

[DE] Ban on TV, radio and Internet advertising for online casinos confirmed

IRIS 2019-5:1/7

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The advertising landscape for German private TV broadcasters has, for many years, included advertisements for gambling services that are illegal under the *Glücksspielstaatsvertrag* (Inter-State Gambling Agreement - GlüStV) of the German Länder. It has long been disputed whether these advertising campaigns can be based on the online gambling licences that were awarded in Schleswig-Holstein at a time when the Land followed its own path by relaxing the rules on gambling.

The online gambling licences awarded in Schleswig-Holstein expired at the start of February 2019. As a result, television, radio and Internet advertising for these gambling services, which are now banned throughout the country, is no longer permitted under German gambling and broadcasting laws. For regulatory bodies such as the German Landesmedienanstalten (state media authorities), the considerable risk of joint action being taken against this form of advertising in accordance with the 2014 *Gemeinsame Leitlinien der obersten Glücksspielaufsichtsbehörden der Länder und der Landesmedienanstalten zur Zusammenarbeit bei der Aufsicht über Glücksspielwerbung im privaten Rundfunk und Telemedien privater Anbieter* (Common Guidelines of the supreme gambling supervisory authorities of the Länder and state media authorities on collaboration in relation to the monitoring of advertising for gambling in private broadcasting and telemedia) has been mitigated.

At their conference on 21 February 2019, the heads of the state and senate chancelleries of the Länder noted that, in order to continue to safeguard monitored services under its jurisdiction, Schleswig-Holstein wanted to grant new licences, valid until 30 June 2021, to providers that had been granted licences to run online casinos on the basis of its previous state law, even though such casinos were banned under Article 4(4) of the GlüStV. They also noted that this meant that the ban on organising or providing public gambling services on the Internet, enshrined in Article 4(4) GlüStV, would temporarily be lifted in a closely defined geographical area (Schleswig-Holstein) until 30 June 2021. However, this plan has not yet been legally implemented and the emphasis on geographical limitation suggests that nationwide advertising for such services would not be permitted.

In this context, in an official press release, the Medienanstalt Hamburg/Schleswig-Holstein (Hamburg/Schleswig-Holstein media authority - MA HSH) stated that the

ban on broadcast advertising for online casinos would remain in place in Schleswig-Holstein and throughout the country. It expressly advised all state-wide and national broadcasters licensed by it to avoid sanctions by refraining from broadcasting advertising spots for online gambling services and, if in doubt, to seek the advice of the MA HSH before doing so.

Pressemitteilung der MA HSH

<https://www.ma-hsh.de/infothek/pressemitteilung/werbeverbot-fuer-online-casinos-in-hoerfunk-und-fernsehen-gilt-weiter.html>

