

GOVERNMENT GAZETTE

HELLENIC REPUBLIC

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DECISIONS

No. 56604 ΕΞ 2022

Amendment to Decision No. 79835/ΕΞ2020/20/24.7.2020 issued by the Minister of Finance on the Enactment of Gaming Regulations on Organizing and Running Online Games of (Government Gazette 2185/B).

THE MINISTER OF FINANCE

Having regard to:

1. The provisions of:

a) Article 25 to 54 of Law 4002/2011 amending pension legislation for the Public Sector-Regulations for the development and consolidation of public finances-Responsibilities of the Ministries for Finance, Culture and Tourism and Labour and Social Security (Government Gazette 180/A), in particular Article 29(3) and Articles 189-203 of Law 4635/2019 on Investing in Greece and other provisions (Government Gazette 167/A);

b) Law 4624/2019 on the protection of Personal Data, measures on the implementation of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and harmonization of Greek Law to Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016, and other provisions (Government Gazette 137/A);

c) Articles 13, 18, 19 and 41 of Law 4622/2019 'Executive State: Organisation, operation and transparency of government, government bodies and Central Public administration' (Government Gazette 133/A);

d) Law 4557/2018 on the prevention and suppress of money laundering and terrorist financing (incorporation of Directive 2015/849/EU) and other provisions (Government Gazette 139/A);

e) Law 3469/2006 on the National Printing House, Government Gazette and other provisions of Law 4727/2020 on Digital Governance (Transposition of Directive 2016/2102/EU into Greek law) and Electronic Communications (Transposition

of Directive 2019/1024/EU into Greek law) and other provisions, in particular Chapter IA on Digital Transparency-DIAVGEIA program;

f) Articles 16 to 23 of Law 3229/2004 on the supervision of private insurance, supervision and audit of games of chance and application of the International Accounting Standards (Government Gazette 38/A) and other provisions of Law 3051/2002 (Government Gazette 220/A) on independent authorities enshrined in the constitution and regarding the amendment and completion of the recruitment system in the public sector, and other relevant provisions;

g) Article 58 to 60 of Law 2961/2001 ‘The Code on Taxation of Inheritance, gifts inter vivos and winnings in lotteries’ (Government Gazette 266/A);

h) Presidential Decree No. 83/2019 on the Appointment of Deputy Prime Minister, Ministers, Deputy Ministers and Ministers of State (Government Gazette 121/A);

i) Presidential Decree No. 81/2018 on the transposition into Greek law of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 (OJ L 241, 17 September 2015, p. 1) laying down a procedure for the provision of information in the field of technical regulations and rules on Information Society services (consolidated text) and other provisions (Government Gazette 151/A);

j) Article 90 of Presidential Decree No. 63/2005 on the legislation code for the government and the government bodies (Government Gazette 98/A), as in force under Article 119 (22) of Law 4622/2019 (Government Gazette 133/A);

k) Joint Ministerial Decision No. 70330 οικ./30.6.2015 issued by the Ministry of Economy, Infrastructure, Shipping and Tourism, and the Ministry of Justice, Transparency and Human Rights on the Transposition of Directive 2013/11/EU as in force into Greek law (Government

Gazette 1421/B);

l) Joint Ministerial Decision No. 56660/1679/22.12.2011 issued by the Ministers of Finance and Culture and Tourism confirming the commencement of the Hellenic Gaming Commission (HGC) operations (Government Gazette 2910/B);

m) Decision No.145940/ΕΞ 2020/21.12.2020 (YODD 1089) issued by the Minister of Finance read in conjunction with similar Decisions nos. 2/3935/0004/24.7.2018 (YODD 428), and 9433 ΕΞ 2019/12.2.2019, (YODD 64), 3557 ΕΞ 2020/14.01.2020 (YODD 20) on the establishment of the HGC;

m) Decision No. 79835 ΕΞ 2020/24.7.2020 issued by the Minister of Finance (Government Gazette 3265/B and correction of errors 4441/2020/B) on the Enactment of Gaming Regulations on Organizing and Running Online Games of Chance;

n) Decision No. 79841 ΕΞ 2020/24.08.2020 issued by the Minister of Finance with regard to Gaming Regulations and Technical Specifications (TS) on organizing and conducting online games of chance’ (Government Gazette 3266/B).

2. The fact that in the Explanatory Memorandum of Law 4635/2019 (Government Gazette 167/A) is stated, inter alia, that the Gaming Regulation may be adopted according to one or more decisions issued by the Minister of Finance, following a relevant suggestion from the HGC.

3. Notification No. 2019/657/GR ‘Gaming Regulations and Technical Specifications (TS) on organizing and conducting online games of chance’ under Presidential Decree No. 81/2018 (Government Gazette 151/A).

4) Decision No. 549/6α/26.03.2021 based on which the HGC recommends to the

Minister of Finance the amendment to Decision No. 79835 EΞ 2020/24.7.2020 on the Enactment of Gaming Regulations on Organizing and Running Online Games of Chance (Government Gazette 3265/B/05-08-2020 and correction of errors 4441/2020/B) read in conjunction with HGC document No. 16745/16.11.2021 entitled “Updated Draft Provisions on the Recommendations from HGC in order to adopt a decision on the amendment of the Gaming Regulations on Suitability of Persons and on Organizing and Conducting Online Games of Chance.

5) The fact that in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 (OJ L 241, 17 September 2015), the amendments suggested to this Regulation do not need to be notified to the EU since they do not restrict already existing and/or notified provisions, nor do they introduce new restrictions, obstacles or prohibitions as to the access, provision, installation and use of gambling services and regarding the specifications for products and services related to such provision and use.

6) The fact that this decision does not entail any financial burden for the HGC budget, we hereby decide as follows: We amend Decision No. 79835 EΞ 2020/24.7.2020 (Government Gazette 3265/B and correction of errors 4441/2020/B) issued by the Minister of Finance on the Enactment of Gaming Regulations on Organizing and Running Online Games of Chance as follows:

1. We replace Article 15. as follows:

‘15.1 The License Holder shall enter into a contract with the Manufacturer operating the Studio.

15.2 The Studio shall be installed in a Member State of the EU or the EEA and shall operate under a license issued by the

competent regulatory authority of a Member State of the EU or EEA.

15.3 The Studio shall not be installed in non-cooperating jurisdictions for tax purposes within the meaning of Article 65(1) of Law 4172/2013 (Government Gazette 167/A), as well as in the countries referred to in Annex II of Law 4557/2018 (Government Gazette 139/A).

15.4 The Studio shall be secure and protected against natural or man-made disasters.

15.5 To access the Studio or specific sections thereof, procedures to have access to classified information and adequate control systems shall be in place.

15.6 Recording and tracking policies and procedures for equipment installed at the Studio and removed from it shall be applied.

15.7 The Studio shall be monitored by closed circuit television (CCTV) round the clock. Data recorded shall be kept for a period of at least ninety (90) days. Should any dispute arise under the provisions of Article 26, the said data shall be kept until a final resolution of the dispute is achieved. Stored data shall be made available to the HGC, upon request, within two (2) days at the latest.

15.8 The Studio shall have a certificate of conformity with the Technical Specifications and Regulations, issued by the competent Certification Body.

15.9. The Technical Means and Materials installed and operating at the Studio shall have obtained certification by the HGC in accordance with the provisions of the Regulations.

15.10. The License Holder shall inform the HGC of the Studios by submitting a

relevant notification. The Notification shall include:

- a. The precise location of the Studio;
- b. The full particulars of the Manufacturer under whose valid licence the Studio operates and a copy of that license;
- c. The collaboration agreement with the aforementioned Manufacturer;
- d. The Certificate of conformity to the Technical Specifications and Regulations, issued by the Certification Body;
- e. A list of the Technical Means and Materials to be used for the conduct of the event which have been installed at the Studio or, although not in the Studio, are used as elements of the equipment used for playing Games at the Studio.
- f. The policies and procedures for the management and security of the Studio, the equipment and staff implemented by the Manufacturer.
- g. The application shall be accompanied by a declaration on honor from the Manufacturer who manages and operates the Studio, stating that the HGC's unhindered access to the Studio, its systems, equipment, evidence and data held therein shall be ensured in the manner and at the time specified by the Authority.

15.11 Where a competent authority has strictly prohibited the operation of a Studio or the Manufacturer's Licence has expired, the Licence Holder shall cease the running of Games at the Studio, without any other procedure or formality, from the date on which running of those premises is prohibited. Any temporary prohibition on the Studio's operations or termination of the Manufacturer's Licence in any manner shall be notified by the Licence Holder to the HGC promptly using all appropriate means. Where there is a temporary prohibition on operation of the Studio or temporary suspension of the

Manufacturer's Licence, the playing of Games at the Studio shall cease for such time as the prohibition is in place.

15.12 I Where there is a change in any of the above particulars, and in cases where new Games are made available to the public, a notification shall be submitted by the Licence Holder to the HGC. That notification must be accompanied by proof of any changes which have arisen.

15.13 The License Holder shall keep electronic Registers of the Studios and Technical Means and Materials used to run Games at those Studios. For each type of Technical Means and Materials, the registers shall include information about the installation and operation of the Technical Means and Materials (such as the place, start date, suspension, faults, abolition, maintenance and storage thereof), information about the Studios and facilities and gaming infrastructure in general, the staff register, and any other information, data or files specified by the HGC. The aforementioned registers, files, data and information shall be held in the manner and format specified by the HGC. Both the License Holder and the Manufacturer under whose valid licence the Studio operates shall ensure that the HGC has full access to them.

15.14 By HGC Regulation, the certification body shall determine the type and minimum content of the supporting documents and particulars to be submitted, as well as any other technical and procedural details for the purpose of applying this Article.

2. Article 33(33.9) shall be amended as follows: '33.9. The alternative storage site for the main Safe Storage Device (Safe), shall be hosted at a Data Centre within the EU or the EEA at a distance of at least twenty (20) kilometres from the main Safe Storage Device and synchronised with it

every thirty (30) minutes at the latest, using a secure connection dedicated solely for that purpose. The installation of the alternative storage site for the main Safe Storage Device (Safe) shall meet the requirements of paragraph 2.13’.

In respect of the other issues, the provisions of Decision No. 79835 ΕΞ 2020/24.7.2020 (Government Gazette 3265/B and correction of errors 4441/2020/B) issued by the Minister of Finance shall apply.

This decision shall enter into force as of its publication in the Government Gazette.

This Decision shall be published in the Government Gazette.

Athens, 27 April 2022

The Minister

CHRISTOS STAIKOURAS

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