

I. GENERAL PROVISIONS

MINISTRY OF THE PRESIDENCY, RELATIONS WITH THE COURTS AND DEMOCRATIC MEMORY

13495 *Royal Decree 958/2020, of November 3, 2010, on commercial communications for gaming activities.*

I

Law 13/2011, of May 27, 2011, on the regulation of gambling, established the regulatory framework for gambling activities at the state level. In addition to offering legal certainty to operators and participants, this law has the primary objective of safeguarding various public interests, including the prevention of addictive behavior, the protection of the rights of minors and other especially vulnerable groups and, in general, the protection of consumers.

This regulation recognizes the importance of guaranteeing the protection of these public interests in various areas, among which those included in articles 4, 7 and 8 of the same, the development of which constitutes the ultimate purpose of this Royal Decree, may be highlighted.

Thus, on the one hand, there are the activities of advertising, sponsorship and promotion of gaming activities, in relation to which the aforementioned article 7 establishes that they may be carried out when the appropriate authorization contained in the corresponding enabling title is obtained and, on the other hand, it refers to a regulatory development for the determination of the conditions under which the advertising activity may be carried out. On the other hand, responsible gambling and consumer protection policies, contemplated in article 8 of Law 13/2011, of May 27, on the regulation of gambling, refer to transversal actions of different types -preventive, awareness-raising, intervention and control-, which benefit both gamblers in general and those with gambling problems. They are aimed at achieving good gambling practices, promoting moderate and non-compulsive gambling attitudes, preventing the possible effects of inappropriate practices and protecting minors and other at-risk groups. In addition, within the framework of corporate social responsibility, responsible gaming policies also require the active involvement of gaming operators, which must establish basic rules in this area and draw up a plan of measures to be taken to mitigate the possible harmful effects of gambling.

II

At present, there are already several provisions in certain regulations implementing Law 13/2011, of May 27, which refer to these areas, being those affecting responsible gaming or safe gaming policies more numerous and with a greater degree of specificity.

Thus, Royal Decree 1613/2011, of November 14, which implements Law 13/2011, of May 27, on the regulation of gaming, in relation to the technical requirements of gaming activities, establishes provisions relating to the prior identification of the persons participating in the games and the control of access prohibitions for, among others, minors and persons who have exercised the power of self-prohibition. Likewise, Royal Decree 1614/2011, of November 14, which develops Law 13/2011, of May 27, on the regulation of gaming, in relation to licenses,

The law includes provisions related to access to gambling, information to the participant about his or her gambling activity, limits on deposits, or the General Registry of Gambling Access Prohibitions.

On the other hand, the ministerial orders approving the basic regulations for the different types of gambling contain specific measures regarding safe gambling in relation to specific types of gambling, such as, for example, those relating to slot machines, with provisions related to the prior configuration of the cost and time of the session, the closing of the session when the determined thresholds are exceeded or the establishment of periodic warnings to the user on the time elapsed.

Likewise, in the ministerial orders that have so far been approved to regulate the respective calls for general gaming licenses at the state level, the obligation has been included for the applicant companies to submit an operating plan, as provided for in Article 10.2 of Law 13/2011, of May 27, which must contain the operator's policy on safe or responsible gaming, including preventive actions against pathological gaming, awareness of the risks associated with excessive gaming and the measures planned to mitigate the harmful effects of gaming, with a certain minimum content.

This regulatory framework is complemented with the co-regulation agreements and self-regulation systems on commercial communications, implemented under the provisions of article 24.5 of the aforementioned state gaming regulation law. Within the framework of co-regulation, a Code of Conduct on Commercial Communications of Gaming Activities was approved in 2012, subscribed by practically all gaming operators at the state level.

III

Without prejudice to the pre-existing regulatory and co-regulatory framework, it is now truly necessary to develop Articles 7 and 8 of Law 13/2011, of May 27, for the following reasons.

First of all, there is a track record since the approval of Law 13/2011, of May 27, and the implementation of the regulated online gaming market at state level, which allows us to accurately distinguish those aspects that need to be corrected or reinforced. At the present time, the necessary perspective is already in place to approach this exercise with sufficient solvency.

Secondly, it is appropriate to provide a coherent response, at the internal level, to certain initiatives developed at the European level, in particular the Commission Recommendation of 14 July 2014 on principles for the protection of consumers and users of online gambling services and the prevention of online gambling among minors.

Thirdly, the growing and sustained social sensitivity generated by the notorious increase in the advertising investment in gambling activities at the state level in recent years and the consequent proliferation of commercial communications associated with this type of activities, is a fact. Likewise, the social demand requires the implementation of preventive, awareness-raising, control and intervention measures on the serious consequences that the consumption of some games of chance and betting activities may have on certain persons.

This social demand aims to achieve an adequate level of protection for the most vulnerable groups such as minors, adults, young people and people who may be experiencing a gambling problem.

Therefore, from the state sphere, it is considered a priority to reinforce the enforceability and material scope of the framework currently applicable to the advertising activities of all gaming operators at the state level and to the actions regarding safe or responsible gaming carried out by these entities.

IV

As regards the subjective scope of application, in order to guarantee the effectiveness and coherence of the applicable regime, the regulatory development of gambling advertising regulated by Law 13/2011, of May 27, 2011, must include all the operators included in the scope of application of that law. This includes the operators of lottery games, which develop this activity in accordance with the reservation established in article 4 of the aforementioned law, without prejudice to the specificities that may be established in relation to the advertising of such games in view of their particular characteristics and, in the case of the Organización Nacional de Ciegos Españoles, to the singularity of its nature as a Public Law Corporation of a social nature. Lottery games have a prominent economic and social dimension within the gaming sector in Spain, and their advertising presence is in line with such importance. Including this activity within the scope of the Royal Decree guarantees its effectiveness on the state gaming and, therefore, the coherence with its objectives, being also consistent and adapted to the provisions of the Community jurisprudence in relation to the application of the free circulation of services and the freedom of establishment to the gaming sector.

As regards the material scope, it is appropriate to start from the 2012 Code of Conduct, updating, perfecting, modifying and exceeding its content at a regulatory level in several aspects. For example, developing and reinforcing several of the principles incorporated in said Code in the form of specific conditions and obligations, significantly increasing the degree of restriction in certain advertising channels or including, where appropriate, new additional provisions that improve or reinforce the protection currently existing in this area. All these measures and actions are justified on the grounds of consumer protection in its various aspects, on compelling reasons of general interest, all of them being duly proportionate, in order to reinforce the guarantee of the public interest.

Finally, in the area of responsible gambling, or safe gambling, the first objective is to complete the framework of corporate social responsibility by including specific regulatory measures that attempt to address needs or omissions evidenced throughout the period of development of the regulated gambling market. Likewise, it is intended to dimension safe gaming obligations, reinforcing areas such as information obligations, the promotion of awareness campaigns and studies by operators, mechanisms for detecting problematic gaming behaviors or the channeling and prevention of the aggravation of such behaviors once they have been detected.

V

This Royal Decree consists of a preamble, thirty-seven articles grouped under four titles, as well as six additional provisions, four transitory provisions, one derogatory provision and three final provisions.

The Preliminary Title, "General Provisions", establishes the purpose of the Royal Decree, which consists of the development of certain provisions of Law 13/2011, of May 27, regarding commercial communications and responsible gaming policies and consumer protection. In addition, it specifies its scope of application, both subjective and objective, the latter covering all gambling activities carried out at state level. Finally, several definitions are included, and a framework for institutional collaboration and coordination between the authority in charge of regulating gambling and other relevant public bodies and organizations is provided.

Title I, entitled "Commercial communications of gaming activities", is based on the provision for the regulatory development of the advertising activity contained in article 7 of Law 13/2011, of May 27, covering the different aspects related to advertising, sponsorship, promotion or any other form of commercial communication of gaming activities. Thus, Chapter I contains the legal regime of commercial communications and the general principles to be observed in the commercial communications.

including a number of mandatory ethical principles. Chapter II includes specific provisions, which affect certain forms of commercial communications, such as sponsorship or bonuses and other promotional initiatives or the prohibition of persons or characters of public relevance or notoriety in commercial communications, free gaming applications or advertising exclusion systems; Chapter III includes specific provisions depending on the different advertising channels offered. On the other hand, Chapter IV includes provisions to promote the co-regulation mechanism in the field of commercial communications, conceived as a system that raises the level of protection of consumers, ensures a greater involvement of the main agents of the sector and complements the objectives of the regulatory regulation of gambling in advertising matters.

Title II, entitled "Active policies for the information and protection of users", is dedicated to the regulatory development of the provisions set forth in article 8 of Law 13/2011, of May 27. In this sense, and complementary to the already existing measures, a series of specific action mechanisms have been incorporated in this area. Thus, in addition to a general provision on corporate social responsibility, a series of obligations and action measures to be implemented by gaming operators have been introduced, guided by the purpose of preventing, detecting and, where appropriate, mitigating pathological phenomena such as addiction to gambling or compulsive gambling or other risks or problems associated with gambling; additionally, the regulatory and control powers of the competent state agency in this area have been strengthened, and formulas for collaboration of operators with the Administration have been foreseen.

Within this Title, the different measures of responsible or safe gambling have been systematized in three areas. The first of these is prevention, centered on transparent and easily accessible information mechanisms to be provided to users by operators, contemplating the requirements and characteristics of presentation, access and minimum content of such information, as well as the implementation of a telephone support service for users. The second area consists of the mechanisms for raising awareness of the adverse effects of gambling, including the possibility of communicating the studies on safe gambling carried out by the operator to the authority in charge of regulating gambling in order to facilitate their dissemination, as well as the duty of the operators to collaborate with the Administration in certain initiatives aimed at obtaining a better knowledge of the functioning of the activity, of the perception of the users and of the risk factors linked to gambling. The third of these areas is the implementation of control systems, including the obligation of operators to monitor the activity of their participants in order to detect possible risky behavior, as well as provisions on the suspension of gambling accounts due to self-exclusion and self-prohibition.

Title III refers to the supervision, inspection and control regime. On the one hand, it develops the provisions of Law 13/2011, of May 27, in aspects such as the requirements for termination or information, and the relations with other sectorial supervisory authorities. Likewise, the role of the bodies in charge of regulatory supervision in the sanctioning regime derived from the gaming and audiovisual regulations is set forth. It also articulates mechanisms of connection between the sanctioning regime and the recognized co-regulation systems, with the purpose of reinforcing the usefulness and effectiveness of these systems, and qualifies, in particular, the duty of diligence of the gaming operators in relation to the activity of the companies they use as affiliates.

On the other hand, the first of the additional provisions refers to the special regime for the participation of certain minors, in view of the consolidated roots and tradition of the same, in the celebration of National Lottery draws. The second reproduces the legally recognized specific regime of the Council of the Protectorate in the supervision of the Spanish National Organization of the Blind, as well as certain specificities relating to the publicity of this organization on

its activities other than gambling. The third and fourth additional provisions include analogous provisions on the advertising of activities of general interest or charity, other than gambling activities, which may be carried out by the public operator Sociedad Estatal Loterías y Apuestas del Estado, S.M.E., S.A., or by public utility associations or foundations constituted by or linked to gambling operators. The fifth additional provision determines the specific regime for the communication of mechanisms and protocols for the detection of risk behavior and the protocol in case of detection for the years 2020 and 2021. The sixth additional provision determines specific rules for the advertising of trademarks or trade names already promoted by gaming operators at the entry into force of this regulation.

Likewise, the transitional provisions state the need to adapt the existing co-regulation systems to the Royal Decree, provide for the adaptation of sponsorship contracts and advertising campaigns associated with persons or personalities of public relevance or notoriety and determine specific rules for the adaptation of contracts signed prior to the entry into force of this regulation.

The sole derogatory provision provides for the repeal of all provisions of equal or lower rank that oppose the provisions of the Royal Decree.

Finally, the first final provision amends certain provisions of Royal Decree 1614/2011, of November 14, all of which are related to the purpose of this regulation, the clarification of which has been deemed necessary. The second final provision empowers the head of the Ministry of Consumer Affairs to develop the provisions of this Royal Decree. To conclude, the third final provision establishes the entry into force of this regulation.

VI

This Royal Decree complies with the principles of good regulation referred to in Article 129 of Law 39/2015, of October 1, of the Common Administrative Procedure of Public Administrations, in particular with the principles of necessity, effectiveness, proportionality, legal certainty, transparency and efficiency. Specifically, this regulation pursues a general interest, since it seeks to guarantee the protection of consumers and, more broadly, the guarantee for public health by preventing addictive behaviors, protecting the rights of minors and safeguarding the rights of the participants in the games. Furthermore, it is an essential regulation, given that there are no other measures that impose fewer obligations, and that unnecessary or accessory administrative burdens are avoided. Likewise, during its drafting procedure, the participation of the potential addressees of the regulation has been favored through the public information process.

In addition, this Royal Decree has been submitted to the Gaming Policy Council, in accordance with the provisions of Law 13/2011, of May 27. Likewise, it has been submitted to the report of the Council of Consumers and Users, the Spanish Data Protection Agency and the National Commission of Markets and Competition, in its dual capacity as national competition authority and state supervisor of the audiovisual market.

This Royal Decree has been subject to the procedure provided for in Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and rules on information society services, as well as the provisions of Royal Decree 1337/1999, of 31 July, which regulates the submission of information on standards and technical regulations and rules on information society services.

This Royal Decree is approved by virtue of the regulatory development powers granted to the Government and included in the second final provision of Law 13/2011, of May 27.

By virtue thereof, at the proposal of the Minister of Consumer Affairs and the Minister of Economic Affairs and Digital Transformation, in agreement with the Council of State and after deliberation of the Council of Ministers at its meeting of November 3, 2020,

I HEREBY

PROVIDE:

PRELIMINARY TITLE

General Provisions

Article 1. *Object.*

The purpose of this Royal Decree is the development of Law 13/2011, of May 27, on the regulation of gambling, with regard to:

a) The conditions under which the entities that hold titles to develop gambling activities included in the scope of application of Law 13/2011, of May 27, 2011, may develop advertising, sponsorship, promotion or any other form of commercial communication of their activity.

b) The conditions under which certain responsible or safe gambling and consumer protection policies must be developed by the entities that hold titles to carry out gambling activities included in the scope of application of Law 13/2011, of May 27.

Article 2. *Scope of application.*

Entities that develop a gaming activity included in the scope of application of Law 13/2011, of May 27, including the operators designated for the commercialization of lottery games regulated in that law, and in relation to Title I, those individuals or legal entities, private or public, that, in accordance with the provisions of paragraphs 3 and 4 of article 7, article 36.3 and article 38.1 of said legal regulation, shall be subject to the provisions of this Royal Decree:

a) Disseminate commercial communications of gambling activities or their operators through any media or medium, such as audiovisual or electronic communication service providers, information society service providers, including affiliates, web pages and social networks, and any other means of communication.

b) Participate in intermediate stages of the elaboration, transmission or dissemination of commercial communications, such as advertising networks, advertising agencies or intermediary service providers.

Article 3. *Definitions.*

For the purposes of this Royal Decree, the following definitions shall apply:

a) Gambling activities: those included in the scope of application of Law 13/2011, of May 27, in accordance with Article 2 thereof.

b) Promotional activities or promotions: bonuses, bonuses, discounts, gifts of bets or games, multipliers of quotas or prizes, offers or any other similar mechanism, free of charge or subject to conditions, aimed at effectively promoting participation in the game, or customer loyalty. Excluded from promotional activities are the mechanisms for the distribution of the prize fund accumulated in a given game.

c) Free-to-play applications: these are those that allow participation in the game without making any financial contribution and without receiving any prize, directly or indirectly, in cash or in kind, for the hits or wins obtained.

d) Self-exclusion: the right of a person to request that access to his/her gaming account be temporarily restricted without being cancelled or closed.

e) Self-prohibition: the right of a person to request that he/she be prohibited from participating in gambling activities by registering in the General Registry of Prohibitions on Access to Gambling.

f) Authority in charge of gaming regulation: the Directorate General for Gaming Regulation, by virtue of the provisions of the tenth additional provision of Law 3/2013 of June 4, 2013, creating the National Commission for Markets and Competition, or the body that, where appropriate, legally assumes its powers.

g) Commercial communication: any form of communication, carried out by a natural or legal person, public or private, disseminated by any means or support, aimed at promoting, directly or indirectly, the gaming activities defined in the scope of application of Law 13/2011, of May 27, or the entities that carry them out.

The retransmission of sweepstakes, as well as the purely informative dissemination of their results, are not considered commercial communications.

Gambling products that are advertised exclusively on the .es website or in mobile applications from where operators offer gambling activities are not considered as commercial communications either.

h) Commercial communication through face-to-face media: that which is carried out through billboards, marquees, posters, monitors, screens, or any other elements of analogous nature, both movable and immovable; that which is fixed on mobile elements and means of transport, whether public or private; that which is disseminated through public address systems; as well as that which is distributed in brochures, or in magazines, newspapers or similar media.

i) Safe gambling or responsible gambling: set of elements shaping the supply and consumption of gambling that lead to reducing the risk of risky, problematic, compulsive or pathological gambling behavior.

j) Gaming operator or operator: an individual or legal entity that is authorized, legally or by means of a license or authorization, to carry out gaming activities at the state level included in the scope of application of Law 13/2011, of May 27, 2011.

k) Sponsorship: any type of contribution that a natural or legal person authorized to carry out gaming activities regulated by Law 13/2011, of May 27, 2011, makes to the financing of goods, services, activities, events, programs or any other content, with the purpose of promoting its name, brand, image, activities or products.

l) Betting forecasters: individuals or legal entities that make and publish forecasts on sporting, equestrian or any other type of event.

m) Advertising networks: entities that, in the name and on behalf of publishers, offer advertisers the use of advertising space in information society services and the optimization of advertising results by targeting ads to the public interested in the advertised product or service.

n) Online social networks: online platforms whose main purpose is to allow their users to communicate with each other by sharing or publishing content or information of any kind, and which enable a system of communication between them through messages.

Online social networks are not considered to be those online platforms whose main activity is the sharing or publication of content or information on gambling activities defined in Law 13/2011, of 27 May. This type of platform is considered a website or application of those provided for in the first paragraph of article 23.1.b) of this Royal Decree.

ñ) Audiovisual communication services: those referred to in Article 2.2 of Law 7/2010, of March 31, 2010, General Law on Audiovisual Communication.

o) Video-sharing platform services: a service, as defined in Articles 56 and 57 of the Treaty on the Functioning of the European Union, the principal purpose of which is to make available to the general public software, user-generated video or other video content, or one of the severable parts thereof, or the essential functionality of which consists in making available to the general public software, user-generated video or other video content, as defined in Articles 56 and 57 of the Treaty on the Functioning of the European Union.

both, for which the platform provider has no editorial responsibility, for the purpose of informing, entertaining or educating, via electronic communications networks as defined in Article 2(a) of Directive 2002/21/EC, and the organization of which is determined by the video-sharing platform provider, inter alia by means of automatic algorithms, *in particular* by means of presentation, tagging and sequencing.

p) Information society services: those referred to in the annex to Law 34/2002, of July 11, 2002, on information society services and electronic commerce.

Article 4. *Institutional collaboration and coordination.*

The authority in charge of the regulation of gambling shall cooperate and collaborate in the matters that are the object of the present Title with other public, state, autonomous and municipal bodies and agencies, which exercise competences in matters of gambling, commercial communications, audiovisual communication, consumer protection or public health.

TITLE I

Commercial communications of gambling activities

CHAPTER I

Legal regime and general principles for commercial communications

Article 5. *Legal regime of commercial communications.*

1. Commercial communications shall be governed by the provisions of Law 13/2011, of 27 May, in this Royal Decree and in the rest of the regulations implementing the aforementioned law. Likewise, the general regulations in force on advertising, consumer and user protection and unfair commercial practices, the sectorial regulations applicable according to the means or medium of dissemination used and, in particular, those regulating audiovisual communication services and services of the information society and electronic commerce shall be applicable to them. In any case, the sending of commercial communications shall be carried out in full compliance with current legislation on the protection of personal data.

2. Commercial communications that infringe the applicable regulations in force or the conditions for their development established in the corresponding enabling title shall be considered prohibited.

Article 6. *Subject to prior authorization.*

1. In order to carry out commercial communications, the gaming operator shall:

a) To have the corresponding authorization contained in the enabling title, in accordance with the provisions of Law 13/2011, of May 27, or to have the status of designated operator for the commercialization of the lottery gaming activities of state scope in accordance with the provisions of the first additional provision of Law 13/2011, of May 27. The enabling titles shall include express authorization to carry out advertising activities subject to the principles, obligations and prohibitions established in this Title.

b) To effectively carry out gaming activities in Spain.

2. Commercial communications addressed to residents in Spain and directly accessible from Spanish territory or located in Spain, from entities that do not have a license to offer gambling activities in Spain, shall not be allowed.

3. For the purpose of enabling compliance with the obligation set forth in article 7.3 of Law 13/2011, of May 27, and to verify that whoever requests the insertion of the advertisements or advertising claims has the corresponding enabling title issued by the authority in charge of the regulation of gaming which authorizes him/her to carry out the requested advertising, the authority in charge of the regulation of gaming, through its web page, will keep updated and accessible the list of the enabling titles of the different operators and, if applicable, the different trademarks, commercial denominations, web pages and mobile applications through which they commercialize their games, as well as any other subsequent resolution that modifies the conditions for the exercise of the same.

Principle of identification of commercial communications and of the advertiser.

1. Gaming operators' commercial communications must be clearly identifiable and recognizable as such.

Notwithstanding the fact that different formulas, terms or presentations may be used for this purpose, the obligation set forth in this section shall be deemed to be fulfilled when the commercial communication clearly and appreciably includes, in a manner appropriate to the medium through which it is disseminated, the word "advertising", the abbreviation "publi" or similar, or when it is inserted in advertising blocks or advertising spaces clearly identifiable as such by the receiver.

2. In the commercial communications of the gambling operators, the corporate name or the name or commercial image of the gambling operator whose activities are the object of promotion must be clearly indicated. The commercial communications, whatever their format, shall not induce to error in the identification of the operator that effectively develops the activity being promoted.

3. It is forbidden for an operator to use trademarks or trade names to identify itself and differentiate itself from other operators, without these being its property or that of the business group to which said operator belongs. Commercial communications about specific games marketed by an operator are excluded from this prohibition.

4. The commercial communications of the gaming operators may not contain references to games or draws related to the results of the games or draws of another operator, nor to their intellectual or industrial property, without the prior authorization of the latter. Excluded from this provision are the acts of comparison foreseen in article 10 of Law 3/1991, of January 10, 1991, on Unfair Competition, which are permitted under the terms foreseen in said regulation.

Article 8. Principle of truthfulness.

The commercial communications of the gaming operators shall not include false information or information that, although true, by its content or presentation induces or may induce or may induce error or confusion to the addressees. Likewise, commercial communications shall not omit substantial data or relevant facts if such omission is likely to mislead the addressees.

Article 9. Principle of social responsibility.

1. The commercial communications of the gambling operators shall be made with a sense of social responsibility, without undermining or trivializing the complexity of the gambling activity or its potential harmful effects on people, respecting human dignity and the constitutionally recognized rights and freedoms.

2. Commercial communications are considered contrary to the principle of social responsibility and are prohibited, in particular, commercial communications which:

a) Incite antisocial or violent attitudes or behavior of any kind, discriminatory for reasons of birth, racial or ethnic origin, sex, religion, opinion or conviction, age, disability, sexual orientation, gender identity, illness, or any other personal or social condition or circumstance.

- b) Incite humiliating, denigrating or humiliating attitudes or behavior.
- c) Associate, link, represent or relate gambling activities in a positive or attractive way with activities or behaviors that are illicit or harmful to public health, as well as with those that result in economic, social or emotional damage.
- d) Discredit people who do not gamble or grant social superiority to those who do gamble.
- e) Include messages that devalue effort compared to play.
- f) Make express appeals to the recipient of the marketing communication to share with others the message intended in the marketing communication.
- g) Convey tolerance of gambling in educational or work environments.
- h) Suggest that the game can improve personal skills or social recognition.
- i) Include sexual content in commercial communications, link gambling to seduction, sexual success or increased attractiveness.
- j) Present the game as indispensable, a priority or important in life.
- k) Present family or social relationships as secondary to play.
- l) Use graphic representations of money or luxury goods.

Article 10. *Principle of safe play.*

1. The design and dissemination of commercial communications of gambling operators shall seek a balance between the promotion of the gambling activity and the necessary protection of consumers against the risks of this activity.

2. In particular, commercial communications are considered contrary to the principle of safe gaming and are prohibited:

- a) Incite thoughtless or compulsive gambling, or present the above gambling patterns as stimulating or attractive practices.
- b) Present offers of loans to persons participating in the game or any other form of credit or refer to links or other sites where loans or credit are offered quickly and instantly.
- c) Suggest that gambling can be a solution or alternative to personal, educational, professional or financial problems.
- d) Associate, link or relate play activities with ideas or behaviors that express personal, family, social, athletic or professional success.
- e) Mislead about the likelihood of winning or suggest that repeating the game increases the probability of winning.
- f) Suggest that the skill or experience of the person participating in the game will eliminate the chance on which the win depends, or appeal to that person's knowledge, perseverance, competitiveness or instinct, or to his or her mastery of the operator's betting platform, as determinants of success in the gambling activity.
- g) Specifically target self-prohibited or self-excluded persons.
- h) Present or assimilate the gambling activity as an economic or financial investment activity, or an alternative to employment, or a way to recover economic losses of any kind.

3. Marketing communications should include a responsible gambling message, such as "if you gamble, gamble responsibly", "uncontrolled gambling can have harmful psychosocial consequences" or similar, in accordance with one of the following options:

- a) In case it is transmitted graphically, the message shall be clearly visible throughout the commercial communication or, failing that, it shall occupy the entire image for at least two seconds at the end of the commercial communication.
- b) If the message is transmitted orally, it must always appear at the end of the commercial communication for at least two seconds.

In the case of broadcasting through radio audiovisual communication services, the message relating to playing responsibly shall appear in at least one of every two commercial communications made successively by the same operator and by the same service provider, without prejudice to the provisions of article 21.4 in the case of contests.

4. The authority in charge of the regulation of gambling may establish, by means of a resolution, the obligation for commercial communications to include a message related to the harmful effects derived from compulsive gambling or risky behavior of the user, in an alternative or cumulative manner to the message established in the previous section.

5. By means of a resolution of the authority in charge of the regulation of gambling, the specifications regarding the form, size, layout, contrast and content of the messages provided for in this article may be established.

Article 11. *Principle of protection of minors.*

1. Commercial communications of gambling operators may not be directly or indirectly addressed to minors, nor may they be intended to persuade or incite them to gamble.

2. In particular, commercial communications that are considered contrary to the principle of protection of minors are prohibited:

a) Directly or indirectly incite minors to gamble, by themselves or through third parties.

b) Are, by virtue of their content or design, rationally and objectively apt to attract the attention or particular interest of minors, including brand mascots or ringtones specifically or principally intended for minors.

c) Exploit the special relationship of trust that minors place in their parents, teachers, or others.

d) Use the image, voice or other characteristics inherent to underage persons or persons characterized to look like minors.

e) Present the practice of gambling as a sign of maturity or indicative of the passage to adulthood.

f) Are disseminated or used in media, programs or supports, whatever they may be, specifically or principally intended for minors.

g) Are inserted in applications, web pages, or digital content specifically or principally aimed at minors, or together with links to web pages aimed at the same public.

h) Are broadcasted or placed inside or outside theaters or other spaces intended for the public, when they are used for the projection of cinematographic works or theatrical or musical performances to which minors may have access.

i) Are broadcasted or displayed inside or outside stadiums, halls or sports venues, when events or competitions whose participation is restricted exclusively to minors are held therein.

j) They refer to bets on events whose participation is restricted exclusively to minors.

3. Marketing communications shall include a warning that minors may not participate in gambling activities, such as "no minors", "+18" or similar, in accordance with one of the following options:

a) In case it is transmitted graphically, the warning shall be clearly visible throughout the commercial communication or, failing that, it shall occupy the entire image for at least two seconds at the end of the commercial communication.

b) If the warning is transmitted orally, it must always appear at the end of the commercial communication, for at least two seconds.

In the case of broadcasting through radio audiovisual communication services, the above warning shall appear in at least one of every two commercial communications made successively by the same operator and by the same service provider.

4. The authority in charge of the regulation of gambling may establish, by means of a resolution, the specifications regarding the form, size, layout, contrast and content of the message.

CHAPTER II

Specific provisions

Article 12. *Sponsorship activities.*

1. The sponsor's brand image, trade name, corporate name, promotional material or messages shall not be used in events, goods or services designed for minors or intended primarily for minors.

2. Sponsorship of activities, sporting events, or broadcasts thereof, specifically aimed at or whose participation is restricted exclusively to minors shall not be admissible.

3. Sponsorship activities consisting in the use of an operator's name, brand or trade name to identify a sports facility or any entertainment center may not be carried out. Neither may sponsorship activities be carried out that involve substituting or adding to the name of a sports team or competition or any other entity outside the gaming and betting sector the name or trade name of an operator.

4. Sponsorship on T-shirts or sports equipment shall not be admissible.

5. The broadcasting, placement or dissemination of sponsorship by means of commercial communications through face-to-face media in stadiums, facilities or sports venues of any kind must comply with the time limitations and the requirements established in this Royal Decree for the modalities of audiovisual communication services.

Article 13. *Promotional activities.*

1. Promotions to attract new customers, regardless of the conditions of the promotion, are prohibited.

For this purpose, operators may only offer promotions to those of their customers who, on a cumulative basis:

- a) Have an open gaming account for at least 30 days.
- b) Have been verified by documentary evidence.

2. Any kind of promotional activity by an operator specifically directed, in addition to the persons prohibited or self-excluded in accordance with the provisions of Article 10.2.g), to those of its customers who have been categorized as players with risky gambling behavior in accordance with the provisions of Article 34, shall be prohibited.

3. Commercial communications for promotional activities may only:

- a) targeting existing customers;
- b) or appear, in a separate section, on the website or application from which the operator offers gambling activities;

c) or disseminated in the establishments accessible to the public of the operators designated for the commercialization of lottery games.

4. Commercial communications for promotional activities:

a) They may not convey the false or misleading perception that the promotion is free of charge or not onerous, nor may they induce confusion as to the nature of the game.

b) They shall not include testimonials from previous beneficiaries, real or figurative, of the promotion.

c) They may not be based on player skill.

d) They shall include, if applicable, clear and transparent information on:

1. The minimum amount of the deposit to be made to access the promotion.

2. The amount to be wagered and, if applicable, the number of times a certain amount must be wagered in order for the player to have unrestricted access, through his/her gaming account, to the amount of the promotion and the possible winnings derived from its use.

3. The maximum time limit for releasing the economic advantage of the promotion.

4. The nature of the promotion, identifying whether it is withdrawable or wagering money.

It shall not be necessary to include the information provided for in paragraph d) when the commercial communications of the promotional activities are disseminated through advertising spaces in which, due to their size or capacity, the inclusion of the aforementioned information is not possible, although in such cases it shall be indicated, clearly and appropriately to the means of dissemination, that the promotion is subject to conditions available on the operator's website. In such cases, the information provided for in paragraph d) shall be shown in a direct and immediately accessible link, in a clear and differentiated manner to the rest of the information related to the promotion.

5. The information on the rest of the conditions to which the promotional activities are subject must be available, together with the elements detailed in paragraph d) of section 4, on the website or in the operator's application, in a clear, accessible and differentiated manner, prior to the contracting of the promotion and throughout the enjoyment of the same.

In particular, the following should be included, if applicable:

a) Maximum betting amounts allowed.

b) The order of prior, simultaneous or successive use of the promotion, in relation to the deposits or participations coming from the gaming account linked to it.

c) The operation for the early cancellation of the promotion and its corresponding impact on the gaming account.

d) The time at which the earnings derived from the use of the promotion are available without restriction.

e) Limitations on such earnings to a capped amount.

f) Minimum odds, if any, at which bets must be placed.

g) Any other rules to which the consumption or accounting of the bonus is subject.

h) Accepted means of payment to subscribe to the promotion.

6. How loyalty promotions work:

a) It cannot alter the return on prizes of the games to which it applies.

b) It cannot imply the impossibility to withdraw the balance of the game account whose origin comes from deposits made with real money. In the event that it is decided to withdraw such balance, the operator may consider both the promotion and the positive balance resulting from the operations derived from it as lost.

c) It obliges to present in the gaming account the amounts, balances and prizes clearly separated from real money transactions.

d) It obliges that the conditions to be able to enjoy the prizes granted by a promotion cannot affect the economic amounts linked to deposits or participations with real money of the user.

e) In the case of promotions consisting of free games, the conditions set forth in paragraphs c) and d) above shall not be mandatory provided that any winnings derived therefrom are not subject to restriction as to their full disposition by the user.

7. Persons who have been granted an increase in the deposit amounts in their gaming account in accordance with the provisions of article 36 of Royal Decree 1614/2011, of November 14, which develops Law 13/2011, of May 27, on gaming regulation, regarding gaming licenses, authorizations and registrations, may not receive any type of personalized promotion in the 30 days following the day in which these new economic limits have come into effect.

During this period, players may continue to use any bonuses or promotions that had been granted prior to the entry into force of these new limits.

8. Persons who have requested a withdrawal from their gaming account will not be eligible to receive any type of personalized promotion as long as they are able to cancel the withdrawal.

9. Compliance with the requirements set forth in this article shall not affect the possible consideration as abusive or inequitable of the specific contractual conditions established by the operator in relation to the promotion.

10. The authority in charge of the regulation of gaming may develop the conditions and limits to which to subject, as the case may be, the promotional activity aimed at the customers of the operators, beyond the provisions of this Royal Decree.

Article 14. *Free gaming applications.*

1. Operators may offer free gaming applications, provided that:

- a) Are only available on the operator's platform once the person has registered.
- b) Do not generate a false expectation about the games marketed by the operator in which money or other economically assessable goods are used either through the use of different game rules, or through the use of a random number generator or other randomness system with software or programming different from that used in the actual game, or through any other substantial variation with respect to the conditions under which the game actually marketed is carried out.

2. Promotional activities related to free-to-play applications shall in any case comply with the provisions of article 13.

Appearance of persons or characters of public relevance or notoriety in commercial communications.

1. The appearance in commercial communications of persons or characters of public relevance or notoriety, whether real or fictional, is prohibited. Their appearance shall only be allowed when they:

- a) Have acquired such status as a result of the commercial communication itself.
- b) Are those who narrate the live broadcasts provided for in Article 19, in which case, in addition to specifically complying with the provisions of the aforementioned Article, they may only broadcast them in the context of the narration of the event.

c) They are those who present contests broadcast on television or radio, in which case they may only broadcast them during the program that serves as support for the contest.

2. The advertising of gambling activities offered by persons who predict bets shall comply with the provisions of Article 27 of this Royal Decree.

Article 16. *Advertising exclusion systems.*

Commercial communications from gaming operators must comply with the provisions of Article 23.4 of Organic Law 3/2018 of December 5, 2018, on the protection of personal data and guarantees of digital rights.

CHAPTER III

Specific provisions according to the advertising broadcasting channel

Article 17. *Commercial communications through face-to-face media.*

1. The carrying out of commercial communications through face-to-face media of the gaming activities carried out under the enabling titles regulated in Title III of Law 13/2011, of May 27, 2011, shall require compliance, in addition to the regulations on state commercial communications, with the regulations on gaming advertising through the same media applicable to the entities authorized by the autonomous communities to offer this type of activities.

2. In the case of operators of the legal reserve designated under the provisions of the first additional provision of Law 13/2011, of May 27, 2011, the carrying out of commercial communications through face-to-face means of the gaming activities carried out by such operators shall be exclusively in accordance with the regulations on commercial communications of a state nature.

3. In any case, commercial communications through face-to-face media that are carried out in application of a specific sports sponsorship within sports facilities or those that are disseminated in magazines, newspapers or similar statewide media and whose main activity is the offer of products or information on gambling activities as defined by Law 13/2011, of May 27, are exempted from the provision of paragraph 1.

4. Commercial communications sent by postal mail are prohibited.

Article 18. *Commercial communications in audiovisual communication services.*

1. Commercial communications of gambling operators in audiovisual communication services may only be broadcast between 01:00 and 05:00 hours, without prejudice to the special rules set forth in articles 19 to 22.

2. The time restrictions set forth in this provision and in articles 20 to 22 shall only be applicable to the commercial communications of gaming operators in on-demand audiovisual communication services in accordance with the provisions of the audiovisual legislation, when such communications are distinguishable and separable from the programming carried out in such services. Likewise, the rules provided for in Article 19 shall apply to the broadcasting of commercial communications during live events in the event that these are retransmitted through on-demand services.

Article 19. *Rules for the broadcasting of commercial communications during live events in audiovisual communication services.*

1. Commercial communications by gambling operators in audiovisual communication services during live broadcasts of sporting, equestrian or other competitive events may only be broadcast between 01:00 and 05:00 hours, without prejudice to the special rules set forth in Articles 21 and 22.

2. The provisions of paragraph 1 shall apply to commercial communications of any kind, broadcast or physically located, which are captured by audiovisual retransmission.

Article 20. Rules for the broadcasting of commercial communications of mutual bets, instant or pre-sorted lotteries and bingo in audiovisual communication services.

Commercial communications of gambling operators in audiovisual communication services relating to mutual betting, instant lotteries and bingo may not be broadcast within the slots of enhanced protection established in article 7.2 of Law 7/2010, of March 31, nor in the advertising blocks immediately before or after programs specifically or mainly aimed at children.

These slots shall only be applicable when the operator does not hold special licenses associated with the types of games to which the audiovisual broadcasting rules set forth in Article 18 apply.

Article 21. Rules for the broadcasting of commercial communications of contests in audiovisual communication services.

1. Commercial communications of gaming operators in audiovisual communication services relating to contests may not be broadcast in the advertising blocks immediately before or after programs specifically or mainly aimed at children.

2. When the broadcasting of the contests is included in a program whose age rating is "not recommended for persons under eighteen years of age", they may only be broadcast between 10:00 p.m. and 6:00 a.m. the following day, provided that this is permitted by audiovisual legislation.

3. If the contest is implemented through audiovisual content, by means of any channel, the information on the price of participation must be offered in the invitation to participate and, when the support medium of the contest development allows it, during the entire time the promotion or advertising of the contest is carried out. The information must be presented overprinted in static form and in conditions of typeface, layout and contrast that allow its perfect visualization or perception. The size of the characters shall not be smaller than that used to inform of the means of participation or, as the case may be, of the payment thereof.

4. The obligation set forth in Article 10.3 shall not apply to commercial communications of contests broadcast through radio audiovisual communication services.

Article 22. Rules for the broadcasting of commercial communications of lotteries with deferred effect and raffles in audiovisual communication services.

In audiovisual communication services, commercial communications relating to lottery games with deferred effect, including those of an occasional nature, as well as those relating to raffles, may not be broadcast in the advertising blocks immediately preceding or following programs specifically or principally aimed at children.

Article 23. Commercial communications in information society services.

1. The dissemination of commercial communications of gaming operators in information society services is prohibited, except in the following cases:

a) When they are placed on the websites or applications of the operators or of the media that support the game of contests, in the latter case exclusively with respect to this type of game.

b) When they are located in web pages or applications whose main activity is the offer of products or information on gambling activities as defined by Law 13/2011, of May 27, provided that these web pages or applications have mechanisms to prevent access by minors and periodically disseminate messages on safe gambling. For these purposes, video sharing services through platforms and social networks are not considered websites or applications as provided for in this paragraph.

Those websites or applications whose main activity is to offer information on sporting or equestrian events may enable a specific and differentiated section dedicated to the offer of information on betting, provided that such section:

1.º Be accessible from the home page through a single informative link of reduced dimensions. For this purpose, the authority in charge of the regulation of gambling may establish, by means of a resolution, the specifications regarding the shape, size or layout of the aforementioned link.

2.º Have mechanisms to prevent access by minors.

3.º Disseminate, on a regular basis, messages about safe gambling.

c) When they are the result offered by search engines. In those cases in which the result offered is the result of a commercial agreement between the advertiser and the owner of the search engine, only when that search uses words or phrases directly connected with the gambling activities defined by Law 13/2011, of May 27th.

d) When sent by electronic mail or other equivalent means, in accordance with the provisions of Article 24.

e) When they are disseminated as audiovisual commercial communications in video exchange services through a platform in accordance with the provisions of article 25.

f) When they are disseminated on social networks, as provided in Article 26.

2. For the purpose of facilitating the operation of parental control mechanisms, commercial communications of gambling operators in information society services shall be provided with an identifier that enables their categorization as gambling-related.

3. Commercial communications from gambling operators in information society services shall not be superimposed on the main content of the page or application, blocking most of such content, without prior action by the person, with the exception of those that take place exclusively on the operator's own portal. In any case, commercial communications shall never block navigation and shall be easily closed or stopped.

4. Commercial communications of gaming operators may not be placed on web pages or applications that, in turn, promote gaming activities of entities without a license in Spain, presenting them as oriented to residents in Spain, nor on web pages or applications whose content infringes the applicable regulations on intellectual property.

Article 24. Commercial communications by electronic mail or other equivalent means.

1. The sending of commercial communications from gaming operators by e-mail or any other equivalent electronic means of communication may only be carried out with the consent of the person concerned, in accordance with the provisions of article 7.2.a) of Law 13/2011, of May 27, and article 21.1 of Law 34/2002, of July 11, on Information Society Services and Electronic Commerce.

2. Gaming operators that market games whose participation requires the opening of a prior user registration may not send any type of commercial communication via e-mail or any other equivalent electronic communication means addressed to:

a) Registered persons whose registration in the General Registry of Gambling Access Interdictions is disclosed to the operator by the authority in charge of gambling regulation.

b) Persons who have exercised their right to self-exclusion.

c) Persons who have developed risk behavior, according to the detection systems and protocols provided for in Article 34.

The prohibitions provided for in this section shall be implemented as of 00:00 hours on the second day after the day on which the registration in the General Registry of Gambling Access Prohibitions, the self-exclusion or the detection of a person who has developed a risk behavior becomes effective.

These prohibitions shall not apply from the day following the day on which these persons cease to be registered in the General Registry of Gambling Access Prohibitions, cease to be self-excluded or are no longer classified as participants with risky behavior.

Article 25. *Rules for the broadcasting of audiovisual commercial communications in video exchange services through a platform.*

1. Entities that broadcast audiovisual commercial communications of gaming operators in video exchange services through the platform may only do so when the providers of such services have:

a) Instruments to prevent such communications from being directed to minors.

b) Mechanisms for blocking or hiding pop-up ads by your users.

c) Tools that make it possible to establish slot control models under the terms set forth in paragraph 2.

2. Entities broadcasting audiovisual commercial communications of gambling operators marketed, sold or organized by video-sharing platform service providers that are integrated, in a distinguishable and separable manner, in the programs or videos generated by the users of such platforms shall comply with the time slots provided for in Articles 18 to 22 and the requirements set forth in Article 19.

3. The accounts or channels from which programs or videos available through a video exchange platform are offered may only carry out audiovisual commercial communications of gaming operators when their main activity consists of offering information or content on gaming activities as defined in Law 13/2011, of May 27, and, in addition:

a) Use all mechanisms available on the video sharing platform to prevent minors from accessing your account or channel.

b) Disseminate safe gambling messages on such account or channel on a regular basis.

Article 26. *Specific rules on commercial communications on social networks.*

1. Entities that disseminate commercial communications of gaming operators in social networks with user profiles may only do so in those that have:

a) Instruments to prevent such communications from being directed to minors.

b) Mechanisms for blocking or hiding pop-up ads by your users.

c) Tools that make it possible to segment the public to which these commercial communications are addressed in one of the models provided for in section 2.

2. Entities that disseminate commercial communications from gaming operators on social networks with user profiles may only send such communications:

a) To persons who follow, on such networks, the official accounts or channels of an operator or of any of the providers indicated in the first paragraph of article 23.1.b).

b) To persons who have expressed an active interest in the gambling activities defined in Law 13/2011, of May 27, provided that such persons may, at any time, eliminate the preference for such active interest through the mechanisms provided for such purpose by the social network.

c) Those who have registered with an operator and form part of its portfolio of existing clients or with any of the providers mentioned in the first paragraph of article 23.1.b).

3. The accounts or channels in social networks may only carry out commercial communications from gaming operators when their main activity consists of offering information or content on gaming activities as defined in Law 13/2011, of May 27, and, in addition:

a) Use all available mechanisms in the social networks from which they disseminate their activity to prevent access by minors.

b) Disseminate safe gambling messages on a regular basis.

4. When a social network is also considered a provider of video exchange services through a platform, the commercial communications provided for in Article 25.2 shall comply with the provisions of that provision, without the rules contained in Article 26.2 being applicable.

5. When a social network incorporates a search engine among its applications, the results offered by it shall comply exclusively with the provisions of Article 23.1.c), without the rules contained in Article 26.2 being applicable.

Article 27. *Specific rules on commercial communications issued by betting tipsters.*

1. Gaming operators may only enter into advertising agreements with those betting forecasters who undertake to publish in full, on the channels or accounts of social networks or on the websites or applications from which they make their forecasts, all the results in any form of betting that they have obtained on the platform of the operator with which they have formalized their contractual advertising relationship and that have fallen on events that are the object of the forecast.

2. The advertising agreements provided for in the preceding paragraph may not, under any circumstances, be entered into with persons who have acquired public relevance or notoriety as a result of activities other than betting forecasting.

3. The detection of non-compliance with the provisions of paragraph 1 by the operator shall result in the termination of the advertising contract with the betting forecaster and the impossibility of entering into a new contract with the betting forecaster within three years from the date of such termination.

CHAPTER IV

Correction

Article 28. *Co-regulation agreements.*

1. The authority in charge of the regulation of gambling may sign co-regulation agreements that contribute to the fulfillment of the obligations established in Law 13/2011, of May 27th, and in this Royal Decree on commercial communications, with self-regulatory entities that comply with the requirements established in the applicable European Union regulations. To the extent that such agreements affect the commercial communications made by the audiovisual communication service providers, a report shall be requested from the competent audiovisual authority at the state level prior to the signing of such agreements, which may, as the case may be, also sign such agreements.

2. Within the framework of co-regulation agreements, codes of conduct may be approved, to be voluntarily adhered to by operators and other entities involved in the advertising activity, which shall include, as a minimum:

a) Individual or collective measures of prior self-control of advertising content that allow the presumption of the good faith of the adherent to the code in the appearance of legality of the commercial communication, and the voluntary or mandatory nature of these measures must be determined in the code.

b) System for the out-of-court resolution of claims and disputes, to which the signatories are bound, that meet the requirements set forth in Law 7/2017, of November 2, which transposes into Spanish law Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution in consumer matters and, as such, are notified to the European Commission, in accordance with the provisions of Article 24.5 of Law 13/2011, of May 27.

c) Mechanisms for a posteriori supervision and control of compliance, including monitoring and supervision of the resolutions adopted by the body or entity in charge of resolving complaints.

3. In order to monitor compliance with the codes of conduct and their supervision and control activities, a mixed commission will be established, chaired by a representative of the authority in charge of regulating gaming and made up of representatives of the signatories of the corresponding code, of the public body or national regulatory authority in the audiovisual communications market, of the self-regulatory entity in charge of its control, as well as of the consumer and user associations, under the terms set forth in the code.

4. The gaming regulatory authority shall publish on its website the co-regulatory agreements and codes of conduct it has signed, as well as the entities that have adhered to them.

TITLE II

Active policies for information and protection of users

Comprehensive corporate social responsibility policy and the person responsible for safe gambling.

1. In carrying out their activities, operators are subject to a comprehensive corporate social responsibility policy that considers gambling as a complex phenomenon and seeks to prevent, raise awareness, intervene, control and repair any negative effects it may cause.

2. The provisions on safe gaming contained in this Title are understood to be without prejudice to those provided for in any other regulation applicable to the gaming activity subject to license, authorization or reservation by virtue of Law 13/2011, of May 27.

3. Operators, under the terms provided for in articles 8 and 10.2 of Law 13/2011, of May 27, must draw up a plan of active safe gaming measures that will form part of the operational plan to which their activity will be subject and in which the implementation that the operator carries out of the set of measures established in this title will be expressly specified. Said plan must be permanently updated and at the disposal of the authority in charge of the regulation of gambling.

4. Operators must designate a person responsible for safe gaming who will act as the point of contact with the gaming regulatory authority.

The person in charge shall perform functions of supervision of the safe gaming policies implemented by the operator and shall prepare an annual report on the activities carried out by the operator in this area. The exercise of these functions shall be compatible with the performance by the designated person of other types of tasks within the organization, provided that these, in no case, imply dependence on the advertising department.

The operator shall provide the person responsible for safe gaming with all the material, human and technical resources necessary for the fulfillment of his functions.

CHAPTER I

Prevention mechanisms

Article 30. *Information obligations.*

1. Operators' web portals and mobile gaming applications shall have a direct link to information on safe gaming. Such access shall be labeled "Safe Gaming" or "Responsible Gaming" and shall be clearly visible on the home page of the mentioned portal or application.

Along with such access, operators shall enable the link to the public portals on safe gambling made available by the authority in charge of gambling regulation.

The gaming regulatory authority may determine the form, appearance and denomination of the links provided for in this section.

2. The section on safe play shall include at least the following information:

- a) General information about safe gambling and the possible risks of gambling.
- b) Prohibition of gambling for minors.
- c) Power of self-prohibition and conditions of exercise.
- d) Deposit limits and their operation and modification.
- e) Possibility of temporary self-exclusion from the game account.
- f) Reference to at least one organization that provides information on gambling-related disorders and can offer assistance in this regard throughout the national territory, as well as to the corresponding section available on the official website of the authority in charge of gambling regulation.
- g) Reference to the structures of the National Health System that develop prevention and care services for gambling-related disorders.
- h) Information on the existence of parental control mechanisms.
- i) Reference to studies and projects on safe gaming promoted and, where appropriate, made public by the operator.
- j) Self-assessment test of gambling behavior, with identification of the entity that developed or approved it and the rules for the interpretation of the results obtained.
- k) Existence of mechanisms for detecting risky behavior, with reference to the actions that the operator will take when such behavior is detected.

l) Safe gaming assistance telephone number, indicating whether such service is provided directly by the operator or through third parties under the terms set forth in Article 31 and the content of the assistance provided through the same.

The information contained in this section will be available for download.

3. Under the heading "Authorized Gaming", clearly visible and separate from the section entitled "Safe Gaming" or "Responsible Gaming", operators shall include in their portals or applications a direct access to information related to the licenses or authorizations they hold, including a link to the official website of the authority in charge of regulating gambling.

4. Notwithstanding the foregoing, it must also be visible and clearly identifiable on the operator's web portals and applications:

a) The prohibition of underage gambling, for which purpose a direct access to information on the user registration procedure and the consequences of detecting an underage person will be provided.

b) The possibility of exercising the power of self-prohibition, for which purpose a direct access to the web service of the authority in charge of the regulation of gambling shall be provided for the exercise of this power.

5. In the event that the operator markets its activity by virtue of its state license also through establishments open to the public, the prohibition of gambling by minors and persons who have exercised the power of self-prohibition must be clearly visible in such establishments.

6. In order to guarantee the uniformity, clarity and understanding of the information obligations foreseen in this article, the authority in charge of the regulation of gambling shall approve, by means of a resolution, the configuration of the corresponding icons and the links that, if applicable, must be related to them.

Article 31. Information and assistance on safe gambling and risk behaviors.

1. Operators shall set up a customer service telephone line through which information and assistance on safe gaming shall be provided. Through said service, which shall be provided at least in Spanish and shall not be subject to additional charges, adequate information shall be provided, as a minimum, on:

a) The risks that gambling activity may generate.
b) The possibility of taking a self-assessment test.
c) The possibility of exercising the powers of self-prohibition or self-exclusion.
d) Public services for the prevention and care of gambling-related disorders provided in treatment centers integrated into the structure of the National Health System, as well as other social and clinical institutions to which the user can go, depending on his or her place of residence, if deemed appropriate.

2. This service will be provided directly by the operator, individually or in conjunction with other operators, or through third parties, subject to the appropriate agreement signed to that effect.

The agreements signed, if any, must be communicated to the authority in charge of the regulation of gaming within one month of their signature.

3. The telephone number shall be visible, at a minimum, in the safe gaming section of the operator's home page.

CHAPTER II

Sensitization mechanisms

Collaboration with the Administration for the awareness and promotion of safe gambling.

For the purpose of promoting or addressing statistical studies on safe gambling and gambling patterns, the authority in charge of gambling regulation may require the collaboration of the operator to communicate to the registered persons the existence of questionnaires on their experience and gambling habits, as well as to facilitate access to them. The player's response will in any case be voluntary and anonymous.

Article 33. *Studies on safe gambling.*

The operator may communicate to the gaming regulatory authority the decision, within the framework of its corporate social responsibility policy, to undertake studies on safe gaming, by itself or in conjunction with other operators or entities, as well as their final result, for the purpose of their public dissemination through its web media.

CHAPTER III

Mechanisms of intervention and control by operators

Article 34. *Detection of risk behaviors of the users.*

1. Operators shall establish mechanisms and protocols to detect risky behaviors of registered users. For these purposes, objective criteria or indicators that reveal patterns of activity such as, for example, the volume, frequency and variability of participations or deposits shall be taken into account, without prejudice to other quantitative or qualitative elements that may also be relevant according to the mechanics of the different games or the operator's experience.

The processing of the personal data of players resulting from the application of the mechanisms and protocols provided for in this section shall only be used for the purpose of detecting persons engaging in risky behavior and implementing the measures contained in this article.

2. Once a person who has developed risky behavior has been detected, and without prejudice to other possible measures adopted within the framework of its corporate social responsibility and which must be contemplated in an action protocol, the operator shall inform them by e-mail or equivalent means, and shall also implement the measures to restrict the issuance of commercial communications provided for in this regulation aimed at this type of player.

The message will contain information regarding the person's gaming and spending in the recent period determined by the operator and the possible existence, if any, of changes in the player's gaming or spending behavior patterns, as well as recommendations to, at a minimum, access the safe gaming area, complete the self-assessment test and consult the existing gaming and spending activity control tools, including self-exclusion and self-prohibition.

3. Before January 31 of each year, the operator must communicate to the gaming regulatory authority the updated version of the basic description of the mechanisms and protocols implemented to detect risk behaviors, the protocol of action in the event of detection of such behaviors, the total number of persons with risk behaviors detected during the previous year according to the established mechanisms, as well as the actions taken and the follow-up and effect of such actions.

4. The authority in charge of the regulation of gambling may develop, by means of a resolution, the specific mechanisms for the detection of risk behaviors, as well as the content of the protocols that the operators and, if applicable, the authority itself, must adopt towards these persons, once such behaviors have been detected.

Article 35. *Suspension of gaming accounts due to self-prohibition and self-exclusion.*

1. When it becomes known to the operator that a participant with an active user registration is registered in the General Registry of Gambling Access Prohibitions, the operator shall proceed to the suspension of his/her gaming account and shall inform him/her of the consequences associated with such suspension as provided for in paragraphs 2, 3 and 4.

2. While the suspension lasts, the person with user registration will not be able to make deposits or participations.

3. During the suspension of the gaming account, the person registered in the General Registry of Gambling Access Interdictions may request the transfer, by any of the means of payment offered by the operator and at no additional cost:

a) Of the balance of your gaming account, including prizes won prior to the suspension.

b) Of the prizes won during the suspension of the gaming account as a result of participations in the game made prior to such suspension.

4. Once the registration of a person in the General Registry of Gambling Access Interdictions has been cancelled, the operator may, upon request, lift the suspension of the gaming account and allow the person to participate in the games.

5. Without prejudice to the power of self-prohibition, the operator shall make available to the players the possibility of self-exclusion, which shall entail the temporary suspension of their gaming account, without the possibility of making deposits or participations, and any other consequences determined by the operator, as the case may be, in the gaming contract. The self-exclusion shall be effective within a maximum term of forty-eight hours from the completion of the request. Once this option has been exercised, the suspension will be irrevocable during the period indicated by the participant.

TITLE III

Supervision, inspection and control

Article 36. *Supervision, inspection and control regime.*

1. The authority in charge of the regulation of gaming shall ensure compliance with the provisions included in this Royal Decree, exercising for this purpose the powers of supervision, inspection and control established in Law 13/2011, of May 27, and other applicable regulations.

In accordance with the provisions of Article 36.3 of Law 13/2011, of May 27, in the event that the authority in charge of the regulation of gaming finds indications of possible infringement of the principles, obligations and prohibitions contained in this Royal Decree by audiovisual communication service providers, it shall inform the National Commission of Markets and Competition so that, if appropriate, this body may initiate the corresponding sanctioning procedure under the terms provided in Article 36.3 of Law 13/2011, of May 27.

2. Without prejudice to the requirements to cease commercial communications that violate the provisions of this Royal Decree or the rest of the regulations applicable to commercial communications of gambling activities under the terms established in Article 7.4 of Law 13/2011, of May 27, the authority responsible for the regulation of gambling may require, at any time, the entities mentioned in article

The Company shall provide the aforementioned or the gambling operators with information regarding the content and dissemination of commercial communications of gambling activities.

3. The authority in charge of the regulation of gambling may require at any time from the gambling operators information on the degree of compliance or content of the measures provided for in Title II.

4. In those cases in which it is necessary due to the means of diffusion, the authority in charge of the regulation of gaming, in the exercise of its surveillance, inspection and control functions, may request the support and collaboration of the competent bodies of the State that have attributed competences in relation to the providers of audiovisual communication services, electronic communications and the information society.

5. Without prejudice to the provisions of paragraph 4, the authority in charge of the regulation of gambling and the National Commission of Markets and Competition shall inform each other, reciprocally, of the cease and desist requirements sent by the respective authorities to the providers of audiovisual communication services and of the opening of sanctioning proceedings in their respective areas of competence regarding advertising of gambling activities.

Article 37. *Liability.*

1. The regime of infringements and penalties in the matters that constitute the object of this Royal Decree shall be that which corresponds in accordance with the provisions of Title VI of Law 13/2011, of 27 May, without prejudice to the provisions of the second paragraph of Article 36.3 of the aforementioned law in relation to the providers of audiovisual communication services. The sanctioning regime provided for in Law 7/2010, of March 31, 2010, shall apply to these providers, whose instruction and sanctioning corresponds in any case to the National Commission of Markets and Competition, except for the infringement provided for in Article 40 e) of Law 13/2011, of May 27, 2011.

2. For the purposes of the provisions of paragraph 1, gaming operators shall be responsible for compliance with the provisions on commercial communications provided for in Title I of this Royal Decree when such communications are disseminated, deployed or carried out on their own account or on their behalf.

In accordance with the provisions of the preceding paragraph, gaming operators must adopt the necessary measures to ensure that the entities included in paragraphs a) and b) of article 2 that offer commercial communications on their own account or on their behalf comply with the provisions of this Royal Decree.

3. Without prejudice to the provisions of the preceding paragraphs, the entities included in paragraphs a) and b) of Article 2 shall be responsible for complying with the obligations set forth in paragraphs 3 and 4 of Article 7 of Law 13/2011, of May 27, as well as for the infringements arising from their non-compliance. In the case of audiovisual communication service providers, the provisions of paragraph 1 of this article shall apply.

When these entities are considered as information society service providers, the rules of attribution of liability provided for in Law 34/2002, of July 11, 2002, on information society services and electronic commerce shall apply to them.

First Additional Provision. *Regime of certain draws of the National Lottery.*

The participation of the members of the "Residencia-Internado San Ildefonso" or of other charitable establishments or institutions in the celebration of the National Lottery draws in which they have traditionally participated shall not be considered incompatible with the provisions of this Royal Decree, nor shall the name of the "Residencia-Internado San Ildefonso" be considered incompatible with the provisions of this Royal Decree. "El Niño Sweepstakes.

Second additional provision. *Specific regime for the Spanish National Organization for the Blind (ONCE).*

1. In accordance with the provisions of section three of the second additional provision of Law 13/2011, of 27 May, in order to preserve the strict public control of the gambling activity of ONCE, the powers that this Royal Decree attributes to the authority in charge of regulating the lottery game shall be exercised by the ONCE Protectorate Council in relation to the activities subject to reservation that said organization carries out, in accordance with the control procedures that this Council has established, without prejudice to the powers that correspond to the Council of Ministers.

2. The provisions set forth in Title I of this Royal Decree shall not apply to ONCE with respect to advertising, image, sponsorship and promotional communications, including those carried out on social networks, which said entity carries out with reference to the corporate name "ONCE", "ONCE Social Group" as well as the rest of the entities that form part of the "ONCE Social Group" or the name that replaces them, relating to the activities of providing specialized services for blind and severely visually impaired people and activities of solidarity with other people with disabilities, provided that in said communications there are no references to the activity or to gambling products.

Third additional provision. *Commercial communications on activities of public interest promoted by the Sociedad Estatal Loterías y Apuestas del Estado, S.M.E., S.A. (State Lottery and Gambling Company).*

In view of the promotion of general interest purposes in activities, among others, of a social, cultural and sporting nature that it carries out as a consequence of its legal-public nature, advertising, image, sponsorship and promotional communications relating to activities of public interest promoted by Sociedad Estatal Loterías y Apuestas del Estado, S.M.E., S.A., including those carried out in social networks, the provisions set forth in Title I of this Royal Decree shall not be applicable to them, provided that in such communications there are no references to the activity or to gambling products.

Fourth additional provision. *Commercial communications on charitable or general interest purposes of entities of an associative or foundational nature linked to gaming operators.*

The provisions of Title I of this Royal Decree shall not apply to advertising, image, sponsorship and promotional communications of the activities of public utility associations or foundations that pursue charitable or general interest purposes established by or linked to gambling operators, including those made on social networks, provided that such communications relate to such activities and, in addition, they do not contain references to the activity or to gambling products.

Fifth additional provision. *Detection of risk behaviors of users in 2020 and 2021.*

1. By December 31, 2020, the operator shall communicate to the gaming regulatory authority the basic description of the mechanisms and protocols implemented to detect the risk behaviors provided for in Article 34, as well as the action protocol to be applied in the event of detection of such behaviors.

2. Within fifteen days from the day following the day of submission of the mechanisms and protocols provided for in paragraph 1, they shall be effectively implemented by the operator.

3. The reporting obligations under Article 34.3 shall be triggered with respect to information collected in 2020 and in 2021 by January 31, 2022.

Sixth additional provision. *Trademarks or trade names already promoted by gaming operators.*

1. Operators must adjust their trademarks or trade names to the provisions of article 7.3 within six months from the entry into force of this Royal Decree.

2. Without prejudice to the provisions of paragraph 1, operators may maintain the trademarks, trade names, company names or domain names that identify them as gaming operators in their commercial traffic and that have been used prior to the entry into force of this Royal Decree.

First Transitional Provision: *Adaptation of the Code of Conduct on Commercial Communications of Gaming Activities.*

The content of the Code of Conduct on Commercial Communications of Gaming Activities of June 7, 2012 shall be adapted to the content of this Royal Decree within six months of its entry into force.

Second Transitory Provision. *Transitory regime for sponsorships.*

Sponsorship contracts involving gaming operators entered into prior to the entry into force of this Royal Decree shall be adapted to the provisions of this Royal Decree by August 31, 2021.

In particular, sponsorship contracts affected by the provisions of paragraphs 3, 4 and 5 of Article 12 entered into prior to the entry into force of this Royal Decree shall remain valid until August 30, 2021, without, in addition, the rules contained in Article 19.2 being applicable to them until the aforementioned date.

Third transitory provision: *Adaptation of advertising campaigns with persons or characters of public relevance or notoriety.*

Gaming operators may continue to make commercial communications with persons or characters of relevance or public notoriety derived from advertising contracts entered into prior to such entry into force until April 1, 2021.

Fourth transitional provision: *Adaptation of advertising contracts entered into prior to the entry into force of this Royal Decree.*

1. Until August 30, 2021, commercial communications of gaming operators derived from contracts entered into prior to the entry into force of this Royal Decree with audiovisual communication service providers or with video exchange service providers through a platform may continue to be broadcast without the need to adapt to the broadcasting rules set forth in articles 18 to 22 and 25.2.

2. Until August 30, 2021, commercial communications from gaming operators may continue to be made through face-to-face means derived from contracts signed prior to the entry into force of this Royal Decree without the need to adapt to the provisions of Article 17.

3. Until August 30, 2021, commercial communications may continue to be made by gaming operators on social networks with user profiles derived from contracts signed prior to the entry into force of this Royal Decree without the need to adapt to the rules of dissemination contained in article 26.2.

Sole derogatory provision. *Repeal of regulations.*

Any provisions of equal or lower rank that oppose the provisions of this Royal Decree are hereby repealed.

First final provision. *Amendment of Royal Decree 1614/2011, of November 14, which develops Law 13/2011, of May 27, on the regulation of gambling, regarding licenses, authorizations and gambling registries.*

Royal Decree 1614/2011, of November 14, 2011, which develops Law 13/2011, of May 27, 2011, on gaming regulation, regarding gaming licenses, authorizations and registries, is amended as follows:

One. Article 36 shall be worded as follows:

"Article 36. *Limits on deposits.*

1. Gaming operators must establish economic limits for the deposits that, on a daily, weekly or monthly basis, they may receive from each of the participants in the different games. These limits may not be higher than the amounts included in Annex II of this Royal Decree.

By means of a provision, and after the appropriate technical and legal reports, the authority in charge of the regulation of gaming may modify the aforementioned Annex II.

2. Gaming operators must offer participants the possibility of voluntarily establishing limits, applicable to their own deposits, for amounts lower than those established in general. Each participant will be able to make his request expressly and individually. The requests must be satisfied immediately by the gaming operators, which, to this end, must develop and make available to the participants the technical systems necessary for the referred self-limitation.

3. Each participant, in an express and individualized manner, may request from the gaming operators the increase of the deposit limits or the disappearance of any of the limits established for its deposit account, above the amounts stated in the first paragraph of section 1 of this article. These requests may be granted by the operators provided that, cumulatively:

a) The gambler passes the tests for the prevention of addictive behaviors of gambling and safe gambling established for this purpose by the authority responsible for the regulation of gambling.

b) The person has not incurred in risky behavior during the last three months based on the historical analysis that, on the occasion of the request, the gaming operators carry out on the trajectory of the person, based on the criteria established for that purpose by the authority in charge of the regulation of gaming and that will be related, at least, to his/her profile, his/her way of participating in the games and his/her behavior away from addictive behaviors of gaming. In the absence of such criteria, the gaming operators will apply their own mechanisms and protocols for the detection of risk behaviors of their participants, in accordance with the applicable regulations on responsible gaming.

The new limits will come into effect within a maximum period of three days from the fulfillment of the two previous requirements.

In any case, the authority in charge of the regulation of gaming shall supervise the procedures for the increase of limits and, for such purpose, may request from the operators any documentation it deems pertinent for the verification of the procedures followed.

4. An increase in the limits established by the participant in accordance with the provisions of paragraph 3 may not be requested if three months have not elapsed since the last increase in such limits."

Two. The sixth additional provision, "Free gaming applications", is deleted.

Second final provision. *Power of execution and development.*

The head of the Ministry of Consumer Affairs is empowered to issue as many provisions as may be necessary for the development and execution of the provisions of this Royal Decree.

Third Final Provision. *Entry into force.*

This Royal Decree shall enter into force on the day following its publication in the Official Gazette. "Boletín Oficial del Estado".

Exempt from the provisions of the preceding paragraph:

- a) Article 13; paragraphs b) and c) of Article 23.1, Articles 24, 25.3, 26.3 and 27, which shall enter into force on May 1, 2021.
- b) The first final provision, which shall enter into force on January 1, 2021.

Given in Madrid, on November 3, 2020.

FELIPE R.

The First Vice President of the Government and Minister of the Presidency,
Relations with the Courts and Democratic Memory,
CARMEN CALVO POYATO