

Consultation draft

April 2024
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No 01-VD-LG-2706/2023-

Act of,

amending the Carinthian Slot and Gaming Machines Act

The Carinthian Provincial Parliament has decided the following:

Article I

The Carinthian Slot and Gaming Machines Act – K-SGAG, Provincial Law Gazette No 110/2012, last amended by the Act published in the Provincial Law Gazette No 96/2019, is amended as follows:

1. *The table of contents is amended as follows:*

a) *The entry for § 11 is deleted.*

b) *The entry for § 14 is worded as follows:*

“§ 14 Player protection in slot machine venues”

2. *§ 2 (4) is deleted.*

3. *In § 2(6), the word sequence “or individual locations” is deleted.*

4. *§ 2 (8), second sentence is deleted.*

5. *§ 2 (9) is worded as follows:*

“(9) A gaming machine venue in the meaning of this Act is a permanent establishment intended for the installation and operation of gaming machines.”

6. *§ 2 (10) is deleted.*

7. *In the introduction to § 4(1), the word sequence “first sentence” in round brackets is deleted.*

8. *§ 7 The last sentence of the first paragraph is worded as follows:*

“A site permit is also required for gaming machine venues”.

9. *§ 7 The second sentence of paragraph 3 is worded as follows:*

“The concessions to organise gaming activities may only be granted for the installation and operation of gaming machines in gaming machine venues.”

10. *§ 7 (5) is deleted.*

11. *In § 9(1)(a), the sequence of words and signs “which pursuant to the concession certificate must be gaming machine venues or individual locations (Section 5(b))” is deleted.*

12. *§ 9 Paragraph 5(b) is deleted.*

13. *In § 9(5)(g), the word sequence “contract partners and” is deleted, and after the word “staff” the word sequence “and third parties acting on behalf of the concession holder” is inserted.*

14. *In § 9(7)(b), the word sequence “or, in the case of an individual location, the contract partners of the concession holder” is deleted.*

15. *§ 11 is deleted.*

16. § 12 (1) shall read as follows:

‘(1) The installation, operation and modification of a gaming machine require a licence from an authority. The concession holder shall notify the authority without delay of the change in the location of a gambling machine.’

17. § 12 Paragraph 3(a) and (b) are worded as follows:

- “(a) the address of gaming machine venue where the gaming machine is to be installed and operated,
- b) the name and addresses of the business manager of the gaming machine venue;”

18. In § 12(4)(b), after the sequence of words and signs “(c)” the word “and” is inserted.

19. In § 12(4)(c), the word sequence ‘if the gaming machine is installed and operated in a gaming machine venue’ is deleted and the sequence of words and signs ‘, and’ is replaced by a full stop.

20. § 12 Paragraph 4(d) is deleted.

21. In § 12(5)(a), the sequence of words and signs “in accordance with the establishment in which it is installed and operated (gaming machine venue or individual location),” is deleted; and after the word sequence “with regard to a player protection-oriented gaming sequence” the word sequence “for gaming machines in slot machine venues” is inserted.

22. In § 12(9), the word sequence “or, in the case of an individual location, for the validity period of the concession” is deleted.

23. In the introduction of § 12(10), the word sequence “or the type of establishment” is deleted.

24. In § 13(c), the word sequence “or expiry of the trade license for an individual location” is deleted.

25. The heading for § 14 is worded as follows:

“Player protection in slot machine venues”

26. In § 14(1), the sequence of words and signs “and in each establishment with individual locations where gaming machines for games of chance operated by the concession holder are installed,” is deleted.

27. § 14 (3) is deleted.

28. In § 14(6), the sequence of words and signs “The concession holder, the business manager of a gaming machine venue and the contract partner” is replaced by the word sequence “The concession holder and the management of a gaming machine venue”.

29. In § 14(8), the sequence of words and signs “or individual locations” is deleted.

30. In § 14(9), the word sequence “and all individual locations” is deleted.

31. § 14 Paragraph 10 is worded as follows:

“(10) If a justified assumption arises with a player that the frequency and intensity of participation in the game for the time period during which the game is played with this intensity and frequency might jeopardise the minimum subsistence, the concession holder shall ensure that the following procedure is followed:

- a) Information must be obtained from an independent institution that provides credit rating information (independent credit rating information);
- b) Specially trained employees shall hold a consultation with the player in which the player is educated about the risks of gambling and the possibility of jeopardising the minimum subsistence; additionally, information regarding advice centres shall be offered to this player.
- c) Subsequently, the player shall be asked whether their income or financial situation is such that their specific minimum subsistence is jeopardised as a result of participation in gaming.
- d) If the justified assumption is confirmed as a result of the consultation and player questioning regarding the possible jeopardising of their minimum subsistence that the continued participation in the gaming, unchanged with respect to frequency and intensity, would jeopardise their specific minimum subsistence or if the player refuses the consultation or information whether or not there is a risk regarding their minimum subsistence, management

is obligated to permanently or for a certain time period forbid the player access to all gaming machines for games of chance installed and operated by the concession holder or restrict the number of games.”

32. § 14 Paragraphs 11 and 12 are deleted.

33. In § 14(14), the word sequence “or if only slight negligence in fulfilling its obligations can be blamed on the concession holder” is deleted.

34. In § 14(15), the word sequences “individual location” and “or at all gaming machine venues and individual locations operated by the concession holder” are deleted.

35. In § 14(16) the word sequence “or at an individual location” is deleted.

36. In § 15(1), the word “installation” is replaced by the words “gaming machines”.

37. § 15 (2) is deleted.

38. In § 15(3), the sequences of words and signs “in game machine venues” and “a range of 82 % to 92 % in the case of individual locations” are deleted.

39. In § 15(5), the sequence of words and signs “, in the case of individual installation, also the contract partner,” is deleted.

40. In § 16(1), the word sequence “contracting partners for individual locations and” is deleted and after the word “employees” the word sequence “and third parties acting on behalf of the concession holder” is inserted.

41. In § 16(5), the sequences of words and signs “and each contract partner in whose establishment a gaming machine for games of chance is installed,” and “and each contract partner in whose establishment a gaming machine for games of chance in an individual location is installed,” are deleted.

42. § 17 Paragraph 1(a)(2) is deleted.

43. In § 17(1)(a)(3), the sequence of words and signs “(a)(2) or (b)(3)” is replaced by the sequence of words and signs “(d)”.

44. § 17 Paragraph 1(b)(2) is deleted.

45. In § 17(1)(b)(3), the sequence of words and signs “(a)(2) or (b)(3)” is replaced by the sequence of words and signs “(d)”.

46. In § 17(2), the sequences of words and signs “and for gaming machines in individual locations, the name of the contract partner,” and “or the length of time spent playing before last reaching the maximum daily playing time in accordance with Section 15(2)(g)” are deleted.

47. In § 17(4)(b), the sequence of words and signs “§ 107 of the Telecommunications Act 2003, Federal Law Gazette I No 70/2003,” is replaced by the sequence of words and signs “§ 174 2021 Telecommunications Act [Telekommunikationsgesetz 2021 – TKG 2021], Federal Law Gazette I No 190/2021,”.

48. § 17 Paragraph 5 is worded as follows:

“(5) The concession holder shall ensure that players are not allowed to participate in games by deferring gaming stakes. This shall also apply in the event that third parties are involved.”

49. After § 17(5), paragraph 5a is inserted as follows:

“(5a) The concession holder is obliged to ensure that players are not allowed to participate in the game by providing technical equipment for cash withdrawal as well as technical devices for the placing of gaming stakes by means of cashless payment in indoor and outdoor areas of the premises. This shall also apply in the event that third parties are involved.”

50. In § 18(1), the sequence of words and signs “or that are installed in establishments of contract partners (individual location)” is deleted.

51. In § 18(2)(e), the word sequence “or establishment with an individual location” is deleted.

52. In § 19(2)(a), the word sequence “or at an individual location” is deleted.
53. In § 19(2)(c), after the sequence of words and signs “(9a)(1)” the expression “FM-GwG” is inserted.
54. In § 19(2)(d), the word sequence “or at an individual location” is deleted.
55. In § 19(2)(f), the word sequence “or in locations with individual installation” is deleted.
56. In § 19a(4), the sequence of words and signs “§ 31(5) of the Gambling Act” is replaced by the sequence of words and signs “§ 31c(5) of the Gambling Act”.
57. In § 19a, the following paragraph 8 is added:
 “(8) The Provincial Government may consult the Register when exercising its supervision in accordance with § 12 WiEReG; furthermore, it must apply § 13(3) of the WiEReG.”
58. In § 20(1), the sequence of words and signs “on gaming machines (gaming machine venue or individual location)” is replaced by the word sequence “in gaming machine venues”.
59. In § 20(2), the word sequences “or a contract partner”, “or at individual locations of the contract partner” are deleted and the word sequence “and the contract partner shall” is replaced by the word “shall”.
60. In § 23(2), the sequence of words and signs “the contract partner,” is deleted.
61. In § 24(1)(c), the comma is replaced by the word “and” and the word in § 24(1)(d) “and” is deleted.
62. § 24 Paragraph 1(e) is deleted.
63. § 34 Paragraph 3(d) is deleted.
64. In § 34(3)(e), the sequence of words and signs “(a) through d” is replaced by the sequence of words and signs “(a) through (c)” and the sequence of words and signs “, a gaming machine for games of chance in an individual location in violation of Section 14(3)” is deleted.
65. § 35 shall read:

‘§ 35

Equal linguistic treatment

The personal expressions used in this Act concern all genders equally.”

66. § 36 Paragraph 2(a) and (b) is worded as follows:
 “(a) Banking Act [Bankwesengesetz – BWG], Federal Law Gazette I No 532/1993, as amended in Federal Law Gazette I No 106/2023;
 b) Federal Criminal Police Office Act [Bundeskriminalamt-Gesetz – BKA-G], Federal Law Gazette I No 22/2002, as amended in Federal Law Gazette I No 123/2021;”
67. § 36 Paragraph 2(d)–(j) is worded as follows:
 “d) Financial Markets Anti-Money Laundering Act [Finanzmarkt-Geldwäschegesetz – FM-GwG], Federal Law Gazette I No 118/2016, as amended in Federal Law Gazette I No 98/2021;
 e) 1994 Trade, Commerce and Industry Regulation Act [GewO 1994], Federal Law Gazette I No 194/1994, as amended by the publication Federal Law Gazette I No 75/2023;
 f) Gambling Act [Glücksspielgesetz – GSpG], Federal Law Gazette I No 620/1989, as amended by the publication Federal Law Gazette I No 3/2023;
 g) Criminal Code [Strafgesetzbuch – StGB], Federal Law Gazette I No 60/1974, as amended by Federal Law Gazette I No 135/2023;
 h) 1975 Code of Criminal Procedure [Strafprozeßordnung 1975 – StPO], Federal Law Gazette No 631/1975, as amended by Federal Law Gazette I No 182/2023;
 i) 2021 Telecommunications Act [Telekommunikationsgesetz 2021 – TKG 2021], Federal Law Gazette I No 190/2021, as amended by Federal Law Gazette I No 6/2024;
 j) Registration Act on Beneficial Owners [Wirtschaftliche Eigentümer Registergesetz – WiEReG], Federal Law Gazette I No 136/2017, as amended by Federal Law Gazette I No 179/2023.”

Article II
Entry into force and transitional provisions

(1) Unless otherwise specified in paragraph 2, this Act shall enter into force on the day following its publication.

(2) Regional games of chance by gaming machines in individual installations remain permitted until the end of 30 October 2025; §§ 14(10), (12) and (14), 17(1)(a)(3), 17(1)(b)(3), 17(4), 17(5a), 19(2)(c), 19a, 35, 36 and 37, as amended by Article I, must apply to this, but the provisions of the legal situation in force until the entry into force of this Act are to be applied subject to the following provisions:

- a) the confidentiality rule must also be maintained by third parties working on behalf of the concession holder; and
- b) the concession holder is obliged to ensure that players are not allowed to participate in games by deferring stakes, also in the event that third parties are involved.

(3) This Act has been subjected to an information procedure within the meaning of Directive (EU) 2015/1535 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 of 17.9.2015, p. 1 (Notification number: X).