

Legal Loophole Leaves German Slot Addicts Cut Off From Self-Exclusion

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Germany's gambling giant Gauselmann does not have to ban problem gamblers who want to self-exclude from its slots arcades, a local court has ruled.

The lawsuit was brought by a consumer protection association on behalf of two players who both considered themselves to be addicted to gambling and asked to be banned from entering Gauselmann's slot machine halls, which are operated under its Merkur subsidiary.

Gauselmann refused to exclude the players, arguing that there was no legal basis for self-exclusion in the state of North-Rhine Westphalia.

Marcus Röhl, a gambling law expert at German firm Benesch Winkler, said: "The judgment clarifies that mandatory exclusion of players requires a legal basis. However this is lacking in North-Rhine Westphalia as well as in many other states."

The Interstate Treaty on Gambling does not require that slot machine operators allow players to self-exclude, nor does it require for state or country-wide exclusion databases.

According to a press release, the Gauselmann group is not opposed to player exclusion, but does not want to carry out identity checks to implement bans due to data protection concerns. Instead, Gauselmann uses biometric technology in some of its arcades and has promoted an expansion of this solution in the course of the legal proceedings.

Mario Hoffmeister, Gauselmann's head of communications, told GamblingCompliance: "We will voluntarily introduce player protection schemes based on biometric parameters in our gaming locations.

"We would also not be opposed to state-wide or federal exclusion systems, as long as these are based on biometrics."

The Interstate Treaty does mandate that slot operators develop social concepts to ensure players gamble responsibly and to prevent gambling addiction.

The player protection group that initiated the proceedings alleged that these social concepts should include the implementation of broader self-exclusion measures.

However, the district court in Bielefeld slammed this interpretation, stating: "Regarding players that are already addicted, preventive measures are not a priority, for these players, therapeutic initiatives are called for."

The head of the player protection group told German media that its interpretation of the law was different, and argued it was “illogical” to require operators to put in place prevention measures on the one hand, “but if somebody is already addicted to gambling, you do not have to do anything”.

Other gambling sectors are subject to stricter player protection rules. For casinos, sports betting and lotteries, a federal exclusion database called OASIS has been set up by the state of Hesse under the current Interstate Treaty.

Despite the treaty not providing for player exclusion in the slot machine sector, the recent judgment highlighted that Germany’s state governments are entitled to provide for such measures in their respective state laws.

However, most states have decided not to do so, with Hesse being an exception, as the state requires local slot operators to check whether a player has self-excluded by referring to a separate slots-specific database under the OASIS system.

Two other states have decided to put in place legislation providing for exclusion databases, but the state of Baden-Württemberg had to redraft its legislation after it was held to be unconstitutional and the state of Rhineland-Palatinate has not yet implemented its legislation as it is still to set up an operational database.

Röll said: “Apart from this, other states merely sometimes give players the possibility to self-exclude in the respective slots halls, but only if the applicable state law provides for this or the slot hall itself offers this.”

He added: “There is no central storage of the data and exclusion in all other slot halls in a state.”

This matter is not subject to change following the recent **amendments** to the Interstate Treaty on Gambling, which focus mainly on sports-betting licensing.

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