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Gambling with winning opportunities - issue of a clearance certificate

If you wish to organise commercial gambling with the possibility of winning (e.g. games of skill), you need a permit from the competent authority. To obtain this permit, you must submit a clearance certificate from the Federal Criminal Police Office (Bundeskriminalamt or BKA). You must apply for this.

The clearance certificate shall contain the following information:

- name of the game
- business name and registered office of the producer or the name, date of birth, place of birth and place of residence of the organiser
- description of the game and the game process, with illustrations and overview drawings if necessary
- rules of the game and prize schedule
- list of places where you are allowed to host the game
- validity period of the clearance certificate
- any subsidiary provisions

Clearance certificates may also be issued for a limited period or with conditions attached.

The clearance certificate shall be refused if

- there is a risk that the gambler will suffer unreasonably high losses in a short period of time, or
 - the game can be organised as unauthorised gambling by changing the conditions of the game or by changing the gambling equipment by simple means (see Further Information).
 - This is particularly the case when
1. they are card, dice or ball games derived from a game of chance (see Further information) or
 2. the game cannot be operated economically according to the conditions submitted for review.

Note

The clearance certificate is issued to the game producer if it is a gambling equipment that is produced in series. The producer will then receive a copy of the clearance certificate for each replica of the gambling equipment. In all other cases, it is issued to the organiser of the game. The competent office at the Federal Criminal Police Office decides on the application together with the Physical-Technical Federal Agency (Physikalisch-Technische Bundesanstalt).

Prerequisites

- **Game of skill, not a game of chance**
A game of skill is considered to be played if the participant can determine the outcome of the game with a high degree of probability through skill according to the gambling equipment and the rules of the game.
- **If the gambling equipment is to be mass-produced, it must be**

ensured that the replicas correspond to the sample tested by the competent body.

Documents required

- **Game description**
- **Rules of the game**
- **If required by the type of gambling: calculation of the payout and hit expectation**
- **Further evidence if necessary**

Additional documents may have to be submitted upon request. If the equipment is a gambling equipment, the competent authority may require that a ready-to-use equipment is also submitted or that a sample of the gambling equipment or individual parts thereof is provided to the competent body.

Fees

- EUR 47.00 to EUR 2,500.00 administration fee per effort
- EUR 25.00 per copy, maximum EUR 250.00 fee for the granting

Legal basis

- **§ 33e Trade Regulation (Gewerbeordnung or GewO)**
(http://www.gesetze-im-internet.de/gewo/__33e.html)
- **§ 33d Trade Regulation (Gewerbeordnung or GewO)**
(http://www.gesetze-im-internet.de/gewo/__33d.html)
- **§ 60a Trade Regulation (Gewerbeordnung or GewO)**
(http://www.gesetze-im-internet.de/gewo/__60a.html)
- **Ordinance on the Procedure for Issuing Clearance Certificates for Other Gambling within the Meaning of Section 33d Sec. 1 of the Trade Regulation (UnbBeschErtV)**
(<http://www.gesetze-im-internet.de/spielubeschv/index.html#BJNR001520962BJNE000801308>)
- **Federal Fees and Expenses Act (Gesetz über Gebühren und Auslagen des Bundes or BGebG)**
(<https://www.gesetze-im-internet.de/bgeb/>)

More information

- **Information from the Federal Criminal Police Office**
(https://www.bka.de/DE/UnsereAufgaben/Aufgabenbereiche/Verwaltungsfunktionen/Spielerechtsangelegenheiten/spielerechtsangelegenheiten_node.html;jsessionid=4A30CB136C60C6FD5B99E147F603D71A.live2291)
- **Gambling equipment with winning opportunities - permit**
(<https://service.berlin.de/dienstleistung/327493/en/>)
- **Unauthorised organisation of a game of chance - § 284 Criminal Code (Strafgesetzbuch or StGB)**
(https://www.gesetze-im-internet.de/stgb/__284.html)

Notes on responsibility

The application must be submitted to the competent office - the Federal Criminal Police Office.

- [Bundeskriminalamt](#)