

In accordance with Article 96, paragraph 5 of the Law on Games of Chance (“Official Gazette of the Republic of Serbia”, No. 18/20),

the minister of finance issues the following

REGULATION
ON THE MANNER OF DETERMINING THE CONDITIONS FOR OBTAINING THE
APPROVAL FOR ORGANISING SPECIAL GAMES OF CHANCE THROUGH MEANS OF
ELECTRONIC COMMUNICATION

(Official Gazette of the Republic of Serbia, No. 152/20)

The basic text comes into force from 26/12/2020, the application of this regulation comes into force 26/12/2020.

Article 1

This regulation prescribes in more detail the manner of determining the fulfilment of the conditions for obtaining approval for organising special games of chance through means of electronic of communication.

Article 2

(1) The Games of Chance Administration (hereinafter: the “Administration”) will determine the fulfilment of the conditions for obtaining approval for organising special games of chance through means of electronic of communication in an administrative procedure conducted at the request of a legal entity (hereinafter: the “applicant”) for obtaining approval for organising special games of chance through means of electronic of communication.

(2) The request referred to in paragraph 1 of this article may be submitted in written or electronic form, along with the documentation, which according to the Law on Games of Chance (“Official Gazette of the Republic of Serbia”, No. 18/20) (hereinafter: the “Law”), must be submitted with a request.

(3) The Administration shall ex officio obtain the data from official records, unless the applicant explicitly states that he will obtain such data himself.

(4) If the applicant is the holder of the data from the documentation, they must be submit it in its original form or as a certified copy.

Article 3

(1) The applicant shall submit to the Administration a request for obtaining approval for organising special games of chance through means of electronic of communication, which in accordance with Article 96, paragraph 1 of the Law contains the following information:

- 1) the name and registered address of the legal entity – the applicant;
- 2) the form of identification and registration of the participant in the game of chance (hereinafter: the “player”);
- 3) the procedure in case of interrupted communication with the players;
- 4) a description of the backup system;

5) a description of the system for returning to the last saved state.

(2) The data specified in paragraph 1, item 1 of this article shall be determined by the Administration on the basis of data registered with the Business Registers Agency.

(3) The data specified in paragraph 1, items 2–5 of this article is determined by the Administration on the basis of the certificate on fulfilment of the technical and functional characteristics of the information and communication system, which is issued to the organiser by the laboratory authorised by the minister of finance.

Article 4

(1) In the procedure of determining the fulfilment of the conditions referred to in Article 96, paragraph 2, item 1 of the Law, the Administration shall check whether the study on the prevention of unwanted impact of games of chance through means of electronic communication on participants in games of chance contains the following information:

1) the player registration procedure, the uniqueness of the account and the manner of updating the player's personal data, which must be available to the player at all times, in particular:

- (1) the manner of player registration and measures to check the logical correctness of the entered data,
- (2) measures to ensure the timeliness of player data during the use of the account,
- (3) measures to prevent the creation of multiple accounts for the same player,
- (4) a description of the procedure and rules that must be available to the player at all times;

2) the database and method of data protection, i.e. the protection of player privacy, and in particular:

- (1) the manner of storing and protecting data on account and card numbers, i.e. preventing the possibility of their misuse,
- (2) the documentation, i.e. the existence of evidence of all payments and disbursements, i.e. of all corrections and failed payments and disbursements in accordance with the law and bylaws;

3) the manner of protection against unauthorised use of the system, i.e. the measures to prevent access to the system of persons who are not account holders or who are minors;

4) the measures envisaged in accordance with the principles of responsible organisation, in particular:

- (1) the constant display of the exact time and date,
- (2) allowing the player to limit deposits on a daily, weekly and monthly basis,
- (3) the constant display of a clear warning prohibiting the participation of minors in games of chance,
- (4) the mechanisms for preventing access to the system for minors, i.e. the method of checking the determination of the age of players and their application in relation to free games,
- (5) the obligation to pay the player in case of concluding a game order, i.e. to prevent the receipt of advertisements for games of chance, in the period when the account is locked,
- (6) the possibility of concluding an order at the request of a third party, i.e. the reasons, procedure and determination of the person responsible for receiving and resolving the submitted request;

5) the availability of all information related to the ban on participation in games of chance for minors, the principles of responsible organisation and the protection of players in the language in which the site or games are;

6) the existence of a page on responsible editing, which contains a link to documents (tools) that disable gaming – filtering programs, i.e. blocking content on the Internet.

(2) The data contained in the study shall be determined by the Administration on the basis of a certificate on the fulfilment of the technical and functional characteristics of the information and communication system, issued to the organiser by a laboratory authorised by the Minister of finance.

Article 5

The Administration determines the fulfilment of the conditions from Article 96, paragraph 2, items 2 of the Law on the basis of the data in documents proving ownership or the right to use or lease the premises where special games of chance through means of electronic communication will be organised.

Article 6

The Administration determines the fulfilment of the conditions from Article 96, paragraph 2, item 3 of the Law – regarding the evidence from Article 95 of the Law – on the basis of the certificate of fulfilment of the technical and functional characteristics of the information and communication system, issued to the organiser by the laboratory authorised by the minister of finance.

Article 7

The Administration determines the fulfilment of the conditions from Article 96, paragraph 2, item 4 of the Law – regarding the content of the rules of the game of chance – by inspecting the submitted rules of the game, in accordance with the Law and the regulation that regulates the conditions.

Article 8

The Administration determines the fulfilment of the conditions referred to in Article 96, paragraph 2, item 5 of the Law – regarding the amount of share capital – on the basis of the data registered with the Business Registers Agency.

Article 9

The Administration determines the fulfilment of the conditions referred to in Article 96, paragraph 2, item 6 of the Law – regarding evidence of the ownership structure to the beneficial owner – on the basis of the data registered in accordance with the regulations on the Central Register of Beneficial Owners.

Article 10

The Administration determines the fulfilment of the conditions referred to in Article 96, paragraph 2, item 7 of the Law – regarding the evidence of the founding act of the legal entity – on the basis of the data registered with the Business Registers Agency.

Article 11

The Administration determines the fulfilment of the conditions from Article 83, paragraph 1, item 4 of the Law on the basis of the data registered with the Business Registers Agency, in relation to the balance sheet and income statement for the previous year, i.e. audit reports on the financial statements of the founder or a member of the legal entity (if they are the same subject of the audit), for the previous two years, prepared by a certified auditor, in accordance with the regulations of the country of origin of the

member or founder, as well as from its financial statements for the period from the date of the last audit report to the end of the semester immediately preceding the semester in which the application is submitted.

Article 12

The Administration determines the fulfilment of the conditions from Article 96, paragraph 2, item 9 of the Law on the basis of the data from an act of the competent state body confirming that the applicant, its founder or owner, beneficial owner, associate or appointed person has not been sentenced to a fine, if it is a legal entity, or to imprisonment, if a natural person, for a criminal offence in the Republic of Serbia or a foreign country, i.e. that they have not seriously violated or repeatedly violated regulations governing the prevention of money laundering and terrorist financing during the protective measure prohibiting the performance of certain activities that represent the predominant activity of a company for organising games of chance or the protective measure prohibiting the responsible person from performing certain tasks that represent the predominant activity of a company for organising games of chance, i.e. during the duration of the imposed protective measure prohibiting the responsible person from performing certain duties at a company whose predominant activity is organising games of chance.

Article 13

The Administration determines the fulfilment of the conditions from Article 96, paragraph 2, item 10 of the Law on the basis of the data from a statement given under oath by the applicant, its founder or owner, real owner, associate or appointed person that they have not been convicted and that they are not members of an organised criminal group.

Article 14

On the day this regulation enters into force, the regulation on the manner of determining the conditions for obtaining approval for organising games of chance via electronic communication (“Official Gazette of the Republic of Serbia”, No. 75/13) shall cease to be valid.

Article 15

This regulation shall enter into force on the eighth day from the date of its publication in the “Official Gazette of the Republic of Serbia”.