



Notification Number: 2011/620/E

## Draft decree adopting the recreational and gaming machine regulations for the Autonomous Region of the Canary Islands

Date received : 02/12/2011

End of Standstill : 05/03/2012

Issue of comments by : Commission

### Message

Message 002

Communication from the Commission - SG(2011) D/52876

Directive 98/34/EC

Translation of the message 001

Notification: 2011/0620/E

No abre el plazo - Nezaahajuje 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 - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - Не се предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201102876.EN)

#### 1. Structured Information Line

MSG 002 IND 2011 0620 E EN 02-12-2011 E NOTIF

#### 2. Member State

E

#### 3. Department Responsible

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

Dirección General de Asuntos Generales y de Coordinación de Políticas del Tratado de Funcionamiento de la Unión Europea.

Secretaría de Estado para la Unión Europea.

Ministerio de Asuntos Exteriores y de Cooperación.

C/ Serrano Galvache, 26, 4ª planta, Torre Sur (28071 Madrid)

Teléfonos: 91 379 84 64, 91 394 88 04

Fax: 91 479 84 01



Dirección correo electrónico: d83-189@ue.maec.es

### 3. Originating Department

Gobierno de Canarias  
Consejería de Presidencia, Justicia e Igualdad  
Viceconsejería de Administración Pública

### 4. Notification Number

2011/0620/E - H10

### 5. Title

Draft decree adopting the recreational and gaming machine regulations for the Autonomous Region of the Canary Islands

### 6. Products Concerned

Operation of recreational and gaming machines

### 7. Notification Under Another Act

-

### 8. Main Content

This draft concerns the regulatory development and application of Law 8/2010 of 15 July on gambling and betting, in application of the provisions of the First Final Provision of the aforementioned Law 8/2010, and concerning implementation of the aspects thereof relating to recreational and gaming machines, including new legal provisions and adaptation of the different procedures requiring regulation. Accordingly, the procedures to obtain authorisation to operate recreational machines has been significantly simplified and the related formalities and documents reduced. Consequently, the Machine Logbook shall no longer be issued, but instead provided by means of the operating permit, which is issued electronically by validation, and the Installation Form, which generated significant administrative work for interested parties, is entirely eliminated.

Heading I of the Regulation, which sets out the "General provisions", defines the purpose of the regulations and related exclusions, i.e. machines not covered by the Regulation, and restrictions.

Heading II is split into five chapters, the first chapter defining recreational and gaming machines and categorising them into four types. Consequently, each of the following chapters defines the characteristics and technical requirements of each machine type, as well as the conditions for their administrative approval.

Heading III contains the register of models and identification of recreational machines, and covers the individual legality of the machine in consideration of its correspondence with the model registered and its ownership within the autonomous region.

The first chapter of Heading IV contains the regulation of the Gaming Register in which companies that manufacture, import, export, market, repair or operate the machines or the gaming establishments must be entered, and the deposits to be set up by them.

The second chapter relates to the system applicable to machine manufacture and marketing.

The third and final chapter of Heading IV concerns the operating system for operating companies, highlighting



the simplification and streamlining of the process to obtain an operating permit and to transfer and move machines between operating companies.

Heading V, which relates to installation, maintains the related requirement for administrative authorisation, except for type A machines for which, in accordance with the provisions of the prevailing Gaming Law, only require a statement of compliance, and it establishes the conditions to be met by establishments in which each type of machine is installed for the operation thereof, for which the corresponding applications must be made under the terms given in chapters 2 and 3 for each one, chapter 3 relating to amusement arcades.

Heading VI covers the documentation attached to recreational or gaming machines, the documentation to be kept in the establishment, the gaming inspection book and the gaming complaints book.

Heading VII on additional operating rules contains only two precepts: the first concerning the operating conditions of the machines and the second concerning restrictions applicable to the owners of the operators, the technical service companies, amusement arcades and other establishments in which the machines are installed.

Heading VIII on sanctions, which naturally refers to the Law on infringements, defines the sanctions and charging rules, as well as the rights of the authorities and the ordinary and simplified procedural rules.

Heading IX on planning sets out the maximum number of recreational machine permits for different types, the maximum number of arcades on each island and the delimitation of the area of influence. With regard to this last point, this regulation modifies the radius used to delimit the aforementioned area of influence from 100 m between amusement arcades to 200 m. This measurement, like the maximum number of permits, responds to the need to prevent the current saturation of the sector in terms of the establishments affected by said measurement.

## **9. Brief Statement of Grounds**

This draft concerns the regulatory development and application of Law 8/2010 of 15 July on gambling and betting, in application of the provisions of the First Final Provision of the aforementioned Law 8/2010, and concerning implementation of the aspects thereof relating to recreational and gaming machines.

## **10. Reference Documents - Basic Texts**

References to basic texts: Law 8/2010 of 15 July on gaming and betting (BOC 146 of 27 July 2010)

## **11. Invocation of the Emergency Procedure**

No

## **12. Grounds for the Emergency**

-

## **13. Confidentiality**

No

## **14. Fiscal measures**

No



## 15. Impact assessment

-

## 16. TBT and SPS aspects

TBT relevance

No - The draft is neither a technical regulation nor a conformity evaluation procedure.

SPS relevance

No - the draft is not a sanitary or phytosanitary measure.

No - The draft will have no noticeable effect on international trade.

Catherine Day  
Secretario General  
Comisión Europea

Punto de contacto Directiva 98/34  
Fax: (32-2) 296 76 60  
email: [dir83-189-central@ec.europa.eu](mailto:dir83-189-central@ec.europa.eu)