



Notification Number: 2009/339/E

## **Draft decree amending certain articles of the regulation on leisure and gaming machines, adopted by Decree 23/2005, of 22 February.**

Date received : 26/06/2009

End of Standstill : 28/09/2009

### Message

Message 002

Communication from the Commission - SG(2009) D/51452

Directive 98/34/EC

Translation of the message 001

Notification: 2009/0339/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 - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 200901452.EN)

#### **1. Structured Information Line**

MSG 002 IND 2009 0339 E EN 28-09-2009 26-06-2009 E NOTIF 28-09-2009

#### **2. Member State**

E

#### **3. Department Responsible**

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

Dirección General del Mercado Interior y otras Políticas Comunitarias.

Secretaría de Estado para la Unión Europea.

Ministerio de Asuntos Exteriores y de Cooperación.

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### 3. Originating Department

Generalitat de Catalunya  
Departamento de Interior, Relaciones Institucionales y Participación.  
Secretaría General  
Dirección General del Juego y de Espectáculos.

### 4. Notification Number

2009/0339/E

### 5. Title

Draft decree amending certain articles of the regulation on leisure and gaming machines, adopted by Decree 23/2005, of 22 February.

### 6. Products Concerned

Leisure and gaming machines.

### 7. Notification Under Another Act

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### 8. Main Content

This draft decree is for the purpose of amending some of the precepts of the current Decree 23/2005, of 22 February, adopting the Regulation on leisure and gaming machines, amendments that can be grouped into three sections:

- To establish that with regard to the images, symbols, messages and animation that appear in the games, as well as on the fittings or layout thereof, leisure and gaming machines are not discriminatory or degrading either directly or indirectly by reason of sex and that they do not contain any form of representation of violence of a machismo nature.
- Unification of the distinctive features warning of the prohibition of the use of type B machines by minors under 18 years of age and of the consequences of unsuitable use of these machines.
- Amendment of the specific administrative computation of type B machines on which more than two individuals can play at one time for the purpose of their installation in authorised establishments.

### 9. Brief Statement of Grounds

The requirement referred to in the first paragraph of the previous point derives from Article 14 of the Spanish Constitution and from Article 15 of the new Statute of Autonomy, which promulgate equal rights and non-discrimination for reason of sex.

The requirement set out in the second paragraph of the previous point is in response to the need to unify transmission of this information for the benefit of end users.

On the change in the administrative computation of the number of type B leisure machines, this will benefit halls



specialising in gaming since they will be able to install a greater number of machines.

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

Law 15/1984, of 20 March, on gaming.

Law 1/1991, of 27 February, regulating the penalty system in gaming matters.

Law 5/2008, of 24 April, on women's rights to eradicate violence of a machismo nature.

Decree 23/2005, of 22 February, adopting the Regulation on leisure and gaming machines (notified to the European Commission under number 2004/382/E).

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

No

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

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#### **13. Confidentiality**

A. No

#### **13. Confidentiality**

B.

#### **14. Fiscal measures**

No

#### **15. Impact assessment**

b) The impact assessment document is annexed to the draft decree.

#### **16. TBT and SPS aspects**

No

iii) The draft has no significant effect on international trade.

No

i) The draft is not a sanitary or phytosanitary measure in the sense of Annex A to the SPS Agreement.

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