

Draft

DECREE

of ...

on the conditions for the operation of gambling games

Pursuant to Section 133(1)(a), (e), 2(c) and (d) of Act No 186/2016 on gambling (hereinafter the 'Act'), the Ministry of Finance lays down:

PART ONE

PROHIBITED RISK BONUSES

Section 1

List of prohibited risk bonuses

(1) A risk bonus is a prohibited risk bonus if any offer to obtain such a bonus or other promotional message relating to that bonus does not include all the conditions for a gambling game participant to acquire or use it or unless these conditions are demonstrably communicated to the participant before it is acquired.

(2) A bonus is always a prohibited risk bonus if

- a)** the conditions for its acquisition or use encourage competition based on a comparison of the frequency of participation, the amount of stakes or winnings of gambling game participants;
- b)** its acquisition or use is contingent on the participant not withdrawing funds or part thereof from the user account; or
- c)** if it is provided after the operator receives a request to cancel the user account.

PART TWO

GENERAL PROVISIONS FOR RECORDING AND REPORTING OBLIGATIONS

Section 2

General period for keeping records

Unless otherwise laid down by the Act, an operator is obliged to keep recordings, records and related documents for a period of 3 years from the date they were recorded.

Section 3

The obligation to record circumstances occurring during gambling game operation

(1) The operator must keep a record of

- a)** commencement of
 1. operation of a gambling game,
 2. operation of gaming premises,
 3. operation of a gaming position,
 4. operation of an eligible live game table,

5. operation of a live game table other than pursuant to point 4,
 6. a card tournament;
- b)** termination of
1. operation of a gambling game,
 2. operation of gaming premises,
 3. operation of a gaming position,
 4. operation of an eligible live game table,
 5. operation of a live game table other than pursuant to point 4,
 6. a card tournament;
- c)** interruption of
1. operation of a gambling game,
 2. operation of gaming premises,
 3. operation of a gaming position,
 4. operation of an eligible live game table,
 5. operation of a live game table other than pursuant to point 4,
 6. a card tournament;
- d)** resumption of
1. operation of a gambling game,
 2. operation of gaming premises,
 3. operation of a gaming position,
 4. operation of an eligible live game table,
 5. operation of a live game table other than pursuant to point 4,
 6. a card tournament;
- e)** a communication by which a person has expressed a wish towards the operator not to be addressed with invitations participate in a gambling game.
- (2) The operator is obliged to keep a record of a facts reported pursuant to Section 4(1) and (2) for a period of 3 years from the date on which it occurred.
- (3) In the record, the operator shall indicate
- a)** a description of the event,
 - b)** the date and time at which the event occurred,
 - c)** the information provided in the notification pursuant to Section 4.

Section 4

Notification obligation

- (1) An operator must notify the Ministry that an event is to occur, pursuant to
- a)** Section 3(1)(a) and (b), at least 5 days before the date on which the event is to occur; or
 - b)** Section 3(1)(c) and (d), at least 5 days before the date on which the event is to occur, in the case of a planned outage.
- (2) An operator must notify the Ministry without undue delay that an event has occurred pursuant to
- a)** Section 3(1)(c) and (d) or
 - b)** Section 3(1)(b) if it occurred because of extraordinary event the operator could not have foreseen.
- (3) In the notification, the operator shall provide
- a)** the operator's identification data, including its identifier;

- b) the type of gambling game and the manner in which it is operated, if the notification relates to the operation of a gambling games;
- c) the name, address and identifier of the gaming premises, if the notification relates to the operation of a gambling game in gaming premises;
- d) the serial number of the terminal device and the gaming position and the gaming position identifier, if the notification relates to a gaming position;
- e) the registration number and the live game table identifier, if the notification relates to a live game table;
- f) the reason for the interruption;
- g) the date operation was commenced, terminated, interrupted, and resumed.

(4) An identifier pursuant to paragraph 3 means an identifier pursuant to the Decree governing reporting in the area of gambling games.

Section 5

Method of compliance with the notification obligation

(1) An operator must comply with the notification obligation vis-à-vis the Ministry or authority of the Customs Administration of the Czech Republic via an online application or user interface of an information system for the operation of gambling games in accordance with its technical specifications.

(2) If an information system pursuant to paragraph 1 is not available, the submission shall be made in electronic form signed in a manner that other legislation associates with the effects of signature by hand.

PART THREE

CONDITIONS FOR THE OPERATION OF GAMBLING GAMES

Chapter I

General conditions of operation

Section 6

Suspected illegal influence of a gambling game

If an operator has reason to expect that a breach of Section 7(1) or (2) of the Act could occur in connection with the playing of a gambling game, or should expect this in light of the circumstances, it must not commence the gambling game or must interrupt the gambling game, pending proper investigation of the case and implementation of sufficient measures to prevent it if it finds such a breach has occurred.

Chapter II

Lotteries

Section 7

Conditions for lottery operation and related recording obligations

(1) In addition to the requirements laid down in Section 22(1) of the Act, an instant-win lottery ticket must also contain a unique identifier placed under the ticket's scratch-off layer that allows the operator to verify whether it is a winning ticket.

(2) The operator must keep records of issued instant-win lottery tickets, in which for each ticket it shall record

- a) information pursuant to Section 22(1)(c) of the Act,
- b) the unique identifier pursuant to paragraph 1 and
- c) the amount of the prize.

(3) The operator is obliged to keep records of tickets issued in cash and non-cash lotteries in which for each ticket it records information pursuant to Section 22(1)(c) of the Act.

(4) The operator must keep records of tickets destroyed pursuant to Section 22(7) of the Act, in which it shall provide

- a) a description of how the ticket was destroyed;
- b) the reason for destroying the ticket;
- c) the ticket's serial number and, if applicable, also its series number.

(5) The operator must keep documentation on all movement of a lottery ticket emission, in particular documentation on its production, transport, storage, distribution and destruction of tickets, for at least 3 years from the end of the sale of instant-win lottery tickets.

(6) The operator may not put online lottery tickets on sale if they do not meet technical and software security requirements.

(7) The operator may not operate an instant-win lottery whose ticket displays a non-winning combination in a way that gives the participant the impression that it is almost a winning combination without it being the actual outcome of the gambling game.

(8) One notarial deed may certify the process of multiple draws made in one calendar day.

Chapter III **Bingo**

Section 8

Recording obligations of a bingo operator

(1) A bingo operator must keep records of tickets arranged in ascending order according to the serial number of the ticket within the series in which the ticket is included, in which for each ticket it shall specify

- a) the serial number of the ticket within the series in which the ticket is included;
- b) the number of the series in which the ticket is included;
- c) the price of the ticket; and
- d) a depiction of the arrangement of the numbers on the ticket.

(2) In the records pursuant to paragraph 1, the operator shall record all tickets included a series from which at least one ticket has been sold.

(3) Records pursuant to paragraph 1 shall be kept by the operator broken down by the number of the series in which the ticket is included.

Chapter IV **Technical games**

Section 9

Conditions for operating a technical game

- (1) If a terminal device contains multiple permitted technical game positions, the operator must commence operation of all of these permitted gaming positions at the same time.
- (2) The operator may not operate a technical game that displays a non-winning combination in a way that gives the participant the impression that it is almost a winning combination without it being the actual outcome of the gambling game.

Section 10

Recording obligations of a technical game operator

- (1) The operator of a device pursuant to Section 42(4) of the Act or the operator of an online game must record the winning combination or other result of each instance of a technical game, together with a unique user account identifier in a way that allows them to be provided in an open format to the supervisory authority.
- (2) The records pursuant to paragraph 1 must be kept in a way that enables the provision of data according to
 - a) the period during which the game took place, or
 - b) the unique identifier of the instance of the technical game.
- (3) The operator of a technical game must keep the records pursuant to paragraph 1 for a period of 3 years from the moment of the evaluation of the game.

Chapter V **Live games**

Section 11

Conditions for operating a live game

- (1) The operator must ensure that the dealer and other persons performing activity for the operator in the casino comply with standard procedures and practices to ensure the transparency of the operation of gambling games generally maintained in the gambling sector, in particular by handling value tokens, playing tokens, tournament tokens, banknotes, coins or devices and aids used for live play in such a way that all activities of these persons are clear and visible and there is no doubt as to their proper handling.
- (2) The operator must ensure that, when arriving at a live game table, the croupier demonstrates, in accordance with the procedure pursuant to paragraph 1, that the equipment and equipment used to play the live game are complete and are not modified or supplemented in a manner affecting the creation of chance.
- (3) The operator must ensure that the croupier, in accordance with the procedure pursuant to paragraph 1, eliminates possible doubts as to the transparency of the game process, namely
 - a) upon his/her arrival at the live game table;
 - b) when opening the live game playing table; and

- c) at any time during the live game, if there is a risk of doubt regarding the transparency of the game process.

(4) The operator must allow a participant in a live game in a casino to play against the croupier on any eligible live game table that it is obliged to operate pursuant to Section 68a(2) of the Act and whose capacity is not full, even if the participant would participate in the gambling game at this live game table alone.

Section 12

Recording obligations of a live game operator

(1) The operator of a live game must keep records of sets of value chips used in the casino, in which, for each set of value chips used, it shall specify

- a) identification of the operator;
- b) the name and address of the casino;
- c) the date and time of the relevant time for that set; and
- d) a coloured depiction of all specimens of value chips forming the set, showing their front, back and edges.

(2) The operator of a live game must keep records of the patterns of playing and tournament chips used in the casino, in which, for each model of the playing or tournament chip used, it shall specify

- a) identification of the operator;
- b) the name and address of the casino;
- c) the date and time of commencement of their use;
- d) the date and time of termination of their use; and
- e) a coloured depiction of specimens, showing their front, back and edges.

(3) The depictions pursuant to paragraph 1(d) and (2)(e) must be precise, in true colours and in sufficient resolution.

(4) The operator of a live game must maintain records pursuant to

- a) paragraph 1 for 3 years after the date of replacement of this set by a new set of value tokens;
- b) paragraph 2 for 3 years after the date of termination of use of a playing or tournament token.

(5) The operator of an online game must record gaming and financial data relating to each instance of an online live game and each instance of an online live game tournament, consisting of a gaming combination that is common to all participants in a particular online live game or online live game tournament, and information decisive for the entitlement to a prize in terms of combinations of individual players and foreign players and their gaming decisions, for a period of at least 3 years from their occurrence.

(6) The operator shall retain the gaming and financial data pursuant to paragraph 4 in such a way that it can be provided in an open format to the supervisory authority, by the period during which they took place or by the unique game identifier of the instance of the online live game or online live game tournament as chosen by the supervisory authority to which the gaming and financial data are being provided. The data giving rise to entitlement to a prize in the sense of the combinations of individual players and their gaming decisions must also be provided with a unique user account identifier.

Section 13

Conditions for operating transmitted live games

(1) During a broadcast live game, activities related to the commencement of this game and the activities related to the termination of the game, the live game table may be operated by only one croupier at the same time.

(2) In the case of a card game,

- a) before using a new set of cards on the live game playing table, the dealer will show their faces to make it clear that the set of cards is complete;
- b) the dealer must always mix the cards personally on the live game playing table;
- c) an automatic card shuffling device cannot be used.

(3) A device cannot replace a physical activity performed by a croupier that generates the result of the gambling game, in particular

- a) the ball thrown by the croupier in the case of roulette; or
- b) dice thrown by the croupier in the case of a dice game.

(4) In the case of a broadcast live game, a physical action generating chance performed by a participant cannot be replaced by an action performed by a croupier or by a device.

(5) The broadcast live game table must correspond to the same live game table located in the studio throughout its operating segment.

(6) The live game broadcast must show both the croupier and all handling of the live game playing table and aids used during play. The operator must ensure that at least one camera being used in the broadcast shows the croupier in a frontal view in such a way that his/her entire figure is shown, with the exception of the part concealed by the live game playing table.

PART FOUR

TRANSITIONAL AND FINAL PROVISIONS

Section 14

Transitional provisions

(1) The operator must comply with the recording obligation and the notification obligation pursuant to this Decree starting at the latest on the 60th day after the effective date of this Decree.

(2) Until the date indicated in the information on the commissioning of the online application or user interface of the information system for the operation of gambling games through which the notification obligation is fulfilled, the notification obligation vis-à-vis the Ministry or an authority of the Customs Administration of the Czech Republic shall be fulfilled in accordance with the procedure laid down in Section 12 of Decree No 10/2019, as amended prior to the effective date of this Decree.

(3) The Ministry shall publish on the official notice board and on its website the information on the commissioning of the online application or user interface of the information system for the operation of gambling games through which the notification obligation is fulfilled and the date pursuant to paragraph 1, which may not occur earlier than 60 days from the date of publication of that information.

Section 15

Notification

This Decree has been notified in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, as amended.

Section 16

Repealing provisions

Part Four of Decree No 10/2019 on the method used by gambling game operators to notify and send information and transmit data, the extent of the transmitted data and other technical parameters of data transmission is deleted.

Section 17

Effective date

This Decree shall take effect on 1 January 2024.