

## **Executive Order on the Provision of Online Betting<sup>1</sup>**

The following is hereby laid down pursuant to Sections 11(4), 36(2), 41(1) and 60 of Act No. 848 of 1 July 2010 on gaming:

### Chapter 1

#### *Scope*

**Section 1.** This Executive Order shall apply to betting offered online; cf. Section 11 of the Act on gaming.

*Paragraph 2.* Permits to offer betting, as mentioned in Section 42(5) of the Act, are not covered by this Executive Order.

### Chapter 2

#### *Registration of players*

**Section 2.** In order to bet with a licence holder, a player shall be registered as a customer of the licence holder. ‘Licence holder’ means a person in possession of a licence to offer betting.

*Paragraph 2.* Only natural persons may be registered as customers.

*Paragraph 3.* The licence holder must know the customer in accordance with paragraphs 4-5 and Sections 3 and 4.

*Paragraph 4.* The licence holder shall obtain information concerning the customer’s identity, including name, address and ID number, or other similar information if the person in question does not have an ID number. The information obtained shall be verified by means of the necessary documentation. The scope of the documentation shall be determined on the basis of a risk analysis, so that the licence holder is sure that the customer is the person who the customer claims to be.

*Paragraph 5.* The licence holder shall make registration as a customer conditional upon the customer acting exclusively on his own behalf.

*Paragraph 6.* In the event of any doubt as to whether information obtained previously concerning the customer’s identity is adequate, further proof of identity shall be requested.

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<sup>1</sup> Notification of the draft Executive Order has been sent in accordance with Directive 98/34/EC of the European Parliament and of the Council (Information Procedure Directive), as amended by Directive 98/48/EC.

**Section 3.** The identity verification procedure must take place when the licence holder establishes the customer relationship, and no later than when the first payment is made; see, however, Section 6.

### Chapter 3

#### *Storage of identity information*

**Section 4.** The licence holder shall store the identity and control information concerning a registered player covered by this Executive Order (cf. Chapter 2) for at least 5 years after the end of the customer relationship.

*Paragraph 2.* Documents and records relating to customer transactions must be kept so that they can be found together for at least 5 years after the transactions are made.

*Paragraph 3.* Should the licence holder cease trading, the last functioning management shall endeavour to ensure that the identity information, etc. continues to be stored in accordance with paragraphs 1 and 2.

### Chapter 4

#### *Gaming account and payments*

**Section 5.** The licence holder shall set up a gaming account for a registered player.

*Paragraph 2.* The licence holder shall give the player access to information about the gaming account's balance, gaming history (including stakes, winnings and losses), deposits and withdrawals and other transactions related thereto. The information must be available to the player on the gaming account for at least 90 days.

*Paragraph 3.* The licence holder shall, upon request by the player, provide an account statement for all transactions on the gaming account for the last 12 months.

**Section 6.** Until the licence holder has checked the information mentioned in Section 2, only a temporary gaming account can be opened for the player; but see paragraph 5.

*Paragraph 2.* If the player has provided false information in connection with the registration or if, after a request from the licence holder, the player has not submitted the necessary documentation for the correctness of the information within 1 month, the licence holder shall close the temporary gaming account.

*Paragraph 3.* No payments can be made from a temporary gaming account to the player.

*Paragraph 4.* A player may pay no more than DKK 10,000 into a temporary gaming account.

*Paragraph 5.* A temporary gaming account cannot be set up for a player who is listed in the register of self-excluded persons; cf. Section 17.

**Section 7.** The licence holder shall ensure that login to a gaming account, where the information mentioned in Section 2 has been checked, involves the use of a digital signature with a security level corresponding to the OCES standard or higher.

*Paragraph 2.* The licence holder shall check to ensure that the digital signature used matches the player registered pursuant to Section 2.

*Paragraph 3.* The National Gaming Authority may permit login to a gaming account for a certain period without the use of a digital signature if it is not technologically possible to use a digital signature on the technology platform on which the game is played. The first login to the gaming account must, however, be from the technology platform on which a digital signature may be used.

*Paragraph 4.* Paragraphs 1 and 2 shall not apply to login to a gaming account where the player is registered as a customer without a personal ID number pursuant to Section 2(4).

*Paragraph 5.* The licence holder shall ensure that the player is identified adequately when he logs into a gaming account that does not use a digital signature; cf. paragraphs 3 and 4.

**Section 8.** The licence holder may only receive payments into a gaming account from a payment services provider that provides such services legally in Denmark pursuant to the Payment Services Act.

*Paragraph 2.* Cash deposits cannot be accepted.

**Section 9.** Amounts paid by the player shall be credited to the gaming account immediately after the licence holder has received the payment.

*Paragraph 2.* Winnings shall be credited to the gaming account immediately.

**Section 10.** A licence holder may not permit transfers of money, gaming tokens, etc. between gaming accounts.

**Section 11.** The funds on a player's gaming account are entrusted funds that must be deposited on a setoff-free account held at a financial institution, etc. that shall be kept separate from the licence holder's own funds, and which only the licence holder shall have at its disposal. The funds from the

account can only be paid out to the player and may therefore not be used to cover claims against the licence holder. The funds shall be insured against the insolvency, etc. of the licence holder.

*Paragraph 2.* The funds in the setoff-free account shall at all times at least equal the total amount on the players' gaming accounts.

## Chapter 5

### *Information for players*

**Section 12.** All information which the licence holder is required to make available to the player in accordance with the provisions laid down in the Act and associated regulations must be available in Danish on the licence holder's website. It must be possible for all other communication between players and the licence holder to be in Danish.

**Section 13.** The licence holder's website shall:

- 1) state that it is not permitted for persons under the age of 18 to participate in gaming;
- 2) provide information on responsible gaming and the potentially deleterious effects of gaming. The information must be produced in cooperation with a treatment centre;
- 3) facilitate access to a self-administered test for gambling addiction; and
- 4) provide information on and contact addresses for Danish treatment centres.

*Paragraph 2.* The information in paragraph 1 shall be placed in a prominent area of the licence holder's website and must be accessible from all pages on the website.

**Section 14.** The homepage of licence holders' websites must show that the licence holder has a licence from and is under the supervision of the National Gaming Authority. Access shall be facilitated to the website of the National Gaming Authority.

## Chapter 6

### *Responsible gaming*

**Section 15.** The licence holder must make a function available to the player that allows the player to set daily, weekly and monthly deposit limits. A player's request to set a deposit limit shall be implemented immediately upon request; but see paragraph 2.

*Paragraph 2.* A player's request for an increase of a previously fixed deposit limit may not come into force until after 24 hours have passed.

**Section 16.** The licence holder shall provide a function for the player, allowing the player to request temporary or permanent exclusion from gaming. The licence holder shall ensure that the player cannot start new games after he has requested exclusion.

*Paragraph 2.* Temporary exclusion may not be for less than one month, but the player shall have the opportunity to choose a short break from gaming for 24 hours (cooling-off period). A temporary exclusion and short break from gaming mean that the player's gaming account is deactivated during this period.

*Paragraph 3.* Final exclusion of a player means that the licence holder shall close the player's account and terminate the customer relationship. The player cannot re-register as a customer (cf. Section 2) until one year has passed from closure of the gaming account.

*Paragraph 4.* If a player has excluded himself from participation in a licence holder's game, the licence holder shall inform the player about the opportunity for counselling and treatment of pathological gambling at a Danish treatment centre.

**Section 17.** The National Gaming Authority shall keep a register of players who want temporary or permanent exclusion from gaming with all licence holders. A player may be entered in the register on the National Gaming Authority's website or by turning to the National Gaming Authority. The player shall give explicit consent to his inclusion on the register.

*Paragraph 2.* The licence holder shall provide information about the opportunity for inclusion on the register, and shall facilitate access to the register on the National Gaming Authority's website.

*Paragraph 3.* When setting up a new player, the licence holder shall consult the register of self-excluded persons in order to ensure that the player in question is not listed on the register. If a player is listed on the register, the setting up of the player must be refused by the licence holder.

*Paragraph 4.* When the player logs onto the gaming system, the licence holder shall consult the register of self-excluded persons to ensure that the player has not been listed in the register. If a player is listed in the register, he shall be refused permission to play.

*Paragraph 5.* Should a licence holder become aware that a player is listed in the register of self-excluded persons as having been permanently excluded, the licence holder shall close the player's gaming account and terminate the customer relationship.

*Paragraph 6.* A player who has been listed in the register of self-excluded persons as having been permanently excluded may at any time, but at least one year after inclusion in the register, request the National Gaming Authority to delete him from the register.

*Paragraph 7.* Paragraphs 1-6 shall not apply to players registered as customers without a personal ID number pursuant to Section 2(4).

**Section 18.** The licence holder shall take measures to avoid sending marketing material to players who have excluded themselves from participation in gaming temporarily or permanently.

## Chapter 7

### *Bonuses*

**Section 19.** Should a licence holder offer the player a bonus for participating in a game, all the conditions shall be explained in a clear, lucid manner within the immediate context of the offer. Payment of a bonus to the player shall occur immediately when the conditions are satisfied.

*Paragraph 2.* Bonuses shall not be given to individual players on terms that differ from deals given to other players.

*Paragraph 3.* The player shall have at least 60 days to meet any conditions associated with the payment of a bonus.

## Chapter 8

### *Suspension and closure of gaming accounts*

**Section 20.** When closing a gaming account, the licence holder shall pay the balance from the player's gaming account to the player as quickly as possible and no later than 5 working days after closing the account. No fee shall be charged for closure.

*Paragraph 2.* When closing a temporary gaming account on the basis of Section 6(2), only the remaining deposits on the gaming account may be refunded to the player. Any winnings shall be retained by the licence holder.

**Section 21.** The licence holder may suspend a player's gaming account if the player is suspected of having unlawfully obtained winnings or has violated the provisions of the Act, the present Executive Order or terms associated with the gaming account. The licence holder shall decide on the matter within a reasonable time. The player may not close their gaming account during the suspension period. The player shall be duly informed of the final decision when it is made.

*Paragraph 2.* The licence holder shall send a reasoned decision with documentation to the player. A copy of the decision shall be sent to the National Gaming Authority.

## Chapter 9

### *Collusion and employees' participation in gaming*

**Section 22.** The licence holder shall take measures designed to reduce the risk of collusion (“match fixing”) in betting, and shall refuse to accept wagers in betting where there are grounds to suspect collusion.

**Section 23.** The licence holder shall not offer betting on sports events to adolescents under the age of 18.

## Chapter 10

### *Gaming systems*

**Section 24.** The licence holder shall comply with the technical requirements for control systems and gaming systems that follow from Annex 1.

**Section 25.** The gaming system, meaning the IT equipment used to offer the betting (cf. Annex 1) shall be located in Denmark.

*Paragraph 2.* The National Gaming Authority may approve exemption from the requirement in paragraph 1 if the licence holder:

- 1) has a licence to offer gaming in another country, where a public authority monitors the licence holder's provision of gaming and that monitoring authority has entered into an agreement with the National Gaming Authority on monitoring of the licence holder's provision of gaming in Denmark; or
- 2) can give the National Gaming Authority access to perform an adequate check on the gaming system by means of remote access or similar.

**Section 26.** The licence holder's gaming systems, business procedures and business systems shall be certified by an accredited testing company before the gaming system is used to offer online betting. The National Gaming Authority may impose requirements for the certification.

*Paragraph 2.* The National Gaming Authority may impose requirements with regard to how testing companies are to be accredited.

**Section 27.** When a gaming system is certified, the National Gaming Authority may, at any time, order the licence holder to conduct further testing, verification and certification of the system. The costs for this shall be borne by the licence holder.

**Section 28.** The licence holder shall keep all data on the offering of betting in the gaming system for at least 5 years.

Chapter 11  
*Complaints*

**Section 29.** The licence holder shall process complaints from players regarding the licence holder's provision of gaming. A complaint shall contain information about the player's identity and the grounds for the complaint. The complaint may be rejected if the requirements are not satisfied.

*Paragraph 2.* The licence holder shall process the complaint as soon as possible. If the complaint is not settled within 14 days, the licence holder shall inform the player about when he may expect a decision in the case.

*Paragraph 3.* The licence holder shall store documents involved in complaint cases, including documents in cases of rejected complaints, for at least two years. These shall be forwarded to the National Gaming Authority on request.

Chapter 12  
*Inspections*

**Section 30.** The National Gaming Authority shall supervise compliance with this Executive Order; cf. Chapter 9 of the Act on gaming.

Chapter 13  
*Penalties*

**Section 31.** Unless higher penalties are justified by other legislation, infringements of the following Sections, whether deliberately or through gross negligence, shall be punishable by a fine: Sections 2(1)(1) and (2)(6), 3-6, 7(1), (2) and (5) and paragraph (3)(2), 8-16, 17(2)-(5), 19, 20(1), 21(2), 23, 24, 25(1), 26(1)(1), 27, 28 and 29(1)(1) and paragraph (3).

*Paragraph (2).* Criminal liability may be imposed on companies, etc. (legal persons) in accordance with the rules of Chapter 5 of the Penal Code.

Chapter 14  
*Entry into force*

**Section 33.** This Executive Order shall enter into force on