

LEGAL REPORT

**ONLINE GAMBLING AND SPORTS
BETTING ¿WHERE ARE WE? AND
¿WHAT'S COMING?**

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Friday, February 9th 2024

For some time now, gambling and sports betting, have become a recurring activity among people who consume and enjoy such events. In its online mode, gambling and sports betting have not been the exception, since the betting sites market has been increasing, thus diversifying the offer among its target audience.

This way, in the absence of regulations in Peru, the betting sites market has positioned itself as one of the main entertainment activities in the sector, being currently one of the main strategic allies of the sports world at a global and national level.

Faced with this situation, the Peruvian Government has had to regulate this market, following the trend of other countries in the region such as Argentina and Colombia, whose legislation has made progress in this area.

¿WHERE ARE WE?

On August 13rd, 2022, Law No. 31557 - Law regulating the exploitation of online gaming and online sports betting (hereinafter, the "Law"), as amended by Law No. 31806, was published in the official gazette "El Peruano". The Law designates MINCETUR as the competent authority, establishes the obligation to have an authorization for the exploitation in Peru of technological platforms for online games and betting, defines the subjects or companies that can request this authorization and creates the "Gambling and Sports Betting online Tax," among other aspects.

Subsequently, on October 13rd 2023, with the publication of the Regulations of the Law, (Supreme Decree No. 005-2023-MINCETUR), the requirements for obtaining authorization for the exploitation in Peru of technological platforms for online gambling and betting were established, among others, and mainly, a period of provisional acceptance subject to subsequent inspection was established so that the activities of the companies that operate online gambling and betting technology platforms won't be interrupted.

Both provisions, Law and Regulations, will come into force this February 2024.

¿WHAT'S COMING?

First of all, on Friday February 9th 2024, the Law will come into force and on Monday February 12th 2024, the same will happen with its Regulations.

From these dates onwards, the deadlines for the submission and resolution of applications for authorization, the provisional application period and the online Gambling and online Sports Betting Tax, among others, will begin to run.

Submission and resolution of applications for authorization

MINCETUR, has inform that the whole process will be online through the "MINCETUR Integral System" located in its institutional portal. So then, from Tuesday February 13rd 2024, all companies subject to the Law may submit their respective applications.

The deadline for the attention of the applications will be 30 working days.

Additionally, MINCETUR has informed that, companies that operate online gambling and betting technology platforms, Certification laboratories and related service providers can voluntarily access the "MINCETUR Integral System" in order to enter basic information to facilitate the registration procedures that begin on February 13rd 2024. For this purpose, you must access the following link:

<https://extranet.mincetur.gob.pe/extranet2/Home/Inicio>

Thus, MINCETUR is expected to issue the respective complementary regulations for these procedures, for example, the approval of the virtual forms, the cost of the procedures and the modification of its TUPA (procedure regulations), if applicable.

Provisional acceptance period

Regulations state that companies currently operating online gambling and betting technology platforms in the country may continue to operate them as long as they submit their application for authorization within 30 calendar days from February 10th 2024, the date on which the Law comes into force.

As we have mentioned, such presentation includes the fulfilment of legal and documentary requirements in order to be regularized within a period of no more than 90 calendar days from the authorization granted by MINCETUR.

Online Gambling and Online Sports Betting Tax

The Tax will enter into force on the first calendar day of the month following the effective date of the Law, this is April 1st 2024.

To this end, we must remember that the Law has designated SUNAT as the Administrator of the Tax, and this entity will have to regulate by means of a superintendence resolution the form, term and conditions under which the respective declaration and payment will be made. In this regard, it is expected that, in the following weeks, SUNAT will issue such rules for the fulfilment of this tax obligation.

Thus, being close to the date of entry into force of the Law and its Regulations, in the following weeks we should have news on the regulations and operation of the tax applicable to the exploitation of online gambling and online sports betting.

In case you have any question, please contact Dr. Alfredo Salas al correo:

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