Award in Gaming Law

Lecture Title: Why do we regulate the gaming industry?

Diploma in Law (Malta)

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Date: 17 March 2026

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ADVOCATES

Agenda

(1) The reasons behind the regulation of the gaming industry;

(2) How players are protected under Maltese legislation;

(3) Prevention and protection of minors and vulnerable persons from gambling;

(4) The relation of the prevention of money laundering and terrorist financing under Maltese legislation with the gaming industry;

(5) Safeguarding the integrity of sports;

(6) Environmental, Social and Governance (ESG) concerns in relation to the gaming industry.

The reasons behind the regulation of the gaming industry

Why do we regulate the gaming industry?

MGA's mission statement:

To competently regulate the various sectors of the gaming industry that fall under the Authority's remit by ensuring gaming is fair and transparent to players, preventing crime, corruption and money laundering and protecting minors and vulnerable persons.

Why do we regulate the gaming industry?

- prevent minors from gambling;
- safeguard other vulnerable groups;
- protect players;
- ensure a high level of integrity for the operation of games;
- ensure that gambling is free from crime.

Main Regulatory Objectives

a) to ensure that regulation of the gaming sector is carried out in the **public interest**;

b) to ensure that **gaming is free from crime** and is not used as a source or an instrument of crime;

c) to ensure that gaming is conducted in a **fair, safe and transparent manner**;

d) to ensure that the **interests of minors and other vulnerable persons** are adequately safeguarded;

e) to promote the development of a **sustainable gaming sector** and economic growth;

f) to promote the **development of Malta** as a centre of excellence and expertise for gaming related competences and skills, knowledge building and knowledge transfer, in particular in technology-rich and player assistance services;

g) to promote **responsible innovation** in the gaming sector.

Article 4(1), Gaming Act

MGA's Powers and Functions

"Without prejudice to any other power or function conferred to it by this Act or any other law, in pursuing the main regulatory objectives in line with the governing principles established by this Act, it shall be the function of the Authority…"

Article 7(1), Gaming Act

MGA's Powers and Functions - Oversight of Operations

- to establish the minimum requirements to be satisfied by any person who is engaged or employed in any activity, function or involved in any matter regulated by or under this Act;
- to inquire into the suitability of any person engaged or employed in any activity or involved in any matter regulated by or under this Act to ensure that these persons are fit and proper and suitable to carry out their functions;
- to grant any licence, approval, recognition or other authorisation for the carrying out of any operation or activity relating to any matter regulated by or under this Act, as may be required in terms of this Act or regulations made thereunder;
- to assess whether persons comply with the requirements imposed by or under this Act;
- to ensure high standards of conduct and management throughout the gaming sector;
- to pursue the establishment of common standards in the gaming sector;

MGA's Powers and Functions – Player Protection

- to promote the general interests of players, and to provide the relevant information and guidance to the public;
- regulate, supervise and keep under review all practices, operations and activities relating to any matter regulated by or under this Act, and the performance of the gaming sector;
- to ensure that gaming services are advertised fairly and in a responsible manner in accordance with applicable law;
- to receive and investigate complaints by players and to assist and promote timely, fair and competent resolution of disputes between players and players and, or operators;

MGA's Powers and Functions – Keeping Malta at the forefront of gaming regulation

- to develop the necessary strategy and action plans to achieve the policies, strategies and objectives set by Government or by the Authority;
- to advise the Government generally on the formulation of policies directly or indirectly connected with gaming and the gaming sector, and to make recommendations to Government on actions which in the opinion of the Authority would be expedient in relation to matters falling within the regulatory and supervisory functions of the Authority;
- to advise the Minister on new developments, needs and risks in gaming and the gaming sector and to make proposals as may be deemed necessary or expedient to respond thereto;
- to advise the Minister on the making of regulations;
- to impose such proportionate requirements and conditions, in conformity with European Union law and Malta's international obligations, as it may deem necessary in fulfilment of its functions under this Act, or as the Minister may direct the Authority by virtue of article 11, in respect of gaming and related activities which are authorised by a competent authority of any other jurisdiction and made available in Malta;
- to ensure that international obligations entered into by Malta or by the Authority relative to matters regulated by or under this Act are complied with;

MGA's Powers and Functions – Public Consultation, Education and Gathering of Data

- to monitor the gaming sector in Malta and to undertake or commission such study, research or investigation which it may deem necessary;
- to provide information and issue guidelines and, or reports to the public relating to any matter regulated by or under this Act;
- to consult with the general public or a specific segment thereof, as the case may be, on all matters which the Authority considers necessary and, or desirable;
- to request, collect, compile and maintain records of all relevant data as the Authority may deem appropriate in connection with its functions and objectives;
- to foster advancements in the educational sector for matters relating to the gaming sector;

MGA's Powers and Functions – Preventing and Detecting Offences

to prevent, detect and ensure the prosecution of any offence against this Act or regulations made thereunder;

to collaborate with other local or foreign bodies, Government departments, international organisations, and other entities which exercise regulatory, supervisory or licensing powers under any law in Malta or abroad, or which are otherwise engaged in overseeing or monitoring areas or activities in the gaming sector or sectors connected therewith, and to make arrangements for the mutual exchange of information and for other forms of assistance or collaboration in regulatory and supervisory matters;

Responsible Gaming Objectives

- An operator shall produce sufficient evidence to the Authority to show that the following objectives are being satisfied thereby:

(a) ensuring that proper controls, policies and procedures are in place to **prevent gaming by minors**;

(b) ensuring that proper controls, policies and procedures are in place to **protect vulnerable persons**;

(c) ensuring that the **interests of all players are adequately safeguarded** and that players are provided with **information on any and all avenues of recourse** they may have if they feel aggrieved by a decision of the authorised person;

Regulation 3, Gaming Player Protection Regulations

Responsible Gaming Objectives

d) ensuring that **all information** relevant to the gaming service is readily available to players;

e) ensuring that information related to **responsible gaming** is readily available to players;

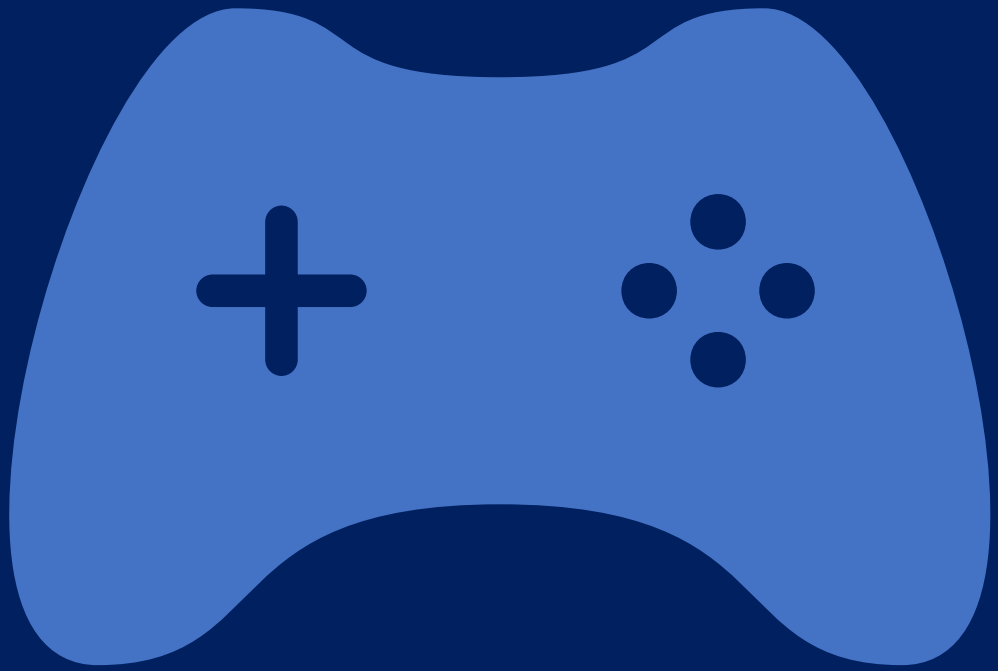
f) ensuring that **tools** are readily available **empowering players** or any other persons to **control** their use of gaming services and to safeguard themselves from the effects of problem gaming; and

g) **ensuring that the marketing and advertising of the gaming service is fair** and in accordance with the Gaming Commercial Communications Regulations and any other applicable regulatory instrument or any other applicable law.

How players are protected under Maltese law

Player Protection under Maltese law

- Information requirements;
- Player registration;
- Protection of player funds;
- Responsible gaming obligations and tools;
- Socially responsible commercial communications;
- Player activity and support;
- Procedures for lodging complaints;
- Prohibition on the offering of credit to players;
- Reporting requirements.



Player Protection under Maltese law

Information Requirements

- licensee details;
- the fact that they are licensed by the MGA (including the dynamic seal);
- sign which indicates that underage gaming is not permissible;
- a ‘responsible gaming’ message which provides information explaining that gaming can be harmful if it is not controlled, and information about player support measures on the website;
- a link leading to a webpage or application which includes responsible gaming information. This information must be clear and intelligible, and within one click from anywhere on the website.
- a link which enables players to refer to one or more gambling help organisations.
- a message before first deposit, providing information and access to available responsible gaming tools and limits.

Player Protection under Maltese law

Information to be displayed on commercial communications

All commercial communications must clearly display:

(a) the name of the relevant authorised person;

(b) a reference to the entity which issued the relevant authorisation whether such entity is the Authority or the competent authority in the relevant jurisdiction, referring to any relevant authorisation reference numbers.

Educational responsible gaming messages shall be prominently included in all commercial communications related to gaming.

The web-portal address of any entity devoted to responsible gaming must be carried on all commercial communications and should be presented in a manner which is clearly legible.

Player Protection under Maltese law

Player Registration

- B2C licensees shall not permit a person to engage in gaming unless that person is registered as a player and holds an account with the B2C licensee.
- When registering a player a B2C licensee shall require such details as may be required in terms of AML legislation and any other regulatory instrument but shall, as a minimum, require the: (a) name & surname; (b) date of birth; and (c) permanent residential address. At registration stage they shall also retain a copy of a valid identification document and clear photograph of the player's face, head and neck.
- Information supplied by player shall be verified and due diligence performed as required in terms of applicable AML legislation and procedures.
- B2C licensees shall conduct ongoing monitoring of their players to prevent fraud, money laundering and funding of terrorism, in such manner as may be required by AML legislation and in accordance with their risk management policies.

Player Protection under Maltese law

Protection of Player Funds

- An authorised person in possession of player funds must hold such funds solely for and on behalf of and in the interest of that player.
- A player whose player funds are held by the authorised person still owns such funds notwithstanding that they may be registered in the name of the authorised person.
- The control of player funds by an authorised person does not give the authorised person any rights over such funds or create any form of loan between the authorised person and the player.
- **Despite any other law, and any agreement, the creditors of an authorised person have no claim or right of action on or against the player funds, and any provision to the contrary shall be null and void.**

Player Protection under Maltese law

Protection of Player Funds

- All licensees are required to report on the player funds on a monthly basis.
- Player funds may be held within credit, financial and/or payment institutions licensed in Malta, or within the EU/EEA.
- The MGA has the power to impose additional requirements in the form of financial safeguards in order to achieve increased player protection (such as, bank guarantees).

Player Protection under Maltese law

Responsible Gaming Tools

- Self-exclusion
- Gaming limits
- Reality checks

Player Protection under Maltese law

Socially Responsible Commercial Communications

"Commercial communications must be socially responsible, with particular regard to the need to protect minors and other vulnerable persons from harm or exploitation."

Regulation 5, Commercial Communication Regulations

Commercial Communications must not

a) portray, condone or encourage behaviour that is criminal or socially irresponsible or could lead to financial, social or emotional harm, or directly or indirectly encourage anti-social or violent behaviour;

b) suggest that gaming can be a resolution to social, educational, professional or personal problems;

c) suggest that gaming can be an alternative to employment, a solution to financial concerns or a form of financial investment;

Commercial Communications must not

d) portray gaming as socially attractive or suggest that it can enhance personal and, or professional qualities, for example by improving self-image or self-esteem, or is a way to gain control, superiority, recognition or admiration;

e) portray gaming in a context of toughness or link it to resilience or recklessness;

f) portray gaming as indispensable or as taking priority in life, for example over family, friends or professional or educational commitments;

g) suggest that solitary gaming is preferable to social gaming;

h) suggest peer pressure to game, or disparage abstention from gaming;

Commercial Communications must not

i) suggest that skill can influence the outcome of a game that is purely a game of chance;

j) provide false or untruthful information about the chances of winning or expected return from gaming;

k) exploit cultural beliefs or traditions about gaming or luck;

l) make reference to instantly available consumer credit services, or any other ways of providing credit to players;

m) tarnish the goodwill and privilege that is associated or related in any manner whatsoever to an authorised person or tarnish the image or reputation of another authorised person.

Player Protection under Maltese law

Commercial Communications

- No person shall promote, advertise, publish, or cause to be published any commercial communication with respect to any licensable game unless the game and the operator are duly authorised in accordance with the Gaming Authorisations Regulations.
- An authorised person shall not engage in any activity that involves the sending of **unsolicited commercial communications**, whether it is through its own operation or by the intervention of third parties.

Prohibited Practices

- Commercial communications should not target or be sent to players who the authorised person knows, or reasonably should have known, are undergoing a period of self-exclusion.

Player Protection under Maltese law

Commercial Communications

- No commercial communications may be issued or distributed in any public place, or in or on any means of public transportation in Malta: Provided that such restriction shall not apply to any commercial communications published, displayed or broadcasted within authorised gaming premises, or in any work environment used by an authorised person.

Public Places

- Such restriction shall also not apply to commercial communications which are displayed or distributed in: (a) locations frequented mainly by tourists, including airports, seaports, hotels and holiday complexes: Provided that this shall not include bars and restaurants; (b) conferences or events specifically organised in relation to the gaming sector; (c) premises of operators; (d) premises of organisers or beneficiaries of authorised low risk games; and (d) newspapers or magazines.

Player Protection under Maltese law

Commercial Communications via Broadcasting

Authorised persons promoting / advertising via broadcasting means shall be subject to the **Requirements as to Advertisements, Methods of Advertising and Directions Applicable to Gambling Advertisements (Subsidiary Legislation 350.25)** in addition to the Gaming Commercial Communications Regulations.

Player Protection under Maltese law

Player Activity & Support

- B2C licensees shall have and implement effective policies and procedures to promote responsible gaming.
- B2C licensees are required to maintain evidence that the relevant policies and procedures were followed and present such evidence to the MGA upon request.
- B2C licensees shall keep a record of any internal responsible gaming investigation carried out on a player, any decisions taken on the basis of the B2C licensee's responsible gaming policies and procedures, and player interactions.
- B2C licensees shall employ effective measures and processes to detect and identify problem gambling, and actions and, or behaviour which is indicative that a player is at risk of developing gambling problems, using analytical tools and, or behaviour monitoring systems with pre- designed and, or evolving parameters, and customer facing and, or responsible gaming staff.
- B2C licensee is required to take effective steps to address problem gambling and, or prevent players from developing gambling problems.

Player Protection under Maltese law

Player Complaints & Disputes

- B2C licensees shall maintain a player support function with sufficient resources to efficiently, competently and effectively interact with players, which for B2C licensees offering games via remote means, shall include at minimum, electronic mail and telephone as channels, whilst B2C licensees operating gaming premises shall, in addition to the above channels, also maintain a designated person within the premises.
- B2C licensees shall put into effect a written procedure for handling player complaints and disputes, and this procedure shall be made readily available to the players, and included within the general terms and conditions.

Player Protection under Maltese law

Prohibition on the offering of credit to players

"It shall be an offence against this Act for a provider of a gaming service or an agent thereof to provide credit to players for participation in games."

Article 15, Gaming Act

Player Protection under Maltese law

Reporting Requirements

- Player Funds Reports;
- Alternative Dispute Resolution Reports;
- Incident Reports;
- Suspicious Betting Reporting.

Prevention and Protection of Minors and Vulnerable Persons from Gambling

Prevention and Protection of Minors from Gambling

- Ensure that they have procedures and controls in place to prevent minors from gambling and accessing their websites;
- Include age verification checks during the registration procedure;
- Ensure adverts don't encourage minors to gamble;
- Indicate the minimum age requirement and notices that underage gambling is not permitted;
- Not advertise gambling as signifying the transition from adolescence to adulthood.
- Improve parental awareness of associated risks and software filtering at home.

Protection and Prevention of Minors and Vulnerable Persons from Gambling

Commercial communications must not:

(a) be directed towards minors or vulnerable persons;

(b) encourage or target minors or vulnerable persons to play a game;

(c) feature minors;

(d) appeal to minors or vulnerable persons in any way;

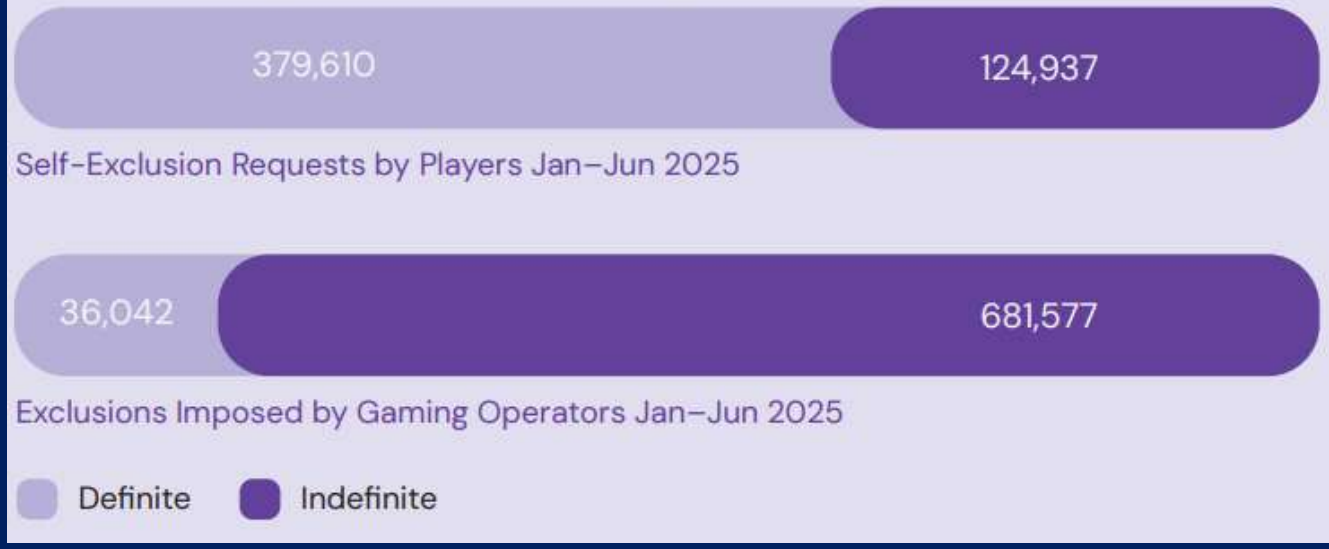
(e) exploit the susceptibilities, aspirations, credibility, inexperience or lack of knowledge of minors or vulnerable persons, or present gaming as a sign of maturity or move to adulthood.

Actions towards better Player Protection and Responsible Gaming – as at June 2025

Table 29: Land-Based – Number of Self-Exclusion Requests

	2022		2023		2024		2025
	Jan-Jun	Jul-Dec	Jan-Jun	Jul-Dec	Jan-Jun	Jul-Dec	Jan-Jun
6 months	344	315	360	287	325	256	314
12 months	422	449	460	489	532	578	633
Total	766	764	820	776	857	834	947

Chart 17: Online Gaming – Number of Self-Exclusion Requests



Actions towards better Player Protection and Responsible Gaming

Actions towards better Player Protection and Responsible Gaming

The MGA has the power to nominate an administrator to:

(i) take charge of the assets of the authorised person for the purposes of safeguarding player funds, the interests of players, and the interests of employees thereof;

(ii) assume control of the business of the authorised person, either to carry on that business or to carry out such other function/s in respect of such business, as the MGA may direct.

Article 46, Gaming Act

The relation of the prevention of money laundering and terrorist financing under Maltese legislation with the gaming industry

Prevention of Money Laundering and Terrorist Financing

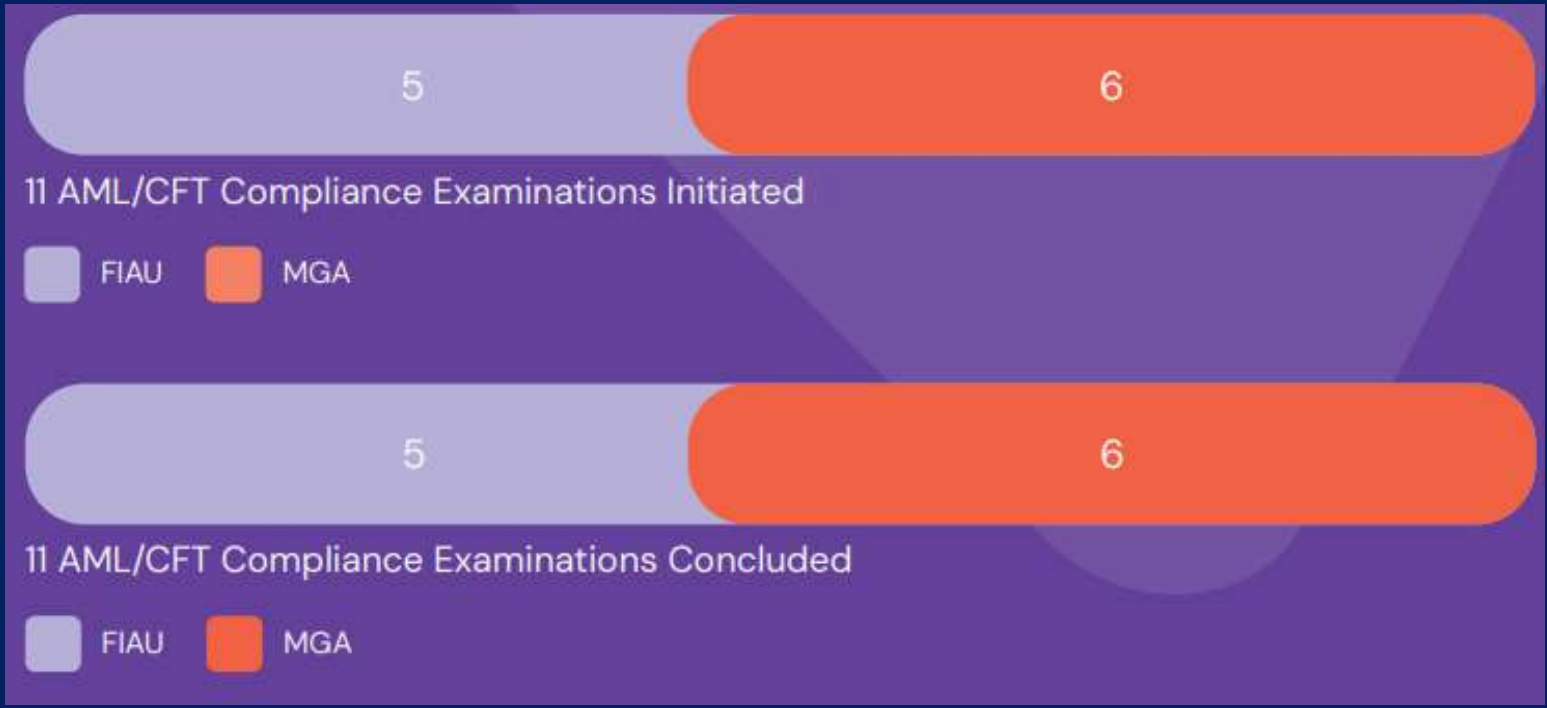
The MGA has a vested interest to ensure that licences are issued or renewed only if it is reasonably satisfied that the applicant has the necessary policies, procedures and systems in place to effectively manage any ML/FT risks inherent within its business, and that all the persons involved in the applicant company are fit and proper persons.

Prevention of Money Laundering and Terrorist Financing

AML/CFT Obligations:

- Business Risk Assessment;
- Appointment of a Money Laundering Reporting Officer (MLRO);
- Customer acceptance policy and written AML/CFT related risk management and customer risk assessment procedures;
- Various levels of due diligence to be carried out at various intervals;
- Ongoing obligations for the licensee to monitor transactions;
- Report suspicious money-laundering activities to the FIAU.

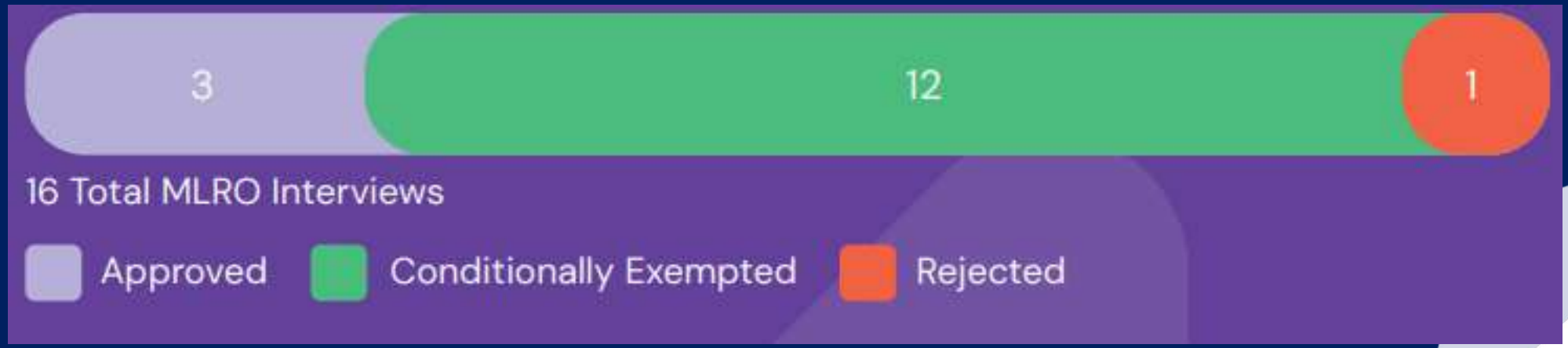
Prevention of Money Laundering and Terrorist Financing



- The MGA has in place specific compliance procedures within the context of the legislative framework governing AML/CFT.

Prevention of Money Laundering and Terrorist Financing

- The MGA also carries out interviews with prospective MLROs to determine whether the individual is knowledgeable and suitable to undertake the role.



Casino Malta fined €233,834 for AML and CTF breaches

10th March 2023 | By Zak Thomas-Akoo

Casino Malta has been fined €233,834 (£206,633/$249,510) for a host of anti-money laundering and counter terrorist financing (AML/CTF) failures.

Referring to one case, the FIAU said that a CEO of a company – who had connections to Turkey – was able to spend €1m with Casino Malta, without the operator checking the customer's source of funds.

In one case, one person who listed their profession as a "plasterer" was able to gamble significant amounts of money in the casino, despite being engaged in court proceedings for drug trafficking, with a freezing order put in place.

GAMBLING COMMISSION

Latest | Consumers | Industry | **Enforcement** | National Lottery | Corporate | Speeches | Advisory Board for Safer Gambling (ABSG)

Home > News > Enforcement

Licence suspension and £3.8m fine for Genesis Global Limited

27 January 2022

The operator was suspended from operating in Britain after enquiries revealed significant social responsibility and money laundering failures.

Helen Venn, Commission Executive Director, said: "All gambling businesses should pay very close attention to this case.

"The Commission will use all tools at its disposal to ensure consumer safety and that extends to stopping a business from actually operating.

"Failing to follow rules aimed at keeping gambling safe and crime-free will never be a viable business option for gambling businesses in Britain."

Safeguarding the integrity of sports

Sports Betting Integrity Unit

(a) to collect and analyse information and intelligence relevant to investigations on suspect manipulation of sporting events, and exchange this information and intelligence with entities of a similar nature around the world;

(b) to act as an information hub and to coordinate the fight against manipulation in sports;

(c) to analyse alerts coming from systems which expose fraud in betting and systems which monitor other types of betting

(d) to be the primary point of contact with the police, sports organisations and the Malta Gaming Authority in relation to the fight against the manipulation of sports results;

(e) to advise the Minister on the development and implementation of policies and strategies in the fight against the manipulation of sports results and also in the drawing up of educational programmes in collaboration with national sports associations and the Education Department;

(f) to advise the Minister on the manner in which laws relating to sports integrity are to be updated from time to time;

(g) to assist the police in the prosecution of criminal cases, and to assist sports organisations in the prosecution of sports disciplinary cases, related to the manipulation of sports results;

(h) when so requested by the Minister, to represent the Government of Malta in the international or regional spheres on matters relating to the manipulation of sports results, as delegated by the Minister.

Sports Integrity

The Sports Act (Cap. 455 of the laws of Malta) defines the terms *"sport"* as:

"…all forms of physical or mental activity which, through casual or organized participation or through training activities, aim at expressing or improving physical and mental well- being, forming social relationships or obtaining results in competition at all levels, but excludes those activities held for therapeutic or clinical purposes or are part of the activities of health institutions or health centres…"

Suspicious Betting Reporting Requirements

- Licensees that offer a gaming service and, or critical gaming supply relating to betting on sport and, or sporting events shall notify the MGA of any instance relating to suspicious betting.
- Moreover, licensees that offer a gaming service and, or a critical gaming supply relating to betting on sport and, or sporting events shall notify the MGA of any circumstances which may lead to one or more bets being voided owing to a suspicion of the manipulation of the sport and, or sporting event to which they relate.

Manipulation of a Sporting Event

"manipulation of a sporting event" means an act or omission by virtue of which any person makes an intentional arrangement, aiming at or successfully accomplishing:

(a) the deliberate alteration of the outcome of any sporting event;

(b) the deliberate alteration of any of the aspects of a sporting event and the unpredictable nature of the sporting event, irrespective of whether such alteration affects the final outcome of the sporting event and whether such alteration, if any, is achieved as a direct or indirect consequence of the act or omission;

(c) the provision of inside information to third parties in a manner that assists or facilitates the commission of an offence against this Act;

(d) the actual acquisition of inside information with the intent of providing such information to third parties; or

(e) the aiding, abetting, encouragement and/or inducement in any other way, of third parties to commit any one or more of the aforementioned acts, which may result in an undue advantage or gain for that person or for others.

Article 2, Prevention of Corruption in Sport Act

Manipulation of a Sporting Event

Whosoever engages in the manipulation of a sporting event shall be guilty of a criminal offence, and, shall on conviction, be liable to imprisonment for a period of not more than 3 years and to a fine *(multa)* from €5,000 to €30,000, or to both such fine and imprisonment.

Article 4, Prevention of Corruption in Sport Act

Duty to Report

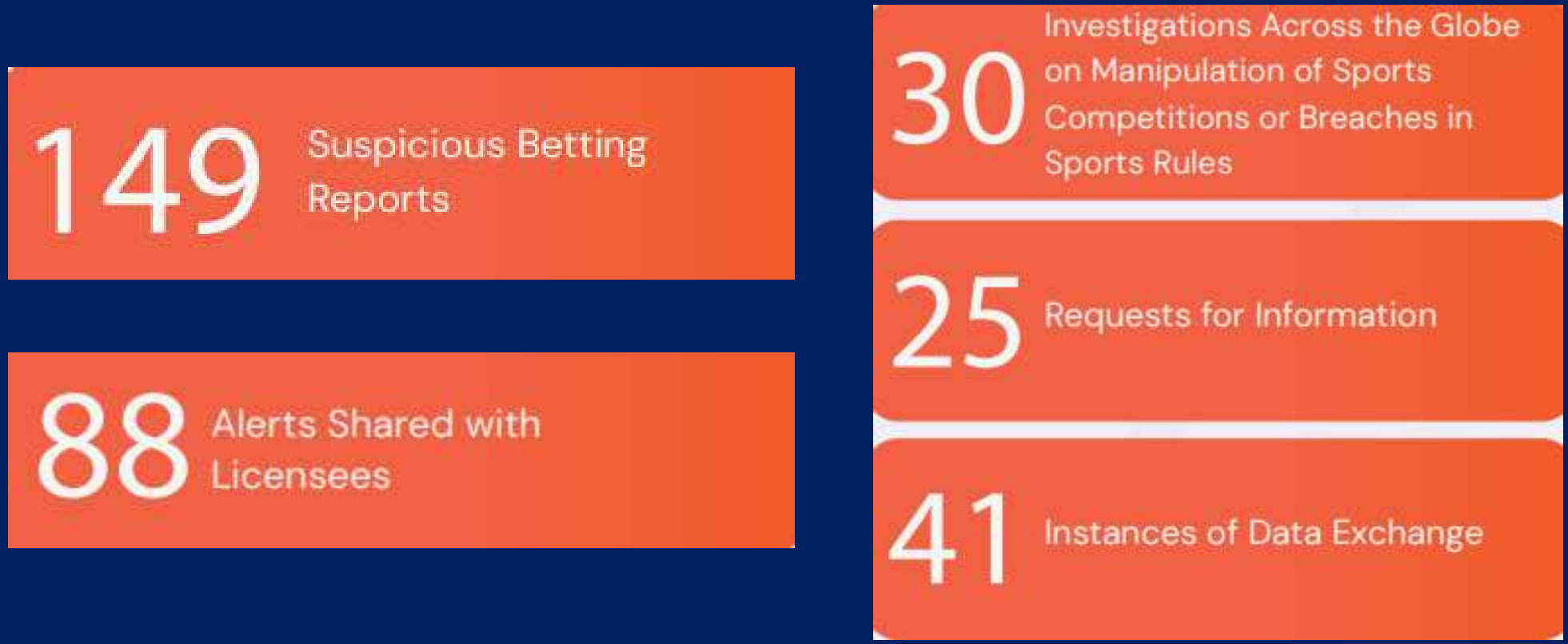
(1) Any person **who has knowledge**, whether verbally, in writing, or otherwise, that an offence has been committed against any of the provisions of article 4, **shall communicate such knowledge to the Commissioner of Police** and, if he fails to do so within a period of **fourteen days** from the date on which he became aware of such fact, he shall be guilty of an offence:

Provided that this article shall not apply to the husband or wife, partner in a civil union or cohabitant, ascendants or descendants, the brother or sister, the father-in-law or mother-in-law, the son-in-law or daughter-in-law, the uncle or aunt, the nephew or niece and the brother-in-law or sister-in-law of a principal or an accomplice in the offence so not disclosed.

(2) The punishment for the offence referred to in sub-article (1) shall be that of imprisonment for a period of not more than one year or a fine (multa) of not less than two thousand five hundred euro (€2,500) and not more than twenty-five thousand euro (€25,000), or both such fine and imprisonment.

Article 5, Prevention of Corruption in Sport Act

Sports Betting Integrity Reporting



Environmental, Social and Governance (ESG) concerns in relation to the gaming industry

Voluntary ESG Code of Good Practice

- On 8th November 2023, the MGA announced the introduction of the Voluntary ESG Code of Good Practice for the Remote Gaming Sector in Malta.
- The inaugural reporting year was 2023, and MGA licensees which sought to report under the ESG Code were expected to submit their first report to the MGA by the 3rd quarter of 2024.
- On 14th May 2025, the MGA published the results of the findings from the inaugural cycle of data collection under its ESG Code of Good Practice. This initiative saw fourteen online gaming licensees voluntarily report on their ESG practices for 2023.
- As of December 2025, a total of 17 operators have earned the ESG Code Approval Seal.

Key Features of the ESG Code

- Two tiers of reporting;
- Flexible approach for certain disclosures;
- Streamlined reporting;
- Focus on ESG reporting as opposed to setting specific ESG targets.

2023 Insight Overview

Social

The sector has made strides in promoting responsible gambling and employee well-being, though challenges in areas like gender pay gap and inclusion at senior levels remain relevant.

The gender pay gap may be partly influenced by the underrepresentation of women in management and executive roles, which typically offer higher remuneration.

Environmental

While reporting entities are implementing impactful initiatives, such as monitoring energy use and emissions, comprehensive reporting on Scope 3 emissions remains limited.

Governance

Regulatory compliance, risk management, and anti-corruption measures are robust, but opportunities exist to enhance cybersecurity practices and diversify governance structures.

Voluntary ESG Code of Good Practice

Instrument of self-regulation which allows operators to:

- strengthen trust among consumers, investors, and regulators, reinforcing the industry's reputation for responsible growth;
- adopt best practices;
- demonstrate their commitment to sustainability, transparency and accountability;
- effectively meet expectations of key stakeholders; and
- prepare for upcoming reporting requirements and also offers support to operators new to ESG reporting.

21 ACADEMY

Diploma in Law (Malta)

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ADVOCATES