

RESOLUTION..., FROM THE DIRECTORATE-GENERAL FOR THE REGULATION OF GAMBLING ON THE MODIFICATION OF CERTAIN RESOLUTIONS ABOUT THE GAMBLING ACTIVITIES SET OUT IN LAW 13/2011 OF 27 MAY ON GAMBLING REGULATION

Law 13/2011 of 27 May on gambling regulation sets the regulatory framework for gambling activities at a national level for the purposes of ensuring the protection of public order, combating fraud, preventing addictive behaviour, protecting the rights of minors and safeguarding the rights of gambling participants.

Royal Decree 1613/2011, of 14 November, elaborating on the technical requirements of regulated gambling activities under Law 13/2011 of 27 May on gambling regulation, in its articles 26 and 27, establishes the identification of the participants as well as the enforcement of subjective gambling exclusions and money laundering.

Specifically, article 26.5 provides that the Directorate-General for the Regulation of Gambling “shall set out the additional requirements and conditions which should combine user records and gambling accounts and the protection measures which must be met by the operators”.

In development of these provisions, the Resolution of 12 July 2012 issued by the Directorate-General for the Regulation of Gambling was issued to approve the provision to implement articles 26 and 27 of Royal Decree 1613/2011 of 14 November with regard to identifying gambling participants and monitoring subjective gambling exclusions.

Five years after the enactment of the aforementioned regulatory framework, the experience acquired during this time makes it appropriate to strengthen the identity verification processes carried out by the gambling operators on the information provided by the participants through modification of the aforementioned Resolution of 12 July 2012.

Under this identity verification processes improvement scenario, it is also appropriate to adapt the content of the Resolution issued on 6 October 2014 to approve the data model used in the information monitoring system of gambling operation registries, so that said system operates more efficiently.

Furthermore, the modification of this Resolution is used to include new parameters in the classification of gambler statuses in the gambling data records which reinforce the information available on responsible gambling practices carried out by regulated operators. In addition, the modification of this resolution will also affect the content of the operator's Catalogue of Events record as new data will be entered in this field which will be subject to reporting.

This provision has been submitted to the information procedure on technical and regulatory standards and regulations relating to the services of the information society provided for in Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015, by which an information procedure is established in terms of technical regulations and rules relating to the services of the information society.

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

Firstly. To modify the Resolution issued on 12 July 2012 to approve the provision to implement articles 26 and 27 of Royal Decree 1613/2011 of 14 November with regard to identifying gambling participants and monitoring subjective gambling exclusions as follows:

1. The Fifth section of Appendix I is reworded as follows:

“Fifth. Checking of identity information and the verification of information provided by the participants.

1. The operator is responsible for the veracity of the data that appears in its user registrations and for the correct identification of the participants in any gambling that it organises or promotes.

2. Where the applicant can provide their national identity document number (DNI) or their foreigners' identification number (NIE) in their registration process, the operators must:

a) Check the identity data which appears in their user records, through the Participants Identity Verification System of the Directorate-General for the Regulation of Gambling or through other systems or alternative verification means.

b) Verify the data provided by the participant through documentary evidence.

3. In those cases, during their registration process, where the applicant is identified as a non-Spanish resident and does not provide a national identity document (DNI) number or foreigners' identification number (NIE), the verification and checking of the data, to be done through the document verification system considered appropriate, will be done by the operator within a month of the registration process having been completed.

4. The operator will choose the appropriate means to prevent resident users registering as non-resident.”

2. The Sixth section of Appendix I is reworded as follows:

“Sixth. Systems for verifying the identity of participants.

1. In order to facilitate operators in the checking of participants' identity data, the Directorate-General for the Regulation of Gambling will make their participant Identity Verification System available to them, which will allow, through electronic access by operators, real-time verification of applicants' data where they use their national identity document (DNI) or foreigners' identification number (NIE) for their identification.

The participants' Identity Verification System of the Directorate-General for Gambling is the only system whose result is presumed correct and which, in the event of an error, absolves the operator of liability.

In the event of the participants' Identity Verification System of the Directorate-General for the Regulation of Gambling failing to work correctly, the verification of the data will be guaranteed within three days of the request from the operator.

2. The participants' Identity Verification System of the Directorate-General for Gambling does not prevent the operator using alternative systems or methods of verification.”

3. The Eighth section of Appendix I will be reworded as follows:

“Eighth. *Document verification.*

1. Regardless of the means used, the operators are those responsible for demanding and validating the documentation necessary to verify that the identity of the gambling participant matches the identity data verified through any of the identity verification systems set out in the sixth section of this resolution.

2. For the receipt and verification of the documentation required for the documentary verification of the data, the operators will have the means they consider appropriate and which guarantee the security and speed of the process.

3. Operators must record and store all steps, queries and requests made for the document verification of the data provided by applicants, as well as those documents received or used for this purpose. The data must be stored together with user registration data for the period of the user's registration and the six years subsequent to the cancellation or termination of registration.”

4. The twelfth section of Appendix I is reworded as follows:

“Twelfth. *Activation of the user record.*

1. The activation of user records, where the applicant is a resident of Spain or has provided a national identity document number (DNI) or a foreigners' identification number (NIE), requires the prior verification of such data pursuant to the provisions of paragraph 2 of the Fifth Section of this Resolution and a check in the General Register of Gambling Access Bans to ensure the user does not appear in said register.

The operator will proceed as follows:

- a) Users whose identity has not been validated in the participants' Identity Verification System of the DGOJ or in another identity verification service may not take part in any gambling activity or make deposits or withdrawals. The status of these users' accounts will be considered as 'pending identification'.
- b) Users correctly identified through any identity verification system and awaiting documentary verification may deposit up to a joint limit of 2000 euros and participate in gambling activities but may not make withdrawals. The status of these users' accounts will be considered as 'pending document identification'.
- c) Users correctly identified through documentary verification may make deposits, withdrawals and participate in gambling activities. The status of these users' accounts will be considered as 'active'.

- d) Users correctly identified through any identity verification system which, after one month from such verification, have not been verified through documents by the operator, will move to a 'pending identification' status and cannot gamble or make deposits nor withdrawals. The status of these users' accounts will be considered as 'pending identification'.

2. The activation of user records, where the applicant is a resident of Spain does not provide a national identity document number (DNI) or a foreigners' identification number (NIE), requires the prior verification of such data pursuant to the provisions of paragraph 3 of the Fifth Section of this Resolution.

The operator will proceed as follows:

- a) The applicant, having completed the registration process but pending document verification, cannot gamble or make deposits or withdrawals. The status of these users' accounts will be considered as 'pending identification'.
- b) Users correctly identified through the document verification system may make deposits, withdrawals and participate in gambling activities. The status of these users' accounts will be considered as 'active'.

Secondly. To Modify the Resolution of 6 October 2014, approving the data model for use in the information monitoring system of gambling operation registers, as follows:

1. In section 3.4.5, (“Detailed Gambling Account (CJD)”), in the section headed “Record Content”, the sections describing the “Participant's deposits” and the “Participant's withdrawals” are worded as follows:

“• **(+/-) Deposits by the participant**, broken down by date and payment method, in accordance with the classification of payment method types established in the “Payment Method Types” section of this resolution.

Amounts deposited by participants shall have a plus sign whereas the minus sign shall be used for any cancellations or adjustments made.

For each deposit operation made by the gambler, it will also include:

- IP: IP address of the gambler's device from which they connect to the gambling platform, whether it be IPv4 or IPv6.
- Type of device: from which the connection is made (Mobile, PC, Tablet, Fixed terminal or Other)
- Device ID: Identifier of the device from which the connection is made”.

“• **(+/-) Withdrawals by the participant**, broken down by date and payment method, in accordance with the classification of payment method types established in the “Payment Method Types” section of this resolution.

Amounts withdrawn by participants from their gambling account shall have a minus sign whereas the plus sign shall be used for any cancellations or adjustments made.

For each withdrawal operation made by the gambler, it will also include:

- IP: IP address of the gambler's device from which they connect to the gambling platform, whether it be IPv4 or IPv6.
- Type of device: from which the connection is made (Mobile, PC, Tablet, Fixed terminal or Other)
- Device ID: Identifier of the device from which the connection is made”.

2. In Section 3.4.10 [“Gambling records (JUT, JUD)”], the heading “Generic data common to all types of gambling” is worded as follows:

“Generic data common to all types of gambling

The information to be transmitted is the following (with the inclusion of the most likely symbol):

- Gambling identifier: bet, game, hand, tournament, contest, session.
- Gambling description
- Type of gambling
- Start time/date (bet, game, hand, tournament, contest, session)
- End time/date (bet, game, hand, tournament, contest, session)
- Network gambling: yes/no
- Postponed gambling: yes/no (not to be completed in the case of gambling by session)
- Cancelled gambling: yes/no (not to be completed in the case of gambling by session)
- Suspended gambling: yes/no (not to be completed in the case of gambling by session)
- Total
- Breakdown at a gambler level
 - IP: IP address of the gambler's device from which they connect to the gambling platform, whether it be IPv4 or IPv6.
 - Type of device: from which the connection is made (Mobile, PC, Tablet, Fixed terminal or Other)
 - Device ID: Identifier of the device from which the connection is made

In the event of gambling with international settlement, the operator will only report the details of gamblers pertaining to the “.es” domain.”

3. Section “3.4.12 Catalogue of Events (CEV)” will be worded as follows:

“Information in the catalogue of events

Standardised data on the events making up the betting offers of the operator. It will include all new events or updates about previously reported events on which the operator has laid bets in the period, regardless of whether these events have ended or not.

Operators under obligation

The operators laying bets.

Frequency

Monthly.

Catalogue data

The catalogue shall contain the following data:

- Event identifier
- Event description
- Type of event. Sporting, horse-racing or other bets.
- Sport: the sport shall be identified according to the official classification on the DGOJ website which contains the standardised list of sports used by operators in their betting schedules. Example: 6 for baseball or 4 for boxing.
- Competition: The bets will identify the competition. This field is obligatory where the event pertains to a sporting competition.
- Start date of the event
- End date of the event
- Updated. Boolean field which reports if the event is new ('N') or an update of an event reported in the CEV of the previous month ('S')

Main controls

All events recorded in the bets by means of an event identifier must be contained within the relevant catalogue. There should be no duplicate events; if a duplicate is reported it is understood that it is an update of the data of a previous event and therefore it must be marked with the Updated='S' field or it will be considered wrong.”

4. In section 3.5.2.1 “CJD record: detailed gambling account”, the sections of the table relating to “Deposits” and “Withdrawals” will be worded as follows:

Depositos	Se consignará el total del importe en euros depositado durante el período, así como cada uno de los depósitos realizados, indicando la fecha del depósito, el código del tipo de medio de pago utilizado –basado en la lista de medios de pago incluida en el apartado “Tipos de medios de pago”-, el proveedor del medio de pago, el importe, la IP, el Dispositivo y el ID Dispositivo.
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The diagram illustrates the relationship between 'Depositos' and 'DesgloseOperaciones'. 'Depositos' is a class that has a composition relationship with 'DesgloseOperaciones'. 'DesgloseOperaciones' is a class that contains a 'Total' attribute and a composition relationship with 'Operaciones'. 'Operaciones' is a class that has a composition relationship with 'Fecha', 'MedioPago', 'TipoMedioPago', 'OtroTipoEspecificar', and 'Importe'. The multiplicity for 'Operaciones' is 0..∞.

5. In Section 3.5.4.1 (“Generic data common to all types of gambling (JUT and JUD)”), the heading “Gambling data broken down (JUD)” is replaced by the following:

“Gambling data broken down (JUD)

Breakdown regarding player	<ul style="list-style-type: none"> • (-) Wagers • (+) Prizes • (+) Prizes in kind, monetary value • Breakdown of the prizes in kind: description and value of the prize (+). • IP • Device (PC; MO (Mobile); TB (Tablet); TF (Fixed terminal); OT (Others)) • Device ID
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6. Section 3.5.6 (“Record of Catalogue of events”) will include the following text in the last line of the table:

Updated	<p>S/N The field is optional and if it is not reported that means that the event is new. If it is an update to a previously reported event, the field is obligatory and must be reported with an 'S'.</p>
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7. Section 3.5.7.2 (“Gambler status”) is replaced by:

“3.5.7.2 Gambler status

The “status” of the gambler comprises two fields:

CNJStatus under which the operator is requested to differentiate between:

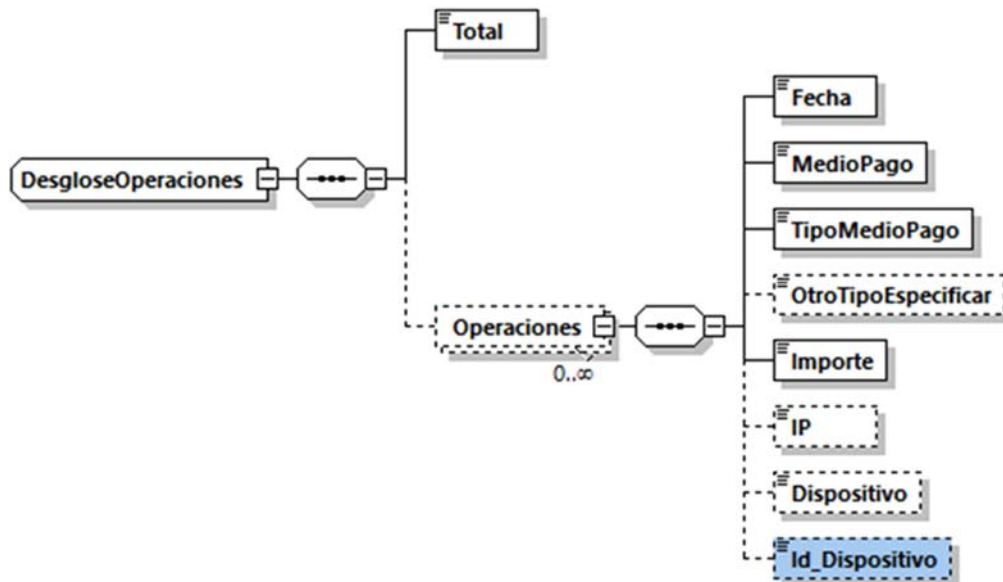
- A: Active. Reflects the status of a gambler duly identified and verified through documents,
- PV: Pending document verification. Reflects the status of a resident gambler whose identity has not been verified reliably through a document verification system.
- PI: Pending identification. Reflects one of the following statuses:
 - Status of a resident gambler has not been validated in the participants' Identity Verification System of the DGOJ or in another identity verification service.
 - Status of a resident gambler correctly verified through any identity verification system, where, one month later, the data of the participant has not been verified through documents.
 - Status of a non-resident gambler where their data has not been verified through documents.
- S: Suspended. This is the status of the gambling account which the operator has decided to suspend after 2 years of uninterrupted inactivity.
- C: Cancelled. This is the status of gambling accounts which have been cancelled after 4 years of suspension.
- SC: Precautionary suspension. This is the status of gambling accounts, in which the operator has noticed collusive or fraudulent behaviour or in which the player has allowed his/her user record to be used by third parties and the operator has decided to suspend the accounts as a precaution.
- SR: Suspended through application of the operator's responsible gambling policy.
- AC: Contract cancellation. This is the status of gambling accounts which, after having been suspended on a precautionary basis, the operator has proven that the participant had taken part in fraud, collusion or allowed third parties to use the account, and the operator has decided to unilaterally terminate the contract.
- PR: Individual prohibition. This is the status of gambling accounts which are covered by any of the individual prohibitions stipulated in article 6 of the Gambling Act 13/2011 (Minors, registered in the RGIAJ, connected parties, etc.)
- AE: Self-excluded. Reflects the status of a gambler who has voluntarily excluded themselves from the gambling offered by the operator.
- O: Others. Other situations in which a gambler may be found and not included in any of those before.

OperatorStatus, under which the operator enters the name of the status as given on its platform.”

8. In section 4.5.11 (“Repeated breakdowns”), the part “BreakdownOperations” will be worded as follows:

“BreakdownOperations

Total amount and breakdown of each payment or collection transaction.



Single transitional provision. Gamblers registered prior to the Resolution's entry into force.

1. If the gamblers already registered in the gambling system whose identity data had not been verified through documents prior to the entry into force of this Resolution perform an operation in their gambling account after the entry into force:

- a) If these gamblers are Spanish residents or have provided their national identity document (DNI) number or the foreigners' identification number (NIE) in their registration process, they will go to the “Pending document verification” (PV) status at the time of carrying out the aforementioned operation in their gambling account, and must be subject to document verification.

From this time, these gamblers may only deposit a combined limit of 2000 euros, and take part in gambling, but cannot make withdrawals.

- b) Where, in the registration process, these gamblers are identified as non-Spanish residents without providing their national identity document (DNI) number or foreigners' identification number (NIE) they will go to the “Pending identification” (PI) status upon carrying out the aforementioned operation in their gambling account, and must be subject to document verification.

From this time, these gamblers will not be able to gamble or make deposits or withdrawals.

2. The document verification for gamblers in section 1 will be substantiated as follows:

- a) If the operation in the gambling account envisaged in section 1 is performed within six months of the publication of this Resolution, the modification of the player's status provided for in that section to "Active" or "Pending Identification" is carried out, in the case of those gamblers referred to in paragraph a) of section 1, within the maximum period of seven months from publication and, in the case of gamblers referred to in paragraph b) of section 1, within the maximum period of one month from the aforementioned operation in the gambling account.
- b) If the operation in the gambling account envisaged in section 1 is carried out later than that determined in paragraph a) of section 2, the modification of the player's status referred to in section 1 to "Active" (A) or "Pending identification" (PI) will be made within a maximum period of one month from the moment in which the participant has performed such an operation in their gambling account.

Single final provision. Entry into force

This Resolution will enter into force within one month from the date of its publication.

Madrid, XX YY 2017

DIRECTOR-GENERAL FOR THE REGULATION OF GAMBLING

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