[BG] Penalty on a Mobile Operator because of TV Gambling Game

IRIS 2012-5:1/8

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On 21 February 2012 the Administrative Court in Sofia confirmed a penal provision issued on 12 May 2010 by the Chairperson of the State Commission on Gambling (SCG) which imposed an administrative penalty on Cosmo Bulgaria Mobile, joint-stock company Globul. The penalty amounted to BGN 50,000 (EUR 25,564) for organising and conducting the gambling game *Големият кеш* (“The Big Cash") (during the period September-December 2009) without permission from the SCG. The Court accepted the game "The Big Cash" was gambling. The organising and conducting of that game without prior permission from the SCG are illegal.

The game was broadcast on the national private television channel "Nova TV". “The Big Cash” included a quiz in which the participants answered questions by sending text messages which cost BGN 1.20 (EUR 0.5). If they answered correctly at least one question, their name was included in a list for the daily prize of BGN 15,000 (EUR 7,669). In case of five correct answers the participant was included in the monthly lot for BGN 100,000 (EUR 51,129). With ten correct answers the participant took part in the lot of the grand prize of BGN 500,000 (EUR 255,645) which was drawn at the end of the game (26 December 2009). If they had the highest number of points during the week, they won BGN 30,000 (EUR 15,338). The drawing and the prize-giving ceremony were broadcast live by “Nova TV” in a commercial break of three minutes duration. The organiser paid money to the producers, the television station for the advertising and the presenter.

According to the general conditions of mobile operators, they have a right to send promotional messages to their subscribers, if they have given the subscribers the opportunity to refuse receiving that kind of messages. In the case of "The Big Cash" that condition has been satisfied. Anyone can halt the receipt of text messages on the game by sending a free SMS to the short number 500 with the text message "Stop".

During the investigation the inspectors from SCG found out that the total number of received text messages during the game is 14,644,498. The subscribers of the three mobile operators "VIVACOM", "M-tel" and “Globul” have paid totally BGN 17,573,397 (EUR 8,985,135) for sending these short messages.

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The State budget has been adversely affected by unpaid amounts due for a tax on gambling activities under the Law on Corporate and Income Tax and State Fees which amount is BGN 1,326,485 (EUR 750,000).

Decision of the Administrative Court in Sofia No. 919 of 21 February 2012

„Големият кеш" безспорно е хазартна игра

http://www.dkh.minfin.bg/inner.php?cat=-1&sub=436

Information of the SCG

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