Are gaming concessions obsolete? A comparative study of Macau and Portugal

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ABSTRACT
The concept of a concession for the operation of games of chance is the legal basis of the largest casino gaming industry in the world, that of the Macau Special Administrative Region of the People’s Republic of China. This concept, in its modern form, came to Macau in 1961, from Portuguese law, where it was started in 1927.

This paper has two main goals.

The first is to summarize the evolution of concessions of games of chance in Portugal and Macau, covering the common legal and conceptual basis in both systems, highlighting the similarities and differences, especially regarding the separate evolution of concessions in both jurisdictions.

The second is a critical analysis of the current relevance of this particular legal tool in today’s gaming landscape. Are concessions still an appropriate tool to achieve a number of regulatory and economic goals?

IMPLICATIONS
The general conclusion to be reached is that the concept of a concession made sense in a certain time. However, today, for the most part, it presents significant issues and should be replaced. Therefore, fundamental legal reforms should take place.

Keywords: gaming law; gaming regulation; casinos; games of chance; Macau; Portugal; concessions

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