

## Greece

*The information provided below refers to legal provisions adopted or modified pursuant to the implementation of the Services Directive as well as to legal provisions which Member States have indicated as being applicable to service providers in the areas covered by the directive. The information has been provided by Greece in the context of the implementation of the Services Directive and of the mutual evaluation process. It does not represent a legal analysis or a position of the European Commission in respect of compliance with EU law in general or with the Services Directive in particular. National legal provisions might have suffered amendments during the mutual evaluation process so interested parties are invited to check national legislation in force.*

### Main changes to Greek legislation

Greece has adopted a horizontal framework law for the implementation of the Services Directive.<sup>1</sup>

In addition, Greece has adopted/has reported its intention to adopt changes to sector specific legislation, including in the area of regulated professions, education service, in the tourism sector and for retail.

### Examples of authorisation schemes imposed on service providers established in Greece

Greece has notified authorisation schemes in a variety of different service sectors, including the following:

In the construction sector a large number of authorisations schemes have been notified, including for plumbers<sup>2</sup>, electricians<sup>3</sup> and many other specific technical activities. However, these authorisation schemes seem in principle to be related to professions qualifications.

In the field of tourism a number of authorisations exist, including for travel agencies<sup>4</sup>, tourist guides<sup>5</sup>, tourist accommodation<sup>6</sup>, outdoors recreational games<sup>7</sup>, car rental firms<sup>8</sup>, spa centres<sup>9</sup> as well as other tourist services. Authorisation schemes in this area are often coupled with other requirements (see below).

In respect of education and training services authorisations are required in the case of private institutes of professional training (IIEK)<sup>10</sup>, colleges and laboratories of free study<sup>11</sup> as well as driving schools<sup>12</sup>, dance schools<sup>13</sup> and dramatic art schools.<sup>14</sup>

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<sup>1</sup> Law 3844/2010, published in the OJ -issue A/ No 63/2010.

<sup>2</sup> Decree 38/A'21/21.02.91 on construction, maintenance and repair of thermo-hydraulic installations and other special installations for buildings and issue of professional licenses.

<sup>3</sup> Royal Decree 13/19.2.1936 on supervision of electrical installations. Decrees 12.9.1935 and 1104 της 18/19.11.1977 on the exercise of the profession of electrician.

<sup>4</sup> Law 393/1976 on travel agencies (ΦΕΚ Α' 199). Decision of the Secretary General of the Greek Tourism Organism (EOT) 514701/special number 195/B'704/1994.

<sup>5</sup> Tourist guides is a regulated profession in Greece. Additional other requirements than authorisation schemes apply to these services as well.

<sup>6</sup> Decision of the General Secretary of the Greek Tourism Organisation (EOT) 514703/special number 197/1994 (Φ.Ε.Κ. 704/B'), Royal decree 436 of 25 June/6 July 1961 (ΦΕΚ Α' 111).

<sup>7</sup> 2323/1995 on ambulant trade as amended by law 3190/2003. Details in decree 12/2005.

<sup>8</sup> Joint Ministerial Decision 514170/Ειδ. 64/26-4-1995 (ΦΕΚ Β' 389).

<sup>9</sup> Law 3498/2006 on the development of spa tourism.

<sup>10</sup> Ministerial Decision Z/3378/1993 on institutes of professional training (IEK).

In the field of retail Greece has notified a number of authorisation schemes. First of all, an authorisation is required for retail shops in specific locations when they exceed a specific size<sup>15</sup>. Itinerant trade<sup>16</sup>, markets<sup>17</sup> and fairs<sup>18</sup> are also subjected to authorisation schemes. In addition, authorisation schemes exist in relation to specific products/in specific circumstances, e.g. for local markets of organic products<sup>19</sup>, ambulant trade on public holidays<sup>20</sup>, sale of food and alcohol<sup>21</sup>, sale of fertilizers<sup>22</sup>, pet shops<sup>23</sup> and to activities of news agencies and distribution of newspapers<sup>24</sup>.

In the field of business services, recruitment agencies<sup>25</sup> and brokers of civil contracts/estate agents<sup>26</sup> are also subject to an authorisation.

Health related authorisations are applicable in a horizontal manner to any service provider engaged in producing or selling food and alcohol as well as to the provision of other services that are considered to be able to cause harm to public health (including hair-dressers).<sup>27</sup>

### **Examples of other types of requirements imposed on service providers established in Greece**

Quantitative and territorial restrictions have been notified in Greece for a number of diverse activities, including for ambulant traders<sup>28</sup>, oil stations<sup>29</sup>, driving schools<sup>30</sup>, car wash<sup>31</sup>, car repair shops<sup>32</sup>, as well as dance and dramatic art schools<sup>33</sup>.

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<sup>11</sup> Law 3696/2008 as amended by Law 3748/2009 and Law 3794/2009; Ministerial Decision 129450/Δ6/8-10-2008, Ministerial Decision 68040/Δ6/12-9-2009.

<sup>12</sup> Decree 208/2002 (ΦΕΚ 194/Α') on driving schools, as amended by decree 337/2003 (ΦΕΚ 291/Α').

<sup>13</sup> Law 2819/2000 – ΦΕΚ 84/Α/2000 and Decree 347/1986 - ΦΕΚ 154/Α/1986), regulated by Decree 457/1983, on the creation and function of dance schools for amateurs (ΦΕΚ 174/Α/1983), Law 1348/1983 (ΦΕΚ 47/Α/1983). See legislation on [www.et.gr](http://www.et.gr) and [www.yppo.gr](http://www.yppo.gr), διαδρομή: Σύγχρονος πολιτισμός / Νομοθεσία.

<sup>14</sup> Law 1158/81 (ΦΕΚ 127/Α/1981) on higher artistic education as amended by i) Articles 13 and 15 Law 1348/1983, (ΦΕΚ 47/Α/1983), ii) Decree 187/91 (ΦΕΚ 73/Α/1991), iii) Law 2557/97 (ΦΕΚ 271/Α/1997), iv) Law 3207/2003 (ΦΕΚ 302/Α/2003).

<sup>15</sup> License on the basis of Art 10 law 2323/1995 on ambulant trade as replaced by Art 10 law 3377/2005 and amended by Art 26 (1f) law 3419/2005.

<sup>16</sup> Law 2323/1995 on ambulant trade as amended by Law 3190/2003 and replaced by Law 3377/2005 and amended by Law 3557/2007 and Law 3769/2009. See also decree 254/2005.

<sup>17</sup> Requirement introduced by law 2323/1995 on outdoor trade and other provisions (ΦΕΚ 145Α/13-7-95), as amended. Details regulated by Presidential Decree 51/2006 on requirements and conditions for local markets (ΦΕΚ 53 Α), as amended by PD 116/2008 (ΦΕΚ 179 Α).

<sup>18</sup> License on the basis of Art 10(11) law 2741/1999, Ministerial Decision Κ1-1800/2001. For books fair trades Art 14 law 3377/05 as amended by Art 13(2) law 3557/07.

<sup>19</sup> Presidential Decree 115/08 on requirements and conditions for local markets of organic agricultural products (ΟJ/Φ.Ε.Κ.179/Α/28-8-2008).

<sup>20</sup> Requirement imposed by law 2323/1995 on ambulant trade as amended by law 3190/2003 and replaced by law 3377/2005 and amended by law 3557/2007 and law 3769/2009.

<sup>21</sup> Law 3463/2006 (ΦΕΚ 114/Α/08.06.2006)

<http://www.ypes.gr/el/Regions/LocalGovernmentA/ShopsHealthInterest/Handbook/>.

<sup>22</sup> Ministerial Decision 394200/5925/1999 (ΦΕΚ 1939 Β').

<sup>23</sup> Ministerial Decision 266541/2003 (ΦΕΚ 1671 Β').

<sup>24</sup> Law 73/1944 (art 4) and Ministerial Decision ΗΑ/Φ 10/22/82 (ΦΕΚ 1071/Β/31.12.1982).

<sup>25</sup> Decree 160/1999 (ΦΕΚ 157/Α' /3-8-1999), see [www.ypakp.gr](http://www.ypakp.gr) - <http://www.ypakp.gr/uploads/docs/365.pdf>.

<sup>26</sup> Decree 248/1993 (ΦΕΚ 108/Α/28-06-1993) on brokers of civil contracts

<sup>28</sup> Law 2323/1995, as amended by laws 3190/2003 and 3377/2005.

<sup>29</sup> Decrees 465/1970, 1224/1981, 118/06.

<sup>30</sup> Presidential decree 208/02 as amended by PD 337/2003.

<sup>31</sup> Decree 455/76.

<sup>32</sup> Decree 78/88.

<sup>33</sup> See footnotes no.8 and 9. Greece communicated their intention to abolish these restrictions.

Legal form requirements have been notified for ambulant retail traders<sup>34</sup> and private tutoring service providers<sup>35</sup> which need to be natural persons as well as for distributors of newspapers and magazines which must be public companies limited by shares<sup>36</sup>.

Minimum tariffs are applicable to services provided by lawyers<sup>37</sup>, architects and engineers<sup>38</sup>, while maximum tariffs are laid down for the services of recruitment agencies<sup>39</sup>. Greece has indicated that minimum tariffs for tourism undertakings will be abolished.

Greece has also notified a number of bans on having more than one establishment in Greece, including for lawyers<sup>40</sup>, for private schools of supportive education<sup>41</sup> and for vehicle control centres<sup>42</sup>.

### **Examples of requirements on multidisciplinary activities of the regulated professions or in the area of certification, accreditation, technical monitoring and testing services**

Restrictions to multidisciplinary activities have been notified for certain certification services such as certification of organic products<sup>43</sup>. They have also been notified for regulated professions, including for lawyers<sup>44</sup>, antique dealers<sup>45</sup>, auctioneering, agronomy specialists<sup>46</sup> and veterinarians (as far as they sell veterinary medicines)<sup>47</sup>.

### **Examples of requirements which apply to service providers established in other Member States and providing services in Greece**

In its horizontal law, Greece has included a provision stating that only those requirements can be applied to cross-border services which are non-discriminatory, justified for reasons of public policy, public security, public health or the protection of the environment and are proportionate. Greece has also made/is making certain changes in existing (sector-specific) legislation.

A number of requirements have nevertheless been notified as applying to service providers providing cross-border services from other Member States. These include:

Establishment requirements have been notified for a number of services, such as certain certification services<sup>48</sup>, veterinary services<sup>49</sup> and animal insemination<sup>50</sup>.

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<sup>34</sup> Laws 2323/95, 3190/2003, 3377/2005 and decree 254/2005.

<sup>35</sup> Law 2545/1940, Decrees 211/1994 and 394/1997.

<sup>36</sup> Law 73/1944 (article 4), Ministerial Decision HA/Φ 10/22/82 (Government Gazette 1071/B/31.12.1982).

<sup>37</sup> Decree 3026/1954 and ministerial decisions.

<sup>38</sup> Decrees 696/74 and 515/89.

<sup>39</sup> Decree 160/1999.

<sup>40</sup> Decree 152/2000, Decree 3026/1954.

<sup>41</sup> Articles 63 to 77 of law 2545/1940 (ΦΕΚ τ.Α') on private schools, schools of supportive education/phrontistiria.

<sup>42</sup> Article 34 of law 2963/2001 (ΦΕΚ 268Α') on public transport, technical control of vehicles.

<sup>43</sup> Common Ministerial Decision 245090/31-1-2006 (OJ B 157).

<sup>44</sup> Legislative Decree 3026/1954 (Code for Lawyers) in conjunction with Presidential Decree 518/1989.

<sup>45</sup> Law 3028/2002.

<sup>46</sup> Common Ministerial Decision 303894/2006, Legislative decree 220/1973 and 642/26.

<sup>47</sup> Law 2538/97.

<sup>48</sup> Joint Ministerial Decision 267623/28-8-2007 (ΦΕΚ 1723 Β').

<sup>49</sup> Law 604/77(ΦΕΚ 163 Α') whose Art 4 (1) was replaced by Law 3170/2003 (ΦΕΚ 191Α'), Decree 463/78 (ΦΕΚ 96 Α').

<sup>50</sup> Ministerial Decision 304382/2004 (ΦΕΚ 1755 Β' 29-11-2004).

Greece has notified some but not many authorisation schemes applicable to cross-border service providers (for areas other than the regulated professions<sup>51</sup>). Authorisations are for instance required in the area of retail, for outdoor trade<sup>52</sup>, markets<sup>53</sup> and fairs<sup>54</sup>. Greece has also notified authorisation schemes in other areas, including for free learning centres, amateur dance schools<sup>55</sup>, wholesale of veterinary medicines<sup>56</sup> and brokers of civil contracts/real estate agents<sup>57</sup>.

Greece intends to simplify registration requirements for real estate agents and commercial representatives<sup>58</sup> and to eliminate specific contractual arrangements currently applicable to tourist guides.<sup>59</sup>

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<sup>51</sup> Authorisation schemes for regulated professions are not included in the following list of authorisation schemes since authorisation schemes related to professional qualifications are covered by the professional qualifications directive 2005/36 and are covered by the derogation provided for in Article 17(6).

<sup>52</sup> Law 2323/1995 on ambulant trade as amended by Law 3190/2003 and replaced by Law 3377/2005 and amended by Law 3557/2007 and Law 3769/2009. See also decree 254/2005.

<sup>53</sup> Requirement introduced by law 2323/1995 on outdoor trade and other provisions (ΦΕΚ 145Α/13-7-95), as amended. Details regulated by Presidential Decree 51/2006 on requirements and conditions for local markets (ΦΕΚ 53 Α), as amended by PD 116/2008 (ΦΕΚ 179 Α).

<sup>54</sup> License on the basis of Art 10(11) law 2741/1999, Ministerial Decision K1-1800/2001. For books fair trades Art 14 law 3377/05 as amended by Art 13(2) law 3557/07.

<sup>55</sup> By Art 26(8) law 2819/2000 - ΦΕΚ 84/Α/2000 and Art 1 Decree 347/1986 - ΦΕΚ 154/Α/1986) license from Prefectures to private dance schools for amateurs. Decree 457/1983, dance schools for amateurs (ΦΕΚ 174/Α/1983). B. Law 1348/1983 (ΦΕΚ 47/Α/1983) and law 1158/1981.

<sup>56</sup> Joint Ministerial Decision 282731/2006 (ΦΕΚ 731 Β') harmonisation with EC legislation on production and trade of veterinary medicines, Art 65 Directive 2001/82/EC and Art 1 (39) Directive 2004/28/EC.

<sup>57</sup> Decree 248/1993 (ΦΕΚ 108 Α/28-06-1993) on brokers for civil contracts.

<sup>58</sup> Decree 219/1991.

<sup>59</sup> Law 1545/1985.