



Notification Number: 2018/114/E

Preliminary draft Act on gambling in Valencia

Date received : 16/03/2018

End of Standstill : 18/06/2018

Issue of comments by : Commission

Message

Message 002

Communication from the Commission - TRIS/(2018) 00695

Directive (EU) 2015/1535

Translation of the message 001

Notification: 2018/0114/E

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201800695.EN)

1. Structured Information Line

MSG 002 IND 2018 0114 E EN 16-03-2018 E NOTIF

2. Member State

E

3. Department Responsible

Subdirección General de Asuntos Industriales, Energéticos, de Transportes, Comunicaciones y Medio Ambiente.

Dirección General de Coordinación del Mercado Interior y otras Políticas Comunitarias.

Secretaría de Estado de Asuntos Europeos.

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3. Originating Department



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4. Notification Number

2018/0114/E - H10

5. Title

Preliminary draft Act on gambling in Valencia

6. Products Concerned

Regulation of gambling in Valencia

7. Notification Under Another Act

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8. Main Content

Given that the existing standard, Law 4/1988 of 3 June 1988, had become outdated, it was necessary to update it in line with the social, economic and technological advances in gambling activities that have taken place since it was drawn up.

The key features of the preliminary draft are as follows:

1. - Bringing together the administrative and fiscal aspects of gambling activities in a single text.
2. - Introducing regulations on online gambling in Valencia, stipulating that it must be organised by authorised companies whose Central Gaming Unit, as defined in the terms set out in the act, is based in the territory of Valencia.
3. - Defining the different jurisdictions with regard to gambling at state and autonomous community level. In accordance with Law 13/2011, gambling subject to state jurisdiction and regulations remain outside the scope of this act. However, the act stipulates, in accordance with the aforementioned law, that administrative authorisation from the Generalitat Valenciana is necessary in order to open physical premises and install equipment that makes it possible to participate in online gambling at state level. If such restricted gambling is made available on the premises of Loterías y Apuestas del Estado or Organización Nacional de Ciegos Españoles, it is not subject to any authorisation from the Generalitat Valenciana.
4. - Laying down the governing principles for gambling activities in general and for responsible gambling.
5. - Granting persons participating in games the right of recourse to the Consumer Arbitration System of Valencia as a system of extrajudicial conflict resolution.
6. - Controlling access to all gambling establishments, thus preventing access by minors and those listed in the Register of Persons Banned from Gambling.
7. - Validating the approvals and authorisations granted in other autonomous communities, provided they meet the requirements of the regulations in Valencia.
8. - Deregulating the casino market. Under the current restrictions, natural or legal persons who are shareholders and the companies themselves which are licensed to operate casinos can own a share of the capital of other companies licensed to operate casinos.
9. - Removing the restrictions on new casino owners. Under the current system, which is verging on a monopoly, casino owners are entitled to open up to seven additional premises. Given that this is a pre-requisite



to launching a new call for tenders to open a casino, existing casino owners have been making energetic use of this option. Under the new legislation, casino owners have the option to open up to two additional premises in their region, and any limits or requirements have been removed with regard to the administration launching new calls for tenders.

10. - Making the market for installing type B machines more flexible. The authorisation period for installing machines has been reduced from 10 years to 5 years and authorisation extensions must now be expressly agreed and signed by both parties rather than being automatic.

11. - Prohibiting payouts for bets made in bars.

12. - Removing the product allocations for type B machines. The new regulation deregulates the sector and makes it possible for small operators to access the market.

13. - Revising the penalty system. The various types of infringement have been reclassified and the penalty amounts have been revised into bands corresponding to the type of infringement.

14. - Tax matters. The preliminary draft act brings together all of the existing regulations and reproduces the aspects governed at state level for the purpose of creating a single text.

9. Brief Statement of Grounds

1. - Introducing a new legislative framework in line with new social practices, advances in technology and new forms of gambling, as well as with the regulatory environment on gambling, both at state level, in particular Law 13/2011 of 27 May 2011 on the regulation of gambling, and with the various standards at autonomous community level.

2. - Improving the protection of minors and of those with health problems.

3. - Introducing responsible gambling policies in order to ensure an environment in which gambling participants and economic operators can be involved with legal certainty.

4. - Approving a new regulatory framework to respond to new leisure conditions, such as how electronic, online or remote gambling activities falling within the jurisdiction of Valencia are played and how they function.

5. - Making electronic tax returns possible.

6. - Legalising betting on Valencian pilota games through a provisional system until a specific regulation is adopted.

10. Reference Documents - Basic Texts

No basic text(s) available

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

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13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment



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16. TBT and SPS aspects

TBT aspect

No - the draft is neither a technical regulation nor a conformity assessment procedure.

No - the draft has no significant impact on international trade.

SPS aspect

No - the draft has no significant impact on international trade.

No - the draft is neither a sanitary nor phytosanitary measure.

European Commission

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