

## **ORDER EHA/3085/2011, OF 8 NOVEMBER WHICH APPROVES THE BASIC REGULATIONS FOR THE GAME OF ROULETTE.**

The development, evolution and diversity of leisure activities is something that can be seen in all modern societies today, and is an area of growing economic importance. For this reason, the administration needs to pay specific attention to these activities and ensure they are regulated in accordance with their scale and social and economic impact.

Furthermore, the progressive spread of new communication technologies to all social areas is having an unquestionable impact on the leisure industry, where a sizeable group of users demonstrate a preference for practising leisure activities via remote connections.

The approval of Law 13/2011, of 27 May on the regulation of gaming, has established a regulatory framework for access to the operation and development of gaming activities at a national level and has enabled the market to be opened up to multiple operators.

This opening of the market results in permits that authorise gaming operators to operate the modes of gaming covered by the Law through general licences, on the one hand, and, on the other, to operate each individual type of game regulated by the Law through specific licences.

This Order ensures compliance with the requirements for prior regulation, which, for the awarding of specific licences, is established in article 11 of Law 13/2011, of 27 May on the regulation of gaming, approving the Basic Regulations governing the game of Roulette.

This new regulation establishes a series of basic regulations that can be implemented by the National Gaming Commission and which will be complemented by the specific private rules that the different operators will have to draw up and propose together with their application for a specific licence and which will govern the gaming operations and the operator's relations with participants.

Therefore, they form the basis of a regulatory framework aimed principally at protecting participants and public interests affected by gaming activities, particularly the protection of minors and dependent people, the prevention of gambling addiction and compliance with the provisions of Law 10/2010, of 28 April on the prevention of money laundering and terrorist financing.

Article 5 of Law 13/2011, of 27 May on the regulation of gaming, grants the

Ministry of Economy and Finance the power to establish, by means of a Ministerial Order, the basic regulations governing each game.

By virtue of which, I hereby decree:

**Article 1. Approval of the Basic Regulations for the game of Roulette.**

Approval is given to the Basic Regulations for the game of Roulette, which are national in scope, and which are included as Appendix I of this Order. The terms established in this Order shall be understood without prejudice to the powers of the Autonomous Regions in relation to the planning and regulation of games and bets carried out in person in public establishments dedicated to recreational activities.

**Article 2. Limits on the guarantees associated with the specific licence for operating Roulette games.**

Approval is given to the limits corresponding to the guarantees associated with the specific licence for operating Roulette games which are included in the Order as Appendix II.

**Article 3. Financial limits on participating in a game of Roulette.**

Approval is given to the financial limits on participation in a game of Roulette, included in this Order as Appendix III.

**Article 4. Types of Roulette games.**

Approval is given to the list of the types of Roulette games which may be marketed by the gaming operators and which are included as Appendix IV of this Order.

**Final provision one. Authorisation of the National Gaming Commission.**

1. The National Gaming Commission is authorised to establish any provisions deemed necessary to implement and apply this Order and, in particular, to modify and add new types of the games to the list in Appendix IV.
2. The National Gaming Commission is authorised to adopt as many provisions as are necessary to implement and execute the terms established in the basic regulations for the game of Roulette.

3. The National Gaming Commission is authorised to establish the procedure that regulates the awarding of specific licences and permits for occasional gaming activities, as provided for in this Ministerial Order and in the implementing regulations of Law 13/2011, of 27 May on the regulation of gaming. This procedure will establish the requirements that must be met by operators and the documentation proving they meet these requirements which will have to be presented.

**Final provision two. Entry into force.**

This Resolution will enter into force the day after its publication in the Official State Gazette.

Madrid, 8 November 2011.

THE VICE PRESIDENT OF THE GOVERNMENT FOR ECONOMIC AFFAIRS  
AND MINISTER OF ECONOMY AND FINANCE

Elena Salgado Méndez

## **APPENDIX I**

### **Basic regulations for the game of Roulette.**

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## **Chapter I.**

### **General provisions**

#### **Article 1. Aim and scope of application.**

The aim of this Regulation is to establish the basic rules that operators have to comply with in order to develop and operate the game of Roulette - at a national level - and in drafting and producing their own specific rules, notwithstanding the powers corresponding to the Autonomous Regions regarding planning and regulating games and bets wagered in person in public establishments dedicated to recreational activities.

#### **Article 2. Definitions.**

For the purposes of these basic regulations, the terms used herein will have the meaning established in this article.

1. *Game of Roulette.* The game of Roulette is understood to be a game of chance in which participants play against the organiser establishment and in which, in order to win, the participant's bet has to coincide with the number, colour or location of the slot in which the ball stops, having been spun around in a horizontal rotating wheel which spins around an axis and is divided into numbered radial slots.

2. *Game session or match.* The game session or match is the series of rounds or games of roulette in which a player participates.

3. *Round or game.* This is the roulette game event which begins with participants placing bets, and which entails the spinning and stopping of the ball and which concludes with the winning and payment of prizes.

4. *Banker.* This is the name given to the operator in the gaming session.

5. *Minimum betting unit.* This is the minimum amount that can be wagered in each bet.

6. *Suspended gaming session.* A gaming session is understood to be suspended when the game, once started, is interrupted before reaching its scheduled conclusion. Suspended games may offer valid results if the specific rules of the game allow for this.

7. *Cancelled gaming session.* A gaming session is understood to be cancelled when, for reasons not attributable to the gaming operator or participants, the match does not take place or is held and its results are not considered in the game.

8. *Postponed gaming session.* A gaming session is understood to be postponed when, for reasons not attributable to the gaming operator or the participants, the

game does not take place at the time it is scheduled to do so. Unless the specific rules of the game state otherwise, a postponed game means postponing the results of the game.

9. *“Live Roulette”*. Variant of the game of Roulette in which the participants place their bets via electronic means, but which are associated with the results of a game played on a real Roulette table, at the same times as the participants that may be playing the game in the establishment where the roulette table is located.

## **Chapter II.**

### **Authorising permits**

#### **Article 3. Authorisations required.**

Operators interested in developing and operating roulette games must have a general licence for other games, as defined in article 3, letter f), of Law 13/2011, of 27 May on the regulation of gaming, awarded by the National Gaming Commission, and must apply for and obtain the corresponding specific licence for marketing the types of roulette games they intend to offer in accordance with the procedure established for this purpose in the implementing regulations of Law 13/2011 on the regulation of gaming.

#### **Article 4. Validity and extending specific licenses.**

1. The specific licence for developing and operating roulette games will be valid for three years, and the interested party may apply to extend the licence for successive periods of the same duration until the general licence by which it is covered expires.

2. The application to extend the specific license should be sent to the National Gambling Commission in the year before its expiration date and at least four months before it expires. Said application must show evidence of:

- a) Compliance with the requirements and conditions for obtaining said specific license.
- b) The uninterrupted use of the license for at least three fifths of the validity period of the specific license.
- c) Payment of the tax on gaming activities and the fees for the administrative management of the game.

For the purpose of paying and settling the rate for the administrative management of the game, established in article 49.5.d) of Law 13/2011, of 27 May on the regulation of gaming, the extension of a specific licence shall be equivalent to awarding a new licence.

3. In compliance with the conditions referred to above, the National Gaming Commission will award the requested extension and will agree to its entry in the General Register of Gaming Licenses unless it believes there are reasons relating to safeguarding public interests, protecting minors or preventing cases of gaming addiction that justify its refusal to award the requested extension.

#### **Article 5. Guarantees associated with the specific license.**

1. The National Gaming Commission may establish the general obligation to produce an additional guarantee associated with the specific licence for developing and operating the game of Roulette.

The National Gaming Commission may, where applicable, pass a resolution to set the sum of the guarantee associated with the specific licence for developing and operating the game of Roulette, which all operators will have to provide, in accordance with the terms set out in Appendix II of Order EHA XXX/2011, of xxxx of xxxxxxxx, which approves the basic regulations for the game of Roulette.

2. The guarantee associated with the specific licence for developing and operating the game of Roulette is subject to compliance with the general obligations of the operator and, in particular, the specific obligations relating to the payment of gaming prizes for roulette games, provided by the operator, and is likewise subject to compliance with any other obligation that, in relation to the specific licence in question, has been imposed by the National Gaming Commission, respecting the terms set forth in article 77 of Law 58/2003, of 17 December, the General Law on Taxation, within the framework of article 14 of Law 13/2011, of 27 May on the regulation of gaming, and its implementing regulations.

3. The additional guarantees referred to in this article will be constituted in the form and under the conditions established in the implementing regulations of Law 13/2011, of 27 May on the regulation of gaming.

### **Chapter III.**

#### **Relations between the operator and the participants.**

##### **Article 6. Specific rules of the game of roulette.**

1. The development and operation of roulette games will be governed by these basic regulations, by the provisions that, in the implementation of said regulations, are passed by the National Gaming Commission, by the terms of the specific licence awarded and by the specific rules of each game, produced and published by the operator.

2. In order to develop and operate roulette games, the specific rules must be drawn up and published. These are private in nature and should be produced by the gaming operator, notwithstanding the supervisory powers of the National Gaming Commission.

The specific rules must establish the rules of the game of Roulette, the coefficient which applies for calculating participant winnings and the principles governing the relationship between the operator and the participants.

3. The specific rules of the game of Roulette must be published by the operator on their website and, using the techniques required by the medium used, they must be easily accessible to participants on a permanent basis and free of charge.

4. The operator should notify the National Gaming Commission of the date the specific rules are published and of any changes made to these rules.

##### **Article 7. Participant claims.**

1. The operator must offer a customer service and must have a system for dealing with and resolving any possible complaints or claims made by participants or any other person who may be affected by the actions of the operator, and within the specific rules of the game, should establish the procedures and means to enable participants to present claims and, in particular, the address or addresses to which said claims should be sent, the time period for presenting claims and the time period in which the operator must respond.

The customer service and complaints and claim system should be easily accessible to anyone who may need to use it and should, at least, offer electronic access via the operator's website, which will record the date and time of receipt of any claims filed via this channel.



The customer service must be offered at least in Spanish.

2. The deadline for presenting claims will be set in the specific rules of the game and will be no less than three months from the date the Roulette session or match in which the claimant took part, or which resulted in the reason for the claim, was held.

The operator should issue a communication to the claimant in which they must acknowledge receipt of the claim, and which should feature the identity of the operator and the time period in which the claimant will be informed of the decision reached regarding their claim.

The operator will reach a decision on the participant's claim within a period of one month from the date the claim is received at the address or addresses established for this purpose, and this will be communicated to the claimant.

3. If the claim has been resolved by the operator and the claimant has not been informed of the decision within the one-month period since the claim was received, the participant can send a claim to the National Gaming Commission, which will resolve the situation within two months from the date the claim is entered in their register, notwithstanding the opening of the corresponding sanction procedure if the operator has committed any of the infractions listed in Chapter VI of Law 13/2011, of 27 May on the regulation of gaming.

4. The expiration date of the prizes will be put on hold from the date the claim is received by the operator until the date on which the operator communicates their decision to the claimant or, where applicable, until notification is given of the decision reached by the National Gaming Commission.

## **Article 8. Obligations with regard to sharing information with participants**

Gaming operators must provide participants with complete and updated information, at least in relation to the following issues:

a) Information on the gaming operator and, in particular, the licences awarded by the National Gaming Commission and the validity of these, the trade name, business name, registered address and, where applicable, address of the Spanish representative.

b) Information on the claims assistance system implemented by the operator referred to in the above article. The information must contain at least: postal and email address to which the claims can be sent, deadlines for presenting claims and, where applicable, standard forms and time period for communicating the decision. They must also provide information on the operator's duty to issue a reply for each claim received. The operator is obliged to inform claimants of the

identity of the staff they will communicate with.

c) Information on the specific rules of the games offered and on the means of participating in said games, which the operator makes available to the participants. This information must be truthful and easily available before participation begins and at any time during participation.

d) Information on the prizes that the participants can win, on the amount they have played and on the balance of their gaming account, if they are participating through a registered user account.

e) Information for participants on the Responsible Gaming policies implemented by the operator.

Information on the game, its name and the way it is presented should be offered in such a way so as to prevent any resemblance or confusion with any other games, and to ensure the participant is not confused about the nature of the game.

The information given to participants by the operator must at least be provided in Spanish.

## **Article 9. Promoting games**

1. Under the terms established in article 7 of Law 13/2011 on the regulation of gaming, a gaming operator may advertise, sponsor or promote gaming activities and advertise or promote himself, in accordance with the following criteria:

a) The advertising should be easily identifiable by the target audience.

b) The advertising should be socially responsible, paying due attention to the protection of minors and other particularly vulnerable groups. Also, in the case of minors, they must avoid directing advertising at them or creating advertising which is particularly appealing to children and young people under the age of 18 and must ensure said people do not play a significant role in the promotional activity itself.

c) If the advertising is broadcast via audio-visual means, they must also respect the provisions that apply to commercial and self-promotional communications contained in Law 7/2010, of 31 March, the General Law on Audio-visual Communication, and in particular the provisions of article 7 on the rights of minors. Equally, they must pay special attention to the times that the gaming advertising is broadcast and must take into account the age ratings of the programmes the adverts are broadcast alongside or are inserted into.

2. Furthermore, the operator may undertake promotional activities to promote

the range of games they market and to offer bonuses for players to sign up or participate, provided said practices:

- a) Are not contrary to the provisions of these basic regulations or the regulations governing the game.
- b) Do not contravene the terms established in Law 34/2002, of 11 July, on Information Society Services and E-commerce and Law 7/2010, of 31 March, the General Law on Audio-visual Communication.
- c) Do not alter the dynamics of the game.
- d) Do not lead to confusion among participants regarding the nature of the game.

3. The operator is responsible for publishing on their platform the conditions of application and validity periods of all promotional initiatives they offer and the terms and conditions of said initiatives.

4. The National Gambling Commission can set a maximum limit on the amount an operator may spend on promotional initiatives and bonuses for participants under the terms established in article 7 of Law 13/2011, of 27 May on the regulation of gaming, and in the regulations that govern the implementation of said article.

5. Gaming operators may offer free gaming applications on their platforms, under the terms provided for in the regulations governing the implementation of Law 13/2011, of 27 May on the regulation of gaming.

#### **Article 10. Participation channels and methods.**

1. Participation in a game of Roulette, as provided for in article 1 of Law 13/2011, of 27 May on the regulation of gaming, may be carried out via electronic, online and interactive channels, wherein any potential in-person methods are incidental in nature.

Individuals may also participate via physical terminals which the operator may install once authorised to do so by the Autonomous Region responsible for the geographical location in which they intend to install said terminals, in accordance with the corresponding national and regional legislation on gaming and betting. These additional physical terminals must previously be approved by the National Gaming Commission and they may only be installed in the physical locations that have been authorised for the game of Roulette by the

corresponding body from each Autonomous Region.

2. Individuals may participate in a game of Roulette using any mechanism, installation, equipment or system that is able to produce, store or transmit documents, data and information, including any open or restricted communication networks such as television, internet, landlines and mobile telephony or any others, or interactive communication, either in real time or with time delay.

## **Chapter IV.**

### **Operating Roulette games.**

#### **Article 11. Aim of Roulette games.**

The aim of the game of Roulette is to guess, in accordance with the specific rules of the game, the number, colour or location of the slot in which the ball finally stops having been spun around in a horizontal rotating wheel which spins around an axis and is divided into numbered radial slots.

#### **Article 12. Limits on participating in a game of Roulette.**

1. The minimum unit amount for participating in a game of Roulette will be set by the operator in the specific rules of the game, and should be expressed in euros.
2. The National Gaming Commission may set obligations requiring operators to establish mechanisms to ensure time limits on participation in the game.

#### **Article 13. Participating in the game.**

1. Participants may take part in a game of Roulette via the means established by the operator in their specific rules for the game, from among those listed in point no. 2 of article 10 of these Basic Regulations.
2. The operators should issue a communication at the end of each game session, which should be made available to each of the participants via the same means used to participate in the session, giving a summary of the amounts bet and the results obtained.

3. Within the specific rules of the game, the operators should establish the terms that apply in the event that the sessions or rounds are suspended, cancelled or postponed. They should also establish the occasions on which the amounts played may be maintained or cancelled as a result of suspensions or postponements. In any case they should guarantee the right to any prizes that may have been won by the participants in a session or round prior to its suspension or cancellation. Equally, if a participant becomes disconnected while a game is being played, the operator must guarantee that, if the participant has already placed their bet or bets, the Roulette round will carry on automatically until the ball stops and the participant will have the right to receive the payment of any sum they may have won.

4. The full sum corresponding to participation in a session of the game which, once formalised, is cancelled by the operator in application of the specific rules should be refunded or made available to participants in the form established in said specific rules, always at no additional cost to the participants and with no additional obligations.

#### **Article 14. Gameplay, determining and awarding prizes.**

1. The game of Roulette should be carried out in accordance with the terms established in these Basic Regulations, any provisions established by the National Gaming Commission in the implementation of said regulations and the specific rules of the game published by the operator.

2. A round of roulette begins with the period of time in which the participants are able to place their bets. The accepted bets will be those listed in the specific rules of the game, which will offer a description and the prize coefficient assigned to each of the accepted bets. The allocation of prize coefficients will be set by the operators based on their own initiative and the likelihood of each of the bets being a winner.

The operators should inform the participants of the prize coefficients applied and should ensure this information is available to participants at all times.

3. In their specific rules, the game's operators should include Roulette tables on which various participants can place bets simultaneously, with their chances being associated with the outcome of that round. In these cases, all the bets made by participants should be individual fixed odds bets against the banker and joint or group bets made by participants against the operator are not allowed, nor are cross bets between some or all of the participants.

On tables with various simultaneous participants, a period of time prior to the round should be established in which participants can place their bets. In any case, that period of time should be equal and simultaneous for all participants.

4. In their specific rules, the game operators should include the provision that roulette tables should be available on which "live Roulette" can be played. To effectively implement this variant of the game of Roulette, a request should first be made to the National Gaming Commission which should give the identification of the physical location in which the "live Roulette" games take place. "Live Roulette" games can only be played in physical locations within the national territory that have been authorised to hold games of Roulette by the corresponding body from the Autonomous Region in which they are located.

5. Once the period for placing bets is completed, the roulette wheel is spun. Spinning the roulette wheel entails spinning the ball around the circumference of the wheel until it slows down and lands in the slot of the winning number. The time for which the roulette wheel spins should be sufficient to make it appear real.

Roulette game operators may not forgo the spinning of the Roulette wheel, and nor may they offer this possibility to participants in the game.

The National Gaming Commission may set the minimum amount of time that the roulette wheel should spin in each round and the maximum number of rounds of roulette that can take place within a given period of time.

6. Once the number of the slot in which the ball has landed has been established, this will be shown along with the bet or bets of the participant who, where applicable, have won and the amount of money they have won. Any bet or bets that have not won a prize will be withheld by the Banker.

7. The prize for winning bets is obtained by multiplying each winning wager by the coefficient the operator assigned for each bet in the specific rules of the game.

#### **Article 15. Specific rules of the variant "Live Roulette".**

1. The nature of the elements in live roulette games, such as the table, the roulette wheel and the rest of the tools, accessories and items used in the physical game of "live roulette" should be physical and, under no circumstances, should they be virtual. Said elements should comply with all the authorisation requirements set for said purpose by the Autonomous Region where the premises in which the game is held is located, and which is authorised to hold Roulette.

2 "Live Roulette" operators should present a series of rules that respect, are adapted to and coincide, where necessary, with the applicable rules that are currently in force in the Autonomous Region where the premises authorised to hold Roulette are located and where the game is physically held. The rules and

regulations on playing the game, included in this order and the specific rules of the operators, shall additionally apply to the participants that access the game by electronic means.

3. The result of each round will be linked to the participants that access the game by electronic means. The operators should have a technical and logic system that enables the result obtained in the physical game of roulette to be securely incorporated into the software of the games platform.

4. Participants in "live Roulette" games that access the game by electronic means should have visual access to the table, the roulette wheel, the rest of the tools and accessories used in the game, the staff from the establishment and, in general, the location in which the physical game is being played. This visual access should be of sufficient quality and scope to enable the participants to have access to all the information they need on the rounds of the game and on the extent to which any actions comply with the rules of the game.

5. Gaming operators who have a licence for the variant "live roulette" should record images of each and every game they play, including all the rounds in each of the games. People should only appear in these recordings when this is allowed by law in the Autonomous Region in which the premises authorised to hold games of Roulette are located, and all other legally established requirements are met. These recordings should be kept by each of the operators, for reasons of security and with a view to any potential future claims, for a minimum period of one year.

6. The images of "live roulette" games being played may be broadcast on television, the internet or any other communication medium. People should only appear in these broadcast images when this is allowed by law in the Autonomous Region in which the premises authorised to hold games of Roulette are located, and all other legally established requirements are met.

#### **Article 16. Paying prizes.**

1. Prize winners are any participants who have formalised their participation in Roulette games or sessions and who, in accordance with the result of said games and the specific rules of the game, are deemed the winners.

2. The operator is obliged to pay out any prizes obtained in the game from the moment each round of roulette in which the prize was won is completed and should pay the prizes to the winning participants in accordance with the terms and conditions set in the specific rules of the game.

3. The operator will pay the prizes as provided for in the specific rules of the game and, in their absence, by the same payment means used by the

participant to participate. Under no circumstances should payment of the prize entail any costs or additional obligations for the prize winning participant.

The right to receive payment of the prize will expire on the date set in the specific rules of the game and should not be less than three months from the day after the conclusion of the game that gave rise to the prizes.

4. The National Gaming Commission will establish any additional procedures and obligations deemed necessary in relation to the payment of prizes in order to better protect participants' and public interests.

Translated



## **APPENDIX II**

### **Limits on the guarantees associated with the specific licence for operating Roulette games.**

#### **One.**

By means of a resolution, the National Gaming Commission will establish the sum of the guarantee associated with the specific licences for developing and operating games of Roulette and which will be set at between seven and twelve percent of the net taxable income of the operators for the activity subject to the specific licence in the year immediately preceding the current one. For this purpose, the net income of the operator will be understood in accordance with the terms set out in article 48.6 of Law 13/2011, of 27 May on the regulation of gaming. During the initial period of specific licences, payment of a guarantee is not required. The initial period of the specific licences is calculated in accordance with the applicable terms of the implementing regulations governing Law 13/2011, of 27 May on the regulation of gaming.

### **APPENDIX III**

#### **List of financial limits on participating in a game of Roulette.**

##### **One. Deposit limits.**

The amount deposited in the gaming account should be in accordance with the limits set by the National Gaming Commission, under the terms provided for in Law 13/2011, of 27 May on the regulation of gaming, and its implementing regulations.

## **APPENDIX IV**

### **List of types of Roulette games.**

#### **One. French or European Roulette.**

The materials used in this game consist of a rotating wheel, which spins around a metal axis, from which a device sticks out consisting of two intertwined crosspieces in the centre of the roulette wheel. This wheel, the upper part of which has a slightly concave surface, is divided into 37 radial slots, separated by small partitions of metallic appearance. The theoretical probability of the ball stopping in one of the slots is the same for each of these slots. Said compartments, which alternate in colour between red and black, are numbered 1 to 36, plus a zero, which can be white or green, but can not be red or black. Consecutive numbers are never located next to each other and, additionally, numbers in which the sum of their digits forms an even number, with the exception of 19, are always black, as well as 10 and 29.

French or European roulette is played on a large rectangular table, with the wheel at one end. On one side is the board on which the 36 red and black numbers are drawn, divided into columns of twelve, a space reserved for the zero and another part for various combinations or chances where you will find, printed at least in Spanish, the various terms and abbreviations for these.

#### **Two. American roulette.**

The American roulette wheel is divided into 38 radial sections, separated by small metal partitions. Said compartments, alternatively red and black, are numbered from 1 to 36, plus the zero and double zero, which can be white or green but can not be red or black. The theoretical probability of the ball stopping in one of the compartments is the same for each of them.

Bets are placed on one of the sides of the game tablecloth, in the spaces reserved for the zero and the other bets, on the corresponding terms or abbreviations and, optionally, on the spaces set for some of the more frequently used combinations bet on by the players.