REPORT ON GOOD REGULATORY AND ECONOMIC GOVERNANCE.

PROPOSING AUTHORITY

Regional Ministry of the Presidency, Justice, Security and Administrative Simplification

Date: February 2026

TITLE OF THE REGULATION

Draft Order regulating the use of debit bank cards in gambling establishments in Cantabria.

TIMELINESS OF THE PROPOSAL

MATTER REGULATED

The purpose of this order is to regulate the use of debit bank cards or other similar devices in gambling establishments in Cantabria.

TIMELINESS OF THE REGULATORY PROPOSAL

Article 24(25) of the Statute of Autonomy for Cantabria grants the Autonomous Community of Cantabria exclusive jurisdiction over casinos, gambling and betting, with the exception of parimutuel betting on sports and charity events.

In the exercise of these powers, first the Cantabria Law 4/1998 of 2 March on Gambling was enacted, followed by the Cantabria Law 15/2006 of 24 October on Gambling in Cantabria, the aim of which was not to promote or prohibit gambling, in a manner that would be contrary to social trends, but to establish definitive rules that would provide citizens with the legal certainty required and, moreover, to allow the Government to adapt to the circumstances at any given time. These regulations are currently repealed, with Cantabria Law 4/2022 of 24 June on the Regulation of Gambling in Cantabria which implements the provisions of the Statute of Autonomy.

This Law is implemented, inter alia, by Decree 53/2018 of 21 June, amending the Regulation on Amusement and Gambling Machines, approved by Decree 23/2008 of 6 March. The Second Final Provision of that Decree empowers the Minister responsible for gambling matters to issue such provisions as may be necessary for its development and implementation.

In accordance with this legal mandate, the procedure for drafting the Order regulating the use of debit bank cards in gambling establishments in Cantabria is ongoing.

In accordance with the provisions of Article 46 of Law 5/2018 of 22 November on the Legal Regime of the Government, the Administration and the Institutional Public Sector of the Autonomous Community of Cantabria, the Government shall ensure that the regulations adopted are appropriate, pursue clear, accessible and transparent objectives, and comply with the criteria of competence, necessity, effectiveness, proportionality, legal certainty, transparency, efficiency and simplicity.

OBJECTIVES PURSUED

Given the fast-paced nature of today's society and the constant evolution of payment methods, there is a need to adapt the regulation of the gambling industry, thereby reducing the handling of large amounts of cash.

In this sense, payment through electronic systems can be a key element in optimising the financial system, facilitating fast, secure and accessible transactions from anywhere.

This transformation is essential to ensure a safer and more transparent environment, aligned with technological developments and current needs.

Given that Law 4/2022 of 24 June on the Regulation of Gambling in Cantabria, enacted in the exercise of the exclusive powers conferred on the Autonomous Community by Article 24(25) of the Statute of Autonomy for Cantabria, paves the way for further regulatory development, this draft aims to continue that process by establishing a balanced regulatory framework that strikes the necessary balance between the principle of free economic initiative and the need to prevent the adverse effects that its exercise may have on public order, public health and public safety, as well as to prevent fraud. It is important to note that such payment systems have a positive impact on improving the security of gambling establishments and the traceability of the transactions carried out, thus contributing to the reduction of fraud and money laundering.

Recognised as a legitimate social activity—insofar as it constitutes an expression of the principle of individual freedom enshrined in the Spanish Constitution of 1978—gambling has, over the years, become an established sector within the economy, characterised by its dynamism and evolution, particularly influenced by recent technological advances.

In this regard, gambling has certain intrinsic characteristics that make regulatory intervention by the Administration necessary to establish mechanisms that ensure the safety of gamblers, guarantee the protection of minors and those persons requiring such protection for health-related reasons, and enable the maintenance of public order and the proper conduct of gambling activities. Accordingly. the use of credit cards to participate in gambling establishments in Cantabria is prohibited, in the interests of protecting the public health and safety of citizens, and to prevent gambling that is uninformed and contrary to responsible gambling.

The aim of this measure is to prevent the promotion of excessive gambling expenditure, which could lead to debt. This can be achieved by prohibiting the use of credit cards for gambling and allowing only debit cards.

CONTENT

The purpose of the draft Order is to regulate the use of debit bank cards or other similar devices in gambling establishments in Cantabria.

The Order does not impose any new obligations or unnecessary administrative burdens on interested parties beyond those provided for in Cantabria Law 4/2022 of 24 June 2011 on the Regulation of Gambling in Cantabria.

COMPETENCE

Article 24(25) of the Statute of Autonomy for Cantabria grants the Autonomous Community of Cantabria exclusive jurisdiction over casinos, gambling and betting, with the exception of parimutuel betting on sports and charity events.

This competence, as established by Cantabria Law 4/2022 of 24 June on the Regulation of Gambling in Cantabria, which implements the provisions of the Statute of Autonomy, is currently exercised through the Regional Ministry of the Presidency, Justice, Security and Administrative Simplification,

MAIN ALTERNATIVES CONSIDERED

No alternatives with a lower impact have been considered as a means of effectively achieving the objectives in question.

As has been the case to date, it will still be possible to accept payments made exclusively in cash; since this new option is not mandatory. Rather, subject to the limitations established, it will legally provide customers with an additional means of payment.

Regulation of the requirements for authorising the use of bank payment cards or other similar devices in gambling activities for the acquisition of physical or electronic payment cards or media for use in Type B and C gaming machines located in gambling premises.

REGULATORY FRAMEWORK. CONTENT AND LEGAL ANALYSIS

TYPE OF LAW

The draft takes the form of an Order regulating the use of debit bank cards in gambling establishments in Cantabria, as provided for in Decree 23/2008 of 6 March, the First Final Provision of which empowers the head of the department responsible for gambling matters to issue the necessary provisions for the implementation and enforcement of the Decree.

TABLE OF REPEALS

The adoption of the Order will not lead to the repeal of any other regulatory provision.

STRUCTURE OF THE LAW

The order consists of nine articles and a single final provision.

REFERENCE TO THE DRAFTING PROCEDURE

REPORTS

The procedure requires a written statement, which is included in the file and report prepared by the legal services of the Regional Ministry of the Presidency, Justice, Security and Administrative Simplification.

Pursuant to Article 22 of Cantabria Law 4/2022 of 24 June on the Regulation of Gambling in Cantabria, a report will be requested from the Cantabria Gambling Commission, which is a collegiate body with advisory, research and consultative functions in the field of gambling, and whose functions include *"issuing reports on preliminary draft legislation and general provisions relating to gambling"*.

With regard to its audit function, given that the draft Order will not entail any financial obligations, it is not subject to a prior audit report before its approval.

At the meeting held on 23 December 2025 by the Technical Committee for the Coordination and Monitoring of Preventive Measures—a body established under Article 16 of Law 4/2022 of 24 June—a copy of the draft order was distributed together with the notice of the meeting and was included as one of the items on the agenda.

PRIOR CONSULTATION, HEARING AND PUBLIC CONSULTATION PROCEDURES

Law 5/2018 of 22 November on the Legal Framework for the Government, the Administration and the Institutional Public Sector of the Autonomous Community of Cantabria establishes, in Article 51, the procedure for drafting regulations having the force of law and provisions of a general nature: Common procedural steps, with the following content:

'1. The procedure for drafting bills, draft legislative decrees and general provisions shall be initiated by the relevant Regional Ministry or Regional Ministries by means of an initiating resolution, in accordance with the procedures set out in the following paragraphs.

2. Prior to the drafting of the relevant text, a public consultation process will be carried out and published in the Official Gazette of the Cantabria (BOC) and on the transparency portal for a period of no less than ten days.

3. Preliminary draft laws, draft legislative decrees and draft general provisions shall be submitted to the joint hearing and public consultation procedure. To this end, a notice will be published in the BOC setting out the deadline for submitting comments and the transparency portal where the draft legislation can be accessed, for a period of no less than ten days.

Prior consultation and the joint hearing and public consultation procedure may be dispensed with in the case of budgetary or organisational rules, and, exceptionally, when there are serious reasons of public interest which must be recorded in the file.

In cases where bills, draft legislative decrees and general provisions are to be processed as a matter of urgency, it will not be necessary to conduct the prior consultation before they are drafted.

4. Throughout the drafting process, in addition to the mandatory reports and opinions, any studies and consultations deemed appropriate to ensure the soundness and legality of the text shall be obtained.

The administrative body conducting the procedure shall draw up a regulatory impact analysis report, which shall include the following content:

a) Timeliness of the regulatory proposal: justification of the need for regulation and the regulatory range and adaptation of the regulation to the objectives and purposes of the rule.

b) Content: the legislative framework in which the proposal is inserted, a list of existing provisions to which it affects or repeals, adaptation to the order of distribution of competences and relationship with national and European law.

c) Analysis of the following impacts:

1. Economic impact, which will assess the impact of the application on the sectors, groups or actors affected by the rule, including the effect on competition, market unity and competitiveness.

2. Budgetary impact, with reference to the possible impact of the regulation on revenues and public sector expenditure.

3. Administrative burdens associated with the proposal, including the burdens on the public administration resulting from the implementation of the proposed legislation.

d) Analysis and summary assessment of the claims submitted during the hearing and public consultation proceedings, and of the reports issued, and their reflection in the text of the proposal, if applicable.

e) Reference to the regulatory drafting procedure, including, where applicable, an indication of urgent processing.

f) Assessment of compliance with the principles of good regulation

g) Any other aspects, that are relevant at the discretion of the body dealing with the procedure, as well as other impact assessments provided for in the current legislation.

5. Where any draft regulatory proposal affects the administrative structure of the General Administration of the Autonomous Community or the status of non-teaching civil servants or staff under the general employment regime, a specific supplementary prior report shall be sought in advance from the relevant Regional Ministry responsible for these matters. If no objection has been raised within 15 days of receipt of these applications, the procedure may continue.

Once the consultation, public hearing, public consultation and other reporting procedures have been completed, the draft or preliminary draft regulation shall be forwarded to the Head of the General Secretariat of the proposing Regional Ministry, who shall request a report from the Legal Advisory Service on its legality.'

Specific provision is made for Orders in Article 51 quater. Procedure for drafting Ministers' orders: The specific procedures are as follows:

'*1. Where orders fall within the remit of several Regional Ministries, a report must be provided by all the General Secretariats concerned by the order. These orders must also be reported by the Directorate-General of the Legal Service of the Government of Cantabria.*

2. The order must also be submitted for a report by the Directorate-General responsible for budgetary matters in accordance with Article 7 of Organic Law 2/2012 of 27 April on Budgetary Stability and Financial Sustainability and Article 26(2) of Law 14/2006 of 24 October on the Finances of Cantabria, where it is apparent from the regulatory impact analysis report that there is a decrease in public revenue or an increase in public expenditure which the proposing Regional Ministry is unable to absorb within the budget appropriations allocated to it by the General Budget Law of Cantabria.'

In the present procedure, the circumstances required for the application of the latter provision do not exist.

PRELIMINARY PUBLIC CONSULTATION

The draft Decree (Article 133(4) of Law 39/2015 of 1 October on the common administrative procedure of public administrations) was subject to a preliminary public consultation procedure through its publication in the BOC and on the Transparency Portal (notice published on 12 December 2025, BOC No. 239).

During that procedure, it received the following submissions:

SPANISH ASSOCIATION OF CONVERGENT CLUBS:

The Association states that it would be possible to go beyond bank cards by using other systems such as 'apps, wallets, or other physical, virtual or electronic media... which could interact either directly with the machines or via the establishment's systems.'

It states that 'The current regulations in Cantabria already contain the necessary provisions to allow for the use of these cards and devices, provided that they demonstrate, through authorised laboratory testing, that their use does not interfere with the basic parameters of the machines... We maintain the above position from the following perspective: an alternative means of payment to cash is the twenty-first century equivalent of a bill acceptor or coin acceptor, and all machines approved by this Administration already feature these cash-insertion mechanisms. However, it has never been necessary—and rightly so—to issue a regulatory Order specifically governing bill acceptors and coin acceptors, as these have always been regarded as integral components of the machines, through which players access the games offered by the machines by converting the money inserted into credits.'

The association also states that "failure to use it, because it is not operational or commercially attractive, could drive customers of high-street establishments towards online gambling. If a customer already has all these payment methods (and more) on their mobile, the appeal of land-based gambling would decline significantly, entailing the risk of a shift of customers from one channel to another, to the detriment of Cantabrian land-based gambling operators and the Cantabrian Treasury, which would lose gambling tax revenues as gaming venues potentially lose customers."

Finally, the association states that: 'Users of gambling establishments in Cantabria are adults who freely choose to visit gambling establishments that already have access controls in place; therefore, the protection of problem gamblers is already guaranteed, regardless of the payment method used.'

In response to this submission it may be stated that:

Preventing personal debt is one of the principal objectives behind the regulations set out in this Order on debit card payments, which is why it is considered an appropriate measure.

As for competition with online gambling under equivalent conditions, online gambling is governed by a separate regulatory regime that falls within State competence.

The CANTABRIAN ASSOCIATION OF OPERATING COMPANIES OF AMUSEMENT MACHINES, for its part, submits the following arguments summarised below:

'On the one hand, the land-based gambling sector is a perfectly legitimate and normal business activity, just like any other; and on the other hand, no less importantly, the emergence of new technologies is having a substantial influence on people's preferences and the ways in which they interact with public or private organisations, or even with one another'

'In this regard, whilst it is true that the use of "prepaid" cards is permitted in gambling halls in Cantabria, this method has become obsolete and we find ourselves in need—as, we must stress, is the case for any other business—of new payment methods as alternatives to cash or the aforementioned prepaid cards. In this regard, physical or virtual bank cards installed

on mobile phones – also known as "wallets"– or any other similar payment applications, such as the use of "Bizum" or similar services that may emerge in the immediate future, such as "digital euros", constitute absolutely crucial and essential tools for meeting and satisfying the needs of customers.'

The Association states that in this way they could compete *'on equal terms, not only with so-called "online" gambling, but also with land-based gambling activities operated by public or semi-public entities such as SELAE and ONCE, which are our main competitors and are allowed to use most of the aforementioned means of payment, and even credit cards'*.

The Association points out that: '*The Basque Government has not found any evidence to the contrary that would harm customers or place them in a situation of risk or vulnerability. Indeed, this is confirmed by the fact that they wish to remove some of the current restrictions.'*

Moving on to the practical advantages:

'First, this would reduce the risk of robberies, which generally occur whilst the takings are being transported to a bank, as well as the 'pull' that large sums of money—which can sometimes accumulate in the machines—exert on criminals.

Second, it would eliminate the need for businesses to keep large amounts of cash at their premises to meet any urgent demand for change in a particular currency or denomination, thereby avoiding interruptions to the operation of the machines.

Third, and closely linked to the foregoing, it would lead to a clear saving in costs of collecting and repairing breakdowns of bill acceptors and coin acceptors, and related to the above, of other components of amusement machines.

Finally, it would lead to savings on the fees that banks have started charging in recent years for the deposit and processing of coins through counting centres.'

In response to this submission it may be stated that:

Preventing personal debt is one of the principal objectives behind the regulations set out in this Order on debit card payments, which is why it is considered an appropriate measure.

As for competition with online gambling under equivalent conditions, online gambling is governed by a separate regulatory regime that falls within State competence.

The Association concludes its submission with the following statement: "We consider it appropriate and necessary to introduce new alternative and/or complementary means of payment to cash for the gambling sector, including, but not limited to, the use of physical or virtual bank cards, "Bizums", as well as any other medium or application similar to those outlined, on an equal footing with those used for years by the so-called "public or semi-public gambling sector".'

Submissions made by the CANTABRIAN ASSOCIATION OF GAMBLING HALLS AND GAMBLING ESTABLISHMENTS (ANESAR CANTABRIA),

‘In this regard, the gambling sector has long been calling for the standardisation of payment methods that are commonplace and standard in any other form of commerce and in the buying and selling of goods and services. ‘And these are also common in other forms of gambling, such as online gambling and public lotteries (ONCE and SELAE)’

The Association refers to Directive 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, which was also transposed into the national regulatory system by Royal Decree-Law 19/2018 of 23 November on payment services and other urgent financial measures.

The Association insists that ‘in other forms and manifestations of economic activity, including various areas of gambling (such as online gambling and public games), the use of various electronic payment methods is now fully established’. It also argues that ‘restricting and limiting payment methods in certain forms of gambling (private, land-based gambling falling within regional jurisdiction) will lead to a shift towards other forms of gambling that do not fall within regional jurisdiction (online gambling and public lotteries – SELAE and ONCE), which accept payment methods that, whilst not regulated at sectoral level, are much more flexible and in line with the gradual decline in cash use and the widespread adoption of electronic payment methods, as indicated in the prior consultation decision itself.’

Concluding that ‘the protection of vulnerable groups is already addressed through existing specific mechanisms, such as the gambling exclusion registers, they therefore express their doubts at this stage regarding the necessity, scope and appropriateness of the proposed order’.

In response to this submission, it should be noted that: Preventing personal debt is one of the principal objectives behind the regulations set out in this Order on debit card payments, which is why it is considered an appropriate and necessary measure.

IMPACT ANALYSIS

ECONOMIC AND BUDGETARY IMPACT

Effects on the economy in general. The regulation does not have a significant impact on the economy in general, since it is limited to regulating and specifying the use of debit bank cards in gambling establishments in Cantabria.

The Order does not set any fees or prices, nor does it provide for the adjustment of amounts by reference to any price index.

The implementation of this Order shall be carried out without any increase in the operating costs of the respective governing bodies and shall not entail any increase in public expenditure or decrease in revenue.

With regard to competition

The order currently being considered for approval does not entail any changes to competition, market unity or competitiveness.

With respect to administrative burdens

This order does not entail any additional administrative burdens that need to be quantified.

Budgetary effects

The regulation does not affect the budgets of the Government of Cantabria.

It does not give rise to any expenditure and does not generate any revenue.

OTHER IMPACTS

Impact on children, adolescents and families

In accordance with Law 30/2003 of 13 October on measures to incorporate gender impact assessment into the regulatory provisions drawn up by the Government, it is hereby stated that the draft order covered by this report applies equally to men and women, and does not give rise to any adverse discriminatory consequences on grounds of gender.

Impact on children: none, since access to gambling establishments in Cantabria is prohibited for minors through access-control measures

Impact on adolescents: none, since access to gambling establishments in Cantabria is prohibited for adolescents through access-control measures

Impact on equal opportunities, non-discrimination and universal accessibility for persons with disabilities: none

Gender impact

In accordance with the provisions of Decree 8/2021 of 28 January, approving the content and procedural guidelines for the preparation of gender impact report, and Article 22 of Cantabria Law 2/2019 of 7 March on effective equality of women and men (BOC of 8 February 2021), this gender impact analysis has been prepared.

DESCRIPTION AND GENERAL DETAILS OF THE DRAFT:

GOBIERNO de CANTABRIA

CONSEJERÍA DE PRESIDENCIA, JUSTICIA, SEGURIDAD Y SIMPLIFICACIÓN ADMINISTRATIVA

DIRECCIÓN GENERAL DE SEGURIDAD Y PROTECCIÓN CIUDADANA

Servicio de Juego y Espectáculos

Designation of the draft: Draft Order regulating the use of debit bank cards or other similar devices in gambling establishments in Cantabria

Promoting Directorate-General: Directorate-General for Security and Citizen Protection.

Other project-related regulations that help to establish the background and provide context for the draft:

- Cantabria Law 4/2022 of 24 June 2011 on Gambling in Cantabria
- Decree 23/2008 of 6 March 2008 approving the Regulation on Amusement and Gambling Machines.

Description of the general objectives of the draft:

The purpose of the draft order is to regulate the use of debit cards or other similar devices integrated into machines designed for ticket management, coin exchange and prize payouts, for use in Type B gambling machines in gambling establishments in Cantabria and in Type C machines in casinos.

Objectives specifically aimed at promoting equality between women and men:

With regard to the specific draft in question, there are no significant measures relating to equality, since it applies equally to all persons.

DESCRIPTION OF THE BASELINE SITUATION

Description or prior diagnosis of the baseline situation of women and men within the scope of application of the draft measure.

According to the statistical data, men visit the gambling establishments described in Article 3 of the order more frequently than women.

EXPECTED OUTCOMES

Given its purpose, the draft regulation does not affect the principle of equal treatment and equal opportunities for women and men. It is therefore not expected to have any direct or indirect impact on gender equality.

ASSESSMENT OF GENDER IMMPACT

The draft is expected to have a gender-neutral impact. In accordance with the foregoing analysis, the elements that require the explicit inclusion of measures that may have an impact on the defence of gender equality are not present.

With regard to the formal aspects of the draft, it should be noted that a non-sexist use of language has been taken into account in its drafting (Article 5(2)(b) Law of Cantabria 2/2019, of 7 March).

For all these reasons, it is considered that the draft Order has no direct or immediate impact on gender equality.

RECOMMENDATIONS

In light of the analysis carried out, there is no need to make any recommendations.

CONSISTENCY WITH THE LEGAL FRAMEWORK

The draft regulation is consistent with the rest of the legal system insofar as it expressly prohibits the use of credit cards.

It regulates the use of debit bank cards or other similar devices in gambling establishments in Cantabria, as defined in Article 3 of the draft Order.

Electronic devices that allow the reading of cards, or other similar payment methods, must be integrated into machines intended for ticket management, coin exchange and prize payouts.

It is a ticketing management system that allows players to insert credits into a gambling machine using tickets, in addition to the existing cash method. Tickets are issued in the form of redeemable vouchers or tokens that are validated at gambling machines within the premises, or at terminals or cash machines equipped with validation units and ticket printing systems (POS-TITO system or similar).

The unmanned point-of-sale terminal will issue tickets for the amount requested by the user, by debiting the corresponding amount from their debit card, subject to the limit set out in Article 5.

The ticket issued may be used at any machine equipped with the ticket system for redemption into vouchers or another ticket, provided that the machine is connected to the ticket-issuing system (POS-TITO system or similar) at the same premises.

COMPLIANCE WITH THE PRINCIPLES OF GOOD REGULATION

Given its unique nature, the classification of gambling as a special economic activity may be subject to very stringent regulatory restrictions and limitations. Accordingly, administrative intervention is more intense than in other economic sectors, as it is based on the overriding reasons of public interest set out in Article 3(11) of Law 17/2009 of 23 November, on free access to and the exercise of service activities, in conjunction with Article 5 of Law 20/2013 of 9 December on the Guarantee of Market Unity. These include public order, the protection of the rights and health of gambling users, public safety, and the fight against fraud.

Therefore, such intervention is justified by the prevalence of the general public interest with the primary objective of safeguarding rights relating to the health of users and the prevention of addictive behaviour.

Directive 2006/123/EC of the European Parliament and of the Council excludes from its scope the activity of gambling for money, including lotteries and betting, in view of the specific nature of those activities, which involve the implementation by Member States of policies relating to public policy and consumer protection.

Furthermore, restrictions on gambling activities, as a non-harmonised area, may be adopted and justified on the grounds of the aforementioned overriding reasons of public interest, as well as for the protection of players and the prevention of fraud or the encouragement of excessive gambling expenditure by citizens, subject to compliance with certain requirements of proportionality and non-discrimination.

Thus, the Judgment of the Court of Justice (Eighth Chamber) of 16 October 2025 on the justification of the restrictions on the freedom guaranteed by Article 49 TFEU states:

'It is necessary to examine to what extent the restrictions entailed by the measures at issue may be allowed as exceptional measures expressly provided for by the TFEU or justified, in accordance with the case-law of the Court of Justice, by overriding reasons relating to the public interest (see, to that effect, judgment of 16 March 2023, OL (Extension of Italian concessions), C-517/20, EU:C:2023:219, paragraph 49).

Article 52(1) TFEU allows for restrictions justified on grounds of public policy, public security or public health. The case-law also identified a certain number of overriding reasons relating to the public interest, such as the objectives of consumer protection, combating fraud, and preventing both the encouragement of excessive gambling expenditure by citizens, as well as the general need to preserve public order, which may also justify restrictions (see, to that effect, judgment of 8 July 2010, Sjöberg and Gerdin, C-447/08 and C-448/08, EU:C:2010:415, paragraph 36 and the case-law cited therein).

In this context, it should be recalled that gambling regulations are among the areas where there are considerable moral, religious and cultural divergences between Member States. In the absence of harmonisation on the issue at EU level, the Member States enjoy a wide discretion in determining the level of consumer protection and the protection of the social order that they consider most appropriate (judgment of 22 September 2022, Admiral Gaming Network and Others, C-475/20 to C-482/20, EU:C:2022:714, paragraph 48 and the case-law cited therein).

The Member States are therefore free to set the objectives of their gambling policy and, where appropriate, to define in detail the level of protection they seek to achieve. However, the restrictions they impose must meet the requirements arising from the case-law of the Court of Justice regarding their proportionality (judgment of 14 October 2021, Landespolizeidirektion Steiermark (Slot machines), C-231/20, EU:C:2021:845, paragraph 41 and the case-law cited therein).'

(..)

'In this regard, it should be recalled that, according to the case-law of the Court of Justice, it is for the Member States to determine whether it is necessary not only to restrict gambling activities but also to prohibit them, provided that such restrictions are non-discriminatory (see, to that effect, judgment of 21 October 1999, Zenatti, C-67/98, EU:C:1999:514, paragraphs 15 and 16). Thus, the Court has held that, even though restrictions on the number of operators may, in principle, be justified, such restrictions must in any event genuinely reflect a desire to reduce opportunities for gambling and to limit activities in that field in a consistent and systematic manner (judgment of 6 March 2007, Placanica and Others, C-338/04, C-359/04 and C-360/04, EU:C:2007:133, paragraph 53), a requirement that the referring jurisdictional body is responsible for verifying.'

The CJEU has set limits on the discretion granted to Member States in determining the objectives and instruments of their gambling policy, by requiring that any restrictions imposed by national authorities satisfy the following requirements:

a) They must, in all cases, be applied in a non-discriminatory manner.

b) Restrictive measures must be consistent and appropriate in order to ensure the attainment of the objectives relied upon by the national authorities.

c) Restrictions imposed must be proportionate, and must not go beyond what is necessary for the achievement of the objective(s) on which their adoption is based;

d) State authorities cannot act in an arbitrary manner and are subject, in particular, to an obligation of transparency, subject to certain exceptions.

The concept of public policy, as interpreted by the Court of Justice, covers the protection of the fundamental interests of society and may include, in particular, issues related to the protection of minors and vulnerable adults. It considers that the restriction of the freedom to provide services is justified on grounds of public policy.

The Court also recognises that the Member States enjoy a margin of discretion when establishing such restrictions in particularly sensitive areas involving certain specific social risks, in compliance with the conditions of appropriateness and proportionality. Thus, given the specific social implications and risks associated with gambling, it is left to the discretion of the Member State to determine the extent to which it wishes to ensure protection in relation to gambling within its territory.

It is therefore the responsibility of the Government to determine the degree of intervention they consider necessary in relation to gambling activities taking place within its territory, and what specific measures to control and limit such activity should be imposed. The autonomous communities may therefore establish the limitations and restrictions in the field of gambling as they consider compatible with the Constitution and with EU law, depending on the level of protection they wish to afford to citizens, provided that these measures are based on overriding reasons of public interest and are applied in a proportionate and non-discriminatory manner.

In accordance with the principles of necessity and effectiveness, the order is based on a clear identification of the objectives pursued and is the most appropriate instrument to ensure their achievement. Its ultimate purpose is to regulate the use of debit cards or other similar devices integrated into machines designed for ticket management, coin exchange and prize payouts, for use in Type B gambling machines in gambling establishments in Cantabria and in Type C machines in casinos.

The planning measures set out in this regulation comply with the principle of proportionality and contain the necessary provisions to meet the intended objectives, it having been established that there are no other measures that would be less disruptive to economic activity.

In order to uphold the principle of legal certainty, this order is consistently aligned with the rest of the regional, national and European Union legal frameworks, thereby creating a stable regulatory framework. Similar measures are in place, for example, in the Basque Country, where current legislation includes the Order of 25 January 2021, which regulates the use of bank cards or similar devices in gambling activities, and stipulates that 'The system shall only accept debit payment transactions. Under no circumstances may credit cards or credit-based devices be used.'

The purpose of this section is to analyse the compliance of the regulation with the principles of good regulation set out in Article 46 of Cantabria Law 5/2018 of 22 November on the Legal Framework of the Government, the Administration and the Institutional Public Sector of the Autonomous Community of Cantabria.

The need to make use of an Order as the regulatory instrument has already been justified.

With regard to the principle of effectiveness, the new regulation is an effective instrument and the most appropriate means of achieving the stated objective of permitting the use of debit cards at gambling establishments in Cantabria, as defined in Article 3 of the draft Order.

This draft measure is consistent with the principle of proportionality. It does not unnecessarily or excessively alter the regulations on the matter in which it affects.

The principle of legal certainty is likewise satisfied by this draft measure, as it aims to provide potential users and gambling operators with a stable and clear legal framework regarding the use of cards in gambling establishments.

For its part, the regulation complies with the principle of simplicity, since it does not impose new obligations or additional burdens on companies or citizens.

This Order is in line with the principles of good regulation of Article 129 of Law 39/2015, of 1 October, on the Common Administrative Procedure for Public Administrations, namely the principles of necessity, effectiveness, proportionality, legal certainty, transparency and efficiency.

In particular, it complies with the principles of necessity and effectiveness, in order to implement regulatory changes arising from the sector's needs, whilst always taking into account the protection of players and the prevention of fraud or the encouragement of excessive gambling expenditure by citizens.

Furthermore, it complies with the principle of proportionality, as the decision has been taken to retain the previous regulations without affecting citizens' rights and obligations, introducing only those amendments that are essential to address the new needs identified and to rectify the shortcomings observed.

The regulation also complies with the principles of legal certainty and transparency, since it clearly identifies its purpose and the report, accessible to citizens, provides a full explanation of its content.

Finally, the proposed regulation is also consistent with the principle of efficiency, as it does not impose any administrative burdens, and provides a common framework for regulating the use of debit cards in gambling establishments.

In Santander, on the date of the electronic signature.

The Director-General for Security and Civil Protection.

The Head of the Gambling and Public Entertainment Service.