



Notification Number: 2011/347/E

Draft Royal Decree laying down technical requirements for gaming activities.

Date received : 11/07/2011

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Issue of comments by : Malta

Message

Message 002

Communication from the Commission - SG(2011) D/51635

Directive 98/34/EC

Translation of the message 001

Notification: 2011/0347/E

No abre el plazo - Nezaħajuje 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: 201101635.EN)

1. Structured Information Line

MSG 002 IND 2011 0347 E EN 11-07-2011 E NOTIF

2. Member State

E

3. Department Responsible

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

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

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3. Originating Department

Ministry of Economy and Finance

4. Notification Number

2011/0347/E - H10

5. Title

Draft Royal Decree laying down technical requirements for gaming activities.

6. Products Concerned

Gaming. Technical requirements for gaming activities

7. Notification Under Another Act

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8. Main Content

The purpose of this draft Royal Decree is to lay down technical requirements to be satisfied by operators for the organisation, use and development of gaming activities pursuant to Law 13/2011 of 27 May on the regulation of gaming.

The technical gaming system consists of the Central Gaming Unit and the set of technical or electronic systems and instruments that facilitate the organisation, marketing and operation of games by such means, and must provide sufficient authentication mechanisms to guarantee, among other aspects, the confidentiality and integrity of communications, the identity of participants, the authenticity and calculation of bets, operational control, satisfaction of the subjective prohibitions pursuant to Article 6 of Law 13/2011 of 27 May on the regulation of gaming, and access to computer system components by authorised personnel or by staff of the National Gaming Commission only, under the conditions established by the latter.

The draft Royal Decree is divided into seven chapters, twenty seven articles, one additional provision, one repealing provision and one final provision.

Chapter I addresses general issues, laying down the purpose of the regulation and defining certain important concepts to ensure its correct interpretation.

Chapter II establishes the technical requirements applicable to technical gaming systems, the Central Gaming Unit and the random number generator. These technical systems must satisfy the following requirements:

1. They must be able to support a monitoring and supervision system on a secure database created by the operator and made available to the National Gaming Commission.
2. The operations and transactions they carry out may be subject to real-time verification, although not on a permanent basis. The operator shall provide the National Gaming Commission with secure access to its systems for the purpose of carrying out said verification.
3. They must have been subject to the necessary audits to ensure their approval by the National Gaming Commission, carried out by external entities, within the areas of implemented software analysis and security of information.

Chapter III focuses on the procedure, entities and effects of the approval and certification of technical gaming systems, while also regulating the recognition of approvals and certifications validated by other administrations.



Chapter IV (Articles 13 to 19) is dedicated to the control of gaming activities through monitoring and supervision, laying down technical requirements to be adopted by operators to ensure the correct performance of such duties by the National Gaming Commission.

Article 13 lays down the obligation to implement, within the operator's technical gaming system, an internal control system that captures and records all gaming operations and financial transactions carried out between participants and the operator's Central Gaming Unit.

In relation to the provisions of Article 14 on control of the operator's Central Gaming Unit and of its backup, transposing the provisions of Article 18 of Law 13/2011, it should be clarified that both the Central Gaming Unit and its backup have to establish secure computer connections that are compatible with National Gaming Commission systems, which by no means implies the duplication of a system installed and put into operation by the operator in another Member State. Accordingly, Spanish legislation does not specify that the Central Gaming Unit or its backup must be within Spanish territory.

Articles 15 to 19 lay down the requirements applicable to systems for the control and supervision of operator gaming activities implemented through various channels of participation: website, fixed or mobile text messaging services, voice communication services, audiovisual media and using gaming terminals and auxiliary machines.

Chapter V lays down criteria related to the monitoring of payment methods and gateways.

Chapter VI lays down security requirements applicable to technical gaming systems, governing the access control and security of technical systems, communications with participants and communications between technical gaming system components. It also governs the traceability and registration of gaming operations and lays down the obligation to draw up a Technology Contingency Plan to ensure the operational continuity of gaming in the event that the operator Central Gaming Unit or its main infrastructures and computer systems are unavailable.

Finally, Chapter VII focuses on the control of participants, laying down technical requirements for their identification, as well as applicable criteria for controlling the subjective prohibitions of participation in games referred to in Article 6.2(a), (b) and (c) of Law 13/2011 of 27 May on the regulation of gaming.

9. Brief Statement of Grounds

Law 13/2011 of 27 May on the regulation of gaming, already notified within the framework of the provisions of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998, lays down a regulatory framework for gaming activity which, in its various forms, is carried out at state level, in order to ensure the protection of public order, combat fraud, prevent addictive conduct, protect the rights of minors and safeguard the rights of gaming participants.

This new state-level normative framework for gaming allows, through the gaming industry's regulatory body, the National Gaming Commission, for the establishment of a system for controlling gaming activities implemented by gaming operators. Such gaming control is regulated in Section IV of the aforementioned Law 13/2011, chapter III of which is dedicated to the approval of technical gaming systems.

This draft Royal Decree satisfies the provisions of the Introduction to Law 13/2011 of 27 May on the regulation of gaming, and expands upon and gives more specific details of the technical requirements to be satisfied by technical equipment and systems used in support of authorised gaming activities and which must ensure the prevention of access to games through electronic and interactive media by minors, those legally disqualified and those who, either voluntarily or by judicial order, are prohibited from such access.

The draft Royal Decree therefore transposes the provisions of the aforementioned Law 13/2011 in relation to the technical gaming systems of different operators and lays down the technical requirements to be met by such operators in the development and operation of gaming activities.

The regulation also assigns to the National Gaming Commission, as part of its regulatory competencies, the



power to specify the details of procedures and to lay down requirements and conditions that, due to their essentially technical nature, may be subject to change as a result of the development of techniques and which, from a Regulator perspective, may be introduced at the appropriate time.

The control of gaming activities carried out by gaming operators through the National Gaming Commission, by means of an operator software control system, is a decisive element for establishing a complete, safe and transparent gaming market in Spain, which encourages competition among gaming operators and alienates disloyal competitors (illegal operators) to the greatest possible extent.

10. Reference Documents - Basic Texts

No basic texts exist

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 not a technical regulation or a conformity assessment

SPS aspect:

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

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EUROPEAN COMMISSION
GROWTH DIRECTORATE-GENERAL

Single Market for goods
Prevention of Technical Barriers

