
- b) administrative offences under paragraph 1(g) with a fine not exceeding EUR 1 500.’

26. In Section 47(3) and (7), the words ‘paragraph 1(s) to (v)’ are replaced by the words ‘paragraph 1(t) to (w)’.

27. Section 47(4) shall read:

‘(4) Anyone who, without the appropriate authorisation, tolerates the exercise of an activity as a betting operator or the operation of a betting terminal by third parties in a generally accessible business premises intended for the exercise of their gainful employment or as the owner of a business premises, or the commercial placing of the bets referred to in Section 3, commits an administrative offence and is liable to a fine not exceeding EUR 25 000 handed down by the district administrative authority.’

28. Section 53(2) shall read:

‘(2) References to federal law refer to the versions cited below in each case:

1. General Civil Code – ABGB, JGS No 946/1811, last amended by the Act published in Federal Law Gazette (BGBl.) I under No 33/2024,
2. Asylum Act 2005 – AsylG 2005, BGBl. I No 100/2005, last amended by the Act published in the BGBl. I under No 67/2024,
3. Balance-Sheet Accounting Act 2014 – BiBuG 2014, BGBl. No 191/2013, last amended by the Act published in the BGBl. I under No 86/2024,

4. Criminal Intelligence Service Act – BKA-G, *BGBI. I* No 22/2022, last amended by the Act published in the *BGBI. I* under No 123/2021,
5. Financial Market Anti-Money Laundering Act – FM-GwG, *BGBI. I* No 118/2016, last amended by the Act published in the *BGBI. I* under No 98/2021,
6. Financial Penalties Act – FinStrG, *BGBI.* No 129/1958, last amended by the Act published in the *BGBI. I* under No 107/2024,
7. Trade and Industry Regulation 1994 – GewO 1994, *BGBI.* No 194/1994, last amended by the Act published in the *BGBI. I* under No 130/2024,
8. Gambling Act – GSpG, *BGBI.* No 620/1989, last amended by the Act published in the *BGBI. I* under No 3/2023,
9. Settlement and Residence Act – NAG, *BGBI. I* No 100/2005, last amended by the Act published in the *BGBI. I* under No 67/2024,
10. School Organisation Act, *BGBI.* No 242/1962, last amended by the Act published in the *BGBI. I* under No 121/2024,
11. Criminal Code – StGB, *BGBI.* No 60/1974, last amended by the Act published in the *BGBI. I* under No 135/2023,
12. Repayment Act 1972, *BGBI.* No 68/1972, last amended by the Act published in the *BGBI. I* under No 148/2021,
13. Register of Beneficial Owners Act – WiReG, *BGBI. I* No 136/2017, last amended by the Act published in the *BGBI. I* under No 179/2023,
14. Certified Public Accountancy Professions Act 2017 – WTBG 2017, *BGBI. I* No 137/2017, last amended by the Act published in the *BGBI. I* under No 86/2024.’

29. In Section 54, the following provision shall be added as paragraph 8:

‘(8) Betting customer cards already issued at the time of the entry into force of the Act published in the *LGBI.* under No 27/2025 may continue to be used. The betting customer cards referred to in Section 17(5) shall be issued from 1 June 2026.’

30. The former text of Section 56 is given the paragraph designation ‘(1)’ and the following provision is added as paragraph 2:

(2) The Act published in the *LGBI.* under No 27/2025 has been notified in accordance with the provisions of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, OJ L 241, 2015, p. 1 (notification No 2024/432/AT).’

Article II

This Act shall enter into force at the end of the day of its publication.

President of the Provincial Parliament:

Ledl-Rossmann

Governor:

Mattle

Member of the Provincial Government:

Gerber

Director of the Office of the Provincial Government:

Forster