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JANKOVIĆ POPOVIĆ MITIĆ

**IZMENE I DOPUNE ZAKONA O IGRAMA NA SREĆU
AMENDMENTS AND SUPPLEMENTS TO THE LAW
ON GAMES OF CHANCE**

Izmene i dopune Zakona o igrama na sreću - Amendments and supplements to the Law on games of chance

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Narodna skupština Republike Srbije usvojila je 23.12.2019. godine Zakon o izmenama i dopunama Zakona o igrama na sreću („Sl. glasnik RS”, br. 91/2019) (u daljem tekstu: „Zakon”). Zakon stupa na snagu 01.01.2020. godine.


Usklađivanje Zakona o igrama na sreću sa Direktivom EU br. 2015/849 od dana 20.05.2015. godine i Direktivom br. 2018/843 od dana 30.05.2018. godine, kao i preporukama međunarodnih organizacija, odnosno Preporukama FATF-a (Financial Action Task Force) predstavlja glavni razlog donošenja ovog Zakona.

Predviđenim izmenama, uvode se definicije imenovanog lica, saradnika i stvarnog vlasnika pravnog lica, u cilju zaštite priređivača igara na sreću (u daljem tekstu: „priređivač”) od situacije u kojoj su lica koja su pod krivičnom istragom ili su osuđena ili krše propise koje regulišu sprečavanje pranja novca i finansiranje terorizma, direktni ili indirektni vlasnici društva ili vrše kontrolu nad njim. Na ovaj način je u oblasti igara na sreću stvoren pravni okvir u skladu sa evropskim standardima.

The National Assembly of the Republic of Serbia adopted on 23 December 2019 the Law on amendments and supplements to the Law on games of chance (“Official Gazette of RS”, no. 91/2019) (hereinafter referred to as the “Law”). The Law shall enter into force on 1 January 2020.

Harmonization of the Law on games of chance with the EU Directive 2015/849 as of 20 May 2015 and the EU Directive 2018/843 as of 30 May 2018, as well with recommendations of international organisations, i.e. Recommendations of FATF (Financial Action Task Force) represents the main reason for rendering this Law.

By the envisaged amendments, the definitions of an appointed person, an associate and the beneficial owner of the legal entity are introduced in accordance with the protection of organizers of games of chance (hereinafter referred to as the „organizer”) from the situation in which persons, who are under criminal investigation or are convicted or violate regulations that refer to the prevention of money laundering and terrorism financing, are direct or indirect owners of legal entities or have the control over legal entities. In this way, a legislative framework in the sector of games on chance in accordance with the European standards was created.



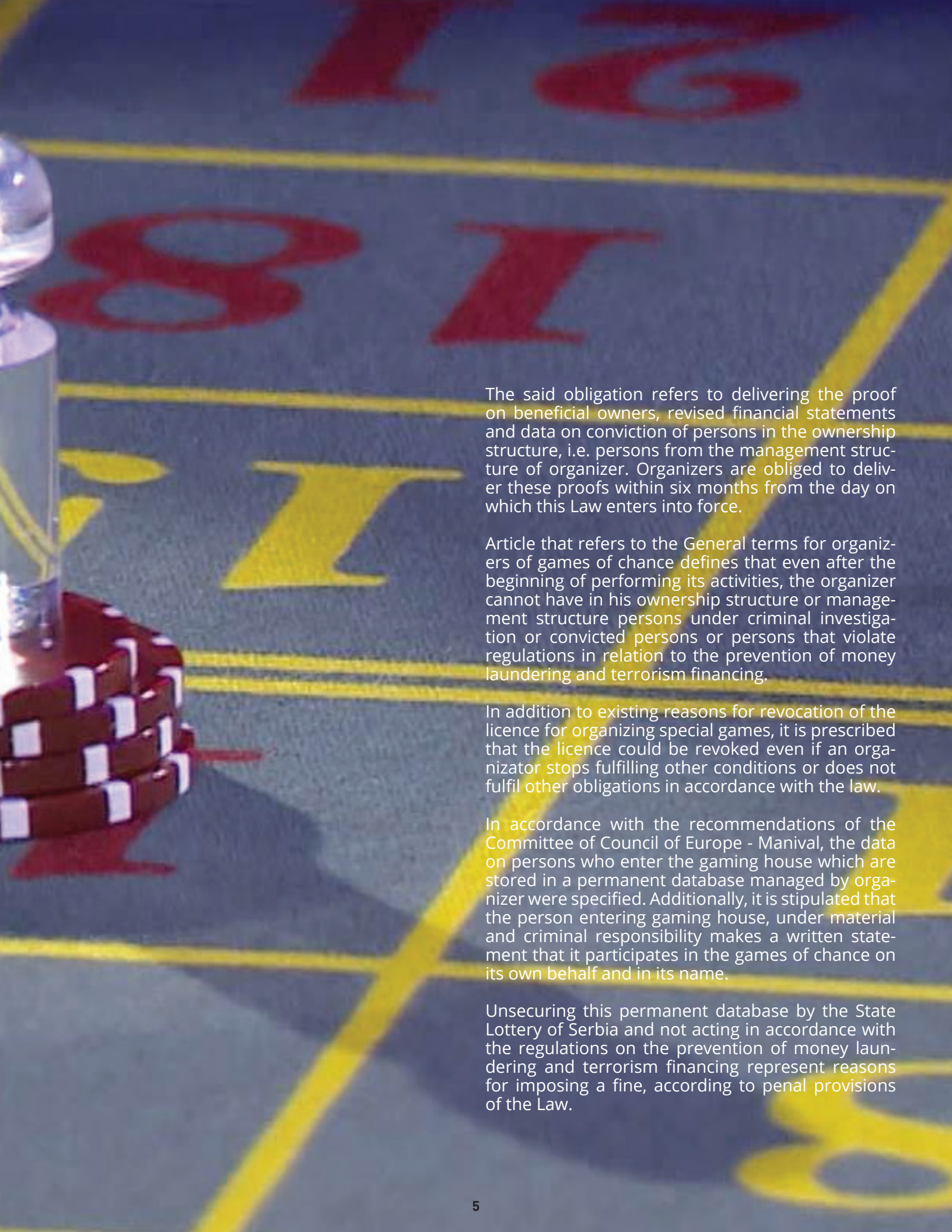
Obaveza sprečavanja lica osuđivanih za krivična dela ili njihovih saradnika (i) da postanu vlasnici igračnica, (ii) da dobiju dozvolu za priređivanje posebnih igara na sreću u igračnicama, na automatima, preko sistema elektronske komunikacije ili putem kladjenja predviđa se ovim odredbama.

Član koji se odnosi na opšte uslove za priređivače igara na sreću definiše da ni nakon otpočinjanja obavljanja delatnosti, priređivač ne može imati u svojoj vlasničkoj ili upravljačkoj strukturi lica koje su pod krivičnom istragom ili su osuđena ili krše propise koji regulišu sprečavanje pranja novca i finansiranje terorizma.

Pored postojećih razloga za oduzimanje dozvole za priređivanje posebnih igara, predviđeno je da će dozvola biti oduzeta i ako priređivač prestane da ispunjava druge uslove ili ne ispunjava druge obaveze u skladu sa zakonom.

U skladu sa preporukama komiteta Saveta Evrope - Manival, precizirani su podaci o licima koja ulaze u igračnicu, koji se čuvaju u trajnoj bazi podataka koju vodi priređivač. Ujedno, predviđeno je da lice koje ulazi u igračnicu mora pod materijalnom i krivičnom odgovornošću dati pisanu izjavu da u igrama na sreću ugčestvuje za svoj račun i u svoje ime.

Neobezbeđivanje ove trajne baze podataka od strane Državne lutrije Srbije kao i nepostupanje u skladu sa propisima o sprečavanja pranja novca i finansiranju terorizma, predstavljaju razloge za izricanje novčane kazne, prema kaznenim odredbama Zakona.



The said obligation refers to delivering the proof on beneficial owners, revised financial statements and data on conviction of persons in the ownership structure, i.e. persons from the management structure of organizer. Organizers are obliged to deliver these proofs within six months from the day on which this Law enters into force.

Article that refers to the General terms for organizers of games of chance defines that even after the beginning of performing its activities, the organizer cannot have in his ownership structure or management structure persons under criminal investigation or convicted persons or persons that violate regulations in relation to the prevention of money laundering and terrorism financing.

In addition to existing reasons for revocation of the licence for organizing special games, it is prescribed that the licence could be revoked even if an organizer stops fulfilling other conditions or does not fulfil other obligations in accordance with the law.

In accordance with the recommendations of the Committee of Council of Europe - Manival, the data on persons who enter the gaming house which are stored in a permanent database managed by organizer were specified. Additionally, it is stipulated that the person entering gaming house, under material and criminal responsibility makes a written statement that it participates in the games of chance on its own behalf and in its name.

Unsecuring this permanent database by the State Lottery of Serbia and not acting in accordance with the regulations on the prevention of money laundering and terrorism financing represent reasons for imposing a fine, according to penal provisions of the Law.



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