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Games with the possibility of winning - apply for a permit

Anyone who wants to organise a (different) gambling activity with the possibility of winning on a commercial basis requires a permit from the responsible Public Order Office (Ordnungsamt).

Permission must be applied by the organiser of the game in question.

The permit is linked to a specific person, a specific game and a specific venue. A separate permit is required for each individual gambling activity, even if the same game is organised more than once. If the gambling is taken over by another trader, the latter requires a new permit.

The "other" gambling activities are exclusively games of skill, which are usually operated in the form of skill machines and in which the prize is money or goods. A game of skill is a game in which the person playing can determine the outcome of the game and thus win or lose with a high degree of probability according to the game equipment and the rules of the game through skill or his or her own knowledge. In contrast, in games of chance, the decision on winning and losing is predominantly determined by coincidence.

Any person who operates another gambling activity with the possibility of winning without a required permit is acting in breach of the regulations and may be punished with a fine of up to EUR 5,000.00.

Certain gambling with the possibility of winning may also be organised **without a permit**. In general, these are prize and winning games with goods **worth no more than EUR 60.00**. You can find further information under "Legal basis".

Prerequisites

- **Venue - for gambling with cash prizes**

(https://gesetze.berlin.de/perma?j=SpielhG_BE_!_4)

The gambling may only be organised in an amusement arcade or similar establishment.

No more than one gambling activity of this kind is allowed to be organised.

- **Venue - for gambling with goods prizes**

(https://www.gesetze-im-internet.de/spielv/_5.html)

The gambling may only take place:

- at folk festivals, marksmen's festivals or similar events,
- at fairs or specialized markets, or
- in pubs/restaurants or accommodation establishments (except those mainly frequented by children and teenagers, and not in indoor drinking establishments, ice-cream parlours, dairy parlours and establishments in which the serving of food or drink is of minor importance).

- **Personal reliability**

Reliability is checked on the basis of various forms of evidence. For this purpose, the gambling operator must provide information from the Federal Central Register (certificate of good conduct) and information from the

Central Trade Register for submission to an authority.

- **Clearance certificate of the Federal Criminal Police Office**

(<https://service.berlin.de/dienstleistung/329547/>)

Permission may only be granted if you are in possession of a clearance certificate (Unbedenklichkeitsbescheinigung) issued by the Federal Criminal Police Office (Bundeskriminalamt) or a copy of the clearance certificate for the gambling.

- **Visibly display the rules of the gambling activity and the prize schedule**

The operator of another gambling activity is obliged to display the rules of the game and the prize schedule clearly visible at the venue.

Documents required

- **Application for a permit for another gambling activity**

(see 'Forms')

- **Identity document**

Identity card or other official identification including a photograph

- **Certificate of good conduct for presentation to an authority**

(<https://service.berlin.de/dienstleistung/120926/>)

To verify personal reliability, information from the Federal Central Register (certificate of good conduct) is required for submission to an authority (document type O).

The information must not be older than three months.

- **Excerpt from the central business register for presentation to an authority**

(<https://service.berlin.de/dienstleistung/327835/>)

To verify personal reliability, information from the central business register is required for submission to an authority (document type 9).

The information must not be older than three months.

- **Proof of the venue**

Details of the exact venue where you would like to hold the game (e.g. amusement arcade, pub, public festival) and the duration of the event

- **Clearance certificate of the Federal Criminal Police Office**

(<https://service.berlin.de/dienstleistung/329547/>)

Valid clearance certificate from the Federal Criminal Police Office or a copy thereof for the game.

- **If necessary, current excerpt from the commercial register**

(https://www.handelsregister.de/rp_web/welcome.xhtml)

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.

Forms

- **Application for a permit for another gambling activity**

(https://www.berlin.de/formularverzeichnis/?formular=/ordnungsamt/stehend-es-gewerbe/_assets/mdb-f123919-antrag_spielhallen_und_aehnliche_unternehmen.pdf)

Fees

7,00 to 60,00 Euro depending on expenditure for applications for permits in accordance with § 33 d GewO

Legal basis

- **Trade Regulation (Gewerbeordnung or GewO) - § 33d Sec. 1**
(https://www.gesetze-im-internet.de/gewo/_33d.html)
- **Gambling Regulation (Spielverordnung or SpielV) for games requiring a permit - §§ 4 und 5**
(<https://www.gesetze-im-internet.de/spielv/BJNR001530962.html#BJNR001530962BJNG000302377>)
- **Gambling Regulation (Spielverordnung or SpielV) for games without a permit - § 5a**
(https://www.gesetze-im-internet.de/spielv/_5a.html)
- **Gambling Regulation (Spielverordnung or SpielV) for games without a permit, Annex to § 5a**
(<https://www.gesetze-im-internet.de/spielv/anlage.html>)
- **Schedule of Administrative Charges Berlin (Verwaltungsgebührenordnung Berlin - VGebO)**
(https://gesetze.berlin.de/perma?a=VwGebO_BE)

Average time to process request

approx. 1 to 2 weeks

More information

- **Information on data protection (Ordnungsämter des Landes Berlin)**
(https://www.berlin.de/formularverzeichnis/?formular=/wirtschaft/gewerberecht/assets/winr_105_merkblatt_dsgvo.pdf)
- **Spiele mit Gewinnmöglichkeit - Erteilung einer Unbedenklichkeitsbescheinigung (Dienstleistung)**
(<https://service.berlin.de/dienstleistung/329547/>)
- **Spielgeräte mit Gewinnmöglichkeit - Erlaubnis (Dienstleistung)**
(<https://service.berlin.de/dienstleistung/327493/en/>)
- **Spielgeräte mit Gewinnmöglichkeit - Bestätigung Aufstellort (Dienstleistung)**
(<https://service.berlin.de/dienstleistung/327495/en/>)
- **Spielgeräte mit Gewinnmöglichkeiten - Bauartzulassung (Dienstleistung)**
(<https://service.berlin.de/dienstleistung/329637/>)

Notes on responsibility

Permission must be applied for at the Public Order Office responsible for the venue.