

## **Law 3851/2010**

### **“Accelerating the development of Renewable Energy Sources to deal with climate change and other regulations addressing issues under the authority of the Ministry of Environment, Energy and Climate Change”**

#### **Article 1**

#### **National target for R.E.S. (Renewable Energy Sources)**

In Article 1 of law No. 3468/2006 (A' 129) the existing statute is numbered as paragraph 1 while paragraphs 2 and 3 are added as follows:

- “2. The protection of the climate, through the promotion of electrical energy production from R.E.S., constitutes an environmental and energy priority of the highest importance for the country.
3. The national targets for the R.E.S. until the end of 2020, based on Directive 2009/28/EC (EEL, 140/2009), are set as follows:
  - α) Contribution of the energy produced from R.E.S. to the gross final energy consumption by a share of 20%.
  - β) Contribution of the electrical energy produced by R.E.S. to the gross electrical energy consumption to a share of at least 40%. A decision of the Minister of Environment, Energy and Climate Change which is issued within three (3) months from the date this law goes into effect and is published, determines the desired proportion of installed capacity and its distribution in terms of time among the various R.E.S. technologies. This decision is reviewed every two years or less, if there are important reasons related to achieving the goals of Directive 2009/28/EK.
  - γ) Contribution of the energy produced by R.E.S. to the final energy consumption for heating and cooling to a share of at least 20%.
  - δ) Contribution of the electrical energy produced by R.E.S. to the gross electrical energy consumption in transportation to a share of at least 10%.”

#### **Article 2**

#### **License to produce electrical energy from R.E.S. (Renewable Energy Sources) or C.H.P. (Cogeneration of Heat and Power of high efficiency)**

1. Paragraph 1 of article 3 of law No. 3468/2006 is replaced as follows:

“The license to produce electrical energy from R.E.S. and C.H.P. is issued with a decision of the Regulatory Authority for Energy (R.A.E.) based on the following criteria:

  - α) National security.

β) Protection of public health and safety.

γ) The general safety of the installations and related equipment of the System and the Network.

δ) The energy production capacity of the project for which the relevant application is being submitted, production capacity which is determined for R.E.S projects through R.E.S measurement of potential (δυναμικού) and for C.H.P. units from their energy credit balance. Particularly with regard to wind-derived energy potential, measurement readings submitted must have been executed by certified parties, in accordance with standard DIN-EN ISO/IEC17025/2000, as it applies in each particular case.

ε) The maturity of process for the materialization the project, as demonstrated from conducted studies,, from consultations of government statutory stakeholders, as well as from other related information.

στ) Having secured or being able to secure the legal right to use the location where the project is to be installed.

ζ) The ability of the applicant or his shareholders, or partners to complete the project on the basis of his scientific and technological capacity as well as his ability to secure the required funding from personal capital or bank financing of the project or capital from business participation or a combination of these.

η) Securing the provision of services for the common good and the protection of Clients.

θ) The potential to execute the project in compliance with the Special Framework for Spatial Planning and Sustainable Development for R.E.S. and in particular the clauses referring to R.E.S. installation exclusion areas, providing these areas have been marked out in a special and specific way, as well as the clauses regarding the assessment of the capacity in areas where R.E.S. are allowed, so that first and foremost protection of the environment is secured.

ι) The compatibility of the project with the National Action Plan in order to achieve the goals provided for in paragraph 3 of article 1.”

2. Paragraph 2 of article 3 of law No 3468/2006, as it applies, is replaced as follows:

“2. The R.A.E. (Regulatory Authority for Energy), before issuing its decision, may collaborate with the Manager of the System or the Network or the Non-Interconnected Islands for the initial determination of the manner and point of connection of the station to the System or the Network. This determination is made within (20) days from the date R.A.E.’s query is submitted to the Manager without constituting a commitment by the Manager or the R.A.E. for the existence of available electrical space for issuing the Connection Offer.

The R.A.E. examines if the criteria mentioned in Paragraph 1 are met and decides to issue or not a production license within two (2) months from the application submission date, providing the application folder is complete, otherwise, from its completion. The folder is considered complete if no additional information is requested of the applicant in writing within thirty (30) days of its submission.

The decision is published on R.A.E.'s web page and it is forwarded to the Minister of Environment, Energy and Climate Change by the R.A.E. and is published promptly in a daily newspaper with national circulation with responsibility of the beneficiary. The minister ex officio investigates its compliance with the law within twenty (20) days from receiving it.

Within fifteen (15) days of publishing the decision on the R.A.E web page, anyone with a legal stake in it may appeal against it, to challenge its lawfulness.

The Minister passes judgment on the appeal within twenty (20) days from its submission to the Ministry. If this period passes without any action the appeal is considered to have been rejected.

The licensing process is halted until the lawfulness investigation is completed. Following the completion of the lawfulness investigation, the decision of the R.A.E. is entered in the register kept by the Independent Office for R.E.S. of the Ministry of Environment, Energy and Climate Change."

3. The clause (στ') of paragraph 3 of article 3 of law No 3468/2006, is replaced as follows:

"στ) the person or persons, physical or legal, who secure the funding of the project, who may be different from the owner of the license or his shareholders and who have been assessed by the R.A.E. in accordance to criterion (ζ) of paragraph 1 of the present article".

4. Paragraph 4 of article 3 of law No 3468/2006, as it applies, is replaced as follows:

"4. The license to produce electrical energy from R.E.S. and from C.H.P. is granted for up to twenty five (25) years and may be renewed up to another 25 years. If within thirty (30) months of obtaining the production licence no installation permit is issued, the production license automatically loses its validity with the publication of a certification decision of R.A.E.. The following are not counted in the thirty (30) month time period:

- a) The time of suspension by court decision of the production license or any other license or approval necessary for the issuing of the installation permit.

- β) The time lost, which can be attributed to actions or omissions of relevant public authorities or other objective reasons which are unrelated to the owner of the production license.

In the above cases, the beneficiary of the permit, before the expiration of the thirty (30) months, may apply for an extension. The production license continues to be valid until a decision is announced by the R.A.E. on the extension application made.”

5. Paragraph 5 of article 3 of law No 3468/2006, as it applies, is replaced as follows:

“5. In case of change of the elements of Paragraph 3, with the exception of its item ε’, the license for the production of electric energy from R.E.S. or from C.H.P. may be modified by decision of the R.A.E., following relevant application by the owner.

The R.A.E. decides on the modification of the production license, within sixty (60) days from the date of application, as specified in the decision issued according paragraphs 1 and 3 of article 5, providing the folder of documents required is complete, otherwise from its completion. The folder is considered complete if no additional information is requested from the applicant within twenty (20) days of its submission. The decision on the modification is uploaded by the R.A.E. onto its web page and is registered in the register kept by the Independent Office for R.E.S. of the Ministry of Environment, Energy and Climate Change.

No modification of the license to produce electric energy is required in the following cases:

α) If the Installed Capacity or the Maximum Production Capacity of a station producing electrical energy connected to the System or the Network, increases up to ten percent (10%) in total, in relation to the original license, as long as no change in the field is made, other than reduction of its area. In this case, the installation permit foreseen in article 8 is modified, after re-wording of the terms regarding connection of the station by the Manager of the System or the Network. These regulations do not apply to stations included in a special program, as well as in areas with saturated networks. The areas with saturated networks and their ability to absorb capacity in these are determined by decision of the R.A.E. issued following the responsible managers proposal. This decision is made public on the internet by the R.A.E. or in any other favorable way and is communicated promptly to the Independent Office for R.E.S. of the Ministry of Environment, Energy and Climate Change.

β) If there is a change in the home address or the headquarters of the license holder.

γ) If there is a reduction in Installed Capacity or in Maximum Production Capacity of a station producing electrical energy connected to the System or the Network, provided that the reduction does not cause change in the field other than a reduction of its area.

δ) should resulting alterations of specifications of the production license as defined in paragraph 3, not effect evaluation of the criteria mentioned in paragraph 1.

If any of the above situations exist, the owner of the production license is obliged to immediately inform the R.A.E. and the Minister of Environment, Energy and Climate Change with a written statement. The Secretariat of the R.A.E. issues a relevant certificate within a period of ten (10) days from the submission of the statement, which it communicates to the Independent Office for R.E.S. of the Ministry of Environment, Energy and Climate Change and publishes it on the internet or in any other efficient way. If the license owner fail to notify, he will suffer the penalties foreseen in article 22.

During the validity of the production license of an existing wind farm, its disassembly and replacement is allowed, with the possible increase of its installed capacity up to 10% without increase of the installation field, after an assurance regarding the renewal of the production license which is issued by the Secretariat of the R.A.E. In the cases described just above the Connection Offer is granted anew with a simple repetition of the terms in place during the previous period of operation of the station, without any additional terms and limitations.”

6. Paragraph 6 of article 3 of law No 3468/2006, as it applies, is replaced as follows:

“6. The owner of a production license, following a relevant decision by the R.A.E., may transfer his license to other physical or legal persons, as long as the criteria specified in instances α', ζ' and η' of paragraph 1 are met.” License transfer does not qualify as a reason for extension of the 30 months referred to in paragraph 4 of this article.”

7. Paragraph 8 of article 3 of law No 3468/2006, as it applies, is replaced as follows:

“8. Being granted a license to produce electrical energy from R.E.S. or from C.H.P. does not exempt its holder from the obligation to secure other licenses or approvals foreseen by law, such as the approval of environmental conditions and the licenses for installation and operation. Being issued a production license constitutes a prerequisite for the submission of an application to be granted an Approval of Environmental Conditions (A.E.C.). Prior to issuing the production license the authorities ought to examine interested parties written requests for the issuing of a screening opinion regarding the establishment of stations to produce electrical energy, which are required within the framework of the process for environmental licensing, according to current laws.”

8. After paragraph 8 of article 3 of law No 3468/2006, paragraph 9 is added, as follows:

“9. In case of overlapping applications for issuing production licenses to R.E.S. stations in a given area, or in case that the R.A.E. needs to make a comparative assessment of applications due to Spatial Planning regulations or due to limited network capacity, priority in receiving a license will be given to applications submitted by legal entities in which Local Authorities (L.A.), within whose areas the station is to be situated, participate with a share no smaller than 33%. To carry out the assessment mentioned in this paragraph, the applications being compared must have been submitted during a time span which does not exceed twenty (10) days from submission of the first one. It is prohibited, and punished with license withdrawal the transfer to any third party of the shares held by L.A. as is the transfer or passing of the rights that arise from them, in which are included the right to vote at the General Assembly and to receive dividends, for a period of five (5) years from the date the project begins to operate.”

9. Paragraph 9 of article 3 of law No 3468/2006 is renumbered to paragraph 10 and is replaced as follows:

“10. In evaluating applications for the issuing of a license to produce electrical energy from R.E.S. or from C.H.P., which are submitted by legal entities, in whose stock assets or company capital partake at least twenty (20) persons with stock or company participation, at the most, up to one hundred thousand (100,000) each, taken into consideration is the participation in them of a) physical persons who are registered residents of the L.A, of first or of second degree, where the project is to be installed, or b) legal entities that belong to those L.A’s , or c) local associations, or d) urban non profit companies, with headquarters within the administrative boundaries of the L.A’s. If a production license is granted, the deadline in paragraph 4 of article 3 to secure an installation permit is specified at thirty (30) months, and the other clauses of that paragraph apply accordingly.”

10. Paragraph 10 of article 3 of law No. 3468/2006 is renumbered to paragraph 11.

11. In the article 3 of law No 3468/2006, as it applies, paragraph 12 is added, as follows:

“12. During the production license granting, or RES plants exempt from the obligation to attain such a license for RES plants in islands, the applications for the installation of RES plants which are combined with the installation of water desalinization plants , are examined with absolute priority on condition that the installed capacity of RES does not exceed by 25% of the installed capacity of the desalination unit and that contracts for the distribution of the produced water quantities have been signed between the applicant and the General Secretariat for the Aegean and island policy or with the relevant L.As. In these cases, the duration of the license is determined by the duration of

the afore-mentioned contracts. The potential inclusion of the of the aforementioned RES plant is judged based on the results of techno-economic feasibility study which is prepared by the applicant. The electricity produced from the RES plant is recompensed, on an hourly basis, according to the consumption of the desalination plant. The surplus electricity may be committed to the network up to 20% of the produced power, in accordance to the rules applicable for self-producers. The procedure for the granting of the afore-mentioned licenses, the retraction procedure of the license in case of non installation of the desalinization plant and each particular issue and necessary detail on implementation is provided in the Licensing Regulation referred to in paragraph 3 of Article 5.

12. Article 4 of law No 3468/2006, as it applies, is replaced as follows:

“1. Excluded from the obligation to obtain a license to produce electrical energy or any other certification decision are physical or legal persons who produce electrical energy from the following categories of R.E.S. or C.H.P. facilities:

α) Geothermal stations with installed capacity smaller than, or equal to half (0.5) MW.,

β) Biomass, biogas and biofuel stations with installed electrical capacity smaller than or equal to one (1) MW,

γ) Solar (Photovoltaic) stations or solarthermal power stations with installed electrical capacity smaller than or equal to one (1) MWp,

δ) Wind energy facilities with installed electrical capacity smaller than or equal to one hundred (100) kW,

ε) C.H.P. stations with installed electrical capacity smaller than or equal to one (1) MWe,

στ) Stations from R.E.S. or C.H.P. with installed electrical capacity up to five (5) MWe, which are established by educational or research entities of the government or the private sector, for as long as these stations operate exclusively for educational or research purposes, as well as stations established by the Center for Renewable Sources and Saving Energy (C.R.E.S.), for as long as these stations operate to carry out certifications and measurements,

ζ) Autonomous stations from R.E.S or C.H.P. which are not connected to the System or the Network, with installed capacity smaller than or equal to five (5) MWe, with no possibility of altering their autonomous operation. The persons responsible for the operation of these stations in this case, are obliged, prior to installing these stations, to inform the relevant Manager regarding the location, capacity and technology of these stations, and

η) Other stations with installed electricity capacity smaller than or equal to fifty (50) kW, provided these stations use R.E.S. of those specified in

Paragraph 2 of article 2, in a form different from that covered in the previous cases.

The power capacity limit of cases γ) and δ) is valid for the total number of stations which belong to the same physical or legal person and are housed in the same or in an adjacent building. The pricing in this case is calculated on the summative power capacity of the total number of stations.

2. At the end of every second calendar month, the Manager informs the Independent Office for R.E.S. of the Ministry of Environment Energy and Climate Change and the R.A.E. regarding the connection of the stations of the previous paragraph and displays the relevant information on his website.

The stations producing electrical energy from R.E.S. or C.H.P. of paragraph 1 are not allowed to be transferred before they begin their operation. As an exception, their transfer is allowed to legal entities, as long as the company capital of the company to which they are transferred is held in total by the transferring physical or legal party.

3. The authorized Manager is under obligation, following application by an interested party, to proceed with the actions required for the connection of the stations in paragraph 1 with the System or to the Interconnected Network, or to the Non Interconnected Islands, unless there are documented technical reasons that justify rejection of the connection, according to what is specified in the relevant Management Codes, or if there is saturation of networks which is determined by the procedure of the two last verses of instance a' of paragraph 5 of article 3. During this procedure priority order is kept of the applications submitted, which are published by the responsible Manager on his internet page, whilst also informing both the Independent Office for R.E.S. of the Ministry of Environment, Energy and Climate Change and the R.A.E.

4. At the signing of the connection contract the authorized Manager conducts an investigation of the stations under which fall under the categories α) to στ) and η) of paragraph 1, in order to ensure that installation has taken place in a building which belongs to or is legally used by the station entity.

5. α) When the decision of the R.A.E. referred to in last two verses of category α) of paragraph 5 of article 3, is issued by which the possibility of absorbing capacity in areas with saturated network is specified, this capacity is distributed among the stations in paragraph 1 of the present article and the stations producing electrical energy from R.E.S. for which a production license is required based on the investment interest expressed.

β) In the areas of category α) the Authorized Manager is obliged to take the necessary steps for the connection of the stations of paragraph 1 with the System or with the Interconnected Network, or the Network of Non Interconnected Islands based on an order of priority of the applications



submitted, until the limit is exhausted each time. If the party interested does proceed to the commencement of installation work of the station within a year from the signing of the Connection Contract with the System or the Network, for reasons of its own fault, the Connection Offer is withdrawn automatically and the authorized Manager distributes the available capacity to the next in line interested party.

γ) In the areas of case α), about the stations producing electrical energy from R.E.S. which are not exempt of the obligation to be issued a production license, the Authorized Manager decides on issuing a binding Connection Offer to those stations which have already been granted a production license, examining the relevant requests submitted by priority based on the date of issue of the decision for Approval of Environmental Conditions of the station, or in case of exemption from it, by the date of the application, accompanied by a folder complete with documentation, providing the applicant is still interested. If, based on the production licenses issued, it is believed that there is possibility to examine additional requests, the R.A.E. publishes on its web page its interest in receiving and examining requests and it may make a particular invitation with a specific deadline for applications to be comparatively assessed."

13. The first and second verse of paragraph 1 of article 5 of law No 3468/2006, as it applies, is replaced as follows:

"1. To receive a production license, for its modification or recall an application is submitted to the R.A.E., accompanied by all the documents specified in the decision published according to paragraph 3. With the same decision, the particulars of the application and of R.A.E.'s decision as well as their part for publication on the internet or in any other efficient way are specified."

### **Article 3**

#### **Approval of Environmental Impact Assessment and installation and operation licenses**

1. At the end of case στ) of paragraph 6 of article 4 of law No 1650/1986 (160 A'), as modified by article 2 of law No. 3010/2002 (91 A'), the following verses are added as follows:

"No Preliminary Environmental Valuation and Assessment (scoping study) is required for neither the hybrid stations and the stations producing electrical energy from Renewable Energy Sources, nor for the accompanying projects required for the electrical connection to the System or the Network, nor for the on-site road works nor the site access road works . For the approval of the environmental conditions of these projects in the Environmental Impact Assessment which is carried out according to

paragraph 1 of article 5 the criteria are also examined which are required in sub-cases from aa to ee included, in case b, the alternatives, in which "no action" alternative is also assessed, and all the requirements of the European Community and the national legislation regarding public information provision and participation in the consultation and approval process of the project."

2. Article 8 of law No 3468/2006, as it applies, is replaced as follows:

#### "Article 8

#### Licenses

1. A license is required for the installation or extension of a station producing electrical energy from R.E.S. or from C.H.P. This license is granted as long as the conditions in paragraphs 3 and 4 exist, by decision of the General Secretary of the Region, according to the provisions of law No 1650/1986, as it applies, and the regulating acts issued with his approval.

The installation license is granted within a time frame of fifteen (15) working days from the completion of the process of examining the documentation. This examination must always be completed within thirty (30) working days from the submission of the application. If the license is not issued during the aforementioned time span, the authorised General Secretary of the Region is obliged to issue a certifying written statement detailing the reasons for failing to do so. This statement with the entire related folder is forwarded to the Minister of Environment, Energy and Climate Change, who has within 30 days of receiving the above to take the decision as to whether to issue the licence or not. To issue the installation licenses the Center for Renewable Energy Sources may offer secretarial, technical, scientific support in return for a fee, which is determined by the Ministers of Economy and the Environment, Energy and Climate Change.

2. The installation license for a station which produces electrical energy from R.E.S. or from C.H.P., for whose environmental licensing are responsible the Minister of Environment, Energy and Climate Change and the on-occasion co-responsible Ministers, in line with the clauses of law 1650/1986 and the regulating decisions made with his authorization, is issued, as long as the provisions of paragraphs 3 and 4 are fulfilled by decision of the Minister of Environment, Energy and Climate Change. The license is issued within fifteen (15) working days from the completion of the process of examining the documentation which is completed in thirty (30) working days from the date of the application submission.

3. After receiving the production license from the R.A.E. the party interested, in order to be granted an installation license, requests simultaneously for the issuing of:

- α) A Connection Offer from the authorized Manager,
- β) A Decision of Approval of Environmental Conditions (A.E.C.), according to article 4 of law No 1650/1986, as it applies, and
- γ) Permission for intervention in a forest or a forest area, according to paragraph 2 of article 58 of law No. 998/1979 (289 A'), should that be required, or generally the licenses needed for the acquisition of the right to use the installation site of the project.

4. The authorized Manager grants with his decision within four (4) months the Connection Offer requested, which becomes definite and binding:

- α) when the A.E.C. decision (Approval of Environmental Conditions) is issued for a R.E.S. station or,
- β) if no A.E.C. decision is required, with the certificate from the relevant environmental authority of the region that the R.E.S. station is exempt from this obligation.

The Connection Offer stays valid for four (4) years from its finalization and it binds the Manager and the beneficiary.

5. After the Connection Offer becomes binding, the beneficiary takes action:

- α) for acquiring the installation license in line with the present article,
- β) for signing the Connection Contract and the Sale Contract, according to articles 9, 10 and 12 and the Codes for the Management of the System and the Network. These Contracts are signed and go into effect from the granting of the installation license, if required,
- γ) for granting licenses, protocols or other approvals which are possibly required according to the provisions of current legislation for the installation of the station, and which are issued without the requirement to previously obtain the installation license,
- δ) for the modification of the A.E.C. regarding the connection works, if required.

6. For issuing the decision of the A.C.E. for works from R.E.S. or C.H.P. according to article 4 of law No 1650/1986, as it applies, a complete folder and the Environmental Impact Statement (E.I.S) are submitted to the authorised environmental licensing authority.

The authorised authority examines the environmental impacts and the proposed mitigation measures, sees to the compliance of the foreseen consultation and publicising procedures and passes judgement on whether to issue or not an A.E.C. decision within four (4) months from the time the folder was considered complete. The folder is considered complete, if no additional documents have been requested in writing from the party concerned within twenty (20) days from its submission. The licensing authority may not request additional documents of the party concerned

again, apart from clarifications on information already requested in writing.

Particularly, in the case of projects falling under subcategory 3 of the second (B') category of environmental licensing, which are classified by the Regional General Secretary in subcategory 4 of the second category (B'), the A.E.C decision is issued by the Prefect within two (2) months from his receipt of the folder in question.

The statutory consultees to whom the folder is forwarded by the authority responsible for environmental licensing, are obliged to pass judgement on matters of their responsibility whilst taking into account the terms and conditions of spatial zones set out in the Special Framework for Spatial Planning and Sustainable Development for Renewable Energy Sources (B' 2464/2008), as it applies in each case, within the deadlines specified by law or are set by the authorised entity. If they do not answer within the time limits set, the A.E.C. decision is granted without their judgement/consultations, in compliance with the relevant provisions for the protection of the Environment.

7. The A.E.C. decision for the installation of electrical energy producing stations from R.E.S. or C.H.P. is valid for ten (10) years and may be renewed, by application which must be submitted no later than six (6) months before its expiration date, one or more times, for the same length of time each time. Until the publication of the renewal decision the current environmental terms remain in effect. Following the end of operation of the R.E.S. or C.H.P. station, the entity of the station is obligated to remove the equipment over the surface of the ground and restore as much as possible the interventions in line with the terms provided for in the A.E.C. decision or, in case of exemption from it, according to the provisions imposed by the local Regional environmental authority on the occasion of the issue of the exemption decision provided in paragraph 13 of the present article.

8. a) On granting the installation license of stations producing electrical energy from R.E.S. or C.H.P. which are connected to the System, to the Network, or to the Network of Non Interconnected Islands, the regulations provided for in the Management Codes for connection of stations must be followed.

β) During the procedure of issuing a license for installation of a wind driven station, the distance of each wind turbine from the nearest station of the same producer or another is controlled and is decided by irrevocable agreement between the producers of which the R.A.E. is informed as well as the licensing authorities. If no such agreement exists,

the distance may not be shorter than seven times the length of the longest blade. During this inspection only stations which have been issued an installation license are taken into consideration.

9. A summary of the installation license is uploaded onto the web page of the Independent Authority formed according to article 11 of the present and is published with responsibility of its beneficiary, in at least one local newspaper of the Region, within whose limits the station is going to be installed.

10. The installation license is valid for two (2) years and may be extended, at the most, for an equal length of time, by application of its holder, as long as:

- a) on the expiration of the two year period the project has been executed, the expenditure for which covers 50% of the investment, or
- β) no case as above a' exists but the required contracts for the procurement of the equipment needed for the completion of the project have been signed, or
- γ) there is a suspension by court decision of any license required for the execution of the project.

In cases of a) wind farm complexes of total capacity higher than 150 MW, β) wind farms connected to the National Interconnected System via special undersea cable for that purpose, γ) hybrid R.E.S. projects, and δ) other complex R.E.S. projects, the approval of the extension of the validity of the installation license is allowed for a time span equal to that required for the completion of the project, following the submission of a documented request by the beneficiary of the licenses with a schedule of the work attached.

11. An operating license is required for the operation of the stations provided in paragraphs 1 and 2. This license is issued by decision of the entity responsible for issuing the installation license, following application of the party interested and inspection by a team from services authorised with the fulfilment of the technical installation specifications for the trial operation of the station and with securing the required functional and technical characteristics of its equipment, which could be conducted by the Center for Renewable Sources and Saving Energy (C.R.E.S.). The operating license is granted within an exclusive deadline of twenty (20) days from completion of the above inspections, in line with the terms of the decision of the Minister of Environment, Energy and Climate Change provided for in paragraph 15.

For the works in cases a) to δ) of the last verse of the previous paragraph, the publication of partial operating licenses is allowed for their fully completed sections which have technical and operational

independence, following related request by the party concerned. In that case the deadline of the last verse of the previous paragraph is not extended.

12. The operating license of stations producing electrical energy from R.E.S. or C.H.P. is in effect for at least twenty (20) years and may be renewed for up to equal lengths of time. Particularly for the Solar Thermal power stations the minimum time span of validity of the operating license is specified at twenty five (25) years. During the time of validity of the operating license the beneficiary is not exempt from the obligation of the acquisition or the renewal of validity of other licenses required by provisions of current legislation. If the station is transferred, the new beneficiary is substituted, to the Manager of the System, or the Network assuming the rights and obligations of his assignor. In this case, the production license is transferred to the new entity , following a decision issued by the R.A.E. After the transfer the operating license is also modified, by decision of the authorised entity, in the name of the new beneficiary.

13. The stations producing electrical energy from R.E.S. or C.H.P. which are exempt from the obligation to obtain a production license according to article 4, are also exempt from the obligation to obtain an installation license and an operating license. On the contrary, they are obligated to abide by the process of environmental licensing according to article 4 of law No 1650/1986. Photovoltaic stations and wind turbines installed on buildings or on other built structures or inside organised receptacles of industrial activities, are exempt from the obligation of publication of the A.E.C. decision.

Similarly, exempt from the obligation of publication of the A.E.C. decision are the stations producing electrical energy from R.E.S. installed in field courts, as long as their installed electrical capacity does not exceed the following limits per technology:

- 0.5 MW for stations producing electricity from geothermal energy
- 0.5 MW for stations producing electricity using biomass, biogas and biofuels
- 0.5 MW for stations producing electricity from photovoltaic panels or solarthermal power stations
- 20 kW for wind powered stations producing electricity.

The above cases require the issuing of a certificate of exemption within an exclusive 20 day deadline from the authorised environmental entity of the respective Region. Should this period pass with no action taken by the Region, the certificate is considered granted. For the issuing of the

certificate only the installed capacity of the station is examined and if the place of installation does not fall under cases a) to β) of the next verse.

As an exception, stations producing electrical energy from R.E.S. with an installed capacity smaller than or equal to the above limits, are subjected to A.E.C. procedure if they are installed:

α) in fields located within demarcated areas of the Natura 2000 network or in coastal zones at a distance shorter than one hundred (100) meters from the waterline of the shore, apart from uninhabited small islands, and β) in a field which neighbours at a distance shorter than one hundred and fifty (150) meters another field for which a production license has been issued or an A.E.C. decision or a Connection Offer of a R.E.S. station of the same technology and the total capacity of the stations exceeds the above specified limit.

14. In the Independent Office for R.E.S. of the Ministry of the Environment, Energy and Climate Change a register is kept of installation and operation licenses of stations producing electrical energy from R.E.S. or C.H.P. This register, which is uploaded onto the web page of the Independent Office and updated on a monthly basis, the production, installation and operation licenses are entered, as well as the cases of exemption from the obligation of obtaining a production license. A decision of the Minister of Environment, Energy and Climate Change, regulates the method of organizing, storing and updating the register and every other related matter.

15. With regard to the connection contracts, made between the competent system administrator and the electricity generation station bodies from R.E.S and which, in accordance to the provisions of the previous paragraph of the same article, are exempted from the obligation to acquire a production license, an exclusive deadline to connect to the system or network is set, which if not met subjects the parties in question to the forfeiture of penalties or guarantees. The possible income deriving from the aforementioned forfeiture consist of funds deposited to the special account, which is provided for in article 40 of law 2773/1999, and accorded and managed by the HTSO.

A decision of the Minister of Environment, Energy and Climate Change, which is issued within two months from the entry into force of this law, will define the form and amount of the aforementioned penalty and guarantee which will be tiered in accordance to the installed capacity of the plant. The decision will also define the particular terms and conditions for their forfeit, the means by which they are accorded to the HTSO as well as other details necessary for the implementation of this paragraph. Until the Ministerial Decision is published, the competent Administrator

proceeds without impediment to undertake the connection contracts with the aforementioned bodies, who following the publication of the decision are obliged to abide in the provision of the guarantees set by it.

From the obligation to provide guarantees are exempted R.E.S stations of any capacity which are installed on buildings as well as the R.E.S. stations, of any capacity, which have signed a connection contract before this law was put into effect.

16. A decision by the Minister of Environment, Energy and Climate Change specifies the particular procedures for issuing the installation and operating licenses provided for in the present article, the required documents and their submission procedure and every other related matter”.

#### **Article 4**

### **Incorporation and Connection of stations producing electrical energy from R.E.S.**

1. Article 11 of law No 3468/2006, as it applies, is replaced as follows:

#### “Article 11

1. In the event of connection of a new station producing electricity from R.E.S. to the System via an existing substation raising to high voltage (transformer), the owner of the relevant production license may choose the section for the connection, between the central distribution box of medium voltage of the R.E.S. station and the (transformer) substation raising voltage belonging to him. In the event of connection of a new station producing electricity from R.E.S. or of a complex of wind farms to the System via new voltage raising substations (transformers), the owner of the relevant production license may choose the section for the connection, between the central medium voltage distribution box of each R.E.S. station and the terminal voltage raising substation (transformer), and the new terminal voltage raising substation to belong to him, up to the boundaries of the System according to the provisions of the Management Code and in any case, not including the central automatic high or ultra high voltage switch of the substation, whose ownership, management and maintenance belong to the Principal of the System or to the authorised Manager in each case.

In these cases:

- (a) it is understood that the station producing electricity from R.E.S. is connected to the System,



(β) the owner of the relevant production license executes the connection works which belong to him and obtains the management of and the responsibility for the operation and maintenance of these works. The voltage and the other technical and operational specifications of the connection works which are owned by the holder of the relevant production license, are specified by him, under condition of his compliance with the relevant international regulations and the minimum requirements of the Principal of the System and the authorised Manager for the normal connection to and collaboration with the System regarding the power cut protection on the side of high and ultra high voltage as well as the systems of communication and information exchange with the System.

(γ) The holder of the production license has no right to reject the connection of a new producer to the substation, unless the network cannot absorb any more production, which is proven by substantiated opinion of the manager of the electrical system.

The new user makes a payment to the holders of the production license of the stations connected in return for the common connection works, according to the relevant provisions of the Management Code of the System and Electrical Energy Transactions for the materialisation of projects for the connection of a user. By R.A.E. decision it is possible to adopt the more particular methodology of determining the above payment and the manner in which it is to be made. The principal of the common connection works is obliged to execute the commands of the Manager for their operation.

2. For the expropriation of real estate or the imposition of liens on it in favour of the production license holder of the station undergoing connection aiming at the installation of the connection works, the provisions of paragraph 1 of article 15 of law No 3175/2003 (207A') are in force irrespective of the Principal of the connection works. If the Principal owner of the land is the Government, the payment for the use of the land which corresponds to the connection works which belong to the production license holder is calculated on the individual parts of land occupied by the base of the pillars for the transfer of electrical energy of the connection works, while no payment is made for the connection works which belong to the Principal of the System.

3. To the stations producing electricity from R.E.S. and their works for connection to the System or to the Network, the provisions of paragraph 8 of article 9 of law No 2941/2001 (201 A') are applied to the benefit of the production license holder.

4. The type and content of the contracts connecting R.E.E. stations with the System or the Network and every other related matter are specified by

the Management Codes of the System and the Network, provided respectively in the clauses of articles 19 and 23 of law No 2773/1999 (286 A'), as it applies.

5. During the connection of R.E.S. stations to the System, the Manager of the System may impose following justification the execution of additional works or the installation of equipment not required for distributing the energy produced to the System, with the aim of fulfilling additional technical or operational requirements, including the requirement for implementing criterion v-1. The added cost in these cases is determined with documentation among the R.E.S. producer, the Manager and the Principal of the System on granting the Connection Offer and the signing of the Connection Contract and it is covered by the Principal of the System. The Principal of the System recovers this cost, through the mechanism of charging for the use of the System or at the connection of a new user according to the provisions of the Management Code of the System and of Electrical Energy Transactions for the execution of connection works.

6a. Within 6 months of this law being put into effect, the manager of the system conducts the Strategic Plan for the interconnection of the islands , which is incorporated into the Study for the Development of the System (S.D.S.) and approved through the procedure provided in the clauses of case ζ' of paragraph 2 of article 15 of law No 2773/1999. This planning can be specialised for particular projects and modified through the same procedure.

β. The procedure of case a does not suspend the licensing of works for the development of stations using R.E.S. on islands and on small uninhabited islands which are interconnected with the System and in which works for their connection are included."

2. Paragraph β1 of article 24 of law No 3468/2006, as it applies, is replaced as follows: "The transportation of electricity from the point of self-production to the point of consumption, through the electrical grid or the transmission system, paying the rate for the use of the system or the grid, is permitted to self-producers of R.E.S. or C.H.P."

## **Article 5**

### **Price rationalization of energy produced by R.E.S. and C.H.P. stations**

1. Paragraph 2 of article 12 of law No 3468/2006, as it applies, is replaced as follows:

“2. The contract for the sale of electrical energy produced by R.E.S. and C.H.P. stations is valid for twenty (20) years and may be extended, in line with the conditions of the particular license, with a written agreement of the parties, providing that the production license is valid. Specifically the contract for the sale of electrical energy produced by solarthermal power stations producing electrical energy is valid for twenty five (25) years and may be extended as specified in the previous verse.”

2. Paragraph 1 of article 13 of law No. 3468/2006, as it applies, is replaced as follows:

“1. The electrical energy produced by a Producer or Self-Producer through a station used for the production of electrical energy from R.E.S. or from C.H.P. or through a Hybrid Station and is absorbed by the System or by the Network, in line with the provisions of articles 9,10 and 12, is charged, on a monthly basis, according to the following:

α) The pricing is done based on the price, in euro per megawatt (MWh), of the electrical energy absorbed by the System or by the Network, including the Network of Non Interconnected Islands.

β) The pricing of electrical energy in the previous case, with the exception of the electrical energy produced by solar (photovoltaic) stations for which separate prices have been specified by law No 3734/2009 (8A’), as it applies, is carried out on the basis of the following table:

<b>Production of electrical energy from:</b>	<b>Price of Energy (€/MWh)</b>	
	<b>Interconnected System</b>	<b>Non Interconnected Islands</b>
(α) Wind energy exploited through land facilities with capacity greater than 50 kW	87,85	99,45
(β) Wind energy exploited through facilities with capacity smaller than or equal to 50 kW	250	
(γ) Solar (Photovoltaic) equipment of up to 10kW <sub>peak</sub> in the domestic sector and in small businesses (according to special program for buildings – KYA 12323/ΓΓ 175/4.6.2009, 1079 B’ )	550	
(δ) Hydraulic energy exploited	87,85	

through small hydroelectric stations with installed capacity up to (15) MW <sub>e</sub>	
(ε) Solar energy exploited by solarthermal power stations	264,85
(στ) Solar energy exploited by solarthermal power stations with a system of storage, which secures at least 2 hours of operation at the nominal load	284,85
(ζ) Geothermal energy of low temperature according to paragraph 1 στ' of article 2 of law No 3175/2003 (A' 207)	150
(η) Geothermal energy of high temperature according to paragraph 1 στ' of article 2 of law No 3175/2003 (A' 207)	99,45
(θ) Biomass exploited by stations with installed capacity ≤1 MW (excluding the biodisposal part of municipal wastes)	200
(ι) Biomass exploited by stations with installed capacity >1MW and ≤5MW (excluding the biodisposal part of municipal wastes)	175
(ια) Biomass exploited by stations with installed capacity >5MW (excluding the biodisposal part of municipal wastes)	150
(ιβ) Gases emanating from controlled rubbish burial dumps and from sewage treatment plants and biogases with installed capacity of ≤2 MW	120
(ιγ) Gases emanating from controlled rubbish burial dumps and from sewage treatment plants and biogases with installed capacity of >2 MW	99,45

(ιδ) Biogas emanating from biomass (organic remnants of animal farming and of agricultural processed remnants and refuse with installed capacity of ≤3 MW	220	
(ιε) Biogas emanating from biomass (organic remnants of animal farming and of agricultural processed remnants and refuse with installed capacity of >3 MW	200	
(ιστ) C.H.P.	87,85xΣP	99,45xΣP
(ιζ) Other R.E.S. (including stations which exploits the biodisposal part of municipal wastes which fulfil the specialisations of European legislation as applies	87,85	99,45

The prices in cases (ιστ) of the above table concerning C.H.P. stations using natural gas are increased using a factor (ΣP) which is dependant on the natural gas prices which is specified as follows:

$$\Sigma P = 1 + (\text{MT}\Phi\text{A} - 26) / (100 \times \eta_{\text{el}})$$

Where

MTΦA the three-monthly median by unit selling price of natural gas for co-production in €/MWh of higher thermal generating power (H.T.G.P.) to the users of Natural Gas in Greece, excluding the electrical production clients. This price is determined with the care of Public Gas Corporation SA (DEPA) who notifies every three months the Hellenic Transmission System Operator SA (DESMIE).

$\eta_{\text{el}}$  the electrical degree of performance of the C.H.P. clause on natural gas of higher thermal generating power (H.T.G.P.), which is specified at 0.33 for C.H.P. units ≤1MWe, and at 0.35 for C.H.P. units >1MWe. The value of the ΣP cannot be smaller than one.

In the case where the above C.H.P who use natural gas, utilise the emissions for farming purposes the ΣP can increase with a decision of RAE up to 20%

The prices for producers and Self-Producers of electrical energy produced by C.H.P. stations are calculated monthly taking into account the M.T.Φ.A of the last three-months.

The prices in the above chart for Self-Producers of electrical energy are valid only for R.E.S. and C.H.P. stations with installed capacity up to 35MW and for the surplus of electrical energy made available through the System or the Network, which may rise up to 20% of the total electrical energy produced by these stations on an annual basis.

The prices for producers and Self-Producers of electrical energy produced by C.H.P. stations are calculated monthly taking into account the M.T.Φ.A of the last three-months.

- γ) The energy produced by R.E.S. stations, apart from solar and solar-thermal stations, providing the investments are realised without the use of government subsidy, is priced on the basis of the prices of the above table , raised by 20% for cases (α), (δ), (ζ), (η) και (ιζ), by 15% for cases (θ) to (ιε). For case (ιοστ), the rise of 15% is applied on the fixed component of the pricing, providing the investment is realised without the use of a subsidy from national, european or international programme of development law to cover part of the specific expenditure and is neither subject to tax deductions-benefits of any form ..
- δ) The electrical energy produced by R.E.S. stations installed on Non Interconnected Islands or on uninhabited islands of the Greek state, which are connected with the System via independent underwater connection necessary for the distribution of the energy produced, the cost of which burdens in its entirety the holders of the relevant production licenses, with the exception of additional works referred to in paragraph 5 of article 11 of Law No 3468/2006 as it applies in each case, is priced according to the price of item α) for Non Interconnected Islands of the above table, raised by 10% over the percentage determined from the square root of the ratio of the straight distance in kilometres between the exit of the terminal substation for raising the stations and the point of the existing System which are connected through the new connection project, to the ten-fold amount of the total installed capacity of the stations in MW. The additional rise can not be greater than 25%. The additional rise remains valid even after the potential interconnection of the island or the uninhabited island and is added to possible rise as in the previous case γ'.
- ε) The Solarthermal power stations of cases ε) and στ) above are allowed to utilise energy derived from natural gas, LPG, diesel, biodiesel or other biofuels, as long as the use of that energy is considered necessary for the

exploitation of the solar energy. The energy used derived from natural gas, LPG, or diesel cannot surpass 15% of the total energy produced on an annual basis, from units making use of solar energy. This limit may be raised by 5% if biodiesel or other biofuels are used".

3. At the end of paragraph 6 of article 13 of law No 3468/2006, as it applies, the following are added:

"By decision of the Minister of Environment, Energy and Climate Change an additional rise is specified of the price in effect of the energy produced by land based installations of wind derived energy which are installed in places of low wind velocity in Locations of Wind Suitability (L.W.S.) as these were defined by the Special Framework for Land Planning and Sustainable Development for the Renewable Energy Sources (B' 2464/2008), aiming at supporting the establishment of wind farms in these areas. The additional increase must be inversely proportional to the wind capacity of the locations expressed in equivalent operating hours as they are ascertained based on the actual electrical energy produced and accounting for the production efficiency of the wind turbines being used. The above ministerial decision does not include at the time it is issued the contracts in effect for the sale of electrical energy from wind farms in the above mentioned locations. Any modification of the boundaries of the L.W.S. (Locations of Wind Suitability) following the issue of the above decision, does not influence contracts for the sale of electrical energy of wind farms which are in effect at that time."

4. At the end of article 13 of law No 3468/2006, as it applies, paragraph 8 is added as follows:

"8. At the end of every calendar year, the authorised Manager pays each Producer of electricity from wind derived energy connected with the System or with the Interconnected Network, additional remuneration which is equal to the remuneration corresponds to 30% of the energy cuts imposed during the previous calendar year by the authorised Manager according to articles 9 and 10 of this law and the Management Codes for the System and the Network. The above amount of energy cuts is raised every year by a maximum of 100%, so that the total remuneration the station receives is equal to the smallest amount between a) the remuneration it would receive if it operated with 2,000 equivalent hours, and β) the remuneration it would receive if it operated without cuts. The methodology for calculation of the energy cuts is specified by decision of the Minister of Environment, Energy and Climate Change, which is issued following consideration by the R.A.E. following a proposal by the authorised Managers."

5. In paragraph 3 of article 18 of law No 3468/2006 the phrase "by decision of the Minister of Development, following the opinion of the R.A.E." is replaced by the words "with a decision of the R.A.E."
6. Paragraph 3 of article 27A of law No. 3734/2009 is replaced as follows:  
 "The pricing of electric energy produced by photovoltaic stations apart from those in case (γ) of the table of paragraph 1 of article 13 of law No.3468/2006, as it applies, is carried out based on the data of the following table:

Year Month	Interconnected		Non Interconnected
	A	B	Γ (of any capacity)
	>100kW	<=100kW	
2009 February	400,00	450	450
2009 August	400,00	450	450
2010 February	400,00	450	450
2010 August	392,04	441,05	441,05
2011 February	372,83	419,43	419,43
2011 August	351,01	394,89	394,89
2012 February	333,81	375,54	375,54
2012 August	314,27	353,55	353,55
2013 February	298,87	336,23	336,23
2013 August	281,38	316,55	316,55
2014 February	268,94	302,56	302,56
2014 August	260,97	293,59	293,59
For every year v from 2015 on	$1,3 \times \mu\text{OT}\Sigma_{v-1}$	$1,4 \times \mu\text{OT}\Sigma_{v-1}$	$1,4 \times \mu\text{OT}\Sigma_{v-1}$

$\mu\text{OT}\Sigma_{v-1}$  : Average Marginal System Price during the previous year v-1"

7. The cases (β) and (δ) of paragraph 5 of article 27A of law No 3734/2009 are replaced as follows:  
 "β) The prices specified in the above table are readjusted every year, by 25% of the consumer price index of the previous year, as specified by the Bank of Greece. If the price mentioned in this table adjusted as above, is lower than the average Marginal System Price, as it is formed during the previous year, additionally raised by 30%, 40% and 40% respectively for cases A, B and Γ, of the above table, the pricing is carried out based on the average Marginal System Price of the previous year, additionally raised by the corresponding factors above. The prices of electrical energy produced from photovoltaic stations by producers who have signed contracts, which can not be modified according to verse (δ) can not readjusted. The prices for production of electrical energy by photovoltaic stations with capacity lower than 100 kW in the non interconnected network are readjusted according to current regulations which apply to case (Γ) of the above table.  
 δ) Those producers who have signed contracts for the sale of electrical energy from photovoltaic stations and whose stations at the time of this law



being put into effect have began operation, based on the above can either modify their contract, according to the provisions of the above verse using as a reference price of the one corresponding to February 2010 and duration equal to the time left to the twenty year period from the date the stations began to operate, or continue with the execution of the current contract. In the case of continuation of the current contract the annual readjustment of prices follows that of case  $\beta$  of paragraph 5 of article 27A of law No. 3734/2009. If however, they exercise the right to renew their contract, according to the provisions of paragraph 2 of article 12 of law No 3468/2006, the selling price will be commonly agreed, based on the table above, as the one which corresponds to the month and year of the renewal”.

8. The first verse of paragraph 3 of article 14 of law No 3468/2006, as it was replaced by paragraph 8 of article 27A of law No 3734 /2009, is replaced as follows:

“3. By common decision of the Minister of Economy, and Minister of Environment, Energy and Climate Change, and following the consultation of the R.A.E., a Special Program for the Development of Photovoltaic Systems to be installed on buildings and particularly on rooftops and facades shall be established, including those buildings which house Legal Entities for the Public Good (Ν.Π.Δ.Δ.) or Legal Entities for the Private Good (Ν.Π.Ι.Δ) no profit making in nature, in line with the current building terms.”

## **Article 6**

Following article 6 of Law No 3468/2006 is added a new article 6A as follows:

### **Article 6A**

#### **Off shore wind farms**

1. The installation of wind farms for the production of electrical energy within the national sea territory is allowed, according to article 10 of the Special Framework for Spatial Planning and Sustainable Development for R.E.S. (Government Gazette – ΦΕΚ Β 2464/2008) and the decision of the Minister of Environment, Energy and Climate Change which is issued under case  $\beta'$  of paragraph 3 of article 1 of law No 3468/2006, as it applies.
2. With special plans which are subject to undergoing the process of Strategic Environmental Assessment, according to provisions of ΚΥΑ ΥΠΕΧΩΔΕ/ΕΥΠΕ/οικ.107017/2006 (ΦΕΚ Β' 1225), the exact location of off shore wind farms, the sea area they occupy, and their maximum installed electrical capacity is determined. The Strategic Environmental Assessment conducted for this procedure, evaluates in particular issues concerning the

protection of the marine natural and cultural environment and in general of its ecosystems, with an emphasis of the sustainability of the marine flora, fauna and ornitho-fauna, the national security, securing by priority the energy supply of the islands and the safety of shipping.

3. The special plans of the previous paragraph are approved by presidential decree issued by a proposal of the Ministers of Economy, Economics, Competitiveness and Shipping, National Defence, Culture and Tourism and Environment, Energy and Climate Change.
4. For the installation of any off shore wind farm, including the definite Connection Offer of the relevant Operator, a license is published with a decision by the Minister of Environment, Energy and Climate Change, by circumvention of the licensing provisions of the law 3468/2006, as they apply. The particular content of the license, the issuing procedure and any other required detail are defined by Ministerial decision of the Minister of Environment, Energy and Climate Change.
5. Following the issue of the license referred to in the previous paragraph, by decision of the Minister of Environment, Energy and Climate Change, an open public tendering procedure is announced, in line with the provisions of law No 3669/2008 (A'116), for the execution with financing or self-financing of the construction works of the off shore wind farm and its connection to the network, in return for the partial or entire concession of its exploitation by the contractor for a limited time period. The installed capacity of the off shore wind farm can be lower or equal to the maximum power defined in the relative special plan referred to in paragraph 2 of this article.
6. A common ministerial decision issued following the proposal of the Ministers of Environment, Energy and Climate Change and Economy, Competitiveness and Shipping, defines the details regarding the tendering procedure, the tender documents, the selection criteria, the participation in the selection procedure of independent authorities and other administrative instruments, the rights and obligations of the contractors, as well as any other particular subject related to the implementation of the previous paragraph.
7. For the construction and the operation of each off shore wind farm of paragraph 1, the contractor follows the procedure of environmental approval, according to the regulations of article 3 up to 5 of law 1650/1986, as it applies.
8. The operating license of the off shore wind farms the station of paragraph 1 is issued by the Minister of Environment, Energy and Climate Change to the contractor according to the procedure in paragraphs 11 and 12 of article 8 of law No 3468/2006, as it applies.

**Article 7**  
**Special tax and incentive provisions for household consumers**  
**in areas near R.E.S. installations**

1. The third verse of paragraph A.1 of article 25 of law No3468/2006 is replaced as follows:

“The producers of electrical energy from R.E.S. systems on buildings or from photovoltaic systems are exempt from payment of the special tax”.

2. To article 25 of law No 3468/2006, as it applies, after paragraph A.1 the new paragraph A.2 is added which is as follows:

“A.2. The revenue derived from auctions of unused rights for emissions of greenhouse gases, according to paragraph 3.3.1 of the Attachment of article 3 of No.52115/2970/2008 (B’2575) common decision by the Ministers of Economy and Economics, of Development and of Environment, Land Management and Public Works, as well as according to article 7 of the No 54409/2632/2004 (B’1931) common decision by the Ministers of Interior, of Public Administration and Decentralization, of Economy and Economics, of Development and of Environment, Land Management and Public Works consist of revenue of the special account, managed by the Manager of the System for the Transfer of Electrical Energy, S.A. according to article 40 of law No 2773/1999, and to whom it is attributed. The terms and the procedure for carrying out the above auctions are determined by common decision of the Ministers of Finance and of Environment, Energy and Climate Change”.

3. Paragraph A.2 of article 25 of law No 3468/2006, as it applies, is re-numbered as paragraph A.3 and is replaced as follows:

“A.3. The amounts that correspond to the special tax according to paragraph A.1 are withheld by the authorised Manager and attributed as follows:

(i) An amount up to 1% on the, before the V.A.T. selling price of the electrical energy from R.E.S. is passed on to the holders of a supply license who supply electrical energy to the household consumers of the first degree local authorities in which the R.E.S. are installed, with the aim to credit up to the whole of that amount the bills for electrical energy consumption of the household consumers. Beneficiaries for this credit , are by priority the household consumers within the administrative borders of the municipal or community district in which the R.E.S stations are installed, and in turn the household consumers of the remaining municipal or town districts. The credit is applied to the settlement invoice of every beneficiary, in proportion to the energy he consumed, under the condition that in total the above

amount is not exceeded. The credit concerns the energy covered by the bill and is carried out in the following order of priority: up until α) the charge of the first 800 kW hours of each beneficiary consumer, β) the total of the charges for night rates of each beneficiary consumer, γ) the charge for consumptions between 801 and 1,600 kW hours of each beneficiary consumer, and δ) 60% of the charges for consumption over the 1,601 kW hours of each beneficiary consumer, on a four-monthly basis. The credit is clearly written on every regular settlement bill. By decision of the Minister of Environment, Energy and Climate Change published following consultation of the R.A.E., the magnitude of consumption of the above degrees α) – δ) may be altered and degrees may be eliminated and new ones added, to facilitate the implementation of the present paragraph each time.

(ii) An amount of 0.3% on the before V.A.T., selling price of the electrical energy from R.E.S. is passed to The Special Fund for the implementation of Regulatory and Environmental Plans.

(iii) The remaining amount is paid by a share of 80%, to the Local Authority. of the first degree, within whose administrative boundaries the R.E.S. stations are installed and by a share of 20% to the Local Authority or Authorities of the first degree, in whose land the connection line of the station to the System or the Network transcends. If the station is installed within the administrative boundaries of more than one Local Authority, the amount of the special tax distributed to them, is proportional to the capacity of the units of the station installed within the area of each local authority. or, in the case of a hydroelectric station with Installed Capacity lower than or equal to fifteen (15) MWe, proportional to the length of the section of the supply line which is installed in the area of each Local Authority. In the case of point hydroelectric stations, without a supply line, the amounts from the special tax are distributed equally among the Local Authorities within whose boundaries the project is installed. If the connection supply line of the station to the System or to the Network transcends through the area of more than one Local Authority, the amounts of the special tax are distributed to them in proportion to the length of the connection line located in the area of each Local Authority. The point of connection of the station is specified according to its connection terms, which are stipulated by the authorised Manager.”

4. Paragraph A.3 of article 25 of law 3468/2006, as it applies, is renumbered as paragraph A.4 and in its first verse the words “of works for local development” are replaced by the words “of environmental activities, of works for local development and social support”.

5. Paragraphs A.4 to A.7 of article 25 of law No 3468/2006, as it applies, are renumbered as paragraphs A.5 to A.8 inclusive.

### **Article 8**

#### **Modification of regulations enabling to deal more effectively with climate change**

1. The title of article 8 of law 1650/1986, as it applies, is modified to "Measures for the protection of the climate and the atmosphere", its paragraphs 1, 2, and 3 are renumbered as 2, 3 and 4 respectively and a new paragraph 1 is added as follows:  
"1. The institution of appropriate measures promotes, by priority, renewable energy sources, as a means for dealing with climate change, the protection of the atmosphere, the sustainable energy supply of the country, achieving sustainable development and sustainable use of the sources of the national wealth".
2. To article 19 of law No 1650/1986, paragraph 6 is added, as follows:  
"6. As an exception, in the areas (α) of paragraphs 2, 3, 4 and 5 of the present article, with the possible exclusion of sections of these areas which consist of areas of paragraph 1, Wetlands of International Significance (RAMSAR Wetlands) and priority habitats of the State which have been included in the network NATURA 2000 according to decision 200/613/EU of the Commission, as well as β) in the neighbouring areas of paragraph 4 of article 18 of the present law, the installation of stations from renewable energy sources is allowed, as a means for the protection of the climate, under the precondition that the terms and mitigation measures specified, as part of the environmental approval process of the station ensure the preservation of the conservation objectives of the sites. ".
3. In paragraph 1 of article 2 of law No 2742/1999 (ΦΕΚ 207 Α')\_ verse (δ) is added as follows:  
"δ' To the protection of the climate and the atmosphere and the promotion of energy self-sufficiency of the country through the exploitation of Renewable Energy Sources.»
4. In paragraph 2 of article 2 of law No 2742/1999 verse ιβ' is added as follows:  
"ιβ. The promotion of the Renewable Energy Sources by priority, on the principle of the sustainable exploitation of sources of national wealth, in line with the international and EU obligations".

## Article 9

### Land use planning siting issues for renewable energy installations

1. After the third verse of paragraph 1 of article 8 of law 2742/1999 a fourth verse is added as follows:  
"The Regional Frameworks for Spatial Planning and Sustainable Development also include the directions and the program frameworks for the sustainable exploitation of the energy capacity of the regions, with priority on the renewable energy sources, according to paragraph 1 of article 8 of law No 1650/1986, as it applies, and paragraphs 1 verse δ' and 2 verse β' of article 2 of the present law".
2. For the installation of R.E.S. stations only approved, Spatial Frameworks, spatial plans, land use plans and approved studies which have been harmonised to the, Special Framework for Spatial Planning and Sustainable Development for Renewable Energy Sources (ΦΕΚ 2464 Β') and which sufficiently demonstrate that they have taken into consideration and have secured the maximum exploitation of the available R.E.S. capacity. If no such plans exist, the approval of installations of R.E.S. stations is carried out with by implementing the directions provided in the Special Framework for Spatial Planning and Sustainable Development for Renewable Energy Sources (ΦΕΚ 2464 Β') .
3. To article 9 of law No 2742/1999 the following paragraph 3 is added as follows:  
"3. Approved Regional Frameworks for Spatial Planning and Sustainable Development are obliged to be modified and revised so that they may be in harmony with the directions of the General and the Special Frameworks for Spatial Planning and Sustainable Development.  
In the cases of already enacted Regional Frameworks for Spatial Planning and Sustainable Development, of Master Plans (Ρυθμιστικά Σχέδια), General Urban Plans (Γενικά Πολεοδομικά Σχέδια), Zones of Urban Development Control (Ζώνες Οικιστικού Έλεγχου) or other land use plans, the content of which does not cover sufficiently the directions of the Special Framework for Spatial Planning and Sustainable Development for Renewable Energy Sources and until they are harmonised with these directions, the siting of R.E.S. works is carried out by direct and exclusive application of the directions of the Special Framework for Spatial Planning and Sustainable Development for Renewable Energy Sources (ΦΕΚ 2464 Β'). In particular, in Attica it is allowed, according to the above, to install stations producing electricity from R.E.S. by circumvention of the provisions of existing plans for spatial planning, which include the presidential decree "About

modification of the building regulations for the fields which are located outside the boundaries of the Urban development plans (ρυμοτομικά σχέδια) and outside the boundaries of the settlements legally in existence prior to year 1923 of the Attica Prefecture” (707/Δ/13.12.1979) and by implementation of the Special Framework for Spatial Planning and Sustainable Development for Renewable Energy Sources”.

4. The cases ια’ of paragraph 1 of article 6 (Chapter Β), η’ of paragraph 1 of article 14 (Chapter Γ’) and στ’ of paragraph 2 of article 17, as well as the second verse of case α’ of paragraph 2 of article 21 (Chapter Ε) of the Special Framework for Spatial Planning and Sustainable Development for Renewable Energy Sources (ΦΕΚ 2464 Β’) are repealed.
5. To ensure additionally the safe environmental integration of small hydroelectric stations with capacity less than 15MW, the spatial planning siting criteria described in the Special Framework for Spatial Planning and Sustainable Development for Renewable Energy Sources can be specialized with regard to their techniques and other details or to be added to by decision of the Minister of Environment, Energy and Climate Change.
6. At the end of paragraph 3 of article 10 of law No 3028/2002 (ΦΕΚ 153 Α’) as it applies, the following verse is added as follows:  
“By decision of the Minister of Culture and the on occasion co-authorised Ministers, criteria control procedures and any other detail may be specified for the implementation of the present provision”.
7. α) The case α’ of paragraph 6 of article 56 of law No 2637/1998 (ΦΕΚ 200 Α’), as it was replaced with paragraph 37 of article 24 of law No 2945/2001 (Α’223), is replaced as follows:  
“6. α) In agricultural land parcels which are designated by the Directorate of Agricultural Development of the local Prefecture as agricultural land of high productivity, the exercise of any other activity, apart from agricultural exploitation and production of electrical energy from R.E.S. stations is prohibited. Any intervention in land parcels, either for the modification of their purpose and their allocation for other uses either for the execution of works or for the creation of facilities or for the provision of other services within them, even without modification of the their intended use, constitutes special measure and is always carried out following the conditions and the requirements which are defined by a common decision of the Ministers of Agricultural Development and Food and of Environment, Energy and Climate Change which is issued within two (2) months from the date this law goes into effect and only for reasons which serve the farming character of the agricultural exploitation or the installation of R.E.S. stations. This prohibition does not apply for what concerns the execution of military works, which concern the national defence of the

country, nor the execution of large development works of the Public sector and Local Authorities of the first and second degree.

In particular, the production of electrical energy from R.E.S. is prohibited on agricultural land parcels in Attica which are designated as agricultural land of high productivity and in other areas of the Nation which have already been designated as land of high productivity by approved Master Plans (Γ.Π.Σ.) or Land Use and Development plans at municipal level (Σ.Χ.Ο.Ο.Α.Π.) of law No 2508/1997 (ΦΕΚ 124 Α'), as well as Zones Urban Development Control (Z.O.E.) of article 29 of law 1337/1983 (ΦΕΚ 33 Α), unless provided otherwise by these approved plans.

With the reservation of the previous verse, the production of electrical energy from photovoltaic stations on agricultural land parcels which has been designated as agricultural land of high productivity is allowed. In this case a license is issued only if the photovoltaic stations had already been granted a license to produce electrical energy or, in case of exemption, binding connection offers from the authorised Manager, covering land areas which do not exceed 1% of the total cultivated land of the Prefecture in question.

For the implementation of the clause of the previous verse the data from the Annual Agricultural Statistical Research of the year 2008 of the General Secretariat of the National Statistics Service of Greece are used. For the calculation of the coverage, the horizontal projection of the photovoltaic elements on the ground is taken into account. By common decision of the Ministers of Agricultural Development and Food and of Environment, Energy and Climate Change special terms may possibly be set for agricultural land parcels which are designated as agricultural land of high productivity, such as the maximum land cover per station, the minimum distance from the boundaries of the field of the station, restriction regarding the method of foundations and obligations for the restoration of the field following the decommissioning of the R.E.S electricity production units..

8. The third verse of paragraph 4 of article 3 of law No 2244/1994 (ΦΕΚ 168 Α'), as it was added with paragraph 7 of article 2 of law No 2941/2001 and was replaced with paragraph 9 of article 27A of law No 3734/2009, is replaced as follows:

"For the installation of photovoltaic systems and wind turbines no building license is required, but approval of small scale construction work from the authorised Planning Directorate. Particularly for installation of photovoltaic systems and small wind turbines on buildings and other structures, instead of issuing an approval of small scale construction work, it is possible, by decision of the Minister of Environment, Energy and



Climate Change, that only notification regarding these works to the relevant planning authority may be required”.

## **Article 10**

### **Application of R.E.S. on buildings**

1. Paragraphs 3 and 4 of article 2 of law No 3661/2008 (ΦΕΚ 89 Α') are replaced as follows:
  - “3. Energy inspection: The process of evaluating actual energy consumption, the factors that influence it, as well as the methods for improvement for energy saving in the buildings sector. The energy inspections are carried out by the energy inspectors of the next paragraph, as well as by legal entities.
  4. Energy inspector: a physical person who carries out inspections of buildings or/and boilers and heating installations or/and air conditioning installations, who has obtained a license to that effect.”
2. Paragraph 2 of article 4 of law No 3661/2008 is replaced as follows:

“2. Before commencement of construction of all new buildings, regardless of area covered, a study must be conducted and submitted to the relevant Planning Authority, in conjunction with the study of paragraph 1 of article 3 and which includes the technical, environmental and economic rationale for the installation of at least one of the alternative energy supply systems, such as decentralised energy supply systems based on renewable energy sources, on co-production of electricity and heat, systems for heating or cooling at a scale of a district or a building block, as well as heat pumps whose seasonal SPF (Heating Seasonal Performance Factor) is greater than  $1.15 \times 1/\eta$ , where  $\eta$  is the ratio of the total gross electrical energy production to the consumption of primary energy for the production of electrical energy in line with European Community Directive 2009/28/EU. The price of  $\eta$ , SPF must be greater than 3.3 until it is determined by law.”
3. To article 4 of law No 3661/2008 paragraphs 3 and 4 are added as follows:

“3. For buildings for which a planning building application is submitted to the relevant Planning authority after the 1.1.2011 it is obligatory that part of the hot water use needs are covered by solar panels. The minimum percentage of the solar share on an annual basis is specified at 60%. This requirement is waived for the exceptions mentioned in article 11, and when the hot water use needs are covered by other energy supply systems based on renewable energy sources, by co-production of electricity and heat, by systems of distant heating at a scale of district or

building block, as well as by heat pumps with an SPF (Seasonal Performance Factor) in line with the provisions in paragraph 2. Inability to comply with the above percentage requires sufficient technical documented proof according to current legislation and prevailing conditions.

4. No later than 31.12.2019, all new buildings will have to cover the total of their primary energy consumption with energy supply systems based on renewable energy sources, co-production of electricity and heat, systems of distant heating at a scale of district or building block, as well as by heat pumps with an SPF (Seasonal Performance Factor) in line with the provisions of paragraph 2 of the present article. For the new buildings housing services of the government and the broader government sector, this obligation will have to go into effect no later than 31.12.2014.”

4. Article 5 of law No. 3661/2008 is replaced as follows:

“Article 5

Existing buildings

Buildings undergoing radical renovation regardless of their size, their energy efficiency is upgraded, to the degree that is technically, operationally and economically feasible, so that it will fulfil the minimum requirements for energy efficiency, as they are specified in the Regulations. These requirements are instituted either for the renovated building in its entirety, or only for sections being renovated or for its structural elements, should they consist part of a renovation which has to be completed within a limited time frame, aiming at improving the overall energy efficiency of the building”.

5. Paragraph 4 of article 6 of law No 3661/2008 is replaced as follows:

“4. The energy certification of horizontal properties as defined in article 1 of law No 3741/1929 (ΦΕΚ 4 Α') and of properties as defined in article 1 of legislative decree 1024/1971 (ΦΕΚ 322 Α') is based either on individual certifications of horizontal properties or on common certification of the entire building, as long as it concerns a building complex with communal systems. The expenditure for the issuing of the energy efficiency certificate of a building, burdens, in each case, the principal or the co-principals of the entire building, according to the percentage of co-proprietorship of each one.

6. Article 7 of law No 3661/2008 is replaced as follows:

“Article 7

Boilers inspections

1. In order to reduce the energy consumption and limit carbon dioxide emissions an inspection is carried out by the energy inspectors of the boilers of those buildings heated with ordinary fossil fuels, as follows: a)

at least every five (5) years, of boilers with total net nominal capacity of twenty (20) to one hundred (100) kW, β) at least every two (2) years, for boilers with a total net nominal capacity greater than one hundred (100) kW and, if they are heated with gas fuel, at least every four (4) years. The inspectors prepare a report, in which the efficiency of the boiler is evaluated and instructions and recommendations are set down for its adjustment, maintenance, repair or replacement, should this be judged necessary.

2. Heating installations older than fifteen (15) years and with boilers of total net nominal capacity higher than twenty (20) kW are inspected, in their entirety, by the energy inspectors only once, at a time and with the procedure specified in the Regulations. The inspectors draw up a report, in which the efficiency of the boiler is assessed as well as its dimensions in relation to the energy needs of the building and instructions and recommendations are set down for possible required replacement of the boiler, modification of the heating system and alternative solutions.”

7. Paragraph 1 of article 8 of law No 3661/2008 is modified as follows:

“1. To reduce energy consumption and limit carbon dioxide emissions, an inspection is carried out by the energy inspectors of the air conditioning installations of buildings, with total net nominal thermal / cooling capacity higher than twelve (12) kW, at least every five (5) years. The inspectors prepare a report, in which the efficiency and the dimensions of the air conditioning installation in relation to the energy needs of the building and provide suitable instructions and recommendations for the improvement or replacement of the air conditioning installation.”

8. Article 9 of law No 3661/2008 is replaced as follows:

#### “Article 9

Building inspectors and inspectors of boilers and air conditioning installations

1. By presidential decree, issued following a proposal by the Ministers of Interior Decentralization and e-Governance, of Finance, of Environment, Energy and Climate Change, of Education, Lifelong Learning and Religion, the following are specified:

a) the qualifications of the building inspectors and of the inspectors of boilers and air conditioning installations, the rules and principles that govern the execution of their work, the authorities and the duration of their training, the method and procedure for their evaluation and their award of the related certificate following examinations,

β) the bodies, procedure and requirements for issuing licenses for carrying out energy inspections, the levels of licenses and the matters that concern the registration of the inspectors to the relevant registers, as well as the terms, the procedure and the prerequisites for granting temporary licenses,

γ) the remuneration of the energy inspectors, attributes-capacities incompatible with their work, administrative sanctions and monetary penalties to be imposed, the bodies, the procedure and prerequisites for imposition of sanctions and penalties, the level and grades of penalties and the criteria for deciding their magnitude, the administrative appeals against the sanctions, the time limits for exercising them, and every other related matter. The remuneration of energy inspectors may be readapted by common decision of the Minister of Finance and the Minister of Environment, Energy and Climate Change as well as.

δ) the formation of a committee, which passes judgement on granting or removing the license of an energy inspector and advises and poses recommendations to the Minister of Environment, Energy and Climate Change, on all measures and matters related to the energy inspectors and to the subject of Energy inspections.

By common decision of the Minister of Environment, Energy and Climate Change and the Minister of Education, Lifelong Learning and Religion, the more particular subjects regarding the training of energy inspectors are specified, such as the minimum specifications and prerequisites the education authorities must fulfil, the qualifications of the trainers, the cost of the training program, the curriculum and teaching material, the procedure and method of the examinations, the assessment of candidates and every other related matter.

By similar decision, subjects to do with the application of procedural matters regarding the training of prospective energy inspectors are specified and a supervisory committee is established for the proper implementation of these matters.

2. For the inspectors registration to the respective registers and for the register management a one-off surety fee is paid of one hundred fifty (150) euro and an annual fee of one hundred (100) euro respectively. These amounts are collected by the tax offices and paid to the Special Fund for the Implementation of Regulatory and Environmental Planning (E.T.E.P.Π.Σ.).

For participation of those interested in the examinations for the acquisition of the energy inspector's license a surety fee of one hundred fifty (150) euro is paid to the authority holding the examinations.

By common decision of the Ministers of Finance and of the Environment, Energy and Climate Change, the above amounts of the surety fees may be readjusted.

3. The Special Service of Energy Inspectors (E.Y.EΠ.EN. - S.S.E.I.) foreseen in paragraph 4 of article 6 of law No 3818/2010 (ΦΕΚ 17 Α') maintains, in electronic form, a Building Inspections File, into which in

separate accounts are entered: α) the energy efficiency certificates of the buildings, β) the boiler inspection reports of the buildings and γ) the inspection reports of air conditioning installations of the buildings.

By decision of the Minister of Environment, Energy and Climate Change specifications and amendments are determined regarding the procedure for making entries in the individual accounts of the File, matters regarding updating, deleting and modifying these entries, the manner of entering data, the management and usage of the File data, the collaboration of the above Special Service with the relevant planning authorities and other services or bodies on matters of implementation of the present paragraph, as well as any other related matter.”

9. Following article 10 of law No 3661/2008 a new article 10A is added, as follows:

“Article 10A

Energy saving programs for houses

1. For works aiming at the improvement of energy efficiency and the use of renewable energy sources of houses, in the framework of implementing of the provisions of the present law, funding may be provided from the Public Investment Program.

2. By common decision the Ministers of Environment, Energy and Climate Change, and of Economic Development, Competitiveness and Shipping, announce programs concerning interventions to building structures to improve the energy efficiency of houses. The same decision determines the budget of the above program, the candidate categories of houses and the options of interventions eligible for funding, the type of funding and its percentage, the highest unit price per type of intervention, the criteria for the selection of the works for each one, the beneficiaries of the program, the method of informing the public about the programs, the procedure of application submission for inclusion in them, the required documents, the deadline for submitting them, the procedure of accepting, checking and approving the applications, the procedure for following the execution of the particular work which has been approved and certification of the work executed, the method of payment of the funding, the obligations of those included in the program and the consequences of not abiding by the terms and pre-conditions of the program, as well as every other matter to do with the implementation of the programs.

3. By similar decision, the execution of part of the procedures and actions, described in the previous paragraph, may be assigned to the company “Small and Very Small Business Guarantee Fund” (S.V.S.B.G.F. S.A. – ΤΕΜΠΜΕ Α.Ε.) or to other entities of the public sector or to entities of the

private sector, chosen according to the regulations currently in effect regarding the assignment of works or services.

4. A decision of the above Ministers and the Minister of Finance determines the procedure and the terms for the transfer of appropriation credits from the Public Investment Program (P.I.P.) to the authorities in the previous paragraph, the required documents for arranging the public financing payments, as well as every other matter relating to the public financing management of the programs.

5. For the execution of works for energy upgrading of buildings in the framework of the programs announced based on the ministerial decision of paragraph 2, no license is required and no tax fees are due to the respective Local Authorities for the temporary occupation of a portion of the pavement until the completion of the works. For those of the above works where no construction license is required according to the current planning provisions, the Minister of Environment, Energy and Climate Change may by decision exempt them from the obligation to receive approval for execution of small scale construction work”.

6. The provisions of paragraph 3 of article 2 of legislative decree No 2724/1953 and of article 7 of law No 440/1945 apply also to the preparation of studies and to the execution of inspections and works for the structural and energy upgrade and energy saving for all types of buildings of the public and private sector in line with the specifications of the Regulation on the Energy Efficiency of Buildings.

The cost of the related work, beyond the above, may be prepaid in total or in part by the Retirement Fund of Engineers & Contractors of Public Projects (**T.Σ.M.E.Δ.E.**) providing that the beneficiary presents proof of a pre-approved loan by a bank or other credit institution and transfers to the above Fund the capital of that loan in the amount of the deposit required.

## **Article 11**

### **Creation of Independent Office for R.E.S.**

Article 20 of law No. 3468/2006 is replaced as follows:

#### “Article 20

##### Independent Office for R.E.S.

1. An Independent Office to Assist Investors for R.E.S. projects is created at the Ministry of Environment, Energy and Climate Change, in which the Department of Renewable Energy of the Directorate of Renewable Sources and Saving Energy is included and renamed Directorate for Efficient Use

and Energy Saving. The Independent Office to Assist Investors for R.E.S. projects, in which a revocable servant with 2<sup>nd</sup> degree of the special positions category can lead, reports directly to the Minister of Environment, Energy and Climate Change.

2. The Office has the following responsibilities, functions :

- α. Updating and informing investors about the institutional, legislative, taxation and financial framework of investments in R.E.S. projects, as well as on the necessary actions for licensing these projects and their inclusion in existing investment programs and planning.
- β. Receiving investors applications, with the aim of their facilitation should investors wish assistance.
- γ. Immediate forwarding of the application folder, should the parties involved wish so, to the authorised services to deal with it.
- δ. Seeking information from the relevant authorities on behalf of the applicant investor regarding the progress of any procedure set in motion with his request, as well as seeing to expediting it.
- ε. Making proposals and finding solutions to effectively deal with the administrative difficulties and problems which emerge during licensing or other related procedures regarding R.E.S. projects.
- στ. Production-review of plans, generic guidance, circulars and decisions with the aim of facilitating the licensing of R.E.S. projects procedure
- ζ. Posing questions to other services involved in the licensing process for R.E.S. projects with regards to the stage and outcome of the licencing process. The above authorities are obliged to send to the Independent Office immediately clear and complete answers to these questions, providing clarifications regarding potential shortcomings of the application folder submitted by the investor with precise instructions on how they should be rectified.

η. All the responsibilities of the Department of Renewable Energy Sources A decision of the Minister of Environment, Energy and Climate Change may specify the manner and the procedure for the execution of the duties of the Independent Office, as well as any other related matter.

3. With the present coming into effect, the Department of Renewable Energy Sources ceases to exist . Its staff and its staff posts are transferred to the Independent Office and become staff of this Service.

4. By common Ministerial Decision of the Minister of Interior, Decentralization and e-Governance and Minister of Environment, Energy and Climate Change the manner of organisation of the Independent Office, its structure in Directorates and departments and the establishment of the necessary for its operation organic positions for permanent staff and for staff with work contracts of private nature and undefined duration, staff per

branch, category and specialization. These positions are filled by transferring empty organic positions from other services of the Ministry of Environment, Energy and Climate Change, as well as from the redundant positions from the department of R.E.S according to paragraph 3 above.

5. Until the positions created by the presidential decree provided in paragraph 4 are filled, the transfer of staff is allowed, by circumvention of current regulations, from Services of the Public sector, from Legal Entities of Public Law and from entities of the broader Public sector. The duration of the transfer is set at three (3) years with option for renewal for an equal length of time.

6. Until the posts at the Independent Office created by the presidential decree provided in paragraph 4 are covered, the Independent Office carries out only the responsibilities foreseen in the presidential decree 381/1989 (A'168).

7. The Independent Office submits, by the 1<sup>st</sup> of February of every year, to the Minister of Environment, Energy and Climate Change and to the R.A.E. a report, in which the major problems regarding investments in the areas of R.E.S. are described and documented, in conjunction with recommendations for their solution.

8. The R.E.S. projects, which according to the criteria of article 9 of law 3775/2009 (ΦΕΚ 122 Α') are subject to a distinct procedure of speedy licensing, continue to be ruled by the provisions of the above law which concern this procedure.

9. The owners of R.E.S. units are under the obligation to submit data and information to the Independent Office for R.E.S. of the Ministry of Environment, Energy and Climate Change regarding their operation.

This data are confidential and are to be used exclusively for the production of statistical information about the energy sector, in collaboration with the Directorate for Energy Policy, as well as for the general planning of the Ministry. The statistical data created on the basis the original statistical material are made public and given to third parties in a manner, that eliminates the direct or indirect disclosure of the identity of those who provided the information or those whom the original statistical material concerns.

10. By decision of the Minister of Environment, Energy and Climate Change a fine is imposed to those who violate their obligation to submit the data and information mandated by the previous verse which is paid to the Special Fund for the Implementation of Regulatory and Environmental Planning (Ε.Τ.Ε.Π.Π.Σ.).The magnitude of the fine in proportion to the seriousness and frequency of the violation, ranging from five thousand (5,000) to fifty thousand (50,000) euro and may be adjusted by decision of



the above Minister. A decision of the Minister of Environment, Energy and Climate Change regulates the procedure of enforcement of fines, the criteria as to their magnitude, the submission and examination of objections and any other related matter.

11. All services and Entities of the Public sector including the R.A.E. are obligated to submit data to the Independent Office for R.E.S. of the Ministry of Environment, Energy and Climate Change. The relevant request is made by the Minister of Environment, Energy and Climate Change or, with his authorization, by the head of the Independent Office.

12. A decision of the Minister of Environment, Energy and Climate Change specifies the procedure for the submission of the above data, their content, the frequency of submission, as well as any other related matter.”

## **Article 12**

### **Remaining provisions**

1. Paragraphs 14 to 27 included of article 2 of law No 3468/2006 are renumbered to paragraphs 15 to 28.
2. Paragraph 28 of article 2 of law No 3468/2006, is renumbered to paragraph 31.
3. Following paragraph 13 of article 2 of law No 3468/2006, paragraph 14 is added as follows:  
“14. Solarthermal station: Every installation which uses the direct rays of the sun, converts them to thermal energy with the final aim of producing electrical energy.
4. Following paragraph 28 of article 2 of law No 3468/2006 paragraphs 29 and 30 are added as follows:  
“29. Wind farms complex: group of wind farms of one or more bodies, which are developed within a short distance from each other and utilise as much as possible common infrastructure concerning roads and electrical interconnection constituting in essence one complete project.  
30. Photovoltaic station: every installation which uses the radiation of the sun and converts it into electrical energy via the photovoltaic – photoelectric phenomenon”.
5. The first verse of paragraph 7 of article 2 of law No 3468/2006 is replaced as follows:  
“7. Biofuel: The liquid, gas or solid fuel produced from biomass and particularly:”

6. For the implementation of the provisions of K.Y.A. 104247/2006 (ΦΕΚ 663 Β'), in the case of R.E.S. projects carried out within the administrative boundaries of two or more Prefectures or Regions of the country, as local Region or Local Prefecture Government is considered the one within which the largest part of the real estate is located on which the project is being constructed. The case γ' of paragraph 1 of article 5 of the K.Y.A. 104247/2006 (ΦΕΚ 663 Β') is abolished.
7. Wherever in Law No 3468/2006 the term "Minister of Development" is used it means "Minister of Environment, Energy and Climate Change".
8. In paragraph 1 of article 5 of law No 2773/1999 case η' is added as follows:

"η. Decides on issuing or not, the renewal, the modification or the recall of the license to produce electrical energy from R.E.S. and C.H.P. according to article 3 of law No 3468/2006, as it applies".
9. α. The first verse of paragraph 6 of article 5 of law No 2773/1999 is replaced as follows:

"Against the decisions of the R.A.E., excluding those provided in case η' of paragraph 1, a review application is possible".

β. After the third verse of paragraph 6 of article 5 of law No 2773/1999 the verse is added as follows:

"The decisions issued by the R.A.E. according to case η' of paragraph 1 are subjected in the first and last degree to the invalidation examination by the Council of the State".
10. α) The two first verses of paragraph 2 of article 58 of law No 998/1979, including its cases α) and β), which were added with paragraph A.1 of article 24 of law No 3468/2006 and were modified with paragraph 8β of article 29 of law No 3734/2009, are replaced as follows:

"2. For the execution of infrastructure works, the installation of networks for the transfer and distribution of electrical energy, the construction of substations and in general, for every technical project related to the infrastructure and the installation of stations for the production of electrical energy from R.E.S. or C.H.P. using R.E.S., including the works for the connection to the System, or the Network, as specified in article 2 of law No 2773/1999 and the accompanying works, as well as the networks for the transfer and distribution of natural gas and petroleum products in forests or forest areas, an approval is required by the General Secretary of the relevant Region which is issued after application by the body concerned, which is accompanied by a brief description of the location of the project and its main characteristics".

β) Paragraph 8α of article 29 of law No 3734/2009 (ΦΕΚ 8 Α') is abolished.
11. Paragraph A.2 of the article 24 of law 3468/2006 is replaced as follows:

α) In the case of implementation of the procedure foreseen in article 14 of Law No 998/1979 for the designation according to this article land areas for which the procedure of planning the the installation of R.E.S. Stations or C.H.P with the use of R.E.S including the execution of the connection works to the system or the network, the on-site road works and the road works leading to the Station and of the accompanying works, the designation decision by the forest service director is issued by priority in relation to other designation decision requests which do not concern areas for R.E.S. installations, within a time span not longer than a month from the date of submission of the related application.

β) The act of designation, following its legal publication, is a legal document and binds the responsible Administration services, which are obliged, as long as the other provisions of the law are met, to forward the folder for approval of intervention in land areas managed by the forest service, to issue the approval for intervention if required, to approve the relevant environmental terms, to issue the installation license, to install the entity of the project on the area, issuing also the related installation protocol, irrespectively of whether or not objections have been submitted against the Act of Designation and irrespectively of whether the act of designation has come to a legal conclusion.

Even in the case where according to the act of designation the land area or part of it does not fall within the provisions of the forest legislation, the party responsible for the project is obliged to see to the maximum protection of possible elements of forest environment and document mitigation measures foreseen for this protection in the Environmental Impact Statement.

γ) In the case that the installation of a station of RES or CHP is planned on land which falls under the clauses of forest legislation and regarding its ownership the clauses of article 10 of law 3208/2003 apply, the installation license of the station is issued only if the exclusive use of the land or the leasing of the land from the owners has been obtained.

12. Paragraph 9 of article 27 of law No 3468/2006 is abolished.

13. Particularly for the Athos Peninsula, the installation and operation of R.E.S. projects by independent producers is allowed for independent producers exclusively and only to cover energy for the operating needs of the Holy Monasteries and the Holy Community, on the condition that the Centre for the Protection of the Aghion Oros Heritage, according to the provisions of law No 1198/1981 (238 A') approves the installation, and with the approval of the installation and operation by the Holy Community, without requiring a production license, providing the regulations for the protection of the environment and the cultural heritage are kept.

14. In the case a' of paragraph 3 of article 33 of the Added Value Tax Code which was confirmed with law No 2859/2000 (ΦΕΚ 248 Α') after subcase γγ, subcase δδ is added as follows:

"δδ) for the delivery of connection projects of stations of self-production or independent production up to the network of the PPC (Public Power Corporation SA) or to the HTSO (Hellenic Transmission System Operator), according to the provisions of law No 2773/1999 (ΦΕΚ 286 Α') as it applies".
15. At the end of case a' of paragraph 4 of article 33 of the Added Value Tax Code confirmed with law No 2859/2000 (ΦΕΚ 248 Α'), a verse is added as follows:

"The expenditures made by the company in the present case are also considered investment goods, according to the provisions of law No. 2773/1999, as it applies, for the construction of a non-private connection network of the station of self-production or independent production up to the PPC (Public Power Corporation SA) or to the HTSO (Hellenic Transmission System Operator) network."
16. A percentage of the reciprocal special tax (contribution) on behalf of ERT S.A. (Greek Radio and Television S.A.), provided in the clauses of article 14 of law No 1730/1987 (145 Α'), the amount of which is specified by common decision of the Ministers of Environment, Energy and Climate Change and of Culture and Tourism and which constitutes income of the special Account managed by the Manager of the System for the Transfer of Electrical Energy (M.G.S.T.E.E.), in line with article 40 of law No 2773/1999, to which it is attributed. The manner and procedure of its provision is specified with same ministerial decision together with any other related matter.
17. The first verse of paragraph 1 of article 28 of law No 3175/2003 is replaced as follows:

"1. To the public limited company under the name "Hellenic Transmission System Operator SA" and the distinct title "HTSO" («Δ.Ε.Σ.Μ.Η.Ε») or "System Manager", may be paid, through the Public Investment Program, national and EU funds for the funding of works and studies carried out by it".
18. The clauses of paragraphs 2 and 3 of article 8 of Presidential Decree 333/2000 (ΦΕΚ 278 Α') are abolished and its paragraph 4 is renumbered to 2
19. At the end of sub-paragraph Γ' of paragraph 4 of article 18 of law No 2190/1994 (ΦΕΚ 28 Α') which was added to article 4 of law 2779/1999 (ΦΕΚ 269 Α') and was kept in effect as an independent provision with paragraph 1 of article 8 of law No 3051/2002 (220 Α') as it was modified and is in effect, a verse is added as follows:

- “The previous regulations are in effect also for the permanent residents of Municipalities and communities in the area of which coal mines operate which use other companies as the coal they produce is available exclusively to for the P.P.C. (Public Power Corporation SA) for its production stations”.
20. To cover the needs emanating from the implementation of the provisions of the present law, the duration of the contracts signed in line with paragraph 10 of article 34 of law No 3734/2009 is extended until 31.12.2010.
21. After verse (εε) of case (β) of paragraph 6 of article 2 of law No 3010/2002 (ΦΕΚ Α' 91) the following verse is added (σστ):
- "(σστ) During the transitional phase until the approval of the Special Framework for Land Planning and Sustainable Development for aquacultures, according to law No 2742/1999 (ΦΕΚ Α'207) and for a maximum time limit of one (1) year from the date this law goes into effect, for the establishment of new aquaculture units, or for relocation, upgrading, expansion, or modification of existing units, in areas where no Master Plans (Ρυθμιστικά Σχέδια), General Urban Plans (Γενικά Πολεοδομικά Σχέδια), Zones of Urban Development Control (Ζώνες Οικιστικού Έλεγχου) or other land use plans have been approved, the required preliminary environmental impact study, based on the terms of article 4 paragraph 6 of law No 1650/1986 (ΦΕΚ 160 Α' ) as it was replaced by article 2 of law No 3010/2002 (ΦΕΚ 91 Α'), is carried out after a co-evaluation of available data of the general spatial plans and mainly those emanating from existing or in progress studies of spatial planning nature, taking into account the points ββ up to εε of paragraph 6β of the above article”.

### **Article 13**

#### **Provisions regarding wholesale prices of petroleum products**

1. Paragraph 1 of article 20 of law No 3054/2002 (ΦΕΚ 230 Α'), as it applies is replaced as follows:  
“1. The prices of petroleum products available in the national market are set freely throughout the entire state by those who practice the trade of these products. For reasons of competition protection, the owners of a Refining License and a License for Distribution of Biofuels are obligated to inform the Minister of Economic Development, Competitiveness and Shipping as well as the R.A.E. the manner by

which the ex factory prices of petroleum products are established. The companies trading petroleum products are under the same obligation for what concerns the real prices (including possible discounts and other arrangements) at which they sell their petroleum products to the petrol stations in each area. All of the above data must be notified to the Minister of Environment, Energy and Climate Change for reasons of exercising petroleum policy. If the R.A.E., from examination of this data, as well as from the data derived from price surveys, which are conducted by the Ministry of Economic Development, Competitiveness and Shipping, discovers harmonized practices or other distortions of healthy competition, according to provisions of law No 703/1977 (278 A'), as it applies, notifies this data to the Competition Committee as soon as possible. By common decision of the Minister of Economic Development, Competitiveness and Shipping and of the Minister of Environment, Energy and Climate Change matters regarding the regarding the process of notification and information provision, analysis of the data as well as any other relevant matter regarding the implementation of previous regulations is determined".

2. Wherever in the paragraphs of article 20 of law No 3054/2000, as it applies, the Ministers of Economy and of Economics and Development are mentioned, they are understood to be the Minister of Economic Development, Competitiveness and Shipping and the Minister of the Environment, Energy and Climate Change.
3. The fifth verse of case b' of paragraph 3 of article 2 of law No 3335/2005 (ΦΕΚ 95 Α'), as it applies, is replaced as follows: " By Common Decision of the Ministers of Interior, Decentralization and e-Governance, of Economic Development, Competitiveness and Shipping, of Environment, Energy and Climate Change and of Infrastructure, Transport and Networks, the particulars of the penalties and inspections which entered in the Information System, the time and procedure electronic submission of the above data and their update by the responsible authorities and every other related matter, are specified".

#### **Article 14**

##### **Amendments to law No 2971/2001 (ΦΕΚ 285 Α')**

1. At the end of paragraph 1 of article 8 of law No 2971/2001 (ΦΕΚ 285 Α') a phrase is added as follows: "neither in cases of installation of underground lines for electrical current or cables in general".
2. Paragraph 9 of article 14 of law No 2971/2001 which was added to paragraph Δ' of article 24 of law No 3468/2006, is replaced as follows:

“By Decision of the Minister of Finance the assignment of the right to use the shore, the seaside, of a continuous or adjacent sea area or sea bed for the execution of works for the installation of stations for the production of electrical energy from R.E.S. on the terrestrial part of the country, on islands or small rock-islands can be permitted. Included in these works, apart from those mentioned in paragraph 4 of this article, is the placement of substations, as well as the construction of any project deemed necessary for the connection of an R.E.S. station to the System or the Network. These provisions are valid for works intended to support the transfer system and other island connection works which will facilitate and enhance the use of R.E.S.

In these cases, by circumventing the provisions of paragraph 2, the interested party submits an application to the authorized Land Register Authority (κτηματική υπηρεσία) following the publication of the decision for Approval of Environmental Conditions of the R.E.S. station, or the connection project accompanied by the approved Environmental Impact Statement, which must contain all the works for which the above right is requested. The Property Office forwards the application to the General Navy Headquarters (ΓΕΝ), to the Ministry of Economic Development, Competitiveness and Shipping, and to the relevant office at the Ministry of Culture and Tourism, unless these authorities have already provided their consultation during the environmental licensing procedure of the project and their consultations have been submitted by the interested party in conjunction with his application”.

- 3 In the article 14 of law No 2971/2001, a new paragraph 10 is added, as follows:

“The provisions of the current article are not applied for the installation of wind farms for the production of electrical energy in the national sea territory, according to the article 6A of law 3468/2006.”
4. The second verse of paragraph 5 of article 15 of law No2971/2001 is replaced as follows:

“This prohibition does not affect the transfer of the rightful share of a Local Authority, to an unmixed company of the same nor the case of transfer of the connection works of stations producing electricity to the Principal of the System or the Network as defined in law 2773/1999 (ΦΕΚ 286 Α’) and in article 11 of law 3468/2006 (ΦΕΚ 129 Α’)”.

## **Article 15**

## **Transitional provisions**

1. The deadline for issuing an installation license to stations producing electrical energy from R.E.S. or C.H.P. which hold a production license which was issued before the present law comes into effect, is extended by a total of the thirty (30) months, which is calculated from the date of issue of the production license. For time extension applications which were submitted prior to this law coming into effect, according to provisions of paragraph 4 of article 3 of law No. 3468/2006, are still governed by these provisions and are attributed to RAE with an exclusive deadline of one (1) year from the publication of this current law, to examine and decide upon their content.
2. Pending applications for obtaining a production license or for determination of a possible exemption from the obligation to acquire a production license or for their modification are subject to the provisions of this present law. There is no requirement to submit an application and publish a modification decision with regard to exemptions or production licences which have already been granted according to the present law and works of paragraph 1 of article 4 of law No 3468/2006 as is modified by paragraph 12 of article 2 of this law it is merely enough to notify in writing the Authorised Manager.
3. Regarding installation works for stations producing electrical energy from R.E.S. or C.H.P. which have received a positive opinion on the P.E.A. (Preliminary Environmental Assessment– П.П.Е.А.) or apposite opinion from the R.A.E. or are at the stage of Preliminary Environmental Assessment, P.E.A the R.A.E. draws up a special catalogue, within fifteen (15) days from publication of the present law, which is publicized on the web site of the R.A.E. and is sent to the Minister of the Environment, Energy and Climate Change so that he may exercise his authority within the time limit of twenty (20) days granted to him by provisions set out in paragraph 2 of article 3 to law No 3468/2006 as it is amended with paragraph 2 of article 2 of the present law. With the passing of this deadline, the licensing process continues following the issuing of the relevant assurance by the Secretariat of the R.A.E. which takes place within four (4) months from publication of this law.
4. For R.E.S. or C.H.P. works which are undergoing the procedure of Preliminary Environmental Assessment, or which have already received favourable opinion on the Preliminary Environmental Assessment., following the issue of the assurance provided by the Secretariat of the R.A.E. foreseen in paragraph 3 above, the interested body, without any other Environmental Impact Statement requirements, may submit



application for the publication of a decision of Approval of Environmental Conditions (A.E.C). In this case no consultation opinion is required from the authorities which have already issued one at the stage of the P.E.A., as long as they did not specifically ask to re-issue an opinion anew during the procedure of publication of the A.E.C. decision. The Environmental Impact Statement is prepared and submitted to the licensing authority in line with the provisions of the present law only, without being required to include possible additional prerequisites or studies which have been granted with the positive consultation opinion on the P.E.A., if they do exist, they are supplemented by the party concerned prior to the issuing of the Approval of Environmental Conditions.

5. The concerned bodies of the works mentioned in paragraph 3 submit an application to be granted a Connection Offer within two (2) months from the publication of the catalogue of paragraph 3 by the R.A.E. These applications and the pending applications for receiving a Connection Offer are subject to the provisions of the present law and are examined by the authorised manager without a P.E.A. being required. Particularly the applications for the issuing of a Connection Offer, in areas where, at the time the present law is put into effect, works have been included in an approved S.D.S. (Study for the Development of the System M.A.Σ.M.) for the expansion or reinforcement of the System from which additional electric space is created for the interconnection of projects for the production of electrical energy from R.E.S or C.H.P., are fulfilled by the M.G.S.T.E.E. (Manager of the Greek System for the Transfer of Electrical Energy) within four (4) months from the date of publicising the catalogue of paragraph 3 by the R.A.E. until saturation of these future projects of the System, on the condition that it has to do with stations which:
  - α. had submitted a request to receive, a production license or, the publication of an exemption decision at a time when there was available electric space. In this space is also included the additional electric space created by the System works included in the approved and valid S.D.S. (Study for the Development of the System) at the moment of time of submission of the request or
  - β. hold a production license or an exemption decision before this law is put into effect.

The authorised Manager begins to examine the requests of the present paragraph, after a period of two (2) months following the publicising of the catalogue of paragraph 3 of the present law by the R.A.E. by order of priority, based on the date of forwarding of the particular application

folder by the R.A.E. regarding the P.E.A. or the publication of the determination exemption decision.

6. The examination of new requests from R.E.S. stations by the relevant authorities which also includes the R.A.E., the Regions and the Managers, from which no request had been submitted to, the R.A.E. for issuing of a production license or an exemption request before the present law comes into effect, begins with the publication of the decision of the Minister of the Environment, Energy and Climate Change foreseen in paragraph 3b of article 1 of law No 3468/2006 as modified with article 1 of the present law, and is carried out as much as possible on the basis of the proportion of capacity it specifies.

Until the publication of the decision of the Minister of the Environment, Energy and Climate Change, by exception the following are allowed:

- a) the examination of new applications of R.E.S. stations which are installed on buildings and rooftops,
  - β) The submission and examination of new applications, by priority, made by physical persons who are farmers by profession, according to the definition provided by the relevant Ministerial Decision of the Minister of Agricultural Development and Food, as long as it concerns stations for the production of electrical energy on their own land, of installed capacity of up to 100 KW. The transfer of the stations in this case is not allowed before the expiration of five years from the date of their beginning of operation, unless it concerns transfer for inheritance succession reasons.
  - γ) after three (3) months from publication of the present law, the examination of new applications which are exempt from the obligation to acquire a license for the production of electrical energy or from another determination decision according to article 4 of law No 3468/2006 (ΦΕΚ 129 Α') as it is replaced by article 2 paragraph 12 of the present law and from the obligation of being issued an Approval of Environmental Conditions decision according to article 8 of law No 3468/2006 as it is replaced by article 3 paragraph 13 of the present law.
  - δ) the examination of new applications of stations for production of electricity from biomass, in which are not included the biodisposable component of municipal waste.
7. The authorised Manager, within a month after this law goes into effect, is obligated to publish on the web site the table with lists all the installation projects of stations for the production of electrical energy from R.E.S., whose Connection Offers to the System or the Network automatically ceased to be in effect according to paragraph 1 of article 28 of law 3734/2009.

8. With the reservation of paragraph 7, , a valid Connection Offer at the time this law goes into effect binds the Manager for the entire duration of its validity in line with paragraphs 1 and 2 of article 28 of law No 3734/2009. If at the time its effectiveness expires, the station it concerns has received the Approval of Environmental Conditions, the Connection Offer remains binding for the authorised Manager according to the provisions of paragraphs 4 and 5 of article 8 of law No 3468/2006, as it is amended with the present law.
9. With the reservation of paragraph 8, article 11 of law No 3468/2006, as it is amended by article 4, paragraph 1 of the present law, includes all the R.E.S. connection works, which have not been transferred to the Principal of the System of the Network.
10. Regarding the pending applications for receiving Approval of Environmental Conditions for stations producing electrical energy from R.E.S. or C.H.P. or for their associated connection and road making works, as long as the authorised forest authority has already passed its opinion regarding approval of intervention on forest land, according to paragraph 2 of article 58 of law No 998/1979, the Approval of Environmental Conditions decision is published with the intervention approval incorporated, according to previous provisions in effect.
11. The pending applications concerning intervention approval in forest areas for the installation of stations for production from R.E.S or C.H.P. or concerning their associated works for connection and road construction, for which an Approval of Environmental Conditions decision has already been issued according to the previous in effect of law No 3468/2006 provisions, are examined according to the provisions of the present law and the intervention approval is issued independently and is not incorporated into the Approval of Environmental Conditions. decision.
12. The pending applications for receiving the operating license are examined according to the provisions in effect before this law was put into effect.
13. All other cases of R.E.S. projects, for which no installation license has been issued until the date the present law goes into effect, are governed by this law.
14. The producers covered by case δ') of paragraph 5 of article 27A of law No 3734/2009, are obligated to exercise the right of choice mentioned in this clause within a period of three (3) months from the date this present law goes into effect, notifying in writing the authorised Manager and the Minister of Environment, Energy and Climate Change. If there is

no action taken within the above time period it will be assumed that the producer chose to continue the execution of the current contract.

15. Principal bodies of stations producing electrical energy from R.E.S. which have been assessed by the R.A.E. by the criteria provided in case (ζ) of paragraph 1 of article 3 of law No 3468/2006 and have been promoted by the R.A.E. for preliminary environmental valuation and appraisal or have been exempt from the obligation of the need to be issued a production license before this law comes into effect, are not obligated to pay the Manager the guarantee defined in paragraph 16 of article 8 of law No 3468/2006 as it was replaced with paragraph 2 of article 3 of the present law.
16. Those applications for receiving licenses for photovoltaic stations on which, when this law goes into effect, the R.A.E. has expressed a negative opinion to the Minister exclusively for non-compliance with the criterion (ζ) of paragraph 1 of article 3 of law No 3468/2006, and which have not been rejected in line with the provisions of paragraph 2 of article 27 of law No 3734/2009, are re-evaluated by the R.A.E. according to the provisions of the present law following a request by the party concerned which should be submitted within two (2) months of the publication of this law.
17. α) From publication of the present law, applications for the installation of offshore wind farms are not submitted. Pending applications which have been submitted acceptably cannot be supplemented with new documentation and are examined by R.A.E. within six (6) months for their completeness and the criterion (ε) of the paragraph 1 of the article 3 of the law 3468/2006, as it was modified by the paragraph 1 of the article 2 of the present law. Applications which do not satisfy the aforementioned conditions are rejected; otherwise a certification determination decision of R.A.E. with regard to the fulfillment of criterion (ε) and the precise location of the proposed installation is published. During the announcement of the competition of paragraph 6 of article 6A of the law 3468/2006, which was added with the article 6 of the present law, for the installation of an offshore wind farm in a specific site, together with the selection criteria which are defined with the ministerial decision of paragraph 7 of the article 6A and potential specific terms of the announcement, taking into account the determination decision of the previous verse is evaluated under the condition that concerns the installation of offshore wind farm is in the same location and that the candidate who participates in the competition is the same with the initial applicant of the certification determination decision.

β) Pending applications for production license for the production of electrical energy from wind farms which are sited partially on shore and partially offshore, are forwarded for examination by the R.A.E. according to the provisions of the present law only for what concerns their onshore component.

## **Article 16**

### **Schistose slate quarries**

1. Legal and physical persons exploiting slate quarries, which were within the scope of Article 34 of Law 2115/1993 (ΦΕΚ 15 Α') as it was replaced by paragraph 1 of article 14 of law 2702/1999 (ΦΕΚ 70 Α') if until today have not received and exploitation license or have not signed a lease contract with the State, according to paragraph 1 of Article 9 of Law 1428/1984 as replaced by Article 9 of law 2115/1993 are allowed to continue the exploitation of those quarries under the following conditions:
  - α) they had submitted application to the relevant Forest Service to determine the property ownership within the specified period of either Article 34 of Law 2115/1993 or Article 14 of Law 2702/1999, and
  - β) they have already submitted or they officially submitting , within two (two) months from when this law comes into effect:
    1. Application for license and
    2. Technical study in accordance with Article 9 of law 1428/1984 (ΦΕΚ 43 Α')
    3. Environmental Impact Statement and
    4. Application for the drafting of a direct lease contract, in the case of a public quarry or a request for determination of the status of the land. The application may be submitted by the exploiters in the case which they are not owners of the land, but have the leases and official authorization of the alleged owners.
2. The spatially relevant environmental authorities examine according to priority the Environmental Impact Assessments of slate quarries referred to in paragraph 1, so as to issue decisions approving environmental conditions within five (5) months from the submission of the Environmental Impact Statement. If within this period there was no approval decision of the environmental conditions, their operation is ceased.
3. The under paragraph 1 ceases exploitation automatically if the sole deadline of two (2) years, from the expiry of the two months is not granted to the applicants for the exploitation license or, if in the case of

a state quarry, the requested contract has not been signed for the direct leasing with the Public Sector. In the case of the signing of a contract with the State a precondition for its activation is the provision of a deposit guarantee letter of a credit institution for the rents owed to the government covering the period until ownership determination of the areas in which the exploitation is being undertaken for quarries referred to in paragraph 1, is resolved .

By decision of the Minister of Environment, Energy and Climate Change the contents of the letter of guarantee in conjunction with the rent, its duration, the terms of its forfeiture and any other relevant details are determined.

4. The Forest Property Council (Σ.Ι.Δ.), for submitted applications for recognition of ownership or other proprietary rights in accordance with paragraph 1 of Article 34 of law 2115/1993, must issue a decision within a deadline of twenty (20) months from when this law comes into effect. Against this decision there may not be an appeal to the Revision Forest Property Council (Α.Σ.Ι.Δ) .

For the fines imposed to these quarries and which are not related to law 1650/1986, the payment is suspended until the ownership issue is resolved. If the land determined to be private the fines are erased. Otherwise fines are paid in 6 (six) equal instalments of one year from the date of recognition of ownership.

## **Άρθρο 17**

### **RES plant siting issues**

In the Article 9 of Law 2742/1999, in the end of paragraph 3, the following paragraph is added:

"Administrative licences related to environmental licensing, installation and operation of RES projects and canceled, due to their opposition to land use issues under the land planning legislation in force at the time of issue, shall be reviewed solely on those grounds and reissued by the provisions of this law and the changes introduced by the installation and operation is now compatible with these land uses. Interim approvals or consents which were lawful basis for the original version remains in force. The reissued permits shall be made within a deadline of 20 days after application."

## **Article 18**

### **Abolished provisions**

From the moment this law goes into effect every general and specific provision which goes against the provisions of the present law or regulates differently the matters that constitute the object of this law are abolished.

**Article 19**  
**Commencement of power**

The effective power of the present law commences with its publication in the Government Gazette, unless stipulated otherwise within its provisions. We order the publication of the present law in the Government Gazette and its execution as law of the Nation.

ATHENS 3<sup>rd</sup> of JUNE 2010

The President of Democracy  
ΚΑΡΟΛΟΣ ΠΑΠΟΥΛΙΑΣ

THE MINISTERS:

Interior, Decentralization  
and e-Governance  
Γιάννης Ραγκούσης

Finance  
Γιώργος Παπακωνσταντίνου

Foreign Affairs  
Γεώργιος Παπανδρέου

Defense  
Ευάγγελος Βενιζέλος

Economic Development, Competitiveness  
and Shipping  
**Λούκα Κατσέλη**

Environment, Energy  
and Climate Change  
**Τίνα Μπιρμπίλη**

Infrastructure,  
Transport and Networks  
**Δημήτρης Ρέππας**

Labor  
and Social Security  
Ανδρέας Λοβέρδος

Agricultural Development  
And  
Food  
**Κατερίνα Μπατζελή**

Justice, Transparency  
And Human Rights  
Χάρης Καστανίδης

Culture and Tourism  
**Πάυλος Γερουλάνος**