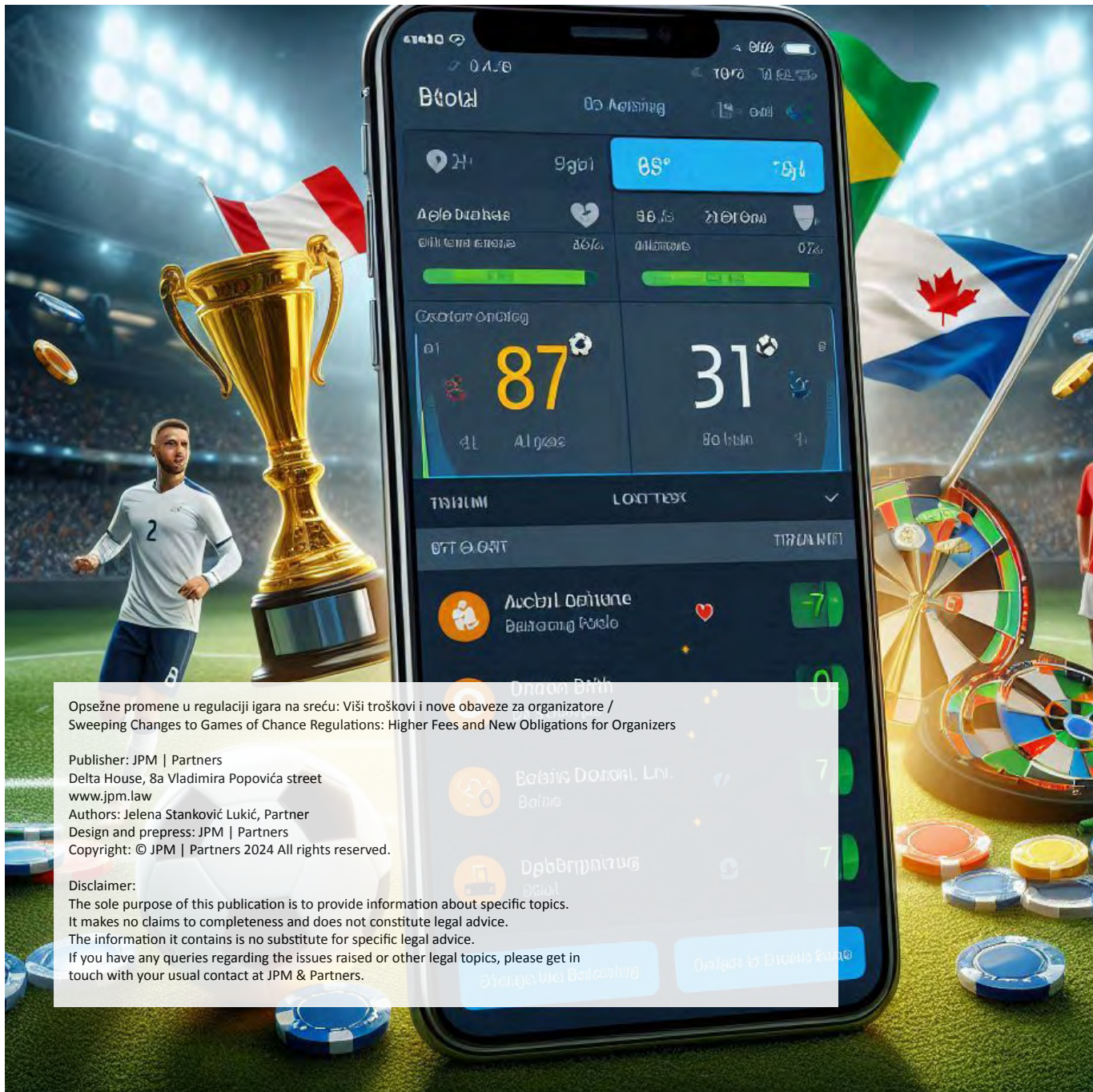




**Opsežne promene u regulaciji igara na sreću: Viši troškovi i nove obaveze za organizatore**

**Sweeping Changes to Games of Chance Regulations: Higher Fees and New Obligations for Organizers**

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Predložen Nacrt Zakona o izmenama i dopunama Zakona o igrama na sreću donosi nekoliko bitnih izmena, određena nova zakonska rešenja koja su proistekla iz potrebe prakse i usled razvoja tržišta, usklađivanje teksta zakona sa tehnološkim razvojem u ovoj oblasti, ali uvodi i nove obaveze priređivačima i značajno povećanje naknada za dobijanje odobrenja i za priređivanje igara na sreću.

Važeći Zakon o igrama na sreću je donet 2020. godine i usaglašen je sa međunarodnim standardima i EU direktivama iz oblasti igara na sreću i sprečavanja pranja novca i finansiranja terorizma. Sada je objavljen Nacrt Zakona o izmenama i dopunama Zakona o igrama na sreću, koje pored jezičkih i tehničkih korekcija i usaglašavanja, donose i više bitnih izmena, novih zakonskih rešenja, uvodi nove obaveze i ograničenja, kao i značajno povećanje naknada (u daljem tekstu: Nacrt Zakona).

The proposed Draft Law on Amendments and Supplements to the Law on Games of Chance brings several important changes, certain new legal solutions as a result of the needs of practice and market development, harmonization of the text of the law with technological development in this area, but also introduces new obligations to organizers and significantly increase in fees for obtaining approval and for organizing of games of chance.

The current Law on Games of Chance was adopted in 2020 and is harmonized with international standards and EU directives in the field of games of chance and prevention of money laundering and financing of terrorism. The Draft Law on Amendments to the Law on Games of Chance has now been published, which, in addition to language and technical corrections and harmonization, brings several important changes, new legal solutions, introduces new obligations and restrictions, as well as a significant increase in fees (hereinafter: Draft Law).

U skladu sa obrazloženjem Nacrta Zakona, važeće odredbe Zakona o igrama na sreću se pojednostavljuju i preciziraju, utvrđuju se i neke nove obaveze i ograničenja za priređivače sa ciljem unapređenja kontrole i društvene odgovornosti i novi pojmovi.

Po prvi put se reguliše prenošenje prava priređivanja u slučaju statusnih promena kod priređivača i izdavanje saglasnosti i uslovi za pravna lica koja pružaju usluge primanja dopuna evidencionog računa igrača registrovanog u onlajn igre na sreću.

Ujedno, značajno se povećava iznos naknada za dobijanje odobrenja i za priređivanje igara na sreću. Predložene izmene će dovesti do povećanja troškova priređivača, a sa druge strane se očekuje značajnije veći priliv sredstava u budžet Republike.

In accordance with the explanatory notes to the Draft Law, the current provisions of the Law on Games of Chance are simplified and more precise, some new obligations and restrictions are established for organizers with the aim of improving control and social responsibility and new terms introduced.

For the first time, the transfer of the right to organize games in the case of status changes with the organizer and the issuance of approval and conditions for legal entities that provide services of receiving top-ups at the registration account of players registered for online games of chance have been regulated.

At the same time, the amount of fees for obtaining approval and for organizing games of chance is increasing significantly. The proposed changes will lead to an increase in the organizer's costs, and on the other hand, a significantly higher inflow of funds into the budget of the Republic is expected.

Kako je život uvek brži i inventivniji od zakona, i u skladu sa brzim rastom industrije igara na sreću i tehnologije, pojavila se potreba da se uvedu novi termini i definišu novi pojmovi već ustaljeni u praksi igara na sreću, tako da Nacrt Zakona po prvi put definiše i bonus, kladomat, tiket, turnir, evidencioni račun, promotivni račun, verifikaciju igrača, potvrda o ulogu, QR kod, džekpot i džekpot sistem, multiautomat i određuje nove mere odgovornog priređivanja igara u vidu samoisključenja odnosno samoograničenja.

Kod učestvovanja u igrama preko sredstava elektronske komunikacije (onlajn igre na sreću), samoisključenjem se omogućava igraču da se dobrovoljno isključi, trajno ili na određeni period (ne kraće od 24 sata) ili da ograniči najviši iznos uplate ili gubitka ili aktivira zabranu pristupa svom korisničkom nalogu. Sa druge strane, uvedena je obaveza priređivača da dostavljaju Upravi za igre na sreću podatke o igračima koji su se samoisključili, a biće donet i podzakonski akt koji će propisivati tehnički postupak i način razmene podataka sa Upravom za igre na sreću (u daljem tekstu: Uprava).

As life is always faster and more inventive than the law, and in accordance with the rapid growth of the games of chance industry and technology, there was a need to introduce new terms and define new concepts already established in the practice of games of chance, so that the Draft Law defines for the first time the following: bonus, betting machine, ticket, tournament, registration account, promotional account, player verification, stake confirmation, QR code, jackpot and jackpot system, multi-slot machine and determines new measures of responsible organization of games in the form of self-exclusion or self-limitation.

When participating in games via means of electronic communication (online games of chance), self-exclusion allows the player to voluntarily disconnect, permanently or for a certain period (not shorter than 24 hours) or to limit the maximum amount of payment or loss or to activate a ban on access to his user account. On the other hand, the obligation of the organizers shall be established to provide the Games of Chance Administration with data on players who have self-excluded, and a bylaws will be adopted that will prescribe the technical procedure and method of data exchange with the Games of Chance Administration (hereinafter: the Administration).

U cilju unapređenja sistema kontrole, podizanja stepena društvene odgovornosti prema učesnicima i stimulisanja bezgotovinskog plaćanja, nova ograničenja koja se propisuju su zabrane primanja uplata i vršenje isplata u gotovini osim na prijavljenom uplatno-isplatnom mestu, u automat klubu, kao i na uplatnom mestu za dopune evidencionog računa.

Takođe se zabranjuju direktni transferi između evidencionih računa igrača i prenos sredstava sa tuđeg tekućeg računa na evidencioni račun ili sa evidencionog računa na tuđi evidencioni račun ili na tuđi tekući račun. Do sada nije bilo ograničenja za gotovinske uplate, a sada se uvodi maksimalan iznos gotovinskih primanja uplata od igrača u visini do 100.000 dinara, odnosno 100.000 dinara za isplatu igraču za onlajn igre i to po jednom igraču mesečno u svim kladionicama priređivača koji ima odobrenje i za onlajn igre na sreću, a takođe je zabranjen prenos sredstava sa kladomata na evidencioni račun igrača u kladionicama priređivača.

In order to improve the control system, raise the level of social responsibility towards participants and stimulate cashless payment, the new restrictions that are prescribed are prohibitions on receiving payments and making payments in cash except at the registered pay-in-pay-out desk, in the slot club, as well as at the payment facility for top-ups of registration account of players.

Direct transfers between registration accounts of player and the transfer of funds from someone else's bank account to a registration account or from a registration account to another's registration account or to another's bank account are also prohibited. Until now, there was no limit for cash payments, and now a maximum amount of cash payments from players of up to 100,000 dinars is being introduced, i.e. 100,000 dinars for pay-out to a player for online games, and that is per one player per month in all betting shops of the organizer who has approval for online games of chance. The transfer of funds from betting machines to the player's registration account in the organizer's betting shops is also forbidden.

Uvodi se zabrana priređivanja online igara na sreću koje igrači igraju jedan protiv drugog (Texas hol'dem poker i dr.), organizovanje turnira van igračnice (kazina) i organizovanje džekpota suprotno zakonu. Za organizovanje džekpota biće potrebna prethodna saglasnost Uprave, a potrebno je da se novim podzakonskim aktom uredi postupak, dokumentacija, uslovi i način organizovanja džekpota.

Nacrt Zakona uvodi saglasnost Uprave za organizovanje turnira u igračnicama i definiše proceduru dobijanja saglasnosti. Novina je i mogućnost Uprave da preko linka, koji priređivač ima obavezu da obezbedi, uživo prati video nadzor u igračnicama. Znatno su uvećane naknade za dobijanje dozvola i saglasnosti. Duplo je uvećanja naknada za dozvolu za igračnicu, kao i naknada za odobrenje za automate i za kladjenje.

A ban on organizing online games of chance in which players play against each other (Texas hol'dem poker, etc.), organizing tournaments outside the casino and organizing jackpots contrary to the law have been introduced. The prior consent of the Administration will be required for the organization of the jackpot, and the procedure, documentation, conditions and manner of organizing the jackpot must be regulated by a new by-law.

The Draft Law introduces the consent of the Administration for organizing tournaments in casinos and defines the procedure for obtaining consent. A novelty is also the opportunity for the Administration to in real time monitor video surveillance in the casino through a link, which the organizer is obliged to provide. Fees for obtaining permits and approvals have been significantly increased. There is a double increase in license fees for casino, as well as licensing fees for slot machines and betting.

Naknada za priređivanje igara u igračnici je određena u odnosu na vrstu igara, posebno i za turnir, a kada je u pitanju naknada kada učesnici igraju protiv igračnice uveden je minimalni mesečni iznos koji nije manji od proizvoda iznosa od 2.000 EUR i najvećeg broja prijavljenih stolova za igre u toku meseca.

Naknada za priređivanje igara na automatima, umesto 10%, sada je 15 % na osnovicu, a ne manja od proizvoda iznosa od 100 evra i najvećeg broja prijavljenih automata u toku meseca. Naknada za klađenje ne može biti manja od proizvoda iznosa od 1.000 EUR i najvećeg broja prijavljenih kladionica.

The fee for organizing games in the casino is determined in relation to the type of games, especially for the tournament, and when it comes to the fee when participants play against the casino, a minimum monthly amount has been introduced that is not less than the product of the amount of 2,000 EURs and the largest number of registered tables for games during the month.

The fee for organizing of games on slot machines, instead of 10%, is now 15% on the basis, and shall not be less than the product of the amount of 100 euros and the highest number of registered machines during the month. The fee for betting cannot be less than the product of the amount of 1,000 euros and the largest number of registered betting shops.



U pogledu organizovanja igara na automatima i putem klađenja, uvode se ograničenja za služenje hrane i alkoholnih pića u automat klubovima i u kladionicama, te su dozvoljena samo niskoalkoholna pića sa manje od 5% vol. alkohola i zabranjeno je imati direktnu povezanost objekta sa prostorom u kome se služe hrana i piće.

Nova zakonska rešenja se i ovde uvode u pogledu video nadzora nad automatima ili uplatno isplatnim mestima, ulazima u objekat, i nad blagajnom, što će biti omogućeno Upravi da uživo prati preko dostavljenog linka.

Nacrt Zakona precizira i koje su to obrazovne ustanove na koje se odnosi minimalna udaljenost od automata ili kladionice i određuje sve ustanove koje pohađaju deca, maloletnici i mlađi punoletnici do navršene 19. godine. Kao dokaz tog rastojanja, pored uverenja republičkog geodetskog zavoda, sada će biti potrebno obezbediti i mišljenje veštaka saobraćajne struke.

Regarding the organization of games on slot machines and betting, restrictions are introduced for serving food and alcoholic beverages in slot clubs and in betting shops, and only low-alcohol beverages with less than 5% volume are allowed. It is forbidden to have a direct connection of the gaming facility with the area where food and drinks are served.

New legal solutions are being introduced here as well in terms of video surveillance of slot machines or pay-in-pay-out desks, entrances to the facility, and the cash register, which the Administration will be able to monitor in real time via the provided link.

The Draft Law also specifies which educational institutions are subject to the minimum distance from slot clubs or betting shops and specifies all institutions attended by children, minors and young adults up to the age of 19. As proof of that distance, in addition to the certificate of the Republic Geodetic Institute, it will now be necessary to provide the opinion of traffic experts.

Nacrt Zakona po prvi put uvodi dobijanje prethodne saglasnosti za pravno lice koje se bavi pružanjem usluga primanja dopuna evidencionog računa igrača registrovanog za onlajn igre i propisuje uslove koje takvo pravno lice ili preduzetnik treba da ispune (uverenja o rastojanju objekta najmanje 200 metara od obrazovnih ustanova, uverenja ovlašćene laboratorije za informacioni sistem, dokazi o vlasničkoj strukturi i td.)

Biće potrebno doneti podzakonska akta koja će urediti uslove i način ispunjenosti uslova i način razmene podataka sa Upravom.

Od ovih odredbi su izuzete platne institucije koje imaju dozvolu Narodne Banke jer se smatra da su oni već obveznici Zakona o sprečavanju pranja novca, a ove izmene će uticati ponajviše na poslovne jedinice poput benzinskih stanica ili kioska, kada takve usluge pružaju.

For the first time, the draft Law introduces the obtaining of prior consent for a legal entity that provides services of receiving top-ups of the registration account of a player registered for online games and prescribes the conditions that such a legal entity or entrepreneur should fulfill (certificates about the distance of the facility at least 200 meters from educational institutions, certificates of the authorized laboratory for the information system, evidence of the ownership structure, etc.)

It will be necessary to adopt new by-laws that will regulate the conditions, the manner of fulfillment of the requirements and the manner of data exchange with the Administration.

Payment institutions licensed by the National Bank are exempt from these provisions because they are considered to be already bound by the Anti-Money Laundering Act, and these changes will affect mostly business units such as gas stations or tobacco stand, when they provide such services.

Promena strukture kapitala priređivača posebnih igara na automatima, klađenja i onlajn igara podleže prethodnoj saglasnosti Uprave. Uz zahtev za dobijanje saglasnosti biće potrebno dostaviti i dokaz o ispunjenosti poreskih obaveza i uverenja o neosuđivanosti za nameravanog kupca udela.

Takodje po prvi put (ako izuzmemo određene zabrane koje su već bile propisane Zakonom o igrama na sreću, ali bez efekata odnosno realnih mera), Nacrt Zakona se sada pozabavio višegodišnjim problemom organizovanja igara na sreću od strane inostranih priređivača i učestvovanjem u inostranim igrama na sreću.

Uvodi se, kao mera koju Uprava može da preduzme u slučaju kada neregistrovani subjekat (strano lice) organizuje onlajn igre, ovlašćenje inspektora da donese rešenje kojim te igre zabranjuje i dostavlja nadležnom organu radi onemogućavanja transakcije plaćanja od strane banaka i pristupa internet adresi blokadom IP adrese od strane operatera elektronskih komunikacija.

A change in the capital structure of the organizer of special games on slot machines, betting and online games is subject to the prior approval of the Administration. Along with the request for approval, it will be necessary to submit proof of compliance with tax obligations and a certificate of criminal record for the intended purchaser of the shares.

Also for the first time (if we exclude certain prohibitions that had already been prescribed by the Law on Games of Chance, but without effects or real measures), the Draft Law has now addressed the perennial problem of organizing games of chance by foreign organizers and participation in foreign games of chance.

It is introduced, as a measure that the Administration can take in the case when an unregistered entity (foreign person) organizes online games, the authority of the inspector to make a decision banning those foreign games and to deliver it to the competent authority in order to prevent payment transactions by banks and access to the Internet address by blocking the IP address by the operator of electronic communications.

Dodatno, Nacrt Zakona menja u celosti član koji se odnosi na mere inspeksijskog nadzora i pooštava mere u slučaju utvrđenih nepravilnosti, propusta da se iste otklone, kao i za slučaj maloletničkog kockanja.

Kaznene odredbe su proširene, odnosno predviđeni su novi prekršaji za kršenje novouspostavljenih obaveza odnosno novih odredbi koje Nact Zakona donosi.

Ukoliko se usvoji Nacrt Zakona, izmene će početi da se primenjuju po isteku 30 dana od dana stupanja na snagu. Podzakonski akti bi trebalo da se donesu u roku od 120 dana od dana stupanja na snagu, a priređivači će imati rok od 180 dana od dana početka primene da usklade svoje poslovanje sa novim obavezama, osim u pogledu zabrane za služenje alkoholnog pića gde je rok prvi januar 2026. godine. Povećane naknade dospevaju već od prvog dana sledećeg meseca od dana početka primene.

In addition, the Draft Law completely changes the article related to the measures of inspection supervision and tightens the measures in case of established irregularities, failure to remove them, as well as in the case of underage gambling.

Penal provisions have been expanded, i.e. new offenses are foreseen for the violation of newly established obligations, i.e. new provisions envisaged by the Draft Law.

If the Draft Law is adopted, the changes will begin to be applied after 30 days from the date of its entry into force. By-laws should be adopted within 120 days from the date of entry into force, and the organizers will have a period of 180 days from the date of implementation to adjust their business to the new obligations, except for the ban on serving alcoholic beverages, where the deadline is the first January 2026. The increased fees are due as early as the first day of the following month from the day of the start of implementation.

Predložen Nacrt Zakona nije puko usklađivanje propisa, već unosi ozbiljne novine, nove obaveze za priređivače, nekoliko novih zakonskih rešenja proisteklih iz potrebe prakse i usled razvoja tržišta i usklađuje tekst zakona sa tehnološkim razvojem u ovoj oblasti. Uvećava značajno i naknade koje će priređivači plaćati, te doprinosi značajnom povećanju prihoda budžeta i unapređuje kontrolu i nadzor nad priređivačem, te uspostavlja veći stepen društvene odgovornosti.

Ostaje da se vidi, nakon održane javne rasprave koja je trajala do 30.09.2024.godine, da li će biti još nekih izmena Nacrta Zakona, kao i tokom same procedure njegovog donošenja u Narodnoj Skupštini.

The proposed Draft Law is not a mere harmonization of regulations, but introduces serious novelties, new obligations for organizers, several new legal solutions arising from the needs of practice and market development and harmonizes the text of the law with technological development in this area. It significantly increases the fees that organizers will pay, and contributes to a significant increase in budget revenue, improves control and supervision over the organizer, and establishes a greater degree of social responsibility.

It remains to be seen, after the public hearing that lasted until September 30, 2024, whether there will be any further changes to the Draft Law, as well as during the procedure of its enactment in the National Assembly.

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