

**International  
Comparative  
Legal Guides**



Practical cross-border insights into gambling law

# **Gambling 2022**

**Eighth Edition**

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# Spain

LOYRA Abogados



Patricia Lalanda Ordóñez



Fernando A. Martín Martín

## 1 Relevant Authorities and Legislation

### 1.1 Which entities regulate what type of gambling and social/skill gaming activity in your jurisdiction?

Relevant Product		Who regulates it in digital form?	Who regulates it in land-based form?
Gaming	Casino gaming (including slots and casino table games such as roulette & blackjack)	The Directorate General for the Regulation of Gambling ( <i>Dirección General del Juego</i> – “DGOJ”), part of the Ministry of Consumer Affairs.	The relevant authority within the competent Autonomous Region, of which there are 17.
	Poker		
	Bingo		
Betting	Betting	DGOJ.	The relevant authority within the competent Autonomous Region, of which there are 17.
	Sports/horse race betting (if regulated separately to other forms of betting)		
	Fantasy betting (payment to back a ‘league’ or ‘portfolio’ selection over a period of time, for example in relation to sport or shares)	Not regulated yet; however, some forms have been considered pool betting.	Not regulated yet.
Lotteries	Lotteries	The Spanish State.	The relevant authority within the competent Autonomous Region. See above.

Relevant Product		Who regulates it in digital form?	Who regulates it in land-based form?
Social/Skill arrangements	“Social” gaming with no prize in money or money’s worth	Not regulated, as long as the game does not imply any profit for the promoter or operators.	
	Skill games and competitions with no element of chance	Not regulated.	

### 1.2 Specify: (i) the law and regulation that applies to the Relevant Products in your jurisdiction; and (ii) – in broad terms – whether it permits or prohibits the offer of Relevant Products to persons located in your jurisdiction.

Gambling activities in Spain can be divided into the following categories:

- “public gambling”, which is a State monopolistic activity entrusted to two incumbent operators, *Sociedad Estatal Loterías y Apuestas del Estado* (“SELAE”) and *Organización Nacional de Ciegos Españoles* (“ONCE”), which are in charge of managing a series of passive, deferred, result-type lottery games and sport and charity pool betting; and
- “private gambling”, made up of licensed private operators who are subject to an intense regulatory burden, and which comprises all other types of gambling (land-based and online).

The Spanish Constitution divides regulatory and other powers over a series of matters between the central State and the Autonomous Regions (*Comunidades Autónomas*) (“Regions”). The Regions have taken on the regulation, authorisation, taxation and supervision of private and public gambling activities within the scope of their respective territories.

Any State-wide gambling offering is subject to the competence of the Ministry of Finance and General Government. Within the same, the DGOJ regulates, authorises, supervises, controls and, if necessary, penalises gambling activities in the Spanish State. Hence, it has competence over private and public online gambling offered in more than one Region.

Gambling is understood to be any activity involving risking sums of money, or items of economic value in whatever form, on future and uncertain results which depend to some degree on chance, and which allow these sums to be transferred between the participants, regardless of whether the level of skill of the players has a decisive impact on the results, or if the results depend wholly or fundamentally on luck, stakes or chance. The prizes may be in cash or in kind, depending on the type of game. Any activity falling within this definition is subject to specific gambling legislation. Social games are commonly understood to have no cash or prizes of economic value; hence they are not considered part of this definition.

Common legislation for land-based and online gambling: gambling operators and activities are subject to the relevant laws governing the environment, zoning, advertising and anti-money laundering (“AML”), in addition to gambling regulation and taxes.

### Land-based gambling

#### a) Casinos

Each Region has established a licensing regime to install and operate casinos. Usually, whenever a certain Region intends to grant a licence for a new casino, it must call and conduct a public tender, where applicants submit their proposal, which must comply with the requirements of the tender in terms of investment size, technical and financial suitability, location, potential for employment creation, guarantees, feasibility study, etc. The licence is granted to the applicant who attains the best score according to a scale provided in the tender. Typically, the total number of casinos that can be authorised within a concrete Region, as well as the number of casinos that can be operated by the same operator (and its group of companies), are limited. Once the licence to install the casino has been granted, the applicant must obtain the authorisation to operate it, which is not transferable. However, transfers of ownership of the applicant/operator are permitted, provided the Region is notified or, in some Regions, approved.

Generally, any company that intends to operate a casino must be duly incorporated in Spain, have a certain minimum share capital and have the operation of casinos as its primary business purpose. Shareholders, directors and top-level management need to undergo a suitability analysis and comply with regulatory requirements.

In the last few years, both the Regions of Madrid and Catalonia have approved legislation framing the licensing of “integrated resort”-type casinos to be installed and operated in their territory.

#### b) Bingo halls

Regions have passed legislation for the installation and operation of bingo halls, including many requirements as to registration with the competent authority, incorporation, corporate purpose and the provision of financial guarantees. In addition, bingo hall operators must comply with filing requirements related to employees and obtain authorisations for transfers of ownership or variations in the terms and conditions of the licence. Over the past few years, electronic and inter-connected bingos have been regulated in several Regions. Bingo halls may also, under certain conditions, operate Type B machines.

#### c) Sports betting

Regarding sports betting, regulation is variable across the Regions and sports betting terminals and counters can only be installed in certain gambling locations. Dedicated sports betting locations may also be opened in certain Regions.

#### d) Gambling machines

Manufacturers and distributors must comply with legislation regarding the physical characteristics of the machines, amounts wagered, prize payout statistics and locations where each type of slot machine may be placed. In certain Regions, transfers of ownership interest in machine manufacturers and distributors are subject to prior authorisation or notification to the relevant Region.

Registration and homologation of each machine model is mandatory. Additionally, each machine must be labelled with the name of the manufacturer and the relevant operating permit. Moreover, machine manufacturers, distributors and operators must register with and be approved (in terms of technical, reputational and financial suitability and compliance) by the gambling authority of the Region in which they intend to conduct business. Machine operators are also required to deposit financial guarantees which vary across each Region and must keep records and documentation related to the machines they operate. In addition, there are regulations on the types of locations at which machines can be installed and the number of machines that can be placed in each of them.

Regulations refer to three general types of machines: Type A (amusement only – although excluded from Directive 123/2006/CE); Type B (amusement-with-prize – “AWP”); and Type C (casino-type). There are sub-types and other classifications that are omitted herein for the sake of simplicity. AWP machines installed in bars are the most common (maximum payout: €500).

Multi-position machines, and the possibility of linking them in certain locations and under a number of requirements, are generally allowed in the Spanish Regions and may offer larger prizes (i.e. the highest is €80,000 in the Madrid Region for bingo).

#### e) Gambling arcades

Regional laws and regulations have some differences, but the key requirements for the grant of a licence for the operation of gambling arcades are the following: (i) registration with the regional registry as a gambling arcade operator (including a statement as to the machine type(s) that are intended to be installed); (ii) a specific gambling arcade licence; (iii) provision of financial guarantees; (iv) municipal licences for the operation of the location of the gambling arcade; (v) communication to the competent gambling authority of any change in the information supplied; and (vi) in some Regions, annual or monthly reporting of key information.

#### f) Regional lotteries

The Regions may also regulate public gambling activities (lotteries) that take place within their respective territories.

### Online gambling operations – State level

Online gambling is regulated by Law 13/2011, of 27 May 2011, on the regulation of gambling (“Law 13/2011”), which applies to the offering of gambling via interactive means both from Spain and to Spain.

There are three types of general licences: “bets”; “contests”; and “other games”. In addition, the online gambling verticals that can be offered via a singular licence are as follows: “bingo”; “blackjack”; “roulette”; “baccarat”; “slots”; “poker”; “complementary games”; “fixed-odds betting”; “fixed-odds sports betting”; “sports pool betting”; “fixed-odds horse betting”; “horse pool betting”; and “exchange betting”. If not comprised within the latter definitions, they cannot be offered.

Law 13/2011 has been implemented with the approval of a long set of regulations (Royal Decree 1613/2011 on technical



requirements, and Royal Decree 1614/2011 regulating licences, authorisations and gambling registers), resolutions (technical, regulatory implementation, procedures and responsible gambling) and ministerial orders (one for each type of gaming vertical, i.e. singular licences). The DGOJ grants the relevant licences following a public call for applications. The procedure may be opened *ex officio* or at the request of the interested party, in which case at least 18 months must elapse from the date of the previous call.

Three tenders have been called to date. The last tender was called on 17 December 2017 (Ministerial Order HFP/1227/2017, published in the Official State Gazette of 16 December 2017); this third call for tender carried various amendments to the previous ones, but the most relevant was the one-year period for submission of documentation and application for the general licences (the submission deadline was 17 December 2018).

## 2 Application for a Licence and Licence Restrictions

### 2.1 What regulatory licences, permits, authorisations or other official approvals (collectively, "Licences") are required for the lawful offer of the Relevant Products to persons located in your jurisdiction?

Please see question 1.2 above.

### 2.2 Where Licences are available, please outline the structure of the relevant licensing regime.

Licences are granted by compliance with a certain framework that is predefined in applicable laws and regulations (from the competent Regions or the central State, as the case may be) and, thus, any applicant interested in the grant of a licence will know *a priori*, with a significant degree of legal certainty, if he/she has the capabilities (and suitability) to comply or not.

Prospective licensees, apart from specific requirements related to each type of gambling type or gambling location licence, generally need to meet the following conditions: (1) personal compliance requirements; (2) registration with the relevant gambling registry; (3) deposit of financial guarantees; and (4) compliance with tax and social security obligations.

### 2.3 What is the process of applying for a Licence for a Relevant Product?

#### Land-based gambling

Please see question 1.2 above.

#### Online gambling – State level

As described above, at least two licences must be applied for (general and singular licence). General licences are granted via an open public tender (no limited number of licences, to date) that contains requirements regarding technical, financial, reputational compliance, software security and reliability requirements, and anti-fraud and AML requirements. A company which seeks to obtain a licence must, among many other requirements, be a public limited company or limited liability company, with the company address in a European Economic Area ("EEA") Member State ("MS"), which has the sole corporate purpose of organising, marketing and operating gambling activities.

- Process financial obligations: among others, meeting the fees related to the regulated gambling activity, which are: €38,000 for technical reports; €2,500 for registering each licence; and €10,000 for each gambling licence.

- Technical obligations: among others, creating a specific website under an ".es" domain; redirecting to the specific website under an ".es" domain; and implementing an internal monitoring system to capture and register gambling operations and financial transactions in Spanish territory.
- Timing: once the application is submitted, there is a maximum period of six months to award the licence (or not). This term can be increased due to certain legal circumstances. Licences will be granted provisionally and from this moment, gambling operation may begin, with the commitment to submit, within a period of four months, the final report of the gambling technical systems certification.

A guarantee in cash, real estate mortgage, insurance or security for an amount of €2,000,000 for general betting and other games licences, or €500,000 for contest general licences, must be set. The amount of the guarantees is reduced from year two onwards.

### 2.4 Are any restrictions placed upon licensees in your jurisdiction?

A licensee will not be granted a licence or it will be withdrawn if it or its management get involved in certain circumstances related to, e.g., crime, bankruptcy, failure to comply with the State or Regions' gambling regulations, tax, or social security obligations, etc.

### 2.5 Please give a summary of the following features of any Licences: (i) duration; (ii) vulnerability to review, suspension or revocation.

#### Land-based gambling

- Casinos: 10–15 years, renewable for the same periods of time.
- Gambling machines: five-year renewable term.
- Gambling arcades (depending on the Region): the licence may be indefinite, e.g. Andalusia; or limited to 10 renewable years, e.g. the Canary Islands.
- Bingo halls (depending on the Region): the licence may be indefinite, e.g. Andalusia; 10 years, e.g. Valencia; or five years, e.g. the Canary Islands.
- Sports betting: Madrid and Valencia – 10 years; and Andalusia and Basque Country – indefinite.

#### Online gambling – State level

General licences: valid for 10 renewable years. Singular licences: valid for three to five years, depending on the type of game. The licences will be annulled in the following cases: a) by express waiver from the licence holder; b) if the validity period elapses; and c) by termination by the DGOJ for a number of reasons.

Regulators supervise, inspect and monitor licensed gambling operators as to their compliance with licensing requirements, and respond to breaches by giving directions, imposing penalties or, at the limit, revoking the gambling operator's licence.

### 2.6 By Relevant Product, what are the key limits on providing services to customers? Please include in this answer any material promotion and advertising restrictions.

**Common restrictions on land-based and online gambling**  
There are certain groups of people who are restricted from

gambling, among others: minors (under 18 years old); people who have been declared disabled by law or judicial resolution; and people who have voluntarily requested that their access to gambling be prohibited.

Depending on the Region, gambling arcades can be limited in number (e.g. Basque Country) and/or a minimum distance imposed between each other or to youth and learning facilities (e.g. Castilla y León), except for the Madrid, Extremadura and Asturias Regions, which have no limitations, including limitations regarding size. Likewise, the opening hours are different depending on each Region and on each type of gambling facility. This is also the case for bingo halls, which are subject to regulations on size, number, location and opening hours, with the exception of the Madrid and Extremadura Regions.

Currently, credit to gambling patrons is generally prohibited under Spanish law.

### Online gambling

Only residents from the Region's territory can play on regional online gambling webpages. State-wise, Law 13/2011 does not prohibit non-residents from playing in an ".es" gambling webpage or app against a Spaniard, but it is the operator's obligation, in compliance with other jurisdictions' gambling regulations, to block players' IPs from jurisdictions where gambling is prohibited for their residents.

### Advertisements

Regarding State-wide online gambling activities, in order to carry out gambling activities on audio-visual programmes, news media or websites, operators must have authorisation. The applicable rules are the: (i) general Law 34/1988, on publicity, and others that do not make an express reference to gambling; (ii) code of conduct of AUTOCONTROL, which is not mandatory; and (iii) existing provisions of Law 13/2011, in particular articles 7 and 8, as well as several provisions contained in regulations that develop Law 13/2011.

The code of conduct sets, among other things, broadcasting timetables, and recommends technical measures such as size, pixels and velocity which the adverts should have, messages that must be shown (such as "play with responsibility"), and a link to the webpage <http://jugarbien.es>.

At regional level, general publicity regulations also apply. Although traditionally very strict in the Regions, gambling advertisements have been liberalised or subject to prior administrative authorisation.

Promotions such as bonuses are accepted for online gaming. These have traditionally been forbidden for land-based gaming; however, legislation is moving towards liberalisation, depending on each Region.

## 2.7 What are the tax and other compulsory levies?

Generally, gambling taxes are imposed on the operator, i.e. the person or entity holding the relevant gambling licence. Manufacturers and distributors are not subject to gambling tax.

Gambling machine operators are required to pay gambling tax on a quarterly or half-yearly basis to the Region in which the gambling machine is operated. There is no taxable base, but an annual fixed amount that is paid for each gambling machine and which varies from Region to Region and depends on the type of machine (annual average at approximately €3,500). There are reduced tax amounts for multi-position machines (i.e. the fixed rate is not multiplied by the number of positions at the machine on a linear basis).

Casino operators are required to pay gambling taxes on a quarterly basis to the Region in which they are located. Taxes are based on a sliding scale and assessed on gross gaming revenue ("GGR") for table games activity, and machines pay the corresponding fixed tax rate. For example, in the Andalusia Region, the sliding scale goes from 15% to 58%, and Type C machines are taxed at an annual €5,300 (per position) fixed rate.

Sports betting operators pay a variable tax (for example, 10% in the Region of Madrid) on GGR.

Gambling arcade and bingo hall operators do not pay a specific gambling tax, which is levied on sales of bingo cards, the machines installed and sports betting activities, as applicable, which may be located in each of them.

In addition, gambling operators must pay certain one-off administrative taxes in relation to the grant of authorisations, installation of machines, renewals, homologation of machines, systems and gambling equipment, etc. Gambling activities are VAT-exempt, but gambling operators must bear VAT on any other services acquired from third parties and/or offered to customers. Corporate tax (statutory rate: 25%) and economic activities tax (depending on the municipality) further apply to their activities and locations.

### Online gambling

Depending on the specific type of gambling activity, Law 13/2011 establishes 20% of stakes or GGR (Net Profit), defined as the total amount wagered plus any other income that would be directly derived from the organisation or operation of the game, less the prizes paid out to players. This tax is called Tax on Gambling Activities (*Impuesto de Actividades de Juego* – "IAJ").

The Spanish Government lowered the IAJ from 25% to 20%. In addition, Law 13/2011 was amended and now establishes that gaming and gambling operators who have their tax residence in Ceuta or Melilla and are actually located/based in these territories will be taxed at 10% instead of 20% GGR.

The IAJ must be filed and paid quarterly, within a month from the end of every quarter.

Gambling activities are exempt from VAT.

### Players' tax

Players must declare winnings from gambling in their Personal Income Tax return; however, they can also deduct losses (levelling the winnings at the maximum).

## 2.8 What are the broad social responsibility requirements?

Gambling operators must draw up a series of measures related to mitigating the possible damaging effects that gambling may cause to persons, and must incorporate the basic regulations for a responsible gambling policy. Therefore, with regard to consumer protection, it is necessary to: a) pay proper attention to risk groups; b) provide the public with the information needed to make a conscious choice about their gambling activities, promote moderate, non-compulsive and responsible attitudes to gambling; and c) inform of the prohibition on participating in games by minors and persons included in a registry ("RIAJ"), or in the Register of People Linked to Gambling Operators.

Online gambling operators (national) and gaming operators, generally, shall establish financial limits for the deposits each participant may receive daily, weekly or monthly in the different games.

**2.9 How do any AML, financial services regulations or payment restrictions restrict or impact on entities supplying gambling? Does your jurisdiction permit virtual currencies to be used for gambling and are they separately regulated?**

Gambling operators and activities are subject to the relevant laws governing AML and terrorism prevention regulations. Directive 849/2015 of the EU and Law 10/2010, modified by Royal Legislative Decree 11/2018, of 31 August, and Royal Decree 304/2014 include specific regulation on payment of prizes and client identification which apply to providers. This regulation is more specific and intense in relation to casinos and online gambling. These regulations require operators to apply customer due diligence measures for single transactions or rewards amounting to €2,000.

Regarding online gambling, cryptocurrencies such as bitcoin can be implemented as a means of collection/payment and an electronic collection/payment utility with bitcoins, provided that the gambling account of the player is nominated in euros. Regarding land-based gambling, the analysis of playing with bitcoins is a bit different – the rules expressly refer to monetary units in euros (the price of games or bets, the number of prizes, etc.); hence, playing with bitcoins is not possible *a priori*.

**2.10 What (if any) restrictions were placed during the COVID-19 pandemic? Are they still in force?**

#### Online gambling

Royal Decree-Law 11/2020, of 31 March, which adopted urgent complementary measures in the social and economic field to deal with COVID-19, entered into force on 3 April 2020. Article 37 included the following restrictions affecting online gaming and lotteries' commercial communications:

- a) Prohibition of commercial communications that, implicitly or expressly, refer to the exceptional situation that derives from COVID-19 or question the consumption of gaming activities in this context.
- b) Prohibition of promotional activities aimed at attracting new clients or loyalty of existing clients that collect economic amounts, bonuses, discounts, free bets, free spins, odds multipliers or any other similar "bonus" mechanism.
- c) Prohibition of advertising on radio, television and video exchange platforms (e.g. YouTube) except from 1AM to 5 AM.
- d) Prohibition of commercial communications in information society services (including individualised communications in emails or equivalent means and social networks).

Failure to comply with any of the obligations established in the article will be considered a serious infringement, which is sanctioned with a fine (€100,000 to €100,000,000) and/or a suspension of the activity for a period up to six months. This article was repealed June 10, 2020.

#### Land-based gambling

All the Regions established reductions in capacity of the gambling locations and hour limitations. Some even suspended authorisations. To compensate, most of the Regions established tax reductions.

The time period of these amendments lasted during the "state of alarm" (first and second "state of alarm" during 2020 and, in some autonomous communities, early 2021).

### 3 Online/Mobile/Digital/Electronic Media

**3.1 How does local law/regulation affect the provision of the Relevant Products in online/mobile/digital/electronic form, both from: (i) operators located inside your jurisdiction; and (ii) operators located outside your jurisdiction?**

Online gambling activities are defined as those games that are played with electronic, computerised, telematics and interactive means and those in which personal attendance is of an accessory nature. This scope encompasses the so-called "auxiliary terminals and machines" which are used for the organisation, operation or development of gambling activities. The latter plus the software used are understood to be part of the gambling platform and hence are subject to the same gaming regulations on approval and certification. However, the process of obtaining the Regions' authorisations to install such terminals is complicated.

Licences for the offering of online gambling are intended only for Spanish or overseas-based operators – only EEA entities – and operators are required to target only Spanish or Spanish-resident consumers.

**3.2 What other restrictions have an impact on Relevant Products supplied via online/mobile/digital/electronic means?**

State-wide online gambling is restricted to the regulated gambling verticals, previously licensed and to be offered according to the technical homologations granted, if breached sanctions are applicable; e.g., offering gambling to the Spanish territory without a licence is a very serious infringement of the law and a fine of between €1,000,000 and €50,000,000 might be imposed.

**3.3 What terminal/machine-based gaming is permitted and where?**

Sports betting machines are not prohibited specifically in any Region, but have only been regulated explicitly in the Castilla y León Region. In the rest of the Regions, they are adapted to other types of gambling machine regulation.

Depending on the Region, type of gambling facility and type of machines, the machines may allow cash or cards (or both). However, AWP's in bars only allow cash as, to date, sports betting is not expressly contemplated for these facilities.

### 4 Enforcement and Liability

**4.1 Who is liable under local law/regulation?**

In Spain, the general rule is that liability for gambling infringements corresponds to those who exploit these activities.

Only in very exceptional cases are third parties liable, such as athletes, coaches or other direct participants, referees performing or acting in the event or sport activity on which they place their bets, as well as the people who resolved appeals against the decisions of those referees.

Audio-visual or electronic communications service providers, mass media, advertising agencies and advertising networks will be responsible for the promotion, sponsorship and advertising



of gambling when organisers do not have the necessary authorisation to legally advertise those games.

In terms of gambling advertisements, whoever facilitates a gambling advertisement (i.e. affiliates) may also be subject to the sanctioning regime established by Royal Decree 958/2020 on Commercial Communications of Gambling.

#### 4.2 What form does enforcement action take in your jurisdiction?

Please see question 2.5 above. Regulations distinguish between several types of infringements/sanctions: very serious; serious; and minor offences. The most serious may lead to revocation of the licence.

#### 4.3 Do other non-national laws impact upon liability and enforcement?

General EU rules and principles under the Treaty on the Functioning of the European Union (“TFEU”) apply to gambling activities, and EU case law has a great impact on the way national markets are and may be shaped, but not upon liability and enforcement.

The MS are free to pursue their own policy, set relevant restrictions on betting and gambling activities and define the required level of protection to safeguard the MS’s regulations. Nevertheless, any restrictive measures (such as gambling monopolies or licensing systems) that any given MS may impose in its gambling legislation may constitute restrictions to the freedom to provide services in the internal market of the EU (article 56 of the TFEU) and must satisfy the conditions laid down in relevant case law of the Court of Justice of the European Union about their proportionality, suitability and coherence with regard to achieving the policy objectives of the MS.

#### 4.4 Are gambling debts enforceable in your jurisdiction?

While legal gambling contracts are valid and amounts won can be claimed, in the case of illegal gambling (operated without the relevant authorisations), the amounts won cannot be claimed before any court.

#### 4.5 What appetite for and track record of enforcement does your local regulatory authority have? Have fines, licence revocations or other sanctions been enforced in your jurisdiction?

In pursuit of illegal gambling, the DGOJ tries to ensure unlicensed online gambling in Spain is suppressed mainly by maintaining a register of gambling websites that allow connections from within Spain and the verification procedures on websites subject to a complaint, report, claim, or *ex officio* investigation by the DGOJ. The website register seeks to identify the unauthorised gambling offer, its scope and positioning in the market. Once a website has been registered, it is regularly monitored in order to verify its activity in Spain and, where appropriate, the initiation of a preliminary information file. The preliminary information procedures are started when a website is subject to a report, complaint or claim. From that moment on, a procedure begins in which, through the check phases, the DGOJ communicates with the operator, initiates the recording of evidence and, finally, proposes opening the sanctioning procedure. According

to the DGOJ’s 2019 Annual Report, 196 webpages were closed. The DGOJ actively investigates and prosecutes the commercialisation of reserved lottery games (SELAE or ONCE).

In April 2017, the DGOJ created the Betting Market Global Investigation Service (*Servicio de Investigación Global del Mercado de Apuestas* – “SIGMA”) within the Gambling Inspection Sub-Directorate to collaborate on the prevention and control of fraud and, in particular, the fight against match-fixing, protection of the integrity of sports and sports ethics, and protection of integrity in betting markets. The DGOJ’s main sanctioning activity in 2019 (latest official data) can be summarised in 234 disciplinary proceedings initiated and 146 punitive resolutions worth €32,394,600. Sanctioning proceedings have grown in amount and quantity of the fines over the last year.

## 5 Anticipated Reforms

#### 5.1 What (if any) intended changes to the gambling law/regulations are being discussed currently?

##### Online gambling Laws

The Ministry of Consumer Affairs published in August 2021 a Public Consultation on an amendment to the Gambling Law 13/2011, in order to, as it headlines, “strengthen the functions of the General Directorate of Gambling in terms of protection of participants at risk in gambling activities, and collaboration in the fight against fraud and manipulation of sports competitions”.

##### Royal Decree (Regulations)

In July, the DGOJ published the Draft of the Royal Decree on a More Secure Environment for Gambling, which amends Royal Decree 958/2020 on Commercial Communications with respect to the Secure Gambling Title. It is likely to be passed in the summer of 2022.

##### Land-based gambling Laws

Most of the Autonomous Communities are in the process of passing new General Gambling Laws or a substantial modification of those now in force. The most advanced in its processing are the following:

- Aragon: the Draft Law has been sent to the Cortes of Aragon and includes 23 modifications of the current Law, including a minimum distance of 300 metres from gambling premises to educational centres, access controls and customer identification, tightening the advertising regime of gambling premises, and introducing new technical obligations in relation to gaming machines installed in the hotel industry, where its monitoring is intended.
- La Rioja: a new Law, with the full text already being processed in Parliament, aims to introduce several modifications with respect to the one currently in force, some of them seeking greater protection of “vulnerable groups”, establishing a minimum distance of 200 metres from playgrounds and educational centres; it also refers to the creation of a comprehensive strategy for the prevention and treatment of problematic and pathological gambling.

In addition, after the new governments were constituted after the regional elections of last year (2020), some older projects were reactivated, and others were initiated, although they have not yet passed the parliamentary phase.

- In Cantabria, the Project to amend the Gambling Law is at an advanced stage, which includes limitations on gambling

advertising, measures to prevent pathological gambling and new conditions in relation to planning gambling establishments. On advertising, the necessary prior communication of any activity in this field is required. Likewise, for the first time, measures for the prevention of pathological gambling are established, which, in order to be more effective, extend to all areas of society: health; education; youth; municipal policies; and entities that deal with addiction problems. With regard to planning, quantitative limits are established with regard to the maximum number of authorisations and gambling establishments, as well as the establishment of a regime of minimum distances between establishments, as well as in relation to educational centres and mental health units. Finally, the future law regulates the admission service, which all gambling establishments must have, the Registry of Prohibitions of Access to Gambling in Cantabria, and a new sanctioning regime that offers greater protection to minors and especially vulnerable groups.

- In Galicia, the final text of the Project which is intended to affect the characteristics of the gaming machines in hospitality, and also confirm the limiting measures of the exploitation of bets in premises, is still pending to be sent to the new Parliament; the Project was in a very advanced stage, but progress stopped when the new regional government was appointed and is under review.
- In Murcia, the amendment of the Gambling Law has also been in process for some time.
- In Castilla y León, a public consultation process for the modification of the Law was opened this year (2021); for this reason, the granting of new authorisations for gambling halls and betting premises has been suspended.
- In Navarre, a parliamentary report was issued for the processing of a new Gambling Law.
- In the Canary Islands, consultations have also begun for a new Gambling Law, which is currently in the form of a Preliminary Draft, and which includes important restrictions on advertising, the elimination of the possibility of betting machines being included in F&B establishments, and the introduction of a minimum distance between gambling premises and educational centres of 300 metres.

In general, all these Laws modify the current situation and are more restrictive and limiting than the previous ones, given the

climate of “*anti-game populism*” that has been installed in public opinion as a result of the political tendencies of the parties that make up the Central Government, which only has competences over state level gambling, but is causing a domino effect to many Autonomous Communities.

### Regulations

In the regulatory field, several provisions with regard to, in particular, new control obligations in the admission services of establishments, or the limitation of opening new establishments, are being processed that affect one or more gambling subsectors in different Autonomous Communities:

- In Murcia, there are two Decrees in process, which affect gambling halls and betting premises, and which impose new access control obligations; in the meantime, the concession of new gambling establishments in said Autonomous Community imposed in 2018 remains suspended.
- In Madrid, a Planning Decree of the different gambling establishments in this Autonomous Community is being prepared; and while this rule is being approved, the authorisations of new gambling and betting halls are suspended.

In other Autonomous Communities, work continues on the modification or elaboration of Regulations that affect some specific games, such as: the “Electronic Bingo of gaming halls” in Aragon; or the new Bingo Regulations in the Balearic Islands.

In the Balearic Islands, the planning of a number of gambling establishments is also in the midst of being processed, and the extension of the minimum distances from these premises to educational centres have been established.

In Castilla La Mancha, an extensive Draft General Regulation has been opened for public consultation, which will develop the recent Gambling Law approved in 2021.

In the Basque Country, an important modification of the General Regulation of Gambling is in the process of being approved, introducing new obligations for the control of admission of gambling halls and betting premises, and also modifications to the number of establishments of gambling halls and bingos, and even to the number of gaming machines in F&B establishments.

In the Valencian Community, several regulatory projects for the development of the Gambling Law approved in 2020 are also in the process of preparation.



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