

LAW 4002/2011 (as amended)

REGULATING THE GAMING MARKET AND OTHER  
PROVISIONS

CHAPTER H

REGULATING THE GAMING MARKET



MARCH 2014

LAW 4002/2011

GOVERNMENT GAZETTE (FEK) A 180/11.08.2011

as amended by the provisions of the laws:

4021/2011 (FEK A 218)

4038/2012 (FEK A 14)

4093/2012 (FEK A 222)

4141/2013 (FEK A 81)

4170/2013 (FEK A 163)

4261/2014 (FEK A 107)

## **PART D**

### **REGULATING THE GAMING MARKET**

#### **AND OTHER PROVISIONS**

#### **CHAPTER H**

### **REGULATING THE GAMING MARKET**

## Article 25

### Definitions

For the purposes of this law, the following definitions shall apply:

a) "Amusement-skill games": Games whose outcome depends exclusively or mainly on the technical or intellectual skills of the player and which are conducted at a public place, solely for amusement purposes. It is prohibited for the outcome of such games to be considered as a wager placed between any persons or to provide the player with any form of financial gains. Games characterized as "skill games" were included in this category based on the provisions of Royal Decree 29/1971 (A' 21), until the entry into force of this law.

Amusement skill games are not permitted to have a system to calculate, record and pay out financial gains to a player.

Depending on the manner in which they are conducted, amusement skill games are distinguished into:

aa) "Mechanical games": games requiring only mechanical means, as well the contribution of the player's muscle power.

bb) "Electromechanical Games": games requiring electrically or electronically assisted mechanisms.

cc) "Electronic games": games that, apart from electronically assisted and other mechanisms, also require other hardware as well as gaming software,

integrated or installed therein, containing all information, instructions and other data concerning the use and conduct of the game.

"b) "Games of chance": For a game to be characterised as a game of chance, the following conditions must apply cumulatively: aa. Chance must be one of the factors influencing, even partially, the outcome of the game. bb. There must be a financial wager, defined as the player's option to assume the risk of investing any sum of money or other assets, irrespective of the value of said asset, in the outcome of the game, in order to seek a direct or indirect financial gain from the outcome of the game. For this definition to be applicable, the concept of a financial wager shall also include participation in games of chance offered for free (bonus, free bets etc.) and is linked to the financial wager of a sum of money or other asset that has preceded and/or follows. This category of games of chance has included all those that have been characterized as «mixed games» or «games of chance», in accordance with the provisions of Royal Decree 29/1971, until the entry into force of this law. Betting is also a game of chance."

\*\*\* Instance b was replaced as above by paragraph 2.a, article 22 of Law 4141/2013, FEK A 81/5.4.2013.

"c) "Bet": the game of chance consisting in the players predicting the development and/or final outcome of events of all types. The Regulation for the Conduct and Control of Games sets out the types of bets".

\*\*\* Instance c was replaced as above by paragraph 2.b, article 22 of Law 4141/2013, FEK A 81/5.4.2013.

d) "Gaming means or hardware, or Gaming Machine": any machine, hardware or electronic, mechanical or electromechanical means used directly or indirectly to conduct a game and that affects or determines its outcome.

"Any Gaming machine, which has a game of chance installed or through which access is provided to a system conducting games of chance and/or is bearing a calculation, recording or player's payout system, shall be considered, for the purposes of this Law, a gaming machine."

The last sentence of instance d was added by para. 1 of article 173 of law 4261/2014 (FEK A107/5.5.2014)

e) "Supervision and Control IT System" (PSEE): all hardware and software installed and operating at the Gaming Supervision and Control Commission, enabling the continuous exercise of supervision and control of games of chance using gaming machines or online games of chance.

f) "Central IT System" (CPS): all the hardware and software necessary, enabling the respective license holders to centrally organise, operate, conduct, monitor,

record, control and manage games of chance using gaming machines or online games of chance.

g) "Communications Network": all the necessary hardware, software and internet connections enabling the real-time (online) communication of the gaming machines with the CPS.

h) "Credit" is the accounting unit that represents the minimum pecuniary amount for the player's participation in each game.

i) "Total credits played": all credits that players have played in a specific game or gaming machine.

j) "Total credits won": all credits that players have won in a specific game or gaming machine.

k) "Payout": the ratio of credits won to credits played in the same game or gaming machine, expressed as a percentage (%).

l) "Gross gaming revenue": the balance of the total amount played by the player minus the payout.

m) "Associated Companies": A situation where two or more companies are linked by: a) a "holding relationship", namely directly or indirectly controlling 10% of voting rights or of the company's share capital, b) a "controlling relationship", namely the relationship between a parent and a subsidiary company in the sense of para. 5, art. 42e of Law 2190/1920 (A 37), or any similar relationship between any natural person or legal entity and a company. A company shall be considered as having control of another, when at least one of the conditions of articles 42e or 106 of Law 2190/1920 applies.

n) "Commercial communication": shall mean any form of communication for the direct or indirect promotion of products, services or the image of undertakings, organisations or any person operating in the field of gaming, any information enabling immediate access to a gaming-related activity, communications regarding the products or services of the undertaking operating in the field of gaming.

o) "Player online account": the account granted to each player by the license holder for one or more games. This account records amounts played in and won from games, all related financial transactions, as well as the player's available balance. The license holder shall comply with the terms and conditions of keeping player accounts, as set out in the Regulation for the Conduct and Control of Games.

p) "Self-excluded player": any player who at his own initiative, following an application submitted by the person acting as guardian, following a court order or by any other legal means, cannot participate in games of chance.

q) "Agencies" shall mean OPAP SA's points of sale.

\*\*\* Instance q was added by paragraph 1, article 24 of Law 4141/2013, FEK A 81/5.4.2013.

"r. Gaming operation: There is gaming operation either when:

a. There is a setting and/or provision of infrastructure to third parties, that may be used to conduct gaming, and which indicatively includes premises and/or correspondent equipment and/or means to conduct gaming in order to provide the relative services.

b. There is promotion to third parties of the possibility to conduct gaming

c. There is an offer to conduct gaming, indicatively, either by invitation to third parties to participate in it, either by the presentation of the games at the points of infrastructure that is possible/permissible for them to be conducted or by posting the games on monitors of electronic media.

The Game is operated by someone who possess and/or provides to third parties an infrastructure to establish the conduct and/or promotes to third parties the possibility to conduct gaming and/or offers games to be conducted

s. Gaming conduct: There is gaming conduct either when:

a. There is payment in money or property by the player, in order to participate in the game.

b. The game in which the player participates has started.

c. The game in which the player has participated has finished.

d. There is payment of profits to the player

The game is conducted by someone who operates it and/or someone who operates and exploits the infrastructures where the game is conducted and/or someone who possesses the premises where the game is conducted.

t. Where the concept of conduct is used in the applicable provisions, apart from article 52 of this Law, it shall also have the meaning of operation and vice versa."

\*\*\*Instances r, s and t were added para. 2 of article 173 of law 4261/2014, FEK A 107/5.5.2014.

## Article 26

Scope of application

1. The provisions of this law shall apply to the amusement-skill games of subparagraph cc), paragraph a) of article 25 and to games of chance conducted through gaming machines or online.

2. Apart from the provisions referring to the Gaming Supervision and Control Commission (EEEEP) and from article 35, the provisions of this law shall not apply to games of chance conducted, or already licensed upon entry into force of this law, in casinos, and in OPAP S.A. and ODIE S.A., in which cases special provisions apply.

"3. Processes the outcome of which depends on chance or on technical or intellectual skills, without however participants suffering any direct or indirect impact on their assets, irrespective of whether they are likely to gain any benefit from their participation, shall not be considered as games of chance for the purpose of this law."

\*\*\* Paragraph 3 was added by paragraph 3, article 22 of Law 4141/2013, FEK A 81/5.4.2013.

## Article 27

### Licenses

1. Pursuant to the provisions of this law, an administrative license is required for the conduct and operation of games using gaming machines or for online games. Third-party non-license holders may also, exceptionally, operate games using VLTs, pursuant to the provisions of paragraph 6, article 39. Games and gaming machines must be certified in accordance with the provisions of this law.

"2. During the issuance of administrative acts pursuant to any applicable legislation, the EEEEE shall, by decision, define the supporting documents which may be replaced by a solemn statement by the person concerned. The manner and type of control of the content accuracy of such statements is determined by the same decision."

\*\*\*The content of article 27 was renumbered to 1 and a paragraph 2 was added by para. 5 of law 4223/2013 (FEK A' 287/31.12.2013)

"3. The condition of case b, para. 4 of article 42 also applies to the board members, executive directors and representatives, managers, general managers and directors and in general to any authorized person who participates either directly by Law or by private will or by judicial decision in the administration or in the management of a legal person, which is a licensed provider or a concessionaire of gaming services, as well as to any natural person who is a provider of such services either as a licensed provider or as a legitimate concessionaire or as a legitimate counterparty of a licensed provider or

concessionaire or as personnel, that participates in any manner in the conduct and/or control of gaming.

4. Until the adoption of national standards in granting certification (accreditation certificate) or qualification license required by the applicable gaming provisions, current standards of other member states of the EU and the EEA, shall be applied as provided for by the applicable provisions or licenses and contracts signed between licensed providers and the Greek state. "

\*\*\* Paragraphs 3 and 4 were added by para 3. of article 173 of Law 4261/2014, (FEK A 107/5.5.2014).

## Article 28

### Gaming Supervision and Control Commission

1. The authority that is competent to issue licenses and certifications, and to supervise and control the conduct and operation of games, is the Supervision and Control Commission for Games of Chance of art. 16, Law 3229/2004 (A 38), renamed to Gaming Supervision and Control Commission (EEEEP).

"2. The "Gaming Consultative Board" shall be established by virtue of a Minister of Finance decision, following the EEEP's recommendation as to its composition. In response to EEEP's questions, it shall express its opinion on improving market operation, the regulatory decisions issued by the EEEP as well as any other relevant issue. The same decision also regulates any other issue relating to the operation of the Gaming Consultative Board and the remuneration of its members.

The Consultative Board shall be made up of representatives from the main bodies in the Greek gaming market, bodies promoting responsible gaming and internet transactions security, as well as personalities of recognised standing and top level scientific training and specialisation in the field."

\*\*\* Paragraph 2 was replaced as above by article 7, paragraph 22 of Law 4038/2012, FEK A 14/2.2.2012.

3. Apart from the responsibilities laid down in article 17 of Law 3229/2004, the EEEP shall also be responsible for the following:

a) To supervise and control:

aa) "the electronic amusement skill games market," through gaming machines or online,

\*\*\* The words "amusement skill games," of instance aa) were replaced as above by para. 4. b of article 22 Law 4141/2013, FEK A 81/5.4.2013.

- bb) the games of chance market through gaming machines or online,
- cc) the forms of games for which no competent supervisory authority has been appointed by other provisions, irrespective of the means of conduct.

The way, the process and the types of supervision are determined by the Regulation for the Conduct and Control of Games. The supervision indicatively concerns the lawful conduct of the game, compliance with the rules of conduct, the implementation of the conditions of the license, the financial management of the game, the payout to the players, the State and other beneficiaries"

\*\*\* The last sentence of subinstance cc, as amended by para. 4a of article 22, Law 4141/2013, FEK A 81, was replaced as above by article 173, par. 4, L. 4261/2014 FEK A 107/5.5.2014.

"b) To conduct the required checks of persons applying for gaming licenses and/or participating in tenders for such licenses or for the concession of the right to conduct gaming, as well as of holders of licenses and certifications, so as to ascertain adherence to applicable provisions, the provisions of the Regulation for the Conduct and Control of Games, and the terms of licenses and certifications. The Regulation for the Conduct and Control of Games sets out the conditions that must be fulfilled by persons applying for gaming licenses and/or participating in tenders for such licenses or for the concession of the right to conduct gaming, the holders of licenses and certifications, as well as the form, manner, process and the bodies conducting checks".

\*\*\* Instance b was restated as above by paragraph 4.c, article 22 of Law 4141/2013, FEK A 81/5.4.2013.

c) To control, designate, classify and certify any type of game or gaming software, and to take or revoke the relevant decisions, following an application submitted by the manufacturer, supplier, distributor, license holder or professional in whose store games will be installed and conducted", or ex officio".

\*\*\*The words ", or ex officio" were added by para. 1, article 74 of Law 4170/2013 (FEK A 163 12.7.2013)

d) Technical expert opinion at the request of a judicial authority, the Ministry of Finance, the police authorities or voluntarily. The manner, place and execution procedure of the technical expert opinion are established by decision of the EEEP. The EEEP may use Games and Gaming Machines experts and / or independent specialized laboratories or certification bodies, registered in its records for the conduct of the technical expert opinion.



\*\*\* Instance d was replaced as above by article 173, par 5, Law 4261/2014, FEK A 107/5.5.2014.

e) To issue regulatory decisions aimed at protecting minors and vulnerable population groups in general, and to implement specific prevention and suppression measures, prohibiting games with racist, xenophobic or pornographic content or content that is contrary to public order rules.

f) To issue regulatory decisions addressed to license holders, for implementing money-laundering prevention and obstruction measures.

g) To cooperate and coordinate with all relevant state and international services (such as, notably, SDOE, IDIE, INTERPOL, the respective authorities in EU Member-States, universities, research centres), as well as representation therein.

h) To impose the administrative sanctions stipulated by this law, including the temporary or permanent revocation of gaming licenses, without this impeding the levying of other sanctions stipulated in other laws.

i) To follow developments regarding illegal gaming and to offer recommendations to all competent bodies to effectively combat it.

j) To draft the By-Laws of the EEEP and the Regulation for the Conduct and Control of Games.

k) To assign procedural actions regarding its gaming-related tasks to other State and Local Government bodies, implemented by virtue of a joint ministerial decision of the Ministers of Finance and of the Internal Affairs, as well as any other competent Minister.

"3 A. A three-member Audit Committee shall be established by virtue of an EEEP decision; one member shall be one of the EEEP's appointed members and the other two members shall be selected in accordance with the conditions, qualifications and procedure laid down in the Regulation for the Conduct and Control of Games. The three-member Audit Committee which attends all Board of Directors meetings of OPAP SA, its agents and concessionaires of article 39, "shall supervise and attend to the observance, on the part of OPAP SA" of the legislation in force and the contractual obligations of OPAP SA vis-a-vis the Greek State.

\*\*\*The words in "" were added by para.2 of article 74 of Law 4170/2013 (FEK A 163 12.7.2013)

a. This Committee's control and supervisory work shall indicatively include the following:

aa. The contract dated 15 December 2000 between the Greek State and OPAP SA for

concession of the exclusive right to conduct, manage, organise and operate the games specified therein, and the terms of the contract dated 4.11.2011 between the Greek State and OPAP SA for the installation and operation of 35,000 gaming machines in the Greek Territory, as in force each time.

bb. Making recommendations for issuing regulatory frameworks as regards the conduct, management, organisation and operation of games included in the aforementioned contracts, as well as personal data protection issues.

cc. Introducing new or amending existing measures for marketing and conducting the above games.

dd. Any kind of commercial communication of the company and the services rendered in any way.

ee. The single pricing policy, specified by OPAP in relation to the gaming machines concessionaires of article 39.

ff. The number of points of sale and the time schedule for their operation.

gg. The content of the contracts concluded by OPAP with its agents, concessionaires or third parties that sell its services to consumers.

hh. Other matters relating to, connected with or affecting the items of paragraph 3.

b. The items against which the above issues will be controlled, are:

aa. Observance of the legal framework regulating the gaming market, of the Regulation for the Conduct of Games and of regulatory decisions issued by the EEEP.

bb. Observance of the terms of the contract dated 15 December 2000 between the Greek State and OPAP SA for concession of the exclusive right to conduct, manage, organise and operate the games specified therein, and the terms of the contract dated 4.11.2011 between the Greek State and OPAP SA for the installation and operation of 35,000 VLTs in the Greek Territory, based on the provisions of article 39, as in force each time.

cc. Protection of consumers and players from addiction, fraud, crime and wasting money on games of chance, and guiding players to legal gaming networks.

dd. Protecting minors and conducting age checks.

ee. Recognising, supporting and protecting vulnerable groups.

ff. Ensuring the reliability of games.

gg. Anticipated payouts to players.

hh. Personal data protection.

ii. The anticipated return of holdings and taxes for the Greek State.

c. In accordance with paragraph 3, article 22 of Law 2190/1920, the OPAP SA Board of Directors and the persons to which the Board delegates authority, shall be obliged to present the following documents relating to the issues being controlled to the Audit Committee for informed decision-making:

aa. Draft recommendations, draft decisions or other material presented in the pre-decision stage, to the company's authorised decision-making bodies.

bb. In lack of the above, draft documents describing the company's will and creating or converting existing contractual links or consisting unilateral company commitment.

d. The Audit Committee's decision shall qualify the control method, process and relevant time-schedules, so that efficient control is conducted.

Should the Audit Committee disagree with the recommendations, OPAP SA shall be obliged to abstain from decision making and/or contract conclusion. The Committee's disagreement shall be expressed and justified in writing and addressed to the OPAP SA Board of Directors and communicated to EEEP.

The Audit Committee shall recommend public interest protection measures to the Board of Directors of OPAP SA. In case of non-compliance of OPAP SA with said recommendations, the Audit Committee shall inform EEEP. In general, the Audit Committee shall immediately inform the EEEP in case of non-compliance of OPAP SA with its contractual obligations vis-a-vis the Greek State and the legislation in force, and must provide any and all necessary information to EEEP regarding the infringements.

OPAP SA may take recourse before the EEEP against the decisions of the Audit Committee, within twenty (20) days from communication of said decisions. EEEP can accept such cases of recourse, in part or entirely, reject them or regulate their content otherwise.

At the end of January and of July each year, the Audit Committee shall submit to the EEEP a regular control report for the preceding half-year period. Interim

extraordinary reports may also be submitted if there are sufficient reasons to do so.

The Audit Committee is a special controlling body, it is not governed by the provisions on collective bodies, "bodies, working groups and committees" of the State, it is outside the public sector "and of the provisions that govern the latter" and operates on the basis of private law provisions and "of private economy and does not manage state funds".

As this incident was amended by the provisions of para. 1 of article 35 of law 4223/2013.

The phrase "and of the provisions that govern the public sector were added by the para. 7a of the article 173 of the law 4261/2014 (FEK A 107)

The Committee's operating cost is borne by OPAP SA.

The Audit Committee [receives administrative and management support by the respective EEEP services, which prepare and] has its own tax registration number and drafts the annual expenses budget and forwards it to OPAP SA, which, in turn, pays the stipulated amount as described in the budget decision.

As this incident was amended by para. 2 of the article 35 of the law 4223/2013

The words in [ ] were eliminated by para. 7b of the article 173 of the law 4261/2014, FEK A 107/5.5.2014.

Pursuant to a decision of the Committee, the budget is executed and expenses are performed by the EEEP services which keep separate accounting and bank accounts, since the Committee has no autonomous financial, "administrative" and logistical support.

As this incident was amended in accordance to the provisions of para. 3 of article 35 of the law 4223/2013.

The word "administrative" was added with the provisions of para. 7c of article 173 of law 4261/2014 (FEK A 107/5.5.2014).

The Committee's contracts are not public contracts; and they are decided and concluded by it, provided there is adequate credit available in the Committee's budget and are subsequently performed on its behalf by EEEP's services, given that the Committee does not have the relevant substructure. The Committee, when using services of EEEP pays the cost of these services. "

As this incident was amended by the provisions of para. 3 of article 35 of the law 4223/2013.

"The Audit Committee shall draw up by the end of March of each year review, which is checked by an auditor."

The seventeenth sentence of instance d was replaced by article 173 para 7e, Law 4261/2014, FEK 107/5.5.2014.

The Audit Committee gives a written affirmation to OPAP SA [on behalf of the Committee] regarding payment of the budget amount, so as to include it in the expenses account.

\*\*\* The words "the EEEP" of the aforementioned sentence were replaced by the words "the Audit Committee" and the words "on behalf of the Committee" were eliminated by article 173, para. 7a, point f of law 4261/2014, FEK A' 107/5.5.2014.

«The Audit Committee shall act in its name, is a subject of rights and obligations and participates separately in any sort of trials.»

\*\*\* This sentence was added by article 173, par. 7g, Law 4261/2014, FEK A 107/5.5.2014.

Following a recommendation of the Audit Committee, the EEEP decides on the establishment of the Committee's Operation Regulation, regulating all the necessary details regarding the above issues, as well as any other organisation, operation and support related matter.

\*\*\* The words in "" in the eleventh and thirteenth sentence were added by paragraphs 1 and 2 of article 35, Law 4223/2013 (FEK A 287/31.12.2013)

\*\*\* The fourteenth and fifteenth sentence were replaced as above by paragraph 3, of article 35, Law 4223/2013 (FEK A 287/31.12.2013)

e. The Audit Committee shall have a three-year term. In case of resignation or dismissal of any member, or in any case of early expiry of their term of office stipulated in the Operation Regulation, the replacement member shall be selected in accordance with the procedure stipulated in this article, until completion of the exiting member's term of office.

"Members of the teaching full-time staff of the Universities, not coming from the EEEP may participate to the three-member Audit Committee. It is prohibited for these members of the three-member Audit Committee, for the period of office, and five (5) years thereafter to provide, in any way, services on a paid command or any legal relationship to OPAP SA . By decision of the Minister of Finance, the term of office for members of the three-member Audit Committee who violate the provisions of the preceding subsections is terminated and a fine, equivalent to ten times the total remuneration taken during their term of office is imposed. "

\*\*\* The sentences in "" were added by par. 4 of Article 35 of N.4223 / 2013, FEK 287 / 31.12.2013.

\*\*\* Paragraph 3a was added by paragraph 2, article 24 of Law 4141/2013, FEK A 81/5.4.2013.

4. The EEEP permanent administrative staff jobs "or jobs under private labour contracts" stipulated in para. 5, article 16 of Law 3229/2004 shall increase by thirty (30) and the scientific staff jobs with specialization in games of chance, of the same article, shall increase by ten (10). These jobs shall be distributed by category, branch and speciality in the EEEP's By-Laws. The regular and additional fees of the EEEP staff shall be fixed by decision of the Minister of Finance. Salaries, benefits or compensation of seconded employees shall be paid by the EEEP.

Any additional special fee payable to staff seconded to EEEP, shall be defined by decision of the Minister of Finance.

\*\*\* The words "or jobs under private labour contracts" were added in the first passage of paragraph 4 by article 7 para. 14 of Law 4038/2012, FEK A 14/2.2.2012.

\*\*\* COMMENT: According to article 7, para 13 of Law 4083/2012, FEK A 14/2.2.2012:

"The specialisations of the scientific personnel of the first passage of para. 5 article 16 of law 3229/2004 (A` 38) and the first passage of para. 4 of article 28 of Law 4002/2011 (A` 180), shall be supplemented by specialisations in other subjects to be defined by way of an EEEP decision depending on its operating needs".

\*\*\* COMMENT: According to article 7, para 16 of Law 4083/2012, FEK A 14/2.2.2012:

For the jobs stipulated in paragraph 5 article 16 of Law 3229/2004 (A` 38) and of para. 4 article 28 of Law 4002/2011 (A` 180), the provisions of article 33 of Law 4024/2011 (A` 226) shall not apply as of their entry into effect".

\*\*\* COMMENT: According to paragraph 6, article 23 of Law 4141/2013, FEK A 81/5.4.2013:

"6.a. By virtue of the EEEP By-laws, the EEEP jobs stipulated in para. 5, article 28 of Law 4002/2011, may be distributed among administrative and scientific staff differently that stipulated in the above provisions.

b. The EEEP bodies that will be authorised to take decisions on various matters shall be specified by way of the EEEP By-laws and Regulations. Such authority shall be transferable as stipulated in paragraph 8 of this article".

5. For the duration of their employment in EEEP and for five (5) years after termination, in any way, of this employment, EEEP staff shall not be entitled to have any employment relationship with any legal entity or natural person controlled by the EEEP.

6. The second passage of para. 3, art. 16 of Law 3229/2004 shall be replaced as follows:

"The President and other members of the EEEP shall have a four-year term of office, renewable only once. The President of EEEP shall be appointed by decision of the Minister of Finance, following an opinion expressed by the Parliament's Committee on Institutions and Transparency. With the exception of the president, the composition of EEEP's members shall be renewed every two years. The EEEP appointment decision issued for the first time shall specify the members with a two-year term. EEEP members, their spouses and 1st and 2nd degree relatives shall not be partners, shareholders, board members, managers, employees, technical or other consultants or designers in any undertaking operating in amusement skill games and games of chance. The above shall constitute a block to the appointment of a member or a cause for termination. Moreover, the EEEP members, during their term of office and for five (5) years after its expiry, may not provide, in any way, any salaried or other service to any legal entity or natural person controlled by the EEEP. The EEEP members violating the provisions of the above passages shall be removed from office by virtue of a decision of the Minister of Finance, and a fine equal to ten times the total payment received during their term of office is imposed."

7. The EEEP is funded by:

« a. A percentage of 0.5% of the gross profit (GGR) of all gaming, conducted in the Greek Territory. With this provision, the current provisions that stipulate ad hoc financial participation of Greek state to the gross profit of gaming are respectively amended, and the participation is reduced by the same percentage.

b. A percentage of 10% of the imposed administrative fines of Article 51 of this Law, as well as the administrative fines imposed by the EEEP under other provisions which relate to other operating licensing and inspection bodies, from the date on which the EEEP will undertake the exercise of the powers of these bodies, as well as for the fines already imposed, but not collected until that date. These fines are collected by the EEEP, which, at the end of each calendar month, pays ninety percent (90%) of the amount of fines collected, to the Greek State.

c. The administrative charges and fees set by the provisions of this law as well as those which, under other provisions are paid to other operating licensing and inspection bodies, the powers of which are undertaken by the EEEP. »

\*\*\* The instances a, b and c are replaced as above in accordance with article 173 para. 6, Law 4261/2014, FEK A 107/5.5.2014.

"d. Funds coming from programs of the EU, international organisations and other financing programs with a scope similar to the EEEP competences, activities and infrastructure.

e. Any other legal revenue.

Payment of funds is made directly to EEEP. The payment and collection procedure and time, any additional charges in case of delays, the procedure for assessment and collection of debts in accordance with the provisions of the Code of Public Revenues, as well as any other relevant matter, shall be specified in the Regulation for the Conduct and Control of Games.

\*\*\* Instances d and e of paragraph 7 were added by paragraph 4.d, article 22 of Law 4141/2013, FEK A 81/5.4.2013.

8. The EEEP shall be obliged to prepare and publish annual balance sheets, audited by a certified auditor. It shall also be obliged to timely prepare an annual budget submitted to the Minister of Finance and attached to the state's general budget. In case of a deficit in the EEEP's budget, revenues and credits shall be granted to it by virtue of a decision of the Minister of Finance, which are registered in the state budget. Should there be a surplus, it will be paid in full or in part to the State, by virtue of a decision of the Minister of Finance. Every year, in March, the EEEP shall submit a report on its proceedings to the Minister of Finance.

«9. "Regardless of the existence and operation of legal department" The EEEP may, by a decision, delegate the support and handling of judicial and extrajudicial affairs and/ or counseling and advice to specialized lawyers in the Supreme Court, whose remuneration is agreed by case or group of cases or opinion.

Paragraph 9 was added by para. 6 of article 34 of law 4223/2013 FEK 287/31.12.2013 and the words in the quotes were added at the beginning by article 173, par 8a, Law 4261/2014, FEK A 107/5.5.2014.

«10. From 01/06/2014 the EEEP becomes successor of all outstanding, at the publication of this law, proceedings against the Greek state and the Minister of Finance, as well as those that will emerge in the future, and which have as their object any issue related to the gaming market. The Legal Council of State and the relevant departments of the Ministry of Finance shall transmit to the EEEP any file or document relevant to the above proceedings, in order to establish the required record for the management of these cases. Exceptionally, all cases relating to casinos regarding or caused by acts or omissions of the Administration, which were pending until the date of the transfer of powers of par. 2 of article 92 of L. 4182/2013, as well as those created after this date, for which the critical time is determined before the aforementioned date of transfer of powers remains in the Legal Council of State, which processes them with the administrative support of the EEEP. This also applies to state aid issues, where, the service, from which the above responsibilities were transferred continues to be regarded as competent.

\*\*\* Para 10 was added by article 173 par. 8b, Law 4261/2014, FEK A 107/5.5.2014.



## Article 29

### EEEE Regulations

'1. The By-Laws of the EEEP are established by presidential decree issued on a proposal of the Minister of Finance, upon recommendation of the EEEP."

\*\*\* Paragraph 1 is replaced as above by Article 173, paragraph 9, L.4261/2014, FEK 107/05.05.2014.

\*\*\* COMMENT: See also instance i, para. 7, article 13 of Law 4111/2013 (A` 18), as amended by para 20, article 22 of Law 4141/2013, FEK A 81/5.4.2013, the second passage of which states that:

"Games regulated under the Regulation for the Conduct and Control of Games of para. 1, article 29 of law 4002/2011 shall also include betting on horse races of any kind".

\*\*\* COMMENT: See also para.6, article 35 of Law 4141/2013, FEK A 81/5.4.2013, replacing para. 2b, article 27 of Law 2843/2000, and according to which "2b. Games regulated under the Regulation for the Conduct and Control of Games of para. 1, article 29 of law 4002/2011 shall also include games organised and conducted by OPAP SA".

"2a) The EEEP By-laws regulate, among others, issues concerning the organisation chart of services, internal operation, staff categories, branches, specialities, as well as the manner and conditions for placing people in jobs, the number and distribution of jobs, labour and work contracts, the creation, method, time and terms of operation of work-groups, the time and working hours of services, the document and information confidentiality classification and the secrecy obligations for staff and for people in any way associated with the Authority, legal assistance and court representation of EEEP by attorneys in Greece and abroad, as well as any other issue relating to staff, structure, operation and internal organisation of the EEEP.

b) The following are instituted by virtue of a decision of the Minister of Finance issued upon a proposal of the EEEP and published in the Government Gazette:

aa. The Regulation of Efficient Operation and Management, regulating, among others, issues relating to the collection, management and allocation of resources, compensations of any kind, accounting entry and monitoring and any other relevant issue.

bb. The Purchasing and Leasing Regulation, regulating, among others, issues relating to the procurement of goods and services, issues relating to leasing mobile and real property and services, and any other relevant issue.

cc. The Designs and Projects Regulation, regulating, among others, issues pertaining to the elaboration of designs, performance of projects and any other relevant issue.

dd. The Travel Regulation, regulating, among others, issued relating to travel of any kind of EEEP members, staff and auditors, its means of transport and any other relevant issue.

“For the service and audit work until the acquisition of its own means of transport, the EEEP may use means of public or private use in free grant of use, if charged only with the cost of fuel.”

Until the above regulations are released, the relevant issues shall be regulated by way of a proportional application of the provisions of paragraph 5, article 54 of this law.

The sentence in “” was added by para. 7a of article 34 of the law 4223/2013 (FEK A 287/2013)

c) The EEEP By-laws and Regulations may also include and incorporate regulations or exclusions in force each time, similar or commensurate to those that apply to other State control and enforcement bodies, Authorities or Services, tasked with finding and fighting crime and the preservation of public order, as well as public Bodies, Authorities and Services that conduct controls of legal operation in various other market segments."

\*\*\* Paragraph 2 was replaced as above by paragraph 4, article 23 of Law 4141/2013, FEK A 81/5.4.2013.

\*\*\* COMMENT: According to paragraph 5, article 23 of Law 4141/2013, FEK A 81/5.4.2013:

"5. Personnel from the Security Forces may be seconded to EEEP in order to cover the relevant needs, as per the provisions in force, to execute the duties of para.2, article 29 of law 4002/2011, requiring the performance of police work of instance g, paragraph 3 of the same article and those of Law 3691/2008 (A` 166). Seconded personnel shall receive the full pay of the position in which they served prior to secondment, and time served with EEEP shall be considered, for all intents and purposes, as regular service in the Security Force from which they were seconded. Secondment shall be effected by joint decision of the Minister of Finance and the Minister of Public Order and Citizens Protection.

«3. The Gaming Regulation is established by Presidential Decree issued after recommendation by the EEEP, is published in the Government Gazette and includes the following chapters::

Chapter one: Specifications of Games of chance, equipment and gaming stores.

Chapter Two: Licensing of gaming services providers and certifications of individuals, games, equipment and stores.

Chapter Three: Conditions for operation and conduct of gaming

Chapter Four: Commercial communication

Chapter Five: Conditions of players' participation in games.

Chapter Six: Measures to protect the public and the players.

Chapter Seven: Compliance audits.

Chapter Eight: Administrative measures and penalties.

The Gaming Regulation determines the specific issues and details regarding gaming, under the applicable provisions, as follows:

- 1) The terms of the licenses for gaming.
- 2) The specific requirements that have to be met by persons applying for license for the conduct of gaming and / or participate in competitions for the grant of such license or for the concession of the right to conduct gaming, holders of licenses and certifications, as well as the form, the method, procedure and instruments for conducting any type of audits.
- 3) The conditions for certification and registration in the relevant registries of manufacturers and importers of games and gaming machines, as well as the technicians of games and gaming machines, as well as details on keeping these registries.
- 4) The special procedure for the issuance of licenses and procedures for the supervision, control and compliance with the license conditions and the obligations of this law by the holders of licenses.
- 5) The certification process, the duration and the registration in the relevant registries of the stores, gaming machines, games, or gaming sites, as well as details on keeping these registries.
- 6) The content and form of the mandatory certification sign regarding games, stores, gaming machines and websites, and the content and form of the mandatory sign prohibiting the entrance to persons of paragraph 1 of Article 33 in stores for the conduct of gaming through gaming machines or websites for the conduct of gaming.
- 7) The method of validation through the Information System for Supervision and Control of the participation in gaming in accordance with Article 32.

8) The issuance and receipt of the individual player card, its technical specifications and additional restrictions that may be incorporated therein by the player.

9) The responsible gaming rules for license holders, those who engage in gaming business activity, service providers, players, credit institutions, store owners, internet service providers (ISPs), advertisers and any person involved in the relevant procedure.

10) The obligations of the license holder or anyone exploiting the rights of the license in order to ensure non-participation of the persons of paragraph 1, Article 33 in gaming.

11) The supervision of the concession contracts concluded by the players with the holders of licenses or those who exploit the licenses, conduct and operate games of chance in order to protect players from abusive or obstructive practices, such as freezing an amount of money for the next bet, payment of profits exceeding a specific level of profits.

12) The way in which internet providers (ISPs) are informed by the EEEP in order to ensure blocking of unlicensed gaming websites for the conduct of online games by the users.

13) The required operating conditions and technical specifications of the servers and the software of games for the license holders and anyone operating gaming either through gaming machines or through the Internet, and the frequency and the exact content of the data sent to the EEEP.

14) The determination of nationwide operating hours for stores, the minimum distance between stores and depending on the type of certification, the main entrance of primary and secondary schools, the minimum area of the premises for the conduct of gaming, and any other related issue.

15) The subjects of the operating time of the casino businesses during the year and the operating hours, as well as the manner and conditions for certification of any personnel or anyone cooperating with the casino businesses.

16) The regulatory decisions issued by the administrative bodies, the competences of which were transferred to the EEEP pursuant to the provision of para. 2 of Article 92 of Law 4182/2013 and those provided for in Articles 16-23 of Law 3229/2004.

17) The commercial communication of games, the advertisement of gaming, especially games of chance, and rules of conduct governing the relevant activities. The advertisement must ensure a particularly strict level of consumer protection in

the field of gaming and in any case must be reasonable and strictly limited to what is required in order to direct consumers towards controlled gaming networks.

The advertisement should not aim to enhance the natural propensity of consumers to gaming by encouraging their active participation by presenting gaming as usual or projecting a positive image in relation to the fact that the profits are intended for activities of general interest or increasing the force of attraction of games through advertisements highlighting misleadingly significant profits.

18. The technical requirements and guarantees for the operation of the Information System for Supervision and Control, so that the following are achieved:

18.1. Electronic monitoring of all forms of gaming and all certified gaming machines and websites.

18.2. Monitoring and control of gaming machines for the conduct of gaming, which is installed in certified stores, as well as monitoring and control of gaming conducted by licensed websites. The monitoring time can be real and / or at a later time through the stored data. The type of data, the mode of transmission and storage, the media used, the place and the space where they are kept and any relevant detail.

18.3. The immediate identification of technical and operational problems of gaming machines and central IT systems.

18.4. The collection from gaming machines and the Central Information Systems, the storage, analysis, processing and presentation of the data necessary for all forms of gaming and all the gaming machines and websites for the conduct of gaming.

18.5. Ensuring the smooth and credible conduct of all forms of gaming.

19. The minimum required functional and operational capabilities of the Central Information Systems and communications network, their installation, configuration, operation and update and the level of access of the licensees in the data collected.

20. The maximum amount of profit yielded by all forms of gaming, the time and manner of payment of profits, the conditions of maximizing profits at random intervals (jackpot) on the internet or any gaming machine or all of the gaming machines operated in the same certified store and the conditions and technical requirements to ensure the minimum payout in accordance with paragraph 1, so as to ensure its proper, statistically unbiased and accurate achievement, and any other relevant issue for the application of this paragraph and paragraph 1.

21. The manner, time and the process of identification of players and payment of their profits to their respective accounts in a financial institution or payment institution.

22. The form, content, procedure and receipt of individual player card and all the necessary details about its operation.

23. The type, form and content of specific signs for granted certifications.

24. The specific conditions, procedure, documentation and the amount of fee, in the cases it is not determined by specific provisions for the grant of any kind of planned certification and / or licensing of persons, games, technical instruments for the conduct of gaming, gaming machines, systems, equipment and gaming stores.

25. Specification of the type and level of imposed administrative penalties within the limits provided for by the legislation in force, per violation or per category of offenses or per gaming machine and any necessary detail.

26. The manner and the bodies imposing penalties, procedure of control and certification, the procedure for collecting fines, the method of payment and the specific enforcement proceedings under the provisions of the Code of Public Revenues, as well as any relevant detail.

27. The specific issues under Article 53 of this law, including characteristics, liabilities, obligations, restrictions and prohibitions relating to license holders, the minimum payout, and the necessary certifications and obligations and penalties imposed on third parties involved in any way in the implementation and transmission of the games of this article.

28. The issues of operation of the Game Auditors Body, the specifications in scope, frequency of participation of Auditors in the audits, and any other detail.

29. The way, the process and the types of audits are provided for in the Regulation for the Conduct and Control of Games. The audits concern the lawful conduct of the game, compliance with the conditions of the license, the implementation of conditions of the license, the financial management of the game, the payout to the players, the Greek state and its bodies, as provided for by the applicable provisions, the licenses and the contracts signed between licensed providers and the Greek state.

30. The method of certification of the technical and operational standards established by the EEEP for any kind of information systems of the licensed gaming operators. In the process of these certifications, as well as those of paragraphs 2 and 4 of Article

44 of this Law, and any game, equipment or instrument used for the conduct of gaming, the EEEP may request and receive, certifications granted by independent specialized laboratories and certification bodies, as specified in the Regulation for the Conduct and Control of Games. The aforementioned Regulation specifies the conditions to be fulfilled by these bodies in order to ensure that their certifications are accepted.

31. The specific criteria under which OPAP SA contracts with agents, particularly demographic criteria so that there is a reasonable relationship between the number of agencies in each region with the population of this region in order to avoid high concentration of agents in the same territory, conditions and criteria for ensuring the main objectives and fundamental principles for agency of gaming, especially public order, the protection of the public from addiction to gaming, prevention of fraud, prosecution of crime and money laundering, the protection of minors and consumers, ensuring the transparency and integrity of gaming, the normal, smooth, controlled and safe conduct of gaming and the strict control of the terms and conditions for the conduct of the betting activity and the participation of the public to this, so that the integrity of the events, which are the subject of betting activity, the basic rules, terms and conditions of the operation of the agent's business are ensured.

32. Any other matter that under the provisions in force should be regulated by the Regulation for the Conduct and Control of Games or related to these topics regulatory decisions of the EEEP.

Where, the provisions in force refer to the Regulation for the Conduct and Control of Games, it shall also mean the Gaming Regulation. "

\*\*\* Paragraph 3, as amended by paragraph 5 of Article 22, Law 4141/2013, FEK A 81, as complemented by par. 7, Article 34 of Law 4223/2013 (FEK A 287) was replaced as above by Article 173 par.10, Law 4261/2014, FEK A 107/05.05.2014.

4. The Regulation for the Conduct and Control of Games regulates the commercial communication of games, issues pertaining to the advertising of games, especially games of chance, as well as the rules of ethics that should govern such activities.

Advertising must ensure a particularly strict level of consumer protection in the field of gaming, and in any case must be reasonable and strictly limited to all that is necessary so that consumers are guided to controlled gaming networks. Advertising must not be aimed at increasing consumers' natural tendency towards gaming by encouraging their active participation therein, projecting a positive image of gaming in relation to the fact that revenues are intended for general interest activities or even by increasing the attractiveness of games via advertising messages deceptively showing significant profits. Any infringement

of the above rules shall cause the imposition of sanctions defined in the Regulation for the Conduct and Control of Games.

'5. The Regulation for the Conduct of Games and the bylaws of the EEEP or the decisions of paragraph 5 of Article 54, may incorporate transitional periods of entry into force of all or some of their provisions.

6. By decision of the EEEP the code of official uniform terminology used to represent the financial data relating to gaming is determined. "

\*\*\* Paragraphs 5 and 6 were added by Article 173, par. 1, Law 4261/2014, FEK A 07/05.05.2014.

## Article 30

Supervision and Control IT System" (PSEE)

1. The Regulation for the Conduct and Control of Games of article 29 also lays down the technical requirements and safeguards for operation of the Supervision and Control IT System (PSEE), thus enabling:

a. "Electronic" monitoring of all forms of games and all certified VLTs and websites.

\*\*\* The word "software" of instance a was replaced by the word "electronic" by paragraph 6.a, article 22 of Law 4141/2013, FEK A 81/5.4.2013.

b. [Online] real time monitoring and control of games of chance machines installed in certified stores, and monitoring and control of games of chance conducted in the certified websites.

"The monitoring time can be real and / or later through the stored data. The type of data, the way of transmission and storage of the media used, the place and space held, and any relevant detail are determined by the Regulation for the Conduct and Control of Games. "

\*\*\* The words "in real time (on line)" of sentence c were DELETED and the last paragraph of this was added by Article 173 par.12, Law 4261/2014 (FEK A 107/05.05.2014)

c. The immediate detection of technical and operational problems in gaming machines and central IT systems.

d. Collection from gaming machines and CPS, storage, analysis, processing and presentation of the necessary data for all forms of games of chance and for all gaming machines used for games of chance, as well as all websites.

e. Ensuring the smooth and reliable conduct of all forms of games.



2. Games of chance played through gaming machines, shall be conducted exclusively via terminals with network connection to Central IT Systems, which in turn are connected to the PSEE.

3. Online games of chance shall be exclusively conducted via websites connected to the PSEE.

"4. License holders must at any time ensure that every VLT or website is in constant communication with the PSEE, enabling its real time control and supervision. EEEP's Regulation for the Conduct and Control of Games lays down the minimum required operational capacity of the CPS and of the communications network, the procedures for their installation, configuration, operation and updating, as well as the level of license holder access to data collected.

Every monitoring and control system for VLTs must have absolute software and physical security, fully ensuring: a) access by EEEP to all IT programs, to stored files and data, and in general to all system functionalities, and b) the integrity, reliability, precision and fidelity of data stored in the files and of all drawn data sent to the PSEE. The complete and integrated technical infrastructure for the conduct of games of chance using VLTs or via the internet, connected to the PSEE via Central IT Systems, shall be an ongoing obligation, throughout the validity of the license, and shall be realised at the license holders' responsibility, expenses and care, according to the provisions in the law. In case of non-compliance, article 51 of this law stipulates a fine and/or revocation of the license by the EEEP.

Until EEEP installs and operates the PSEE, license holders shall be obliged to provide EEEP with full remote access to their Central IT Systems. By decision of the EEEP, the details of access to the license holders' Central IT Systems are determined, pursuant to the provisions of this law.

\*\*\* Paragraph 4 was replaced as above by paragraph 6.b, article 22 of Law 4141/2013, FEK A 81/5.4.2013.

5. The license holder shall be obliged to retain data received from gaming machines or the online game for at least ten (10) years, in a safe medium (or media) that enables precise reproduction of stored supervision data by the EEEP.

6. The EEEP shall be obliged to retain data received from license holders for at least ten (10) years, in a safe medium (or media) that enables precise reproduction of stored supervision data.

## Article 31

Minimum payout

1. The minimum payout in games of chance is set at eighty percent (80%), irrespective of whether they are conducted through gaming machines or online.

2. EEEP's Regulation for the Conduct and Control of Games lays down the maximum payout in each form of game of chance, as well as the time and manner in which profits shall be paid, the terms regarding jackpots resulting from online games or from each VLT or from all VLTs operating within the same certified stores, and the terms and technical requirements for securing that the minimum payout of para. 1 is paid, thus ensuring the proper, statistically unbiased and precise achievement of this minimum payout, as well as any other relevant issue for application of this paragraph and of paragraph 1.

3. A jackpot through gaming machines from more than one certified stores of the same license holder, shall only be permitted by decision of the Minister of Finance and upon recommendation of the EEEP.

4. Profits from games of chance played on gaming machines shall be immediately paid out to the player.

5. Profits from games of chance played online shall be deposited in an account kept by the player at a credit institution or payment institution, established and lawfully operating in Greece or in any other member- state of the EU of European Economic Area, in accordance with the provisions of the Regulation for the Conduct and Control of Games. The amount that license holders shall have in a credit institution or payment institution, established and lawfully operating in Greece or in any other member- state of the EU or the European Economic Area is determined by decision of the EEEP. The type and scope of the license shall be taken into account in determining the amount.

\*\*\* Paragraph 5 was replaced as above by Article 173 par.13, Law 4261/2014, FEK A 107/05.05.2014.

## Article 32

### Players' terms of participation

1. Participation in games of chance shall only be allowed to natural persons aged over twenty one years old, following ratification and update of the PSEE using any and all electronic or other means available, as set out on an EEEP decision.

2. The minimum amount for participation in games of chance through gaming machines is ten euro cents (0.10) and the maximum is two (2) euros. These amounts may be adjusted by decision of the EEEP. Games of chance through gaming machines shall be played by inserting coins or banknotes, by reinvesting credits won, or by using a prepaid card, in a manner guaranteeing player identification.

3. It is prohibited to conduct games of chance of any kind on credit, as well as providing a discount on the cost of participation.

4. It is prohibited to conduct games of chance where in any given participation, the player can lose an amount higher than his/her participation amount in that game.

5. It is prohibited for the games of chance license holder, its staff, members of the management body, anyone operating games machines and their staff, to participate in games of chance that they conduct. It is prohibited for the EEEP members and staff to participate in games of chance "without prejudice to the provisions of the Regulation for the Conduct and Control of Games as regards control procedures specified therein".

\*\*\* The words in " " were added by paragraph 7, article 22 of Law 4141/2013, FEK A 81/5.4.2013.

6. It is prohibited for any player to participate in games of chance through other natural persons or legal entities.

## Article 33

### Player protection and Individual Player's Card

1. Minors, persons aged 18-21 and self-excluded persons shall be prohibited from accessing gaming stores.

2. Minors shall be allowed to play amusement skill games, suitable for their age, according to EEEP certification.

The gaming machines that minors are allowed to use shall be installed in discrete areas and supervised by an operations manager, as defined in para. 4 of article 42.

3. License holders, gaming operators, stores' operations managers and employees, as well as all who permanently or provisionally exercise supervision in venues where gaming machines are in operation, shall be obliged to deny entry into and stay to the stores to the persons of paragraph 1. They shall also be obliged to post signs of prohibition of entrance regarding such persons, both inside and outside the stores.

4. "To participate in games of chance conducted through gaming machines or online, one needs to issue and use a unique individual player's card, to ensure additional restrictions set by the user and/or the EEEP. Through the Regulation for the Conduct and Control of Games, the requirement for a unique individual player's card may be extended to other games of chance conducted in Greece."

\*\*\* Paragraph 4, as amended by article 7, para. 24 of Law 4038/2012, FEK A 14, was replaced as above by para. 8, article 22 of Law 4141/2013, FEK A 81/5.4.2013.

5. The individual player's card shall be issued by license holders, according to the process and terms specified by decision of the EEEP.

## Article 34

Notices to the Personal Data Protection Authority - Secrecy -

Secrecy Obligation

1. The EEEP shall notify the Hellenic Data Protection Authority the creation and operation of a record, or the start of data processing regarding all operations, according to art. 6 of Law 2472/1997 (A 50).

The EEEP President is designated as "Processing Manager" according to art. 2, para. g of Law 2472/1997, regarding data keeping and processing.

2. All license holders, operators of amusement skill games and of games of chance, owners or operations managers, shall be obliged to notify the Hellenic Data Protection Authority provided they keep private data records.

3. It is prohibited for EEEP, license holders and all gaming operators to publish data of the previous article. The above shall take all suitable precautionary measures to eliminate the possibility of players being identified by technical or other means that third parties could reasonably use. If the secrecy of data and/or the obligation to secrecy is violated, apart from the penalties stipulated in articles 252, 253, 370B, 370C of the Penal Code and in article 4 of Law 2392/1996 (A 60), administrative sanctions will also be levied, as specified in article 51.

4. Players' data that EEEP possesses or obtains from license holders or gaming operators, shall be used exclusively for control purposes such as, notably, restricting access to minors, linking players to actual natural persons, cross-checking tax obligations from profits. Access to this data shall be restricted to the dedicated staff members, appointed by an act of the EEEP and entrusted with the task of observing the obligations of this law, and to the staff of tax or law enforcement authorities.

5. Staff of all categories employed in the EEEP, and in gaming operators, irrespective of labour relationship, as well as natural persons that obtain, in any way, access to player's data, shall be bound to secrecy and the obligation to secrecy. It is prohibited for the persons in the above paragraph to use this data after expiry of their duties.

## Article 35

Commercial communication

1. Gaming-related commercial communication is subject to restrictions. There shall be mandatory reference to persons prohibited from playing games of chance, as well as reference to helplines and services for offering support for treating gaming addiction.

2. It is prohibited to proceed to commercial communication regarding the offer of credit to players for participating in games of chance.

3. The content of any type of commercial communication must be consistent with the principles set out in the Regulation for the Conduct and Control of Games, and in any case, consistent with the provisions of para. 4, article 29.

4. Until a Code of the Conduct and Control of Games is established, commercial communication on gaming is prohibited, except for games conducted according to the license issued by the Greek State", as well as those conducted according to the provisions of paragraph 12, article 50".

\*\*\* The phrase within " " was added by article 7, paragraph 23 of Law 4038/2012, FEK A 14/2.2.2012.

## Article 36

### Mandatory labelling and signs

1. Visible signs regarding the type and accessibility of games shall be posted in the stores and appear on the machine monitors. Store managers who fail to ensure observance of the provisions regarding protection of persons not allowed to play games of chance, shall suffer administrative and penal sanctions, according to articles 51 and 52.

2. All gaming machines shall bear a legal operation sign. The type and content of this special label, printing and availability, as well as any relevant detail shall be specified in the Regulation for the Conduct and Control of Games.

3. In the stores and on the monitors where the games are conducted, information must be written with respect to services for dealing with compulsive gaming and support for treating addiction to games of chance. The Regulation for the Conduct and Control of Games may offer more specialised details of the above mandatory signs .

## Article 37

### Gaming program form

1. License holders must issue and distribute a special form, in printed or electronic format, for each game of chance, called "Program Form".

2. Each Program Form shall specify the form, the individual or group nature, the payout and other useful information for each game form it describes, as specified in the Regulation for the Conduct and Control of Games.

3. The Program Form shall be available at a conspicuous place in the stores, at the gaming website's homepage, and shall be generally be made available to players by any means available.

## Article 38

### Amusement skill games

1. The conduct of all forms of amusement skill games is unrestricted, provided that all legal conditions are met.

2. The EEEP shall certify the purely amusement-skills nature of the proposed games, for conduct in stores using gaming machines. Players shall participate using gaming machines equipped with an individual integrated special tamper-proof tax mechanism for automatic recording and for issuing income receipts.

"The date after which the installation of an individual integrated special tamper-proof tax mechanism shall be mandatory, shall be specified by decision of the Minister of Finance, upon recommendation of the Gaming Supervision and Control Commission (EEEE)".

\*\*\* The second sentence of para. 2 was added by article 26, of Law 4141/2013, FEK A 17/23.1.2013.

3. EEEP shall issue licenses for the operation of amusement skill games with gaming machines, in the context of the professional activity. Holders of operation licenses for amusement skill games shall be sole proprietorships or legal entities in the form of a personal or capital company taxed according to the general provisions of Law 2238/1994 (A 151). Operation licenses for amusement skill games with gaming machines shall not be granted to non-profit legal entities.

4. Natural persons exercising their management, must not have been convicted of a felony nor to any sentence for theft, embezzlement, fraud, breach of trust, fencing, extortion, forgery, active or passive bribery, dangerous or gross bodily injury, concealment of a felony, currency related crime, dangerous crime, crime against personal freedom, crime against sexual freedom, crime of financial exploitation of sexual life, as well as for any crime stipulated in the law on drugs, guns, explosives and tax evasion.

## Article 39

### Licensing of games of chance

1. 35,000 gaming machines are permitted to be in operation in the Greek territory.

2. By virtue of a decision of the Minister of Finance, one license is granted to OPAP S.A. according to the provisions of article 27 of Law 2843/2000 (A 219), for all 35,000 VLTs. Out of the above, 16,500 VLT shall be installed and operated by OPAP S.A. through its agencies, and the remaining 18,500 VLTs shall be installed in dedicated spaces, according to the requirements of articles 42 and 43, and operated by concessionaires to whom OPAP S.A. shall cede the right to install and operate the machines, according to the provisions of paragraph 6.

The concessionaires shall undertake the entire business risk of operation [and may install VLTs in licensed third-party spaces].

\*\*\* The phrase in [ ] was deleted by para.9, article 22 of Law 4141/2013, FEK A 81/5.4.2013.

"Concessionaires shall choose the gaming machines they will use, as well as the games they will offer from a list of EEEP approved games and the gaming machines made available to them by OPAP SA; in any event, technical specifications must ensure that they are constantly monitored electronically by OPAP S.A., EEEP and the Ministry of Finance, as stipulated in detail in the Regulation for the Conduct and Control of Games."

\*\*\* The fourth and fifth sentences were replaced as above by paragraph 4a, article 24 of Law 4141/2013, FEK A 81/5.4.2013.

"The concessionaires' pricing policy shall come under the pricing policy framework set by the license holder, while concessionaires can set their sales promotion policy within the limits imposed by law regarding advertising games of chance."

\*\*\* The last sentence of paragraph 2 was replaced as above by paragraph 1, article 52 of Law 4021/2011, FEK A 218/3.10.2011.

3. Licenses are granted following payment of a price determined according to the process described in instance a, para. 9, art. 27 of Law 2843/2000.

The price for the gaming machines installed by OPAP S.A. and operated through its agencies, shall be payable immediately upon granting of the license. The manner, time and terms of payment by OPAP S.A. of the price for the gaming machines installed and operated by concessionaires, shall be fixed in the license, according to the provisions of paragraph 6.

"4. The license shall be valid for ten years, starting at the earliest of: a) twelve (12) months form release of the Regulation for the Conduct and Control of

Games of article 29, or issuing of the EEEP decision of paragraph 5, article 54, relating to the terms of gaming machines operation, or b) the start of commercial operation of the first gaming machine, following release of the above Regulation or issuing of the above decision, to be determined by EEEP by a relevant act, published in the Government Gazette."

\*\*\* Paragraph 4 was replaced as above by way of paragraph 4b, article 24 of Law 4141/2013, FEK A 81/5.4.2013.

5. At least one year prior to expiry of the license, OPAP S.A. may, following an application to the EEEP, request its extension for an equal or smaller period, with the same terms, but at a new price. The process for determining the new price shall be defined by decision of the Minister of Finance.

6. The license is personal and non-transferable. OPAP S.A. shall cede the right to install and operate 18,500 gaming machines to anywhere from four to ten concessionaires, for a consideration and following the call of an international open tender to the highest bidder, the terms of which to be approved by the EEEP.

(The consideration shall be paid to OPAP S.A. upon conclusion of the concession contract for its entire term. OPAP S.A. shall remain the license holder and shall continue to be subject to the obligations stemming therefrom.)

\*\*\* The third passage of paragraph 6 was ABOLISHED by way of paragraph 2, article 52 of Law 4021/2011, FEK A 218/3.10.2011.

7. It is prohibited for the above described concessionaires of the right to operate gaming machines, to further cede such right, with or without a consideration.

## Article 40

"Requirements for OPAP SA and the concessionaires".

\*\*\* The title of article 40 was replaced as above by paragraph 4, article 52 of Law 4021/2011, FEK A 218/3.10.2011.

1. OPAP S.A. and the concessionaires of the right to install and operate gaming machines shall be obliged to comply with the legal and financial obligations of this law, throughout the term of the license.

"OPAP S.A. shall be obliged to put in operation the gaming machines operated through its agencies, according to paragraph 2, article 39, within eighteen (18) months from release of the Regulation for the Conduct and Control of Games of article 29, or issuing of the EEEP decision of paragraph 5, article 54, as in force. After lapse of the above deadline, the non-operating gaming machines shall be removed from the total number of machines licensed, without any cost for the State, except if the non-timely installation and operation of gaming machines by



OPAP SA as above, is due to EEEP's liability. Concessionaires of the right to install and operate gaming machines according to para. 6 of art. 39, shall operate them within a deadline specified in the concession contract concluded with OPAP S.A., and in any case within twenty four (24) months from concession and according to the requirements set by the Regulation for the Conduct and Control of Games of article 29, or the EEEP decision of paragraph 5, article 54. Upon lapse of the twenty four (24) months, gaming machines ceded according to the process of paragraph 6, article 39, but not put in operation, shall be removed from the total number of VLTs corresponding to the right of installation and operation, without any cost for OPAP S.A. OPAP S.A. shall be entitled, not later than one (1) year from lapse of the twenty four (24) months deadline, to install and operate any of the non-operating gaming machines of the previous sentence via its agencies, or cede the right to install and operate them to third parties, following the call of an open international tender to the highest bidder, the terms of which to be approved by EEEP. After lapse of the above one-year deadline, the non-operating gaming machines shall be removed from the total number of machines licensed, without any cost for the State."

\*\*\* Sentences in " " were replaced as above by paragraph 5a, article 24 of Law 4141/2013, FEK A 81/5.4.2013.

["EEEP shall be obliged to complete the certification process as stipulated in articles 28 - 44 within a two (2)-month deadline from submission of the relevant file. Upon lapse of this deadline, VLTs shall operate at the license holder's or the concessionaire's responsibility, who shall need to strictly adhere to the specifications of the Law and relevant statutory acts, as well as the technical specifications of the VLTs submitted for control and certification."]

\*\*\* The above passages in " " were added by para.2, article 52 of Law 4021/2011, FEK A 218/3.10.2011., which was then ABOLISHED by para. 26, article 7 of Law 4038/2012, FEK A 14/2.2.2012.

2. Any disposal of shares of OPAP S.A. or of the concessionaire of the right to install and operate games of chance with VLTs, that is equal or greater than 2% of the share capital, shall be communicated to the EEEP within a deadline of fifteen (15) days from taking place. If this is disposal inter vivos which could lead to a direct or indirect change in the control of the company, it shall require EEEP's prior approval, without which it will be null and void.

"For the purpose of this article, control shall mean the control specified in paragraph 5, article 42e of Law 2190/1920 or any similar natural person - legal entity relation."

\*\*\* The last sentence of para. 2 was added by way of para. 5a, article 24 of Law 4141/2013, FEK A 81/5.4.2013.

"2a. For the approval, as above, of the direct or indirect change in control of OPAP SA, in order to ensure the proper management of the company, EEEP shall

assess the suitability of prospective buyers on the basis of all the following criteria:

a) A prospective buyer's reputation and/or, in case of a legal entity, that of the natural persons representing, managing and/or directly or indirectly controlling the legal entity.

b) The reputation and experience of any person that will be managing the OPAP activities, following the proposed acquisition.

c) The prospective buyer's financial strength, taking into account the activities exercised or to be exercised by OPAP SA, and the impediments the acquisition of control is expected to create to EEEP's capabilities for conducting effective supervision.

d) The fact that there are founded suspicions that, in connection with the proposed acquisition of control, money laundering or terrorism financing is committed, or is attempted, or has been committed or has been attempted, in the meaning of Law 3691/2008, or that acquisition of control may increase such a risk.

e) The fact that there is information, mostly coming from other authorities responsible for the supervision, control and licensing of games, regarding violations of laws governing gaming in any other country, especially in any other EU Member-State, by the prospective buyer or any affiliated company.

f) Violations of the law governing gaming committed by the prospective buyer and/or any affiliated company and/or their legal representatives, conformed by final court rulings."

\*\*\* Paragraph 2a was added as of January 2014 by paragraph 6, article 24 of Law 4141/2013, FEK A 81/5.4.2013.

3. The same obligation to notify to the EEEP also applies when the share transfer is the result of succession.

4. It is prohibited for the concessionaires of the right to install and operate, according to paragraph 6, article 39, to be associated companies.

## Article 41

### Gaming machines specifications

1. The gaming machines specifications shall be set by EEEP decision, with a view to achieving their unimpeded, safe and legal operation and monitoring.

2. Stores where such gaming machines will be installed shall require type A, B, C, D, E or F certification, as per article 43.

3. Prior to the insertion of the means of payment, games conducted with a gaming machine must display the game's EEEP certification number.

## Article 42

### Certification of stores

1. In order for stores to be permitted to conduct amusement skill games with gaming machines, they need to be certified by the EEEP. This certification is provided upon application submitted by license holders or operators of games with gaming machines, "or, in case of amusement skill games conducted in mixed spaces, those conducting the main activity in such spaces" according to the terms of this law. The Regulation for the Conduct and Control of Games specifies all the supporting documents required for the certification of stores offering amusement skill games or games of chance with gaming machines; among others, the documents regard the areas where gaming machines are installed, the number of gaming machines in each of the stores, the type of games played on the machines and the amount of the fee.

\*\*\* The words in " " in the first passage of para. 1 were added by way of paragraph 10, article 22 of Law 4141/2013, FEK A 81/5.4.2013.

2. Amusement skill games may be installed, operated and conducted, in the context of a business activity, in either dedicated or mixed spaces, while games "of chance" with gaming machines only in dedicated spaces.

\*\*\* The words "of chance" were added as above by way of paragraph 10.b, article 22 of Law 4141/2013, FEK A 81/5.4.2013.

a) "Dedicated gaming spaces" are stores where either amusement skill games or games of chance may be conducted, according to the provisions of town planning legislation.

OPAP S.A. agencies are considered dedicated spaces for the installation of games of chance, since they meet the terms and conditions laid down in the Code of the Conduct and Control of Games.

"b)"Mixed gaming spaces" for amusement skill games conducted with gaming machines, are stores or spaces where another core business activity is legally conducted, and where it is exceptionally allowed to install and operate gaming machines exclusively for amusement skill games."

\*\*\* Instance b of paragraph 2 was replaced as above by paragraph 10.c, article 22 of Law 4141/2013, FEK A 81/5.4.2013.

3. In order to issue and retain a certification, the person operating the store shall pay an annual charge. The amount of this charge shall be determined by decision of the EEEP, according to a relevant financial study based on available data.

4. Stores must have one operations manager who shall be jointly and severally liable along with the license holder or operator, for observing the provisions of this law. The operations manager shall be a natural person aged 25 to 60 years, a permanent resident of Greece and shall also meet the following conditions:

a) Shall be a national of a European Union Member-State.

b) Shall not have been convicted of a felony nor to any sentence for theft, embezzlement, fraud, breach of trust, fencing, extortion, forgery, active or passive bribery, dangerous or gross bodily injury, concealment of a felony, currency related crime, dangerous crime, crime against personal freedom, crime against sexual freedom, crime of financial exploitation of sexual life, as well as for any crime stipulated in the law on narcotics, guns, explosives and tax evasion.

c) Shall possess at least a secondary education certificate or any corresponding certificate, and shall have fulfilled all military service obligations, or shall be under no such obligation, or shall have legally been released thereof.

d) Shall speak Greek.

5. In all stores:

a) The installation and operation of non-certified games and gaming machines is prohibited.

b) At least 3 sq.m. of space shall be required for each gaming machine.

c) The legal operation label specifying the certification number and type shall be posted at a conspicuous location on the front of the store.

"d. It is prohibited to install ATM machines in front of gaming stores and inside them."

\*\*\* Instance d of paragraph 2 was replaced as above by paragraph 10.d, article 22 of Law 4141/2013, FEK A 81/5.4.2013.

## Article 43

Stores certification categories

The certifications of gaming stores with gaming machines, are distinguished into the following categories:

a) Type A certification for stores conducting amusement skill games in dedicated spaces, issued by the EEEP, as stipulated in the Regulation for the Conduct and Control of Games.

[Up to thirty machines may be installed in dedicated spaces per store. A store may not have an indoors connection to another. Stores with amusement skill games must have a distinct space for minors].

\*\*\* The second and third passages of instance a were ABOLISHED by para. 1, article 22 of Law 4141/2013, FEK A 81/5.4.2013.

b) Type B certification for stores conducting games of chance in dedicated spaces, issued by the EEEP, as stipulated in the Regulation for the Conduct and Control of Games.

Up to twenty five machines may be installed in dedicated spaces per store. A store may not have an indoors connection to another. Type B certification shall not be granted to stores that are located five kilometres or less, calculated in a straight line, from the nearest already operating casino.

c) Type C certification for stores conducting exclusively amusement skill games in mixed spaces, issued by the EEEP, as stipulated in the Regulation for the Conduct and Control of Games.

d) Installation of gaming machines, exclusively for amusement skill games, in sea-going vessels on domestic "or international" routes, requires a type D certification, issued by the EEEP, as stipulated in the Regulation for the Conduct and Control of Games.

\*\*\* The words "or international" of instance d were added by para. 12.a, article 22, of Law 4141/2013, FEK A 81/5.4.2013.

"e) Installation of gaming machines for games of chance, only in dedicated spaces in sea-going vessels under Greek flag on international routes, requires a type E certification, issued by the EEEP, as stipulated in the Regulation for the Conduct and Control of Games."

\*\*\* Instance e was replaced as above by paragraph 12.b, article 32 of Law 4141/2013, FEK A 81/5.4.2013.

f) "Installation of up to three games of chance machines in OPAP S.A. agencies, offering games of chance that OPAP SA is entitled to conduct, by virtue of the contract dated 15 December 2000 between the Greek State and OPAP SA, as in force, and para. 2a, article 27 of Law 2842/2000, requires a type F certification, issued by the EEEP, as stipulated in the Regulation for the Conduct and Control of Games."

\*\*\* Instance f was replaced as above by paragraph 6, article 24 of Law 4141/2013, FEK A 81/5.4.2013.

## Article 44

### Certification of games and gaming machines

1. Every amusement skill game to be installed or played on a gaming machine, must be certified by the EEEP. The application for certification of each

type of amusement skill game, must be accompanied by a file containing all information pertaining, notably, to the game, its trade name, nature, description, original sample in suitable [digital] media, the players' age span, any existing certification, and the respective fee.

\*\*\* The word "digital" in the second sentence was deleted by way of paragraph 13, article 22 of Law 4141/2013, FEK A 81/5.4.2013.

The file supporting documents, duration of review and the fee amount shall be determined in the Regulation for the Conduct and Control of Games, or by regulatory decision of the EEEP.

Amusement skill games certified by another national authority, recognised international or European organisations, or certification organisations with whom EEEP has signed a recognition agreement, shall be considered certified. The EEEP shall issue a decision with the relevant list and the criteria for inclusion therein, posted on its website.

2. Every game of chance to be installed or played on a gaming machine, must be certified by the EEEP. The application for certification of each type of game of chance, must be accompanied by a file containing, among others, all information pertaining, notably, to the game, its trade name, nature, description, original sample in suitable digital media, and the respective fee. The file supporting documents, duration of review and the fee amount shall be determined in the Regulation for the Conduct and Control of Games, or by regulatory decision of the EEEP.

3. The EEEP may issue a "Special license for test operation of new games in the market" with a term of up to 2 months, conducted in specific stores, not exceeding 4 throughout the Greek territory. This special license shall also specify other details necessary for implementation of the test operation, such as a special mention regarding the game's test status.

4. Gaming machines to be installed for the conduct of amusement skill games or games of chance, shall be certified by EEEP. This requires the submission of an application with information on the gaming machine, and in particular the type, description, mode of operation and the fee. The file supporting documents, duration of review and the fee amount shall be determined in the Regulation for the Conduct and Control of Games, or by regulatory decision of the EEEP.

## Article 45

Licensing online games of chance - Licensing procedure

1. The conduct of games of chance via the internet in the Greek Territory, comes under the exclusive jurisdiction of the Greek State that exercises that jurisdiction through specially licensed providers.

2. The EEEP shall lay down the required operation conditions and technical characteristics of games of chance servers and software for holders of online games of chance licenses, so as to ensure observance of all the provisions concerning the protection of players and the public interest.

3. Online games of chance licenses shall be announced by decision of the Minister of Finance. Licenses shall be granted via an international tender to the highest bidder.

4. If not all announced licenses are awarded, non-awarded licenses shall be tendered again by decision of the Finance Minister, at least one year after the award.

5. Online games of chance licenses shall have a five-year term from their award, and shall include terms governing the activity for which they are issued.

6. At least one year prior to expiry of a valid license, the contractor may, following an application to the EEEP, request its extension for an equal or smaller period, with the same terms, but at a new price. The conditions for license renewal are the good performance of its terms and the proposal of a reasonable price. The process for determining the new price shall be defined by decision of the Minister of Finance.

7. Apart from the licenses tendered according to paragraph 3, no other licenses shall be tendered before the lapse of five years from publication of this law.

8. Each contractor may not obtain more than one license. Licenses are personal and non-transferable. Leasing or joint-operation of a license in any way are prohibited.

## Article 46

### Tender participation conditions

1. Only companies with a paid-in capital of at least €200,000 shall be allowed to participate in the international tender for online games of chance licenses. Members of the Board of Directors or partners must not have been convicted of a felony nor to any sentence for theft, embezzlement, fraud, breach of trust, fencing, extortion, forgery, active or passive bribery, dangerous or gross bodily injury, concealment of a felony, currency related crime, dangerous crime, crime against personal freedom, crime against sexual freedom, crime of financial exploitation of sexual life, as well as for any crime stipulated in the law on narcotics, guns, explosives and tax evasion.

2. For a company to participate in the international tender for gaming licenses, it must submit a letter of guarantee to the amount of €100,000, issued by a credit institution established and legally operating in Greece or any other European Union Member-State.

3. The call for tender shall contain at least the following:

- a) the number of licenses tendered,
- b) the deadline within which interested parties can request the relevant documents from the competent body,
- c) the competent body for unsealing the bids, the unsealing date and manner, as well as the persons entitled to attend,
- d) the type, percentages, currency and time for submission of participation letters of guarantee, as well as any other requested security,
- e) information and documents proving that the minimum financial and technical conditions set in the call are met,
- f) the bid submission deadline and the address bids shall be sent to,
- g) the bids' period of validity,
- h) the material terms whose breach leads to rejection of the bid,
- i) the selection criteria regarding the candidates' personal status that could lead to disqualification, and the required information proving that candidates do not come under any of the cases leading to disqualifications,
- j) the tender's reserve price,
- k) a draft of the license to be granted, and
- l) any other detail necessary for performance of the tender.

## Article 47

### Obligations of license holders

1. License holders shall be legal entities registered or permanently established in Greece and taxed according to the general provisions of Law 2238/1994, as in force each time. Persons in charge of managing the company must not have been convicted of a felony nor to any sentence for theft, embezzlement, fraud, breach of trust, fencing, extortion, forgery, active or passive bribery, dangerous or gross bodily injury, concealment of a felony, currency related crime, dangerous crime, crime against personal freedom, crime against sexual freedom, crime of financial exploitation of sexual life, as well as for any crime stipulated in the law on narcotics, guns, explosives and tax evasion.

2. It is prohibited for license holders to be associated companies.



3. Any disposal in vivos of shares of the company of the holder of a license to conduct games of chance with VLTs, that is equal or greater than 2% of the share capital, shall be communicated to EEEP within a deadline of fifteen (15) days from taking place. Without prejudice to paragraph 2 of this article, if this disposal could lead to a direct or indirect change in the control of the company, it shall require EEEP's prior approval, without which it will be null and void.

4. The same obligation to notify EEEP also applies when the share transfer is the result of succession.

5. The Regulation for the Conduct and Control of Games shall regulate the procedure and conditions for issuing, extending the validity and revoking licenses for online games of chance, the terms contained therein, the sanctions process, as well as any relevant issue concerning the issue of licenses and the obligations of the shareholders of companies that are license holders.

6. Licenses shall be granted after payment of:

a) the license price,

b) an advance amount against the State's participation, according to paragraph 5, article 50.

7. Websites conducting online games of chance shall have a name ending in .gr.

8. The license holder shall be obliged to use hardware located in Greece, in order to store data concerning the conduct of online games of chance, as well as data exchanged between a player, the license holder, the ISP and financial institutions, regarding such games. Data shall be retained in secure media enabling EEEP to precisely reproduce stored information, for a period no less than ten (10) years. The Regulation for the Conduct and Control of Games may set a longer period.

9. The Regulation for the Conduct and Control of Games shall set the minimum homepage content requirements for online games of chance websites.

10. License holders shall be obliged to bear and observe the legal and financial obligations of this law, throughout the term of this license.

11. The letter of guarantee shall forfeit if the license conditions are not met, if profits are not paid out immediately to players, and in all the cases stipulated in this law, in the Regulation for the Conduct and Control of Games and in the license terms.

12. The letter of guarantee shall be returned to the license holder one year after expiry of the license and provided there is no reason for partial or full forfeiture.

## Article 48

### Obligations - Prohibitions - Player data

1. Betting of any type in financial instruments traded in an organised market operating in Greece is prohibited. Financial instruments stipulated in art. 5 of Law 3606/2007 (A 195) do not come under this prohibition.

2. The person operating and managing the games of chance website must be one and the same.

3. The creation and operation of websites by non-license holders is prohibited.

4. Operation of a bookmaker's is prohibited.

5. The conduct, within the Greek Territory, of games of chance via other audiovisual and electromagnetic media, shall only be permitted after the issue of a special license granted by the EEEP.

6. License holders are prohibited from allowing natural persons under 21 years old and non-registered players to participate in the games of chance offered via their websites. Before the creation of a player account for participation in any online game of chance, players must agree to the terms of the game contract.

The Regulation for the Conduct and Control of Games shall determine the way of verifying players' age and the specific content of the game contract.

"7. The EEEP prepares and revises the list of licensed gaming providers (white list), who provide gaming services territorially (land based), via the Internet (on line) or with any other remote method (remote gambling), as well as of certified gaming machines, games, gaming premises and stores, manufacturers, importers and technicians of games and gaming machines, and it posts it on its website, that post being a sufficient disclosure and evidence of existence of the aforementioned license or certification. This list includes all the necessary information, so as to fully and clearly reflect the licenses and certifications in order to facilitate control.

8. The EEEP prepares and revises the list of unlicensed gaming operators (black list), who provide gaming territorially (land based), via the Internet (on line) or with any other remote method (remote gambling), and it posts it on its website, that post being a sufficient disclosure and evidence to initiate all the enforcement procedures of any kind of penalties by each competent body, agency or authority. The list shall contain, where available, the persons providing unlicensed gaming services and/or their legal representatives, managers, members of the Board of Directors, partners and shareholders, as well as any kind of violation found and the penalties imposed. Whoever is registered in the list shall not be licensed or otherwise participate in a licensed gaming services provider in Greece. The Regulation for Operation and Control of

Gaming determines the retention period of the registration in the list, and the conditions for removal.

9. Regarding non-licensed gaming providers through the internet, the domain names and/or internet protocol addresses (Internet Protocols) of the non-licensed sites offering gaming services are registered in the above list (black list), regardless of any imposed administrative penalties. Besides, apart from the websites, the documents, the individuals and the legal persons mentioned in paragraph 8 of this article are registered.

10. After the registration in the list, the Internet service providers (ISPs), shall, without delay, apart from the immediate exercise of their obligation under paragraph 5 of Article 51 hereof, provide to the EEEP any information concerning any individual or legal person having ownership, use and/or the responsibility for the operation of these websites, in order to initiate the procedure for the implementation of the sanctions provided for by the applicable provisions. The EEEP also prepares and revises a list, which includes key words, which refer directly or indirectly to the conduct of gaming, which is sent to the Internet service providers (ISPs). Once the use of an electronic website, which contains anywhere one or more of the key-words of the aforementioned list is granted, the Internet service providers (ISPs), shall, within fifteen (15) days from the grant of the use, inform the EEEP, transmitting all the data of the requested and granted domain name. The Internet service provider who violates this obligation is subject to fine, the minimum and maximum limit of which is determined by the Regulation for the Conduct and Control of Games.

11. For all the information transmitted to the EEEP under the provisions of paragraph 4 of Article 49 and paragraph 10 of this Article, the provisions of Article 34 of this Law are applicable. "

\*\*\* The paragraphs 7, 8, 9, 10 and 11 were added by Article 173, par. 14 of Law 4261/2014, FEK A 107 / 05.05.2014.

## Article 49

### Money transfers

1. "All payments of participation amounts and payouts from participation in online gaming , shall be performed through credit institutions or payment institutions established and lawfully operating in Greece or in any other member state of the EU or the Economic European Area." The bank account of license holders is give a special code that is communicated to EEEP by the license holders. Any transaction that relates to online games of chance, shall be recorded separately by the relevant credit institutions or payment institutions.

\*\*\* The first subparagraph of paragraph 1 above was replaced by Article 173 par.15.a.

of Law 4261/2014, FEK A 107 /05.05.2014.

2. "The license holder shall keep his own account and a separate players' account at a credit institution or payment institution established and lawfully operating in Greece or in any other member state of the EU or the Economic European Area." The amounts deposited in the players' account must at least be equal with the total amount credited in the players' online accounts. If the amount deposited in the players' account presents a deficit in relation to the total amount credited in the players' online accounts, the license holder shall be obliged to use own funds to fill this deficit, within three (3) days at the latest.

\*\*\* The first subparagraph of paragraph 2 was replaced by Article 173 par.15b of Law 4261/2014, FEK A 107/05.05.2014.

3. The payment of the price for participation in an online game of chance shall be made exclusively to a licensed license holder, without the intervention of any third party, except credit institutions or payment institutions established and lawfully operating in Greece or in any other member state of the EU or the Economic European Area, in a manner that ensures the player's identification, as specified in the Regulation for the Conduct and Control of Games.

\*\*\* Paragraph 3 was replaced as above by article 173 par. 15 c, Law 4261/2014, FEK A 107/05.05.2014.

4. It is prohibited for credit institutions or payment institutions established and lawfully operating in Greece, to make payments of participation amounts and of payouts from online games of chance into accounts kept by illegal online gaming providers, specified in the relevant black list kept by the EEEP. The aforementioned institutions, immediately transmit to the Bank of Greece and the EEEP a list stating any transaction or payment has been made in accordance with the above, and all data of the accounts and persons holding these accounts. Any credit institution or payment institution violating the provisions of the above paragraph, shall be fined an amount ten times higher than the illegally transacted amounts, and in any case not less than five hundred (500) euros.

\*\*\* The paragraph 4 is replaced as above with Article 173 par.15d, Law 4261/2014, FEK A107/05.05.2014

## Article 50

Fees - Charges - State's participation in revenues - Taxes

1. For the issue and renewal of the terms of the license to conduct amusement skill games using gaming machines, as well as the operation of gaming machines for amusement skill games, the following shall be paid:

a) a lump sum fee paid in advance for the issue or renewal of the terms of the license to conduct amusement skill games, depending on the number of gaming machines and the population of the place where they are established,

b) an annual fee payable in advance, for the conduct of amusement skill games with gaming machines, depending on the number of gaming machines and the population of the place where they are established.

2. For the issue and renewal of a license to conduct games of chance with gaming machines or online, as well as to operate such gaming machines, the following shall be paid:

"a) a fee for the participation in the license tender, according to article 46, b) the license price that resulted from the tender process, according to article 46 for online games of chance, as well as the price for games of chance using gaming machines according to article 39 of this law."

c) in case of license renewal, an amount against the State's participation in the revenue from games of chance, according to paragraph 5 of this article.

\*\*\* Instances a and b were replaced as above by paragraph 5, article 52 of Law 4021/2011, FEK A 218/3.10.2011.

3. For the certification of games, gaming machines and stores conducting amusement skill games or games of chance with gaming machines, the following shall be paid:

a) a fee along with the application submission, according to articles 42, paragraphs 1 and 3, and 44 paragraphs 1 through 4,

b) a lump sum certification fee for games, VLTs and stores, according to articles 42, paragraphs 1 and 3, and 44 paragraphs 1 through 4.

4. For the entry and retention into EEEP records of manufacturers, technicians and importers of games and gaming machines, the following shall be paid:

a) a fee along with the application submission, according to paragraph 3, article 29,

b) an annual charge paid in advance for entry retention, according to paragraph 3 of article 29.

5. For all games of chance, participation of the Greek State in the revenues is set at thirty percent (30%) of the gross profit regarding amounts generated from the license holder's activity.

This revenue shall be payable to the State quarterly, and in any case not later than January 16th, April 16th, July 16th and October 16th of each year, each time regarding the preceding calendar quarter. "Exceptionally, participation of the Greek State in revenues from games of chance conducted by OPAP SA by virtue of the contract dated 15.12.2000 between the Greek State and OPAP SA, as in force and amended by way of the endorsements concluded between OPAP SA and the Hellenic Republic Asset Development Fund S.A., as per the above, shall apply until 12.10.2020." "Upon expiry of every financial year, any unallocated payout amounts from games of chance, shall be transferred to the Greek State". If the license holder has ceded the right to operate, then he shall be jointly and severally liable with the operator for payment of the participation specified in the first passage.

\*\*\*The second sentence in " " was added by paragraph 1 and a fourth sentence was added after the end of the new third above passage, by para.2, article 2 of Law 4093/2012 (FEK A 222/12-11-2012). Paragraph 9 of the same article stipulates that: 9. The current article's provisions shall apply from January 1st, 2013, while as regards the pari mutuel betting on horse races, the provisions shall apply as of January 1st, 2014.

"5A. Concerning games through gaming machines for which OPAP SA has been granted an operation license by virtue of article 39 hereof and the contract dated 4.11.2011 between the Greek State and OPAP SA, the following will apply:

The rate of the Greek State's participation in the gross profit from games may increase up to five percentage points, reaching a maximum of thirty five percent (35%), as per the following methodology: The license validity period is divided in the following three periods:

Period A: from start of license validity as per article 39 hereof until the end of the fourth year of validity.

Period B: from start of the fifth year of license validity until end of the eighth year of validity, and

Period C: from start of the ninth year of license validity until end of the license validity term.

For each period, the additional participation of the Greek State in excess of the stipulated thirty percent (30%), shall be formulated depending on the amount of OPAP SA gross profit from gaming machines, during said period ("Gross Profit"). If Gross Profit is: a) lower than or equal to the Lowest Limit (as defined below) there will be no additional participation; b) higher than or equal to the Highest Limit (as defined below) the additional participation shall be five percent; c) between the Lowest and the Highest Limits, the additional participation shall be calculated with the following formula:  $\text{Additional participation} = (\text{Gross Profit} - \text{Lowest Limit}) / (\text{Highest Limit} - \text{Lowest Limit}) \times 5\%$ . The highest and lowest limits for each period are set according to the following table:

	LOWEST LIMIT	HIGHEST LIMIT
Period A	€2,793,000,000	€4,190,000,000
Period B	€2,940,000,000	€4,410,000,000
Period C	€1,470,000,000	€2,205,000,000

The amounts of the Greek State's additional participation (in excess of the 30%) shall be payable to the Greek State within four (4) month from expiry of the respective period."

\*\*\*Para.5A was added by way of para.3, article 2 of Law 4093/2012 (FEK A 222/12-11-2012). Paragraph 9 of the same article stipulates that: 9. The current article's provisions shall apply from January 1st, 2013, while as regards the pari mutuel betting on horse races, the provisions shall apply as of January 1st, 2014.

6. A joint decision of the Minister of Finance, Minister of Culture and Tourism, and any jointly competent Minister shall specify what part of this revenue of the Greek State, not less than 20%, will be used for social policies, such as strengthening policy measures for the disabled, for addressing unemployment, for treating addiction to gaming and other forms of addiction, for sports, for culture, and for Local Governments regarding the above policies, as well as the interactive actions stipulated in instance k of paragraph 3 of article 28, and any other relevant issue.

7. Sums paid according to the provisions of paragraphs 1 to 6 of this article shall be considered as company expenses and shall be deducted from the gross income of enterprises, if the net profit is determined via an accounting system, of from the total profit of enterprises, in case their net income is calculated in a non-accounting manner, according to the provisions of Law 2238/1994. The above amounts shall not be offset with other taxes or charges, nor returned.

8. Profit generated from operation of the games, regulated according to paragraph 1 of article 26, shall be taxed according to the general income tax provisions.

General management expenses and various other organisation and operation expenses of a foreign enterprise permanently established in Greece that is holder of a license of this law, that are realised by the headquarters of the enterprise abroad, shall not be calculated in determining the net profit generated in Greece by the enterprise's permanent establishment in Greece.

[9. Player gains from conducting games of chance in Greece via VLTs or online, shall be subject to ten percent (10%) tax, according to the provisions of paragraphs 2, 3 and 4 of article 58, paragraph 1 of article 92, and articles 92

through 97 of the Taxation Code for Inheritance, Donations, Parental Benefits and Lottery Gains, ratified by law 2961/2001 (A 266). This tax shall be withheld by license holders and paid out to the State every month.]

\*\*\*Para.9 was ABOLISHED by para.4, article 2 of Law 4093/2012 (FEK A 222/12-11-2012). Paragraph 9 of the same article stipulates that: 9. The current article's provisions shall apply from January 1st, 2013, while as regards the pari mutuel betting on horse races, the provisions shall apply as of January 1st, 2014.

10. A decision of the Minister of Finance, issued upon recommendation of the EEEP, shall specify the amount of fees, charges and participations, as well as the time, payment procedure, collection bodies and any issue relevant for application of the previous paragraphs, according to a relevant financial study based on available data reflecting the cost of procedures required to this end.

11. A decision of the Minister of Finance, issued upon recommendation of the EEEP, shall define all documents, mechanical or electronic media, for the imputation of State revenues of any nature, in addition to those stipulated in the general provisions.

12. Companies offering betting services and games of chance online that are legally established in European Union or European Economic Area member states and hold a relevant legal license for the operation and provision of such services, may continue to provide services during the transitional period until application of the provisions of this law governing online betting and the granting of relevant licenses, only if they are immediately and voluntarily subjected to the taxation regime of articles 45 and 50 of this law, retroactively in the context of article 78, para. 2 of the Constitution. Relevant details shall be specified by decision of the Finance Minister. Application of this paragraph shall not affect the relevant exclusive jurisdiction of the Greek State, according to the provisions of this law, and shall not prejudice the provision of a license as per article 45.

13. "An amount equal to 30% of the gross profits of those conducting betting on horse races, calculated in a similar manner as the participation of the state in revenues of par. 5 is distributed as follows:

- a) a percentage of 4.5% of the gross profits is paid to the Greek State
- b) a percentage of 1.5% of the gross profits is paid to "Phillipos" Union
- c) a percentage of 24% of the gross profit is paid as follows:

(aa) If the concessionaire of paragraph 7b of Article 13 of Law 4111/2013 is the only Horse Racing Institution within the meaning of Article 83 of Law 4172/2013, the aforementioned percentage is paid to a Special prizes account kept by the concessionaire in paragraph 7b of Article 13 of Law 4111/2013, with the sole purpose to be allocated to the recipients of the prizes.



(bb) If more than one Horse Racing Institution organize and conduct horse races in Greece, on which betting is conducted, the distribution of this percentage among the Horse Racing Institutions is determined by the Minister of Finance.

Out of the aforementioned percentage of case c, an amount of 16% of the gross profits of those who conduct betting on horse races arising from betting on horse races by third parties may be deducted by the Institutions conducting betting on horse races and given to third parties organizing and conducting races in exchange for the grant of rights to their horse races.

These revenues are attributed to the beneficiaries of the above cases a to c no later than the 16th business day of the month following the date of withholding.

The provisions of this paragraph are applicable from the entry of Horse Racing SA (ODIE AE) into liquidation in accordance with paragraph 7 (f) of Law 4111/2013 (A` 18). "

\*\*\* The paragraph 13 is added by case 1, subparagraph B4, Article first of Law 4254 / 2014, FEK A 85 / 04.07.2014.

## Article 51

### Administrative sanctions

1. "In case of violation of the provisions of the law on gaming in force each time, or the regulatory decisions issued pursuant to that law, or the terms of licenses, the EEEP shall issue a decision:

\*\*\*Para.1 was replaced as above by way of para.3, article 74 of Law 4170/2013 (FEK A 163 12.7.2013)

a) imposing a lump sum fine ranging from €1,000 to €2,000,000, or a percentage of gross income, for every violation and/or for each gaming machine, depending on the severity and frequency of the violation, and/or

b) revoking the license provisionally and up to 3 months, or permanently, depending on the severity and frequency of the violation.

Any recourse against the merits of a decision of the EEEP shall be brought before the administrative Courts, according to the general provisions.

The Regulation for the Conduct and Control of Games specifies the cases when a fine is imposed per violation or per gaming machine and qualifies the imposed administrative sanctions of this paragraph per violation or per categories of violations, as well as every detail necessary for application of this paragraph.

"The EEEP may, at its discretion, before the imposition of an administrative penalty for the violations, provide instructions, guidelines and recommendations in order for the violators to comply. The nevertheless noncompliance constitutes aggravating circumstance when imposing the administrative sanction. "

\*\*\* The last sentence of paragraph 1 was inserted by article 173, par.16, Law 4261 / 2014, FEK A 107/05.05.2014.

[ 2. Should it be discovered that gaming is conducted without the license stipulated in the provisions of this law, or without the store's appropriate certification, auditing bodies, apart from the administrative sanctions stipulated in this law and the Regulation for the Conduct and Control of Games, shall also immediately seal the gaming store.]

Paragraph 2 was ABOLISHED by Article 173, par.18, Law 4261/2014, FEK A 107/05.05.2014.

3. Anyone conducting games of chance without using and controlling player cards, shall be fined with five thousand euros (5,000) up to seven thousand euros (7,000) per infringement. Frequent and repeated failure to ask for player's card from many players may lead to suspension or even revocation of the license, as well as provisional or permanent shutting down of the store.

4. Those violating the obligations stipulated in paragraph 5 article 32 shall be punished by fine amounting to one thousand (1,000) up to two thousand (2,000) euros per verified violation.

5. It is prohibited for ISPs with registered office, or headquarters, or permanent establishment in Greece, according to the general provisions of Law 2238/1994, to allow online access to illegal gaming providers included in the relevant black list kept by EEEP. ISPs violating this obligation shall be fined according to the provisions of the Regulation for the Conduct and Control of Games.

6. Those violating the obligations stipulated in paragraph 2 article 49 shall be punished by fine amounting to one thousand (1,000) up to one thousand five hundred (1,500) euros per verified violation.

7. In case license holders fail to install the necessary technical infrastructure for the conduct of games of chance using gaming machine or via the internet connected to the PSEE via Central IT Systems, they shall be fined from one hundred thousand (100,000) to five hundred thousand (500,000) euros, and EEEP shall suspend their operation temporarily or even permanently revoke their license.

8. The Regulation for the Conduct and Control of Games lays down the manner of and the bodies responsible for verifying a violation, the procedure for controls, for verifying violations and for imposing fines, the fine amounts and the criteria for imposing them, the collection procedure, the mode of payment and the specific forced collection procedure, according to the provisions of the Public Revenue Collection Code, as well as any other issue relevant to the application of this article.

\*\*\* COMMENT: According to paragraph 14, article 22 of Law 4141/2013, FEK A 81/5.4.2013: "The provisions of article 51 of Law 4002/2011 shall apply on every game licensed or controlled by EEEP".

## Article 52

### Penal sanctions

'1. The organization and conduct of gaming without a license and/or certification is prohibited. Anyone conducting gaming without the required license and/or certification:

a. If the games are conducted through gaming machines shall be punished by imprisonment of at least three (3) years and a fine of between 100,000 and 200,000 euros per gaming machine.

b. If the games are conducted via the Internet shall be punished by imprisonment of at least three (3) years and a fine of two hundred thousand (200,000) to five hundred thousand (500,000) euros.

c. If the games conducted are games of chance, shall be punished by imprisonment of at least ten (10) years and a fine of seven hundred thousand (700,000) euros, regardless of the manner or means for the conduct of games.

d. Anyone organizing games, without the necessary licenses and/or certifications and the games are not conducted shall be punished with imprisonment of at least one (1) year and a fine of seventy thousand (70,000) to hundred and fifty thousand (150,000) euros. If the games organized are games of chance, he is punished by imprisonment of at least three years and a fine of two hundred thousand (200,000) euros. "

\*\*\* The paragraph 1 above was replaced by Article 173 par.17 of Law 4261/2014, FEK A 107/05.05.2014.

2. Anyone making commercial communication for games of chance organised or conducted without license, either as an advertising body or as an advertiser, shall be punished by at least two years' imprisonment and a fine of 100,000 to 200,000 euros.

3. Anyone participating in a game of chance organised without a license from the Hellenic Republic, shall be punished by up to three (3) months' imprisonment and a fine of 5,000 to 20,000 euros.

4. Anyone installing or operating amusement skill games without the appropriate certification either for the game, or for the gaming machine, or the premises, shall be punished by at least two years' imprisonment and a fine of 5,000 to 50,000 euros per gaming machine.

5. Anyone installing or operating games of chance through gaming machines without the appropriate certification either for the game, or for the gaming machine, or the premises, shall be punished by at least three years' imprisonment and a fine of 150,000 to 200,000 euros per gaming machine.

6. Anyone allowing access to games to persons specified in paragraph 1 of article 33, shall be punished by at least three years' imprisonment and a fine of 100,000 to 200,000 euros.

"The same punishment shall apply to anyone knowingly giving a player's card belonging to him or a third party, to the above persons to conduct games of chance."

\*\*\* The second sentence of para. 6 was added by way of para. 15, article 22, of Law 4141/2013, FEK A 81/23.1.2013.

7. Anyone participating in games via a mediating natural person or legal entity shall be punished by up to two (2) years' imprisonment and a fine of 100,000 to 200,000 euros. The mediator, if a natural person, or in the case of a legal entity, the persons considered as perpetrators according to paragraph 11, shall also sustain the same punishment.

8. Anyone, even holder of a license to conduct games of chance, who converts an amusement skill gaming machine into a game of chance machine, shall be punished by at least ten years' incarceration and a fine of 200,000 to 300,000 euros.

9. As of publication of this law, it is prohibited for credit institutions or payment institutions established and legally operating in Greece, to make payments of participation amounts and of payouts from online games of chance into accounts kept with them by illegal online games of chance providers, who have not obtained a license according to the provisions of this law. In case of violation of the provisions of the previous passage, the persons specified in paragraph 11 shall be punishable by at least two years' imprisonment and a fine equal to ten times the amount illegally transacted, not less than one hundred thousand (100,000) euros, per violation.

10. As of entry of this law into force, it is prohibited for ISPs with registered office, or headquarters, or permanent establishment in Greece, according to the general provisions of Law 2238/1994, to allow online access to gaming providers who have not obtained a license according to the provisions of this law. In case of violation of the provisions of the previous passage, the persons specified in paragraph 11 shall be punishable by at least two years' imprisonment and a fine of one hundred thousand (100,000) to five hundred thousand (500,000) euros, per violation.

11. In case of legal entities, managing, executive or joint directors or chairmen of the boards of directors or general managers and managers or in general any person authorised either directly by the law, or by private volition, or by court order to manage the legal entity, shall be considered as perpetrators of the offence. If there are none of the above persons, the members of the board of directors of the legal entities shall be considered as the perpetrators, provided the actually exercise the above tasks, provisionally or permanently.

[12. Any technical equipment and the VLTs used in the perpetration of the crimes of this article, shall be seized and confiscated after the issue of an irrevocable penal award.]

The paragraph 12 was ABOLISHED by Article 173 par.18, Law 4261/ 2014, FEK A 107/ 05.05.2014.

\*\*\* COMMENT: According to article 110 of the Penal Procedure Code, added by way of article 29, para.2 of Law 4055/2012, FEK A 51 "The single-member court of appeals shall try the offences listed below, except if the law stipulates that these offences are punishable by life sentence: 1)... 2) The felonies of articles 114 of Law 1892/1990 (A\01), 66 of Law 2121/1993 (A`25) and 52 of Law 4002/2011 (A 180).

## Article 52A

1. The audits for the organization and conduct of all kinds of games without the required license and/or certification of the store, gaming machines and games, provided for by the relevant provisions, are conducted by the Greek Police, while in the case of stores, gaming machines and games of Article 39 of this law, as well as any other licensed stores, gaming machines and games by the EEEP.

2. Notwithstanding the administrative sanctions provided for by the Law and Regulation for the Conduct and Control of Games and subject to the provision of paragraph 4 of Article 54 of this law, all kinds of gaming machines and /or equipment and/or means for the conduct of games of chance, that during the aforementioned audits are detected not to have the required certification or suitability license are immediately destroyed by the personnel carrying out these audits, after they have been recorded and captured photographically.

For the destruction a specific minute is drafted. By decision of the EEEP the destruction process and the form and content of the special minute are determined.

3. Persons who import and/or sell any equipment for the conduct of gaming, other than playing cards, are recorded in a special registry kept by the EEEP. The import and/or marketing of the aforementioned equipment by a person not registered in this registry is prohibited.

4. The distribution to third parties in any way and trading of all kinds of equipment for the conduct of gaming, other than playing cards, are subject to prior approval and control of the EEEP. The EEEP determines by decision the procedure followed and the documents kept.

5. Any person who imports and/or trades goods and/or disposes in any way to third parties and / or distributes itself or by the transport services of third parties any kind of equipment for the conduct of gaming other than playing cards, without being recorded in the special registry of the EEEP and / or

without obtaining prior approval for the disposal and / or movement of such equipment, is considered organizer of gaming without the required license and shall be punished by the penalties provided for by case d of paragraph 1 of Article 52 of this Law."

\*\*\* Article 52A was inserted by article 173 par.19, Law 4261/2014, FEK A 107/05.05.2014.

## Article 53

### Final and Transitional provisions

1. The conduct of gaming through TV media, regardless of the way of participation of players to them, is permitted only with special license, per game, which is granted by the EEEP, with the consent of the National Radio and Television Council (E.S.R.), to the provider of such gaming services, exercising the right of exploitation. The license contains the conditions for the conduct of the game. By decision of the National Radio and Television Council, the maximum time per day and per medium, at which gaming can be conducted through TV media is determined.

2. The conduct of gaming through telecommunication means is permitted only after special license, per game, which is granted by the EEEP to the provider of these gaming services, exercising the right of their exploitation. The license contains the conditions for the conduct of the game.

3. The Games licensed under paragraphs 1 and 2, in order to be licensed and beyond the requirements of the definition of case b of Article 25, must cumulatively meet the following requirements:

a) The structure of the game shall have at least two phases, of which at least in one the result depends only on the knowledge of the participants and of one at a maximum, depends even partially on luck, and the randomness is produced exclusively only through a draw.

b) If the game is conducted through TV media, the conduct must occur in real time, with the participation of a natural person as a presenter.

4. The Regulation for Conduct and Control of Games determines any additional relevant issue for the purpose of this Article, including characteristics, liabilities, obligations, restrictions and prohibitions relating to license holders, the minimum payout for participants, and the necessary certifications and obligations and sanctions imposed on third parties in any way involved in the conduct and transmission of the games of this Article, subject to the provisions of paragraph 2 of Article 15 of the Constitution.

5. By decision of the EEEP, published in the Government Gazette, the amount of the fees paid for the grant and maintenance of the licenses of this article, the type and amount of the required guarantees, and any other necessary detail are determined.

6. Until the adoption of the Regulation for the Conduct and Control of Games, it is permitted to conduct games of chance of this article under the following conditions:

a) Acceptance by the provider of the general principles and rules of conduct for such games as defined by decision of the EEEP. The principles and rules should ensure, among others, the protection of those who participate in games, the vulnerable groups and minors.

b) Distribution of the rights of the State, in accordance with the provision of paragraph 5 of Article 50 and the tax on the profits of players, in accordance with the specific applicable provisions.

c) Failure to meet the aforementioned conditions shall result in the administrative and criminal sanctions of Articles 51 and 52.

7. The participation of players in gaming of this article through billing the telephone bill, does not fall within the concept of credit under paragraph 3 of Article 32 of this Law. "

\*\*\* Article 53 was replaced as above by article 106, Law 4209/2013, FEK A 253/21.11.2013.

## Article 54

### Final and transitional provisions

1. The EEEP shall exercise the competencies of the Casino Supervision Directorate of the Ministry of Culture and Tourism and of other control bodies in operation, within one year from appointment of its members. This time period may be extended overall or per body by decision of the Minister of Finance.

\*\*\* COMMENT: According to Ministerial decision YA 52650/1017/5.12.2012 (FEK B'3327/12.12.2012) the following shall apply: "...we hereby decide: "To extend the time period of the first passage of para. 1, article 54 of Law 4002/2011 (FEK A 180), until 31 August 2013, for all bodies whose competencies have not been assumed by the Gaming Supervision and Control Commission (EEEE)."

2. The Casino Supervision Directorate shall continue to exercise its competencies until they are assumed by EEEP.

3. The other control bodies in operation shall continue to exercise their competencies until they are assumed by EEEP.

\*\*\* COMMENT: According to article 7, para 18 of Law 4083/2012, FEK A 14/2.2.2012:

"The Gaming Supervision and Control Commission (EEEE) shall assume the competencies stipulated in paragraphs 2 and 3 of article 54 of Law 4002/2011 (A 180), upon decision of the EEEP published in the Government Gazette.

The Casinos Commission of article 1, Law 2206/1994 shall be abolished on the day of publication of the EEEP decision assuming its competencies in the area of Casinos.

4. Within six months "from publication in the Government Gazette of the Regulation for the Conduct and Control of Games or the relevant EEEP decision, issued pursuant to paragraph 5 of this article, as in force, regulating issues of the electronic amusement skill games of sub-instance cc, instance a, article 25 of this Law," amusement skill games already conducted through gaming machines without having a license from the Greek State, and in breach of national law, shall obtain all the required certifications and licenses of this law. Otherwise, the sanctions of articles 51 and 52 shall apply.

\*\*\* The words "of appointment of the EEEP's members" of para. 4 were replaced by the words in " " above, by virtue of para 16, article 22 of Law 4141/2013, FEK A 81/5.4.2013.

5. "Until the EEEP's By-Laws, and the Regulation for the Conduct and Control of Games are issued, issues governed thereby shall be regulated by decision of the EEEP, "notwithstanding the provisions regarding its By-laws".

\*\*\* The phrase "notwithstanding the provisions regarding its By-laws" in the first sentence of para. 5 (as replaced by para. 6, article 52 of Law 4021/2011, FEK A 218/3.10.2011), was added by article 7, para. 20 of Law 4038/2012, FEK A 14/2.2.2012.

[Upon initial application of this law, the special conditions, procedure, the manner as well as any necessary issue regarding the certification of gaming machines and of games for games of chance, as well as any other detail, shall be regulated by decision of the Minister of Finance published in the Government Gazette."]

\*\*\* The second passage of para. 5 was ABOLISHED by article 7, para. 20 of Law 4038/2012, FEK A 14/2.2.2012.

(6. Upon entry into force of this law, the members of the EETP shall continue on as members of the EEEP for four years from their appointment.



\*\*\* Paragraph 6 was ABOLISHED from its entry into force by paragraph 6, article 52 of Law 4021/2011, FEK A 218/3.10.2011.

7. The second sentence of instance a, art. 17 of Law 3229/2004 shall be replaced as follows:

"The games of chance controlled by the Commission are: State Lottery, Racetrack, Xisto, Lotto, Proto, PROPO (football pools), Joker, as well as any game of chance already in operation by the time this passage enters into force."

8. The provisions of this law do not affect the provisions regarding OPAP S.A. and ODIE S.A., without prejudice to the provisions on the competencies of the EEEP and the other provisions of this law relevant thereto.

9. The licensing, certification and operation conditions of this law will have to be observed for the installation and operation of amusement skill games or games of chance with the use of gaming machines at the ODIE premises and via the ODIE network, according to instance d, para. 1, art. 2 of Law 598/1968, as well as online.

10. In horse-races and relevant betting, after the allocation of profits to the players and payment of the State's participation, an additional charge is levied for domestic horse-races bodies, as specified with instances b, c and d of para. 1 of article 5, Law 598/1968 (A 256), payable according to paragraph 5, article 50.

11. The provisions of this law do not affect the provisions of Law 2206/1994 (A 62), as well as other provisions on casinos, without prejudice to the provisions on the competencies of the EEEP and those amended by this law.

12. The first sentence of para. 10, art. 3 of Law 2206/1994 shall be amended as follows:

"Only persons aged 21 and above shall be allowed entry into the casino".

13. The provisions of this law do not affect the existing provisions on the allocation of resources in favour of third parties, out of the profit of supervised bodies and organisations for the operation of games of chance and betting.

14. Instance xxvii of paragraph 1 article 22 of the VAT Code ratified by Law 2859/2000 (A 248), shall be replaced as follows:

"xxvii) state lottery and games of chance and betting conducted by OPAP SA and ODIE SA, as well as the games of chance conducted with VLTs or online, according to the relevant provisions of the law "Regulating the gaming market".

15. Article 232 of the Basic Urban Planning Law Code (D 580, article 3 of P.D. 23.2/6.3.1987, D 166), shall be supplemented by instance 15, as follows:

"15. Conduct of games of chance"

b) Article 233 of the Basic Urban Planning Law Code (article 4 of P.D. 23.2/6.3.1987), shall be supplemented by instance 20, as follows:

"20. Conduct of games of chance and of skill games".

c) Article 237 of the Basic Urban Planning Law Code (article 8 of P.D. 2160/6.3.1987, article 6 para. 18a of Law 2160/1993 (A 118)), shall be supplemented by instance 20, as follows:

"20. Conduct of games of chance and of skill games".

16. As of entry into force of this law, articles 1, 2, 3, sentences one and two, 4, 5, 6, 7 paragraphs 2, 8 and 9 of Law 3037/2002 (A 174) are abolished.

17. Article 19 and paragraphs 2 and 3 of article 23 of Law 3229/2004 are abolished.