

# Gambling Act

## Part 1

### *Purpose and scope of the Act*

**1.** The purpose of the Act is

- i) to maintain the consumption of gambling services at a moderate level;
- ii) to protect young people and other vulnerable people from being exploited through gambling or developing a gambling addiction;
- iii) to protect players by ensuring that gambling is provided in a fair, responsible and transparent manner; and
- iv) to ensure public order and to prevent gambling as a means to support crime.

**2(1).** The Act applies to gambling provided or organised, cf. subsection (3) below, in Denmark, including vessels in Danish territory. Furthermore, the Act applies to Danish vessels and foreign vessels operated in accordance with a Danish operating permit, regardless of whether the vessel is located outside of Danish territory.

(2). Irrespective of the provisions of subsection (1) above, the Act does not apply to vessels which do not call into Danish ports or fly to Danish airports.

(3). The Act does not cover land-based tournament backgammon, bank premium bond accounts, premium bonds, betting on the future value of financial assets or gambling for small amounts of money in private homes.

**3(1).** Unless otherwise follows from this Act or other legislation, the provision or organising of gambling requires a licence.

(2). No licence is required for providing or organising games when participation in such games is not subject to the payment of a stake. Payment in a guessing competition at a radio or TV show, where the guessing competition does not constitute the main element, is not regarded as payment of stake as long as the payment is made via an information and content service with embedded billing or mobile payment service that does not exceed an extra billing of DKK 5 per telephone number per day.

**4.** Licences under this Act are granted by the regulatory authority, unless otherwise appears from the individual provisions of the Act. The Minister of Taxation, or whomever the Minister authorises, shall be the regulatory authority.

Part 2  
*Definitions*

**5.** For the purposes of this Act the following terms shall have the following meanings:

- i) Gambling: Lottery, combination games and betting.
- ii) Lottery: Activities in which a participant has a chance of winning a prize and where the probability of winning is solely based on chance.
- iii) Combination games: Activities in which a participant has a chance of winning a prize and where the probability of winning is based on a combination of skill and chance.
- iv) Betting: Activities in which a participant has a chance of winning a prize and where bets are placed on the outcome of a future event or the occurrence of a particular event in the future.
- v) Class lottery: Lotteries that are subdivided into several classes with separate drawings in each class.
- vi) Pool betting: Bets where all or parts of the winnings depend on the size of the total pool of stakes or the winnings are shared between the winners.
- vii) Gaming machines offering cash winnings: Mechanical or electronic machines that may be used for games offering winnings for the player.
- viii) Online gambling: Gambling activities between a player and a gambling provider through the use of remote communication.
- ix) Land-based gambling: Gambling activities where a player is meeting physically with a gambling provider or the gambling provider's distributor.

Part 3  
*Licences for the individual types of games*

*Lottery*

**6(1).** A licence to provide lottery may be granted to Danske Spil A/S.

(2). Subject to the approval of the Minister of Taxation, the licence may in full or in parts be transferred to a fully owned subsidiary of Danske Spil A/S.

**7.** A licence cannot be granted under section 6 above for providing class lottery, land-based lottery, where participants bet on the outcome of electronically simulated sporting events,

gaming machines offering cash winnings and land-based bingo and games covered by section 14(1) below.

#### *Class lottery*

**8(1).** A licence to provide class lottery may be granted to Det Danske Klasselotteri A/S and by the Minister of Justice to Landbrugslotteriet and Almindeligt Dansk Vare- og Industrielotteri.

(2). Subject to the approval of the Minister of Taxation, the licence to Det Danske Klasselotteri A/S may be transferred to a fully owned subsidiary of Det Danske Klasselotteri A/S.

#### *The provision of other gambling activities by Danske Spil A/S and Det Danske Klasselotteri A/S*

**9(1).** Danske Spil A/S and Det Danske Klasselotteri A/S may apply for a licence to provide other gambling activities under this Act through limited liability companies on commercial terms.

(2). The regulatory authority may lay down detailed rules governing competition and accounting matters for the companies mentioned in subsection (1) above.

#### *Charity lottery*

**10(1).** A licence may be granted for lotteries organised solely for the benefit of charities or other non-profit purposes. Charity lotteries may not be organised for the benefit of political purposes.

(2). The Minister of Taxation may lay down rules governing the criteria charity lotteries must comply with to qualify for a licence, or the criteria charity lotteries must comply with to be allowed to provide charity lotteries without prior application. Furthermore, the Minister of Taxation may lay down rules governing the conduct of such lotteries.

#### *Betting*

**11(1).** A licence may be granted for the provision of betting.

(2). Such a licence may be granted for up to five years at a time.

(3). A licence cannot be granted under subsection (1) above for betting on horse or dog racing, pigeon racing and the outcome of lotteries or other randomly generated events, except for land-based betting on the outcome of electronically simulated sporting events.

(4). The Minister of Taxation may lay down rules determining that betting on certain categories of events shall not be permitted.

### *Betting on horse and dog racing*

**12.** A licence to provide betting on horse and dog racing may be granted to Danske Spil A/S.

A licence cannot be granted for betting with fixed odds on horse and dog racing.

(2). Subject to the approval of the Minister of Taxation, the licence may in full or in parts be transferred to a fully owned subsidiary of Danske Spil A/S.

### *Local pool betting*

**13(1).** A licence may be granted to provide local pool betting on cycle racing on tracks, dog racing on racecourse, pigeon racing and horse racing.

(2). A licence may be issued for up to three years and for a specified number of days during the individual years.

(3). When the event on which a bet is placed takes place on a closed track, the stakes can only be paid within the track area and in direct connection with the event. When the event on which a bet is placed does not take place on a closed track, the stakes can only be paid at a place approved by the police and only on the actual date of the event, and with permission of the police on the preceding day.

### *Land-based casinos*

**14(1).** A licence may be granted for the establishment and operation of land-based casinos. Land-based casinos may provide roulette, baccarat, punto banco, blackjack, poker and gambling on gaming machines offering cash winnings.

(2). Such a licence may be granted for up to ten years at a time.

(3). Licences may be granted for other types of gambling activities, and licences may be limited to one or more types of gambling activities.

**15.** Land-based casinos must be accessible to the public and only to persons above the age of 18 years.

**16.** Gaming machines offering cash winnings in land-based casinos shall offer actual cash winnings or vouchers which can be exchanged for cash.

**17.** The Minister of Taxation may lay down detailed rules governing land-based casinos' use of tokens, admission requirements, entrance fee and opening hours, safety, staff, financial statements and audit, supervision of the casino's games and measures for preventing money laundering.

### *Online casino*

**18(1).** A licence may be granted for the operation of online casinos. Online casinos may provide roulette, baccarat, punto banco, blackjack, poker and gambling on gaming machines offering cash winnings in an online casino.

(2). Such a licence may be granted for up to five years at a time.

(3). Licences may be granted for other types of gambling activities, and licences may be limited to one or more types of gambling activities.

### *Gaming machines offering cash winnings in gaming machine arcades and restaurants*

**19(1).** A licence may be granted for installation and operation of gaming machines offering cash winnings in gaming machine arcades and in restaurants having a licence to serve alcoholic beverages.

(2). A licence cannot be granted to install more than three gaming machines offering cash winnings in restaurants.

**20.** In a gaming machine arcade no other gambling activities may be provided and no other business activities may be carried out other than the provision of gambling on gaming machines offering cash winnings. The sale of sweets, snacks and beverages, except for strong drinks, may take place provided that this sale is not covered by the Act on Catering and Licences to Serve Alcoholic Beverages etc. Gaming machines not offering cash winnings may not be installed in gaming machine arcades.

**21.** Gaming machines offering cash winnings installed in gaming machine arcades or in restaurants shall offer cash winnings or vouchers which can be exchanged for cash.

**22.** Persons under the age of 18 shall not be permitted access to gaming machine arcades and shall not use gaming machines offering cash winnings in restaurants.

**23(1).** Gaming machine arcades shall be staffed during opening hours.

(2). The staffing shall be headed by the licence holder, the manager or by a person employed by the licence holder or the manager who is present in the gaming machine arcade or an adjoining room from which there is direct access to the gaming machine arcade.

### *Pyramid schemes*

**24.** Pyramid schemes are prohibited. A pyramid scheme is an arrangement of a pyramidal nature where:

i) participation requires a stake in the form of money or other economic values;

- ii) the participants are offered the prospect of a financial gain and
- iii) such gain primarily originates from the participants' stakes as new participants join the scheme.

#### Part 4

##### *Criteria for providing games*

**25(1).** A licence to provide and organise games may be granted to persons and companies, etc. (legal persons), unless otherwise appears from this Act, cf. subsection (2) below.

(2). A licence to provide and organise local pool betting on cycle racing on tracks, dog racing on racecourse and pigeon racing, cf. section 13 above, can only be granted to companies, etc. (legal persons) which are organisers of cycle racing on tracks, dog racing on racecourse or pigeon racing and which are members of the relevant sport's central organisation or association. A licence for local pool betting on horse racing, cf. section 13 above, can only be issued to associations which have held such a licence for a number of years.

26(1). A licence to provide and organise games can only be issued to persons, who

- i) have attained the age of 21;
- ii) are not under guardianship in pursuance of section 5 of the Guardianship Act and for whom a surrogate decision-maker has not been designated in pursuance of section 7 of the Guardianship Act;
- iii) have not filed for reconstruction, bankruptcy or debt restructuring or is under reconstruction, bankruptcy or debt restructuring;
- iv) have not been convicted of a criminal offence that gives reason to believe that there is a clear risk of abuse of the access to work with gambling; and
- v) do not have unpaid, outstanding debt to the public sector.

(2). A licence to provide and organise gambling can only be granted to persons who are not residents of Denmark or another EU or EEA country, if the applicant has appointed an approved representative, cf. section 30 below.

**27(1).** A licence to provide and organise gambling can only be granted to companies, etc. (legal persons) which are established in Denmark or in another EU or EEA country, cf. subsection (2) below.

(2). A licence to provide and organise games may be granted to companies, etc. (legal persons) which are not residents of Denmark or another EU or EEA country, if the applicant has appointed an approved representative, cf. section 30 below.

**28(1).** It is a condition for obtaining a licence that companies, etc. (legal persons) comply with the conditions in section 26(1) (iii)-(v) above and that members of the board of management and the board of directors fulfil the conditions in section 26(1) (i)-(v). If a new member joins

the board of directors or a new executive officer is employed for the board of management, the regulatory authority shall be notified within fourteen days.

(2). The regulatory authority may decide that a member of the board of directors or the board of management in companies, etc. (legal persons) shall retire from the board of directors or the board of management if such member has been convicted of a criminal offence that gives reason to believe that there is a clear risk of abuse of the access to work with gambling or has unpaid, outstanding debt to the public sector in excess of DKK 100,000.

(3). Members of the board of directors or the board of management in companies, etc. (legal persons) shall retire from the board of directors or the board of management if the member no longer fulfils the conditions stipulated in section 26(1)(ii) and (iii).

**29(1)**. A licence to provide and organise gambling can only be granted to applicants that are assumed to be able to carry out gambling activities in a sound financial and professional manner.

(2). A licence cannot be granted if the conduct of the applicant, members of the board of directors or the board of management or others who can exert a decisive influence on the operation of the enterprise have behaved in such a way that there is reason to believe that the enterprise will not be operated in an acceptable manner.

**30(1)**. An appointed representative, cf. section 26(2) and section 27(2) must be approved by the regulatory authority. If the representative is a person then the representative shall fulfil the conditions stipulated in section 26(1) and shall be a resident of Denmark. If the representative is a company, etc. (legal person) then the representative shall fulfil the conditions stipulated in section 26(1) (iii)-(v) and shall be established in Denmark.

(2). The representative shall be authorised to represent the licence holder in relation to the authorities and in legal proceedings as well as criminal proceedings.

(3). The approval of a representative may be revoked if the representative has been convicted of a criminal offence that gives reason to believe that there is a clear risk of abuse of the access to work with gambling, if the representative has unpaid outstanding debt to the public sector in excess of DKK 100,000 or if the representative is no longer a resident of Denmark or established in Denmark.

(4). The approval of a representative shall be void if the representative no longer fulfils the conditions in section 26(1) (ii) or (iii).

**31**. When determining whether to grant a licence to establish and operate land-based casinos or to install gaming machines offering cash winnings in gaming machine arcades, emphasis may be attached to the maintenance of public order and the size and location of the gambling establishment.

**32.** Conditions may be stipulated for licences issued under this Act.

#### Part 5

##### *Duty of disclosure, sale and marketing*

**33.** The licence holder shall make all relevant information about the gambling activities, including rules of the game, easily accessible to the player and the authorities.

**34(1).** Acceptance of stakes in gambling activities from persons under the age of 18 and other promotion of such persons' participation in gambling activities is not permitted; cf. subsections (2) and (3) below.

(2). The provision in subsection (1) above shall not apply to the provision of charity lotteries, cf. section 10.

(3). In the case of land-based lottery and class lottery, cf. section 6 and section 8 above, acceptance of stakes from persons who have attained the age of 16 and other promotion of such persons' participation in the lottery shall be permitted.

**35.** The licence holder shall not extend credit to the player for participation in gambling activities.

**36(1).** The marketing of gambling activities:

- i) shall present the chance of winning in a correct and balanced manner that does not create an impression that the chance of winning is greater than it actually is;
- ii) shall focus on gambling as a form of entertainment;
- iii) shall not aim at children and young people under the age of 18, neither in its communication form nor in the choice of media;
- iv) shall not by using well-known personalities suggest that participation in gambling activities has contributed to their success when that is not true; and
- v) shall not have a content that conveys the impression that participation in gambling activities helps provide a solution to financial problems or improves the player's social acceptance.

(2). The Minister of Taxation may lay down detailed rules governing the marketing of gambling activities.

#### Part 6

##### *Approval of managers and staff*

**37.** The day-to-day operation of land-based casinos, gaming machine arcades with gaming machines offering cash winnings and shops providing lotteries or betting must be conducted by the licence holder or an appointed manager, cf. sections 6, 11 and 12 above.



**38(1).** The manager, cf. section 37 above, shall be approved by the regulatory authority prior to employment. It is a condition for obtaining such approval that the manager fulfils the conditions stipulated in section 26(1) (i), (ii) and (iv).

(2). The manager cannot be approved if the manager or others who can exert a controlling influence on the manager's work has behaved in such a way that it gives reason to assume that the gambling establishment will not be operated in an acceptable manner.

(3). An approved manager shall notify the regulatory authority if he no longer fulfils the condition stipulated in section 26(1)(ii).

(4). The approval of a manager may be revoked if the manager no longer fulfils the condition in subsection (2) above or has been convicted of a criminal offence that gives reason to believe that there is a clear risk of abuse of the access to work with gambling.

(5). An approval of a manager shall be void if the manager no longer fulfils the condition stipulated in section 26(1) (ii).

**39(1).** An employee at a land-based casino shall be approved by the regulatory authority prior to the employment. It is a condition for obtaining such approval that the employee has attained the age of 18 and fulfils the conditions stipulated in section 26(1) (i), (ii) and (iv).

(2). An employee cannot be approved if the conduct of the employee or others who can exert a controlling influence have behaved in such a way that it gives reason to assume that the employee will not carry out his work in an acceptable manner.

(3). An approved employee shall notify the regulatory authority if he no longer fulfils the condition stipulated in section 26(1)(ii).

(4). The approval of an employee may be revoked if the employee no longer fulfils the condition in subsection (2) above or has been convicted of a criminal offence that gives reason to believe that there is a clear risk of abuse of the access to work with gambling.

(5). An approval of an employee shall be void if the employee no longer fulfils the condition stipulated in section 26(1) (ii).

**40.** Employees of shops which mainly deal with lotteries and betting and employees at gaming machine arcades with gaming machines offering cash winnings shall have attained the age of 18.

Part 7  
*Administrative provisions*

**41.** The Minister of Taxation lays down detailed rules regarding the gambling activities and the conduction of such, including rules for stakes and winnings in the gambling activities, payback percentages, control measures necessary for implementation of the Act, approval and location of technical equipment used to provide gambling activities, information obligations, registration of players, storage of data, measures to protect the players' money, appeals processing requirements, participation in gambling activities by employees of the licence holder and detailed rules regarding transmission of payments in connection with stakes and winnings to and from an illegal provider of gambling activities.

(2). The Minister of Taxation may lay down rules with the aim to comply with or apply the EU Community legislation on matters covered by this Act.

**42(1).** To apply for a licence to provide betting, cf. section 11 above, or online casino, cf. section 18 above, the applicant shall pay a fee of DKK 250,000 (2010 level) to the regulatory authority, cf. subsection (5). The fee shall be paid no later than the time of the applicant's submission of the application.

(2). The applicant shall pay a total fee for submitting an application for a licence to provide both betting and online casino of DKK 350,000 (2010 level) to the regulatory authority, cf. subsection (5). The fee shall be paid when the application is submitted.

(3). For licences issued to provide betting or online casino, a fee dependent on the taxable gambling income for the calendar year shall be payable, see sections 6 and 11 of the Gambling Duties Act, to the regulatory authority, cf. subsection (5). The fee must be paid no later than one month after the licence enters into force and according to the following scale:

<b>Size of gambling income</b>	<b>Fee</b>
Under DKK 5,000,000.	DKK 50,000.
DKK 5,000,000 to DKK 10,000,000.	DKK 250,000.
DKK 10,000,000 to DKK 25,000,000.	DKK 450,000.
DKK 25,000,000 to DKK 50,000,000.	DKK 650,000.
DKK 50,000,000 to DKK 100,000,000.	DKK 850,000.
More than DKK 100,000,000.	DKK 1,500,000.

(4). If the realised gambling income exceeds the basis upon which a fee has been paid under subsection (3), an amount corresponding to the difference between the fee paid and the actual fee due will be charged. The fee must be paid no later than one month after the fee was charged. If the realised gambling income for a calendar year is lower than the basis for the fee

paid in pursuance of subsection (3), an amount corresponding to the difference between the fee paid and the actual fee due will be refunded.

(5). Licences granted for up one year, which are issued for the provision of betting or online casino and where the taxable gambling income does not exceed DKK 1,000,000, a fee of DKK 50,000 must be paid to the regulatory authority to cover the total costs of processing the application, issuing the licence and supervision of the licence holder. The fee shall be paid no later than the time of the applicant's submission of the application. If the application is rejected, DKK 25,000 is returned to the applicant. The amount is regulated in accordance with the Act on Income Tax for Persons etc.

(6). The Minister of Taxation may lay down rules governing the payment of fees for processing applications and issuing licences and annual fees to cover costs associated with the administration of licences, supervision of the licence holder and monitoring of the gambling market in order to prevent the provision, organisation or promotion of participation in gambling activities in Denmark without a licence in pursuance of this Act.

(7). The fees referred to in subsections (1)-(3) and (5) shall be adjusted in accordance with section 20 of the Act on Income Tax for Persons etc.

**43(1)** Licence holders providing betting, cf. section 11 above, or online casino, cf. section 18 above, shall prepare a report one year after commencement. The report shall explain whether or not the licence holder has provided gambling activities in compliance with the conditions stipulated for the licence during the past year. Such a report shall be prepared by an enterprise approved by the regulatory authority. The regulatory authority shall receive the report no later than 14 months after the date on which the licence was issued.

(2). Licence holders providing betting, cf. section 11 above, or online casino, cf. section 18, shall after the first year publish an annual account including the enterprise's key figures and a report on how the licence holder has complied with the legislative requirements, such a report shall be published no later than two months after the close of each financial year.

## Part 8

### *Revoking and voiding of licences*

**44(1)**. The regulatory authority may revoke a licence to provide gambling activities if the licence holder or his representative:

- i) is guilty of gross or repeated violation of this Act, secondary legislation established in accordance with this Act or terms of the licence;
- ii) has been convicted of a criminal offence that gives reason to believe that there is a clear risk of abuse of the access to work with gambling activities;
- iii) no longer complies with the condition in section 29 above;
- iv) grossly or repeatedly fails to report duties in pursuance of the Gambling Duties Act, cf. sections 21-25;

- v) grossly or repeatedly fails to pay outstanding duties or does not provide security, cf. the Gambling Duties Act and the Act on the Collection of Taxes and Duties etc.;
- vi) fails to pay outstanding fees pursuant to rules stipulated in pursuance of section 42;
- vii) has unpaid outstanding debt to the public sector in excess of DKK 100,000; or
- viii) has not applied for registration of the enterprise with the customs and tax administration within four weeks after the licence was granted, cf. the Gambling Duties Act.

(2). Furthermore, a licence to provide gambling activities may be revoked if the licence holder's provision or organisation of gambling activities causes significant disturbance of public order.

**45(1).** A licence to provide gambling activities is void if:

- i) the licence holder notifies that he no longer wishes to provide gambling activities;
- ii) the provision of gambling activities has not been commenced within 12 months after the licence was granted by the regulatory authority;
- iii) gambling activities are not provided for a continuous period of more than six months, unless the provision is seasonal;
- iv) if the licence holder dies or no longer fulfils one of the conditions in section 26(1) (ii) or (iii); or
- v) the Bankruptcy Court, upon request from the Commerce and Companies Agency, has ordered that the enterprise be compulsorily dissolved.

(2). Regardless of subsection (1)(iv) above, in case of death the estate or spouse retaining undivided possession of the estate, a licence holder who is under reconstruction, the insolvent estate of the licence holder or a guardian for a licence holder under guardianship in pursuance of section 5 or section 7 of the Guardianship Act may continue to provide gambling activities for the purpose of winding-up, if notice is given to the regulatory authority no later than 14 days after the death of the licence holder, initiating reconstruction, the issue of the insolvency order or implementation of the guardianship. Permission is only granted for six months after the event which caused the voiding of the licence.

(3). A licence to provide gambling on gaming machines offering cash winnings in a restaurant shall expire if the licence to serve alcoholic beverages is suspended or voided.

## Part 9

### *Supervision and disclosure of information*

**46(1).** The regulatory authority supervises the compliance with this Act, secondary legislation established in accordance with this act and the terms of the licence, cf. subsection (2).

(2). The Minister of Justice supervises the compliance of Landbrugslotteriet and Almindeligt Dansk Vare- og Industrilotteri with this Act, secondary legislation established in accordance with this act and the terms of the licence.

**47(1).** Without a court order and upon showing legitimate identification the regulatory authority has at any time the jurisdiction to inspect premises used by the licence holder in relation to provision and organisation of gambling activities and to inspect their technical equipment and accounting records and associated documents that may be of relevance to the inspection, no matter if these are available as hardcopy or in electronic form.

(2). The licence holder and his employees shall provide the necessary instructions and assistance to the regulatory authority in connection with the inspection.

(3). The regulatory authority may order the licence holder to disclose information about the gambling activities and request submission of the material mentioned in subsection (1) above.

(4). Third party suppliers of equipment used for the provision of gambling activities shall provide the regulatory authority with information regarding their deliveries to the licence holders covered by this Act.

**48.** The police will provide assistance to the regulatory authority in connection with inspections under section 47(1). After consultation with the Minister of Justice, the Minister of Taxation may lay down detailed rules in this regard.

**49(1).** The regulatory authority may exchange necessary information with the customs and tax administration, other public authorities as well as foreign authorities for the purpose of supervision carried out by the respective authorities regarding enterprises etc. covered by the Act. Such information may be supplied in electronic form and may be subject to integration of registers and comparison of information for control purposes.

(2). The Minister of Taxation may lay down detailed rules governing the exchange of such information. The regulatory authority and the customs and tax administration may perform integration and comparison.

#### *Part 10*

##### *Complaints about decisions made by the regulatory authority*

**50.** In case of complaints about decisions made by the regulatory authority, the decision may be appealed to the National Tax Tribunal. Section 13(3) of the Tax Administration Act shall also apply to complaints about decisions made by the regulatory authority.

**51(1).** Complaints about decisions made by the regulatory authority to revoke licences to provide gambling activities, cf. section 44(1) (i)-(iii) above, will act as a stay of execution unless the National Tax Tribunal decides otherwise.

(2). Complaints about decisions made by the regulatory authority regarding revoking of licences to provide gambling activities, cf. section 44(1) (iv)-(viii) and section 44(2) above, will not act as a stay of execution. However, the National Tax Tribunal may decide that a complaint

will act as a stay of execution in special circumstances. The decision of the National Tax Tribunal may be made by the presiding judge, a chairman or a head of division of the National Tax Tribunal.

**52.** Complaints about decisions made by the regulatory authority regarding revoking of approvals by a manager or an employee; cf. section 38(4) or section 39(4) above, will act as a stay of execution, unless the National Tax Tribunal decides otherwise.

**53(1).** Complaints about decisions made by the regulatory authority to revoke the approval of a representative because the representative has been convicted of a criminal offence that gives reason to believe that there is a clear risk of abuse of the access to work with gambling activities or the representative is no longer a resident of Denmark or established in Denmark, cf. section 30(3), will act as a stay of execution, unless the National Tax Tribunal decides otherwise.

(2). Complaints about decisions made by the regulatory authority to revoke the approval of a representative because the representative has unpaid, outstanding debt to the public sector in excess of DKK 100,000 will not act as a stay of execution. However, the National Tax Tribunal may decide that a complaint will act as a stay of execution in special circumstances. The decision of the National Tax Tribunal may be made by the presiding judge, a chairman or a head of division of the National Tax Tribunal.

**54(1).** Complaints about decisions made by the regulatory authority that require members of the board of directors or the board of management to retire because the member has been convicted of a criminal offence that gives reason to believe that there is a risk of abuse of the access to work with gambling activities, cf. section 28(2), will act as a stay of execution, unless the National Tax Tribunal decides otherwise.

(2). Complaints about decisions made by the regulatory authority that require members of the board of directors or the board of management to retire because the member has unpaid, outstanding debt to the public sector in excess of DKK 100,000 will not act as a stay of execution. However, the National Tax Tribunal may decide that a complaint will act as a stay of execution in special circumstances. The decision of the National Tax Tribunal may be made by the presiding judge, a chairman or a head of division of the National Tax Tribunal.

## Part 11

### *Judicial review*

**55.** Decisions made by the regulatory authority or the National Tax Tribunal cannot be brought before a court of law three months after the decision was made. If a decision is not brought before a court of law within that period, the decision shall be deemed to be final and conclusive.

**56.** In case of a judicial review of decisions regarding revoking of licences to provide gambling activities or approval as a representative, manager or employee, sections 51-54 shall also apply.

**57.** A ruling to revoke a licence to provide gambling activities or the approval of a manager or employee may stipulate that an appeal will not act as a stay of execution.

**58.** The person or company which the licence concerns may demand that a decision for revoking a licence to provide gambling activities, cf. section 44(1) (i)-(iii), be brought before a court of law. This does, however, not apply to decisions regarding licences for charity lotteries and local pool betting. A request for a judicial review shall be submitted to the regulatory authority within four weeks after notice about the decision was given to the person or company in question. The regulatory authority will initiate proceedings against the licence holder pursuant to the rules of civil procedure.

## Part 12

### *Penalty provisions*

**59(1).** Anyone who intentionally or by gross negligence provides or organises gambling activities in Denmark without a licence under this Act shall be liable to a fine or imprisonment for up to six months.

(2). Anyone who intentionally or by gross negligence promote participation in gambling activities without a licence, cf. subsection (1) above, shall be liable to a fine.

(3). In aggravating circumstances, especially in case of repeated offenses or when the offence is of a particularly extensive nature, the penalty under subsection (1) may be increased to imprisonment for one year.

(4). Unless a higher penalty is incurred in pursuance of other legislation, anyone who provides pyramid schemes, cf. section 24 above, shall be liable to a fine, imprisonment for up to four months or, in aggravating circumstances, to imprisonment for up to two years. The criminal liability under the first sentence shall also apply to provision of pyramid schemes abroad if the provider and the persons to whom such schemes are provided are resident in Denmark.

(5). The penalty of a fine shall, unless a higher penalty is incurred in pursuance of other legislation, be imposed on anyone who intentionally or by gross negligence:

- i) violates section 13(3), section 15, section 16, section 20, section 21, section 22, section 23, section 28(1) 2nd sentence and (3), section 30, section 34(1) and (3), section 35, section 36(1), section 37, section 38(1) and (3), section 39(1) and (3), section 40, section 43, section 47(2)-(4);
- ii) provides premises for gambling activities that are not authorised under this Act;
- iii) disregards conditions stipulated in pursuance of section 32 above;
- iv) advertise for gambling providers that does not hold a licence under this Act;

v) for business purposes promote participation in gambling activities for which a licence is granted under this Act without the approval of the licence holder; or  
vi) makes a living by gambling activities for which a licence has not been granted.

**60.** Regulations issued in pursuance of the Act may stipulate a penalty in the form of a fine for anyone who intentionally or by gross negligence violates provisions of such regulations.

**61.** Companies etc. (legal persons) may incur criminal liability in pursuance of the rules of Part 5 of the Criminal Code.

**62.** When determining a fine in pursuance of section 59(1), (2), (4) and (5) above, the revenue of the enterprise shall also be taken into consideration in addition to the general principles of the Criminal Code. When determining a fine, including a supplementary fine, special consideration shall be given to the size of the economic benefit achieved or intended.

**63(1).** If a violation is deemed not to result in a sanction more severe than a fine, the Minister of Taxation, or whomever the Minister authorises, may declare that the case can be settled without legal prosecution if the person in question pleads guilty of the offence and accepts to pay the fine stated in the declaration within a specified period, which may be extended upon request.

(2). With regard to the declaration mentioned in subsection (1) above, the provisions of the Administration of Justice Act shall apply in relation to the contents of indictments and the right to remain silent.

**64.** The regulatory authority may, in direct relation to determining a fine or passing a sentence for violating this Act or provisions laid down in pursuance of this Act or the licence conditions, stipulate new conditions or change conditions already stipulated which are found necessary to prevent further violations.

**65(1).** Transmission of payments of stakes and winnings to and from an illegal provider of gambling activities as well as transmission of information via a communication network to an illegal gambling system is not permitted.

### Part 13

#### *Entry into force and interim provisions*

**66(1).** The Minister of Taxation shall decide the date of commencement of this Act; cf. subsections (2) and (3).

(2). The Minister of Taxation shall determine the time of commencement of section 69.

(3). The regulatory authority may from the day after publication of this Act in the Danish Law Gazette process applications and make decisions on the issuing of licences. To apply for a



licence to provide betting, cf. section 11 above, or online casino, cf. section 18 above, the applicant shall pay a fee of DKK 250,000 (2010 level) to the regulatory authority. The applicant shall pay a total fee for submitting an application for a licence to provide both betting and online casino of DKK 350,000 (2010 level) to the regulatory authority. The fee shall be paid no later than when submitting the application. Issued licences cannot commence before 1 January 2011.

(4). Complaints about a decision regarding the issuing of licences, cf. subsection (3) above, may be appealed to the National Tax Tribunal. Section 13(3) of the Tax Administration Act shall also apply to complaints about decisions made by the regulatory authority.

**67.** The following acts shall be repealed when this Act commences:

- i) Act No. 273 of 17 April 2008 on certain Games, Lotteries and Betting.
- ii) Act No. 820 of 26 June 2006 on Gaming Machines Offering Cash Winnings.
- iii) Act No. 22 of 16 January 2006 on Totalisator Betting.
- iv) Act No. 901 of 12 November 2003 on Det Danske Klasselotteri A/S.
- v) The Act of 6 March 1869 on the Class Lottery and a Prohibition against Other Lotteries etc.
- vi) Act No. 861 of 10 October 1994 on Casinos.
- vii) Act No. 63 of 1 April 1913 on Restrictions in the Access to Sell Lottery Tickets etc.

**68(1).** The following amendment shall be made in the Act on Public Collections and Pyramid Schemes, i.e. Consolidation Act No. 555 of 6 June 2006:

1. Section 5A and section 6(2) and (3) shall be repealed.

**69.** The Act on Certain Games, Lotteries and Betting, cf. Consolidation Act No. 273 of 17 April 2008 as amended by section 16 in Act No. 521 of 12 June 2009, shall be amended as follows:

**1.** In section 10 there shall be inserted as subsection (8):

"(8). When determining a fine in pursuance of subsections (1), (2) and (4) above, the revenue of the enterprise shall be taken into consideration, in addition to the general principles of the Criminal Code. When determining a fine, including a supplementary fine, special consideration shall be given to the size of the economic benefit achieved or intended."

**2. 01.** Section 15 shall have the following wording:

»15(1) Transmission of information via a communication network to an illegal gambling system is not permitted. ««

**3.** Section 17 shall have the following wording:

"**17.** Section 10(2) and (8) and sections 11 and 12 shall not extend to the Faroe Islands and Greenland".

**70.** The following amendments shall be introduced into Act No. 1504 of 27 December 2009 on Public Gambling in the Form of Tournaments:

**1.** The *heading* of Part 5 shall have the following wording: "**Supervision, control and complaints**"

**2.** After section 25 there shall be inserted the following in *Part 5*:

"**25 a.** In case of complaints about decisions made by the supervisory authority, section 50 of the Gambling Act shall also apply."

**71.** Licences to provide and organise gambling activities issued before the commencement of the Act shall remain valid after the commencement of the Act.

**72(1).** Persons who have been approved as employees in a casino, as managers of a gaming machine arcade with gaming machines offering cash winnings or as a member of the board of management or the board of directors of a company that holds a licence to provide gambling on gaming machines offering cash winnings prior to commencement of the Act shall not be required to apply for a licence again.

(2). Persons who manage a shop which provides lotteries or betting prior to commencement of the Act shall not be required to apply for approval.

(3). Section 40 of the Act shall not apply to persons who are employed in a shop which primarily provides lotteries or betting prior to commencement of the Act.

**73.** On 1 January 2011 the municipal employees who are solely or principally engaged in the supervision of casinos shall be transferred to the Ministry of Taxation.

**74.** The duties and rights stipulated in the Act on the Legal Position of Employees in relation to the Transfer of Enterprises shall also apply to staff employed under a collective agreement, conditions regarding pay and working conditions stipulated or approved by a public authority, or an individual agreement which in relation to the transfer pursuant to section 73 are not covered by the Act on the Legal Position of Employees in relation to the Transfer of Enterprises.

**75(1).** Civil servants transferred in pursuance of section 73 will be transferred to employment by the State on terms otherwise corresponding to their current terms.

(2). Civil servants covered by subsection (1) above receive their entire civil service pension from the State when retiring.

(3). The Minister of Finance shall after consultation with the Minister of Interior and Health lay down rules governing the calculation and any distribution between the previous and the new authority of employment with regard to the pension obligation for civil servants transferred in pursuance of section 73.

(4). The Minister of Finance shall after consultation with the Minister of Interior and Health lay down rules regarding calculation, administration, refund, audit etc. of the pensions under subsections (2) and (3) above.

(5). The Minister of Finance shall make a decision on any questions in pursuance of subsections (3) and (4) above.

(6). Subsections (2)-(5) above shall also apply to employees with a pension scheme which essentially gives them the same rights as the pension schemes of the civil servants.

**76.** The Act shall not extend to the Faroe Islands and Greenland.

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**[1]** The Act has been notified in pursuance of Directive 98/34/EC of the European Parliament and of the Council (the Information Procedure Directive) as amended by Directive 98/48/EC.

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