

LAW 3/2023, of 4 July 2023, regulating gambling in Galicia

Statements of purpose

I

In accordance with Article 27.27 of the Statute of Autonomy of Galicia, the Galician Autonomous Community has exclusive competence in matters of casinos, gambling and betting, excluding mutual sports betting. Pursuant to Royal Decree 28/1985 of 6 February 1985, the functions and services of the State Administration were transferred to the Autonomous Community of Galicia as regards casinos, gambling and betting.

In exercise of the aforementioned jurisdiction of the Autonomous Community of Galicia, Law 14/1985 of 23 October 1985 regulating gambling and betting in Galicia was adopted.

Based on the fact that gambling was regarded as a legitimate social activity, as one more manifestation of the principle of individual freedom laid down in the Spanish Constitution of 1978, over the years, it has demonstrated its status as another sector of economic activity, with a marked dynamic and active nature, influenced to a large extent by technological innovation, especially in recent years, and with great importance for the Galician Autonomous Community both from an economic and tax point of view as well as from a social point of view.

With a view to responding to many of the substantial changes in the traditional conception of gambling, the corresponding legal amendments have been made, and the regulations for the development of the different types of gambling have also been adopted. Notwithstanding the foregoing, and in view of when Law 14/1985 of 23 October 1985 was passed, making further amendments was deemed insufficient, rather the decision was taken to draw up a new legal framework by adopting a new law which, with an overview and criteria of unity, sets out in its articles the basic guidelines to which the planning and organisation of gambling must conform, so that, taking into account its specific characteristics and peculiarities, it is possible to establish a policy suitable for the social, economic and administrative circumstances of our Community and, ultimately, adapt to the new social realities in the gambling sector.

II

In accordance with Article 5(1) of Law 20/2013 of 9 December 2013 on the guarantee of market unity, the competent authorities which, in exercise of their respective powers, establish limits on the taking up or pursuit of an economic

activity in accordance with the provisions of Article 17 of that law or require compliance with requirements for performing an activity, shall give reasons for their need to safeguard an overriding reason in the public interest, including those covered by Article 3.11 of Law 17/2009 of 23 November 2009 on free access to and pursuit of service activities. Furthermore, in accordance with Article 5.2 of Law 20/2013 of 9 December 2013, any limit or requirement established under point 1 of that article must be proportionate to the overriding reason in the public interest invoked, and it must be such that there is no other less restrictive or distorting means for economic activity.

The concepts defined as reasons of general interest in Article 3.11 of Law 17/2009 of 23 November 2009 include public policy, public health and the protection of the rights, safety and health of consumers and recipients of services, and the fight against fraud. Some of these concepts are also covered in Article 17 of Law 20/2013 of 9 December 2013 on the guarantee of market unity, among the requirement of an administrative authorisation may be justified.

Gambling activities have intrinsic characteristics that make it necessary for the Administration to set out regulations, establishing mechanisms that provide security for gambling users, guarantee the protection of minors, and those who need it for health reasons and allow ensuring public order and the regular development of gambling to prevent fraud.

In this regard, the Court of Justice of the European Union has accepted that the harmful consequences for consumers and society as a whole justify the imposition of limitations and requirements in order to control risks and achieve the fundamental objectives of preventing incitement to excessive spending on gambling and combating gambling addiction and fraud.

Protecting the health and safety of gambling users, guaranteeing public order and preventing gambling fraud are thus overriding reasons in the public interest justifying the establishment of the limitations and requirements relating to gambling laid down in the present Law, which are of the corresponding proportionality as they are necessary for safeguarding such reasons of general interest. These limitations include the system of prior administrative authorisation for the taking up and pursuit of economic activities set out in this Law, in cases where ex-post control does not guarantee the necessary protection, as well as the planning and setting of a limit on the number of gambling establishments and gambling terminals that can be set up in the territory of the Autonomous Community of Galicia. In addition, the above-mentioned reasons of general interest also generally justify the rejection to maintain administrative silence in proceedings initiated at the request of the interested party,

which are governed by the present Law.

In particular, with regard to the planning of gambling establishments, it should be noted that in recent years there has been a significant increase in applications for licences for amusement arcades and betting shops (increasing from 54 amusement arcades in 2013 to 118 amusement arcades in 2020 and from 20 existing betting shops in 2013 to 41 in 2020), which, together with the current social concern and increasing problems of addiction to gambling offered at these establishments, justifies the need to proceed with planning to limit the number of these gambling establishments in addition to casinos and bingo halls to be opened in the Autonomous Community, by establishing a maximum number, after assessing the supply of gambling and the corresponding reasons of general interest, making it possible to achieve the stated objectives of protecting the health and safety of gambling users, guaranteeing public order and preventing gambling fraud by means of a quantitatively moderate supply of gaming establishments. At present, there are 40 betting shops, 2 casinos and 1 additional hall, 11 bingo halls and 115 amusement arcades. The setting of a limit for this type of establishment based on the planning set forth in Decree 72/2019 of 4 July 2019 approving measures on the planning of licences for amusement arcades and betting shops in the Autonomous Community of Galicia, in line with the provisions of the Single Additional Provision of Law 7/2019 of 23 December 2019 on tax and administrative measures, fulfils the objective of protecting the health and safety of users and at the same time maintains a real supply of gambling. In application of these principles laid down in both the Treaty on the Functioning of the European Union and the Spanish Constitution, the present rule establishes a maximum of 4 casinos and 4 additional halls, 12 bingos, 118 amusement arcades, and 41 betting shops, setting a duration of fifteen years for all existing and future authorisations, and establishing a public tender system to be able to obtain new licences.

The duration of 15 years for gambling establishment authorisations is justified by the need to repay the investments required to put this type of premises into operation, taking into account the high cost of gambling machines and the continuous adaptations required given the changing market that is constantly in need of updating.

Another restriction on gambling operators is set out in Article 4.5, which prohibits the granting of loans or any other form of a credit to gambling users or to grant bonuses, free hands/turns or items that may be redeemed for money to persons who participate in gambling. Gambling agents are also prohibited, in relation to licensed games, from allowing deferred payment to game users. This prohibition is justified by the need to limit the non-responsive use of gambling that

may be favoured by excessive ease of obtaining credit within the gambling establishment itself. It has been proven that the lack of credit to play, and, therefore, the interruption of gambling, allows for greater awareness and responsibility in the player and prevents obsessive behaviours that could damage health.

The legal text also provides for the possibility for municipalities to establish, in a proportionate and justified manner, additional limits, requirements or characteristics for the opening of establishments provided for in this Article, based on their responsibilities for the organisation, management and control of land use and occupation and to ensure the protection of the urban environment and the quality of life and social cohesion of the population through urban planning and its ordinances. This possibility is already provided for in Article 7 of Law 10/2017 of 27 December 2017 on public entertainment and recreational activities in Galicia for all types of establishments to which that law applies and which include gambling establishments. Municipalities are therefore empowered to define prohibitions, limitations or restrictions aimed at preventing excessive concentration of gambling establishments and ensuring their coexistence with other human or social activities. In any event, such restrictions must be reasoned and justified and must respect business freedom and free competition.

It is considered necessary to introduce prevention policies into the Galician Gambling Law aimed at planning and limiting the use of slot machines and betting machines, which are deemed the most addictive formats of gambling. First of all, the measures limiting gambling establishments are aimed at setting a maximum number of casinos, bingo halls, amusement arcades, and betting shops that can be set up in the Autonomous Community of Galicia in the legal text.

Catering and leisure and entertainment establishments are, by nature, easily accessible premises for minors and require much more effective controls than those in specific gambling establishments. To avoid confusion between the two types of establishments and to concentrate gambling in specific spaces, restrictive measures on the number of machines that can be installed in these catering, leisure and entertainment establishments are justified, and specific limitations are also laid down to prevent minors from gambling. By setting a maximum number of two (2) gaming machines for any of the permitted types in these catering and leisure and entertainment establishments it is possible to maintain this necessary differentiation between the specific gambling establishments and all other establishments at which, in a totally ancillary capacity, the installation of a limited number of gambling machines is permitted.

The current situation as regards the supply of gambling in the Autonomous

Community of Galicia, in terms of gambling and betting machines, is deemed excessive in light of the existing demand. Based on the current data, as of 31 December 2020, 3 600 betting machines were authorised in catering, leisure and entertainment establishments. Notwithstanding the foregoing, a total of only 2 978 betting machines were actually installed as of that date. For AE and B machines, a total of 184 and 13 312, respectively, were authorised as of 31 December 2020. However, only 14 AE machines and 7 921 B machines were actually installed as of 31 December 2020 in catering, leisure and entertainment establishments. Therefore, based on this data, the supply of gambling exceeds demand at present. Therefore, it is considered justified and appropriate to set a limit on the number of authorisations for machines to adjust the supply of gambling to the current demand, without under any circumstances undermining free competition between operators of gambling machines and companies that market and operate betting machines.

The intrinsic nature of gambling also requires specific prevention and protection measures, placing a particular focus on the most vulnerable groups. Most of the population will be able to gamble without any issues throughout their life time; however, a percentage of the population will develop problems related to their gambling habit. Out of the entire population, it should be noted that there are a number of potentially vulnerable groups that require particular protection. These groups include minors, persons with or at risk of developing gambling addiction problems, persons with reduced intellectual or volitional abilities and people with disabilities who, by judicial decision, are subject to support measures that affect their free participation in gambling and betting, as established in Law 8/2021, of 2 June 2021, which reforms civil and procedural legislation to support people with disabilities in the exercise of their legal capacity.

For the sole purpose of protecting these types of vulnerable groups, the present Law prohibits all forms of advertising related to gambling governed by the Autonomous Community of Galicia on Galician radio and television. This is a means of public communication that is not financed exclusively by revenue from advertising and cannot, therefore, be considered to be infringing free competition in relation to the absence of a prohibition in private media.

Public administrations must articulate the necessary measures to enable the Galician population to gamble without problems and at the same time to reduce the probability of vulnerable groups developing a problem or having a relapse. Based on the above, it is necessary to provide administrations with the legislative tools to promote gambling patterns in the population based on informed choices that are kept within affordable time and money limits, in balance with the other activities

they undertake in their daily lives that do not create associated problems.

Based on all the foregoing, the law states that the different regional offices will collaborate and promote prevention policies by undertaking activities to prevent gambling directed at the general population and adopting measures to discourage pathological habits and behaviour related to gambling, paying particular attention to the most vulnerable sectors of society.

III

The text consists of a preliminary title and six titles, 56 articles, three additional provisions, eight transitional provisions, one derogating provision, and seven final provisions.

The preliminary title, 'General Provisions' (Articles 1 to 16), includes the general provisions relating to the subject matter, scope, guiding principles of gambling actions, responsible and safe gambling policies, the system of advertising, promotion, sponsorship and commercial communication, the Register of Excluded Persons of the Autonomous Community of Galicia, the right of admission, control of access, the system of prohibitions, permitted forms of gambling, and prohibited forms of gambling. It also specifies the rights and obligations of gambling users and the rights and obligations of gambling companies, as well as the system for administrative interventions in the field of gambling, gambling records and the approval of gambling equipment.

As regards the scope of application, it must be noted that there is a distinction between three levels of application of the Law. Article 2 distinguishes between gambling to which the law is fully applicable (gambling at a regional level); activities excluded entirely from the scope of application of the law, mainly because they do not comply with the definition of gambling for the purposes of the law or because they are not considered a form of gambling at a regional level, such as gambling reserved under Law 13/2001 of 27 May 2001 regulating gambling; and, finally, to non-reserved state-level gambling activities, for which it is envisaged that they shall be subject to authorisation by the Autonomous Community pursuant to Spanish legislation.

Title I, 'Bodies and Powers' (Articles 17 to 20), governs the powers of the Regional Government of Galicia, the person in charge of the Department responsible for gambling and the regional management body responsible for gambling, and the functioning and composition of the Galician Gambling Commission.

Title II, 'Types of Gambling' (Articles 21 to 28), specifies and defines casino

gambling, bingo games, gambling machines and machines of chance, raffles, tombola games, lottery and ticket games and betting. It also includes the classification of gambling machines and machines of chance, betting machines, and their modifications.

Title III, 'Premises for Gambling' (Articles 29 to 38), governs gambling facilities and distinguishes between gambling establishments, such as casinos, bingo halls, amusement arcades, betting shops etc., and betting spaces, and other gambling facilities, such as catering, leisure and entertainment establishments. It also provides for the modifications of these gambling establishments and betting spaces. It shall be at the premises provided for in Title III that the forms of gambling permitted regionally may be played, and non-reserved state-level gambling terminals may be installed, in accordance with the provisions of Title III. This title also regulates the limitations on the installation of physical gaming terminals.

Title IV, 'Gambling Companies' (Articles 39 to 41), governs the general requirements for gambling companies and the system of securities, and amendments to registration authorisations.

Title V, 'Inspection and Penalty Arrangements' (Articles 42 to 55), governs the inspection and sanctioning system by laying down the general rules, the classification of the different offences, responsible persons, limitation and expiry periods, administrative penalties and their scale, jurisdiction to exercise the power to impose penalties, the sanctioning procedure, and provisional measures.

Title VI, 'Tax Arrangements' (Article 56), refers to taxes on gambling.

The first additional provision regulates the submission of applications and communications by persons obliged to electronically liaise with the Administration.

The second additional provision regulates electronic administrative processing.

The third additional provision governs the consent and authorisation system.

The first transitional provision provides for a period of three years for gambling companies to adapt gambling machines, machines of chance, betting machines, and establishments to the provisions of the present Law.

The second transitional provision is intended to maintain the validity of the existing gambling regulations upon the entry into force of the present Law in all matters that are not inconsistent with the provisions of the Law.

The third transitional provision lays down the transitional arrangements

applicable to gambling advertising and promotion.

The fourth transitional provision lays down the transitional arrangements applicable to authorisations granted in accordance with the previous legislation.

The fifth transitional provision lays down the transitional arrangements for distances to be applied to the opening of gambling establishments.

The sixth transitional provision specifies the transitional arrangements applicable to the Galician Gambling Commission.

The seventh transitional provision establishes the transitional regime applicable to the licences for auxiliary betting machines and type B gambling machines not installed in catering and leisure and entertainment establishments.

The eighth transitional provision lays down the transitional arrangements applicable to files under processing.

Likewise, the text consists of a single derogating provision repealing provisions of equal or lower rank which run counter to the provisions of the present Law and expressly to Law 14/1985 of 23 October 1985 and certain provisions of implementing regulations.

The first final provision amends three articles of the Regulation on gambling machines and machines of chance of the Autonomous Community of Galicia, approved by Decree 39/2008 of 21 February 2008, referring to the general requirements for type B and type B gambling machines. The reasons justifying the amendment of these articles through the present regulation are the need to adapt the type-approval of type B and type B gambling machines to the principles and criteria set out in this legal text, because, if the amendment is made through regulatory channels, the effectiveness of these criteria and principles would be delayed to the detriment of the general interest that presides over the spirit of the regulation.

The second final provision amends an article of the Galician betting regulation in compliance with the provisions of the report of the Galician Competition Commission.

The third final provision lays down the arrangements for amending the regulatory provisions.

The fourth final provision provides for the authorisation for regulatory

development.

The fifth final provision amends the Law on fees, prices and levies of the Autonomous Community of Galicia in order to provide for the possibility of free inclusion in the Register of Excluded Persons of the Autonomous Community of Galicia.

The sixth final provision amends the consolidated text of the legal provisions of the Autonomous Community of Galicia on taxes assigned by the State, bringing it into line with the regulations governing gambling in Galicia.

The seventh final provision indicates that the present Law will enter into force three months after its publication in the *Official Journal of Galicia*.

Taking into account the regulated matter, the notification procedure provided for in Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on information society services and in Royal Decree 1337/1999 of 31 July 1999 on the transmission of information in the field of technical standards and regulations and regulations on information society services has been adhered to. The mandatory reports from the Galician Gambling Commission have also been requested, as the text covers gambling planning measures, from the Galician Competition Commission, given its effects on effective competition in the markets, and the opinion of the Economic and Social Council, as it affects socio-economic matters directly linked to the economic and social development of Galicia.

In view of the above, the Galician Parliament approved and I, in accordance with Article 13.2 of the Statute of Autonomy of Galicia and Article 24 of Law 1/1983, of 22 February, on rules governing the Regional Government and its Presidency, promulgated on behalf of the King the Law governing the gambling in Galicia.

PRELIMINARY TITLE

General provisions

Article 1. Purpose

1. The purpose of the present Law is to regulate gambling, in its various forms and designations, within the territory of the Autonomous Community of Galicia, to protect the public order, prevent fraud, prevent addictive behaviour, protect the rights of minors, and safeguard the rights of gambling users.

2. For the purposes of the present Law, gambling means any activity, including betting, by which amounts of money or economically valuable objects are risked,

depending on an uncertain future outcome, regardless of the impact on the outcome of the degree of skill of the gambler or whether it is exclusively a game of luck or chance, and regardless of whether it is carried out in person or by electronic, computerised, telematic, interactive or remote communication channels. The above-mentioned activities are included in this definition, even if they are carried out on a sporadic or occasional basis.

3. For the purposes of the present Law, in-person gambling is defined as a form of gambling that can only be carried out by users through their presence in authorised gambling establishments and premises in which they are authorised to be organised and held, in accordance with the provisions of the present Law and its implementing regulations.

4. The organisation and operation of any of the games included in the Catalogue of Gambling of the Autonomous Community of Galicia are considered to be remote gambling through electronic, computerised, telematic, interactive or remote communication means when they are played through these channels and exclusively in the Autonomous Community of Galicia, pursuant to the provisions of the present Law and its regulatory framework, and in which the person using the games can play them without the need to access any of the establishments and premises referred to in the previous point.

Article 2. Scope

1. The scope of application of the present Law includes:

a) All the games included in the Catalogue of Gambling of the Autonomous Community of Galicia.

b) The natural and legal persons who are in any way involved in the management, operation and practice of the forms of gambling referred to in point (a), as well as those engaged in the manufacture, marketing, distribution, installation, and maintenance of the equipment related to such games.

c) The premises and establishments where the forms of gambling referred to in subparagraph (a) are carried out.

d) The persons who, in their capacity as owners of the premises and establishments regulated by the present Law, permit the development of the forms of gambling referred to in subparagraph (a).

2. The scope of the present Law excludes:

a) Competitions for purely recreational or leisure purposes constituting social uses of a traditional, family or friendly nature, provided that they are not exploited for profit by the participating persons or by third parties and under no circumstances involve money or prizes that can be valued economically.

b) Bingo games organised by elderly care centres and day centres or by legally registered cultural or sports associations and provided that all of the following requirements are met:

1. The sessions organised by elderly care centres and day centres or by legally registered cultural or sports associations under no circumstances exceed the limit of four sessions in one month.

2. The amounts played and prizes awarded do not exceed EUR 300 per session.

3. The game involves the use of manual or mechanical means without, in any case, involving computer applications or software programs.

4. During the course of the session, under no circumstances are minors present in the room.

5. The games take place in the elderly care centres or day centres, or in the premises listed as the registered address of the corresponding association.

Each time it intends to organise a game of bingo in accordance with the terms set out above, the association or person responsible for the elderly care centre or day centre must send a notification to the regional governing body responsible for gambling so that the latter may monitor compliance with the requirements listed above.

c) Raffles and tombolas of a charitable or public utility nature, organised on a sporadic basis by public or private institutions in which the amount of the profits obtained is intended exclusively for charitable or public benefit organisations or purposes.

d) Vending machines, where these machines are limited to transactions or sales, through any type of mechanism, of products or goods in exchange for an economic consideration corresponding to the market value of the products or goods being delivered. However, if this type of machine includes an element of gambling, which depends on the skill or ability of the user or which is a game of luck or chance, which affects the ability to win a prize in kind or in cash, it shall be considered as a special type A or type B gambling machine depending on the value of the prize.

e) Machines, apparatus, instruments or devices using computer or telematic networks, or any other means of communication or remote connection for the reproduction of images and music or for the purpose of communication and information, without the possibility of accessing any type of gambling or the award of prizes in cash or in kind.

f) Machines designed for purely recreational or leisure purposes that do not offer the user any prize in cash or in kind, either directly or indirectly, but merely provide the user with a period of use in exchange for the price of the hand/turn, and may offer as the only additional incentive, due to the user's skill, the possibility of continuing to use the machine for the same initial amount in the form of an extension of the period of use.

This type of machine includes, but is not limited to, the following:

1. Coin-operated machines and apparatus for children that allow the user to enjoy a mechanical simulation of a dynamic action, such as imitating a horse trotting, flying a plane, driving a train or vehicle, or imitations of a similar nature.

2. Machines or apparatus of a strictly manual or mechanical nature for pure competition or sport between two or more users, such as table football, billiard tables, table tennis, bowling alleys, hockey machines or similar machines, even if their use requires the introduction of coins.

g) Random combination games, defined as raffles that, for the sole purpose of advertising or promoting a product or service, and whose only consideration is the consumption of the product or service, without any extra charge or additional fee, offer prizes in cash, kind or services, requiring, where appropriate, the user to be a customer of the establishment to which the products or services that are the object of the advertising or promotion belong.

h) Reserved state gambling activities in accordance with the provisions of the first additional provision of Law 13/2011 of 27 May 2011 on the regulation of gambling.

3. Non-reserved state-level gaming activities shall be governed by the applicable state regulations, without prejudice to the submission to regional authorisation under the terms provided for in the present Law.

Article 3. Guiding principles for actions in the field of gambling

1. Gambling actions shall be governed by the principles of:

a) protection of minors and those whose intellectual or volitional capacities are impaired, or persons with disabilities who, by judicial decision, are subject to support measures that affect their free participation in gambling and betting, as well as persons registered in the Galician Register of persons excluded from access to gambling, preventing access to gambling and gambling establishments in any of its forms. In any case, this prevention shall be extended to the entire population resident in Galicia.

b) Transparency, the safeguarding of order and security in the development of gambling in its different forms.

c) Ensuring the payment of prizes, prevention of fraud as part of gambling and cooperation in the enforcement of anti-money-laundering legislation.

d) Prevention of harm to third parties. In particular, special protection shall be provided to the most vulnerable groups, such as those of minors, those with reduced intellectual or volitional abilities and those who suffer from gambling addiction or are legally or judicially incapacitated.

e) Intervention and control by the public administration.

f) Respect for the basic rules of a responsible and safe gambling policy.

g) Legal certainty in the regulation of gambling activities.

h) Promotion of stable and quality employment in the gambling sector.

2. The Autonomous Administration shall always pay special attention to the prevention of gambling related pathologies in all its population and, in particular, in the most vulnerable people. It shall likewise take into account the social reality and impact, the economic and fiscal impact, and the business diversification of gambling in its various forms, favouring competition under equal conditions of natural and legal persons engaged in gambling, without encouraging the habit of gambling and thereby minimising its negative impact.

3. The Autonomous Administration must ensure the application of the guiding principles laid down in this provision, which aim to prevent the irresponsible promotion of gambling habits and reduce its negative impact, by monitoring compliance with these principles by gambling users and gambling companies, and by promoting actions and initiatives aimed at preventing gambling amongst minors and at the adoption of preventive measures and assistance for persons with gambling problems.

Article 4. Responsible and safe gambling policies

1. Responsible and safe gambling policies assume that the exercise of gambling activities will be addressed by a comprehensive policy of corporate social responsibility that foresees gambling as a complex phenomenon that combines preventive, awareness-raising, intervention and control actions, as well as the remediation of any negative effects that may occur.

Preventive measures shall be aimed at awareness-raising, information and dissemination of good gambling practices, as well as the possible effects of inappropriate gambling.

2. The Galician Gambling Observatory shall be created as a collegiate body responsible for studying, assessing and monitoring responsible and safe gambling policies. Its nature, aims, composition and assignment shall be established in the regulations, and the principle of a balanced presence of women and men shall be respected in its composition in all cases. The corresponding studies and statistical work must always be carried out by breaking down the data by gender.

3. The General Administration of the Autonomous Community of Galicia will promote responsible and safe gambling policies aimed at raising awareness of the consequences of inappropriate gambling practices, especially related to the risks of gambling, attitudes that support non-compulsive and responsible gambling, paying particular attention to the most vulnerable groups such as minors, gambling addicts and persons with disabilities who, by judicial decision, are subject to support measures that affect their free participation in gambling and betting.

In this regard, the Autonomous Administration shall implement activities to prevent gambling directed at the general population and shall adopt measures to discourage pathological habits and behaviours related to gambling, with particular attention to the most vulnerable social sectors.

For the purposes of the present Law, responsible gambling shall mean the informed choice of a playing pattern over which the person exercises control, is kept within sustainable time and money limits, is in balance with their other activities and does not generate associated problems. This implies that the frequency of gambling that can be assumed by each person shall depend on their personal characteristics, and under no circumstances will a low gambling frequency recommendation be considered correct for the entire population.

For the purposes of the present Law, safe gambling shall be understood as gambling which, in a common view, in the current social context, can be qualified as

fair, transparent, reliable and honest, in such a way that it takes into account the safety aspects of the gambling individual.

It is the responsibility of the regional governing body responsible for gambling, within the scope of its powers, to ensure the effectiveness of responsible and safe gambling policies, respect for the limits on the advertising of gambling and compliance with the regulations on access control, and to cooperate actively with associations that treat people with gambling addictions, in the development and implementation of prevention and information activities.

4. Gambling operators must respect the basic rules of responsible and safe gambling policies drawn up by the Autonomous Administration, taking measures to mitigate the possible harmful effects that gambling may have. In any case, as regards the protection of gambling users, these measures shall include the following actions:

a) Paying due attention to at-risk groups.

b) Providing citizens with the necessary information to make a conscious decision regarding their gambling activities.

c) Informing minors and persons included in the Register of Prohibited Persons of the Autonomous Community of Galicia of the exclusion from participation in gambling activities.

d) Having information sheets about institutions and entities dedicated to the treatment and rehabilitation of people with pathologies associated with gambling available in a visible and accessible place for the benefit of users of gambling establishments.

e) Complying with the requirements of the management body responsible for gambling with regard to their duty to inform and train workers in relation to gambling activities, especially those established in this article and the previous one.

5. Gambling operators may not grant loans or any other form of a credit to gamblers, including bonuses, free hands/turns, or items that may be redeemed for money. They shall not allow game users, in relation to authorised games, to pay in instalments. Infringement of this prohibition shall entail the corresponding administrative liability under the terms laid down in the present Law.

In order to ensure safe participation in gaming, gambling operators should perform the following minimum actions:

a) Establish clear and transparent gaming rules to ensure fair, honest and

reliable gaming.

b) Identify participants, verifying their age, in order to prevent access to gambling to those who are prohibited from doing so.

c) Carry out their gambling activity in accordance with the requirements of the present law and the regulations that develop it.

6. Gambling operators shall promote training on the matters covered by this Article for the employees of the gambling establishments that they own. This training must address normal and pathological gambling patterns, warning signs and the corresponding symptoms and recommendations for action.

7. Gambling operators shall advise individuals to stop gambling if they show symptoms that indicate a significant decline or loss of control over gambling.

8. For the purposes of this Article, gambling operators shall mean natural and legal persons who, for profit, carry out or organise gambling activities.

9. Regional Ministries with responsibility for gambling and health will enter appropriations in their respective budgets to finance the Galician Gaming Observatory and activities aimed at the prevention of gambling.

10. The Regional Government of Galicia, within the scope of its competences, shall undertake the necessary measures for the prevention and treatment of addictive behaviour in relation to gambling, especially among the youngest age groups. In any case, and with the aim of preventing and attending to situations of compulsive gaming and/or pathological gambling in general, it shall carry out, as a minimum, the following activities:

a) Carrying out prevalence studies that allow for the early detection of compulsive gaming, as well as the development of control protocols for the same, especially in the educational and socio-health fields.

b) Developing, within the Galician public health system, an overall care protocol for people with addiction disorders.

c) Implementing workshops and training activities for health education, health information and prevention of pathological gambling in the educational, health, sports and socio-occupational fields.

d) Holding awareness-raising campaigns on alternative leisure and educational leisure, especially for minors and young people in general.

e) Comprehensive and specific care measures for the treatment of gambling addiction.

In the articulation of the above measures, the participation of other administrations and/or entities of a professional and social nature especially linked to situations of addiction related to gambling will have to be taken into account.

Article 5. Advertising, promotion, sponsorship and commercial communication

1. Advertising, promotion, sponsorship and any form of commercial communication of gambling activities within the remit of the regional authorities taking place in the Autonomous Community of Galicia shall be subject to prior authorisation, and shall be carried out under the terms and conditions laid down in this Article and in the implementing regulations.

2. The advertising of any form of gambling regulated in the present Law must comply with the specific regulations on advertising and shall not contain, under any circumstances, any graphics, texts or images that are xenophobic or sexist, that encourage compulsive behaviour, unmoderated and irresponsible gambling attitudes or any discriminatory treatment or that are contrary to the Spanish Constitution or the Statute of Autonomy of Galicia. In particular, advertising on radio or television that is not broadcast outside the territorial scope of the Autonomous Community of Galicia is prohibited during a programme and in the programmes immediately preceding or following programmes aimed specifically and primarily at children.

3. The advertising and promotion referred to in point 1 of this Article must, in any case, comply with the rules on the protection of minors and must be in accordance with the rules governing information, e-commerce and audiovisual communication and, under no circumstances, shall alter the dynamics of the forms of gambling concerned.

4. The provisions on unlawful advertising contained in the general legislation on advertising shall be applicable to the advertising of gambling activities under regional jurisdiction, as well as to companies and establishments authorised to market such games.

5. The advertising and promotion referred to in paragraph 1 of this Article shall respect the basic rules on responsible gambling, and shall contain a warning that gambling may lead to gambling addiction and that it is prohibited for minors. This warning must be clearly visible at all times and throughout the communication of the advertising message. In all premises with gambling machines, the installation of

which is subject to regional authorisation, there shall be a sign in a visible place indicating the corresponding prohibitions on the use of these machines.

6. It is forbidden to advertise land-based gambling through electronic, computerised, telematic or interactive media, and any form of in-person gambling under regional jurisdiction on public radio and television in the Autonomous Community of Galicia.

Article 6. Register of Excluded Persons of the Autonomous Community of Galicia

1. The Register of Excluded Persons of the Autonomous Community of Galicia is a publicly-owned register containing the names of individuals who ask to be included. It is designed to enforce the right of citizens to be prohibited from participating in gambling activities, as well as those individuals whose access to gambling activities has been restricted by a court ruling or those persons with disabilities who, by judicial decision, are subject to support measures that affect their free participation in gambling and betting.

The control and management of this register shall be the responsibility of the regional management body responsible for gambling, which shall cooperate with the State administration in the coordination of the regional register and the corresponding State register.

The General Administration of the Autonomous Community of Galicia shall at all times ensure that electronic procedures are in place to ensure the proper functioning of the Register of Excluded Persons of the Autonomous Community of Galicia.

2. The regional management body responsible for gambling shall add the following persons to this register:

- a) Persons who voluntarily ask to be included.
- b) Persons with disabilities who, by court order, are subject to support measures affecting their free participation in gambling and betting.
- c) Persons whose access to gambling has been restricted by a final decision (either of a principal or accessory nature).
- d) Persons affected by provisional measures consisting of the restriction of access to gambling activities adopted in the course of judicial proceedings and for the duration of the measure.

3. The registration procedure shall be initiated at the request of the applicant and shall be free of charge for the requester. However, where a court decision orders a person to be included in the register, the proceedings shall be initiated ex officio after the court decision has been communicated. In the latter case, the regional management body competent for gambling matters shall register the person concerned immediately after receiving notification of the judicial decision.

4. The regional governing body responsible for gambling matters shall issue a decision on inclusion in the Register of Excluded Persons of the Autonomous Community of Galicia no later than 15 days from the start of the corresponding procedure.

5. In the cases referred to in point (a) of paragraph 2, the inclusion in the Register of Excluded Persons of the Autonomous Community of Galicia shall be valid indefinitely. However, the person concerned may be asked to be removed from the register six months after the date of registration. In the cases referred to in points (b), (c) and (d) of paragraph 2, the registration shall be maintained for the period laid down in the relevant decision.

6. The Register of Excluded Persons of the Autonomous Community of Galicia shall contain the necessary data for the identification of the person subject to registration, which will be broken down by gender.

7. The regional offices for gambling and health will implement a system that allows persons who are included in this register, after providing their consent, to receive a communication informing them of the help available and a proposal for referral to have an assessment on the suitability of joining a treatment programme. These two regional offices will take appropriate measures to make the Galician health system and its healthcare resources aware of the existence of this register.

8. The regulations shall establish the content, organisation and operation of the aforementioned register, which may not contain any data other than that strictly necessary for compliance with the purposes established in the present Law. The dissemination of the data included in the register shall serve solely for the fulfilment of said legally established purposes.

Article 7. Right of admission

1. For the purposes of the provisions of the present Law, the right of admission is understood to be the power of the Administration to determine the conditions of accessing and remaining in gambling establishments, based on criteria linked to the normal functioning of gambling, order and protocol inside the establishments,

respect for the privacy of other users and employees, and compliance with the provisions established by law and regulations. In this regard, the general and specific requirements for access, depending on the type of gambling establishment, will be established by the regulations.

2. The exercise of the right of admission may not, under any circumstances, entail discrimination on the grounds of race, gender identity, sexual orientation, religion, opinion, disability, or any other personal or social condition or circumstance, nor may it violate the fundamental rights or public freedoms of users of available establishments, both with regard to the conditions for accessing and remaining in them and the use of the services provided therein.

3. Owners of gambling establishments may refuse access to the establishment to persons who fall into any of the cases established by regulations, or ask them to leave, as applicable.

Article 8. Access control

1. Access control means the system, consisting of technical and, where appropriate, human means, by means of which the gambling establishments that are required to have such a system verify compliance with the requirements and conditions for admission by persons wishing to gain access to such establishments.

2. Casinos, bingo halls, amusement arcades, and betting shops are required to have access control.

3. The persons in charge of the establishments listed in paragraph 2 must prevent admission to the following:

a) Minors.

b) Persons included in the Register of Excluded Persons of the Autonomous Community of Galicia.

4. In order to carry out the functions of access control staff, the requirements laid down in the regulations governing the control of access to public shows and recreational activities shall be met and the authorisation provided for in those regulations must be obtained.

5. The access control system shall be operational at all entrances to the establishment, which must have a computerised system for verifying the data of persons seeking admission to these gambling establishments in order to prevent access to those prohibited under Article 6(1)(a) and (b). This computerised system

shall make it possible to retain up-to-date information on persons registered in the Register of Excluded Persons of the Autonomous Community of Galicia, for which connection and interoperability mechanisms with respect to the information contained in the register shall be established and comply with the provisions of data protection legislation.

Article 9. Prohibition system

1. The following persons may not participate in the forms of gambling regulated by the present Law:

a) Minors.

b) Persons included in the Register of Excluded Persons of the Autonomous Community of Galicia.

c) Shareholders, managers and participants of gambling companies in respect of games operated by the company of which they are shareholders, managers or participants.

d) Directors of the companies involved in the events at which gambling takes place.

e) Owners of gambling establishments and premises authorised for gambling activities and their employees with regard to gambling activities carried out in the corresponding premises or establishment of which they are the owners or in which they provide services.

f) Persons with disabilities who, by court order, are subject to support measures affecting their free participation in gambling and betting.

g) Civil servants who provide services in the Autonomous Administration with inspection, control and administrative processing functions in the field of gambling and persons who hold the status of senior officials of the competent regional office responsible for gambling who carry out functions in this field.

h) Managers of sporting entities, participants or organisers, referees, or any other groups of individuals as may be determined by regulation, with respect to sporting events or activities on which bets are placed.

2. Other prohibitions specific to each type of gambling may be laid down in the corresponding regulations.

Article 10. Permitted gambling within the remit of the regional authorities

1. Permitted gambling within the remit of the regional authorities within the Autonomous Community of Galicia may only be carried out under the requirements, conditions and in the establishments, places and spaces specified in the present Law and its regulatory provisions.

2. Prior inclusion in the Catalogue of Gambling of the Autonomous Community of Galicia is required for the organisation, use and development of gambling within the remit of the regional authorities.

3. The catalogue of gambling of the Autonomous Community of Galicia is the basic instrument for the regulation of gambling and will specify for each form of gambling:

- a) The different names and possible forms under which it is known.
- b) The elements required to participate in the form of gambling.
- c) The rules that apply thereto.
- d) Any restrictions and prohibitions deemed necessary to impose on its practice.

4. At least the following shall be included in the catalogue of gambling of the Autonomous Community of Galicia:

- a) Forms of gambling exclusive to casinos.
- b) Bingo.
- c) Those played on gambling machines or machines of chance.
- d) Raffles and tombolas.
- e) Betting.

5. The organisation, use and development of the forms of gambling listed in the previous paragraph shall require prior administrative authorisation.

Article 11. Prohibited gambling within the remit of the regional authorities

1. Prohibited gambling within the remit of the regional authorities are any forms of gambling not included in the Catalogue of Gambling of the Autonomous Community of Galicia and any forms of gambling that, although included in this catalogue, are carried out without the required authorisation or in a manner, in a

place or with persons other than those specified in the present Law and its implementing regulations.

2. In accordance with the provisions of the previous point, the following cases, among others, are prohibited:

a) The types of gambling played at casinos with the same or different names from those listed in the Catalogue of Gambling of the Autonomous Community of Galicia, when played outside casino premises, or when played inside the establishment but not in accordance with the authorisations, requirements and conditions established in the present Law and its implementing regulations.

b) Forms of bingo with the same or different names from those listed in the Catalogue of Gambling of the Autonomous Community of Galicia, played without the authorisations, requirements and conditions established in the present Law and its implementing regulations.

c) Betting on events that violate the dignity of persons, the right to privacy, honour and self-image, is based on the commission of crimes or on political or religious events, or on events prohibited by current legislation, as well as those made outside the authorisations, requirements and conditions established in the present Law and in its implementing regulations.

Article 12. Rights and obligations of gamblers

1. Gamblers have the following rights:

a) To obtain information about the form of gambling and its rules and regulations.

b) To the full duration of use corresponding to the price of the hand/turn in question.

c) To collect the corresponding prizes in accordance with the applicable regulations.

d) To play freely without coercion or threats from other gaming users or third parties.

e) To submit any complaints and complaints that they deem appropriate.

f) To receive the necessary information on the practice of responsible gambling.

g) To know the identity of the company managing and operating the gambling

activities, especially those played by electronic, computerised, telematic or interactive means.

h) To know at all times the amount played or bet in those games played through electronic support, as well as, in the case of having a user account opened with the gaming management and operation company, to know the balance and the complete history of amounts and bets placed.

i) The identification of the user must be carried out in a secure manner, by showing the national identity card, passport or equivalent document or a recognised electronic signature system, subject to current legislation on the protection of natural persons with regard to the processing of personal data.

2. Gamblers have the following obligations:

a) To identify themselves to gambling management and operating companies for the purposes of access control.

b) To comply with the rules and regulations applicable to the forms of gambling in which they participate.

c) Refrain from changing the normal performance of the forms of gambling.

d) To respect the right of admission to gambling establishments.

e) To respect the persons working or providing their services in the gambling establishments and comply with the existing instructions to ensure the normal development of the forms of gambling and maintain order in the establishment.

f) To refrain from actions that may create uncomfortable situations in the gambling establishment for other gamblers or disturb the order of the establishment.

Article 13. Rights and obligations of gambling companies

1. For the purposes of the provisions of the present Law, gambling companies are defined as entities dedicated to the manufacture, commercialisation, distribution, importation, installation, operation or technical service of gambling equipment, providers of interconnection services, operators of amusement arcades, betting marketers and operators, companies dedicated to the operation of casinos or bingo halls and any other entity engaged generally or sporadically in the operation or organisation of the forms of gambling regulated in this Law.

2. Gambling companies shall have the following rights:

a) To determine the terms and conditions of admission to their gambling

establishments in accordance with Article 7.

b) To adopt any measures they deem appropriate to ensure the safe and efficient operation of the gambling establishment.

c) To receive the support of the security forces and corps, under the terms provided for in their regulatory regulations, to ensure order outside and/or inside the gambling establishment in the event of incidents that may endanger the safety of persons and/or property, as well as to prosecute fraudulent conduct during gambling activities and related to exercising the right of admission.

d) To gather the necessary information from the Autonomous Administration for the proper fulfilment of the obligations established in the present Law.

3. Gambling companies shall have the following obligations:

a) To provide the competent regional management body with all the information it requests for the performance of its control, coordination and statistical functions. The data submitted shall be disaggregated by gender, where possible.

As a clear manifestation of this obligation, companies that operate gambling machines are required to present, when requested by the autonomous management body responsible for gambling and with regard to the machines indicated, a certificate from an authorised laboratory certifying that the machines installed are operating under the same conditions and with the same requirements as those in accordance with which they have been authorised and approved by the competent authority. The procedure for accrediting the operation of machinery installed under the terms indicated shall be established by regulations.

b) To carry out identification checks on gamblers in accordance with Article 8.

c) To make complaint sheets available to gamblers in gambling establishments.

d) To facilitate inspectors in carrying out their assigned monitoring and inspection functions.

e) To allow gamblers to finish the gambling time corresponding to the price of the form of gambling in question.

f) Not to take gambling machines out of operation during the opening hours of the gambling establishment or premises authorised for operating the forms of gambling at which they are installed when this interferes with the rights of gamblers, unless there is a justified cause duly communicated to the autonomous management

body responsible for gambling.

g) To pay the corresponding prizes in accordance with the applicable regulations.

h) To provide gamblers with all information about the form of gambling and its rules and regulations.

i) To provide the requested information on the practice of responsible gambling.

j) To receive and handle complaints and claims.

k) Not to grant loans or any other form of credit, or grant bonuses, free games or items redeemable for cash to gamblers.

l) To ensure that personnel performing access control functions are appropriately qualified.

m) To provide information in gambling establishments and on gambling machines, in the manner to be determined in the regulations, on the prohibition of access and use by minors and the potentially harmful effects of gambling.

n) To clearly display information on the prohibition of entry to minors and on the restrictions and conditions of access at the public entrances of gambling establishments.

Not to operate gambling machines unless the documentation required in the corresponding regulatory development is clearly visible on the machines.

o) To switch off a gambling machine when a malfunction is detected that cannot be repaired immediately and to give a visible warning that the machine is out of order.

p) To prominently display the principles of responsible and safe gambling in gambling establishments.

q) To transport gambling machines to the warehouses designated in the notifications issued by the Administration and within the period of time specified therein.

r) To have the documentation required in the corresponding regulatory development installed on the machine and in the establishment.

s) To comply with any other obligation established in the present Law or determined by regulations.

Article 14. System of administrative intervention in the field of gambling

1. The organisation and operation of the various types of gambling provided for in the present Law, as well as the manufacture, marketing and distribution of gambling equipment, shall be carried out exclusively by those natural persons of legal age or legal entities in possession of the corresponding authorisation.

Manufacturing and importing companies, marketing and distribution companies, operating, technical services companies, interconnection service providers, companies owning amusement arcades, bingo game operating companies, and companies owning casinos must have the corresponding authorisation from the regional governing body responsible for gambling in accordance with the procedure established by regulations.

Likewise, the opening of gambling establishments, the installation of betting spaces covered by Article 36 and the installation of gambling machines shall be subject to prior authorisation.

Such authorisations shall expressly state the gender of the applicant when a natural person or the representative of the legal person.

2. Authorisations shall be granted subject to compliance with the requirements of this Law and its implementing regulations.

3. Licences for gambling establishments shall be granted on the basis of a public tender. The invitation to tender shall be published in the *Official Journal of Galicia* and must include the tender conditions. Applications submitted shall be assessed in accordance with the objective criteria set out in the conditions of tender, which must necessarily include the following:

- a) The quality of facilities and additional services
- b) The investment programme
- c) Job creation, staff training plan and human resources
- d) The technology to be adopted for the organisation and management of games
- e) The proposed access control system

f) The plan of measures to mitigate possible harmful effects of gambling on people and the basic rules, strategies and commitments of the responsible and safe

gambling policy.

g) The corporate social responsibility programme that includes measures to achieve gender equality in the specific area of business

h) The number of gambling establishments in the town or city in which it is intended to be established, negatively assessing the excessive concentration of gambling establishments in the town or city.

i) The number of authorisations held by the same authorisation holder, negatively assessing the concentration of significant market power

4. Any change in the location of gambling establishments shall require prior authorisation from the governing body responsible for gambling and may be granted only in cases where the new site is located in the same municipal area as the previous one. Any establishment that undergoes a change of location shall not be considered as a new establishment for the purposes of calculating the maximum number of gambling establishments, but must comply with the requirements of the regulations in force at the time of submission of the application for a change of location. If the premises licence for the establishment has been granted by public tender, the change of location may only be authorised if the new site allows the circumstances that led to the granting of the authorisation by tender to be maintained.

5. Likewise, licences to operate gaming machines shall also be granted by public tender in accordance with the procedure to be established by regulation.

6. Except in the case of the granting of authorisations by public invitation to tender, applications for authorisation shall be processed and resolved in accordance with the requirements and procedures laid down in the present Law and in its regulatory provisions. In such cases, the maximum time limit for issuing and notifying the decision shall be three months, except as provided for in the present Law for raffles and tombolas. After the expiry of that period without an express decision being given and notified, the authorisation shall be deemed to have been rejected.

7. Authorisations validly granted, except for those relating to raffles and tombolas, which shall have the duration established in the corresponding authorisation resolution, shall have a maximum duration of 15 years.

Without prejudice to other causes for termination that may be established by regulation, authorisations shall be terminated after 30 consecutive calendar days

after the end of the activity constituting the subject of the authorisation without justification, at the request of the holder of the establishment or premises in which the form of gambling is offered, at the request of the holder of the corresponding authorisation, or after the maximum period laid down in the preceding paragraph.

8. The licences for gambling establishments and the operating licences for gambling machines may not be renewed.

9. The installation of terminals for online gambling and betting carried out through electronic, computerised, telematic, interactive or remote communication channels of a non-reserved state scope shall be subject to prior administrative authorisation from the autonomous management body responsible for gambling. The installation of such terminals shall comply with the limitations referred to in Article 38. The procedure and requirements for these authorisations shall be set out in the regulations.

10. In addition, all state gambling terminals not included in the authorisation exemptions set out in the first additional provision of Law 13/2011 of 27 May 2011 will require regional authorisation. Likewise, the procedure and requirements for these authorisations shall be set out in the regulations.

Article 15. Gambling equipment register

1. The Model Register is a register containing the models of machines and other gambling equipment, betting systems and casino and bingo equipment previously approved in accordance with the procedure and requirements established by regulations. The model registration shall indicate at least the name and general characteristics of the model. The registration shall be made ex officio by the regional governing body responsible for gambling once the corresponding approval has been granted.

2. The register of gambling machine companies is a register containing manufacturers, importers, marketers, distributors, gaming machine and technical service operators, interconnection service providers and amusement arcade owners, in accordance with the procedure and requirements established in the regulations. The registration must indicate, as a minimum, the identification, the share capital and the securities deposited. Registration shall be carried out ex officio by the autonomous management body responsible for gambling once the corresponding authorisation has been granted.

3. The Authorised Establishments Register is a register containing all authorised gaming establishments in accordance with the procedure and requirements

established by the regulations. The registration must include at least the identification of the establishment and the owner. Registration shall be carried out ex officio by the autonomous management body responsible for gambling once the corresponding authorisation has been granted.

4. The Betting Companies Register is a register containing all companies manufacturing, importing, marketing and operating betting activities in accordance with the procedure and requirements to be established by regulations. The registration must indicate, as a minimum, the identification, the share capital and the securities deposited. Registration shall be carried out ex officio by the autonomous management body responsible for gambling once the corresponding authorisation has been granted.

5. The Casino Gambling Companies Register is a register containing all companies that manufacture and import casino equipment and the companies that own casinos, in accordance with the procedure and requirements established by regulations. The registration must indicate, as a minimum, the identification, the share capital and the securities deposited. Registration shall be carried out ex officio by the autonomous management body responsible for gambling once the corresponding authorisation has been granted.

6. The Bingo Companies Register is a register containing the companies that organise bingo services in accordance with the procedure and requirements established by regulations. The registration must indicate, as a minimum, the identification, the share capital and the securities deposited. Registration shall be carried out ex officio by the autonomous management body responsible for gambling once the corresponding authorisation has been granted.

Article 16. Approval of gambling equipment

1. Gambling machines, machines of chance, betting machines and systems and all gambling equipment at casinos and bingos, as well as the different interconnection systems and devices used for the practice of the activities regulated in the present Law, must be approved by the regional governing body responsible for gambling in each specific case, pursuant to the procedure established in the regulations.

2. Gambling machines, machines of chance, betting machines and systems and any other element for the practice of the games regulated in the present Law must have the trademarks in the cases established by regulations.

TITLE I
Bodies and powers

Article 17. Responsibilities of the Regional Government of Galicia

1. The Regional Government of Galicia is responsible for:

a) Approving the Catalogue of Gambling of the Autonomous Community of Galicia by decree.

b) Planning and organising gambling activities in the Autonomous Community of Galicia, subject to the necessary level of compliance with the applicable State regulations.

c) Approving the special regulations for gambling included in the Catalogue of Gambling of the Autonomous Community of Galicia.

d) Exercising its sanctioning power under the terms established in the present Law.

e) To observe any other responsibilities conferred upon it by the present regulation or in its regulatory development.

2. The planning and regulation of gambling by the Autonomous Administration shall be established in the regulations, on the basis of the provisions of this Law, taking into account the concurrent reasons of general interest, such as public health, public order, the protection of the health and safety of consumers, and the prevention of fraud, with the aim of regulating gambling activities in a coherent, systematic and proportionate manner. At least the following determinations shall be taken into account:

a) The quotas, where applicable, for gambling and betting machines, gambling establishments and the gambling equipment installed therein.

b) The volume and geographical distribution of the supply of gambling in order to avoid excessive supply, in accordance with the gambling regulation policy of the Autonomous Community at any given time, pursuant to the criteria that must consider the reality and the social impact of gambling.

c) The establishment of the criteria governing the granting of authorisations for

the exercise of gambling activities.

Article 18. Responsibilities of the head of the regional office responsible for gambling matters

The head of the regional office responsible for gambling matters is responsible for:

a) Implementing the regulations to be approved by the Regional Government of Galicia in the organisation and matters of its department and, if necessary, the adoption of measures necessary for their implementation.

b) Exercising its sanctioning power under the terms established in the present Law.

c) Granting, rejecting, terminating and renewing the authorisation of casinos.

d) Chairing the Galician Gambling Commission.

e) Observing any other responsibilities conferred upon it by the present regulation or its regulatory development.

Article 19. Responsibilities of the regional governing body responsible for gambling matters

The regional governing body responsible for gambling matters is responsible for:

a) Granting, rejecting, terminating, and renewing gambling authorisations, with the exception of the provisions of paragraph (c) of the preceding article.

b) Approving gambling equipment.

c) Inspecting and monitoring gambling activities and the establishments in which they are carried out.

d) Exercising its sanctioning power under the terms established in the present Law.

e) Managing the relevant gambling registers and compiling the necessary gambling statistics.

f) Authorising the installation and opening of additional spaces at casinos and

modifying the authorisation of casinos and their additional spaces.

g) Observing any other responsibilities conferred upon it by this regulation or its regulatory development and, in any case, those which, within the remit of the competent regional office in matters of gambling, pursuant to the provisions of the present regulation or its regulatory development, are not expressly attributed to another body.

Article 20. Galician Gambling Commission

1. The Galician Gambling Commission is the advisory body responsible for overseeing, coordinating and advising on activities related to gambling in the Autonomous Community of Galicia. It will be chaired by the head of the department responsible for gambling.

2. The Galician Gambling Commission is a body of the General Administration of the Autonomous Community of Galicia attached to the Department responsible for gambling.

3. Its composition, organisation and functioning shall be determined by regulations.

The composition and organisation of this committee shall be governed by the principle of parity, shall seek to ensure proportionate representation between men and women and shall include at least the following:

a) The general administration of the Autonomous Community of Galicia, in particular the representatives of the departments responsible for gambling, education, health, social policy, youth, and finance.

b) Representatives from the casino, bingo, recreation, and betting industries.

c) The Galician Federation of Municipalities and Provinces.

d) The most representative associations of people with a gambling addiction in Galicia.

e) Consumer and user associations.

f) Galician parents' associations.

4. The head of the competent department in matters of gambling and any superior or management body of the general administration of the Autonomous Community of Galicia may request an optional and non-binding report from the

Galician Gambling Commission in those matters related to the activities regulated in the present Law.

The data contained in those reports shall, where possible, be broken down by gender.

TITLE II **Types of gambling**

Article 21. Casino games

1. Casino games are those that, pursuant to the implementing provisions of the present Law, can only be played in establishments authorised as casinos and which, consequently, are listed as exclusive to these gambling establishments in the Catalogue of Gambling of the Autonomous Community of Galicia.

In any case, the following games shall be considered to be exclusive casino games, including the different variants of these games that may be established by regulations:

- a) French Roulette
- b) American Roulette
- c) Boule
- d) Twenty-one or blackjack.
- e) Trente et Quarante (Thirty and forty)
- f) Baccarat
- g) Baccarat or Chemin de fer in its various forms.
- h) Dice.
- i) Poker.
- j) Those played on type C machines or machines of chance

2. Tournaments of any of the games specific to gambling establishments may only be organised and held at casinos.

3. Casino gambling equipment must be approved and listed in the corresponding section of the Model Register in accordance with the procedure established by

regulations. The conditions and procedure for their amendment and possible validation shall also be laid down by regulations.

Article 22. Bingo

1. The game of bingo is played by means of a random process of drawing numbers depending on the different modalities provided for in the Catalogue of Gambling of the Autonomous Community of Galicia.

2. The gambling units shall consist of bingo cards in physical or electronic formats.

3. Bingo may only be played at establishments authorised as bingo halls.

4. Bingo equipment must be approved and listed in the corresponding section of the Model Register pursuant to the procedure laid down in the regulations. The conditions and procedure for their amendment and possible validation shall also be laid down by regulations.

Article 23. Gambling with gambling machines or machines of chance

1. Gambling with gambling machines or machines of chance consist of inserting a means of payment into the machine, from those permitted in the implementing regulations, resulting in it being activated automatically or allowing it to be activated manually, mechanically or electronically, thus initiating the corresponding game.

2. Gambling machines or machines of chance are manually or automatically operated devices that, in exchange for a payment, offer the user a period of play and the opportunity to win a prize.

3. Gambling machines or machines of chance may allow the participation of a single person using the game or several persons simultaneously.

Article 24. Classification of gambling machines or machines of chance

1. For the purposes of the present Law, gambling machines or machines of chance are classified into the following types:

a) Special type A machines: machines that, in exchange for a fee, offer the user a period of play and, where appropriate, a prize in cash, in kind or in the form of tickets, tokens, vouchers or similar, with points redeemable for items or money. The prizes shall be awarded in accordance with the requirements and limits laid down by

regulations and, in any case, shall be lower than those provided for type B machines.

In any case, type A machines shall be regarded as special machines which, under the name of cranes, cascades or similar denominations, award prizes in cash or in kind as indicated.

b) Type B or programmed prize machines: machines that, in exchange for a price, offer the user of the games a period of play and the opportunity to win a prize in accordance with the game program, within the limits established in the regulations.

c) Special type B machines: gambling machines with a programmed prize that are installed exclusively in amusement arcades, bingos and casinos, which, in exchange for a price, offer the user of the games a period of play and the opportunity to win a prize, in accordance with the requirements and limits established in the regulations.

d) Type C machines or machines of chance are those installed exclusively in gambling casinos, which in exchange for a starting price offer the user a period of play and the opportunity to win a prize depending on chance and within the limits established in the regulations. For these purposes, chance shall be understood to exist where the odds of obtaining any symbol, result, combination or prize are not dependent on the results of the previous or subsequent games or on the ability of the user.

2. The Regional Government of Galicia may, by decree, incorporate into the above classification other types of machines that, by virtue of their nature or the combination of modalities, elements or mechanisms of different authorised games, do not fall within the types provided for in the previous paragraph.

3. The conditions for installation and interconnection of machinery and the number and type of forms of gambling allowed shall be laid down in the regulations. In any case, type B machines may be interconnected with each other and special B machines, special B machines may be interconnected with each other and type B machines, and type C machines may be interconnected with each other.

4. The number of operating licenses for type B machines is limited to a maximum of 12 000 in the Autonomous Community of Galicia.

Article 25. Approvals, inscriptions and modifications of gambling machines and machines of chance

1. Gambling machines and machines of chance shall be approved and entered in

the relevant section of the Register of Models pursuant to the procedure laid down by regulations.

2. The approval of gambling machines and machines of chance validly granted in another autonomous community or in another Member State of the European Economic Area may be validated in the Autonomous Community of Galicia provided that the technical conditions of such machines are substantially the same and pursuant to the procedure laid down in the regulations.

3. Modifications to machinery models may consist of substantial or non-substantial modifications.

4. A substantial modification means any alteration of the elements of the previously registered model that directly affects the price of the game, the game program or its winning plan. These points must be specifically accredited by means of an approved laboratory report provided by the person applying for the amendment.

Any substantial modification shall require prior authorisation from the regional governing body responsible for gambling. Consequently, machines of substantially modified models may only be placed on the market and operated from the date of notification to the person applying for such a substantial modification authorisation.

The maximum time limit for issuing and notifying the decision shall be three months. The application shall be deemed to have been rejected if no express decision has been taken and communicated within this period.

In the procedure for authorising substantial modifications to machine models, the same requirements and formalities laid down by regulation for the approval and registration procedure shall apply. In these cases, after prior authorisation of a modification, the same model number shall be kept for registration purposes, adding the letter corresponding to the specific authorised modification in alphabetical order.

5. A non-substantial modification means any alteration that affects the components and devices other than those provided for in point 4

Non-substantial modifications must be communicated to the regional management body responsible for gambling prior to their implementation, accompanied by the following documentation:

a) A certified laboratory report demonstrating that the modification is non-

substantial.

b) The explanatory memorandum signed by the person requesting the modification.

c) Receipt of payment of the corresponding administration fee.

Article 26. Raffles

1. Raffles are understood as a game consisting of the drawing of lots for one or more predetermined goods or services among various people who have previously purchased tickets. The value of each ticket must be the same, and the total amount of the tickets issued must be at least equal to the value of the goods or services being raffled. The tickets shall be numbered correlatively or differentiated from each other in any other way. Prizes may not consist of cash or be replaced by money.

When the winning numbers of the raffles are made to coincide with numbers corresponding to the Spanish National Organisation of the Blind or State Society for State Lotteries and Betting [Sociedad Estatal Loterías y Apuestas del Estado] draws, the number of tickets must be at least equal to the number of one series of those fixed in the aforementioned draws.

2. The winning number may be drawn from a specific draw carried out in a public and transparent manner or from another draw authorised by the regional or state administration.

3. The performance of a raffle is subject to administrative authorisation. Authorisation requests must be addressed to the regional governing body responsible for gambling at least thirty days before the date of commencement of the sale or distribution of raffle tickets. The application must contain the following information:

a) Identification of the natural or legal person making the application, indicating the gender of the natural person or the representative of the legal person.

b) The date of the draw.

c) The number and characteristics of the tickets, indicating the unit amount.

d) The territorial scope covered.

e) A detailed list of the prizes to be awarded, stating their value and how they are to be awarded to the winners, as well as the location of the movable property. In the case of real estate, the status of the estate, its limits, extent, charges and

registration data, as well as the form of award delivery and any expenses to be paid by the winning person shall be indicated. In the event that the prizes consist of trips, the services included must be specified. Likewise, if the prizes consist of vehicles, it must be indicated to whom the payment of excise duty on certain means of transport or any other type of applicable tax.

- f) The place where the draw is to be held.
- g) The destination of the profits obtained from the raffle.

h) A detailed list of the persons designated to sell the tickets, indicating the gender of each person.

4. The following documents must be attached to the application for authorisation:

- a) The proof of representation in the case of acting through a representative.
- b) The rules governing the holding of the raffle.

c) A copy of the documentation accrediting the ownership by the organiser of the prizes to be raffled or a document accrediting the constitution of a guarantee for the amount of their value.

5. Once the application and the aforementioned documentation have been submitted, the regional governing body responsible for gambling matters shall issue and notify its decision to grant or reject authorisation within a maximum period of 15 days from the date on which the application was registered with the competent governing body.

6. If the decision has not been issued and notified within the specified period, the natural or legal person concerned may consider the decision to have been rejected.

Article 27. Tombolas

1. Tombolas consists of purchasing an envelope or ballot paper for a certain price containing hidden numbers, symbols or texts that determine the acquisition of a prize, in the case of an instant prize, or points, when the prize is obtained by accumulating points until a certain figure is reached.

2. The prize of the tombola game must be one or more objects and under no circumstances a cash amount. The prize cannot be exchanged for money.

3. The holding of tombolas is subject to administrative authorisation. Authorisation requests must be addressed to the regional governing body responsible for gambling at least 30 days before the date of the tombola. The application shall contain the following information:

a) Identification of the natural or legal person making the application, indicating the gender of the natural person or the representative of the legal person.

b) The date on which the tombola is to be held.

c) The number and characteristics of the envelopes or ballot papers indicating the unit price.

d) The territorial scope covered.

e) A detailed list of the prizes to be awarded, stating their value and how they are to be awarded to the winners, as well as the location of the movable property. In the event that the prizes consist of trips, the services included must be specified. Likewise, if the prizes consist of vehicles, it must be indicated to whom the payment of excise duty on certain means of transport or any other type of applicable tax.

f) The place where the tombola is to be held.

g) The destination of the profits obtained from the tombola.

h) A detailed list of the persons designated to sell the envelopes or ballot papers, indicating the gender of each person.

4. The following documents must be attached to the application for authorisation:

a) The proof of representation in the case of acting through a representative.

b) The rules governing the holding of the tombola.

c) A copy of the documentation accrediting the ownership by the organiser of the prizes to be raffled or a document accrediting the constitution of a guarantee for the amount of their value.

5. Once the application and the aforementioned documentation have been submitted, the regional governing body responsible for gambling matters shall issue and notify its decision to grant or reject authorisation within a maximum period of 15 days from the date on which the application was registered with the competent

governing body.

6. If the decision has not been issued and notified within the specified period, the natural or legal person concerned may consider the decision to have been rejected.

7. In the case of tombola games organised by fairground groups during popular festivals and fairs, these groups may submit a single application specifying the dates and places where this activity will take place throughout the year, and the other details set out in number 3, attaching the documentation specified in number 4. In this case, a single authorisation decision shall be issued covering all the tombolas included in the application and made by the applicant during the year. The application must be submitted seven days before the beginning of the first popular festival or fair at which it is intended to hold the tombola, and the decision will be issued and notified within three days after the application is filed in the registry of the competent authority.

Article 28. Betting

1. Betting is defined as an activity whereby a sum of money is risked on the outcome of a predetermined event, the outcome of which is uncertain and beyond the control of the persons involved.

2. The organisation and requirements of these games shall be subject to regulatory development. Only betting equipment that has been previously approved and registered in the Betting Register of the Autonomous Community of Galicia may be marketed and operated in the Autonomous Community of Galicia.

3. Betting machines are those specifically intended for playing betting games. There are two types: dispatch terminals, operated by an operator of the company or establishment in which they are installed, and auxiliary betting machines, operated directly by gamblers.

The betting marketing and operating company shall be responsible for complying with the obligation to incorporate and maintain in the auxiliary betting machine the documentation required by regulation.

4. Any modifications to the models of betting machines and the systems used to market and operate bets registered in the Betting Register of the Autonomous Community of Galicia shall require authorisation from the regional governing body responsible for gambling, except in the case of non-substantial modifications, which shall only be communicated to the autonomous management body responsible for

gambling, accompanied by the following documentation:

a) An authorised laboratory report certifying the changes made and their non-substantial nature, as well as compliance with the requirements specified in the corresponding regulations.

b) Proof of payment of the corresponding administrative fee.

A substantial modification shall be a modification affecting the betting slips in the case of betting machines, and the version according to which the system used for the marketing and operation of bets was approved in the case of systems. All other modifications shall be considered as non-substantial.

TITLE III

Premises authorised for gambling activities

Article 29. Gambling establishments

1. Gambling establishments are facilities that meet the requirements set out in the present Law and its implementing regulations and that are specifically licensed to operate authorised games.

2. The following are gambling establishments:

a) Casinos.

b) Bingo halls.

c) Amusement arcades.

d) Betting shops.

3. The operating conditions of gambling establishments, the access bans, and the distances and areas of influence in which no new establishments may be located for the practice of permitted forms of gambling shall be determined by regulation.

It shall be prohibited to open any gambling establishment, the authorisation of which is to be granted to the Autonomous Administration, at a distance of fewer than 300 metres from official establishments providing regulated education to minors and official centres for the rehabilitation of pathological gamblers, and 300 metres from any other gambling establishment already authorised or in respect of which the procedure for granting authorisation is under way, including betting spaces in sports and fairgrounds. These distances will be measured radially.

Radial distance shall mean the measure of the radius of a circle whose centre is

the geographical location of the establishment intended to be installed.

An official centre is understood to be one that is recognised as such by the corresponding regional office for the specific subject in question.

The distance requirement provided for in this Law shall not apply when the opening of the educational establishment or official centre for the rehabilitation of pathological gamblers is after the date of the authorisation of the gambling establishment.

In addition, local councils may establish other limits, requirements or additional characteristics for the opening of establishments provided for in this Article in a proportionate and justified manner, based on their powers of organisation, management and control of the occupation and use of land and to ensure the protection of the urban environment and the quality of life and social cohesion of the population, through urban planning and ordinances. Specifically, for the above reasons, local councils may establish prohibitions, limitations or restrictions aimed at preventing the excessive concentration of gambling establishments or ensuring their coexistence with other human or social activities.

The Autonomous Public Administration shall take these distances into account in the various plans for the installation of official educational establishments and official rehabilitation centres referred to in this Article.

4. The body responsible for authorising the gambling establishment shall inform the person concerned, after consultation, within a maximum of 15 days whether the intended location complies with the required gambling distances. This communication refers to the date on which the person concerned is notified and does not constitute or create any right to install the premises under consultation, nor does it reserve the location.

5. Gambling establishments may also organise raffles and tombolas referred to in the present Law for users, in accordance with the procedure and requirements established for these types of games.

6. The organisation and internal distribution of the different gambling elements at each gambling establishment shall be the responsibility of the owner of the establishment, without prejudice to compliance with the other sectoral rules applicable to such gambling establishments.

7. Gambling establishments shall be independent, and shall not be linked to each other or any other establishment open to the public. However, they may be located

in commercial establishments of a collective nature regulated by Law 10/2013 of 17 December 2013 on internal trade in Galicia, provided that they maintain their differentiation and are not linked to each other or to any other commercial establishments forming part of the collective establishment.

Article 30. Casinos

1. Gambling establishments that meet the necessary requirements and are authorised pursuant to the provisions of Article 14 to operate the forms of gambling specified in the Catalogue of Gambling of the Autonomous Community of Galicia as exclusive to casinos shall be legally considered to be casinos.

Furthermore, other forms of gambling included in the Catalogue of Gambling may be played at casinos, and the installation of any gambling terminal authorised by the Autonomous Community of Galicia shall be permitted.

2. Only one casino may be authorised to operate in each province of the Autonomous Community of Galicia, which, in any case, must have a population of more than 70 000 inhabitants within a radius of 50 km of its location, measured in a straight line.

3. For each of the authorised casinos, the installation of an additional space may be authorised, which, forming part of the casino, is located outside the compound or complex where it is located, but within the same province and under the conditions laid down by regulations. In any case, the number of tables operating in the additional space may not, at any time, exceed 80 % of the number of tables in operation at the casino of which it forms part, hereinafter referred to as the parent casino.

This space will serve as an extension of the parent casino. All games for which the casino is authorised may be played there.

4. All parent casinos and additional spaces must have an admission register and access control service.

5. Licences for casinos and their additional spaces shall be entered in the Casino register in accordance with the regulations.

Article 31. Casino modifications

1. All modifications relating to aspects contained in the licence decision, as well as the temporary closure of the casino for more than 30 consecutive calendar days, shall require prior authorisation from the regional governing body responsible for

gambling. The modification authorisation shall not extend the validity period of the premises licence granted at the time.

2. Any variation in the information contained in the certificate of entry in the Registry of Casinos other than those contained in paragraph 1 must be communicated to the regional governing body responsible for gambling within a maximum of one month after they occur and must be accompanied by documentation accrediting the changes communicated. If the communication does not meet the requirements or the required documents are not provided, the interested party shall be required to correct the communication or produce the required documents within ten days; failure to do so shall mean that the communication is deemed as not performed.

Article 32. Bingo halls

1. Gambling establishments specifically authorised for the practice of bingo shall be considered as bingo halls pursuant to the provisions of Article 14.

2. Bingo halls must have an admission register and an access control service.

3. The operation of a bingo hall requires that an authorisation licence is obtained in advance.

4. Bingo halls shall have a capacity of at least 100 persons, and the maximum capacity must not exceed that permitted by the establishment. They shall be differentiated by category as specified in the regulations.

5. Bingo halls may house special type A, type B, and special type B gambling machines, betting machines and non-reserved state-level gambling terminals authorised by the Autonomous Community of Galicia. Tombolas or raffles may also be played pursuant to the requirements and regulations applicable to this type of gambling.

6. A maximum of 12 bingo halls may be authorised in the territory of the Autonomous Community of Galicia.

Article 33. Modification of bingo halls

1. The following modifications shall require prior authorisation:

a) Changes in the location of the bingo hall in the cases specified in Article 14.

b) Closure of the bingo hall for more than 30 consecutive calendar days, unless

the period of operation is limited to a specific season according to the authorisation.

c) Transfer of the ownership of the licence.

d) Substantial modifications to the bingo hall, meaning modifications that involve a change in the category of the hall, increase or decrease the usable floor space, affect the safety conditions, or any modifications not considered to be non-substantial in line with the following number.

2. Any change in the configuration of the gambling area that does not affect the basic conditions of the authorised project shall be considered non-substantial. Non-substantial changes must be communicated to the regional governing body responsible for gambling prior to their implementation.

Article 34. Amusement arcades

1. Gambling establishments authorised pursuant to the provisions of Article 14 to operate special type A, type B, and special type B machines, betting machines, and gambling terminals authorised by the Autonomous Community of Galicia shall be considered amusement arcades. Tombolas or raffles may also be played pursuant to the requirements and regulations applicable to this type of gambling.

2. Amusement arcades must have an admission register and an access control service.

3. The operation of an amusement arcade is subject to obtaining a licence from the regional governing body responsible for gambling.

4. A maximum of 118 amusement arcades may be authorised in the territory of the Autonomous Community of Galicia.

Article 35. Betting shops

1. Gambling establishments authorised in accordance with Article 14 exclusively for the marketing and operation of regional betting shall be deemed to be betting shops. Gambling machines authorised by the Autonomous Community of Galicia may also be installed at betting shops. Tombolas or raffles may also be played pursuant to the requirements and regulations applicable to this type of gambling.

2. Betting shops must have an access control service.

3. The operation of a betting shop is subject to obtaining a licence.

4. The requirements for the authorisation of betting shops shall be determined

in the regulations.

5. A maximum of 41 betting shops may be authorised in the territory of the Autonomous Community of Galicia.

Article 36. Betting spaces

1. Betting spaces may be authorised in casinos, bingo halls and amusement arcades.

2. The requirements for the authorisation of betting spaces shall be determined in the regulations.

3. Only betting machines may be installed in betting areas within limits established in the regulations.

Article 37. Modifications to amusement arcades, betting shops, and betting spaces

1. Prior authorisation from the regional governing body responsible for gambling matters shall be required for modifications that involve a substantial change to the plans provided in the authorisation procedure for the setting up of the gambling establishments referred to in Article 28.2, and the corresponding application must be accompanied by the new alteration plans drawn up by a competent technician and endorsed by the corresponding official association, where applicable.

2. Prior authorisation shall also be required in the following cases:

a) Suspension of the operation of the amusement arcade, betting shop or betting space for more than 30 consecutive calendar days

b) Transfer of the ownership of the licence.

c) Changes in the location of the establishment in the cases specified in Article 14.

3. All other modifications shall be considered non-substantial, especially those involving the mere internal redistribution of spaces, minor improvements or simple decoration and variations in the type or number of machines authorised, subject, in the latter case, to compliance with the maximum and minimum limits laid down in

the regulations for each type of machine.

These modifications must be communicated to the regional governing body responsible for gambling prior to their implementation, together with the plan supporting the new redistribution and report confirming the changes made.

Article 38. Limitations on the installation of physical gambling terminals

1. In view of the harmful effects of gambling, with a view to safeguarding overriding reasons of general interest, public order, public health, the protection of consumer health and safety, the protection of the natural environment and the urban environment, and social policy objectives, placing particular emphasis on the protection of minors, all within the remit of the Autonomous Community in the aforementioned areas, and, in particular, in urban planning, internal trade and public entertainment and recreational activities, the installation of physical terminals allowing participation in gambling activities authorised by the Autonomous Community of Galicia, except in the following establishments:

1. Those regulated under the present law as gambling establishments under regional jurisdiction.

2. In gambling establishments accessible to the public opened by the State Society for State Lotteries and Betting [Sociedad Estatal Loterías y Apuestas del Estado] and the Spanish National Organisation of the Blind, limited in these cases to the installation of physical terminals for the games of each of the organisations.

3. In catering and leisure and entertainment establishments, provided that the installation of such physical gambling terminals is of a strictly marginal and complementary nature in relation to the main activity of the establishment and does not interfere with, substitute or impair the main activity of the establishment.

2. The gambling activity shall be deemed to be purely marginal and complementary when no more than two physical gambling terminals are installed at the establishment.

3. The installation of physical gambling terminals that fall within the remit of the State whose authorisation is to be granted to the Autonomous Community pursuant to the provisions of Article 14 shall respect the planning approved by the competent bodies.

4. Physical terminals that allow participation in gambling activities that are

installed at catering, leisure and entertainment establishments and whose installation is subject to the authorisation of the Autonomous Administration other than type B machines, must have systems or mechanisms in place that prevent minors from participating in gambling activities, in compliance with the requirements and conditions laid down in the regulations. Type B machines installed at catering, leisure and entertainment establishments, taking into account the nature of these games, must have the above-mentioned control systems or mechanisms in place when required from the owner of the establishment by the gambling company to perform its control duties.

5. Only special type A machines, type B machines, non-reserved state-level physical gambling machines, and auxiliary betting machines may be authorised at catering, leisure and entertainment establishments.

6. Users of the gambling activities of these establishments shall have the right to submit claims and complaints pursuant to the rules on the protection of consumers and users.

The owners of catering and leisure and entertainment establishments shall be responsible for having complaint forms available for gaming users and for preventing minors from using the gambling and betting machines installed in these establishments.

7. The total number of authorised machines at catering, leisure and entertainment establishments may be limited in the regulations. In any case, the total number of authorisations for the installation of auxiliary betting machines in such establishments may not exceed 3 600.

8. Tombolas or raffles may also be held at catering and leisure and entertainment establishments in accordance with the requirements and regulations applicable to these types of gambling activities.

TITLE IV

Gambling companies

Article 39. General requirements of gambling companies

1. Companies that own casinos must be incorporated as a commercial company and have a minimum share capital equivalent to the result of multiplying the capacity of the main hall by the amount of EUR 18 000 with a maximum limit of EUR 3 000 000. They must be in possession of the corresponding authorisation and listed in the Casino Gambling Companies Register of the Autonomous Community of

Galicia.

2. Companies intending to offer bingo services must be incorporated as a commercial company and have a minimum share capital of EUR 30 000. They must be registered in the Companies section of the Bingo Gaming Register.

3. Companies that participate in the manufacture, marketing, distribution, import, installation, operation or technical service of gambling equipment, interconnection service providers, and amusement arcade operators that carry out their activity in the territory of the Autonomous Community of Galicia related to gambling under regional jurisdiction must be incorporated as a commercial company and have a minimum share capital of EUR 30 000. They must be listed in the Gaming Machine Companies Register.

4. Marketing companies and betting operators must be incorporated as a commercial company and have a minimum share capital of EUR 2 000 000. They must be listed in the Betting Companies Register of the Autonomous Community of Galicia.

Article 40. Deposits

1. All gambling companies operating in the Autonomous Community of Galicia in relation to gambling under regional jurisdiction must constitute a guarantee as defined in the regulations, for a maximum of EUR 750 000. A company shall be deemed as being active in the territory of the Autonomous Community of Galicia once it has obtained an authorisation to carry out the corresponding activities.

2. The guarantee provided will affect the responsibilities and compliance with the obligations arising from the sanctioning system provided for in the present Law and the fulfilment of the obligations arising from the specific regional gambling taxes.

3. The guarantees may be in the form of cash, a guarantee from a bank or mutual guarantee society, a surety or credit insurance contract or any other sufficient guarantee.

4. The guarantees shall remain in force until the competent regional authority responsible for gambling authorises their cancellation.

5. The guarantee must be maintained for the amount required in the regulations. If, for any reason, the amount of the guarantee is reduced, the person or entity providing the guarantee must cover it up to the required amount within the corresponding period established in the regulations, or failing this, within one month

from the date on which the amount is reduced. If the guarantee is not covered within that period, proceedings shall be initiated to revoke the authorisation.

6. Any change in the guarantee initially provided shall require the authorisation of the regional governing body responsible for gambling.

Article 41. Amendments to the authorisation

1. Any corporate modification that does not affect the requirements accredited for the granting of the authorisation must be reported to the regional governing body responsible for gambling, accompanied by the documentation accrediting the changes produced within one month of the modification taking place.

2. Any other corporate modification affecting the accredited requirements for the granting of the authorisation shall require a decision to amend the authorisation.

TITLE V

Inspection and penalties

Article 42. Inspection

1. The inspection, supervision and control of gambling activities is the responsibility of the competent regional office for gambling matters and are carried out by civil servants occupying posts responsible for these duties.

To this end, an inspection plan shall be adopted specifying the inspection tasks in order to ensure compliance with the conditions set out in the relevant gambling regulations.

The regional governing body responsible for gambling may require the collaboration of the Police Unit attached to the Autonomous Community of Galicia, the local police and the members of the State security forces in the inspection tasks pursuant to the applicable regulations.

2. Inspection staff are responsible for the following tasks:

a) Monitoring compliance with the provisions of the present Law and the regulations.

b) Detecting and tracking down clandestine gambling.

c) Preparing the relevant inspection reports.

d) Issuing reports and advice related to gambling inspection.

e) Carrying out any other inspection-related tasks established by regulations.

3. Persons exercising inspection functions may freely enter, at any time and without prior notice, any gambling establishment as well as any premises, enclosures, places or buildings open to the public at which gambling activities are carried out, with the express exception of entry into homes and other places whose access requires the consent of the owner or judicial authorisation. During their visit, the inspection staff must be identified as inspection staff working for the Autonomous Community Administration presenting the appropriate accreditation, and their action must be governed by the criteria of minimum impact on the activity of the establishment inspected.

4. Gambling inspection staff shall be considered as agents of authority in the exercise of their duties. Gambling inspection staff be authorised to access and examine machines, gambling equipment and any administrative documentation that may serve as information for the best performance of their duties.

5. The facts established by the inspection staff must be reflected in a report setting out each and every circumstance necessary for the best finding of the facts that are the subject of the inspection and in which the persons concerned may indicate any observations and concerns. The report shall be signed by the persons present without their signature, implying acceptance of the content of the report. If the persons present refuse to sign the report, the report shall be equally valid. A copy of the report shall be given to the persons present. The reports in which the relevant legal requirements are observed shall provide proof of the facts established by the inspectors, unless proven otherwise.

Article 43. General rules applicable to the penalty regime

1. The actions or omissions defined in the present law are considered administrative infractions. The implementing regulations may introduce scales or specifications to the list of offences provided for in the present Law, which, without constituting new offences or altering the nature or limits of those provided for in the present Law, contribute to a more accurate definition of the conduct.

2. Gambling offences are classified as very serious, serious and minor.

Article 44. Very serious offences

The following shall constitute very serious offences:

a) The organisation, practice, celebration or operation of the gambling activities regulated by the present Law and included in the Catalogue of Gambling of the

Autonomous Community of Galicia without the required authorisation, as well as the practice of these forms of gambling and activities in establishments or premises other than those permitted.

b) The organisation, practice, holding, or operation of games outside the requirements and conditions set out in the present Law, as well as the organisation, practice, celebration or exploitation of games not provided for in the Catalogue of Gambling of the Autonomous Community of Galicia provided that it does not constitute a serious or minor offence.

c) The marketing, distribution and use of the material for the practice of the activities regulated by the present Law without having the corresponding approval.

d) The replacement, alteration or fraudulent manipulation of previously approved technical systems and equipment.

e) Reducing the share capital of gambling companies below the limits established in Article 39 and those provided for in the regulatory rules to which that provision refers, unless it is restored within 48 hours of its reduction.

f) The installation and operation of machines or any element for the practice of games regulated by the present Law devoid of trademarks or alteration or inaccuracy of such trademarks.

g) The manipulation of games or previously approved game material aimed at altering the distribution of prizes and percentages established for the particular game in question.

h) The granting of loans to gamblers in places where gambling is available.

i) The use or provision of data that does not conform to reality, or of false or altered documents, in order to obtain authorisations and registrations or to meet requirements made by the regional governing body responsible for gambling.

j) Lack of an access control system in the cases required under the present regulation.

k) Allowing, as owners of the gambling establishments provided for in Article 29, minors or persons included in the Register of Excluded Persons of the Autonomous Community of Galicia to enter or engage in gambling activities.

l) Allowing, as owners of the gambling establishments provided for in Article 38, minors to engage in gambling activities in such establishments.

Article 45. Serious offences

The following shall constitute serious offences:

a) Participation in gambling activities by persons who have such participation expressly prohibited by Article 9.

b) Failure of the owner of the gambling establishment to comply with the maximum capacity limits laid down in the relevant authorisation.

c) Not displaying clearly information on the prohibition of entry to minors and on the restrictions and conditions of access in accordance with Article 13.3 n) at the public entrances of gambling establishments.

d) Not allowing gamblers to finish the game time corresponding to the price of the game in question.

e) The manufacture and import of gambling machines, elements and systems by companies not registered in the Gaming Machine Companies Register of the Autonomous Community of Galicia.

f) The repair, modification or alteration of elements or devices of gambling machines and systems by companies not registered in the Gaming Machine Companies Register of the Autonomous Community of Galicia.

g) Embarking on informative promotions and advertising in cases expressly prohibited by the present regulation.

h) Participating as a player in non-authorised games

i) Organising gambling activities that are prohibited under the present regulation, provided that the amounts played exceed EUR 300 but do not reach EUR 1 000.

j) Failure to bring gambling establishments and gambling and betting machines in line with the requirements of the present Law within the period laid down in the first transitional provision.

k) Failure to install control devices on auxiliary betting machines installed at catering and leisure and entertainment establishments to prevent minors from gambling.

l) Failure to install a control device on type B machines installed in catering and leisure and entertainment establishments to prevent minors from playing when

required by the owner of the establishment.

Article 46. Minor infringements

The following shall constitute minor offences:

a) Failure to make available, provide, receive or manage complaint forms at establishments.

b) Failure by the owner of the premises where the gambling machine is operated to disconnect a machine when a malfunction is detected and cannot be repaired immediately, or failure to provide a visible warning that the machine is out of order.

c) The operation of gambling machines and systems that are not in perfect working order.

d) Failure to display the principles of responsible gambling provided by the regional governing body responsible for gambling in a visible manner at gambling establishments.

e) Refusal or obstruction of the inspection personnel's control and surveillance inspections referred to in Article 42.

f) Failure to provide the regional governing body responsible for gambling with the necessary information for the proper control of gambling activities.

g) Any other action or omission that constitutes a breach of the obligations established in the present Law or a violation of the prohibitions set forth herein when it does not qualify as a very serious or serious infringement.

h) Failure to transport gambling machines to the warehouses indicated in communications issued by the Administration or transporting them outside the specified deadline.

i) Failure to comply with the requirement to hold and display the general rules for the operation of establishments and the rules for the practice of games at gambling establishments.

j) The operating company not having the required documentation installed on the machine or in the establishment, as applicable.

k) Organising gambling activities that are prohibited under the present

regulation, provided that the amounts played do not exceed EUR 300.

1) Taking gambling machines out of operation during the authorised opening hours of the establishment with prejudice to the rights of the users of the establishment at which they are installed and without a justified cause duly communicated to the regional governing body responsible for gambling.

Article 47. Responsibility for offences

Natural or legal persons who are guilty of intentionally or maliciously incurring in the actions or omissions provided for in the present Law are liable for the offences.

Article 48. Limitation period for offences

1. The application period shall be six months for minor offences; two years for serious offences; and three years for very serious offences.

2. In accordance with Article 30(2) of Law 40/2015 of 1 October 2015 on the legal regime of the public sector, the limitation period shall commence on the day on which the infringement was committed. In the case of continuing or permanent offences, the time limit shall commence when the infringing conduct ends.

The limitation period shall be interrupted by the initiation of administrative proceedings for the purpose of applying sanctions, with the knowledge of the person concerned, and the limitation period shall be restarted if the penalty proceedings are suspended for more than one month for reasons not attributable to the alleged offender.

Article 49. Administrative penalties

1. Offences shall be punishable by fines for the following sums:

a) Very serious offences: from EUR 18 001 to EUR 100 000. However, the ceiling shall be EUR 600 000 in cases where the scaling criteria specified in Article 50 apply with a view to ensuring that the offence is not more beneficial to the offender than compliance with the breached rules.

b) Serious offences: from EUR 3 001 to EUR 18 000.

c) Minor offences: from EUR 100 to EUR 3 000.

2. In cases of serious and very serious offences, the following penalties may also

be imposed on an ancillary basis:

a) Suspension for a maximum of two years of the authorisation granted to the company authorising it to carry out its business activity.

b) Suspension of the operating licence for gambling machines for a maximum of one year.

c) Closure of the gambling establishment where the offence was committed for a maximum of two years.

d) Temporary disqualification for a maximum period of two years from holding any gambling authorisation.

e) Seizure and destruction or non-use of the gambling machines or elements involved in the offence.

Article 50. Scaling of penalties

The imposition of penalties shall observe the appropriateness and necessity of the penalty to be imposed and its appropriateness to the seriousness of the act constituting the offence. The scaling of the penalty shall take into account, in particular, the following criteria:

a) The degree of culpability or intent.

b) The continuity or persistence of the unlawful conduct.

c) The nature of the damage caused.

d) Repetition of more than one offence of a similar nature within one year, where a final administrative decision to this effect has been issued.

Article 51. Limitation of penalties

1. Penalties for minor offences shall expire after one year; those imposed for serious offences after two years; and those imposed for very serious offences after three years.

2. In accordance with Article 30(3) of Law 40/2015 of 1 October 2015 on the legal regime of the public sector, the limitation period for penalties shall commence the day after that on which the decision imposing the penalty or the time limit for appealing against it is enforceable. The limitation period shall be interrupted by the initiation of the enforcement procedure, with the knowledge of the person

concerned, and the time limit shall be resumed once more than one month has elapsed for reasons not attributable to the offender.

In the case of presumed rejection of the appeal filed against the decision imposing the penalty, the period of limitation of the penalty shall commence the day after that on which the period legally provided for the resolution of the said appeal ends.

Article 52. Time limit for resolving proceedings and their expiry

1. The maximum time limit for issuing and notifying the decision as part of the penalty proceedings shall be one year from the date of the decision to launch the proceedings. If the time limit elapses without a decision having been issued and communicated, the proceedings shall expire.

2. In accordance with Article 95(3) of Law 39/2015 of 1 October 2015 on the common administrative procedure of the Public Administrations, the revocation shall not in itself result in the limitation of actions of the private person or the administration, but the expired proceedings shall not interrupt the limitation period.

Article 53. Authority to exercise the power to impose penalties

1. It is the responsibility of the Council of the Regional Government of Galicia to impose fines for very serious offences in excess of EUR 300 000.

2. The head of the regional governing office for gambling matters is responsible for imposing fines for very serious offences of between EUR 60 000 and EUR 300 000, inclusive.

3. The head of the regional governing body responsible for gambling matters is responsible for adopting:

a) The agreement to launch the penalty procedure in all cases.

b) The imposition of a fine for very serious offences of between EUR 18 001 and EUR 60 000, inclusive.

c) The imposition of penalties for serious and minor offences.

4. The imposition of penalties on an ancillary basis shall be the responsibility of the body competent to issue the penalty decision in accordance with the rules laid down in the preceding issues.

Article 54. Penalty procedure

The offences covered by the present Law will be subject to the corresponding administrative penalties, after the appropriate procedure has been instructed in accordance with the principles laid down in Law 40/2015 of 1 October 2015 on the legal regime of the public sector, and the procedural regulation contained in Law 39/2015 of 1 October 2015 on the common administrative procedure of public administrations, and in accordance with the special provisions are established in accordance with the applicable State legislation.

Article 55. Provisional measures

1. In accordance with the provisions of Article 56 of Law 39/2015 of 1 October 2015, once the penalty procedure has been opened, the administrative body competent for reaching a decision, at its own discretion or at the request of a party, may at any time, by reasoned decision and after the hearing of the persons concerned, adopt such provisional measures as it deems appropriate, to ensure the effectiveness of the decision that may be issued, if there is sufficient evidence to do so, in accordance with the principles of proportionality, effectiveness and least onerousness. The prior hearing procedure may be omitted in cases of urgency, which must be duly substantiated in the decision determining the adoption of the provisional measures. In these cases, a hearing procedure will take place after the adoption of the measure.

2. Before the sanctioning procedure is launched, the body responsible for initiating or conducting the procedure may, at its own discretion or at the request of a party, in cases of urgent absence and for the provisional protection of the interests involved, adopt such provisional measures as may be necessary and proportionate, stating its reasons. Provisional measures must be confirmed, amended or raised in the agreement to launch proceedings, in accordance with the provisions of Law 39/2015 of 1 October 2015 on the common administrative procedure of public administrations, which must be carried out within 15 days of their adoption, which may be appealed accordingly. In any event, these measures shall be void if the proceedings are not launched within that period or where the initiation agreement does not contain an express decision on the measures.

3. Provisional measures must be proportionate to the nature and gravity of the conduct which initiated or justified the launch of the penalty proceedings, and shall not cause damage to the persons concerned or when it entails a violation of rights protected by law.

TITLE VI.

Tax regime

Article 56. Tax regime

1. The authorisation, organisation or holding of forms of gambling and activities included in the present Law is subject to the corresponding taxes on games of chance or gambling, raffles, tombolas and betting under the terms provided for in the applicable regulations.

2. The corresponding fee shall be charged pursuant to the applicable legal provisions for the provision of services relating to the practice of registration, record-keeping, issuance of documents, granting of authorisations and others related to the activities provided for in the present Law.

First additional provision. Submission of applications and communications by persons required to interact electronically with the Administration

1. The submission of applications and communications by the persons required to interact electronically with the Administration will be made only by electronic means through the standard form available at the website of the Galician government pursuant to the rules governing the common administrative procedure.

2. The additional documentation must be submitted electronically. The persons concerned shall be held responsible for the truthfulness of the documents they submit. Exceptionally, where the relevance of the document in the proceedings so requires or where there are doubts arising from the quality of the copy, the Administration may request, on a reasoned basis, the comparison of the copies provided by the person concerned, for which it may require the disclosure of the original document or information.

3. If any of the interested persons required to interact electronically submits the request, communication or additional documentation in person, they will be required to amend it by means of their electronic submission. For this purpose, the date on which the amendment was made shall be considered as the date of submission.

4. In the event that any of the documents to be submitted electronically exceeds the size limits set by the website, the documents may be submitted in person within the prescribed deadlines. For this purpose, and together with the document submitted, the person concerned must indicate the code and body responsible for the procedure, the file number, and the unique registration number or code. The list

of formats, protocols and maximum size of the supplementary documentation for each procedure shall be published on the website of the Regional Government of Galicia.

Second additional provision. Electronic administrative processing

The Autonomous Community Administration shall promote the legal and technical instruments required to ensure that the administrative procedures relating to gambling can be operated electronically on the website of the Regional Government of Galicia.

Third additional provision. Consent and authorisation

1. The processing of the procedures regulated in the present Law and in its implementing regulations requires the incorporation of data held by the public administrations.

2. In accordance with the rules governing the common administrative procedure, the persons concerned have the right to refrain from providing documents already in possession of the administration in question or drawn up by any other administration. The administration in question may consult or obtain such documents unless the person concerned objects to this, in cases where such opposition is admissible. If an objection is made to the consultation, the relevant documents must be provided by the persons concerned under the terms required by the applicable rules.

3. Where the documents required have previously been provided by the persons concerned to any administration, they shall not be required to attach them provided that they indicate the date and the administrative body to which they submitted these documents, and the administration in question must obtain these documents in accordance with the rules governing the common administrative procedure unless the express opposition of the person concerned or the applicable special law requires their express consent in the proceedings.

4. The templates for applications and communications shall comply with the provisions set out above.

First transitional provision. Adaptation deadlines

Gambling companies shall have a period of three years from the entry into force of the present Law to adapt their gambling machines, machines of chance, betting machines, and gambling establishments to the provisions of the present Law and any

regulatory amendments.

Second transitional provision. Transitional validity of gambling regulations

Until the regional government makes use of the power referred to in the first final provision, the regulatory rules on gambling shall remain in force in all matters which do not conflict with the present Law.

Third transitional provision. Transitional arrangements for advertising and promotion in the field of gambling under regional jurisdiction.

1. Until the corresponding regulatory regulations for the development of advertising, promotion and sponsorship of gambling activities under regional jurisdiction are approved, which will regulate the exceptions to the corresponding prior licence in accordance with that indicated in Article 5(1), no type of advertising, promotion and sponsorship of gambling activities under regional jurisdiction shall be authorised. Specifically static advertising with regard to gambling is prohibited on public roads or means of transport under regional jurisdiction.

2. However, as a transitional measure, advertising gambling activities for information purposes only in the written press may be carried out without the need for administrative authorisation. For the purposes of this provision, information purposes shall mean advertising including the following information:

1. Name or business name, address, telephone number, website and email address of the gambling company and gambling establishment.

2. Types of gambling covered by the present regulation that are offered by the authorised company.

3. Gambling availability timetable and calendar.

4. Complementary services provided by the gambling establishment and opening hours.

3. Without the need for administrative licence, advertising of the types of gambling available at the corresponding establishments, as well as the possible prizes and complementary activities of the establishment or other gambling establishments shall also be permitted inside gambling establishments aimed solely at the users of such establishments.

Fourth transitional provision. Transitional arrangements for authorisations issued under the previous legislation

Authorisations granted prior to the entry into force of the present Law shall have a maximum duration of fifteen years from the date of entry into force of the present Law, and may be renewed for periods of the same duration, subject to compliance with the requirements established in the present Law and taking into account the indications of the planning carried out by the competent authority at any given time.

Fifth transitional provision. Transitional arrangements for distances to be applied to the opening of gambling establishments

Gambling establishments with a current authorisation at the time of entry into force of the present Law are exempt from complying with the distances set out in Article 29.3 of the present Law, except in the event of a change of location of the establishment.

Sixth transitional provision. Transitional arrangements applicable to the Galician Gambling Commission

Pending the approval and entry into force of the current Galician Gambling Commission's adaptation to the provisions of the present Law, the existing arrangements will continue to operate in accordance with the provisions of Decree 430/2009 of 19 November 2009 regulating the composition, organisation and functioning of the Galician Gambling Commission.

Seventh transitional provision. Transitional system applicable to licences for ancillary betting machines and type B gaming machines not installed in catering and entertainment establishments

1. Companies that have been authorised, at the time of the entry into force of the present Law, by the regional governing body responsible for gambling for the marketing and operation of type B betting machines will have a maximum period of one year from the entry into force of the present Law to install all the machines that they have had authorised at catering and leisure and entertainment establishments.

2. Once the aforementioned period has elapsed without these machines actually being installed, the termination of the said licences shall be agreed ex officio.

Eighth transitional provision. Transitional arrangements applicable to files under processing

1. The files that are being processed at the time of the entry into force of the present Law shall be governed by the regulations in force at the time of the submission of the corresponding application.

2. Penalty proceedings launched prior to the entry into force of the present Law shall be governed by the regulations in force at the time of initiation, except in cases where the provisions of the present Law are more favourable to alleged offenders in terms of both the criminalisation of the offence and the penalty and its limitation periods, even in respect of the penalties pending at the time of the entry into force of the present Law.

Sole repealing provision. Repeal of regulations

1. The following provisions are expressly repealed:

a) Law 14/1985 of 23 October 1985 regulating gambling and betting in Galicia.

b) Decree 167/1986 of 4 June 1986 regulating the pools.

c) Articles 2.3, 17.4, paragraph 4, 23.4, 31 of the Gambling Regulations of Bingo of Galicia, approved by Decree 181/2002 of 10 May 2002.

d) Articles 4, 22, 52(2)(c), 67.5 and 71.2 of the Regulation on gambling machines and machines of chance of the Autonomous Community of Galicia approved by Decree 39/2008 of 21 February.

e) Decree 196/2010 of 25 November 2010 approving the planning of operating licences for type B machines in the Autonomous Community of Galicia.

f) Numbers 2, 3 and 4 of the first additional provision and the third final provision of Decree 162/2012 of 7 June 2012 approving the betting regulations of the Autonomous Community of Galicia, and Articles 10(2), 12.2, 19.3, 25.3, 48.2, 49.4, 50.1, 54.7, 55.6 and 67 thereof.

g) The second transitional provision of Decree 32/2016 of 17 March 2016 approving the Gaming Casino Regulation of the Autonomous Community of Galicia and Article 21(2) thereof.

2. Any provisions of equal or lower rank that are contrary to the provisions of the present Law shall be repealed.

First final provision. Amendment of the Regulation on gambling machines and machines of chance of the Autonomous Community of Galicia approved by Decree 39/2008 of 21 February 2008

The Regulation on gambling machines and machines of chance of the Autonomous Community of Galicia, approved by Decree 39/2008 of 21 February, is

amended as follows:

One. Article 7 has been reworded as follows:

‘Article 7. General requirements for type B machines

To be approved and entered in the relevant section of the Model Register, type B machines must comply with the following conditions:

a) The maximum price for each game shall be 20 cents, without this precluding their division into smaller amounts. This shall be without prejudice to the optional device for carrying out up to five simultaneous hands/turns referred to in Article 8(c).

b) The maximum prize that the machine may deliver may not exceed five hundred times the maximum price of the single game or the sum of the price of the simultaneous games, and the program may not cause any kind of chaining or sequence of prizes resulting in a higher amount of money than the maximum prize established.

c) Each machine shall be programmed to return a percentage of prizes in any cycle of 40 000 consecutive games that shall never be less than 70 % of the price of the games played.

d) The average duration of each game shall not be less than three seconds, and no more than 600 games may be carried out in thirty minutes. For the purposes of duration, simultaneous items shall be counted as a single item.

e) In catering and leisure and entertainment establishments, the payment of prizes shall necessarily consist of legal tender delivered by the machine.

In amusement arcades, bingo halls and casinos, prizes can also be paid through the following means:

1. Tickets or tokens issued by the machine previously approved, together with the machine, by the regional governing body responsible for gambling. In this case, these tickets and or tokens must be exchanged for legal tender in the same establishment or, at the choice of the user of the games that won the prize, by any other legal means of payment that does not entail any expense.

2. Electronic payment and refund cards in place of legal tender money, acquired in the establishment and previously approved by the regional governing body responsible for gambling. These cards must be redeemed at the same establishment for legal tender or, at the choice of the user of the games that won the prize, by other

legal means of payment that do not entail expenses.

f) The machines may be equipped with a mechanism for the automatic ejection of the winnings out of the machine without the need for any action on the part of the user of the games.

g) In order to start the game, the user of the games shall be required to activate the switch or start-up device. If this does not happen within three seconds, the machine will operate automatically.

h) The front panel or video screen shall include in a graphical, visible and written form, the rules of the game, the description of the winning combinations, the indication of the types of tokens, tickets or cards that it accepts (where appropriate, indicating the values of coins accepted), the number of prizes corresponding to each of the games, the minimum percentage of return in prizes and the prohibition of their use to minors, as well as a warning that abusive practice of the game may create addiction.

i) The machine credit meter must not allow an accumulation exceeding the equivalent of one hundred times the maximum authorised price per game.

j) It must be impossible to modify or manipulate the game's electronic memory.

k) Machines must have an autonomous power supply that preserves the memory in the event of disconnection or an interruption to the power supply and enables the programme to be restarted, if necessary, in the same state.

l) Machines may not contain any type of sound device that may start operating when a player is not using the machine.

m) The game may be played through the use of a television screen or analogue hardware controlled by a video or similar signal.

n) The machines may contain as many games as indicated by the manufacturer in its explanatory memorandum. These games must have been tested by an approved laboratory, may operate without distinction, and require prior authorisation for the replacement of each or all of them with other approved games. In any case, for the purposes of the required prize percentages, these games shall count as a single machine.'

Two. Article 7 bis has been amended as follows:

'Article 7 bis. General requirements for special type B machines

In order to be approved and entered in the relevant section of the Model Register, special type B machinery must comply with the following conditions:

a) The maximum price for each game shall be 20 cents, without this precluding their division into smaller amounts. This shall be without prejudice to the optional device for playing up to 30 simultaneous rounds referred to in Article 8(c).

b) The maximum prize awarded by the machine may not exceed 1 000 times the maximum price of a single hand/turn or the sum of the price of simultaneous hands/turns. The game programme may not trigger any type of chain process or sequence of prizes resulting in the award of an amount of money exceeding the established maximum.

c) Each machine shall be programmed in such a way as to return a percentage of prizes in every cycle of 120 000 consecutive hands/turns that shall never be less than 80 % of the price of the hands/turns played.

d) The other conditions listed in points (d) to (n) of Article 7, except point (i).'

Three. Article 8(d) reads as follows:

'd) Wallets suitable for admitting coins or banknotes of a value of not more than EUR 50, except in the case of machines installed at restaurants, leisure and entertainment establishments where wallets may not accept coins or banknotes of a value of more than 100 times the maximum authorised price per hand/turn.'

Four. Article 8(h) is worded as follows:

'h) Those forming a single piece of equipment that enables simultaneous and independent use by two or more gamblers for their exclusive installation in amusement arcades and designated rooms in bingo halls and casinos.

These machines shall be covered by a single operating licence, and for capacity purposes, shall be counted as a single machine for every two persons using the games or fraction thereof in excess of this multiple.

These machines shall be counted as a single machine for the purposes of the required percentage of prizes, regardless of the number of places for users of the available games.

These machines may have a single counter that accumulates credits, prizes and cash entered. In this case, the person using the games may, at their own discretion, recover the money at any time, except during the course of a hand/turn.'

Second final provision. Amendment of the betting regulation of the Autonomous Community of Galicia, approved by Decree 162/2012 of 7 June 2012

The Betting Regulation of the Autonomous Community of Galicia approved by Decree 162/2012 of 7 June 2012 is amended as follows:

One. Article 55.2 has been reworded as follows:

‘The installation of an auxiliary betting machine at catering or leisure and entertainment establishments shall require a prior application for a licence, which shall be accompanied by a document of conformity signed by the owner of the business.’

Two. Article 55.4 (f) is amended as follows:

‘Conformity Document signed by Business Holder’

Third final provision. Regulatory amendments

The provisions of the various gambling regulations which are subject to amendment by the present Law may be amended by the regulation of regulatory status corresponding to the regulation in which they appear.

Fourth final provision Authorisation to pass legislation

1. The Regional Government of Galicia is hereby authorised to issue the necessary provisions for the implementation of the present Law.

2. Within one year of the entry into force of this Law, the necessary procedures for the adoption of the regulations necessary for the implementation of this Law shall be initiated, with the exception of the regulatory development establishing the creation, nature, purpose, composition, and affiliation relating to the Galician Gaming Observatory, which must be approved no later than six months after the entry into force of the present Law.

Fifth final provision. Amendment of Law 6/2003 of 9 December 2003 on fees, prices and levies of the Autonomous Community of Galicia

A new point 16 is added to Article 23 of Law 6/2003 of 9 December 2003 on fees, prices and levies of the Autonomous Community of Galicia, which reads as follows:

‘16. Entries in the Register of Excluded Persons of the Autonomous Community of Galicia’.

Sixth final provision. Amendment of the consolidated text of the legal provisions of the Autonomous Community of Galicia on taxes assigned by the State

Paragraph 1(5) of Article 19 of the consolidated text of the legal provisions of the Autonomous Community of Galicia on taxes assigned by the State, approved by Legislative Decree 1/2011 of 28 July 2011, has been amended to read as follows:

‘5. Games listed in Article 2(2) of the Galician Gambling Law with the exception of point (g)’.

Seventh final provision. Entry into force

The present law will enter into force three months after its publication in the *Official Journal of Galicia*.

Santiago de Compostela, 4 July 2023

Alfonso Rueda Valenzuela
President