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REVIEWS LEGAL INDUSTRY



The Legal Industry Reviews Portugal First Edition presents:

Special Guests' columns by Pedro Goncalves from **Unbabel**, Mariana Figueiredo from **Eurowind Energy** and Alice Khouri from **Helexia Portugal**, Rita Branquinho from **Novabase Group**, Henrique Lopes from **Steconfer** and Maria Almeida and Pedro Cardigos from **Ferreira Pinto Cardigos Law Firm**.

Online Gambling and Betting in Portugal — What's to Come?

Portugal went from a regime that was silent on online gambling and betting to a licensed regime on 29 April 2015. Since then, in a country with a population of roughly 10 million, 17 different operators (including national and international brands) were able to acquire 30 licences to offer games of chance and fixed-odds sports bets on «.pt» websites.

In accordance with the data shared by SRIJ (the Portuguese Regulator) between the Q4 2016 and the Q3 2017 the total gross revenue generated by the online gambling and betting activity amounted to 113.4 million euros, while the gross revenue generated on the Q3 2023 amounted to 215.3 million euros. The numbers show that this market, now coming to its maturity and close to completing 10 years of existence (in 2025), continues to expand.

As such, it is time to understand the challenges faced by the market. By doing so, one will be able to identify the flaws of the existing legal and regulatory regime, and make sure they do not jeopardize the envisaged healthy future of online gambling and betting in Portugal. One must bear in mind though that the main purpose of a licensed market is to bring players from the illegal market to an environment capable of protecting them at many levels, namely in what concerns responsible gambling.

Although this and many other topics deserve attention and to be addressed, our analysis will be twofold and focus on the available products in market and on the fight against the illegal market.

In fact, the lack of diversity of the products being offered at the licensed websites in Portugal has long been on the agenda. A glance into such websites shows that all operators offer the same type of games and within each type, there is scarce differentiation of features and game mechanics. This happens because the laws and regulations SRIJ is required to apply to restrict the operators' freedom to offer new and exciting products. Stakeholders must stick to products that are almost exactly as described in the applicable regulations. Eventually, players may become fed up and turn to the illegal market for more enticing products. To preserve the licensed market while promoting its competitiveness, laws, and regulations must allow operators to have more freedom to offer alternative products, or at least



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different features and mechanics in the existent ones. This being said, a major step in the right direction was registered in 2023 with the approval of a regulation governing a new type of game (Crash). This was quite a milestone, as it was the first time since 2015 that a new type of game was approved.

No appealing legal market, compliant with responsible gambling standards, can be envisaged as long as one fails to address the fight against the illegal market. Although the Portuguese regulator has been committed to fighting illegal gambling by resorting to blockage, prosecution of illegal gambling and prevention and elimination of illegal advertising, the existing legal system does not provide for restrictions on the transference of funds to and from illegal websites — which has been deemed crucial in the prevention of illegal gambling in other jurisdictions.

Lawmakers must take these matters into account when assessing and amending the Portuguese existent online gambling and betting legal framework, which is expected to happen soon.





Practice Area News

SME Fund. The SME Fund is a **European Commission** initiative implemented by the **EUIPO** to help small and medium-sized EU-based enterprises (SMEs) protecting their intellectual property (IP) rights. Under this grant scheme SMEs will be partially reimbursed expenses incurred with IP pre-diagnosis (IP Scan), IP Enforcement, trademarks, designs, patents, and plant varieties. Upon acceptance of the application, SMEs are offered vouchers that can be used to claim reimbursement for the selected modalities. SMEs could claim up to 75% on IP right applications and 90% on an IP Scan.

Parliamentary Committee of Inquiry and GDPR Compliance. On **16 January 2024** the **CJEU** ruled on a matter brought by the **Austrian Supreme Administrative Court (case C-33/22)**. The Court determined that a parliamentary committee of inquiry responsible for scrutinizing national security activities is generally required to adhere to the GDPR, emphasizing the importance of data protection principles even in the context of parliamentary scrutiny over national security matters.

Standard Contractual Clauses Commission. The **Portuguese Government** created through **Decree-Law 123/2023, of 26 January 2023**, a Standard Contractual Clauses Commission, an independent administrative entity that will work alongside the members of the Government responsible for the areas of justice and consumer protection. The Commission will analyze and control contracts that include standard contractual clauses to guarantee compliance of said contracts with the law and consumers protection principles.

New Online Game of Chance. On 23 March 2023, the **Portuguese Gambling Regulator (SRIJ)** approved a new online game called **Crash** — a pivotal moment in the gambling and betting industry in Portugal. This regulatory milestone allows for a new game while incorporating essential security, control, and reporting measures to promote safe and responsible gambling and wagering practices. It's the first time, since the online gambling and betting regime was approved in 2015, that a new type of game was approved in Portugal.

In the Firm

• VIXIO AWARDS 2023.

CCA was shortlisted at the VIXIO 2023 awards in the categories of:

1. Best Regulatory Law Firm of the Year
2. Best Regulatory Lawyer of the Year (Filipe Mayer and Alcina de Oliveira Alves)

• TTR Data.

CCA was highlighted in the annual TTR Data report of 2023 in the M&A, Private Equity, Venture Capital and Asset Acquisition categories. Domingos Cruz and Joana Bugia were ranked 1st place Dealmaker and Rising Star Dealmaker, respectively, in number of transactions.



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