

ONLINE GAMBLING REGULATORY POLICY: AN ANALYSIS FROM THE PERSPECTIVE OF THE RIGHTS AND DUTIES OF THE GAMBLER IN PORTUGAL

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Abstract Online games constitute an increasingly widespread activity that carries increased risks for players, especially minors. This study analyses the effectiveness of protecting online players' rights considering Portuguese legislation, which originates from the common European rules established for all Member States of the European Union. This study aims to characterise the Portuguese regulatory policy for games of chance, especially in the online gaming modality, its regulatory principles, its characteristics, and purposes, and to describe how it articulates with European recommendations. Based on this characterisation, this study analyses the effectiveness of compliance with the fundamental aspects of this regulatory policy by entities operating online gambling from the perspective of protecting the rights and duties of players, as enshrined. It concludes that some of these rights need to be sufficiently protected. The methodology includes analysing the websites of licensed entities and providing a questionnaire to young people who frequently play online. The study shows that the information on online gaming platforms reasonably complies with the current legal requirements and that players must be fully aware of all their rights. It also highlights that such rights are not fully protected in sensitive aspects.

Keywords

online gambling,
public policy,
regulation,
players' rights and
obligations,
vulnerable online gamblers

1 Introduction

Gambling activity has been seen as a reprehensible and harmful activity at a religious level, and in the social and moral effects it fosters due to the real possibility of creating chronic dependence and social effects that generate extreme wealth, inciting gluttony and, at the same time, social misery, confusing the Divine Will with avarice and greed (Pinto *et al.*, 1982: 11).

On this path, the negative connotation associated with gaming activity is notorious. Frank Sinatra once said, “Las Vegas is the only place where money really talks. He says, “bye””. This is a clear reference to the randomness, probability, and uncertainty that, while captivating the human person, also puts him face to face with the possibility of chronic dependence and misery (Rama, 2016: 8).

The negative implications of gambling, including increased criminal activity, the growing number of divorces and family breakdowns, gambling addiction, and changes in local community values, highlight the need for stringent consumer protection measures. Indeed, the author acknowledges that the regulation of online gambling faces new challenges, especially regarding consumer protection, as the Internet facilitates the participation of a large number of people in lotteries and betting, increasing the risk for vulnerable players (Hojnik, 2018: 68). Hojnik (2018: 68) recognizes the main weakness of online gambling activity lies in the difficulty of adequately regulating consumer protection due to the cross-border nature of the internet, which facilitates the participation of players from different jurisdictions and complicates the application of national laws.

On the other side, States are aware that it is not possible to eliminate the natural propensity of the human person for gambling, risk, and addictions. Historical prohibitions on the exercise of gambling activity have resulted in the development of widespread illicit gambling practices.

This study aims to understand, through the characterisation of the public regulatory policy of online gaming activity, to what extent players' rights are respected and upheld. The objective will be achieved through the characterisation of the regulatory policy in force and the analysis of questionnaires completed by respondents, all of whom are online bettors and students at the University of Lisbon. The study is divided into three parts. First, we present the context of the online gambling regulatory policies in the European Commission and Portugal. Second, we examine the main characteristics of the Portuguese legal regime for online gaming and betting and characterise the elements of online gaming public policy.

Finally, we analyse to what extent players' rights are properly protected and effectively ensured on gaming platforms. We use the results obtained from respondents' answers concerning five dimensions of the activity to verify the level of compliance with gamblers' rights and duties, namely, registration, payment account, privacy and data protection, responsible gaming practices, and prize payment.

2 Online gambling regulatory policy of the European Commission

Public policy regulating the exercise of gambling activity is an option based on this threefold evidence: the human attraction to risk and games of chance; the social harm that gambling addiction can cause the player and society- to be limited through regulatory policy- and the attraction that the state itself feels for the revenue that this social activity can provide, even if it can be earmarked for social works of general merit. Harris and Griffiths (2017: 189) suggest that the same technologies that facilitate online gambling can be used to implement responsible gambling tools, such as time reminders and budget calculators, to reduce gambling-related harm. On the other hand, Pavlovic (2018: 40) research explores the relationship between the accessibility of online gambling and the increase in risky behaviours, highlighting the need for data-driven interventions to protect consumers.

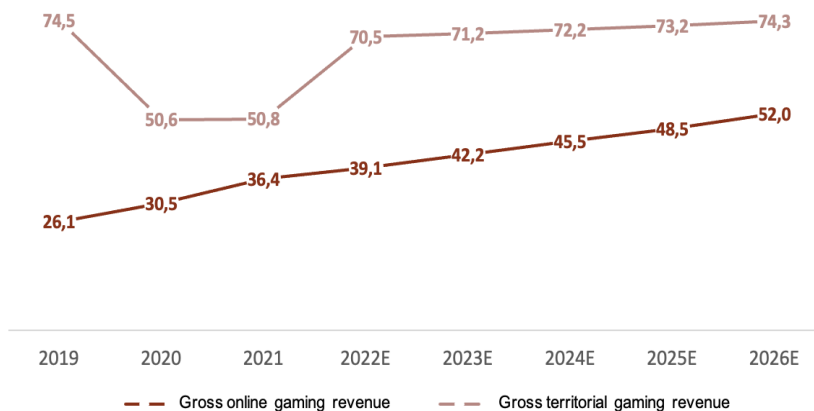
The development of the digital era has led to the “deconstruction” of internal, closed gaming markets, providing the evolution and restructuration of gaming on a global, broad, open, and easily accessible level. Technological evolution has created the necessary conditions for the emergence of online gaming and betting, in which the physical presence of the player and the entity operating the game is not required (Rama, 2016: 25). The new possibilities led to the creation of virtual Casinos, through websites, whose operation is, by law, carried out under the cover of authorization or even prior licensing from interested entities, most often without headquarters or permanent establishment in the States where they operate, to which responsibilities may be attributed in the event of non-compliance with the national rules applicable to this type of games of chance (Correia, 2015: 3).

According to the European Commission's Green Paper (2011: 1), online gambling and betting comprise "any service involving the wagering of money on games of chance, including lotteries and betting, normally provided for remuneration, at a distance, by electronic means and at the individual request of a recipient of services".

This Green Paper laid down the basic principles for regulating online gambling activity in each Member State, and its main purpose was to launch a broad public consultation on the challenges and risks for players and the State itself arising from the evolution of online gambling offers faced by public authorities. The main challenges emphasized the coexistence at the European level of different regulatory models, with a significant number of detrimental decisions, as well as the development of important so-called "grey" and illegal online markets in all member states, with little or no possibility of being effectively punished in the event of abuse or non-compliance. The Green Paper sought to understand the limits to the licensing of online gambling services and to contribute to the objectives aligned with the public interest, including the defence of consumers/players and public order.

As a result of the growing interest in the activity, online gambling is growing rapidly throughout the European Union and is currently the fastest-growing segment of the gambling market, accelerated by the COVID-19 pandemic due to the possibility of playing from home. According to Figure 1, it is possible to see from a revenue perspective that land-based gambling has suffered a sharp decline during the pandemic period, while online gambling has increased significantly. It is estimated that by 2026, gross revenues from online gambling will exceed 50 billion euros, reducing the margin of difference for land-based gambling.

Figure 1. Gross Gaming Revenues in the European Union (MM €)



Source: Authors elaboration based on European Gaming and Betting Association (2022: 1)

In 2020, the majority of gross revenues from online gambling is related to sports betting (40%) and casino game (34%). Next was the lottery (15%), Poker (5%) and Bingo (3%) and others (1%).

2.1 Online gambling regulatory policy in Portugal

In Portugal, online gambling and betting activity has increased significantly, reaching its highest level in the first quarter of 2021, with gross revenue totaling 128.3 million euros. The categories of online games and bets authorised in Portugal are sports betting, equestrian betting, mutual betting, and games of chance.

The first Portuguese gambling law was enshrined in Decree-Law no. 14,463 of 3 December 1927 and aimed to put an end to the prohibition of gambling in Portugal. Gambling was an unavoidable reality, and the repressive provisions adopted at the time did not constitute adequate public policy measures to prevent its exploitation and practice.

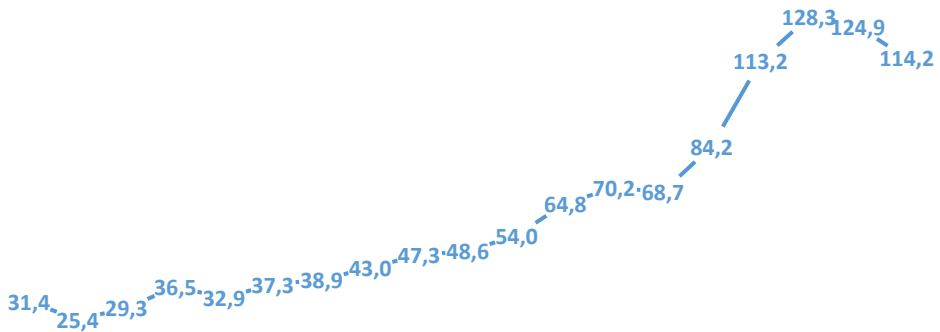
Subsequent regulations gradually changed the paradigm by which the state understood gambling, initially based on criminal repression, to a regime that allowed it not only to be regulated but also to modulate marginal behaviour by imposing legal limits and using the tax instruments available. This initial law defined games of chance as "games whose results are entirely contingent, with neither loss nor gain depending on the player's skill, dexterity, intelligence or calculation".

In 1948, Decree-Law no. 36889 of 29 May tightened the restrictions and conditions laid down for games of chance, with the aim of better disciplining their operation, improving the inspection system, and better defending the interests of the state. Decree-Law 422/89 was published on 2 December 1989 as a result of the socio-economic changes that had taken place over the previous few years. Gambling was associated with tourism for the first time due to the role it began to play in the creation and development of tourist areas. This decree endeavoured to regulate in detail all the modes and forms of exploitation that existed at the time and created its own tax regime.

Historical and technological developments have led to the emergence of a new form of gambling in Portugal: online gambling. The regulatory framework in force at the time proved incapable of responding to the specificities of this form of gambling, justifying a new regulatory regime extended to this new form of gambling. In 2015, the Legal Framework for Online Gambling and Betting (OGR) was adopted by Decree-Law no. 66/2015, of 29 April, to regulate online gambling, security, and

public order, preventing excessive and unregulated gambling, addictive behaviors, and practices and seeking to protect the player, guaranteeing responsible gambling practices by granting them a remarkable set of rights to prevent abuse. This goal is supported by the literature, highlighting the need for responsible gambling tools to minimise harm, such as self-exclusion and deposit limits (Cooney *et al.*, 2021: 20; Gainsbury *et al.*, 2013: 236). Studies demonstrate that responsible gambling resources, such as self-assessment tests and session reminders, are considered useful by players themselves, contributing to awareness of problematic behaviours (Griffiths, 2009: 235).

Figure 2: Gross Revenue from Online Gaming and Betting (M€)



1T	2T	3T	4T	1T	2T	3T	4T	1T	2T	3T	4T	1T	2T	3T	4T	1T	2T	3T	4T
2017				2018				2019				2020				2021			

Source: Authors' elaboration based on 3rd. Semester Report 2021 of the Portuguese Gaming Regulation and Inspection Public Department (Serviço de Regulação e Inspeção de Jogos, 2021: 2).

2.2 The role of the Gaming Regulation and Inspection Public Department (GRIPD)

Despite the widespread dissemination of online gambling activity, there is no uniformity of criteria in the way sovereign states view it. Some states fully regulate online gambling, others don't but allow it, taking into account the principle of the freedom to provide services, while still other states, in addition to not regulating this

activity, don't allow it in their country, using public policy exceptions to the principle of the freedom to provide services (Catarino *et al.*, 2020: 54). Although it is clear that the general principles dictated by the European Commission's Green Paper for online gambling are not enough, they are currently the starting point for better regulation and control of this activity, even considering the incentive given to all member states to regulate online gambling internally, starting with the creation of a strong legal framework that protects the interests of society in general, the state and players, the latter being the most vulnerable party in particular (Rama, 2016: 19).

In Portugal, the Gaming Regulation and Inspection Public Department (GRIPD) is responsible for controlling, inspecting, and regulating games of chance in casinos and bingo halls (the so-called land-based games), as well as games of chance, sports betting, or games played remotely, through electronic, computerized, telematic and interactive media or by any other means (online games and betting).

The GRIPD, whose competencies have been extended to non-territorial (online) gaming, is supervised by the Secretary of State for Tourism through the Tourism Institute of Portugal IP, without prejudice to its technical and functional autonomy and powers as a public authority.

3 The main characteristics of the legal regime of online gaming and betting as elements of online gaming public policy in Portugal

The regulation of online gambling is intrinsically associated with a set of economic, social, and tax benefits. Regulation creates a series of advantages for consumers, among which the following stand out: monitoring and identification of the player; the obligation to register in advance on gaming websites; the record of all transactions made by players and operators; and increasing the quality of the final product offered to the player (Lopes, 2016: 31).

The exploitation of games of chance must, therefore, be reserved to the State as a way of defending the general interest and public order, with the latter having the right to exploit them directly or assign their exploitation to third parties (Chagas, 2019: 18).

The regulation of this activity is important to channel the existing demand for legal offers and adapt these offers to the size of the markets. It allows controlling unfavorable aspects related to the practice of games of chance, such as fraud, money laundering, corruption, adulteration of sports results, access by minors and compulsive gamblers, misleading advertising, and fraud, such as non-payment of

prizes won by players, among others (Catarino *et al.*, 2020: 63). Catania and Griffiths state that while 88% of operators made it clear that their services were only for those over 18, none required proof of identification during account registration, posing a risk for underage gambling (Catania and Griffiths, 2023: 1888).

The current Legal Framework for Online Gambling and Betting in force in Portugal was approved by Decree-Law no. 66/2015 of 29 April. It defines the terms and conditions for operating and practising online games and betting, as well as the values the Portuguese state wants to guarantee in regulating online gambling. It lays down the principles, requirements, and procedures for granting licenses, obligations, and mandatory duties for operators and defines the activity of illicitly operating online games and betting as a crime.

This regime not only intends to reflect the recommendations of the European Commission but also the best practices that have been adopted in other countries. In fact, the widespread democratisation of access to online gambling has forced the Portuguese state to find ways of regulating online gambling and betting, in line with the general movement to regulate online gambling in Europe. Gambling is defined in the E-Commerce Directive as that: "... on which a stake of money is made in games of chance, including lotteries and betting" (European Commission, 2011: 1). More recent directives, such as, those on services and audiovisual media services reformulate this definition to "games of chance where a stake is placed on money, including lotteries, betting, and other forms of gambling". The definition of online gambling is set out in the Directive on electronic commerce and information society services: "Online gambling services are any services involving betting of money on games of chance, including lotteries and betting, normally provided for remuneration at a distance, by electronic means and at the individual request of a recipient of services" (European Commission, 2011: 1).

Following the Green Paper in 2011, the European Commission issued a Communication for the creation of a general European framework for online gambling. This proposed a combination of relevant initiatives and measures to respond to the challenges of online gambling, increasing legal clarity and evidence-based policies (European Commission, 2012: 11).

The European Commission aimed to improve the regulatory framework for online gambling in the European Union and to strengthen cooperation between the regulatory authorities of the Member States while guaranteeing the position of the parties. While fully respecting the law of the Member States, the Commission argues that concerted efforts must be implemented to protect citizens, namely to keep

consumers away from unregulated and harmful offers, to protect minors and other vulnerable groups, and to prevent gambling-related disorders.

On 14 July 2014, the European Commission issued a new recommendation aimed at protecting consumers and users of online gambling services and preventing minors from accessing online games. The main recommendations focused on effective knowledge of the operator's identification and other data to ensure that it fulfils its responsibilities towards the various states in which it operates and towards players. This point is supported by Gainsbury *et al.* (2013: 236), who identified frequent disputes between online players and gambling sites, highlighting the need for stricter regulation. They also focused on reinforced player identification requirements and responsible gaming, and child protection policies. Furthermore, the Commission recommended strengthening education and awareness-raising policies in Member States in cooperation with consumer organisations and operators (European Commission, 2014: 1)

The Portuguese regime has effectively adopted these recommendations, guaranteeing the protection of minors and vulnerable people, averting fraud and money laundering, preventing criminal behaviour, requiring the licensing of online casinos and strict identification of the operating entity, and safeguarding the integrity of sports to prevent and combat possible deviant betting and results behaviour.

The law lays down prohibitions on individuals and a responsible gambling policy; the system for operating and licensing online games and bets; the exercise of the activity of operating these games and bets; the specifics of the technical gaming system; the practice of online games and bets, including the rights and duties of players; the powers of control, inspection, and regulation and the system of offenses and sanctions.

3.1 Prohibitions on subjects and their implications

According to article 6 of the Portuguese regime, the practice of online gambling and betting is prohibited, directly or through an intermediary, to a specific group of citizens who hold high public office. In addition, the law denies gambling activity to minors and others who are incapable under civil law (e.g. disabled and interdicted), as well as all individuals who are voluntarily or judicially prevented from gambling. The lack of effective age verification during gambler's registration represents a critical failure in consumer protection practices, as highlighted by Catania and

Griffiths (2023: 1891) and Cooney *et al.* (2021: 20) is an area that needs greater attention to protect minors.

In addition, the Portuguese law establishes limitations on individuals who are members of the governing bodies or employees of operating organisations and who may have access to their computer systems. There are also limits/restrictions on people linked to the organisers of sporting competitions and events, and horse races when they can have any intervention in the outcome of the events. Finally, gambling activity is also forbidden to employees of the organisation that controls, inspects, and regulates it.

3.2 Characteristics of a responsible gambling policy

Responsible gambling is when a player's behaviour guides their gambling choices consciously and rationally, exercising full control over the time and money they consciously want to spend without jeopardising their family, social, and professional responsibilities. It is, therefore, a concept that combines the sense of responsibility required of the player with the operator's duty to provide a healthy and safe gaming environment. The implementation of Responsible Gambling policies requires that public bodies with competencies in the areas of gambling and health, gaming and betting operators, and even civil society in general join forces to provide counselling and preventive support to help players deal with any critical situation related to gambling activity.

According to article 7 of the Portuguese legal regime, operators have a duty to draw up plans and adopt measures that guarantee responsible gambling practices and provide the public and players with the information needed to promote moderate, non-compulsive gambling attitudes.

3.3 The regime for operating and licensing online games and betting

The activity of operating online games and betting is a regulated activity in which the granting of licences is dependent on a diverse set of conditions, laid down in the Portuguese regime, of various kinds, such as:

- (i) Conditions relating to the tax suitability of the operating entities, requiring them to have a regularised tax and contributory situation (in Portugal or the state of their main establishment);
- (ii) Conditions relating to their suitability, technical, economic and financial capacity;

(iii) Operational conditions, by having a project for structuring the technical gaming system that integrates the best practices in terms of software architecture and technology.

Currently, 16 operators are licensed in Portugal through 25 licenses: 11 for sports betting (44%) and 14 for games of chance (56%). The entities licensed in Portugal are as follows: Betcltic; Bwin; ESCOnline; Pokerstars; Casino Portugal, Casino Solverde; Nossa Aposta; Placard; Luckia; 888; Betano; Moosh; Betway; Bidluck; and Bacanaplay.

It is a criminal offence to exploit, promote, organise, or consent to the exploitation of online games and betting without proper authorisation. Since the Legal Online Gambling and Betting Legal Regime came into force, the GRIPD has notified 806 illegal gambling operators to close down their activity in Portugal, requested the blocking of 1008 illegal gambling sites, and made 14 reports to the Public Prosecutor's Office for the prosecution of criminal cases. This is very important because there have already been cases of unlicensed online gambling sites operating in Portugal that did not offer guarantees of compliance with the requirements of the law, particularly regarding the protection of players' rights, such as the right to actually receive their winnings.

3.4 The obligations of operators

Prior licensing is not the only requirement for carrying out gambling activities. There are also other obligations that operators must fulfil (articles 37 to 43 of the Legal Online Gambling and Betting Legal Regime). These obligations can be grouped into the following general duties:

- (i) The duty to pay all legal charges on time and in the manner prescribed by law;
- (ii) The duty to have reliable physical, material, and human infrastructures for the exercise of gambling activity;
- (iii) The duty to define structuring policies for a clear and stable exercise of the activity;
- (iv) The duty to define policies for rewarding players and balanced rules for the payment of prizes or bonuses.

3.5 The gaming technical system

The gaming technical system constitutes an obligation that operating entities must comply with the requirements set out by the Portuguese regime, namely for the recording of all data related to online gaming and betting activity and consequent reporting to the GRIPD.

Technical gaming systems must guarantee information security about the organisation, human resources, physical and environmental security, equipment security, operations and communications, access control and acquisition, and business continuity management. These systems must also be certified and approved by entities recognised by the GRIPD for this purpose.

3.6 Players' rights and duties

In addition to the set of specific duties and responsibilities of licensed operators mentioned above, they must provide official websites on the Internet with complete information on the rights and duties of players. Article 38 of the portuguese regime recognizes the following rights of players when playing online gambling and betting: (1) the right to receive the prizes due and to have, at all times, information about the amounts played or bet and about the balance of your player account; (2) the right to play freely and without any type of coercion, as well as to identify yourself in a secure way, to have your privacy guaranteed and the protection of data made available to the operator for the purposes of your player registration; (3) money to know the identification and contact details of the operating entity and to submit complaints, and the right to have information on responsible gambling available on the website. On the other hand, the law subjects players to all of the following duties: (1) identify themselves before the operating entity under the terms set out in the portuguese regime; (2) indicate, when registering on the website, a payment account held by you; (3) provide the operator with a copy of a document proving ownership of the payment account; (4) comply with all regulations and guidelines of the control, inspection and regulatory entity; and (5) not to disrupt the normal functioning of online gaming and betting.

4 Methodology

Aware of the importance of the players' role in the effective application of current online gambling regulations and following the recommendations of the European Commission, the methodology used in this study aims to understand the regulatory

policy of online gambling and betting activities in Portugal from the user's perspective. More specifically, it is also intended to verify whether the rights and duties of players, provided for in articles 37 and 38 of the Legal Online Gambling and Betting Legal Regime, are being effectively ensured.

For the purpose of this study, five dimensions of analysis were created that allow us to assess the degree of compliance with these rights and duties by entities operating online gambling. As can be seen in Table 1, the selected analysis dimensions were registration, payment account, privacy and data protection, responsible gaming practices, and complaints. The verification of these dimensions was divided into specific analysis variables that allowed us to confirm their occurrence.

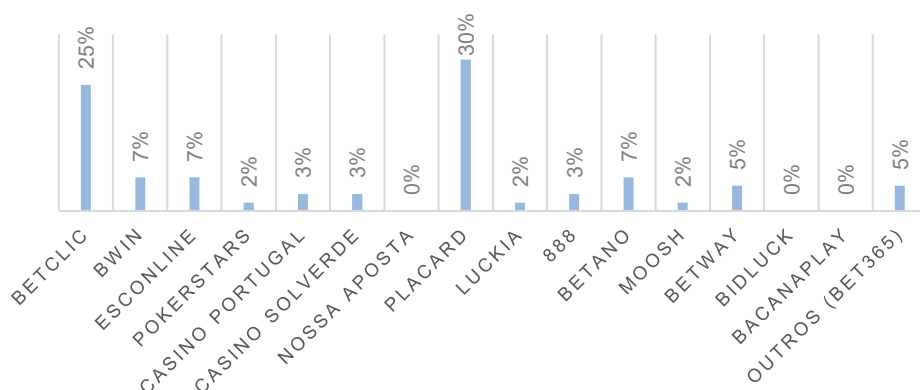
The techniques used for verification consisted of analysing the websites of licensed entities and providing a questionnaire to young people who frequently play online. We obtained 34 responses to the questionnaire and were able to validate 29 responses, constituting the sample for this study.

5 Results and discussion

Through the first analysis technique used, it is possible to observe the websites of the operating entities, realising that they unequivocally comply with the necessary requirements to respond to the rights and duties of players. Table 2 brings together the data collected. On the other hand, regarding the questionnaire applied, made available to respondents through the Google Forms platform, the group of respondents belongs to the age group between 18 and 29 years old. According to GRIPD Statistics, around 59.3% of registered players are in this age group, which is the most representative age group for our study.

According to Figure 3, which shows the distribution of players by operator, we can see that the operators where respondents play the most are BetClic and Placard, with around 25% and 30% of responses, respectively. We were unable to collect responses from Nossa Aposta, Bidluck, and BacanaPlay players. We collected responses from players at Bet365, an operator based in the United Kingdom, which is not licensed in Portugal.

Figure 3: Distribution of respondents by operating entity



Source: Authors' elaboration based on questionnaire answers

In global terms, through the questionnaire administered, we were able to see that the majority of respondents (82.8%) consider that the information provided by the operator regarding their rights and duties is clear and adequate. On the other hand, it is clear that the decision to play online was taken freely and without any type of coercion from the operator by 24 of the respondents (82.7%), fulfilling one of the players' main rights. The detailed analysis of the results obtained will be carried out through the five dimensions selected to verify compliance with the rights and duties of players, namely: registration; payment account; privacy and data protection; responsible gaming practices; and payment of prizes.

5.1 Dimension 1: Registration

In this dimension (online player registration), we analyse the components of player registration (player name, date of birth, nationality, profession, residence address, civil identification number, tax identification number, email address, and payment account identifiers).

On this point, we verify that all operating entities comply with the required requirements, as it is mandatory to present this data at the time of registration, as is visible from the responses to the questionnaire, with 96.6% of respondents confirming that it was necessary to register as users on the operator's platform. The only exception occurs at the level of the payment account's identifying elements. During registration and when depositing amounts into the player account, it is not necessary to present data on payment accounts, it is only necessary to withdraw the

amounts received. Despite the provisions of the General Personal Data Protection Law, all operating entities have access to citizen card data to verify the identity of players and only allow the creation of a new user profile when they are able to confirm or guarantee, electronically, the user's identity.

Paragraph 8 of article 37 of the Legal Online Gambling and Betting Legal Regime foresees the possibility of creating registrations with a guest profile to allow the practice of demonstrations of online games and bets without the use of money. However, operators do not have this option available. On the other hand, we found that the vast majority of respondents (69%) are also unaware of this possibility. We believe that for greater consumer protection, it would be relevant to offer this functionality, allowing them the possibility of learning about the potential of games and betting before they start to effectively bet their own financial resources.

5.2 Dimension 2: Payment Account

To understand the financial component related to monetary transactions resulting from the game, we asked three questions in the questionnaire corresponding to prize payments, the ease of using accounts, and the requirement to own payment cards.

As is clear from the law and the intrinsic credibility of the system, one of the players' rights is to receive the prizes due to them. The vast majority of respondents (89.7%) confirm that they were always able to receive the prizes. A very significant number of respondents (82.8%) also reported that they were required to provide proof of ownership of their bank account to deposit and withdraw amounts. Regarding the management of the player account balance, 82.8% of respondents confirmed that they never experienced difficulty in viewing information on the amounts played or bet and on the balance of the respective player account, as is one of their rights. Without prejudice to what has been said, there are news reporting difficulties in receiving prizes won by players, specifically when playing online in casinos that are not duly registered in Portugal, with a dubious reputation.

5.3 Dimension 3: Privacy and Data Protection

It is the players' right to have their privacy and the protection of the data they made available to the operator guaranteed. In this sense, consulting the online websites of casinos operating in Portugal allows us to confirm that all operating entities provide the terms and conditions relating to these aspects, as well as the privacy policy, in

full accordance with the provisions of the Legal Online Gambling and Betting Legal Regime.

5.4 Dimension 4: Responsible Gaming Practices

The Responsible Gaming Policy represents an important commitment to minimising the negative effects of gambling by promoting responsible practices that allow the prevention, monitoring, and intervention of problems arising from gambling (Forsström *et al.*, 2020: 398).

Regarding this dimension, we found that all operating entities have the Responsible Gaming Policy available on their websites, offering various mechanisms for individual protection of players, such as information on self-protection and awareness of addiction, the provision of the option to create limits of daily, weekly and monthly values defined by users, the self-exclusion option, available on the entities' websites and direct links to associations supporting possible addictions (such as SICAD, GamCare, Gambling Therapy). This conclusion is aligned with Gainsbury *et al.* (2013) conclusions study.

5.5 Dimension 5: Complaints

The last dimension of analysis used in this study focuses on the right of players to know the identification and contact details of the operating entity for the purposes of their player registration. From the consultation carried out, we verified that all operating entities have an email address available to respond to any queries, questions, and complaints from players.

Of the questionnaire's respondents, only 2 (6.9%) filed complaints with an operating entity, which represents an insignificant percentage of our sample. In this study, the respondents' complaints presented relate to the calculation of the value of the prize and the non-receipt of the due amount of the prize, although it is known that, in online gambling activities not registered in Portugal, difficulties are reported in receiving premiums, in addition to other practices.

These results are in line with the conclusions of Hojnik (2018), who found that the ease of access and constant availability of online gambling increase the risk of addictive and problematic behaviours among players, especially the most vulnerable, such as young people and those with addiction problems. The difficulties in controlling operators not based within the jurisdiction are a central conclusion of

Hojnik (2018) and Gainsbury *et al.* (2013), who point out that the Member States of the European Union face challenges in effectively controlling the operations of online gambling sites that operate outside their jurisdictions, allowing foreign operators to offer services without adhering to local consumer protection regulations.

6 Conclusion

As can be seen, the regulatory policy for the activity of exploring online gambling constitutes a public policy that is subject to a high degree of regulation in domestic and European Union law. This is due to the special sensitivities that the game generates as a playful social activity, from the point of view of the high impacts that are perceived on society in general. Thus, this study allows us to conclude that the evolution of the regulatory framework for the activity of games of chance in Portugal brought a change from the initial paradigm of total prohibition to a regime focused on strong regulation, changing behaviors, and the need to protect, especially, the online player, e.g. through available tax instruments.

The high importance of a complete, modern, effective regulatory policy focused on the discipline of all interests involved (State, exploitative entities, and online gamblers and their families) is clear, to prevent the creation and access to illegal websites, guarantee security technical systems, protect personal data and minimize fraud, defend minors and players from abusive practices or addictive effects while containing the more general harmful effects of gaming activity on society in general. In this regard, we conclude that the European Union has taken effective leadership, focused on establishing general principles and rules guiding the policies of the Member States, aiming at the adoption of stable and safe regulatory policies to protect consumers, guaranteeing the strict compliance with the obligations imposed on operating entities and respect for the State's right to revenue, especially from online gambling and betting.

In terms of the results achieved, including through the questionnaire made available online, we verified that there is general compliance of the activities carried out by the operating entities in the dimensions we analysed, with the requirements established by the Legal Online Gambling and Betting Legal Regime. We highlight as a negative aspect the lack of a duty to prove ownership of the payment bank account when registering for depositing amounts owed to the player, and also the lack of mechanisms that allow players to carry out demonstration games, which

would constitute some measure to protect inexperienced people when they start in this activity.

We identified as a limitation of the Study, the size of the sample obtained, which does not allow us to prove with sufficient rigour all the dimensions covered by it.

On the other hand, we recognise a perhaps excessive focus on the gambler's perceptions as they are normally the weakest party in the relationship, and not so much on that of the exploiting entities. However, this aspect constitutes an opportunity for further study, which can be the basis for more detailed studies on the topic from this specific perspective.

Future studies on the profile of online gamblers would be of added value to understanding the respective type and to introduce changes to the policy aimed at reinforcing protection mechanisms, ensuring, in particular, better enforcement of their rights and reinforcing compliance with their duties and the general reinforcement of the State's role in this regulatory public policy.

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Appendix

Table 1: Dimensions of Analysis of Players' Rights and Duties

Dimensions	Variable	Verification
1. Registration	Player registration (Data) Guest profile registration Access of operating entities to the taxpayer number	Survey and Questionnaire
2. Payment account	Payment of premiums Ease of using accounts Ownership of payment cards	Questionnaire
3. Privacy and data protection	Terms and conditions	Research
4. Responsible gaming practices	Reference to responsible gaming practices on the website Reference to self-exclusion on the website	Research
5. Complaints	Identification and contact details of the operating entity Space to submit complaints	Survey and Questionnaire

Source: Authors' elaboration

Table 2: Variables Verified through Analysis of the Websites of the Operating Entities

	Data	Access data to by Entities	Terms and Conditions	Responsible Gaming Policy	Self-exclusion	Contacts of the Operating Entity
Betclic	✓	✓	✓	✓	✓	✓
Bwin	✓	✓	✓	✓	✓	✓
ESOnline	✓	✓	✓	✓	✓	✓
Pokerstars	✓	✓	✓	✓	✓	✓
Casino Portugal	✓	✓	✓	✓	✓	✓
Casino Solverde	✓	✓	✓	✓	✓	✓
Nossa Aposta	✓	✓	✓	✓	✓	✓
Placard	✓	✓	✓	✓	✓	✓
Luckia	✓	✓	✓	✓	✓	✓
888	✓ ¹	✓	✓	✓	✓	✓
Betano	✓	✓	✓	✓	✓	✓
Moosh	✓	✓	✓	✓	✓	✓
Betway	✓	✓	✓	✓	✓	✓
Bidluck	✓	✓	✓	✓	✓	✓
Bacanaplay	✓	✓	✓	✓	✓	✓

Source: Authors elaboration based on observation of online gambling websites

Povzetek članka v slovenskem jeziku (abstract in Slovene language)

Spletne igre so vse bolj razširjena dejavnost, ki prinaša večja tveganja za igralce, zlasti mladoletnike. Ta študija analizira učinkovitost zaščite pravic spletnih igralcev ob upoštevanju portugalske zakonodaje, ki izhaja iz skupnih evropskih pravil, določenih za vse države članice Evropske unije. Namen te študije je opisati portugalsko regulativno politiko za igre na srečo, zlasti na področju spletnih iger na srečo, njena

¹ The operator 888 is the only one that also requires the inclusion of the IBAN during user data registration on websites.

regulativna načela, značilnosti in namene ter opisati, kako se ujema z evropskimi priporočili. Na podlagi te opredelitve ta študija analizira učinkovitost upoštevanja temeljnih vidikov te regulativne politike s strani subjektov, ki prirejajo spletne igre na srečo, in z vidika varstva pravic in dolžnosti igralcev. Ugotavlja, da je treba nekatere od teh pravic zaščititi v zadostni meri. Metodologija vključuje analizo spletnih strani licenciranih subjektov in posredovanje vprašalnika mladim, ki pogosto igrajo na spletu. Študija kaže, da so informacije na spletnih igralnih platformah v razumni meri skladne z veljavnimi zakonskimi zahtevami in da se morajo igralci v celoti zavedati vseh svojih pravic. Poudarja tudi, da te pravice v občutljivih vidikih niso v celoti zaščitene.