

Gambling: the future law of the Valencian Region (Spain)

Introduction:

The Valencian Region (*Comunidad Valenciana*) is another of the Spanish regions where a new law on gambling is “*under construction*”. We have to remind that Spain is composed of 17 autonomous regions (*Comunidades Autónomas or CA*) according to the Constitution of 1978 and our *Carta Magna* regulates on its articles 148 and 149 the different materias and competences of the State and of such CA.

But, nothing has been stated on gambling and this hole has permitted some of the CA to regulate the gambling (on-line included of course) within their geographical and political area.

Concretely, the CA of Valencia has regulated in its Status of Autonomy (Law 1/2006, dated 10th of April, article 49.1.31) its own competence on “*casinos, game and gambling*” with the exclusion of the well-known “Quiniela”, which is the game based on the result of the football matches which is of exclusive competence of the State.

Thus, as per its own competence, the CA of Valencia decided at the beginning of 2008 to issue a Regional Law on gambling.

As the recent boom on gambling online is an evident phenomenon, no one wants to be out of the profit such industry is allowing.

As well as the autonomous governments of the Basque Country or Madrid has already issued their gambling laws, the Valencian’s one wanted to implement its Status of Autonomy by the creation of an internal law which will govern the gambling of all types, excluding the “Quiniela”, and of course, one of the main objectives is to regulate the online gambling and the betting licenses.

It has to be said that Spain is a country of gambling but of a different sort of the United Kingdom as we have plenty of lotteries (Lotería Nacional, Bonoloto, Once, etc...) on national and regional levels, but the usual bookmakers shops that are habitual to the Britons are still not well known.

The vast majority of betting is not made through those shops but by means of Internet and its online gambling. The Spanish Football League is one of the main targets of such online companies and we are now used to see full pages of advertising in the newspapers. And, by the way, two of the best clubs, Seville FC and FC Barcelona, are sponsored in one or another way by online gambling operators such as 888.com or Betwin.com.

The gambling industry is now so powerful that the sporting bodies are fearful about preserving the integrity of sport and Spain is not away of that feeling as I have personally seen contracts of football clubs with players in which there is a prohibition to bet on any game involving one own club, which is not exactly letting the players be free but it could be seen as a good move *for the good of the game...*

The project:

The Valencian government is aware of the difficulties of launching a gambling law, due to its legal and social controversies.

Thus, for the moment the project is only under the first step, which is to be finalized by the Department of Tax and Economy of the regional government and one terminated it has to be sent to all the other Departments in order to get their internal inputs.

Once that is already performed, the proposition or project of law must be sent to the *Corts Valencianes* (the Regional Assembly), which gives us the perception that the law will not be approved on next Summer, as it had previously appeared in the media.

The project, even though it is sort of secret, is been known to follow the previous regional laws with the regulations on the prerequisites for the gambling companies to obtain a license; the events – sporting or non sporting – that can be used for the betting; the regional area in which the authorization is given; the prohibitions for betting (in this particular issue, the regulatory framework is clear and the young under legal age will not have the right of gambling, as well as the shareholders of the betting companies who will be proscribed of gambling, etc...); the kind of possible games and type of gambling, etc...

The most important chapter is the one regarding the authorizations, in which it is included the way of its obtaining; the prerequisites of the applicants which differ from being a company or an individual.

The exploitation of the licenses could be achieved through commercial gambling shops, with a minimum area and a regular control and inspection of such houses.

But, what can be a difference from other regional laws is that, at least in the first known version, the number of betting licenses are not to be restricted and this is regarded as a point in favour of the more open British system, as it has not to be forgotten that the Valencian Autonomous Region is the one which has the most Briton citizens among their inhabitants. We may think that this is a *clin d'oeil* to those citizens in order to make them more comfortable in our country even on the gambling side.

Conclusion:

Valencian's regional government is moving ahead of the regions which are using the legal hole of the Spanish Constitution and it seems that its new gambling law may be one of the most advanced one as per its less restrictive system that is currently waiting to be approved.

But, we lawyers know that from a first draft to the end of the contract there are a lot of discussions and this law will not be a exception, so we must wait and see and once the final project is endorsed we will come back with it.