



Spanish loot box consultation

Spain's gambling regulator has launched a consultation on the regulation of loot boxes

Regulator: Dirección General de Ordenación del Juego (DGOJ)

RISK BAROMETER:



JURISDICTION RELEVANCE:

Spain

TIMELINE:

Consultation runs until
March 31st 2021

WHAT YOU SHOULD KNOW:

- On February 19th 2021, the national gambling regulator of Spain (DGOJ), [launched a consultation](#) into the regulation of loot boxes.
- Alongside the press statement, the DGOJ published a [consultation document](#) outlining the scope of the consultation.
- The consultation asks:
 - » Whether loot boxes should come under the remit of Spain's existing gambling legislation (Act 13/2011, of 27 May (LRJ) esp. Sections 4 & 5).
 - » Whether loot boxes should be regulated under an additional gambling or consumer protection-led regulatory framework.
 - » Whether, notwithstanding the above, the government should promote self-regulation.
- If respondents favour a gambling-led regime for video games with loot boxes, ancillary questions include:
 - » Should the definition of prize be extended to encompass virtual rewards?
 - » Should providers of loot boxes be required to obtain gambling licences?

- » Should gambling style user-verification measures be adopted?
- » What would be the optimal tax rate?

MOST TELLING:

"Part of the scientific research has underlined the importance of the industry's established mechanisms of self-regulation" (consultation document).

DELANY & CO HOT TAKE:

The consultation relies heavily upon studies by gaming and gambling convergence academics, notably David Zendle and Sally Gainsbury. Revenue may be a motivating factor for the extensive consideration of gambling licensing as well as the activism of Minister of Consumer Affairs, Alberto Garzón, a video games fan and vocal loot box critic. There is some cause for optimism in the open acknowledgement of those European regulators which have chosen not to regulate loot boxes as gambling - however, industry will need to make a robust case for self-regulation and/or guidance within a framework of existing consumer protection regulation.