



CODE OF CONDUCT REGARDING COMMERCIAL COMMUNICATIONS OF GAMBLING ACTIVITIES

INTRODUCTION-

Within the scope of gambling activities, the legal provision for signing co-regulatory agreements and the promotion of self-regulatory systems, which includes codes of conduct for matters concerning advertising, promotion and sponsorship, is found in Articles 24.5 and 7.4 of Law 13/2011, of 27 May, on the regulation of gaming, developed in accordance with regulations in additional provision seven of RD 1614/2011, of 14 November. Likewise, insofar as the service suppliers of audiovisual communication will disseminate a significant part of these commercial communications, it must be pointed out that Article 12 of Law 7/2010, of 31 March, the General Law on Audiovisual Communication, also establishes the right to self-regulation by means of approving codes which regulate audiovisual communication content and the regulations for professional diligence required for carrying it out. On the other hand, note that the co-regulatory Agreement between the Directorate General for the Regulation of Gambling (DGOJ) of the Ministry of Economy and Finance, and Autocontrol, on matters related to advertising, sponsoring and promoting gambling activities, signed on 17 November 2011, under the scope of the previously mentioned Article 24.5 of Law 13/2011, by virtue of which the DGOJ recognises and supports the self-regulatory system used by Autocontrol, and establishes mechanisms for mutual collaboration between the same, in order to contribute towards improving the development of gambling advertisements to the benefit of consumers and users, and the sector itself.

Finally, and continuing with the line marked by the said self-regulatory Agreement, this Code of Conduct has been drawn up with a basic aim: to protect consumers within the scope of commercial communications related to gambling, paying special attention to minors and other people or vulnerable groups included within responsible gaming policies.

AREA OF APPLICATION

The Code herein shall be applied to all advertisements, promotion, sponsorship and any other form of commercial communication disseminated in Spain, of any type of gambling activity regulated in Law 13/2011, of 27 May, on the regulation of gaming, including the promotion of companies, brands and events carried out by companies or bodies adhered to the same.

Within the scope of this Code, commercial communication is understood as being any form of visual, verbal, audio or written communication, disseminated by a service supplier of audiovisual or electronic communication, media or information society service, including websites or other information society services, or by any other



advertising vehicle with a corresponding consideration, either directly or indirectly destined towards promoting games of luck, challenge or chance, or the advertisements or promotion of gaming operators. In all cases, forms of commercial communication, the advertised message, sponsorship, telesales, product placement and tele-promotions will be considered. Likewise, self-promotion is also included within the area of application of the Code herein. In regard to everything that is not regulated in the Code herein, it shall be necessary to apply the Code of Conduct for Self-Regulatory Advertising and, subsidiarily, everything that is not contrary to what is established in the Code of Conduct herein, the consolidated Code for Commercial Advertising and Marketing of the International Chamber of Commerce (CCI).

ETHICAL STANDARDS

1.- Principle of legality

Commercial communications related to gaming or gaming operators shall adapt to the legislation in force, whatever their content, the dissemination methods or form, and in no case shall they lead to infringing the applicable legislation.

Including, but not limited to, and besides the provisions related to the advertising, promotion and sponsorship of gaming activities contained in Law 13/2011, of 27 May, and its implementation regulations, it shall be necessary to include General Advertising Act 34/1988, of 11 November, Law 3/1991, of January, on Unfair Competition, as well as any other regulations related to the sector, according to the dissemination method used, such as General Law 7/2010, on Audiovisual Communication, or Law 34/2002, of 11 July, on Information Society and Electronic Commerce Services.

2.- Principle of loyalty

Commercial communications related to gaming or gaming operators shall adapt to the demands of good faith and good business practices, whatever their content, the dissemination method or form they adopt.

3.- Principle of identification

Commercial communications shall be easily identifiable and clearly recognisable as such.

4.- Principle of truth

4.1.- Commercial communications shall be truthful. Therefore, it cannot mislead its audience, nor can it omit or hide important data if such omission is liable to mislead its audience.



4.2.- If the gambling activity is publicised by an advertiser other than the operator, the former must inform clearly of this matter and provide the identity of the licensed operator running the gambling activity.

5.- Principle of social responsibility

Commercial communications related to gaming activities will be made with a sense of social responsibility and, as a consequence, all commercial communications or self-promotions will be forbidden that:

- 5.1. Directly or indirectly encourage antisocial or violent behaviour.
- 5.2. Promote illegal methods or types of games or encourage people who have not obtained the corresponding authorisation to develop games.
- 5.3. Represent, approve or encourage socially irresponsible gaming behaviour, as well as conduct that leads to financial, social or emotional damage.
- 5.4. Offer messages that can devalue effort, work or study in comparison with gaming.
- 5.5. Convey tolerance in regard to games played in working environments.
- 5.6. Suggest that games can improve personal skills or social recognition.
- 5.7. Include sexual content or link games to seduction, sexual success or increased physical attraction.
- 5.8. Present games as an essential or fundamental aspect of life.
- 5.9. Lead a group to insist on playing or scorn at abstinence from gaming.
- 5.10. Present family or social relationships as secondary to playing.
- 5.11. Denigrate people who do not play or, on the contrary, endow people who play with social superiority.

6. Principles of responsible gaming

Games must be played in a responsible manner. Therefore, commercial communications and self-promotions will respect the following principles:

- 6.1. Prohibition of commercial communications or self-promotions that encourage playing games in an addictive or pathological manner.
- 6.2. Obligation to include a message reminding the public about social responsibility or the fight against addiction, adapted to the media or service provider that disseminates the commercial communication and appropriate for the method or type of game. In this regard, guidelines will be agreed for complying with this obligation.



- 6.3. Prohibition of commercial communications or self-promotions that exploit suffering or suggest that gambling enables players to escape from personal, professional or educational problems, from loneliness or depression.
- 6.4. Prohibition to suggest that gaming can be a solution to financial problems.
- 6.5. Prohibition to lead people to believe that excessive gambling losses do not have any consequences.
- 6.6. Prohibition to present gaming as a way to recover financial gambling losses.
- 6.7. Prohibition to offer loans to players of a game.
- 6.8. Prohibition to provide misleading information regarding the possibility to winning and to make people believe that if they repeat the game their chances of winning will increase.
- 6.9. Prohibition to suggest that the player's skill or experience will eliminate the luck factor on which winning depends.
- 6.10. Prohibition to display compulsive gaming behaviour as gratifying.
- 6.11. Prohibition to associate repetitive, uncontrolled or compulsive gaming situations with strong emotions.
- 6.12. Prohibition to encourage uncontrolled betting or risks.

7.- Protection of minors

Minors, who are immature, gullible, easy to persuade and open to suggestions, are especially vulnerable to advertising and other commercial communications and, as such, deserve special protection in this area. Consequently, it is forbidden to use commercial communication or self-promotions that:

- 7.1. Suggest that minors can gamble or place bets.
- 7.2. Use or include minors.
- 7.3. Directly or indirectly encourage minors to gamble, or exploit the special relationship children have with their parents, teachers or other people; furthermore, it is forbidden to use any visual, audible, verbal or written elements that are especially addressed to minors and, if applicable, shall contain a warning about the use of fiction in advertisements.
- 7.4. Present gambling as a sign of maturity or symbol of adulthood.
- 7.5. Present gaming as a present a child can give or receive.
- 7.6. Are addressed to children under the age of 18.



8. Self-regulatory principles of commercial communications in audiovisual communication services.

Besides respecting the provisions applicable to commercial communications and self-promotion contained in the General Law 7/2010, of 31 March, on Audiovisual Communication and, in particular, the provisions of Article 7 on children's rights, special attention will be paid to when the gaming advertisements and self-promotions are broadcast, as well as taking into account the programmes or television blocks that are mainly or specifically addressed to children during which the advertisements are inserted. For the purposes of the Code herein, programmes addressed to children will be understood as those classified and marked as "especially recommendable for children" and "not recommended for children under 7", pursuant to the self-regulatory Code on television content and children, referred to in Article 7 of the previously mentioned Law.

Consequently, in accordance with the nature of the gaming method or type and the potential damage for the participant, the following principles are established:

1. They may only be broadcast between 22.00 and 06.00:
 - 1.1. The commercial communications and self-promotions of roulette, baccarat, *blackjack*, poker, and all fixed odds bets related to sports or horse racing, notwithstanding what is stated in point 4 referring to the broadcasting of live events. Notwithstanding the foregoing, the limited time frame will not be applicable to gaming advertisements broadcast by radio referred to in this section, although radio advertisements may not be broadcast during the time frame with extra protection established in Article 7.2 of General Law 7/2010, of 31 March, on Audiovisual Communication.
 - 1.2. Commercial communications and self-promotions for contests included in a programme classified as "not recommended for children under the age of 18".
 - 1.3. Commercial communications and self-promotions whose content could affect the physical, mental or moral development of minors.
 - 1.4. Self-promotions of programmes dedicated to games of chance and betting that can only be broadcast between 01.00 and 05.00 in the morning, in accordance with Article 7.2 of General Law 7/2010, of 31 March, on Audiovisual Communication.
2. Commercial communications and self-promotions that advertise bingo, parimutuel betting and other bets shall be broadcast outside the time frame with extra protection established in Article 7.2 of the previously mentioned Law 7/2010, and shall not be broadcast within or next to children's programmes, notwithstanding the provisions of point 4.
3. Commercial communications and self-promotions advertising contests included in a programme whose age classification "not recommended for children under 18", lotteries with a delayed effect, complementary games and raffles will have no time frame restriction provided they are not broadcast next to or inserted into programmes mainly or specifically addressed to children.



4. In the cases of live sports or horse racing bets, parimutuel or fixed odds betting, it will also be possible to broadcast commercial communication or self-promotions

during the transmission of sporting events, from the moment they begin until they end, including the regulatory intervals or commercial breaks, as long as they correspond to the betting organisation which offers them, whether they are about the event being transmitted or about other events that fit into the same sports competition, even if they are not being broadcast at that moment.

5. Sponsors shall respect the conditions established in General Law 7/2010, of 31 March, on Audiovisual Communication and in Royal Decree 1624/2011, of 14 November.

9. Self-regulatory principles of commercial communications disseminated via electronic means in information society services.

Besides applying the principles established in Sections 1 to 7 of the Code herein and in Law 34/2002, of 11 July, on Information Society and Electronic Commerce Services, it is established as a specific principle within this area that pop-up advertisements may be easily closed and do not prevent browsing.

APPLICABLE STANDARDS

1.- Association with the Code

1.1. The signatory companies to this "Code of Conduct for commercial communications related to gaming", have expressly stated they shall adhere to the Code and in regard to their gaming advertisements, they undertake to respect the standards it includes.

1.2. The signatory companies to the Code of Conduct herein also undertake to respect the Code's stipulations in their advertising activities, as well as to abide by and immediately comply with the content of the resolutions that the AUTOCONTROL Advertising Jury may issue to settle claims submitted in relation to the Code.

1.3. The list of signatory companies to the Code herein will be made public.

1.4. The signatory companies to the Code herein may publicly inform they have agreed to abide by it on their websites and in their Corporate Responsibility Reports.



2.- Code compliance control

2.1.- A posteriori Code compliance control.

2.1.1. Compliance control of the standards contained in the Code will be performed by the Autocontrol Advertising Jury, which will deal with resolving possible claims presented related to any commercial communications of companies that have agreed to abide by the Code and which infringe its standards.

2.1.2. In this sense, the companies abiding by the Code undertake to scrupulously and immediately observe and comply with the content of the decisions the Advertising Jury may issue in regard to the claims related to the Code with which they are presented, either ceasing to disseminate the affected commercial communication or applying the necessary modifications.

2.2.- Extra-judicial settlements of claims and disputes

2.2.1. Apart from the companies that adhere to the Code, the following bodies may also file complaints before the Advertising Jury for infringement of the standards contained in the Code herein: Public Administrations -including the National Gaming Commission-; the Joint Monitoring Committee; individual consumers, as well as non-profit associations, or any company or business or professional association with a legitimate interest; and the consumer and user associations included in a register in accordance with the provisions of Law 26/1984, of 19 July.

2.2.2. To apply the Code effectively and to process and settle possible claims of infringement submitted by the adhered companies, the Autocontrol Advertising Jury will be governed by the principles of impartiality, transparency, contradiction, effectiveness, legality, freedom of choice and consumers' right to representation established in Recommendation 98/257/EC of the European Commission, and will proceed pursuant to the provisions of its Regulations. The Jury will settle the claims presented in view of the ethical standards contained in the Code herein, explaining in each case whether or not the standards have been infringed.

2.2.3. In their settlements, the Jury will determine which party or parties will be responsible for satisfying the administrative costs that result from processing the claim filed before Autocontrol, taking into account whether or not the petitions formulated by the claimant have been accepted and, depending on the case, the concurrence of circumstances such as bad faith or a temerity of either one of the parties.

Payment of the previously mentioned administrative costs made before Autocontrol will be exempt for the Gaming Administration (established under Title V of Law 13/2011, of 27 May), the Secretary of State for Telecommunications and the Information Society, individual consumers, consumer and user associations included in a register in accordance with the provisions of Law 26/1984, of 19 July, and the Joint Monitoring Committee of the Code herein, for whom the processing and settlement of claims will be free of charge. In such cases when the claimant is exempt from payment, if the claim is admitted, it will be the company against which the claim was filed that will assume payment of the administrative costs made before Autocontrol.



2.2.4. Decisions issued by the Advertising Jury as a consequence of applying the Code herein will be immediately communicated to the stakeholders for compliance.

Subsequently, the decisions will be published on the website or any other means belonging to Autocontrol.

2.2.5. If the infringements are repeated, or in the event of non-compliance with a decision issued by the Jury, the Joint Monitoring Committee reserves the right to exclude the company from the list of companies who agreed to abide by the Code herein. The Committee will make the expulsion or exclusion public, as well as the reasons which led to the decision. Once a company has been expelled for this reason, it may not be included again as a company adhered to the Code herein for a period of at least one year.

2.2.6. Likewise, the Joint Monitoring Committee reserves the right to file a complaint before the competent authorities against the infringing company or exercise the pertinent legal actions in the event any one of the companies adhered to the Code herein fails to comply with the content of a decision issued by the Advertising Jury that refers to the infringement of current legislation on advertising matters.

2.3.- Prior consultation

2.3.1. With the aim of ensuring the commercial communications adapt to the Code herein, the companies that have agreed to abide by the same may use the confidential and binding pre-clearance or copy advice system to present the commercial communications related to gaming or the advertising or promotion of gaming operators to the Autocontrol Technical Advisors. The Technical Advisors shall generally respond to said consultations within a maximum of three business days after they were made, except in cases of force majeure. Exceptionally, in the event the same operator makes a massive number of requests, the processing period for the operator in question may be extended. Finally, said period may also exceptionally be extended if, after a previous agreement with the operator in question, Autocontrol deems it is necessary to consult the competent Administration.

2.3.2. Applicants will supply the Autocontrol Technical Advisors with as much truthful and exact information about the subject matter of the commercial communication as required for the preclearance report or copy advice.

2.3.3. The Autocontrol Technical Advisors shall resolve the preclearance or copy advice in a clear and concise manner, stating whether or not they consider the subject matter of the commercial communication or promotion is in accordance with the Code, or, if appropriate, they will explain the modifications that are necessary to adapt the commercial message to the content of the Code.

2.3.4. In the event the advertiser disagrees with the result of the preclearance report issued by the Autocontrol Technical Advisors, they may voluntarily request the Jury to review the case, who, in accordance with their Regulations and taking into account the preclearance report issued by the Technical Advisors, as well as the arguments and documents presented by the advertiser, will decide their confirmation or revocation. The Jury's decision will always be binding. In the event a claim is made against the advertisement being examined, the Section of the Jury that is aware of



the review shall abstain from participating in the procedure carried out before the Jury.

2.3.5. The companies adhered to the Code shall refrain from using the reply to the pre-clearance or copy advice, or the fact it was requested, for advertising purposes.

2.3.6. If the request for prior consultation or copy advice comes from a code-adhered medium, Autocontrol's Technical Advisors will send the report to all code-adhered media unless the requesting medium expressly requests Autocontrol maintain copy advice confidentiality. This will be done on an exceptional basis and due to the special and internal nature of the action.

There will be no reference to the requesting medium in the prior advice report. In the same way, AUTOCONTROL will keep the DGOJ and SETSI informed on the number of reports issued, provide copies of these and enable them to access documentary sources so they may perform their duties.

3.- Joint Monitoring Committee

3.1.- A Joint Committee is created to follow up on this Code. It shall be composed of the Director General for the Regulation of Gambling until the National Gaming Commission is constituted or, in this case, by its Chairman who will act as chairman of the committee; a representative of the Ministry of Industry, Tourism and Commerce (or the Spanish Audiovisual Media Council); a representative of the Ministry of Finance and Public Administrations; five representatives of the gaming operator sector; two representative of all other industries subscribed to the code (television service providers, radio service providers, information society service providers and newspaper publishers); and a non-voting representative of Autocontrol who will act as secretary of the committee.

Each member shall be appointed with a replacement –by someone who corresponds with the appointed position- and who will replace them in the event the member is unable to attend Committee meetings.

The Committee may be extended equally if companies from new sectors agree to abide by the Code. Furthermore, if deemed necessary, the Joint Monitoring Committee may create Technical Working Groups.

3.2.- The Joint Monitoring Committee will have the following duties:

a) Periodically evaluate the application of the Code in relation to the targets set. For this purpose, it will request to see periodical samples of advertisements and other commercial communications disseminated in Spain.

b) Carry out the proposals it deems necessary to improve and review the Code.

c) Six months after the Code has entered into force, it will request to see a sample of the commercial communications that comprise the subject matter of the Code herein, in order to analyse the degree of compliance.

d) In accordance with the results of the samples referred to above, devise an obligatory system regarding the use of the pre-clearance report mentioned in Article 3 of the “Applicable standards” of the Code, to be applied to one or several operators of



specific games who repeatedly infringe the Code of Conduct.

e) Periodically know the results of the Code compliance reports presented by Autocontrol.

f) Decide about requests for adhesion made by specific companies of initially participating sectors, or incorporating companies foreign to said sectors.

g) Decide which claims to present before the Autocontrol Advertising Jury in all cases in which there is an infringement of the standards contained in the Code.

h) Gather information from AUTOCONTROL about whether certain advertisements, known to the public because they have already been broadcast, were subject matter of a positive pre-clearance or copy advice report issued by the Autocontrol Technical Advisors.

3.3.- The Joint Monitoring Committee shall meet as often as necessary to adequately comply with their duties. The meetings will be called by the Chairman or at the request of three members or more.

3.4.- The decisions shall be adopted by the simple majority of the members in attendance or represented. Members will abstain from voting in the Joint Monitoring Committee and specifically when they affect the commercial communication of a company that has one of its members in the Committee.

4.- Entry into effect

The Code herein shall enter into force on 11 June, 2012. However, the commercial communications that have been disseminated prior to the entry into effect of the Code herein may continue to be used until 17 June, 2012.

5.- Review of the Code

5.1.- The Code shall be reviewed periodically, in order to adapt it and keep it up dated.

5.2.- If, as a consequence of the review, it is necessary to modify the Code, the modification will be publicly announced.

5.3.- Proposals to modify the Code shall be adopted by majority by the Joint Monitoring Committee. The modification proposal shall be notified to all the companies that have agreed to abide by the Code. It will be understood that said proposals have been accepted when after a period of two months the Committee has not been formally notified of the refusal to the proposal and its consequent dissociation from the Code.

After this period of two months, the proposed changes shall enter into force for all the companies that remain adhered to the Code.

5.4.- Companies that so desire may dissociate themselves from the Code by formally communicating their decision to the Joint Monitoring Committee. The dissociation will enter into force 45 calendar days after the Committee has received the communication and it will be made public in the same form as it was published.



APPENDIX I

BANNERS. APPLICATION CRITERIA.

The criteria to be taken into account regarding banners are the following:

As regards the letters (using the size of small case letters as a reference) the recommended minimum size is 14 pixels (measured on a screen of 720 x 576 pixels) or 26 points in the case of a static banner, or 15 pixels/28 points if it is inserted in scroll form.

The advertiser shall calculate the time it takes for the message to cross the screen according to the number of words it contains. The following measurements are offered as a guide: 12 words – 6 seconds; 20 words – 10 seconds; 30 words – 15 seconds; 40 words – 19 seconds; etc. The foregoing displayed at a steady and constant speed.

Translated