

## I. GENERAL PROVISIONS

### MINISTRY OF FINANCE AND PUBLIC ADMINISTRATIONS

**11335** *Order HAP/1998/2013 of 22 October, which amends various ministerial orders relating to different types of games.*

Law 13/2011 of 27 May, on the regulation of gaming, established the regulatory framework for access to operating and carrying out state-wide gaming activities, opening up the market to multiple operators and enabling the operation of different gaming activities.

Such an opening up of the market required the different types of gaming to be regulated, which was undertaken by approving various ministerial orders approving the basic regulations of different types of games.

The practical reality of the situation has given rise to new market needs that make it appropriate to implement some amendments with a view to improving the range of state-wide gaming products on offer.

To this end, the basic regulation of different types of gaming has been amended, in particular the regulation concerning bingo. Specifically, the definition of bingo has been changed, a control on the signs and symbols used in the game has been introduced and the list of classes of bingo has been removed for the purposes of eliminating any anti-competition restrictions.

In relation to bets, whether sports or horseracing bets, parimutuel or fixed odds bets, the obligation on the regulatory body to approve and publish the catalogues of competitions and events that operators could include in their betting programmes, in addition to the obligation to approve and publish the list of the events that could be the subject of each class of bet has been removed, although the obligation on the gaming operator to retain such programmes for at least six years has been established, and the regulatory body may request a copy of a given programme from the operator at any time, which must be made available to the regulator within fifteen working days. A control mechanism has also been introduced which takes the form of the Directorate General for the Regulation of Gambling having the power to demand any bet that does not comply with regulations be suspended and withdrawn.

Lastly, in relation to the "Other fixed odds bets", the concept of event has been amended by broadening the events that can be the subject of such bets.

This ministerial order comprises three chapters, six articles, one repealing provision and one final provision.

In chapter I, "Bingo", the list of the classes of bingo that can be marketed has been removed by deleting article 4 of appendix IV to Order EHA/3087/2011 of 8 November, which approves the basic regulation of bingo. In addition to the foregoing, the definition of the game of bingo has been improved, broadening the concept of number to any symbol or sign that represents it and the Directorate General for the Regulation of Gambling has been expressly granted a new control power.

In chapter II, "Bets", the obligation of the Directorate General for the Regulation of Gambling to approve, publish and amend both the catalogues of sports and horseracing events, and the list of subjects of bets included in the programme set

by the operator, has been removed by amending sections 1 and 2, article 14 of the basic regulation that governs the different types of bets, specifically Order EHA/3080/2011 of 8 November, which approves the basic regulation of fixed odds sports betting, Order EHA/3081/2011 of 8 November, which approves the basic regulation of parimutuel sports betting, Order EHA/3082/2011 of 8 November, which approves the basic regulation of fixed odds horseracing betting and Order EHA/3083/2011 of 8 November, which approves the basic regulation of parimutuel horseracing betting.

Moreover, in the abovementioned basic regulations, an obligation has been established for gaming operators to retain the events programmes for at least six years, and the regulatory body may request a copy of a given programme from the operator at any time, which must be made available to the regulator within fifteen working days. The control power of the Directorate General for the Regulation of Gambling is also expressly recognised.

In chapter III, "Other fixed odds bets", the definition of event has been broadened enabling bets to be placed on certain animal races by amending number 3, article 2 of Order EHA/3079/2011 of 8 November.

Lastly, this order contains a provision repealing the resolutions of the Directorate General for the Regulation of Gambling relating to the sports and horseracing events catalogues, and one final provision, relating to the entry into force of same. Article 5 of Law 13/2011, of 27 May, on the regulation of gaming, grants the Minister of Finance and Public Administrations the power to establish the basic regulations for carrying out each game by means of a ministerial order.

By virtue of which, I hereby decree:

## CHAPTER I

### Bingo

**Article one.** *Amendment of Order EHA/3087/2011, of 8 November, which approves the basic regulation of bingo.*

Order EHA/3087/2011 of 8 November, which approves the basic regulation of the game of bingo, has been amended as follows:

One. Article 4 has been removed.

Two. Section 1 of the first final provision has been amended, and now reads as follows:

"1. The Directorate General for the Regulation of Gambling is authorised to issue the provisions required for the implementation and application of this order and, in particular, to amend the amounts established in appendix III."

Three. Section 1, article 2 of the basic regulation of the game of bingo that is included as appendix I to the order has been amended and now reads as follows:

"1. Bingo. The game of bingo is understood to mean that game of chance in which the possibility of winning depends on being able to form some of the number combinations on the cards or virtual cards on which the game is played, capable of winning prizes and which are obtained through a draw held for these purposes in which all the numbers in the game are present.

For the purposes of this order, number shall be understood to mean any symbol or sign that represents it."

Four. Section 1, article 14 of the basic regulation of bingo, which appears as appendix I to the order, has been amended and now reads as follows:

"1. The game of bingo shall be carried out in accordance with the provisions of this

basic regulation, the provisions that the Directorate General for the Regulation of Gambling may issue to implement same and the specific rules of the game published by the operator.

When the Directorate General for the Regulation of Gambling has proof that a sign or symbol in the game of bingo offered by an operator breaches the conditions of section one, article 6 of Law 13/2011 on the Gaming Regulation through direct knowledge or through a notification or report by a third party, the Directorate General for the Regulation of Gambling may demand it be suspended and withdrawn, without prejudice to exercising its sanctioning power."

Five. Appendix IV to the order has been removed.

## CHAPTER II

### Sports

**Article two.** *Amendment of Order EHA/3080/2011 of 8 November, which approves the basic regulation of fixed odds sports bets.*

Sections 1 and 2, article 14 of the basic regulation of fixed odds sports bets that appears as appendix I to Order EHA/3080/2011 of 8 November have been amended and now read as follows:

"1. Fixed odds sports bets shall be carried out in accordance with the provisions of this basic regulation, the provisions that the Directorate General for the Regulation of Gambling may issue to implement same, the specific rules of the game and the corresponding betting programme set by the operator.

2. The operator of fixed odds sports bets is responsible for creating the programme of sporting events on which the bets shall be made and shall inform the participants about the period in which such bets can be placed.

Moreover, it must retain such events programmes for at least six years, and the regulatory body may request a copy of a given programme from the operator at any time, which must be made available to the regulator within fifteen working days.

Under no circumstances may the operator offer bets on sports or sporting events that are not included in the programme mentioned in paragraph one.

When the Directorate General for the Regulation of Gambling has proof that a bet included in the programme does not comply with the regulation through direct knowledge or through a notification or report by a third party, the Directorate General for the Regulation of Gambling may demand it be suspended and withdrawn, without prejudice to exercising its sanctioning power."

**Article three.** *Amendment of Order EHA/3081/2011 of 8 November, which approves the basic regulation of parimutuel sports bets.*

Sections 1 and 2, article 14 of the basic regulation of parimutuel sports bets that appears as appendix I to Order EHA/3081/2011 of 8 November have been amended and now read as follows:

"1. Parimutuel sports bets shall be carried on in accordance with the provisions of this basic regulation, the provisions that the Directorate General for the Regulation of Gambling may issue to implement same, the specific rules of the game and the corresponding betting programme set by the operator.

2. The operator of parimutuel sports bets is responsible for creating the programme of sporting events on which the bets shall be made and shall inform the participants about the period in which such bets can be placed.

Moreover, it must retain such events programmes for at least six years, and the

regulatory body may request a copy of a given programme from the operator at any time, which must be made available to the regulator within fifteen working days.

Under no circumstances may the operator offer bets on sports or sporting events that are not included in the programme mentioned in paragraph one.

When the Directorate General for the Regulation of Gambling has proof that a bet included in the programme does not comply with the regulation through direct knowledge or through a notification or report by a third party, the Directorate General for the Regulation of Gambling may demand it be suspended and withdrawn, without prejudice to exercising its sanctioning power."

**Article four.** *Amendment of Order EHA/3082/2011 of 8 November, which approves the basic regulation of fixed odds horseracing bets.*

Sections 1 and 2, article 14 of the basic regulation of fixed odds horseracing bets that appears as appendix I to Order EHA/3082/2011 of 8 November have been amended and now read as follows:

"1. Fixed odds horseracing bets shall be carried out in accordance with the provisions of this basic regulation, the provisions that the Directorate General for the Regulation of Gambling may issue to implement same, the specific rules of the game and the corresponding betting programme set by the operator.

2. The operator of fixed odds horseracing bets is responsible for creating the programme of horseracing events on which the bets shall be made and shall inform the participants about the period in which such bets can be placed.

Moreover, it must retain such events programmes for at least six years, and the regulatory body may request a copy of a given programme from the operator at any time, which must be made available to the regulator within fifteen working days.

Under no circumstances may the operator offer bets on horseracing events that are not included in the programme mentioned in paragraph one.

When the Directorate General for the Regulation of Gambling has proof that a bet included in the programme does not comply with the regulation through direct knowledge or through a notification or report by a third party, the Directorate General for the Regulation of Gambling may demand it be suspended and withdrawn, without prejudice to exercising its sanctioning power."

**Article five.** *Amendment of the basic regulation of parimutuel horseracing bets approved by Order EHA/3083/2011 of 8 November.*

Sections 1 and 2, article 14 of the basic regulation of parimutuel horseracing bets that appears as appendix I to Order EHA/3083/2011 of 8 November have been amended and now read as follows:

"1. Parimutuel horseracing bets shall be carried on in accordance with the provisions of this basic regulation, the provisions that the Directorate General for the Regulation of Gambling may issue to implement same, the specific rules of the game and the corresponding racing programme set by the operator.

2. The operator of parimutuel horseracing bets is responsible for creating the programme of races on which the bets shall be made and shall inform the participants about the period in which such bets can be placed.

Moreover, it must retain such events programmes for at least six years, and the regulatory body may request a copy of a given programme from the operator at any time, which must be made available to the regulator within fifteen working days.

Under no circumstances may the operator offer bets on horseracing events that are

not included in the programme mentioned in paragraph one.

When the Directorate General for the Regulation of Gambling has proof that a bet included in the programme does not comply with the regulation through direct knowledge or through a notification or report by a third party, the Directorate General for the Regulation of Gambling may demand it be suspended and withdrawn, without prejudice to exercising its sanctioning power."

### CHAPTER III

#### **Other fixed odds bets**

**Article six.** *Amendment of Order EHA/3079/2011 of 8 November, which approves the basic regulation of other fixed odds bets.*

Number 3, article 2 of the basic regulation of "other fixed odds bets" that appears as appendix I to Order EHA/3079/2011 of 8 November has been amended and now reads as follows:

"3. Event. This is an occurrence relating to society, the media, the economy, shows, culture, or similar, previously defined by the operator in the corresponding programme, that is carried out within the context of a contest or outside it, organised by persons, associations or entities independent of the operator, and that has an uncertain outcome beyond the control of the betting operator and the participants. An event can never be related to the world of sports or horseracing, nor with competitions in which other animals compete, with the exception of animal races provided that these are conducted with the proper guarantees regarding the treatment of the animals involved. Events on which fixed odds bets are placed must have a determinable result that provides all the parties involved in the bets with certainty about the outcome. Events that infringe on human dignity, the right to honour, personal and family privacy and to one's own image, on the rights of the youth and children, or on any right of freedom granted under the constitution cannot be the subject of fixed odds bets."

**Sole repealing provision.** *Regulatory repeal.*

This Order repeals the following provisions:

- Resolution of 19 December 2011 of the Directorate General for the Regulation of Gambling, which approves the catalogue of sports, competitions and sporting events that may be included by operators in their betting programmes.
- Resolution of 30 May 2012 of the Directorate General for the Regulation of Gambling, which amends the catalogue of sports, competitions and sporting events that may be included by operators in their betting programmes.
- Resolution of 30 May 2012 of the Directorate General for the Regulation of Gambling, which approves the catalogue of horseracing competitions and events that may be included by operators in their betting programmes.
- Resolution of 25 June 2012 of the Directorate General for the Regulation of Gambling, which amends the catalogue of horseracing competitions and events that may be included by operators in their betting programmes.

**Sole final provision.** *Entry into force.*

This Order shall enter into force on the day following its publication in the "Official State Gazette" (BOE).

Madrid, 22 October 2013.–Ministry of Finance and Public Administrations, Cristóbal Montoro Romero.