

Austria

LEGISLATION

Austrian law distinguishes between the federal and the state level. National and interactive gambling services are regulated by the federal Law on Games of Chance (*Glücksspielgesetz*). The law provides for a quasi state monopoly for the organisation of lotteries. According to this law, only one license may be granted to a private company domiciled in Austria by the Ministry of Finance for the exploitation of the national lottery. Next to the issuance of the license, the Ministry of Finance also supervises the licensed company. The single license is granted for a period of 15 years and is currently in possession of the *Österreichische Lotterien Gesellschaft mbH* until 2012. Only the licensed Austrian lottery company and state controlled casinos may offer online games. The European Court of Justice ruled in September 2010 that the granting of licenses needs to be done in a more transparent way, open to competition from abroad. In the summer of 2010 the Parliament approved an amended Gaming Act.

CHARITY LOTTERIES

Lotteries with the purpose of raising money for good causes are only allowed if granted authorisation by the state. The event must be organised by legal persons domiciled in Austria and may not be organised for commercial purposes. If the prize money awarded in the game exceeds 15,000 EUR, the event must be designed to achieve "individual goals of a charitable, ecclesiastical or philanthropic nature in Austria."

As far as we know, lotteries that meet the criteria of a charity lottery do not exist in Austria. However, the *Österreichische Lotterien Gesellschaft* distributes part of the sales to charities and is therefore mentioned below.

ÖSTERREICHISCHE LOTTERIEN GESELLSCHAFT MBH

The *Österreichische Lotterien Gesellschaft*, established in 1986, offers different products at the Austrian gambling market, including: Lotto, Toto, bingo, Euro Millions, scratch cards and online and class lotteries.



Total sales in 2009 amounted to 2,633 million EUR (↑ 10%), of which 71 million EUR (2,7%) was used for the promotion of sports, e.g. for more coaches, better infrastructure and sports medicine. The funds are managed by the Austrian Federal Sports Organisation. As of January 2005 the *Österreichische Lotterien Gesellschaft* was obliged to reserve 3% of its annual sales proceeds for the promotion of sports. Now, this has to be a minimum of 40 million EUR.

Furthermore, the lottery covers the financial needs of several foundations (Austrian Child Aid Foundation, Austrian Senior Citizens Aid Foundation and Austrian Sport Aid Foundation) since it introduced the lotto '6 out of 45' game in 1986, that became a superior competitor for the number lotteries that were organised by these foundations.

Total prizes that were paid out in 2009 amounted to 1,920 million EUR, making up for 73% of total sales and 421 million EUR (16%) was paid for fees, duties and taxes. For more information go to: www.lotterien.at

Sources:

Austrian Lotteries annual report 2009, available at: http://www.lotterien.at/download/OELG_GB_2009_engl.pdf

Ministry of Finance Austria - Regulation of games of chance, available at: http://english.bmf.gv.at/FinancialMarkets/Lotterymonopoly/_start.htm

Novamedia gaming and lottery files, available at: www.gamingandlotteryfiles.com

Study of gambling services in the internal market of the European Union - Swiss Institute of Comparative Law, April 2006, available at: http://ec.europa.eu/internal_market/services/gambling_en.htm