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Commercial gaming law

Senatsverwaltung für Wirtschaft, Energie und Betriebe

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Barrier-free access



[Explanation of symbols \(https://service.berlin.de/hinweise/artikel.2699.php\)](https://service.berlin.de/hinweise/artikel.2699.php)

Opening hours

Nahverkehr

S-Bahn

Insbrucker Platz: S42, S41, S46, about 10 minutes walk

U-Bahn

Rathaus Schöneberg: U4, about 3 minutes walk

Bus

Rathaus Schöneberg: 104, M46, about 3 minutes walk

Payment options

Payment is not provided

Gambling - Apply for a bookmaker's licence

If you want to be a professional commercial horse bettor or broker, you need a so-called bookmaker's permission.

Bookmakers (m/f/d) can participate in public performance tests for horses (horse racing)

- independently conclude betting contracts in their own name and for their own account, or
- arrange betting contracts for a totaliser or other bookmaker, or
- conclude betting contracts in their own name but on behalf of third parties.

The bookmaker requires permission for the location where the bets are accepted or brokered (see "More Information"). Bets must be offered at fixed odds on the racetrack in the event of races taking place on race day. Otherwise, the bookmaker is free to offer bets at the totalisator course. As a bookmaker, you can be represented by employees (bookmaker assistants) in the mediation and conclusion of horse bets in the exercise of the bookmaker's trade (see "More Information").

Bookmakers, as betting operators, guarantee the payment of winnings. The portion of the betting income that is not distributed as winnings remains with the bookmaker as profit margin, net of taxes.

Procedure:

1. You apply for the bookmaker's permission at the Senate Department responsible for economics.
2. Your application will be examined by the competent authority.
3. If there are no reasons for denial and you satisfy all the requirements, you will receive a permit after the procedure has been completed.

Permission may be granted with a time limit or a reservation of revocation, or may be subject to a condition or reservation of subsequent inclusion, modification or amendment of a condition. It may also be limited to individual events.

Note:

- Anyone who makes or brokers bets on a commercial basis without permission will be punished with a imprisonment of up to two years or a monetary penalty!
- Please note that when exercising the bookmaker trade, you must observe the obligations of the State Treaty on Gambling. These are regulated in particular in §§ 1 to 3, 4 sections 3 and 4, §§ 5 to 7 and § 27 of the State Treaty on Gambling (see "Legal bases").

Prerequisites

- **Natural person or legal entity**

Both natural and legal entities under private law (e.g. limited liability companies, associations, registered cooperatives, foundations) can be granted permission.

- **Compliance with the objectives of the State Treaty on Gambling**
(<https://gesetze.berlin.de/jportal/?quelle=jlink&query=Gl%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.
- **Flawless business management**
You have to be personally reliable and provide the necessary evidence (e.g. information from the certificate of good conduct, central business register, insolvency register, debtor register, etc.).
- **Expertise and commercial qualification for the bookmaking trade**
You must have the relevant professional skills and experience and, especially, the necessary commercial knowledge to independently practice the activities peculiar to the bookmaking trade. In the case of legal entities, evidence must be provided by the legal representative.
- **Deposit of a security**
The guarantee is liable for the State's tax claims, together with interest, fines and penalties, the costs of criminal proceedings and penalty payments, and the bettors' claims arising from the betting transactions. The amount of the guarantee will be fixed in the notice of permission. It depends on the presumed scope of the bookmaking business and the amount of the expected liabilities and can be increased or reduced by the authority at any time.

Documents required

- **Application - Bookmaker's trade**
(see "Forms")
 - Submit the application in text form by post or electronically.
- **Identity document**
A clearly readable copy of the identity card or passport and residence permit if the applicant is not a national of an EU country
- **Certificate of good conduct for presentation to an authority**
(<https://service.berlin.de/dienstleistung/120926/>)
A certificate of good conduct for submission to an authority (also official certificate of good conduct) is required to verify personal reliability. The certificate must not be older than 3 months. In the case of legal entities (e.g. limited liability company, public limited company, association), this proof must be provided by all legal representatives. When applying, please state "bookmaker's licence according to § 2 I RennwLottG" as the purpose of use.
- **Excerpt from the central business register for presentation to an authority**
(<https://service.berlin.de/dienstleistung/327835/>)
In order to verify personal reliability, an extract from the Central Commercial Register is required for submission to an authority. The certificate must not be older than 3 months. In the case of legal entities (e.g. limited liability company, public limited company, association), this proof must be provided by all legal representatives and additionally an extract for the legal entity itself. When applying, please state "bookmaker's licence according to § 2 I RennwLottG" as the purpose of use.
- **Information from the insolvency register**
(<https://service.berlin.de/dienstleistung/327527/>)

- For insolvency proceedings of natural persons resident in Berlin, **two certificates** are required as proof. The first one for consumer insolvency proceedings must be applied for at your local court and the second one for regular insolvency proceedings at the Amtsgericht Charlottenburg Amtsgerichtsplatz 1, 14057 Berlin. The evidence must not be older than 3 months.
- The local court of Charlottenburg, Amtsgerichtsplatz 1, 14057 Berlin, is responsible for insolvency proceedings of legal entities and commercial partnerships with registered offices in Berlin.
- In the case of legal entities, the information must also be provided for all legal representatives (e.g. managing directors, board members).
- Applicants with residence/business outside of Berlin should inform themselves about the respective jurisdiction of the insolvency courts via the central local and court register. (see "Further information")
- **Self-information from the debtors' register**
[\(https://service.berlin.de/dienstleistung/327028/\)](https://service.berlin.de/dienstleistung/327028/)
 The evidence must not be older than 3 months.
 In the case of legal entities, the information must also be provided for all legal representatives (e.g. managing directors, board members).
- **Certificate in tax matters ("Bescheinigung in Steuersachen")**
[\(https://service.berlin.de/dienstleistung/324713/en/\)](https://service.berlin.de/dienstleistung/324713/en/)
 If you already have your own business, contact the company tax office.
 If you do not yet have your own business, contact your local tax office.
 The proof must not be older than 3 months.
 In the case of legal entities, the information must also be provided for all legal representatives (e.g. managing directors, board members).
- **Proof of ownership of equity or working capital**
 An ownership or working capital of at least EUR 25,000 must be provided by a current bank statement or by current bank information. Evidence must also be provided that this is - not even partially - borrowed money or capital from a third-party partnership.
- **Guarantee**
 The guarantee may be provided as a bank guarantee, savings book with a blocking note or fixed-term deposit account with a pledge agreement in favour of the Senate Department responsible for economic affairs or to an interest-free deposit account designated by the Senate Department responsible for economic affairs. The amount will be determined by notice and will be adjusted if the actual circumstances change.
- **Proof of commercial qualification for the bookmaking trade**
[\(https://www.buchmacherverband.de/\)](https://www.buchmacherverband.de/)
 Usually the proof can be provided by
 - taking an examination before an examination board (e.g. Deutscher Buchmacherverband Essen e.V.) or
 - proof of at least two years' continuous activity as a bookmaker's assistant
 can be provided.
- **Extract from the commercial register/register of associations, if applicable**
[\(https://www.handelsregister.de/rp_web/welcome.xhtml\)](https://www.handelsregister.de/rp_web/welcome.xhtml)
 - Registered legal entities (e.g. GmbH) please submit a current extract (chronological) from the commercial register when submitting your

application.

- Registered associations please submit a current extract from the register of associations when submitting your application.
- Extracts from the commercial register and the register of associations can be accessed on the internet via the common register portal of the federal states.
- Legal entities that are in the process of foundation submit the statute of association or the constitution of the association.

Forms

- **Application - Bookmaker's trade**

(https://www.berlin.de/formularverzeichnis/?formular=/wirtschaft/gewerberecht/assets/antrag_buchmacher_.pdf)

- **List - Evidence for bookmaker's trade (Annex 3)**

(https://www.berlin.de/formularverzeichnis/?formular=/wirtschaft/gewerberecht/assets/anlage_3_uebersicht-nachweise.pdf)

Fees

- EUR 350 to EUR 1,000 depending on the administrative effort

Legal basis

- **Racing Betting and Lottery Act (Rennwett- und Lotteriegesezt or RennwLottG) § 2 sec. 1 - bookmaker's permission**

(https://www.gesetze-im-internet.de/rennwlottg_2021/_2.html)

- **Implementing Ordinance to the Racing Betting and Lotteries Act (Durchführungsverordnung zum Rennwett- und Lotteriegesezt or RennwLottDV) § 3 - Conditions for granting**

(https://www.gesetze-im-internet.de/rennwlottgabest/_3.html)

- **Implementing Ordinance to the Racing Betting and Lotteries Act (Durchführungsverordnung zum Rennwett- und Lotteriegesezt or RennwLottDV) § 5 - Special rules for bookmakers**

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

- **Schedule of Administrative Fees (Verwaltungsgebührenordnung (VGebO))**

(https://gesetze.berlin.de/perma?a=VwGebO_BE)

- **State Treaty on Gambling (Glücksspielstaatsvertrag or GlüStV) § 1 - Goals**

(<https://gesetze.berlin.de/jportal/?quelle=jlink&query=GI%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=GI%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=GI%C3%BCStVtr+BE+%C2%A7+3&psml=bsbeprod.psml&max=true>)

- **State Treaty on Gambling (Glücksspielstaatsvertrag or GlüStV) § 4 - General terms and conditions**
(<https://gesetze.berlin.de/jportal/?quelle=jlink&query=GI%C3%BCStVtr+BE+%C2%A7+4&psml=bsbeprod.psml&max=true>)
- **State Treaty on Gambling (Glücksspielstaatsvertrag or GlüStV) § 5 - Advertising**
(<https://gesetze.berlin.de/jportal/?quelle=jlink&query=GI%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=GI%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=GI%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=GI%C3%BCStVtr+BE+%C2%A7+27&psml=bsbeprod.psml&max=true>)

More information

- **Informationen zum Gewerberecht (Senatsverwaltung für Wirtschaft)**
(<https://www.berlin.de/sen/wirtschaft/wirtschaftsrecht/gewerberecht/>)
- **Informationen zum gewerblichen Spielrecht (Senatsverwaltung für Wirtschaft)**
(<https://www.berlin.de/sen/wirtschaft/wirtschaftsrecht/gewerberecht/schulungseinrichtungen-nach-dem-spielhallengesetz-berlin/>)
- **Search for the competent court (central directory of places and courts)**
(<https://www.justizadressen.nrw.de/de/justiz/suche>)
- **Auskunft aus dem Schuldnerverzeichnis (Vollstreckungsportal der Länder)**
(<https://www.vollstreckungsportal.de/zponf/allg/willkommen.jsf>)
- **Glücksspiel - Erlaubnis für Buchmacherörtlichkeit (Wettannahmestelle) beantragen (Dienstleistung)**
(<https://service.berlin.de/dienstleistung/329920/en/>)
- **Glücksspiel - Buchmachergehilfenerlaubnis beantragen (Dienstleistung)**
(<https://service.berlin.de/dienstleistung/329917/en/>)

Hinweise zur Zuständigkeit

The licence to practise the bookmaking trade in the Federal State of Berlin must be applied for at the Senate Department responsible for economic affairs.