

**International
Comparative
Legal Guides**



Gambling

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glg Global Legal Group

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Poland

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Ewa Lejman-Widz

1 Relevant Authorities and Legislation

1.1 Which entities regulate what type of gambling and social/skill gaming activity in your jurisdiction?

Relevant Product		Who regulates it in digital form?	Who regulates it in land-based form?
Gaming	Casino gaming (including slots and casino table games such as roulette & blackjack)	Minister of Finance. Additional comment: conducting activity related to lotteries, cash lotteries, telebingo games, and machine games outside a casino shall be covered by a state monopoly. The Prime Minister entrusted the exercise of the gambling monopoly to Totalizator Sportowy Sp. z o.o.	
	Poker		
	Bingo	Minister of Finance for cash bingo. General comment in relation to the “Gaming” category as a whole: on the basis of specific provisions on certain matters, the competences of the Minister of Finance may be exercised by the authorities of the National Fiscal Administration.	
Betting	Betting		
	Sports/horse race betting (if regulated separately to other forms of betting)		
	Fantasy betting (payment to back a ‘league’ or ‘portfolio’ selection over a period of time, for example in relation to sport or shares)	Minister of Finance.	
Lotteries	Lotteries	Relevant director of tax administration chamber or Director of the Tax Administration Chamber in Warsaw.	
Social/Skill arrangements	“Social” gaming with no prize in money or money’s worth	Not applicable; however, in certain situations (e.g. game offers in-game credits or virtual currency that can be won as a prize), the Ministry of Finance shall determine upon application or <i>ex officio</i> whether a game or bet, having the features listed in the Gambling Act, qualifies as a game of chance, bet, card game or machine game.	Not applicable.
	Skill games and competitions with no element of chance	Not applicable; as a rule, skill games – games and competitions with no element of chance – are not subject to the regime of the Gambling Act.	

1.2 Specify: (i) the law and regulation that applies to the Relevant Products in your jurisdiction; and (ii) – in broad terms – whether it permits or prohibits the offer of Relevant Products to persons located in your jurisdiction.

The law and regulation applicable to Relevant Products in Poland is the Act of 19 November 2009 on gambling games (hereinafter “the Gambling Act”).

On the basis of the authorisation set out in the Gambling Act, the Minister of Finance issued a number of secondary applicable regulations concerning, for example: issuing certificates of winnings obtained, and records of certificates and records of paid (issued) winnings; manner and extent of archiving data related to online gambling activities; information and communication technology system for recording and archiving data on the progress of games on automatic gaming machines in entertainment arcades; documentation kept by gambling operators; and conditions for providing financial security in gambling activities.

The Gambling Act applies to “gambling games”, which consist of four main categories: (i) games of chance; (ii) betting; (iii) card games; and (iv) slot machines games. Games where there is no element of chance (that is, games solely based on the participants’ skill or knowledge) are not subject to the Gambling Act, therefore said regulation shall not be considered applicable. However, in certain situations, the Ministry of Finance shall determine upon application or *ex officio* whether a game or bet, having the features listed in the Gambling Act, qualifies as a game of chance, bet, card game or machine game. Such qualification is made individually, upon the description of the rules of a specific game.

With respect to Relevant Products offered in digital form, pursuant to the Gambling Act, all online games, except for betting and special offer lotteries, are covered by the state monopoly. The only form of online gambling currently permitted for private entities in Poland (upon the licence granted) are betting and special offer lotteries.

With respect to Relevant Products offered in land-based form, the organisation of games of chance, mutual betting, card games and machine games is permitted on the basis of an appropriate licence, permit or notification.

2 Application for a Licence and Licence Restrictions

2.1 What regulatory licences, permits, authorisations or other official approvals (collectively, “Licences”) are required for the lawful offer of the Relevant Products to persons located in your jurisdiction?

Upon the provisions of the Gambling Act, there are three types of licences required for offering Relevant Products to Polish residents, i.e.: (i) a licence to run a land-based casino; (ii) a permit to offer betting products; and (iii) a notification on commencement of a licensable activity.

2.2 Where Licences are available, please outline the structure of the relevant licensing regime.

The amendments to the Gambling Act, introduced in 2017, took a restrictive approach. Therefore, the licensing regime in Poland should be described as severe and stiff.

The most significant amendment introduced to the system was a monopoly regime over the majority of gambling games,

especially offered online; the only online form allowed to be provided by private operators (upon the permit granted) is mutual betting and/or a promotion lottery.

There is only one legally functioning online casino in Poland, and it is operated by the monopolist – the state-owned company.

2.3 What is the process of applying for a Licence for a Relevant Product?

The licensing process depends on the type of licence sought by the applicant.

In general, the law requires a number of documents, listed in the Gambling Act within the provisions applicable to a given type of Relevant Product, to be provided together with the application form. For example, an application for a licence to operate online betting should, among others, contain: (i) terms and conditions of the game; (ii) draft rules for verifying the age of the participants and prohibiting minors from participating in gambling; (iii) the address and technical documentation of the website used for betting; and (iv) expert opinions on evidence confirming the participants protection against interference by unauthorised persons and the possibility of verifying their authenticity.

The Gambling Act provisions are considered to not offer much guidance as to the content of the documents required. The Gambling Act does not provide any definition of the term “technical documentation of a website”. As a general rule, technical documentation shall be of a relatively complete and exhaustive nature. The only general rules on its content were issued by the legislator in the form of informal guidance.

The licensing procedure is considered long-lasting. What is important for foreign operators is that each document, being submitted together with an application, must be translated into Polish by a certified translator. Moreover, if the regulator determines that a given document does not comply with the requirements, the applicant will be requested to provide additional documentation or supplement said document, as well as provide additional clarifications or explanations, particularly in relation to the terms and conditions of the game.

The documents attached to the applications and notifications shall be submitted in the form of originals or copies certified to be true copies of the original by a notary public, advocate, legal adviser or tax adviser.

As of July 2022, applications and tender offers for the granting of a concession or permit by the minister responsible for public finance and documents attached to such applications or tender offers may be submitted in electronic form via the e-concessions ICT system. The condition of access to an account in the e-concessions ICT system is authentication by the user of the account in this system.

As a general rule, the licensing procedure should be completed within six months from the date of filing an application, though the regulator is legally allowed to extend the deadline. In practice, the licence proceedings usually last longer, which should be taken into account by each applicant.

2.4 Are any restrictions placed upon licensees in your jurisdiction?

The Gambling Act provides that licences may be granted on the condition that:

- 1) there are no justified reservations about the given company or its shareholders holding shares whose value exceeds 10% of the share capital of the company, or members of the company’s management board, supervisory board or

audit committee, or the company's proxies, being natural persons, legal persons or companies without legal personality, concerning state security, public order, the security of economic interests of the state, and compliance with provisions on counteracting money laundering and terrorism financing;

- 2) members of the company's management board, supervisory board or audit committee have Polish citizenship or the citizenship of a Member State of the European Union ("EU"), a Member State of the European Free Trade Association ("EFTA") – a party to the Agreement on the European Economic Area, or the Organisation for Economic Cooperation and Development, with the reservation that this requirement shall not apply to the companies referred to in Article 7a.1 of the Gambling Act (joint-stock companies or limited liability companies, or companies whose activity is based on the principles of operation of a joint-stock company or a limited liability company, having their registered office in another Member State of the EU or Member State of the EFTA – a party to the Agreement on the European Economic Area);
- 3) no proceedings concerning criminal offences related to money laundering and terrorism financing are pending against the persons listed above (item 1) before the judicial authorities of a Member State of the EU or a Member State of the EFTA – a party to the Agreement on the European Economic Area;
- 4) the company has not had a licence or permit revoked for the reason that the conditions provided for in the licence, permit, or the rules, or other legal conditions for pursuing the activities for which the licence or permit had been granted, have been grossly breached within the six years preceding the date of submission of the application for a licence or a permit;
- 5) the shareholders (partners) of the company have not been shareholders (partners) holding shares whose value exceeded 10% of the company's share capital in a company that has had a licence or permit revoked for the reason that the conditions provided for in the licence, permit, or the rules, or other legal conditions for pursuing the activities for which the licence or permit had been granted, have been grossly breached within the six years preceding the date of submission of the application for a licence or a permit; and
- 6) the members of the management board, supervisory board or audit committee or the proxies referred to in item 1 above have not been members of the management board, supervisory board or audit committee or proxies in a company that has had a licence or permit revoked for the reasons that the conditions provided for in the licence, permit, or the rules, or other legal conditions for pursuing the activities for which the licence or permit had been granted, have been grossly breached within the six years preceding the date of submission of the application for a licence or a permit.

The so-called "good repute requirement" provides that natural persons being shareholders of a company conducting activities, representing at least 10% of the share capital, and members of the management board, supervisory board, or audit committee or proxies of such a company must be of good repute; in particular, they must not have a criminal record for intentional criminal offences or intentional fiscal offences in a Member State of the EU.

Only the companies that have documented the compliance of their activities with the following applicable provisions may apply for a licence or permit:

- 1) provisions on counteracting money laundering practices and financing of terrorism; and
- 2) provisions on accountancy.

A licence or permit may be applied for only by companies that have not had a licence or permit revoked for the reasons specified in Gambling Act within the six years preceding the date of submission of an application for a licence or a permit.

Share capital of a joint-stock company, a public company, or a limited liability company operating games organised in a casino may not be lower than PLN 4 million; and games organised in a cash bingo hall or betting may not be lower than PLN 2 million.

The licensee shall also provide, within the time limit prescribed in a licence or a permit and with a view to protecting the financial interests of participants in gambling games and securing liabilities arising from the gaming tax, a financial security of: PLN 1.2 million for operating a casino; PLN 600,000 for operating a cash bingo hall; and PLN 40,000 for operating betting premises.

If betting is organised through the Internet, the entity organising said betting shall provide, within the time limit prescribed in the permit, a financial security of PLN 480,000.

Notwithstanding the above, a licensee pays a one-off licence fee for: the grant of a licence or a permit; a licence or permit renewal; and/or an amendment to a licence or permit. The licence fees depend on the average salary indicator as annually revised by the Main Statistical Office.

2.5 Please give a summary of the following features of any Licences: (i) duration; (ii) vulnerability to review, suspension or revocation.

As a general rule, a licence is issued for a period of six years, with the following exceptions: (i) licences for lotteries, raffle bingo games, special offer lotteries and audio-text lotteries are issued for a period of no longer than two years; and (ii) in case of poker tournaments, the licence is issued only for the period of the tournament.

If a licensed operator breaches the law, the licence or the provisions of its T&Cs, the Minister of Finance or the competent authority may issue a decision requiring the company to cure deficiencies within the determined period. Furthermore, the regulator may revoke the licence in the following cases: (i) the operator fails to cure deficiencies in a timely manner; (ii) the operator materially breaches any provisions of law that apply to the gambling operations; (iii) the share capital of the operator is reduced below the statutory minimum; (iv) the company decides to resign from operating games or does not offer them for a period of six months (the latter applies only to casinos and bingo game arcades); (v) a board member or a shareholder is convicted for a money-laundering crime; (vi) a minor participates in games twice in the same betting arcade (does not apply to online betting); (vii) the company fails to provide AML documentation as requested by the regulator; (viii) the company fails to provide an audited financial statement (or when the auditor's opinion indicates material breach of accounting laws); or (ix) the company has been conducting gaming activity through a foreign EU/EFTA operator without having appointed a representative for a period of at least two months.

The decision on licence revocation is effective at the moment of its receipt; therefore, the operator whose licence has been revoked must refrain from operating, even if it decides to challenge the decision before the court (the obligation to refrain lasts for the period of an appeal procedure).

2.6 By Relevant Product, what are the key limits on providing services to customers? Please include in this answer any material promotion and advertising restrictions.

The Gambling Act imposes a minimum age requirement for gambling, which is set at 18 years of age, except for raffle and special offer lotteries. The gambler's identity is verified upon the application to open a gambling account. The identity verification method is chosen by the operator. The mechanisms enabling game participants to control their activity on the website and the mechanisms preventing game participants from playing after the funds in the player's account have been exhausted must be included in the rules of the game, determined by the operator; however, they are subject to approval by the relevant authority.

In accordance with Article 29 of the Gambling Act, advertising and promoting wheel games, card games, dice games, machine games and mutual betting is prohibited. Advertising mutual betting in cases where a permit has been granted is permitted in accordance with the rules set out in the Gambling Act. The ban in question does not, therefore, cover games covered by a state monopoly (lotteries, cash lotteries, telebingo) or games of low significance, such as raffle lotteries, promotional and audiotelle lotteries or bingo games, which are not popular in Poland.

Restrictions imposed on a betting advertisement are similar in nature to those applicable to alcohol, i.e.: (i) it cannot be addressed to minors or depict them; (ii) it cannot associate game participation with physical or intellectual abilities; (iii) it cannot suggest that gambling is a way of dealing with personal conflicts or financial problems; (iv) it cannot show refraining from gambling or moderate participation in games in a negative way; (v) it cannot depict wagering higher amounts as a method of increasing the chances of winning; and (vi) it cannot associate gambling with sexual attractiveness, relaxing, working or studying and/or a professional context, financial success or success in life.

Betting adverts on the radio and TV can only be aired after 10 p.m. and before 6 a.m. Adverts in the press cannot be addressed to minors or issued on covers of journals or magazines or in public places, except for sport or mass events sponsored by the advertising operator. Advertisements must include information on gambling-related risks, risks relating to participation in unlicensed games and information about the permit held by an advertising operator. All commercial communication must include a "no underage gambling" sign.

Betting operators may also sponsor clubs and events and therefore distribute information regarding such sponsoring.

2.7 What are the tax and other compulsory levies?

The gambling tax depends on the type of the game; the tax rates, as stipulated in the Gambling Act, are as follows: (i) 10% – raffle lottery and a raffle bingo game; (ii) 15% – cash lottery; (iii) 20% – lottery; (iv) 25% – cash bingo game, telebingo game, phone or text message lottery and poker game played as a poker tournament; (v) 50% – machine game, wheel game, dice, card game (except for a poker game played at a poker tournament); (vi) 2.5% – betting on sports competition of animals under permits granted solely for the organisation of said betting; and (vii) 12% – any other betting.

A gambling taxpayer shall be a natural person, legal person or a business unit without legal personality organising gambling games under a granted licence or permit, except for special offer lotteries, an entity organising games covered by a state monopoly, and a participant in a poker tournament organised by an entity holding a casino operating licence.

The taxable base for gambling tax is constituted by: (i) in a cash lottery, raffle lottery, and telebingo – the total amount of proceeds from the sales of tickets or other proofs of participation in a game; (ii) in an audio-text lottery – the revenues within the meaning of the provisions on corporate income tax of the organiser of the audio-text lottery, generated from that lottery; (iii) in a numerical lottery – the sum of rates paid; (iv) in betting – the sum of rates paid; (v) in a cash bingo game – the nominal value of the bingo cards bought by the entity organising the game; (vi) in a raffle bingo game – the nominal value of the bingo cards used in the game; (vii) in a wheel game, dice game, and card game, except for poker played in the form of a poker tournament – the amount being the difference between the sum of the stakes paid in and the sum of the prizes paid out; (viii) in poker organised in the form of a poker tournament – the amount won decreased by the amount of the enrolment fee; and (ix) in a machine game – the amount being the difference between the sum of the stakes paid in and the sum of the prizes won by game participants.

Gaming tax constitutes the income of the state budget.

The licensee shall provide, within the time limit prescribed in a licence or permit and with a view to protecting the financial interests of participants in gambling games and securing liabilities arising from the gaming tax, a financial security of: PLN 1.2 million for operating a casino; PLN 600,000 for operating a cash bingo hall; and PLN 40,000 for operating betting premises.

If betting is organised through the Internet, the entity organising said betting shall provide, within the time limit prescribed in the permit, a financial security of PLN 480,000.

The number of securities depends on the number of casinos, bingo halls and betting shops. The Gaming Act sets out the number of casinos, halls or premises in a table, comparing it with the number of securities. Financial security shall consist of the submission of bank or insurance guarantees or the deposit of the appropriate amount in a bank account designated by the licensing or permit granting authority.

2.8 What are the broad social responsibility requirements?

Social restrictions related to gambling in Poland are imposed primarily on operators and gambling providers, and concern primarily the prevention of addictive gambling and underage gambling.

Gaming operators in Poland are obliged to implement internal policies regarding responsible gambling. These include, among others, obligations to inform and ensure that gambling games are not being offered to minors. Only persons over 18 years old are allowed to: participate in gambling games; and enter casinos and betting and gambling premises. Entities organising gambling games are obliged to display, in a visible manner, by the entrance to any place where games are organised, a notice regarding the prohibition of the participation of persons under 18 years of age in the games and to establish measures to ensure compliance with this prohibition.

The same designations and access restrictions must be maintained on websites designed to offer gambling over the Internet, in order to protect game participants against the negative effects of gambling, especially to ensure the protection of minors.

In order to protect game participants against the negative effects of gambling, the entity exercising a state monopoly concerning machine games organised in machine game arcades is obliged to ensure compliance with the rules of responsible game-playing. Those are, among others: (i) the requirement to display in a machine game arcade, in a visible manner: information on the entity offering gambling games, game rules, information

that persons under 18 are prohibited from playing, and on the risk involved in gambling together with the names of institutions offering help for persons with gambling problems; (ii) establishing a procedure for verifying whether the game participants are over 18; (iii) establishing a game participant registration procedure, as a condition for starting and operating a game; (iv) establishing mechanisms preventing game participants from playing after their financial resources have been exhausted; and (v) ensuring protection for minors in terms of the manner in which commercial information is presented in the machine game arcade.

2.9 How do any AML, financial services regulations or payment restrictions restrict or impact on entities supplying gambling?

The Act of 1 March 2018 on counteracting money laundering and financing of terrorism, implementing Directive 2015/849 into the Polish legal system, imposes the duties of an “obliged entity” (as defined in the Directive) on gambling operators.

Under the provisions of the Gambling Act, each operator must provide AML documentation confirming the legality of funds used to organise gambling under a licence. Furthermore, the Gambling Act requires that online betting operators use only payment methods (bank transfers, credit cards, payment institution services, etc.) that ensure that money used for betting originates from a verified source.

A licence or permit may be revoked if the gambling operator fails to demonstrate its compliance with relevant AML and anti-terrorist financing legislation.

2.10 Does your jurisdiction permit virtual currencies to be used for gambling and are they separately regulated?

An entity organising gambling games over the Internet that has a licence or a permit or has notified the organisation of such games shall be obliged to conduct payment transactions, within the meaning of the Act of 19 August 2011 on Payment Services (Journal of Laws of 2020, items 794 and 1639), arising from those games only via the payment service providers referred to in Article 4.2 (1) to (4), (6), and (9) of that Act. The following are payment service providers:

- providers of banking services: domestic banks, branches of a foreign bank, credit institutions;
- e-money institutions;
- payment institutions; and
- cooperative savings and credit unions.

The Gambling Act does not regulate nor provide virtual currencies as a payment method. Virtual currencies are not issued or guaranteed by the central bank of the state, they are not money, i.e. they are neither legal means of payment nor currency. Virtual currencies are not electronic money, they do not fall within the scope of the Payment Services Act and the Act of 29 July 2005 on trading in financial instruments.

3 Online/Mobile/Digital/Electronic Media

3.1 How does local law/regulation affect the provision of the Relevant Products in online/mobile/digital/electronic form, both from: (i) operators located inside your jurisdiction; and (ii) operators located outside your jurisdiction?

Neither online/mobile nor other digital or electronic forms of gambling are specifically regulated by the Gambling Act, thus the general provisions apply.

The Gambling Act does not provide significant distinctions between operators located inside and outside Polish jurisdiction. Licences may be obtained by either a Polish or foreign operator being an LLC or a joint-stock company, though there are some additional requirements to be fulfilled by a foreign operator.

First of all, the operator must originate from an EU/EFTA country, where he currently organises gambling games, and must appoint a local representative to act as an intermediary between the authorities and the foreign operator.

As to the general requirements for the representative, the following persons pursuing business activities in the Republic of Poland may act as representatives: (i) a natural person having their place of residence within the territory of the Republic of Poland and being able to communicate in the Polish language insofar as necessary to perform the duties of a representative; and (ii) a legal person or an organisational unit without legal personality having their registered office within the territory of the Republic of Poland, whose management board has at least one member being able to communicate in the Polish language insofar as necessary to perform the duties of a representative.

Operators from countries outside of the EU/EFTA may only apply for a licence through a Polish/EU- or EFTA-based subsidiary.

As previously mentioned, under Polish jurisdiction, mutual betting and promotion lotteries are the only Relevant Products that can be offered online. In general, the requirements relating to online betting are the same for Polish and foreign operators, and include: (i) introducing T&Cs and responsible gaming rules which are subject to ministerial approval; (ii) ensuring that advertisement practices are in line with requirements listed in the law; (iii) complying with the reporting requirements; (iv) tax returns; (v) data archiving; (vi) notifying the Minister of Finance of any changes in the company structure; (vii) issuing winning certificates upon the customer’s request; and (viii) evidencing winnings and certificates issued to the players.

Additionally, only websites with a “.pl” domain name are allowed, and gambling operators can only use specific types of payment service providers.

3.2 What other restrictions have an impact on Relevant Products supplied via online/mobile/digital/electronic means?

An operator providing Relevant Products via online/mobile or other digital or electronic means has to ensure compliance with provisions of the Gambling Act, establish and comply with an AML policy and with the T&Cs of the gambling games offered, which have been accepted by the Minister of Finance as part of the licensing procedure.

Additionally, upon authorisation arising from the Gambling Act, the Minister of Finance issued a number of decrees that have an impact on Relevant Products, including those supplied via online/mobile/digital/electronic means. Ministerial decrees applicable to this type of Relevant Products would be, among others, on the manner and extent of archiving of data related to online gambling activities.

Other legal acts might also apply to such Relevant Products, including the Act of 18 July 2002 on the provision of services by electronic means, the Polish Civil Code, tax regulations or some applicable EU laws.

3.3 What terminal/machine-based gaming is permitted and where?

Terminal/machine-based gambling can only be organised in a

licensed casino. Outside casinos, such an activity is reserved for the state monopoly, and may only be organised in so-called “machine game arcades”, meaning a designated place where machine games are operated in accordance with approved rules, and are limited to three to 50 machines per one place.

4 Enforcement and Liability

4.1 Who is liable under local law/regulation?

In Poland, criminal and administrative sanctions are the enforcement methods. Such sanctions can be initiated particularly against: (i) illegal gambling operators; (ii) users playing on illegal websites; (iii) participants in the process of production or dissemination of gaming advertisements in breach of the law; (iv) payment service providers providing payment services on a website using an Internet domain name entered in the Register of Domains Used for Offering Gambling Games Contrary to the Act (“Register”), kept by the Minister of Finance; and (v) telecommunications undertakings that have not fulfilled the obligations to prevent access to Internet websites using the names of blacklisted domains and to redirect connections referring to blacklisted domains to a website run by the Ministry of Finance.

4.2 What form does enforcement action take in your jurisdiction?

As mentioned above, Poland has both administrative and criminal sanctions as part of its enforcement tools. Below are specific forms of both.

Criminal sanctions: a formal investigation against (i) persons involved in organising gambling games without a licence, (ii) persons who advertise them contrary to the law, or (iii) gamblers playing unlicensed games may be commenced upon the provisions of law, as all of the abovementioned constitute criminal fiscal offences.

Administrative sanctions: (i) financial penalties; (ii) a right to blacklist a domain name used to organise games of chance, or used for the purposes of advertising or promoting games of chance – contrary to the provisions of law applicable to the Internet – accessible to users located in the territory of the Republic of Poland; and (iii) a website blocking procedure.

It must be noted that in 2021 the Gambling Act was amended. Under the current regulation, not only domain names used to organise gambling games contrary to the provisions of the Act, but also domain names used to advertise or promote gambling games contrary to the provisions of the law and available to Internet users located in the territory of the Republic of Poland may be entered in the Register.

Once the domain is blacklisted, the Internet service provider is obliged to block the website to disable its further use by individuals. Payment service providers shall be forbidden from making payment services available on websites using names of Internet domains entered in the Register.

As at 4 August 2023, there were around 34,400 blacklisted domains. The Register can be found under: <https://hazard.mf.gov.pl>.

According to the Ordinance that came into force in 2022, the Head of the Opolski Urząd Celno-Skarbowy (Opole Customs and Fiscal Office) in Opole will take over matters related to the Register.

4.3 Do other non-national laws impact upon liability and enforcement?

Besides the Gambling Act and the Polish Penal Fiscal Code of

10 September 1999, any relevant EU regulation applies on the territory of Poland, as an EU member.

4.4 Are gambling debts enforceable in your jurisdiction?

Gambling debts are enforceable within Polish jurisdiction, although this is in respect of debts incurred in the course of licensed gambling activities. Claims relating to the participation in a gambling game become time-barred six months after the maturity date.

4.5 What appetite for and track record of enforcement does your local regulatory authority have? Have fines, licence revocations or other sanctions been enforced in your jurisdiction?

There is no up-to-date data on sanctions, penalties and their enforceability, such data have not been made public. The last and only report that analysed this issue was published in September 2019.

The report of September 2019, issued by the Polish Supreme Audit Office, on supervision over the gambling market, provided overall information on sanctions enforcement in 2016, 2017 and I–III quarters of 2018. No official data on combatting illegal gambling and the number and size of penalties imposed either on illegal operators or on players using their services in the years 2019–2022 has been published yet. As the data in the 2019 report is no longer up to date, detailed data from the report has been omitted from the answer to this question.

With regard to enforcement forecasts, it should be pointed out that the National Tax Administration (“KAS”) plays a growing role in combatting the shadow economy. The KAS also cooperates with the Polish gambling industry in order to combat the grey market. The cooperation agreement concluded by the KAS with Totalizator Sportowy (a State Treasury company exercising a state monopoly) is one example of such cooperation.

5 Anticipated Reforms

5.1 What (if any) intended changes to the gambling law/regulations are being discussed currently?

There are currently no draft amendments to the Gambling Act. Since 2022, discussions have been taking place within the industry regarding the introduction of the following changes:

- the fiscal burden across the gambling industry being based on the operator’s gross margin (Gross Gaming Revenue), rather than its revenue, i.e. the betting stake paid by the player;
- it is recommended that a special entity be created, i.e. a Gambling Supervision Commission, whose main task would be to control the gambling industry. Such a special entity would deal with issues in relation to gaming and betting regulations, good practices, as well as identifying practices that should be addressed by the National Revenue Administration; and
- revision of poker regulations – giving the possibility for land-based casinos to organise cash games of poker.

It should be emphasised that these are changes being discussed by the gambling industry. At present, they are not the subject of legislative work. Parliamentary elections are scheduled for autumn 2023 in Poland, which means that until a parliamentary majority and a new government are formed, we do not anticipate any of the changes to the gambling law will be proceeded with.



Ewa Lejman-Widz, attorney-at-law, tax adviser and IMGL member, has over 15 years of experience in advising clients on various aspects of the Polish and EU law. As the Head of WH Partners' Polish Desk and Partner at Izabella Żyglicka and Partners, she assists a number of top worldwide operators with day-to-day commercial matters, supports regulatory and licensing matters, and conducts litigation in Poland.

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WH Partners is a Malta-based leading law firm with consulting offices in Warsaw and Prague. The firm has a well-established, internationally recognised reputation and advises clients on the following matters: regulation and licensing of gaming & gambling, fintech and financial services, tax, private client, M&A, banking and finance, intellectual property, data protection, real estate and employment law.

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