



Notification Number: 2016/113/E

## DRAFT DECREE APPROVING THE GENERAL REGULATION ON GAMING IN THE AUTONOMOUS COMMUNITY OF THE BASQUE COUNTRY

Date received : 04/03/2016

End of Standstill : 06/06/2016

Issue of comments by : Commission

### Message

Message 002

Communication from the Commission - TRIS/(2016) 00711

Directive (EU) 2015/1535

Translation of the message 001

Notification: 2016/0113/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: 201600711.EN)

#### 1. Structured Information Line

MSG 002 IND 2016 0113 E EN 04-03-2016 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 de Políticas Comunes y de Asuntos Generales de la Unión Europea.  
Secretaría de Estado para la Unión Europea.

Ministerio de Asuntos Exteriores y de Cooperación.

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### 3. Originating Department

Dirección de Juego y Espectáculos  
Viceconsejería de Seguridad  
Departamento de Seguridad del Gobierno Vasco  
c/ Donostia-San Sebastian, 1 - 01010 Vitoria-Gasteiz.

### 4. Notification Number

2016/0113/E - H10

### 5. Title

DRAFT DECREE APPROVING THE GENERAL REGULATION ON GAMING IN THE AUTONOMOUS COMMUNITY OF THE BASQUE COUNTRY

### 6. Products Concerned

Games of chance.

### 7. Notification Under Another Act

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### 8. Main Content

This Decree implements Law 4/1991 of 8 November 1991 on gaming in the Autonomous Community of the Basque Country, in relation to the planning, authorisation, registration, organisation and operation of and the control and penalty system for gaming activities.

On the one hand, it aims to protect public interests (public health) affected by gaming activities, in particular protecting minors and other vulnerable groups and preventing gambling addiction and other risks related to gambling, as well as protecting consumers and users, participants and the general public.

On the other hand, it is intended to give greater legal security to gaming operators, laying down transparent rules applied evenly across the industry, without undue discrimination against the agents involved, and reinforcing and adapting the monitoring and control and the penalty system in the areas regulated, supplementing administrative mechanisms with the promotion of self-regulation and co-regulation.

The draft contains 253 articles, a first general part (Part I) applicable to all gaming sectors and a second specific part (Part II) with specific regulations for each type of gaming, additional provisions, transitional provisions, one repealing provision, final provisions and four annexes.

- Part I: General Regulation:

Chapter I - General provisions: it lays down the purpose and scope of the regulation, covering all gaming and betting activities, including those carried out by electronic, computer or digital means or through any other form of remote communication, within the territory of the Autonomous Committee of the Basque Country. It excludes games subject to state government legislation.

Chapter II - Gaming control authorities: gaming regulatory authority; the Basque Gaming Council and Technical Gaming Advisory Council as the participatory and advisory body with no powers in authorisation procedures.

Chapter III - Gaming planning and promotion of responsible gaming: governs planning power in the area of gaming in order to maintain public order, combat fraud, prevent addictive behaviour, protect the rights of minors and safeguard the rights of participants in gaming and the different forms of exercise and review. It also lays down measures for promoting responsible gaming and corporate social responsibility in the gaming industry.



Chapter IV - Players: establishes players' rights and obligations, prohibitions in relation to gaming and access to the relevant premises and websites, terms and control of admission and the register of prohibitions from access to gaming.

Chapter V - Gaming companies: requirements and procedure.

Chapter VI - Gaming establishments: requirements and procedure for opening gaming establishments.

Chapter VII - Gaming systems: defines and classifies gaming systems and lays down the legal framework for their operation.

Chapter VIII - Deposits: activity-based, retaining the current amounts. Company deposits are eliminated.

Chapter IX - Gaming personnel: definition, professional documents and obligation to collaborate with inspection and control services.

Chapter X - Manufacture, importing, marketing and technical support: registry entry. Acknowledgement of companies recognised in other autonomous communities upon notification. Characteristics of manufacturing certificates, trademarks.

Chapter XI - Approval of gaming material: test laboratories and inspection entities; general rules for the approval of gaming elements, commercial prototype testing.

Chapter XII - Advertising, sponsorship and promotional activities: impact on the protection of infants and minors.

Chapter XIII - Control and inspection: central gaming register as an instrument for managing and controlling gaming activity. Regulation of control and inspection: surveillance and control of the administrative and technical aspects of gaming and of gaming-related companies and establishments.

Chapter XIV - Penalty system.

- Part II: Specific regulations for each type of gaming: Chapter I - Gaming machines and auxiliary machines; Chapter II - Casinos; Chapter III - Bingo; Chapter IV - Gaming establishments and amusement arcades; Chapter V - General betting; Chapter VI - Bets and horse races; Chapter VII - Scratch cards; Chapter VIII - Lotteries; and Chapter IX - Raffles, tombola and random combinations.

Each specific regulation lays down the specific details of each game, as well as additional requirements in some cases.

Chapter I 'Gaming machines and auxiliary machines' affects all subsectors given that all types of gaming can be carried out through gaming machines, auxiliary machines or systems and it establishes requirements for type 'B' and type 'C' machines, payout of prizes, interconnection systems and servers for providing games to gaming machines. It aims to update both the specifications of machines and the introduction of new subtypes of type 'B' machines, such as the possibility of installing a type 'BH' multi-station machine with a maximum of two stations in public hotel establishments, party and dance halls and nightclubs, or a type 'BS+' machine in gaming establishments with prizes of a greater value than those of type 'BS' machines, provided that they have an adequate admission and control system. In addition, for regulations applicable to gaming carried out in a specific gaming establishment, it lays down the requirements to be met based on the type of game, specifications of the machines, prizes and the services that may be affected.

## 9. Brief Statement of Grounds

This regulation is intended to consolidate, clarify and harmonise the hitherto dispersed existing legislation contained in different industry regulations, while adapting it to the new legal and social economic demands. The ultimate objective is to protect the public interests affected by gaming activities, in particular protecting public health and preventing gambling addiction, protecting minors and other vulnerable groups, preventing fraud and protecting consumers and users, gaming participants and the general public.

On the other hand, the draft is intended to give greater legal security to gaming operators, laying down transparent rules applied evenly across the industry and reinforcing and adapting the monitoring and control and the penalty system in the areas regulated, while promoting corporate social responsibility.

## 10. Reference Documents - Basic Texts

Reference(s) to basic text(s): Law 4/1991 of 8 November 1991 on gaming in the Autonomous Community of the Basque Country (Official Gazette of the Basque Country [BOPV] No 237 of 25 November). Amended by Law



7/2012 of 23 April 2012 amending different laws for adaptation to Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market. (BOPV No 84 of 30 April).

Decree 277/1996 of 26 November 1996 approving the gaming catalogue of the Autonomous Community of the Basque Country (BOPV No 245 of 20 December), amended by Decree 181/2010 of 6 July 2010, amending for a second time the Gaming Catalogue of the Basque Country (BOPV No 70 of 15 April).

Decree 600/2009 of 17 November 2009 approving the Regulation on gaming machines and systems (BOPV No 243 of 18 December). Amended by Decree 25/2012 of 8 February 2012 amending the Regulation on gaming machines and systems, amending for a second time the Regulation on gaming establishments and amusement arcades and amending for a fourth time the Bingo Regulation of the Autonomous Community of the Basque Country (BOPV No 44 of 1 March).

Order of the Minister for the Interior of the Basque Country of 4 December 2009 implementing the Regulation on gaming machines set out in Decree 600/2009 of 17 November 2009 approving the Regulation on gaming machines and systems (BOPV No 243 of 18 December).

Decree 31/2004 of 10 February 2004 approving the Regulation of the Autonomous Community of the Basque Country on bingo (BOPV No 36 of 23 February). Amended by Decree 32/2005 of 22 February 2005 (BOPV No 45 of 7 March); Decree 55/2008 of 1 April 2008 (BOPV No 71 of 15 April); Decree 620/2009 of 15 December 2009 (BOPV No 247 of 24 December); Decree 25/2012 of 8 February 2012 (BOPV No 44 of 1 March), Decree 14/2015 of 10 February 2015.

Decree 380/1994 of 4 October 1994 approving the Regulation on gaming establishments and amusement arcades (BOPV No 200 of 20 October). Amended by Decree 277/2000 of 26 December 2000 (BOPV No 248 of 29 December 2000); Decree 25/2012 of 8 February 2012 (BOPV No 44 of 1 March).

Decree 39/2012 of 20 March 2012 approving the Regulation on casinos (BOPV No 90 of 9 May).

Decree 314/1994 of 19 July 1994 on gaming with scratch cards (BOPV No 151 of 10 August).

Decree 68/2005 of 5 April 2005 concerning betting on horse races in the Autonomous Community of the Basque Country (BOPV No 71 of 15 April).

Decree 95/2005 of 19 April 2005 approving the Betting Regulation of the Autonomous Community of the Basque Country (BOPV No 91 of 17 May).

The basic texts were forwarded with an earlier notification: 2008/420/E: 2008/422/E

#### **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**



EUROPEAN COMMISSION  
GROWTH DIRECTORATE-GENERAL

Single Market for goods  
Prevention of Technical Barriers

TBT aspect

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

SPS aspect

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

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European Commission

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