

Gambling Halls - Permission according to the Berlin Gambling Hall Act

If you want to commercially operate an gambling hall or a business that exclusively or mainly serves the installation of gaming machines or the organisation of other games, you need two permits.

The *permit under the Berlin Gambling Hall Act* is issued for an unlimited period.

In addition, you need a *permit according to the State Treaty on Gambling* (see "Further Information"). This is granted for a limited period of time.

When setting up the gambling hall, please ensure the following minimum legal requirements are complied with.

*The minimum distance to other gambling halls or similar businesses should not be less than 500 metres.

* The business shall also not be operated in the proximity of establishments which, by their nature or in fact, are mainly frequented by children or young people.

* The operation of a gaming hall is not permitted in a building or building complex in which sports betting is brokered.

The following applies to the outside design of the business premises:.

* Views into the inside of the business premises are not allowed from the outside.

* The outside appearance may not be designed with eye-catching advertising or other advertising material that has the character of an invitation or incentive to gamble.

* No advertising shall be displayed outside or in the immediate proximity of the premises for gaming operations or games offered in the gambling hall.

The following applies to the indoor design of the business premises:.

* For every 12 square metres of floor space, no more than one cash or merchandise gaming machine may be installed.

* The total number of machines may not exceed eight. If food or drinks are served in the gambling hall, the total number permitted is reduced to a maximum of two machines.

* The machines shall be placed individually at a distance of at least one metre, separated by a screen at a depth of at least 0.80 metres, measured from the front of the machine at a height of at least the top edge of the machine.

* Information material on the risks of excessive gambling and information on services and contact details of qualified counselling centres shall be visibly displayed.

In terms of the opening hours, please note:.

* Gambling halls are not allowed to open on Good Friday, Remembrance Day, Sunday of the Dead ("Totensonntag") and on 24 and 25 December.

* Gambling halls are not allowed to open between 3 a.m. and 11 a.m. (closing time).

During opening hours, it must be ensured that at least one competent supervisor is permanently present in each business.

The operators must develop social concepts and implement them in the gambling hall.

When developing the social concept, the licensees must consider how they will encourage gamblers to gamble responsibly and what preventive or curbing measures they will take to counteract the socially harmful consequences of gambling. In this context, it must be ensured that the social concept to be submitted - especially when the social concept is prepared by external institutions - corresponds to the individual requirements and circumstances of the respective offer or the respective gambling establishment.

The following applies to the protection of minors and the prevention of gambling addiction:

* Persons who have not yet reached the age of 18 are not allowed to enter businesses.

* The enforcement of the prohibition shall be ensured by entrance control in connection with the presentation of the identity card or other documents suitable for identity control.

* Gamblers shall be informed by the owner or the staff entrusted with supervision about the addictive risks of the games offered and the possibilities of counselling and therapy and shall be encouraged to play responsibly.

* Persons with conspicuous gambling behaviour shall be excluded from gambling. Appropriate measures for effective barring systems shall be established for this purpose.

A special permit is required for the installation of gambling machines in gambling halls (see "Further Information").

Any person who operates an gambling hall or similar enterprise without a required permit or who violates the legal provisions shall be deemed to have acted in breach of the law and may be punished by a fine of up to EUR 500,000.

Prerequisites

Personal reliability

Reliability is verified based on various documents. The applicant must submit an excerpt from the Federal Central Criminal Register (certificate of good conduct) and an excerpt from the Commercial Central Register.

Expertise

Evidence from the operator that they have successfully acquired knowledge of the legal bases for the intended operation, and for preventing compulsive gambling, and regarding interaction with affected individuals.

Social concept

Concept that provides for measures to prevent socially damaging effects of gambling.

Location requirements

The minimum distance (500 metres) to other gambling halls or similar establishments must be observed, and the business must also not be operated in the vicinity of any facilities that are by nature or as a matter of fact frequented primarily by children or adolescents. The conditions and the location must furthermore meet police and structural requirements, and fundamental youth protection principles must be observed.

A gambling hall must not be established in a building or a building complex in which sports betting is arranged for.

Documents required

- Application for permission
 - for an gambling hall
 - for a similar business

- Identity document
 - Identity card or other official identification document containing a photograph.
 - Residence permit, if the applicant is not an EU national.

- Certificate of good conduct for presentation to an authority
 - To verify personal reliability, information from the Federal Central Register (certificate of good conduct) is required for submission to an authority (document type 0).
 - The information must be applied for at the municipality of residence (in Berlin at every citizens' office) for submission to an authority, i.e. it is sent directly to the public order office responsible for the place of business. The information must not be older than three months. The Federal Ministry of Justice also offers an online application procedure. (see "Further information")

 - <https://service.berlin.de/dienstleistung/120926/>

- Excerpt from the central business register for presentation to an authority
 - To verify personal reliability, information from the central business register for natural persons is required for submission to an authority (document type 9).
 - As a private individual, the information must be applied for at the municipality of residence (in Berlin at every citizens' office) for submission to an authority, i.e. it is sent directly to the public order office responsible for the place of business.
 - Legal entities with their place of business in Berlin apply for it at their competent public order office.
 - The information must not be older than three months. The Federal Ministry of Justice also offers an online application procedure. (see "Further information")

 - <https://service.berlin.de/dienstleistung/327835/>

- Up to date excerpt from the Trade Register
 - Registered companies are required to submit an up to date excerpt from the Trade Register when applying. Legal entities that are in the process of being established (GmbH, AG) are required to submit their partnership agreement or statutes.

https://www.handelsregister.de/rp_web/welcome.do

Ground plan

Floor plan / other construction drawing of the business areas and ancillary rooms (ideally on a 1:100 scale).

Social concept

The applicant must prove that he/she has a social concept in which measures are outlined to prevent the socially harmful effects of gambling. Further information can be found in the information letter available here.

https://www.berlin.de/formularverzeichnis/?formular=/ordnungsamt/stehende-s-gewerbe/_assets/winr-218d-spielhalle_sozialkonzept_infoschreiben_spielhallenbetreiber_02-2019.pdf

Proof of expertise

Each operator must provide evidence in the form of certification from a body authorised to implement the Gambling Hall Act Berlin, stating that they have successfully acquired knowledge of the legal bases for the intended operation and for preventing compulsive gambling, and regarding interaction with affected individuals.

The operator must only employ individuals to work as supervisors at the gambling hall, who have a certificate of competence acquired in a training course about addiction prevention by a provider listed by the Senate Department for Economy.

<https://www.berlin.de/sen/wirtschaft/wirtschaft/wirtschaftsrecht/gewerberecht/gewerbliches-spielrecht/artikel.87927.php>

Forms

Application for permission

https://www.berlin.de/formularverzeichnis/?formular=/ordnungsamt/stehende-s-gewerbe/_assets/mdb-f123919-antrag_spielhallen_und_aehnliche_unternehmen.pdf

Fees

EUR 1,000 to EUR 3,000

Legal basis

▪ **Berlin Gambling Hall Act (SpielhG Bln) § 2**

<https://gesetze.berlin.de/bsbe/document/jlr-SpielhGBEV1P2>

▪ **Regulation for the implementation of the Berlin Gambling Hall Act (SpielhGV Bln)**

<https://gesetze.berlin.de/jportal/?quelle=jlink&query=SpielhGAV+BE&psml=bsbeprod.psml&max=true&aiz=true>

Average time to process request

approx. 1 month, provided that all documents are available in their entirety

More information

- Information about commercial gambling law
<https://www.berlin.de/sen/wirtschaft/wirtschaft/wirtschaftsrecht/gewerberecht/gewerbliches-spielrecht/artikel.87927.php>
- Information about privacy
https://www.berlin.de/formularverzeichnis/?formular=/ordnungsamt/stehende-s-gewerbe/_assets/merkblatt-dsgv.pdf
- Gambling equipment with winning opportunities - confirmation installation location
<https://service.berlin.de/dienstleistung/327495/en/>
- Gambling Halls - Permit under the State Treaty on Gambling
<https://service.berlin.de/dienstleistung/330334/>

Responsible authorities

The licence must be applied for with the competent Public Order Office for the place of business.

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