



RESOLUTION OF 10 OCTOBER 2014, BY THE DIRECTORATE GENERAL FOR THE REGULATION OF GAMBLING, IN ACCORDANCE WITH ARTICLE 17 OF ROYAL DECREE 1614/2011, OF 14 NOVEMBER, IMPLEMENTING LAW 13/2011, OF 27 MAY, THE GAMBLING ACT, REGARDING GAMBLING LICENCES, AUTHORISATIONS AND REGISTERS, ESTABLISHES THE APPLICATION AND ISSUING PROCEDURE FOR SPECIFIC LICENCES FOR THE DEVELOPMENT AND OPERATION OF DIFFERENT TYPES OF GAMBLING ACTIVITIES.

The Gambling Act 13/2011, of 27 May, establishes the national and legislative framework for gambling activities in its different forms for the purpose of ensuring the protection of public order, combating fraud, preventing addictive behaviour, protecting the rights of minors and safeguarding the rights of gambling participants.

The carrying on of gambling activities regulated by the above-mentioned act is subject to prior obtainment of the relevant licence and, in particular, general and specific licences

In accordance with the second paragraph of article 17.1 of Royal Decree 1614/2011, of 14 November, elaborating on the licensing, authorisation and registration of gambling activities under the Gambling Act 13/2011, of 27 May, "the National Gambling Commission shall establish the application and issuing procedure for specific licences".

Pursuant to the Tenth additional provision of the Establishment of the National Markets and Competition Commission Act 3/2013, of 4 June, the Directorate General for the Regulation of Gambling, under the aegis of the Ministry of Finance and Public Administrations, assumes the purpose, functions and powers attributed by the Gambling Act 13/2011, of 27 May, to the now defunct National Gambling Commission.

In short, this Resolution implements the provisions of the aforementioned Article 17.1, thereby approving the application and issuing procedure for specific licences for the development and operation of different types of gambling activities.

This Resolution is issued in replacement of the Resolution establishing the application and issuing procedure for specific licences currently valid as a result of the need to adapt its content to changes related to the implementation of eGovernment, with the approval of basic regulations on unregulated gambling activities commenced during the term of validity of the previous Resolution, and of the convenience of improving or modifying certain specific aspects of the procedure.

By virtue thereof, and following the favourable report from the Office for Legal Counsel to the State Secretariat for Finance under the aegis of the Ministry of Finance and Public Administrations, it is hereby agreed:

**One.**

E-MAIL:

[dgoj.dgeneral@minhap.es](mailto:dgoj.dgeneral@minhap.es)

C/ ATOCHA, 3  
28071 MADRID  
TEL.: +34 91 571 40 80  
FAX: +34 91 571 17 36



To approve the application and issuing procedure for specific licences for the development and operation of different types of gambling activities, which is contained in Appendix I of this Resolution.

**Two.**

To approve the technical gambling system project requirements, which are contained in Appendix II of this Resolution.

**Three.**

To establish as mandatory the submission and processing of applications for specific licences through the electronic register, as set forth in section 5 of the procedure for specific licences for the development and operation of different types of gambling activities, which is contained in Appendix I of this Resolution

**Four.**

To repeal the Resolution of 16 November 2011, issued by the Directorate General for the Regulation of Gambling, in accordance with Article 17 of Royal Decree 1614/2011, of 14 November, implementing Act 13/2011, of 27 May, the Gambling Act, regarding gambling licences, authorisations and registers, and establishing the application and issuing procedure for Specific Licences for the development and operation of different types of gambling activities.

**Five.**

This Resolution shall enter into force on the day of its publication in the Official State Gazette of Spain.

Madrid, 10 October 2014

DIRECTOR-GENERAL FOR THE REGULATION OF GAMBLING

Carlos Hernández Rivera.

**APPENDIX I**



APPLICATION AND ISSUING PROCEDURE FOR SPECIFIC LICENCES FOR THE DEVELOPMENT AND OPERATION OF  
DIFFERENT TYPES OF GAMBLING ACTIVITIES.

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## CHAPTER I

### PURPOSE AND LEGAL REGIME.

#### One. Purpose.

1. The aim of this procedure is to establish the requirements and conditions governing the application for and issuing of specific licences for the development and operation of different types of gambling activities regulated by the various Ministerial Orders, which enact the basic regulation for gambling, relating to the forms of gambling referred to in paragraphs c), d), e) and f) of Article 3 of the Gambling Act 13/2011, of 27 May, regulating gambling.
2. The procedure describes the requirements that the interested party must meet for the purpose of applying for a specific licence.

#### Two. Licence.

1. Holders of a general licence interested in carrying on a specific type of gambling activity must obtain a specific licence for each of the types of gambling which they intend to operate within the scope of the particular form of licensed gambling.
2. Interested parties satisfying the conditions and requirements set forth in the regulations specific to the gambling sector and in this procedure shall have the right to hold the relevant specific licence in accordance with the terms and conditions established in the resolution granting such licence.

#### Three. Legal regime.

The basic legal regime relating to specific licences for the development and operation of gambling activities consists of the Gambling Act 13/2011, of 27 May, regulating gambling, Royal Decree 1614/2011, of 14 November, elaborating on the licensing, authorisation and registration of gambling activities under the Gambling Act 13/2011, of 27 May, Royal Decree 1613/2011, of 14 November, elaborating on the technical requirements of gambling under the Gambling Act 13/2011, of 27 May, the various Ministerial Orders, which enact the basic regulation for gambling activities and implementing regulations issued by the Directorate General for the Regulation of Gambling.



## CHAPTER II

### PROCEDURE

#### *Section One*

#### *Application submission*

#### **Four. Requirements.**

A specific licence may be applied for by any holder of a valid general licence granting him or her the legal right to develop and operate the form of gambling to which the type of gambling activity for which the licence is being applied for corresponds, in accordance with the provisions of the Ministerial Order enacting the basic regulation for gambling.

#### **Five. Application.**

1. An application for a specific licence or a variation thereof may be made by any holder of a general licence at any time. In such cases as are provided for by the call for granting general licences an application for a specific licence may be made simultaneously to an application for a general licence. Accordingly, the granting of the specific licence is conditional upon the granting of the general licence.

2. Parties interested in applying for a specific licence for the development and operation of gambling activities on a regular basis, pursuant to Article 27.6 of Act 11/2007, of 22 June, relating to the electronic access of citizens to public services, and Article 32 of Royal Decree 1671/2009, of 6 November, which partially implements the above-mentioned Act, are obliged to send through the electronic register both the relevant licence applications and such notices relating to the processing thereof as may be necessary. Likewise they shall be obliged to receive by electronic means such communications and notices as the Directorate General for the Regulation of Gambling may address to them in the exercise of its powers in relation to the processing of the corresponding licence-granting procedure. For the purposes of the applicability of the provisions of Article 27.6 of Act 11/2007, it is considered that parties interested in applying for a specific licence for the development and operation of gambling activities on a regular basis are legal entities that, due to their financial and technical capacity and commercial and industrial dedication, have guaranteed access to and availability of the required technological means.

In the event that parties interested in applying for a specific licence for the development and operation of gambling activities on a regular basis do not act in accordance with the obligation described above, the competent body of the Directorate General for the Regulation of Gambling shall request that appropriate action be taken to address the



situation. Moreover, it shall warn the interested party that should such request not be satisfied, their application shall be withdrawn pursuant to Article 32.3 of Royal Decree 1671/2009, of 6 November, thereby rendering the communication containing the non-compliance invalid and ineffective.

In order to allow processing of electronic licence application procedure files the following information systems and functions shall be made available to interested parties through the electronic office of the Directorate General for the Regulation of Gambling:

- a. Program for completing (with assistance available) and submitting applications electronically based on criteria of technological neutrality and consistency of the user interface.
- a. Set of model application forms and corresponding appendices. These documents shall be completed interactively and, when submitted, shall automatically be recorded in the electronic register of the Directorate General for the Regulation of Gambling.
- b. Application management system, allowing interested parties to check the progress of their licence applications online. This system will provide information as to the status of the application, the documentation submitted by the applicant and any communications and notifications issued by the Directorate General for the Regulation of Gambling.
- c. Notifications from the Directorate General for the Regulation of Gambling shall be issued as established in Section Nine of this Resolution.

Both the standard electronic documents and the model forms, forms and appendices referred to above, relating to services, procedures and formalities specified in the electronic office of the Directorate General for the Regulation of Gambling will be accepted through the computer applications of the electronic register of the Directorate General for the Regulation of Gambling.

The electronic register shall automatically reject the electronic documents referred to in Article 29.1 of Royal Decree 1671/2009, of 6 November. Applicants shall be advised of such rejection specifying the grounds for exclusion. In the event that the electronic register does not reject the documents where one or more of the factors normally constituting grounds for exclusion set forth in the aforementioned article arises, the documents shall not automatically be accepted by the Directorate General for the Regulation of Gambling. Rather, pursuant to Article 29.3 of the above-mentioned Royal Decree, this administrative body shall request that appropriate action be taken to address the situation, warning the applicant that should such request not be satisfied their application shall be rendered invalid and ineffective.



The electronic office of the Directorate General for the Regulation of Gambling shall contain information on the criteria in terms of the formats and requirements to be met by the electronic documents to be submitted via the electronic register, in accordance with the provisions of the Spanish National Interoperability Framework and the Spanish National Security Framework.

3. Applicants shall submit their specific licence applications electronically, signed by their legal representative, by due power of attorney, using the standard form available in the electronic register of the Directorate General for the Regulation of Gambling. The application shall be signed using the electronic signature systems incorporated into the Spanish national e-ID card or any other advanced electronic signature system accepted by the Spanish central state administration. To this end, the electronic register of the Directorate General for the Regulation of Gambling, directly or by forwarding it to the electronic office of the Spanish Ministry of Industry, Tourism and Trade, will contain the updated record of such advanced electronic signature systems and the necessary requirements for the use thereof. An individual application shall be submitted for each type of gambling activity which the applicant intends to develop and exploit.

#### **Six. Application documents.**

1. As part of the whole process for the submission of applications, documents and communications, any electronic documents that meet the technical, accessibility, interoperability, security and authenticity requirements defined in the electronic register of the Directorate General for the Regulation of Gambling may be included as additional documentation.

Interested parties may, where appropriate, expressly indicate in their applications what information and documents they request to be treated as confidential on account of them containing personal details or commercial, industrial or business secrets, in which case they shall provide a non-confidential version of the document or documents concerned. Each of the aspects of the documentation submitted by the operator regarding which they request confidentiality must be sufficiently justified. If no request for confidentiality is made it shall be understood that the applicant considers all of the documentation submitted to be non-confidential.

The documentation shall be attached to the application in electronic format and shall consist of the following:

Section 1: Documents accrediting representation and compliance with other requirements.

a) Documents accrediting representation. Parties appearing or signing applications on behalf of the companies concerned shall submit suitable and sufficient power of attorney to that end and, where applicable, duly apostilled, registered in the Companies Registry or in the relevant registry in the event that registration thereof is legally



required, and a photocopy of their national identity card or, in the case of foreign nationals, a certified copy of the equivalent document or passport.

In addition, if the applicant is a legal entity domiciled in another Member State of the European Economic Area, their representative shall also provide the document evidencing their address in Spain. In this case it shall be understood that the representative's address matches the address for notification purposes of the company represented.

In cases in which physical completion and submission of the application form and the required documentation is performed and it is signed with their own electronic signature by a party other than the legal representative of the company concerned, suitable and sufficient power of attorney shall be submitted to that end, which shall expressly empower the party submitting it to sign for and on behalf of the company concerned all the commitments, statements and statements of responsibility involved in submitting and signing the application, which shall consequently be understood to have been assumed by the company applying for the licence. This power of attorney shall be registered in the Companies Register or in the relevant registry in the event that registration thereof is legally required and, where applicable, duly apostilled. A photocopy of their national identity card or, in the case of foreign nationals, a certified copy of the equivalent document or passport shall also be submitted.

b) Certificates issued by administrative bodies or the substitute documents evidencing that the applicant is up to date with their tax obligations and is in compliance with their obligations vis-à-vis the Social Security or, where appropriate, express authorisation from the Directorate General for the Regulation of Gambling to request said certificates from the competent Spanish authority.

c) Identification of the procedure through which the operator concerned was granted the general licence that it holds. In the cases of simultaneous applications for general and specific licences, identification of the application of the relevant general licence.

d) Statement through which the applicant submits to the jurisdiction of the Spanish courts in relation to any action arising from the specific licence granted, waiving, where applicable, the foreign jurisdiction that may correspond to them.

e) Commitment to fulfilling the obligations stipulated for specific licence holders in the Gambling Act 13/2011, of 27 May, in its implementing regulations and in this procedure.

f) Amendments, if any, which as a result of the development of gambling activities for the purposes of which the specific licence applied for is requested, the operational plan referred to in Article 10.2 of the Gambling Act 13/2011,



of 27 May, regulating gambling, may be subject to, submitted together with the application for the corresponding general licence.

g) Complete copies of the agreements entered into with all providers participating or who are to participate in the development and operation of the gambling activities covered by the specific licence applied for if different from those stated when applying for the general licence and if they affect the essential aspects of the activity enabled by the specific licence and have a bearing on compliance with the requirements of the regulations applicable to the licence.

Section 2:

a) Proof of payment of the fees referred to in paragraphs b) and d) of Article 49.2 of the Gambling Act 13/2011, of 27 May, regulating gambling.

b) Amendments to the gambling contract model that could arise as a result of the obtainment and operation of the specific licence requested.

Section 3:

a) Technical project with the content included in Appendix II of the Resolution approving this procedure.

b) Preliminary report issued by one or several bodies designated for such purposes by the Directorate General for the Regulation of Gambling in which it is certified, pursuant to paragraph c) of the Technical Project presented, that it includes the requirements regarding software, security features and connections necessary for obtaining a specific licence.

c) Statement of responsibility by which the applicant company undertakes to operate, under the specific licence requested, solely and exclusively gambling activities the specific rules of which have the minimum content established for this purpose in the relevant Ministerial Order approving the basic regulation for gambling, and also respect and adapt to the types of gambling activities regulated by the aforementioned Ministerial Order.

d) List of the ".es" domains registered by the applicant or which they are going to use for the development and operation of the gambling activities covered by the specific licence applied for.

e) List of the countries in the European Economic Area in which the interested party has obtained a licence for the development and sale of the type of gambling for which the specific licence is being applied for in Spain and copies of certificates and authorisations obtained for the software used.



f) Statement indicating the structure of the technical personnel, whether or not integrated into the company, which the latter uses for the development of the gambling activity enabled by the specific licence if different from the statement made for the purpose of obtaining the general licence.

g) Statement indicating the technical systems to be used by the company for the development of the gambling activities enabled by the specific licence.

h) Description of the installations or technical units, their location and the measures taken to guarantee their quality and security if different from those described for the purposes of granting the general licence.

2. Without prejudice to the requirement that all documents accompanying applications for specific licences be submitted electronically, the documents, hard copies of which need to be provided for the purposes of validity, may be presented through the channels provided for in Article 38.4 of Act 30/1992, of November 26, within ten days from the submission of the corresponding electronic form. Failure to meet this deadline for the submission of additional documentation may lead to it being requested as provided in Article 71 of Act 30/1992, of 26 November.

In general, it is considered that it shall be necessary to provide hard copies of the following documents to ensure their validity, without prejudice to the fact that the Directorate General for the Regulation of Gambling may require any other documents that it also considers necessary:

- Section 1.a) Documents accrediting representation.
- Section 2.a) Proof of payment of fees for gambling administration, when it has not been made in cash or online, approved by Subsecretariat Resolution of 20 June 2014.
- Section 3.b) Preliminary certification report based on the technical project presented

A form that must be completed in order to submit the documents, hard copies of which are required, will be made available through the electronic office of the Directorate General for the Regulation of Gambling. When completing this form the documents provided shall be identified, as shall the secure verification codes (SVCs) of the digital documents submitted online and the application number, to which they shall be attached.

The Directorate General for the Regulation of Gambling may at any stage of the procedure request the original documents based on which the electronic files included in the application were generated so as to be able to verify their validity and consistency.

3. Public documents issued by the authorities of countries other than Spain shall be submitted duly apostilled.



All documentation shall be translated into Spanish. The Directorate General for the Regulation of Gambling may request the translation of such documents as it considers relevant on account of the nature thereof.

It shall not be necessary to submit those documents that have already been provided by the applicant themselves to the Directorate General for the Regulation of Gambling. In such cases it will suffice to identify the procedure or file to which they were attached.

## *Section Two*

### *Procedure*

#### **Seven. Procedure.**

1. Licence applications, together with the documentation specified in Section Six of this Resolution, shall be submitted through the electronic register of the Directorate General for the Regulation of Gambling. This electronic register shall allow applications, documents and communications to be submitted every day of the year, twenty-four hours a day, without prejudice to the interruptions referred to in paragraph 2 of Article 30 of Royal Decree 1671/2009, of 6 November, when the carrying out of technical or operational maintenance work is justifiable. Such eventuality will be reported through the electronic register and the electronic office of the Directorate General for the Regulation of Gambling.

For the relevant purposes the electronic office of the Directorate General for the Regulation of Gambling shall always show in a readily visible place:

- a. The calendar of public holidays relating to procedures and formalities, which will be determined in the annual resolution published by the Ministry of the Presidency in the Official Gazette of the Spanish state.
- b. The correct date and time, which shall be the transaction date and time in the electronic register, the synchronisation of which shall be established in accordance with Article 15 of Royal Decree 4/2010, of 8 January, regulating the Spanish National Interoperability Framework.

The calculation of deadlines shall be based on the provisions of paragraphs 3, 4 and 5 of Article 26 of Act 11/2007, of 22 June, relating to the electronic access of citizens to public services.

When each application is received the electronic register shall automatically issue a receipt signed electronically via a competent body stamp and a secure verification code, which may be printed, and which shall reflect the data provided by the applicant, the date and time of submission, the input record number and other contents in accordance with the provisions laid down in Article 30.3 of Royal Decree 1671/2009, of 6 November.



2. Each specific licence application shall lead to the relevant procedure being initiated which, without prejudice to the eventual extensions and interruptions of deadline periods, shall conclude by resolution within six months of the corresponding application being recorded.

3. In view of the specific licence application, the Directorate General for the Regulation of Gambling shall examine the documentation provided by the applicant, the technical project submitted, the preliminary certification reports and compliance with the requirements stipulated under current gambling regulations.

The Directorate General for the Regulation of Gambling may request the applicant to, within ten days of notification of the request, correct any aspects of their application which render it incomplete, providing any missing documentation or such additional information as might be necessary so that the application can be assessed. The deadline period shall be interrupted during the time elapsed between notification being communicated to the applicant and the request being satisfied. If the applicant does not satisfy the request within the deadline established, their application shall be withdrawn and the file relating thereto shall be closed pursuant to Article 42.1 of the Legal Regime Applicable to Public Administrations and the Common Administrative Procedure Act 30/1992, of 26 November.

The provisions of the preceding paragraph are without prejudice to the right of the Directorate General for the Regulation of Gambling to request additional information and clarifications at any stage of the procedure, for the same purposes as those mentioned in connection with the interruption of the procedure.

4. Applicants shall be notified individually of any corrective action needed and any other matters that affect their interests through the appearance system in the electronic office of the Directorate General for the Regulation of Gambling, as provided for in Section Nine of this Resolution.

Notwithstanding the foregoing, the Directorate General for the Regulation of Gambling may send applicants communications relating to action to be taken by e-mail to the e-mail addresses provided in their applications, without prejudice to notification being issued in due legal form. Such communications shall not, under any circumstances, be considered as full notification.

5. Applicants must submit both the documentation corresponding to the necessary corrective action and any other additional documentation missing from the previously submitted applications making express mention of the individual record code number, which allows the file concerned to be identified, by completing the form made available for that purpose through the electronic office of the Directorate General for the Regulation of Gambling.



Interested parties may, where appropriate, expressly indicate when submitting documentation corresponding to the corrective action and any additional documentation what information and documents they request to be treated as confidential on account of them containing personal details or commercial, industrial or business secrets, in which case they shall provide a non-confidential version of the document or documents concerned. Each of the aspects of the documentation submitted by the operator regarding which they request confidentiality must be sufficiently justified. If no request for confidentiality is made it shall be understood that the applicant considers all of the documentation submitted to be non-confidential.

The documentation corresponding to the corrective action and any additional documentation must be submitted online. Those documents, hard copies of which need to be provided for the purposes of validity, may be presented through the channels provided for in Article 38.4 of Act 30/1992, of November 26, within ten days from the submission of the corresponding electronic form. Failure to meet this deadline for the submission of additional documentation may lead to it being requested as provided in Article 71 of Act 30/1992, of 26 November.

For the purpose of considering the documents that are required to be submitted in paper form to ensure validity, the provisions set forth in paragraph 2 of Article 6 of this Resolution shall, where appropriate, be applicable.

When each document is submitted the electronic register shall automatically issue a receipt signed electronically with the specifications set out in Section Seven of this Resolution for the submission of licences.

In accordance with the specifications of the software tools and communication channels available, the Directorate General for the Regulation of Gambling may limit the maximum length of documents to be submitted in one session.

6. The Directorate General for the Regulation of Gambling shall inform the autonomous regions of any applications affecting their territory so that they can issue the corresponding mandatory report referred to in Article 9 of the Gambling Act 13/2011, of 27 May, regulating gambling, within the period established in Article 83.2 of the Legal Regime Applicable to Public Administrations and the Common Administrative Procedure Act 30/1992 of 26 November.

7. The Directorate General for the Regulation of Gambling may request other public bodies and authorities to issue any reports they consider necessary so as to help it make a decision on the granting of the licence. Where appropriate, applicants shall be informed of the suspensive effects on the time frame for resolving their application arising from such requirement.



## **Eight. Resolution.**

1. Within six months from submission of the application through the electronic register of the Directorate General for the Regulation of Gambling, subject to the requirements set forth in the gambling regulations being met and the preliminary reports provided being assessed favourably, pursuant to Article 17 of Royal Decree 1614/2011, of 14 November, implementing Act 13/2011, of 27 May, the Gambling Act, regarding gambling licences, authorisations and registers, the Directorate General for the Regulation of Gambling shall issue a ruling, provisionally granting the licence or rejecting the application with justification, or agreeing to its amendment, and shall agree to register it in the corresponding section of the General Gambling Licence Registry.

This six-month time frame shall be understood without prejudice to the extension of said period due to the time that the applicant has taken to carry out the corrective action requested of them in accordance with Article 71 of the Legal Regime Applicable to Public Administrations and the Common Administrative Procedure Act 30/1992, of 26 November.

The provisional granting of the specific licence shall be conditional upon the obtainment, within the non-extendable period of six months from notice being served to the applicant, of definitive authorisation, in compliance with Article 11.3 of Royal Decree 1613/2011, of 14 November, implementing Act 13/2011, on the regulation of gambling, regarding the technical requirements of gambling activities.

In any case, the provisional licence shall expire once the period referred to in the above paragraph has elapsed without the need for the Directorate General for the Regulation of Gambling to expressly issue any communication to such effect.

In the cases in which the possibility of submitting applications for a specific licence and a general licence simultaneously is provided for, a provisional specific licence may only be granted if the relevant general licence has already been granted.

2. Once the final favourable certification report on the technical gambling system has been issued, the operator shall serve notice thereof to the Directorate General for the Regulation of Gambling for assessment purposes.

The final favourable certification report on the technical gambling system referred to in the above paragraph shall be drafted by the body or bodies that issued the preliminary report on the technical project referred to in Section Six above, unless this is not possible for justified reasons duly evidenced by the operator.

If the assessment of the report is positive, the Directorate General for the Regulation of Gambling shall grant authorisation and amend ex officio the provisional registration of the specific licence which shall become definitive.



Should the assessment not be positive, the Directorate General for the Regulation of Gambling shall order the operator's activity to be ceased, adopting the necessary measures to avoid potential damage to participants and public interest.

#### **Nine. Resolution notification.**

The operator making the application shall be apprised of both the resolution granting the provisional licence and that bringing the specific licence application procedure to a close, by electronic means, within ten days of the resolution being agreed upon and published on the website of the Directorate General for the Regulation of Gambling.

The Directorate General for the Regulation of Gambling shall issue electronic notifications by means of the appearance system through the electronic office.

In accordance with the provisions laid down in Article 40.2 of Royal Decree 1671/2009, of 6 November, and in order for the electronic appearance to constitute valid notification in accordance with Article 28.5 of Act 11/2007, of 22 de June, the duly identified recipient must be able to view a notification message, before accessing its content, as to the nature of the notification of the government actions, with the computer system recording such access, indicating the date and time thereof. From this moment the notification shall be considered for all legal purposes as having been successfully communicated. Pursuant to Article 28.3 of Act 11/2007 of 22 June, if the content of a notification has not been accessed in the ten calendar days after it is posted, it will be understood to be rejected, with the effects established in Article 59.4 of Act 30/1992 on the Legal System of Public Administrations and the Common Administrative Procedure.

Notwithstanding the foregoing, the Directorate General for the Regulation of Gambling may send applicants notices relating to the posting of notifications by e-mail to the e-mail addresses provided in their applications for notification purposes. Such notices shall not, under any circumstances, be considered as full notification.

In order to gain access to notifications it shall be necessary for applicants to meet technical software requirements on their computers and to have their browsers configured in such a way as to be able to use electronic signature functions.

The method of issuing notifications in accordance with the provisions of this article is not incompatible with that used via the enabled e-mail address (DEH), regulated by Order PRE/878/2010, of 5 April, establishing the regime for the enabled e-mail address system provided for in Article 38.2 of Royal Decree 1671/2009, of November 6. If, for any reason, the notification is issued through both systems, that which is issued first shall have legal effect. Likewise, if



the notification is issued through the electronic office and by non-electronic means, that which is issued first shall have legal effect.

The applicant shall be notified of the resolution of the Directorate General for the Regulation of Gambling that brings the procedure to an end within ten days of it being issued.

Also, the Directorate General for the Regulation of Gambling shall apprise the competent autonomous region bodies of any specific licences granted within their territory within the period referred to in the above paragraph.

#### **Ten. Appeals.**

Pursuant to articles 114 and 115 of the Legal Regime Applicable to Public Administrations and the Common Administrative Procedure Act 30/1992, of 26 November, an interested party may lodge an administrative appeal against the resolution issued by the Directorate General for the Regulation of Gambling closing the procedure with the State Secretariat for Finance within one month from the day following notification of this resolution.



## APPENDIX II

### OPERATOR TECHNICAL GAMBLING SYSTEM PROJECT REQUIREMENTS

The technical project is composed of three sections: a), b) and c), which may be submitted in a single document or in separate documents.

In the event that the technical gambling system comprises gambling services provided by third party providers, sections b) and c) may be divided and submitted structured by gambling service provider if this facilitates structuring and adds clarity in terms of the information submitted. For example, section b) relating to the internal control system can be divided into two documents corresponding to the data capturer provider and the storage provider.

Section a) must enable the gambling technical system corresponding to the set of licences applied for and of which the operator is holder to be viewed fully. Therefore, it must be separate and must not be divided by gambling service provider.

In the event that the operator simultaneously applies for several licences in this call, sections a) and b) could be used for more than one purpose. In this case the document or a reference to the general licence application that it contains can be included. Up-to-date technical projects must be submitted. Therefore, documents relating to the technical project provided for previous applications shall not be considered valid.

a) High-level description of the entire technical gambling system, including all the general and specific licences which the operator holds, as well as the applications.

1. High-level diagram of the entire technical gambling system.
2. High-level description of the operator's entire technical gambling system.
3. List of the main technical gambling system providers.
4. High-level description of the integration of the different technical gambling system providers.
5. Organisational chart and description of the main back office and operational support functions, indicating which are managed directly by the operator and which are managed by each of the providers.
6. List of data processing centres (DPC) used directly by the operator, indicating the physical location (address, city, country), the name of the DPC infrastructure provider and an overview of the features supported.
7. List of data processing centres (DPC) used by each of the providers, also indicating in this case the physical location (address, city, country), the name of the DPC infrastructure provider and an overview of the features supported.



8. Main areas of security management, indicating which are the responsibility of the operator and which are managed by each of the providers.
- b) Internal control system: the data capturer and the storage system.
1. High-level diagram of the internal control system and its relationship with the platform.
  2. Functional description.
  3. Data capturer and storage providers.
  4. Data processing centres (DPC), indicating the physical location (address, city) and the name of the DPC infrastructure provider.
  5. High-level description of security management and major security measures.
- c) Description of the gambling system. It shall at least include the gambling software and random number generator.
1. Description of the role of the operator in relation to the licence applied for, indicating, for example, if it will directly offer it to participants (B2C), co-organise operator networks or other options.
  2. General description of the gambling on offer.
    - a. General description.
    - b. Description of the methods of payment for participation in gambling and payout of winnings. All cases in which the gambling account is not used shall be specifically detailed.
  3. High-level diagram.
  4. Functional description.
  5. Description of the random number generator in games.
  6. List of main providers, indicating the name and version of the product. In the case of bets with a bookmaker feed providers of sports events and/or prices shall be included. In general, in the case of co-organised games for various network operators, the different roles and responsibilities of the B2C operator and network operator shall be described.
  7. Organisational chart and description of the main back office and operational support functions, indicating which are managed directly by the operator and which are managed by each of the providers.
  8. Description of the various channels (internet, telephone, SMS and other) provided for participation in gambling. Cases where the use of physical terminals of any kind, kiosks or terminals at points attended by operator personnel are considered shall be noted and described in detail.
  9. Description of measures to ensure the security, confidentiality and integrity of communications with the participant.
  10. High-level description of security management and major security measures.



11. List of types, forms and variants of games. To describe the games the name of the game according to the manufacturer will always be included, and if they have decided, also the brand name used by the operator. In the event that the basic gambling regulation limits the number of game variants permitted, next to each name of the game according to the manufacturer, the name of the variants, as per the corresponding basic regulation, shall be indicated.

For each of the games, forms and variants, a description of the rules and, in particular, of the game mechanics linked to obtaining prizes will be included. This description shall explain the key elements that are part of the game (number of cards, number of players, etc.), the general rules that determine the playing of the game and the mechanics of creating prizes and obtaining them. Specifically, this description shall also include the following information:

- a. For online slot-machine games:
  - i. The minimum and maximum number of rollers in each game shall be indicated. If rollers are not used in the game, full details shall be provided as to how the game works.
  - ii. The games which involve some kind of skill shall be indicated.
  - iii. It shall be indicated whether the game can be connected to a controller of progressive jackpots.
  - iv. It shall be indicated whether the game has bonus rounds or metamorphic evolutions.
  - v. It shall be indicated whether the rate of return in the game is configurable by the operator.
  - vi. It shall be indicated whether the game can be played in automatic mode.
  - vii. A detailed description shall be included of the technical solution for complying with the obligations established in Article 14 of the Order HAP/1370/2014 of 25 July, which enacts the basic regulation for slot machine gambling. The description shall include screenshots or prototypes of the web interface that allows the player to set the session for the online slot-machine game, as well as the various notices and communications received by the user during the session.
- b. For bets with a bookmaker and exchange bets:
  - i. It shall be indicated whether live betting is on offer.
  - ii. In the case of exchange bets, it shall be indicated whether "betting involving interaction among participants, in accordance with Article 16 of the Ministerial Order approving the basic rules of this game", is on offer.
- c. For roulette
  - i. It shall be indicated whether any of the variants is a multi-player game.
  - ii. It shall be indicated whether any of the variants is adapted for TV broadcast or other media.



- iii. It shall be indicated whether any of the variants allow a face roulette as a random generator (Live Roulette).
  - d. For poker.
    - i. It shall be indicated whether tournaments are on offer.
    - ii. It shall be indicated whether cash games are on offer.
  - e. For bingo:
    - i. The minimum and maximum number of bingo numbers or symbols and score cards shall be indicated.
  - f. For blackjack, Punto Banco and additional games:
    - i. It shall be indicated whether any of the variants is a multi-player game. In this case it shall be indicated whether any of the players can take the place of the bank during the game.
  - g. For competitions:
    - i. It shall be indicated whether games requiring users to sign up to a gambling account will be on offer.
12. For each of the games, forms and variants a demo of the game, that is to say, a demo version of the game shall be included. It may consist of a video, or a sequence of images or presentation that allows the reader to identify in general terms the basic graphic aspects and general game mechanics.