

NOTE:

Article 7. Advertising, sponsorship and promotion of gaming activities from Law 13/2011, of 27 May, on the regulation of gambling.

<http://gregsregs.com/downloads/SPGamLaw132011EN.pdf>

1. In accordance with General Law 34/1988, of 11 November, on Advertising, any form of advertising, sponsorship or promotion of games of chance or betting and the advertising and promotion of gaming operators is prohibited when advertising is not authorised in the authorisation.

To carry out gaming activities on audiovisual programmes, news media or websites, gaming operators must have an authorisation. This includes gaming activities in which participants must use telephone or text message-based premium rate services to obtain a prize.

2. Regulations shall establish the conditions that will be included in the respective permits that authorise advertising and their limits, especially in regard to:

- a) Sending advertising or promotional communications by email or any other electronic or equivalent means, which will only be possible if it has previously been authorised by the recipient, pursuant to Section one of Article 21 of Law 34/2002, of 11 July, on Information Society and Electronic Commerce Services.
- b) Inclusion of gaming advertisements or other advertising methods in means of communication and other advertising supports.
- c) Sponsorship of sporting events on which bets can be placed.
- d) Inclusion of posters that advertise gaming in places that hold events whose results are the object of betting or lotteries.
- e) Television contests and the obligation to provide information about the essential requirements of the game.
- f) Any others established in accordance with regulations.

3. Anybody, advertising agency, audiovisual or electronic communication service provider, means of communication or information society service that disseminates the direct or indirect advertisement or promotion of games or their operators shall confirm that whoever has requested the advertisements or advertising slogans holds the corresponding permit issued by the National Gaming Commission, which has given its permission to make the requested advertisement. Advertising shall be prohibited without the corresponding authorisation. Via its website, the National Gaming Commission will keep the information about authorised operators updated and accessible.

4. In the exercise of its administrative authority to request gaming advertisements to be stopped, the National Gaming Commission will address the corresponding body, advertising agency, audiovisual or electronic communication service provider, means of communication or information society service, stating the grounds for the infringement of the applicable regulations. Within two calendar days, the body, advertising agency, electronic or audiovisual communication service provider or information society service shall communicate compliance with the requirement. In the event the advertised message was issued a previous positive enquiry report by a self-regulatory advertising system with which the National Gaming Commission has one of the collaboration agreements mentioned in Section 5 of Article 24 of this Law, it will be understood that the action was made in good faith if adherence was made to said previous positive enquiry report, in the event administrative action is taken within the framework of disciplinary proceedings.

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