



Notification Number: 2018/165/E

Draft Decision of the Directorate-General for the Regulation of Gambling amending certain decisions on the gambling activities covered by Law 13/2011 of 27 May 2011 on the regulation of gambling

Date received : 13/04/2018

End of Standstill : 16/07/2018

Message

Message 002

Communication from the Commission - TRIS/(2018) 00931

Directive (EU) 2015/1535

Translation of the message 001

Notification: 2018/0165/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: 201800931.EN)

1. Structured Information Line

MSG 002 IND 2018 0165 E EN 13-04-2018 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.

Ministerio de Asuntos Exteriores y de Cooperación.

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

Teléfonos: 91 379 84 64

Fax: 91 379 84 01

Dirección correo electrónico: d83-189@maec.es



3. Originating Department

Ministerio de Hacienda y Función Pública

4. Notification Number

2018/0165/E - H10

5. Title

Draft Decision of the Directorate-General for the Regulation of Gambling amending certain decisions on the gambling activities covered by Law 13/2011 of 27 May 2011 on the regulation of gambling

6. Products Concerned

Monitoring of gambling activities. Verification systems.

7. Notification Under Another Act

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8. Main Content

The purpose of the draft decision of the Directorate-General for the Regulation of Gambling is to improve the identity verification system for gambling participants and to introduce certain amendments to the reporting process associated with the information monitoring system used by the Directorate-General for the Regulation of Gambling.

To that end, the following provisions laid down by the Directorate-General for the Regulation of Gambling are amended:

- Firstly, the Decision of the Directorate-General for the Regulation of Gambling of 12 July 2012 approving the provision implementing Articles 26 and 27 of Royal Decree 1613/2011 of 14 November 2011 on the identification of gambling participants and the monitoring of subjective participation bans is amended.

- Secondly, the Decision of 6 October 2014 approving the data model of the monitoring system for information corresponding to the registers of gambling operations is also amended.

The improvements made to the identity verification system not only extend the identity verification obligations for gambling operators, but also affect the player's ability to make deposits to and withdrawals from their player account on the basis of the level of documentation provided about their identity.

The amendments to the reporting process are not strictly associated with the amendments to the identity verification systems, as they affect player account statements on the one hand and the contents of the operator's Event Catalogue Register on the other.

9. Brief Statement of Grounds

There are a number of reasons for improving the existing identity verification systems under the regulation of online gambling at state level. Such reasons include the need to bolster efforts to tackle fraud in response to the increasing power of e-commerce; the major challenges associated with gambling activities at present, such as



the fraudulent manipulation of sports results in relation to betting or the emergence of new types of fraud; and current technological advancements, which are simplifying document verification for operators and users without introducing heavy burdens or technical and commercial barriers for either of them.

Aside from the aforementioned factual circumstances, the new regulation on money laundering and fraud prevention, which is based on Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015, has made it necessary to improve the existing identity verification procedure, not only by improving the monitoring activities carried out by the aforementioned groups, but also by incorporating preventive monitoring measures which directly affect the participant's ability to use their player account on the basis of the extent to which their identity has been verified.

In the light of the above, it has been deemed necessary to legislate in order to improve the mechanisms to prevent the use of identities that do not correspond to that of the user, with or without the consent of the person whose identity is being used, and to directly influence the player's ability to carry out transactions through their player account on the basis of the extent to which their identity has been verified.

It is certainly the case that operators have, in general, already been requesting document verification at the time of withdrawal thus far, as well as at the time of admission. However, the new verification system will provide a higher level of security and monitoring of the identity verification processes for gambling participants.

In addition to amending the identity verification system for gambling participants, it was also deemed necessary to introduce certain changes to the reporting process for gambling operators.

The information about the player's status, which is set out in the reporting process, will be supplemented with three new statuses (pending document verification, self-excluded and suspended owing to risky behaviour). More detailed information on this subject will make it easier to monitor and supervise the procedures and checks implemented by the operator in order to restrict the participant's access to gambling on the basis of their particular situation.

The user registration form includes new fields for the IP address that the player is using, the type of device they are using (mobile, tablet or computer) and the ID of the device in order to make it easier to identify the player and prevent identity theft.

The Event Catalogue for bets now includes a boolean field, which makes it possible to update the events in subsequent monthly files and add a daily frequency to the reporting. This field has been introduced so that information can be provided as to whether a certain event has been included in a previous file or not. Lastly, information is also included about betting odds in an effort to prevent certain types of fraud.

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.

SPS aspect

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

Comisión Europea

Punto de contacto Directiva (UE) 2015/1535

Fax: +32 229 98043

email: grow-dir2015-1535-central@ec.europa.eu