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# The regulation of the Remote Gaming and Sports Betting Law is approved

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On October 13, 2023, Supreme Decree No. 005-2023-MINCENTUR was published in the official gazette “El Peruano”, which approves the Regulation of Law No. 31557 about the exploitation of online games and online sports betting.



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## Preliminary comments

As remembered, the validity of Law No. 31557, which regulates the exploitation of online gaming and online sports betting, was subject to the publication of its regulations. Validity that would become effective 120 days after its publication. Thus, with the publication of Supreme Decree No. 005-2023-MINCETUR that approved the Regulation of Law No. 31557 (the “Regulation”), the new legal framework applicable to the exploitation of online gaming and online sports betting will be due from February 10, 2024.

The Ministry of Foreign Trade and Tourism – MINCETUR is the authority in charge of exercising the powers of regulation, authorization, revocation, supervision and sanction regarding the exploitation of online games and online sports betting.

Among other aspects, the Regulation mainly develops (i) the definitions, (ii) functions of MINCETUR, (iii) the licenses and registrations required to develop the activity, (iv) the requirements and procedure to obtain them, (v) the obligations of the holders, (vi) the regime of sanctions, and (vii) the technical standards.

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## Main regulated aspects

### Authorizations and registrations

Law No. 31557 regulates the authorizations and/or registrations required for the development of the exploitation activities of online gaming and online sports betting. Thus, the Regulation establishes, on the one hand, the authorizations linked to the owner of the provision of services; and on the other, the authorizations and/or records referring to the activity carried out by the service provider.

The Regulation includes the following licenses related to the holder of the services provided:

- a) License for the exploitation of the technological platforms in online sports betting and online casino games.
- b) License for the exploitation of online sports betting rooms.
- c) License for certification laboratories.
- d) Registration of linked service providers

The Regulation includes the following licenses and registrations related to the activity developed by the service provider:



- a) License and registration (homologation) of technological platforms.
- b) License and registration (homologation) of gaming programs.
- c) License and registration (homologation) of progressive systems
- d) License and registration (homologation) of game modalities (except live casino games).
- e) License and registration (approval) of live casino games.
- f) License and registration (homologation) of sports betting terminal models
- g) Registration of authorized sports betting terminals.

The above-mentioned authorizations are subject to a prior evaluation procedure with a duration of 30 working days, except for (i) the license for certification laboratories and (i) the license for the exploitation of online sports betting rooms, (iii) the registration and/or modification in the content of the registry of linked service providers and, (iv) the registration and/or modification in the content of the registry of sports betting terminals, among others which are approved automatically.

## **Authorization for the exploitation of technological platforms**

To begin the exploitation activities of online gaming and online sports betting, authorization for the exploitation of technological platforms will be required. This authorization is valid for 6 years. The Regulation establishes a series of requirements that must be met to obtain the aforementioned authorization.

It is important to mention, that before the beginning of the activities, the supplier must comply with the following: (i) grant the guarantee in favor of MINCETUR; (ii) communicate the domain with the extension to be used; and (iii) provide MINCETUR with the users and passwords to access the servers and database of the technological platform.

## **Inspection actions**

The Regulation establishes that MINCETUR exercises the powers to supervise the exploitation of online games and online sports betting. Likewise, the regime of infractions and sanctions classified as offending conduct which can be punished with a reprimand, with fines of up to 200 UIT), and the destruction of the goods linked to the activity is applied.

In accordance with the Table of Infractions and Sanctions of the Regulation, carrying out the activity of exploiting technological platforms without having the respective authorization may constitute an infraction punishable by a fine greater than 150 UIT and up to 200 UIT.



According with the Regulation, as part of inspections, MINCETUR may block IP addresses, URLs, web pages and/or computer applications for unauthorized exploitation activities.

### **Regulatory adaption**

Subjects who are currently carrying out online gaming and online sports betting activities may continue with their operations, as long as they submit their request for authorization within 30 calendar days of the entry into force of Law No. 31557.

MINCETUR authorizes the exploitation of technological platforms, after verifying compliance with the requirements indicated in the Regulation (with the exception of information related to the registration codes of the technological platform and the services provided). In this case, once the authorization to operate technological platforms has been obtained, the owner will have a period of 90 calendar days to comply with obtaining the necessary registration codes aforementioned otherwise the authorization initially granted will be revoked.

### **Additional directives**

MINCETUR, through the General Direction of Casino Games and Slot Machines, may develop and specify the technical requirements contained in the Technical Standards approved for technological platforms, or dictate complementary provisions for compliance with the Law and Regulations, through Mandatory directives.



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