

---

CHAMBERS GLOBAL PRACTICE GUIDES

---

# Gaming Law 2024

---

Definitive global law guides offering  
comparative analysis from top-ranked  
lawyers

**Italy: Law & Practice**

Stefano Sbordonì  
Sbordonì & Partners





## Law and Practice

**Contributed by:**  
Stefano Sbordonì  
**Sbordonì & Partners**

### Contents

#### 1. Introduction p.5

##### 1.1 Current Outlook and Recent Changes p.5

#### 2. Jurisdictional Overview p.5

##### 2.1 Online p.5

##### 2.2 Land-Based p.8

#### 3. Legislative Framework p.9

##### 3.1 Key Legislation p.9

##### 3.2 Definition of Gambling p.11

##### 3.3 Definition of Land-Based Gambling p.11

##### 3.4 Definition of Online Gambling p.11

##### 3.5 Key Offences p.11

##### 3.6 Penalties for Unlawful Gambling p.12

##### 3.7 Recent or Forthcoming Legislative Changes p.13

#### 4. Licensing and Regulatory Framework p.15

##### 4.1 Regulatory Authority p.15

##### 4.2 Regulatory Approach p.15

##### 4.3 Recent or Forthcoming Changes p.15

##### 4.4 Types of Licences p.15

##### 4.5 Availability of Licences p.16

##### 4.6 Duration of Licences p.17

##### 4.7 Application Requirements p.17

##### 4.8 Application Timing p.18

##### 4.9 Application Fees p.18

##### 4.10 Ongoing Annual Fees p.19

#### 5. Land-Based Gambling p.19

##### 5.1 Premises Licensing p.19

##### 5.2 Recent or Forthcoming Changes p.19

#### 6. Online Gambling p.19

##### 6.1 B2C Licences p.19

##### 6.2 B2B Licences (Suppliers, Software, Etc) p.19

##### 6.3 Affiliates p.20

##### 6.4 White Labels p.20

##### 6.5 Technical Measures p.20

##### 6.6 Recent or Forthcoming Changes p.20

## **7. Responsible Gambling (RG), Also Known as Safer Gambling (SG) p.20**

- 7.1 RG Requirements p.20
- 7.2 Gambling Management Tools p.20
- 7.3 Recent or Forthcoming Changes p.20

## **8. Anti-money Laundering (AML) p.21**

- 8.1 AML Legislation p.21
- 8.2 AML Requirements p.21
- 8.3 Recent or Forthcoming Changes p.21

## **9. Advertising p.24**

- 9.1 Regulatory/Supervisory Agency p.24
- 9.2 Definition of Advertising p.24
- 9.3 Key Legal, Regulatory and Licensing Provisions p.24
- 9.4 Restrictions on Advertising p.24
- 9.5 Sanctions/Penalties p.26
- 9.6 Recent or Forthcoming Changes p.26

## **10. Acquisitions and Changes of Control p.26**

- 10.1 Disclosure Requirements p.26
- 10.2 Change of Corporate Control Triggers p.26
- 10.3 Passive Investor Requirements p.26
- 10.4 Recent or Forthcoming Changes p.26

## **11. Enforcement p.27**

- 11.1 Powers p.27
- 11.2 Sanctions p.28
- 11.3 Financial Penalties p.28
- 11.4 Recent or Forthcoming Changes p.28

## **12. Tax p.28**

- 12.1 Tax Rate by Sector p.28
- 12.2 Recent or Forthcoming Changes p.30

## **13. Personal Approvals and Licensing p.30**

- 13.1 Types of Authorisations and Licences p.30
- 13.2 Application Process p.31
- 13.3 Ongoing Annual Fees p.31
- 13.4 Ongoing Requirements p.31
- 13.5 Personal Sanctions p.32
- 13.6 Recent or Forthcoming Changes p.32

Contributed by: Stefano Sbordonì, **Sbordonì & Partners**

**Sbordonì & Partners** is a law firm founded by lawyer Stefano Sbordonì, headquartered in Rome. Sbordonì & Partners' lawyers have all been granted legal advocacy before the Italian Supreme Court. The firm offers legal, judicial and extrajudicial assistance in all areas of civil, administrative, insurance, commercial, corporate and IT law for individual clients and for national and international companies. It has specific expertise in public gaming law and bet-

ting, and offers assistance to Italian and foreign operators/clients for the adaptation of business strategies to the regulatory framework of the current legislation in Italy, providing clients with the necessary operational guidelines for compliance with current legislation, and actively collaborating with the institutional bodies for the development of the regulation of public gaming. Sbordonì & Partners is a legal partner of, among others, the Italian Esports Observatory (OIES).

## Author



**Stefano Sbordonì** is the founding partner of Sbordonì & Partners, and is an Italian Supreme Court lawyer with over 20 years' experience in gambling and betting law. He supports the Customs and Monopolies Agency (ADM) on administrative law matters. He is also a professor at the University of Salerno and an arbitrator at the Chamber of Arbitration in Rome. Since 2014, he has been the general

secretary of UTIS (the Italian Union of Sports Totoricevitori) and a member of the International Masters of Gaming Law (IMGL). He has also written numerous monographs and other publications. Stefano is registered with the Order of Journalists as a publicist, and has been collaborating with some of the most popular gaming magazines in Italy. Since 2002, he has been a speaker at numerous conferences regarding the gaming and betting sector.

---

## Sbordonì & Partners

Via Arenula  
16 Roma (00186)  
Italy

Tel: +39 066 834 021  
Email: [s.sbordonì@studiosbordonì.com](mailto:s.sbordonì@studiosbordonì.com);  
Web: [www.studiosbordonì.com](http://www.studiosbordonì.com)



## 1. Introduction

### 1.1 Current Outlook and Recent Changes

In 2023, the gaming market in Italy generated total revenue of EUR147.7 billion. EUR127 billion of this amount represented winnings, and gross gaming revenue (GGR) came to EUR20.7 billion, more or less equal to 2022, when spending was EUR20.4 billion.

The online sector represented 21% of total spending in 2023, showing constant growth versus 9% in 2019, with a total volume of EUR4.3 billion, more than doubling compared to 2019. Although the retail sector is recovering compared to the pandemic period, it is nevertheless in a stagnating trend, declining 7.7% compared to 2019. Casino games are among the sectors driving online growth, accounting in 2023 for 55% of online spending (around EUR2.4 billion) and sports betting (around EUR1.5 billion), which quadrupled and doubled, respectively, in the period.

Contributions to the Treasury are rising. Thanks to legal gaming, in fact, a total of EUR11.6 billion ended up in the state coffers in 2023, an increase of 3.6% compared to the previous year. The Amusement With Prizes (AWP) and Video Lottery Terminals (VLT) market is still the largest contributor to the Treasury, with 60% of tax revenues (around EUR5.5 billion). Lotto, SuperEnalotto, Scratch Cards and Lotteries contributed 27% (around EUR3.4 billion). Betting accounted for 5.6% of payments to the Treasury, and 7.3% was attributed to other games.

Overall expenditure in the betting segment in 2023 in Italy was EUR3.1 billion, while the contribution to the Treasury was EUR684 million. From other games, EUR827 million went to the Treasury, while spending was EUR2.5 billion.

Spending on agency sports betting was EUR929.8 million at the end of 2023, up just 0.8% on 2022 (EUR922.5 million). The increase in collections was more pronounced, up 3.9% from EUR4.9 billion in 2022 to EUR5.1 billion at the end of 2023.

Lottomatica leads the spending ranking, with a market share of 33.1%. Snaitech and Eurobet fared well, with 19.3% and 16.2% of market share, respectively. The two companies also grew in terms of spending. Snaitech recorded an increase of 10.3%, and Eurobet 15.1%. Sisal (+6.8%), Planetwin365 (+4.5%), Betaland (+7.1%), Admiral Sport (+9.2%) also grew.

### Recent Changes

On 25 March 2024 Legislative Decree No 41/2024 containing “provisions regarding the reorganization of the gaming sector starting from remote gaming” was approved by the Government in implementation of the Delegation Law No 111/2023 for the general tax reform.

This decree aims to reorganise and update the legislation regarding public games, ie, those online and land-based gaming that offer cash winnings, to improve control and ensure greater safety in the gaming sector, introducing new rules and principles that all operators in the sector will have to follow and providing rules and deadlines for the tender proceedings for the renewal of online gaming concessions expiring on 31 December 2024.

## 2. Jurisdictional Overview

### 2.1 Online

After a so-called deregulation phase, Directorial Decree No 128 was issued on 31 May 2002 by the Autonomous Administration of State

Monopolies (AAMS, now ADM) applying Article 3 paragraph 230 of Law No 549/1995. The subsequent Decree of the Ministry of Finance No 174/1998 laid down rules for the organisation and operation of totaliser betting and fixed-odds on sports competitions organised by CONI, with new methods of accepting bets by telephone or electronically – thus officially regulating online betting in Italy.

With Law No 266/2005 (the “Budget Law 2006”), the Customs and Monopolies Agency (ADM) was entrusted with the task of regulating the online gaming sector. As a result, all sites that did not have the necessary permissions were banned. The so-called Bersani Decree (Legislative Decree No 223/2006, converted by Law No 248/2006) allowed foreign operators to open sites compliant with Italian legislation, eliminating the need for a concession for online operation, while maintaining the system of previously established qualifications.

Subsequently, in 2009, with Law No 88/2009, the ban on gaming by minors was made mandatory for websites in the gaming sector, and a series of obligations and limits was put in place regarding the presentation of identity documents when registering. The ADM [website](#) contains a list of authorised remote gaming concessionaires.

Therefore, the following bets are legal in Italy:

- number games with fixed odds;
- lotto;
- numerical totaliser games (Superenalotto, Eurojackpot, Win for Life);
- sports-based betting;
- fixed-odds betting;
- horse-race betting;

- non-sporting events betting (eg, music festivals such as Sanremo and Eurovision Song Contest, reality shows, etc);
- traditional and instant lotteries; and
- betting exchange.

The online bingo concessions are granted by the ADM to bingo halls that meet all the safety and protective requirements of player privacy. The online bingo protocol was adopted and can only be exercised both by the owners of the bingo halls and by the concessionaires for online gaming. Autonomous bingo rooms must guarantee:

- secure connections;
- secure banking transactions;
- protection of sensitive members’ data; and
- quality in the services offered.

The rules also provide for penalties in the event of any violation of the laws on gambling in Italy. Bingo hall concessions last six years and can be renewed only once. With Law 197/2022 (Budget Law 2023), they were further extended to 31 December 2024. There are many online bingo sites operating in Italy. The most popular ones, according to a comparative analysis provided by specialised analysts, are:

- Eurobet;
- SNAI;
- AdmiralYES;
- Gioco Digitale; and
- William Hill.

Article 2 paragraph 3 of Law Decree No 138/2011 (the “Ferragosto Decree”, converted by Law No 148/2011), attributes to the MEF/AAMS (now ADM) power to issue with its own decrees “all the provisions on public games useful in order to ensure higher tax revenues” and to “also introduce new games” – in fact, it also legalised

online casinos, acknowledging the now ADM as the authority to close unauthorised sites.

Law No 266/2005 and Law No 88/2009 introduced the obligation to communicate the prohibition on gambling to minors under 18 years of age. Therefore, all online casinos are required to obtain an ID and a validated tax number in order for players to start playing on the online platform. The opening of an online casino is subject to the release of the licence by the ADM, for which it is necessary to pay EUR350,000 to this body as well as the annual taxes on the profit gross, which can vary from 3% to 20%.

Furthermore, the company that owns the casino will have to pay an income tax amounting to 27.5%. Non-AAMS/ADM online casinos do not have an Italian licence, but are not considered illegal if they have a known and secure licence issued by a foreign government (among the most important are Curacao, Malta, Cyprus and Gibraltar). The aforementioned licence in fact gives reliability and security to the game.

In Italy, there are three types of lotteries, which are distinguished according to the frequency of the awarding of prizes:

- instant lotteries – ie, “Scratch and Win” – the prizes of which are paid immediately;
- the Lotto game, which has a bi-weekly draw (Wednesday and Saturday mornings) and derivatives (SuperEnalotto, etc); and
- the national lotteries (including the “New Year’s Lottery”), whose draws take place on an annual basis.

These are entrusted to single dealers authorised by the ADM or managed directly by the State.

The game of Lotto is not entrusted to any licensee, but the network and all operations have been entrusted to Lottomatica through a public tender, together with the possibility of developing – subject to authorisation – other games with fixed-odds numbers (of which the most widespread, as of today, is “10 and Lotto”).

The other most popular lottery is EnaLotto/ SuperEnalotto, a numerical game based on the totaliser whose concessions are assigned to Sisal. The national lotteries with instant draw (eg, Gratta e Vinci) have been foreseen by Ministerial Decree (DM) No 183/1991 and are regulated by the ADM, which publishes the regulation of each lottery on its [website](#). They are managed by the concessionaire Lotterie Nazionali S.r.l, holder of a concession agreement signed with the ADM. They involve the sale of tickets marketed at authorised resellers, who display the distinctive logo on which a combination of numbers or symbols is printed, hidden by a patina that can be removed with abrasion.

Finally, there are other minor lotteries with postponed draws, such as the Lotteria Italia or the lotteries linked to certain events, which take place in particular cities (carnival, Monza lottery, etc). The “receipt lottery” is a free prize competition connected to the “Italia Cashless” programme, established by Law No 232/2016 and which entered into force on 1 February 2021 to encourage the use of credit cards, debit cards and prepaid cards. It consists of a virtual ticket given for each Euro spent in all commercial establishments which, instead of an invoice, issue a commercial document up to a maximum amount of 1,000 tickets for each receipt of an amount equal to or greater than EUR1,000; and the lottery code can be obtained by entering the tax code on the lottery [portal](#). The first drawing was launched on 11 March 2021.

Regarding eSports, platforms with an Italian or international licence (eg, BetWay) allow each player to bet on the various online events (eg, Dota 2, Call of Duty, etc) without any kind of danger, as for sport bets.

Poker is gambling and, therefore, is illegal pursuant to Articles 718–723 of the Criminal Code when each bet is made directly with money and not with chips (so-called cash game). However, it is legal when it does not constitute a game of chance – ie, whenever, in the variant practised and pursuant to the Bersani Decree, skill prevails or is equivalent to the luck component, or when in tournaments there is a quota-equal fixed registration for all players, who are given the same amount of chips with no cash value and the jackpot is established at the outset (eg, Texas Hold'em freezeout without rebuy).

Online poker must be exercised according to the rules established by Law No 266/2005 (the “Financial Law 2006”), which gave the ADM the right to regulate the online gaming sector, with the consequent prohibition on carrying out this activity for all sites that do not have the necessary authorisations.

## 2.2 Land-Based

In Italy the legal gambling market is structured into two segments.

- The first is that of “public gaming” and is managed by the State through the ADM (into which the Azienda Autonoma dei Monopoli di Stato (AAMS) was incorporated), and through a network of concession holders/licences ensures the regulated distribution of the most widespread types of legal gaming.
- The second sector concerns the activity of authorised gaming houses, casinos and joint-stock companies whose capital is held by the

granting administrations (regions, provinces or municipalities). There are four casinos in Italy: Sanremo, Campione d'Italia, Venice and Saint Vincent.

### Betting

The “Bersani Decree” (Law Decree No 223/2006 converted into Law No 248/2006) opened the horse-racing and sports-betting market to all national and foreign operators meeting certain reliability requirements. Decree No 145/2022 of the Ministry of Economy and Finance (MEF), in force since 28 October 2022, contains important changes regarding fixed-odds bets on sporting events other than horse racing, and on non-sporting events.

### Poker

Poker is considered legal only if it does not constitute gambling – ie, for all those times when skill prevails over luck. In essence, poker and other popular casino games are considered legal when managed by the ADM for private individuals authorised by the State, such as casinos.

### Bingo

The game of bingo was introduced in Italy with Law No 133/1999, providing for the establishment of bingo halls, and is also regulated by Ministerial Decrees No 29/2000, No 12/09/2000 and No 21/11/2000, which defined the centralised control of the game and its assignment under concessions.

Bingo concessions are granted by the ADM to bingo halls that meet all the safety and protective requirements of player privacy. They last six years and can be renewed only once. With Law 197/2022 (the “Budget Law 2023”) they were further extended to 31 December 2024.

## Casinos

In Italy, there are four authorised land-based casinos regulated by the Italian Penal Code (IPC), the TULPS and related laws and regulations: Campione D'Italia, La Vallee, Sanremo (the oldest casino, built in 1905) and Venice.

## Gaming Machines

For gaming machines with cash winnings (AWP and VLTs), Article 110 of the Consolidated Law on Public Security (TULPS approved by Royal Decree No 773/1931) considers lawful those machines equipped with a certificate of conformity regarding the provisions in force issued by the MEF/AAMS, such that “together with the element of chance they also contain elements of skill”.

For new-slot/AWP machines, Article 110, paragraph 6a of the TULPS (together with Directorial Decree of 4 December 2003, subsequently modified by Inter-Directorial Decree of 19 September 2006) define such machines' characteristics as follows:

- together with the random element, in the new-slots machines there are also elements of skill, which allow the player to choose, at the start of or during the game, their own strategy for the game, specifically selecting the race options deemed most favourable among those proposed by the game;
- each device can only function if connected to the AAMS/ADM telematic network, activated by introducing coins with a value, for each batch, not exceeding EUR1;
- the duration of the match cannot be less than four seconds;
- the distribution of the winnings in cash, each of a value not exceeding EUR100, takes place immediately after the conclusion of the game exclusively in coins;

- the winnings, calculated by the machine, in a non-predeterminable way, over a total cycle of no more than 140,000 games, must not be less than 75% of the sums played;
- the use of such devices is prohibited for minors under 18 years of age; and
- the devices cannot reproduce the game of poker or, in any case, even in part, its fundamental rules.

## 3. Legislative Framework

### 3.1 Key Legislation

Gambling is defined by Article 721 of the IPC as “those games in which the purpose of profit occurs and the win or loss is entirely or almost entirely random”. It is prohibited in Italy unless authorised by the State, or unless held in authorised gaming houses (casinos) and on cruise ships sailing outside the Mediterranean Sea.

Article 718 IPC punishes with imprisonment of no less than three months and with a fine of no less than EUR260 “whoever, in a public place or place open to the public, or in private circles of any kind, holds gambling or facilitates it”. A doubled penalty applies pursuant to Article 719 if:

- the offender has set up or kept a gambling house;
- the offence is committed in a public establishment;
- large sums are wagered; and
- there are minors among the participants.

Article 720 punishes with imprisonment of up to six months or with a fine of up to EUR516 “anyone who, in a public place or place open to the public, or in private circles, is caught red-handed while taking part in gambling”.

Article 723 punishes with a fine from EUR5 to EUR103 “anyone authorised to keep gaming halls who allows non-gambling games which are in any case prohibited by the authority (see Article 110 TULPS)”.

The Italian Civil Code distinguishes between:

- lawful betting (ie, poker, roulette, etc), for which there is no legal action for the payment of a gambling or betting debt, even if the gambling or betting is not prohibited, unless the debtor proves that they have suffered fraud or are incapable (Article 1933);
- protected betting, such as horse racing and sports betting (Article 1934) and authorised lotteries (Article 1935), for which there is legal action.

The Consolidated Law on Public Safety (TULPS, Royal Decree No 773/1931 and subsequent amendments) comprises rules regarding the licences for gaming and betting (Articles 86 and 88), and for entertainment machines (AWP, VLT Article 110).

Legislative Decree No 496/1948 and Presidential Decree (DPR) No 581/1951 allow the use of concessionaires other than the State for the organisation and exercise of gaming activities.

With Legislative Decree No 300/1999, all responsibilities in the gaming and betting sector have been assigned to the AAMS/ADM.

Law No 133/1999 (Article 16), Law No 311/2004 and the subsequent DM No 111/2006 govern the collection of totaliser and fixed-odds betting on sporting events other than horse racing, and on non-sporting events.

DM No 156/2001 attributed to the MEF the competence to authorise the licensee to collect betting by telephone or telematics (online).

Law No 266/2005 (the “Financial Law 2006”) gave the ADM the power to also regulate the online gaming sector, with the consequent prohibitions for unauthorised sites.

The Bersani Decree opened the horse-racing and sports-betting market to all national and foreign operators meeting certain reliability requirements, and introduced “skill games” (Article 38 paragraph 1b), defined as “remote games with cash winnings, in which the result depends, to a greater extent than the random element, on the skill of the players” (ie, draughts, chess, bridge, poker, Texas Hold’em, etc) These can only be played on online sites managed by concessionaires authorised by the ADM.

Anti-money laundering (AML) legislation was introduced by Legislative Decree No 231/2007 (as amended) and concerns all land-based and online gaming and betting operators.

Law No 88/2009 contains provisions on online gaming and betting, namely:

- fixed-odds and totaliser betting on sports events, including simulated ones, and on horse racing and other events;
- competitions with sports and horse-racing predictions;
- national horse-racing games;
- skill games;
- fixed-odds betting with direct interaction between players;
- online bingo;
- national totaliser number games; and
- instant and deferred lotteries.

Law No 158/2012 (the “Balduzzi Decree”) contains rules on gambling addiction.

Ministerial Decree No 47/2013 regulates remote betting at fixed odds with direct interaction between players (so-called betting exchange).

Law Decree No 87/2018 (the “Dignity Decree”) increased the tax on withdrawals from slot machines (AWP) and VLTs, and banned the advertising of gambling activities, except in certain cases.

Decree No 145/2022 issued on 1 August 2022 by the Ministry of Economy and Finance (MEF), and which entered into force on 28 October 2022, contains regulation of fixed-odds betting on sporting events other than horse racing, and on non-horse racing sportsmen.

## 3.2 Definition of Gambling

Gambling is defined by Article 721 of the IPC as “those games in which the purpose of profit occurs and the win or loss is entirely or almost entirely random”.

The Bersani Decree defines skill games as “remote games with cash winnings, in which the result depends, to a greater extent than the random element, on the skill of the players” (ie, draughts, chess, bridge, poker, Texas Hold’em, etc). These can only be played on online sites managed by concessionaires authorised by the ADM.

## 3.3 Definition of Land-Based Gambling

“Land-based gambling” or “offline gaming” includes all gaming activities carried out on physical sites (casinos, betting shops, etc) considered legal by the Italian legislation described in previous sections.

The main types of legal gambling games in Italy are:

- machines with cash winnings (AWP and VLT, Article 110 TULPS);
- lotteries (Lotto, SuperEnalotto, etc);
- scratch cards;
- horse-race betting;
- sports betting;
- bingo; and
- casino games.

## 3.4 Definition of Online Gambling

According to Italian legislation and EU Directive 98/34, online gaming is “a service involving a monetary stake in games dependent on luck, including lotteries and betting, provided remotely, by electronic means at the request of the individual recipient of the services”.

The main types of online legal gambling games in Italy are:

- lotteries;
- scratch cards;
- horse-race betting;
- sports betting;
- bingo;
- online casino games; and
- online poker.

## 3.5 Key Offences

According to current Italian legislation (IPC, TULPS, Law No 401/1989 on crimes relating to gaming and betting, and subsequent amendments, etc) some illicit cases involve “crimes”, and are therefore assumed to be committed maliciously – ie:

- the abusive exercise of the organisation of lottery games, or of betting or prediction

competitions, that the law reserves to the State or other concessionary body;

- the organisation of bets or prediction competitions on sporting activities managed by the Italian National Olympic Committee (CONI), the organisations dependent on it or the Italian Union for the Advancement of Equine Breeds (UNIRE); and
- the organisation, operation and remote collection, without the prescribed concession, of any game established or regulated by the ADM.

Other illicit cases, however, are “contraventions”, and therefore can be committed either intentionally or negligently, ie:

- the illegal exercise of the organisation of public bets on other competitions involving people or animals and games of skill;
- the sale on national territory, without authorisation from the ADM, of lottery tickets or similar events of foreign states, as well as participation in such operations through the collection of bet reservations and accreditation of the related winnings, and the promotion and advertising carried out by any means of dissemination;
- (even for holders of the required concession) the organisation, operation and remote collection of any game established or regulated by the ADM with methods and techniques other than those provided for by law;
- competitions, games or bets managed in the manner referred to in the previous cases, and outside cases of complicity in one of the crimes envisaged therein, publicising their exercise;
- advertising games, bets and lotteries in Italy, accepted by anyone abroad; and
- participation in competitions, games and bets managed in the manner referred to in the

previous cases, except in cases of complicity in one of the crimes envisaged therein.

Furthermore, Italian law prohibits the “abusive” exercise of the following activities in the absence of an administrative authorisation or concession:

- games of chance carried out using devices prohibited by Article 110 TULPS (Royal Decree No 773/1931 and subsequent amendments and additions), the so-called new slots and VLTs;
- carrying out in Italy, without concession, authorisation or licence pursuant to Article 88 TULPS, any activity organised for the purpose of accepting or collecting (or in any case encouraging the acceptance, or in any way the collection, including by telephone or electronic means) of bets of any kind; and
- the collection or booking of lottery games, prediction competitions or bets by telephone or electronic means, in the absence of specific authorisation from the MEF or ADM for use of such means for the aforementioned collection or reservation.

Furthermore, Article 110 TULPS, modified by Legislative Decree No 269/2003 (as amended) establishes that in all gaming halls and other establishments, including private clubs, authorised to play the game or install gaming machines, a visible table should be displayed, prepared and approved by the commissioner and endorsed by the competent authorities upon issuing the licence. Games in addition to gambling that the commissioner deems it necessary to “prohibit”, as well as specific requirements and prohibitions, should also be indicated.

### 3.6 Penalties for Unlawful Gambling

See 3.1 Key Legislation regarding various penalties.

Article 110 paragraph 9 TULPS punishes with sanctions of up to EUR50,000 and the seizure and confiscation of property (and, sometimes, with the suspension and/or revocation of the licence) anyone who uses gaming machines for which the authorisations required by the provisions in force have not been issued, or which do not comply with the characteristics and requirements indicated in paragraphs 6 or 7 of Article 110.

Pursuant to Article 4 Law No 401/1989 and subsequent amendments, “whoever illegally carries out the organisation of lottery games, or of betting or prediction competitions, which the law reserves to the State or to another concessionary body, is punishable with imprisonment from three to six years and with a fine from EUR20,000 to EUR50,000”.

The same penalty applies to “those who organise bets or prediction competitions on sports activities managed by the Italian National Olympic Committee (CONI), organisations dependent on it or the Italian Union for the Increase of Equine Breeds (UNIRE)”.

Anyone who “illegally carries out the organisation of public betting on other competitions of people or animals and games of skill is punishable with imprisonment from three months to one year and with a fine of no less than ITL1 million”.

The same sanctions apply “to anyone who sells on the national territory, without authorisation from the ADM, lottery tickets or similar events of foreign states, as well as to anyone who participates in such operations through the collection of reservations of played and accreditation of related winnings, and through the promotion and advertising carried out by any means of dissemination”.

Anyone who organises, operates and collects remotely, without the prescribed concession, any game established or regulated by the ADM is also punishable with imprisonment from three to six years and with a fine of EUR20,000 to EUR50,000.

Anyone, even if the holder of the prescribed concession, who “organises, exercises and collects remotely any game established or regulated by the ADM with methods and techniques other than those provided for by law is punishable with imprisonment of three months to a year or with a fine of between EUR500 and EUR5,000”.

### 3.7 Recent or Forthcoming Legislative Changes

Delegating Law No 111/2023 entered into force on 29 August 2023 (the government must exercise the delegation within 24 months of the law coming into force), and contains important information as regards the gaming and betting sector. Article 15 establishes that the reorganisation of the sector referred to in paragraph 1 must be carried out in compliance with certain principles and criteria.

Firstly, the introduction of technical and regulatory measures aimed at guaranteeing the full protection of the most vulnerable subjects, as well as preventing gambling disorders and underage gambling, is envisaged.

Furthermore, the following are expected:

- regulation of adequate forms of consultation between the State, the regions and local authorities;
- reorganisation of the gaming collection networks, both remotely and in physical locations;

- strengthening the fight against illegal gaming and the infiltration of criminal organisations into gaming offerings;
- strengthening the discipline on transparency and the subjective and honourable requirements of the subjects who, directly or indirectly, hold, control or participate in the capital of the concessionaire companies of public games;
- extension of the regulations on transparency, and on the aforementioned subjective and honourable requirements for all subjects, established in any organisational form (including corporate) who participate in the supply chains activated by public gaming concessionaire companies, integrating (where necessary) the sectoral regulations in force;
- provision of a general regulation for the management of cases of irreversible crises regarding the concession relationship in the field of public gaming, especially if resulting from revocation or forfeiture provisions;
- in the matter of taxation on gaming, reserves to ordinary law or acts having the force of ordinary law, in compliance with Article 23 of the Constitution, and matters relating to taxable cases, taxable subjects and the maximum amount of tax;
- adaptation of the provisions regarding tax levies on individual games;
- definition of transparent and uniform rules for the entire national territory regarding qualifications for the exercise of gaming offerings, authorisations and controls;
- review and simplification of the regulations concerning qualifications for the exercise of gaming offerings, and prohibition on the issuance of such qualifications;
- review of the regulation of controls and assessment of taxes imposed on gaming; n) reorganisation, according to criteria of greater rigour, specificity and transparency, (taking into account the sector legislation adopted by the EU) of the regulations regarding the qualification of certification bodies for entertainment and amusement machines, and of the regulations concerning the responsibilities of such bodies and those of dealers for cases of untruthful certifications or use of devices that do not comply with the certified models;
- reorganisation of the regulation of obligations, responsibilities and guarantees (in particular, financial ones) of producers or distributors of computer programs for the management of gaming activities and related collection;
- definition, by decree of the MEF and on the proposal of the ADM, and in agreement with the General Command of the Financial Police, of annual control plans aimed at combating the practice of gaming, in any form, carried out in ways that do not comply with the State regulatory framework for the practice of lawful gaming;
- provision of access, by public and private entities that carry out activities for the prevention and treatment of gambling pathologies, to data concerning the territorial diffusion, collection, expenditure and taxation of authorised games of any type and classification; and
- provision of a report to the chambers on the public gaming sector, presented by the MEF by December 31st of each year, containing (among other things) data on the status of concessions, collection volumes, economic management results and progress regarding the protection of gaming consumers and legality.

## 4. Licensing and Regulatory Framework

### 4.1 Regulatory Authority

See 3.1 Key Legislation regarding the powers and responsibilities attributed to the ADM and other bodies.

### 4.2 Regulatory Approach

In Italy, anyone intending to carry out an activity in the “gaming and betting” sector must obtain the relative “concession” from the ADM, and a “licence” from the qualified authorities.

Concessions are divided into:

- mono-concessions – ie, Lotto, Superenalotto and lotteries; and
- multi-concessions – ie, horse racing and sports betting, sports prediction competitions, bingo, devices (slots, VLTs) and online games.

To acquire a concession, it is necessary to apply for a public tender called for by the ADM. The requirements for obtaining a concession are indicated on the ADM website. Once the concession has been obtained, the concessionaire must pay the ADM a concession fee in the percentage with respect to the amounts played, established by the ADM. The duration of a concession varies according to its type, and is sometimes extended with specific regulatory measures.

A licence, according to Article 86 TULPS (the Consolidated Law on Public Safety/Royal Decree No 773/1931 and subsequent amendments), is required for “anyone who has a public hall for lawful games”. See Article 86 paragraph 1 TULPS regarding the production, importation, distribution and management of such devices, and for installation in commercial or public oper-

ators not already licensed pursuant to Article 88 TULPS, or in other areas open to the public or in private circles of automatic, semi-automatic and electronic devices as per Article 110 TULPS paragraphs 6 and 7.

Article 88 TULPS (as amended) states that the licence is granted only “to concessionaires authorised by ministries or other entities to which the law reserves the right to organise and manage betting, as well as to subjects appointed by the concessionaire or the owner of authorisation under the same concession or authorisation”.

### 4.3 Recent or Forthcoming Changes

See 1.1 Current Outlook and Recent Changes and 2.1 Online.

### 4.4 Types of Licences

The main types of licences/concessions are:

- land-based licences (AWP, VLT and betting);
- online licences (poker, casino games and betting); and
- single concessions (Lotto, Superenalotto and lotteries).

There is a limitation on the number of licences that can be granted, and this total depends on governmental decisions as made from time to time.

For machines with cash prizes pursuant to Article 110 paragraph 6a (AWP) and b (VLT), and their installation, the following rules apply:

- administration exercises, public entertainment venues, clubs with administration, bathing establishments and accommodation facilities (already authorised for the purposes of Article 86 TULPS), as well as gaming, betting and bingo halls (already authorised for the pur-

poses of Article 88 TULPS) must not ask for further authorisation in the case of installation of such appliances; and

- businesses other than the types listed above and any other business without authorisation pursuant to Articles 86 and 88 of the TULPS (such as tobacconists, newsagents, private clubs without administration to members, and areas open to the public) must request the appropriate authorisation pursuant to Article 86 TULPS for the installation of the aforementioned devices.

For entertainment machines with no cash winnings (Article 110 paragraph 7 TULPS), only the authorisation referred to in Article 86 TULPS and the AAMS/ADM “authorisation for commissioning” are required.

With the Decree of 5 July 2022, the ADM eliminated the obligations of self-certification and technical verification of conformity (homologation) for most of the entities referred to in Article 110 paragraph 7C bis and 7C ter of TULPS.

## 4.5 Availability of Licences

The following concessions are currently envisaged.

- The concessions for fixed-cost numerical games (Lotto and complementary games) reserved for the ordinary or extraordinary resale of monopoly goods and linked to the duration of the relevant concession for the sale of tobacco (Article 12 paragraph 1 Law No 528/1982; Article 20 Law 123/1987), whose deadline is November 2025.
- The automatic service of fixed-cost numerical games (Lotto and complementary games) concessions have a non-renewable duration of nine years from the date of subscription (30 November 2016 following the tender foreseen

by Article 1, paragraphs 653 and 654 of Law No 190/2014), and their expiry is scheduled for 30 November 2025.

- The concessions for totaliser numerical games (Superenalotto and complementary games) have a non-renewable duration of nine years (Article 1, paragraph 576, of Law No 232/2016), but their expiry has been extended to 30 December 2030 by Article 101 of Legislative Decree No 104/2020 due to the COVID-19 emergency.
- The concessions for instant lotteries (“scratch off and win”) expire on 30 September 2028 pursuant to Article 20 of Legislative Decree No 148/2017, converted into Law No 172/2017.
- The concessions for entertainment machines with cash winnings (AWP, new-slot and VLT – Article 110 paragraph 6 TULPS), signed on 20 March 2013, have a duration of nine years according to the procedure established by Article 24, paragraph 35 of Legislative Decree No 98/2011, converted by Law No 111/2011. With Law No 197/2022 (the “Budget Law 2023”), the deadline was extended to 31 December 2024.
- The concessions for sports and horse-race betting, and also for virtual events, which expired in June 2016 were progressively extended, most recently by the Budget Law 2023, to 31 December 2024.
- Bingo hall concessions last six years and can be renewed only once. With the Budget Law 2023, they were further extended to 31 December 2024.
- The concessions for distance (online) gaming under the Budget Law 2023 have been further extended to 31 December 2024.

## 4.6 Duration of Licences

The duration of a gaming/betting concession varies according to its type and is sometimes extended with specific regulatory measures.

With Law No 88/2009, 21 concessions were initially assigned (with a duration of nine years, and for a cost of EUR414,000 with a further cost of EUR46,000 for each annual extension). Subsequently, a further 13 concessions were assigned (for a cost of EUR483,000, a duration of nine years, and with the cost for annual extension being EUR53,667).

With Law No 208/2015, another 59 concessions were assigned at a cost of EUR230,000, a duration of seven years, and with the cost for annual extension being EUR32,857.

Law No 197/2022 (the “Budget Law 2023”), relating to the three-year period 2023–2025, also approved (among many measures) the extension until 31 December 2024 of concessions for:

- remote collection of public games;
- bingo game collections;
- creation and management of telematic gaming management networks using amusement and entertainment devices pursuant to Article 110 TULPS (VLT and AWP); and
- collection of bets on sporting events (including horse racing) and on non-sporting events (including virtual events).

## 4.7 Application Requirements

The documentation relating to the procedure for awarding the public gaming concession (Article 10, paragraph 9-octies of Law Decree No 16/2012, converted by Law No 44/2012) is published on the ADM website.

The requirements necessary for obtaining the licence are:

- exercise of the management and collection of games in one of the countries of the European Economic Area, with a turnover of at least EUR1.5 million in the last two years;
- possession of technical-infrastructure capabilities and bank guarantees equal to the sum of EUR1.5 million;
- constitution in the form of a joint-stock company;
- possession by the administrators of the reliability requirements; and
- residency of the technological infrastructures in one of the member states.

For the assignment of concessions for online gaming (Law No 88/2009), the concessionaire must, in addition to what is expressly indicated in the agreement, ensure and guarantee to the ADM:

- the creation and/or adaptation of the processing system, according to the characteristics defined in such document;
- the creation and/or adaptation of the methods of dialogue with the system centralised according to the specifications indicated by the AAMS/ADM in the protocol communication;
- the transporting of information to and from the centralised system, through a connectivity service provider recognised by the AAMS/ADM;
- the debit of the game or stake and the assignment and crediting of winnings, subject to validation by the centralised system, with relative communication to the player; and
- the preservation of the analytical details of the movements and plays made, according to the provisions of current legislation.

For the activation of all legal gaming equipment and legal gaming practices pursuant to Article 110 co 6 (AWP/new slots and VLTs) and co 7 (devices with non-cash winnings) TULPS, installed in establishments that do not already have the authorisation pursuant to Article 86 TULPS or Article 88 TULPS (such as commercial establishments, artisan shops, tobacconists, etc), it is necessary to submit an application to obtain the authorisation/licence pursuant to Article 86 TULPS, with indication of the devices intended to be installed.

If the legal gaming machines are installed in establishments that already have the authorisation pursuant to Article 86 TULPS or Article 88 TULPS (ie, establishments such as bars, restaurants or those providing food and drinks to the public, accommodation establishments, private clubs with administration, etc), no further authorisation is required pursuant to Article 86; in the presence of specific municipal regulations on the matter, the presentation of an SCIA may be required with indication of the devices intended to be installed.

The requirements for obtaining the aforementioned licences are as follows:

- moral requirements provided for by the TULPS and by anti-mafia legislation;
- professional requirements;
- availability of the premises;
- compliance of the premises with the building regulations and municipal urban planning instruments, as well as with the consolidated law on construction (usability, fire prevention, urban planning regulations, architectural barriers, hygiene and health standards, etc);
- compliance with environmental regulations (waste management, impact on traffic, prevention of noise pollution, etc);

- compliance with the rules that prohibit the installation of devices for legal gaming referred to in Article 110 paragraph 6 TULPS near “sensitive places” (secondary schools, universities, hospitals, credit institutions, ATMs, etc); and
- registration of the company in the Company Register of the Chamber of Commerce.

The application must be submitted (in the case of a company) by the legal representative, by the individual/natural person who owns the sole proprietorship or by a specially designated delegate via proxy to the SUAP competent for the territory in which the activity takes place or the business is located, and must contain the following documents:

- authorisation application;
- special power of attorney;
- declaration of possession of the required requisites;
- declaration of the representative of lawful games;
- certification of stamp duty payment;
- certification of payment of charges and fees;
- identity document of the interested parties;
- plan of the premises; and
- SCIA fire prevention.

## 4.8 Application Timing

Authorisation takes place within 60 days of the presentation of the application, with the possible suspension of the terms for a maximum of 30 days, to implement any supplementary documentation requested by the SUAP.

## 4.9 Application Fees

The cost for obtaining a licence varies, based on the type of game to be offered, from EUR50,000 to EUR350,000.

Furthermore, the concessionaires must provide the ADM with a bank or insurance guarantee on initial request and with a duration of two years, for an amount equal to EUR1.5 million, to guarantee the correct fulfilment of the contract and for the punctual payment of the PREU. The guarantee from the concessionaire covers “the obligations relating to the operation of public games and the management of the remote gaming network”.

For online gaming concessions, the amount of the guarantee must be adjusted according to the pre-existing agreement, but in any case must be equal to at least EUR200,000.

Gaming sureties are also indispensable for the operators of slot halls, bingo, sports betting and online betting, and for companies/firms that stipulate agreements with the managers for VLT and AWP systems, to guarantee the contracts stipulated with the licensees.

For gaming machines with cash prizes pursuant to Article 110 paragraph 6 TULPS (AWP and VLT), the concessionaires require adequate guarantees from the managers in charge of collection, and the deposit is set at EUR1,500 for each VLT device installed inside the premises.

#### 4.10 Ongoing Annual Fees

The concession fees are quantified as a percentage of amounts played. The amounts have been recalculated with an increase of 15% of the one-off fee paid by the concessionaires concerned, determined in proportion to the duration of the extension.

## 5. Land-Based Gambling

### 5.1 Premises Licensing

The requirements for issuing a land-based authorisation include the licence issued by the ADM (following the awarding of a tender) and the authorisation pursuant to Article 86 or Article 88 of the TULPS.

Regarding authorisation pursuant to Article 86 TULPS, public places cannot be used for legal games without the authorisation of the commissioner.

For AWP machines and VLTs (pursuant to Article 110, paragraph 6a and b, and paragraph 7, TULPS), a licence is also required for:

- production or importation activities;
- distribution and management activities;
- indirect activities and installation in commercial or public establishments, other than those already in possession of other aforementioned authorisations, or referred to in Article 88; or
- installation in other premises open to the public, or in private clubs.

### 5.2 Recent or Forthcoming Changes

See 1.1 Current Outlook and Recent Changes and 2.1 Online.

## 6. Online Gambling

### 6.1 B2C Licences

See 4. Licensing and Regulatory Framework.

### 6.2 B2B Licences (Suppliers, Software, Etc)

There is no specific ADM licensing regime for software suppliers and B2B operators.

The obligations to report suspicious betting sports also apply to B2B operators (software providers) that offer betting services. All activities are legal, as long as the gambling operator holds an Italian gambling licence or has a business arrangement with an Italian licence holder.

Only operators (licensees) need to hold a licence. Other operators (service providers, rating services) do not need to hold a licence.

Additionally, other operators/key suppliers do not need any gaming licence/authorisation to provide services.

However, all the provided software and gaming machines must be certified and be compliant with certain standards fixed by the ADM.

Recently, Soft2Bet (a popular provider of B2B casino and sports-betting platforms, known for innovative and cutting-edge solutions in the gaming and gambling sector) obtained authorisation from the ADM to certify its own platform and to ensure continuous compliance with local laws and regulations, therefore making its B2B services operational (source: [jamma.it](http://jamma.it)).

## 6.3 Affiliates

In Italy, affiliate programmes are aimed only at promoting online gaming sites with an ADM licence. They offer two types of compensation:

- CPA (*cost per adquisición*) – this is a fixed rate for each new player acquired; and
- revenue share – this consists of sharing earnings between the affiliate and the company.

## 6.4 White Labels

There is no white label legislation specifically applicable to the gaming industry.

## 6.5 Technical Measures

See 1.1 Current Outlook and Recent Changes and 2.1 Online.

## 6.6 Recent or Forthcoming Changes

No information is available on this topic.

# 7. Responsible Gambling (RG), Also Known as Safer Gambling (SG)

## 7.1 RG Requirements

In Italy, responsible gaming represents one of the legality requirements set out by the ADM, through the guidelines to which every dealer and operator is subject by law in order to obtain 2.0 certification. All gaming platforms also adopt the “Service Charter for remote gaming” issued by the ADM with the aim of “ensuring a responsible gaming environment for players”.

There are seven types of responsible gaming areas directly linked to the iGaming sector:

- protecting vulnerable players;
- preventing underage gambling;
- security measures against criminal activities;
- privacy policy;
- online payment protection;
- a safe online environment; and
- ethical and responsible marketing.

## 7.2 Gambling Management Tools

See 1.1 Current Outlook and Recent Changes and 2.1 Online.

## 7.3 Recent or Forthcoming Changes

One of the most often-recommended websites, which also provides a useful toll-free number, is [siipac.it](http://siipac.it). The Italian Society for Intervention on Compulsive Disorders (SIIPaC) is a specialised

centre that deals with the care and rehabilitation of people with pathological gambling problems. Another useful website for Italy in these cases is [gioca-responsabile.it](http://gioca-responsabile.it), which, through its anonymous chat or toll-free number, offers professional help to those who request it.

There is also the anonymous toll-free number 800 558 822 promoted by the Istituto Superiore di Sanità.

## 8. Anti-money Laundering (AML)

### 8.1 AML Legislation

As discussed in 3.1 Key Legislation, AML legislation was introduced by Legislative Decree No 231/2007 – the so-called AML Decree, as amended by:

- Legislative Decree 151/2009;
- Legislative Decree No 90/2017 implementing EU Directive 2015/849; and
- Legislative Decree 125/2019 implementing the Fifth EU Anti-Money Laundering Directive 2018/843.

It concerns all land-based and online gaming and betting operators (concessionaires, managers, etc), namely:

- land-based gaming;
- gaming halls;
- bingo and casinos;
- online gaming, bingo and casinos;
- land-based and online sports, and horse-race betting;
- remote gaming; and
- VLTs (Article 110 paragraph 6b TULPS).

Both for land-based gaming/betting operators and for the online sector, the above AML leg-

islation requires all operators to identify each customer who:

- make bets for an amount exceeding EUR2,000; and
- collects prizes exceeding EUR2,000.

For all gaming and betting operators who do not fulfil the obligations established by the aforementioned AML legislation, administrative fines range from EUR1,000 to EUR10,000.

The Finance Guard, pursuant to Legislative Decree No 68/2001, exercises control over compliance with the aforementioned AML provisions.

### 8.2 AML Requirements

See 1.1 Current Outlook and Recent Changes and 2.1 Online.

### 8.3 Recent or Forthcoming Changes AML Legislation

The current legislation makes a distinction between:

- gambling concessionaires – ie, legal entities that offer gaming services on behalf of the State;
- merchants – ie, the owners of the commercial activities where the gaming activities take place; and
- distributors – ie, the companies that manage gaming activities on behalf of the concessionaires.

This distinction is due to the fact that each of the aforementioned operators has specific AML obligations.

Operators authorised by the ADM fall into the following three categories:

- online gaming operators, who offer games, with cash winnings, via the internet and other computer or telecommunications networks;
- gaming operators on physical networks, who offer games, with cash winnings, through distributors and merchants under contract in any capacity; and
- the subjects, who manage gaming houses (casinos).

### *Online gaming*

For online gaming, the “gaming account” is defined as “the account, in the customer’s name, opened through a concessionaire, on which gaming operations carried out on a remote channel as well as top-up activities and withdrawals are recorded”.

The “gaming account contract” is defined as “the contract stipulated between the customer and the concessionaire for the opening of the gaming account and to the stipulation of which participation in remote gaming is subject”.

### *Land-based gaming*

For land-based gaming, since the concessionaire makes use of third-party distributors, the latter are subject to certain obligations established by Title IV of the AML Decree (see **8.1 AML Legislation**). These must guarantee compliance with storage and identification requirements. The reason why distributors must fulfil the aforementioned obligations is very simple: they are in direct contact with customers and have all the information necessary to carry out the operations required by the AML regulation. However, the responsibility for fulfilling the obligations of adequate verification and conservation remains with the dealers.

In this regard, Legislative Decree No 231/2007 provides (among others) for:

- the power of dealers to adopt measures aimed at mitigating the risks to which the distribution channels used by them are exposed;
- specific supplementary provisions regarding adequate verification and conservation within the distribution network, without prejudice to the responsibility of the concessionaire; and
- greater regulatory and control tasks on the part of the ADM, regarding compliance with the AML obligations placed on merchants and the consequent sanctioning powers.

Operators authorised by the ADM as indicated above must fulfil the obligations of:

- the reporting of suspicious transactions;
- due diligence; and
- conservation.

### *Articles 52 and 53 AML Decree*

Furthermore, these operators must also comply with the provisions dictated by Articles 52 and 53 of the AML Decree, as follows.

- Article 52: the burden is on dealers to implement adequate measures for limiting the risks of money laundering and terrorist financing that affect the network of third-party distributors used by the dealers themselves.
- Article 53 specifies how the operators in question must keep information relating to:
  - (a) identification data provided by the customer when opening gaming accounts;
  - (b) the date of each operation of opening and topping-up of gaming accounts;
  - (c) collection on such accounts;
  - (d) the value of such operations, and the means of payment used;
  - (e) IP addresses; and

- (f) the date, time and duration of the electronic connections during which the customer, accessing the online gaming operator's systems, carries out the aforementioned operations.
- Moreover, Article 53 of the AML Decree makes a clear separation between land-based gaming and online (remote) gaming.

### *Land-based gaming*

For land-based gaming, the regulation provides that it is the merchants and distributors who must fulfil the obligations of identifying the clientele and of conservation.

The above-mentioned identification obligation exists if a player places a bet of an amount equal to or greater than EUR2,000 – regardless of the number of bets made to reach this amount – and if there is suspicion of money laundering or terrorist financing (this obligation must also be respected by casino managers for the same amount of bets indicated above). For VLTs, however, the requirements must be respected for each ticket issued above EUR500. The data recorded relating to the operation and to the customer are sent to the dealer within ten days.

### *Online gaming*

In online gaming, the operators carry out identification and verification activities every time a new player opens or modifies a gaming account – as per the definition set out previously.

Furthermore, it is only possible for players to top up the aforementioned accounts through payment methods that guarantee traceability.

In implementation of the aforementioned legislation, the Bank of Italy has issued a series of secondary provisions, addressed to the intermediaries supervised by it, on the following aspects:

- organisation, procedures and internal controls;
- adequate customer verification;
- conservation of documents, data and information, and making these available; and
- sanctions and administrative sanctioning procedures.

### *AML Supervision*

The AML supervision carried out by the Bank of Italy is directed at all of the following operating in Italy:

- banks;
- SIMs;
- managed savings intermediaries;
- financial intermediaries;
- certain trust companies;
- payment institutions; and
- electronic money institutions.

This is aimed at verifying compliance by these intermediaries with the obligations established by law, and the adequacy of the organisational and procedural safeguards required to combat money laundering and terrorist financing.

Supervision is carried out through analyses and interventions aimed at promptly identifying signs of weakness in the technical-organisational AML structures, and by urging their removal through the adoption of appropriate corrective measures.

Action is divided into documentary checks – based on the analysis of the information collected, including from intermediaries – and inspection checks, aimed mainly at verifying the adequacy of the intermediaries' organisational structures and AML procedures.

## 9. Advertising

### 9.1 Regulatory/Supervisory Agency

Gambling advertising and sponsorship are prohibited in Italy.

This matter is regulated by the Balduzzi Decree (converted into Law No 189/2012), which, in particular, introduces the prohibition of advertising messages for gaming on television and radio broadcasts as well as during theatre or cinema performances not prohibited to minors.

Law No 208/2015 (the “2016 Stability Law”) further limits advertising (Article 1, paragraphs 937–940). Notably, the advertising of games with cash prizes in “generalist” radio and television broadcasts and in those aimed mainly at an audience of minors is prohibited, while the specialised media identified by DM of 8 August 2016 are excluded from the ban.

Finally, Decree Law No 87/2018 (the “Dignity Decree”, converted into Law No 96/2018) introduced an absolute ban on the advertising of games and bets, including sponsorships and forms of indirect advertising. In particular, Article 9 concerns the prohibition of any form of advertising, even indirect, relating to games or bets with cash prizes, regardless of the medium used (radio, TV, press, internet, etc): the text speaks of “digital and telematic IT channels, including social media”, including sporting, cultural or artistic events.

### 9.2 Definition of Advertising

According to current Italian legislation, “advertising” must always be “honest, truthful and correct” and must “avoid anything that could discredit it”. Furthermore, according to Italian law, advertising must not be “misleading” – ie, “it must avoid any declaration or representation such as to lead to

consumers making a mistake, including through omissions, ambiguities or exaggerations that are clearly hyperbolic, and especially regarding the characteristics and effects of the product, price, being free of charge, conditions of sale, distribution, identity of represented people, the prizes or recognitions”.

### 9.3 Key Legal, Regulatory and Licensing Provisions

In Italy, “advertising” is regulated by a series of articles contained in the Civil Code and IPC, and by laws connected to specific matters, such as the Consumer Code, the Corporate Governance Code, etc.

With law No 74/1992, Italy adopted a general rule on “misleading advertising”, implementing EEC Directive 450/1984 and protecting, above all, the general interests of consumers.

The Authority for the Protection of Competition and the Market (AGCOM), established by Law No 74/1992, has specific control as regards misleading advertising.

### 9.4 Restrictions on Advertising

Advertising is generally prohibited for the gaming and betting sector. The Balduzzi Decree (see 9.1 Regulatory/Supervisory Agency) prohibits the following.

- Advertising messages concerning gambling with cash winnings, during television or radio broadcasts and during theatrical or cinematographic performances aimed at minors, and in the 30 minutes before and after their broadcast.
- Advertising, in any form, in the daily and periodical press intended for minors, and in cinemas during the screening of films intended for viewing by minors.

- Advertising messages concerning gambling with cash winnings in newspapers, magazines, publications, and during television and radio broadcasts, cinematographic and theatrical performances, as well as via the internet in which even just one of the following elements is highlighted:
  - (a) incitement to play, or glorification of its practice;
  - (b) presence of minors; and
  - (c) absence of warning formulas on the risk of addiction to gambling, as well as indication of the possibility of consulting information notes on the chances of winning published on the institutional sites of the now ADM, as well as of the individual dealers or as available at game collection points.

The same decree also establishes that advertising for games with cash winnings must clearly display the percentage probability of winning, and that the warning on the risk of addiction to playing games with cash winnings, as well as the related probabilities of winnings, must also appear on the slips or coupons of these games.

Article 9 of Decree Law No 87/2018 (the “Dignity Decree”) prohibits “any form of advertising, even indirect, relating to games or bets with money winnings, as well as gambling, however carried out and on any medium, including sporting or cultural events or artistic, television or radio broadcasts, daily and periodical press, publications in general, posters and IT, and digital and telematic channels, including social media”. This prohibition is placed “at the expense of the client, the owner of the means or of the dissemination or destination site, and the organiser of the event or activity” (Article 9, paragraph 2).

The following are excluded from the ban as per the Dignity Decree and the AGCOM Guidelines:

- national lotteries with deferred draws;
- the lotteries and bingos organised locally for charity, and the ADM logos on safe and responsible gaming;
- the so-called lottery of fees;
- communications having “an exclusive descriptive, informative and identifying purpose of the legal game offer, functional to allow an informed choice of game”;
- the information services for comparing the odds or commercial offers of the various competitors (the so-called odds spaces);
- the “mere display of winnings” made at a point of sale, only if carried out in such a way as not to induce paid gambling;
- the telesale of goods and paid gaming services authorised with a concession of the ADM, aimed exclusively at the conclusion of the gaming contract;
- the promotion of events other than the paid gaming offer that take place within casinos or gaming halls;
- the distinctive signs of legal gaming (shop signs or online site domains);
- the logo or reference to gaming services present on the windows of establishments that offer paid gaming;
- information limited only to the characteristics of the various gaming products and services offered (odds, jackpots, odds of winning, minimum bets, any bonuses offered);
- campaigns and communications relating to corporate social responsibility (CSR);
- the “mere mention” of the concessionaire as the financier of a given project or charitable initiative, and the “B2B” communications;
- free algorithm-indexing services, provided directly by search engines or marketplaces (Apple Store, Google Play);

- use of the brand that identifies, in addition to gaming services with cash or gambling prizes, other activities of an independent nature; and
- services of comparing odds between book-makers.

## 9.5 Sanctions/Penalties

Penalties amount to 20% of the value of the sponsorship or advertising, but to no less than EUR50,000.

For violators (both the recipient of the advertising message and the owner of the means of communication concerned), an administrative fine of EUR100,000 to EUR500,000 is foreseen.

In general, warnings on the risk of addiction to gambling with cash winnings and on the related probability of winning must be reported (under penalty of an administrative fine of EUR50,000):

- on the slips (*schedine*);
- on AWP gaming machines – ie, those machines which are activated by introducing coins or electronic payment instruments;
- in rooms equipped with VLTs;
- at sales points for betting on sporting and non-sporting events; and
- on websites intended to offer games with cash prizes.

## 9.6 Recent or Forthcoming Changes

See 1.1 **Current Outlook and Recent Changes** and 2.1 **Online**.

## 10. Acquisitions and Changes of Control

### 10.1 Disclosure Requirements

The main initiatives on the subject of prevention and the fight against pathological gambling conditions foreseen by Italian legislation are:

- a supply reduction plan, and discipline of distances for land-based gaming networks;
- a total ban (without time limits and without differentiating between the media) on game advertising;
- guidelines regarding the certification of gaming platforms (version 2.0) for the remote/online gaming system; and
- establishment of a fund for combating pathological gambling.

### 10.2 Change of Corporate Control Triggers

No information is available on this topic.

### 10.3 Passive Investor Requirements

No information is available on this topic.

### 10.4 Recent or Forthcoming Changes

Legislative Decree No 41/2024 containing “provisions regarding the reorganisation of the gaming sector starting from remote gaming” aims to reorganise and update the legislation on public games – ie, remote and non-remote games that offer cash winnings – to improve control and ensure greater safety in the sector, and introduces new rules and principles that all operators in the sector will be obliged to follow.

The Decree, among other things, also introduces important innovations to promote “responsible gaming” and protect the most vulnerable players. These include:

- the ability for players to set limits on spending, time spent playing and money loss, as well as self-exclusion systems for those who feel they have a gambling problem;
- investments in information campaigns, with licensees required to invest a portion of their revenues in information campaigns and to be responsible for communication initiatives, raising public awareness of the risks associated with gambling and promoting responsible gaming behaviour;
- limitations based on gaming behaviour, with restrictions on the amounts deposited on individual gaming accounts based on a player's age and gaming behaviour in order to customise protection measures based on the specific needs of each player;
- automatic warning messages during gaming sessions to inform players about the duration of the session and spending levels, particularly if certain pre-set limits are exceeded;
- information on problem gambling and support, with gaming sites obliged to include informative content on problem gambling, prevention methods and support resources available for those who need them;
- self-exclusion tools, with players being able to exclude themselves from a game, both temporarily and for certain product categories, using simple online procedures; and
- monitoring and control, with the concessionaire equipped with advanced tools to monitor the levels of risk associated with individual games and to control the degree of participation in the game of the players most exposed to the risk of pathological gambling.

## 11. Enforcement

### 11.1 Powers

The ADM (into which the AAMS was merged in 2012, under Law No 135/2012) is a competent regulatory, supervisory and control body, with sanctioning powers in:

- customs;
- energy matters (mineral oils, electricity, natural gas, LNG, coal);
- alcohol, tobacco and related matters; and
- public games.

In these areas, it oversees the assessment and collection of taxes, and carries out tax and judicial police functions.

DM No 156/2001 attributed to the MEF (through the AAMS, now ADM) the competence to authorise a licensee to collect betting by telephone or telematics (online).

Law No 266/2005 (the “Financial Law 2006”) also gave the ADM the power to regulate the online gaming sector, with the consequent prohibitions for unauthorised sites.

The ADM exercises State oversight in the gaming sector:

- guaranteeing the interests of the Treasury through the collection of taxes and the possible management of disputes;
- protecting citizens by combating crimes; and
- managing the market regarding concessions and regulatory documents.

The activity of the ADM is subject to the control of the MEF and of the Court of Auditors.

The ADM [website](#) contains:

- the list of concessionaires, including of those authorised for remote gaming; and
- the periodically updated list of gaming and betting sites blocked for violations of current regulations.

Enforcement regarding illegal gambling against operators who do not hold an Italian licence occurs almost constantly. State police forces are active in this regard, together with ADM regional offices.

Online operators offering gaming to Italian citizens, without a specific ADM licence, are banned by ISP blocking. The list of banned websites is regularly compiled and published by the ADM. Payment blocking is not specifically provided for or imposed, but is a consequence of investigations on illegal or crime-related operations.

In enforcement, there are no distinctions by product for online gaming, considering that an Italian online licence allows the offering of all products.

Betting is subject to enforcement for those offline operators (betting shops) who do not respect licence conditions and tax payment deadlines, and for others that pretend to run offline operations based on an online licence released by a country other than Italy (so-called CTD).

Online-betting enforcement occurs regularly, both through banning and through police operations.

Match-fixing prosecution is very active in the country, under the control of dedicated offices at the ADM.

## 11.2 Sanctions

For regulatory violations by the various Italian and foreign operators in the sector, sanctions are established by current legislation. Sanctioning power is attributed to the police bodies and to the Financial Police, as well as to ADM with regards to administrative aspects (financial sanctions, suspension of concessions, seizure of equipment, etc).

## 11.3 Financial Penalties

See 3.1 Key Legislation.

## 11.4 Recent or Forthcoming Changes

To ensure compliance with the new rules, Article 7 of Legislative Decree No 41/2024 provides for a system of control and sanctions for those who do not comply, and also promotes the traceability of financial flows to prevent money laundering or illicit financing.

# 12. Tax

## 12.1 Tax Rate by Sector

Regulation of the tax levy in the gaming sector provides for different methods and rates according to the various types of gaming.

Tax revenues from the sector are both non-tax-related and tax-related. In the first case, the tax levy coincides with the residual tax margin, which is obtained by subtracting the winnings paid to the players and the premium due to the gaming point manager from the total amount of the bets (collections). This levy only applies to Lotto and to instant and deferred lotteries. The revenue generated by all other types of gaming is instead classified under tax revenue.

## Main Tax Levies

### *PREU (Single Withdrawal Tax)*

This is established by Article 39, paragraph 13 of Decree Law No 269/2003. It applies to amusement and entertainment machines suitable for lawful gaming identified by Article 110, paragraph 6 TULPS (AWP/new-slot and VLT). The amount of the levy, initially 13.5%, has been increased several times over the years, and from 2023 is 19.6% (for AWP) and 6.6% (for VLTs). For VLTs, an additional tax of 12% is added on winnings over EUR500 ("luck tax").

### *Single tax*

This is established by Legislative Decree No 504/1998, and applies to any kind of betting relating to any event, even if played abroad.

The rates vary between the various types of game. The tax base for prediction competitions is the amount of the sum paid by the competitor for the game net of fixed rights and compensation to the receivers; while for bets it is the amount of the sum wagered for each bet. The taxable persons, pursuant to Article 1, paragraph 66b, Law No 220/2010, are anyone who, even in the absence of a concession, by any means, including electronic means, on their own behalf or on behalf of third parties, even if located abroad, manages predictions or bets of any kind.

The 2019 budget law provides that, starting from 1 January 2019, the single tax will be applied at a variable rate depending on the gaming or betting activity carried out.

In particular, it is expected to be:

- (a) for remote skill games with cash winnings and for remote bingo games, in the amount of 25% of the sums which,

according to the game regulations, are not returned to the player;

- (b) for fixed odds bets, excluding horse racing bets, the tax will be applied in the amounts of 20%, if the collection takes place on a physical network, and 24%, if the collection takes place remotely, applied to the difference between the sums wagered and the winnings paid;
- (c) for fixed odds bets on simulated events referred to in article 1 paragraph 88 of Law No 296/2006, in the amount of 22% of the collection net of the sums which, according to the gaming regulations, are returned to the player in winnings.

### *"Luck tax"*

From 1 January 2012 there will be a levy ranging from 6% to 20% for winnings over EUR500 in almost all public games controlled by ADM (Lotto 8%; SuperEnalotto 20%; 10&Lotto 11%; Online Casinos 15%-25%, etc).

### *Tax on entertainment (ISI) and VAT rate*

The tax on entertainment (ISI, established by Presidential Decree No 640/1972) and the VAT rate (pursuant to Article 74 of the Presidential Decree No 633/1972) are applied for Machines for legal gaming without winnings in money (Article 110 co. 7 TULPS, billiards, table football, etc); the taxable base is equivalent to the average annual flat-rate taxable amount by category, and the rate is 8%.

### *Salvasport tax*

This was introduced by Legislative Decree No 34/2020 (the Relaunch Decree, later converted into law), with bookmakers asked to pay 0.5% of the bets collected in that year and the following year. This withdrawal would have served to finance the Salva Sport fund. The decree also established that EUR40 million would go to the

fund in the first year and 50 in 2021. The Administrative Court (TAR) of Lazio on 28 June 2023 rejected all appeals presented by betting dealers for the cancellation of the payment of this tax, which was not considered unconstitutional because “the criterion of taxation on collection is, traditionally, the ordinary criterion of taxation of tax revenues from betting, pursuant to ‘art.2 of Legislative Decree no.504/98, according to which the taxable base for bets is constituted by the amount of the sum played for each bet” and “Art. 1, paragraph 945, of Law no. 208/15 introduced, progressively from 2016 for fixed odds bets, the different criterion of taxation on the margin; this is a choice that reflects tax policy choices of the legislator, whose general discretion affects not only the power to establish new taxes, but also to conform them, establishing the relative taxable base”.

## 12.2 Recent or Forthcoming Changes

Article 13 of Legislative Decree No 41/2024 provides that registration with the ADM, using only electronic means, of “owners of ordinary or special resales of monopoly products authorised to collect public games, as well as subjects who carry out the activities of top-up sales points and owners of authorisation pursuant to articles 86-88 TULPS”, is subject to the prior payment to the Agency of an annual amount of EUR100.

## 13. Personal Approvals and Licensing

### 13.1 Types of Authorisations and Licences

Currently, the operation and collection of online games is entrusted to 89 companies, of which 63 are holders of concessions issued following the previous tender procedure, carried out pursuant to Article 1 paragraph 935 of Law No

208/2015; the remaining 26 are holders of concessions issued following the tender procedure carried out pursuant to Article 24, paragraphs 13 et seq. of Law No 88/2009.

Pursuant to Article 1 paragraph 123 of Law No 197/2022 (2023 Budget Law), the following concessions were extended until 31 December 2024:

- (a) concessions for the collection of Bingo games expiring on 31 March 2023;
- (b) concessions for the creation and management of telematic gaming management networks using amusement and entertainment devices referred to in Article 110, Paragraph 6 of Royal Decree No 773/1931 (TULPS) (slots/new slots and videolotteries), expiring on 29 June 2023; and
- (c) concessions for the collection of bets on sporting events, including horse racing, and non-sporting events, including virtual events, expiring on 30 June 2024. Article 6 of Legislative Decree No 41/2024 established the requirements and the deadline for participation in the tender proceedings for the renewal of the above online gaming concessions expiring on 31 December 2024.

However, in October 2024, the EU Commission stopped the “Technical rules” of the aforementioned tender proceedings filed by Italy/the ADM on 17 July pursuant to Article 6 paragraph 3 of Legislative Decree No 41/2024 due to a detailed opinion presented by Malta as a member state. The request for further information primarily concerns the section relating to “B2B” service providers in the tender procedure, which is not sufficiently clear, being different from the previous ADM regulation and different from the rules

adopted by other countries of the Union and other regulators. The standstill period, therefore, has been extended until 18 November 2024. Consequently, this extension of the standstill makes it almost impossible to issue the tender by 31 December 2024 (although it would still have been unlikely without this drawback anyway), thus making a new extension of the current concessions necessary.

## 13.2 Application Process

In Italy, if someone intends to carry out an activity in the gaming and betting sector, they must obtain the relevant concession from the ADM and/or the licence from the relevant authorities.

To obtain the license the person needs:

- to possess the moral requirements provided for by Articles 11 and 92 of the TULPS;
- to have premises that are accessible and compliant from a building perspective, with intended use as a betting agency;
- to possess the concession issued by the ADM.

The gaming operator should have a gaming licence issued in any European country (for at least one of the games authorised in Italy) or technical capacity, and sufficient infrastructure to offer one authorised game approved by ADM.

As mentioned above, sole proprietorship, partnerships, joint stock companies, consortia and companies to be established can participate in the concession assignment procedure. A partnership must undertake to transform itself into a capital company with a registered office in one of the states of the European Economic Area before signing the agreement, under penalty of refusal to sign. Sole proprietorships, companies to be incorporated, consortia and partnerships

must expressly undertake to form a capital company with a registered office in one of the states of the European Economic Area before signing the agreement, under penalty of refusal to sign.

Capital companies must have a registered office in one of the states of the European Economic Area prior to release of the concession and the signing of the relative agreement, under penalty of refusal to sign.

There is no specific requirement for servers to be located in Italy, although they must be located within the territory of a member state of the European Economic Agreement (EEA).

Once the concession has been obtained, within sixty days the concessionaire must fulfil all the other requirements (technical approvals for the service categories, bureaucratic procedures, payments to the ADM) and pay EUR200,000 into the ADM and a concession fee.

## 13.3 Ongoing Annual Fees

To date, the cost of an online gaming concession is EUR250,000 per year in addition to an annual fee of 3% of the net operating margin.

For new online concessions, Legislative Decree No 41/2024 establishes the payment of a one-off fee of EUR7 million for each concession requested.

## 13.4 Ongoing Requirements

The requirements for obtaining a concession are indicated on the ADM website.

These include, among others:

- establishment in legal form of a joint-stock company with a registered office in one of the

- states of the EEA prior to the issuing of the concession and the signing of the agreement;
- possession of adequate previous experience and moral standards;
- minimum environmental, social, technological innovation and cybersecurity requirements;
- adequate capital solidity requirements;
- possession of quality system certifications compliant with European standards and current national legislation;
- adoption of measures to combat pathological gambling;
- activation by the concessionaire of a website with a national top-level domain directly managed by ADM; and
- payment of a one-off fee of EUR7 million for each concession requested (Article 6 of Legislative decree No 41/2024).

## 13.5 Personal Sanctions

All powers in the gaming and betting sector were attributed to the ADM, a public body.

Law No 266/2005 (Financial Law 2006) gave the ADM the power to also regulate the online gaming sector with consequent prohibition of unauthorised sites.

The activity of ADM is subject to the control of the Ministry of Finance and the Court of Auditors.

If a licensee breaches a licence term, penalties will be applied. It can lose the licence and a licence can be revoked. In each case of an intentional breach, the financial guarantee provided to ADM to guarantee the commitments of the licensee can be cashed, also partially.

There are no distinctions in enforcement by product in online gaming, considering that an Italian online licence allows the offering of all products.

Enforcement against illegal gambling and operators who do not hold an Italian licence takes place more or less constantly. State police forces are active in this, together with ADM regional offices.

Online operators offering gaming to Italian citizens without a specific ADM licence are banned by ISP blocking.

The list of banned websites is regularly published and kept by the ADM.

Payment blocking is not specifically provided for or imposed, but is a consequence of investigations on illegal or crime-related operations.

## 13.6 Recent or Forthcoming Changes

There are no forthcoming changes in this area.

---

## CHAMBERS GLOBAL PRACTICE GUIDES

---

Chambers Global Practice Guides bring you up-to-date, expert legal commentary on the main practice areas from around the globe. Focusing on the practical legal issues affecting businesses, the guides enable readers to compare legislation and procedure and read trend forecasts from legal experts from across key jurisdictions.

To find out more information about how we select contributors, email [Katie.Burrington@chambers.com](mailto:Katie.Burrington@chambers.com)