

Applying for activity licence for organising gambling

Brief description

Business operators who wish to organise gambling need to apply for an activity licence for organising gambling.

The activity licence, which is issued by the Tax and Customs Board without a term, grants the right to apply for an operating permit for organising gambling.

Separate activity licences are issued for organising games of chance, totos and games of skill. It is not necessary to apply for the activity licence if you wish to organise games of skill, the only possible prize of which is getting the opportunity to take part in the same game again, and lotteries.

Legal basis

The activity of a gambling operator is regulated by the following legal acts:

- General Part of the Economic Activities Code Act ([MsüS](#))
- Gambling Act ([HasMS](#))
- Gambling Tax Act ([HasMMS](#))
- Money Laundering and Terrorist Financing Prevention Act ([RahaPTS](#))
- List and procedure for entry of data registered in the electronic recordkeeping and control system of gambling operators and procedure for connecting an electronic recordkeeping and control system to the information system of the Estonian Tax and Customs Board ([link](#))
- Establishing the List of Persons with Restrictions on Gambling and Certification of the Statute of the List ([link](#))

Requirements for applicants

An activity licence for organising games of chance may be applied for by a public limited company or private limited company whose share capital amounts to at least 1 000 000 euros.

An activity licence for organising totos may be applied for by a public limited company or private limited company whose share capital amounts to at least 130 000 euros.

An activity licence for organising games of skill may be applied for by a public limited company or private limited company whose share capital amounts to at least 25 000 euros. (Subsections 9 (4), (6) and (7) of Gambling Act).

A gambling operator must be a trustworthy legal person whose only field of activity is the organisation of gambling. (Subsections 9 (1) and (2) of Gambling Act).

The shareholders with a qualifying holding in a gambling operator or the beneficial owners set out in § 9 of the Money Laundering and Terrorist Financing Prevention Act, or the members of a management body of a gambling operator shall not include a person who meets any of the following criteria:

- the person has a criminal record;
- the person has been a member of the management body of a legal person that has organised gambling without an activity licence or operating permit or whose activity licence has been revoked on the bases set out in clauses 20 (1) 2)–4) or 7) of the Gambling Act;
- a court decision made in bankruptcy proceedings indicates that the person has caused the insolvency of a company due to a grave error in management.

Before deciding on the issue of an activity licence, it is verified whether the applicant for the activity licence meets the requirements established for a gambling operator, its tax

behaviour during the last three years is inspected, and if necessary, additional characteristics of the applicant for the activity licence are collected to verify the documents submitted upon application for the activity licence, and the trustworthiness and good reputation of the applicant for the activity licence (subsection 18 (1) of Gambling Act).

Cross-border activity

There are no standardised requirements in the European Union for organising gambling. This means that an activity licence acquired from another state within the European Economic Area does not grant the right to offer gambling in Estonia, and vice versa.

Completing and submitting an application

In order to acquire an activity licence you have to submit an application and:

- information and documents regarding the members of the management board and supervisory board of the applicant for an activity licence, including, for each person, the forename and surname, personal identification code or date of birth in the absence of a personal identification code, place of residence, a complete list of places of employment and positions and documents which prove the trustworthiness of the members of the management board and supervisory board of the applicant for the activity licence and their conformity to the requirements of the Gambling Act, which the applicant considers important to submit, and the information and documents specified in clause 11 (3) 2) of the Gambling Act (clause 17 (2) 1) of Gambling Act);
- information on the auditor of the applicant for the activity licence, including the auditor's name, place of residence or seat, personal identification code or date of birth in the absence of a personal identification code, or registry code (clause 17 (2) 2) of Gambling Act);
- a list of the shareholders, including, for each shareholder, the name, registry code or personal identification code or date of birth in the absence of a personal identification code, and information about the number of shares or size of the holding and number of votes to be acquired by or already held by each shareholder (clause 17 (2) 3) of Gambling Act);
- the information and documents specified in subsection 11 (2) of the Gambling Act regarding persons who have a qualifying holding in the applicant for the activity licence.

If your company is being founded, the application for an activity licence has to include the memorandum of association or the foundation resolution, or a notarised or equally validated copy of at least one of them. An activity licence issued to a company being founded will take effect upon the acquisition of legal capacity by the company at the earliest (General Part of the Economic Activities Code Act, § 19).

NB! Before submitting the application you have to pay the state fee.

The application can be lodged:

- *online* through the information portal eesti.ee or the Register of Economic Activities (using e-services requires authentication with ID-card or Mobile-ID, or via Internet bank)
- digitally signed by e-mail to: emta@emta.ee or hasart@emta.ee
- by post to the Estonian Tax and Customs Board at Lõõtsa 8a, 15176 Tallinn.

Payment of the state fee

The state fee for the review of the application for activity licence for gambling can be transferred to the bank accounts of the Ministry of Finance, which can be found [here](#).

The state fee for the review of the application for gambling activity license is:

- 47 940 euros for organising games of chance;
- 3200 euros for organising games of skill;
- 31 960 euros for organising toto (State Fees Act, § 260).

Processing the application

The Tax and Customs Board sends a preliminary response containing the information provided for in subsection 19 (5) of the General Part of the Economic Activities Code Act to the person having submitted the application no later than on the third working day following the submission of the application.

The Tax and Customs Board makes a decision to issue an activity licence or refuse to issue an activity licence within four months after the receipt of all the necessary documents and information but not later than within six months after the receipt of an application for the activity licence (subsection 18 (4) of Gambling Act). You are notified of the issue of activity licence by e-mail. The activity licence is issued electronically.

The activity licence is valid for an unlimited period.

Changes to the conditions of activity licence

In the case of changes to the circumstances which were checked as a prerequisite for the grant of the activity licence (please refer to [„Requirements for applicants“](#)), you have to notify the Tax and Customs Board thereof at least 30 days before the intended change (subsection 30 (1) of General Part of the Economic Activities Code Act).

You have to notify the Tax and Customs Board promptly, but no later than within five working days, of changes to the circumstances related to your activity licence and to the general information concerning your economic activities that have occurred independently of you (subsections 30 (2) and (5) General Part of the Economic Activities Code Act).

Notification of changes in qualified holdings has to be given in accordance with sections 11–15 of the Gambling Act.

An application for amendments can be submitted:

- online through the information portal eesti.ee or the Register of Economic Activities (using e-services requires authentication with ID-card or Mobile-ID, or via internet bank);
- digitally signed by e-mail to: emta@emta.ee or hasart@emta.ee or
- by post to the Estonian Tax and Customs Board at Lõõtsa 8a, 15176 Tallinn.

Revocation of activity licence

Bases for revocation of activity licence are provided for in section 20 of the Gambling Act.

An activity licence is revoked if you have intentionally submitted incorrect information upon application for an activity licence which affected the grant of a licence, provided that if such information had not been submitted, the grant of an activity licence would have been denied (clause 37 (1) 1) of General Part of the Economic Activities Code Act), or if you renounce your economic activity (clause 37 (1) 2) of General Part of the Economic Activities Code Act). An undertaking which has failed to submit the annual confirmation that it has performed the notification obligations concerning changes to circumstances of the activity licence is also deemed to have fully renounced economic activities (subsections 30 (6) - (8) of General Part of the Economic Activities Code Act).

Supervision

The [Estonian Tax and Customs Board](#) exercises state supervision over the organisation of gambling. The [Consumer Protection Board](#) exercises state supervision over the area of consumer laws and advertising. The [Financial Intelligence Unit](#) exercises state supervision over the area of preventing money laundering and terrorist financing.

Contact details

Further information on organising gambling:

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General information of the Register of Economic Activities and technical questions:

register@mkm.ee