

Recently Issued Acts

Litigation

New law on fair trial and on confrontation of denial of justice

Law 4055/2012 was published on March 12, 2012 (Government Gazette Issue A, Vol. 51), introducing new regulations aiming at the improvement of the currently applicable procedures of administration of justice and particularly at a faster and fairer trial, such as the following: Electronic (on line) filing and servicing of law suits, limitation of reasons for postponement as well as of respective time period of postponement to 90 days, limitation of maximum time period for setting of hearing dates for oppositions towards orders for payments, as well as for disputes arising from employment agreements to 60 days, obligatory hearing for petitions for issuance of temporary orders within 2 days from the filing of the respective application, obligatory issuance of decisions for provisional measures within 48 hours etc.

Employment

New law on companies of part-time employment

Law 4052/2012 was published on March 1, 2012 (Government Gazette Issue A, Vol. 41) providing further clarifications with regard to companies of part-time employment, i.e. companies concluding part time employment agreements with employees, who are afterwards employed by third (indirect) employers. Among others, the following main regulations are introduced: The minimum required capital for the establishment of such a company is defined equal to 176.083,00 Euros; employment agreements with indirect employers can in not in any case exceed a term of 36 months; part time

employees are equally treated as any other employees of the indirect employer by applicable labour law; both the companies of part time employment and the indirect employer are liable towards the employees for compliance with all provisions of employment law and social security and insurance regulations.

New informative circular regarding Law 4046/2012 and the respective amendments in the employment status of employees in the private sector

A new informative circular has been issued by the Greek Ministry of Employment, providing additional clarifications with regard to the amendments in the employment status of employees in the private sector, introduced by virtue of Law 4046/2012. According to this circular, reduced minimum basic salaries, i.e. 586,08 Euros (510.95 Euros for young people aged between 18-25 years old), are applicable since February 14, 2012, for all categories of employees in the private sector, paid in compliance with the minimum salary provided by the each time applicable National General Collective Employment Agreement. Furthermore, since February 14, 2012, the duration of collective employment agreements can in no case exceed the term of 3 years, while their grace period is limited to a three months term. Additional clarifications are provided with regard to currently applicable collective employment agreements, while all unilateral applications for arbitration, pending until February 14, 2012, shall automatically be terminated.

Natural resources

Establishment of the Hellenic Hydrocarbon Resources Management S.A.

By virtue of Presidential Decree 14/2012 (Government Gazette Issue A, Vol. 21), a new state owned company under the name Hellenic Hydrocarbon Resources Management S.A. (H.H.R.M S.A) was established. The scope of the company includes: Management on behalf of the Greek State of the exclusive rights for the exploration and exploitation of hydrocarbons, management and monitoring of the existing state agreements, assessment of the potential of the country's hydrocarbons, granting of licenses for exploration of hydrocarbons and conducting of the relevant bidding tenders.

Amendment of the Greek Mining Code

By virtue of article 63 of Law 4042/2012 (Government Gazette Issue A, Vol. 24), articles 84 and 176 of the Greek Mining Code (Presidential Decree 210/1973) were amended, aiming at increasing state revenue from this sector. Accordingly, the lease prices, being calculated as state share to the purchase price of minerals and their products, are being drastically increased. Moreover, the so far existing provision of the Mining Code, according to which no further fees and taxes could be imposed on the mining companies, is being abolished and a Ministerial Decision shall be soon issued to regulate this issue more thoroughly, aiming at sorting out any inactive mining areas, in order for the Greek state to be able to proceed soon to new bidding tenders for interested investors. Worth mentioning in this respect is also the announcement of the Ministry's intention to establish within the next months a National Mining Cadastre, in order to comprehensively register and monitor all available mining areas and their characteristics, many of which have been so far unexploited.

Electricity

Power Transmission Operator & amendments of L.4001/2011

The Independent Power Transmission Operator (IPTO or ADMIE), a wholly owned subsidiary of the "Public Power Corporation S.A." ("PPC"), undertook as of February 1st, 2012 the role of the Power Transmission Operator for the Hellenic Electricity Transmission System and performs the duties of System operation, maintenance and development. The establishment of ADMIE was provided by Law 4001/2011 on the operation of the electricity and natural gas markets which incorporated Directives 2009/72/EC and 2009/73/EC. Law 4001/2011 provided for the control of the Greek State on ADMIE. The same article also provided that any transfer of shares resulting to the change of the state control on ADMIE could be made only subject to ensuring that the management of ADMIE is exercised by members appointed by the Greek State or/ and that major decisions related to the management of the Hellenic Electricity Transmission System are only taken with the assent of the Greek State. A similar stipulation was included regarding the Hellenic Gas Transmission System Operator. Both of these stipulations were abolished by the Act of Legislative Content dated 31.12.2011 (Government Gazette Issue A, Vol. 268) which was ratified by Law 4047/2012 (Government Gazette Issue A, Vol. 31).

Renewable Energy

New feed-in-tariffs for Photovoltaics

On January 31, 2012, Ministerial Decisions YAPE/F1/oik/2262 and YAPE/F1/oik/2266 were issued (Government Gazette Issue B, Vol. 97),

pursuant to which a decrease of the feed-in-tariffs for Photovoltaics was set out. The new tariffs are given below:

Year	Month	Ground mounted systems and Rooftops > 10kWp			Rooftop systems <= 10kWp
		Interconnected systems		Non interconnected islands	
		> 100 kW (€/MWh)	<= 100kW (€/MWh)	Regardless of capacity (€/MWh)	(€/MWh)
2012	February	292,08	328,60	328,60	495,00
2012	August	271,64	305,60	305,60	470,25
2013	February	252,62	284,20	284,20	446,74
2013	August	234,94	264,31	264,31	424,40
2014	February	218,49	245,81	245,81	403,18
2014	August	203,20	228,60	228,60	383,02
For every year n from 2015 onwards		1,3 x AMSPn-1	1,4 x AMSPn-1		- 5% every six months onwards

AMSPn-1: Average Marginal System Price during the previous year n-1

Sports

Law 4049/2012 amending Sports Law (2725/1999) has been voted by the Greek Parliament

Law 4049/2012 which was issued on February 23, 2012 (Government Gazette Issue A, Vol. 35) demonstrates the government's commitment for the confrontation of crucial problems in sports, specifically with regard to issues of sports violence, doping and fixed matches. Older measures are being introduced again, such as the electronic ticket and the stricter punishment of crimes which are

executed during or by reason of sports meetings. Some new stipulations also refer to the prohibition of athletes' transfers in case clubs have debts attested by sports tribunals' judgements, the provisional enforceability of said judgements and the increased duties of the Committee for Professional Sport.

Medicines

New law on medicines and medical prescriptions

Law 4052/2012 was published on March 1, 2012 (Government Gazette Issue A, Vol. 41), providing further clarifications with regard to medicines and the policy on medical prescriptions. Among others, the following main regulations are being introduced: Reduction per 50% of prices of original pharmaceutical products upon lapse of the term of the validation of the National or European Patent due to which they are protected; reduction per 60% of prices of original pharmaceutical products, containing same or similar actor, upon lapse of the protection provided by the National or European Patent; reduction per 10% of prices of new products not protected or certificated with a national or European Patent; obligatory online prescription of pharmaceutical products of any kind as well as obligatory on line registration of all prescriptions of all social insurance foundations; obligation of all doctors to prescribe the actors included in medicines instead of specific medicine-brands; use of generic-off patent drugs instead of original ones or ones covered by patent, containing though the same actor.

Postal services and electronic communications

New law (4053/ 2012) on the regulation of the postal market and on issues of electronic communications

Law 4053/2012 of the Ministry of Infrastructure, Transport and Networks was published on March 7, 2012 (Government Gazette Issue A, Vol. 44) aiming at a) defining the way of transition to a regime of full liberalization of the postal market as from January 1, 2013, by incorporating Directive 2008/6/EC into the Greek legislation, and b) covering the gaps that have been created in the field of electronic communications requiring regulation. On the side of the regulation of the postal market, the law aims at developing the Market, safeguarding the protection of users of such services, improving the quality of the services provided and securing the means of compliance of the postal companies to the competition rules. In this frame, "Hellenic Post SA" ("ELTA") is specifically defined as the universal service provider for the period ending on December 31, 2028.

Railways

New Ministerial Decision on the Railroad Enterprises

Decision F4/oik.1594/107/2012 of the Ministry of Infrastructure, Transport and Networks, which was published on January 1, 2012 (Government Gazette Issue A, Vol. 56) introduces the standards for the licensing of railroad enterprises. The aforementioned decision was issued according to the provisions of: a) Law 3891/2010 which promoted the opening of the rail market and the implementation of rules in competition and b) Presidential Decree 41/2005 which constitutes the compliance of the Greek legislation to the European Directives for the development of the European railways. The Ministerial Decision specifies the procedures under which a rail transport enterprise may acquire access to national railway infrastructure. For the said purpose, a respective license is required (in case the enterprise is not already holder of such a license in another EU-Member State). The said Decision defines the details for the issuance of such licenses by the competent authority (Regulatory Authority for Railways), the documentation which is submitted therewith and the procedure as well as the criteria for railroad enterprises' evaluation.

Banking

Amendments to the measures of due diligence taken by credit institutes in order to prevent money laundering and terrorist financing

The Bank of Greece Governor's Act No 2652/02.29.2012 modifies the Banking and Credit Committee Decision (281-03.17.2009) on the prevention of the use of the Credit and Financial Institutions -supervised by the Bank of Greece- for the purpose of money laundering and terrorist financing and increases the measures of due diligence which must be taken by the said bodies concerning the relationships and transactions which have great risk of tax fraud. For the purpose of determination of tax fraud in relation to their clients, credit institutes are checking among others: the source of tax revenue, the legal form of enterprise as well as the country of its registered seat.

Draft Laws in Legislative Process

Renewable Energy

Implementation of the European Renewable Energy Directive by virtue of the multi-bill of the Ministry of Environment, Energy and Climate Change

The Greek Ministry of Environment, Energy and Climate Change submitted on March 1, 2012 to the Greek Parliament a multi-bill including, among others, provisions on the implementation of the so called European Renewable Energy Directive, i.e. Directive 2009/28/EC. Several cooperation schemes between Member States in the field of Renewable Energy are being introduced, regarding issues such as agreements between Member States (or between Member States and third countries) for the statistical transfer of renewable energy or for the realization of joint projects; such agreements may be taken into account for the purposes of measuring compliance of participating Member States with the mandatory targets set by this Directive with regard to the share of renewable energy in gross final consumption of energy by 2020. In addition to the above, the multi-bill introduces a series of amendments to Law 3468/2006, aiming to confront several problems in the licensing procedure of RES, including stipulations on the realization of RES projects on land of high agricultural productivity as well as on the regulation of environmental licensing issues. Moreover, the bill provides for the issuance of a ministerial decision which may promote PV projects using equipment produced at least per 80% in EU territory, by offering an increased feed-in-tariff per up to 10%.

Project “Helios” also introduced by the multi-bill of the Ministry of Environment, Energy and Climate Change

Project “Helios”, being also introduced by the aforementioned multi-bill of the Ministry of Environment, Energy and Climate Change, serves as a practical example of the cooperation schemes established under the scope of the European

Renewable Energy Directive (2009/28/EC). The target of Project “Helios” is to produce in Greece solar energy generated electricity and export it to other EU Member States with low or expensive RES potential. According to the bill, the whole project shall be managed by a company under the name “PROJECT HELIOS S.A”, to be established and owned by the Greek State. This company shall present potential investors with “turn key” – fully licensed PV-projects in specific state-owned site locations, free of any administrative and bureaucratic barriers, since the licensing procedure shall have already been run by the company itself under highly privileged and accelerated conditions.

Biofuels

Implementation of Directive 2009/30/EC on the establishment of sustainability criteria for biofuels

A series of provisions implementing Directive 2009/30/EC, which sets out certain sustainability criteria for biofuels aiming to promote the reduction of greenhouse gas emissions, is also included in the aforementioned multi-bill of the Ministry of Environment, Energy and Climate Change. Accordingly, energy produced from biofuels shall be taken into account for the purposes of measuring Greece’s compliance with its obligation for 20% share of energy from renewable sources in gross final consumption of energy by 2020, only if biofuels fulfil certain sustainability criteria: Among others, they shall not be made from raw material obtained from land with high biodiversity value (e.g. primary forest, areas designated for nature protection purposes), from land with high carbon stock (e.g. wetlands) or from peatland. Certain rules are also included on the verification of compliance with such sustainability criteria as well as on the calculation of life cycle greenhouse gas emissions from biofuels. Moreover, suppliers are required to reduce life cycle greenhouse gas emissions per unit of energy from fuel and energy supplied by up to 10% by 31 December 2020.

Constructions

Draft law on a new Building Code

On March 8, 2012, the Ministry of Environment, Energy and Climate Change submitted to the Greek Parliament a draft of a new Building Code, aiming at drastically reforming and at the same time fully modernizing the existing building regulations. The new Building Code shall simplify building terms and licensing procedures, while at the same time modern environmental protection aspects and energy efficiency requirements shall be taken into account, e.g. by introducing the concept of the “environmental footprint” of buildings and by promoting bioclimatic building planning.

Company Law

Modernization of legislation on general, limited and silent partnership companies

The Ministry for Development, Competitiveness and Shipping included in its multi-bill submitted to the Greek Parliament on March 22, 2012, a set of provisions aiming to both modernize the provisions of law for partnerships (General Partnership – Omorrythmi Etaireia, Limited Partnership – Eterorythmi Etaireia, Silent/Undisclosed Partnership – Afanis Etaireia) and to create an effective legislative framework for such small and medium sized companies, which form the basis of the Greek economy. The bill’s key provisions comprise changes with regard to the trade name of general or limited partnerships, the acquisition of legal personality following their registration with the General Commercial Registry, the regulation of the partners’ participation, the dissolution of such partnerships, as well as the conversion of a limited liability company to a general or limited partnership.

Electronic communications

New provisions on the organization and operation of the sector of electronic communications

The Ministry of Infrastructure, Transport and Networks included in its multi-bill submitted to the Greek Parliament on March 22, 2012, a set of provisions aiming at defining the frame of provision of networks and services of electronic communications, respective facilities and related services within the Greek territory by incorporating, among others, a) Directive 2009/136/EC regarding the amendment of Directive 2002/22/EC on the universal service and the rights of the users with respect to networks and services of electronic communications; and b) Directive 2009/140/EC regarding the amendment of Directive 2002/21/EC on the access to networks of electronic communications and related facilities as well as their interconnection and Directive 2002/20/EC on the licensing of networks and services of electronic communications. The bill also repeals Law 3431/2006 on electronic communications. As defined in the Statement of Reasons of the bill, its main target is, among others, to constitute a clear institutional framework for the operation of the market of electronic communications in Greece.

Business Opportunities

Land Development

Hellenic Republic Asset Development Fund launches Corfu Real Estate Tender (Kassiopi)

Having been charged with the realization of Greece's unique and ambitious privatization programme, Hellenic Republic Asset Development Fund recently launched the international tender process for the exploitation of a property located in the Kassiopi area of Corfu. The tender offers the exploitation potential of the property, through the sale of the right of surface which will be extended up to one hundred (100) years. The sea-front property of approximately 500,000 m² is located in the north-eastern coastline of Corfu, just 38 km from the city centre, with significant development potential. The first phase of the tender requires potential investors to demonstrate by April 10, 2012 they fulfil certain financial and legal criteria described in detail in the Invitation to submit an Expression of Interest. Pre-selected investors will be invited to submit a Binding Offer, according to the regulations and transparency standards of the European Union.

Natural resources

Two public tenders in the hydrocarbon sector

Two public tenders are already in progress in the hydrocarbon sector in Greece, regarding the conducting of seismic surveys in offshore areas of the Ionian and South Crete Sea as well as the granting of State's rights of exploration and exploitation of hydrocarbons in three areas (Patraikos Gulf, Ioannina and Katakolo). The deadline for the submission of offers with regard to the seismic surveys in the areas of the Ionian and South Crete Sea expired on March 2, 2012, having attracted the interest of 8 major companies. As regards the Ministry's open door invitation for granting and using authorizations for the exploration and exploitation of hydrocarbons in Patraikos Gulf, Ioannina and Katakolo, offers may be submitted in the period up to July 2, 2012. In

addition to the above, many further public tenders (10-15) in this sector are intended to be announced within the next 6 months.

Privatizations

Time schedule for privatization of public sector companies

Law 4046/2012, by virtue of which the PSI Agreement as well as the new Memorandum of Understanding were approved by the Greek Parliament, includes a time schedule with regard to the privatization of public sector companies. According to the said time schedule, within 2012 privatization of following companies shall be completed: DEPA (Public Gas Corporation SA), DESFA (Hellenic Gas Transmission System Operator S.A), ODIE (Hellenic Horserace Betting Organization), OPAP (Hellenic Football Prognostics Organisation), EAA (Hellenic Defence Systems), ELPE (Hellenic Petroleum), EYDAP (Athens Water Supply and Sewerage Company), ELTA (Hellenic Post), Mont Parnes Casino, PPC (Public Power Corporation SA). The following privatizations are scheduled within 2013: ELVO (Hellenic Vehicle Industry), TRAINOSE (Railway Operator) and AIA (Athens International Airport), while further privatizations are scheduled for 2014 (National Lottery, "Egnatia Odos" motorway, Ports, Airports etc).

Privatization of "Public Power Corporation S.A." ("PPC")

The decision on the procedure of privatization of "Public Power Corporation SA" ("PPC") is expected to be announced within March 2012. PPC is listed in the Athens Stock Exchange and the participation of the Greek State is 51%. Its power generation mix includes lignite-fired plants, gas and oil plants as well as hydro and renewable energy. The Privatization of PPC is of major importance not only for Greece, but its completion has also been the subject of discussions with and pressure from Troika.

Privatization of “Thessaloniki Water Supply & Sewerage Company” (EYATH) and “Athens Water Supply and Sewerage Company” (EYDAP)

The tender for the privatization of “Thessaloniki Water Supply & Sewerage Company” (EYATH) which was initially intended to be issued within April or May, 2012 is finally going to be issued in the third quarter of this year, according to a recent statement made by the Chief Executive Officer of the Hellenic Republic Asset Development Fund (HRADF). EYATH has the exclusive right to provide water and sewerage services in the Greater Area of Thessaloniki through an exclusive concession agreement with the Greek State which currently holds 74% of its share capital. According to the same statement, also the tender for the privatization of “Athens Water Supply and Sewerage Company” (EYDAP) shall be issued within the aforementioned time period.

Privatization of “Hellinikon S.A”

The Hellenic Republic Asset Development Fund (HRADF) decided on March 20, 2012 to extend the closing date for the submission of an Expression of Interest in accordance with the requirements of the respective Invitation for the Privatization of the company “Hellinikon S.A.” (former Hellinikon airport area), from March 30, 2012, to April 17, 2012.

Privatization of the “Public Gas Corporation SA” (“DEPA”)

The Hellenic Republic Asset Development Fund (HRADF) decided on March 19, 2012 to extend the closing date for the submission of an Expression of Interest in accordance with the requirements of the respective Invitation for the Privatization of the company “Public Gas Corporation SA” (the incumbent natural gas importer and distributor, holder of 100% of DESFA which holds, operates and develops the National Natural Gas Transmission System, and holder of 51% interests in the Gas Distribution Companies in Attica, Thessaloniki and Thessalia, which supply retail clients in their regions), from March 22, 2012, to March 30, 2012.

Privatization of “Hellenic Football Prognostics Organisation” (OPAP) and “Hellenic Petroleum” (ELPE)

According to a recent statement of the Chief Executive Officer of the Hellenic Republic Asset Development Fund (HRADF), the tenders for the privatization of the “Hellenic Football Prognostics Organisation” (OPAP) and “Hellenic Petroleum” (ELPE) are both about to be issued within May 2012. As regards OPAP, the tender will regard the transfer of 29% of its share capital, which is still state owned; the Greek State holds in total 34% of OPAP’s share capital. As regards ELPE, the tender will regard the full share which the Greek State currently holds, amounting to 35,5%.