



# Commercial Communications Committee Guidelines

Malta Gaming Authority

## Contents

1	Preliminary.....	3
2	General Obligations and Limitations.....	4
2.1	Commercial communications must be socially responsible.....	4
2.2	Limitations .....	4
2.3	Unsolicited commercial communications and self-excluded players.....	6
2.4	Data Protection .....	7
2.5	No attempt to induce.....	7
2.6	Information to be displayed .....	8
2.7	Commercial communications on social media.....	8
2.8	Public places .....	9
2.9	Identification of Premises.....	10
2.10	Commercial communications via broadcasting.....	10
3	Responsible Gaming.....	11
3.1	Responsible gaming messages.....	11
3.2	Web-portal of entity devoted to responsible gaming .....	11
3.3	Responsible gaming campaigns .....	12
4	Protection of Minors and Vulnerable persons.....	12
4.1	Minimum age.....	12
4.2	Restrictions in relation to minors and vulnerable persons.....	12
5	Sponsorships.....	13
5.1	Sponsorships to exclude product placement .....	13
5.2	Service related to sponsored party or event .....	13
5.3	Sponsorships prohibited where activity mainly involves minors or vulnerable persons .....	13
5.4	Sponsorships of minors.....	13
5.5	Merchandising aimed mainly at minors.....	14
5.6	Televised programmes appealing to minors and vulnerable persons.....	14
6	Misleading and Unfair Promotional Schemes.....	14
6.1	Promotional schemes .....	14
6.2	Promotion or advertisement limited by time or space .....	15
7	Exemptions.....	16

## 1 Preliminary

Commercial communications, while performing an important role within the economy, are to be carried out in accordance with the applicable law and the rules envisaged in these Guidelines. The applicable rules outline the standards that commercial communications must conform to, in order to ensure player protection.

As a general rule, the publishing, promoting or advertising of any commercial communications is prohibited, unless the game and the operator are duly authorised. Moreover, in accordance with Article 13 of the Gaming Act (Cap. 583 of the Laws of Malta), where an activity envisaged in the same Act or in any regulatory instrument issued thereunder, requires an authorisation in order to be performed, it shall be prohibited to promote, aid, or otherwise facilitate such activity in absence of such authorisation. Failure to adhere to this requirement may lead to criminal prosecution.

These Guidelines do not constitute new laws or substitute other codes and regulations. However, they must be read in conjunction with any relevant laws and regulations.<sup>1</sup>

Further to the amalgamation of the land-based and remote gaming sectors, following the enactment of the new gaming regulatory framework, the Commercial Communications Regulations (S.L. 583.09) (hereinafter the “Regulations”) shall be equally applicable to both sectors, unless it is specified otherwise.

These Guidelines are aimed to provide practical guidance to any person offering licensable game/s and to persons which collaborate in any way or provide any service including any marketing or promotional service<sup>2</sup> to or on behalf of such persons. Moreover, these Guidelines are applicable irrespective of the channel by means of which commercial communications are conveyed, unless it is specified otherwise. The guidelines are intended to serve as guidance on the interpretation of the Regulations, and should not be considered to be a substitute for the relevant laws and regulations. The Guidelines reflect the MGA’s intended effect of the Regulations but neither constitute new rules nor bind the MGA, or the Commercial Communication Committee on the manner in which they will decide upon any commercial communication complaint.

---

<sup>1</sup> <https://www.mga.org.mt/legislations-regulations/#newregulatoryframework>

<sup>2</sup> Including but not limited to advertisers, agencies and media owners

## 2 General Obligations and Limitations

### 2.1 Commercial communications must be socially responsible

**Reg.5.** *Commercial communications must be socially responsible, with particular regard to the need to protect minors and other vulnerable persons from harm or exploitation.*

Any form of advertisement or promotion shall be socially responsible and the use of popular characters and personalities which are predominantly attractive to minors and vulnerable persons shall be prohibited. This shall include characters like *Bob the Builder, Dora the Explorer* and *Tinkerbell*.

Authorised persons or third parties acting on behalf of the authorised person are to be diligent when publishing any commercial communication, so as not to promote the wrong idea of enhanced attractiveness. For instance, whilst pictures of famous football players playing football may be acceptable, a picture of a famous footballer placing bets on a football game or engaging in any form of gambling activity would not.

Further to the aforementioned, the Malta Gaming Authority (hereinafter the "Authority") retains ultimate discretion to decide, on a case-by-case basis, whether an advertisement is enticing to minors and vulnerable persons.

### 2.2 Limitations

**Reg.6.** *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;*

E.g. The use of iconic drug-related imagery and associated paraphernalia and persons known for their drug use and/or violence, individuals drinking alcohol whilst playing any type of casino game or depicting a player chasing losses, gambling recklessly or gambling reclusively.

For the sake of clarity, commercial communications displaying marijuana related symbols or alcohol and/or other illicit substances with gambling are likely to be regarded by the Authority as a breach of the Regulations.

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

E.g. Any representation of a person winning money and suggesting that this somehow resolves an individual's 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;*

E.g. Showing individuals in a context such as the workplace or office, thereby suggesting that gaming can in some way substitute employment or assuring some form of financial gain.

*(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.g. Glamorizing gaming in a way that suggests that one can attract an abundance of friends since such an activity boosts an individual's social prowess.

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

E.g. Stereotyping or emulating personas or groups known for their tough demeanour or any reference implying that gaming elevates an individual's vigour including any slogans which use vulgar or sexual overtones.

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

E.g. Portraying a player in a casual family environment or in the presence of a traditional family unit.

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

E.g. Depicting an individual player in a solitary ambience, thereby suggesting that gaming on his/her own is preferable or can in some way translate into a better chance of winning.

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

E.g. A person or group of individuals egging a player on or frowning upon an individual not participating in games. The use of certain slogans such as "Bet Now!" or placing some sort of time limitation on gambling opportunities, may incite undue pressure on the audience to gamble, ultimately leading to irresponsible gambling behaviour.

Moreover, commercial communications with offers on live odds, in-play betting or promotions where time limits exist due to the nature of the event, should not be presented in a way which creates an indefensible sense of urgency.

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

E.g. References or portrayals suggesting that the attainment or enhancement of certain skills will in some way increase the player's odds of winning.

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

E.g. References to ambiguous and unscientific statistics or displaying blatantly erroneous information.

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

E.g. Implying that the propensity of winning on specific days such as popular holidays is higher, suggesting that lucky charms/icons or artefacts elevate chances of winning and the portrayal of deities of world religions somehow intervening in a player's quest of winning.

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

Authorised persons are prohibited from distributing credit to players. This credit can be in cash, cash bonus or any other token.

*(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.*

Slanderous, demeaning or any form of disparaging comments or statements are in no way acceptable.

### 2.3 Unsolicited commercial communications and self-excluded players

**Reg.7. (1)** *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 through the intervention of third parties.*

**(2)** *An authorised person engaged in the sending of any solicited commercial communications must comply with a request by any person to stop receiving such commercial communications as soon as is reasonably practicable, and in no case later than three (3) days from receipt of the request.*

**Reg.8.** *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:*

*Provided that the authorised person has a maximum of twenty-four hours from the moment that the player has self-excluded before this regulation becomes applicable.*

E.g. If a self-excluded player receives any sort of marketing communication from the authorised person after 16 hours following the player's request for self-exclusion, the authorised person shall not be found in breach of this provision. However, if such communication is made after the lapse of 24 hours from the time of submission of the player's request for self-exclusion, then the authorised person shall be in

breach of this provision and shall be subject to any action the Authority shall deem applicable at that time.

Further to the above, an affiliate may be engaged by the authorised person for the purposes of conducting marketing activities and by doing so, the affiliate may solicit commercial communications. An affiliate may compile its own mailing list and then use it to send promotional material on behalf of the authorised person. In such cases, both the affiliate and the authorised person may be held to be in breach of the Regulations.

The Authority considers the protection of self-excluded persons as a priority. Operators have the responsibility of keeping their customers safe, and failing adherence to this responsibility, the Authority has the discretion to proceed with any action it deems necessary.

## 2.4 Data Protection

***Reg.9.** An authorised person who, subject to the Data Protection Act and the regulations made thereunder, collects statistical data about players, and, or, groups players based on patterns and demographics and, or other data or metadata, to identify appropriate marketing strategies or player categorisation, shall not use the data gathered to urge or induce any person fitting the profile of a person with a gaming problem to play.*

Authorised persons must adhere to applicable data protection legislation, including the Data Protection Act (Cap. 440 of the Laws of Malta), and the General Data Protection Regulation (EU 2016/679). This means that authorised persons must process data in a lawful manner. Therefore, by way of example, operators exercising their legal obligation under the Player Protection Directive to detect and identify problem gamblers using analytical tools and/or behaviour-monitoring systems and staff training, must not use the results of said analysis to urge or induce any player fitting the profile of a problem gambler to play. On the contrary, operators must take the necessary responsible gaming action which they deem most suitable given the circumstances surrounding the fact.

## 2.5 No attempt to induce

***Reg.10.** An authorised person shall not attempt to induce any player to continue playing the authorised games in any manner when such a player has shown the intention to stop the gaming session or, where applicable, to leave the premises in which the gaming activity is being conducted.*

E.g. Inducements such as free spins, bonus credit, freebies (tangible or intangible) of any kind, no matter the value, either for immediate or later consumption cannot be offered to the player upon showing the intention to stop the gaming session or to leave the gaming premises. For the sake of clarity, this includes measures such as personal contact, or electronic communications, but excludes pop-ups which are solely intended for the player to confirm that he/she would like to terminate the gaming session or activity.

## 2.6 Information to be displayed

**Reg.12.** *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:*

*Provided that commercial communications displayed on the websites, applications or any other channel operated by the authorised persons, or within the licensed premises run by the authorised persons, are excluded from the requirements of this regulation if the above information is otherwise displayed on the same website, or within the same premises.*

All commercial communications, irrespective of the channel by means of which they are conveyed, be it via websites, mobile applications or gaming premises, must clearly display the name of the authorised person, together with reference to the entity which issued the relevant authorisation, in terms of which the commercial communications are being promoted. The particular authorisation reference numbers must also be included.

If a commercial communication is displayed on the website, applications or any other channel directly operated by the authorised person, or within the gaming premises run by the authorised persons, such commercial communications need not include the aforementioned information if the latter is otherwise displayed on the same website, or within the same premises.

## 2.7 Commercial communications on social media

**Reg.13.** *For the avoidance of any doubt, any commercial communications displayed by, within or via social media account portals held by authorised persons or third parties acting on behalf of or in collaboration with the authorised persons, are subject to these regulations in their entirety.*

There should not be any distinction between different channels of distribution with regards to the applicability of the Regulations. When using different channels of distribution to convey any commercial communication, the authorised person is to take into consideration the use of several tools such as age-gating, in order to further protect minors and mitigate the exposure to underage players. Therefore, by way of example, if a social media platform provides for age-gated advertisements, any authorised person and/or any third party acting on their behalf that does not make use of such age-gating facilities, shall be in breach of the Regulations.



## 2.8 Public places

**Reg.14. (1)** *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.*

**(2)** *Sub-regulation (1) shall 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 authorized low risk games; and*

*(e) newspapers or magazines.*

The term “public place” shall mean a physical space that is generally open and accessible to the general public, and includes public squares, parks, beaches, roads, streets as well as privately owned buildings or property visible from public thoroughfares, in terms of the Gaming Definitions Regulations (S.L. 583.04).

Further to the above, it is hereby being clarified that at the moment of publication of these Guidelines, “locations frequented mainly by tourists” are deemed by the Authority to consist solely of airports, seaports, hotels and holiday complexes. Moreover, the prohibition relating to the issuance or distribution of commercial communications in public places shall not be applicable to sponsored events.

The term “public transportation” shall be defined in accordance with the Authority for Transport in Malta Act (Cap. 499 of the Laws of Malta). Reference is hereby made to the term “public transport” which shall mean the conveyance by a vehicle of passengers against compensation. Furthermore, the term “public transport vehicle” shall mean a vehicle used or intended to be used for public transport. This includes, therefore, adverts displayed in and/or on buses, taxis, and other means of public transportation.

Therefore, the use of vehicle wrapping measures are prohibited in the case of public transportation vehicles. For the avoidance of any doubt, vehicles owned by authorised persons, which do not fall under the definition of “public transport” and/or “public transport vehicles”, may be wrapped. Furthermore, it is being reminded that all commercial communications displayed on vehicles are subject to all restrictions laid down within the Regulations.

## 2.9 Identification of Premises

**Reg.15.** *It shall be lawful for an authorised person to set up a sign or notice identifying premises used or belonging to it:*

*Provided that such sign or notice shall be placed directly on the premises referred to above, or not further than a radial distance of five (5) metres from the centre of the entry point to the premises and that sign or notice is the only sign or notice relating to the premises at that entry point:*

*Provided further that the sign or notice is limited to the identifying name or brand of the authorised person, and directions towards the entrance.*

For the purposes of this section, advertising material displayed on the façade of gaming premises and controlled gaming premises shall comply with the following requirements:

- i. No visuals, i.e. pictures or animations, are to be placed on the façade (including the door) of the approved premises.
- ii. It is permissible, and advisable, to indicate on the façade (or on the door), in plain text, the services which are being offered within the approved premises. Such an indication must follow the format of the following example: "Sports betting offered inside". The words "sports betting" may be replaced with, or added to "gaming devices" and/or "video lottery terminals", as applicable. It is also permissible to omit the words "offered inside" if this is preferred.

No machines may be visible from the outside of the premises, and the door to the premises must remain closed at all times.

## 2.10 Commercial communications via broadcasting

**Reg.16.** *For the avoidance of any doubt, authorised persons promoting or advertising via broadcasting means shall be subject to the Requirements as to Advertisements, Methods of Advertising and Directions Applicable to Gambling Advertisements in addition to these regulations.*

Commercial communications conveyed via broadcasting means such as radio and television are subject to the rules envisaged in the Broadcasting Act (Cap. 350 of the Laws of Malta). The latter envisages rules in relation to the broadcasting times of gambling products, including specific rules in relation to the advertising of gambling products which are strictly related to sporting events. Authorised persons are reminded that such commercial communications must still adhere to the requirements envisaged in the Regulations.

Due to the limitations existing in relation to radio communications, authorised persons shall only be obliged to include the following information:

- i. Name of the authorised person;
- ii. Minimum age requirement;
- iii. Reference to authorising entity;

- iv. Responsible gaming message;
- v. Reference to a website of an entity devoted to responsible gaming.

Provided that in the event that the website of the entity devoted to responsible gaming in itself includes a clear responsible gaming message, it is acceptable for the 'responsible gaming message' to be substituted by a 'reference to a website of an entity devoted to responsible gaming', as long as the website address is read out in a clear manner.

## 3 Responsible Gaming

### 3.1 Responsible gaming messages

**Reg.17.** *Educational responsible gaming messaging shall be prominently included within all commercial communications related to gaming:*

*Provided that where impractical due to spatial limitation, such as on the screens of portable communications devices, the relevant commercial communication may make use of alternative means which capture the viewer's attention effectively.*

The ensuing importance of the message 'Play Responsibly' or any other words portraying the same meaning and that capture the viewer's attention, shall be clearly displayed on all commercial communications and must amount to a minimum of 10% of the advertisement. In situations where the advertisement is so limited in size and the inclusion of such message is impractical, alternative measures must be employed by the authorised person, such as click-throughs.

### 3.2 Web-portal of entity devoted to responsible gaming

**Reg.18.** *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:*

*Provided that where impractical due to spatial limitation, such as on the screens of portable communications devices, the relevant commercial communication may make use of alternative means which capture the viewer's attention effectively:*

*Provided further that where the alternative method is composed of click-throughs, the landing page should be no further than two clicks away and should be either the operator's own responsible gaming microsite, or any other web-portal of an entity with a related objective.*

The web-portal address of an entity which is devoted to promoting responsible gaming, such as <http://rgf.org.mt/>, by way of example, must be clearly displayed, on all commercial communications. Where this is restricted due to spatial limitations, authorised persons may make use of alternative means by which the end-user's eye is effectively caught.

Where alternative methods such as the use of click-throughs are used, the licensee must retain the accessibility features in favour of the end-user by limiting accessibility of the landing page to no further than two clicks away and this should be either of the following: (1) the landing page of the operator's own

responsible gaming microsite or; (2) the web-portal of any entity with a related objective, to no further than two clicks away from the banner itself.

In the event that the website of the entity devoted to responsible gaming in itself includes a clear responsible gaming message, it is acceptable for the 'responsible gaming message' requirement in regulation 17 to be substituted by a 'reference to a website of an entity devoted to responsible gaming' in regulation 18, as long as the website address is displayed or read out in a clear manner. In such case, the website of the entity devoted to responsible gaming must amount to a minimum of 10% of the advertisement.

### 3.3 Responsible gaming campaigns

Responsible gaming campaigns carried out by authorised persons are not necessarily equally subject to the provisions of the Regulations. While the Authority encourages such activities, the Authority shall, at its discretion, take a number of factors into consideration when determining the applicability of the Regulation to such campaign, such as whether or not such a campaign also serves the purpose of a commercial communication, the imagery of the campaign, and the intended audience. Authorised persons intending to carry out such campaigns are advised to contact the Authority on [promotions.mga@mga.org.mt](mailto:promotions.mga@mga.org.mt) for further guidance on this matter.

## 4 Protection of Minors and Vulnerable persons

### 4.1 Minimum age

**Reg.19.** *All commercial communications, with the exception of sponsorship, must prominently display, for their entire duration, a sign indicating the minimum age to participate in the game being promoted.*

The advertisement should clearly display a sign indicating the minimum age, which must be easily seen and must not go unnoticed to the naked eye. This requirement shall be relative to the responsible gambling message that is required to be displayed on each advertisement and therefore, must be taken into consideration for the purpose of allocating the aforementioned minimum 10% spatial requirement.

### 4.2 Restrictions in relation to minors and vulnerable persons

**Reg.20.** *Without prejudice to the provisions of regulation 6, 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.*

The aforementioned regulation 20 shall be read with reference to the requirements laid out in regulation 6 of the Regulations, in relation to what can be included in commercial communications. Commercial

communications must not exploit the inexperience, innocence or sense of loyalty in minors and material that could cause psychological, moral or physical harm to vulnerable persons shall be avoided. Moreover, commercial communications should avoid material that could cause psychological, moral or physical harm to vulnerable persons.

## 5 Sponsorships

### 5.1 Sponsorships to exclude product placement

**Reg.21.** *For the purposes of these regulations, sponsorship shall be limited to text, logo or imagery that serve the exclusive purpose of identifying the authorized person, and excludes product placement.*

E.g. Sponsorship graphics should not include any of the authorised person's specific product offerings, characters or game types but exclusively the authorised person's official logo.

### 5.2 Service related to sponsored party or event

**Reg.23.** *(1) Where an authorized person's gaming service is in any way related to the sponsored party or event, the authorized person:*

*(a) must in no way exert undue influence in relation to any sporting or other matter, on representatives of the sponsored party or on any persons who can influence, or who have insider knowledge about, the sponsored event; and*

*(b) must avoid any implication that they might, as a result of the sponsorship, have any involvement in the management of the activities being sponsored.*

### 5.3 Sponsorships prohibited where activity mainly involves minors or vulnerable persons

**Reg.24.** *Activities where the majority of the audience is reasonably expected to be composed of minors or of vulnerable persons, or which have particular appeal to minors or vulnerable persons must not be sponsored.*

E.g. A Junior Eurovision Song Contest pre-party or any festival or competition intended predominantly for minors or the premiere of a children's movie being sponsored by an authorised person, or featuring any commercial communications of the authorised person, would not be acceptable.

### 5.4 Sponsorships of minors

**Reg.25.** *Sponsorship of minors or of persons of legal gaming age portrayed as minors is expressly prohibited:*

*Provided that it is lawful for an authorised person to sponsor events predominantly attended by, or teams composed of adults, but which might include the involvement of one or more minors.*

This may be the case in sporting events, wherein the minor is participating due to his/her advanced skill. E.g. A minor playing with a water polo senior team (or any other sport), whose sponsor is an authorised person and its logo is displayed on the club's kit/uniform.

## 5.5 Merchandising aimed mainly at minors

**Reg.26.** *An authorised person shall not cause any promotional material, including any logos or text, to appear in merchandising designed for or mainly aimed at minors.*

E.g. There shall be no children's clothing featuring any logo or commercial communication of an authorised person. This also applies for sports kits and gears featuring a shirt sponsorship. While the merchandise intended for adults may feature the logo of an authorised person, such logo shall not be equally displayed on the version of the shirt, kit or gear intended for minors. Further examples which constitute merchandise that is deemed to be aimed at minors include soft toys and pacifiers.

## 5.6 Televised programmes appealing to minors and vulnerable persons

**Reg.27.** *Sponsorship of, or advertising in, televised programmes that have or are expected to have particular appeal to minors or vulnerable persons is expressly prohibited.*

The Regulations lay down a general rule requiring commercial communications to be socially responsible, particularly in relation to minors or vulnerable persons. Therefore, the sponsorship of, or advertising in, televised programmes that have or are expected to have particular appeal to minors or vulnerable persons is prohibited. Authorised persons shall, prior to carrying out any form of sponsorship or advertising activities on televised programs, make a careful assessment as to whether such televised programmes have particular appeal to minors.

# 6 Misleading and Unfair Promotional Schemes

## 6.1 Promotional schemes

**Reg.28.** *Promotional schemes operated by authorized persons shall be subject to the Consumers Affairs Act.*

**Reg.29. (1)** *Any promotional scheme purporting to grant any advantage or opportunity to a player must not be misleading and:*

- (a) must be clear as to the extent of the commitment the consumer must make to take advantage of any offer;*
- (b) cannot omit or hide material information, or present it in a manner which is unclear, unintelligible or ambiguous;*
- (c) must delineate with sufficient prominence all material information, including wagering and, or deposit requirements which must be fulfilled by a player in order to become entitled thereto,*

*including examples displaying such requirements in an intelligible and easily comprehensible manner, as well as all or any applicable restrictions or other conditions in a clear and unambiguous manner;*

*(d) must include terms and conditions referring to all material information relating to the scheme, which shall be expressly agreed to by the players before being enrolled in the scheme and must thereafter always be readily available and accessible to the player who has subscribed to the scheme.*

*(2) The authorised person shall ensure that players can constantly view their progress in fulfilling the requirements in order to benefit from any opportunity or advantage granted by the promotional scheme.*

A promotional scheme such as a 'bonus offer' devised for the player, must not be misleading, and must provide the player with clear, intelligible, unambiguous and easy-to-follow information including all the relevant material information of what the promotional scheme entails in order for the end-user to make use of it, including amongst others; wagering and deposit requirements.

Such promotional schemes must be stipulated for by specific terms and conditions which shall govern the material information relative to the particular scheme. The player must have expressly agreed to be enrolled in the scheme, whether for example, by entering a bonus code, or by accepting to be enrolled in the scheme when prompted by a pop-up. The player must be given the opportunity to read all the terms and conditions of the promotional scheme prior to subscribing to the same scheme.

Where the operator, after notifying the Authority of any material changes made to the Terms and Conditions, whether in terms of the gaming service as a whole, or limited to particular promotional schemes, the operator must inform the subscribed player of such newly revised Terms and Conditions, providing the said player with a choice of accepting the new terms and conditions or rejecting them.

Authorised persons are advised to adhere to any applicable rules under the Consumers Affairs Act (Cap. 378 of the Laws of Malta). Both the MGA and the Office for Consumer Affairs (hereinafter the 'OCA') are committed to safeguard consumers' interests and enhance their welfare, in particular the protection of minors and vulnerable persons. However, for the sake of clarity, it is hereby being clarified that matters alleging misleading or unfair contract terms fall under the regulatory remit of the OCA.

## **6.2 Promotion or advertisement limited by time or space**

**Reg.30.** *Where the promotion or advertisement is limited by time or space, it must include as much material information as is practical, and must direct players to an easily accessible alternative source where all the material information is prominently displayed;*

*Provided that where the said advertisement is of digital nature, the material information should be displayed no further than one click away from the advertisement itself.*

The requirement envisaged in the proviso to regulation 30 shall not be applicable to commercial communications that are conveyed via broadcasting means. In this regard, without prejudice to what is stated in section 2.10, the requirements envisaged in section 2 of these Guidelines remain applicable.

## 7 Exemptions

**Reg.31.** *Commercial communications, the sole purpose of which is to inform the public of an opportunity for employment or for an educational purpose, shall be exempt from the provisions of these regulations, provided that such commercial communications shall not include any reference to gaming service.*

When the Authority is considering whether or not a commercial communication breaches this regulation, its primary consideration would be whether it makes it clear to the public that the sole purpose of such commercial communications is recruitment and, or educational purposes, and the latter cannot, in any way, be construed as having marketing or promotional connotations. As a guideline, the Authority is likely to consider this obligation to be fulfilled where at least seventy-five (75%) of the text and/or imagery and/or time (as applicable) of the commercial communication relate solely to such employment or educational information.



