**Article 216**

**Amendment to l. 3651/2008 (A 44)**

1. Article 1 of l. 3651/2008 shall be replaced as follows:

“Article 1

Definitions

1. Roadside assistance is an activity including the provision of any of the following services in respect of a vehicle that has been immobilised or become unsafe to drive as a result of an accident or mechanical failure:

(a) on-the-spot repair of the vehicle;

(b) transportation of the vehicle to the nearest or most appropriate location for roadside repair;

(c) transportation of the vehicle to a repairer of the vehicle owner’s choice, as well as transport of the driver and passengers to the nearest spot from which to board other means of transport as chosen by the recipient of road assistance, according to the obligations undertaken by the roadside assistance provider under the roadside assistance contract;

(d) transportation of the vehicle, as well as of its driver and passengers, to their residence, starting point or intended destination within Greece, according to the obligations undertaken by the roadside assistance provider.

Roadside assistance may also be offered at roadside assistance stations, as defined in paragraph 6 of Article 2 hereof.

Roadside assistance shall also include assistance to two- or three-wheel vehicles.

2. Means of roadside assistance is any material or mechanical equipment, human resources and consumables used by the roadside assistance provider for the purpose of providing roadside assistance.

3. Roadside assistance contract is the contractual arrangement whereby one party (the roadside assistance provider) undertakes to provide roadside assistance services to the other party (beneficiary), as evidenced by a written document issued by the roadside assistance provider. Roadside assistance beneficiary is the natural or legal person that enters into a roadside assistance contract with the roadside assistance provider.

4. The roadside assistance cover amount comprises:

(a) the insurance premium payable to a roadside assistance provider which is an insurer;

(b) the subscription fee payable to a non-insurer roadside assistance provider;

(c) the per-service fee charged by a roadside assistance provider or its partners on non-members on an ad hoc basis;

(d) the per-service fee charged by crane truck operators solely for towing or haulage operation on an ad hoc basis.

5. Roadside assistance stations are appropriately designed facilities owned or outsourced by roadside assistance providers, in which an attempt is made to repair the vehicle with safety and minimum inconvenience for the passengers.

6. Roadside assistance partner is a business that provides roadside assistance without a subscription, either under an agreement with other roadside assistance providers or on an ad hoc basis after an emergency call from a motorist.

7. Roadside assistance provider is a business of any legal form that provides roadside assistance within the scope of the present law.”

2. Article 2 of l. 3651/2008 shall be replaced as follows:

“Article 2

Obligations

1. Roadside assistance providers shall:

(a) be available 24/7/365;

(b) provide prompt and high-quality vehicle roadside assistance, responding with the appropriate staff and vehicle within one (1) hour of the call;

c) have a 24-hour hotline with a call logging function;

(d) have valid professional liability insurance, in the form of an individual or group insurance contract, for injuries and damage to property suffered by customers in connection with the provision of roadside assistance services. Professional liability insurance shall cover the firm and its facilities, staff and equipment. Minimum coverage per accident shall be equal to the amount of motor accident liability as determined in Article 6 of Presidential Decree 237/1986 (Government Gazette A 110). The fulfilment of the above requirement shall be proved by an insurance coverage certificate issued by the relevant insurer and stating the details of the insurance contract, the risks covered, the duration and amount of coverage. This requirement shall not apply to roadside assistance providers that are insurers themselves.

2. In each prefecture in which they are active, roadside assistance providers shall have at least one (1) vehicle (elevator platform truck, crane truck) with a gross weight of over four (4) tonnes and equipped with a GPS system.

A roadside assistance provider which is active in a prefecture of mainland Greece that also includes islands shall be required to have, in addition, one vehicle in each island of operation.

Apart from the aforementioned minimum requirements, roadside assistance providers may have an unlimited number of vehicles of any type (including passenger cars, trucks or bicycles) authorised in the European Union.

At the discretion of the roadside assistance provider, agricultural tractors or snow, ice, mud and sand graders may also qualify as roadside assistance vehicles.

Vehicles may be equipped with hoisting and towing devices and may carry emergency spare parts.

3. Roadside assistance vehicles:

(a) shall be wholly owned by the roadside assistance providers or held under a retention-of-title clause or under a lease agreement or other legal relationship;

(b) shall be used to transport the driver of the immobilised vehicle as well as such number of passengers as specified in the licence of the roadside assistance vehicle;

(c) may circulate across the Greek territory.

4. Roadside assistance providers shall be required to employ technical staff as follows:

(a) at least one Chief Technical Officer, who shall be a qualified mechanical engineer, tertiary education graduate and shall mainly provide services at the headquarters of the roadside assistance provider;

(b) in each prefecture of mainland Greece and of Crete and on each of the islands of Evia, Rhodes, Corfu, Lesbos, Zakynthos, Kefallonia, Chios and Kos, where they are active, a minimum number of four (4) employees, of whom at least 50% must be qualified mechanics/drivers or electrotechnicians/drivers and the remainder must be drivers;

(c) for roadside assistance providers operating on islands other than those mentioned above, a minimum number of two (2) employees, of whom at least 50% must be qualified mechanics/drivers or electrotechnicians /drivers and the remainder must be drivers;

(d) one (1) mechanic/driver or electrotechnician/driver at each of their roadside assistance stations.

The owner(s) of the business may be counted among the staff referred to in the preceding paragraph, if they have the appropriate qualifications listed in the following paragraph.

5. Mechanics/drivers or electrotechnicians/drivers:

(a) may have any form of employment relationship with the roadside assistance provider;

(b) shall be employed under a full- or part-time contract in a manner that does not compromise 24-hour availability of the roadside assistance provider;

(c) must have at least the following qualifications:

(aa) a driving license of an appropriate category according to the type of vehicle they drive;

(bb) at least two years of proven work experience in a car repair shop as motor vehicle mechanics or electrotechnicians, unless they are graduates of a lower technical school, in which case they must have experience of at least one (1) year, or graduates of a higher technical school, in which case prior experience shall not be required.

6. Roadside assistance providers shall be required to own or outsource at least one (1) roadside assistance station in each prefecture of mainland Greece, as well as on each of the islands where they operate.

Roadside assistance stations must have:

(a) a ground-level space, to be used as office and waiting room, of sufficient size to receive passengers of damaged vehicles;

(b) at least one (1) WC;

(c) at least one telephone connection;

(d) a computer;

(e) a wireless device for communication with roadside assistance vehicles;

(f) a roofed ground-level space of sufficient size, with an inspection pit;

(g) parking space for the vehicles of the firm.

7. Insurance companies may provide roadside assistance in kind or in cash, while non-insurers may only provide roadside providers assistance in kind.

8. Roadside assistance providers and roadside assistance partners may provide roadside assistance to non-subscribers on an ad hoc basis following an emergency call, if they are licensed as road transport operators in accordance with the provisions of Regulation (EC) 1071/2009 and have public-use trucks.”

3. Article 3 of l. 3651/2008 shall be replaced as follows:

“Article 3

Roadside assistance providers

1. Roadside assistance providers shall carry out their activities using their own means or through partners;

2. In any of their prefectures of operation for which they have not established a partnership agreement, roadside assistance providers shall undertake to provide roadside assistance services themselves, using their own means.

3. The roadside assistance provider shall notify commencement of operations to the competent authority, i.e. the Transport and Communications Service of the Region or, if the roadside assistance provider is an insurance undertaking, the Bank of Greece, along with documentation evidencing the fulfilment of the legal requirements for its operation. Within three months of such notification, the roadside assistance provider shall have the registration documents for its trucks issued in its name, otherwise the competent authority shall prohibit it from carrying out activities and shall inform thereof the competent authority of the roadside assistance provider’s partners.

4. The documentation proving the lawful operation of the roadside assistance provider shall comprise the following:

(a) for the business:

(aa) photocopy of the owner’s identity card or, if the roadside assistance provider it a legal person, the articles of association and deed of appointment of legal representative;

(bb) a general-use extract from criminal records showing that the natural person owing the business or the legal representative of the business has not been irrevocably convicted of any of the crimes listed in paragraph 1 of Article 11 hereof;

(ccc) insurance coverage certificate issued by an insurance undertaking and stating the information referred to in Article 2 (1) (d)

(dd) a copy of any agreement with an insurance undertaking whereby the roadside assistance provider is assigned to provide services to the insurance undertaking’s policyholders;

(ee) a copy of the roadside assistance contract delivered by the roadside assistance provided to its subscribers;

(ff) copy of any agreement between the firm and its roadside assistance partners;

(gg) a list of the firm’s roadside assistance partners, accompanied by a certificate of lawful operation for each partner;

(b) for the staff:

(aa) copy of current and duly registered staff list;

(bb) a breakdown of staff by area of operation;

(c) for each roadside assistance station:

(aa) lease contract, loan for use agreement or deed of property ownership;

(bb) site plan, signed and stamped by a competent engineer;

(cc) floor layout plans, signed and stamped by a competent engineer;

(dd) list with the detailed addresses and telephone numbers of the firm’s roadside assistance stations;

(d) for the vehicles:

(aa) copies of registration certificates for vehicles with a gross weight of over 4 tonnes;

(bb) list with vehicle identification numbers or plate numbers for vehicles with a gross weight of over four (4) tonnes, broken down by area of operation, along with a statutory declaration that the minimum required allocation of vehicles is continuous and in compliance with the provisions of this law.

5. Any changes in the abovementioned documentation shall be notified by the natural person or the legal representative in the form of a statutory declaration submitted by the end of November of each year.

6. The roadside assistance contract with subscribers shall be concluded exclusively with the roadside assistance provider rather than with its partner, and the relevant contractual documentation shall be delivered not later than ten (10) business days to the beneficiary by the enterprise that collected the subscription.

7. In exceptional circumstances, due to weather conditions, earthquakes, increased traffic during the tourist season and, more generally, in circumstances calling for a reinforcement of capacity in certain areas of the country, roadside assistance providers and their partners may relocate vehicles and staff in order to best meet possible roadside assistance needs, provided that this would not leave other areas with fewer vehicles or staff than required under the provisions of this law.

In the event of exceptional needs or failure of partners’ vehicles, the firm may temporary make its own vehicles available to its partners.

8. Domestic and foreign insurance undertakings pursuing activities in Greece under Insurance Class 18 – Assistance may offer roadside assistance services in accordance with Legislative Decree 400/1970 (Government Gazette A 10) and the present law.

9. Insurance undertakings may offer roadside assistance either acting as roadside assistance providers themselves in accordance with the provisions of this law or using other roadside assistance providers, whether insurers or non-insurers.

10. The insurance undertaking shall deliver a roadside assistance contract to the policyholder, setting out all its obligations and all the data referred to in Article 9 hereof.

If the insurance undertaking does not have means of its own but relies on a partnership with another roadside assistance provider, the insurance contract shall also contain, in addition to the data provided for in Article 10, all the details of the roadside assistance firm acting as partner of the insurance undertaking.

If the insurance undertaking does not have means of its own, the insurance policy shall also contain the details of its roadside assistance partners, in accordance with Article 4 hereof.

11. Insurance undertakings that do not offer roadside assistance with their own means and have entered into reciprocal support agreements with companies based in other countries may serve vehicles of the foreign company’s customers that have suffered damage in the Greek territory, through their roadside assistance partners, compensating the latter on a per-incident basis or using public-use crane trucks.”

4. Articles 4 and 5 of l. 3651/2008 shall be hereby repealed.

5. Article 6 of l. 3651/2008 shall be renumbered Article 4 and replaced as follows:

“Article 4

Roadside assistance partners

1. Roadside assistance partners are required to have available in the prefectures where they are active, the organization, equipment and staff referred to in Article 2 hereof. The operation of such partners, with regard to compliance with the provisions hereof, shall be supervised by the regional Transport and Communications Directorates.

2. The roadside assistance partner shall notify commencement of operations to the the Transport and Communications Service of the Region, along with documentation evidencing the fulfilment of the legal requirements for its operation. Within three months of such notification, the roadside assistance partner shall have the registration documents for its trucks issued in its name, otherwise the competent authority shall prohibit it from carrying out activities and shall inform thereof the competent authority of the roadside assistance partner.

3. The documentation proving the lawful operation of the roadside assistance provider shall comprise the following:

(a) for the business:

(aa) photocopy of the owner’s identity card or, if the roadside assistance provider it a legal person, the articles of association and deed of appointment of legal representative;

(bb) a general-use extract from criminal records showing that the natural person owing the business or the legal representative of the business has not been irrevocably convicted of any of the crimes listed in paragraph 1 of Article 12 hereof;

(cc) copy of the cooperation agreement that it has with roadside assistance companies.

(b) for the staff:

(aa) copy of current and duly registered staff list;

(bb) a breakdown of staff by area of operation;

(c) for each roadside assistance station:

(aa) lease contract, loan for use agreement or deed of property ownership;

(bb) site plan, signed and stamped by a competent engineer;

(cc) floor layout plans, signed and stamped by a competent engineer;

(dd) list with the detailed addresses and telephone numbers of the firm’s roadside assistance stations;

(d) for the vehicles:

(aa) copies of registration certificates for vehicles with a gross weight of over 4 tonnes;

(bb) list with vehicle identification numbers or plate numbers for vehicles with a gross weight of over four (4) tonnes, broken down by area of operation, along with a statutory declaration that the minimum required allocation of vehicles is continuous and in compliance with the provisions of this law.

4. Any changes in the abovementioned documentation shall be notified by the natural person or the legal representative in the form of a statutory declaration submitted by the end of November of each year.

5. Roadside assistance partners are required to use on the roadside assistance vehicles and roadside assistance stations the business name and logos of the roadside assistance companies with which they cooperate in accordance with the partnership agreement signed between them.

6. Roadside assistance may be provided by a partner either on behalf of the roadside assistance provider in accordance with the partnership agreement signed between them or on an ad hoc basis after an emergency call.”

6. Article 7 of l. 3651/2008 shall be renumbered Article 5 and replaced as follows:

“Article 5

Heavy vehicle roadside assistance providers

1. Heavy vehicle roadside assistance providers, whether insurers or non-insurers, shall be required to have the organisation provided for in Article 2 with the exception of the vehicles referred to in paragraph 2, instead of which they must have at least one (1) truck of more than nineteen (19) tonnes (platform, crane truck).

2. If the work of the business is not limited to the provision of heavy vehicle roadside assistance, the other provisions of this law shall apply as appropriate in view of the type of business.”

7. In paragraph 5 of Article 8 of l. 3651/2008, all subparagraphs but the last two shall be repealed.

8. In Article 11 of l. 3651/2008, paragraph (2) shall be deleted and paragraphs (3) and (4) shall be renumbered in (2) and (3), respectively.

9. In the title of Article 13 of l. 3651/2008, the word “Licensing” shall be replaced by the words “Requirements for operation”.

10. In paragraph 1 of Article 13 of l. 3651/2008, “The roadside assistance licences provided for by this law shall not be granted” shall be replaced by the words “It is forbidden to operate a roadside assistance firm or roadside assistance partner” and a new sentence is inserted at the end of paragraph 1 as follows: “The Minister of Infrastructure and Transport shall specify the procedure of closure in the event that the condition of the above paragraph is fulfilled.”

11. In paragraph 2 of Article 13 of l. 3651/2008, the words “prefectural administrations” shall be replaced by the words “Regional Units”.

12. Articles 8, 9, 10, 11, 12 and 13 of l. 3651/2008 shall be renumbered Articles 6, 7, 8, 9, 10 and 11, respectively.

13. Article 14 of l. 3651/2008 shall be renumbered 12 and replaced by the following article:

“Article 12

Sanctions

1. An administrative fine shall be imposed on natural or legal persons as follows:

(a) from ten thousand (€10,000) to fifty thousand (€50,000), for offering roadside assistance without the relevant certificate of lawful operation;

(b) from five thousand (€5,000) to ten thousand (EUR 10,000), for false declaration of data to the competent authorities;

c) from two thousand (€2,000) to five thousand (€5,000) for the partners referred to in paragraph 6 of Article 1 which declare false information to the roadside assistance provider with which they have entered into a partnership agreement;

(d) from five thousand (€5,000) to twenty thousand (€20,000) and definitive deregistration of the vehicle for any infringement of Article 4,

(e) from five thousand (€5,000) to twenty thousand (€20,000) for any infringement of the provisions of Article 8;

(f) from five thousand (€5,000) to twenty thousand (€20,000) euro, for roadside assistance firms of any form, as well as any of their partners, for non-compliance or poor compliance with their legal obligations.

2. In the event of repeated infringements, the fines of paragraph 1 shall be doubled.

3. The administrative fines shall constitute revenue of the State budget and shall be collected under the provisions of KEDE [*Code for the Collection of Public Revenue*] (l.d. 356/1974, Government Gazette A 90). A joint decision of the Minister of Finance and the Minister of Infrastructure and Transport may specify the details of the procedure for detecting infringements, attribution of responsibility, imposition and collection of administrative fines and their transfer to the state budget, and may also designate other competent bodies for the detection of infringements.

4. The competent authority for determining infringements and the imposition of the abovementioned administrative sanctions shall be the relevant Head of Region or, in the case of insurance undertakings, the Bank of Greece.”

14. Article 15 of l. 3651/2008 shall be renumbered 13.

15. Article 16 of l. 3651/2008 shall be renumbered 14.

16. As from the publication hereof, Ministerial Decisions A7/oik. 42961/3496/2008 (Government Gazette B 1632) and A7/oik. 69835/5832/2008 (Government Gazette B 2592) shall be repealed. Companies already in operation are required to comply with the provisions hereof six (6) months from the date of its publication.