

ORDER EHA/3090/2011, OF 8 NOVEMBER WHICH APPROVES THE BASIC REGULATIONS FOR GAMES REFERRED TO AS "COMPLEMENTARY GAMES".

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 games referred to as "Complementary Games".

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 thereof, I declare:

Article 1. Approval of the Basic Regulations for "Complementary Games".

Approval is given to the Basic Regulations for games referred to as "Complementary Games", 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 wagered in person in public establishments dedicated to recreational activities.

Article 2. Limits on the guarantees associated with the specific licence for operating "Complementary Games".

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

Article 3. Financial limits on participation in "Complementary Games."

Approval is given to the financial limits on participation in games referred to as "Complementary Games", included in this Order as Appendix III.

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 the sums established in Appendix III accompanying the Order.
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 games referred to as "Complementary Games"
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 "Complementary Games".

Table of Contents

Chapter I. General provisions.

Article 1. Aim and scopes of application.

Article 2. Definitions.

Chapter II. Authorisations

Article 3. Authorisations required.

Article 4. Validity and extending specific licences.

Article 5. Guarantees associated with the specific licence.

Chapter III. Relations between the operator and the participants.

Article 6. Specific rules of "Complementary Games".

Article 7. Participant claims.

Article 8. Obligations with regard to sharing information with participants

Article 9. Promoting games

Article 10. Participation channels and methods.

Chapter IV. Playing "Complementary Games".

Article 11. Aim of "Complementary Games".

Article 12. Cost of participating in "Complementary Games".

Article 13. Participation in "Complementary Games".

Article 14. Gameplay, determining and awarding prizes.

Article 15. Paying prizes.

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 games referred to as "Complementary Games" - 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.

These "Complementary Games" can not be the only games offered by the operator, and should always be offered on the operators' IT applications as a complement to the other games they market.

Article 2. Definitions.

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

1. *"Complementary games"* Complementary games are different types of games (combining chance with abilities, skills, culture, knowledge, etc.) which are not just played for money but mainly for entertainment.

These kinds of games do not include games that, due to their characteristics and the conditions under which any matches, hands or rounds are played, enable or facilitate repeated participation which means that the game in question diverges from the nature of the games described in the previous paragraph.

2. *Game session.* Event of playing a Complementary Game which begins, is carried out and ends in accordance with the specific rules of the game in question.

3. *Match, hand or round:* This is each of the rounds, bets, hands of cards or, in general, moves of which a "Complementary Games" session is composed.

4. *Dealer:* 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. *Catalogue of "Complementary Games".* This is the group of games referred to as "Complementary Games" that the operator markets or intends to market,

which must necessarily feature the specific rules of each of the games included in the group.

7. *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.

8. *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.

9. *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.

Chapter II.

Authorising permits

Article 3. Authorisations required.

Operators interested in developing and operating "Complementary 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 "Complementary Games", in accordance with the procedure established for this purpose in the implementing regulations of Law 13/2011, of 27 May on the regulation of gaming.

Article 4. Validity and extending specific licenses.

1. The specific licence for developing and operating "Complementary Games" will be valid for five 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 "Complementary Games".

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 "Complementary Games", 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 "Complementary Games".

2. The guarantee associated with the specific licence for developing and operating "Complementary Games" is subject to compliance with the general obligations of the operator and, in particular, the specific obligations relating to the payment of prizes for "Complementary Games" offered 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 "Complementary Games".

1. The development and operation of "Complementary 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 "Complementary 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 Complementary Game, developed and provided by the operator, the coefficient, formula or arithmetic rule which applies for calculating participant winnings and the principles governing the relationship between the operator and the participants.

3. The specific rules of "Complementary Games" 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 of the session or game of "Complementary Games" in which the claimant took part.

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 audiovisual 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 Audiovisual 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 Audiovisual 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 "Complementary Games", 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 authorised for at least one of the following games by the

corresponding body from each Autonomous Region: Blackjack, Roulette, Baccarat or Poker.

2. Individuals may participate in "Complementary Games" 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.

Playing "Complementary Games".

Article 11. Aim of "Complementary Games".

The aim of each complementary game will be defined in its specific rules. Under no circumstances can its objective be partially or totally identical to the objective of any of the types of games that have their own regulations, as provided for in Law 13/2011, of 27 May on the regulation of gaming.

The rules of the games should be as objective as possible, and the operator's discretion in applying the rules should be kept to a minimum.

Article 12. Limits on participation in "Complementary Games".

1. The minimum unit amount for participating in "Complementary Games" should be set by the operator in the specific rules of each game. Under no circumstances should this minimum unit for participation be greater than the amount established in paragraph two of Appendix III of Order EHA XXX/2011, of xxxx of xxxxxxxx, which approves the basic regulations for "Complementary Games". This sum 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 "Complementary Games" 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 prizes obtained.

3. Within the specific rules of the game, the operators should establish the terms that apply in the event that the sessions or games 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 game or round prior to its suspension or cancellation. Furthermore, in the event that a participant is disconnected whilst playing a hand, game or round, the operator must guarantee the right to any prizes that the participants may have obtained prior to being disconnected and including any prizes that can be settled in a hand, game or round without the active intervention of the disconnected participant.

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. Operators of "Complementary Games" should produce a Catalogue of "Complementary Games", which will list all the games of this type that they intend to market, together with the specific rules of each individual game. This Catalogue of "Complementary Games" should be communicated to the National Gaming Commission at least 15 days before the marketing start date.

On viewing the Catalogue, the National Gaming Commission may agree, with justification, to suspend the programme or, where applicable, ask the operator to make any changes needed to ensure participants are protected. The National Gaming Commission will make sure that the operator's Catalogue of "Complementary Games" does not include games or bets that do not conform to the definition of "Complementary Games" given in article two of these Basic Regulations, and/or that, due to their name, nature, rules or mechanics, correspond to games of a type which are individually defined in Spanish regulations on games in force at any given time.

The same procedure will apply to cases where a new game is added to an operator's Catalogue of "Complementary Games".

Under no circumstances may an operator offer "Complementary Games" that are not listed in the Catalogue communicated to the Commission.

2. Each one of the "Complementary Games" should be developed in accordance with the terms provided for in these Basic Regulations and the specific rules of the particular game.

3. At the end of each hand, game or round, the results obtained by the participant or participants will be shown, including those of the dealer if they take part. Likewise, at each point during the game in which a prize or bet is won, the amount of money obtained by the participant or participants will be shown, and by the dealer if they are taking part.

4. The prizes are determined by basic regulations and by the particular operator's rules.

5. The maximum sum of the prizes in a series of linked hands, games or rounds in which a winner is decided can be no more than the sum which for these purposes is established in paragraph three of Appendix III of Order EHA XXX/2011, of xxxx of xxxxxxxx, which approves the Basic Regulations for "Complementary Games". To this end, once the takings have been collected that, in accordance with the specific rules of the game in question and with the percentage that the operator allocates to prizes or with the pre-established coefficients they have set, enable said maximum amount to be offered, the operator should close the game to new participants, should limit the amount that participants can spend on the game or should limit the types of bets they can place.

Article 15. Paying prizes.

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

2. The operator is obliged to pay out any prizes obtained in the game from the moment each round of "Complementary Games" 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 "Complementary 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 "Complementary Games" and which will be set at between three and seven 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

Financial limits on participation in "Complementary Games."

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.

Two. Maximum value of the minimum unit for participating in "Complementary Games".

The maximum sum for participating in each round of a "Complementary Games" is set at one euro.

Three. Limit on the value of prizes in "Complementary Games".

The maximum value of the prizes that can be won by a participant in a single hand, game or round, or in a series of hands, games or rounds which are linked together to determine a winner, is set at forty times the amount of the bet or the fee paid to participate in the game.