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Gambling - Apply for permission as a betting organiser (totalisator)

You are a racing or horse breeding club and

1. want to operate a totalisator on the racecourse on the occasion of public performance tests for horses, or
2. operate a betting office for horse races outside a racecourse,

then you need a totalisator licence according to the Racing and Lotteries Act.

In totalisator betting, bettors bet against each other and not against a bookmaker. The totalisator is a procedure with which, in the run-up to the horse race, the respective odds are continuously determined from all placed bets until the start of the race and the proper distribution of winnings is processed after the end of the race. Bets can be placed at the totalisator on the racecourse, but also at betting offices outside the racecourse.

A small portion of the betting proceeds goes directly to the racing association, which must use these proceeds exclusively for the benefit of the national horse breeding and for the organisation of horse races.

Procedure:

1. You apply for the totalisator permit at the Senate Department responsible for the economy. You indicate whether you wish to operate the totalisator at a racecourse or a betting office outside a racecourse.
2. Your application will be reviewed by the competent authority.
3. If you meet all the requirements, you will receive a permit after the procedure has been completed.

The permit can be granted with a time limit or a reservation of revocation, or it can be combined with a condition or a reservation of a subsequent inclusion, change or addition of a condition. It may also be limited to individual events.

Note

- Anyone who operates a totalisator business without a permit is liable to a custodial sentence not exceeding two years or to a monetary penalty!
- Please note that you must observe the obligations of the State Treaty on Gambling when operating a totalisator business. These are regulated in particular in §§ 1 to 3, 5 to 7 and 27 of the State Treaty on Gambling (see "Legal Bases").

Prerequisites

- **Racing or horse breeding club**
(https://www.gesetze-im-internet.de/rennwloetgabest/_2.html)
Only racing or horse breeding clubs with and without legal capacity can obtain a permit.
- **Compliance with the objectives of the State Treaty on Gambling**

<https://gesetze.berlin.de/jportal/?quelle=jlink&query=GI%C3%BCStVtr+BE+%C2%A7+1&psml=bsbeprod.psml&max=true>

Organising or brokering a gambling game (horse betting) does not run counter to the defined objectives of the State Treaty on Gambling.

Documents required

- **Application**
 - Submit the application in text form by post or electronically.
- **Certificate of good conduct for presentation to an authority**
(<https://service.berlin.de/dienstleistung/120926/>)

In order to verify personal reliability, a certificate of good conduct for submission to an authority (also official certificate of good conduct) is required for all members of the association's board. The certificate must not be older than 3 months. When applying, please state "Totalisator permit according to § 1 RennwLottG" as the purpose of use.
- **Extract from the register of associations or proof of membership of a breeders' association**
(https://www.handelsregister.de/rp_web/welcome.xhtml)

Extracts from the register of associations can be accessed on the internet via the common register portal of the federal states.
The membership of the association in the breeders' association must be proven by confirmation of the breeders' association.
- **Annual Budget Estimate**

Cost calculation of the racing operation
- **Financial report of the previous year**

A detailed overview of income and expenditure in detail, including the use of the income for race prizes and other purposes directly serving national horse breeding.
- **Betting requirements**

General Terms and Conditions (AGB) of the racing club as operator of the totalisator
- **If applicable, purchase, rental or lease contract**

Evidence of actual control over suitable facilities as an off-track betting office
- **If applicable, change of use of building structures/building permit**
(<https://service.berlin.de/dienstleistung/326710/>)

The betting office must be suitable for the use of the trade. For example, if you want to use a location approved by the building authority as a restaurant as a betting office, this change of use must be approved in advance by the building authority. A copy of the relevant building permit must be enclosed.
- **If applicable, a certificate of clearance from the town planning office**
(<https://service.berlin.de/dienstleistung/325835/>)

The town planning office certifies with a clearance certificate that from a town planning point of view there are no objections against a betting office of the race club at the address you intend to use.

Fees

- EUR 19,94 to EUR 163,10 Euro, depending on the administrative effort
- EUR 25,56: Permission to establish a betting office outside the racetrack (per year, per betting office)

Legal basis

- **Racing Betting and Lottery Act (Rennwett- und Lotteriegesetz or RennwLottG) § 1 - Totaliser permit**
(https://www.gesetze-im-internet.de/rennwlottg_2021/_1.html)
- **Implementing Ordinance to the Racing Betting and Lotteries Act (Durchführungsverordnung zum Rennwett- und Lotteriegesetz or RennwLottDV) § 2 - Prerequisite for the granting**
(https://www.gesetze-im-internet.de/rennwlottgabest/_2.html)
- **Implementing Ordinance to the Racing Betting and Lotteries Act (Durchführungsverordnung zum Rennwett- und Lotteriegesetz or RennwLottDV) § 4 - Special rules for racing clubs**
(https://www.gesetze-im-internet.de/rennwlottgabest/_4.html)
- **Schedule of Administrative Fees (Verwaltungsgebührenordnung (VGebO))**
(<https://gesetze.berlin.de/jportal/?quelle=jlink&query=VwGebO+BE&psml=bsbeprod.psml&max=true>)
- **State Treaty on Gambling (Glücksspielstaatsvertrag or GlüStV) § 1 - Goals**
(<https://gesetze.berlin.de/jportal/?quelle=jlink&query=Gl%C3%BCStVtr+BE+%C2%A7+1&psml=bsbeprod.psml&max=true>)
- **State Treaty on Gambling (Glücksspielstaatsvertrag or GlüStV) § 2 - Field of application**
(<https://gesetze.berlin.de/jportal/?quelle=jlink&query=Gl%C3%BCStVtr+BE+%C2%A7+2&psml=bsbeprod.psml&max=true>)
- **State Treaty on Gambling (Glücksspielstaatsvertrag or GlüStV) § 3 - Definitions**
(<https://gesetze.berlin.de/jportal/?quelle=jlink&query=Gl%C3%BCStVtr+BE+%C2%A7+3&psml=bsbeprod.psml&max=true>)
- **State Treaty on Gambling (Glücksspielstaatsvertrag or GlüStV) § 5 - Advertising**
(<https://gesetze.berlin.de/jportal/?quelle=jlink&query=Gl%C3%BCStVtr+BE+%C2%A7+5&psml=bsbeprod.psml&max=true>)
- **State Treaty on Gambling (Glücksspielstaatsvertrag or GlüStV) § 6 - Social Concept**
(<https://gesetze.berlin.de/jportal/?quelle=jlink&query=Gl%C3%BCStVtr+BE+%C2%A7+6&psml=bsbeprod.psml&max=true>)
- **State Treaty on Gambling (Glücksspielstaatsvertrag or GlüStV) § 7 - Clarification**
(<https://gesetze.berlin.de/jportal/?quelle=jlink&query=Gl%C3%BCStVtr+BE+%C2%A7+7&psml=bsbeprod.psml&max=true>)
- **State Treaty on Gambling (Glücksspielstaatsvertrag or GlüStV) § 27 - Horse betting**
(<https://gesetze.berlin.de/jportal/?quelle=jlink&query=Gl%C3%BCStVtr+BE+%C2%A7+27&psml=bsbeprod.psml&max=true>)

More information

- **Information from the Senate Department for Economics - Trade Law**
(<https://www.berlin.de/sen/wirtschaft/wirtschaftsrecht/gewerberecht/>)
- **Information from the Senate Department for Economics -**

Commercial gaming law

(<https://www.berlin.de/sen/wirtschaft/wirtschaftsrecht/gewerberecht/schulungseinrichtungen-nach-dem-spielhallengesetz-berlin/>)

Notes on responsibility

Racing and horse breeding clubs must apply for a totalisator permit from the Senate Department responsible for economics. The application is only admissible for Berlin racetracks or betting offices in Berlin.