439/2016 Coll.

DECREE

of 19 December 2016

on requirements for the minimum prerequisites for the expert evaluation and certification output documents and their provision to the authorities performing state administration in the field of operation of gambling

The Ministry of Finance, pursuant to Section 133 (1) c) Act No. 186/2016 Coll., on gambling:

§ 1
Minimum requirements for the expert assessment

(1) Expert assessment is the output document of professional evaluation and certification proving fulfillment of the individual parameters laid down by the Gambling Act for gambling or the device through which the gambling is to be operated.

(2) The title of the expert assessment contains

a) Document designation "Expert assessment",

b) statement that

1. the subject of the assessment is the overall assessment of gambling or the device through which the gambling is to be operated or its stand-alone parts, when the random number generator or terminal equipment is subject to assessment,
2. it is not a legal assessment,
3. the expert assessment is the basis for the administrative procedure for the issuance of the basic license for the operation of gambling,
4. the expert assessment can not be disseminated without the consent of the authorized person, other than as a whole;
5. positive or negative conformity assessment with the individual parameters laid down in the Gambling Act does not create the authorization to operate the gambling or to operate the equipment through which the gambling is to be operated or its separate parts,

c) the unique identifier of the expert assessment and the date of its issuance,

d) the identification data of the authorized person who issued the expert assessment,

e) identification of the ordering person,

f) the identification of the subject of the assessment which contains at least its

1. name,
2. the essential characteristics,
3. manufacturer and location of software or hardware,
4. software version or hardware type,

g) the number of pages,

h) the name and position of the natural person who carried out the assessment, and its signature,

i) the name and position of the authorized natural person who approved the expert assessment and its signature,

j) date of assessment,

k) the validity period of the expert assessment,

l) a summary of the outcome of the assessment.

(3) Identification of the subject assessment for the expert assessment of the terminal equipment further comprises at least

a) the number of gaming positions of the terminal equipment, or

b) the type of terminal equipment which has been assessed as part of a technical device because it can not be used separately under the Gambling Act and the number of gaming positions of that terminal equipment.

(4) The expert assessment further includes at least

a) the detailed technical characteristics of the subject of the assessment and in the case of gambling a detailed description of its course,

b) a list of the methods by which the authorized person has carried out the assessment,

c) a description of the assessment process,

d) a list of documents from which the authorized person based assessment,

e) page numbering, including a unique expert judgment ID on each page; and

f) the outcome of the assessment.

(5) The outcome of the assessment contains at least

a) an assessment of the conformity of individual parameters of gambling, the equipment through which the gambling operation is to be operated or its stand-alone parts, where the random number generator or terminal equipment is subject to assessment, with the parameters laid down for them by the Gambling Act, and indicating the methods used; and

b) the values of the individual parameters under point a) for those parameters which can be expressed in value.

(6) An appendix to the expert assessment of gambling is the gaming plan that has been the basis for assessing that gambling.

§ 2

Minimum requirements for the certificate of operability

(1) Certificate of operability is the output document of professional evaluation and certification which, in

the case of

a) gambling, the equipment through which the gambling is to be operated or its standalone parts directly subject to assessment under § 1, means an extract from the expert assesment; or

b) a random number generator or terminal equipment that is identical to a type of random number generator or terminal equipment that has been the subject of a separate assessment or has been assessed as part of a technical device because it can not be used separately under the Gambling Act,declares a parametric match with this type.

(2) The certificate of operability contains

a) Document designation "Certificate of Operability",

b) statement that

1. the certificate of operability is the basis for the administrative procedure for the issuance of the license for the operation of gambling,

2. positive or negative conformity assessment with the individual parameters laid down in the Gambling Act does not create the authorization to operate the gambling or to operate the equipment through which the gambling is to be operated or its separate parts,

c) the unique identifier of the certificate of operability and the date of its issuance, the name and position of the natural person who carried out the assessment and its signature,

d) the identification data of the authorized person who issued the certificate of operability,

e) identification of the ordering person,

f) the unique identifier and the date of the expert assessment under which the certificate of operability was issued,

g) the identification of the subject of the certificate of operability which contains at least its

1. name,

2. the essential characteristics,

3. manufacturer and location of software or hardware,

4. software version or hardware type,

5. serial number in the case of a certificate of operability of a stand-alone random number generator or terminal equipment,

h) the values of the individual parameters of subject of a certificate of operability which are set by Gambling Act, those parameters that can be of value to express,

i) the validity period of the certificate of operability, which must not exceed the period of validity of the expert assessment under which the certificate of operability was issued; and

j) a declaration of parametric conformity in the case of a facility referred to in paragraph 1 b).

(3) Identification of the subject of the certificate of operability in case of certification of operability of the terminal equipment further comprises at least

a) the number of gaming positions of the terminal equipment and their serial numbers, or

b) the serial number of the terminal equipment which has been assessed as part of a technical

device, if it can not be used separately under the Gambling Act and the number of gaming positions of that terminal equipment and their serial numbers.

§ 3

Providing output documents for professional assessment and certification to the governmental authorities in the field of gambling

(1) The output documents of professional assessment and certification are provided by the authorized person to governmental authorities in the field of gambling by secured remote access to the repository of the output documents of the authorized person.

(2) Expert assessments are provided in electronic form as

a) the original; or

b) scanned copies of the original.

(3) Certificates of operability shall be provided by accessing at least

a) the period of validity, the unique identifier and the date of issue of the certificate of operability,

b) the serial number of the device through which the gambling is to be operated or its stand-alone part, where the random number generator or terminal equipment is subject to assessment; and

c) the unique identifier of the expert assessment under which the certificate of operability was issued.

(4) Remote access to the repository of the output documents of the authorized person pursuant to paragraph 1 shall allow search for expert assessments or information included in the certificate of operability in accordance with paragraph 3, at least on the basis of

a) the serial number of the device through which gambling is to be operated, of the terminal equipment or the gaming position or

b) a unique identifier of the expert assessment or the certificate of operability.

§ 4

Effectiveness

This Decree shall take effect on 1 January 2017.

Minister: **Ing. Babiš v. r.**