



Order HAP/1369/2014, of 25 July, approving the basic regulations for Exchange Betting and modifying different ministerial orders which approve the basic regulations on certain forms of gambling.

The primary purpose of the Gambling Regulation Act, Law 13/2011 of 27 May, is the creation of a suitable legal framework for the development of the gambling sector at national level, which offers legal security to operators and participants, avoids and prevents the participation of minors and of people whose access to gambling is limited voluntarily or by court order, protects the public interest and avoids and prevents money laundering and the funding of terrorism.

The passing of this Law established a regulatory framework for access to the operation and development of gambling activities at national level, permitting the opening of the market to multiple operators.

This opening of the market took the form of issuing permits that authorise gambling operators to operate the modes of gambling covered by the Law through general licences, on the one hand, and, on the other, to operate each individual type of gaming regulated by the Law through individual licences.

On 17 November 2011, as part of the gambling regulation process, several Ministerial Orders were published approving the basic sets of regulations for different types of gaming.

This Order complements the previous process and ensures compliance with the requirements for prior regulation, as set forth in Article 11 of Law 13/2011, of 27 May, the Gambling Regulation Act, for the awarding of individual licences.

This establishes a series of basic regulations for exchange betting, that can be implemented by the Directorate General for the Regulation of Gambling and which will be complemented by the specific private rules that the different operators must draft and propose together with their application for an individual licence, which will govern gambling operations and the operator's relations with participants.

In short, its main purpose is the protection of participants and public interests affected by gambling activities, particularly the protection of minors and dependent people, the prevention of compulsive gambling and compliance with the provisions of Law 10/2010, of 28 April on the prevention of money laundering and the funding of terrorism.

This Ministerial Order is divided into four chapters, nineteen articles, a temporary provision and fourteen final provisions.

Chapter I covers the general provisions and incorporates the definitions



which are useful for understanding the text.

Chapter II refers to the licences which must be held by operators who wish to provide and operate exchange betting, establishing the requirement to obtain a general licence for “Betting”, and the relevant individual licence for marketing each of the three types of exchange betting. This Chapter also establishes a validity period of five years for the individual licence, which can be extended for further five-year periods, and empowers the Directorate General for the Regulation of Gambling to determine by resolution the guarantees linked to this licence.

Chapter III establishes a framework for the relationship between the operator and the participants. It also refers to the procedure for customer service and the resolution of complaints and claims implemented by the operator and made available to participants. It specifies different obligations which the gambling operator has towards the participant, authorises the promotion of this gaming in the terms set forth in Article 7 of Law 13/2011, of 27 May, the Gambling Regulation Act, and governs the channels and means of participation.

Chapter IV establishes guidelines for the provision of exchange bets and sets economic limits on participation. This Chapter also covers the rules for action in relation to involvement in the game by operator and participant, particularly the formation and confirmation of the offered bet, the placing of exchange bets, the cancellation of events, the basic dynamics of this type of betting and the determination, allocation and payment of prizes.

The Appendix to the Order approves the limits to the amounts of the guarantees linked to each individual licence for the operation of each type of exchange bets, to be set at 5% to 12% of the operator's net revenue for the previous year from the activity governed by the individual licence.

This Ministerial Order contains a temporary provision on the impossibility of offering exchange bets on horse racing until the appropriate tax rate for this type of bet has been determined by law, and fourteen final provisions. The first of these refers to the empowerment of the Directorate General for the Regulation of Gambling to establish the procedure for authorising occasional gambling activities. Provisions two to thirteen modify different Ministerial Orders which approve the basic regulations for different types of gaming, in order to guarantee that the information provided to participants by the operator is free of charge, incorporate the regulations for certain types of bets, and make technical improvements to the wording of the Article on channels and means of participation in the corresponding regulations. The last final provision determines when the Order comes into force.

This Ministerial Order has been submitted to the report of the National Markets and Competition Commission and to the information procedure of the standards, technical regulations and regulations related to information society services, regulated in Royal Decree 1337/1999, of 31 July, for the purposes of compliance with European Parliament and Council Directive



98/34/EC, of 22 June 1998, amended by the European Parliament and Council Directive 98/48/EC, of 20 July 1998.

This regulatory provision is issued by the Ministry of Finance and Public Administrations, in accordance with Articles 5 and 19 of Law 13/2011, of 27 May, the Gambling Regulation Act, and additional provision 9 of Royal Decree 1614/2011, of 14 November, implementing Law 13/2011, of 27 May, the Gambling Regulation Act, in relation to licences, authorisations and gambling registers.

By virtue of which, I hereby decree:

## Chapter I.

### General provisions

#### Article 1. Object.

These Regulations are intended to establish basic rules for national-level provision and operation of exchange betting activities, and for the drafting of particular rules for such betting, without prejudice to the competences of the Autonomous Regions.

#### Article 2. Definitions.

For the purposes of these basic regulations, the terms used herein will have the meaning established in this article.

1. Exchange bet. The bet resulting from the matching of a back bet and a lay bet, both placed by participants, on a given event and bettable outcome, in which the gambling operator acts only as a betting exchange and guarantor of the amounts wagered by the participants in these bets.
2. Offered bet. This is the proposed bet confirmed by the participant and submitted to the gambling operator, which defines the elements of the future bet. The offered bet must include the direction of the bet, the event, the bettable outcome, the predicted result of the event, the bet coefficient, the amount wagered, the possible winnings, and where applicable, the validity period of the offered bet.
3. Offered back bet. A proposed bet made via the operator's platform, betting that one or more predictions will be fulfilled, in the framework of a given type of bet for a specific market. The proposal made by the participant offering a back bet will be the opposite of that of an offered lay bet.



4. Offered lay bet. A proposed bet made via the operator's platform, betting that one or more predictions will not be fulfilled, in the framework of a given type of bet for a specific market. The proposal made by the participant offering a lay bet will be the opposite of that of an offered back bet.
5. Matching. The identification and linking by the gambling operator of the total or partial match of an offered back bet and an offered lay bet.
6. Betting coefficient. This is the multiplier included in each offered bet and which determines the amount a participant can win in exchange back bets, or the amount the participant must wager in exchange lay bets.
7. Exchange bet on sports. Type of bet in which the element bet on is the result of one or more sport events included in the schedules previously established by the operator.
8. Exchange bet on horse racing. Type of bet in which the element bet on is the result of one or more horse races included in the schedules previously established by the operator.
9. Other exchange bet. Type of bet in which the element bet on is the result of one or more bettable events which are not related to sport or horse races, and which are included in the schedules previously established by the operator.
10. Single exchange bet. This is a bet on one result for a single bettable outcome.
11. Multiple exchange bet. This is where bets are placed simultaneously on two or more results in an event.
12. Combined exchange bet. This is where bets are placed simultaneously on the results of two or more events.
13. Live offered bet. A bet which is offered while the event being bet on is taking place. This offer may or may not lead to a live exchange bet.
14. Live exchange bet. This is an exchange bet placed while the event being bet on is taking place.
15. Event. An event relating to sport, horse racing, society, the media, the economy, shows, culture or other similar events previously determined by the operator in the corresponding schedule, which takes place within the framework of a competition or alongside it, which is organised by people, associations or entities that are independent of the operator, which has an uncertain outcome not connected with the betting operator or the participants, for which betting offers can be proposed.
16. Bettable outcome. Any aspect or circumstance of the event previously determined by the operator in its betting schedule, for which betting offers can be made.



17. Schedule of events and bettable outcomes. Set of events and bettable outcomes, determined by the gambling operator, which participants can offer bets on.
18. Suspended event. This is an event that, once started, has been interrupted before reaching its scheduled conclusion.
19. Cancelled event. This is an event which, for reasons beyond the control of the gambling operator or participants, does not take place, or if held, its results are not considered in the bets.
20. Postponed event. This is an event which, for reasons beyond the control of the gambling operator or participants, does not take place at the time it is scheduled to do so.
21. Operator's commission. The amount the operator will charge the participant when settling the payment of the bet, as established in the particular rules.
22. Amount wagered. The maximum amount of money the participant can lose if he loses his bet, whether backing or laying.
23. Possible winnings. The amount the participant wins if his predictions are correct.

## Chapter II.

### Authorising permits

#### Article 3. Licences required.

Operators interested in providing and operating betting exchanges must have a general licence for "Betting", as defined in Article 3.e of Law 13/2011, of 27 May, the Gambling Regulation Act, awarded by the Directorate General for the Regulation of Gambling, and must request and obtain the corresponding individual licence for each type of bet they wish to operate: Sports exchange bets, horse-racing exchange bets, or other exchange bets.

#### Article 4. Validity period and extension of individual licences.

1. Individual licences for providing and operating the different types of exchange bets will be valid for five years, and the interested party may apply to extend the licence for successive periods of the same duration until the general licence by which it is covered expires.

2. Applications to extend individual licences should be sent to the Directorate



General for the Regulation of Gambling in the year before its expiry date and at least four months before it expires, accrediting:

- a) Compliance with the requirements and conditions for obtaining the individual licence.
- b) The uninterrupted use of the licence for at least three fifths of the validity period of the individual licence.
- c) Payment of the tax on gambling activities and the fees for the administrative management of the game.

For the purpose of paying and settling the fee for the administrative management of the game, established in Article 49.5.d) of Law 13/2011, of 27 May, the Gambling Regulation Act, the extension of an individual licence shall be equivalent to awarding new licences.

3. If the above conditions are met, the Directorate General for the Regulation of Gambling will award the requested extension and will agree to its entry in the General Register of Gambling licences unless it believes there are reasons relating to safeguarding public interests, protecting minors or preventing cases of compulsive gambling, that justify its refusal to award the requested extension.

#### Article 5. Guarantee linked to each individual licence.

1. The Directorate General for the Regulation of Gambling may establish the general obligation to provide an additional guarantee linked to the award of each individual licence for the provision and operation of the different types of exchange bets.

Where applicable, the Directorate General for the Regulation of Gambling will determine by resolution the amount of the guarantee linked to each individual licence for the provision and operation of the different types of exchange bets, which all operators must meet, in the framework established in the Appendix to this Order.

2. Each guarantee linked to an individual licence for the provision and operation of the different types of exchange bets is subject to compliance with the general obligations of the operator and, in particular, the specific obligations relating to the payment of gambling prizes for the exchange bets operated by the operator, and to compliance with any other obligation relating to the individual licence in question imposed by the Directorate General for the Regulation of Gambling, respecting where applicable Article 77 of Law 58/2003, of 17 December, the General Law on Taxation, within the framework of article 14 of Law 13/2011, of 27 May, the Gambling Regulation Act, and its implementing regulations.

3. Each additional guarantee referred to in this article will be constituted in the form and under the conditions set forth in the implementing regulations of



Law 13/2011, of 27 May, the Gambling Regulation Act.

### Chapter III.

#### Relations between the operator and the participants.

##### Article 6. Particular rules on exchange betting.

1. The provision and operation of exchange bets requires the previous publication of particular rules, which are private and drafted by the gambling operator, without prejudice to the supervisory powers of the Directorate General for the Regulation of Gambling.

The particular rules will establish rules for the exchange bets provided by the operator and the rules governing the relationship between operator and participants.

2. The specific rules for exchange bets must be published by the operator on its website and must be easily accessible to participants permanently and free of charge, using techniques appropriate to the medium.

3. The operator will notify the Directorate General for the Regulation of Gambling of the date of publication of the particular rules, and of any changes made to them.

##### Article 7. Participant claims.

1. The operator must offer a customer assistance service and must have a system for dealing with and resolving any possible complaints or claims made by participants or any other person who may be affected by the actions of the operator, and within the particular rules of the game, should establish the procedures and means to enable participants to present claims and, in particular, the address or addresses to which said claims should be sent, the time period for presenting claims and the time period in which the operator must respond.

The customer assistance, complaints and claim system should be easily accessible to anyone who may need to use it and should, as a minimum, offer electronic access via the operator's website, which will record the date and time of receipt of any claims presented via this channel.

Assistance for participants must be provided free of charge and at least in Castilian Spanish.

2. The time limit for presenting claims will be established in the particular rules of the game, and should be no less than three months from the date of



the last event on which the bet was placed or of the event which caused the claim.

The operator shall issue a communication to the claimant, in which it acknowledges receipt of the claim, and which shall state the identity of the operator and the time period in which the claimant will be informed of the decision reached in respect of their claim.

The operator will reach a decision on the participant's claim within a period of one month from the date the claim is received at the address or addresses established for this purpose, and this will be communicated to the claimant.

3. If the claim has been resolved by the operator and the claimant has not been informed of the decision one month from receiving the claim, the participant can send a claim to the Directorate General for the Regulation of Gambling, which will resolve the situation within two months from the date the claim is entered on their register, without prejudice to the opening of the corresponding sanction procedure if the operator should have committed any of the infringements listed in Title VI of Law 13/2011, of 27 May, the Gambling Regulation Act.

4. The expiry date of the prizes will be put on hold from the date the claim is received by the operator until the date on which the operator communicates its decision to the claimant, or until notification is given of the decision reached by the Directorate General for the Regulation of Gambling, where applicable.

#### Article 8. Obligations of gambling operators.

Gambling operators must:

1. Provide users with a tutorial explaining exchange betting before the first bet is offered. This tutorial must be available to users at all times.
2. Publish the particular rules.
3. Conserve the schedules of games and events for at least six years. The Directorate General for the Regulation of Gambling may at any time require the operator to provide a copy of a given schedule, which must be provided within fifteen days.
4. Notify participants of the results of their bets, and when and how to present any claims.
5. Comply with the obligations and limitations established in the implementation of Article 16 of these basic regulations.
6. Provide participants with clear, complete, true and up-to-date information, in at least the Spanish language, on at least the following items:



- a) The identity of the gambling operator and, in particular, information on its licences awarded by the Directorate General for the Regulation of Gambling and their periods of validity, trade name, business name, registered address and, where applicable, the address of its representative in Spain.
- b) The claims assistance system implemented by the operator as referred to in the previous article. The information must contain at least: postal and email address to which the claims can be sent, deadlines for presenting claims and, where applicable, standard forms and time period for communicating the decision. They must also provide information on the operator's duty to issue a reply for each claim received. The operator is obliged to inform claimants of the identity of the staff they will communicate with.
- c) The particular rules for exchange bets and the ways of taking part in them. This information must be truthful and easily available before participation begins and at any time during participation.
- d) The competitions and events and bettable outcomes on which bets can be made.
- e) The period in which bets can be offered.
- f) The validity period of the offered bets.
- g) The possible winnings and amount wagered by the participant, according to the offered bet.
- h) The operator's commissions.
- i) The prize which the participant might have won, the amount wagered and the balance of their gambling account when the bet has been decided, if they win.
- j) The records of the participant's pending and matched bets, showing the amount bet and the amount of any prizes won.
- k) The existence of automated mechanisms for changing and cancelling offered bets.
- l) The final results of the events and bettable outcomes included in the betting schedules.
- m) The operator's Responsible Gambling Policies.

#### Article 9. Promoting exchange bets.

1. Under the terms established in Article 7 of Law 13/2011, the Gambling Regulation Act, a gambling operator may publicise, sponsor or promote gambling activities, and publicise or promote itself, in accordance with the following criteria:

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- a) Advertising should be easily identifiable by the target audience.
  - b) Advertising should be socially responsible, paying due attention to the protection of minors and other particularly vulnerable groups. Also, in the case of minors, they must avoid directing advertising at them or creating advertising which is particularly appealing to children and young people under the age of 18, or involving minors to a significant extent in a promotional activity.
  - c) If the advertising is broadcast via audiovisual media, it must also respect the provisions that apply to commercial and self-promotional communications contained in Law 7/2010, of 31 March, the General Law on Audiovisual Communication, and in particular the provisions of Article 7 on the rights of minors. Likewise, they must pay special attention to the times that the gambling advertising is broadcast and must take into account the age ratings of the programmes the advertisements are broadcast alongside or are inserted into.
2. Furthermore, the operator may undertake promotional activities to promote the range of games it markets and offer bonuses for participants to sign up or participate, provided said practices:
    - a) Are not contrary to the provisions of these basic regulations or the regulations governing the game.
    - b) Do not contravene the terms established in Law 34/2002, of 11 July, on Information Society Services and eCommerce and Law 7/2010, of 31 March, the General Law on Audiovisual Communication.
    - c) Do not alter the course of the game.
    - d) Do not lead to confusion among participants regarding the nature of the game.
  3. The operator is responsible for publishing on their platform the conditions of application and validity periods of all promotional initiatives they offer and the terms and conditions of said initiatives.
  4. The Directorate General for the Regulation of Gambling can set a maximum limit on the amount an operator may spend on promotional initiatives and bonuses for participants under the terms established in Article 7 of Law 13/2011, of 27 May, the Gambling Regulation Act, and in the regulations implementing it.
  5. Operators of live exchange bets may carry out advertising campaigns relating to the bets they market via the media broadcasting the event that the bets are based on, at the same time as the broadcast, without having to interrupt it.
  6. Gambling operators may offer free gambling applications on their platforms, under the terms of the regulations implementing Law 13/2011, of 27 May, the Gambling Regulation Act.



#### Article 10. Participation channels and methods.

1. Participation in the gambling governed by these basic regulations, in accordance with Article 1 of Law 13/2011, of 27 May, the Gambling Regulation Act, may be carried out via electronic, online and interactive channels, wherein any potential in-person methods are incidental in nature.

Participation may also take place via additional physical terminals, which require authorisation by the competent Autonomous Region of the territory prior to installation, according to the applicable regulations of that region. These physical terminals must first be endorsed by the Directorate General for the Regulation of Gambling.

2. Individuals may participate in these bets using any mechanism, installation, equipment or system that can produce, store or transmit documents, data and information, including any open or restricted communication networks such as television, internet, landlines and mobile telephony or any others, or interactive communication, either in real time or store and forward.

#### Chapter IV.

#### Providing exchange bets.

#### Article 11. Providing exchange bets.

1. Exchange betting will take place in accordance with these basic regulations, the provisions issued to implement them, in the terms of the corresponding individual licence, the particular rules of the type of bet, and the corresponding schedule set by the operator.

2. Participants may only offer bets on the events and bettable outcomes specified in the operator's schedule.

3. Within the framework established by the operator in its schedule of events and bettable outcomes, participation in exchange bets will involve presenting the offered exchange bet to the operator and waiting for it to be accepted by one or more other participants, or accepting an offered bet presented by another participant and published by the gambling operator on its platform. This acceptance implies an offered bet in the opposite direction to the initial offered bet.

4. In application of the particular rules for the type of bet and the schedule established by the operator, the exchange bet may be a back or lay bet (in favour of or against an outcome). In turn, each bet may be single, multiple or combined.



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

#### Article 12. Amount of the exchange bets.

1. The maximum and minimum amount wagered in exchange bets will be established by the operators in their particular rules, and expressed in euros.

2. After the start of the event on which exchange bets are offered, offered bets cannot be presented to the operator for that event for an amount higher than the account balance available to the user at the time the event starts.

In cases where, after the start of the event to be bet on, the participant registers as a user with an operator, for the purposes of the previous paragraph, the available balance of the user's account will be understood to be zero.

If during the course of the event on which bets have been offered, the participant deposits additional funds in his gambling account exclusively drawn from prizes won as a result of bets on this event, this sum may also be used to offer new live bets on the same event.

#### Article 13. Structure of the offered bet.

1. The offered bets presented to the operator must determine the direction of the exchange bet, the event, the bettable outcome and the prediction on which the offered bet is based, and the coefficient of the bet, the amount wagered, the amount to be received if the bet is won, and if applicable, the validity period of the offered bet.

2. Once the offered bet, whether backing or laying, has been configured, to enable the participant to confirm or cancel the offer, the gambling operator must inform the participant at least of the elements making up the offered bet cited in Point 1 of this Article, the fees which will be charged by the operator, the net winnings for a winning bet, and the period during which this offer can be married.

3. Similarly, at this time the gambling operator must check the available balance of the user's gambling account. If he does not have enough balance the offered bet must be rejected.

#### Article 14. Confirmation and documentary accreditation of offers.

1. After checking the available balance as noted in the previous Article,



and informing the participant of all the elements of the offered bet, the participant will confirm the offer if in agreement with the terms. If not, he may cancel the offer.

2. After confirming the offered bet, the operator will issue the corresponding document to accredit it and will publish it on its platform. The document accrediting the offered bet must contain, at least, the direction of the exchange bet, the event, the bettable outcome and the prediction of its result, the coefficient of the bet, the amount bet, the possible winnings, the date and time the offered bet was confirmed, and the unique security number or alphanumeric combination which identifies the accrediting document.

3. The participant will not be able to access the balance corresponding to the amount wagered in the confirmed offered bet unless the bet is changed or cancelled.

4. The offered bet is considered binding on the participant offering it from the time of its inclusion or publication on the operator's platform, unless the participant changes or cancels his offered bet before it is accepted by another participant.

5. If the offered bet is married with another offer, the operator will withdraw the amounts corresponding to the amount wagered from both participants' accounts, issue the accrediting document for the exchange bet, and stop advertising the married offers.

6. The gambling operator may offer mechanisms for changing or automatically cancelling offered bets, which users can include in their offers, as established in the particular rules.

#### Article 15. Formalisation of the exchange bet.

1. The gambling operator will match the offered bets in the order in which they were received on its platform, and they will be linked to the best odds available at that time. Bets will not be affected by later changes to the odds, without prejudice to what the operator may establish in its particular rules if the participants should withdraw from the different bettable outcomes.

2. The formalisation and validation of exchange bets must be concluded within the time limit set by the operator in the particular rules of the type of bet. These rules may allow participants to determine the validity period of their offered bet and to set a time limit.

3. Offered bets which have not been married within the time limit set by the participant, if the particular rules permit him to do so, will be cancelled automatically, leading to the immediate unlocking of the amounts corresponding to the amount wagered in the cancelled offered bet.

4. The exchange bet takes its definitive form when the operator makes a total or partial match between an exchange back bet and an exchange lay



bet on a given event and bettable outcome, with a given coefficient of the bet. Exchange bets will be formalised and validated via the means established by the operator's particular rules for the game, from among those listed in Article 10.2 of these Basic Regulations.

5. Once the offered bets have been matched and the amounts wagered have been frozen, the operator will issue an accrediting document for each bet placed, delivering it to each participant by the same means used to place the bet. The accrediting document must contain at least the direction of the bet, the event and bettable outcome on which it is based, the prediction of its result, the amount wagered, the coefficient of the bet, the possible winnings, the date and time the bet was matched, and the unique security number or code identifying it. In cases of partial matching, an accrediting document will be issued for each match until the total offer is completed.

6. This matching will not constitute any type of agreement or contract between the participants who have offered bets, whose only contractual obligation is to the operator. The matching of offered bets will be limited to the wagered amount set by the offerer, and will always be limited to the amount deposited by the offerer in his gambling account at the time of offering the bet.

7. Participants will not know the identity of the other participants offering bets or accepting those already published by the operator.

#### Article 16. Bets with interaction between participants.

1. A reasoned request can be made for exemption from the obligation to match the offered bets with the best available odds, to maintain anonymity between the participants, and to publish the offers on the operator's platform, in order to allow participants to interact directly, as long as it is in the framework of the operator's platform.

2. The request for exemption can be submitted with the application for the individual exchange betting licence, or at any time after the licence is awarded. The operator must specify in the request the conditions and economic limits of the gaming mode it intends to market. These limits may include those relating to the maximum amount which can be wagered in an individual bet and/or a given period. The operator must also provide a detailed list of the additional measures designed to detect fraud patterns and establish the responsibility for compliance with it in the operator's technical project and operating plan.

3. The exemption must be authorised by a Resolution by the Directorate General for the Regulation of Gambling. In order to assess the sufficiency of the elements described above, this body may request any reports it deems advisable.

4. The Resolution granting this exemption may include additional obligations



which complement those referred to in the above sections, and if necessary will be subject to approval of the change management in the operator's technical betting system.

#### Article 17. Determining and awarding prizes.

1. The prizes for exchange bets shall be determined by the results of the bettable outcomes listed in the betting schedule.

A bet will be understood to have won a prize when the predictions made in the bet are the same as the valid result, in accordance with the particular rules of the game.

2. After the bettable outcome on which the bet was wagered has ended, the operator will use the means established in the particular rules of the game to notify participants of the valid results. Wherever possible, and where the channel enables suitable communication with the participant, the operator will communicate the results using the same means used by the participant to place their bet.

In official events and bettable outcomes, the valid result will be the one determined by the organiser.

In events and bettable outcomes where the organiser reliably publishes the result of the event or bettable outcome on which the bets were wagered, the valid result will be the one determined by the organiser.

If not, the result will be determined by the operator based on the written, graphic, testimonial or other evidence it gathers, which should preferably come from public sources. Wherever possible, this evidence should be accessible to participants for consultation on the organiser's website. If this is not possible, the results should be shown by any other consultation means accessible to participants.

3. Once the result is known of the bettable outcome on which the bets were based, the operator will allocate prizes to the participants who have won based on their correct prediction of the results of the bettable outcomes.

4. The results of the bettable outcomes shall be published by the operator on its website within 24 hours following the event. The published results should be accessible at least from the date of their publication until the last calendar day which, in accordance with the specific rules of the game, has been set for filing claims, in accordance with Article 7.2 of these Basic Regulations.

5. The Directorate General for the Regulation of Gambling may establish the procedures and obligations for reporting the results of bettable outcomes and the allocation of prizes, and where applicable, the additional obligations to publish which it may deem necessary for better protection of participants and the public interest.



#### Article 18. Paying prizes.

1. Prize winners are any participants who have placed a bet which, according to the result of the bettable outcome or outcomes on which the bet was based and the particular rules of the game, have won a prize.

2. The operator must pay the prizes won in exchange bets from the moment the result of the bettable outcomes on which the bets were based are known, and they must pay the prizes to the winning participants in accordance with the terms and conditions of the particular rules of each game.

The payment of prizes shall begin following the publication of the results of the bettable outcomes referred to in Article 16.4 of these Basic Regulations.

The operator will fulfil the obligations described in the preceding two paragraphs, in accordance with the procedure defined in its terms and conditions.

3. The authorised operator will pay the prizes as provided for in the particular rules of the game, and if these are not available, by the same payment means used by the participant to participate. Under no circumstances should payment of the prize entail any costs or additional obligations for the prize winning participant.

The right to receive payment of the prize will expire on the date set in the particular rules of the game, which will not be less than three months from the day after the conclusion of the final event in the betting schedule.

#### Article 19. Suspension, cancellation or postponement of events.

1. Operators will make provisions in the particular rules of the game for occasions on which the events established in the betting schedule are suspended, cancelled or postponed and for the replacement of those included in the schedule, where applicable. They will also list the occasions on which bets may be upheld or cancelled as a result of suspensions, postponements or replacements. In all cases they must guarantee the right to collect any prizes participants might have won through bets on bettable outcomes which were substantiated prior to the suspension or cancellation.

2. Suspended events may offer valid results if the particular rules of the bets allow for this.

3. A postponed event, unless the particular rules of the game state otherwise and establish an event to replace it, means postponing the results of the bets.

4. The full sum corresponding to the amount wagered in bets which, once formalised, are cancelled by the operator in application of their particular rules, should be refunded or made available to participants in the way set



forth in those particular rules, always at no additional cost to the participants and with no additional obligations.

Single temporary provision. Marketing of exchange bets on horse racing.

Gambling operators' schedules of events and bettable outcomes cannot offer exchange bets on horse racing until the tax rate applicable to this type of bet has been determined by law.

First final provision. Authorisation of the Directorate General for the Regulation of Gambling.

The Directorate General for the Regulation of Gambling is authorised to establish the procedure that regulates the awarding of permits for occasional gaming activities, as provided for in this Ministerial Order and in the implementing regulations of Law 13/2011, of 27 May, the Gambling Regulation Act. This procedure will establish the requirements that must be met by operators and the documentation proving they meet these requirements which will have to be presented.

Second final provision. Changes to Order EHA/3079/2011, of 8 November, approving the basic regulations on "Other bets against the house".

Order EHA 3079/2011, of 8 November, which approves the basic regulations on "Other bets against the house", will be modified as follows:

One. The last paragraph of Article 7.1 on the basic regulations for other bets against the house, which appears as Appendix I of the Order, is worded as follows:

"Assistance for participants must be provided free of charge and at least in Castilian Spanish."

Two. Article 10 of the basic regulations for other bets against the house, which appears as Appendix I of the Order, is worded as follows:

"Article 10. Participation channels and methods.

1. Participation in the gambling governed by these basic regulations, in accordance with Article 1 of Law 13/2011, of 27 May, the Gambling Regulation Act, may be carried out via electronic, online and interactive channels, wherein any potential



in-person methods are incidental in nature.

Participation may also take place via additional physical terminals, which require authorisation by the competent Autonomous Region of the territory prior to installation, according to the regulations applicable in that region. These physical terminals must first be endorsed by the Directorate General for the Regulation of Gambling.

2. Individuals may participate in these bets using any mechanism, installation, equipment or system that can produce, store or transmit documents, data and information, including any open or restricted communication networks such as television, internet, landlines and mobile telephony or any others, or interactive communication, either in real time or with store-and-delay."

Three. A new section has been added to Article 12 of the basic regulations for other bets against the house, which appears as Appendix I of the Order:

3. In general, the amount of money a single participant may dedicate to his participation in other live sports bets against the house cannot exceed the amount of the balance in the participant's gambling account at the start of the sports event the bets are based on.

In cases where, after the start of the event to be bet on, the participant registers as a user with an operator, for the purposes of the previous paragraph, the available balance of the user's account will be understood to be zero.

If during the course of the event on which bets have been placed, the participant deposits additional funds in their gaming account, this sum may also be used to place new live bets on the same event.

If an individual participant places live bets against the house on two or more events which are being held simultaneously, the limit on the amount the participant can spend on bets will be the balance of their gambling account at the time of placing the bets, as a result of the terms established in the two previous paragraphs."

Third final provision. Amendment of Order EHA/3080/2011 of 8 November, which approves the basic regulation of sports bets against the house.



Order EHA/3080/2011, of 8 November, which approves the basic regulations for sports bets against the house, will be modified as follows:

One. The last paragraph of Article 7.1 on the basic regulations for sports bets against, which appears as Appendix I of the Order, is worded as follows:

"Assistance for participants must be provided free of charge and at least in Castilian Spanish."

Two. Article 10 of the basic regulations for sports bets against the house, which appears as Appendix I of the Order, is worded as follows:

"Article 10. Participation channels and methods.

1. Participation in the gambling governed by these basic regulations, in accordance with Article 1 of Law 13/2011, of 27 May, the Gambling Regulation Act, may be carried out via electronic, online and interactive channels, wherein any potential in-person methods are incidental in nature.

Participation may also take place via additional physical terminals, which require authorisation by the competent Autonomous Region of the territory prior to installation, according to the regulations applicable in that region. These physical terminals must first be endorsed by the Directorate General for the Regulation of Gambling.

2. Individuals may participate in these bets using any mechanism, installation, equipment or system that can produce, store or transmit documents, data and information, including any open or restricted communication networks such as television, internet, landlines and mobile telephony or any others, or interactive communication, either in real time or with store-and-forward."

Three. Point 2 of Article 12 of the basic regulations for sports bets against the house, which appears as Appendix I of the Order, is replaced by the following:

2. In general, the amount of money a single participant may dedicate to his participation in other live sports bets against the house cannot exceed the amount of the balance in the participant's gambling account at the start of the sports event the bets are based on.

In cases where, after the start of the event to be bet on, the participant registers as a user with an operator, for the purposes



of the previous paragraph, the available balance of the user's account will be understood to be zero.

If during the course of the sports event on which bets have been placed, the participant deposits additional funds in their gaming account, this sum may also be used to place new live bets on the same sports event.

If an individual participant places live sports bets against the house on two or more sports events which are being held simultaneously, the limit on the amount the participant can spend on bets will be the balance of their gaming account at any given moment, as a result of the terms established in the two previous paragraphs.

Four. Deletion of the second section of Appendix III of Order EHA/3080/2011, of 8 November

Fourth final provision. Amendment of Order EHA/3081/2011 of 8 November, which approves the basic regulation of parimutuel sports bets.

Order EHA 3081/2011, of 8 November, which approves the basic regulations on parimutuel sports bets, is modified as follows:

One. The last paragraph of Article 7.1 on the basic regulations for parimutuel sports bets, which appears as Appendix I of the Order, is worded as follows:

"Assistance for participants must be provided free of charge and at least in Castilian Spanish."

Two. Article 10 of the basic regulations for parimutuel sports bets, which appears as Appendix I of the Order, is worded as follows:

"Article 10. Participation channels and methods.

1. Participation in the gambling governed by these basic regulations, in accordance with Article 1 of Law 13/2011, of 27 May, the Gambling Regulation Act, may be carried out via electronic, online and interactive channels, wherein any potential in-person methods are incidental in nature.

Participation may also take place via additional physical terminals, which require authorisation by the competent Autonomous Region of the territory prior to installation, according to the regulations



applicable in that region. These physical terminals must first be endorsed by the Directorate General for the Regulation of Gambling.

2. Individuals may participate in these bets using any mechanism, installation, equipment or system that can produce, store or transmit documents, data and information, including any open or restricted communication networks such as television, internet, landlines and mobile telephony or any others, or interactive communication, either in real time or with store-and-forward."

Fifth final provision. Amendment of Order EHA/3082/2011 of 8 November, which approves the basic regulation for horse-racing bets against the house.

Order EHA/3082/2011, of 8 November, which approves the basic regulations for horse-racing bets against the house, will be modified as follows:

One. The last paragraph of Article 7.1 on the basic regulations for horse-racing bets against the house, which appears as Appendix I of the Order, is worded as follows:

"Assistance for participants must be provided free of charge and at least in Castilian Spanish."

Two. Article 10 of the basic regulations for horse-racing bets against the house, which appears as Appendix I of the Order, is worded as follows:

"Article 10. Participation channels and methods.

1. Participation in the gambling governed by these basic regulations, in accordance with Article 1 of Law 13/2011, of 27 May, the Gambling Regulation Act, may be carried out via electronic, online and interactive channels, wherein any potential in-person methods are incidental in nature.

Participation may also take place via additional physical terminals, which require authorisation by the competent Autonomous Region of the territory prior to installation, according to the regulations applicable in that region. These physical terminals must first be endorsed by the Directorate General for the Regulation of Gambling.

2. Individuals may participate in these bets using any mechanism, installation, equipment or system that can produce, store or transmit documents, data and information, including any open or restricted communication networks such as television, internet, landlines and mobile telephony or any others, or interactive communication, either in real time or with store-and-forward."



Sixth final provision. Amendment of Order EHA/3083/2011 of 8 November, which approves the basic regulation of parimutuel horse-racing bets.

Order EHA/3083/2011, of 8 November, which approves the basic regulations on parimutuel horse-racing bets, is modified as follows:

One. The last paragraph of Article 7.1 on the basic regulations for parimutuel horse-racing bets, which appears as Appendix I of the Order, is worded as follows:

"Assistance for participants must be provided free of charge and at least in Castilian Spanish."

Two. Article 10 of the basic regulations for parimutuel horse-racing bets, which appears as Appendix I of the Order, is worded as follows:

"Article 10. Participation channels and methods.

1. Participation in the gambling governed by these basic regulations, in accordance with Article 1 of Law 13/2011, of 27 May, the Gambling Regulation Act, may be carried out via electronic, online and interactive channels, wherein any potential in-person methods are incidental in nature.

Participation may also take place via additional physical terminals, which require authorisation by the competent Autonomous Region of the territory prior to installation, according to the regulations applicable in that region. These physical terminals must first be endorsed by the Directorate General for the Regulation of Gambling.

2. Individuals may participate in these bets using any mechanism, installation, equipment or system that can produce, store or transmit documents, data and information, including any open or restricted communication networks such as television, internet, landlines and mobile telephony or any others, or interactive communication, either in real time or with store-and-forward."

Seventh final provision. Amendment of Order EHA 3084/2011, of 8 November, which approves the basic regulations for contests.

Order EHA/3084/2011, of 8 November, which approves the basic regulations for contests, is modified as follows:



The last paragraph of Article 7.1 on the basic regulations for contests, which appears as Appendix I of the Order, is worded as follows:

"Assistance for participants must be provided free of charge and at least in Castilian Spanish."

Eighth final provision. Amendment of Order EHA/3085/2011, of 8 November, which approves the basic regulation of roulette.

Order EHA/3085/2011, of 8 November, which approves the basic regulations for roulette, is modified as follows:

One. The last paragraph of Article 7.1 on the basic regulations for roulette, which appears as Appendix I of the Order, is worded as follows:

"Assistance for participants must be provided free of charge and at least in Castilian Spanish."

Two. Article 10 of the basic regulations for roulette, which appears as Appendix I of the Order, is worded as follows:

"Article 10. Participation channels and methods.

1. Participation in the gambling governed by these basic regulations, in accordance with Article 1 of Law 13/2011, of 27 May, the Gambling Regulation Act, may be carried out via electronic, online and interactive channels, wherein any potential in-person methods are incidental in nature.

Participation may also take place via additional physical terminals, which require authorisation by the competent Autonomous Region of the territory prior to installation, according to the regulations applicable in that region. These additional physical terminals must previously be endorsed by the Directorate General for the Regulation of Gambling and may only be installed in the physical locations where the regulations of that region permit the game of roulette.

2. Individuals may participate in these bets using any mechanism, installation, equipment or system that can produce, store or transmit documents, data and information, including any open or restricted communication networks such as television, internet, landlines and mobile telephony or any others, or interactive communication, either in real time or with store-and-forward."



Ninth final provision. Amendment of Order EHA/3086/2011, of 8 November, which approves the basic regulation of baccarat.

Order EHA/3086/2011, of 8 November, which approves the basic regulations for baccarat, is modified as follows:

One. The last paragraph of Article 7.1 on the basic regulations for baccarat, which appears as Appendix I of the Order, is worded as follows:

"Assistance for participants must be provided free of charge and at least in Castilian Spanish."

Two. Article 10 of the basic regulations for baccarat, which appears as Appendix I of the Order, is worded as follows:

"Article 10. Participation channels and methods.

1. Participation in the gambling governed by these basic regulations, in accordance with Article 1 of Law 13/2011, of 27 May, the Gambling Regulation Act, may be carried out via electronic, online and interactive channels, wherein any potential in-person methods are incidental in nature.

Participation may also take place via additional physical terminals, which require authorisation by the competent Autonomous Region of the territory prior to installation, according to the regulations applicable in that region. These additional physical terminals must previously be endorsed by the Directorate General for the Regulation of Gambling and may only be installed in the physical locations where the regulations of that region permit the game of baccarat.

2. Individuals may participate in these bets using any mechanism, installation, equipment or system that can produce, store or transmit documents, data and information, including any open or restricted communication networks such as television, internet, landlines and mobile telephony or any others, or interactive communication, either in real time or with store-and-forward."

Tenth final provision. Amendment of Order EHA/3087/2011, of 8 November, which approves the basic regulations for bingo.

Order EHA/3087/2011, of 8 November, which approves the basic regulations for bingo, is modified as follows:

One. The last paragraph of Article 7.1 on the basic regulations for



bingo, which appears as Appendix I of the Order, is worded as follows:

"Assistance for participants must be provided free of charge and at least in Castilian Spanish."

Two. Article 10 of the basic regulations for bingo, which appears as Appendix I of the Order, is worded as follows:

"Article 10. Participation channels and methods.

1. Participation in the gambling governed by these basic regulations, in accordance with Article 1 of Law 13/2011, of 27 May, the Gambling Regulation Act, may be carried out via electronic, online and interactive channels, wherein any potential in-person methods are incidental in nature.

Participation may also take place via additional physical terminals, which require authorisation by the competent Autonomous Region of the territory prior to installation, according to the regulations applicable in that region. These additional physical terminals must previously be endorsed by the Directorate General for the Regulation of Gambling and may only be installed in the physical locations where the regulations of that region permit the game of bingo.

2. Individuals may participate in these bets using any mechanism, installation, equipment or system that can produce, store or transmit documents, data and information, including any open or restricted communication networks such as television, internet, landlines and mobile telephony or any others, or interactive communication, either in real time or with store-and-forward."

Eleventh final provision. Amendment of Order EHA/3088/2011, of 8 November, which approves the basic regulations for blackjack.

Order EHA/3088/2011, of 8 November, which approves the basic regulations for blackjack, is modified as follows:

One. The last paragraph of Article 7.1 on the basic regulations for blackjack, which appears as Appendix I of the Order, is worded as follows:

"Assistance for participants must be provided free of charge and at least in Castilian Spanish."

Two. Article 10 of the basic regulations for blackjack, which appears as Appendix I of the Order, is worded as follows:



“Article 10. Participation channels and methods.

1. Participation in the gambling governed by these basic regulations, in accordance with Article 1 of Law 13/2011, of 27 May, the Gambling Regulation Act, may be carried out via electronic, online and interactive channels, wherein any potential in-person methods are incidental in nature.

Participation may also take place via additional physical terminals, which require authorisation by the competent Autonomous Region of the territory prior to installation, according to the regulations applicable in that region. These additional physical terminals must previously be endorsed by the Directorate General for the Regulation of Gambling and may only be installed in the physical locations where the regulations of that region permit the game of blackjack.

2. Individuals may participate in these bets using any mechanism, installation, equipment or system that can produce, store or transmit documents, data and information, including any open or restricted communication networks such as television, internet, landlines and mobile telephony or any others, or interactive communication, either in real time or with store -and-forward.”

Twelfth final provision. Amendment of Order EHA/3089/2011, of 8 November, which approves the basic regulations for poker.

Order EHA/3089/2011, of 8 November, which approves the basic regulations for poker, is modified as follows:

One. The last paragraph of Article 7.1 on the basic regulations for poker, which appears as Appendix I of the Order, is worded as follows:

“Assistance for participants must be provided free of charge and at least in Castilian Spanish.”

Two. Article 10 of the basic regulations for poker, which appears as Appendix I of the Order, is worded as follows:

“Article 10. Participation channels and methods.

1. Participation in the gambling governed by these basic regulations, in accordance with Article 1 of Law 13/2011, of 27 May, the Gambling Regulation Act, may be carried out via electronic, online and interactive channels, wherein any potential in-person methods are incidental in nature.



Participation may also take place via additional physical terminals, which require authorisation by the competent Autonomous Region of the territory prior to installation, according to the regulations applicable in that region. These additional physical terminals must previously be endorsed by the Directorate General for the Regulation of Gambling and may only be installed in the physical locations where the regulations of that region permit the game of poker.

2. Individuals may participate in these bets using any mechanism, installation, equipment or system that can produce, store or transmit documents, data and information, including any open or restricted communication networks such as television, internet, landlines and mobile telephony or any others, or interactive communication, either in real time or with store-and-forward."

Thirteenth final provision. Amendment of Order EHA/3090/2011, of 8 November, which approves the basic regulations for gaming known as "Complementary Gaming".

Order EHA/3090/2011, of 8 November, which approves the basic regulations for games known as "Complementary Gaming", is modified as follows:

One. The last paragraph of Article 7.1 on the basic regulations for "Complementary Gaming", which appears as Appendix I of the Order, is worded as follows:

"Assistance for participants must be provided free of charge and at least in Castilian Spanish."

Two. Article 10 of the basic regulations for "Complementary Gaming", which appears as Appendix I of the Order, is worded as follows:

"Article 10. Participation channels and methods.

1. Participation in the gambling governed by these basic regulations, in accordance with Article 1 of Law 13/2011, of 27 May, the Gambling Regulation Act, may be carried out via electronic, online and interactive channels, wherein any potential in-person methods are incidental in nature.

Participation may also take place via additional physical terminals, which require authorisation by the competent Autonomous Region of the territory prior to installation, according to the regulations applicable in that region. These additional physical terminals must previously be endorsed by the Directorate General for the Regulation



of Gambling and may only be installed in the physical locations where the regulations of that region permit at least one of the following games: Blackjack, Roulette, Baccarat or Poker.

2. Individuals may participate in these bets using any mechanism, installation, equipment or system that can produce, store or transmit documents, data and information, including any open or restricted communication networks such as television, internet, landlines and mobile telephony or any others, or interactive communication, either in real time or with store-and-forward."

Fourteenth final provision. Entry into force.

This Order will come into force on the day of publication of the Ministerial Order which approves the bases and specifications governing the new call for applicants for general licences for the provision and operation of gambling activities, in accordance with Article 10 of Law 13/2011 of 27 May.

Madrid, 25 July 2014. The Minister for Finance and Public Administrations, Cristóbal Montero Romero.

## APPENDIX

Limits on the guarantees associated with each individual licence for operating each type of exchange bet.

One.

The Directorate General for the Regulation of Gambling, by a resolution amending Appendix II of the Resolution of 16 November 2011 by the Directorate General for the Regulation of Gambling, approving the provision implemented in Title II, Chapter III of Royal Decree 1614/2011 of 14 November and the determination of the amounts of the operator's guarantee to be linked to the individual licences corresponding to the different types of bets, will determine the amount of the guarantee linked to each individual



licence for the provision and operation of each type of exchange bet, which will be an amount from 5% to 12% of the operator's net revenue from the activity of the individual licence in the previous year. For this purpose, the net income of the operator will be understood to be as established in Article 48.6 of Law 13/2011, of 27 May, the Gambling Regulation Act.

Translated