

Royal Decree 1614/2011 of 14 November implementing Law 13/2011 of 27 May on the regulation of gaming, in regard to gaming licences, permits, and registers.

The Minister of Economy and Finance
Official State Gazette ("BOE") no. 275 of 15 November 2011
Reference: BOE-A-2011-17836

CONSOLIDATED TEXT

Latest modification: no amendments

Law 13/2011 of 27 May on the regulation of gaming establishes the regulatory framework for state-wide gaming activity in its various forms with a view to protecting public order, combating fraud, preventing addictive behaviour, protecting the rights of minors and safeguarding the rights of the games' participants.

The operation of gaming activities regulated by the above Law is subject to the prior acquisition of the relevant authorisation in order to establish a gaming system of adequate proportions and to properly regulate access to the operation of gaming activities.

Subjecting gaming activities to the prior acquisition of the authorisation is regulated by Article 9, Title III of that Law, defining the characteristics of the different authorisations (licences and permits) and the procedure for their issue.

To enable gaming operators to access the activities described in the Law on the regulation of gaming, this Royal Decree specifically satisfies the provisions of Article 10.3, Article 11.4 and Article 12.1 of that Law. It also includes the procedure for the authorisation of gaming activities subject to reserve.

This Royal Decree also governs certain aspects concerning gaming operator guarantees in relation to participants. Specifically, it implements Article 14 of the Law, concerning the guarantees which must be provided by gaming operators and, where applicable, those applying for general gaming licences.

It includes basic regulations on gaming contracts, the content of user accounts and the functions of the gaming account linked to these contracts, as well as the obligations of operators and participants within the framework of the gaming contract.

In relation to user and gaming accounts, the Royal Decree establishes regulations on deposits and payment for participation in gaming activities, the payout of prizes by operators, and certain limitations on their use.

Finally, Article 22 of the Law on the regulation of gaming creates gaming industry registers: the General Register of Gaming Licences, the General Register of Gaming Access Bans, and the Register of People Linked to Gaming Operators.

These registers are created for the purpose of storing appropriate information to meet the requirements established in gaming regulations, in relation to general and specific licences, persons voluntarily or legally excluded from participation in gaming, and persons with a certain level of association with gaming operators.

This regulatory implementation also satisfies the provisions of Article 22.2 and 22.3 of the Law, establishing in this Royal Decree the content, organisation, and the functioning of these Registers.

This Royal Decree is divided into four titles, with sixty-seven articles, twelve additional provisions, two transitory provisions and three final provisions.

The preliminary Title establishes the purpose of the Royal Decree and defines certain concepts that are important to its interpretation.

Title I, on licences and permits, is divided into four Chapters.

Chapter I covers provisions common to the different authorisations, and general matters relating to the application process for licences and permits and their expiry and transfer.

Chapter II governs the legal framework of licences. This Chapter is in turn divided into three Sections.

The first Section describes the provisions applicable to both general and specific licences, those relating to the right to obtain licences, reporting to the Autonomous Regions on licence applications that may affect their region, the resolution of licence applications, and licence validity periods.

The second Section covers provisions specifically relating to general licences, the requirements for those interested in obtaining this type of licence, and the licence notice and award procedure.

Finally, the third Section focuses on specific licence application and award procedures, depending on whether basic regulations exist for the game to which the application refers.

Chapter III of Title I is dedicated to the authorisation procedure, determining the gaming activities requiring authorisation, the documentation required to obtain the authorisation, and the authorisation award procedure.

Chapter IV describes the authorisation procedure for sales of the lottery games referred to in Article 4 and the first Additional Provision of the Law on the regulation of gaming.

Title II is concerned with the guarantees for the operation of gaming activity and consists of three chapters.

Chapter I addresses relations between gaming operators and participants, determining the content of the gaming contract and the obligations that derive from it for the gaming operator and for the participant. It also covers user accounts and gaming accounts, and determines the limits on user deposits that gaming operators must establish. Relevant to this, Appendix II of this Royal Decree sets limits for creating the deposits intended for taking part in gaming activities.

Chapter II regulates payments for participation in games, the payout of prizes and the obligations relating to gaming funds.

Finally, Chapter III establishes the guarantees required of gaming operators, determining the guarantees connected to each licence, how they are to be created, their amount, and how they are updated, cancelled or withheld. Also, in relation to the guarantees regulated in Chapter III, Appendix I of the Royal Decree establishes the amounts of the guarantees linked to the different licences.

Title III, on gaming records, is divided into four Chapters.

Chapter I covers the provisions applicable to all gaming industry records.

Chapter II deals with the General Register of Gaming Licences, establishing its purpose and organisation. It also regulates provisional and final entries, the modification of registered data, and the updating and cancellation of final entries.

Chapter III regulates the General Register of Gaming Access Bans, determining its purpose and organisation. It also sets out the different forms of inclusion in the register, the required entry data, the validity of entries, and cooperation with the administrations of the Autonomous Regions with competence on this matter.

Chapter IV regulates the Register of People Linked to Gaming Operators, determining its purpose and organisation and the entry data.

It also contains twelve additional provisions. The first refers to authorisations granted by other countries within the European Economic Area, establishing the validation of documentation already submitted before the authorities responsible for gaming in other countries within the European Economic Area. The second empowers the National Gaming Commission to require gaming operators to present the contracts governing the relationship between them and the entity actually performing the activity, and to require them, where applicable, to obtain the appropriate authorisation for the entity providing the services for the gaming operator. The third refers to national and international liquidity. The fourth establishes specific regulations for contest-based games. The fifth refers to the payout of lottery game prizes. The sixth governs free game applications. The seventh refers to co-regulation agreements. The eighth regulates the regime and approval of the technical systems of the entities authorised to market lotteries. The ninth refers to basic gaming regulations. The tenth enables the electronic processing of each of the procedures established in this Royal Decree. The eleventh refers to the designation of the publicly owned National Lottery and Betting Organisation as the operator legally authorised to market lottery games, and finally, the twelfth and last establishes the specific regime of the National Organisation for Blind People in Spain (ONCE).

It also includes two temporary provisions. The first establishes the temporary regime applicable to the advertising of gaming activities, and the second establishes the temporary regime applicable to parimutuel betting marketed by the publicly owned National Lottery and Betting Organisation.

Finally, this Royal Decree contains three final provisions. The first final provision empowers the Ministry of Economy and Finance to modify, through Ministerial Order, Appendix I of the Royal Decree relating to the amounts of the guarantees linked to the licences. The second empowers the National Gaming Commission to issue the provisions needed to implement and execute this Royal Decree, and to modify its Appendix II. The third final provision specifies when this Royal Decree will come into force.

This Royal Decree has been subjected to the procedure for the provision of information in the field of technical standards and regulations in relation to information society services, pursuant to Royal Decree 1337/1999 of 31 July, in order to comply with the provisions of Directive 98/34/EC of the European Parliament and of the Council, of 22 June 1998, amended by Directive 98/48/EC of the European Parliament and of the Council of 20 July 1998.

By virtue whereof, at the proposal of the Minister of Economy and Finance, with prior approval by the Minister of Territorial Policy and Public Administration, in accordance with the Council of State and by resolution of the Council of Ministers at its meeting held on 11 November 2011,

I HEREBY DECREE:

PRELIMINARY TITLE
General provisions

Article 1. *Purpose and scope of application.*

The purpose of this Regulation is to implement Law 13/2011, of 27 May, on the regulation of gaming, particularly in relation to the procedure for obtaining authorisations necessary to operate gaming activities that do not fall under the reserve within the said Law, authorisations for activities that do fall under the reserve, guarantees for the operation of gaming activities, and the functioning of the registers created in the Law.

Within the purpose defined above, the scope of these regulations includes gaming activities which take place within the State, particularly when these activities are operated through electronic, computer, telephonic and interactive means, in which in-person means are non-essential.

Article 2. *Definitions.*

For the purpose of this Royal Decree, the terms used here will be understood to have the meanings established in this Article.

1. Ongoing gaming. Ongoing gaming refers to gaming carried out regularly or permanently or which forms part of the ordinary activity of a gaming operator.

2. Occasional or one-off gaming. Occasional or one-off gaming refers to gaming that is not carried out regularly or permanently or, if conducted periodically, at least once a year or less frequently. Occasional or sporadic gambling is not part of the ordinary activity of the organising entity.

3. Gaming contract. Gaming contract refers to the contract which governs the legal relationship between the participant and a specific gaming operator and which binds the user and gaming accounts.

4. User account. User account refers to a single register that allows the participant to access the gaming activities of a certain operator and which contains data such as, among other things, the participant's identification details and any other data required for the completion of financial transactions between the user and the gaming operator.

5. Gaming account. Gaming account refers to the account opened by participants and linked to their user account, into which they make financial deposits for use as payment of participation in gaming activities and from which they pay gaming entry fees. The gaming account must not contain a credit balance under any circumstances.

6. Gaming operator. Gaming operator refers to the individual or legal entity which has obtained authorisation to carry out gaming activities as established in Article 3 of this Royal Decree.

TITLE I

Licences and permits

CHAPTER I

Common provisions

Article 3. *Authorisations and gaming operators*

1. The operation of unreserved gaming activities is subject to the prior attainment of the corresponding authorisation within the terms described in Title III of Law 23/2011 of 27 May on the regulation of gaming and in the provisions of this Royal Decree.

2. Authorisations must be acquired by individuals or legal entities which fully or partially carry out a gaming activity, as long as their revenue from that activity is related to the gross or net revenue, commissions, and any amounts for gaming-related activity, and which in turn carry out any activity marketing the gaming activity, such as, non-exhaustively, determining the amount of prizes or matches, managing policies on players, transactions and settlement of payments, managing the gaming platform or user accounts.

3. Those who meet the requirements referred to above and manage gaming platforms which other gaming operators are members of or adhered to, which pool the amounts gambled by their respective users, will be considered an operator and co-organiser of the game. The National Gaming Commission, as established in the rules of the notification for general licences or through the specific regulations issued for this purpose, may establish adaptations and exceptions from certain requirements for gaming operators when they objectively lack justification based on the nature of the activity carried out as a game co-organiser, and set the limits of their regime of responsibility.

4. Companies do not have to obtain authorisation if they exclusively carry out recruitment activities, understood to be promotion activities and activities attracting clients for a gaming operator, as long as they do not create the register of clients or maintain a contract or gaming account with them. Gaming operators will be liable for breaches of the regulations and of the requirements for publicity and advertising of gaming, committed by companies carrying out recruitment activities, when the advertising and promotion of the game is done on their behalf or commissioned by them.

Article 4. *Application for licences and permits.*

1. Those interested in operating gaming activities must apply to the National Gaming Commission for an authorisation. General licence applications may be submitted only as part of a round of tenders held specifically for this purpose.

2. Applications for authorisations must contain at least the following details:

- a) Identity of the interested person or entity and, where applicable, their representative.
- b) National Identity Document (DNI) or passport of the applicant, and if the applicant is a company, its tax identification number or code, as well as its articles of association, with any amendments, duly included in the Companies Register or, for foreign entities, in the equivalent register in which inclusion is mandatory in accordance with the law of the State in which the company is officially based, and documentation accrediting the status and legal capacity of the person acting on behalf of the applicant.
- c) Address for correspondence in Spain.
- d) Place, date, and signature of the applicant or accreditation of the authenticity of the application, on any medium.
- e) Gaming mode, types of game within each gaming mode, or one-off gaming activity that the applicant intends to operate.
- f) Accreditation that the applicant is up to date with all tax and social security payments. The interested party may authorise the National Gaming Commission to obtain this accreditation directly.
- g) Where applicable, application for authorisation to carry out advertising, promotion, or sponsorship activities. For these purposes, the communication of the intention to carry out the advertising activity will be sufficient when applying for the licence or during its period of validity, without prejudice to compliance with the requirements of the applicable regulations.

Article 5. *Expiry of licences and permits*

1. In accordance with Article 9.5 of Law 13/2011, of 27 May on the regulation of gaming, the licences and permits governed by Chapters II and III of Title I of this Royal Decree will be annulled in the following cases:

- a) By express waiver in writing from the stakeholder.
- b) If the validity period elapses without any request for or issue of renewal, when this renewal was scheduled in the rules of the notification.
- c) By termination by the National Gaming Commission, specifically citing any of the following causes of termination:
 1. The loss of all or one of the conditions that were decisive factors in granting the licence.
 2. Death or incapacity of the person holding the permit, where this is an individual; dissolution or extinction of the company holding the licence or permit.
 3. Discontinuation of the activity for which the authorisation was issued, or a lack of activity for at least one year, in the case of licences. Lack of activity will be observed in all cases for specific licences, and for general licences when only a limited number were issued.
 4. Declaration of bankruptcy or declaration of insolvency in any other proceeding.
 5. Imposition as a sanction under a disciplinary proceeding.
 6. A breach of the basic conditions of the permit or licence.
 7. Ceding or transferring of the authorisation through merger, split, or contribution of a line of business, without previous approval.
 8. Acquisition of an authorisation under false pretences or alteration of the conditions under which it was issued, after a hearing with the interested party, if applicable.

2. If the National Gaming Commission should detect any of the causes of termination indicated under c) above, it will start proceedings for the termination of the corresponding authorisation.

These proceedings, which must include a hearing with the interested party, will be resolved and communicated in a maximum of three months from their starting date. If, after this three-month period, a specific resolution has not been issued and communicated, the proceedings will lapse, with the effects set out in Article 92 of Law 30/1992, of 26 November, on the Legal System applicable to Public Administration and the Common Administrative Procedure.

In cases where the cause of termination can be remedied, the National Gaming Commission, as part of the annulment procedure and without prejudice to its continuation, may require the licence or permit holder to remedy the breach within one month from the date of notification of the requirement. Once the breach is remedied, the National Gaming Commission will agree to archive the proceeding. If after this one-month period the breach has still not been remedied, the National Gaming Commission may annul the licence or permit.

3. The National Gaming Commission will notify the competent regional authorities of the revocation and annulment of any gaming authorisations affecting their region.

Article 6. *Transfer of licences and permits, and outsourcing of activities to third parties.*

1. Authorisations for the operation of gaming activities may not be assigned to or used by third parties. Such authorisations may only be fully or partially transferred, with the authorisation of the National Gaming Commission, in the event of mergers, splits, or the contribution of a line of business as a result of business restructuring.

2. The National Gaming Commission will notify the competent regional authorities of the transfer of any gaming authorisations affecting their region.

3. The outsourcing of gaming activities to third party service providers, where this affects the essential elements of the activity for which the licence or permit was issued and affects compliance with regulations applicable to the licence, must be preapproved by the National Gaming Commission. Essential elements of the activity subject to licence or authorisation are considered to be the management of gaming platform services, client management and the management of the basic infrastructure of the technical system, regardless of the name of the contracts.

CHAPTER II

Licences

Section 1. Common provisions

Article 7. *Types of licence.*

Those interested in operating ongoing gaming activities must obtain a general licence for each type of game they intend to operate from among those listed in Article 3(c), (d), (e) and (f) of Law 13/2011 of 27 May on the regulation of gaming, and a specific licence for each type of game they intend to operate from among those included within the scope of the game type for which the general licence is issued.

Article 8. *Right to obtain a licence.*

Interested parties which satisfy the conditions and requirements of Law 13/2011 of 27 May on the regulation of gaming, in this Royal Decree, in the rules of the notification, and, where applicable, in the basic regulations of the games, shall have the right to obtain the corresponding licence, except in cases where the rules of the notification limit the number of general licences, in accordance with Article 15 of this Royal Decree and Article 10 of Law 13/2011.

Article 9. *Reporting to the Autonomous Regions.*

The National Gaming Commission will transfer licence applications which may affect them to the Autonomous Regions, so that, in the period set out in Article 83.2 of Law 30/1992 of 26 November on the Legal System for Public Administrations and Common Administrative Procedure, they may issue the mandatory report referred to in Article 9 of Law 13/2011 of 27 May on the regulation of gaming.

The National Gaming Commission will also notify the competent regional bodies of the award and termination of general and specific licences affecting their region.

Article 10. *Deadlines for termination.*

1. The Board of the National Gaming Commission will award or deny general and specific licences within a period of six months from the date of inclusion of the application in the corresponding register.

2. Should the above term elapse without any specific resolution being issued and reported by the National Gaming Commission, the application will be considered accepted by administrative silence.

Article 11. *Justified resolution and appeals.*

1. The Board of the National Gaming Commission will issue a justified resolution which awards or denies the licence applied for within the period established in the above article. The interested parties will be notified of the resolution, without prejudice to its publication on the National Gaming Commission website.

2. Based on the decision referred to above, the interested parties may lodge a discretionary appeal for reversal with the National Gaming Commission, in accordance with the provisions of Law 30/1992 of 26 November on the Legal System for Public Administrations and Common Administrative Procedure, or an appeal under the contentious-administrative jurisdiction in accordance with the law of that jurisdiction.

Article 12. *Licence validity periods.*

1. In accordance with Article 10.6 of Law 13/2011 of 27 May on the regulation of gaming, general licences will have a duration of ten years, which may be extended for the same period. In cases where, in accordance with Article 6.1, the number of operators of a given game is limited, general licences will not be extended, and must be issued according to the applicable procedure when the following requirements are met:

- a) There is/are a third party/parties interested in obtaining the licence.
- b) That the application was made at least 24 months before the expiry date.
- c) That the applicant or applicants can prove the fulfilment of the requirements which were taken into account for the acquisition of the licence by the holder or holders.

2. Specific licences, as set out in Article 11.5 of Law 13/2011 of 27 May on the regulation of gaming, will have a minimum duration of one year and a maximum of five years, and may be extended for consecutive periods of the same duration. The regulations for each type of game will determine the duration of the corresponding specific licences and the conditions and requirements to be met for their extension.

Section 2. General licences

Article 13. *Requirements to be met by applicants for general licences.*

1. Participation in the procedure for the award of general licences for the operation and marketing of games of an ongoing nature is limited to legal entities in the form of limited companies, or those of a duly accredited, equivalent nature from within the European Economic Area, whose sole purpose is the organisation, marketing, and operation of games.

If the legal entity is not officially based in Spain, it must appoint a permanent representative in Spain, empowered to receive correspondence both by mail and electronically.

2. Entities applying to operate or organise the games regulated by Law 13/2011 of 27 May on the regulation of gaming, must:

- a) Accredite their technical, economic, and financial solvency, in accordance with the following article and the rules of the notification.
- b) Be listed in the Special Bidders' Section of the General Register of Gaming Licences referred to in Article 49 of this Royal Decree.
- c) Have the minimum paid-up share capital specified in the rules of the notification.
- d) Hold, in their own name, through other entities of their business group, or through third parties, the technical means to ensure fulfilment of the requirements of Royal Decree 1613/2011, of 14 November, implementing Law 13/2011 of 27 May on the regulation of gaming, regarding the technical requirements of gaming activities.
- e) Accredite compliance with any other conditions and requirements established in the corresponding call for tenders, and where applicable, provide guarantees in the amount and of the type required.

Article 14. *Accreditation of technical, economic, and financial solvency.*

1. The technical, economic and financial solvency of general licence applicants must be accredited through the submission of the documents specified in the rules of the notification, without prejudice to the following provisions. In the case of newly created entities, solvency may be accredited by the information offered and binding commitments assumed by the business group to which they belong.

The National Gaming Commission may request clarifications from licence applicants regarding the certificates and documents submitted to accredit their solvency, or may ask them to submit additional documentation.

2. The rules of the notification may require, in order to accredit the economic and financial solvency of the applicant entity, one of more of the following:

a) Appropriate statements by financial entities regarding the company's solvency. b) Annual accounts submitted to the Companies Register or corresponding official register.

c) A statement of general business volume in the last three financial years available, depending on the date on which the entity was created or began its activity, insofar as the references for this business volume are available.

If, for a justified reason, the entity is not able to submit the requested references, and where this possibility is specified in the rules of the relevant notification, the National Gaming Commission may authorise the accreditation of economic and financial solvency by means of any other document it deems appropriate.

d) Statements by bodies regulating gaming from the home country of the applicants, accrediting their solvency.

3. The rules of the notification may require, in order to accredit the technical capacity of the applicant entity, one of more of the following:

a) A statement indicating the structure of technical personnel, whether or not they form part of the entity, which the entity will provide for the operation of gaming activities, particularly those in charge of quality control and security.

b) Professional experience of the managers of the entity in charge of operating the gaming activities governed by the licence.

c) A statement on the average yearly workforce of the entity over the last three years, together with any relevant accrediting documentation.

d) A declaration indicating the technical systems at its disposal for the operation of the gaming activities governed by the licence, together with any relevant accrediting documentation.

e) Description of the facilities or technical units, the measures used to guarantee quality and safety and, where applicable, the company's resources for study and research.

Article 15. *Notification of the general licence award procedure.*

1. The National Gaming Commission awards general licences for the operation and marketing of gaming activities, as set out in Article 10.1.2 of Law 13/2011 of 27 May on the regulation of gaming, after the appropriate notification in a procedure which complies with the principles of advertising, competition, equality, transparency, objectivity, and non-discrimination, and governed by the specified rules which, at the proposal of the National

Gaming Commission, are approved by the Minister of Economy and Finance, and published in the Official State Gazette.

2. In accordance with Article 10.1.3 of Law 13/2011 of 27 May on the regulation of gaming, the notification of procedures for the award of general licences for the operation and marketing of games will be promoted, ex officio or at the request of any interested party, by the National Gaming Commission. Promotion of the notification at the request of the interested party will be undertaken within a six-month period from receipt of the request, except where the National Gaming Commission, as part of the said procedure and having heard the interested parties, justifiably considers that there are reasons relating to the protection of minors, the prevention of gambling addiction or the protection of gaming participants which justify not proceeding with the requested notification.

In accordance with Article 10.1.4 of Law 13/2011 of 27 May on the regulation of gaming, interested parties may request notification of the new procedure for the award of general licences for the operation and marketing of certain games at least 18 months from the date of the previous notification relating to the same type of game. If the National Gaming Commission resolves not to promote a notification, the period will be counted from the date of the resolution.

3. The promotion of the notification will take the form of a justified proposal by the National Gaming Commission, submitted to the Minister of Economy and Finance, with the proposed rules of the notification.

4. The Minister of Economy and Finance, within a period of three months from the proposal of the National Gaming Commission, may reject it with justifications, or publish the notification with any modifications considered appropriate.

If this period should elapse without any resolution being issued, the proposal will be understood to be accepted and the notification will be published within three months.

Rejection of the proposal may be subject to an administrative appeal for review submitted to the Minister of Economy and Finance by the interested parties, in accordance with the provisions of Law 30/1992 of 26 November on the Legal System for Public Administrations and Common Administrative Procedure, or may be referred directly to the contentious-administrative court of appeals according to the provisions of the law governing that jurisdiction.

5. The rules of the notification will not limit the number of licences that may be awarded except where, at the proposal of the National Gaming Commission issued on the basis of the procedure established for this purpose, which will include hearings with the interested parties, the Minister of Economy and Finance considers it necessary to adjust the size of the game to which the notification refers and limit the number of operators.

Both the proposal of the National Gaming Commission and the agreement of the Minister of Economy and Finance must show appropriate justification and will be based exclusively on the protection of minors, the prevention of gambling addiction, or the protection of gaming participants. This justification may be based on reports by the competent services of the National Gaming Commission or by external consultants declaring that they place the protected interests at risk.

6. The rules of the notification will establish the documentation to be submitted by interested parties, their minimum, total, and paid-up share capital, and the form, terms, and requirements necessary for participation in the procedure and for the creation of any guarantees required.

Article 16. *Award of general licences.*

1. After the publication of the notification and the start of the application period, interested parties which fulfil the requirements, and which are listed in the Special Bidders' Section of the General Register of Gaming Licences referred to in Article 49 of this Royal Decree, will submit their applications together with the documentation and guarantees required by the rules of the notification, in addition to a business plan that takes into account the principles of responsible gaming, staff training, distribution channels, game design, and any other aspects of their activity laid down in these rules.

General licence applicants must pay the fee indicated in Article 49 of Law 13/2011 of 27 May on the regulation of gaming and submit a copy of the payment receipt with their application.

2. The licence application shall be accompanied by a technical draft detailing the fundamental aspects of the system for operating gaming activities and, in particular, the components of the Central Gaming Unit and internal control system. The licence application will be accompanied by a certificate issued by one of the bodies designated for this purpose by the National Gaming Commission, accrediting that the internal control system meets the specifications required by the applicable regulations, and in particular, the rulings of Article 8.3 d) of Royal Decree 1613/2011, of 14 November, implementing Law 13/2011 of 27 May on the regulation of gaming, regarding the technical requirements of gaming activities. It will also be accompanied by a preliminary report issued by one or more of the bodies designated for this purpose by the National Gaming Commission, certifying, based on the technical draft submitted, that the gaming platform meets the requirements of Article 8.3 a) of Royal Decree 1613/2011, of 14 November, implementing Law 13/2011 of 27 May on the regulation of gaming, regarding the technical requirements of gaming activities.

The National Gaming Commission may request that applicants correct any errors in the application and provide any documentation or information necessary for its evaluation within a period of ten days of notification of the requirement.

3. General licence applications must include all documentation stipulated in the corresponding notification, and at least that required to accredit the following items:

a) Name, duration, address, share capital, and, where applicable, percentage share of non-community capital. They must also include a detailed description of the control structure and the shareholders, including the identity of the individual or individuals who exercise final control over the applicant company, directly or indirectly through their participation in the share capital of a corporation.

b) Identification of members of the board of directors, executives, managers, or representatives, if any.

c) Nature, forms, and types of licensed activities applied for, and the events on which these activities are based.

d) Territory in which the activity subject to licence will be carried on.

e) Conditions of the gaming or betting prizes to be awarded and their amounts, which in no case may exceed the percentage established for that purpose in the rules of the notification.

f) List of all technical systems, equipment, applications, and instruments to be used in the operation of the activity and, where applicable, the intention to use terminals.

g) Description and origin of its own and others' financial resources expected to be used in the operation of the licensed activities.

- h) Application for authorisation to carry out advertising, sponsorship, or promotions.
- i) Characteristics of the Player Support Service and the capacity to provide support in Spanish.
- j) Fraud prevention mechanisms and systems for preventing money laundering and terrorist financing according to Law 10/2010 of 28 April 2010 on the prevention of money laundering and terrorist financing.
- k) The systems, procedures, or mechanisms set up, depending on the nature of the game, to prevent access by persons prohibited by any of the subjective prohibitions established in Article 6 of Law 13/2011 of 27 May on the regulation of gaming, particularly those concerning the verification of the age of participants.

4. Within the period established in Article 10 of this Royal Decree, the National Gaming Commission, if it considers the requirements established in the rules of the notification to have been met and subject to a favourable certification report as referred to in point 2 of this Article, will award or reject the general licence, giving its reasons and, in the case of award, arrange its inclusion in the General Register of Gaming Licences.

The award of the general licence will be conditional on the presentation, within the non-extendable period of four months from the date of notification to the interested part of the award of the licence, of a final report or reports certifying the technical gaming systems and their subsequent approval by the National Gaming Commission, within the period and in accordance with the procedure referred to in Article 8.1 of Royal Decree 1613/2011, of 14 November, implementing Law 13/2011 of 27 May on the regulation of gaming, regarding the technical requirements of gaming activities.

5. The National Gaming Commission may request reports from other administrations or public bodies, on the aspects of their competence, before it awards or denies the general licence. Specifically, it will request a report from the Executive Service of the Commission for the Prevention of Money Laundering and Monetary Offences regarding the suitability of the procedures of the licence applicant for preventing money laundering and terrorist financing, and other matters within its competence. This report will be issued within a non-extendable period of ten days and will not halt the resolution of the case.

6. The resolution to award the general licence will have the content established in Article 10.3 of Law 13/2011 of 27 May on the regulation of gaming, in the regulations which implement it, in the rules of the notification, and at least, the following:

- a) Identification, address, and share capital of the authorised corporation.
- b) Identification of the mode and duration of the general licence.
- c) Territorial scope of the general licence.
- d) Media and channels used to market the games.
- e) Where applicable, authorisation to carry out advertising or promotion.
- f) The essential elements for the location and provision of the technical gaming systems.

Section 3. Specific licences

Article 17. *Specific licence application and award procedure.*

1. Holders of a general licence for a given mode of gaming may apply to the National Gaming Commission for one or more specific licences for each type of game which falls under that mode, whose basic rules have been published.

The National Gaming Commission, subject to the rulings of this Article, will establish the specific licence application and award procedure.

2. Specific licences may be requested by a general licence holder at any time, as long as the general licence is still valid.

Where thus established in the notification for the award of general licences, an application for a specific licence can be submitted at the same time as an application for the general licence, and will be conditional on the award of the general licence.

3. Applications for a specific licence must include accreditation of compliance with the requirements in the basic game regulations, the game projects to be drawn up by the interested party based on the specific licence applied for, and the specific rules of each project.

Applications for a specific licence must be accompanied by a technical project detailing the fundamental aspects of the technical system to be used for operating the licensed gaming activities, and by the documentation specified by the National Gaming Commission in the procedure referred to in part 1 of this Article.

Specific licence applicants must pay the fee indicated in Article 49 of Law 13/2011 of 27 May on the regulation of gaming and submit a copy of the payment receipt with their application.

4. As part of the specific licence award procedure, the interested party must seek a provisional report certifying its technical gaming systems for which the licence is sought, in the terms and with the content established in Royal Decree 1613/2011, of 14 November, implementing Law 13/2011 of 27 May on the regulation of gaming, regarding the technical requirements of gaming activities and the provisions of the National Gaming Commission.

The interested party will submit to the National Gaming Commission a favourable report or reports certifying its technical gaming systems, within four months from the date of notification of the provisional award of the specific licence, in order to proceed to its approval.

5. Within the period established in Article 10 of this Royal Decree, and subject to compliance by the applicant with the requirements of the applicable regulations, the National Gaming Commission will provisionally award or reject the specific licence, giving its reasons and, in the case of provisional award, provide for its inclusion in the General Register of Gaming Licences.

The provisional award of the specific licence will be dependent upon the attainment, within a non-extendable period of six months from notification to the interested party, of the final approval referred to in Article 11 of Royal Decree 1613/2011, of 14 November, implementing Law 13/2011 of 27 May on the regulation of gaming, regarding technical requirements for gaming activities.

In any case, provisional licences will expire once the period indicated above has elapsed, without the need for any specific ruling by the National Gaming Commission.

6. Once a positive report is issued for the technical gaming system within the stipulated time, the operator will forward it to the National Gaming Commission for evaluation. If the report is favourable, the National Gaming Commission will approve the specific licence and officially change its entry from provisional to final, and publish it on its website.

If the report is not approved, the National Gaming Commission will order the suspension of operator activity, adopting the necessary measures to prevent any harm to participants and to public interest.

7. The provisional award of the specific licence authorises the operator to begin the licensed gaming activity.

8. If, during the validity period of the specific licence, there are changes to any of the circumstances reported in the application which were deemed relevant to the award, the operator must report the new circumstances within 48 hours to the National Gaming Commission, which will take the measures it deems necessary to protect participants and public interest.

Article 18. *Specific licence application and basic game regulation.*

1. Operators interested in the development and operation of a game type without basic regulation may request its regulation from the National Gaming Commission.

When it receives such a request from an interested party, the National Gaming Commission will begin the corresponding procedure, interviewing the interested parties and any bodies it deems relevant to determine the advisability of regulating the requested game.

The National Gaming Commission will issue a reasoned resolution on the request within six months from the date it was received.

2. The National Gaming Commission will transfer its final decision approving the request of the interested party to the Minister of Economy and Finance so that the Ministry may proceed, if deemed appropriate, to regulate the proposed game. The National Gaming Commission will accompany its decision with a proposed basic game regulation.

3. The National Gaming Commission may also request the Ministry of Economy and Finance, providing justifications, to regulate a certain type of game. In this case, the request of the National Gaming Commission will be accompanied by a proposed basic regulation of the corresponding game.

CHAPTER III

Permits

Article 19. *Scope and limits of the permit.*

1. In accordance with Article 12 of Law 13/2011 of 27 May on the regulation of gaming, the operation of occasional or one-off gaming activities at state level will be subject to prior authorisation by the National Gaming Commission.

2. The National Gaming Commission, in accordance with the Article cited above, may set limits regarding the value of prizes in games subject to a permit. This limit may be established generally, in a specific provision, or in the decision to award the permit.

Article 20. *Documentation to be submitted with the permit application.*

1. Parties interested in operating occasional or one-off gaming activities must submit an application in accordance with Article 4 of this Royal Decree, clearly indicating the type of game they wish to run, the rules of the game, the medium through which it is to be marketed, its regional scope, prize amount, entry fee, and, where applicable, an application for an advertising or promotional permit.

2. Applicants for permits must pay the fee indicated in Article 49 of Law 13/2011 of 27 May on the regulation of gaming, and provide proof:

- a) That the gaming activity they intend to operate satisfies the principles established in the Ministerial Order governing the game in question.
- b) That they are not involved in any of the cases described in Article 13.2 of Law 13/2011 of 27 May on the regulation of gaming.
- c) That they have sufficient economic solvency to pay out all prizes and the technical capacity to correctly operate the game.

3. The National Gaming Commission may establish additional requirements and conditions for permit applications within the framework of the general rules of one-off games.

Article 21. *Procedure and resolution deadline.*

1. Permit applications will be processed in accordance with Law 13/2011 of 27 May on the regulation of gaming, this Royal Decree and the basic game regulations, and secondarily, with the provisions of Law 30/1992 of 26 November on the Legal System for Public Administrations and Common Administrative Procedure and its implementing regulations.

2. The Board of the National Gaming Commission, within one month from submission of the application, will issue a reasoned decision awarding or denying the requested permit.

3. If the above term should expire without the Board of the National Gaming Commission announcing the permit award, the application will be considered rejected by implication.

Article 22. *Content of the resolution.*

1. The resolution granting the permit will include the requirements established by the National Gaming Commission and, at least, the following:

- a) Identification, address, and, where applicable, share capital of the authorised individual or corporation.
- b) Identification of the mode of game and game rules. c) Date of the authorised game or event.
- d) Regional scope of the permit.
- e) Medium used for marketing the game.
- f) Fee to be paid by participants in the game.
- g) Conditions and number of prizes payable for the authorised game, and where applicable, limits established in relation to prize amounts.
- h) Authorisation to carry out advertising or promotion.
- i) The systems, procedures, or mechanisms set up, depending on the nature of the authorised game, to prevent access by persons prohibited by any of the subjective prohibitions established in Article 6 of Law 13/2011 of 27 May on the regulation of gaming, particularly those concerning the verification of the age of participants.

Article 23. *Appeals.*

Interested parties may lodge a discretionary appeal for reversal to the Board of the National Gaming Commission against the express resolution or the rejection by implication referred to in Article 21.3 of this Royal Decree, in accordance with Law 30/1992 of 26 November on the Legal System for Public Administrations and Common Administrative Procedure, or a contentious-administrative appeal in accordance with the regulations of that jurisdiction.

CHAPTER IV

Authorisation to operate lottery games

Article 24. *Authorisation to market ongoing lottery games.*

1. Authorisation for the ongoing operation, management and marketing of lottery games is the responsibility of the Minister of Economy and Finance.

2. The Minister of Economy and Finance may also change this authorisation after a report by the National Gaming Commission.

3. The National Gaming Commission may issue regulations implementing as many aspects as necessary in relation to the marketing of lottery games in order to fulfil its responsibilities.

Article 25. *Authorisation procedure for the marketing of ongoing lottery games.*

1. Operators legally appointed to market lottery games will apply to the Minister of Economy and Finance for the corresponding permit or, where applicable, modification of an existing permit.

This application will be accompanied by a reasoned report indicating economic predictions for the game, including a three-year business plan, its predicted impact on games already authorised and operating, any possible influence on gambling addiction, and the proposed instruments and measures to prevent fraud, money laundering, and terrorist financing, as well as for the protection of minors and people with addictions. Operators will also provide a business plan taking into account the principles of responsible gaming, employee training, distribution channels, and the design of the games for which authorisation is requested.

2. On receipt of the application, the Ministry of Economy and Finance will require the National Gaming Commission to report the application within a period of fifteen days from receipt of the requirement in its register.

Once the report is issued by the National Gaming Commission, the Minister of Economy and Finance will accept the application or reject it, providing reasons, within three months.

3. Lottery game authorisations will set conditions for managing the games, including at least:

- a) The minimum and, where applicable, maximum amount assigned to prizes.
- b) The conditions and requirements for draws, where applicable, setting their number or the number of instant or pre-drawn lottery campaigns.
- c) The participants' rights and claim procedures.
- d) Measures for the protection of minors and people with addictions and for preventing fraud, money laundering, and terrorist financing, according to the provisions of Law 10/2010 of 28 April.
- e) The inspection and control procedure of the National Gaming Commission.

4. The Ministry of Economy and Finance will notify the National Gaming Commission of the award of the authorisation or, where applicable, modification of an already registered authorisation, for registration purposes.

For the purposes of publication in the Special Permits Section of the General Register of Gaming Licences, the National Gaming Commission will register or modify the authorisation to market lottery games or the modification of an existing authorisation within thirty days from the day after notification.

5. At the operator's request, the authorisation may include permission for advertising, promotion or sponsorship activities in relation to the authorised lottery games and will set the terms and conditions applicable to such activities, including, where relevant, spending limits on advertising.

6. The Minister of Economy and Finance will issue a reasoned decision awarding or denying the permits within six months from the date the application was included on the corresponding register.

If the above period should expire without a specific resolution being issued and notified, the application will be understood to be rejected by implication.

7. Interested parties may lodge a discretionary appeal for reversal to the Minister of Economy and Finance in accordance with Law 30/1992 of 26 November on the Legal System for Public Administrations and Common Administrative Procedure, or a contentious-administrative appeal in accordance with the regulations of that jurisdiction.

Article 26. *Authorisation for the marketing of lottery games beyond the state level.*

1. The Minister of Economy and Finance, having notified the National Gaming Commission, is responsible for issuing authorisations to market lottery games with a regional scope not limited to the state level and, in particular, for:

- a) Operating, managing and marketing lottery games jointly or in coordination with licensed operators from other states.
- b) Operating, managing and marketing lottery games marketed in Spain in other states.
- c) Operating, managing and marketing by operators authorised in Spain of the lottery games of operators authorised in other states.

The Minister of Economy and Finance, having notified the National Gaming Commission, is also responsible for any modifications to these authorisations.

2. Operators authorised to market lottery games will apply to the Minister of Economy and Finance for the corresponding permit or, where applicable, modification of an existing permit.

This application will be accompanied by a reasoned report indicating economic predictions for the game applied for, including a three-year business plan, its predicted impact on games already authorised and operating in Spain, any possible influence by the relevant game on gambling addiction, and the proposed instruments and measures to prevent fraud, money laundering, and terrorist financing, as well as for the protection of minors and people with addictions. Operators will also provide a business plan taking into account the principles of responsible gaming, employee training, distribution channels, and the design of the games for which authorisation is requested.

Authorised operators will also include all agreements, contracts, collaboration or coordination arrangements reached with operators authorised in other states, and any others intended to market their games in other states or to market the games of operators authorised in other countries in Spain.

3. On receipt of the application, the Ministry of Economy and Finance will require the National Gaming Commission to report the application within a period of fifteen days from the day after receipt of the requirement.

Once the report is issued by the National Gaming Commission, the Minister of Economy and Finance will accept the application or reject it, providing reasons, within six months from the date of recording the application in the relevant register.

If the above period should expire without a specific resolution being issued and reported, the application will be understood to be rejected by implication.

4. Interested parties may lodge a discretionary appeal for reversal to the Minister of Economy and Finance in accordance with Law 30/1992 of 26 November on the Legal System for Public Administrations and Common Administrative Procedure, or a contentious-administrative appeal in accordance with the regulations of that jurisdiction.

5. Lottery game authorisations will set the duration and conditions for managing the games, including at least:

a) The minimum and, where applicable, maximum amount assigned to prizes.

b) Where applicable, the percentage of authorised operator participation in the lottery game it operates jointly or in coordination with authorised operators from other states or, where applicable, the mechanisms and instruments for determining the level of authorised operator participation in the game.

c) Where applicable, the conditions and requirements for marketing the lottery game authorised in Spain in other states.

d) Where applicable, the conditions and requirements to be satisfied for marketing a lottery game from another state in Spain.

e) The conditions and requirements for draws, where relevant, the specified number of such draws, and the requirements to be met by those held outside Spain, where applicable, or the prize breakdown for instant or pre-drawn lotteries.

f) The rights of participants in Spain, the means and conditions for paying out of prizes, and procedures for claims.

g) Measures for the protection of minors and people with addictions and for preventing fraud, money laundering, and terrorist financing, according to the provisions of Law 10/2010 of 28 April.

h) The inspection and control procedure of the National Gaming Commission.

6. The Ministry of Economy and Finance will notify the National Gaming Commission of the award of the permit for registration purposes.

For the purposes of publication in the Special Permits Section for lotteries of the General Register of Gaming Licences, the National Gaming Commission will register or modify the permit within thirty days from the day after notification of the award or modification of a permit.

7. At the operator's request, the authorisation may include permission for advertising, promotion or sponsorship activities in relation to the authorised lottery games and will set the terms and conditions applicable to such activities, including, where relevant, maximum spending limits on advertising.

Article 27. *Exceptional authorisation to market occasional lottery games.*

1. The Minister of Economy and Finance, having notified the National Gaming Commission, is responsible for exceptional permits authorising the occasional development, management, and marketing of lottery games by non-profit and charitable entities.

2. For the purposes of this Royal Decree, non-profit or charitable entities are understood to be those entities which, included in the corresponding register, meet the requirements of Article 3 of Law 49/2002 of 23 December on the tax system of non-profit entities and tax incentives for sponsorship, and which according to their bylaws work for charitable, welfare, or educational purposes.

3. Non-profit and charitable entities interested in the occasional development, management and marketing of a given lottery game must apply for an exceptional authorisation from the Minister of Economy and Finance. In addition to documentation accrediting the entity's status as a non-profit, charitable organisation, applications must include a detailed economic report showing the economic predictions for the game for which authorisation is sought, how the profits earned from it will be used, the proposed rules that will regulate the game, the total value of the tickets or their electronic equivalent to be issued, the form and channels to be used for ticket sales, the schedule of prizes of the game, and the planned date, time and location of the corresponding draw or event.

4. On receipt of the application, the Ministry of Economy and Finance will require the National Gaming Commission to report the application within a period of fifteen days from the day after receipt of the requirement.

Once the report is issued by the National Gaming Commission, the Minister of Economy and Finance will accept or reject the application of the interested entity, providing reasons, within three months.

5. The authorisation, where applicable and with any necessary modifications, will approve the specific rules of the authorised lottery and will establish the conditions for managing the game, to include at least:

- a) The total value of the tickets or their electronic equivalent issued for the authorised draw or event, or the elements of an instant or pre-drawn lottery.
- b) The percentage of revenue to be set aside as prize money.
- c) The conditions and requirements for the authorised draw or event or scheduled instant or pre-drawn lottery.
- d) The form and channels for marketing the issued tickets.
- e) The rights of participants and procedures for claims.
- f) The region in which the lottery game is to be marketed.
- g) Measures to protect minors and people with addictions and to prevent fraud, money laundering, and terrorist financing, according to Law 10/2010 of 28 April.

6. The Minister of Economy and Finance will issue a reasoned decision awarding or denying the permits within six months from the date the application was included on the corresponding register.

If the above period should expire without a specific resolution being issued and notified, the application will be understood to be rejected by implication.

7. Interested parties may lodge a discretionary appeal for reversal to the Minister of Economy and Finance in accordance with Law 30/1992 of 26 November on the Legal System for Public Administrations and Common Administrative Procedure, or a contentious-administrative appeal in accordance with the regulations of that jurisdiction.

8. The Ministry of Economy and Finance will notify the National Gaming Commission of the award of the permit for registration purposes.

For the purposes of publication in the Special Permits Section for lotteries of the General Register of Gaming Licences, the National Gaming Commission will register or modify the permit within thirty days from the day after notification of the award of a permit for occasional lottery marketing.

9. At the operator's request, the authorisation may include permission for advertising, promotion or sponsorship activities in relation to the authorised occasional lottery games and will set the terms and conditions applicable to such activities.

Article 28. *Transfer of authorization.*

Authorisations for marketing lottery games may not be assigned to or used by third parties. Permits may be transferred, having notified the National Gaming Commission and with the approval of the Minister of Economy and Finance, only in cases of mergers, splits, or the contribution of a line of business as a result of business restructuring, without prejudice to the approval of the National Competition Commission if the above operations should constitute market concentrations as defined by Law 15/2007, of 3 July, on fair competition.

Article 29. *Expiry of authorisation.*

1. An authorisation to market lotteries will be terminated by a written renouncement by the authorised operator and by resolution of Minister of Economy and Finance specifying the existence of one of the following causes for termination:

- a) The loss of all or any of the conditions for which it was issued.
- b) The dissolution or extinction of the company holding the authorisation, final discontinuation of the authorised activity, or lack of activity during the minimum period set in the authorisation.
- c) A declaration of bankruptcy or declaration of insolvency in any other proceeding.
- d) Imposition as a sanction as part of a disciplinary proceeding.
- e) Failure to comply with the essential conditions of the authorisation.
- f) Assigning or transferring the authorisation through mergers, splits, or contribution of a line of business, without previous approval by the Minister of Economy and Finance.
- g) Obtaining an authorisation under false pretences or alteration of the conditions under which it was issued, after a hearing with the interested party, if applicable.

2. The exceptional authorisation referred to in Article 27 of this Royal Decree will expire after the draw or event is held or after the conclusion of the authorised instant or pre-drawn lottery campaign, without prejudice to the fulfilment of the obligations of the authorised operator after the draw or event or at the end of the period established for the marketing of the instant or pre-drawn lottery product.

Article 30. *Collaborators in marketing lottery products.*

1. Individuals or corporations which are not part of the external sales network of operators appointed to carry out activities reserved under Law 13/2011 of 27 May on the regulation of gaming, which market or take part in the marketing of lottery games, must be specifically

authorised to market the game by the operator appointed to carry out those activities, except for third parties, who market lottery products according to traditionally accepted use and practice, under the exclusive responsibility of the managers of that external network.

2. Sellers without authorisation may incur a penalty for commission of a very serious infringement as established in Article 39 (g) and (h) of Law 13/2011 of 27 May on the regulation of gaming, or a serious infringement, as established in Article 40 (l) of that Law.

3. Operators appointed to carry out activities reserved under Law

13/2011 of 27 May on the regulation of gaming must provide the National Gaming Commission, at the intervals it specifies, with a list of persons or bodies authorised to market its reserved products.

TITLE II

Guarantees in the development of gaming relationships

CHAPTER I

Relations between operators and participants

Article 31. *Gaming contract.*

1. The gaming contract is a membership contract and is concluded by the participant's express acceptance of its clauses.

2. Express acceptance of the gaming contract by the participant may be expressed in any legally valid form. In all cases, justification and a copy of it must be kept by the gaming operator.

3. The participant must expressly accept any subsequent amendment to the gaming contract.

4. Through the user account, the operator will provide the player with a copy of the initial gaming contract and any subsequent amendments, and electronic signature tools as necessary for signing it and for any subsequent development of the legal relationship.

5. The relationship between the participant and the operator formalised by the gaming contract constitutes a private relationship, and thus any disputes or controversies that may arise between them will be subject to the Spanish civil courts and tribunals, without prejudice to the imposition of penalties by the National Gaming Commission in the scope of its powers.

Article 32. *Content of the gaming contract.*

1. The gaming contract will contain at least the content established by the National Gaming Commission and, in all cases:

- a) Participant identity details.
- b) Purpose of the contract.
- c) User and gaming account activation procedure.
- d) Operations that may be carried out through the user and gaming accounts.
- e) List of additional services offered to the participant, with their price and means of payment.
- f) Participant rights and obligations.

- g) Operator obligations, responsibilities and rights.
- h) Forms of cancellation, termination, or, where applicable, suspension of the gaming contract and the effects of cancellation, termination, or suspension of user or gaming accounts.
- i) Validity and term of the contract.
- j) Processing of personal data.
- k) Treatment of inactive user accounts and the procedure for their reactivation in the event of suspension.

2. The National Gaming Commission may develop the content established above and introduce requirements, justified by objective and correctly motivated reasons. It may also issue instructions regarding any clauses in the gaming contract that might be considered abusive or prejudicial to participants or harmful to public interest.

3. In accordance with Article 19.3 of Law 13/2011 of 27 May on the regulation of gaming, the Minister of Economy and Finance may approve the gaming contract forms which gaming operators may choose to use on a voluntary basis.

Article 33. *Operator obligations in the relationship with participants.*

1. During the validity of the gaming contract, the operator must:

- a) Regularly check, at least once a year, and according to the procedures established by the National Gaming Commission, that participants who hold user accounts are not listed in the General Register of Gaming Access Bans. Also, operators must adopt specific measures to monitor participants who have requested to be excluded from taking part in certain games.
- b) Keep the gaming contract for six years after the cancellation of a user account, taking all necessary measures to protect the data of the participant.
- c) Request the express consent of the participant to extend the contractual relationship in the event of a unilateral amendment of the contract or novation.
- d) Keep analytical reports of all movements related to the player's gaming account and of all bets placed for six years.
- e) At the intervals specified by the National Gaming Commission, check regularly that the gaming account is being used correctly, notifying the National Gaming Commission and the Executive Service of the Commission for the Prevention of Money Laundering and Monetary Offences of any possible breaches or anomalies detected in its use as soon as they are detected.
- f) Immediately record all gaming account operations involving debits and credits, including all identifying elements, particularly in relation to bets, winnings, returns, revenues, reimbursements or bonuses received.
- g) Pay out all prizes in accordance with Article 38 of this Royal Decree.
- h) Provide the National Gaming Commission with the identification details of any participants who may pose a risk of collusion or who have used credit cards fraudulently on their gaming account.

2. The operator may suspend as a precautionary measure any participant who, in its judgement, has engaged in collusive or fraudulent behaviour or allowed the use of their user account by third parties, until the facts can be proven. After checking the facts, if the operator has sufficient evidence to consider it proven that the participant has committed fraud,

collusion, or allowed third parties to access their account, the contract will be unilaterally terminated and this event and all the evidence gathered reported to the National Gaming Commission.

Article 34. *Participant obligations.*

During the validity of the gaming contract, the participant must:

- a) Not change the regular operation of games.
- b) Adopt behaviour based on honesty and respect towards other participants and the gaming operator.
- c) Comply with the rules and regulations relating to participants established in the basic game regulations.
- d) Not allow third parties to use their user account or facilitate any unauthorised use of it.
- e) Not make any transfers to the gaming accounts of other players.

Article 35. *User and gaming accounts.*

1. To take part in games that require participant identification, the participant must have accepted the relevant gaming contract and hold a user account linked to it.

The active user account will be unique and will have the content and characteristics described in Article 26 of Royal Decree 1613/2011, of 14 November, implementing Law 13/2011 of 27 May on the regulation of gaming, regarding technical requirements for gaming activities.

Through their user account, participants may make queries and carry out gaming operations, and in all cases will have access in real time to the balance of their linked gaming account and the records of all entries or bets placed from at least the last thirty days.

The gaming operator may access the user account only for the management procedures strictly necessary to ensure its correct functioning.

2. The gaming account is linked to the user account, accrues no interest, and shows all economic transactions relating to gaming activities and to the additional services offered by the gaming operator. The gaming account currency will be euros.

The gaming account will show deposits by the participant, charges for game participation fees and for any additional services offered by the operator, and the deposit of any bonuses offered by the operator. The gaming account will also show entitlement to credit on the value of prizes won by the participant.

Participants may require the operator to transfer the balance of the gaming account and any prizes won to their bank account, through any of the means of payment offered by the operator, at no additional cost.

The operator must order the relevant means of payment to transfer the funds within twenty-four hours.

Failure to comply within the above period may be justified only by an exceptional cause, of which the National Gaming Commission must be notified in advance.

3. User and gaming accounts will be cancelled upon termination of the gaming contract to which they are linked and in the event of failure to verify the data referred to in Article 26 of Royal Decree 1613/2011, of 14 November, implementing Law 13/2011 of 27 May on the regulation of gaming, regarding the technical requirements of gaming activities.

Article 36. *Limits on deposits.*

1. Gaming operators must establish economic limits on the deposits which each participant in the different games can make each day, week or month. These limits may not be higher than the amounts shown in Appendix II of this Royal Decree.

The National Gaming Commission may issue provisions, after issuing the relevant technical and legal reports, modifying Appendix II.

2. Gaming operators must offer participants the option of voluntarily setting limits on their deposits of amounts lower than those generally applicable. Each participant may make such a request expressly and individually. Gaming operators must grant these requests immediately, and therefore must have and offer participants the technical systems needed for these self-imposed limits.

3. Each participant, expressly and individually, may request the gaming operators to increase the deposit amount limits or to remove any limit they had established for their deposit account, above the amounts described in the first paragraph of this Article. These requests may be granted by the operators if the following conditions are met:

a) When it is the first request by a participant to increase or remove any limits, the participant must pass the gambling addiction and responsible gaming tests established for that purpose by the National Gaming Commission. After the tests are passed the new limits will come into effect after seven days.

b) In the case of the second or subsequent request by the same participant to increase limits, the operator must analyse the aspects of the participant's gaming records established by the National Gaming Commission, which will relate to their profile, their form of participation in the games, and whether they show any sign of addictive behaviour in relation to gaming. The new limits will come into force three days after this study returns a favourable result.

c) No increase in the limits established by the participant may be requested if three months have not elapsed since the last change to the self-imposed limits.

The National Gaming Commission will supervise the limit increase procedures, and for this purpose, may request any documentation it deems pertinent from the operators in order to check the processes followed.

CHAPTER II

Payment for participation in games, payout of prizes and obligations related to gaming funds

Article 37. *Game participation fees.*

1. The fees to be paid by participants for participation in games, and deposits in user accounts, will be paid as established by the operator in the specific rules of each game. The operator will provide clear information on the means of payment accepted for deposits and payments.

2. The means of payment established by the operator in the specific game rules may not imply the issue of loans of any kind, or any other form of credit.

3. Participation in games using means other than a simultaneous cash deposit when making a payment may have the amounts limited by the National Gaming Commission.

4. If, due to the suspension of a game or for any other reason that prevents its development, the operator has to reimburse amounts paid by participants, this reimbursement will be through the same means of payment used by the participant, unless the rules and conditions applied by the means of payment do not allow reimbursements. In such cases, the operator must inform the participants of the limitations affecting the means of payment regarding reimbursements.

In any case, under no circumstances may the means used for reimbursements imply any additional cost or obligation to the participant.

Article 38. *Payout of prizes.*

1. The operator will pay out prizes using the payment procedure and means established in the specific game rules, and offer participants the option of receiving the prizes through the same means they used for participation in the game, unless the rules and conditions applied by the means of payment do not allow prizes to be paid out. In such cases, the operator must inform the participants of the limitations affecting the means of payment regarding prize payouts.

In any case, whatever means are used for paying out prizes, the payment may not imply any additional cost or obligation to the winning participant.

2. Before paying out prizes won by participants, in cases where they did not use a gaming account with the controls involved in opening one, the operator must verify that the participants are not affected by any of the subjective prohibitions referred to in Article 6.2(a), (b), and (c) of Law 13/2011 of 27 May on the regulation of gaming.

The operator may only pay out prizes won by participants who are not affected by any subjective prohibition.

The National Gaming Commission will establish the procedure to be followed by operators for reporting cases in which a participant affected by a subjective prohibition wins a prize, and any measures to be adopted by operators in such cases.

3. In the case of lottery products acquired over the counter, the control set out in point two of this Article will be carried out in accordance with the rulings of the National Gaming Commission.

Article 39. *Operator obligations in relation to participant funds.*

1. In relation to the funds deposited by participants in their gaming accounts, operators must:

a) Hold one or more current bank accounts in Spain into which they will pay the amounts deposited in order to participate in the games. These accounts will be exclusive and separate from any other accounts the operator may hold, and must be identified to the National Gaming Commission before gaming activities begin. These accounts must guarantee strict compliance with regulations and protocols for the prevention of fraud, money laundering and terrorist financing, in accordance with Law 10/2010, of 28 April, on the prevention of money laundering and terrorist financing, and the regulations implementing it.

b) Not set aside any amounts deposited into the account referred to above for purposes other than the regular operation of games.

c) Limit powers for the availability of funds in the said account and submit to the National Gaming Commission details of all authorised persons, establishing maximum daily availability limits.

2. The operator shall also implement and report to the National Gaming Commission a procedure which, through the involvement of a financial or insurance entity, guarantees the correct availability of funds deposited into the account referred to in subparagraph a) of the previous point and prevents any unauthorised or improper use thereof.

3. The National Gaming Commission may establish additional conditions in relation to the funds deposited by participants and issue instructions for the fulfilment of the obligations in this article, including the possibility of implementing alternative control measures.

CHAPTER III

Guarantees required of gaming operators

Article 40. *Guarantees related to general licences.*

1. In accordance with Article 14 of Law 13/2011 of 27 May on the regulation of gaming, operators who obtain a general licence must provide a guarantee of compliance with the obligations established in Law 13/2011 and the regulations implementing it.

2. The guarantee associated with the general licence will cover all operator obligations in relation to the development, operation, and management of games, and especially those relating to the payout of prizes, to any responsibilities deriving from penalties, to the payment of gaming fees accrued and not paid immediately, and to the fulfilment of additional obligations which, depending on the gaming mode, are established in the notification or in the resolution awarding the licence.

Article 41. *Guarantees related to specific licences.*

1. In accordance with Article 14 of Law 13/2011 of 27 May on the regulation of gaming, depending on the type of game, the National Gaming Commission may establish the obligation to provide an additional guarantee relating to the award of a specific licence under the conditions and limits established in the Ministerial Orders approving the regulation of the specific game type.

2. The amount of the guarantees associated with specific licences depends on the fulfilment of the general obligations of the operator referred to above, and in particular, the specific obligations regarding the payout of prizes for the type of game, and fulfilment of any other obligation on the operator regarding the type of game, as established in Article 14 of Law 13/2011 of 27 May on the regulation of gaming.

Article 42. *Provision of guarantees.*

1. Guarantees related to general licences must be submitted with the licence application.

2. In the cases of transfer of licence referred to in Article 9.3 of Law 13/2011 of 27 May on the regulation of gaming and in Article 6 of this Royal Decree, the new licence holder must provide a new guarantee within three days of notification of the resolution authorising the licence transfer.

3. Failure to provide the guarantee, provision of the guarantee after the established period, or the guarantee becoming ineffective constitute grounds for rejection or termination of the associated authorisation.

Article 43. *Provision of the guarantees.*

1. Guarantees may consist of:

- a) Cash, deposited in the account set up for the purpose by the National Gaming Commission, following its instructions.
- b) Mortgage on properties located in Spain.
- c) Guarantees issued by credit agencies or mutual guarantee companies authorised to operate in Spain.
- d) Surety bonds issued by insurance firms authorised to operate in Spain.

2. Cash guarantees, as referred to in (a) above, must consist of legal tender in Spain and will not accrue any interest.

3. The guarantee will be provided, expressly waiving the benefits of division, order and excussion, on first demand and in favour of the National Gaming Commission, enforceable in Spain and irrevocable. Bank guarantees and sureties will be deposited with the National Gaming Commission.

4. Guarantees will not be considered valid until their amount and their fulfilment of the requirements of this Article are considered sufficient by the National Gaming Commission. For this purpose, the National Gaming Commission will rule on the sufficiency of the guarantee provided in one month from its provision or modification by the operator. After this period, if the National Gaming Commission has not ruled on the sufficiency of the guarantee provided, it will be considered sufficient, without prejudice to any change to its amount which might be necessary.

Article 44. *Value of guarantees.*

1. The value of guarantees associated with general licences will be the result of applying the terms and quantities established for each game mode in Appendix I of this Royal Decree.

2. The value of guarantees linked to specific licences will be determined, where applicable, by the National Gaming Commission, with the limits established in the Ministerial Orders approving the basic regulations of the game type, and proportionate to the obligations to be covered.

3. The effective guarantees provided by the operator will be the sum of the amounts associated with the general or specific licences it holds, in accordance with Appendix I of this Royal Decree.

4. The value of the guarantees referred to in section one of this article will be updated annually according to the average rise in the consumer price index published by the National Statistics Institute, if and when the licence is extended.

The National Gaming Commission will publish the updated amounts every year.

Article 45. *Validity, cancellation, withholding and execution of guarantees.*

1. The operator must maintain the validity of the guarantees at all times and keep their value updated, in accordance with section 4 of the above Article.

The operator must provide proof that the guarantee is currently valid and that its value is up to date. A lack of accreditation of the validity or updated value of the guarantee, after a requirement to this effect by the National Gaming Commission, will lead to the withdrawal of the authorisations associated with the guarantee.

2. After the termination of the licence associated with the guarantee, providing there are no known pending obligations or responsibilities that would affect the guarantee, the National Gaming Commission will return the guarantee, at the request of the interested party, having first settled any outstanding payments.

3. If the licence applied for is not awarded, or if the licence associated with the guarantee is revoked, the Chairman of the National Gaming Commission, after notifying the interested party and, where applicable, the relevant credit institution or insurance firm, will return the guarantee.

4. The execution of the guarantees will first require the National Gaming Commission to begin a procedure which will include a hearing with the interested party. In this procedure, proof should be provided that:

a) That there has been no suspension of the executability of the decree of breach by the liable party, if they have lodged an administrative appeal, or that the decree is firm where the guaranteed obligation consists of paying an administrative penalty, in accordance with Articles 111 and 138.3, respectively, of Law 30/1992 of 26 November on the Legal System for Public Administrations and Common Administrative Procedure.

b) The amount of the guarantee to be forfeited.

c) The previous notification of the interested party of the intention to request forfeiture, for the purposes of the hearing. For these purposes, the interested party may be the guarantor bank, insurance company or mutual guarantee company, or the gaming operator, and both will be given ten days in which to present their arguments and the documents and evidence they deem relevant, in accordance with Article 84 on the Legal System for Public Administrations and Common Administrative Procedure.

TITLE III

Gaming Registers

CHAPTER I

Common provisions

Article 46. *Gaming industry registers.*

1. In accordance with Article 22 of Law 13/2011 of 27 May on the regulation of gaming, the National Gaming Commission includes and controls the General Register of Gaming Licences, the General Register of Gaming Access Bans and the Register of People Linked to Gaming Operators.

2. The content of these gaming industry registers is not public, and their data may be communicated exclusively for the purposes set out in Law 13/2011 of 27 May on the regulation of gaming. The processing of the personal data in the files and registers referred to in this article, for the purposes set out in Law 13/2011 of 27 May on the regulation of gaming, will not require the consent of the owners.

4. The gaming industry registers will be stored on a computer system, in the conditions established by the National Gaming Commission, which must guarantee the functions for which it was created.

5. The National Gaming Commission and the competent bodies of the Autonomous Regions may agree, through collaboration agreements, to interconnect their gaming registers and share data and tax information, in full compliance with regulatory provisions on the protection of personal data.

The National Gaming Commission will periodically send the State Tax Administration Agency the data it holds which may be relevant for administration of the Tax on Gaming Activities, and a collaboration agreement may be established between the bodies for that purpose.

Article 47. *Inclusion, modification and cancellation of data.*

1. The inclusion, modification and cancellation of data contained or to be included in the gaming industry registers will be agreed by resolution of the National Gaming Commission.

2. The National Gaming Commission will approve the procedure for the inclusion, modification, and cancellation of data, and for making them public.

CHAPTER II

General Register of Gaming Licences

Article 48. *Purpose of the General Register of Gaming Licences.*

In accordance with Article 22 of Law 13/2011 of 27 May on the regulation of gaming, the General Register of Gaming Licences will be used to provisionally register entities participating in tenders for the award of general licences, and provisionally or permanently register entities which have already obtained a licence to carry out gaming activities.

The General Register of Gaming Licences will also include entries for the authorisations referred to in section 2 of Additional Provision One of Law 13/2011, of 27 May, on the regulation of gaming.

Article 49. *Structure of the General Register of Gaming Licences.*

The General Register of Gaming Licences will consist of two ordinary sections and two special sections:

a) The Ordinary Section for General Licences, used for the permanent inclusion of data on general licence holders.

b) The Ordinary Section for Specific Licences, used for the provisional or permanent inclusion of data on specific licence holders.

c) The Special Bidders' Section, used for the provisional inclusion of those interested in participating or bidding in general licence tenders.

d) The Special Section on Lottery Game Authorisations, used for the inclusion of data on the holders of authorisations referred to in section 2 of Additional Provision One of Law 13/2011 of 27 May on the regulation of gaming.

Article 50. *Provisional inclusion.*

1. The National Gaming Commission may make provisional entries in the Special Bidders' Section and in the Ordinary Section for Specific Licences.

2. Entities interested in participating in general licence tenders must request a provisional entry in the Special Bidders' Section of the General Register of Gaming Licences.

An entry in the Special Bidders' Section may be requested by corporations with the status of limited company, or similar, whose sole purpose is the organisation, marketing and operation of games.

For provisional inclusion, entities must be listed in the Companies Register, or in an equivalent register for foreign companies if registration is required in their home country, and must not be affected by any of the causes of exclusion indicated in Article 13.2 of Law 13/2011 of 27 May on the regulation of gaming.

The National Gaming Commission, within fifteen days from the presentation of the application, and after reviewing the accrediting documentation, will issue its approval or rejection, providing reasons, for the provisional inclusion of the interested party. If after this period no agreement has been reached, the application will be understood to be accepted.

Interested parties may file an appeal against this decision with the National Gaming Commission, in accordance with the provisions of Law 30/1992 of 26 November on the Legal System applicable to Public Administration and the Common Administrative Procedure, or an appeal under the contentious-administrative jurisdiction in accordance with the law of that jurisdiction.

Provisional entries will expire on approval of inclusion of the corresponding general licence.

3. Provisional entries in the Ordinary Section for Specific Licences will be approved by the National Gaming Commission in the case referred to in Article 17.5 of this Royal Decree.

The National Gaming Commission will agree ex officio to change provisional entries to permanent entries with the final approval referred to in Article 17.6 of this Royal Decree.

In any case, provisional entries will be cancelled six months after the date of the original approval.

4. The National Gaming Commission will establish the minimum content of provisional entries.

Article 51. *Permanent inclusion.*

1. The permanent inclusion of gaming licence holders will be approved ex officio by the National Gaming Commission in its resolution awarding general licences, or regarding specific licences, after a favourable report, as referred to in Article 17.6 of this Royal Decree.

2. Permanent entries will include the data specified by the National Gaming Commission as part of the call for tenders for the corresponding game mode, and at least:

a) Identification of the corporation and of its representative before the National Gaming Commission.

b) Its head office and address for correspondence. In cases where the entity's head office is not in Spain, the address of its permanent representative in Spain, which will also be used for correspondence.

c) Date of award of the licence and, where applicable, the authorised mode or type of game.

d) The planned gaming activity or activities, in accordance with the operator's gaming operation plan, and where applicable, any websites with the domain ".es" to be used to market the games.

Article 52. *Modification of registered data.*

After a permanent inclusion, any fact or circumstance that changes the registered data must be reported by the operator to the National Gaming Commission within one month from when the change occurs, providing supporting documentation. The National Gaming Commission will request the information it deems necessary to verify the fact or circumstance requiring a change to the data and will make the necessary modifications to the Register ex officio.

Article 53. *Cancellation of permanent inclusion.*

1. The resolution of the National Gaming Commission approving or declaring the expiry of a licence will include the removal of its entry.

2. Except in the case of licence expiry referred to above, entries will be cancelled after the corresponding cancellation procedure is ordered.

The cancellation procedure may begin at the operator's request or ex officio if the National Gaming Commission has proof that the operator has not performed the licensed activities for a period of more than two years.

Ex officio removal procedures will include a hearing with the interested party.

3. At the end of the above procedure, or after the approval of cancellation in the resolution referred to in section 1 of this Article, the registry entry will be cancelled, specifying the reason for cancellation and the date.

Article 54. *Registry certificates.*

The certificate of inclusion in the General Register of Gaming Licences is the standard proof of holding a licence to operate gaming activities.

CHAPTER III

General Register of Gaming Access Bans

Article 55. *Purpose of the Register.*

In accordance with Article 22 of Law 13/2011 of 27 May on the regulation of gaming, the General Register of Gaming Access Bans will be used to record necessary information to

validate the right of citizens to be prohibited from participation in gaming activities, in cases where identification is required to participate. It will also be used to register information on those persons who are prohibited from access to gaming by legal order or who are legally disqualified.

Information from the General Register of Gaming Access Bans will be provided to gaming operators as established by the National Gaming Commission, in order to prevent access to gaming by persons listed in the register.

Article 56. *Registry data.*

1. The mandatory subjective requirements for inclusion in the General Register of Gaming Access Bans will be determined by the National Gaming Commission.

2. In relation to registered persons, without prejudice to any additional requirements by the National Gaming Commission, the minimum data to be recorded in the General Register of Gaming Access Bans are:

- a) Full name, gender and date of birth of the registered person.
- b) Address.
- c) DNI number or equivalent identity document.
- d) Date of submission of the application for inclusion.
- e) Date of inclusion in the Register.
- f) Inclusion validity period.
- g) Reason for inclusion.

2. In cases where the inclusion was made at the request of a third party, the Register must also indicate the full name, address, and DNI number or equivalent identity document of the third party. It must also include proof that the third party is authorised to request inclusion, and where applicable, the court order, its date, and the judicial body that issued the order.

3. In cases where inclusion is required by court order, the Register must also include data identifying the court order, its date, and the judicial body that issued the order.

Article 57. *Inclusion.*

1. In one month from the start of the registration procedure, the National Gaming Commission will approve the inclusion in the General Register of Gaming Access Bans.

The procedure for inclusion may begin as a voluntary inclusion at the request of the interested party, by court order, or at the request of an affected third party.

The period referred to above will be reduced to three days from receipt of request in the cases of voluntary inclusion described in (a) and (b) of the next section and inclusion by court order described in (c) and (d) of that section.

2. The General Register of Gaming Access Bans may be used to record data on:

- a) Individuals who have voluntarily requested to be prohibited from access to gaming.
- b) Individuals displaying a pathological addiction to gaming, at their own request or at the request of a third party.
- c) Individuals who have been declared disqualified or profligate by court order and, where applicable, those affected by provisional measures restricting their access to gaming activities adopted as part of the corresponding procedure of disqualification or profligacy, while the measure is valid.

d) Individuals who have been either primarily or subordinately restricted from access to gaming and, where applicable, are affected by provisional measures restricting their access to gaming activities, adopted as part of the corresponding procedure, while the measure is valid.

e) Individuals subject to any other limitation of access to gaming.

3. Data from similar registers maintained by the different Autonomous Regions as part of their powers in regard to gaming will also be included ex officio.

Article 58. *Inclusion at the request of the interested party.*

1. Applications for inclusion in the General Register of Gaming Access Bans submitted by the affected party shall be drawn up using the standard form approved by the National Gaming Commission and may be submitted to the General Administrative Register of the National Gaming Commission at any of the locations indicated in Article 38.4 of Law 30/1992 of 26 November on the Legal System for Public Administrations and Common Administrative Procedure or to the user admission, reception, or identification areas of gaming establishments.

2. If applications are submitted to the user admission, reception, or identification areas of gaming establishments, the establishment must send the application data by electronic means to the central support system within twenty-four hours of their submission, and send the application form submitted by the interested party, together with a copy of the interested party's identity document, to the National Gaming Commission within seven days.

3. The National Gaming Commission will register the data as quickly as possible, and in no more than three days after the application is received in its General Administrative Register.

Article 59. *Inclusion at the request of an affected third party or by court order.*

1. Any person with a legitimate interest may request the inclusion of a third person in the General Register of Gaming Access Bans. Applications must use the standard form approved by the National Gaming Commission for this purpose, and be accompanied by the relevant court order.

The application and accompanying documents must be submitted to the General Administrative Register of the National Gaming Commission or to any of the locations indicated in Article 38.4 of Law 30/1992 of 26 November on the Legal System for Public Administrations and Common Administrative Procedure, or by electronic means in accordance with Law 11/2007, of 22 June, on electronic access by the public to public services.

2. Once an application is received the relevant procedure will begin and the application will be sent, with a notification of the proceedings, to the interested party or to their legal representative, guardian or conservator, if one is appointed, with a period of ten days in which the interested party may respond as they deems appropriate.

3. Based on the statements made by the interested party, or if the period referred to above elapses without any statements being made, the National Gaming Commission, within the period indicated in Article 57 of this Royal Decree, will make a decision either to approve or reject the requested inclusion, providing reasons. Rejection of an application for inclusion will be based exclusively on lack of legitimacy of the applicant or insufficient factual or legal grounds for the application.

4. The National Gaming Commission will issue and publish a resolution, providing reasons, approving or rejecting the requested inclusion within the period established in Article 57 of this Royal Decree.

If this period should elapse without any specific decision being announced by the National Gaming Commission, the request will be considered accepted by implication.

5. Based on the resolution referred to above, the interested parties may lodge a discretionary appeal for reversal with the National Gaming Commission, in accordance with Law 30/1992 of 26 November on the Legal System for Public Administrations and Common Administrative Procedure or an appeal under the contentious-administrative jurisdiction in accordance with the regulations of that jurisdiction.

6. The National Gaming Commission will proceed with inclusions ordered by the courts within the period established for this purpose in Article 57.1.3 of this Royal Decree.

Article 60. *Validity of inclusions.*

1. Inclusions made to the General Register of Gaming Access Bans at the request of the interested party will be registered indefinitely. However, the interested party may request to be removed from the Register six months after the date of inclusion.

2. Inclusions made at the request of third parties will remain registered for the time established in the court orders justifying them. Where no period is indicated, the entry will remain registered indefinitely. The entry may be removed by a court order authorising its cancellation, or at the request of the third party who originally requested its inclusion, only with the agreement of the registered person.

3. Inclusions ordered by a court of law will remain registered for the time established in the court order.

Article 61. *Modification and cancellation of registered data.*

1. The interested party included in the General Register of Gaming Access Bans or, where applicable, the third party who requested or the judicial body which ordered the inclusion, will notify the National Gaming Commission of any changes to the data recorded in the Register. The National Gaming Commission will request the information it deems necessary to verify the fact or circumstance requiring a change to the data and will make the necessary modifications to the Register ex officio.

2. The National Gaming Commission will approve the cancellation of data recorded in the General Register of Gaming Access Bans after the period of validity of the inclusion referred to in the above Article.

3. Except in the cases described above, entries will be cancelled after the start of the corresponding cancellation procedure, which may begin at the request of the registered party or, where applicable, of the third party who requested the inclusion or the judicial body which ordered it.

Cancellation procedures begun at the request of the registered party will include a hearing with the third party who requested the inclusion. The National Gaming Commission, within a period of six months from the date of inclusion of the application in the corresponding register, will issue a resolution, providing reasons, on whether the authorisations should be cancelled.

If the indicated periods should expire without a specific resolution on the cancellation being issued and reported, the application will be understood to be approved by implication.

The cancellation of entries included by court order may not be initiated by the registered party.

4. After approval of the cancellation of the entry, or if the application to cancel it has been understood to be approved by implication, it will be cancelled, noting the reason for and date of the cancellation. The National Gaming Commission will notify the interested party of the approval, and where applicable, will also notify the third party who requested the inclusion and the judicial body which ordered it.

Article 62. *Inter-administrative cooperation.*

The National Gaming Commission, within the framework set out by the Gambling Policy Council, will reach agreements with the different Autonomous Regions to determine the procedure for including data in the regional registers in the General Register of Gaming Access Bans, to expedite data transfer processes, and where applicable, for interconnecting registers of prohibitions from access to gaming.

The National Gaming Commission, within this framework and as frequently as specified for this purpose, will notify the regional bodies responsible for gaming of the entries, modifications, and cancellations it makes.

The regional bodies responsible for gaming and the gaming operators in the Autonomous Regions will in turn notify the National Gaming Commission, as frequently as specified for this purpose, of the entries, modifications, and cancellations they make.

Data transferred between the National Gaming Commission and bodies responsible for gaming in the Autonomous Regions will be included in the General Register of Gaming Access Bans, ex officio and at no cost to the applicant.

CHAPTER IV

Register of People Linked to Gaming Operators

Article 63. *Purpose of the Register.*

1. In accordance with Article 22 of Law 13/2011 of 27 May on the regulation of gaming, the Register of People Linked to Gaming Operators will record the data of significant shareholders, members, or stakeholders involved with gaming operators, members of their boards of directors and other management staff or employees directly involved in the operation of games, their spouses or cohabitants, parents and children.

2. For the purpose of the above, shareholders, members, or stakeholders who have any influence or control over the gaming operator are considered to be significant.

In cases where shares in the gaming operator are owned by corporations, all significant shareholders, members, or stakeholders who have any influence or control over the gaming operator must be included in the Register.

3. Access to the data included in the Register of People Linked to Gaming Operators is limited to the National Gaming Commission only, without prejudice to any certifications it may issue for the purpose of giving evidence exclusively in relation to the data reported by operators or interested parties.

Article 64. *Content of the entry.*

The entry will contain the data of the person associated with the gaming operator established for this purpose by the National Gaming Commission, and at least:

- a) Name, address, gender and address for correspondence.
- b) Number of their National Identity Document or equivalent.
- c) Operator with which they are associated.
- d) Type of participation in the corporation which holds the gaming licence.
- e) Managerial position held in the corporation which holds the gaming licence, or role of the person directly involved in the operator's gaming activity.
- f) Name, address and DNI number or equivalent document of the person's spouse or cohabitant, children and parents.
- g) Date of inclusion.
- h) Person or operator who initiated the inclusion.

Article 65. *Inclusion, modification and cancellation of data.*

1. People associated with gaming operators may be included ex officio by the National Gaming Commission, at the request of the associated operator or of the people associated with a gaming operator.

2. The National Gaming Commission will approve the inclusion of the data, which in accordance with the Article below, are reported by the gaming operators and the people associated with them.

3. The National Gaming Commission will approve the modification of the registered data if it is notified of changes to them, in accordance with the Article below, by the operators or the people associated with them.

4. The inclusion or modification of registered data will be approved within fifteen days from the receipt of the notification in the General Administrative Register of the National Gaming Commission, and the interested parties will be notified if their address for correspondence is known.

Article 66. *Notification of registered data.*

1. Gaming operators having obtained a general licence for a certain gaming mode will have a period of fifteen days from notification of its inclusion in the General Register of Gaming Licences to submit to the National Gaming Commission, using the approved standard form, all data related to the individuals referred to in Article 22.1(c) of Law 13/2011 of 27 May on the regulation of gaming and Article 63 of this Royal Decree.

Operators legally authorised to market lottery games will include the entry within fifteen days of this Royal Decree coming into force.

2. The operator must also report any changes applicable to the data originally reported within fifteen days of becoming aware of them, and must take the necessary measures to ensure that the people associated with it report any changes to the data by which they are affected.

3. The operator will be responsible for any breach of the notification obligations set out in this article and for the veracity of the data submitted.

4. Interested parties associated with gaming operators may personally proceed with the entry of their data and report any changes. These notifications must be submitted using the standard form specifically approved by the National Gaming Commission.

5. The notifications referred to in this article must be submitted to the General Administrative Register of the National Gaming Commission or to any of the locations indicated in Article 38.4 of Law 30/1992 of 26 November on the Legal System for Public Administrations and Common Administrative Procedure.

Article 67. *Cancellation.*

1. Entries made in the General Register of Gaming Licences may be removed ex officio or at the request of the operator or of the registered individual, based on the extinction of the association under which the entry was made.

2. The National Gaming Commission will approve the removal of registered data associated with an operator ex officio in the event of expiry of the operator's general licence.

3. The cancellation of registered data will be reported to the interested parties for whom an address for correspondence is known.

Additional Provision One. *Authorisations granted by other states in the European Economic Area.*

The National Gaming Commission, as part of the licence award procedure, will validate documentation already submitted to the competent gaming authorities of other countries within the European Economic Area by operators already licensed in those countries. Documentation submitted for validation by the National Gaming Commission must be reliably accredited and accompanied by a sworn translation in Spanish.

In order to be validated, the content of the documentation must be equivalent to that required for the award of authorisations in Spain, and this circumstance must be duly acknowledged by the National Gaming Commission.

For the purpose of checking the above requirements, the National Gaming Commission may approach the competent gaming authorities to which the documents under validation were submitted.

The financial guarantees provided in other countries within the European Economic Area will under no circumstance exempt the operators from providing those required under Spanish law.

Additional Provision Two. *Provision of services to gaming operators.*

1. In cases where gaming activities are not operated directly by the entities holding the corresponding licence, the National Gaming Commission may require operators to show the contracts and conditions governing the relationship between the operator and the entity carrying out the gaming activity or any of its essential elements.

2. The National Gaming Commission, in light of such contracts and the importance of the services provided, may require the entity providing the services to the gaming operator to obtain the necessary authorisation through the corresponding licence application procedures and, where applicable, apply the penalties set out in Law 13/2011 of 27 May on the regulation of gaming.

Additional Provision Three. *International liquidity.*

1. The liquidity of games carried out in Spain will be limited to that resulting from the participation of users with a Spanish user account.

2. Notwithstanding the above, the National Gaming Commission may authorise the operation of games with a liquidity other than that resulting from the participation of users with a Spanish user account, with a previous agreement between the Spanish authorities and the competent gaming authorities of other countries within the European Economic Area, or under justified exceptional circumstances whereby such authorisation is advised.

Additional Provision Four. *Specific requirements in contests.*

The marketing of contest-based games will not require the opening of a user and gaming account when the nature of the participation procedure is incompatible with their use.

Notwithstanding the above, the payout of prizes won will require winning participants to open a user account in order to check, at least, that they are not affected by the subjective prohibitions established in Article 6 of Law 13/2011 of 27 May on the regulation of gaming.

The rules of the notification for granting general licences for contest-based games and the National Gaming Commission will establish suitable guarantees for the operation of contest-based gaming activity.

Additional Provision Five. *Payout of prizes in games subject to reserve.*

Operators authorised to market lottery games will pay out the prizes in the form and conditions established in the authorisation referred to in Article 24 of this Royal Decree.

Additional Provision Six. *Free gaming applications.*

Gaming operators may offer free gaming applications on their platforms, in which participants may choose to participate in the game without making any economic payment and without winning any prizes, directly or indirectly, in cash or in kind, from their bets or wins.

The launch of free gaming applications will not be subject to the previous award of a licence or permit, and the creation of user and gaming accounts will not be necessary. In the interfaces leading from these free gaming applications to paid applications, gaming operators must include a warning to participants, stating that access to real, commercial gaming applications will require the previous creation of a user and gaming account, and that access to real or paid gaming applications is prohibited to people included under Article 6.2 (a) and (b) of Law 13/2011 of 27 May on the regulation of gaming.

The platforms of gaming operators may not offer free gaming applications which can give participants false expectations regarding their possibilities and probabilities in the commercial game, whether through using different game rules or by the use of a random number generator with different software or programming to that used in the real game, or by any other substantial difference from the conditions found in the commercially marketed game.

Additional Provision Seven. *Co-regulation agreements.*

1. In accordance with Article 24.5 of Law 13/2011 of 27 May on the regulation of gaming, the National Gaming Commission is empowered to sign co-regulation agreements to encourage compliance with the obligations established by the above Law, particularly regarding advertising. Insofar as these agreements affect advertising by the providers of audiovisual media services, a report should be requested from the State Council of Audiovisual Media before they are signed. Self-regulation systems will be equipped with independent monitoring bodies to ensure the effective fulfilment of the commitments undertaken by member companies.

In the context of these co-regulation agreements, codes of conduct may be developed for these systems which encourage compliance with the obligations established in Law 13/2011 of 27 May on the regulation of gaming, particularly regarding advertising. These codes of conduct must be accepted by the National Gaming Commission once it has been verified that they follow and are compatible with the applicable laws. According to Article 24.5 of Law 13/2011, these codes of conduct may include, among others, individual or collective self-monitoring of advertising content before it is used, and they must establish effective systems for the extra-judicial settlement of claims which meet the requirements of EU regulations, and as such, are reported to the European Commission, in accordance with the Council Resolution of 25 May 2000 on a Community-wide network of national bodies for the extra-judicial settlement of consumer disputes, or any equivalent provision.

2. A Joint Committee will be created to monitor co-regulation agreements, chaired by a representative of the National Gaming Commission, to which the self-regulation system will provide regular reports on its activity. If the National Gaming Commission should understand that the self-regulation system is not performing adequately, it may terminate the agreement in the period it determines.

3. The National Gaming Commission will publish on its website the co-regulation agreements it has signed, and the codes of conduct it has accepted.

Additional Provision Eight. *Technical systems of the entities authorised to market lotteries included in the scope of Law 13/2011 of 27 May on the regulation of gaming.*

The technical systems of the entities authorised to market the lotteries included in the scope of Law 13/2011 of 27 May on the regulation of gaming will be governed by specific regulations. The regulations of the technical gaming systems governed by Royal Decree 1613/2011, of 14 November, implementing Law 13/2011 of 27 May on the regulation of gaming, regarding the technical requirements of gaming activities, will be additionally applicable to these entities, without prejudice to the specificities deriving from the type of lottery game which may be established by the National Gaming Commission.

For the purposes of approving the technical gaming systems of the entities authorised to manage lotteries, Order EHA/2528/2011, of 20 September, will be applicable, which establishes the requirements and the procedure for appointing independent entities to evaluate and certify the gaming and security software of gaming operators. The National Gaming Commission may establish additional requirements, justified by the specific nature of the gaming software or hardware used for lotteries, which must be fulfilled in order to be appointed as an independent entity for certifying operators of lotteries.

Additional Provision Nine. *Basic game regulations.*

The ministerial orders approving the basic regulations of each different type of game subject to the previous specific licence will implement the regulations in this Royal Decree when the needs of each game demand it.

Additional Provision Ten. *Electronic processing.*

The procedures governed by this Royal Decree may be undertaken by electronic means, as established in Law 11/2007, of 22 June, on electronic access by the public to public services, and its implementing regulations. These procedures will be accessible to interested parties through the electronic office of the National Gaming Commission.

Additional Provision Eleven. *Designation of the publicly owned National Lottery and Betting Organisation as an operator legally authorised to market lotteries.*

In accordance with Additional Provision One of Law 13/2011 of 27 May on the regulation of gaming, and for the purposes of the provisions of Article 24 of this Royal Decree, the operator legally authorised to market lotteries is the publicly owned National Lottery and Betting Organisation.

Additional Provision Twelve. *Specific regime of the National Organisation for Blind People in Spain (ONCE).*

1. Regarding authorisations to operate lotteries which fall within the reserve, ONCE will continue to be governed by its specific legal regime, in the terms established in Additional Provision Two of Law 13/2011, of 27 May on the regulation of gaming.

2. The authorisations held by ONCE in order to operate its lotteries will be included, for its advertising activities, in the Special Section of the General Register of Gaming Licences described in Article 49.d) of this Royal Decree.

3. In accordance with part three of additional provision two of Law 13/2011 of 27 May on the regulation of gaming, in order to continue the strict public control on the gaming activity of ONCE, the powers which this Royal Decree attributes to the National Gaming Commission and the Minister for the Economy and Taxation will be exercised by the ONCE Supervisory Board in relation to this organisation's reserved activities, except for the powers corresponding to the Council of Ministers.

Temporary Provision One. *Temporary regime applicable to the advertising of gaming activities.*

Until publication of the Royal Decree implementing Article 7 of Law 13/2011 of 27 May on the regulation of gaming, the advertising, sponsorship, and promotion of gaming activities will be carried out in accordance with the aforementioned Article, with General Law 34/1988 of 11 November on Advertising and its implementing regulations, with Law 3/1991 of 10 January on Unfair Competition, and with Law 29/2009 of 30 December modifying the legal regime regarding unfair competition and advertising to improve the protection of consumers and users.

Temporary Provision Two. *Temporary regime governing parimutuel betting marketed by the publicly owned National Lottery and Betting Organisation.*

The publicly owned National Lottery and Betting Organisation may continue to market betting in the modes of parimutuel betting on sports events and on horse racing, which it was marketing until the coming into force of Law 13/2011 of 27 May on the regulation of gaming, without the need to meet the requirements established in this Royal Decree or the technical requirements which would otherwise be applicable according to the implementing regulations until 1 January 2012, from which date these requirements will be fully applicable.

Final Provision One. *Powers of the Minister of Economy and Finance.*

The Minister of Economy and Finance is empowered to modify Appendix I of this Royal Decree by ministerial order.

Final Provision Two. *Powers of the National Gaming Commission.*

In accordance with Article 23 of Law 13/2011 of 27 May on the regulation of gaming, the Board of the National Gaming Commission is empowered to issue the provisions necessary for the implementation and execution of this Royal Decree.

Final Provision Three. *Entry into force.*

This Royal Decree will enter into force the day after its publication in the "State Gazette".

Issued in Madrid, 14 November 2011.

KING JUAN CARLOS

The Deputy Prime Minister for the Economy and Minister of Economy and Finance,
ELENA SALGADO MÉNDEZ

APPENDIX I

Value of guarantees linked to licences

1. The value of the guarantees referred to in Title II, Chapter III of this Royal Decree regarding gaming licences, permits and registers, linked to general licences during their initial period of validity, will be two million euros for each general licence granted, except for the game mode specified in Article 3 e) of Law 13/2011 of 27 May on the regulation of gaming, which will be five hundred thousand euros. For these purposes, the initial period will be calculated beginning on the date of application for the general licence, and will end on 31 December on the year after the year it was granted.

The amount linked to specific licences will not be considered for calculating the value of the guarantee during the initial period.

2. In the years following the initial period, the amount linked to the total number of general licences held by the operator, of any mode, will be one million euros, unless the operator should hold only one general licence for the game mode specified in Article 3 (e) of

Law 13/2011 of 27 May on the regulation of gaming, in which case the amount will be two hundred and fifty thousand euros.

The amounts referred to above, without prejudice to the indications of point 4, will also be considered the minimum value of the operator's guarantee.

3. In the years following the initial period, the value of the guarantee linked to the different specific licences held by the operator will be calculated by adding together the amounts corresponding to each type of game subject to a specific licence, determined according to the regulations applicable to the respective games.

4. If the amount referred to in the previous point should be more than the minimum value of the operator's guarantee, the larger amount will be the total value of the guarantee, applying the amount corresponding to the minimum value to the general licences and the remainder to the specific licences.

APPENDIX II

Limits on deposits

One. *Limits on deposits.*

1. The limits on how much money can be deposited, referred to in Article 36.1 of Royal Decree 1614/2011, of 14 November, implementing Law 13/2011 of 27 May, on the regulation of gaming, regarding gaming licences, permits and registers, will be:

- a) 600 euros per day.
- b) 1,500 euros per week.
- c) 3,000 euros per month.

2. For the purposes of this Appendix, a day is understood to be a calendar day from 00:00 to 24:00; a week is the period from 00:00 on Monday to 24:00 on Sunday; and a month is the period from 00:00 on the 1st and 24:00 on the last day of the month in question.

This consolidated text does not have legal status.
Further information at info@boe.es