

Message 001

Communication from the Commission - TRIS/(2026) 2113

Directive (EU) 2015/1535

Notification: 2026/0415/AT

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késésekét - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħx il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20262113.EN

1. MSG 001 IND 2026 0415 AT EN 04-08-2026 AT NOTIF

2. Austria

3A. Bundesministerium für Wirtschaft, Energie und Tourismus
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3B. Bundesministerium für Finanzen
Sektion I – Finanzverwaltung
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4. 2026/0415/AT - SERV - INFORMATION SOCIETY SERVICES

5. Federal Act amending the Gambling Act and the Telecommunications Act 2021

6. Proceedings to issue blocking injunctions against providers of information society services ('Internet blocking'), provisions on payment blocking

7.

8. In order to address the problem of increasing illegal offerings, new regulations regarding online gambling market will be adopted in Austria, taking as their models international examples of best practices in this regard. The reform creates a strictly regulated concession system for online gambling. Under the new framework conditions, various providers in Austria will be able to offer online gambling in the future. The aim of this amendment is to create an attractive online gambling offering designed to ensure a high level of channelling into the legal market and the highest possible standards of player protection. The amendment will introduce a procedure for issuing injunctions to block illegal online gambling services, as well as creating a blacklist and providing information and warning notices to raise awareness among the public about illegal gambling services. In addition, the amendment introduces a procedure for blocking payments to or from illegal gambling providers to prevent undesirable payment flows.

9. • Combating the growing illegal online gambling market

- Creation of a modern, strictly regulated multi-concession system
- Increased channelling into the legal market
- Improving player protection through high protection standards
- More effective combating of illegal operators
- Protection of the consistency of the Austrian gaming monopoly

9a. Without the planned new regulations and the package of measures to tighten enforcement against illegal gambling, it is likely that the illegal market will grow, with the associated consequences (in particular, inadequate player protection, or none at all). Furthermore, if no amendment is made to the provisions on the enforcement of measures against unauthorised gambling, under certain circumstances, this could have an adverse effect on the dynamic assessment that the Court of Justice of the European Union (CJEU) will carry out regarding the consistency of the Austrian gambling monopoly with EU law. Hence, establishing an oversight system for online gambling ensures that Austria's high player protection standards will be maintained, when the regulated opening of the online gambling market, now in the planning phase, takes effect. The European Commission also recognises consumer protection, battling gambling addiction and protection of minors and other players as overriding reasons in the public interest which are able to justify restrictions on the internal market. The effectiveness of tools for individual player protection is supported by the scientific literature and by the regulatory experience of other Member States.

9b. These measures constitute restrictions on the freedom to provide services, in that access to the Austrian online gambling market is made conditional on holding a concession, and provisions against unauthorised providers are adopted, such as: blocking injunctions, payment blocking and publication of a blacklist. Moreover, the measures apply without distinction to both domestic and foreign providers; they are based on compelling reasons of public interest and serve to ensure effective regulatory oversight. The current provisions have proved insufficient in the face of the growth of the illegal online gambling market. General consumer protection or criminal law provisions do not provide sufficient tools to effectively eradicate illegal offerings or prevent payment flows to illegal providers. The reform closes these gaps in enforcement. Since blocking injunctions, payment blocking and the blacklist are directed exclusively against providers without a concession in Austria, these measures are the least restrictive in comparison with others. The draft pursues

the objective of player and consumer protection in a consistent and systematic manner. The proposed measures form a coherent, integrated system. The draft does not aim to expand the gambling market or to increase demand for gambling; rather, it is intended to ensure the consistent regulation of gambling services and their oversight by authorities, as well as to ensure and further develop a high level of protection for players and consumers. The proposed restrictions are directly linked to the pursuit of overriding reasons of public interest and do not go beyond what is necessary to achieve that objective. They therefore meet the requirements of appropriateness, necessity and proportionality.

9c. The restrictions provided for in the draft are proportionate to the importance of the objective of public interest and to the seriousness and likelihood of the risks associated with gambling. The protection of consumers and the prevention of harm caused by gambling constitute overriding reasons in the public interest capable of justifying intervention in the fundamental freedoms of the internal market.

The impact on the operation of the internal market has been taken into account. The measures are not intended to restrict market access as such, but rather to ensure the consistent and systematic regulation of gambling services, and they apply without distinction to all market participants. The associated restrictions do not go beyond what is necessary to attain the objectives in question.

The risks of negative consequences of inadequate regulation – in particular, an increase in gambling addiction and a deterioration in the protection of players and consumers – outweigh the restrictions on the single market resulting from the measures.

10. Reference to the basic texts:

11. No

12.

13. No

14. No

15. Yes

16.

TBT aspects: No

SPS aspects: No

European Commission

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