

Full title of law or regulation

The Royal Decree of 25 October 2018 on the procedures for operating games of chance and bets operated via Information Society tools

Arrêté royal relatif aux modalités d'exploitation des jeux de hasard et des paris exploités au moyen des instruments de la société de l'information

https://etaamb.openjustice.be/fr/arrete-royal-du-25-octobre-2018_n2018014587.html

Title of relevant section

Those relevant to advertising: Chapter I, Advertising arrangements and Chapter II, Article 10

Chapter I. Advertising arrangements

Article 1

Class A+ or B+ licence holders may only promote the games of chance that they offer via Information Society tools on the website on which the operation of these games is authorised or via personalised advertising within the meaning of Book VI or Book XII of the Code of Economic Law. Class A+ or B+ licence holders must be sure not to send any personalised advertising to persons forbidden or refused access to games of chance pursuant to Article 54 of the Act of 7 May 1999 on gambling, betting, gambling establishments and the protection of gamblers.

Holders of class A +, B + or F1 + licenses are required to enforce the provisions contained in this order.

Article 2.

§ 1. Advertising for games of chance¹ and bets² operated by class A +, B + or F1 + license holders via Information Society tools may not:

1. Exaggerate the chances of winning;
2. Create or maintain a gambling addiction or abusively incite to play;
3. Give information relating to winnings or the chance of winning that is not verifiable or does not correspond to the rates of return to the player of the game in question;
4. Suggest that winning depends only on knowledge of the game;
5. Praise people who play or criticise those who do not play;
6. Put pressure on a person if they do not wish to participate in the game;
7. Suggest that all participants will win significant sums;
8. Insinuate that gambling is a solution to financial and personal problems;
9. Suggest that gambling constitutes an alternative to working and saving;
10. Imply that gambling is a way of paying bills and debts;
11. Play on the vulnerability of people who are experiencing financial difficulties or exploit their financial difficulties;
12. Represent:
 - a) Situations where people play a game or bet while simultaneously consuming alcohol and/or tobacco;
 - b) Illicit forms of gambling, betting, lottery or competition;
 - c) Content of a violent nature or which incites violence, themes with a degrading

¹ Article 2, 1 of the Gaming Act defines 'games of chance' as 'any game by which a stake of any kind is committed, the consequence of which is either loss of the stake by at least one of the players or a gain of any kind in favour of at least one of the players, or organisers of the game and in which chance is a factor, albeit ancillary, for the conduct of the game, determination of the winner or fixing of the gain'.

² A 'wager' is defined as a specific sub-category of games of chance: 'a game of chance in which each player wagers an amount that generates a gain or loss that does not depend on an act of the player, but depends on the realisation of an uncertain event happening without the intervention of the players' (Article 2, 5° of the Gaming Act).

sexual connotation or illegal behaviour;

13. Convey discrimination in any form whatsoever;
14. Promote or associate themselves with advertising offering loans that may be obtained for the purpose of gambling;
15. Show sports people or sports clubs placing bets or playing games of chance;
16. Use images, logos, portraits, indications or wording pertaining to the events to which betting relates without the consent of the rights holders.

§2. Advertising for the games of chance or bets operated by class A +, B + or F1 + license holders via Information Society tools must include indication of the minimum required age for participation in these games of chance or bets.

§ 3. Each advertisement for the games of chance or bets operated via Information Society tools shall include the following message "Jouez avec modération!" (Play in moderation!), regardless of the medium used.

The size of the letters of a written message referenced in the preceding paragraph must correspond to at least 4% of the size of the advertising space and have a point size of at least 7, but without being less than a quarter of the size of the largest characters used in the advertising.

Article 3

§ 1. In the case of the games of chance that are operated via information society tools by a class A +, B + and F1 + license holder, no advertising may be broadcast:

1. During live coverage of sporting competitions, i.e. during the period running from the effective start of the sporting competition in question being broadcast live until the effective end of this sporting competition, regardless of what media is employed to broadcast the live coverage;
2. During the fifteen-minute period preceding the start and the fifteen-minute period following the end of programmes specifically aimed at children and minors.

In the case of class A +, B + and F1 + license holders, no advertising for online sporting bets shall be broadcast before 8 pm, unless sporting programmes are being broadcast

The number of advertisements for operators of online sporting bets shall be restricted to one per advert break

Only advertisements containing messages relating to responsible gambling shall be broadcast.

§ 2. Advertising for bets operated via Information Society tools by Class F1 + license holders may not:

1. Encourage minors to gamble or suggest that minors can gamble, or target minors or represent people in their advertisements who are, or appear to be, minors placing bets;
2. Encourage minors to persuade their parents or others to participate in the bets to which this advertising relates;
3. Be broadcast via advertising platforms or media known for being mainly targeted at minors;
4. Be shown in a cinema during the showing of a film mainly intended for an audience of minors;
5. Be run in places predominantly populated by minors, or in health establishments;
6. Use marketing techniques or drawings referring to celebrities, images or expressions that are popular or fashionable among minors;

§ 3. Advertising, communications or promotional campaigns for games of chance and bets operated by class A+ or B+ licence holders via Information Society tools may not:

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1. Encourage persons under 21 years of age to gamble or lead them to think that they are authorised to gamble, target these persons or represent persons in their advertising who are, or appear to be, less than 21 years of age taking part in a game of chance;
 2. Incite persons under 21 years of age to persuade their parents or others to participate in the games of chance to which this advertising relates;
 3. Use marketing techniques or drawings referring to celebrities, images or expressions that are popular or fashionable among minors;
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Article 4

Advertising for the games of chance and bets operated by a class A +, B + or F1 + license holders via information society tools may not divulge the identity, address and other data pertaining to players and their families, including their photograph or other visual recording.

Article 5

Advertising for the games of chance and bets operated by class A +, B + or F1 + license holders via information society tools may not:

1. Offer game credits or bonuses of any kind, except on their own website;
 2. Incite people to play by promising a new contribution or the reimbursement of the bet in the event of a loss.
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Chapter II

Article 10

Holders of a supplementary class F1+ licence may under no circumstances advertise themselves or the games of chance or betting products that they offer on the players' equipment or sporting equipment of under-age sports teams.
