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Opinion on the Swedish Gambling Authority's proposal for new regulations on responsible gambling (ref. 21Si540) and proposal for new regulations on technical requirements (ref. 25Si946)

The Swedish Online Gambling Trade Association (BOS) has been given the opportunity to comment on the proposals and would like to make the following points of view in response to the consultation.

Overall views

BOS welcomes the Swedish Gambling Authority's ambition to modernize and clarify the regulations on responsible gambling and technical requirements. A well-designed regulatory framework is an important prerequisite for licensees to be able to conduct effective responsible gambling work and offer consumers a safe gambling environment.

The Swedish Gambling Authority itself states that the proposal essentially codifies requirements that are already in force and that the aim is a clearer and more uniform application. BOS believes that the proposal in its current form does not achieve that goal. In several cases, key concepts and requirements leave room for different interpretations, which creates the same uncertainty for licensees and for the Gambling Authority's supervision that the codification is intended to eliminate. The uncertainty is not hypothetical. After six years of supervision and judicial review, neither the licensees nor the supervisory authority have a clear picture of what the duty of care requires: the authority's decision has been overturned in court, and the authority itself has argued that the administrative court's judgments are contrary to both superior court practice and its own previous decisions. This is developed below. The proposal essentially repeats the formulations that have given rise to the ambiguity. A codification that leaves the decisive assessments open thus writes the ambiguity into the regulation instead of removing it. Uniformity can be achieved in two ways: by the authority itself specifying concepts, levels and weighting, with reported evidence and so that the specification has an effect in both directions, or by leaving the specification to the licensees and a documented and consistently applied assessment is then used as the basis for supervision. The proposal currently does neither of these fully.

BOS believes that regulation should be proportionate, technology-neutral and focused on the results to be achieved. The duty of care should promote risk-based and accurate responsible gambling work where relevant indicators are weighed against the player's individual situation. Giving a single circumstance decisive influence risks leading to a formal control of individual criteria instead of an overall assessment of the player's actual behaviour. The regulations should therefore provide scope for methods whose accuracy can be reported and tested, and such methods should be used as a basis for supervision when they have been documented and applied consistently. The levels specified in the regulations themselves should be derivable from a reported basis.

BOS's objection is not directed at the listing of circumstances or the setting of levels. It is directed at the fact that a single circumstance becomes decisive in itself, that levels are stated without any reported basis, and that a stated level is given effect only in the direction that triggers an obligation. If the Swedish Gambling Authority chooses not to set levels, the licensee must instead be able to base its own documented assessment on the supervision. BOS believes that a listing of circumstances without stated levels does not create a common standard, but in practice leaves it up to each licensee to set it. This order has been addressed in research. In a systematic survey published in 2025, Marionneau, Ristolainen and Roukka reviewed 31 studies from the period 2015 to 2025 as well as 11 commercial solutions, and state that the models vary in terms of predictors, dependent variables, method and evaluation. The article further states, p. 8, that it is crucial to at least define what the companies should measure, at what thresholds and how compliance is ensured, and that the responsibility for identifying risky gamblers should not be placed on licensees if effective research-based models and guidelines have not first been developed by regulatory authorities or independent researchers. The conclusion is that the duty of care can be an important addition to the prevention of gambling harm, but only if it is properly defined and subject to supervision. BOS recalls in the same vein that the Gambling License Investigation stated as one of five starting points for the entire re-regulation that the proposals should be based on evidence where such exists (SOU 2017:30 p. 255), and that the mere fact that stakeholders claim that the purpose of the regulation is to protect consumers does not necessarily mean that it will have that effect (p. 261). BOS believes that this should also apply when the duty of care is specified in a regulation, and that the requirement in Section 6 of the Ordinance (2024:183) on impact assessments to report the problem, the alternatives and the reasons for the chosen alternative cannot be considered fulfilled in terms of the levels specified in Chapter 2.

We also see a need for clearer coordination between the regulations on responsible gambling and the regulations on technical requirements. Several provisions regulate the same processes or are based on the same concepts but are not fully harmonised. A more coherent regulatory framework would reduce the risk of conflicting interpretations, facilitate compliance and contribute to more effective supervision.

The Swedish Gambling Authority itself states, on p. 3 of the impact assessment, that the work has been coordinated with the review of the authority's technical regulations because these need to be adapted to the new responsible gambling regulations. BOS shares this assessment. It follows, however, that the two proposals are dependent on each other, and then their consequences also need to be assessed collectively. The impact assessment in this case only covers case number 21Si540. The case regarding technical requirements, case number 25Si946, is not mentioned anywhere in the 42 pages of the document. There is therefore no overall assessment of what the two proposals together mean for the licensees in any of the cases.

BOS requests that the impact assessment be supplemented in four respects. Firstly, with an account of which provisions regulate the same process in both regulations, in any case automatic logout according to Chapter 5, Section 2 of the proposal regarding responsible gambling and Chapter 9, Section 6 of the proposal regarding technical requirements. Secondly, with an assessment according to Section 6, Section 3 of the Ordinance (2024:183) on impact assessments of the alternative of regulating these processes in one and the same regulation, with the advantages and disadvantages of such an alternative. Thirdly, with a combined cost assessment according to Section 7, first paragraph, 1 of the same regulation, since the licensee who will implement both proposals bears the cost of them together. Fourthly, what effect on channelling the proposed measure is expected to have.

BOS further notes that the date of entry into force in Section 8 is determined without reference to when the changes to the technical regulations are intended to enter into force. The impact assessment states that licensees must meet the requirements upon entry into force even if the technical solutions have not yet been checked, tested or certified. In BOS's opinion, such an arrangement requires that the entry into force of both sets of regulations be coordinated. BOS requests an assessment pursuant to Section 7, first paragraph 4 of the same regulation as to whether special consideration needs to be taken in this regard.

Finally, BOS notes that the impact assessment in Section 5.15 states that the provisions on reporting are not included in the proposal but will be handled in a separate regulatory work. The regulation of gambling responsibility will thus be divided into at least three regulations, of which only one is covered by this impact assessment.

Gambling responsibility measures should be designed and evaluated based on their actual ability to reduce gambling-related harmful effects. A high level of channelling is a fundamental prerequisite for effective consumer protection, as the Swedish responsible gambling measures can only have their full effect when gambling takes place on the licensed market. The impact assessment should therefore take into account both the expected protective effect of the measures and the risk that they increase incentives to turn to unlicensed operators where corresponding protection is lacking.

BOS therefore views with concern the Gambling Authority's reasoning that responsible gambling measures should not be weighed against their possible negative impact on channelling, but rather, according to the authority, illegal gambling should be countered in ways other than through the level of responsible gambling requirements. BOS cannot see that the impact assessment provides any basis for the conclusion that measures directed against unlicensed operators, in isolation, are sufficient to achieve a high level of channelling. The position also deviates from the fundamental position taken in the Gambling Licence Inquiry SOU 2017:30, pp. 271 and 290. It states “that successful channelling can and should be achieved through a combination of attractive licences, reasonable tax levels and effective sanctions/tools to – as far as possible – exclude unregulated operators from the Swedish market” and that “[g]aming offers should be so attractive that players are not attracted to the locations of illegal suppliers”. The combination that the investigation states on p. 271 consists of three elements: attractive licences, reasonable tax levels and effective sanctions or tools to exclude unregulated operators. The statement on p. 290 that the gambling offers should be so attractive that players are not attracted to illegal providers is made in the section on the purposes of the law. Effective sanctions against unregulated operators thus constitute one of three elements in the combination indicated by the investigation. BOS urges the Swedish Gambling Authority not to deviate from the balance between the three elements that was made in the legislative work.

BOS further notes that the sources the authority itself cites for the problem picture underline the need for the effect of the measures on channelling to be assessed. The report on young people's gambling to which the impact assessment refers states that the gambling sites where minors have their own accounts, according to the authority's assessment, are outside the licensed system (p. 32), that no measurable significant change in participation in gambling and risky gambling among young adults could be demonstrated at the time of the report (section 6.2.1), and that a larger proportion of young people than older people gamble on unlicensed websites, while a majority of young people gamble on the licensed market (p. 41). The Swedish Gambling Authority's survey Online Gambling Habits 2023 also shows that 16 percent of 18 to 29-year-olds and 30 percent of those who gamble almost every day have intentionally gambled on sites without a Swedish license in the past three months, and that one in four of those who have gambled without a license cites being banned from Spelpaus.se as the most important reason, and one in three among casino players (pp. 28, 35 and 36). BOS does not draw any other conclusion from this than the one that already follows from the statement: the impact assessment needs to be supplemented with an assessment of the expected effect of the proposed measures on channelisation, especially for young and frequent players.

The regulatory framework should also continue to be based on a risk-based approach, where more intrusive measures are primarily aimed at players who actually show risk indicators. General requirements that affect all players should therefore be particularly weighed against the additional protective effect that they are expected to provide.

We would also like to emphasize that the proposed requirements should be assessed based on their overall effect on the player journey, and not just individually. Recurring information messages and confirmations, automatic logout and new identification, and limitations on game functions together mean increased friction even for players who do not show any risk indicators. The overall effect on the gambling experience and channelisation should therefore be taken into account in the proportionality assessment.

BOS believes that the requirement to assess the overall effect should be directed to the impact assessment. The impact assessment assesses each chapter separately, in sections 5.6 for Chapter 5, 5.7 for Chapter 6, 5.9 for Chapter 8, 5.10 for Chapter 9, 5.11 for Chapter 10 and 5.13 for Chapter 12. The overall effect of the requirements is not assessed anywhere. For a player who does not exhibit any risk indicators, the aggregate of reliable electronic identification at each login, confirmation of message upon login, confirmation of message about accumulated losses before the first bet, recurring confirmations during ongoing play, automatic logout after one hour of inactivity and limitation of autoplay means significant friction without a corresponding protective effect. The fact that the requirements are assessed individually means that the cumulative effect, which is what the player actually faces, is never tested against the requirement in the impact assessment on pages 37 and 38 that a measure must not go beyond what is necessary. BOS requests that the impact assessment be supplemented with an assessment of the overall effect of the requirements. In addition to what has been stated above, BOS believes that the preparation is deficient in four respects. This concerns the impact assessment's underlying premise of codification, the failure to consider the integrity of the players, the scope of the measures prescribed, and the picture of the application of the duty of care that six years of supervision and judicial review provide.

BOS believes that the underlying premise of the impact assessment needs to be tested. The assessment states in section 4 that the protection for players today is insufficient, and on p. 12 that the obligations of licensees “already follow from law”, that the Swedish Gambling Authority has produced guidance in the area and that the proposed regulations “mainly involve a codification” of these requirements. On p. 13 12 it is stated that the authority has “identified a need to codify the rules that apply in the area”. The requirements referred to are not stated, and it is not reported in what respect they are considered insufficient. No quantified cost basis for Chapter 2 is reported either, even though the chapter applies to all licensees. The amounts reported relate to Chapters 5, 6, 8, 9 and 10. According to Section 7, first paragraph 3 of the Ordinance (2024:183) on impact assessments, the assessment shall report on the measures that have been taken to ensure that the proposal does not entail more far-reaching costs or restrictions than are deemed necessary to achieve its purpose. For Chapter 2, this section only reports that relief has been introduced in relation to smaller licensees, which applies to who the requirements affect and not how far-reaching they are. The impact assessment states on p. 13 five parts of the duty of care that the authority deems justified in prescribing, including how the licensee shall assess whether the gambling behaviour constitutes excessive gambling, what circumstances must be taken into particular consideration in that assessment and that access restrictions shall be taken immediately if a player expresses suicidal thoughts. BOS requests that the Swedish Gambling Authority state for each of these parts which existing provision or which decision is codified, and that the impact assessment be supplemented with a cost assessment for those parts where no such equivalent can be stated. BOS notes in this context that the impact assessment concludes in several places that the proposal does not entail any consequences, with reference to the fact that the requirements already apply or that no substantive change is intended. This applies, among other things, to section 5.3.3 on Chapter 2, section 5.4 on the action plan and section 5.8 on self-testing. The conclusion rests in all cases on the premise of codification, and that premise is not substantiated.

BOS would like to draw particular attention to the fact that the legislator has attributed the balancing act against the players' integrity to the regulatory level. In Bill 2017/18:220, p. 149, it is stated that more precise provisions on the duty of care should be placed in other regulations, and that it is in this way that "the more detailed balancing acts between the necessity and proportionality of the measures in relation to, among other things, the players' integrity" can be balanced. The Government further stated, on p. 174 and 175, that a complete impact assessment regarding the processing of personal data must be carried out at a later stage and that the Government intended to carry out an in-depth analysis during the continued work. BOS cannot find that the impact assessment contains any such balancing act. The proposal involves continuous analysis of the behaviour of all players, collection of information from the player, mandatory restrictions and in some cases mandatory suspension. The infringement of the player's personal integrity is therefore a relevant consequence that, according to Section 7, first paragraph 2 of the Regulation (2024:183) on impact assessments, must be described. The impact assessment does not contain such a description, nor does it examine whether the infringement is in reasonable proportion to the protective effect sought. The thirteen sections that report on the consequences for players and other individuals deal with the gambling experience, amount of information, accessibility and account security, but not the processing of data about the player. The impact assessment states in Section 6 that the authority has taken into account the TFEU's requirements for legality, foreseeability and proportionality when developing the regulations. This assessment concerns the relationship to free movement, is not described in more detail and does not address the infringement of the individual player's integrity. It follows from Section 7, second paragraph of the same Regulation that justification must be provided if any part of the analysis cannot be carried out. No such justification is provided. BOS also notes that in the 2022 version of the same proposal, the Swedish Gambling Authority chose to remove provisions precisely for personal data reasons and requested the government to provide explicit legal support. The legal support was introduced in Chapter 17, Section 5, Section 6 of the Gambling Act by law (2024:255), in force on 1 June 2024, and is not addressed in the impact assessment. BOS requests that the impact assessment be supplemented in this part.

Each licensee only has knowledge of the player's gambling with that licensee. The assessment prescribed in Chapter 2 must therefore be made on a basis that, by design, only covers part of the player's gambling. This situation is the state's own reason for introducing the national self-exclusion register. In SOU 2017:30 p. 295, it is stated regarding the licensees' own suspension systems that "[t]here is nothing in these arrangements that prevents a self-excluded player from turning to another player organizer and continuing to play". The government stated in Bill 2017/18:220 p. 158 that, in order to be effective, the suspension must be able to cover all licensees' games, and that it should not be possible for the licensees to exchange information about suspension with each other. The limitation is therefore a conscious legislative choice and not a shortcoming on the part of the licensees. The proposal itself is based on the same premise: according to Chapter 2 Section 2, second paragraph 9, games that are resumed after suspension with another licensee shall only be taken into account provided that the player himself has provided the information. BOS does not claim that this constitutes grounds against regulation but believes that the assessment of whether the measures are suitable for securing the objective requires that the issue be clarified. BOS requests that the Swedish Gambling Authority report on the effect that measures that only affect an individual licensee can be expected to have in relation to market-wide instruments according to Chapter 14, Section 12 of the Gambling Act.

BOS would like to draw attention to how the duty of care has been applied since the Gambling Act came into force on 1 January 2019. During the period, the Swedish Gambling Authority has made several decisions to intervene in the area, and BOS does not claim that the examples given below are exhaustive. BOS points to them for the reason that the authority itself has applied the same review period and the same selection criteria in these cases, which makes the outcomes comparable. In the spring of 2024, the Swedish Gambling Authority initiated supervision of two licensees regarding the same review period, 1 January to 31 March 2024, with the same selection of twelve customers in each case, namely the five customers in the age group 18 to 24 years and the seven customers from 25 years who lost the most money during the period. One licensee was given a warning and a penalty fee, the other a warning and a penalty fee. The Administrative Court in Linköping overturned the former decision and dismissed the appeal against the latter, both by judgments on 12 June 2026. In the case where the decision was overturned, the licensee had introduced a mandatory deposit limit, sent targeted feedback, reminded and closed the account with the aim of forcing contact. The Swedish Gambling Authority has further, in an appeal dated 18 June 2025 in another case, stated that the Administrative Court's judgment "contradicts both superior court practice and the Administrative Court's own rulings regarding the duty of care". The issue has not been examined by the Supreme Administrative Court. BOS's observation is that the duty of care after six years of supervision and judicial review has not yet given licensees a useful picture of what is required, and that the proposal for Chapter 2 essentially repeats the formulations that have given rise to the ambiguity. Furthermore, BOS notes that the Swedish Council for Regulation in its opinion RR 2022-225 of 12 October 2022, in the same matter, found that the impact assessment for the then-referred proposal did not meet the requirements of the then-current impact assessment regulation. Several of the shortcomings have been addressed, but the costs for Chapters 2, 3 and 4 are still not quantified.

Against this background, BOS provides the following views on the individual provisions.

Regulations on responsible gambling (21Si540)

Chapter 2, Section 2 – Circumstances to be taken into account when assessing excessive gambling

BOS welcomes the fact that the Gambling Inspectorate is trying to make the duty of care more concrete through the regulations by specifying which circumstances can be the basis for the assessment of whether a player exhibits excessive gambling. At the same time, we believe that the provision still leaves considerable room for interpretation, which risks leading to an unpredictable application in supervision.

BOS believes that the levels and boundaries contained in the regulations should be able to be derived from a reported knowledge base. The proposal itself places corresponding demands on licensees. According to Chapter 4, Section 1, the training shall be based on current knowledge, and according to Chapter 7, Section 1, the self-test shall be constructed by a party independent of the licensee and shall be based on current knowledge and research. BOS believes that the basis that the authority requires of licensees should reasonably also be reported for the levels that the authority itself determines. This applies in particular to the definition of nighttime as 00:00 to 06:00 in Chapter 2, Section 2, second paragraph 3, the limit of SEK 10,000 per month in point 5, signs of mental illness in point 13 and the minimum length of the suspension of six months in Chapter 2, Section 8.
BOS opposes neither the duty of care as such nor the inclusion of indicators in regulations. BOS requests that the Swedish Gambling Authority report on the knowledge base that underlies the levels contained in the proposal, and that the levels be stated so that both licensees and the supervisory authority can apply them uniformly. In this part, BOS also refers to what has been stated under overall points of view.

We believe in particular that it is necessary to clarify what is meant by a balanced assessment. It should be clear that the indicators listed in the provision do not in themselves mean that gambling should automatically be considered excessive or that a certain measure must be taken. The assessment should instead be based on an overall assessment of the player's overall situation and gambling behaviour and allow for modern risk-based methods where several behavioural indicators are weighed together continuously.

BOS notes that ch. 2 Section 2, first paragraph, stipulates that the assessment must be carried out through a balance, but that the regulations do not specify how the enumerated circumstances relate to each other. It is not clear whether any circumstance alone can lead to the gambling behaviour being considered excessive gambling, or whether the circumstances have different weight. The impact assessment does not deal with the issue. On the other hand, the authority states on p. 15 that the different forms of gambling may require the licensees to place different emphasis on the circumstances that must be taken into account, and that this must be reflected in the licensee's action plan. The weighting is thus left to each licensee, in the same section that states that the purpose of the regulation of action plans is to make the application of the law more uniform. BOS believes that the same requirements should apply to the weighting as for the levels specified in the regulations. If the Gambling Inspectorate chooses to determine how the circumstances are to be weighed together, the basis for the weighting should be reported in the impact assessment according to Section 6 of the Ordinance (2024:183) on impact assessments, and the weighting should be given effect in both directions, so that gambling behaviour that does not reach it does not in itself constitute a deficiency. If the authority chooses to entrust the weighting to the licensee, it should be made clear that a weighting that the licensee has documented and consistently applied must be used as a basis for supervision, unless it is clearly incorrect. BOS further states that it is clear from the regulations that a single circumstance does not in itself mean that the gambling behaviour must be considered to involve excessive gambling.

BOS believes that a clarification needs to be given effect in both directions. If levels are stated, it should be explicitly stated both when a circumstance is to be considered present and when gambling behaviour that does not reach these levels is not in itself to be considered excessive gambling. A specification that only states when the obligation arises, without a corresponding delimitation downwards, does not increase predictability but only shifts the uncertainty. BOS also wants to point out an asymmetry in the documentation requirements. According to ch. 11 § 2 of the gambling regulation, the license holder must document every gambling responsibility measure that is taken. However, there is no procedure for documenting an assessment that led to the conclusion that action was not needed. In supervision, failure to take action therefore appears as inaction, even when it was preceded by a documented and factual assessment. BOS proposes that ch. 2 Section 2 is supplemented with an obligation to document such an assessment as well, with an indication of the circumstances that existed, the information that formed the basis of the assessment and the reasons for the conclusion, as well as with a provision that such a documented assessment must be used as the basis for supervision if it is not clearly incorrect.

BOS would particularly like to emphasize that the fact that a player plays several times a day or week does not in itself need to be an accurate risk indicator. For example, in sports betting, playing can naturally be concentrated on several matches or events during the same day or week, often at odd times (an example is the 2026 World Cup where a large part of the matches were played during Swedish evening and nighttime) and the gambling sessions can be relatively long given the length of the matches. The indicator should therefore always be assessed in relation to the form of play, the player's previous gambling behaviour and other relevant circumstances.

Against this background, BOS proposes that the provision be supplemented so that it is clear that a circumstance according to the second paragraph shall be assessed in relation to the normal pattern of the form of gambling in question, and that the licensee, when a circumstance exists but is not considered to indicate excessive gambling, shall document which circumstance existed, what information was the basis for the assessment and the reasons for the conclusion. Such a documented assessment should be used as a basis for supervision unless it is manifestly incorrect.

Amount levels should also be able to be derived from a reported basis. If a certain amount level is used as a risk indicator, it should be reported why that particular level has been chosen and how it relates to other circumstances in the overall assessment, and the level should be given effect in both directions.

The indicator of increased deposits or stakes should also be linked to the extent of the change and the player's previous behaviour. BOS believes that the indicator should be linked to the player's own pattern rather than to a general assessment. BOS proposes that the provision specifies the comparison period to be used, for example the player's average deposits or stakes during the three preceding calendar months, and that an increase should be taken into account when it exceeds this average by a percentage specified in the regulation. BOS does not take a position on which percentage is appropriate, but requests that the Swedish Gambling Authority determine it and report on the basis of the level.

Similarly, an increase in a player's deposit limit should not in itself be considered a strong risk indicator. Such a change should also be assessed based on the extent of the increase, the player's previous limits, previous gambling behaviour and other known circumstances. The amount, for example the deposit limit of SEK 10,000 per month, in itself says very little about the player's actual situation, risk level or possible gambling problems. For some players the amount may be high and worrying, while for other players it may be well within the framework of their circumstances. The level of SEK 10,000 has a different function in current law than the one given to it by the proposal. According to Chapter 11, Section 5 of the Gambling Ordinance, the licensee must contact the player when he raises a limit or specifies a higher deposit limit than SEK 10,000 per month, in order to fulfil the duty of care. The level therefore triggers contact, it is not stated as a sign of excessive gambling, and the Swedish Gambling Authority's guidance treats it in the same way: as an obligation to contact and as a reason for special attention to other indicators for players with high limits. According to the preparatory work, the meaning of excessive gambling is to be determined taking into account, among other things, the player's own set limits and changed gambling behaviour, without specifying any fixed level (Government Bill 2017/18:220 p. 322). No basis for this particular level being given special importance in the assessment is presented either in the preparatory work or in the impact assessment, which does not mention the level. Giving a contact level the function of a circumstance that should be taken into account in particular when assessing excessive gambling is not a codification but a new regulation, and it requires a reported basis. BOS primarily proposes that the circumstance be removed. If it is retained, the level should be derived from a reported basis, given effect in both directions and it should be made clear that it does not in itself entail a risk classification or a specific measure.
With regard to statements about the need to win back lost money, it should be clarified that the provision refers to expressions of loss-chasing or loss of control, not normal statements about wanting to win, which in themselves should not be considered problematic. What should be captured is when the player expresses a need to win back losses in a way that shows desperation, regret, loss of control or lack of understanding of the risks of continued gambling.

Against this background, BOS suggests that the provision be formulated more precisely, for example by referring to expressions that the player needs to win back lost money, has difficulty stopping gambling after a loss, or continues gambling to repair previous losses.

We also believe that it needs to be clarified what information the licensee is obliged to obtain and take into account. The formulation of what the licensee “should have known” risks creating legal uncertainty if it is not clarified which information is covered by this obligation, which is why BOS suggests that this letter be removed. It should instead be made clear that the assessment should be based on information that is reasonably available to the licensee within the customer relationship and the licensee's system, taking into account applicable data protection rules.

Regarding the indicator of denied deposits due to insufficient funds, we would like to emphasize in particular that licensees do not always have the opportunity to obtain reliable information in practice about why a payment has been denied. The information varies between banks and payment service providers and is in many cases not available to the licensee. We therefore believe that the provision should be designed so that the obligation only covers information that the licensee actually has access to.

BOS believes that the wording "shows signs of mental illness" needs to be clarified. Customer service staff and other operational staff should not be expected to make medical or psychological assessments. The provision should instead be based on concrete and observable information that the player provides in contact with the licensee, for example that the gambling is experienced as uncontrolled or has negative consequences for the player's finances, relationships, work or health.

2, Section 3 – Economic measures in the assessment

BOS questions whether the difference between stakes and winnings constitutes a sufficiently fair measure of the player's financial exposure. The measure can be affected by winnings being reused for continued play and thus give a misleading picture of the player's actual financial situation. The difference between stakes and winnings should therefore be used with caution, as high turnover can also result from previous wins without a corresponding increase in the player's deposits or actual financial exposure. We therefore believe that the Swedish Gambling Authority should clarify how the two measures – the difference between deposits and withdrawals and the difference between stakes and winnings – should be weighed against each other in the combined assessment.

BOS makes the following suggestion on how the measures should relate to each other. The provision should state that the difference between deposits and withdrawals constitutes the primary measure of the player's financial exposure, and that the difference between stakes and winnings may be taken into account as a supplementary measure of gambling intensity but not as a measure of financial exposure.

Chapter 2, Section 4 – Measures must be taken immediately

BOS believes that it is necessary to clarify what is meant by measures being taken “immediately” and that the term be replaced with “without undue delay” or similar, or alternatively that it be clarified that the time frame should be assessed based on the seriousness of the gambling behaviour and the pace of the gambling. Otherwise, the term risks being interpreted differently by different licensees and also by the Swedish Gambling Authority, which could lead to inconsistent application.

BOS shares the view that licensees should act quickly when the gambling behaviour involves excessive gambling, but the timing of the action should be adaptable to the level of risk, the severity and the pace of the gambling. If the Swedish Gambling Authority chooses to specify time frames in the regulation, they should be differentiated in this way and be able to be derived from a reported basis. Otherwise, the time frames that the licensee has established and documented in its action plan should be used as a basis for supervision, unless they are clearly incorrect. This gives licensees the opportunity to make a well-founded assessment of the player's behaviour before taking action, while maintaining the duty of care in an effective and proportionate manner.

Chapter 2, Sections 5–8 – Feedback and measures

BOS believes that it should be clarified that the measures specified in Chapter 2, Section 5 are different categories of measures that should be used based on the individual assessment. The provision should not be interpreted as meaning that feedback, information gathering, restrictions and access restrictions must always be used cumulatively. Effective responsible gambling work requires that the right measure can be chosen based on the level of risk and the circumstances in the individual case.

It should also be clarified what is meant by a previous measure not having had the intended effect and how this should be assessed. A more intrusive measure should assume that the player's continued behaviour still justifies such an escalation.

BOS proposes that the provision states that the effect should be assessed against the circumstances that triggered the measure, and that the measure should be considered to have had the intended effect if these circumstances no longer exist in a renewed assessment within the follow-up period that the licensee has determined and documented.

BOS believes that the relationship between the terms immediate, urgent and immediate needs to be clarified. It should be clear whether the terms refer to different requirements of urgency and how they should be applied in practice. If the terms are intended to imply different temporal requirements, the difference should be made clear. Otherwise, there is a risk of different operational application between licensees and different expectations in supervision. Nevertheless, “immediately” should be removed throughout where it is proposed as the term does not leave any room for operational escalation by licensees, which in itself can undermine rather than help the work towards responsible gambling. What is required for a player to be considered to have taken part in the feedback, and whether a changed gambling behaviour can be taken into account in that assessment, should be stated in the regulation. BOS provides a proposal for how such a rule can be designed in Chapter 2, Section 7.

Chapter 2, Section 7 – Access restrictions

BOS questions whether it is proportionate to require access restrictions in all cases where the licensee cannot ensure that the player has received feedback from the operator.

A lack of confirmation does not necessarily mean that the player has not received the information or that the gambling behaviour remains risky. If the licensee can also establish that the player's gambling behaviour has changed in a positive direction, a mandatory access restriction appears to be both un-necessary and disproportionate. We therefore believe that the provision should provide scope for a comprehensive and individual assessment instead of prescribing a mandatory measure in all cases.

We also see a risk that the provision will have unintended consequences. If a lack of feedback always leads to a mandatory access restriction, it could reduce the licensee's incentive to make early and pro-active contact with players. Such a system risks defeating the purpose of the duty of care, which should promote early and proportionate interventions tailored to the individual player's situation.

Furthermore, BOS believes that what can be considered feedback should be clarified. It should be able to include, but is not limited to, for example, that an email or text message has been opened, that the player has responded to contact, or as stated above, that a change in gambling behaviour can be observed. This should be assessed in a holistic perspective where other circumstances in the player's profile are taken into account. It should also be clarified that other risk-reducing measures may be sufficient in certain cases, for example, reduced deposit limits, limited access to certain products, limited login time or other restrictions that are adapted to the player's profile - access restrictions should only be required when the risk level justifies it, or when the player does not provide necessary information in a case where there are concrete signs of high risk.

BOS suggests that this be expressed as a rule. The provision should state that a player shall be deemed to have received the feedback if the licensee can demonstrate that the message has been opened, that the player has responded to the contact, or that the player has taken an action on the gambling account after the contact that presupposes that the message has been read. The provision should not exclude other forms of confirmation.

Chapter 2, Section 8 – Measures in the event of expressed suicidal thoughts

BOS shares the Swedish Gambling Authority's view that expressed suicidal thoughts require rapid and clear action from the licensee. BOS believes that the requirement for immediate action is well justified. In order for the provision to be applied uniformly, BOS requests guidance on how such a matter should be handled operationally, in particular how the licensee should document the contact, how the matter should be escalated internally and whether the player should be referred for support or care. BOS further believes that the Swedish Gambling Authority should explain why a minimum access restriction of six months has been chosen. It should be clear what knowledge base is the basis for the time period and how the authority has assessed that six months in particular is an appropriate balance to achieve the protective purpose of the provision.

Chapter 4, Section 2 – Education

BOS supports the requirement for recurrent training. It should also be made clear that training conducted every two years may consist of supplementary and updating elements and be adapted to the role of the staff, responsibilities, regulatory changes and identified risk areas.

BOS also believes that the Swedish Gambling Authority, in collaboration with relevant aid organisations, research actors and licensees, should consider developing central basic material for training in responsible gambling. A common basic material could contribute to a more uniform understanding of central concepts and requirements. However, special and role-specific training for staff who work directly with responsible gambling issues should continue to be designed and implemented by the licensee based on their own operations and risk profile.

Chapter 5, Section 1 – Electronic identification

BOS notes that Chapter 5, Section 1 of the Responsible Gambling Regulations prescribes control through reliable electronic identification upon login and that the proposed amendment to Chapter 9, Section 1 of the Technical Regulations simultaneously means that the previous general advice on subsequent login through username and authorization code is removed.

However, it should be clarified whether secure subsequent authentication methods, such as biometric authentication that is linked to a previously implemented electronic identification, can continue to be used when the player's identity has already been reliably established.

The requirement should be designed as far as possible in a technology-neutral manner and state the level of security that is to be achieved, rather than excluding future authentication solutions that can provide equivalent or higher security. BOS proposes that the requirement be linked to an existing and already applied standard instead of to a specific technology. Licensees are operators according to the Act (2017:630) on measures against money laundering and terrorist financing. According to Chapter 3, Section 7 of that Act, the customer shall be identified and the identity shall be verified by means of identity documents or register extracts or by means of other information and documents from an independent and reliable source, whereby means of electronic identification pursuant to Regulation (EU) No 910/2014 of the European Parliament and of the Council may be used. The provision further states that other secure identification processes at a distance or by electronic means that are regulated, recognised, approved or accepted by the relevant authorities may also be used. BOS believes that Chapter 5, Section 1 should be designed in a corresponding manner, i.e. by specifying the level of security to be achieved and accepting each method that meets it. Such a construction means that the requirement does not need to be changed when new methods are added, and that licensees can apply one and the same identification standard in relation to the same player. BOS would also like to point out that Chapter 3, Section 7 refers to identification of the customer, while Chapter 5, Section 1 refers to renewed verification at each login of a player whose identity has already been established. The impact assessment states as a reason for the requirement that the risk of someone else accessing the gambling account is significantly lower. BOS shares this aim, but the impact assessment only compares electronic identification with a username with an associated authorization code and does not examine whether methods that are linked to a previously implemented electronic identification achieve the same security.

Chapter 5, Section 2 – Automatic logout

BOS believes that the provision on automatic logout needs to be clarified. It should be clear at what point the player should be prompted to confirm continued login. As the proposal is drafted, it is unclear whether the prompt should be displayed after one hour of inactivity or before. Clarification is particularly important because different interpretations have different technical consequences and can affect different forms of gambling in different ways, for example betting where longer periods of inactivity between gambling events are common. In this context, it is therefore common to follow various sporting events while logged in – e.g. matches in different sports – where betting rarely takes place or sometimes not at all.

BOS further believes that the Swedish Gambling Authority should consider returning to the two-hour time limit that the authority itself referred to in 2022, unless the basis for the halving to one hour is presented. A slightly longer time limit would reduce the risk of unnecessary interruptions for players taking natural breaks or using other parts of their gambling account without having left the service. Such an assessment should also take into account the risk that too short a time limit will lead to repeated interruptions without providing any corresponding enhancement of consumer protection.

BOS notes that several parameters have been tightened in relation to the proposal that the Swedish Gambling Authority referred in 2022 in the same matter, without the reasons being stated. Firstly, automatic logout. According to the 2022 proposal, a player who has been inactive for two hours would be logged out. According to Chapter 5, Section 2 of the proposal now referred, the time has been halved to one hour. Secondly, communication about responsible gambling. According to the 2022 proposal, the possibility of communication would be available during the time the licensee provides games, however at least six hours per day, with a special rule for licensees who provide games for a shorter period than that. According to Chapter 6, Section 1 of the proposal now referred, the possibility should be available for at least eight hours per day. The obligation to staff real-time communication with a physical person is thus increased by two hours per day, while the connection to the time the licensee actually provides games has been removed. Thirdly, training. According to the 2022 proposal, the training should begin within four months of the employment or assignment beginning. According to Chapter 4, Section 2 of the proposal now submitted, the training should be completed no later than three months after the same point in time. The requirement has thus been both shortened and changed from referring to training that has been started to completed training. BOS notes that the impact assessment does not specify any of these three levels and does not mention that they have been changed. BOS requests that the Swedish Gambling Authority report the reasons for each of the changes.

The requirement should also be seen in conjunction with the fact that the number of logins is proposed to constitute a circumstance when assessing gambling behaviour. An automatic logout can in itself lead to more logins and thus affect the accuracy of this indicator.

Chapter 6, Section 1 – Communication about responsible gambling

BOS recommends that players should be able to communicate in real time with a physical person on issues of responsible gambling. However, the requirement should be formulated in a technology-neutral manner. The Swedish Gambling Authority should therefore consider whether communication should be offered by telephone, chat or other comparable means of communication, instead of two specific channels always having to be provided in parallel.

It should also be clear that the requirement can be met by trained customer service staff with clear procedures for escalation to the responsible gambling function.

Chapter 7, Section 1 – Self-test

BOS believes that it should be clarified that the requirement can be met through a self-test provided by an established and independent external party, without the licensee needing to be aware of the player's results. This would protect the player's integrity and enable a safe and anonymous self-test.

Chapter 8, Section 6 – Logos

BOS believes that it needs to be clarified how a suspension by the licensee can be implemented when the player is not logged in or identified. It should be clear whether the link in a logged-out state should only lead to an information or login page or whether the suspension itself should be implemented without prior login.

Chapter 9, Sections 2 and 4 – Deposit, loss and time limits

BOS believes that the possibility for the licensee to reduce a player's deposit, loss or time limits needs to be surrounded by clear requirements for individual assessment, proportionality and documentation. BOS proposes that the provision states that a reduction must be preceded by a documented individual assessment, that the player must be informed of the measure and the reasons for it before it takes effect except when a delay would entail a significant risk to the player, that the measure must be reviewed at the latest at a time specified in the regulation, and that the player must be able to request a review before that time.

It should also be clarified what constitutes a prohibited proposal for a gambling limit. The provision should not prevent neutral technical guidance or examples that help the player understand how the limit setting function works, provided that the information does not encourage the player to gamble more.

Chapter 10, Section 2 – Information to players

BOS shares the view that players should receive clear information about their gambling and losses. However, requiring confirmation at every login risk leading to information fatigue and casual confirmations, which can reduce the actual protective effect of the information. The Swedish Gambling Authority should therefore consider a more risk-based or periodic presentation. An alternative could be a clear and easily accessible activity overview on the gambling account with information on, for example, deposits, withdrawals, winnings, losses and playing time over time. The more detailed design of such an activity overview could be developed in collaboration between the Swedish Gambling Authority and the industry.

Such a solution would give players better opportunities to monitor their gambling over time without the information value being lost through too frequent standard messages.

Chapter 11, Section 2 – Cancellation of withdrawals that have already begun

BOS understands the purpose of preventing interrupted withdrawals from being used for continued gambling. However, a general ban risks leading to more separate deposit and withdrawal transactions without reducing the underlying risk. An interrupted withdrawal means that the funds never leave the licensee. If the function is removed, the same behaviour may instead result in a completed withdrawal followed by a new deposit, which increases the number of transactions without necessarily changing the underlying risk. It may also make transaction patterns more difficult to interpret from an anti-money laundering and fraud prevention perspective.

The Swedish Gambling Authority should therefore consider whether interrupted withdrawals should instead be monitored and taken into account as a possible risk indicator within the framework of the licensee's overall assessment of the player's behaviour, rather than banning the function generally. At the same time, the provision should not prevent the licensee from stopping or correcting a withdrawal in the event of technical errors, incorrect payment details, suspicion of fraud or obligations under other legislation.

BOS notes that the order proposed by BOS is consistent with the authority's own guidance. The guidance on duty of care (p. 6) treats interrupted withdrawals as a circumstance to be taken into account in monitoring: according to the guidance, a series of interrupted withdrawals may be an indicator that the player does not have full control over their gambling, and if it occurs repeatedly, it may be a sign that the player is trying to win more instead of waiting for the withdrawal to go through. The impact assessment refers to the same text in support of the proposal (pp. 31 and 32) but does not state the reasons for moving from an indicator for repeated interruptions to a general ban on each individual withdrawal. BOS requests that the impact assessment be supplemented with those reasons, or that the provision be formulated in accordance with the order of the guidance.

Chapter 12, Section 3 – Autoplay

BOS questions the need for the proposed limitation of autoplay to a maximum of 60 game rounds. The impact assessment lacks a more detailed justification for why this particular restriction is proposed and what support there is for it being expected to contribute to strengthened gambling responsibility. In order for such regulation to be justified, it should be clearly stated which risk it is intended to counter-act and in which way the restriction is deemed to have the intended effect. BOS believes that the Swedish Gambling Authority should also consider whether the corresponding protective effect can be better achieved through risk-based monitoring, clear stopping points and targeted interventions when the player's behaviour actually shows signs of increased risk.

According to BOS' assessment, the basis that the impact assessment relies on does not support the chosen level. The impact assessment states that a causal relationship between autoplay and in-creased gambling intensity cannot be established, but that surveys and research results show that there is a relationship (pp. 33 and 34). The sources cited for the connection are partly a study which, according to its own title, constitutes preliminary evidence and which, according to its abstract, found an increase in bet volume but no effect on the players' net losses,[1] partly British consultation material which formed the basis for a ban and where the British authority stated that causality between autoplay and gambling intensity could not be established.[2] According to the source, the usage figures reported refer to players who have played casino online in the last three months and describe the use of the function, not its effects (Spelvanor online 2023, pp. 17 and 18). As far as BOS can see, none of the cited sources report any basis for precisely the level of 60 game rounds. It is difficult to reconcile with the starting point for the re-regulation that BOS mentioned above, that the proposals must be based on evidence where it exists (SOU 2017:30 p. 255), or with the requirement in § 6 of the regulation (2024:183) on impact investigations on an account of the reasons for the chosen alternative. BOS confirms that the impact assessment is supplemented with the basis for the level and for the assessment that the restriction provides the intended protective effect.

The restriction should also be assessed together with other proposed changes that affect the gambling experience. The question is therefore not only what protective effect a limit of 60 rounds has in isolation, but what overall effect the product restrictions have on the attractiveness of the licensed product and its channelling.
If the Swedish Gambling Authority chooses to retain the restriction, the authority should also analyse how it may affect the channelling to the licensed market. It does not appear appropriate that the pro-vision under the present proposal should be evaluated and then only tightened – i.e. with a require-ment for even fewer game rounds or a total ban – but not relaxed or abolished even in the event that the Swedish Gambling Authority considers it not to contribute to its purpose. If players increasingly seek out unlicensed operators where corresponding restrictions are lacking, the overall effect on consumer protection risks being negative.

If the restriction is retained, licensees need to be given sufficient implementation time. The change may require development, testing and certification by external game providers, which needs to be taken into account when determining the entry into force.

BOS understands the provision as meaning that the limit of 60 game rounds is intended to apply per activation of the autoplay function. However, this should be made explicit. It should also be clarified whether the feature can be reactivated immediately after the limit has been reached or whether further confirmation, interaction or waiting time is required.

Regulations on technical requirements (25Si946)

Chapter 8, Section 11 – Information that gambling systems must be able to generate

BOS believes that the provision needs to be clarified with regard to what information a gambling system should be able to register and report.

This applies in particular to the requirement that the report should contain information about which game and which game version the player has used during the login period. It is unclear whether the term game only refers to games where the player has actually placed a bet or whether games that have been opened without any gambling activity having been carried out are also covered.

We also believe that it needs to be clarified what type of version information should be registered. For example, it should be clear whether it refers to a version number, build number, revision number, checksum or some other technical identifier. The Swedish Gambling Authority should therefore specify what information should be reported in order to ensure uniform application and implementation by all licensees.

Chapter 9, Section 6 – Automatic logout

BOS believes that the provision on automatic logout should be coordinated more clearly with the corresponding regulation in the proposed regulations on responsible gambling. In order to ensure a consistent regulatory framework, the provision should be supplemented with a reference to the regulation on automatic logout after a certain period of inactivity.

It should also be clarified what is meant by the player being active and whether, for example, the use of account functions, withdrawal flows, limit setting, self-test or other responsible gambling tools interrupts the period of inactivity.

Such a reference would reduce the risk of conflicting interpretations and contribute to a more coherent and predictable regulatory framework. The Swedish Gambling Authority should therefore ensure that the technical regulations and responsible gambling regulations are designed in a consistent and co-ordinated manner.

Chapter 9, Section 9 – Blocking when the player has not set a deposit limit

BOS believes that the provision needs to be clarified as to when a blocking should occur. As the proposal is drafted, it is unclear whether the blocking should occur after logging in, before the player makes a deposit, before the player starts a game or before a bet is placed.

It should be made clear in particular that even in a blocked state the player should be able to access information, customer service, withdrawals, responsible gambling tools and the function for setting deposit limits.

The different options involve significantly different technical solutions and also affect the gambling experience in different ways. The Swedish Gambling Authority should therefore clarify at what point the blocking should occur. Such clarification is a prerequisite for uniform implementation and application by all licensees.

Concluding remarks

BOS shares the Swedish Gambling Authority's ambition to strengthen responsible gambling and modernise the regulatory framework for the licensed gambling market. However, in order for the regulations to have the intended effect, they need to be clear, proportionate, technology-neutral and practically feasible. The clarifications and changes proposed by BOS would contribute to a more predictable and uniform application and give licensees better conditions to conduct effective responsible gambling work and maintain a high level of consumer protection.

BOS also proposes that the Swedish Gambling Authority establish a recurring working group with representatives of licensees, aid organisations, researchers and other relevant actors. The group should contribute to developing practical knowledge about which indicators are most accurate, which measures have the best effect for different risk profiles and how regulation can be designed so that consumer protection is strengthened without unnecessary friction for players who do not exhibit risk behaviour.

Strong player protection requires that the licensed market remains attractive to players without identified risk indicators. The focus should therefore be on proportionate and risk-based measures, with more intrusive interventions directed at those players who actually show signs of risky or excessive gambling.

BOS also wishes to emphasize the importance of reasonable transitional provisions and realistic implementation times, so that licensees are given the opportunity to develop, test, certify and implement the necessary systems and processes.

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References

Förteckningen avser de källor som åberopas i detta yttrande.

Constitutions

Spellagen (2018:1138), särskilt 14 kap. 1 §, 14 kap. 12 § och 17 kap. 5 § 6.

Lag (2024:255) om ändring i spellagen (2018:1138), i kraft den 1 juni 2024.

Lag (2017:630) om åtgärder mot penningtvätt och finansiering av terrorism, särskilt 3 kap. 7 §.

Spelförordningen (2018:1475), särskilt 11 kap. 2 och 5 §§.

Spelinspektionens föreskrifter och allmänna råd (SIFS 2022:3) om tekniska krav, särskilt 9 kap. 1 §.

Förordning (2024:183) om konsekvensutredningar, särskilt 6 och 7 §§.

Preparatory work

SOU 2017:30, En omreglerad spelmarknad, del 1, särskilt s. 255, 261, 271, 290 och 295.

Prop. 2017/18:220, En omreglerad spelmarknad, särskilt s. 149, 158, 174, 175 och 322.

Remitted material

Spelinspektionens förslag på nya spelansvarsföreskrifter, dnr 21Si540.

Spelinspektionens förslag på nya föreskrifter om tekniska krav, dnr 25Si946.

Konsekvensutredning avseende förslag på nya spelansvarsföreskrifter, dnr 21Si540, särskilt s. 3, 10, 12, 13, 14, 15, 31, 32, 33, 34, 37 och 38 samt avsnitt 4, 5.3.3, 5.4, 5.6, 5.7, 5.8, 5.9, 5.10, 5.11, 5.13, 5.15, 6 och 8.

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Research

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