



GOVERNMENT GAZETTE

OF THE HELLENIC REPUBLIC

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Series I

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Law 4495

Inspection and protection of the built environment and other provisions.

THE PRESIDENT OF THE HELLENIC REPUBLIC

We hereby promulgate the following law passed by Parliament:

PART A MECHANISMS AND MEANS FOR INSPECTING THE QUALITY OF THE BUILT ENVIRONMENT

CHAPTER I CONSTRUCTION INSPECTION SERVICES - STRUCTURE - COMPETENCES

Article 1 Built Environment Observatory

A Built Environment Inspection and Design Implementation Observatory shall be set up within the Directorate General for Spatial Planning of the Ministry of the Environment and Energy which shall be responsible for monitoring, recording, checking and taking measures to protect the built environment and ensure its quality.

Article 2 Regional Construction Inspection Directorates - Regional Observatories and Construction Inspection Departments - Local Observatories

1. A Regional Construction Inspection Directorate - Regional Observatory shall be established at the seat of each Region as a body of that Region in accordance with Article 3 of Law 3852/2010 (Government Gazette 87/A) whose territorial remit is that of the relevant Region.

2. A Construction Inspection Department - Local Observatory shall be established at the seat of each Regional Unit as a body of the Region, with local competence being that of the relevant Regional Unit, which shall report as a service thereof to the relevant Regional Construction Inspection Directorate - Regional Observatory.

3. By means of Presidential Decree issued within six (6) months on a proposal from the competent

Ministers of Finance, Administrative Reconstruction, the Interior and the Environment and Energy the staffing rules, level of necessary staff, training, infrastructure and all other issues relating to the organisation and operation of the Regional Construction Inspection Directorates - Regional Observatories and the relevant Departments - Local Observatories shall be laid down.

Article 3 Built Environment Monitoring Boards - Annual Reports

1. A 7-member Built Environment Monitoring Board is hereby established at the seat of each Region to study and utilise data and information relating to the Built Environment and to submit proposals to the relevant Regional Council.

It shall be established by decision of the local Regional Governor and shall consist of:

- a. 1 representative of the Association of Greek Regions (ENPE);
- b. 1 representative of the Central Union of Municipalities of Greece (KEDE);
- c. 1 representative of the Technical Chamber of Greece;
- d. 1 professor from any university in the relevant region as a representative;
- e. 1 representative of a non-governmental environmental organisation;
- f. 1 representative of the Association of Architects (SADAS) or the Greek Planners Association (SEPOX) or the Hellenic Association of Urban and Regional Planners (SEMPCHPA); and
- h. 1 representative of the Association of Civil Engineers of Greece or the Association of Surveyors.

2. Every quarter the Local Built Environment Observatories shall prepare a report on the progress of matters within their remit, which shall be submitted to the Regional Observatory and the relevant Built Environment Monitoring Board.

3. The Regional Built Environment Observatories shall prepare an annual report on matters within their remit which shall include:

inclusion under the procedure laid down in Article 117 of this Law of cases pending before it concerning regularisation of structures without planning permission and unlawful uses of listed buildings, referred to in Article 117(10) of this Law.

6. Article 34(2) of Law 4315/2014 (Government Gazette 269/A) and Articles 1 to 30 inclusive, apart from Article 30(9), and Articles 38 and 39 of Law 4178/2013 are hereby repealed.

PART V

OTHER PROVISIONS WITHIN THE REMIT OF THE MINISTRY OF THE ENVIRONMENT AND ENERGY

Article 126

Amendment of the provisions of Law 3889/2010

1. Article 5(5) of Law 3889/2010 is hereby replaced as follows:

"5. In the context of achieving targets and implementing its actions, the Board of Directors of the Green Fund may issue a decision to:

a) enter into loans with credit institutions in Greece or abroad or with the Deposits and Loans Fund which will be repaid from future contributions from "Green Resources". The proceeds of these loans shall be added to other resources managed by the Green Fund. The relevant decision of the Board of Directors shall be approved by joint decision of the Ministers of Finance and the Environment and Energy;

b) enter into programmatic agreements with the State or public sector bodies referred to in Article 1(6) of Law 1256/1982 (Government Gazette 65/A); an entry on this matter shall be made in their budgets." A new subparagraph is hereby inserted at the end of Article 7(3) of Law 3889/2010 (Government Gazette 182/A) the text of which is as follows:

2. "Without prejudice to any other procedure laid down by special provisions, the Board of Directors shall decide on the return of amounts wrongly paid to beneficiaries pursuant to enforceable court judgments or following a recommendation from the public service responsible for imposing the amount to be returned".

Article 127

Amendment of the provisions of Presidential Decree 420/1987, the Presidential Decree of 27 September / 7 November 1985 and Law 4342/2015

1. Article 2(5) of Presidential Decree 420/1987 (Government Gazette 187/A) inserted by Article 30(4) of Law 3175/2003 (Government Gazette 207/A) and amended by Article 13(5) of Law 3661/2008 (Government Gazette 89/A) is hereby replaced as follows:

"5. In order to improve the energy efficiency of buildings comprising more than one horizontal property, decisions of the general meeting of joint owners to change the central heating system and

connect it to the natural gas network or to install a district heating or geothermal system or heat pumps or other heating system shall be taken where it is clear that the said change improves the energy efficiency of the building in accordance with the provisions of the Building Energy Performance Regulations, by an absolute majority of the votes of all joint owners, irrespective of whether there is a provision to the contrary in the regulations governing relations between joint owners of the building. All other relevant decisions shall be taken by the same majority to implement and adjust the said decisions, especially to amend or replace existing heating facilities, change equipment, interventions to building façades, the routing of pipes and pipelines, the installation of flue gases extraction facilities and chimneys and in general all necessary adjustments, changes or interventions to commonly owned and communal areas of the building, having taken into account the provisions of Article 7(2) of Law 2364/1995 (Government Gazette 252/A).

By the same majority, irrespective of whether there is any provision to the contrary in the regulations governing relations between joint owners of the building, decisions shall also be taken to permanently disconnect the main individual properties from the central heating network in which the owners intend to install an independent permanent heating facility using natural gas or to install a lawful district heating or geothermal system or heat pumps or other autonomous heating system. In this case too, it must be clear that the independent, permanent heating facility improves the energy efficiency of the property in accordance with the provisions of the Building Energy Performance Regulations.

The decision of the majority of owners is not necessary, irrespective of whether there is a provision to the contrary in the regulation on relations between the joint owners of the building, when the installation of an independent permanent heating facility is carried out by main individual properties on existing buildings which do not have a central heating installation".

2. Paragraphs 6, 7 and 8 are hereby inserted after Article 2(5) of Presidential Decree 420/1987, the text of which is as follows:

"6. Any owner of a horizontal property, irrespective of the percentage of co-ownership and the provisions to the contrary in the regulations governing relations between joint owners of the building, may request in writing that the apartment building manager convene a meeting of joint owners to take a decision to change the central heating system or to disconnect his property from the building's central heating system in accordance with the provisions of paragraph 5. In apartment buildings where there is no manager or if the manager of the apartment building does not convene the meeting within 30 days, the owner shall convene the meeting by posting an invitation at the entrance to the building and setting a meeting place within the apartment building for a meeting date which must be at least 10 days from the date on which the invitation is posted.

7. Where the joint owners' meeting takes a negative decision or does not take a decision within 30 days from the date on which it first convenes, the owner who requested that it be convened shall be entitled, at own expense, responsibility and care and in a manner which does not affect the heating of the properties of the other joint owners, to disconnect his property from the central heating system of the building by insulating the central heating pipes passing through his property and to connect his property autonomously to the natural gas network or to install an autonomous heating system in accordance with the provisions of paragraph 5. The necessary equipment shall be installed in accordance with the specifications for safe operation of the facilities, as laid down in the relevant provisions, as appropriate, and shall be installed within the autonomous horizontal property or in an area owned or used exclusively by the owner. The supply pipes may pass through the façade of the building or other communal areas in accordance with the terms of the relevant planning provisions. Before the installation of an autonomous heating system commences, the owner of the autonomous property shall notify the other joint owners of the apartment building of his disconnection from the building's central heating system, the method for routing the supply pipes to his property and the start time and expected duration of installation works.

8. A horizontal property which is autonomous under the provisions of paragraph 7 shall be exempt from the cost of fuel consumption for the building's central heating system, but shall be obliged to participate in joint preventative maintenance costs and extraordinary expenses. A decision of the majority of the joint owners of the apartment building may be taken to fully exempt those properties which are autonomous".

3. The exemption referred to in the first subparagraph of Article 2(8) of Presidential Decree 420/1987 shall also apply to horizontal properties which have been disconnected from the central heating system of the building without a decision of the majority of owners and have been connected to the natural gas network or at which an autonomous heating system has been installed in accordance with Article 2(5) of that same Presidential Decree. In this case, the disconnection must not affect the heating of the properties of the other joint owners and, moreover, the central heating pipes must be insulated in the properties that have been disconnected. The exemption referred to in the first subparagraph shall relate to expenditure incurred after the entry into effect of this Law.

4. The words 'using gaseous fuels' shall be deleted from the second subparagraph of Article 1, paragraph 3.3.1 of the Presidential Decree of 27.9.1985 (Government Gazette 631/D) as inserted by Article 30(11) of Law 3175/2003 (Government Gazette 207/A).

5. The non-imposition of charges for operating costs and indirect central heating costs specified in Article 1, paragraph 3.3.1 of the Presidential Decree of 27.9.1985 shall also apply to horizontal properties which have been disconnected from the central heating system of the building by decision of the majority of owners and have been connected to the natural gas network or in which an autonomous heating system has been installed in accordance with Article 2(5) of Presidential Decree 420/1987. The non-imposition of charges referred to in the previous subparagraph shall relate to expenditure incurred after the entry into effect of this Law.

6. Article 11(8) of Law 4342/2015 (Government Gazette 143/A) inserted by Article 39 of Law 4447/2016 (Government Gazette 241/A) is hereby repealed.

Article 128

A new subparagraph 6a is hereby inserted into Article 21(6) of Law 4354/2015 (Government Gazette 176/A) the text of which is as follows:

"6a) for the inspections referred to in Article 3 of Law 3335/2005 (Government Gazette 95/A) the daily inspection remuneration shall be set by joint decision of the Ministers of Finance and Environment and Energy by way of derogation from the provisions hereof. This remuneration shall be paid by 31.12.2017".

Article 129

Amendment of the provisions of Law 3175/2003

1. A new paragraph 1A is hereby inserted into Article 13 of Law 3175/2003 (Government Gazette 207/A) after paragraph 1, the text of which is as follows:

"1A. Operating rights for low temperature geothermal power which have been leased up to 29.8.2003 by decision of the competent Coordinator of the Decentralised Administration issued on a request from the lessee may be extended every 5 years under the same contractual terms until 35 years have elapsed, provided the terms of the relevant leases, the environmental protection terms and the additional terms laid down in the renewal decisions are complied with".

2. The application referred to in paragraph 1 may also be submitted for leases which expired in 2017.

Article 130

Extension of deadline for submitting declarations by professional farmers generating electricity

1. The declarations of professional farmers generating electricity to retain their status as professional farmers or not, which are specified in Article I(M)(M.1)(1)(1.a) of Law 4254/2014 (Government Gazette 85/A), especially for 2016, may be submitted within a deadline of 2 months from the entry into effect of this Law. If the declaration referred to in the previous indent is not submitted or it is ascertained that the declaration is inaccurate, the compensation price shall be set retroactively