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GOVERNMENT GAZETTE

HELLENIC REPUBLIC

May 20

SECOND ISSUE

Sheet No. **2483**

DECISIONS

No. 67663 ΕΞ 2022

Amendment to Decision No. 79835/ΕΞ2020/20 (Government Gazette 3265/B and correction of error 4441/2020/B) issued by the Minister of Finance on the Enactment of Gaming Regulations on Organizing and Running Online Games of Chance as amended by Decision No. 56604 ΕΞ 2022/ 27-4-2022 (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 the provision of Article 29(3) and Articles 189-203 of Law 4635/2019 on Investing in Greece and other provisions (Government Gazette 167/A);

b) Article 20 of the Code of Administrative Procedure (Law 2690/1999, Government Gazette 45/A);

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

d) 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; (Government Gazette 131/A);

e) 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 and other provisions (Government Gazette 38/A);

f) Law 3469/2006 on the National Printing House, Government Gazette and other provisions (Government Gazette 131/A);

g) Article 7(10) of Law 4038/2012 ‘Urgent arrangements for the implementation of the medium-term budgetary strategy framework 2012-2015’ (Government Gazette 14/A);

h) Subparagraph B6 of par. B of Article 1 of Law 4152/2013 ‘Urgent measures for the implementation of laws 4046/2012, 4093/2012 and 4127/2013’ (Government Gazette 107/A);

i) 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 the repeal of Directive 95/46/EC (Data Protection Directive) (L 119);

j) 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);

k) Articles 13, 18, 19, 41 and 58 of Law 4622/2019 on the Executive State: Organisation, operation and transparency of government, governmental institutions and Central Public administration’ (Government Gazette 133/A);

l) 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);

m) Law 4727/2020 ‘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 (Government Gazette 184/A), in particular Chapter IA on Digital Transparency-DIAVGEIA programme;

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

o) Article 17 and 34 of Presidential Decree No. 142/2017 on the Organisational Structure of the Ministry of Finance (Government Gazette 181/A);

p) Presidential Decree 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);

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

r) Joint Ministerial Decision No. 56660/1679/22.12.2011 issued by the Minister of Finance and the Minister of Culture and Tourism confirming the

commencement of the Hellenic Gaming Commission (HGC) operations (Government Gazette 2910/B);

s) Decision No. 79835/ΕΞ 2020/24.7.2020 (Government Gazette 3265/B and correction of error 4441/2020/B) issued by the Minister of Finance on the Enactment of Gaming Regulations on Organizing and Running Online Games of Chance, as amended by similar Decision No. 56604 ΕΞ 2022/27-4-2022 (Government Gazette 2185/B);

t) Decision No.145940/ΕΞ 2020/21.12.2020 (YODD 1089) issued by the Minister of Finance read in conjunction with similar Decisions No. 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 and

u) HGC Decision No. 609/2/12.11.2021 amending and codifying Decision No. 218/2/22.09.2016' on the Approval of the Regulation on the Organization, Structure and Operation of the Service Units of the Hellenic Gaming Commission' (Government Gazette 3404/B) (Government Gazette 5536/B);

2) The fact that on pages 137 - 138 of the Explanatory Memorandum of Law 4635/2019 (Government Gazette 167/A), is stated, inter alia, that the Gaming Regulation may be adopted based on one or more decisions issued by the Minister of Finance, following a relevant HGC suggestion.

3) The request dated 22.03.2022 submitted by the collective body of licensed companies providing online gambling services "Hellenic Gaming Association' to the Hellenic Gaming Commission asking for an extension of the time-limit for the establishment and operation of an

Intermediate Control System regarding Licence holders.

4) The request dated 24.03.2022 submitted by the collective body of licensed companies providing online gambling services 'Hellenic Online Gaming Association (HOGA)' to the HGC, asking for extension of the time-limit so that the storage of data models in the licence holders' safe is completed.

5) HGC Decision No. 16/3/29.03.2022 recommending to the Minister of Finance for the adoption of a decision to grant an extension of the time-limit for the completion of the establishment and certification of the Intermediate Control System for the persons who have obtained a licence to organise and run Online Games pursuant to Decision No. 79835 ΕΞ 2020/24.7.2020 on the Enactment of Gaming Regulations on Organizing and Running Online Games of Chance' (Government Gazette 3265/B), pursuant to Article 29(3) of Law 4002/2011 (Government Gazette 180/A).

6) Letter No. 397/16.11.2021 submitted by the Minister of Finance to the Chairman of the HGC, seeking the views of the Commission regarding the amendment or not to Decision No. 79835 ΕΞ 2020/24.7.2020 (Government Gazette 3265/B) as regards the limit of a maximum two (2) euro participation fee in online games, when they are conducted with the use of a random number generator (RNG). The same letter was forwarded to the HGC along with a letter submitted by the Hellenic Online Gaming Association (HOGA) to the Minister of Finance, requesting a revision of the limit of a maximum two (2) euro participation fee.

7) The request from the collective body of licensed companies providing Online Gaming services 'Argos - Association of Providers and Suppliers of Online Games

of Chance', submitted to the HGC by Letter No. 17329/26.11.2021.

8) The consultancy report No. 2909/23.02.2022 for the assessment of the public limited single-member 'ERNST AND YOUNG' submitted to the Chairman of the HGC on the need to change or not the limits referred to in item b' of Article 12(1)(4) of Decision No. 79835 EΞ 2020/24.7.2020 (Government Gazette No. 3265) issued by the Minister of Finance.

9) HGC Decision No. 15/22.03.2022 recommending to the Minister of Finance the adoption of a decision to amend the provisions of item b' of Article 12(12.1)(12.4), as well as the first subparagraph of Article 16(16.4) of 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) pursuant to Article 29(3) of Law 4002/2011 (Government Gazette 180/A).

10) The fact that, pursuant to HGC Decisions nos 15/22.03.2022 and 16/3/29.03.2022, arrangements of this Regulation do not require notification to the EU, in accordance with the provisions of 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) since they do not restrict already existing and/or notified provisions, nor do they introduce new restrictions, barriers or prohibitions in relation to access to, provision, establishment and use of gambling services and the specifications of the products and

services related to the provision and use of said products and services.

11) The fact that, pursuant to HGC Decisions nos 15/22.03.2022 and 16/3/29.03.2022, this decision does not contain elements of direct or indirect State aid within the meaning of Article 107.1 of the Treaty on the Functioning of the European Union (TFEU) and therefore, it does not require registration in the electronic system 'SANI' for notification to the European Commission under subparagraph B6 of paragraph B of Article 1 of Law 4152/2013 with regard to Urgent measures for the implementation of Laws 4046/2012, 4093/2012 and 4127/2013 (Government Gazette 107/A).

12) The need to amend Decision No. 79835 EΞ 2020/24.7.2020 (Government Gazette 3265/B and correction of error 4441/2020/B) issued by the Minister of Finance on the Enactment of Gaming Regulations on Organizing and Running Online Games of Chance, as modified by Decision No. 56604 EΞ 2022/27.4.2022 (Government Gazette 2185/B), and

13) The fact that this Decision does not entail any financial burden for the State budget or the HGC budget, we hereby decide:

To amend Decision No. 79835 EΞ 2020/24.7.2020 (Government Gazette 3265/B and correction of error 4441/2020/B) issued by the Minister of Finance on the Enactment of Gaming Regulations on Organizing and Running Online Games of Chance, as amended by Decision No. 56604 EΞ 2022/27.4.2022 (Government Gazette 2185/B) as follows:

1. At the end of Article 6(6.3) the following subparagraph shall be added:

‘In particular and pursuant to this decision, persons who have obtained a Licence for Running Online Games within the year 2021, are obliged to have completed the installation of an Intermediate Control System, connected to the HGC until 31 December 2022, as required by Article 33 herein and to have obtained the required Certification, in accordance with the relevant Regulatory Framework’.

- 2) Item (b) of Article 12(12.1) shall be replaced as follows:

‘b. Casino games, poker and/or variants thereof, whose outcome is generated by a Random Number Generator (RNG). Maximum wager in other online games when played using a Random Number Generator (RNG) shall amount to EUR 20,00’.

- 3) Article 12(12.4) shall be replaced as follows:

‘12.4. Maximum payout for Games referred to in item (b)’ of paragraph 12.1 may not exceed EUR 140,000 per Game

Cycle, including the value of all additional prizes which are allowed to be provided, excluding any jackpots, pursuant to the relevant Regulations’.

- 4) The first subparagraph of Article 16(16.4) shall be replaced as follows:

‘16.4. No new Game Cycle may commence before at least two seconds have elapsed from the end of the previous cycle’.

In all other cases, provisions of Decision No. 79835 ΕΞ 2020/24.7.2020 (Government Gazette 3265/B and correction of error 4441/2020/B) issued by the Minister of Finance, as amended by Decision No. 56604 ΕΞ 2022/27.4.2022 (Government Gazette 2185/B) 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, 18 May 2022

Minister **CHRISTOS STAIKOURAS**

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