

GOVERNMENT GAZETTE

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DECISIONS

No. 13530 ΕΞ 2022 (1)

Amendment to Article 46 of Decision No. 79314 ΕΞ 2020/23.7.2020 issued by the Minister of Finance on the Enactment of Gaming Regulations on the Running of Video Lottery Terminal (VLT) Games (Government Gazette 3263/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 of 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) Articles 16 to 23 of Law 3229/2004 on the Supervision of private insurance, supervision and control of games of chance, implementation of the International Accounting Standards and other provisions (Government Gazette 38/A) and, in supplement, the provisions of Law 3051/2002 on Constitutionally-established independent authorities, amendment and supplementation of the public sector recruitment system and related regulations (Government Gazette 220/A);

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

d) Subparagraph B6 of Article 1(B) of Law 4152/2013 on urgent measures for the implementation of Laws 4046/2012, 4093/2012 and 4127/2013 (Government Gazette 107/A);

e) Prevention and combating of the legalization of income from criminal activities and the terrorist financing (incorporation of Directive 2015/849/EU) and other provisions (Government Gazette 139/A);

f) Articles 13, 18, 19 and 41 of Law 4622/2019 on the Executive State: organisation, operation and transparency of the Government, governmental agencies and central public administration (Government Gazette 133/A);

g) Law 4624/2019 on the Hellenic Data Protection Authority, measures for implementing 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 incorporation into Greek law of Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016, and other provisions (Government Gazette 137/A);

h) Law 4727/2020 on the Digital Governance (Incorporation into Greek law of Directive (EU) 2016/2102 and Directive (EU) 2019/1024) on Electronic Communications (Incorporation into Greek law of Directive (EU) 2018/1972) and other provisions (Government Gazette 184/A), as regards Chapter K' on Digital Transparency – DIAVGEIA Transparency Programme;

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 on the free movement of

such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (L 119);

j) Article 90 of Presidential Decree No. 63/2005 on the Codification of the legislation on Government and governmental agencies (Government Gazette 98/A) as in force pursuant to Article 119(22) of Law 4622/2019 (Government Gazette 133/A);

k) Articles 17 and 34 of Presidential Decree No. 142/2017 on the organization of the Ministry of Finance (Government Gazette 181/A);

l) Presidential Decree No. 81/2018 on the incorporation into Greek law of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 (OJ L 241, 17.9.2015, p. 1) laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (codification) and other provisions (Government Gazette 151/A);

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

n) Joint Ministerial Decision No. 56660/1679/22.12.2011 of the Ministers of Finance and Culture & Tourism confirming the Hellenic Gaming Commission (HGC) Certification for commencement of operation (Government Gazette 2910/B);

o) Decision No. 010010/4.11.2011 issued by the Minister of Finance (Government Gazette 2503/B), as amended by similar decision under Ref. No. ΔΕΕΟΘ/Γ/0000647/ΕΞ2018/18 (Government Gazette 77/B) with which

the Société Anonyme under the name Greek Organization of Football Prognostics (OPAP S.A.) was granted a license to operate 25,000 Video Lottery Terminal (VLT) gaming machines pursuant to the provisions of Articles 39 to 44 of Law 4002/2011 (Government Gazette 180/A);

p) Decision No. 79314 ΕΞ 2020/23.7.2020 issued by the Minister of Finance on the Enactment of Gaming Regulations on Running Video Lottery Terminal (VLT) Games (Government Gazette 3263/B);

q) Decision No. 145940/ΕΞ 2020/21.12.2020 issued by the Minister of Finance (ΥΟΔΔ 1089) read in conjunction with similar decisions under numbers 2/3935/0004/24.7.2018 (ΥΟΔΔ 428), 9433 ΕΞ 2019/12.2.2019 (ΥΟΔΔ 64), 3557 ΕΞ 2020/14.01.2020 (ΥΟΔΔ 20) on the establishment of the HGC;

r) HGC Decision No. 609/2/12.11.2021 on the mendment and codification of Decision No. 218/2/22.09.2016 approving the Regulation on the Organization, Structure and Operation of 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 by one or more decisions issued by the Minister of Finance, on the recommendation of HGC.

3) The signed Contract dated 4.11.2011 between the Greek State and OPAP S.A., as amended by the Amendment Act dated 19.1.2018 which specified the terms under which OPAP S.A. was granted the license to operate the 25,000 Video Lottery Terminal (VLT) gaming machines,

pursuant to Articles 39 to 44 of Law 4002/2011 (Government Gazette 180/A).

4) The OPAP S.A. request under reference OPGP 21026680/29.12.2021 (HGC Ref. No. 19284/30.12.2021) for the granting of an extension of the deadline provided for in Article 46 of the Decision No. 79314 EX 2020/23.7.2020 issued by the Minister of Finance.

5) HGC Decision No. 3/1/11.01.2022 recommending the Minister of Finance that a decision should be adopted to amend Decision No. 79314 ΕΞ 2020/23.7.2020 on the enactment of a Gaming Regulation on the Running of Video Lottery Terminal (VLT) Games (Government Gazette 3263/B), under Article 29(3) of Law 4002/2011 (Government Gazette 180/A).

6) The fact that, as mentioned in forwarding document No. 593/12.1.2022 of HGC Decision No. 3/1/11.01.2022, any arrangements thereof do not need to be notified to the EU pursuant to Presidential Decree No. 81/2018 on the Incorporation into Greek law of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 (OJ L 241, 17.9.2015, p. 1) laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (codification) and other provisions (Government Gazette 151/A) 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.

7) The fact that, as mentioned in forwarding document No. 593/12.1.2022 of HGC Decision No. 3/1/ 11.01.2022, any arrangements hereof do not contain elements of either 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 do not need to be registered in the SANI electronic system for notification to the European Commission, in accordance with subparagraph B6 of Article 1(B) of Law 4152/2013 adopting urgent measures for the implementation of Laws 4046/2012, 4093/2012 and 4127/2013 (Government Gazette 107/A).

8) The need to amend Decision No. 79314 ΕΞ 2020/23.7.2020 issued by the Minister of Finance on the Enactment of Gaming Regulations on the Running of Video Lottery Terminal (VLT) Games (Government Gazette 3263/B).

9) The fact that this decision does not place a financial burden on the State budget or the HGC budget, we hereby decide:

1. To amend Decision No. 79314 ΕΞ 2020/23.7.2020 issued by the Minister of Finance on the Enactment of Gaming Regulations on the Running of Video Lottery Terminal (VLT) Games (Government Gazette 3263/B), and to replace Article 46 hereof as follows:

“46. The Operator shall operate the Intermediate Control System referred to in Article 27 by 5 October 2022. Until the installation and operation of the Intermediate Control System, the Operator shall provide the HGC with remote access to the systems and subsystems used for conducting Games.”

2. In respect of the other issues, the provisions of Decision No. 79314 ΕΞ 2020/23.7.2020 (Government Gazette 3263/B) shall apply.

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

This Decision shall be published in the Government Gazette.

Athens, 2 February 2022

The Minister

CHRISTOS STAIKOURAS