**LAW 4811/2021**

**CHAPTER B**

**SIMPLIFICATION OF THE FRAMEWORK FOR THE ESTABLISHMENT AND OPERATION OF ROADSIDE ASSISTANCE PROVIDERS AND ROADSIDE ASSISTANCE PARTNERS**

**Article 3**

**Establishment and operation of roadside assistance providers and roadside assistance partners - Insertion of a new Chapter XXX to Law 4442/2016**

After Article 205 of Law 4442/2016 (Government Gazette A 230), a new Chapter XXX shall be inserted, to read as follows:

“CHAPTER XXX

SIMPLIFICATION OF THE ESTABLISHMENT AND OPERATION FRAMEWORK FOR ROADSIDE ASSISTANCE PROVIDERS AND ROADSIDE ASSISTANCE PARTNERS

Article 206

Scope

This Chapter shall apply to roadside assistance providers and roadside assistance partners referred to in Article 1 of Law 3651/2008 (Government Gazette A 44), with Activity Code Number (ACN) 52.21.25.

Article 207

Competent authority

1. The competent authority for the implementation of this Chapter shall be the Directorate for Transport and Communications of the regional unit in which the roadside assistance provider or roadside assistance partner has its registered office.
2. If the roadside assistance provider is at the same time an insurance undertaking, within the meaning of Law 4364/2016 (Government Gazette A 13), the competent authority for the implementation of this Chapter shall be the Bank of Greece.

Article 208

Notification of operation of roadside assistance providers and roadside assistance partners

1. Roadside assistance providers and roadside assistance partners shall be subject to the notification scheme provided for in Article 5.
2. Before submitting the notification, the operator must have obtained the necessary supporting documents, which shall not be submitted together with the notification, but shall be kept together with the proof of submission of the notification at the registered office and business premises of the roadside assistance provider or roadside assistance partner and shall be made available for any inspection.
3. The notification shall be submitted to the competent authority referred to in Article 207 only via the Integrated Information System for the Conduct of Activities and Control (IIS CAC) referred to in Article 14 hereof, which is accessible through the Single Digital Gateway (SDG) of the Hellenic Republic (gov.gr). Until the IIS CAC becomes operational, in so far as the notification of the activities referred to in Article 206 is concerned, the notification shall be submitted in paper or electronic form either directly to the competent authority or to any Citizen Service Centre (KEP) which operates as a Single Point of Contact (SPC) in accordance with Article 7 of Law 3844/2010 (Government Gazette A 63).
4. The competent authority referred to in Article 207 shall in any event take receipt of the notification, which shall be submitted by the operator under its own responsibility as to the data contained therein, and shall provide proof of submission. Once the notification has been submitted, the operator may start conducting its activity.
5. In order to obtain registration certificates for private use roadside assistance trucks, before submitting the notification, the operator shall submit to the Transport and Communications Department of the regional unit where the undertaking has its registered office a certificate of commencement of operations issued by the competent tax office and a statutory declaration to the effect that the undertaking will provide roadside assistance services, in accordance with Law 3651/2008 (Government Gazette A 44) and this Law. The exact content of the statutory declaration shall be determined by the ministerial decision referred to in Article 212(1) hereof. Registration certificates for private use roadside assistance trucks may be issued before the submission of a notification only for the minimum number of trucks that the undertaking is required to have at its disposal, in accordance with Article 2(2) of Law 3651/2008. The above trucks shall be put into circulation in the context of the provision of roadside assistance services only after the notification has been submitted.
6. If any data in the notification are to be changed for any reason whatsoever, the operator shall notify the intended change. In the event that the operator changes, Article 9 on the procedure and obligations of old and new operators shall apply. Supporting documents relating to the legal entity of the operator shall be issued in the name of the new operator.
7. Within five (5) working days, the competent authority referred to in Article 207 is required to forward the notification or the change in the notification to the other control authorities, designated in the decision referred to in Article 212(1), so that they can take note of the start of operations and exercise their control powers.
8. Following the adoption of all the regulatory acts envisaged in this Chapter, any reference in the legislation in force to a license or legal operation certificate of a roadside assistance provider or roadside assistance partner shall be understood as a reference to the notification provided for in this Chapter.

Article 209

Fee

The submission of a notification of the activity of a roadside assistance provider or a roadside assistance partner shall require the prior payment of a fee under Article 11, as specified in the decision referred to in Article 212(2).

Article 210

Checks

1. During the conduct of the activity, the competent authority shall carry out inspections to monitor the compliance of operators with the requirements of this Chapter. Inspections shall be carried out in accordance with Articles 127 through 157 of Law 4512/2018 (Government Gazette A 5) on the supervisory framework of economic activities.
2. In particular, the first inspection shall be compulsorily carried out on all roadside assistance providers and roadside assistance partners within two (2) months of submission of the initial notification.

Article 211

Infringements - Sanctions

1. In the event of infringements concerning the submission of a notification, the operator shall be subject to the sanctions referred to in Article 15(1). The competent authority referred to in Article 207 is hereby designated as the body responsible for imposing the above sanctions.

2. In the event of failure to submit the initial notification, the competent authority referred to in Article 207 shall issue a decision imposing the administrative fine referred to in paragraph 1 and set a mandatory time limit of three (3) working days for the notification to be submitted to the competent authority. If the above time limit lapses without any such notification being submitted, the competent authority shall, by a reasoned decision, require the closure of the business.

In the event of failure to notify changes, an administrative fine shall be imposed in accordance with paragraph 1.

1. The decisions of the competent authority referred to in Article 207(1) imposing sanctions shall be subject to a special administrative appeal under Article 227 of Law 3852/2010 (Government Gazette A 87).
2. Once all the regulatory acts referred to in Article 212 have been adopted, where the legislation in force provides as a sanction the suspension or withdrawal of the licence or legal operation certificate of a roadside assistance provider or a roadside assistance partner, this shall be understood to mean the temporary or permanent cessation of the activity.

Article 212

Enabling provisions

1. A joint decision of the Minister of Infrastructure & Transport, the Minister of Development & Investment, the Minister of the Environment & Energy and the Minister of Digital Governance shall lay down, for the activities referred to in this Chapter, the content of and procedure for the notification, the content of the statutory declaration referred to in Article 208(5), the supporting documents to be kept at the registered office of the undertaking and the business premises, the manner of notification of any intended change in data, the authorities to which the notification and any changes thereof shall be communicated, in order for them to exercise their control powers, as well as any other relevant matter.

2. A joint decision of the Minister of Infrastructure & Transport, the Minister of Finance and the Minister of Development & Investment shall determine, for the activities referred to in this Chapter, the amount of the fee referred to in Article 209, when and how it is to be paid, the method of transferring funds to the competent bodies, and any other relevant matter.

1. A joint decision of the Minister of Infrastructure & Transport, the Minister of Finance and the Minister of Development & Investment shall determine, for the activities referred to in this Chapter, the range of sanctions to be imposed under Article 211 within the limits of Article 15(1), the scale of sanctions and the criteria for their assessment, the procedure for imposing them, the cases of cessation of operation due to lack of supporting documents, and any other relevant matter.

Article 213

Transitional provisions

1. The roadside assistance providers and roadside assistance partners referred to in this Chapter which are already operating under a legal operation certificate or licence shall continue to be subject to the provisions under which the relevant certificate or licence was issued. If a change in the notified data occurs, the operator shall be required to submit a notification in accordance with Article 208. Following submission of the notification, the operation of the roadside assistance provider or of the roadside assistance partner shall be governed by the provisions of this Chapter.

2. Pending the adoption of the regulatory acts referred to in Article 212, as regards the start of the activities referred to in Article 206, Law 3651/2008 (Government Gazette A 44) on roadside assistance and Joint Decision No 26640/2298/23.4.2014 of the Minister of Finance, the Minister of Administrative Reform & e-Governance and the Minister of Infrastructure, Transport & Networks (Government Gazette B 1302) on simplifying procedures within the responsibility of the transport and communication sections of the Ministry for Infrastructure, Transport and Networks and integrating these into the system of Single Points of Contact (SPC) shall apply.

Article 214

Provisions not applicable

Once all the regulatory acts envisaged in Article 212 hereof have been adopted, Article 3(3), (4) and (5) on roadside assistance providers, Article 4(2), (3) and (4) on road assistance partners and Article 12(1)(a), (b) and (c) on sanctions of Law 3651/2008 (Government Gazette A 44) shall not apply to the activities referred to in this Chapter.”