

## I. GENERAL PROVISIONS

# MINISTRY OF CONSUMER AFFAIRS

**17957** *Resolution of 18 July 2023 from the Directorate-General for the Regulation of Gambling, modifying the Resolution of 12 July 2012 to approve the provision to implement Articles 26 and 27 of Royal Decree 1613/2011 of 14 November 2011 with regard to identifying gambling participants in monitoring subjective gambling exclusions; and the Resolution of 6 October 2014 approving the data model for use in the information monitoring system of gambling operation records.*

Law 13/2011 of 27 May on the regulation of gaming establishes the regulatory framework for state-wide gaming activity in its various forms with a view to protecting public order, combating fraud, preventing addictive behaviour, protecting the rights of minors and safeguarding the rights of the games' participants.

Royal Decree 1613/2011 of 14 November, which implements Law 13/2011 of 27 May on the regulation of gaming with regard to the technical requirements of gaming activities, was promulgated in the implementation of that Law. In Articles 26 and 27, this rule regulated the identification of participants, as well as the control of subjective prohibitions on participation in games, through a verification system that had to be carried out by gaming operators.

In implementing these provisions, the Resolution of 12 July 2012 from the Directorate-General for the Regulation of Gambling was issued, to approve the provision to implement Articles 26 and 27 of Royal Decree 1613/2011 of 14 November 2011 with regard to identifying gambling participants and monitoring subjective gambling exclusions, this provision being published in the 'Official State Gazette' of 19 July 2012; and amended in order to strengthen the identity verification processes carried out by gaming operators on the data provided by the participants, by the Resolution of 31 October 2018, from the Directorate-General for the Regulation of Gambling, on the modification of certain resolutions about the gambling activities set out in Law 13/2011 of 27 May 2018 on gambling regulation, published in the 'Official State Gazette' of 8 November 2018.

Four years after the last amendment and ten years since the approval of the aforementioned regulatory framework, the experience gained in this time makes it appropriate to update these identity verification processes carried out by gaming operators through a new amendment to the Resolution of 12 July 2012.

In particular, through this Resolution, the obligations of operators with respect to the communications they must report to the Directorate-General for the Regulation of Gambling are updated, removing, on the one hand, the obligation to communicate certain reports related to the number of queries made and introducing a duty of communication of the cancellation of user records. Likewise, telematic access to the section of defunct persons of the Civil Registry is regulated, through the Identity Verification Service, and the conditions under which operators will carry out periodic checks on the identity of the participants and the verification that they are not covered by the subjective prohibitions of participation, either on their own initiative or by the Directorate-General for the Regulation of Gambling.

Finally, the Resolution of 6 October 2014 from the Directorate-General for the Regulation of Gambling, approving the data model for use in the information monitoring system of gambling operation records, is amended in order to introduce a new player status.

This instrument has undergone the procedure for the provision of information in the field of technical regulations and of rules on Information Society services, set out 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.

By virtue of this, and following a favourable report from the State Attorney's Office of the Ministry of Consumer Affairs, the Directorate-General decides:

**Article one.** *Amendment of the Decision of 12 July 2012 approving the instrument implementing Articles 26 and 27 of Royal Decree 1613/2011 of 14 November with regard to identifying gambling participants and monitoring subjective gambling exclusions, as follows:*

One. Paragraph 7(6) of Annex I is deleted.

Two. Paragraph 11(5) of Annex I is deleted.

Three. A new subparagraph (4) is added to the thirteenth paragraph of Annex I, which reads as follows:

'4. The operator must inform the Directorate-General for the Regulation of Gambling of the cancellation of user registrations. The communication must be made through the Identity Verification Service of the participants of the Directorate-General for the Regulation of Gambling. The Directorate-General for the Regulation of Gambling shall not make available to operators information relating to cancelled user registrations in accordance with paragraph 11(3) of this Resolution. The request to the operator for activation of a previously cancelled user registration shall require the identification of the participant and the verification that they are not covered by any of the subjective prohibitions in the terms set out in this Resolution.'

Four. A fourteenth paragraph is inserted in Annex I, which reads as follows:

'Fourteenth. *Control of the prohibitions of access to gaming of the deceased.*

1. Under the terms of the following paragraph, the Directorate-General for the Regulation of Gambling shall make available to gambling operators a system for verifying whether persons registered on their platforms have died.

2. Game operators must verify each day that participants with an active user registration are not registered as deceased in the Identity Verification Service of the participants of the Directorate-General for the Regulation of Gambling. To this end, with the indicated frequency, the Directorate-General for the Regulation of Gambling will generate and make available to the operators an updated computer file in which the changes that, as a result of the registration of registration data in the section of defunct persons of the Civil Registry, would have been made in the Identity Verification Service of the participants of the Directorate-General for the Regulation of Gambling and that affect the participants registered by each operator. When, due to technical reasons or failures in the availability of the service, the Directorate-General for the Regulation of Gambling is unable to make available to operators the update of the data, the verification will be carried out with the data contained in the last update provided.

In those cases in which the changes reveal the registration in the section of deceased persons of the Civil Registry of any of the participants with an active user registration, the operator will proceed to the cancellation thereof. In these cases, the cancellation will not prevent the settlement of the gaming account and the payment of the amounts that, by way of deposit or prizes previously paid, correspond to the legitimate heir, in accordance with the applicable regulations. Upon cancellation of the account, the provisions of paragraph 13(4) of this Resolution shall apply.'

Five. A fifteenth paragraph is inserted in Annex I, which reads as follows:

"Fifteenth. *Periodic reviews*

1. Gaming operators may carry out specific checks on their participants in relation to their identification and verification, such that it is not covered by any of the subjective prohibitions in the terms provided for in this Resolution. The operator must request authorisation and communicate the beginning and end of these verification processes through the Identity Verification Service of the participants of the Directorate-General for the Regulation of Gambling in the terms established by the Directorate-General for the Regulation of Gambling.

2. The Directorate-General for the Regulation of Gambling may require gaming operators to carry out specific checks on their participants in relation to their identification and verification, such that they are not subject to any of the subjective prohibitions in the terms set out in this Resolution. To this end, the Directorate-General for the Regulation of Gambling will generate and make available to operators a computer file containing the participants concerned and the operation to be carried out. Gaming operators must verify the existence of these files every day through the Identity Verification Service of the participants of the Directorate-General for the Regulation of Gambling and, where appropriate, apply the required actions."

**Article two.** *Amendment of the Resolution of 6 October 2014 approving the data model for use in the information monitoring system of gambling operation records, as follows:*

Paragraph 3.5.7.2 ("Player's status") of Annex I is replaced by the following:

"3.5.7.2 Player's status

The 'status' of the player comprises two fields:

StateCNJ, in which the operator is asked to differentiate between:

- A: Active. This reflects the status of a player that has been duly identified and verified with documentation.
- PV: Pending document verification. This reflects the status of a player whose identity has not been duly confirmed by means of a document verification system.
- S: Suspended. This reflects the status of a player that the operator has decided to suspend after two years of continuous inactivity.
- C: Cancelled. This reflects the status of a player that has been cancelled after a period of four years following suspension.
- CD: Cancelled on account of death. This reflects the status of the player who has been identified as deceased.
- SC: Provisional suspension. This reflects the status of the player that is under provisional suspension by the operator on suspicion of collusive or fraudulent behaviour or for having allowed the use of the user registration by third parties.
- AC: Contract annulment. This reflects the status of a player that is under provisional suspension and that, in the opinion of the operator, has been demonstrated to have committed fraud or collusion or provided their user account to a third party, prompting the operator to dissolve the contract unilaterally.
- PR: Subjective prohibition. This reflects the status of a player subject to any of the subjective prohibitions established in Article 6 of Law 13/2011 (minors, registered in the RGIAJ, associations, ...)
- AE: Opt-out. This reflects the status of a player that has voluntarily decided to opt out of the game offered by the operator.
- O: Others. Other possible player situations not included under the above.

EstadoOperador [operator status] where the operator shall enter the status as indicated on its platform.'

Single final provision. *Entry into force*

This Resolution shall enter into force six months after its publication in the "Official State Gazette".

Madrid, 18 July 2023 – Directorate-General for the Regulation of Gambling, Mikel Arana Echezarreta.