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REGULATION THE MINISTER FOR DEVELOPMENT AND FINANCE¹⁾ of 8 June 2017.

on drawing machines, gaming devices and gaming machines, the safeguarding of information relating to the lottery being organised and the obtaining, accrual and payment of winnings²⁾

Pursuant to Article 23d of the Act of 19 November 2009 on gambling (Journal of Laws of 2016, item 471, 1948 and 2260 and of 2017, item 88, 379 and 1089), it is ordered as follows:

§ 1 The regulation specifies:

- 1) detailed conditions for the testing, registration and operation of lottery machines, gaming machines and gaming machines;
- 2) the conditions and method of protecting the equipment and machines referred to in point 1 from outside interference;
- 3) the way in which the equipment and machines referred to in point 1 operate during a breakdown;
- 4) the manner in which relevant information relating to the lottery to be organised, including data concerning its participants, is secured;
- 5) the manner in which winnings are obtained, accrued and paid during the course of the game or in the event that the machine or apparatus referred to in point 1 is in a breakdown situation.

§ 2. 1. The registration of a lottery device, a gaming device and a gaming machine is conditional on the submission to the competent head of the customs and tax office by the entity holding, respectively, a concession or a permit to conduct activities in the field of games of chance or slot games or by the entity exercising a state monopoly:

- 1) application for registration in duplicate;
- 2) a copy of the concession or permit, in the case of an entity other than those exercising a state monopoly;
- 3) the original or a copy of the opinion of the testing body, hereinafter referred to as the "opinion", certified as a true copy of the original by a notary public, a solicitor or a legal counsel, containing a positive result of the technical examination of a gaming device, a gaming machine or a gaming automat.

2. The application referred to in paragraph 1(1) shall include:

- 1) applicant details:

- a) name, surname, address of residence, PESEL number if assigned - in the case of an entity which is a natural person,

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- ¹⁾ The Minister of Development and Finance heads the department of government administration - public finances, pursuant to § 1(2)(2) of the Ordinance of the Prime Minister of 30 September 2016 on the detailed scope of activities of the Minister of Development and Finance (Journal of Laws, item 1595).
- ²⁾ This Regulation was notified to the European Commission on 30 December 2016 under number 2016/700/PL, in accordance with § 4 of the Regulation of the Council of Ministers of 23 December 2002 on the functioning of the national system of notification of norms and legal acts (Dz. U. pos. 2039 and of 2004. item 597), which implements 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 rules on information society services (codification) (OJ L 241, 17.09.2015, p. 1).

- b) the name and address of the registered office, if the entity is a legal person,
- c) tax identification number NIP;
- 2) the number and date of the concession or authorisation, in the case of an entity other than an entity exercising a state monopoly;
- 3) data identifying the lottery machine, gaming machine or gaming machine including:
 - a) the type of game as defined in accordance with the Act of 19 November 2009 on gambling games, hereinafter referred to as the "Act",
 - b) factory number,
 - c) the name and country of the manufacturer,
 - d) year of production,
 - e) name and type,
 - f) identification of the game programme and date of its last upgrade,
 - g) the number of the previous registration of the lottery machine, gaming machine or gaming machine;
- 4) the number and date of the opinion;
- 5) the name and address of the place of future operation of the lottery machine, gaming machine or gaming machine;
- 6) the planned date of commencement of the operation of the lottery machine, gaming machine or gaming machine;
- 7) signature of the applicant.

3. Opinion includes:

- 1) the number and date of the opinion;
- 2) purpose of the opinion;
- 3) the date and place of the technical examination;
- 4) identification of the testing body, together with the number of the technical examination authorisation and the expiry date of that authorisation;
- 5) designation of the principal:
 - a) name, surname, address of residence, PESEL number if assigned - in the case of an entity which is a natural person,
 - b) the name and address of the registered office, if the entity is a legal person,
 - c) tax identification number NIP;
- 6) the checksum of the game programme and how it was determined;
- 7) result of a technical examination:
 - a) in the event of a positive test result:
 - indication of the locations of the security seals,
 - the design of the security seals and their numbers,
 - expiry date of the opinion,
 - b) in the event of a negative test result, an indication of the conditions that the device or gaming machine does not meet;
- 8) the name and signature of the person performing the technical examination and the person empowered to approve and sign the opinion.

4. In the case of a gaming machine, the opinion shall further include:

- 1) the name and type of gaming machine;
- 2) defining the game programme;
- 3) the serial number of the gaming machine;
- 4) the manufacturer's designation of the gaming machine;

- 5) description and course of the games offered by the gaming machine;
- 6) to indicate whether the games offered by the gaming machine contain an element of randomness;
- 7) an indication as to whether the gaming machine has the required permanent recording and memory system, in particular with regard to:
 - a) calculation and registration of deposits and withdrawals,
 - b) win rates per programmed game cycle,
 - c) the duration of individual games,
 - d) failures of the automats, as well as errors in operation and maintenance performed,
 - e) tampering with and alterations made to the operation of the machine and the recording system;
- 8) a description of the system for the permanent registration and storage of data, in particular for the calculation and recording of stake deposits and winnings.

§ 3. 1. The condition for conducting a technical examination of a gaming machine is:

- 1) the presentation of a copy of documentation, drawn up in Polish or translated into Polish by a sworn translator, relating to the design and software of the gaming machine, including in particular:
 - a) description and instructions for use of the gaming machine,
 - b) description of the service menu of the gaming machine with a detailed description of the individual functions and parameters,
 - c) a list of the individual games made available on the gaming machine,
 - d) method of determination and verification:
 - checksum of game programmes,
 - the element of randomness of the games,
 - the programmed winnings value for each game separately within the programmed game cycle,
 - e) the operation of the permanent recording and storage system, in particular for the calculation and registration of stake payments and winnings,
 - f) method of protection:
 - of the gaming machine against unauthorised external interference and attempts to modify the software, and the means of verifying this protection,
 - of the permanent recording and storage system against outside interference and against attempts to modify its records and software, and how this security is to be verified;
- 2) sharing:
 - a) a set of keys for mechanical locks and service electronic keys,
 - b) the source code of the gaming software with the test environment, together with the necessary equipment for confirming the conformity of the slot machine software with the requirements of the regulations governing the organisation of games of chance,
 - c) the gaming machine subject to the technical examination;
- 3) to provide information on whether the gaming machine in question has been subject to the activities referred to in Article 2(7a) of the Act;
- 4) providing information on:
 - a) the way in which the gaming machine is secured against unauthorised access and the continuity and correctness of its operation is ensured, in particular by indicating the technical solutions and programs used in the event of events that could lead to alteration or loss of the archived data or failure to archive them,
 - b) the way in which the logic board and the counters inside the gaming machine are permanently attached to the machine's structure in a common housing,
 - c) the way in which the cable ends, the input and output sockets of the various components of the gaming machine are secured, and the sockets that allow other devices to be connected to the machine for software modification,
 - d) the possibility for the testing body to apply security seals,

- e) the design of the gaming machine or its software, which ensures that information on the games provided on the machine is presented to the player, specifying at least:
 - the name of the game,
 - rate of play,
 - table of victories,
 - description of the game controls;
- 5) confirmation that:
 - a) the gaming machine is permanently marked with a serial number visible to players in such a way that it cannot be removed without damaging or destroying the gaming machine,
 - b) the programmed value of the winnings in the gaming machine is at least 75% of the amount of the stakes paid in the programmed gaming cycle,
 - c) the data reading devices or systems and the systems enabling interconnection between the gaming machines and other devices, if any, do not affect the course and result of the game.

(2) The provisions of paragraph (1)(1) to (4) shall apply mutatis mutandis to the technical examination of drawing and gaming machines.

§ 4. 1. The technical examination of the gaming machine consists in checking:

- 1) checksum of the games programme;
- 2) the correct operation of the permanent recording and storage system, in particular for the accrual and registration of deposits and withdrawals, during gaming or when the gaming machine is at a standstill;
- 3) security against external interference, in particular whether:
 - a) the logic board and counters are located inside the gaming machine in a common housing and are permanently attached to the machine's structure,
 - b) The design of the gaming machine, including the housing of the logic board, guarantees protection against attempts to modify the software,
 - c) the cable ends, the input and output sockets of the various components of the gaming machine and the sockets that allow other devices to be connected to the machine to modify the software are protected;
- 4) that the machine is fitted with a notice, displayed in its software or otherwise not capable of being removed, which is visible to players and specifies:
 - a) the name of the game,
 - b) rate of play,
 - c) table of victories,
 - d) description of the game controls,
 - e) the designation of the concession or permit - in the case of an entity other than an entity exercising a state monopoly,
 - f) information on the risks associated with gambling;
- 5) devices and systems referred to in Article 23(1b) of the Act and their impact on the course and outcome of the game;
- 6) whether the games on the device contain an element of randomness;
- 7) the documentation referred to in § 3(1)(1).

2. The provisions of paragraphs 1(1)(1) to (3) and (7) shall apply mutatis mutandis to the technical examination of lottery and gaming machines.

3. Where the drawing device will contain information relating to the lottery to be held, in particular:

- 1) its participants,
- 2) contributions and purchased tickets,
- 3) winnings obtained, with the type of prize assigned to the winner,
- 4) the type, number and value of prizes

- the Examination Unit shall verify that the data will be secured against external interference in such a way as to prevent unauthorised access.

§ The registration and operation of lottery machines, gaming machines and gaming machines is conditional upon their protection against external interference by means of the affixing of security seals by the testing unit after a technical examination.

2. Security seals shall be applied in such a way as to prevent, without breaking or leaving a visible trace, access to:

- 1) logic board;
- 2) counters;
- 3) layouts with the game programme;
- 4) a system for permanently recording and storing data.

3. The seal of the testing unit contains:

- 1) designation of the examining body;
- 2) the seal's unique identification number;
- 3) the date of application of the seal.

4. The data referred to in § 4(3) shall be secured by means of a cryptographic hash calculated for each recorded event. This digest is calculated using the asymmetric SHA2 algorithm in accordance with ISO/IEC 10118-3:2004.

§ 6. The opinion of the auditing unit prepared in connection with the application referred to in Article 2(6) of the Act shall contain the data specified in § 2(3) and § 2(4)(1) to (6) and information that the opinion prepared is not conclusive as to the nature of the game played with the use of the machine or device under examination.

§ 7. In the event of a negative result of a technical examination indicating that a lottery device, a gaming device or a gaming machine does not comply with the conditions of operation stipulated by law, the examination body shall notify the Minister responsible for public finance.

§ 8. The registration of a drawing device, gaming device and gaming machine shall be confirmed by a certificate made by the competent head of the customs and tax office on the application referred to in § 2(1)(1). The registration certificate shall contain the registration number of the drawing device, gaming device or gaming machine.

§ 9. 1. In the event of an order to carry out a verifying examination referred to in Article 23b of the Act, the testing unit shall carry out an examination with regard to the conformity of the drawing device, gaming device or gaming machine with the documentation referred to in § 3 and with the condition found during the technical examination.

(2) The results of the examination shall be stated by the examination body in an opinion containing the information referred to in § 2 (3) and (4). The provisions of § 4 and § 6 shall apply mutatis mutandis.

§ Section 10 It shall be a condition of the operation of a lottery device, gaming machine or gaming machine that the operator keeps the registration certificate for that lottery device, gaming machine or gaming machine at the place of operation and that the registration number is affixed to it in such a manner that it cannot be removed.

§ 11. 1. The entity referred to in § 10 shall operate lottery machines, gaming devices or gaming machines in a number in accordance with the terms and conditions set out in the licence or permit.

(2) An entity holding a concession to operate a gaming casino and an entity exercising a state monopoly on slot machine games operated in gaming halls may have no more than two reserve gaming machines per gaming centre, provided the machines have a current certificate of registration.

§ 12. 1. The information on the intention to move a drawing device, gaming device or gaming machine referred to in Article 23c(1) of the Act shall include:

- 1) details of the operator of the lottery machine, gaming machine or gaming device:
 - a) name, surname, address of residence, PESEL number if assigned - in the case of an entity which is a natural person,
 - b) the name and address of the registered office, if the entity is a legal person,
 - c) tax identification number NIP;
- 2) the registration number of the lottery machine, gaming machine or gaming machine;

- 3) the name and type of the lottery machine, gaming machine or gaming machine;
- 4) the manufacturer's number, identification of the game programme and the year of manufacture of the shuffling device, gaming machine or gaming machine;
- 5) data relating to a change in the place of operation of a lottery machine, gaming machine or gaming machine:
 - a) the name and address of the place of previous operation and the date on which it began,
 - b) date of movement,
 - c) the date of commissioning following a change of site,
 - d) the name and address of the operating site after the change of site;
- 6) signature of the person representing the operator of the lottery machine, gaming machine or automatic gaming machine.

(2) It shall be a condition of the operation of a lottery drawing machine, gaming device or gaming machine at a new location that a notice is displayed on the device or machine, in a prominent place, which includes the designation of the licence or permit under which the operator is operating at the location of the current operation of the lottery drawing machine, gaming device or gaming machine.

§ 13. 1. The information on the suspension or withdrawal from use of a lottery machine, gaming device or gaming automa- tion referred to in Article 23c(2) of the Act shall include:

- 1) details of the operator of the lottery machine, gaming machine or gaming device:
 - a) name, surname, address of residence, PESEL number if assigned - in the case of an entity which is a natural person,
 - b) the name and address of the registered office, if the entity is a legal person,
 - c) tax identification number NIP;
- 2) the registration number of the lottery machine, gaming machine or gaming machine;
- 3) the name and type of the lottery machine, gaming machine or gaming machine;
- 4) the manufacturer's number, identification of the game programme and the year of manufacture of the shuffling device, gaming machine or gaming machine;
- 5) as appropriate: the period for which the operation of the lottery machine, gaming machine or gaming machine is suspended, stating the exact date of suspension, or the exact date on which the lottery machine, gaming machine or gaming machine is withdrawn from operation;
- 6) indication of the place where the lottery machines, gaming machines or gaming machines suspended or decommissioned will be stored;
- 7) signature of the person representing the operator of the lottery machine, gaming machine or gaming machine.

(2) In the event of suspension or withdrawal of a lottery machine, gaming device or gaming machine from operation, the operating entity shall remove the lottery machine, gaming device or gaming machine from the place of existing operation within 7 days of the suspension or withdrawal from operation.

§ 14. In the event that the registration of a lottery device, gaming device or gaming machine is revoked or the registration expires due to the withdrawal of a lottery device, gaming device or gaming machine from operation, the entity holding a concession or a permit to conduct activities in the field of games of chance or automa- tic games and the entity exercising the state monopoly shall return the original registration certificate to the competent head of the customs and tax office.

§ 15. 1. A lottery or gaming machine shall record data in real time.

2. In the event of a malfunction of a lottery or gaming machine, the following in particular are recorded:

- 1) duration of failure;
- 2) type of failure;
- 3) how to rectify the failure.

3. Payment of winnings obtained on a gaming machine that has malfunctioned shall be made after the malfunction has been rectified, based on the game result recorded at the time of the malfunction.

4. In the event of a breakdown of a lottery drawing machine, gaming machine or gaming machine or any other event that requires the breaking of seals of the testing unit, and in the event of changes to the logic board or counters, modifications or changes to the software, the re-operation of the lottery drawing machine, gaming machine or gaming machine may take place after the testing unit has carried out a technical examination.

5. The result of the technical examination shall be stated by the testing body in an addendum to the opinion containing the information referred to in § 2(3) and (4). The provisions of § 6 and § 9 shall apply *mutatis mutandis*.

§ 16. The application referred to in § 2(1)(1) and information on the intention to move, suspend or withdraw from use a lottery machine, gaming device or gaming machine referred to in Article 23c(1) and (2) of the Act may be submitted on forms made available by the office serving the minister responsible for public finance, placed in particular on the website of that office.

§ 17. The technical documentation concerning the conducted technical examinations of lottery devices, gaming devices and gaming machines shall remain in the testing unit for a period of 6 years, counting from the end of the calendar year in which the opinion of the testing unit was drawn up, and shall be made available at the request of the minister competent for public finance or the competent head of the customs and tax office.

§ 18. 1. The gaming machine shall accrue and pay out winnings or issue evidence of winnings taking into account:

- 1) the amounts of the rates paid;
- 2) the course of the individual games;
- 3) win table;
- 4) outcome of the game.

2. The winnings shall be paid out immediately after the player's instruction, subject to § 15.3.

3. A lottery or gaming device shall calculate and pay out winnings in the manner referred to in paragraphs 1 and 2 where such an option is provided for such devices.

§ 19. The existing provisions shall apply to technical tests of gaming machines and gaming devices which were commissioned to testing bodies before the date of entry into force of this Regulation.

§ 20 The regulation shall enter into force on the day following the date of publication.³⁾

Minister for Development and Finance: *wz. W.
Janczyk*

³⁾ This Ordinance was preceded by the Ordinance of the Minister of Finance of 9 March 2012 on the detailed conditions for the registration and operation of gaming machines and devices (Journal of Laws, item 312 and of 2017, item 389), which expires on the date of entry into force of this Ordinance, pursuant to Article 11 of the Act of 15 December 2016 amending the Gambling Act and certain other acts (Journal of Laws of 2017, item 88).