



Spain – Article 9: Promotion of Gambling Activities



Full title:

Ministerial Orders for the following type of gambling activities all contain the same provision relating to the promotion of that particular activity (Article 9): Poker, Bingo, Roulette, Black Jack, Baccarat, Complementary Games, Slot Games, Fixed Odds Betting on Sports, Fixed Odds betting on horse racing, Other fixed odds betting, Pool betting on sports, pool betting on horse racing, exchange betting (on sports, horse racing, and other events), and Contests.

Note: The Ministerial Orders for Exchange betting and for Fixed odds sports betting have an additional provision relative to in-play / live betting which reads:

“operators of live fixed odds sports betting may advertise in relation to bets in the medium which is broadcasting the sporting event upon which the bets are based, done simultaneously and without the need for a break” – This provision is inserted at Art. 9(5), with the Art. 9(5) referenced in the text below becoming Art. 9(6).

Article 9

Promotion

1. As laid down in Art. 7 of Law 13/2011 27th May regulating Gambling, the advertising, sponsorship or promotion of gambling activities by gambling operators, as well as the advertising or the promotion of the gambling operators, should be carried out according to the following criteria:

- a) The advertising must be easily identifiable by the recipients
- b) Ensure that advertising activity is socially responsible, paying due attention to the protection of minors and other particularly vulnerable groups. Thus, in the case of minors, advertising should not be directed/ targeted at them, nor should it be especially attractive to children, nor should they (children) have a significant role in the specific promotional activity.

URL of sources:

Slot Machines – Ministerial Order HAP/1370/2014 <http://www.boe.es/buscar/doc.php?id=BOE-A-2014-8135>

Roulette – MO EHA 3085/2011 <http://www.boe.es/buscar/act.php?id=BOE-A-2011-17969>

Baccarat – MO EHA 3086/2011 <http://www.boe.es/buscar/act.php?id=BOE-A-2011-17970>

Bingo – MO EHA 3087/2011 <http://www.boe.es/buscar/act.php?id=BOE-A-2011-17971>

Blackjack – MO EHA 3088/2011 <http://www.boe.es/buscar/act.php?id=BOE-A-2011-17972>

Poker – MO EHA 3089/2011 <http://www.boe.es/buscar/act.php?id=BOE-A-2011-17973>

Complementary Games – MO EHA 3090/2011 <http://www.boe.es/buscar/act.php?id=BOE-A-2011-17974>

Exchange Betting – MO HAP/1369/2014 <http://www.boe.es/buscar/doc.php?id=BOE-A-2014-8134>

Other form of fixed odds betting – MO EHA 3079/2011 <http://www.boe.es/buscar/act.php?id=BOE-A-2011-17963>

Fixed odds betting on sports – MO EHA 3080/2011 <http://www.boe.es/buscar/act.php?id=BOE-A-2011-17964>

Pool betting on sports – MO EHA 3081/2011 <http://www.boe.es/buscar/act.php?id=BOE-A-2011-17965>

Fixed odds betting on horse racing – MO EHA 3082/2011 <http://www.boe.es/buscar/act.php?id=BOE-A-2011-17966>

Pool betting on horse racing – MO EHA 3083/2011 <http://www.boe.es/buscar/act.php?id=BOE-A-2011-17967>

Contests – MO EHA 3084/2011 <http://www.boe.es/buscar/act.php?id=BOE-A-2011-17968>

c) In the case of audio-visual media broadcasts, the relevant provisions applicable to commercial communications and self-promotion contained in General Law on Audiovisual Communication 7/2010 of 31st March – should be respected and in particular the provisions of Article 7 on the rights of the minor. Equally, special attention will be given to the schedule/ timing of the broadcast of gambling advertising, and account taken of the age rating of the programme together with what is issued or inserted in it.

2. In addition, the operator can carry out promotional activities for offering games that it markets and can offer bonuses / discounts for player registration or participation provided that such practices:

a) are not contrary to the provisions in this basic regulation or the regulation governing gambling.

b) do not contravene the provisions of Law 34/2002, of the 11th of July, regarding services of the information society and electronic commerce and General Law on Audiovisual Communication 7/2010 of 31st March.

c) do not alter the dynamic of the game

d) do not confuse / mislead the participant as to the nature of the game.

3. It is up to / falls on the operator to publish on its gambling platform the terms and conditions of application and duration of any promotional initiative that it develops, as well as the terms.

4. The National Gaming Commission (now DGOJ) may limit the maximum amount of promotional initiatives and allowances to participants developed by the operator, under the terms provided in Article 7 of Law 13/2011, of 27 May, regulating gambling, and the regulations implementing/ developing the cited article.

5. Gambling operators can offer on their platforms free gambling applications (apps), under the terms provided for in the regulations implementing Law 13/2011, of the 27 May regulating gambling.

URL of sources:

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Blackjack – MO EHA 3088/2011 <http://www.boe.es/buscar/act.php?id=BOE-A-2011-17972>

Poker – MO EHA 3089/2011 <http://www.boe.es/buscar/act.php?id=BOE-A-2011-17973>

Complementary Games – MO EHA 3090/2011 <http://www.boe.es/buscar/act.php?id=BOE-A-2011-17974>

Exchange Betting – MO HAP/1369/2014 <http://www.boe.es/buscar/doc.php?id=BOE-A-2014-8134>

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