

## I. GENERAL PROVISIONS

# MINISTRY OF FINANCE AND PUBLIC ADMINISTRATIONS

**11168** *Order HAP/1995/2014, of 29 October, approving the terms of reference that shall govern the invitation to apply for general licences for engagement in and operation of gambling activities under the Gambling Act 13/2011, of 27 May.*

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, under Article 10 of the Gambling Act 13/2011, of 27 May, which provides that "general licences for the operation and commercialisation of gambling activities shall be granted by the National Gambling Commission, upon prior timely call for a procedure that complies with the principles of advertising, competition, equality, transparency, objectivity and non-discrimination, which shall be governed by the terms of reference approved by the Minister of Economy and Finance, upon the proposal of the National Gambling Commission, and published in the Official Gazette of the Spanish State".

Pursuant to the tenth additional provision 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 conferred by the Gambling Act 13/2011, of 27 May, on the now defunct National Gambling Commission.

In accordance with the aforementioned legal provisions, the terms of reference proposal was drafted by the Directorate General for the Regulation of Gambling, under the aegis of the Ministry of Finance and Public Administrations, by a Resolution of 31 July 2014. In the aforementioned Resolution, the Directorate General for the Regulation of Gambling considers it appropriate to promote this new call for general licences on the basis of the period of time elapsed between the previous call, receipt of the various formal applications for access to the nationwide online gambling market from various national and international entities, and approval of the Ministerial Orders enacting the basic regulation of the new types of gambling, such as exchange betting and nationwide online slot machines, since there no longer exist grounds for the protection of minors, the prevention of gambling addiction phenomena or the protection of gambling participants to warrant not making a new call. Moreover, the Directorate General for the Regulation of Gambling does not consider it appropriate to measure the gambling on offer subject to this call by limiting the number of gambling operators and, therefore, general licences may be obtained by all those operators who meet the requirements thereof.

In light of the above-mentioned Resolution, this Ministry endorses the rationale of the Directorate General for the Regulation behind the call for the procedure for granting general licences for the operation and commercialisation of gambling activities, as well as the general conditions under which such call is proposed to be made, established in the terms of reference attached to the proposal.

Notwithstanding the foregoing, the definitive terms of reference approved by this Ministerial Order, which largely reflect those proposed by the Directorate General for the Regulation of Gambling, include several minor amendments with respect to the draft terms of reference published along with the Resolution promoting the call for a new procedure for granting general licences, published in July.

The aforementioned changes refer mainly to the following:

Firstly, the obligation on applicants to provide guarantees is clarified, with gambling operators that have already provided such guarantees being exempt from this obligation, as per the terms of reference, with the exception of competition operators, based on the provisions laid down in Appendix I of Royal Decree 1614/2011, of 14 November, implementing the Gambling Act 13/2011, on gambling licences, authorisations and registers, establishing the exact amount of the guarantee both for the initial and remaining periods thereof.

Secondly, the obligation to attach to the licence application the required power of attorney for the purpose of submission thereof through the electronic register is included in cases in which the party signing the application is a party other than the legal representative of the applicant entity.

Lastly, an additional section is included in the description of the entire technical gambling system in paragraph a) of Appendix III, "Operator technical gambling system project requirements", so as to provide a better description of this system.

Consequently, in accordance with the provisions of Articles 10.1 and 19.2 of the Gambling Act 13/2011, of 27 May, upon the proposal of the Director-General for the Regulation of Gambling, the terms of reference that shall govern the invitation to apply for general licences for engagement in and operation of gambling activities are hereby approved.

By virtue thereof, it is

hereby ordered that: One.

The terms of reference attached to this Order as Appendix I are approved, and the interested parties are invited to submit applications for general licences for engagement in and operation of gambling activities in accordance with the schedule and conditions established in the above-mentioned terms of reference.

Two.

The minimum content of the operational plan provided for in Article 10.2 of the Gambling Act 13/2011, of 27 May, attached to this Order as Appendix II, is approved.

Three.

The technical gambling system project requirements, attached to this Order as Appendix III, are approved.

Four.

Compulsory submission and processing of general licence applications through the electronic register provided in term 5 of the terms of reference approved by this Order shall be applicable to specific licence applications. Such requirement shall be provided in the Resolution issued to that effect by the Director General for the Regulation of Gambling for the establishment of the application and issuing procedure for general licences for engagement in and operation of different types of gambling activities.

Five.

The Resolution of 16 November 2011, issued by the Directorate General for the Regulation of Gambling, approving the provision elaborating on the requirements of the operational plan referred to in Article 10.2 of the Gambling Act 13/2011, of 27 May, is repealed.

Six.

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

Madrid, 29 October 2014. – The Minister Of Finance and Public Authorities, Cristóbal Montoro Romero.

## APPENDIX I

### Terms of reference that shall govern the invitation to apply for general licences for engagement in and operation of gambling activities under the Gambling Act 13/2011, of 27 May.

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## CHAPTER I

### Purpose and legal regime

Term 1. *Purpose.*

The purpose of these terms of reference is to establish the terms that shall govern the call for granting general licences for engagement in and operation of the following forms of gambling activities provided in the Gambling Act 13/2011, of 27 May:

- a) Betting, defined in Article 3-c) of the Gambling Act 13/2011, of 27 May;
- b) Contests, defined in Article 3-e) of the Gambling Act 13/2011, of 27 May;
- c) Other Games, defined in Article 3-f) of the Gambling Act 13/2011, of 27 May.

**Term 2. Licence.**

1. Those parties interested in carrying on gambling activities on a regular basis must obtain a general licence for each form of gambling which they intend to commercialise, as provided in Article 3 of the Gambling Act 13/2011, of 27 May, and a specific licence for each of the types of gambling from the area encompassed by the form of gambling enabled by the general licence that they intend to operate, in accordance with the provisions of the ministerial orders regulating each type of gambling.

2. Interested parties that meet the conditions and requirements stipulated in these terms of reference shall be entitled to the relevant general licence.

**Term 3. Legal regime.**

The basic legal regime relating to general licences for engagement in and operation of gambling activities to which the call governed by these terms of reference is subject 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 the corresponding gambling activities and implementing regulations issued by the Directorate General for the Regulation of Gambling.

**CHAPTER II****Procedure***Section one. Schedule.***Term 4. Schedule.**

The procedure for the issuing of general licences for engagement in and operation of gambling activities shall be carried out as per the following schedule:

1. Application submission deadline: up to 1.00 p.m. on the thirtieth day counted from the day following publication of the Order approving these terms of reference.

2. Processing of applications: processing of applications shall commence as soon as they are submitted through the electronic register of the Directorate General for the Regulation of Gambling.

Throughout processing the Directorate General for the Regulation of Gambling, in accordance with the provisions set forth in the relevant terms of reference, may request that interested parties furnish such documentation, information and clarifications as it deems necessary to resolve application procedure.

3. Resolution of licence-application procedure by the Director General for the Regulation of Gambling: the resolution bringing an end to the application procedure commenced by each application shall be notified to the interested party and published on the website of the Directorate General for the Regulation of Gambling within six months of submission of each application, notwithstanding possible interruptions affecting the calculation of the aforementioned period due to circumstances legally provided for.

*Section two. Application submission***Term 5. Requirements.**

1. Parties interested in applying for a general licence for engagement in 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 general licence for engagement in 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 general licence for engagement in 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.

b) Set of standard forms, 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.

c) 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.

d) Notifications shall be issued by the Directorate General for the Regulation of Gambling, including that relating to the resolution of licence application procedure as established in Term 13 below.

Both the standard electronic documents and the standard 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.

2. General licences for engagement in and operation of gambling activities on a regular basis may be applied for by legal entities that, pursuant to Article 10 of the Gambling Act 13/2011, of 27 May, and Article 13 of Royal Decree 1614/2011, of 14 November, implementing the Gambling Act 13/2011, of 27 May, on gambling licences, authorisations and registers, meet the following requirements:

a) Have public limited company form or similar company form, with its registered office located in a state belonging to the European Economic Area. If the company's registered office is located in a country other than Spain, it must appoint a permanent representative in Spain with capacity to receive notifications both in person and electronically.

b) The sole company object of the company must be the organisation, commercialisation and operation of gambling activities.

c) Hold minimum fully-paid share capital, as stipulated by the Consolidated Limited Liability Companies Act, approved by Legislative Royal Decree 1/2010, of 2 July, for public limited companies (EUR 60,000). In the case of a non-Spanish company whose share capital is denominated in a currency other than the euro, the amount of the share capital must be equivalent to that established in this term.

d) Be registered or have applied for registration in the Companies Register or, in the case of foreign companies, in an equivalent register, provided that the company is required to do so under the legislation in force in the country where its registered office is located. In any case, registration in the Companies Register must be duly substantiated by the applicant in order for it to be granted.

e) Be registered or have applied for registration in the Special Entrant Section of the General Gambling Licence Register referred to in Article 49-c) of Royal Decree 1614/2011, of 14 November, implementing the Gambling Act 13/2011, 27 May, on gambling licences, authorisations and registers.

f) Not have any of the characteristics provided in Article 13.2 of the Gambling Act 13/2011, of 27 May.

g) Comply, either by itself or through a third party, with the requirements established in Royal Decree 1613/2011, of 14 November, elaborating on the technical requirements of gambling activities under the Gambling Act 13/2011 of 27 May, and in the provisions that implement them.

h) Upon submitting the application for a general licence, not offer gambling activities related with the licence or licences applied for to gamblers in Spain, or engage in advertising or promotional activities specifically related with gambling activities enabled by the licence.

i) Any other requirement of the Gambling Act 13/2011, of 27 May, 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 various Ministerial Orders, which enact the basic regulation for gambling activities and implementing regulations issued by the Directorate General for the Regulation of Gambling.

3. The interested party must expressly declare the participation in the procedure, either directly or indirectly, of other legal entities to which it is in any way related or in which it has a controlling interest, or which have an ownership interest or controlling interest in it.

Likewise, the interested party must declare such controlling interests or relatedness, whether direct or indirect, with respect to other interested parties, and name any legal entities

participating in the procedure with which it shares a single decision-making centre.

In addition, it must include a list specifying, as the case may be, such agreements relating to the provision of gambling activities entered into with other applicants for general or specific licences, through which such applicants comply, directly or indirectly, with the requirements of this call.

*Term 6. General licence application.*

Applicants shall submit their general 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.

Submission of the application constitutes unconditional acceptance by the interested party of these terms of reference and the statement of responsibility that it complies with all the conditions stipulated in Term 5 above.

An individual application shall be submitted for each form of gambling activity which the applicant intends to carry on and operate.

*Term 7. 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 general licence application in electronic format and shall consist of the following:

Section 1. Documents substantiating the capacity and representation of the applicant:

a) Documents substantiating the capacity of the applicant:

i. For public limited companies incorporated in accordance with Spanish corporate law: by-laws and deeds of incorporation of the company and, where applicable, those relating to the amendments thereto duly registered in the Companies Register. In the case of ongoing capital increases, it shall suffice to provide a copy of the deed submitted for registration purposes, together with the commitment of the applicant to furnish it once registered within the time limit fixed by law for issuance of the licence.

ii. For legal entities of a similar nature to Spanish public limited companies, domiciled in another Member State of the European Economic Area:

ii.1 By-laws, documents evidencing similarity of company form to Spanish public limited companies and registration in the registers in accordance with

current legislation applicable in each state, as well as, if applicable, those relating to the amendments thereto duly registered in the relevant Register. In the case of ongoing capital increases, it shall suffice to provide a copy of any deeds submitted for registration purposes, together with the commitment of the applicant to furnish it once registered within the time limit fixed by law for issuance of the licence.

ii.2 Evidence of the amount of the company's fully paid share capital, in euros. Where the share capital is denominated in the legal tender of another Member State of the European Economic Area, the supporting documentation provided must also reflect the amount in euros according to the official exchange rate on the Friday of the week prior to submission of the application.

b) Documents demonstrating proof of 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 Register or in the relevant register 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, should the applicant be a foreign legal entity, its permanent representative must also advise of their address in Spain, obligatorily notifying of any updates in this respect. 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 also 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 register 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.

c) Commitment to fulfilling the obligations stipulated for licence holders in the Gambling Act 13/2011, of 27 May, in its implementing regulations and in these terms of reference.

d) Statement of responsibility to the effect that the interested company does not find itself in any of the circumstances referred to in Article 13.2 of the Gambling Act 13/2011, of 27 May, and that, specifically at the date of submission of the application, the interested company does not carry on the gambling activities provided for within the scope of the Gambling Act 13/2011, of 27 May, without holding the relevant licence required thereby. The scope of the statement shall include those companies which, by virtue of the parties that govern them or other circumstances, may be assumed to be a continuation of or derived from, via transformation, merger or succession, other companies with the same characteristics.

The Directorate General for the Regulation of Gambling, where appropriate, may request such documentation as considered necessary to provided evidence of the interested party's statement.

e) Details of the main shareholders or partners of the applicant entity, the company's board of directors, management and employees directly involved in the carrying on of gambling activities, as well as spouses or persons with whom they cohabit, and ascendants and descendants in the first degree. The provisions of the regulations of the country where the company's registered office is located shall be used to determine whether an ownership interest is significant or not.

In the event that some or other of the main shareholders or partners of the applicant entity is a legal entity, details must also be provided of the main shareholders or partners, the company's board of directors and management of such legal entity.



Should the applicant company belong to a group that is under the obligation to present consolidated financial statements, it must also present details of the main shareholders or partners, board of directors and management of the group's parent. In this case, it must also submit an organisation chart detailing the structure and composition of the corporate group.

f) Statement of responsibility by means of which the beneficial owner of the company is identified, pursuant to Article 4 of the Prevention of Money Laundering and Financing of Terrorism Act 10/2010, of 28 April. In cases where, in accordance with the provisions of the aforementioned act, there does not exist a beneficial owner of the company, such circumstance shall be declared.

g) Statement of non-EU ownership interests held in the share capital of the applicant company or in that of the group to which it belongs, if any. In the case of publicly listed companies, non-EU ownership interests held in the share capital which must have been identified as per the corresponding securities market legislation, must be stated.

h) Certificates issued by administrative bodies or the substitute documents evidencing that the applicant is up to date with its tax obligations and is in compliance with its 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.

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

j) Operational plan provided in Article 10.2 of the Gambling Act 13/2011, of 27 May, the content of which is contained in Appendix II of the Order approving these terms of reference.

k) Description of the systems and procedures for the prevention of money laundering and financing of terrorism referred to in the Prevention of Money Laundering and Financing of Terrorism Act 10/2010, of 28 April, and its implementing regulations. Specifically, a complete manual on the systems and procedures for the prevention of money laundering and financing of terrorism, duly updated and adapted to Spanish legislation on such matters and the activity that is going to be carried on in Spain, must be provided.

The manual must contain descriptions of the following:

i. The policies and procedures applied in terms of due diligence, reporting, record keeping, internal control, risk assessment and management, ensuring compliance with the relevant provisions and communication to the Executive Service for the Prevention of Money Laundering and Monetary Offences.

ii. The specific policy on the admission of customers, which must include a description of the customers that could present a risk classed as above average according to the factors determining the legally bound party in accordance with applicable international standards. This policy must be implemented gradually, and extreme precautions must be adopted with respect to those customers who present a risk classed as above average.

The categories of risky customers must be detailed in the manual, and adequate descriptions of the alert systems allowing to detect and carry out special monitoring of these customers must be included.

iii. Criteria for identifying customers established by operators for the purposes of compliance with the provisions of Article 21.2 of Royal Decree 304/2014, of 5 May, enacting the Regulations of the Prevention of Money Laundering and Financing of Terrorism Act 10/2010, of 28 April.

l) Where appropriate, application for authorisation to engage in advertising, promotional and sponsorship activities.

m) Full copy of the agreement entered into with all the providers that participate or are going to participate in engagement in and operation of the gambling activities

enabled by the general licence applied for if they affect the essential elements of the activity enabled by the licence and comply with the requirements of the regulations applicable to the licence. Should the agreements not have been entered into, the applicant shall identify the provider or providers with which it is negotiating the aforementioned agreements, shall provide the pre-agreements entered into and shall undertake to furnish a full copy of such agreements within the term set for applying for general licences.

Specifically, the agreements relating to gambling platform services management, customer management and management of the basic infrastructure of the technical gambling system and, among them, those relating to the data processing centre, servers and replica servers, price and risk management and the internal control system. In addition, standard forms for agreements entered into with companies providing membership services must be furnished.

n) Statement of responsibility to the effect that, at the date of submission of its application, the company does not carry on gambling activities or advertising or promotional activities covered by the scope of the general licence sought.

o) Commitment to not engage in gambling activities or advertising or promotional activities covered by the scope of the general licence sought until it is actually granted.

## Section 2. Documents evidencing economic and financial solvency:

a) Audited financial statements corresponding to the last three financial years, filed at the Spanish Companies Registry or, in the case of foreign legal entities, at the Companies Registry corresponding to them. The corresponding auditors' reports must be furnished.

Should the applicant belong to a group that is under the obligation to present consolidated financial statements, it must also present the financial statements corresponding to the group for the last financial year ended.

b) Statement as to the global business volume of the group, if any, to which the applicant entity belongs, in the last three financial years for which information is available.

c) Description and origin of existing equity and borrowed capital, which it is envisaged will be used to operate gambling activities enabled by the licence, along with the relevant supporting documentation.

d) 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.

e) Proof of provision of the guarantees referred to in Term 10 below.

f) Standard agreement form for the gambling activity that the applicant proposes to offer participants, in accordance with Article 32 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, including the general contractual and sales terms and conditions or clauses.

With regard to newly incorporated companies, the Directorate General for the Regulation of Gambling, at the request of the applicant and for justified reasons, may authorise substantiation of their economic and financial solvency by means of other documents.

Applicant entities may provide evidence of their solvency by means of certificates and statements issued for such purposes by the regulating bodies of the autonomous regions in which they are permitted to carry on gambling activities or of the Member States of the European Economic Area where their registered office is located.

## Section 3. Documents evidencing technical solvency:

a) Technical project complying with the requirements contained in Appendix III of the Order approving these terms of reference.

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 general licence.

c) Certification issued by one or several bodies designated by the Directorate General for the Regulation of Gambling, which evidences that the operator's internal control system complies with technical specifications, and that the gambling operations data storage system is located in Spain.

d) Details of the ".es" domain names registered or which are going to be used by the interested party to engage in and operate gambling activities via internet or to comply with any other obligation established by the Gambling Act 13/2011, of 27 May, or by its implementing regulations. In addition, details of the domains used by the operator's to carry on gambling activities in any jurisdiction.

e) Commitment by the legal representative to ensure that the operator's privacy and confidentiality will be implemented in accordance with the provisions laid down in Organic Act 15/1999, of 13 December, on Personal Data Protection.

f) Statement indicating the structure of the technical personnel, either direct employees of the company or otherwise, which the latter has at its disposal for the purposes of engagement in gambling activities, in particular those responsible for quality and security control.

g) Statement of responsibility to the effect that all of the technical systems described in the technical project are at the disposal of the company applying for the licence.

h) Professional experience of the management of the entity responsible for carrying on gambling activities enabled by the licence.

i) Statement as to the entity's annual average headcount.

j) Description of the measures adopted to ensure that the designated current account is indeed associated with the purpose provided in Article 39 of Royal Decree 1614/2011, of 14 November, which elaborates on the licensing, authorisation and registration of gambling activities under the Gambling Act 13/2011, of 27 May, and in particular, the procedure referred to in Article 39.2. The aforementioned account and the parties holding powers to avail of the funds contained therein must also be specified.

2. Without prejudice to the requirement that all documents accompanying applications for 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 the Legal Regime Applicable to Public Administrations and the Common Administrative Procedure Act 30/1992, of 26 November, within ten days from the submission of the corresponding electronic form.

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 substantiating the capacity of the applicant:
- Section 1-b) Documents demonstrating proof of representation.
- Section 2-d) 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 2-e) Guarantees referred to in Term 10 below.
- Section 3-b) Preliminary certification report based on the technical project presented
- Section 3-c) Certification of the operator's internal control system.

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 itself 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.

*Term 8. Simultaneous submission of specific licence applications.*

In accordance with the provisions set forth in Article 17.2 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, parties applying for a general licence subject to the call regulated by these terms of reference may simultaneously apply for any specific licences associated with the general licence applied for.

In any case, granting of the specific licence applied for, without prejudice to the processing of the application, shall be conditional on granting of the corresponding general licence.

Term 5 above stipulates that, when applying for a general licence, both the relevant applications and all communications related to the processing of applications must be sent by applicants through the electronic register. Likewise it establishes that they must 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. The same obligations apply to applications for a specific licence submitted by applicants simultaneously with applications for the general licence with which they are associated.

*Term 9. Place where application is to be submitted.*

Licence applications, together with the documentation specified in Term 7 above, 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 twenty-four hours a day, every day of the term fixed for the submission of applications, except for the last day of this period, on which they shall only be allowed until the time provided in Term 4 above, without prejudice to the interruptions established 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, on 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.

#### Term 10. *Guarantees.*

1. The interested party must submit the document demonstrating proof of provision of the guarantee associated with each general licence applied for.

2. Guarantees must be provided to the Directorate General for the Regulation of Gambling, in any of the forms admitted per Article 43 of Royal Decree 1614/2011, of 14 November, which elaborates on the licensing, authorisation and registration of gambling activities under the Gambling Act 13/2011, of 27 May, in accordance with the guarantee requirements and standard forms contained in the Resolution issued to that effect by the Director General for the Regulation of Gambling.

Applicants wishing to provide a cash guarantee must notify the Directorate General for the Regulation of Gambling of this intention in sufficient advance in order that the number of the bank account designated for such purposes can be provided to them and the guarantee can be provided within the deadline for the submission of applications referred to in Term 4 above.

3. The amount of the guarantees associated with the general licence is that established in Appendix I of Royal Decree 1614/2011, of 14 November, which elaborates on the licensing, authorisation and registration of gambling activities under the Gambling Act 13/2011, of 27 May, in accordance with the guarantee requirements and standard forms contained in the Resolution issued to that effect by the Director General for the Regulation of Gambling.

4. Operators that hold at least one general licence applying for general licences under Article 10 of the Gambling Act 13/2011, of 27 May, shall not be obliged to provide, along with their application, any additional guarantee or difference between the guarantee amount already paid and that payable at the time of submitting the new application. Such obligation shall be replaced by a statement attesting to this circumstance and specifying the general licences already held by the applicant. Without prejudice to the foregoing, in the event that the pre-existent general licence is only that referred to in Article 3-e) of the Gambling Act 13/2011, of 27 May, gambling operators applying for at least one new general licence must pay any difference between the guarantee amount already paid and that payable at the time of submitting the new application up to one million euros and submit documentary proof of such payment, together with the application for the new general licence, to the Directorate General for the Regulation of Gambling.

#### *Section three. Procedure*

#### Term 11. *Procedure.*

1. The procedure for granting general licences begins on the day following publication of the Order approving the above terms of reference.

2. Each general 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 application being submitted.

3. In view of the general licence application, the Directorate General for the Regulation of Gambling shall examine the documentation provided by the applicant and the degree of compliance with the requirements of applicable legislation and the above terms of reference.



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 processed. The procedure 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, its 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 Term 13 below.

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. 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 the Legal Regime Applicable to Public Administrations and the Common Administrative Procedure Act 30/1992, of 26 November, 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 the Legal Regime Applicable to Public Administrations and the Common Administrative Procedure 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 Term 7 above shall be applicable.

When each document is submitted the electronic register shall automatically issue a receipt signed electronically with the specifications set out in Term 9 above for the submission of licence applications.

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 regional governments of any applications affecting their territory so that they can issue the report referred to in Article 9 of the Gambling Act 13/2011, of 27 May, 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 shall also notify the Executive Service for the Prevention of Money Laundering and Monetary Offences of the applications so that it can issue the report referred to in Article 16.5 of Royal Decree 1614/2011, of 14 November, which elaborates on the licensing, authorisation and registration of gambling activities under the Gambling Act 13/2011, of 27 May. Where appropriate, applicants shall be informed of the suspensive effects on the time frame for resolving their application arising from such requirement.

8. 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.

*Term 12. Resolution.*

Within the term established for resolution of the procedure, the Director General for the Regulation of Gambling, subject to the reports provided being assessed, pursuant to Article 16 of Royal Decree 1614/2011, of 14 November, which elaborates on the licensing, authorisation and registration of gambling activities under the Gambling Act 13/2011, of 27 May, shall issue a ruling, granting the licence or rejecting said application, specifying the reasons for such decision and, if appropriate, shall agree to register it in the relevant section of the General Gambling Licence Registry.

In any case, issuance of the general licence shall be conditional on submission, within the non-extendable period of four months from notice being served to the applicant of the granting of the aforementioned licence, on the final technical gambling system certification report or reports and the subsequent authorisation thereof by the Directorate General for the Regulation of Gambling, within the deadline and in accordance with the procedure referred to in Article 8 of Royal Decree 1613/2011 of 14 November, elaborating on the technical requirements of gambling activities under the Gambling Act 13/2011, of 27 May.

The final certification report or reports 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 Term 7 above, unless this is not possible for justified reasons duly evidenced by the operator.

*Term 13. Resolution notification.*

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

Access to electronic notifications issued shall require prior proof of the identity of the applicant being provided. Such proof of identification shall be provided by means of any electronic signature system, whether advanced or otherwise, in accordance with the Electronic Signature Act 59/2003, of 19 December, and the Citizens' Electronic Access to Public Services Act 11/2007, of 22 June.

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 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. Henceforth 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 is not accessed in the ten calendar days after it is posted, it will be understood to have been rejected, with the effects established in Article 59.4 of the Legal Regime Applicable to Public Administrations and the Common Administrative Procedure Act 30/1992, of 26 November.

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 6 November. 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, within ten days, apprise the competent bodies in each autonomous region of any general licences granted within their territory.

#### Term 14. *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 Director 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

### Content of the operational plan

The operational plan provided in Article 10.2 of the Gambling Act 13/2011, of 27 May, must contain the following:

1. Description of the business management organisational structure, comprising as a minimum requirement:

a) The organisation chart of the applicant company, detailing the content, size and location of its various organisational functions.

b) Policies regarding staff management and training, in particular, staff responsible for applying responsible gambling, security and money laundering policies, as well as the appointment of managers responsible for implementation and monitoring of each of such policies.

c) Where appropriate, a description of the corporate group structure of the group to which the applicant company belongs.

2. General description of the gambling on offer, including as a minimum requirement:
  - a) The territory in which the gambling activity for which the general licence is applied for is going to be carried on.
  - b) The overall design of the gambling activities that the applicant company intends to commercialise.
  - c) The distribution channels intended to be used and, as the case may be, the intention to employ gambling terminals and the characteristics thereof.

3. Details of a responsible gambling policy, including measures aimed at preventing addictive gambling, raising awareness on the risks associated with excessive gambling and alleviating the detrimental effects of gambling, comprising the following minimum content:

- 3.1 Preventive measures for pathological gambling and methods used to implement them:
  - a) Gamblers must have access to an option allowing them to easily reduce previously established deposit limits with immediate effect.
  - b) Gamblers must have a self-exclusion option available to block their account for periods specified by them during which they will not receive promotional offers or other forms of communication from the operator.
  - c) Gamblers shall be provided with means to help them control the amount of time they spend gambling. The interface shall show a clock with the current time visible or the duration of the session. When the user commences a session, the user shall be shown the time at which he/she last connected.
  - d) The interface must not induce gamblers to recoup their losses. The operator shall identify gambling attempts arising from the player's impatience by pressing "play" repeatedly while waiting for a response from the system.
  - e) Gambling operators shall make comprehensive, updated information relating to amounts gambled, prizes and winnings and gambling account balances readily available to users.
  - f) Operators shall establish a system for each gambler to access their gambling account, whereby the latter shall have to provide proof of identity using their credentials or other means of user authentication providing greater security.
  - g) Operators shall provide information in the form of a highlighted feature on the homepage of their website as to the ban on access to and participation in gambling activities by minors and the disabled.

- 3.2 Awareness raising measures and methods used to implement them:
  - a) "The Responsible Gambling Area". Operators shall publish specific information on responsible gambling on their website, accessible via a highlighted link. The link to the information on responsible gambling shall be visible on all screens, irrespective of the size of the terminal used by the operator.
  - b) Marketing communications shall include such messages and warnings about responsible gambling as deemed appropriate.
  - c) Operators shall place at the users' disposal a link to the Directorate General for the Regulation of Gambling on the homepage of their website allowing them to register in the General Register of Gambling Access Bans.
  - d) Operators shall provide gamblers with an option to take a self-evaluation test to establish whether or not they display any characteristics indicative of potential gambling problems.

- 3.3 Planned measures to alleviate the harmful effects of gambling:
  - a) Preparation, contribution to or promotion of studies and research projects on responsible gambling.
  - b) Operators shall place a highlighted link on the homepage of their website providing information to allow users to contact institutions, associations and centres offering assistance on responsible gambling matters.

4. Description of company policy on internal control measures and compliance with the obligations established by Articles 25 and 26 of the Prevention of Money Laundering and Financing of Terrorism Act 10/2010, of 28 April. The following details shall specifically be included:

- a) The methods the applicant intends to use to implement control and monitoring of operations and transactions carried out by participants.
- b) The methods to be used to detect and identify suspicious operations and transactions, which must be specifically examined, and to deal with them.
- c) The internal communication procedures and forms regarding information on the suspicious operations and transactions referred to in the above paragraph.
- d) The procedures for communicating information relating to suspicious operations and transactions to the Executive Service for the Prevention of Money Laundering and Monetary Offences.
- e) The programme and criteria established by the applicant for training staff on internal procedures for the prevention of money laundering and terrorism financing activities.

5. The applicant's business plan including as a minimum requirement the following components:

- a) The financial outlook for at least the next three years for the performance of the gambling activities associated with the general licence applied for.
- b) Planned investment programme.
- c) Description and origin of existing equity and borrowed capital, which it is envisaged will be used to operate gambling activities enabled by the licence.
- d) Indicators relating to the types of customers expected (average purchasing per user, average spending per participant, etc.)
- e) Marketing and branding policies.

6. Description of the system in place for dealing with and resolving complaints and claims lodged by participants.

- a) Forms and channels of access to the system.
- b) Planned procedure for dealing with complaints and claims lodged by participants.
- c) Languages other than Spanish used.

In those cases where gambling activities are going to be offered completely or partly in collaboration with another applicant operator or in the case of the co-organisation of gambling activities based on the management of gambling platforms, it must be specified which of the applicants assumes responsibility for compliance with the Operational Plan with respect to each of the paragraphs setting out the content thereof.

Without prejudice to such reviews as, if appropriate, the Directorate General for the Regulation of Gambling may carry out, in any case, all operators must assume the responsibilities set out in paragraphs one, four, five and six. In cases in which there are two operators acting in collaboration, should only one of them have legal relationship with customers it shall be exclusively incumbent on it to implement the content of paragraphs three and six of this appendix, and both operators shall be responsible for the content set out in the other paragraphs.

In the case of the co-organisation of gambling activities, the responsibility of the platform manager shall be reduced to the aspects directly related to the gambling activities managed by the gambling platform to which the operator is affiliated.



## APPENDIX III

### Operator technical gambling system project requirements

This appendix describes the structure and content required of the technical project, which is part of the content of section three referred to in Term 7 above regulating the call for general licences for engagement in and operation of gambling activities approved by this Order.

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 calls 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 gambling service 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.
9. Description of the procedures and mechanisms in place to ensure that all connections from Spain or through a Spanish user registration to a domain owned or controlled by the gambling operator, its parent company or subsidiaries, are redirected to a website with the ".es" domain name. Description of the measures adopted by the operator to allow it, insofar as possible, to detect and prevent connections through network technologies that are designed to hide the gambler's IP address. Description of the procedures in place to cross-check the gamblers IP location with their country of residence and, if appropriate, the payment methods used in order to check for any fraudulent activity by the gambler.

- 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 platform. This shall include user registration, gambling account and payment methods.
1. High-level diagram.
  2. Functional description.
  3. List of main providers, indicating the name and version of the product.
  4. 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.
    5. Description of the various channels (internet, telephone, SMS and other) provided for user registration, access to the user's gambling account and transactions to make deposits, withdrawals and payments for participation, and payment of winnings. Cases where the use of physical terminals, accessories of any kind, kiosks or terminals at points attended by operator personnel are considered shall be noted and described in detail.
    6. Details of payment methods accepted. It shall be indicated whether operators directly manage the relationship with each method of payment, or whether they use an intermediary, in which case the details thereof (nationality, trade name, taxpayer identification number or equivalent) shall be included, as well as whether the trade relationship with the intermediary is maintained directly, through another company from the group to which they belong, or through one or other of the gambling service providers.
    7. Description of measures to ensure the security, confidentiality and integrity of communications with the participant.
    8. High-level description of security management and major security measures.
    9. Mechanisms in place to restrict participation. The gambling activities offered under the general licence shall be classified according to the following headings:
      - a. Gambling activities which can only be participated in conditional on user registration and verification of bans to which players are subject to under the terms of Articles 26 and 27 of Royal Decree 1613/2011, of 14 November, elaborating on the technical requirements of gambling activities under the Gambling Act 13/2011, of 27 May, and the Resolution, of 12 July, issued by the Directorate General for the Regulation of Gambling which implements them.
      - b. Under the general licence for contests, games for which authorised participation is requested without the need for prior identification of the participants referred to in Article 26.1 of Royal Decree 1613/2011, of 14 November, elaborating on the technical requirements of gambling activities under the Gambling Act 13/2011, of 27 May.
      - c. Others. In this case a detailed description of the planned mechanisms for restricting participation shall be included.
    10. Duties of informing participants. In this paragraph it shall be confirmed whether the planned platform will comply with participant information requirements and, in particular, those provided in the Ministerial Orders that regulate each gambling activity and the requirement set forth in Article 35 of Royal Decree 1614/2011, of 14 November, which

elaborates on the licensing, authorisation and registration of gambling activities under the Gambling Act 13/2011, of 27 May, under which participants shall have access to the up-to-date balance of the gambling account and a record of all wagers or moves made over the course of at least the last thirty days.

11. Measures to combat fraud and money laundering. Details of the main measures to be adopted against fraud and money laundering shall be included.

12. Platform reaction in the event of system crashes. The core values contained in the business continuity plan, based on which the technical system has been planned, shall be specified, in particular the following:

a) The RPO (Recovery Point Objective), which shall indicate the maximum period of time in minutes, hours or days, during which data loss in terms of user registration, gambling accounts and gambling software data is possible in the event of a disaster. In the event that the RPO of any of these items exceeds 24 hours, the measure to be taken and its possible impact on participants shall be reasonably justified.

b) The RTO (Recovery Time Objective) indicating the maximum period of time in minutes, hours or days which will elapse until the service is restored shall be as follows: for user registration [1 week maximum], gambling accounts [1 week maximum] and gambling software data [1 month maximum]. In the event that any of the RTO exceeds the maximum time periods established, reasonable justification shall be provided as to the measure to be adopted and its possible impact on the gambling activity and the participants therein.

13. Responsible gambling measures. This paragraph shall indicate which responsible gambling measures, which are set out in the corresponding paragraph of the terms or appendices of the call, shall be included automatically in the technical gambling system.

Translated