

# OFFICIAL GAZETTE OF THE HELLENIC REPUBLIC

FIRST VOLUME

ISSUE 129

June 27, 2006

## Law No. 3468

### *Production of electricity from renewable energy sources and cogeneration of high-efficiency power and heat and further provisions*

#### CHAPTER A

##### Article 1 Scope

With the provisions of the present law the Directive 2001/77/EC of the European Parliament and of the Council of the 27<sup>th</sup> September 2001 on the „promotion of electricity produced from renewable energy sources in the internal electricity market” (OJEC L 283) is transposed into the Greek law and at the same time the production of electricity from Renewable Energy Sources (R.E.S.) as well as the High-Efficiency Cogeneration Plants(H.E.C.) of Electricity and Heat are promoted in priority in the internal electricity market with regulations and principles.

##### Article 2 Definitions

For the implementation of the present law, the terms used in the provisions are defined as follows:

1. Licensee: The licensed producer of electricity produced by R.E.S. or H.E.C.
2. Renewable Energy Sources (R.E.S.): Non-fossil renewable energy sources, such

as wind energy, solar energy, wave energy, tidal energy, biomass, landfill gases and sewage treatment plant gases, biogases, geothermal energy, hydropower that is utilised by hydro-electricity plants.

3. Competent Authority of the Member State: The competent body, which is independent of the electricity generation and distribution activities and has been appointed to supervise the issue of the guarantees of origin.

4. Autonomous producer of electricity from R.E.S.: The producer that generates electricity from R.E.S. and whose plant is not connected to the System or the Grid.

5. Autonomous Electricity System of Non-interconnected Islands: The electricity system that supplies electricity consumers of one or more islands interconnected amongst them, which is not connected to the Interconnected Grid or the System and includes especially generation plants, low, medium and/or high-voltage grid, substations for the reduction in voltage and any other equipment required for its operation.

6. Autoproducer of electricity from R.E.S. or H.E.C.: The producer who generates electricity from R.E.S. or H.E.C. units, mainly for his own use and submits any surplus of this energy to the System or the Grid.

7. Biofuel: A liquid or gaseous fuel produced from biomass and more concretely:

a) Biodiesel: (diesel of biological origin): The fatty acid methyl-esters (FAME) that

are produced from vegetable or animal oil and fat, of diesel quality, to be used as biofuel.

b) Bioethanol: An ethanol produced from biomass or biodegradable fraction of waste to be used as biofuel.

c) Biogas: A fuel gas produced from biomass or from the biodegradable fraction of industrial and urban waste that can be purified and upgraded to natural gas quality, to be used as biofuel, or woodgas.

d) Biomethanol: Methanol produced from biomass, to be used as biofuel.

e) Biodimethylether: Dimethylether produced from biomass, to be used as biofuel.

f) Bio-ETBE: an ethyl-tertio-butyl-ether (ETBE) produced on the basis of Bioethanol, to be used as biofuel. The percentage by volume of bio-ETBE that is calculated as biofuel is 47 %.

g) Bio-MTBE: A methyl-tertio-butyl-ether (MTBE) produced on the basis of biomethanol, to be used as biofuel. The percentage by volume of bio-MTBE that is calculated as biofuel is 36 %.

h) Synthetic biofuels: Synthetic hydrocarbons or mixtures of synthetic hydrocarbons, which have been produced from biomass.

i) Biohydrogen: Hydrogen produced from biomass or from the biodegradable fraction of industrial or urban waste, to be used as biofuel.

j) Pure vegetable oil: Oil produced from oil plants through pressing, extraction or comparable procedures, crude or refined but chemically unmodified, when compatible with the type of engines involved and the corresponding emission requirements, according to the existing legislation.

8. Biomass: The biodegradable fraction of products, waste and residues from agriculture, including vegetal and animal substances, forestry and related industries, as well as the biodegradable fraction of industrial and urban waste.

9. Grid: The electricity distribution grid of the public electricity company Dimosia Epiheirisi Ilektrismou Plc (DEI) located in the Greek territory, which consists of low and medium voltage lines and electricity distribution facilities as well as high voltage lines and facilities that have been integrated in this grid. The Grid, besides the grid of the Non-Interconnected Islands, is connected to the System by means of high and medium voltage substations (H/V, M/V). A limit between the System and the Grid constitutes the interruption device on the H/V side of the power transformer of the substation, which constitutes a part of the Grid. For the areas, to the Grid of which belong H/V lines, the limit between System and Grid is defined by decision of the Minister of Development upon a proposal of the System Administrator and the Grid Administrator as well as the opinion of the Regulatory Authority for Energy (R.A.E.) and the Operator of the System and the Grid.

10. Guarantee of origin or Guarantee: The document issued by the issuing body, which certifies the generation of a concrete quantity of electricity from R.E.S.

11. Installed power load of the R.E.S. plant: The sum of the nominal electrical power of all generation units that the R.E.S. plant includes. As nominal power of every generation unit is defined the maximal electrical power of every unit, which results from the relevant certifying documents of the units' constructors and the bodies that are responsible for the certification of the generation units, for at least fifteen minutes.

12. Electricity produced from an R.E.S.: The electricity generated from:

a) Electricity generation plants using one or more R.E.S. or

b) Cogeneration plants using one or more R.E.S. or

c) Hybrid plants within the meaning of paragraph 25, for the part, in which electricity is produced from R.E.S. This electricity includes the electricity used for filling storage systems, as long as it is produced from R.E.S., excluding electricity produced as a result of storage systems.

13. Consumption of electricity in the Country: The domestic electricity production, including the production of the autoproducers, plus imports, minus exports (gross national electricity consumption).

14. Maximum production power of the R.E.S. plant: The maximum electrical power allowed to be submitted to its connection point with the Grid. An excess of the maximum production power up to 5% is allowed, as long as this excess takes place rarely, according to the Production Licence Regulation, which is foreseen in article 5 paragraph 3. For the control of the excess, the average power calculated in a time interval of fifteen minutes shall be defined as maximum power.

15. Non-Interconnected Islands: The islands of the Greek territory, the electricity distribution Grid, which is not connected to the System and the distribution Grid of continental Greece.

16. Safeguard mechanism: The mechanism, with which the Controlling Body safeguards the reliable function of the Guarantee System as well as the accuracy and the validation of the Guarantees issued by the relevant bodies.

17. Directive: The Directive 2001/77/EC of the European Parliament and of the Council of the 27<sup>th</sup> September 2001 on the „promotion of electricity produced from renewable energy sources in the internal electricity market”.

18. R.E.S. or H.E.C. Producer: The producer that generates electricity from

Renewable Energy Sources (R.E.S.) or High-Efficiency Electricity and Heat Cogeneration Units (H.E.C.).

19. Electricity and Heat Cogeneration (E.H.C.): The simultaneous production of electricity, heat and mechanical energy within the framework of a single procedure.

20. High-Efficiency Electricity Cogeneration (H.E.C.): The cogeneration that ensures primary energy conservation of at least 10% compared to the heat and electricity produced within the framework of separate processes, as well as the production from Small and Very Small scale cogeneration units that ensures primary energy conservation irrespectively of the conservation percentage. The calculation of the primary energy conservation, whenever required, takes place in accordance with the provisions of the Directive 2004/8/EC, Annex III, point (b) (L52).

21. Small Scale Cogeneration: The cogeneration unit with installed power load less than one (1) MWe.

22. Very Small Scale Cogeneration: The cogeneration unit with installed power load less than fifty (50) kWe.

23. System: The high voltage lines, all land or sea interconnections located in the Greek territory and all respective facilities, the equipment and the controlling facilities required for a smooth, safe and continuous electricity distribution from a plant to a substation, from a substation to another substation, from or to any interconnection. The System does not include the electricity production plants, the high voltage lines and facilities that are integrated into the Grid, as well as the Grid of the Non-Interconnected Islands.

24. Guarantee System: All regulations and procedures provided by the present law as

well as the regulatory provisions issued under its authority for the issue of Guarantees of Origin of the electricity produced from Renewable Energy Sources.

25. Hybrid Plant: Every electricity production plant that:

- a) Utilises at least one form of R.E.S.
- b) The total energy that it absorbs from the Grid yearly does not exceed 30% of the total energy consumed for filling the storage system of this plant. The difference between the energy calculated while entering the plant and the energy that is given directly to the Grid by the R.E.S. units of the hybrid plant is defined as the energy that the hybrid plant absorbs according to the latter subparagraph. For the Non-Interconnected Islands this difference is calculated on an hourly basis. If for the utilisation of the solar energy the technology used is different than the photovoltaics, conventional energy that is not absorbed by the Grid may be also used, if it is considered to be necessary for the utilisation of the solar power. The conventional energy used cannot exceed 10% of the total energy produced on a yearly basis from the solar power utilisation units.
- c) The maximum production power of the plant R.E.S. units cannot exceed the installed power load of the storage units of this plant, increased at a percentage of up to 20%.

26. Issuing Bodies: The Bodies defined in article 16, paragraph 1.

27. Controlling Body: The body defined in article 16, paragraph 1.

28. For the implementation of the provisions of the present law apply otherwise the definitions of the provisions of law 2773/1999 (OJ 286 A) as it applies, as well as the relevant provisions of the existing legislation and the legislative acts issued under their authority.

## **CHAPTER B LICENCE FOR ELECTRICITY PRODUCTION**

### **Article 3 Production Licence**

1. For the production of electricity from a R.E.S. or a H.E.C. a relevant licence is required.

This licence shall be granted by the Minister of Development upon an opinion by the Regulatory Authority for Energy (R.A.E.), based on the criteria of:

- a) National security.
- b) Protection of public health and safety.
- c) The overall safety of the System and Grid facilities and the relevant equipment.
- d) The energy efficiency of the project, for which the application is submitted, as this efficiency results, for the R.E.S. projects, from calculations of the R.E.S. potential and for the H.E.C. units from their energy balances. Especially for the wind potential, the submitted calculations shall have been executed by certified bodies according to the standard DIN-EN ISO/IEC 17025 of 2000 as it applies each time.
- e) The maturity of the project realisation procedure as this results from the studies that have been carried out, the opinion of competent authorities as well as further relevant data.
- f) Ensuring or the potential of ensuring the right to use the project setting up area.
- g) The potential of the applicant to materialise the project, based on his financial, scientific and technical adequacy. If the applicant is a newly founded legal entity, this potential is valued on the basis of the people that take a share in it as partners or shareholders.
- h) Ensuring delivery of services of general economic interest and protection of the clients.
- i) The protection of the environment according to the existing legislation and the Special Framework on Spatial Planning

and Sustainable Development for the R.E.S.

2. The R.A.E. may, before giving its opinion according to paragraph 1, cooperate with the Operator of the System or the Grid or the Non-Interconnected Islands, in order to determine the way and the point of connection of the plant with the System or the Grid.

The R.A.E. shall examine whether the criteria of the points a) to h) of paragraph 1 are fulfilled and, before giving its opinion, shall transmit the Environmental Impact Pre-Study (E.I.P.) in the cases that this is required according to the existing legislation, to the authority that is responsible for the environmental licensing. This authority shall give an opinion on the Preliminary Environmental Assessment and Evaluation (P.E.A.E.) and shall transmit its opinion to R.A.E.) within 60 days from the date of the completion of the E.I.P. file.

The R.A.E., upon giving an opinion as defined in the last subparagraph, shall submit its opinion to the Minister of Development within four (4) months from the date that the publication of the application has been notified to it within the meaning of the decision issued according to article 5, paragraphs 1 and 3, as long as the application file is complete, or from the day of the completion, when this takes place after the notification, according to the same decision.

The Minister of Development shall issue the relevant decision within fifteen (15) days from the date of submission of the R.A.E. opinion to him.

3. The licence for electricity production from R.E.S. or H.E.C. includes following elements:

- a) its owner, the producer or autoproducer, natural or legal person,
- b) the area for the location of the electricity production plant,
- c) the installed power load and the maximum production power,

d) the utilised technology or the form of the R.E.S., if the licence is granted for a R.E.S,

e) the period of validity,

f) the person or persons that have the financial potential to finance and realise this project.

4. The production licence is granted for up to twenty-five (25) years with the possibility of renewal for up to the same period. If within twenty-four (24) months, and in the cases mentioned in paragraph 9 within thirty-six (36) months, after granting the production licence, a site permit has not been granted, the licence shall be withdrawn.

The period of twenty-four 24 months does not include:

a) The time of a judicial suspension of the application of any licence or authorisation required for granting the site permit.

b) The time of delay for obtaining the site permit, as long as the delay is, provably, not caused by an omission or any personal liability on the part of the production licence owner.

In the above mentioned situations the time scale of twenty-four (24) months can be extended upon an application has been submitted by the Licensee to the R.A.E., before the expiration of this period, for as long as the reasons mentioned above still exist.

The modification of the production licence for reasons of changes regarding the set of shareholders of its owner, or regarding the location area, or regarding the installed or maximum power, as well as the conveyance of the licence to another person do not constitute reasons to extend the time mentioned above.

5. The licence for electricity production from R.E.S. or H.E.C. can be modified by decision of the Minister of Development after consulting the R.A.E., following a relevant application submitted by its owner. The production licence is modified

in case there is a change of its data reported on paragraph 3, except from the data reported on the subparagraph h of that paragraph.

A modification of the licence for electricity production is not required:

a) If the installed power load or the maximum production power of the electricity production plant, which is connected to the System or the Grid, changes only once to a percentage of up to 10%, as long as this change shall not result into an increase of the size of the plot of land. In this case, the site permit foreseen in article 8 is modified after reformulating the connection terms of the plant by the System or Grid Operator. The provision of the present case is not valid for congested grids. The power absorbing potential of areas with congested grids is determined by decision of the R.A.E. upon the recommendation of the System or Grid Operator. This decision shall be published under the care of the R.A.E. on the internet or anywhere else that is considered to be useful.

b) If the residence or domicile of the Licensee changes.

In the cases that a modification of the production licence is not required, the owner informs the R.A.E. and the Minister of Development about the relevant changes. If the Licensee neglects to give this information, the penalties foreseen in article 22 shall be imposed upon him.

For the modification of the production licence the R.A.E. submits its opinion to the Minister of Development within sixty (60) days from the publication of the application within the meaning of the decision issued according to article 5, paragraphs 1 and 3, as long as the application file is complete, or from the day of completion, when this takes place after the notification, according to the same decision.

c) If the oncoming changes of the production licence data that are determined in paragraph 3 do not affect the evaluation of the criteria foreseen in paragraph 1.

6. The Licensee may, upon the opinion of the R.A.E., convey his licence to another person, as long as the criteria named in paragraph 1 are fulfilled.

7. With regard to granting production licences for R.E.S. plants in the Non-Interconnected Islands or in areas with congested electricity grids or other existing limitations regarding the location of a R.E.S. plant, the applications of autoproducers shall be satisfied in order of priority versus other applications for electricity production from R.E.S.

8. Receiving a licence for electricity production from a R.E.S. or a H.E.C. does not exempt the owner from the requirement to receive further licences or authorisations according to the existing legislation, such as the Approval of Environmental Terms or the site and operation permits. Receiving a production licence is a requirement in order to submit a request to be granted an Environmental Terms Approval (E.T.A.). Before granting the production licence, the competent bodies may examine the applications for the issue of opinions relevant to the location of electricity production plants, which are required within the framework of the environmental licensing procedure according to the existing provisions.

9. For the evaluation of the applications for granting a licence for electricity production from a R.E.S. or a H.E.C. that are submitted by legal persons, whose share capital consists of at least twenty (20) persons, each of whom has a shareholding of maximum up to one hundred thousand (100.000) Euros, the following apply:

a) The applicant's financial potential of realising the project according to paragraph 1, subparagraph g, is determined in a percentage less than the one determined in the decision of the Minister of Development, which is issued according to article 5, paragraph 3. This percentage

cannot be less than 15% of the pre-calculated construction costs of the project.

b) The participation of natural persons in the legal entity who are residents of the first or second degree Local Government Unit (L.G.U.), or of enterprises of these units, or residents of local associations, or of urban non-profit organisations, that have their domicile within the administrative boundaries of the L.G.U. in question, where the project shall be located, is also taken into account.

10. During the evaluation procedure of the applications for granting a production licence as well as during the control of meeting the conditions that are included in this licence, the R.A.E. may cooperate with the Centre of Renewable Energy Sources (C.R.E.S.) within the scope of a relevant agreement on rendering services of a technical consultant on the part of the C.R.E.S. under the supervision and the directions of the R.A.E.

#### **Article 4**

##### **Exemptions from the requirement of receiving a production licence**

1. From the requirement of receiving a production licence are exempted persons that produce electricity from plants located in a building or in bordering buildings, which are their propriety or are the legal owners of these buildings, for as long as they are proprietors or legal owners, as long as the electricity is generated:

a) By using geothermic energy from plants with installed power load smaller than or equal to half (0.5) MWe.

b) By using biomass or biofuels from plants with installed power load smaller than or equal to one hundred (100) kWe.

c) From photovoltaic facilities, from plants with installed power load smaller than or equal to one hundred and fifty (150) kWepeak.

d) By using wind energy from plants with installed power load smaller than or

equal to twenty (20) kWe, as long as these plants are located in Isolated Microgrids as defined in the law 2773/1999, article 2, or from plants with installed power load smaller than or equal to forty (40) kWe, as long as these plants are located in the remaining Non-Interconnected Islands and from plants with installed power load smaller than or equal to fifty (50) kWe, as long as these plants are located in the Interconnected System.

e) From plants with installed power load smaller than or equal to five (5) kWe, which are located by educational or research bodies of the public or private sector, for as long as they are used exclusively for educational or research purposes.

f) From plants that are located by the Centre of Renewable Energy Sources (C.R.E.S.) for as long as these plants operate in order to carry out calculations.

g) From remaining plants with installed power load smaller than or equal to fifty (50) kWe, as long as these plants use R.E.S. as defined in article 2, paragraph 2, in a different form from the above.

The exemptions of subparagraphs a, b, c, d, e and g, are valid as long as there is not any grid congestion, according to the decision of the R.A.E. issued according to article 3, paragraph 5, subparagraph a.

2. The cases of exemption from receiving a production licence is declared by decision of the R.A.E. issued within ten (10) working days from the submission of the relevant application, as long as this application is accompanied by all necessary elements or the completion of these elements.

This decision is not required for plants that produce electricity from R.E.S. or H.E.C. with installed power load up to twenty (20) kWe, unless it is about plants located on Non-Interconnected Islands, where there is grid congestion, which is declared by decision of the R.A.E. issued according to article 3, paragraph 5, subparagraph a. The persons responsible for the operation of the

plants, for which no declaratory decision is issued according to the previous subparagraph, are obliged, before setting the plants, to inform the competent Operator about the position, the power load and the technology of these plants. If the information obligation is neglected, the operation of the plants becomes illegal. The competent Operator informs at the end of every two months the Minister of Development and the R.A.E. about the installation of these plants.

3. Exempted from receiving a production licence are also autonomous plants producing electricity from R.E.S. or H.E.C., which are not connected to the System or the Grid, with installed power load smaller than or equal to five (5) kWe. For autonomous plants with installed power load of up to fifty (50) kW there is no requirement of a declaratory decision by the R.A.E. according to paragraph 2.

4. The competent Operator is obliged, upon application of the Licensee, to take the necessary steps to connect the plants mentioned in paragraph 1 to the System or the Interconnected Grid or the Grid of the Non-Interconnected Islands, unless there are probative technical reasons that justify a refusal of the connection within the meaning of the respective Operation Codes. Together with the application submitted according to the previous subparagraph it is obligatory to submit the deed of legal ownership of the area, where the plant shall be located, as well as the building permit of the area in case new buildings are necessary.

### **Article 5** **Licence Regulation – Publication** **Register – Control**

1. In order to grant, modify or suspend a licence, a relevant application must be submitted to the R.A.E. accompanied by the documents defined in the decision

issued according to paragraph 3. The application for granting a production licence is accompanied by an E.I.P. A copy of the application and of all accompanying documents as well as any other document submitted subsequently to R.A.E. shall be notified to the Minister of Development under the care of the applicant. With the decision issued according to paragraph 3 the elements of the application and the opinion of the R.A.E. are determined, on the basis of which the application is evaluated, and the elements of the application and the opinion that are published under the care of the R.A.E. on the internet or anywhere else that is considered to be useful.

The opinion of the R.A.E. is accompanied by a report, in which the implementation of the criteria mentioned in article 3, paragraph 1 are documented.

2. The R.A.E. keeps a Special Register of Electricity Production from R.E.S. or H.E.C. The elements of the licences mentioned in article 3, paragraph 3, the exemption instruments from the requirement of receiving a production licence, their conveyance, their amendments as well as any other change of the licence data, for which a modification is not necessary according to article 3, paragraph 5, are filed in this Register. The contents of this Register are notified by R.A.E. to the competent Operators and the Minister of Development at the end of every two months in an electronic or any other useful way. Any change of these data is notified by the Licensee to the R.A.E. and the Minister of Development without negligent delay. In the cases, in which the data changes filed in the Register do not require a modification of the production licences, the R.A.E. issues a relevant confirmation.

3. The Production Licence Regulation for electricity from R.E.S. or H.E.C. is authorised by decision of the Minister of Development issued upon the opinion of

the R.A.E. and published in the Official Journal. This regulation:

a) Specifies the criteria that are laid down in article 3, paragraph 1 and determines the methodology for their implementation.

b) Determines the submission procedure of the applications for granting a production licence and their accompanying documents as well as the applications evaluation procedure, the submission and examination procedure of objections against the submitted applications, the procedure of exemption from the requirement to receive a production licence, the production licence modification and conveyance procedure along with every specific matter and relevant detail.

c) Determines the specific responsibilities of the Licensee, the monitoring and controlling procedures of meeting the conditions of this licence and the relevant responsibilities as well as the licence suspension procedure.

d) Specifies the cases, in which a modification of the licence within the meaning of article 3, paragraph 5, subparagraph c, is not necessary.

4. The R.A.E. may, on its decision, determine the details regarding the evaluation method and procedure of the submitted applications for granting a production licence.

### **Article 6**

#### **Production Licence for R.E.S. Hybrid Plants**

1. For the installation and integration of R.E.S. Hybrid Plants in the Grid of the Non-Interconnected Islands as well as for the operation of these plants, the provisions of the articles 3, 4 and 5 are implemented accordingly. The applications for granting a licence for electricity production from a Hybrid Plant are accompanied by an analytical study, which

describes the way of integration and operation of the Hybrid Plant in the electricity grid of the Non-Interconnected Island, on a yearly basis, the obligation of guaranteed power supply and the terms and conditions of their operation. Guaranteed power is the maximum electric power that the Hybrid Plant is obliged to dispose to the grid at certain periods of time. The submitted applications shall include a proposal on the pricing of the power availability by the controlled production units of the Hybrid Plant, on the pricing of the electricity produced by the units, which is absorbed by the grid of the Non-Interconnected Island, as well as the electricity that the plant absorbs from the grid for filling up its storage system. The pricing proposals are formulated within the meaning of article 13, paragraph 3.

2. During the evaluation of the submitted applications, the R.A.E. takes into consideration, apart from the criteria defined in article 3, paragraph 1, the electricity production costs of the Hybrid Plant, according to the submitted proposal, as well as the reduction, on a yearly basis of operation of the Autonomous Electricity System of the Non-Interconnected Island, of the electricity production produced from conventional units because of its replacement from electricity produced from R.E.S.

3. The technical and remaining elements required for carrying out the study foreseen in paragraph 1 are determined by the R.A.E. for each Non-Interconnected Island and are notified by the Operator of the Non-Interconnected Island Grid to anyone interested in the installation of a Hybrid Plant. In order to promote the installation of Hybrid Plants on the Non-Interconnected Islands and support those interested, the R.A.E. may carry out and dispose to them every two years a study, which shall include all necessary information and every useful detail about the development potential of Hybrid Plants

on each island, the proper technologies, the type and size of the units that constitute the Hybrid Plant based on the specific features of the electricity system, along with the electricity production costs of each Autonomous Electricity System of the Non-Interconnected Islands.

4. The licence for electricity production from R.E.S. Hybrid Plants illustrates in details the terms of sale of the electricity produced from the Hybrid Plant to the Operator of the Non-Interconnected Islands, as well as the terms of absorption of the necessary electricity by the Grid. This licence determines also the period, during which the plant is obliged to dispose its guaranteed power.

5. The owner of a licence for electricity production from a R.E.S. Hybrid Plant installed on a Non-Interconnected Island is obliged to sell the produced electricity only to the Operator of the Non-Interconnected Islands who is obliged, within the time limit determined in the production licence, to enter the necessary contracts with the licence owner, including the electricity sale contract, which is foreseen in article 12, paragraph 2.

6. In order to grant a licence for electricity production from a Hybrid Plant that is installed in the System or the Interconnected Grid, the procedure foreseen in the articles 3, 4 and 5 is implemented accordingly.

7. Hybrid Plants with guaranteed power availability may receive electricity from the Grid or the System in quantities that are considered to be necessary to ensure the f their power availability with reservation regarding the restriction foreseen in article 2, paragraph 25, subparagraph b.

## **CHAPTER C INSTALLATION OF ELECTRICITY PRODUCTION PLANTS FROM R.E.S. AND H.E.C. AND DISPOSAL OF ELECTRICITY**

### **Article 7**

#### **Installation and operation of electricity production plants from R.E.S. and H.E.C.**

The electricity production plants from R.E.S. and H.E.C. as well as every project connected to their construction and operation, including the access road works and the works for their connection with the System and the Grid, are allowed to be installed and operate:

a) In a land plot or an area, over which the applicant has the legal rights of use.

b) In forests or forest areas, as long as it is permitted to carry out projects according to law 998/1979 (OJ 289 A) articles 45 and 58, as it is in force, or law 1734/1987 (OJ 189 A) article 13, as it is in force.

c) At sea shores, beaches, seas or on the sea bed, as long as the right of use has been assigned according to law 2971/2001 (OJ 285 A), as it is in force.

### **Article 8**

#### **Installation and Operation Permits**

1. For the installation or expansion of a production plant for electricity from R.E.S. or H.E.C. a relevant permit is required. This permit is issued by decision of the Secretary-General of the Region, in the boundaries of which the plant shall be installed, for all projects classified in the 2<sup>nd</sup> subcategory of category A and in the 3<sup>rd</sup> and 4<sup>th</sup> subcategory of category B according to the provisions of the law 1650/1986 (OJ 160 A) article 3, as it is in force, and the legislative acts issued under its authority. The installation permit is issued within the exclusive time limit of fifteen (15) days from the day the interested person submits the relevant

application together with all supporting documents determined according to paragraph 10. If the responsible Regional Secretary-General does not issue the installation permit within the time limit determined in the previous subparagraph, responsible for its issuing is the Minister of Development, to whom the interested person submits the application together with the accompanying file and the decision of the Environmental Terms Approval (E.T.A.) or certified copies of the documents. The Minister of Development shall issue the permit within thirty (30) days from the day the above mentioned documents were received. For the issuing of the installation permits the Minister of Development receives from the C.R.E.S. secretarial, technical and scientific assistance provided for remuneration, which is determined by joint decision of the Ministers of Finance, Treasury and Development.

2. The installation permit for a R.E.S. or H.E.C. electricity production plant, which belongs to the projects classified in the 1<sup>st</sup> subcategory of category A, as well as for all R.E.S. projects carried out in protected areas Ramsar, Natura 2000, national forests, aesthetic forests, independent from the classification of these projects, according to the provisions of the law 1650/1986, article 3 and the legislative decisions issued under its authority, is issued by joint decision of the Minister of Development and the Minister who is responsible in each case, according to the procedure and within a time limit of thirty (30) days, which is determined in the previous paragraph.

3. For the issue of an installation permit for an R.E.S. or H.E.C. electricity production plant, which are connected to the System or the Grid of the Non-Interconnected Islands, it must be complied with everything else foreseen in the Operation Codes of the island connection.

A summary of the installation permit is published, under responsibility of its owner, in at least one daily newspaper issued in Athens and one local newspaper issued in the Region, in the boundaries of which the plant shall be installed.

4. The installation permit is valid for two (2) years and may be extended for maximum the same time after the application of its owner, as long as:

a) At the end of the two years the project has been carried out and its costs cover 50% of the investment.

b) The project has not began yet for reasons that provably is not due to disregard or neglect of any kind on the part of the installation permit owner, under the condition that the necessary contracts for the supply of the equipment required for the realisation of the project has been concluded. Entering contracts according to the previous subparagraph is not required if a judicial suspension of the installation permit exists.

5. For the operation of the plants foreseen in paragraph one, an operation permit is required as well. This permit is granted by decision of the body that is responsible for granting the installation permit after the submission of the application by the interested person and the control by the competent bodies on fulfilling the technical terms of installation during the testing operation of the plant, as well as the control by the C.R.E.S. on ensuring the required operational and technical features of the plant equipment. The operation permit is issued within the exclusive time limit of fifteen (15) days from the completion of the above mentioned controls, as long as their outcome is positive.

6. The operation permit for a R.E.S. or H.E.C. electricity production plant is valid for at least twenty (20) years and can be extended for an equal period of time. Receiving the operation permit does not

discharge the owner from the obligation of receiving and extending the validation of other permits required under the provisions of the existing legislation. Should the ownership of the plant be conveyed, all rights and obligations of the predecessor in title towards the System or Grid Operator shall pass to the new owner. Should the ownership of the plant be conveyed, the product licence is conveyed to the new owner as well upon the opinion of the R.A.E. After this conveyance the operation permit is modified, by decision of the competent body, to bear the name of the new plant owner.

7. The Environmental Terms Approval for the installation of a R.E.S. or H.E.C. electricity production plant is valid for ten (10) years and can be extended once or several times for the same period each time.

8. The R.E.S. or H.E.C. electricity production plants that are exempted from the requirement of receiving a production licence within the meaning of article 4 do not require an installation and operation permit. In any case, these plants require an environmental permit according to the existing legislation.

9. The competent body of the Ministry of Development keeps a register of the installation and operation permits of R.E.S. or H.E.C. electricity production plants. In this register are classified the installation and operation permits as well as the cases of exemption from the requirement of receiving these licences. Should the production licence be modified or conveyed, the register is updated accordingly and the modification decision, where necessary, are enlisted.

10. The way of organising, keeping and updating the register as well as any other specific issue and necessary detail are regulated by decision of the Minister of Development.

### **Article 9** **Integration of the R.E.S. or H.E.C.** **plants into the System or the** **Interconnected Grid**

1. For the R.E.S. or H.E.C. electricity production plants that are connected to the System or the Grid, except from the Grid of the Non-Interconnected Islands, as long as the safety of the System or Grid is not endangered, the System or Grid Operator is obliged during the dispatching to give priority to:

a) Available generating installations, in which electricity is produced from R.E.S., independent from their installed power load, as well as to hydro-electric units with installed power load up to fifteen (15) MWe.

b) Available generating installations, in which electricity is produced from H.E.C. plants using R.E.S. or from H.E.C. plants using R.E.S. combined with gaseous fuels, independent from their installed power load.

c) Available generating installations, in which electricity is produced from H.E.C. in a different way from the one mentioned in subparagraph b. In this case, priority is given to production facilities with installed power load up to thirty-five (35) MWe.

2. The priority right, which is granted according to the provisions of the previous paragraph, applies for the electricity surplus of the Autoproducers, as long as the superfluous electricity is produced from H.E.C. plants within the meaning of the previous paragraph, subparagraph c, with maximum installed power load up to thirty-five (35) MWe and for the part of the produced energy that does not exceed, on a yearly basis, 20% of the totally produced electricity, which, in any case, should not be more than fifty thousand (50,000) MWh. If the Autoproducer produces electricity from R.E.S. or H.E.C. plants within the meaning of the previous paragraph, subparagraphs a and b, the priority right is given to electricity

production facilities with total installed power load up to thirty-five (35) MWe.

3. During the dispatching, according to paragraph 1, the System or Grid Operator gives to the R.E.S. Units of the Hybrid Plant, which is directly or over the Grid connected to the System, the priority right given to the R.E.S. plants that are not part of the Hybrid Plant, according to paragraph 1, subparagraph a. If for System or Grid operation safety reasons it is impossible to integrate the R.E.S. production unit of the Hybrid Plant to the System or Grid, the priority right of the R.E.S. unit of the Hybrid Plant applies for the percentage of power absorbed by the System or the Grid for the operation of the storage units of the Hybrid Plant, which operate during the dispatching time. This percentage is determined in the production licence of the Hybrid Plant.

4. The controlled production units of the Hybrid Plant that utilise the power stored in the storage system of this plant are integrated into the System according to the provisions of the System Operation Code as they are in force each time for hydro-electric plants with installed power load of more than fifteen (15) MWe.

5. For filling the storage system of the Hybrid Plant, electricity can be absorbed from the System or the Interconnected Grid, as long as a relevant Load Declaration is submitted to the System Operator according to the provisions of the System Operation Code as they are in force each time for hydro-electric plants with installed power load of more than fifteen (15) MWe.

6. Terms, conditions, procedure and any necessary detail about the priority during the dispatching of generating installations according to previous paragraphs are determined in the System Operation Code.

### **Article 10** **Integration of the R.E.S and H.E.C.** **plants into the Non-Interconnected** **Islands**

1. In the Non-Interconnected Islands, their competent Operator is obliged to absorb, under priority, the electricity produced from a R.E.S. plant of a Producer or Autoproducer as well as from the R.E.S. Units of the Hybrid Plant and afterwards the electricity surplus produced by the Autoproducer from the H.E.C. plant.

2. The Operator of the Non-Interconnected Islands Grid gives, during dispatching, priority, according to the previous paragraph, to the electricity production unit of the R.E.S. Hybrid Plant against other Hybrid Plants, as long as it participates in supplying the guaranteed power of the Hybrid Plant according to what is foreseen in its production licence, or as long as electricity is stored in the production unit of the Hybrid Plant. In the last case priority is given for up to the power percentage that is absorbed by the Grid for filling the storage systems of the Hybrid Plant that are connected to the Non-Interconnected Island Grid. This percentage is given in the production licence and it is determined after considering the relevant proposal of the Non-Interconnected Islands Operator. The Operator of the Non-Interconnected Islands Grid gives, during dispatching, priority to the controlled production units for the utilisation of the stored power of the Hybrid Plant against conventional units of the Non-Interconnected Island.

3. Terms, conditions, procedure and any necessary detail about the absorption of electricity from the generating installations by the Operator of the Non-Interconnected Islands according to the provisions of the present article are determined in the Non-Interconnected Islands Operation Code.

**Article 11**  
**Connection of R.E.S. electricity**  
**production plants to the System or the**  
**Grid**

1. If a new R.E.S. electricity production plant is connected to the System or Grid by means of a substation of medium or high voltage, which is outside the plant area, the production licence owner of the connecting station may undertake the connection works from the boundaries of the plant up to the boundaries of the System or Grid, according to law 2941/2001, article 2, paragraph 4, and obtain the Operation of these works, according to the provisions of the respective Operation Codes. For the expropriation of buildings or the establishment of rights in rem on them in favour of the production licence owner of the connecting station, in order to set up the connecting project, the provisions of law 3175/2003 (OJ 207 A), article 15 are implemented accordingly. For the remainder, the provisions of law 2941/2001, article 9, paragraph 8, shall apply *mutatis mutandis*, in favour of the production licence owner. The approvals required for setting up the connecting project, according to the previous subparagraphs, are granted according to the applicable provisions of the existing legislation that regard the owner of the System or Grid.

2. For the construction of the connection project, the production licence owner shall carry out a relevant study, according to the connection terms and standards set by the competent Operator who also approves this study. Before approving the study, the competent Operator notifies to the first degree Local Government Unit the basic features of the study regarding the location of the connection works, in order to inform the owners of the buildings, on which these works shall be installed. Should another user connect to the connection works, the operation of the part of the works used by him is assigned by the production licence

owner of the R.E.S. plant to the competent Operator who shall accede to the rights and obligations. In this case, the ownership of the land used for the connecting works mentioned above, together with the respective connection works, are conveyed to the Grid owner who shall pay a relevant charge for the ownership of the land. The new user pays the production licence owner of the connecting plant a charge, which is defined and paid according to the provisions of System Operation and Electricity Exchange Code for the realisation of expansion works for connection purposes. The charge of land use that is appropriate to the connection works is not charged, according to the above mentioned, if the owner is the State. With the System and Grid Operation Codes, as foreseen in the provisions of law 2773/1999, articles 19 and 23 respectively, the procedure and the criteria for the determination of the charge paid for conveying the ownership of the land and the connecting works, as well as any other relevant matter and necessary detail regarding the implementation of this paragraph's provisions are determined, upon the proposal of the competent Operator and the approval by the R.A.E. The same Codes determine the type and the contents of the contracts for the connection of the R.E.S. plants with the System or the Grid as well as any other relevant matter and necessary detail.

3. The decision of the Minister of Development, with which the System Development Study is approved according to law 2773/1999, article 15, paragraph 2, determines the construction and operation method of the connection works of the Non-Interconnected Island for the connection of R.E.S. plants with this System as well as the apportionment of the relevant expenses based on the installed power load of these plants in relation to the total transportation capacity of the interconnection.

## **Article 12**

### **Sale Contract**

1. In order to integrate the R.E.S. or H.E.C. electricity production plants into the System or Grid, including the Non-Interconnected Islands Grid, according to articles 9 and 10, either the System Operator – if the electricity generating installations are connected to the System either direct or over the Grid – or the Non-Interconnected Islands Operator – if the generating installations are connected to the Non-Interconnected Islands Grid – are obliged to enter an electricity sale contract with the production licence owner.

2. The electricity sale contract is valid for ten (10) years and may be extended for ten (10) more years, unilaterally, upon a written declaration of the producer, as long as this is submitted at least three (3) months before the expiration of the initial contract. The sale contract for the electricity from Hybrid Plants is valid for twenty (20) years and may be extended, according to the terms of this licence, upon a written agreement of the parties, as long as the relevant production licence is still valid.

3. By decision of the Minister of Development upon the proposal of the competent Operator and the opinion of the R.A.E. the type, contents, and the procedure of drawing up the electricity sale contracts, as well as any specific matter or necessary detail are determined according to the provisions of the present article.

or H.E.C. electricity production plant or by means of Hybrid Plant and is absorbed from the System or the Grid according to the provisions of articles 9, 10 and 12 is priced on a monthly basis in accordance with the following:

a) The pricing takes place based on the price in Euros per MWh of the electricity absorbed by the System or Grid, including the Non-Interconnected Islands Grid.

b) The electricity pricing according to the previous subparagraph is based on the data of the following table:

## **CHAPTER D**

### **ELECTRICITY PRICING**

## **Article 13**

### **Pricing of electricity from R.E.S. or H.E.C. plants and Hybrid Plants**

1. The electricity produced by a Producer or an Autoproducer by means of a R.E.S.

Electricity production from:	Electricity Price (€/MWh)	
	Interconnected System	Non-Interconnected Islands
(a) Wind power	73	84,6
(b) Wind power from offshore wind farms	90	
(c) Hydro power utilised by small hydro-electricity plants with installed power load up to fifteen (15) MWe	73	84,6
(d) Solar power utilised by photovoltaic units, with installed power load smaller than or equal to one hundred (100) kW <sub>peak</sub> , installed in properties or legally owned buildings or bordering buildings owned by the proprietor or legal owner	450	500
(e) Solar power utilised by photovoltaic units, with installed power load more than one hundred (100) kW <sub>peak</sub>	400	450
(f) Solar power utilised by units using different technology, other than photovoltaic, with installed power load up to five (5) MWe.	250	270
(g) Solar power utilised by units using different technology, other than photovoltaic, with installed power load more than five (5) MWe.	230	250
(h) Geothermic power, biomass, landfill gases, sewage treatment plant gases and biogases	73	84,6
(i) Other R.E.S.	73	84,6
(j) H.E.C.	73	84,6

The above prices for electricity Autoproducers are valid only for R.E.S. and H.E.C. plants with installed power load up to 35 MW and for the electricity surplus that is disposed to the System or Grid, which may amount up to 20% of the totally produced energy from those plants yearly.

2. In particular, the pricing of electricity produced from plants connected to the low

voltage Grid, takes place every four (4) months.

3. For the pricing of power availability of Hybrid Plants connected to the Non-Interconnected Islands Grid, the pricing of the electricity these plants absorb from the Non-Interconnected Islands Grid, as well as for the pricing of the electricity these Plant supply to this Grid, the following shall apply:

a) Power availability of the Hybrid Plant controlled production unit that is connected to the Non-Interconnected Islands Grid is priced on a monthly basis, in euros per Megawatt of guaranteed power ( $\sim$ /MW). Guaranteed power, the periods, during which this power is supplied, as well as the price, on the basis of which the power availability is priced, are determined in the Hybrid Plant production licence. The estimated construction costs and the standard operation costs of a newly established conventional production plant in the Autonomous Electricity System of the Non-Interconnected Island is taken into consideration for the pricing of the power availability. The price that the Producer receives for the availability of the Hybrid Plant controlled production unit may not be less than the price paid for the availability of the newly established conventional production plant with respective power. Newly established conventional production plant in the Autonomous Electricity System of the Non-Interconnected Island is considered to be the electricity production plant that uses conventional fuel, which is deemed to be constructed during the examination of the application for the granting of a Hybrid Plant electricity production licence with the objective of an uninterrupted electricity supply of the Non-Interconnected Island within the meaning of the Non-Interconnected Island Operation Code.

b) The basic price for the pricing of the electricity produced from the Hybrid Plant controlled production units that utilise the power stored in the storage system and is supplied to the Non-Interconnected Island Grid is determined in the Hybrid Plant production licence. This calculation is conducted based on the estimated electricity production average incremental variable costs that the conventional units of the Autonomous Electricity Systems have during the period of issue of the production licence, in order to cover the electricity needed by the Non-Interconnected Island,

which is covered, in this case, the above mentioned Hybrid Plant conventional production units. The price defined in the first subparagraph cannot be less than price used for pricing the electricity absorbed by the Hybrid Plant from the Grid for filling its storage system, increased by 25%.

c) The price used for the pricing of the total electricity absorbed by the Hybrid Plant from the Non-Interconnected Island Grid for filling its storage system is determined in the Hybrid Plant production licence. This price is calculated based on the average variable production costs of the basis units of the Autonomous Electricity System of the Non-Interconnected Island during the issuing period of the production licence.

d) The total electricity supplied by the Hybrid Plant R.E.S. units directly to the Non-Interconnected Island Grid is priced within the meaning of paragraph 1 according to the type of R.E.S. plant.

e) Electricity produced from the Hybrid Plant R.E.S. units and supplied directly to the Non-Interconnected Island Grid may be set-off with the power absorbed by this Hybrid Plant from the Grid for filling its storage system. The right to set-off is acknowledged following a relevant application by the producer and shall be written in his production licence when issued or modified. In this case, the pricing of the cases c and d refers to electricity calculated of being absorbed or supplied to the Grid, after the above mentioned set-off, as it is explicitly written on his production licence.

4. In case of interconnection of the Non-Interconnected Island to the System the electricity sale contracts concluded between the Non-Interconnected Island Operator and the Producer are still valid, without the possibility of renewal.

5. The procedure, the specific matters and every necessary detail regarding the pricing that takes place according to the present article, paragraph 3, are determined

by decision issued according to article 5, paragraph 3.

6. The prices included in the table of paragraph 1 shall be re-adjusted every year by decision of the Minister of Development, issued following an opinion of the R.A.E. As a basis for this re-adjustment, is considered the weighted average change of the approved tariff of the Public Power Company Plc (DEI A.E.). The DEI Tariff weighted average change means the average of the individual approved changes for each tariff category, as this average is weighted according to the respective electricity – and in accordance with the type of electricity – consumed the previous year.

If no approval of the DEI tariffs is required, in accordance with the relevant existing legislation, the prices in the table of paragraph 1 are re-adjusted by decision of the Minister of Development by 80% of the index of consumer prices as determined by the Bank of Greece. This re-adjustment is conducted in a uniform manner and is valid for all prices of the table.

7. By decision of the Minister of Development, following an opinion by the R.A.E. the price of electricity produced from or absorbed by a R.E.S. Hybrid Plant and this Plant's power availability price may be re-adjusted on a yearly basis according to the factors for determining these prices, within the meaning of paragraph 3, subparagraphs a, b, and c.

#### **Article 14** **Photovoltaic plants**

1. In order to promote the electricity production from photovoltaic plants, R.A.E. draws up a Photovoltaic Plant Development Programme, approved by the Minister of Development. This programme, starting with the entry into force of the present law and ending the 31.12.2020, regards the development of

photovoltaic plants located in the Greek territory with total power at least 500 MW<sub>peak</sub>, for plants connected directly or over the Grid to the System and with total power at least 200 MW<sub>peak</sub>, for plants connected to the Non-Interconnected Islands Grid.

2. By decision of the Minister of Development, issued following a proposal by the Non-Interconnected Islands Operator and an opinion by the R.A.E., the power of 200 MW<sub>peak</sub>, within the meaning of the previous paragraph, is apportioned to the Autonomous Electricity Systems of the Non-Interconnected Islands based on the capacity of each Autonomous Electricity System. A similar decision determines the type, content and procedure of drawing up sale contracts for electricity produced from photovoltaic plants, the procedure for connecting those plants, the determination of the expiry of the programme, as well as any specific matter and necessary detail regarding the operation of these plants within the framework of the Programme.

3. The pricing of the electricity produced from photovoltaic plants, which are part of the Programme, and absorbed by the System, directly or over the Grid, or by the Non-Interconnected Islands Grid, takes place according to the data table in article 13. By decision of the Minister of Development, issued following an opinion by the R.A.E., these prices may change after the start of the Programme, depending on the scopes of the Programme.

### **CHAPTER E** **GUARANTEE OF ORIGIN FOR R.E.S.** **ELECTRICITY**

#### **Article 15** **Issue of Guarantee of Origin**

1. The origin of electricity produced from installations operating legally and using R.E.S. is proven by its producers only with Guarantees of Origin issued by the bodies mentioned in article 16. These guarantees define the source, from which the electricity is produced and state the production date and place and, in the cases of hydro-power plants, the power of those plants.

2. Is the electricity produced from hydro-power plants that use pumping systems for filling their storage tank, the Guarantees of Origin are issued only for the difference between the electricity produced from hydro-power and the electricity absorbed by the System or the Grid for filling the storage tank.

3. Is the electricity produced by utilising biomass, the Guarantees of Origin are issued only for the electricity percentage that corresponds to the biodegradable fraction mentioned in article 2, paragraph 8.

4. By decision of the Minister of Development the issuing of Guarantees of Origin may be foreseen for electricity produced from other energy sources, other than R.E.S.

#### **Article 16**

##### **Issuing and Controlling Bodies of the Guarantee of Origin**

1. Defined as Issuing and Controlling Bodies of the Guarantee of Origin are:

a) The System Operator, for the electricity that supplies the System, directly or over the Grid.

b) The Non-Interconnected Islands Operator, for the electricity that supplies the Non-Interconnected Islands Grid.

c) The C.R.E.S., for the electricity produced from autonomous plants that do not supply the System or the Grid. For this purpose the C.R.E.S. shall install the

adequate measuring devices payable from the Producer that applies for a Guarantee of Origin.

2. The body controlling the Guarantee System is the R.A.E. The R.A.E. supervises, as Competent Authority, in accordance with the provisions of articles 17 and 18, the responsible operation of Electricity Guarantee of Origin System, deals with matters of mutual recognition of the Guarantees of Origin issued by the Competent Authorities of other EU Member States or third countries and cooperates with these Authorities.

#### **Article 17**

##### **Contents and Issuing Procedures of the Guarantee of Origin**

1. The Guarantees of Origin certify the electricity produced within a certain period of time. The Guarantees of Origin shall state, at least, specific period of time, for which they are issued, pure quantity of electricity produced in that period, type of source, from which this electricity derives, installation location of the production plant, installed power load of the plant, Producer and date of issue.

2. For the issue of the electricity Guarantee of Origin the interested producer submits a relevant application to the respective Issuing Body. Guarantees of Origin are issued based on sufficient information and accurate details provided by the Producer for the certification of the electricity origin, such as e.g. the certified measuring data of the System Operator or the Grid Operator or the Non-Interconnected Islands Grid Operator. This information is notified to the Controlling Body on the Producer's responsibility.

3. If there is a reasonable doubt as to the validity and accuracy of the data and information, based on which Guarantees of Origin are issued, the competent Issuing

Body may, by reasoned decision, decide to refuse issuing Guarantees of Origin.

4. Guarantees of Origin certify the electricity production from R.E.S. for a period of at least thirty (30) days. The Competent Issuing body may suspend or modify the Guarantees of Origin or issue new Guarantees, if the conditions for a suspension, modification or issuing of a new Guarantee of Origin are met, within the meaning of the decision issued according to article 18, paragraph 3.

5. If the person that owns the production licence for electricity from R.E.S. changes, the Guarantees of Origin are conveyed by the Competent Issuing Body to the new owner. For this conveyance R.A.E. shall be notified on responsibility of the original owner.

6. Every Issuing Body of Guarantee of Origin keeps a specific register in printed and electronic form. The issued Guarantees of Origin together with all information specified in them as well as any relevant modification or suspension are listed in this register. Every interested person has the right of free access to this specific register.

7. For the Guarantees of Origin issued by the C.R.E.S. according to article 16, paragraph 1, subparagraph c the interested Producer pays a reasonable remuneration. The level of remuneration is agreed for each case between the C.R.E.S. and the Producer, and is respective to the costs of the works that need to be done for the relevant certification. Should a disagreement arise between the C.R.E.S. and the interested Producer regarding the remuneration, the latter is determined by the R.A.E. in a reasoned decision following an application by the Producer.

## **Article 18** **Safeguard Mechanism**

1. In order to ascertain the conditions for issuing the Guarantee of Origin as well as the accuracy of the data and information, based on which the Guarantee is issued, the Issuing Body and all persons authorised by it have free access – subject to compliance with the confidential treatment of business secrets – to the respective production plant and to any data and information referring to this plant. The Producer must facilitate the work of the Issuing Body and the persons authorised by it.

2. If the Issuing Body is the System Operator, the Grid Operator must cooperate with him and provide all information regarded as necessary for scope mentioned in the previous paragraph.

3. For the implementation of the Guarantees of Origin System and its Safeguard Mechanism by decision of the Minister of Development following an opinion of R.A.E. are determined:

a) The procedure and the required documents for the issue of a Guarantee of Origin.

b) The period of time, within which the competent Issuing Body is obliged to reply to the submitted applications and the legal consequences resulting from non-compliance with this obligation.

c) The type and the content of the Guarantee of Origin of each competent Issuing Body.

d) The terms, conditions and procedure of modification, conveyance, suspension and issuing of new Guaranties of Origin.

e) The matters regarding the cooperation of the Issuing Bodies and the Controlling Body with the competent authorities of EU Member States and third countries, as well as the procedure and the conditions of mutual recognition of the Guarantees of

Origin issued by other EU Member States or third countries.

f) Any other specific matter and necessary detail for the implementation of the Guarantees of Origin System and its Safeguard Mechanism.

**CHAPTER F**  
**BODIES FOR INVESTMENT**  
**COORDINATION AND PROMOTION**  
**IN THE R.E.S. AND H.E.C. SECTORS**

**Article 19**

**Committee for the Promotion of Large-Scale Investment Projects for R.E.S and H.E.C.**

1. In the Ministry of Development a Committee for the Promotion of Large-Scale Investment Projects in the sectors of R.E.S and H.E.C. shall be established. This Committee, which is made up by decision of the Minister of Development within three (3) months after the entry into force of this law, is composed of:

a) the Secretary-General of the Ministry of Development, as president,

b) the Secretary-General for Investment and Development of the Ministry for Economic Affairs and Finance,

c) the Secretary-General for Environment, Spatial Planning and Town Planning of the Ministry of Environment, Planning and Public Works,

d) the Secretary-General of the Ministry of Rural Development and Food,

e) the Secretary-General of the Ministry of Culture,

f) the President of the Central Union of Municipalities and Communities of Greece or his deputy, who is appointed by him,

g) the President of the R.A.E. or his deputy, who is appointed by him,

h) the President of the C.R.E.S. or his deputy, who is appointed by him,

i) the Head of the Division for Renewable Sources and Energy

Conservation of the Ministry of Development,

j) the Head of the Division for Electricity Production of the Ministry of Development.

2. The Committee has the task to promote rapidly investments in R.E.S. and H.E.C. projects regarding electricity production plants with installed power load equal to or more than 30 MWe or total budget more than thirty million (30,000,000) euros (Large-Scale Investment Projects for R.E.S. and H.E.C.), as well as to resolve any question arising during the procedure of issuing installation and operation permits for R.E.S. and H.E.C. plants. The Committee shall deal with matters of its competence either on its own initiative or following a sufficiently reasoned request of an interested person.

3. In order to fulfil its task the Committee:

a) Is responsible for a rapid realisation of the above mentioned investments by coordinating and directing the competent authorities according to the relevant procedures that are foreseen in the existing legislation.

b) Examines every case relating to investments mentioned in paragraph 2 and contributes to the resolving of any burgeoning problems by formulating adequate proposals.

c) Mediates in order to remove any challenge or dispute that may arise during the licensing procedure of the R.E.S. and H.E.C. projects between the interested persons and the competent authorities, within the framework of the existing provisions, and appeal for this reason to the administrative heads and the political leadership of the competent authorities.

d) Submits to the Minister of Development and, where appropriate, to the competent Ministers proposals for the promotion of investments in the sectors of R.E.S. and H.E.C. and solutions for dealing with relevant problems.

4. The Committee receives secretarial assistance by the Division for Administrative Support of the Ministry of Development.

**Article 20**  
**R.E.S. and H.E.C. Committee**

1. In the Ministry of Development a R.E.S and H.E.C. Committee shall be established, which is made up by decision of the Minister of Development within three (3) months after the entry into force of this law and is composed of:

a) the Head of the Division for Renewable Sources and Energy Conservation of the Ministry of Development, as president,

b) a representative of the Ministry for Economic Affairs and Finance, appointed by the Minister for Economic Affairs and Finance,

c) a representative of the Hellenic Transmission System Operator (D.E.S.M.I.E.) appointed by its Administrative Board,

d) the Head of the Division for Electricity Production of the Ministry of Development,

e) the Head of the special department of Environment of the Ministry of Ministry of Environment, Planning and Public Works,

f) the Head of the competent division of the Ministry of Rural Development and Food,

g) the Head of the competent division of the Ministry of Culture,

h) a special scientist of the R.A.E. indicated by its President.

2. The Committee has the task to coordinate the competent authorities and provide them with any assistance required for:

a) The granting of installation and operation permits for R.E.S. or H.E.C. plants with installed power load less than or equal to thirty (30) MWe or an

investment budget less than thirty million (30,000,000) euros.

b) Rapid realisation of investments in R.E.S. and H.E.C. sectors.

3. In order to fulfil its task the Committee shall:

a) Examine every case regarding investments in R.E.S. or H.E.C. projects according to paragraph 2 and shall be responsible for the resolving of any burgeoning problems. It shall supervise, among others, the compliance with the procedure, the terms and the deadlines set for the issuing of opinions and the granting of approvals according to the provisions of the present law and the regulations issued under its authority. The Committee shall deal with its matters either on its own initiative or following a sufficiently reasoned request of an interested person or following their referral by the Committee, as foreseen in article 19. For each case that is examined the Committee shall submit a relevant report to the Minister of Development, the competent Ministers and the R.A.E.

b) Submit to the Minister of Development until the 1<sup>st</sup> of February each year a report, in which the most important problems regarding the investments in the R.E.S. and H.E.C. sectors are described and documented, together with proposals for their solution.

4. Call during its conferences, where appropriate, competent directors or officials of other Ministries, or natural or legal persons supervised by the Ministries, as well as representatives of the Hellenic Centre for Investment, representatives of the C.R.E.S., representatives of local and scientific authorities and investors in the R.E.S. and H.E.C. sectors.

5. The Committee shall meet regularly once every two (2) months and holds special meetings when necessary according to its president's judgement.

6. In order to fulfil its task the Committee may cooperate with competent authorities and bodies of the State and the broader public sector that must facilitate its work and provide it in good time with any required element and useful information.

7. The matters of the secretarial, technical and scientific support of the Committee, as well as any specific matter and necessary detail are regulated by a joint decision of the Ministers of the Interior, Public Administration and De-centralisation, Economic Affairs and Finance and Development. Until this decision is issued, the Committee receives secretarial support from the Division for Administrative Support of the Minister of Development.

### **Article 21**

#### **R.E.S. Promotion Reports**

1. By October 1<sup>st</sup> of each year the Minister of Development shall approve a national report on the promotion of the R.E.S. and shall be responsible for the publication of this report in any useful way. This report shall be drawn up by the C.R.E.S. and shall include in particular:

a) Detailed overview of the development of the entry R.E.S. and H.E.C. in the energy balance of the country, as well as the progress made by investments in the R.E.S. and H.E.C. sectors, especially in relation to the achievement of national and community objectives.

b) Identification and notation of the causes and facts that obstruct the increase of electricity production from R.E.S.

c) Comparable data regarding the promotion of R.E.S. in the country, in relation to the remaining EU countries.

The first report shall be drawn up and published by October 1<sup>st</sup>, 2007.

2. By October 1<sup>st</sup> every two years the Minister of Development approves a detailed report regarding the achievement of national indicative objectives and is

responsible for its publication in any useful way.

This report shall be drawn up by the R.A.E. and shall include:

a) Information on the climate factors that may affect the realisation of the above mentioned objectives. The measures that have been taken for the climate changes regarding the realisation of national obligations are specified in the report.

b) Evaluation of the measures mentioned in the previous subparagraph as well as the measures taken for the restriction of legislative, regulatory, administrative or other obstacles in order to speed up the R.E.S. promotion procedures.

c) Proposals on energy policies and implementation measures for the realisation of the national indicative objectives according to the requirements of Community Law.

The first report shall be drawn up and published by October 1<sup>st</sup>, 2008.

3. By October 1<sup>st</sup> every fifth year the Minister of Development approves a detailed report on the achievement of the national indicative objectives and is responsible for its publication in any useful way. This report shall be drawn up by the R.A.E. and shall include:

a) Definition of the national indicative objectives regarding the participation of electricity produced by R.E.S. in the future electricity consumption for the next decade.

b) Description of the measures that have been taken or are examined on a national level for the achievement of the national indicative objectives.

The first report shall be drawn up and published by October 1<sup>st</sup>, 2011.

### **Article 22**

#### **Administrative penalties**

1. By decision of the R.A.E., issued following a hearing of all interested parties according to law 2690/1999 (OJ 45 A)

article 6, a fine from five thousand (5,000) up to five hundred thousand (500,000) euros, depending on the seriousness and frequency of the infringement, shall be imposed in cases that:

a) The competent Operator is not informed according to article 4, paragraph 2.

b) The Minister of Development and the R.A.E. is not informed when a modification of the production licence is not required, according to article 3, paragraph 5.

c) Inaccurate data is stated in the Guarantees of Origin, in breach of the provisions of article 17, paragraph 2.

d) Mandatory requirements of the present law or of the regulations issued under its authority are breached, along with the decisions of the R.A.E. issued according to the provisions of article 5, paragraph 3, or the terms of licences issued according to the provisions of the present law.

The decisions of the R.A.E. issued in the above mentioned cases are published in its internet site.

2. The lowest and upper fine limit foreseen in the previous paragraph may be re-adjusted by joint decision of the Minister for Economic Affairs and Finance and the Minister of Development issued following a proposal of the R.A.E.

3. The fines imposed according to the provisions of the present article are certified in favour of the Greek State and are recovered according to the Code for the Recovery of Public Claims (C.R.P.C.).

4. The imposition of the fines according to the provisions of the present article does not rule out, for the same violation, the imposition of other administrative penalties foreseen by other existing provisions, or criminal penalties according to article 458 of the Penal Code.

5. If provisions of the present law are violated, according to which the licences

foreseen by its provisions are granted, or the terms of these licences are not met, the Minister of Development may, following an opinion of the E.R.A., suspend the above mentioned licences. Licences may be suspended together with the imposition of fines.

### **Article 23**

#### **Consolidation of legislation**

By presidential decree issued upon a proposal of the Minister of Development the provisions of the existing legislation relating to electricity production from any source may be consolidated in one single text. During consolidation it is permitted to change the row of the articles, the definition of their subtitles, to divide the material into sections and chapters, to improve the text syntactically and to undertake any phrasal change, without altering the meaning of the text.

## **CHAPTER G**

### **AMENDED PROVISIONS**

#### **Article 24**

A. 1. In Law 998/1979 (OJ 289 A) article 58, paragraph 2, the first subparagraph is replaced as follows:

“2. In order to carry out structural projects, install electricity transmission and distributions networks, construct substations and, in general, carry out the technical works needed regarding infrastructure and installation of R.E.S. or H.E.C. electricity production plants using R.E.S., which include the works needed for the connection to the System or the Grid, as defined in law 2773/1999 article 2, and the accompanying works, as well as the natural gas and petrol products transmission and distribution network in forests or forest areas, a relevant intervention approval is required. This approval, which is integrated into the

Environmental Terms Approval (E.T.A.), is granted:

a) By the Minister of Rural Development and Food, at issue of the above mentioned decision, as long as it has to do with R.E.S. or H.E.C. projects or activities, for the environmental licensing of which the central environmental authorities of the Ministry of Environment, Planning and Public Works are responsible.

b) By the Secretary-General of the respective region, at issue of the above mentioned decision, following an opinion of the regional forest authority, as long as it has to do with R.E.S. or H.E.C. projects or activities, for the environmental licensing of which the regional and prefecture environmental authorities are responsible.”

2. If there is a case regarding the application of the procedure foreseen in law 998/1979, article 14, for the characterisation, according to the provisions of this law, of an area, where the installation R.E.S. or H.E.C. plant using R.E.S. is planned, the relevant procedure takes place at the same time with the issuing procedure of the E.T.A. decision and the period of time available for its issue is extended for as long as the procedure of article 14 lasts.

B. 1. In law 2244/1994 (OJ 168 A) article 2, paragraph 5, the first subparagraph is replaced as follows:

“In cases of electricity autoproduction plants from Renewable Energy Sources (R.E.S.) or from High-Efficiency Electricity and Heat Cogeneration (H.E.C.), the areas, in which the plant is installed, must share its boundaries with the areas, in which the consumption takes place, or the latter must be supplied by the plant with a direct line.”

2. In the end of paragraph 3, article 5, law 2244/1994 the following phrase is added:

“as well as the works for the connection of the R.E.S. plants.”

C. In law 2773/1999, article 10, paragraph 1, the first subparagraph is replaced as follows:

“a) reserve stations independent of their power, that operate only in case of interruption of the electricity supply because of a damage or incapacity of the System or Grid. If these plants operate for different reasons, as the ones foreseen for, a production licence is required.”

D. In law 2971/2001, article 14, a paragraph 9 is added as follows:

“9. By decision of the Minister for Economic Affairs and Finance foreseen in paragraph 1, the conveyance of the right of use of a sea shore, a beach, a continuous or contiguous marital area or sea bed is allowed, in order to carry out installation works for the R.E.S. electricity plant. These works include, except from those mentioned in paragraph 4, the installation of the substations as well as the construction of everything that is regarded to be necessary for the connection of the plant to the System or the Grid.

For the assignment of the above mentioned right, the interested person submits an application to the competent Public Real Estate Corporation, which he notifies to the Minister of Development. The application is accompanied by a technical description of the project. The Real Estate Corporation transmits the relevant file in three (3) copies, within fifteen (15) days from the submission of the application, to the authority, which is competent for environmental licensing, in order to fulfil the E.T.A. procedure according to the existing provisions.

The E.T.A. decision is transmitted to the competent Real Estate Corporation for the issue of the assignment decision according to the first subparagraph.”

## CHAPTER H FURTHER PROVISIONS

### Article 25

A. 1. Every electricity producer from R.E.S., who is granted a production licence after the entry in force of this law, is charged, from the start of the commercial operation of his plant, with a special charge. This charge corresponds to 3%, before VAT, of the sale price of electricity to the Operator of the System or the Grid or the Non-Interconnected Islands. Producers of electricity from photovoltaic systems are exempted from paying this charge.

2. The amounts that correspond to the special charge according to the previous paragraph are retained by the competent Operator and 80% of it is given to the Local Government Unit (L.G.U.) of first degree, in the administrative boundaries of which the R.E.S. plants are located, and 20% goes to the L.G.U. or L.G.U.s of first degree, in the territorial boundaries of which passes the connection line from the plant to the System or Grid. If the plant is located within the administrative boundaries of more than one L.G.U. the amounts of the special charge are divided among them, depending on the power of the plant units that are installed in the area of each L.G.U., or, if it is a hydro-power plant with installed power equal to or less than fifteen (15) MWe, depending on the length of the pipe part that is installed in each L.G.U. area. If the connection line of the plant to the System or Grid passes through more than one L.G.U. the amounts of the special charge are divided among them, depending on the length of the connecting line that is in each L.G.U. area. The plant connection point is determined by its connection terms that are formulated by the competent Operator.

3. The amounts that correspond to the special charge are registered under a

separate code of budget revenue of each L.G.U. of first degree (“Revenue from Renewable Energy Sources Electricity Production Plants”) and are used exclusively, to 80%, for local development projects in areas within the boundaries of the municipalities or communities, in which the plant is located or through which the connecting line passes and, to 20%, for the rest of the first degree L.G.U. region. During the construction and operation of these projects, a relevant sign with information about the origin of the funds is set under the responsibility of the L.G.U. The L.G.U.s are obliged to submit to the Minister of Development and the Secretary-General of the Region, within the first trimester of every following year, a report with a review regarding the utilisation of the special charge revenue.

4. If in a certain L.G.U. there is no cash transaction authority, the amount from the special charge is given to the Public Tax Authority (D.O.Y.) in favour of the beneficiary L.G.U., which is notified in written.

5. Within the first two months of every year the competent Operators inform the Minister of Development in written about the amounts they paid to each beneficiary the year before.

6. The Secretary-General of the Region reviews the legality of the utilisation by the L.G.U. beneficiaries of the amounts that result from this special charge, according to the provisions of this article and submits to the Minister of Development a relevant report at the end of every year.

7. The procedure as well as any specific matter and necessary detail regarding the implementation of the present article can be regulated by joint decision of the Ministers of the Interior, Public Administration and De-centralisation, Economic Affairs and Finance and Development.

B. 1. The businesses' fixed assets that are assisted according to the provisions of law 3299/2004 (OJ 261 A) for investment projects of electricity production from Renewable Energy Sources (R.E.S.) and High-Efficiency Electricity and Heat Cogeneration (H.E.C.) and correspond to the expenditure of expansion works for their connection to the Grid, become the property of the System or Grid owner, within the meaning of law 2773/1999, as it is in force, as well as the ministerial decisions issued under its authority, by means of an exemption to the provisions contained in law 3299/2004, article 10.

2. The method and criteria for paying the expenditure assistance for construction of the works mentioned in the previous paragraph are regulated by joint decision of the Minister for Economic Affairs and Finance and the Minister of Development, in the cases that more than one are connected to the DEI Grid and matters of apportionment of the connection costs arise including the repayment of sums to the initial connected users.

3. The regulation of the previous paragraphs 1 and 2 applies also to the approving decisions of Investment Projects issued according to the provisions of law 3299/2004, as well as the ongoing applications that have been submitted for their admission under those provisions.

C. At the end of the first row in subparagraph a, paragraph 1, article 10 of law 2323/1995 (OJ 145 A), as it was replaced by article 10 of law 3377/2005 (OJ 202 A), after the word "Kerkira" the comma is deleted and the phrase "and in Chalkidiki prefecture" is added."

D. 1. In paragraph 1, article 3 of law 3438/2006 (OJ 33 A) in rows 13 and 14 the phrase "for which the preventing circumstances mentioned in paragraph 5 apply" is deleted.

2. In article 4 of law 3438/2006 paragraph 3 is added as follows:

"3. To the Special Scientific Secretariat five (5) positions of special collaborators on fixed-term employment contracts governed by private law are recommended, two (2) of President and three (3) of Scientific Secretary of the Council for National Energy Strategy in order to support their work.

The appointments for the above mentioned positions are made by respective decisions of the President and the Scientific Secretary of the Council for National Energy Strategy implemented, as to the remainder, according to the provisions of law 2623/1998 (OJ 139 A)."

#### **Article 26**

1. If, at the competitions carried out by the Hellenic Transmission System Operator S.A. (D.E.S.M.I.E. S.A.) according to the provisions of law 2773/1999, article 15, paragraph 4, as it is in force, a natural or legal person owning an electricity production licence, is awarded a contract, either to the person itself as he stands alone or s member of a consortium or a natural or legal persons union or if this contractor with the previous status is replaced legally, the electricity is modified, where required, to the name of the new person that signs the relevant contracts, or to the name of the person that replaces the contractor, by decision of the Minister of Development, following an opinion of R.A.E. This decision is issued within fifteen (15) days from the submission of the relevant application. In the above mentioned cases the deadline for the submission of objections according to the Production Licence and Electricity Supply Regulation that has been ratified by decision No. Δ5-ΗΛ/Β/Φ.1/17951/ of the 8.12.2000 of the Minister of Development is set to five (5) days from the relevant publication of the intention of the R.A.E. to propose an amendment of the relevant licence.

In order to replace the subcontractor in the contracts that are the object of the above mentioned competitions a relevant approval is required, which is granted by approval of the Minister of Development, following a proposal of D.E.S.M.I.E. S.A. and an opinion of the R.A.E.

2. For the amendment of the electricity plant installation and operation permit mentioned in the previous paragraph, the competent body decides within the exclusive deadline of ten (10) days from the submission of the relevant application. Once the period allowed has expired without any decision being taken, the application file is forwarded without delay to the Minister of Development, who decides on the amendment within ten (10) days from the day the relevant file was received.

3. At the end of paragraph 3, article 15 of law 2773/1999, as it is in force, a subparagraph is added as follows:

“The tender with the lowest price as well may be determined as awarding criterion, according to the previous subparagraph.”

4. The provisions of the present article take effect retroactively from 1.4.2006.

## CHAPTER I FINAL PROVISIONS

### Article 27

1. Applications for granting a R.E.S. or H.E.C. electricity production licence, for which the relevant opinion of the R.A.E. has not been issued, when this law entered into force, are evaluated according to the criteria defined in article 9 of the Production Licence and Electricity Supply Regulation, which has been ratified by the decision No. Δ5-ΗΑ/Β/Φ.1/17951/8.12.2000 of the Minister of Development, and the criterion of the existing law, article 3, paragraph 1,

subparagraph d. For the remainder, paragraph 2, article 3 of this law is implemented.

2. Applications submitted for granting an installation permit, issue of an opinion for a Preliminary Environmental Assessment and Evaluation (P.E.A.E.), the granting of an intervention approval or the issue of a concession decision for a forest area, the issue of a decision for Environment Terms Approval or the issue of an operation permit and for which the relevant administrative act has not been issued until the entry into force of the present law, are evaluated to the provisions that were in force at the time of submission of these applications.

3. Operation permits for R.E.S. or H.E.C. electricity production plants that are valid at the moment the present law enters into force are extended automatically and expire twenty (20) years from their date of issue.

4. Exempted from the implementation of the present law is hydro-power produced from hydro-power plants with installed power load more than twenty (20) MWe.

5. Producers of electricity from R.E.S., whose plants have a commercial function at the time when the present law enters into force, owe from this point on the difference between the special charge for L.G.U. that they already pay and the 2.5% determined in article 25, paragraph 1, until of the five (5) years of their plant's commercial function. For the remainder applies for these producers as well the provisions of second, third and fourth subparagraph of paragraph 1, as well as all other paragraphs of article 25.

6. Paragraph 5, article 2 of law 2244/1994, as replaced by article 24, subparagraph B.1 of the present law, is implemented until the Grid Operation Code and the Code of the Non-Interconnected Island enter into force.

7. Wherever in the existing legislation is referred to law 2773/1999, articles 35 to 39 as it is in force, this reference is considered to be made to articles 9, 10, 12 and 13 of the present law.

8. The owner of the right of operation of the geothermal field must sign, within the period of time determined in the relevant licence a sale contract of the geothermal product with the owner of the production licence, according to the terms and price described in details in the relevant licence.

9. The proportion of electricity produced from R.E.S. in the gross electricity consumption is determined to 20.1% until 2010 and to 29% until 2020, within the meaning of article 3 of the Directive.

10. In order to receive an installation permit for a hydro-power plant after the 22.12.2009 the compilation and approval of a Water Resources Management Plan is required, within the meaning of law 3199/2003 (OJ 280 A) article 7.

11. Sale contracts of electricity from R.E.S. of H.E.C. plants that are valid at the moment of publication of the present law and have not been renewed according to law 2773/1999 article 37, as it is in force, may be extended for ten (10) more years, within the meaning of article 12, paragraph 2. For sale contracts of electricity from R.E.S. or H.E.C. plants that are valid in the course of publication of the present law apply the provisions of article 13.

### **Article 28 Repeal**

After the entry into force of this law the following is repealed:

1. a) The last subparagraph of paragraph 4, article 3, as well as article 10 of law 3175/2003.

b) Paragraphs 1, 2 and 3 of article 35 and articles 36, 37, 38 and 39 of law 2773/1999.

c) Paragraph 4 of article 2, law 2244/1994.

d) Paragraphs 1, 2, 3, 5, 6 and 7 of article 3, law 2244/1994, as it is in force, for the part regarding electricity production from R.E.S. or H.E.C. plants or from reserve electricity production plants. Wherever in the existing legislation is referred to the provisions of these paragraphs for these plants, this reference is considered to be made to the provisions of articles 8 and 24, subparagraph C of the present law.

2. Any other general or specific provision that is in conflict with the provisions of the present law or refers to a matter regulated by this law.

### **Article 29**

1. In article 40 of law 3428/2005 (OJ 313 A) is added a new paragraph 5 as follows: “5. Until the issue of the Operation Code of the E.S.F.A. (National Natural Gas System) within the meaning of article 9 and the approval of the model contracts of Transportation and Use of Storage Installations within the meaning of article 8, paragraph 2, subparagraph a, in order to exercise the right of access to and use of the E.S.F.A. fixed-term contracts are concluded between D.E.P.A. S.A. (Public Natural Gas Company) and the persons that have an access right to E.S.F.A. The conclusion procedure, the content and the terms of these contracts are determined by decision of the Minister of Development, following a positive opinion of the R.A.E.”

### **Article 30**

The third subparagraph of paragraph 1, article 9 of law 2545/1997 (OJ 254 A) that was added by means of paragraph 2, article

30 of law 3325/2005 (OJ 68 A) is replaced as follows:

“Especially in the case of Industrial Parks, Handicraft Parks, Technopolises the suspension of issue of building licenses is raised after the approval of the act of application of town planning.”

### **Article 31**

[...]

### **Article 32**

#### **Regulation of matters relating to total subsidy**

1. In article 1 of law 2860/2000 “Management, Monitoring and Controlling of the 3<sup>rd</sup> Community Support Framework and other provisions” (OJ 251 A) the point k is added as follows:

“k) “Total Subsidy”: The part of an Operational Programme or a Single Programming Document or a Community initiative programme or technical assistance and innovative actions support normally used for reinforcement of local development initiatives, the realisation and operation of which may, according to the Regulation, be appointed to one or more intermediaries according to the terms and conditions of the present law.”

2. Following article 24 of law 2860/2000, article 24A is added as follows:

#### **“Article 24A**

1. The application terms of the total subsidy within the framework of Regional Operational Programmes for small islands and remote island regions, in particular the scope, the object, the body, the way and the size of the subsidy, the procedures, the realisation and operation instruments and the supervision, are determined by joint decision of the Ministers of the Interior, Public Administration and Decentralisation, Economic Affairs and

Finance, Aegean and Island Policy, along with the payment means and procedure of the expenses to the intermediaries mentioned in the next paragraph, for the payment of the several contractors and any other relevant procedural matter.

In case that the total subsidy refers to carrying out studies and technical projects and as long as it is required by the scope, nature and legal framework of the intermediary the decision determines specifically and by derogation from any general or specific provision the awarding and administration of the studies or projects and the responsible bodies, subject to relevant provisions by the Community legislation.

2. In execution of the joint decision of the previous paragraph a decision of the operation authority of the respective Regional Operation Programme is issued, which is approved by the Coordination Committee of paragraph 4 of the present article, with which the total subsidy is integrated into an Operation Programme and its materialisation and management is assigned to one or more intermediaries that are located or represented in the Regions, where the planned measures shall be implemented. The intermediaries, who include local government units, local development organisations as well as non-profit organisations providing services in the public interest, must serve the objectives of public interest, have recognised abilities and experience in the administrative and financial management and long experience in the specific sector, to which the Operation Programme refers and, in general, they must fulfil article 27 of the Regulation. By exception and in restricted and justified situations it is possible to assign it to intermediaries that are not installed or represented in the interested Regions.

The intermediaries may be assigned, by means of programme contract, with the execution of acts relating to the total subsidy by the various competent

authorities of the State, the local administration and by legal persons that are under their supervision and for their account. The intermediaries may have the status of a final beneficiary.

3. The intermediaries that are assigned with the implementation and management of the total subsidy, within the meaning of the previous paragraph, conclude a contract with the Head of Operation Authority of the Community Support Framework, with which the implementation details and supervision procedures of the total subsidy are determined. The above mentioned contract specify, among others, the implementing measures, the beneficiaries selection criteria, the terms and intervention percentages of the Funds, including the use of interests that will probably arise, the controlling, payment and evaluation procedures and any other necessary element.

4. For the coordination, monitoring, evaluation and approval of the total subsidy a Coordination Committee shall be established by the decision mentioned in paragraph 1, which shall be composed of the Minister for the Aegean and Island Policy, as president, the Secretary-General for Investment and Development of the Ministry for Economic Affairs and Finance, the Secretary-General of the Ministry for the Aegean and Island Policy, the Secretaries-General of the Regions of North Aegean, South Aegean and Ionian Sea, and its competencies shall be specified. By the same decision the Technical Secretariat for the support of the Coordination Committee is made up, its staff is determined, the way of operation is determined along with the possible remuneration reimbursement of its members according to the existing legislation.

5. The intermediaries submit to the Coordination Committee for approval:

a) The detailed programme of the total subsidy.

b) The projects and subprojects that shall be integrated.

c) The implementation time scale of the total subsidy.

d) The detailed data about the separate implementation expenditures of the total subsidy and

e) any additional element that is determined by the decision mentioned in paragraph 1.”

### **Article 33** **Entry into force**

The present law enters into force on the date of its publication in the Official Journal, unless determined otherwise in its provisions.

We have ordered the publication of this law in the Official Journal and its execution as a state law.

Athens, June 22<sup>nd</sup>, 2006

THE PRESIDENT OF THE REPUBLIC  
CAROLOS GR. PAPOULIAS

THE MINISTERS

MINISTER OF THE INTERIOR, PUBLIC  
ADMINISTRATION AND DE-CENTRALISATION  
P. PAVLOPOULOS

MINISTER FOR ECONOMIC AFFAIRS AND  
FINANCE  
G. ALOGOSKOUFIS

MINISTER OF DEVELOPMENT  
D. SIOUFAS

MINISTER FOR THE ENVIRONMENT, PLANNING  
AND PUBLIC WORKS  
G. SOUFLIAS

MINISTER OF NATIONAL EDUCATION AND  
RELIGIOUS AFFAIRS  
M. GIANNAKOU

MINISTER OF RURAL DEVELOPMENT AND  
FOOD  
E. BASSIAKOS

MINISTER OF JUSTICE  
A. PAPALIGOURAS

MINISTER OF CULTURE  
G. VOULGARAKIS

MINISTER OF TOURISM  
F. PALLI-PETRALIA

MINISTER OF TRANSPORT AND  
COMMUNICATION  
M. LIAPIS

MINISTER OF MERCANTILE MARINE  
E. KEFALOGIANNIS

MINISTER FOR THE AEGEAN AND ISLAND  
POLICY  
A. PAVLIDIS

Certified and sealed with the Great Seal of the State.

Athens, June 22<sup>nd</sup>, 2006

MINISTER OF JUSTICE  
A. PAPALIGOURAS