GOVERNMENT

GAZETTE

OF THE HELLENIC REPUBLIC

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| 12 November 2021 | ISSUE B | No. **5274** |

DECISIONS

No A7/316010

Determination of the procedure, content and supporting documents, fee and sanctions related to the notification of operation of roadside assistance providers and roadside assistance partners.

THE MINISTER OF THE ECONOMY, THE MINISTER OF DEVELOPMENT AND INVESTMENT, THE MINISTER OF THE ENVIRONMENT AND ENERGY, THE MINISTER OF E-GOVERNANCE, INFRASTRUCTURE AND TRANSPORT, THE MINISTER OF STATE

Having regard to:

1. Law 4442/2016 “New institutional framework on the exercise of economic activity and other provisions” (Government Gazette A 230), as amended by Article 3 of Law 4811/2021 (Government Gazette A 108), which inserted a new Chapter XXX on the simplification of the framework for the establishment and operation of roadside assistance providers and roadside assistance partners, in particular Article 212, as well as Article 5(3) and Articles 11 and 15;
2. Law 3651/2008 “Roadside assistance” (Government Gazette A 44), as amended by Article 216 of Law 4512/2018 (Government Gazette A 5);
3. Law 4364/2016 “Adaptation of Greek legislation to Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II), to Articles 2 and 8 of Directive 2014/51/EU of the European Parliament and of the Council of 16 April 2014 amending Directives 2003/71/EC and 2009/138/EC and Regulations (EC) No 1060/2009, (EU) No 1094/2010 and (EU) No 1095/2010 in respect of the powers of the European Supervisory Authority (European Insurance and Occupational Pensions Authority - hereinafter “EIOPA”) and the European Supervisory Authority (European Securities and Markets Authority), and to Article 4 of Directive 2011/89/EU of the European Parliament and of the Council of 16 November 2011 amending Directives 98/78/EC, 2002/87/EC, 2006/48/EC and 2009/138/EC as regards the supplementary supervision of financial entities in a financial conglomerate, and related provisions of legislation on private insurance and other provisions” (Government Gazette A 13);
4. Joint Decision No 26640/2298/23-04-2014 of the Ministers of Finance, Administrative Reform & e-Governance, and Infrastructure, Transport & Networks “Simplification and integration of procedures within the responsibility of the transport and communications sections of the Ministry for Infrastructure, Transport and Networks into the system of Single Points of Contact (SPC)” (Government Gazette B 1302);
5. Article 26 of Law 2873/2000 “Tax reliefs and simplifications and other provisions” (Government Gazette A 285);
6. Law 4622/2019 “Executive State: organisation, operation and transparency of the government, government bodies and the central public administration” (Government Gazette Α 133);
7. Article 90 of the Legislative Code on government and government bodies, ratified by Article 1 of Presidential Decree 63/2005 (Government Gazette A 98), taken in conjunction with Article 119(22) of Law 4622/2019 (Government Gazette A 133);
8. Law 4727/2020 “Digital governance (transposition into Greek law of Directive (EU) 2016/2102 and Directive (EU) 2019/1024) Electronic communications (transposition into Greek law of Directive (EU) 2018/1972) and other provisions” (Government Gazette Α 184), in particular Chapter F of Part A thereof;
9. Presidential Decree 123/2017 “Statute of the Ministry of Infrastructure and Transport (Government Gazette Α 151);
10. Article 5 of Law 3469/2006 “National Printing Office, Government Gazette and other provisions” (Government Gazette Α 131);
11. Article 31(1) of Law 3013/2002 “Upgrading civil protection and other provisions” (Government Gazette A 102);
12. Law 2690/1999 “Ratification of the Code of Administrative Procedure and other provisions” (Government Gazette A 45);
13. Articles 6, 7, 9 and 14 of Law 3844/2010 “Adaptation of Greek legislation to Directive 2006/123 of the European Parliament and of the Council on services in the internal market, and other provisions” (Government Gazette A 63);
14. Article 4 of Presidential Decree 123/2016 “Reestablishment and renaming of the Ministry of Administrative Reform and e-Governance, reestablishment of the Ministry of Tourism, establishment of a Ministry of Migration Policy and a Ministry of Digital Policy, Telecommunications & Information, renaming of the Ministries of the Interior & Administrative Restructuring, Economy, Development & Tourism, and Infrastructure, Transport & Networks” (Government Gazette A 208);
15. Presidential Decree 142/2017 “Statute of the Ministry of Finance” (Government Gazette A 181);
16. Presidential Decree 147/2017 “Statute of the Ministry of the Economy and Development” (Government Gazette A 192);
17. Presidential Decree 132/2017 “Statute of the Ministry of the Environment and Energy (MEE)” (Government Gazette A 160);
18. Presidential Decree 40/2020 “Statute of the Ministry of Digital Governance (Government Gazette A 85);
19. Article 133 of Law 4512/2018 “Arrangements for the implementation of structural reforms under the Economic Adjustment Programme and other provisions” (Government Gazette A 5);
20. Presidential Decree 81/2019 “Establishment, merger, renaming and abolition of Ministries and determination of their responsibilities – Transfer of departments and responsibilities between ministries” (Government Gazette A 119);
21. Presidential Decree 68/2021 “Αppointment of Ministers, an Alternate Minister and Deputy Ministers” (Government Gazette A 155);
22. Presidential Decree 83/2019 “Appointment of a Deputy Prime Minister, Ministers, an Alternate Minister and Deputy Ministers” (Government Gazette A 121);
23. Presidential Decree 62/2020 “Αppointment of Αlternate Μinisters and Deputy Ministers” (Government Gazette A 155);
24. Joint Decision No 317/22-09-2021 of the Prime Minister and the Minister of Infrastructure and Transport “Delegation of powers to Deputy Minister of Infrastructure and Transport Michail Papadopoulos” (Government Gazette B 4383);
25. Decision Υ70/30.10.2020 of the Prime Minister “Delegation of powers to Alternate Minister of Finance Theodoros Skylakakis” (Government Gazette B 4805);
26. Joint Decision No 2/07-01-2021 of the Prime Minister and the Minister of the Environment and Energy “Delegation of powers to Deputy Minister of the Environment and Energy Nikolaos Tagaras” (Government Gazette B 45);
27. Joint Decision No 4251/30.8.2021 of the Prime Minister and the Minister of State “Delegation of powers to Deputy Minister of Digital Governance Georgios Georgantas” (Government Gazette B 3996);
28. Decision No Υ6/9-7-2019 of the Prime Minister “Delegation of powers to the Minister of State” (Government Gazette B 2902); and
29. Explanatory Report on Budgetary Impact No 260569/27-9-2021 of the Head of the Directorate-General for Financial Services of the Ministry of Infrastructure and Transport, in accordance with Article 24(5)(e) of Law 4270/2014 (Government Gazette Α 143), according to which the provisions of this Decision entail no expenditure under the government budget, have decided as follows:

Article 1

Scope

This Decision shall apply to roadside assistance providers and roadside assistance partners referred to in Article 1 of Law 3651/2008 (Government Gazette Α 44) with indicative NACE code 52.21.

Article 2

Competent authority

1. The competent authority for the implementation of this Decision shall be the Directorate for Transport and Communications of the Regional Unit (RU) in which the roadside assistance provider or roadside assistance partner has its registered office, subject to the next paragraph.
2. Specifically where the roadside assistance provider is also an insurance undertaking within the meaning of Law 4364/2016 (Government Gazette A 13), the competent authority for the implementation of this Decision shall be the Bank of Greece.

Article 3

Notification procedure and content

1. The start of operations of roadside assistance providers and roadside assistance partners shall require a prior notification in accordance with the Annex. The notification shall contain the necessary information on the activity carried out and shall be submitted by the operator, who shall have sole responsibility for the data contained therein.
2. The notification shall be submitted to the competent authority referred to in Article 2 only via the Integrated Information System for the Conduct of Activities and Controls (IIS-CAC) referred to in Article 14 of Law 4442/2016. Until the IIS-CAC becomes operational, in so far as the submission of notifications by roadside assistance providers and roadside assistance partners is concerned, notifications shall be submitted via the electronic system www.notifybusiness.gov.gr, which can be accessed through the Single Digital Gateway (SDG) of the Public Administration (gov.gr), if this is technically possible. Otherwise, notifications shall be submitted in paper or electronic form to the competent authority referred to in Article 2 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), with signature authentication if not filed by the operator in person.
3. When the notification is submitted online, it shall receive a unique number and time stamp, which shall be generated by the system. The file with the unique number shall serve as proof of submission of the notification and no registration shall be required.
4. When the notification is submitted in paper form:

(a) the competent authority referred to in Article 2 or the KEP-SPC shall in any event take receipt of the notification and provide proof of submission;

(b) the competent authority referred to in Article 2 shall assign to the notification a unique serial number, which shall remain the same even if the notification is changed, each change being assigned a number in ascending order;

(c) the competent authority referred to in Article 2 shall notify the operator without delay and by any appropriate means of the serial number assigned to its notification.

1. No supporting documents shall be submitted at the time of submission of the notification. The operator shall keep the supporting documents and proof of submission of the notification at the business premises, as specified in Article 4.
2. Once the notification has been submitted, the operator may start conducting its activity.
3. In particular with regard to the issue of registration certificates for private use roadside assistance trucks, before submitting the notification, the operator shall submit to the Directorate for Transport and Communications in the area where its registered office is located a certificate of commencement of operations issued by the competent tax office and a statutory declaration which must state the following:

“(a) the undertaking will provide roadside assistance services in accordance with Law 3651/2008 and Law 4442/2016; and

(b) the vehicle with chassis number (or registration number) …………… will be put into circulation as a private use roadside assistance truck after the submission of a notification of commencement of operations by the roadside assistance provider/partner under the name …………. and after the replacement of the registration certificate”.

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 for the provision of roadside assistance services only after the notification has been submitted.

Once the above supporting documents have been submitted, the Directorate for Transport and Communications shall issue a registration certificate with the indication “NOT FOR CIRCULATION”. The issue of the registration certificate shall be subject to payment of the vehicle registration fee referred to in Article 26 of Law 2873/2000 (Government Gazette A 285). Following the submission of the notification and upon request of the operator, which shall be filed together with a copy of the notification, the Directorate for Transport and Communications shall replace the registration certificate with a new one that does not bear the above indication, while the vehicle registration fee referred to in Article 26 of Law 2873/2000 (Government Gazette A 285) shall be waived.

1. The competent authority referred to in Article 2 shall forward the notification or any change thereof no later than five (5) working days after receipt of the notification or any change thereof:

(a) to the local Building Department that has jurisdiction on each roadside assistance station run by the operator using own means; and

(b) to the department responsible for the maintenance of the road(s) on which each roadside assistance station run by the operator using own means is located, in order for it to exercise its control responsibilities. When the notification is submitted through an online system, it shall be forwarded via this online system or by e-mail, no cover document being needed for that purpose.

Article 4

Required supporting documents and record keeping

1. Before submitting the notification, the operator must have obtained the following supporting documents, which shall not be submitted together with the notification, but shall be kept at the registered office of the undertaking, together with the proof of submission of the notification, and shall be made available for any inspection. If the registered office is not in the same location as the roadside assistance station or if the operator has more than one roadside assistance stations in the same or in different Regional Units, copies of all the supporting documents together with a copy of the proof of notification shall also be kept at each roadside assistance station.
   1. For roadside assistance providers:
      1. Supporting documents relating to the undertaking

(a) Certificate of insurance coverage from the insurance company showing the details of the insurance policy, the risks insured, the duration and the cover amounts in accordance with Article 2(1)(d) of Law 3651/2008 (Government Gazette A 44).

(b) A copy of the partnership agreement.

(c) A road transport operator licence pursuant to Regulation (EC) No 1071/2009, if the undertaking has public use trucks.

(d) Proof of payment of the fee referred to in Article 7.

(e) For legal persons, the authorisation documents evidencing, as appropriate, their lawful establishment, object and representation, unless these documents can be obtained *ex officio* by the Directorate for Transport from the General Electronic Commercial Registry (GEMI).

(f) A printout of Personalised Information from myAADE showing the Start Date of operations.

* + 1. Supporting documents relating to staff

(a) A copy of the current list of staff duly filed with the ERGANI system.

(b) Table with the allocation of staff by Regional Unit in which the undertaking operates.

(c) The supporting documents proving that the technical staff (Chief Technical Officer and mechanics/drivers or electrotechnicians/drivers) is qualified in accordance with Law 3651/2008.

* + 1. Supporting documents relating to each roadside assistance station

(a) Main-use site certificate issued by a private engineer pursuant to Article 107(8) of Law 4495/2017, indicating the exact location of the site, the total surface area of the main site together with its annexes, the land use certificate from the relevant Building Department (BDep), and explicitly confirming that the site meets the legal requirements for construction and use as a roadside assistance undertaking and that it meets all the conditions for operating as a roadside assistance undertaking, in accordance with the construction and building regulations in force, the fire protection regulation, the general and specific planning provisions applicable from time to time and the building specifications of the activity-specific legislation in force. The above certificate shall be accompanied by:

Ι) copies of all public documents concerning the compliance of the station with the urban planning legislation (building permit, revision or update of building permit, approval of small-scale construction works, decision on exemption from demolition, legalisation permit, certificate of completion of the amnesty procedure for the suspension of penalties or confirmation of payment of 30% of the single special fine, etc.);

II) copies of approved layout plans of the site where a roadside assistance provider will operate, showing all its premises. If, due to building specifications, the above approved plans must display additional details, such details may be depicted on the above copies under the responsibility of the private engineer or a new plan accompanying the above copy may be drawn up. Copies of the approved layout plans shall be obtained either from the information system for issuing building permits (e-Άδειες), or from the information system for registering illegal buildings or from the paper files of the BDep, depending on whether the authorisation document referred to in point (I) above is in electronic or printed form.

In particular with regard to already operating roadside assistance providers referred to in Article 213(1) of Law 4442/2016, in the event of any change in data, the supporting document referred to in point 1.2.3(a) above shall not be requested.

(b) Approval of traffic connection or approval of entry into/exit from the roadside assistance station, as the case may be, in accordance with law.

(c) A statutory declaration by the legally competent engineer, holder of a tertiary education degree, to the effect that the road connection or entry into/exit from the roadside assistance station was constructed in accordance with the relevant approved plans.

The supporting documents under points (b) and (c) above shall be mandatory for the operator and the corresponding information shall be recorded in the notification after the entry into force of legislation laying down requirements regarding the traffic connection or entry into/exit from the roadside assistance stations of roadside assistance providers/partners and validating the corresponding traffic configuration plans as models.

* + 1. Supporting documents relating to the vehicles

Copies of registration certificates for trucks with maximum permissible laden mass (MPLM) above 4 tonnes.

* 1. For roadside assistance partners:

1.2.1 Supporting documents relating to the undertaking

(a) Copy of the partnership agreement with roadside assistance providers.

(b) A road transport operator licence pursuant to Regulation (EC) No 1071/2009, if the partner has public use trucks.

(c) Proof of payment of the fee referred to in Article 7.

(e) For legal persons, the authorisation documents evidencing, as appropriate, their lawful establishment, object and representation, unless these documents can be obtained *ex officio* by the Directorate for Transport from the General Electronic Commercial Registry (GEMI).

(e) A printout of Personalised Information from myAADE showing the Start Date of operations.

1. Supporting documents relating to staff

(a) Copy of the current list of staff duly filed with the ERGANI system.

(b) Table with the allocation of staff by Regional Unit in which the partner operates.

(c) The supporting documents proving that the technical staff (mechanics/drivers or electrotechnicians/drivers) is qualified in accordance with Law 3651/2008.

1. Supporting documents relating to each roadside assistance station

(a) Main-use site certificate issued by a private engineer pursuant to Article 107(8) of Law 4495/2017, indicating the exact location of the site, the total surface area of the main site together with its annexes, the land use certificate from the relevant Building Department (BDep), and explicitly confirming that the site meets the legal requirements for construction and use as a partner of a roadside assistance undertaking and that it meets all the conditions for operating as an establishment of a roadside assistance partner, in accordance with the construction and building regulations in force, the fire protection regulation, the general and specific planning provisions applicable from time to time and the building specifications of the activity-specific legislation in force. The above certificate shall be accompanied by:

I) copies of all public documents concerning the compliance of the station with the urban planning legislation (building permit, revision or update of building permit, approval of small-scale construction works, decision on exemption from demolition, legalisation permit, certificate of completion of the amnesty procedure for the suspension of penalties or confirmation of payment of 30% of the single special fine, etc.);

II) copies of approved layout plans of the site where a roadside assistance partner will operate, showing all its premises. If, due to building specifications, the said approved plans must display additional details, such details may be depicted on the said copies under the responsibility of the private engineer or a new plan accompanying the above copy may be drawn up. Copies of the approved layout plans shall be obtained either from the information system for issuing building permits (e-Άδειες), or from the information system for registering illegal buildings or from the paper files of the BDep, depending on whether the authorisation document referred to in point (I) above is in electronic or printed form.

In particular with regard to already operating roadside assistance partners referred to in Article 213(1) of Law 4442/2016, in the event of any change in data, the supporting document set out in para. 1.2.3.(a) above shall not be requested.

(b) Approval of traffic connection or approval of entry into/exit from the roadside assistance station, as the case may be, in accordance with law.

(c) A statutory declaration by the legally competent engineer, holder of a tertiary education degree, to the effect that the road connection or entry into/exit from the roadside assistance station was constructed in accordance with the relevant approved plans.

The supporting documents under points (b) and (c) above shall be mandatory for the partner and the corresponding information shall be recorded in the notification after the entry into force of legislation laying down requirements regarding the traffic connection or entry into/exit from the roadside assistance stations of roadside assistance providers/partners and validating the corresponding traffic configuration plans as models.

1. Supporting documents relating to the vehicles

Copies of registration certificates for trucks with maximum permissible laden mass (MPLM) above 4 tonnes.

1. The competent authority referred to in Article 2 shall request *ex officio*:

(a) a general-use transcript of criminal record for the operator, if a natural person, or for the natural persons representing the legal entity.

(b) The authorisation documents evidencing, as appropriate, the lawful establishment, object and representation of the legal entity, if these documents can be sought *ex officio* from the General Electronic Commercial Registry (GEMI).

Article 5

Change in the notification

1. If any data in the notification of operation of the roadside assistance provider or the roadside assistance partner are to be changed, including change of station, addition of a new station or cessation of operation of a roadside assistance station, the operator shall be required to give prior notification of the intended change. The procedure for notifying the data to be changed shall be the same as the initial notification procedure described in Article 3 hereof.
2. In particular, if the change consists in change of operator, in accordance with Article 9 of Law 4442/2016, the old and the new operator shall each notify the change within ten (10) days of the change. The notification of the change of operator concerns only information on the new operator and the date of change of operator. The supporting documents relating to the person of the operator shall be reissued in the name of the new operator and communicated in accordance with the procedure referred to in the first paragraph. The supporting documents that need not be reissued in the event of change of operator in accordance with the provisions in force shall remain valid.
3. In the event of closure, the operator shall notify the closure. The notification of closure shall be submitted following, *mutatis mutandis*, the initial notification procedure described in Article 3.

Article 6

Controls

1. Following the submission of the notification of operation or as of the time when the obligation to submit it arose, the competent authority referred to in Article 2 shall check the accuracy of the notified data and monitor the operator’s compliance with the requirements of Chapter XXX of Law 4442/2016 and this Decision.
2. In particular, a first inspection shall be mandatory for all roadside assistance providers and roadside assistance partners and shall start within two (2) months of submission of the initial notification. At least 5% of the inspections carried out shall apply to the changes of notifications submitted every year.
3. Pending the adoption of the regulatory acts implementing Articles 127 to 157 of Law 4512/2018, the controls referred to in the first paragraph for insurance undertakings shall be carried out in accordance with the legislation in force. For roadside assistance providers that are not insurance undertakings and for roadside assistance partners, pending the adoption of the regulatory acts implementing Articles 127 to 157 of Law 4512/2018, off-site and/or on-site inspections shall be carried out at the discretion of the Directorate for Transport and Communications referred to in Article 2, in accordance with the procedure laid down in paragraphs 4 to 15.
4. Controls shall be carried out:

(a) in response to a complaint, when, following assessment of the complaint, it is deemed necessary to carry out an inspection; or

(b) in accordance with the schedule of the Directorate for Transport and Communications referred to in Article 2; or

(c) in parallel with checks of compliance with the terms and requirements of Law 3651/2008 (Government Gazette A 44) on roadside assistance services.

1. Off-site inspections shall be carried out by the Directorate for Transport and Communications referred to in Article 2. The Directorate for Transport and Communications, in its capacity as the body conducting the off-site inspection, shall request by registered letter the operator to provide the file of supporting documents referred to in Article 4, either online or in physical form, within five (5) working days of receiving such request. If the above deadline lapses without the file of supporting documents being provided, an on-site inspection shall be carried out. The Directorate for Transport and Communications shall check the file submitted and may request oral or written explanations from the operator. The Directorate for Transport and Communications shall draw up a report on the off-site inspection, recording any infringements, and shall follow the procedure set out in paragraphs 9 to 14.
2. The on-site inspection shall be carried out at the registered office of the roadside assistance provider/partner and at the roadside assistance station. If the roadside assistance provider/partner has more than one roadside stations, the inspection shall be carried out at one or more stations at the discretion of the Directorate for Transport and Communications. If the provider/partner has stations in several Regional Units, the on-site inspection at stations located in other Regional Units shall be carried out either by the Directorate for Transport and Communications of the Regional Unit where the registered office is located or by the Directorate for Transport and Communications of the area where the roadside assistance station is located, in accordance with paragraph 8.
3. The on-site inspection shall be carried out by a three-member inspection committee set up by decision of the Regional Governor on a recommendation from the Directorate for Transport and Communications. The members of the committee shall be officials of the departments of the Region who are tertiary education graduates. During the on-site inspection, the operator shall make available to the inspection committee the data related to the subject of the inspection and shall provide written or oral explanations on the issues arising. Where original documents are handed over to the committee, they shall be returned to the operator at the end of the inspection. On-site inspections shall be carried out during the operator’s working days and hours. The inspection committee may check all the premises of the site, receive information and photocopies of the documents presented to it and the call log data kept by the undertaking. The three-member committee shall draw up a report on the on-site inspection, which shall record the findings of the inspection and any infringements, and submit it to the relevant Directorate for Transport and Communications, which shall follow the procedure set out in paragraphs 9 to 14.
4. On-site inspections of roadside assistance stations located in another Regional Unit may be carried out by a three-member inspection committee set up in the Directorate for Transport and Communications of the area where the roadside assistance station is located, in accordance with the procedure laid down in the previous paragraph. The inspection shall be carried out at the request of the Directorate for Transport and Communications of the Regional Unit where the registered office of the provider or of the partner is located, which shall be accepted or rejected in writing by the Directorate for Transport and Communications of the area where the station is located. The inspection report shall be forwarded by the Directorate for Transport and Communications of the RU where the station is located to the Directorate for Transport and Communications of the RU where the registered office is located, which requested the inspection, and shall form part of the inspection file to be taken into account for establishing whether or not infringements have been committed and for imposing administrative fines. The Directorate for Transport and Communications of the RU where the station is located and the Directorate for Transport and Communications of the RU where the registered office is located shall cooperate and provide each other with all necessary assistance in carrying out the inspection.
5. The Directorate for Transport and Communications referred to in Article 2 shall send a copy of the inspection report referred to in paragraphs 5, 7 and 8 to the operator by registered letter. If the inspection report finds infringements, the same letter shall invite the operator to present its views and remedy the infringement within five (5) working days from the day following the date of receipt of the letter.
6. If the operator fails to submit its views in writing within the deadline or if the views submitted are declared unfounded by the Directorate for Transport and Communications referred to in Article 2, the infringements shall be verified by decision of the Head of the Directorate for Transport and Communications referred to in Article 2 and the administrative fines referred to in Articles 8 and 9 shall be imposed.
7. The decision imposing an administrative fine shall be notified to the operator by means of a document requesting it to pay the fine within ten (10) working days of receipt of the document.
8. If the infringement is considered to be of minor importance, the Directorate for Transport and Communications may make a recommendation and set a time limit for compliance. If the operator complies within the time limit, no fine shall be imposed. For the purposes of this provision, an infringement may be considered to be of minor importance when it concerns a failure to notify at all or a failure to notify a change in relation to the following:

(a) the geographical coordinates of the roadside assistance station, where the other details of the address are correct but the geographical coordinates refer to another location due to oversight; or

(b) one of the contact details of the undertaking (telephone number or e-mail), when the other contact information is correct.

1. The fines imposed under this Decision shall be collected as public revenue in accordance with the provisions of the Public Revenue Collection Code (KEDE). Of the fines collected, for the imposition and collection of which the local authority shall be responsible, 50% shall constitute revenue of the local authority in whose territorial jurisdiction the infringement is certified and 50% shall be assigned to the State budget under a specific code.
2. The fine shall be paid against a duplicate receipt at any tax office, and its part constituting revenue of the State budget shall be certified and collected under Detailed Revenue Account No 1560989001 “Other fines and penalty payments”. Proof of payment of the fine shall be submitted by the operator to the Directorate for Transport and Communications within fifteen (15) days of its issuance. If the fine is not paid within the time limit laid down in paragraph 10, it shall be collected in accordance with the provisions of the Public Revenue Collection Code. To this end, the Directorate for Transport and Communications shall send a copy of the act imposing the administrative fine to the Region’s Financial Services Directorate so that it can draw up a fine notice and send it to the Tax Office in order for the latter to initiate the collection procedure in accordance with the provisions of the Public Revenue Collection Code.
3. Τhe decision of the Head of the Directorate for Transport and Communications imposing a fine, as referred to in paragraph 10, shall be subject to a special administrative appeal under Article 227 of Law 3852/2010 (Government Gazette A 87).

Article 7

Fee

1. The submission of the initial notification of the activity of a roadside assistance provider or roadside assistance partner shall require the prior payment of a fee under Articles 11 and 209 of Law 4442/2016, which is hereby set at an amount of fifty (50) euro.
2. The fee shall be paid for the purpose of managing the notifications, managing the information and carrying out the controls related to the notification, as well as the development of the IIS-CAC referred to in Article 14 of Law 4442/2016, its operation and maintenance.
3. No fee shall be required for the notification of closure, change of operator or change in any other notified data.
4. The operator of the activity shall pay the fee before submitting the notification in order to fill in the relevant field in the notification form and shall keep the proof of payment together with the other supporting documents at the premises where the activity is carried out, in accordance with Article 4.
5. (a) If the authority responsible for the implementation of this Decision is the authority named in Article 2(1), 80% of the fee shall be collected for the benefit of the local authority responsible for the notification and 20% shall be collected for the benefit of the State budget, in order to cover the relevant expenditure of the Secretariat-General for Industry of the Ministry of Development and Investment, in accordance with Article 11(1)(b) of Law 4442/2016. The amount levied for the benefit of the relevant local authority shall be paid into a special bank account and the amount levied for the benefit of the State budget shall be shown in Detailed Revenue Account (ALE) 1450113002 “20% of the fees for the carrying out of economic activity under notification and/or approval when local authorities are designated as competent authorities”.

(a) If the authority responsible for the implementation of this Decision is the authority named in Article 2(2), the total revenue from this fee shall constitute revenue of the State budget and shall be shown in Detailed Revenue Account (ALE) 1450113001 “Fees for the carrying out of economic activity under notification and/or approval” and 20% of the revenue shall be entered in the budget of the Ministry of Development and Investment in order to cover relevant expenses of the Secretariat-General for Industry, in accordance with Article 11(1)(a) of Law 4442/2016.

(c) Τhe operator shall pay the fee online through the relevant application (e-παράβολο), provided that it has become operational.

1. Any unduly paid amounts shall be refunded as envisaged in Joint Decision Α.1047/12.03.2020 of the Minister of Finance and the Minister of State (Government Gazette Β 979).

Article 8

Infringements and scope of sanctions

1. If an infringement is found as regards the notification provided for in this Decision, the operator shall be subject to the sanctions referred to in Article 15(1) of Law 4442/2016, namely an administrative fine ranging from one hundred (100) euro to fifteen thousand (15,000) euro in accordance with Article 9, and cessation of activity in accordance with paragraph 3.

2. Fines shall be imposed for the following infringements:

(a) failure to notify prior to the start of operation (initial notification);

(b) failure to notify changes in data;

(c) failure to notify a change of operator;

(d) provision of untrue or inaccurate or incomplete information at the time of notification;

(e) lack of any supporting documents referred to in Article 4.

1. In particular, in the event of failure to notify prior to the start of operation (initial notification), in addition to the administrative fine imposed, a mandatory time limit of three (3) working days shall be set for submitting the notification to the competent authority. If the above time limit lapses without any such notification being submitted, the competent authority referred to in Article 2 shall prohibit the conduct of the activity of roadside assistance until the notification is submitted, by a reasoned decision notified to the operator and the control authorities referred to in Article 2 of Law 3446/2006 (Government Gazette A 46).
2. In the event of failure to notify a change of operator, in addition to the administrative fine imposed, Article 89 of the Road Traffic Code, as ratified by Law 2696/1999 (Government Gazette A 57), shall apply to the registration certificates of all vehicles of the road assistance provider/partner. To this end, in the case of an insurance undertaking, the decision imposing an administrative fine shall be notified by the Bank of Greece to the relevant Directorate for Transport and Communications in the area where the registered office of the roadside assistance provider is located.
3. The competent authority referred in Article 2 shall be the body responsible for imposing the above sanctions.
4. In the case of infringements referred to in paragraph 2 and irrespective of the administrative fine, the operator shall be obliged to remedy the infringement by submitting the missing notification or a notification with true, accurate or complete information or by obtaining the missing supporting documents.

Article 9

Calculation of administrative fine

1. The administrative fine referred to in Article 8 shall be calculated on the basis of the following formula, according to which the fine shall be equal to a base value multiplied by a gravity coefficient multiplied by an increase coefficient multiplied by a reduction coefficient, as these are defined in the subsequent paragraphs, i.e.:

FINE = base line X gravity coefficient

X increase coefficient

X reduction coefficient

2. The base value shall be one hundred (100) euro.

1. The gravity coefficient for lack of initial notification shall be: 100
2. The gravity coefficient for the other infringements shall be calculated as the sum of the individual coefficients referred to in paragraphs 4.1 and 4.2.

4.1 Submission of a notification which contains untrue or inaccurate or incomplete information (either as initial notification or due to failure to notify a change in the details of the activity):

(a) In the case of an item included in field A of the notification: 2

If the infringement concerns more than one items included in field A of the notification: 3

(b) In the case of an item included in field B of the notification: 3

If the infringement concerns more than one particulars of the same partner/provider included in field B of the notification: 4

If the infringement concerns more than one particulars of different partners/providers included in field B of the notification: 5

(c) In the case of one or more items included in field C of the notification and relating to a station: 3

In the case of one or more items included in field C of the notification concerning more than one stations: 4

(d) In the case of an item included in field D of the notification: 2

If the infringement concerns more than one items included in field D of the notification: 3

(e) If the infringements relate to items included in more than one fields, the coefficients shall be aggregated.

Where the notification form has been incorrectly completed manifestly by mistake, no fine shall be imposed.

4.2 Lack of a supporting document referred to in Article 4: 5

If more than one supporting documents are missing, the coefficient shall be multiplied by the number of missing documents. For the purposes of this provision, the following supporting documents shall be deemed to be one supporting document, irrespective of the number of documents required:

(a) Roadside assistance operators: The supporting documents referred to in Article 4(1), subparagraph 1.1., clause 1.1.1. points (b) and (e), clause 1.1.2 point (c), clause 1.1.3 points (a), (b) and (c) and clause 1.1.4.

(b) Road assistance partners: The supporting documents referred to in Article 4(1), subparagraph 1.2., clause 1.2.1. points (a) and (d), clause 1.2.2 point (c), clause 1.2.3 points (a), (b) and (c) and clause 1.2.4.

5. The increase coefficient shall take a value of 1.5 if the infringement is verified within a period of less than two (2) years from a previously verified infringement of Article 8, which led to the imposition of a fine. In all other cases it shall take a value of 1.

6. The reduction coefficient shall take a value of 0.5 if the operator cooperates promptly and complies within the set time limit. In all other cases it shall take a value of 1.

7. In the case of failure to notify a change of operator, a separate fine of five hundred (500) euro shall be imposed. In this case, the fine shall be jointly imposed, each operator bearing one half of it, in accordance with Article 9(1) of Law 4442/2016.

Article 10

Other provisions on sanctions

The verification of an infringement of specific terms of the legislation in force on the operation of the activity, other than those relating to the notification referred to in Article 8, shall result in imposition of the sanctions provided for in the relevant legislation in force from time to time.

Article 11

Provisions repealed

Paragraph 1(12), (13) and (14) and the respective annexes of Joint Decision 26640/2298/2014 of the Ministers of Finance, Administrative Reform & e-Governance, Infrastructure, Transport & Networks “Simplification and integration of procedures within the responsibility of the transport and communications sections of the Ministry for Infrastructure, Transport and Networks into the system of Single Points of Contact (SPC)” (Government Gazette B 1302) shall be repealed.

**ANNEX**

**Notification of operation**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Notification No (1) | | | | | |
| **NOTIFICATION OF OPERATION** (under Article 208 of Law 4442/2016) | | | | | |
| of a roadside assistance provider □ | | | of a roadside assistance partner □ | | |
| Initial (new) notification: (2) □  new activity □  existing activity □  (under a legal operation certificate or licence) | | | Change (3) □  Change of operator □  Date of change:  Closure (4) □ | | |
| ***A.* INFORMATION ON THE OPERATOR** | | | | | |
| Type of undertaking: Natural person □ Legal entity □ | | | | | |
| Is the operator an Yes □ No □  insurance undertaking? | | | | | |
| Code number of activity: | | | | | |
| Full name of natural person Name of legal entity |  | | | | |
|  | | | | |
|  | | | | |
| TAX REGISTRATION NUMBER:……………………………..GEMI No: ………………………….… Tel.:……………………………….E-mail:…………………………….. | | | | | |
| **REGISTERED OFFICE OF ROADSIDE ASSISTANCE PROVIDER/PARTNER** | | | | | |
| Regional Unit: | | | | | |
| Postal address: Street: Number: Postal code: | | | | | |
| Geogr. Coordinates (6): latitude longitude  (Accepted values: 34.\* to 41.\*) (Accepted values: 19.\* to 29.\*) | | | | | |
|  | | | | | |
| **B. INFORMATION ON THE ACTIVITY** | | | | | |
| FOR ROADSIDE ASSISTANCE PROVIDERS: REGIONAL UNITS OF OPERATION USING OWN MEANS OR THROUGH PARTNERS (When operating through a partner, indicate the partner and the number of its notification or legal operation certificate) | | | | | |
| **Regional Unit of operation** | **Using own means** | **Through a partner** | | **Number of notification or legal operation of partners certificate** |  |
|  |  |  | |  |
|  |  |  | |  |
|  |  |  | |  |
|  |  |  | |  |

FOR PARTNERS: REGIONAL UNITS OF OPERATION USING OWN MEANS (indicate for each regional unit, if several, the roadside assistance providers with which it cooperates and their notification or legal operation certificate number)

|  |  |  |
| --- | --- | --- |
| **Regional Unit of operation** | **Roadside Assistance Provider** | **Notification or legal operation certificate number** |
|  |  |  |
|  |  |  |
|  |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **C. INFORMATION ON THE LOCATION OF THE ACTIVITY** (indicate all roadside assistance stations operating using own means of the notifying operator) | | | |
| (1) ROADSIDE ASSISTANCE STATION ……………………………………………………………………………………………..(LOCATION/NAME OF STATION) | | | |
| Regional Unit:…………………………………….. | Municipality/Municipal District: ………………. | | Location (5)……………………………….. |
| Postal address: Street:…………………………………………… Number:……………………………. Postal Code:…………………………. Tel:........................ | | | |
| Geogr. Coordinates (6): Latitude…………………………………………………..  (Accepted values: 34.\* to 41.\*) | | Longitude…………………………………………………………………  (Accepted values: 19.\* to 29.\*) | |
| (2) ROADSIDE ASSISTANCE STATION………………………………………………………(LOCATION/NAME OF STATION) | | | |
| (3)…….. | | | |
| (4)…….. | | | |
| (5)……… | | | |

|  |  |
| --- | --- |
| **D. INFORMATION ON VEHICLES with MAXIMUM PERMISSIBLE LADEN MASS (MPLM) ABOVE 4 TONNES** | |
| Indicate the vehicle registration numbers by regional unit where the notifying operator carries out activities using own means: | |
| **Regional Unit of operation** | **Registration numbers of vehicles with MPLM above 4 tonnes** |
|  |  |
|  |  |
|  |  |
| **Date of submission**  **(dd.mm.yyyy)** | **The operator (for legal persons, the legal representative)**  (full name - signature) |

|  |  |  |  |
| --- | --- | --- | --- |
| **ΑΝΝΕΧ** | | |  |
| **SUPPORTING DOCUMENTS KEPT BY THE OPERATOR AT THE REGISTERED OFFICE AND AT ROADSIDE ASSISTANCE STATIONS** | | |
| **SUPPORTING DOCUMENT** | √ | **Ref. No or E-Filing No and competent administrative authority (where available)** | |
| 1. Certificate of insurance coverage |  |  | |
| 2. Copy of partnership agreement |  |  | |
| 3. Road transport operator licence |  |  | |
| 4. Proof of payment of the fee |  |  | |
| 5. Authorisation documents for legal persons |  |  | |
| 6. Copy of certificate of commencement of activity |  |  | |

|  |  |  |
| --- | --- | --- |
| 7. List of staff from ERGANI |  |  |
| 8. Staff allocation table |  |  |
| 9. Supporting documents for technical staff |  |  |
| 10. Main-use site certificate of compliance with the urban planning legislation issued by a competent engineer |  |  |
| II. Approval of traffic connection or approval of entry/exit (7) |  | (8) |
| 12. Statutory declaration by an engineer (7) |  |  |
| 13. Copies of registration certificates for vehicles with MPLM above 4 tonnes |  |  |

(1) The unique notification number shall be filled in by the competent authority when an initial notification is submitted and by the operator when a change or closure is notified.

The competent authority shall be the Directorate for Transport and Communications of the Regional Unit (RU) where the roadside assistance provider or the roadside assistance partner has its registered office, except in the case of a roadside assistance provider which is also an insurance undertaking within the meaning of Law 4364/2016 (A 13), in which case the competent authority shall be the Bank of Greece.

(2) An initial (new) notification shall be submitted for the first-time operation of a roadside assistance provider or a roadside assistance partner (“new activity”). An initial (new) notification (“existing activity”) shall also be submitted for roadside assistance providers or roadside assistance partners which operate under a legal operation certificate and intend to change particulars of the legal operation certificate. In the latter case, the operator shall first submit an initial (new) notification with the data contained in the legal operation certificate and then submit a change of notification.

(3) Any change in the particulars of the notification other than change of operator.

(4) This refers to the permanent cessation of operation of the roadside assistance provider or roadside assistance partner.

(5) Mandatory field, if there is no clear postal address.

(6) Coordinates obtained from Google maps or similar mapping application for a spot within the site.

(7) This supporting document shall be mandatory after the entry into force of legislation laying down the traffic connection or entry/exit requirements for the roadside assistance stations of roadside assistance providers/partners and validating the corresponding traffic configuration plans as models.

(8) Indicate the authority responsible for the maintenance of the road the roadside assistance station faces to.

Article 12

Entry into force

This Decision shall enter into force on the date of its publication in the Government Gazette.

|  |  |  |
| --- | --- | --- |
| This Decision shall be published in the Government Gazette. | | |
| Athens, 10 November 2021 | The Ministers | |
| The Alternate Minister of  Finance | The Minister of Development and Investment | The Deputy Minister of  Environment and Energy |
| **THEODOROS SKYLAKAKIS** | **SPYRIDON ADONIS GEORGIADIS** | **NIKOLAOS TAGARAS** |
| The Deputy Minister of  Digital Governance | The Deputy Minister of  Infrastructure and Transport | The Minister of State |
| **GEORGIOS GEORGANTAS** | **MICHAIL PAPADOPOULOS** | **KYRIAKOS PIERAKAKIS** |

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