

The background image is a high-quality photograph of a casino's interior. It features a grand, ornate ceiling with large, oval-shaped skylights or painted panels. A large, multi-tiered chandelier hangs from the ceiling. The floor is highly reflective, showing the lights and the surrounding environment. In the foreground, there are several gaming tables, including a roulette table and a blackjack table, both with their respective layouts and equipment. The overall atmosphere is one of luxury and elegance.

INTERNATIONAL **GAMBLING** LAWS AND **REGULATIONS** REVIEW 2025 / 26

SWITZERLAND

THE INTERNATIONAL GAMBLING LAWS & REGULATIONS REVIEW 2025/26

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Overview

Since 1 January 2019, casino games, lotteries, sports betting and skill games have been regulated by the Money Gaming Act ("MGA") and the Ordinance on Money Games ("MGO"). These laws generally regulate money games in which there is the chance to win a prize or other monetary advantage in return for a stake/monetary transaction to enter the game. The MGA distinguishes between casino games, lotteries, sports betting and skill games. Lotteries, sports betting and skill games can be categorised into large-scale (executed automatically, intercantonal or online)

and small-scale games (neither automated, intercantonal nor online) (Art. 2 MGA).

Licensed land-based casinos can apply for an extension of their licence to offer online gaming. Licences for (online) betting and lotteries will only be given to Swisslos and Loterie Romande. Foreign providers cannot apply for a licence

and their websites are blocked (DNS-blocking) by the Swiss authorities if the provider does not block the access to the games from Switzerland itself.

2. Application for a Licence and Licence Restrictions

2.1. Types

Swiss law distinguishes between terrestrial casino licences and the extension of the terrestrial licences for online gaming, lottery and betting licences and licences for small games (not executed automatically, online or intercantonal).

a) Casino licence

A-type casino: no limits in stakes and the number of offered games and slot machines, connected jackpots and maximum winnings possible. Only casinos with a licence "A" qualify as Grand Casino (Art. 6 MGA).

B-type casino: usually for spa or resort casinos, with a limited number of table games (three) and slot machines, limited stakes and no connected jackpots. The limit per stake for automated games in B-type casinos is CHF 25/game.

The number of licences is determined by the Swiss Federal Council ("SFC"), whereby the locations are distributed evenly among interested regions (Art. 7 MGA). A licence is usually granted for a period of 20 years and can be renewed (Art. 12 MGA). The licence can be extended for the offering of online games (Art. 9 MGA).

The concession is not transferable (Art. 14 MGA).

b) Large-scale games (lotteries, sports betting and skill games that are executed automatically, intercantonal or online)

In order to be able to offer large-scale matches, an organiser's licence and a gaming licence are required. These are issued by the Swiss Gambling Supervisory Authority ("Gespa"), with the cantons deciding on the maximum number of lottery and sports betting operators (Art. 23 MGA). Only Swisslos and Loterie Romande receive licences for large-scale games. The licence is not transferable to third parties (Art. 30 MGA).

c) Small game licence (lotteries, sports betting and skill games that are executed neither automatically, online nor intercantonal)

Small-scale games operators can apply for a cantonal licence with the competent cantonal authority. There are separate regulations concerning small lotteries and sports betting in the cantons.



Switzerland's Money Gaming Act tightly regulates gambling, limiting online licenses to Swisslos, Loterie Romande, and land-based casinos while blocking foreign providers.

2.2 Licence Process

The SFC decides on the maximum number of the terrestrial casino licences that may be granted, and also defines the geographical locations of such casinos.

The written application for the casino licence must be submitted to the Swiss Federal Gaming Board ("SFGB"). SFGB reviews the application and submits a proposal to the SFC. The SFC decides whether or not to grant a licence. Casinos holding a Swiss casino licence can apply for an extension of their licence to offer online games. The process of the application is the same as for a terrestrial casino licence.

Applicants of large-scale games must submit their application to Gespa (only Swisslos and Loterie Romande can receive a licence) and operators of small games must submit theirs to the cantonal authority.

2.3 Details of the Licence

2.3.1. Duration

A casino licence is usually granted for a period of 20 years (Art. 12 MGA). After the 20-year period has elapsed, the licence can be extended or renewed. In certain circumstances, the licence may be revoked, restricted or suspended. A revocation of the licence is possible if any of the following apply (Art. 15 MGA):

- The requirements for issuing the licence are no longer fulfilled.
- The licensee has obtained the licence based on incomplete or false information.
- The licensee has not started operations within the set time limit by SFGB.
- The licensee leaves the business inoperative.
- The licence is used for any unlawful or improper purposes.

The licence for large-scale or small games is not subject to a fixed term but can be limited in time and be renewed. In addition, the licences can be subject to conditions and obligations (Art. 29 MGA). If the legal requirements for the licence are no longer given, Gespa (or in cases of small games, the cantonal authority) can withdraw the licence. The licence may also be suspended, restricted or subject to additional conditions and obligations (Art. 31 MGA).

2.3.2. Limits

Casino games: the limits on the types of games, stakes and the maximum number of slot machines depend on the type of the licence (A licence or B licence, see question 2.1 above).

Large-scale lotteries: may only be offered by Swisslos or Loterie Romande.

Small lotteries (cantonal licence): the maximum stake for a single bet is CHF 10, with a maximum of CHF 100'000 for total stakes (Art. 37 MGO, total stakes of CHF 500'000 if the goal of the lottery is to finance an event of supra-regional importance). The value of the prizes must be at least 50% of the maximum total stakes.

Small local sports bets (cantonal licence): maximum stake of CHF 200 per bet, with a maximum of CHF 200'000 for total stakes on one competition day (Art. 38 MGO).

Small poker tournament (cantonal licence): maximum entry fee of CHF 200 and CHF 20'000 total entry fees. There are additional restrictions regarding the number of tournaments, number of participants, duration of tournaments, etc. (Art. 39 MGO).

Tombola: maximum total stake of CHF 50'000 (Art. 40 MGO).

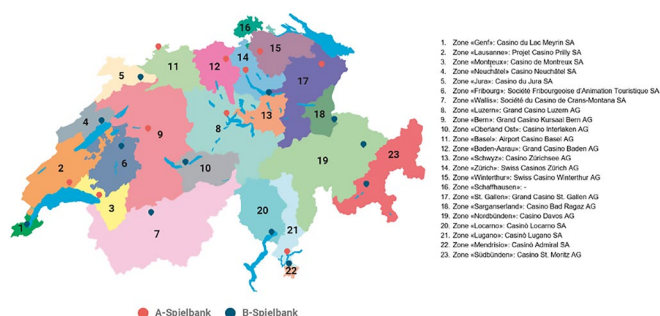
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Switzerland's casino licenses, granted for 20 years, allow online extensions, while lotteries and small games face strict stake limits and cantonal oversight.

2.4 Key Development

On November 29, 2023, the SFC awarded casino concessions for the years 2025 to 2044 in 22 out of 23 zones. The SFC followed the proposal of SFGB and accepted 22 applications, divided into ten Type A and twelve Type B licenses. Existing casino operators in the zones Baden-Aarau, Basel, Bern, Berner Oberland Ost, Geneva, Fribourg, Jura, Lucerne, Lugano, Locarno, Mendrisio, Montreux, Neuchâtel, Nordbünden, Südbünden, Sarganserland, Schwyz, St. Gallen, Valais and Zurich will be allowed to continue operating their existing casinos beyond 2024. In the newly created zone Winterthur, the SFC accepted the application submitted by Swiss Casinos Winterthur AG. In the likewise new zone Lausanne, the SFC granted a concession to Project Casino Prilly AG.

The casino landscape from 2025 onwards looks as follows:



The SFC also approved the extension of concessions for online casino games to twelve applicants. The supply of and competition for online casino games is therefore increasing.

Finally, the SFC has commissioned SFGB to draw up a report on the casino landscape. On the basis of this report, the SFC will reassess the overall situation in 2028 and decide how to proceed, including with regard to the concession in the zone Schaffhausen; the SFC has not granted a concession for the zone Schaffhausen.

The reallocation of casino concessions is final and the SFC's decision cannot be appealed.

In addition, Casino St. Moritz AG has ceased operations as its main shareholder will no longer provide funding. As the legal requirements for a licence are no longer met, SFGB has initiated revocation proceedings, granting the casino a right to be heard. The future of casino operations in the zone Südbünden is under review, with recommendations to follow.

3. Cooperation with foreign online gambling or betting operators

Foreign online gambling or betting operators may not apply for a licence and enter the Swiss market independently. Though, foreign online gambling or betting providers may get access to the Swiss market by entering into a partnership with a local terrestrial licence holder (art. 46 MGA, art. 31 MGO).

3.1. Gambling

According to art. 8 MGO, foreign online gambling operators only qualify as cooperation partners, if they did not actively target the Swiss market for five years prior to the application and are or were not blacklisted by SFGB and Gespa ("good reputation").

3.2. B2B Provider

Suppliers of money games or online gambling platforms (B2B supply only) can fulfil the requirement of the good reputation even if they deliver or have delivered games to operators that do not have a good reputation (art. 8 para. 4 MGO).

3.3. Betting & Lotteries

According to art. 31 MGO, Gespa can allow the cooperation of an operator of lotteries and sports bets (i.e. Swisslos or Loterie Romande) with a foreign operator, if:

- the foreign operator has the necessary licence to conduct the games/bets in its country of origin or in other countries,
- the foreign operator has a good reputation,
- the games/bets cannot be offered by the licence holder alone with comparable attractiveness for the players,
- the game has a strategic and economic importance for the further development of the game offer,
- online participation by Swiss players is only possible via their player account with the Swiss licence holder,
- the licence holder has concluded an agreement with the foreign partner to ensure that the games can be played in a safe and transparent manner,
- the foreign operator blocks online access to money games for Swiss players.

3.4. Poker

Poker tournaments may only be offered by the licensed casinos. However, art. 18 MGO allows Swiss casinos to cooperate with foreign operators for the organisation of online poker games. The requirements for the foreign poker operator are different from the requirements for other cooperation partners (for sports betting or online casino games). In particular, the foreign poker operator does not have to enjoy a good reputation according to art. 8 MGO but must only provide its foreign licences and proof for its reliability and professional suitability (art. 18 para. 1 lit. a, b MGO). In addition, the foreign poker operator must close the access of Swiss players to its unlicensed additional offer (sports betting and casino games, art. 18 para. 1 lit. e MGO).

4. Social Responsibility

One of the main objections to the deregulation of the casino market is the assumption that deregulation would result in an increase in gambling addiction. Therefore, applicants must present a social concept, including measures to prevent gambling addiction and strict security policies (Art. 76 MGA).

The social concept of casinos and providers of online games must include the following measures:

- information for players about the risks of games, possibilities for self-control, bans, etc.;
- early identification of at-risk players;
- implementation of bans;
- education of personnel; and
- data collection on the effectiveness of the measures.

To access online games, a gaming account with the operator is required. To be able to open an account, a player must be over 18 years old, Swiss-resident and not be banned from gaming.

The provider of online games must identify the players. Winnings from licensed gambling can only be transferred to accounts in the name of the player (Art. 45 et seq. MGO).

5. Enforcement and Liability

5.1. Liability

The following parties are liable for breaches of the relevant legislation:

- the casino licensee;
- the customer;
- the large-scale/small game licensee; and
- the gaming service operator and supporting third parties.

5.2. Enforcement Actions

The licence may be withdrawn from domestic casinos or large-scale operators. In addition, prison sentences and high fines of up to CHF 500'000 can be imposed (Art. 131 MGA).

Websites of foreign gaming providers can be blocked, and the provider will be listed on a public blacklist (Art. 86 MGA).

5.3. Enforceable Debts

In general, under Swiss law, gambling and betting debts do not give rise to a claim (non-actionable claim; Art. 513 of the Swiss Code of Obligations).

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Switzerland's strict gambling regulations enforce social responsibility through mandatory player protections and allow limited foreign cooperation for lotteries and poker.

A claim may arise if the claim arose during a licensed lottery game or during a game in a casino licensed by the competent authority (Art. 515 of the Swiss Code of Obligations).

5.4. Key Development

In a decision of the Federal Supreme Court in May 2022, the Federal Supreme Court decided that the blocking measures (DNS-blocking) issued by SFGB/Gespa and implemented by the telecommunications service providers as well as the blacklisting of the respective domains were conducted in compliance with

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Switzerland's Federal Supreme Court upholds strict DNS-blocking and blacklisting of foreign gambling sites, requiring active measures to bar Swiss players.

the MGA and the Swiss Constitution. On the other hand, however, there was no instruction to foreign gambling operators to implement its own technically adequate blocking measures.

Substantive legal aspects in connection with the services of foreign gambling operators, such as the question

of whether foreign gambling operators are operating an unauthorised gambling platform in Switzerland or are violating Swiss law, were not subject to the decision. Moreover, the decision of the Federal Supreme Court did not deal with the question of whether Swiss criminal law is applicable to the offer of foreign gambling operators according to the principle of territoriality. The Federal Supreme Court's decision only dealt with the legal conformity of the issued measures (blacklisting and blocking measures) by the authorities.

In a decision of the Federal Supreme Court in January 2023, the Federal Supreme Court dealt with the question whether a pure IP blocking is sufficient in order to be removed from the blacklist. This legal question was disputed until this decision. The Federal Supreme Court decided that the foreign online gambling or betting operator must actively ensure that no player with residency in Switzerland can register on the website in order to be removed from the blacklist. Thus, the mere IP blocking is not sufficient in order to be removed from the blacklist.

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Andreas Glarner leads the gaming law practice group of MME. MME advises leading national and international gaming service providers – both casinos and Internet gambling services – in gambling and lottery law.



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