



**RESOLUTION OF THE DIRECTORATE-GENERAL FOR THE REGULATION OF GAMBLING, WHICH AGREES TO AUTHORISE A METHOD OF LIQUIDITY DIFFERENT FROM THE PARTICIPATION OF SPANISH REGISTERED GAMBLERS FOR ONLINE POKER AND, BY WHICH, SEES CERTAIN RESOLUTIONS ON GAMBLING ACTIVITIES MODIFIED PROVIDED FOR IN LAW 13/2011 OF 27 MAY, ON GAMBLING REGULATION.**

The legal regime related to the international liquidity of gambling activities is set forth in the third additional provision of Royal Decree 1614/2011, of 14 November, implementing the licensing, authorisation and registration of gambling activities under the Law 13/2011, of 27 May on gambling regulation.

Section 2 of said provision states that the development with liquidity other than that from the participation of users with a Spanish user record may be authorised upon agreement of the Spanish authorities with the competent gambling authorities in other Member States of the European Economic Area or when there are duly justified exceptional circumstances which recommend its authorisation.

On 6 July 2017, the Directorate-General for the Regulation of Gambling and the online gambling regulatory authorities of France, Italy and Portugal signed an Agreement on shared liquidity for online poker.

With France, Italy and Portugal being Member States of the European Economic Area, this Agreement grants the enabling budget so that, by means of this resolution, the Directorate-General for the Regulation of Gambling expressly authorises the development of online poker with liquidity different from that derived from the participation of users with a Spanish user record, according to the conditions expressly provided for in it.

Additionally, with a view to the Directorate-General for the Regulation of Gambling properly supervising and monitoring gambling activities offered in an international liquidity environment, both for online poker and for other games whose international liquidity development may be authorised in the future, Resolution of 6 October 2014, of the Directorate-General for the Regulation of Gambling is modified, which approves the provision by which the technical specifications of the game, traceability and security must comply with the non-reserved technical gambling systems, the subject of licenses granted under Law 13/2011, of May 27, on gambling regulation, and, on the other, also modified is the Resolution of 6 October 2014 approving the data

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dgoj.dgeneral@minhafp.es

E-MAIL

C/ ATOCHA, 3  
28071 MADRID

TEL: +34 91 571 40 80  
FAX: +34 91 571 17 36



model used in the information monitoring system of gambling operation registries.

This resolution counts on the report of the Spanish Data Protection Agency

By virtue thereof, and following the favourable report from the State Legal Services in the State Secretariat for Finance under the aegis of the Ministry for Finance and Public Administrations, this Directorate-General decides:

**Firstly.** - To authorise operators requesting a specific licence for the development and operation of "Poker" (linked to the "Other Games" form of gambling referred to in article 3.f) of Law 13/2011, of 27 May) and so that operators already holding such licence may, on a voluntary basis, offer this game in an international liquidity environment, according to the following conditions:

1. These operators shall have a duly authorised technical gambling system to offer Poker in an international liquidity environment in accordance with that set forth in article 8 of Royal Decree 1613/2011 of 14 November, implementing Law 13/2011 of 27 May on gambling regulation with regard to the technical requirements of gambling activities.
2. Once the authorisation provided for in the previous paragraph has been obtained, all the operators involved, including those which manage the gambling platforms and those attached to these platforms, must inform the Directorate-General for the Regulation of Gambling in advance and expressly the date on which poker in an international liquidity environment is to begin.
3. The technical gambling system will ensure that gamblers with a Spanish user record can only share liquidity with gamblers with user record of the States belonging to the European Economic Area whose authorities have signed or adhere to the Agreement of 6 July 2017, on shared liquidity related to online poker.
4. The operators will ensure, through the corresponding modification of the particular rules of the game and, where appropriate, through opportune actions, that gamblers with a Spanish user record have adequate and sufficient prior knowledge of the new environment in which their participation in the game will take place.

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5. The Directorate-General for the Regulation of Gambling may issue instructions to gambling operators which have been authorised in accordance with paragraph 1, in order to ensure effective supervision and control of the environment developed.

**Secondly.** - Modify Resolution of 6 October 2014, from the Directorate General for the Regulation of Gambling, approving the regulation which elaborates on the technical specifications for gambling, traceability and security that must be met by the non-reserved technical gambling systems licensed under Law 13/2011 of 27 May on gambling regulation as follows:

1.- In section 1.2 of the Appendix, titled "*Definitions*", the following is added:

*"11. Gambling offered in an international liquidity environment: one in which the economic amounts dedicated to participation in the game come from gamblers with a Spanish user record and gamblers without a Spanish user record.*

*12. International liquidity manager: the operator which manages a game offered in an international liquidity environment.*

*13. Gambler with a Spanish user record: one who participates in the game through an account opened with a gambling operator, in accordance with Law 13/2011, of 27 May on gambling regulation."*

2.- Section 5.1.4 of the Appendix, titled "*Time source of the SCI*", is modified and worded as follows:

*"5.1.4 Time source of the SCI. The internal control system, including the data capture system and warehouse, will be synchronised with a stratum-1 NTP server. All time information reported in the SCI should include the time zone taken as a reference by including positive or negative deviations from UTC."*

3.- A new point named 6.3 "*Time source*" is added in section 6 of the Appendix, titled "*Records and logs of the technical gambling system*", with the following wording:

*"6.3 Time source: The technical gambling system will be synchronised with a stratum-1 NTP server. All time information sent to the Directorate-General for the Regulation of Gambling should*

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*include the time zone taken as a reference by including positive or negative deviations from UTC."*

4.- A new section 7 to the Appendix is added with the following wording:

*"7. Gambling offered in an international liquidity environment.*

*7.1. In gambling offered in an international liquidity environment, references made in sections 1 to 6 of this appendix to the terms "participants", "gamblers" or "users" must be understood as gamblers with a Spanish user record.*

*7.2. The development of a game in an international liquidity environment is, in any case, voluntary for both the operator requesting a specific licence to develop and exploit that game and for the operator already holding a licence of this type.*

*7.3. The technical gambling system which organises, operates and develops the gambling activity offered in an international liquidity environment, in addition to complying with the provisions of this resolution, will ensure that the information provided to gamblers with a Spanish user record is, at a minimum, provided in Spanish.*

*7.4. All time information sent to the Directorate-General for the Regulation of Gambling must include the time zone taken as a reference by including positive or negative deviations from UTC.*

*7.5. In gambling offered in an international liquidity environment, the international liquidity manager's technical gambling system must keep records and logs of all operation which have taken place between gamblers who have used a Spanish user record and the other gamblers.*

*For these purposes, the technical gambling system regulated in this Resolution must keep full details of the games in which a gambler with a Spanish user record has participated, the unique user identifier, the identification data and the jurisdiction of those gamblers other than gamblers with a Spanish user registration, the plays made by each of them, the prizes received and the development data of the game which allows all plays of the game to be reconstructed.*

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*In any case, access to said data and its processing must be carried out in accordance with the provisions of Organic Law 15/1999, of 13 December on Personal Data Protection and its implementing regulations.*

*7.6. The international liquidity manager must have procedures to detect fraud and money laundering involving a gambler with a Spanish user record, as well as to promptly notify suspicious actions to the competent public bodies for investigation.*

*7.7. The international liquidity manager will adopt the necessary means to ensure that each gambler participating in a given game does so with a single identity".*

**Thirdly.** - Modify Resolution of 6 October 2014, from the Directorate General for the Regulation of Gambling, approving the data model for use in the information monitoring system of gambling operation records as follows:

1.- The following definitions are added to section 2:

*"Gambling offered in an international liquidity environment.*

*One in which the economic amounts dedicated to participation in the game come from gamblers with a Spanish user record and gamblers without a Spanish user record.*

*International liquidity manager.*

*The operator which manages a game offered in an international liquidity environment.*

*Gambler with a Spanish user record.*

*One who participates in the game through an account opened with a gambling operator, in accordance with Law 13/2011, of 27 May on gambling regulation."*

2.- A new section 3.2.1 is added:

*"3.2.1 International liquidity manager's obligations.*

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*The international liquidity manager shall only inform about the games (game, session or tournament) in which at least one gambler with a Spanish user record participates.*

*Only data of gamblers with a Spanish user record will be included in the files RUR/RUT, CJD/CJT, BOT, JUD, JUT, JUA, CEV. In the ORT file, the economic information corresponding to games with international liquidity broken down by operator (B2C) of the ".es" domain and by jurisdiction for operators not part of the ".es" domain participating in the game will be sent."*

3.- To Section 3.4.8, between the headings "operators under obligation" and "frequency", the following heading is added:

*"Gambling offered in an international liquidity environment.*

*In gambling offered in an international liquidity environment in which at least one gambler with a Spanish user record participates, the following must be reported:*

- *For operations of operators under Spanish jurisdiction, the data aggregated by operator.*
- *For operations of operators of other jurisdictions, the data aggregated by jurisdiction."*

4.- In Section 3.4.10 [Gambling records (JUT, JUD)], to the heading "Generic data common to all types of gambling" the following field is added:

*"• BooleanLI: Y/N (must be marked as affirmative when a gambler without a Spanish user record has participated in the bet, game, tournament or hand. The field is optional for games not in the international liquidity network)."*

5.- In Section 3.5.3.2 ("ORT Record: Network operator account") is replaced by the following:

*"3.5.3.2. ORT: Network operator account.*

*The description of the information in this record is the same as that of the OPT record while taking into account that the entries will be broken down according to the operator contributing participants to the network.*

*In the case of gambling offered in an international liquidity environment, the international liquidity manager must report the economic figures broken down by operator for operators holding a licence in Spain, and by an aggregate for jurisdiction for the remaining operators."*

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6.- To Section 3.5.4.1 [*“Generic data common to all types of gambling (JUT and JUD)”*], in the heading *“Summarised gambling data (JUD)”*, the following field is added:

BooleanLI	Y/N
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**Fourthly.** - This Resolution shall enter into force on the day following its publication in the "Official State Gazette of Spain".

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