

NOTE:

Ministerial Orders regulating various Gambling activities as set out below

Regulated Gambling Activities: betting; contests; other games/ gambling activities. GRS have included the DGOJ English translations where applicable (linked under EN) which do not take into account amendments by MO HAP/198/2013; the Spanish texts, however, are consolidated versions.

- Pari-mutuel sports betting (or mutual / pool betting) – regulated by Ministerial Order EHA 3081/2011 ([ES](#) version / [EN](#))
- Pari-mutuel horse race betting – regulated by Ministerial Order EHA 3083/2011 ([ES](#) / [EN](#))
- Fixed odds sports betting – regulated by Ministerial Order EHA 3080/2011 ([ES](#) / [EN](#))
- Fixed odds horse race betting – regulated by Ministerial Order EHA 3082/2011 ([ES](#) / [EN](#))
- Other fixed odds betting – regulated by Ministerial Order EHA 3079/2011 ([ES](#) / [EN](#)) other authorised events¹ (amended by MO HAP/198/2013 - [EN](#))
- Exchange betting – regulated by Ministerial Order HAP/1369/2014 ([ES](#)) – which applies to sports, horse racing and other events².
- Contests – regulated by Ministerial Order EHA 3084/2011 ([ES](#) / [EN](#))
- Slot machines – regulated by Ministerial Order HAP/1370/2014 ([ES](#))
- Blackjack – regulated by Ministerial Order EHA 3088/2011 ([ES](#) / [EN](#))
- Bingo – regulated by Ministerial Order EHA 3087/2011 ([ES](#) / [EN](#)) (amended by MO HAP/198/2013 of 8 November [EN](#))
- Poker – regulated by Ministerial Order EHA 3089/2011 ([ES](#) / [EN](#))
- Roulette – regulated by Ministerial Order EHA 3085/2011 ([ES](#) / [EN](#))
- Baccarat – regulated by Ministerial Order EHA 3086/2011 ([ES](#) / [EN](#))
- Complementary Games³ – regulated by Ministerial Order EHA 3090/2011 ([ES](#) / [EN](#))

MO HAP/198/2013 ([EN](#)) which amends various ministerial orders relating to different types of games (namely - Bingo; Other Fixed Odds Betting; Sports Fixed Betting; Horse Fixed Odds Betting; Horse Pool Betting; Sports Pool Betting)

¹ Events related to society, the media, economy, entertainment/ shows, culture, or other similar events previously determined by the operator in the corresponding schedule, developed within the framework of a competition or alongside it, whose organisation corresponds to individuals, associations or entities independent from the operator, where the outcome is uncertain and unrelated to the gambling operator and its participants. Another event can never be related to the world of sport, neither that of horse-racing (which are both separately regulated), nor competitions in which other animals participate, with the exception of the speed/ sprint racing of animals (i.e. greyhound racing), provided that these are carried out with due guarantees to the treatment of the aforementioned animals. The events upon which fixed bets are based/ designed must have a determinable result and allow all parties involved in the betting to have certainty of the outcome that occurred. Fixed betting events that threaten/ undermine human dignity, the right to honour, personal and family privacy, self-image, children and young people's rights, or any constitutionally recognised right or freedom – will not be eligible (subject to fixed odds bets). (Art. 2(3) MO 3079/2011 as amended by Art. 6 of MO HAP/1998/2013))

² Other events include those events related to society, the media, economy, entertainment/ shows, culture, or other similar events previously determined by the operator in the corresponding schedule, developed within the framework/ scope of a competition or alongside it, whose organisation corresponds to individuals, associations or entities independent from the operator, where the outcome is uncertain and unrelated to the gambling operator and the participants and environment to which they may provide gambling offers. (Art. 2(15) MO 1369/2014)

³ Under Art. 2 (1): Complementary Games is defined as a group of games that vary in nature which combine luck, ability, skill, culture, knowledge. The common theme in playing such games is that it is not based solely on financial gain but mainly on the enjoyment/ fun it brings. Not included are games, hands, plays which allow or facilitate a repetitive participation which undermines the nature of the games described above. Note one of these games cannot be the only game offered by the operator, the game needs to complement other games in their software applications which they market (Art. 1 – Purpose and scope) i.e. Dominoes, dice

GRS Note: Other pari-mutuel betting has not been regulated (i.e. pari-mutuel betting for other events – outside of sports and horse racing – has not been fully regulated). Note: Although other forms of pool/ pari-mutual betting are acknowledged under Art. 3 Law 13/2011, there is no specific Ministerial Order that develops the Law’s regulation about other pool betting. So, in Spain, a game operator can only manage sports and horse pool betting but no other pool betting whatsoever. As there is no Order regulating other categories of pool betting, it is illegal to carry out these games according to article 5.3 of Law 13/2011 – therefore it will not be permissible to advertise them – as it will not be possible to obtain a licence for them.

Whilst the Gambling Act does not reference live in-play betting – it is referenced in the:

- Ministerial Order for fixed odds sports betting – EHA 3080/2011 (defined in Art. 2 (12); specific licence permitted for it under Art. 3; advertising of in-play fixed odds betting permitted under Art. 9(5))
- Ministerial Order for Other fixed odds betting – EHA 3079/2011 (defined in Art. 2(10); specific licence for it permitted under Art. 3; no reference to advertising though in Art. 9)
- Ministerial Order for Exchange Betting – HAP/1369/2014 (defined in Art. 2(13/14); no reference to availability of specific licence for live in-play exchange betting; Art. 9(5) allows advertising of live-in play exchange betting)

Each Ministerial Order referenced above, contains in Art. 9 – provisions on advertising/ promotion of the respective type of gambling activity (G-Regs note: however the Ministerial Orders on fixed odds sports betting and exchange betting contain an additional provision permitting live-in play advertising: Under Art. 9(5) in both Orders: operators of in-play / live exchange betting and operators of live in-play fixed odds sports betting, can carry out advertising of bets (offered) in the medium which broadcasts the event upon which the bets are based, where it is done simultaneously and without the need for a break)

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