

## Main comments and suggestions to the draft of the Regulations of the Remote Gaming and Sport Betting Act

The Ministry of Foreign Commerce and Tourism (“MINCETUR”) has received the comments and suggestions to the draft of the Regulations of the Law No. 31557, Remote Gaming and Sport Betting Act (the “Draft Regulations”). Private entities, civil society, organizations and also individuals submitted their comments and suggestions until last December 2nd, 2022.

As a reminder, Law No. 31557 has been published on August 13th, 2022 to regulate the exploitation of remote gaming and sports betting, by setting rules regarding, among others, (i) authorizations to operators of such activities and of related services, (ii) the appointment of MINCETUR as the regulator to authorize operators and supervise compliance with the applicable legal framework (iii) establishing infractions and applicable sanctions, and (iv) the creation of a special tax on remote gaming and sports betting. The Draft Regulations was published in order to receive the comments and suggestions mainly from the agents of the industry.

In this regard, the most relevant comments and suggestions received by MINCETUR are the following:

1. Some definitions stated in the Draft Regulations is not very clear. Among others, the comments and suggestions refer to the following unclear definitions:

- a. “Cuenta de juego” (game account).
- b. “Cuenta de usuario” (user account).
- c. “Juegos de deporte de fantasía” (fantasy sports game).
- d. “Juego con habilidad” (skill game).
- e. “Juego de persistencia” (persistence game).
- f. “Apuestas de eventos en vivo” (live events bettings).
- g. “Apuestas de eventos virtuales” (virtual events bettings).

2. The Draft Regulations establishes provisions applicable to the “service provider” activities. However, the service provider is not a defined term by the Draft Regulations and actually it is not mentioned or considered in Law No. 31557.

3. Article 7 of Law No. 31557 establishes that the operation authorization for technical platforms would be obtained by: (i) companies incorporated in Peru, (ii) companies incorporated abroad with branches (“sucursales”) incorporated in Peru, and (iii) companies incorporated abroad.

However, the Draft Regulations sets forth the obligation to every company incorporated abroad to incorporate branches (“sucursales”) in Peru in order to be able to obtain the authorization for the exploitation of remote gaming and sports betting, issued by MINCETUR. The comments submitted to MINCETUR allege that these provisions would not comply with the Law No. 31557 and international because the Law recognizes that companies incorporated abroad are able to obtain authorizations with no Peruvian branches required.

4. The Draft Regulations establish the obligation to obtain an operating authorization for technological platform for each activity (i.e., one authorization for remote gaming and other authorization for remote sport betting). Some actors propose to join both activities under one authorization. This would -in their view- make the procedure more efficient.

5. Many of the comments and suggestions expose the few provisions applicable to actors that have current operations in physical premises. By way of example, the location parameters (e.g. closeness and proximity restrictions with educational establishments) would be raised considering only new actors that will enter the industry. It is requested to have more regulatory provisions applicable to the adequacy of companies that already operate physical establishments.

The Law No. 31557 will become effective 60 days after the publication of its definitive regulations.

For more information or if you require comments and suggestions received by MINCETUR, please contact:

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