



## LAW 4013/2011

Which laws did he amend?

With the latest changes

from Law 4610/2019

### LAW NO. 4013 ΦΕΚ Α'204 / 15.9.2011



Establishment of a single Independent Public Procurement Authority and Central Electronic Register of Public Procurement - Replacement of the sixth chapter of Law 3588/2007 (bankruptcy code) - Pre-bankruptcy consolidation procedure and other provisions.

#### THE PRESIDENT OF THE HELLENIC REPUBLIC

We issue the following law passed by the Parliament:

#### PART A

#### CHAPTER AD

#### ESTABLISHMENT OF A SINGLE INDEPENDENT PUBLIC PROCUREMENT AUTHORITY

#### Article 1

#### Establishment of the Single Independent Public Procurement Authority - Purpose

A Single Independent Public Procurement Authority (hereinafter referred to as the Authority) is established, which aims to develop and promote the national strategy, policy and action in the field of public procurement, to ensure the transparency, efficiency, coherence and harmonization of public procurement and execution procedures. contracts under national and European law, the continuous improvement of the legal framework of public procurement, as well as the monitoring of its observance by public bodies and contracting authorities. The Authority enjoys operational independence, administrative and financial autonomy and is not subject to control or supervision by

→ [Rules of Procedure of the Greek Parliament.](#)



## Article 2

### Scope - Responsibilities of the Authority

1 . For the application of this law as public contracts are meant the public contracts that have as object the execution of works, the supply of goods and the provision of services, in their respective meanings in the current legislation for public contracts, as currently defined in Law 4412 / 2016 (AD147) and in Directives 2014/24 / EU and 2014/25 / EU but regardless of the estimated value of these contracts.

This law also includes the framework agreements, the dynamic purchasing systems, as well as the contracts for the concession of public works and services within the meaning of the current legislation and especially today within the meaning of Law 4413/2016 (AD 148) and the Directive. 2014/23 / EU. The provisions of this law do not apply to contracts that fall within the scope of Law 3978/2011 (AD 137), to contracts that are exempted from this law in accordance with articles 17 and 24 thereof, as well as to contracts that are concluded under Article 346 of the Treaty on the Functioning of the European Union (TFEU).

As amended by Par.1 Article 21 LAW 4441/2016 and is valid from 6/12/2016

[See the evolution of the paragraph](#)

2 . The Authority has the following responsibilities:

a) Supervises and coordinates the action of the central administration bodies in the field of public procurement and can participate in collective government bodies with responsibility for public procurement, which are recommended according to article 15 par. 2 case bd of p.d. . 63/2005 (A´ 98). Also, in order to consolidate and uniformly develop and implement public procurement law, the Authority may convene coordination meetings with representatives of central government bodies and set up working groups with the participation of representatives of all relevant Ministries. The decision to set up the working groups determines the work of each group, its time and the way it operates. The competent bodies of the central, regional and local self-government plan their needs for the execution of projects,

b) Promotes the national strategy in the field of public procurement and ensures compliance with the rules and principles of European and national public procurement legislation. In particular, it proposes arrangements to the competent national bodies for



...ulations of national law, as well as the rational the uniform, rapid and public interest  
...plementation of these and ensuring the observance of appropriate procedures for the  
award and execution of public contracts.

c) Gives an opinion on the legality of any provision of a draft law or regulatory act concerning public procurement and participates in the relevant drafting committees. The competent bodies must take into account the opinion of the Authority. Particularly:

aa) The Authority gives an opinion on the provisions of draft laws concerning public procurement before their submission to the Parliament. If the competent Minister disagrees with the opinion of the Authority, the Authority may convene meetings, with the participation of its representatives and representatives of all the competent Ministries in order to exchange and converge views. In these meetings, the Authority and any co-responsible Minister may request the participation of independent third parties, experts in public procurement. These meetings take place within ten (10) working days from the receipt of the invitation of the Authority to the participants. The impractical expiration of this deadline does not hinder the continuation of the voting process of the draft law. If the dispute between the competent Minister and the Authority is not resolved, A report of the Minister is attached to the opinion of the Authority, which includes a specific justification for any deviation from the content of the opinion. These documents accompany the draft laws when they are submitted to Parliament and are posted by the Authority on its website. In case of deviation of the draft law from the opinion of the Authority, the competent committee of the Parliament may invite, in accordance with the Rules of Procedure of the Parliament, to a hearing of the President of the Authority.

bb) Presidential decrees, in so far as they regulate matters of public procurement, are issued after the opinion of the Authority. This opinion accompanies the draft presidential decrees when they are sent for elaboration to the Council of State and is posted by the Authority on its website.

cc) Other regulatory acts issued under the authority of law, with the exception of notices, as well as the regulations of other public bodies and contracting authorities, such as in particular the regulations issued pursuant to article 5 par. 3 of Law 2286/1995, including Internal operation regulations of the competent public administration bodies on a case-by-case basis, in so far as those acts and regulations govern public procurement matters, are adopted with the consent of the Authority.



of the relevant body. With the impractical expiration of the above deadline, the consent of  
→ Authority is presumed.

dd) The decisions of the contracting Authorities regarding the recourse to the negotiation process for the award of public contracts, in accordance with case b of par. 2 of article 26 and articles 32 and 269 of Law 4412/2016 (AD47) except in cases of force majeure, are issued with the consent of the Authority, provided that these contracts fall, due to their estimated value, within the scope of Directives 2014/24 / EC and 2014/25 / EC, which have been incorporated into the Greek legal order. with Law 4412/2016. In exercising this competence, the Authority shall take into account the general principles of Union and national law.

This competence is exercised within a period of fifteen (15) working days from the receipt of the draft decision to the Authority, accompanied by all the elements on which, on a case-by-case basis, the recourse to the negotiation process is based, with the care of the Contracting Authority. without the expiration of the above deadline, the relevant acts may be issued without the opinion of the Authority.

(d) The Authority shall issue and post on its website regulations on specific technical or detailed matters relating to public procurement matters relating in particular to the interpretation of relevant national and Community law, taking into account national case law and the case law of the courts of the European Union; instructions to the competent public bodies and the contracting authorities with the above content and suggests to the competent Ministers the issuance of relevant circulars. The guidelines address in particular issues of consolidation of control procedures at the stage prior to the award of public contracts. The competent public bodies are obliged to consult the Authority in writing or orally before issuing any circular or directive. In case of disagreement,

e) The Authority issues standard tender documents and draft contracts after consultation with the relevant public bodies, as the case may be. Provisions of laws that authorize other bodies for the issuance of standard issues, such as in particular the provisions of articles 15 par. 2 of law 3669/2008 (AD 116) and 11 par. 4 of law 3316/2005 (AD 42), shall cease to be valid from the time specified in the Rules of Procedure of Article 7. Standard binding documents which may have been issued under the authority of the provisions of the preceding subparagraph shall remain in force until new standards are issued by the Authority. The Authority shall also establish rules for the standardization of technical specifications in cooperation with the competent bodies and shall monitor their harmonization with the general principles of national and Community law.



competent administrative and supervisory bodies, as well as the contracting authorities, in the framework of the applicable national and European legislation. and regulatory framework for the award of public contracts. By a presidential decree, issued following a proposal by the Minister of Development, Competitiveness and Shipping and an opinion of the Authority, the bodies and the process of monitoring and evaluation of the above actions can be identified.

g) Carries out random checks, seeking ex officio information and data on the ongoing procedures for the award, award and execution of public contracts by the contracting authorities and the public and private bodies involved and invites their representatives to a hearing to provide information and data. The competent public bodies and the contracting authorities must cooperate with the Authority, provide it with all necessary or necessary relevant information and comply with its instructions. In applying risk assessment methods, the Authority shall examine in particular procedures for the award, award and execution of public contracts which fall within the scope of European legislation or which are co-financed by European programs. It also examines all procurement procedures, award and execution of public contracts which are the subject of an investigation by the European Union for alleged breaches of European law. The results of the Authority's inquiry into the procedures for the award, award and execution of public contracts referred to above shall be notified to the relevant contracting authority. If the Authority finds a violation of national or European law on public procurement, the progress of the procurement, award and execution of public procurement procedures investigated by the Authority shall be interrupted by a relevant decision and may not be continued without its decision. provides its written consent for the progress of the relevant process. These findings may be further forwarded to the competent courts upon request, and be provided, with the care of the contracting authority, to any interested party who demonstrates a legitimate interest in exercising his legal rights. If the Authority finds a violation of national or European law on public procurement, by a relevant decision, which is taken to assess the seriousness of the violation found, addresses the relevant simple or mandatory recommendations or stops the progress of the procurement procedures, award and execution of public contracts which have been the subject of an investigation by the Authority; in the event of termination, proceedings may not be resumed without its decision giving its written consent to their progress.

h) Supervises and evaluates, as appropriate, the competent administrative bodies in the field of public procurement in the performance of their duties in accordance with the applicable national and European legal and regulatory framework and the guidelines of



→ In cooperation and with the opinion of the Authority, the bodies and the procedure of supervision and evaluation of the above audit bodies can be determined.

i) It may submit observations on matters of public procurement, in particular on the interpretation of public procurement law, either in writing or orally on its own initiative or at the request of the competent courts in proceedings before them. In the event of an oral opinion, the Authority shall be represented by the President or the Vice-President, or by authorization of the President, a member of the Authority.

The Authority may request, from the competent court on a case-by-case basis, any document deemed necessary for the formulation of its opinion under the preceding paragraphs.

j) Maintains a National Database of Public Procurement according to the specific provisions of its Rules of Operation. Especially:

(aa) collect and publish information on the legislative and regulatory framework of public procurement and the relevant case law of European and national courts;

bb) coordinates and ensures the collection, processing and publication in the Central Electronic Register of Public Procurement data of data by the contracting authorities and the competent public bodies in accordance with the provisions of article 11 of this law. It also ensures the observance in the National Database of Public Procurement of those other specific data provided by the Regulation of article 7 and the provisions of this law.

k) Advises contracting authorities on its own initiative or at the request of the latter, in particular at the stage of adjudication or examination of preliminary rulings, on the lawful conduct of procurement and public procurement procedures and the uniform application of European and national legislation public procurement.

l) Participates in the relevant European institutions, as the capital national communication authority on the exchange of views, information and data concerning the national strategy, the legal framework and the procedures for the award, award and execution of public contracts. He also participates in the representation of the country in international organizations and meetings in the field of public procurement. Within the framework of the above responsibilities, it is the central point of communication and coordination of the Greek authorities with the bodies of the European Union, regarding alleged violations of European legislation on public procurement, without prejudice to the competence of the Special Legal Service of the Ministry of Foreign Affairs for violations



→ prepares and submits to the President of the Parliament, within the first quarter of each calendar year, an annual report which is published on the internet and includes an evaluation of the activities of the Authority, in accordance with its purpose and responsibilities, proposals for improving the legislative and regulatory framework and the procedures for the award, award and execution of public contracts which have been formulated to the competent bodies and bodies, as well as the progress of the compliance of the competent bodies and bodies with these proposals.

As amended by Par.5 Article 235 LAW 4610/2019 and is valid from 7/5/2019

[See the evolution of the paragraph](#)

**3** . By presidential decree, issued following the opinion of the Authority on the proposal of the Ministers of Finance and Development, Infrastructure and Transport and, as the case may be, the competent Minister may be delegated other responsibilities for the fulfillment of its purpose.

In order to scientifically support the responsibilities of the Authority and to facilitate their exercise, the Authority has access to the Integrated Information System of the Administrative Justice and to the Court of Auditors in accordance with conditions set by the Personal Data Protection Authority upon request. A.A.ΔΗ.ΣΥ. before submitting the relevant application to the relevant supreme courts.

As amended by Par.1 Article 101 LAW 4485/2017 and is valid from 4/8/2017

[See the evolution of the paragraph](#)

### **Article 3**

#### **Establishment of the Authority**

**1** . The Authority consists of seven (7) regular members and an equal number of alternates. The members of the Authority are elected by the Parliament in accordance with the provisions of article 101A par. 2 of the Constitution, and are appointed by decision of the Minister of Development, Competitiveness and Shipping after the opinion of the Parliamentary Committee on Institutions and Transparency. Until the necessary amendment of the Rules of Procedure of the Parliament occurs, the members of the Authority are elected by a decision of the Council of Ministers, after the opinion of the Committee on Institutions and Transparency of the Parliament. The members of the Authority are proposed as follows:



→ ne (1) member, as Vice President, with his deputy, by the Minister of Finance,

c) five (5) members with their deputies from the Ministers of Finance, Interior, Development, Competitiveness and Shipping, Infrastructure, Transport and Networks and Health and Social Solidarity, respectively.

**2 .** Persons of recognized prestige and highly scientific training, with academic or professional specialization in the field of public procurement are selected as members of the Authority. Alternate members must have the same qualifications as full members.

**3 .** After their election by the Conference of Speakers of Parliament, the members of the Authority are appointed for a five-year term, without prejudice to paragraphs 4 and 5, by decision of the Minister of Development, Competitiveness and Shipping issued within three (3) months from the entry into force of this law. Members may not be elected for more than two (2) terms, consecutive or not.

**4 .** Paragraphs 4 and 6 of article 3 of law 3051/2002 (AD 220) also apply to the members of the Authority.

**5 .** In order to ensure the continuity of the operation of the Authority during the first application of paragraph 3 of this article, two (2) of the five (5) members are drawn immediately after the decision of their choice is made and are appointed for a term of three (3) and four (4) years respectively. This draw does not include the President and the Vice President of the Authority, who are appointed for a full term. If the term of office of a member who according to the previous paragraph was appointed for a limited term is renewed, the renewal is valid for a full term of five (5) years.

**6 .** The term of office of the members is automatically extended until the appointment of new members. The Authority may continue to operate if any of its members disappear or leave for any reason or lose the capacity under which they were appointed, provided that their alternate members and other full members are sufficient to form a quorum.

In the event of a quorum not being formed due to the impediment of any member or alternate member, the Chairman may invite alternates of other members of the Authority, in the order of their appointment, regardless of whether the member

As amended by Par.4 Article 235 LAW 4610/2019 and is valid from 7/5/2019

[See the evolution of the paragraph](#)



→ added with par.3 Article 61 LAW 4146/2013 and is valid from 18/4/2013

[See the evolution of the paragraph](#)

**8** . In the event that a member or alternate, other than the President, disappears or leaves for any reason or loses the capacity under which he was appointed, another member or alternate may be appointed to the vacant position without the need for a recurrence of the opinion of the committee responsible. of Parliament. For the purpose of applying the last subparagraph of paragraph 2, the terms of office completed must be full.

As added with par.2 Article 53 LAW 4186/2013 and is valid from 17/9/2013

[See the evolution of the paragraph](#)

#### **Article 4**

### **Functional independence**

1. The members of the Authority in the exercise of their duties shall be bound only by law and their conscience.

The President and the regular members of the Authority are full-time and exclusively employed, and for this reason they are suspended from the exercise of any unpaid or salaried public or legal function or any professional activity, with the exception of the teaching duties of members of the Faculty. case of the President.

Full-time and full-time members who hold any salaried position in the State are exempted, during their term of office, from the obligation to exercise the duties of their position.

The alternate members of the Authority are not allowed to exercise any salaried or unpaid public office or any other professional activity that is not compatible with the capacity and duties of a member of the Authority. In particular, they are not allowed to provide services in the context of the free exercise of their profession or function to contracting authorities or to natural or legal persons participating in tenders or concluding public contracts. The exercise of teaching duties of a faculty member is not incompatible for the alternate members of the Authority. FOREVER. with full or part-time status and the exercise of duties of a member of the Legal Council of the State.

The members of the Authority, regularly and alternately, are not allowed, for three (3) years after the end of their term of office, to provide service by salaried mandate or by



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As amended by Par.4 Article 21 LAW 4441/2016 and is valid from 6/12/2016

[See the evolution of the paragraph](#)

**2.** The fourth paragraph of par. 5 and par. 8, as in force, of article 3 of Law 3051/2002 (AD 220) apply to the members of the Authority, without prejudice to the provisions of article 2 of law 3833 / 2010 and the third article of law 3845/2010.

As amended by Par.4 Article 21 LAW 4441/2016 and is valid from 6/12/2016

[See the evolution of the paragraph](#)

**3.** The budget of the Authority is attached to the General Budget of the State. The issues of financial management are regulated by the special regulation of financial management prepared by the Authority and approved by a presidential decree issued on the proposal of the Minister of Finance.

Until the issuance of this presidential decree, the salaries of the staff and the operating expenses of the Authority will be borne by the budget appropriations of the Ministry of Development, Competitiveness, Infrastructure, Transport and Networks. From its issuance until the end of 2013, the Authority will be supported by the financial and administrative services of the General Secretariat of Commerce of the Ministry of Development, Competitiveness, Infrastructure, Transport and Networks.

For the financial years 2013 and 2014, the Authority, to cover its needs, may be subsidized from the budget of the Ministry of Development, Competitiveness, Infrastructure, Transport and Networks.

The Authority for its inclusion in the Public Investment Program (PIP), in European or co-financed programs, such as the National Strategic Reference Framework (NSRF) 2007-2013, can be financed through the collective project decision (SAE) of Ministry of Development, Competitiveness, Infrastructure, Transport and Networks.

In order to cover the operational needs of the Authority in contracts over one thousand (1,000) euros excluding VAT subject to this law, and regardless of the source of funding, which are concluded after its entry into force, a reservation of 0.07% is required, the which is calculated on the value of each payment before taxes and deductions of the original, as well as each additional or amending contract.

These amounts fully cover the operating costs of the Authority.



Authority in accordance with the provisions of the special financial management regulation. By decision of the Minister of Finance, upon the recommendation of the Authority, issues regarding the time, manner and procedure of withholding the above amounts of money, as well as any other necessary details for the implementation of the reservation may be regulated. The revenues generated in the above manner during the year 2011 may be transferred and constitute revenues of the Authority in 2012 by joint decision of the Minister of Finance and the Minister of Development, Competitiveness, Infrastructure, Transport and Networks.

If the financial management of the Authority at the end of each financial year results in a positive Net Income, a percentage of this financial result up to eighty percent (80%) is allocated by joint decision of the Ministers of Finance and Development, Competitiveness, Infrastructure, Transport and Networks, as State Budget revenue. The above provision is valid from the financial year 2015 onwards.

As amended by Par.1 Article 235 LAW 4610/2019 and is valid from 7/5/2019

[See the evolution of the paragraph](#)

**4.** By presidential decree, issued on the proposal of the Ministers of Finance, Development, Competitiveness and Shipping and Administrative Reform and e-Government and after the opinion of the Authority, the services of the Authority, their structure and responsibilities are determined, regulates any other issue that concerns the Organization of the Authority and new staff positions may be recommended.

**5 .** The Authority shall appear independently in any proceedings which have as their object enforceable acts or omissions. Remedies against the executing acts of the Authority may also be exercised by the Ministers referred to in Article 3 (1).

**6 .** The President, the members, as well as the alternate members of the Authority submit annually the declaration of assets provided by Law 3213/2003 (AD309).

As added with par.6 Article 61 LAW 4146/2013 and is valid from 18/4/2013

[See the evolution of the paragraph](#)

## Article 5

### Meetings of the Authority and decision making

**1 .** The members of the Authority meet at least two (2) times a month regularly and extraordinarily whenever necessary, at the invitation of its Chairman, in which the place and time of the meeting are determined. The invitation includes the items on the agenda.



→ The Authority meets validly if at least four (4) members are present. Decisions are taken by an absolute majority of the members present and, in the event of a tie, the vote of the President or his deputy shall prevail. Meetings may be convened at the invitation of the President and the Legal Adviser of the Authority may be present without the right to vote. The President may invite members of the Authority 's staff or third parties, representatives of the State or foreign authorities, public or private bodies and professional organizations, as well as experts to attend the discussion of specific issues. The duties of secretary are exercised by a member of the administrative staff of the Authority appointed by a decision of its President.

**3 .** Any other issue concerning the operation of the Authority is regulated by the Regulation of article 7 and, in addition, by the provisions of articles 13 to 15 of the Code of Administrative Procedure.

**4 .** Par. 9 of article 30 of Law 2324/1995 is applied accordingly for the members of the Authority regularly and alternately as well as for the personnel of the Authority.

As added with [par.3 Article 238 LAW 4072/2012](#) and is valid from 11/4/2012

[See the evolution of the paragraph](#)

**5 .** The members of the Authority regularly and alternately, as well as the staff of the Authority, shall not be prosecuted or prosecuted for an opinion expressed in the performance of their duties, unless they acted with malice or gross negligence or violated the confidentiality of information and data obtained their knowledge during the exercise of their duties or violated the duty of confidentiality of article 26 of the Code of Status of Public Civil Servants and Employees of N.P.D.D. (Law 3528/2007).

As added with [par.3 Article 238 LAW 4072/2012](#) and is valid from 11/4/2012

[See the evolution of the paragraph](#)

## **Article 6**

### **Organization of the Authority**

**1 .** The Authority shall ensure that its purpose is fulfilled and, without prejudice to the powers of its President, as set out in Article 8, shall decide on any matter falling within its remit, as well as on matters of its internal functioning, in particular:

(a) give an opinion on the Rules of Procedure referred to in Article 7;



(c) submit a proposal for the establishment of posts and the organization of its services in accordance with Article 4 (4);

(d) arrange for the recruitment of all staff and Legal Advisers, in accordance with Articles 9 and 10 (1) respectively; and

(e) enter into public contracts with third parties for its needs, in accordance with applicable European and national legislation and in accordance with the specific Financial Management Regulation referred to in Article 4 (3).

**2 .** In order to assist its work, the Authority may, in particular:

(a) instruct the preparation of draft provisions, standard issues and guidelines for the improvement of the legal framework for public procurement, the collection, processing and publication of information and data from the national public procurement database, as well as any individual work which contributes to the fulfillment of its purpose, in public or private bodies, natural or legal persons and associations of persons with related specialization, in accordance with the current European and national legislation and those defined in the special financial management regulation of article 4 (3),

b) to put in public consultation, via the internet, plans, proposals and questions related to the consolidation, reform and completion of the legal framework of public procurement;

(c) to seek cooperation in the exchange of views and opinions on public procurement matters by contracting authorities, economic operators and experts.

## **Article 7**

### **Regulation of the Authority**

**1 .** With a presidential decree issued following a proposal of the Minister of Development, Competitiveness and Shipping and after an opinion of the Authority, its Rules of Procedure are approved.

**2 .** The Regulation regulates the specific issues of operation of the Authority, specifies the responsibilities provided in Article 2 hereof, defines the bodies, the manner and the procedure of exercising each of its responsibilities, the specific data that will be collected, processed and published in the National Database Given Public Procurement of case ii of par. 2 of article 2 of this law, as well as the relevant obligations of cooperation of the contracting authorities and the involved public and private bodies. The Regulation may also establish decentralized services of the Authority.



→ The President of the Authority is responsible for its operation in accordance with the provisions in force and exercises all the responsibilities for this purpose. Particularly:

- a) Represents the Authority in court and out of court, before the courts, any other public authority and third parties. The President of the Authority may, on a case-by-case basis, assign its representation to another member, to the Legal Adviser of the Authority or to a member of its special scientific staff.
- b) Supervises the services directly subordinated to the President of the Authority, coordinates and directs the services belonging to the General Directorate of Public Procurement of the Authority.
- c) Exercises disciplinary authority over the staff of the Authority.
- d) Defines the items on its agenda. e) Ensures the execution of its decisions.

As amended by Article 102 LAW 4605/2019 and is valid from 1/4/2019

[See the evolution of the paragraph](#)

**2 .** The President may by decision authorize other members or bodies of the Authority to sign "by order of the President" documents or other acts of his competence.

## **Article 9 Authority staff**

**1 .** Fifteen (15) positions of special scientific staff of article 2 of p.d. are recommended in the Authority. 50/2001 (AD 39), with employment relationship under private law of indefinite duration, of which eight (8) are positions of law, three (3) positions of qualified engineers, one (1) of chemistry, two (2) positions of computer scientists and one (1) position as an economist. Lawyers can also be hired in legal positions. The exercise of the duties of a specialist scientist of the Authority is incompatible and entails the suspension of the exercise of the relevant liberal profession or function. Violation of this obligation is an important reason for termination of their employment by the Authority.

**2 .** Scientists with at least three years of experience in the field of public procurement are hired for the positions of the previous paragraph, in accordance with the provisions of Law 2190/1994 (AD 28), as in force, following a notice from the Authority, which specializes in the required formal and substantive qualifications in accordance with the provisions of article 2 of p.d. 50/2001.



renewed only once, of personnel holding the same formal and substantive qualifications  
→ in its Management Unit Community Support Framework SA (MOD SA) (Law 2372/1996, AD 29).

The filling of the positions can be done, subject to the conditions of the first paragraph, by transfer or by three-year secondment, renewed once, personnel of any category or branch or with any employment relationship, by the State, the bodies of par. 6 of article 1 of Law 1256/1982 (AD 65) or of the third article of Law 2372/1996 (AD 29)

The secondments and transfers of the previous paragraphs are carried out, by way of derogation of any contrary general or special provision, by a sole decision of the Minister of Development, Competitiveness, Infrastructure, Transport and Networks, without requiring compliance with the procedure of article 68 par. 4002/2011 (AD180).

As amended by Par.5 Article 21 LAW 4441/2016 and is valid from 6/12/2016

[See the evolution of the paragraph](#)

**3 .** For the administrative support of the Authority, seven (7) positions of permanent staff of the Administrative-Finance branch are recommended, in which personnel are hired in accordance with the provisions of Law 2190/1994 (AD 28), as in force, after an announcement by the Authority, in which the required formal and substantive qualifications are specified.

The filling of the positions of administrative staff of each branch and specialty can be done by transfer or by three-year secondment, renewed once, of personnel who serve with any employment relationship in the State or in the bodies of par. 6 of article 1 of Law 1256/1982 (AD 65). The secondments and transfers of the previous paragraph are carried out, by way of derogation of any contrary general or special provision, by a single decision of the Minister of Economy and Development, without requiring the observance of the procedure of article 68 par. 1 of Law 4002/2011 (AD). 180)

The remuneration provided for in the provisions in force shall be paid to such staff.

Transferred staff retains the same employment relationship, fills respective vacancies and is still insured with the same main and auxiliary insurance providers.

As amended by Par.5 Article 21 LAW 4441/2016 and is valid from 6/12/2016

[See the evolution of the paragraph](#)



Secondment of staff, which can be renewed only once, by the bodies of the wider public sector, as defined in Article 14. par. 1 of law 2190/1994, as in force.

This secondment shall take place by way of derogation from any general or special provision to the contrary, by decision of the Minister of Economy and Development, following a proposal by the President or Vice-President respectively.

Such staff shall be automatically reinstated at the same time as the relevant body of the Authority leaves, without any further procedure. Similarly, such personnel shall be reinstated at any time by decision of the Minister of Development, Competitiveness and Shipping, on a proposal from the President or Vice-President, as the case may be.

As amended by Par.5 Article 21 LAW 4441/2016 and is valid from 6/12/2016

[See the evolution of the paragraph](#)

**5 .** Paragraphs 2, 3, 5 and 6 of article 4 of law 3051/2002, as in force, apply to the staff of the Authority.

The seconded staff who occupy positions of special scientific and administrative staff receive the remuneration of the grade and the salary scale according to the current legislation. In any case, his total remuneration may not be less than that of the institution of origin and the payroll shall be borne by the budget of the Authority, and its payment shall be made by the Authority.

The total service time of the transferred staff spent in the institutions of origin and the time recognized as pre-service time is considered as actual service time in the Authority for the issues of grading and salary development and for any other consequence.

As amended by par.8 Article 61 LAW 4146/2013 and is valid from 18/4/2013

[See the evolution of the paragraph](#)

**6 . a)** The position of General Manager is recommended to the Authority, who exercises the following responsibilities:

aa) Supervises the services of the General Directorate of Public Procurement and ensures the execution of the required actions, in accordance with the decisions of the Authority and the instructions of its President,

(bb) is a Chief of Staff; and



responsibilities provided for in sub-indent a) and b) shall be exercised by the President of the Authority.

dd) has the responsibilities of the General Director of Financial Services, as provided in the current legislation on public accounting.

**b )** The General Manager should have three years of experience in financial management or management control and administrative experience in the public or private sector, taking into account the experience in a subject relevant to the subject of the Authority. , issued by the Authority and published in at least two daily newspapers, additional formal and substantive qualifications may be specified.

**c)** The General Manager is full-time and exclusively employed and is appointed for a three-year term, which may be renewed once by decision of the Authority. The term of office of the Director-General may be terminated before the end of his term of office for reasons of incapacity or misconduct, by an act of the President, issued following a specially reasoned decision of the Authority.

**d)** Candidates for the position of General Manager may also be civil servants or officials or employees of public sector bodies, as defined in paragraph 1 of article 1B of Law 2362/1995 (AD 247). The General Manager is selected by the Authority and is appointed by a decision of the President, by way of derogation from the provisions of the P.Y.S. 33/2006, as in force each time. For the selection, a three-member committee is proposed to the Authority, which is formed by its decision and consists of the President of the Authority, one of its members and one member of ASP.

**e)** If the Director General comes from a public sector body, after the expiration and non-renewal of his term, by a joint decision of the Ministers of Administrative Reform and e-Government, Finance, Development, Competitiveness and Shipping and the competent Minister, as the case may be, after submitting a relevant application, to the institution of origin and occupies a vacant organic position corresponding to the position held in the same institution or, if there is no such position, occupies a permanent position with the same employment relationship, the same category and the same branch or specialty , recommended by the same decision. His service as the Director General of the Authority is a real public service for all consequences and is taken into account for his further grading and salary development as a previous service in the position of Head of General Management.



→ amended by Par.6 Article 235 LAW 4610/2019 and is valid from 7/5/2019

[See the evolution of the paragraph](#)

**7 .** Remuneration of officials seconded by the Authority to another body shall be paid by the service to which they are assigned, with the exception of any applicable general or special provisions.

As added with Par.5 Article 21 LAW 4441/2016 and is valid from 6/12/2016

[See the evolution of the paragraph](#)

**8 .** In order to assist the President of the Authority in the exercise of his duties, in addition to the organic positions mentioned in the Organization of the Authority, three organic positions with a fixed-term private law employment contract are recommended, for which par. 6 of article 5 of n. 3297/2004 (AD 259) and, in terms of salaries, Chapter B of Law 4354/2015 (AD 176). In case of secondment to fill the positions of the previous paragraph, the provision of the fourth subparagraph of paragraph 2 of this Article shall apply.

As added with Par.7 Article 235 LAW 4610/2019 and is valid from 7/5/2019

[See the evolution of the paragraph](#)

## **Article 10**

### **Counsel**

**1 .** One (1) position of Legal Adviser is recommended, in which a lawyer from the Supreme Court is hired for a fixed fee, who has at least ten years of experience and specialization in the field of public procurement law, in accordance with the provisions of article 11 par. of Law 1649/1986 (AD 149), following a call for expressions of interest, which will determine the additional qualifications and the way of proving it for the occupation of the specific position. Paragraphs 7 and 8 of article 3 of Law 3051/2002 also apply to the Legal Adviser of the Authority, without prejudice to article 2 of Law 3833/2010 and the third article of Law 3845/2010.

As amended by Par.6 Article 21 LAW 4441/2016 and is valid from 6/12/2016

[See the evolution of the paragraph](#)

**2 .** The Legal Adviser of the Authority has in particular the following responsibilities:

a) the judicial representation of the Authority and b) the legal support of the actions and decisions of the Authority with legal advice and opinions.



reasons, in matters of public procurement law. Violation of this obligation is a ground for termination of his paid mandate by the Authority.

As amended by Par.2 Article 101 LAW 4485/2017 and is valid from 4/8/2017

[See the evolution of the paragraph](#)

**4 .** The Authority may, by its decision, resort to the services of an external lawyer, upon the recommendation of the Legal Adviser. By decision of the Authority, the fees paid in case of recourse to the services of an external lawyer are defined.

**5 .** The Legal Adviser is assisted in the exercise of his duties by one (1) lawyer who is hired on a paid basis as an Assistant Legal Adviser. The specific qualifications, such as the required experience, specialization and degree of court of appointment, of the Assistant Legal Adviser are determined by the relevant call for interest, in accordance with the needs of the Authority and upon the recommendation of the Legal Adviser. The remuneration of the said legal advisor is regulated directly by the provisions of par. 10 of article 9 of Law 4354/2015. In other respects, the provisions of paragraphs 1 and 3 shall apply. Upon the recommendation of the Authority, by joint decision of the Ministers of Economy and Development and Finance, other organic positions of legal advisers may be established.

As repealed by Par.3 Article 101 LAW 4485/2017 and is valid from 4/8/2017

[See the evolution of the paragraph](#)

## CHAPTER B

### ESTABLISHMENT OF CENTRAL ELECTRONIC PUBLIC PROCUREMENT REGISTER

#### Article 11

##### Establishment of a Central Electronic Register of Public Procurement

**1.** The Central Electronic Register of Public Procurement is established at the Ministry of Development, Competitiveness and Shipping (General Secretariat of Commerce), in order to collect, process and publish data related to public contracts which are concluded in writing, by electronic means or orally, sector, as defined in article 1B of Law 2362/1995 (AD 247) and third parties, with the object of executing projects, the supply of goods or the provision of services at all stages of their assignment and execution regardless of the assignment process. The establishment and operation of the Register is subject to the provisions of Law 2472/1997 (AD 50). For the purposes of this Law, public procurement means public procurement for the execution of works, the supply of goods and the



however, have a budget equal to or greater than thousand (1,000) euros. The above amount may be reduced by the decision of paragraph 5 of this article. This law also covers framework agreements, public works concessions, and dynamic purchasing systems.

The provisions of this law do not apply to contracts that fall within the scope of Law 3978/2011 (AD 137), to contracts that are exempted from this law in accordance with articles 17 and 24 thereof, as well as to contracts that are concluded under Article 346 of the Treaty on the Functioning of the European Union (TFEU), including contracts concluded by the Foreign Service Authorities of the Ministry of Foreign Affairs and the Central Office of the Ministry of Foreign Affairs and classified as confidential or their conclusion and execution must be by special security measures. By joint decision of the Ministers of Administrative Reform and e-Government, Development, Competitiveness, Infrastructure,

By way of derogation, for reasons of national security, the elements of par. 2 of article 11, as well as any other element defined by the et seq. of paragraph 5 of the same article, concerning the armed forces, are registered in an internal classified military network and are notified to the General Secretariat of Commerce of the Ministry of Development, Competitiveness and Shipping responsible for keeping and managing the Register and to the Authority of Article 1 of this law. By joint decision of the Ministers of Development, Competitiveness and Shipping and National Defense, the time and manner of data transfer, access to them, as well as any other relevant issue are regulated.

As amended by par.6 Article 58 LAW 4155/2013 and is valid from 29/5/2013

[See the evolution of the paragraph](#)

**2 . The Central Electronic Public Procurement Register (hereinafter: the Register) consists of two separate subsystems, namely:**

a. The Register of Electronic Registration of Requests, in which are registered, through electronic-internet form, all the requests of the public sector bodies, as it is defined in article 1B of law 2362/1995, for the conclusion of contracts that are subject to the present law. The registration shall include at least the following information: (1) the name of the entity, (2) its VAT number, (3) the type of supply, service or public works, (4) the budget, (5) the technical specifications, ( 6) the Commitment Number, if the expense is subject to the procedure of p.d. 113/2010 (AD 194), (7) the inclusion, especially for procurement, in the Single Procurement Program. In addition, the relevant details of the award



→ The Register of Electronic Public Procurement, in which all public contracts are obligatorily registered, under the responsibility of the competent body on a case-by-case basis, after their signing and in any case before the execution of any relevant expenditure. The registration shall include at least the following information: 1) the names of the parties, 2) their VAT number, 3) the type of contract, 4) its subject matter, with reference to the quantity and common vocabulary for public procurement (Common Procurement Vocabulary CPV) by species, 5) its budget, 6) the data of paragraph 3 of article 4 of p.d. 113/2010, 7) the manner of execution of expenses and the amount of each payment.

As repealed by par.2 Article 199 LAW 4281/2014 and is valid from 8/8/2014

[See the evolution of the paragraph](#)

### 3 . The Registry is interconnected:

a) With the "Clarity Program", in order, with the registration of data, in accordance with the procedure of article 6 of law 3861/2010 (AD112), to be updated simultaneously with the databases of "Clarity" and the Register , according to the technical design of the information system that will be supported by the Register. The issuance of separate Internet Posting Numbers (PSAs) concerns all the documents that will be registered in the Register and on the basis of them the relevant corresponding acts will be connected and

b) with the Register of Commitments of the General Accounting Office of the State, for the monitoring of the proper execution of the budget of the public sector bodies, regarding the part of the approval and payment of expenses that are made in the context of assignment and execution of public contracts.

As repealed by par.2 Article 199 LAW 4281/2014 and is valid from 8/8/2014

[See the evolution of the paragraph](#)

4 . A joint decision of the Minister of Development, Competitiveness and Shipping and the competent Minister, as the case may be, issued after the opinion of the Personal Data Protection Authority, regulates issues related to the interconnection of the registers mentioned in the previous paragraph, as well as the interconnection with each another register kept by the public services to monitor the progress of the award and execution of public contracts for audit, budgetary and statistical purposes.



→ 3y joint decision of the Ministers of Interior, Administrative Reform and e-Government, Finance, Development, Competitiveness and Shipping, Infrastructure, Transport and Networks and the relevant Minister, as the case may be, more specific issues concerning the operation and management of the Registry are regulated. the structure, content and access to it, the process of issuing electronic registration codes, the case-by-case data entered in each subsystem, the time of their registration, the case-by-case registrants and the bodies responsible for checking compliance as well as any other relevant issues.

As repealed by par.2 Article 199 LAW 4281/2014 and is valid from 8/8/2014

[See the evolution of the paragraph](#)

**6** . The registration of requests and public contracts in the Register, as well as the report of the appointing authority are elements of the regularity of the expenditure within the meaning of paragraph 2 of article 26 of law 2362/1995.

As repealed by par.2 Article 199 LAW 4281/2014 and is valid from 8/8/2014

[See the evolution of the paragraph](#)

**7** . Access to the data of the Register is without prejudice to the provisions for the protection of the individual from the processing of sensitive personal data and any state secrets provided in the current legislation, the rules of intellectual and industrial property, as well as corporate or other privacy provided in more specific provisions.

As repealed by par.2 Article 199 LAW 4281/2014 and is valid from 8/8/2014

[See the evolution of the paragraph](#)

**8** . In the Register of Electronic Public Procurement, all pending contracts are obligatorily and as a priority registered at the time of entry into force of this law, within a period of three (3) months from the start of its operation. A joint decision of the Ministers of Finance, Development, Competitiveness and Shipping and Infrastructure, Transport and Networks regulates the relevant technical and operational issues, in particular as to the data and time of registration, as well as the persons responsible for registration.

As repealed by par.2 Article 199 LAW 4281/2014 and is valid from 8/8/2014

[See the evolution of the paragraph](#)

## PART B

### REPLACEMENT OF THE SIXTH CHAPTER OF LAW 3588/2007 (BANKRUPTCY CODE) - PRE-BANK RECONSTRUCTION PROCEDURE AND OTHER PROVISIONS



→ sixth chapter of the Bankruptcy Code is replaced as follows:

## "CHAPTER SIX REHABILITATION PROCEDURE

### Article 99

#### Consolidation process

1. Any natural or legal person with insolvency in accordance with Article 2 (1), who has his center of main interests in Greece and is in present or imminent inability to fulfill his overdue financial obligations in general, may be subject to resolution procedure provided for in this Chapter by decision of the competent Court.
2. The consolidation process is a collective pre-bankruptcy process, which aims at maintaining, utilizing, restructuring and rehabilitating the business with the agreement provided in this chapter, without compromising the collective satisfaction of creditors. Creditors' collective satisfaction is impaired if it provides that non-contracting creditors will be in a worse financial position than they would be on enforcement or, in the event of a debt default, under Chapter Eight of this Code. For the assessment of the financial position of the creditors, the amounts and any other considerations that will be received and the repayment terms of these amounts are taken into account.
3. The purposes of paragraph 2 shall be pursued by the conclusion and ratification of a resolution agreement in accordance with the provisions of this Chapter.
4. The resolution agreement may be drawn up either in the context of the resolution procedure or before the initiation of the procedure, in accordance with Article 106b. In the latter case the agreement is submitted to the court for ratification with the request for opening the procedure.
5. The consent of the majority of creditors required for the conclusion of a resolution agreement under the resolution procedure may be based on a decision of the creditors' meeting in accordance with Articles 105 and 106 or, without convening such a meeting, upon the signing of the resolution agreement by creditors forming the majority required by Article 106a.
6. If the debtor has been in arrears of payment, the application for inclusion in the procedure of this chapter must be accompanied by the same application form for the declaration of bankruptcy according to article 5 par. 2. Failure to submit a bankruptcy



→ prosecutor of first instance, provided that the conditions of paragraph 1 of article 5 of Code are met. Article 98 shall apply in the present case as well. If the bankruptcy court accepts the application for submission to a reorganization procedure, it suspends the examination of the bankruptcy application until the end of the reorganization procedure by the same decision, otherwise it proceeds with the examination of the bankruptcy application.

7. The provisions of the preceding paragraph shall apply mutatis mutandis to applications of the debtor, creditors or the prosecutor of the first instance for the declaration of bankruptcy, which are pending at the time of submission of the application for inclusion in the procedure of this chapter or are filed in the period after its submission. its application. In this case, and at the request of the debtor or creditor, the application for bankruptcy is either co-litigated or adjourned to co-litigation with the application for the opening of the resolution process.

8. If the debtor becomes in a state of default during the resolution process, he must file for bankruptcy in accordance with Article 5 (2), but may request the suspension of the examination of the bankruptcy application in accordance with paragraph 6.

9. If the debtor is a societate anonime and the conditions for the application of article 48 par. 1 item c' etc. 2190/1920, during the consolidation process the issuance of a decision for the dissolution of the company is suspended and any deadline granted in accordance with paragraph 3 of the same article is automatically extended until the end of the consolidation process. If the debtor is a limited liability company and the conditions for the application of article 45 par. 2 of Law 3190/1955 are met, the issuance of a decision for the dissolution of the company is suspended during the consolidation process.

10. The competent court for the procedures of this chapter is the competent bankruptcy court according to article 4 which, subject to special provisions, adjudicates with the procedure of voluntary jurisdiction. Its decisions are not subject to regular or extraordinary remedies, unless otherwise specified.

11. The provisions of the other chapters of this Code apply to the procedures of this chapter only to the extent that reference is made to them.

## Article 100

### Request to open the reorganization process



Legal persons, Article 96 (2) shall apply.



2. The application to the bankruptcy court must describe the debtor's business, his financial situation with a list of the latest financial data, including any debts to the State and the insurance funds, the reasons for his financial weakness, the proposed measures to address the financial weakness and any negotiations that have already taken place with creditors. The size of the company, the staff employed, as well as the situation and prospects of the market in which the debtor operates are described in particular. With the application the debtor must submit, with penalty of inadmissibility, his financial statements (if any) for the last year, for which they are available, Certificate of the competent financial service for the debtor's debts to the State and other documents supporting the information provided by the debtor, certified as to the accuracy of their content by the person in charge of the accounting department, where available, and by the legal representative of the business. In the case of capital companies, the above financial statements must be published and approved by a general meeting. In the case of other companies, but also in the case of interim financial statements, if any, they must be published in a financial journal and audited. With the same application the debtor may request the convening of the creditors' meeting (article 105) or the appointment of a mediator (article 102).

3. The application to the court is accompanied, with a penalty of inadmissibility, by an expert report of the debtor's choice, to which is attached a list of the debtor's assets and creditors, with a special mention of the secured creditors and the possibilities of consolidation of the business are analyzed. It also sets out the expert opinion in relation to the debtor's financial data, the market situation, the viability of the debtor's business and whether the consolidation of the debtor's business does not prejudice the collective satisfaction of creditors as set out in Article 99 par. 2. In case the debtor requests the taking of precautionary measures according to article 103, the expert also expresses his opinion as to the necessity of their taking.

4. The expert according to paragraph 3 is a credit institution that legally provides services in Greece in accordance with Law 3601/2007 (AD 178), statutory auditor or audit firm, as defined in Law 3693/2008 (AD 174) . If the debtor is a natural person, an expert can also be appointed an auditor with a degree from a higher school, who is a member of the Economic Chamber of Greece (O.E.E.) and a holder of a Tax Accountant license of N. 2515/1997 (AD). 154).



→ fee of a debtor of a societe anonyme seven thousand (7,000) euros to deal with the costs of the expert and any mediator or any special representative, conducting publications and convening meetings of creditors and partners or shareholders. In the case of debtors of natural persons or if the application does not request the convening of a meeting or the appointment of a mediator, the above fee is set at two thousand (2,000) euros. In case of rejection of the application, the court orders the return of the fee to the debtor, while in case of its acceptance, the amount of the fee is undertaken by the person appointed by the court (any mediator,

6. For the discussion of the application, a court is appointed within two months from its submission. The competent judge may, according to article 748 paragraph 3 of the Code of Civil Procedure. D. to order the summoning of one or more creditors of the debtor, defining at the same time the term of the summons. If there are debts of the debtor to the public or to social security institutions, their summons is obligatorily ordered.

## Article 101

### Court decision to open the reorganization process

1. The insolvency court, if it provides that an agreement can be reached, that there are reasonable expectations for the success of the proposed resolution and that the collective satisfaction of creditors is not impaired, as defined in Article 99 (2), decides to open the resolution procedure for a period not exceeding four (4) months from the issuance of the decision and, if applicable, appoints a mediator, in accordance with Article 102. The president of the bankruptcy court may, at his request, at the request of the debtor, the mediator or creditor to extend this period for another month. If the application is submitted by the debtor and the majority of creditors according to article 106a paragraph 1, the period of sub-paragraph a) may be extended for up to three (3) months.

2. The decision of the court is published in the General Commercial Register (GEMI) and in the Bulletin of Judicial Publications of the Single Fund of Independent Employees (Legal Sector).

3. An appeal against the decision rejecting the application shall be subject to the common provisions.

## Article 102



1. In order to facilitate a settlement agreement between a debtor and his creditors, the → bankruptcy court may, at the request of the debtor or creditors or ex officio, appoint a mediator either by the decision opening the proceedings or by a subsequent decision. The mediator can be a natural or legal person.
2. The mediator is freely chosen by the court, which takes into account the proposals of the debtor or creditors. In particular, a person from the list of article 63 paragraph 1 or a mediator of Law 3898/2010 (AD 211) can be appointed as a mediator for mediation in civil and commercial cases. The Article 100 expert may also be appointed as mediator.
3. The appointment of a mediator is mandatory, if requested by the debtor. The debtor is obliged to request the appointment of a mediator, if he requests the convening of a meeting of creditors in accordance with Article 105.
4. The mission of the mediator is to reach an agreement between the debtor and his creditors, which can be ratified by the court. In order to fulfill his duties, the mediator may request from the debtor all the necessary financial data at his discretion and receive copies from his commercial and accounting books. It may also request information on the financial condition of the debtor from the public and social security institutions and from credit and other financial institutions in derogation from the provisions on banking, stock and tax secrecy. The above bodies are obliged to provide within ten (10) days from the submission to them of a relevant request of the mediator or, in case of non-appointment of a mediator, of the debtor himself, without charge, a detailed statement of the debts to them by capital, interest and expenses. In case of culpable failure of a credit or financial institution to comply with the obligations of this paragraph, the Bank of Greece may impose sanctions in accordance with article 55A of its articles of association (Law 3434/1927, AD 298, as in force).
5. If the mediator finds that an agreement is not possible or that the debtor abandons the attempt to reach a resolution agreement, he shall without delay inform the President of the Bankruptcy Tribunal, who shall immediately refer the matter to the court in order to revoke the decision opening the proceedings. and put an end to the mediator's mission. The court decision is notified to the debtor.
6. In the decision opening the proceedings or in a subsequent decision, the court, at the request of the debtor or his creditor, may appoint a person from the list referred to in Article 63 (1) as a special representative to carry out special acts. , laid down by the court, in particular for the safeguarding of the debtor 's property, the carrying out of

Specify the acts to be performed by the special agent and the duration of the mandate, which may not exceed the duration of the resolution agreement.

## Article 103

### Preventive measures in the consolidation process

1. By decision of the insolvency court to open the reorganization procedure or by decision of its chairman taken at the request of anyone who has a legal interest and is tried in the interlocutory proceedings may be suspended from filing the application for the opening of the reorganization procedure and until the expiration of all or part of the individual enforcement measures against the debtor's property. The suspension covers the obligations of the debtor that were born before the submission of the application for the opening of a reorganization procedure, but the court or, as the case may be, the president may in exceptional cases extend the suspension to newer claims. During the suspension, the statute of limitations is suspended according to article 255 of the Civil Code.
2. If there is an important business or social reason, the suspension may be extended to guarantors or other co-debtors of the debtor.
3. The insolvency court or, as the case may be, its chairman may also, in accordance with the same procedure, order any other precautionary measures provided for in Article 10. However, the precautionary measures do not affect the rights from a financial security agreement within the meaning of article 2 of Law 3301/2004 (AD 263) or from a clearing clause within the meaning of the same provision and regardless of whether the clearing clause contained in a financial security agreement or in an agreement of which the security agreement is a party. Also, the right to terminate and reimburse the rent in case of a lease agreement is not affected, if the debtor is in arrears regarding the payment of six (6) or more monthly rents.
4. When considering the application for precautionary measures, the court may order the summoning of one or more creditors of the debtor. The summons can be made with the means provided in article 686 paragraph 4 of the Code of Civil Procedure.
5. Exceptions may be made to the precautionary measures provided for in the preceding paragraphs if there is an important social reason, such as, for example, in order to pay to creditors the amounts necessary to support the creditor and his family or to pay wages to employees.

request of the person having a legal interest.



## Article 104

### Deadline for concluding the agreement - Obligations during the negotiation

1. The resolution agreement shall be concluded within the time limit referred to in Article 101 (1). The application for ratification by the insolvency court shall be lodged within the same time limit. If this period elapses without action, the procedure shall be deemed to have expired automatically and the function of any designated mediator and any designated special agent referred to in Article 102 (6) shall be terminated.

2. In the negotiations for the conclusion of the resolution agreement, the debtor is obliged to provide to the mediator, and if no mediator has been appointed, to his creditors and the expert all the information necessary for the assessment of the state of the business and the prospects of. The information is provided by the debtor either at the request of these persons or without a request, if their non-provision could create a misleading image of the company to the creditors. In case of non-provision of requested information, in particular for the protection of business secrets, the debtor must explain the reasons for their non-provision.

## Article 105

### Convening a meeting of creditors

1. With the decision to open a resolution procedure, the bankruptcy court may decide, at the request of the debtor, to convene a meeting of creditors, in order to take a decision on the acceptance of the resolution agreement.

2. All creditors, regardless of collateral or collateral, whose claims existed on the opening day of the proceedings, are entitled to participate in the meeting, even if they are not overdue or conditional.

3. For the participation of creditors in the meeting, their claims should be included in the list of creditors, submitted to the court in accordance with Article 100 (3), and which arise from the debtor's books or have been recognized or presumed by a court decision of any degree of jurisdiction, even in the interlocutory proceedings. The president of the bankruptcy court may, judging by the procedure of precautionary measures, allow the participation of a creditor, whose claim does not appear in the books of the debtor and



eligible to participate, as well as creditors that emerged after the table was drawn up until the opening day of the procedure. The second subparagraph of Article 121 (2) shall apply accordingly.

4. The mediator takes care of the invitation of the creditors. The invitation that includes the items of the agenda, as well as the place and time of the meeting takes place at least fifteen (15) days before the day of the meeting. The invitation is made by any convenient means, including electronic, that is able to prove the invitation of each creditor and its time. In addition, the invitation is published in the Bulletin of Judicial Publications of the Single Fund for Independent Employees (Legal Sector). In the case of creditors, the person or address of whom is unknown, the publication of a publication in a political and financial newspaper that meets the requirements of article 26 par. 2 items b) and c) of codified law is considered an appropriate means. 2190/1920.

5. At least ten (10) days before the creditors' meeting, the draft resolution agreement signed by the debtor and accompanied by the list of creditors eligible to participate in the meeting, as well as an expert report that meets the conditions, are made available to them. provided for in Article 100 (4). It is not excluded that the expert referred to in Article 100 (3) shall be the expert. and 3.

## Article 106

### Assembly process and decision making

1. The mediator or, if the mediator is a legal entity, his representative chairs the meeting and decides on its possible postponement to a date that may not be more than ten (10) days.

2. During the discussion of the draft resolution agreement, amendments may be made, provided that they are accepted by the debtor and provided that they do not affect claims that were not affected by the original plan.

3. Articles 116 and 117 shall apply mutatis mutandis to voting and debate in the Assembly.

4. For a valid decision to be taken by the assembly, creditors representing fifty percent (50%) of all creditors' claims are required to be represented or represented. Acceptance of the draft resolution agreement requires a majority of creditors representing sixty percent (60%) of the creditors' claims, who are present at the meeting, which includes



→ In case of acceptance of the draft resolution agreement, the meeting authorizes one or more persons to sign the resolution agreement, otherwise the agreement is signed by all the creditors present or represented who voted in favor of the agreement. The Assembly may, by its decision, authorize such persons to make amendments to the resolution agreement on compliance with any conditions which the Bankruptcy Tribunal may set for its ratification in accordance with Article 106g (4).

## **Article 106a**

### **Concluding a resolution agreement**

1. The resolution agreement shall be signed by the debtor and, if a creditors' meeting has taken place, by the persons present or authorized to do so in accordance with Article 106 (5), and, if no creditors' meeting has taken place, by creditors representing sixty percent (60%) of the total receivables which includes forty percent (40%) of any collateral or by special privilege or by mortgage note secured receivables.

2. In the second indent of paragraph 1, the percentages shall be calculated on the basis of the requirements existing on the opening day of the proceedings, without taking into account creditors who are not affected by the reorganization agreement in accordance with Article 116 (3). Article 105 (2) and (3) shall apply mutatis mutandis to the agreement and shall be counted in the percentages referred to in paragraph 1.

## **Article 106b**

### **Immediate ratification of a resolution agreement**

1. A resolution agreement may be concluded and submitted to the court for ratification in accordance with Article 106f and before the resolution procedure is initiated, if it has been signed by creditors in accordance with Article 106a. In this case the calculation of the percentage of the contracting creditors is made on the basis of a list of creditors attached to the resolution agreement and refers to a date that does not precede the date of submission of the agreement to the court more than three months.

2. In this case, from the filing of the resolution agreement for ratification and until the decision of the bankruptcy court on the ratification or not of the resolution agreement, precautionary measures may be taken in accordance with the application of Article 103.

## **Article 106c**



1. If the debtor is a legal entity and in accordance with the relevant provisions, a decision → the general meeting of shareholders or partners is required for the fulfillment of certain conditions of the resolution agreement, the relevant decision is either taken before the resolution agreement is signed by the debtor or as a deferral condition for its entry into force.

2. If one or more shareholders or partners Ltd. declare that they will not attend the relevant meeting or will not vote in favor of the respective decision, and when they do not attend or do not vote in favor of the decision in a meeting that has taken place and a new meeting has been convened or is to be convened, the bankruptcy court may, if it deems that the refusal is abusive, judging by the procedure of precautionary measures, at the request of the debtor or creditor, to appoint a special representative, who will exercise the right of representation and voting instead of these shareholders or partners. It is considered that the shareholders or partners abusively refuse, especially if the court deems that without reaching a consolidation agreement the debtor is expected to go bankrupt and that in case of liquidation of the debtor under chapter eight the shareholders or partners will not take part in its product. The notification of the court decision to the company replaces the legal process of legalization of the partner or shareholder for his participation in the meeting.

3. In the event that the fulfillment of certain terms of the agreement requires the cooperation of third parties who do not contract, it shall either be provided with a statement thereof in a document certifying the authenticity of the signature and accompanying the agreement or shall be suspended as a condition of the agreement. its entry into force.

## **Article 106d**

### **Participation of public and public bodies**

The public, legal persons under public law, public sector public enterprises, social welfare and insurance bodies, may consent to the conclusion of a resolution agreement either by participating and voting in a creditors' meeting or by signing the agreement on the same terms as it would consent under the same conditions. private creditor even when with the agreement the public body waives privileges and guarantees of a obligatory or real nature.

## **Article 106e**



1. The resolution agreement may be the subject of any arrangement of the debtor's  
→ ets and liabilities, in particular:

- a. Changing the terms of the debtor's obligations. This change may indicate the change in the time of fulfillment of the receivables, including the modification of the conditions under which their early repayment may be requested, the change of the interest rate, the replacement of the interest payment obligation with the obligation to pay part of the profits, the replacement of receivables with convertible or non-convertible bonds of the debtor or the obligation of the secured creditors to accept the change of mortgage or pledge class in favor of new creditors of the debtor. Credits secured by a financial security agreement within the meaning of article 2 of Law 3301/2004 are not affected to the extent that they are satisfied with this security, unless the policyholder agrees otherwise.
- b. The capitalization of the debtor's liabilities by issuing shares of any kind or, as the case may be, company shares. Prior to the capitalization, a reduction of the share capital may occur for the amortization of losses in each case or if the debtor's shares are listed on a regulated market or a multilateral trading mechanism, to form a reserve. In the latter case it is not required to meet the condition of article 4 paragraph 4a of cod. 2190/1920 on the relation of the stock exchange to the nominal value.
- c. The regulation of the relations of the creditors with each other after the ratification of the agreement either in their capacity as creditors or in case of capitalization, in their capacity as shareholders or partners. Indicatively, the resolution agreement may stipulate that one class of creditors may not request repayment of receivables to it before the full satisfaction of another, regulate matters of management of the debtor's business after the capitalization of creditors' claims, regulate matters relating to the transfer of the shares or company shares that will arise from the capitalization, such as the right or obligation of the minority shareholders in case of sale of the majority of the shares to sell their shares on the same terms as the sale of the majority.
- d. The reduction of receivables from the debtor.
- e. The sale of individual assets of the debtor.
- f. The assignment of the management of the debtor's business to a third party on the basis of any legal relationship including, for example, the lease or the management contract.



→ The suspension of individual prosecutions of creditors for some time after the ratification of the agreement. This suspension will not bind the non-contracting creditors for a period exceeding six (6) months from the ratification of the agreement.

i. The appointment of a person who will supervise the execution of the terms of the resolution agreement by exercising the powers given to him under the terms of the resolution agreement. If a special representative has been appointed under Article 102 (6) with powers to oversee the implementation of the agreement, he will be replaced by any person provided for in the agreement.

2. Guarantees, credit insurance and other contracts with a corresponding effect in favor of capitalized receivables are converted, unless otherwise specified, into a creditor's option to sell to the guarantor or insurer the shares or company shares resulting from the capitalization of the debt by the time at which the debt would become due and for an amount equal to the sum of the capital and any interest covered by the guarantee. The option can be exercised within two months from the time when the liability capitalized would become overdue and, if it is already overdue at the time of capitalization, within two months from the last one.

3. The non-observance of the resolution agreement by the debtor may be set as a dissolving condition of the resolution agreement or as a reason for its termination.

4. The resolution agreement may also be subject to other conditions of deferral or dissolution, such as the amendment or termination of pending bilateral agreements, the terms of which are burdensome for the debtor's business. In case of deferral, the time within which the condition must be paid should be provided, not exceeding six months after ratification, and the debtor's obligations should be temporarily settled to the extent deemed necessary to avoid the cessation of payments. debtor while the condition is pending.

5. The validity of the resolution agreement is subject to its ratification by the bankruptcy court, unless at the will of the parties all or part of its terms apply to each other and without ratification under the provisions of common law.

6. The resolution agreement is concluded with a private document, unless the obligations undertaken with it require the preparation of a public document. In the latter case the notarial deed can be supplemented by statements before the court.



According to article 106a or 106b, as the case may be.



## Article 106f

### Application for ratification of the resolution agreement

1. The application for ratification of the resolution agreement by the bankruptcy court shall be submitted by the debtor, any creditor or intermediary.
2. The application shall be accompanied by the signed consolidation agreement and an expert report meeting the conditions laid down in Article 100 (4). An expert may be the expert referred to in Article 100 (3). with the assistance of the conditions for the ratification of the resolution agreement in accordance with Article 106g (1) to (3). reorganization agreement shall be accompanied by a supplement setting out the expert opinion on these amendments.
3. They shall be summoned by the means referred to in Article 105 (4) and with the notification of a copy of the application indicating the determination of the debtor, any mediator and any representative of the creditors referred to in Article 106 (5).
4. A representative of the employees may be present and heard at the discussion. Any other person who has a legal interest is entitled to intervene without prejudice.
5. Paragraph 6 of Article 100 shall also apply in the case of this Article.

## Article 106g

### Ratification of the resolution agreement

1. The insolvency court shall ratify the resolution agreement if it has been signed by the debtor and has either been lawfully decided by the creditors' assembly to be signed by the persons authorized to do so in accordance with Article 106 (5) or signed by the required under Article 106a majority of all creditors.
2. The bankruptcy court does not ratify the resolution agreement:
  - a. If it is not probable that after the ratification of the resolution agreement the debtor's business will become viable.



→ the resolution agreement is the result of fraud or other wrongdoing or misconduct of the debtor, creditor or third party, or violates provisions of mandatory law, in particular competition law.

d. If the resolution agreement does not treat creditors, who are in the same position, on the basis of the principle of equal treatment. Deviations from the principle of equal treatment between creditors are allowed for important business or social reasons specifically set out in the bankruptcy court decision or if the affected creditor consents to the discrepancy. Indicatively, the customer's claims of the debtor's company, the non-satisfaction of which substantially damages its reputation or its continuation, claims, the repayment of which is necessary for the maintenance of the creditor and his family, as well as labor claims may be favorably treated. .

3. If the ratification of the resolution agreement does not remove the possible cessation of payments, the bankruptcy court does not ratify the resolution agreement and, if a bankruptcy application is pending, declares the debtor bankrupt in accordance with paragraph 6 of Article 99. Bankruptcy application, but the court finds the payments to be suspended, the decision to reject the ratification of the resolution agreement is notified by the court secretariat to the prosecutor of the court of first instance to decide whether to file for bankruptcy under Article 5 (1).

4. The insolvency court may, in the event that not all the evidence substantiating the application has been provided, or finds that the resolution agreement should not be ratified, instead of rejecting the application, set a deadline for the submission of documents, provide clarifications. or amending the resolution agreement. Documents, clarifications or amendments must be submitted within the time limit set by the court and may not exceed ten days.

5. The decision that ratifies the resolution agreement or that rejects the application for its ratification is published without delay in a summary in the G.E.M.I. and in the Bulletin of article 101 paragraph 2 under the supervision of the mediator, if any, or otherwise of the debtor.

6. A third-party appeal against the ratifying decision may be brought before the bankruptcy court by a person who did not attend the hearing and was not legally summoned in accordance with paragraph 3 of Article 106f within an exclusive period of thirty (30) days from the publication under the previous paragraph.

rejected the opposition or the third-party appeal. This recalculation is carried out by the court itself.

8. An appeal against the decision rejecting the application for ratification is allowed under the common provisions.

## Article 106h

### Validation results

1. From its ratification, the resolution agreement shall be binding on all creditors whose claims are governed by it, even if they are not parties or have not voted in favor of the resolution agreement. Creditors whose claims arose after the opening of the reorganization process are not bound.
2. Without prejudice to specific provisions of this Chapter or to the provisions of this Agreement, ratification of the resolution agreement shall not affect the security of third parties, personal or property, including promissory notes provided by third parties to secure the claim. The same applies in case of debt in full.
3. Upon ratification of the agreement, the prohibition or impediment to the issuance of checks that had been imposed on the debtor prior to the commencement of the resolution process shall be automatically lifted. The crime of issuing unsecured checks and delaying debts to the State and the insurance funds that were committed before the conclusion of the resolution agreement is also eliminated.
4. The decision ratifying the resolution agreement is a title enforceable for the obligations undertaken with it, provided that the quantity and quality of the benefit arise from the agreement.

## Article 106i

### Transfer of the debtor's business

1. In the event that, in accordance with the resolution agreement or a contract drawn up in execution of the latter, all or part of the debtor's enterprise is transferred, the assets of the enterprise or part thereof shall be transferred to the acquirer and, to the extent provided for in the agreement, part of the liabilities, while the other liabilities on a case-by-case basis are repaid from the sale price of the company or its part, are written off, or in case of transfer of part of the company remain as liabilities of the debtor or are



transfer agreement.



2. It is possible to transfer the company or part of it to a third party in exchange for money or to a company recommended by the creditors in accordance with the following paragraph.

3. It is possible under the terms of the consolidation agreement to establish a public limited company with a contribution in kind or all of the claims against the debtor, subject to the conditions of articles 9 and 9a of codified law no. 2190/1920. This company acquires all or part of the debtor's business in exchange for the payment of the claims against the debtor that have been contributed to it. In that case the provisions of Article 106e (1) (c) shall apply mutatis mutandis.

4. In the case of this Article, Article 178 shall apply.

## **Article 106j**

### **Duties and remuneration of the bodies of the process**

1. The experts, the mediator and the special agent must be independent of the debtor within the meaning of article 63 paragraph 2, not be his creditors or related persons within the meaning of article 42e paragraph 5 of codified law no. 2190/1920 with the debtor or with creditors and have not been auditors of the debtor during the last five years. It is not permitted to designate civil servants serving in financial services as experts, brokers or special agents.

2. The expert, the mediator and the special representative must perform their duties conscientiously, objectively and impartially. They are liable to the debtor and the creditors for any positive damage. The expert is responsible for deceit and gross negligence, while the mediator and the special agent are responsible for each fault.

3. The remuneration of the experts under this chapter shall be agreed in each case with the debtor.

4. In case the mediator is nominated by the debtor, his fee is agreed with the latter, while in any other case it is determined by the bankruptcy court at the expense of the debtor's property.

5. The remuneration of the special agent under Article 102 (6) shall be determined by the insolvency court at the expense of the debtor's property.



necessary for the conclusion of the agreement.



## Article 106k

### Special clearance

1. Debtors who meet the criteria of article 3 and in addition own a company that met during the last year at least two of the three numerical limits of the criteria of paragraph 6 of article 42a of codified law no. 2190/1920 may be subject by a decision of the court according to article 4 to the special liquidation regime in operation.
2. The application shall be submitted by the persons designated in Article 5. The admissibility of the application requires the simultaneous submission of: i) a certificate from a Bank or Investment Firm, which operates legally for the existence of a credible investor interested in the purchase of the company's assets, ii) a statement of the proposed liquidator (natural or legal person) about acceptance of the relevant project and its report for the planning and the course of the liquidation and the operation of the enterprise in liquidation, as well as budget of the expenses foreseen for the above, with confirmation of the same body for the availability of the required funds. Paragraphs 1, 2, 5 and 6 of Article 106j shall apply to the liquidator. Upon filing the application, the Court may take precautionary measures under Article 103 hereof.
3. If at the time of submission of the application for inclusion in the special liquidation procedure a reorganization procedure is pending according to articles 99 to 106i or if an application for inclusion in a reorganization procedure according to the above articles is submitted after the application for inclusion in the procedure of the special liquidation, but before its discussion, the examination of the application for inclusion in the special liquidation regime shall be suspended, applying in accordance with the provisions of paragraphs 6 and 8 of Article 99.
4. From the submission of the application for inclusion in a special liquidation regime until its rejection or the expiration of the deadline of paragraph 8 of this article, the examination of any bankruptcy application shall be suspended. In case of transfer of the assets of the debtor's company in accordance with the provisions of this article, any pending bankruptcy applications shall be rejected.
5. The application is notified to the company and a summary of it is published in the G.E.M.I. and in the Bulletin of article 101 paragraph 2 before ten (10) working days, not including the day of service and the court. Main interventions are submitted compulsorily



... additional interventions, with the application. In the event that the principal interveners apply for special clearance, the provisions of paragraph 2 (i) and (ii) shall apply to their admissibility. The bankruptcy court accepts the application, if it provides that inclusion in the special liquidation scheme improves the chances of maintaining the business and saving jobs without prejudice to the collective satisfaction of creditors. The bankruptcy court accepting the application appoints in its decision the liquidator proposed in the application, unless there is more than one application or main intervention with the same application (placement in special liquidation) and a different proposal for the liquidator, in which case it appoints the judgment of the most appropriate.

6. The decision of the bankruptcy court is not subject to appeal. The decision of the bankruptcy court is published in a summary in the General Commercial Register (G.E.M.I.) and in the Bulletin of article 101 paragraph 2. A third party appeal against the decision can be exercised by a person who did not attend the hearing and was not legally summoned to it. within an exclusive period of thirty (30) days from the publication of the decision under the previous paragraph. With the publication of the decision for placement of the company in liquidation, the power of the statutory bodies of administration and management of the company passes in its entirety to the appointed liquidator. The placing of the company in a special liquidation regime in operation does not in itself constitute an important reason for the termination of pending contracts, nor does it constitute a reason for revoking administrative licenses.

7. The liquidator is established with the help of the Public Authority in the management of the company, prepares an inventory of the details of the company immediately, according to the report of paragraph 2 and according to the relevant schedule and then prepares a Tender Memo based on the inventory, in which, except for the inventory of the company, it includes any information useful for the picture of its assets. Within ten (10) working days from his installation in the company, the liquidator publishes with a full-page entry in two daily pan-Hellenic newspapers, in G.E.M.I. including a commitment that with the signing of the Transfer Agreement at least 40% of the offered price will be paid in cash and the rest will be paid with interest, at an interest rate of the bidder's choice, for a period not exceeding five years. Interested buyers receive the Offer Memorandum from the liquidator and conduct an audit of the company's sold items, after signing a Confidentiality Agreement.

8. After the end of the process of submission and unsealing of the bids according to the Invitation, the comparative assessment of them follows by the liquidator, who prepares a



legally submitted bids and is submitted to the bankruptcy court with a relevant application for acceptance. For the discussion of this application, any interventions, etc. the provisions of the application for liquidation shall apply mutatis mutandis. The bankruptcy court ratifies or rejects the relevant procedure, accepts or does not accept the submitted application by setting any additional conditions, in particular as regards the payment of the balance and declares the Buyer or Buyers, on a case-by-case basis by its decision, which is not subject to legal remedies. The decision of the bankruptcy court is published in summary in the G.E.M.I. and in the Bulletin of article 101 paragraph 2. Third party appeal against the decision may be exercised by a person who did not attend the hearing and was not legally summoned to it within an exclusive period of thirty (30) days from the publication of the decision under the previous paragraph. In case of acceptance of the application, the bankruptcy court also appoints a judge rapporteur for the needs of the distribution of the auction according to paragraph 9 of this article. Upon the publication of any positive decision, the liquidator prepares a draft Contract for the Transfer of the Company's Assets without delay, which he notifies in writing with a relevant invitation for signing, after five (5) working days, to the Buyer or Buyers. The called parties sign the relevant Contract, accepting any additional terms of the court decision or respond negatively within the deadline of five (5) working days, in which case the same procedure is followed for any Second Buyer and so on. The contract is a final award of 1003 et seq. Of the Code of Civil Procedure. If the court decision has not imposed additional conditions, the Buyer is obliged to sign the Transfer Agreement in accordance with the terms of the Offer Memorandum and the Buyer's offer. After the payment of the price or the agreed amount as immediately payable and provided that in the latter case the agreed terms of securing payment of the balance are complied with, the liquidator draws up without delay either a payment deed or a deed of certification of fulfillment of the above obligations of the Buyer. This act is annexed to the Transfer Agreement, is a summary report of the award of article 1005 of the Code of Civil Procedure, applying to it accordingly what applies to the latter and has, in the case of transfer of real estate, as a direct legal consequence, after its transfer and the relevant request to the mortgagor, the elimination and deletion of the third party encumbrances, which have been registered before the place of the company in the special liquidation regime. The provision of article 479 of the Civil Code does not apply to the transfer of all the assets of the company, in the context of the special liquidation. Regarding the above Transfer Agreement, the pending contracts of the company and the administrative licenses are valid as defined in paragraph 1 of article 106i hereof. The whole process of transfer of the assets according to the above takes a maximum of twelve (12) months, from the beginning of the liquidator's actions with the preparation of the inventory



Liquidation terminates automatically and in case a bankruptcy application is pending, its examination proceeds. As for the procedure of their transfer, in case of acceptance of this application, the above applies accordingly. The whole process of transfer of the assets according to the above takes a maximum of twelve (12) months, from the beginning of the liquidator's actions with the preparation of the inventory provided in paragraph 4 of this inventory with the possibility of extension by the bankruptcy court six (6) extra months. In case of exceeding the above time limits, the liquidation terminates automatically and in case a bankruptcy application is pending, its examination proceeds. As for the procedure of their transfer, in case of acceptance of this application, the above applies accordingly. The whole process of transfer of the assets according to the above takes a maximum of twelve (12) months, from the beginning of the liquidator's actions with the preparation of the inventory provided for in paragraph 4 of this inventory with the possibility of extension by the bankruptcy court six (6) extra months. In case of exceeding the above time limits, the liquidation terminates automatically and in case a bankruptcy application is pending, its examination proceeds. As for the transfer procedure, in case of acceptance of this application, the above applies accordingly. In case of exceeding the above time limits, the liquidation terminates automatically and in case a bankruptcy application is pending, its examination proceeds. As for the procedure of their transfer, in case of acceptance of this application, the above applies accordingly. In case of exceeding the above time limits, the liquidation terminates automatically and in case a bankruptcy application is pending, its examination proceeds. As for the transfer procedure, in case of acceptance of this application, the above applies accordingly.

9. The liquidator within fifteen (15) working days from the transfer of the assets of the company as mentioned above is obliged to publish, in the manner referred to in paragraph 4 hereof, a Invitation to Announce the Claims of the creditors. Creditors announce their claims within one (1) month from the publication of the Invitation. Then the liquidator, after deducting from the liquidation product the liquidation expenses, which include the expenses of the operation of the company during the liquidation and returns the respective amounts proportionally to the beneficiaries, compiles, for the remaining balance, a Ranking Table by the provisions of articles 153-161 of the Bankruptcy Code applied accordingly. With the Table, the creditors are classified for the part of the price that may have been credited. The Bankruptcy Court, which judges according to the aforementioned provisions, has jurisdiction to adjudicate any objections against the Panel. "

### Article 13



**1 .** Where the Bankruptcy Code or other legislation refers to a conciliation procedure, it  
→ henceforth mean the conciliation procedure, unless something else arises.

**2 .** Paragraph 2 of Article 5 of the Bankruptcy Code is amended as follows:

«2. The debtor is obliged to submit, without undue delay, however, within thirty (30) days at the latest, after the conditions of paragraph 1 of article 3 are met, an application to the bankruptcy court for the declaration of bankruptcy. »

**3 .** The second subparagraph of paragraph 1 of Article 26 of the Bankruptcy Code is replaced by the following:

"Mortgage creditors are satisfied with all the bankruptcy estate, only in case they give up their privilege or security or the privilege or security is not enough for their full satisfaction."

**4 .** In Article 45, a indent e is added as follows: "(e) Transactions that have taken place under the agreement or in execution of a resolution agreement."

**5 .** Indent (a) of Article 154 is amended as follows:

"(A) Claims for financing of the debtor of any kind, in order to ensure the continuation of its activity and its payments based on the consolidation agreement or the reorganization plan of the enterprise. The same privilege is granted to claims of persons who, under the resolution agreement, contributed goods or services for the purpose of continuing the debtor's business and payments, for the value of the goods or services they contributed. Also, the same privilege have claims from financing of any kind, provision of goods and services to the debtor during the period mediated from the request for opening a reorganization procedure until the ratification of the agreement, insofar as the provision of this privilege is provided by the procedure consolidation.

**6 .** A new paragraph shall be added at the end of the tenth sub-paragraph of indent i of paragraph 1 of Article 31 of the Income Tax Code as follows:

"With the exhaustion of the legal remedies, the write-off of a claim according to a resolution agreement ratified by the bankruptcy court in accordance with the sixth chapter of the Bankruptcy Code is equated."

**7 .** The case of article 8 of Law 3461/2006 (AD 106) is replaced as follows:



## Article 14

### Final and transitional provisions

- 1 . Conciliation agreements already concluded in accordance with the provisions replaced by this law are not affected and governed by the provisions of Chapter Six of the Bankruptcy Code, as in force before this law, unless despite the conciliation agreement the debtor conditions of paragraph 1 of article 99, as in force after the entry into force of this law and the debtor requests its inclusion in a resolution process.
- 2 . In the case of conciliation proceedings that have already been opened and are pending upon the entry into force of this law, the parties may, at their choice, enter into either a conciliation agreement ratified in accordance with the provisions replaced by this law and having the legal consequences provided with them, or a consolidation agreement in accordance with the provisions introduced by this law. In relation to reorganization procedures pending at the time of entry into force of this law, the deadline of article 100 paragraph 1 of the Bankruptcy Code does not expire before the expiration of sixty (60) days from the entry into force of this law.
- 3 . Pending requests for the opening of a conciliation procedure are judged after the entry into force of this law under the previous provisions, unless the applicants turn them into requests for the opening of a conciliation procedure.
- 4 . In cases where the sixth chapter of the Bankruptcy Code provides for publication in the G.E.M.I. and in the Bulletin of article 101 par. 2, until the full start of operation of G.E.M.I., for the companies that have been established before April 4, 2011, the relevant publications will be made only in the Bulletin, unless the debtor is anonymous company or limited liability company, in which case the relevant publications will be made in the M.A.E. or M.E.Π.E. respectively.

## Article 15

### Regulation of Commercial Leasing issues

- 1 . Settlement Committees for Commercial Leases are established, as an out-of-court body for resolving disputes concerning the adjustment of the lease of commercial leases of p.d. 34/1995 (AD 30). The Committees are also subject to the exempted leases, based on article 4 of the above presidential decree, except for the cases α', β', ιγ, ιε ισ, ιστ and ιθί of paragraph 1 of this article.



Legal Adviser or Judicial Office of the relevant Region, as Chairman, a joint representative of its professional and scientific bodies regional unit and a representative of the Panhellenic Federation of Property Owners.

In the event that he does not serve as a Consultant, Assistant or Judicial Representative in the Office of a Legal Adviser or Judicial Office of the relevant Region or cannot be appointed to staff the above Committee, as a member, in the capacity of Chairman of the Three-Member Commercial Leasing Committee, President of a Bar Association of the relevant Regional Unit with a deputy member of the Board of Directors of the Bar Association in question.

As amended by par.2 Article 10 LAW 4038/2012 and is valid from 2/2/2012

[See the evolution of the paragraph](#)

- 3 .** The members of the Committees, regularly and alternately, in the exercise of their responsibilities are bound only by the law and their conscience. They also have an obligation to maintain confidentiality and confidentiality.
- 4.** The Settlement Committees are based and operate at the headquarters of each regional unit and may be more than one in each regional unit. By decision of the locally competent Deputy Regional Governor, the number of the Committees, their members, as well as the secretary of each committee, are appointed from among the employees of the relevant regional unit. Each professional and scientific body nominates to the competent Deputy Regional Governor, within a period of fifteen (15) days after a relevant written invitation, a member of the Committee with his deputy. The members participating in the Committees are selected by drawing lots from among those nominated. The written invitation from the Deputy Regional Governor and the fortnightly deadline are also valid for the suggestion of the representatives of the owners by the Panhellenic Federation of Property Owners. The non-expiration of the deadline implies the direct appointment of the members by the Regional Governor. In this case, as representatives are appointed a lessee and a lessor of real estate of the region that are subject to the regulation of p.d. 34/1995. The term of the Committees is two years and can be extended by decision of the locally responsible Deputy Regional Governor for another year.
- 5.** The Settlement Committee is responsible for the out-of-court settlement of disputes concerning the adjustment of the rent to the commercial leases for properties located within the boundaries of the relevant regional unit. The Commission shall deal with matters falling within its competence upon the signed report of at least one of the parties



rent or from a previous report of the same party or from the last appeal to the mediation  
→ Law 3898/2010 (AD 211) , as well as the previous written notice for adjustment without  
response for the same lease.

**6 .** The Commission shall examine objectively and impartially the cases before it on the basis of the principle of a hearing, in such a way as to enable all interested parties to express their views in writing or orally and to be informed of the allegations and documents presents the other party. Those interested can appear before the Commission after or through a lawyer.

**7 .** If a compromise is reached on the rent adjustment, a Minutes shall be drawn up, signed by the members of the Commission and the parties involved or their legal representatives or their attorneys, which shall constitute a court settlement and shall be enforceable. Otherwise, the Commission shall issue an Opinion, a copy of which the parties shall receive, expressing its assessment of the case and the opinion of any minority. The Commission's finding is taken into account by the Courts and is freely assessed.

**8 .** A compromise on the rent reached by the parties without having submitted a relevant report to the Commission or before the hearing may be ratified by it upon submission of a Minutes signed by the parties. The Minutes, ratified by the Commission, have the status of a court settlement and are an enforceable title.

**9 .** The commencement of the conciliation procedure may not exceed twenty (20) working days from the date of submission of the report in accordance with paragraph 5. Within twenty (20) working days from the completion of the settlement procedure and if no conciliation has been reached the The Commission is required to issue a report in accordance with paragraph 7.

**10 .** Leases of presidential decrees 715/1979 (AD 212) and 19/1932 (AD 409) are also subject to the procedure of this article. The conclusion of a Compromise and the implementation of the Practical Compromise by the lessor or lessee subject to the above provisions does not require the approval of another Authority or body.

**11 .** The leases of winter and summer cinemas and theaters, listed and not, which expire, according to article 23 par. 1 of law 3728/2008 (A'258), on December 31, 2011, are automatically extended until December 31, 2016. Also, those leases of cinemas and theaters that expire, for any reason, after December 31, 2011 are automatically



→ amended by Par.2 Article 53 LAW 4447/2016 and is valid from 23/12/2016

[See the evolution of the paragraph](#)

**12.** Real estate leases, which are subject to p.d. 34/1995 (AD 30), which relate to properties in which businesses are housed with a lessor the State, Ν.Π.Δ.Δ., Ο.Τ.Α. or the broader public sector other than the ETAD, including those that have been extended or renewed, provided that there are no arrears of rent or other debts to the relevant entity and a viable business plan is submitted for the modernization and renovation of the property approved by the competent authority. , can be extended up to twelve (12) years from their expiration by a decision of the competent body and by directly concluding a lease extension contract with the lessee established in the lease. The same applies to leases of the above properties that have expired,

As amended by Par.1 Article 41 LAW 4605/2019 and is valid from 1/4/2019

[See the evolution of the paragraph](#)

**13** . For the determination of the rent of the time of the extension of the lease according to paragraph 12, it is preceded by an assessment of the rental value of the lease by a certified appraiser registered in the register of par. DG of article one of law 4152/2013 (AD 107 ). The rent cannot be agreed below the above estimated lease value. If the rent already paid exceeds the estimated lease value, the rent cannot be negotiated lower than what is already paid.

As amended by Par.1 Article 41 LAW 4605/2019 and is valid from 1/4/2019

[See the evolution of the paragraph](#)

**14.** Leases of real estate subject to p.d. 34/1995, which relate to properties located in border island municipalities designated tourist sites and which house tourist businesses of articles 1 of b.d. 436/1961 and 2 of Law 2160/1993, which were prepared pursuant to paragraph 19 of article 7 of Law 2741/1999 "Unified Food Control Agency, other regulations on matters within the competence of the Ministry of Development and other provisions" (AD 199 ), as amended by article 9 of Law 3517/2006 (AD 271), with an annual rent equal to or greater than 6% of the respective objective or market value of the lease in areas where the system for determining the value of real estate with objective criteria, if there are no overdue rent arrears or other debts to the relevant institution, may be amended in this respect by agreement of the Contracting Parties. In this case, the agreed rent may not be less than 4.8% of the current fair value or the market value of the lease, according to the above distinction.



→ The last three paragraphs of par. 19 of article 7 of law 2741/1999, as they were added with article 9 of law 3517/2006 (AD 271), are abolished.

## **Article 16**

### **Other provisions**

**1** . At the end of paragraph 5 of article 23a of cod. 2190/1920, as replaced by article 33 of Law 3604/2007 (AD 189), a paragraph is added as follows:

"The contracts referred to in paragraph 1 shall be permitted if they are concluded between or provided for the benefit of legal persons subject to consolidation in accordance with Articles 90 to 109, subject to the conditions of paragraphs 2, 3 and 4."

**2** . In paragraph 2 of article 1 of Law 3297/2004 (AD 259) the phrase "by the Minister of Development" is replaced by the phrase "by the Minister of Labor and Social Security".

**3** . Holders of licenses to participate in the Sunday market of the Municipality of Piraeus, according to the provisions of article 2 of Law 2323/1995 (AD 145), even if it was not renewed, can participate in the Sunday market, provided they pay to the Municipality the corresponding fees from the date of expiry of their license until the date of renewal or issue of a new one. The fines imposed for participation in this market after the expiration of the license are deleted and if they have been paid, they are refunded.

As repealed by par.6 Subparagraph F5 Paragraph F Article one LAW 4254/2014 and is valid from 7/4/2014

[See the evolution of the paragraph](#)

## **Article 17**

The following changes occur in the two paragraphs added at the end of article 19 of Law 3429/2005 with case cd of par. 7 of article 47 of Law 3943/2011:

(a) A new subparagraph shall be added after the first subparagraph as follows:

"Also excluded is the societe anonyme with the name Unit of Organization for the Development of Development Programs" M.O.D. SA ", without prejudice to the provisions of article 2 of Law 3899/2010, which also apply to its employees."

b) In the last paragraph the phrase "by decision of the Ministers of Finance and of Health and Social Solidarity" is replaced by the phrase "by decision of the Minister of Finance

**Article 18****Settings for PPP and investment plans**

**1** . At the end of paragraph 12 of article 105 of Law 2238/1994 (K.F.E.) new paragraphs are added which are as follows:

"For the Special Purpose Companies defined by Law 3389/2005 (AD 232), as time of acquisition of income from the implementation of Public-Private Partnerships is considered the time when the price becomes required based on the terms of the relevant each time Partnership Agreement. The first paragraph of paragraph 12 of P.D. 186/1992 (AD 84) is applied accordingly. The provisions of the previous paragraph do not apply to revenues obtained by the Special Purpose Companies from the own exploitation of the project.

The total cost of implementation of the Partnership, which includes the construction costs, as it arises from the relevant Partnership Agreement or the relevant Accompanying Pact, the initial cost of the total equipment required as part of the undertaken project, the interest during the construction period, and any costs and expenses for supervision, insurance, consultants' fees, preparatory costs, technical inspections, legal costs, installation and relocation costs, letters of guarantee costs, are amortized, at the option of the Special Purpose Company, the fixed method, throughout the operation period of the project, or with the method provided in paragraph 5 of article 97 of Law 1892/1990 (AD 101). If this project is funded by the Greek State, Depreciation is applied to the balance remaining after deducting the grant from construction costs. The losses of the Special Purpose Company are transferred to offset with the profits of the next ten (10) years. "

**2** . The provisions of paragraph 3 of article 29 of Law 3389/2005 are replaced as follows:

«3. The VAT credit balance is returned to the Special Purpose Company in accordance with the provisions of article 34 of the VAT Code. (Law 2859/2000). The application for refund can be submitted with the VAT return. each year and the return is made within ninety (90) days from the submission of the relevant application. "

**3** . From the entry into force of the present, paragraph 4 of article 29 and article 30 of Law 3389/2005 (AD 232) are repealed.

**4** . The provisions of the previous paragraphs also apply to the Partnership Agreements that have already been concluded.



Government Gazette is extended until December 31, 2012, regardless of whether the original or extended deadline has been met. integration.

6 . The increased cost of the investment projects that were subject to the provisions of Law 3299/2004 and Law 2601/1998 cannot, with the decisions of certification of their completion and commencement of productive operation, exceed the increased cost that had been defined in their subordination decisions .

### Article 19

1 . a) The second paragraph of paragraph 8 of article 8 of Law 3959/2011 "Protection of free competition" (AD 93) is replaced as follows:

"The commitments proposed by the participating undertakings shall be submitted no later than twenty days from the date of referral of the case to the Competition Commission upon submission of the relevant proposal in accordance with paragraph 5."

b) The fifth paragraph of paragraph 8 of article 8 of the same law is repealed.

2 . a) The third paragraph of paragraph 1 of article 12 of Law 3959/2011 is replaced as follows:

"The Competition Commission has legal personality, administrative and financial autonomy and is present independently in all kinds of lawsuits."

b) Paragraph 9 of article 50 of the same law is repealed.

3 . a) In paragraph 3 of article 1 of P.D. 219/1991 "On Commercial Agents in compliance with Directive 86/653 / EEC of the Council of the European Communities" (AD 81), as in force, indent c is added, as follows:

«Γ. A commercial representative recognized by an EU member state is exempted from the obligation to register with the Chamber. or a member state of the EEA and established in it, who performs, in the context of the provision of cross-border services, occasional acts of commercial representation in Greece, as defined herein, provided that he meets the conditions of the state in which he is established for the exercise of commercial representation acts. This commercial representative bears the title of the country of his main establishment and if he establishes an office or branch or other establishment in Greece, he is obliged to register with the G.E.M.I. "



→ at least a high school diploma or an equivalent foreign degree".

c) Paragraph 2 of article 2 of P.D. 249/1993 (AD 108) is repealed.

4 . The last paragraph of article 8 of Law 3419/2005, as amended by paragraph 7 of article 13 of Law 3853/2010, is amended as follows:

"The above fee constitutes the income of the Central Union of Chambers (KEE) at a rate of eighty percent (80%) and at a rate of twenty percent (20%) income of the relevant registration service in the G.E.M.I. with the exception of that paid in favor of the G.E.M.I. Department. of the General Secretariat of Commerce which constitutes entirely revenue of the State Budget.

The K.E.E. has the above revenues exclusively for the needs of the Supervisory Board and the Central Service of G.E.M.I .. "

5 . In case a of article 40 of Law 3982/2011 (AD 143) the phrase "article 4 except paragraphs 6, 7, 8 case b and 9" is replaced by the phrase "article 4 except paragraphs 6 , 7, 8, 9 case β´ and 10 ».

## **Article 20** **Entry into force**

This law shall enter into force upon its publication in the Government Gazette, unless otherwise specified in its individual provisions.

The responsibilities provided for in Article 2 shall be exercised by the Authority three months after the adoption of the decision provided for in paragraph 3 of Article 3 hereof.

As amended by par.3 Article 10 LAW 4038/2012 and is valid from 2/2/2012

[See the evolution of the article](#)

We order the publication of this in the Government Gazette and its execution as a law of the State.

Athens, 13 September 2011

THE PRESIDENT OF DEMOCRACY

KAROLOS GR. ΠΑΠΟΥΛΙΑΣ



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Athens, 14 September 2011



THE MINISTER OF JUSTICE

MILTADIS PAPAIOANNOU

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