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The Official Guide to Greek Law

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Valmas & Associates

AVIATION

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2nd EDITION


HELLENIC REPUBLIC
MINISTRY OF ECONOMY,
DEVELOPMENT & TOURISM

 **ENTERPRISE
GREECE**
Invest & Trade


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■ TRANSPORTATION



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AVIATION

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Which is the main regulatory framework in Greece concerning the aviation?

The principal enactment which applies to aviation regulation in Greece is the Code of Aviation Law (KAD), implemented by Law 1815/1988 as amended by Law 2065/1992 and subsequently Law 3333/2005.

Furthermore, EC Regulation No. 1008/2008 applies to the operation of airlines in the European Union and Law 393/1976 applies to the operation of travel agents, which are further regulated by the Hellenic Tourism Organization (EOT).

Regarding suppliers, EC Regulations No. 300/2008 and EC Regulation No. 185/2010, along with HCAA Regulation No. D15/A/18070/1501, apply to airport suppliers and in-flight suppliers.

Also Ministerial Decision No. D1/D/30817/2180 applies to air charters and air transport services.

How many airports are located in Greece?

There are 45 airports that are regulated by the Hellenic Civil Aviation Authority (HCAA). They are further divided in three main subcategories. Only the Athens Airport is operated by a separate entity (Athens International SA).

A. INTERNATIONAL AIRPORTS (15)

- Athens Airport "El.Venizelos"
- Thessaloniki Airport "Makedonia"
- Rodos Airport "Diagoras"
- Heraklion Airport "N.Kazantzakis"
- Kerkyra Airport "Ioannis Kapodistrias"
- Kos Airport "Ippokratis"
- Alexandroupoli Airport "Dimokritos"
- Mytilini Airport "Od.Elytis"
- Limnos Airport "Ifestos"
- Chania Airport "I. Daskalogiannis"
- Kefallinia Airport
- Zakynthos Airport "D.Solomos"
- Samos Airport "Aristarchos of Samos"
- Kavala Airport "M.Alexandros"
- Kalamata Airport "Captain Vassilis Constantakopoulos"

B. NATIONAL AIRPORTS (26)

- Astypalaia Airport
- Ioannina Airport "King Pyrros"
- Chios Airport "Omiros"
- Mykonos Airport
- Skiathos Airport "A.Papadiamantis"
- Kozani Airport "Filippos"
- Agrinio Airport
- Kastoria Airport "Aristotelis"
- Karpathos Airport
- Santorini Airport
- Kythira Airport "Alexandros Aristotelous Onassis"
- Milos Airport
- Skyros Airport
- Nea Anchialos Airport
- Aktio Airport
- Sparti Airport
- Paros Airport
- Andravida Airport
- Epitalio Airport
- Syros Airport "Dimitrios Vikelas"
- Araxos Airport
- Kasteli Airport
- Naxos Airport
- Kalimnos Airport
- Ikaria Airport "Ikaros"
- General Aviation Services Unit-Pahe M.E.G.A.P

C. MUNICIPAL AIRPORTS (4)

- Kastelorizo Airport
- Kasos Airport
- Leros Airport
- Sitia Airport

What are the steps an air carrier is required to take in order to acquire an operating license?

1. First there are a series of certificates, licenses and approvals required such as:
 - Written approval of the base airport;
 - Certificates of noise (where applicable);

- Approval of the lease of aircraft;
 - Flight capability license;
 - Registration;
 - Licensing of aircraft's station.
2. The above documents have to be submitted along with a written application to the H.C.A.A.
 3. Had there been documents missing, the H.C.A.A. is obliged to notify the applicant in writing within twenty days of the filing of the application. The applicant must submit the requested documents within 30 days.
 4. The H.C.A.A. will then examine the documentation.
 5. The final answer from the H.C.A.A. must be communicated to the applicant within 120 days following the submission of all documents.

How are charter agreements and air charters regulated in Greece?

Articles 83-93 of the Code of Aviation Law (K.A.D.) and Ministerial Decision D1/D/30817/2180 regulate charter agreements and air charters in Greece.

In which way could an aircraft obtain the Hellenic nationality?

The Hellenic Code of Aviation Law sets out the precondition of an aircraft obtaining the Hellenic Nationality on Articles 18 and 19.

According to Paragraph 1 Article 18 of the Code of Aviation Law, Law 1815/1988 (K.A.D.) the condition for registering an aircraft as Greek is that a person that is a nationality holder of one of the countries of the European Economic Area possesses 50 percent or greater of the aircraft to be registered as Greek.

According to Paragraph 2 of Article 18 of the Code of Aviation Law (K.A.D.) an aircraft can also obtain the Hellenic Nationality as long as it belongs to Hellenic Companies (companies registered in Greece) on the condition that the company possesses over 50 percent of the aircraft.

Companies that are eligible to register a Hellenic Aircraft on the relevant Registry include the following (subject to the conditions set out by Article 18 Paragraph 2 of the Code of Air Law):

1. **General Partnerships** (O.E.) when all partners are EU citizens;
2. **Limited partnerships** (E.E.) when all general partners are EU citizens and an amount greater than the two thirds (2/3) of the total partnership capital has been paid by partners who are EU citizens;
3. **Limited Liability Companies** (E.P.E.) when all administrators of the company and more than three quarters (3/4) of the shareholders are EU citizens;
4. **SA (Companies** (A.E.) when more than sixty percent (60%) of the nominal value of the company capital belongs to EU citizens and at least two thirds (2/3) of the board of directors, the president and all members of general meetings are EU citizens;
5. **Cooperative Societies, Joint Ventures and Unions** when two thirds of the partners and members of Boards are EU citizens.

According to Article 19 of the Code of Aviation Law all Hellenic aircrafts must be registered at the National Aircraft Register in H.C.A.A. Following registration, the owner may subsequently obtain a Registration Certificate.

What is the H.C.A.A. (Y.P.A.)?

The **Hellenic Civil Aviation Authority (HCAA)** is a Civil Service under the Ministry for Infrastructure Transport and Networks, directed by its Governor and Deputy Governors. Its mission is the organization, *development* and *control* of the country's air transport infrastructure, as well as the study and laying of proposals to the Minister of Infrastructure, Transport and Networks concerning the overall policy formulation in air transport.

Which are other activities of the H.C.A.A.?

The H.C.A.A. is the body responsible for the handling and development of air transport inside the country and abroad. This also includes the development of international aviation relations, participation in international Organizations, the organization of the Hellenic Air Space and the exercise of Air Traffic Control. C.A.A. also controls the flights of the aircrafts in the (national) Greek airspace, under the direction of the Greek Government, supervises the application of safety rules in the airspace, inspects aircrafts and civil aviation crew suitability and grants the relevant certificates (to pilots of aircrafts and helicopters and crew).

Why does H.C.A.A. provide the flight licenses?

The H.C.A.A. is appointed by the Hellenic Republic in order to grant flight licenses. As Article 2 of C.A.D. provides "The Hellenic Republic exercises full and exclusive control over the Hellenic airspace". Accordingly, the H.C.A.A. is the body appointed to be responsible for such grants of flight licenses. The H.C.A.A. is operating under the aegis of the Ministry for Infrastructure Transport and Networks.

Which are the Registries being kept by the H.C.A.A.? How is the registry certification granted?

There are the following Registries and Books held at the headquarters of the H.C.A.A.

They are set out by Article 17 of the Code of Aviation Law (KAD):

1. National Aircraft Register;
2. Registry of Hellenic Aircraft Engines;
3. Register of Foreign Owned Aircraft Engines (leased to EU operators);
4. Book of Mortgages of aircrafts and aircraft engines;
5. Book of Seizures/Foreclosures of aircrafts and aircraft engines;
6. Book of Claims on aircrafts and aircraft engines;
7. Book of Lease Agreements of aircrafts.

All books listed above are held at the C.A.A. Headquarters in Athens. Also all books above (with the exception of the Book of Claims) are held in Embassies or Consular Offices of Greece abroad.

Following application to the H.C.A.A. the registration is granted to the owner of an aircraft or an aircraft engine (Article 26 K.A.D.). An aircraft should be deregistered from the Registry of the State with which it has originally registered prior to its Hellenic registration being granted by the H.C.A.A.

Is the deregistration possible and what would be the reasons for that?

Article 31 (K.A.D.) sets out the reasons for compulsory deregistration of an aircraft from the H.C.A.A. Registry. They are the following:

1. Loss of the Hellenic Nationality (e.g. when sold to a foreigner or when the EU seller's percentage falls below 50 percent (50%).
2. Full destruction or loss of the aircraft.
3. Lack of news as to its whereabouts for three months in a row if it has been missing.

Is seizure and auction of an aircraft possible?

The Code of Civil Procedure (K.Pol.D.) which was recently amended and has undergone major changes by virtue of Law 4335/2015 (changes to come into effect from the 01/01/2016) sets out the procedure for seizure/confiscation related issues and sales of aircrafts at auctions. Articles 992 on, 1014 and 1015 (K.Pol.D.) (set out the conditions for seizure/confiscation and auctioning of aircrafts).

Also Articles 709 & 713 (K.Pol.D.) set out the preconditions for temporary seizure in cases where an interim measure is requested.

What are the types of Mortgages on aircrafts and how are they Registered?

Articles 50-73 of the Code of Aviation Law (K.A.D.) set out the legal framework for mortgages on aircrafts.

Furthermore, there are two types of aircraft mortgages.

1. One is the Simple Mortgage regulated by Article 1292 of the Greek Civil Code (AK) where the mortgagee can enforce the payment of the secured debt through auction of the aircraft or the aircraft engine, so that his/her claim shall be satisfied by the sale price.
2. The second is the Preferential Mortgage governed by Article 57 (K.A.D.) where the mortgagee can not only sell the aircraft but he/she can (had this been agreed) take over full operation of the aircraft from the minute the debt becomes overdue (on the condition that the mortgage is constituted on the entire aircraft).

A mortgage can be constituted on an aircraft under construction as well as on an aircraft engine. In order to register a mortgage an application along with a power of attorney of the person who has executed the title and a summary of the mortgage must be filed.

Mortgage types can be fully agreed between the contracting parties and shall compulsorily be registered with the Mortgage Registration Book kept at the Headquarters of the H.C.A.A. with the process described above.

What is the current tax payable to the Hellenic Tax Authorities for the acquisition of an Aircraft?

Article 3 of Law 3842/2010 which replaced Article 16 of Law 2238/1994, sets out the tax requirements for owners of aircrafts.

Fuel of aircrafts is also taxed in accordance with EU rules and the VAT regime currently in force in Greece.

What are the charges for landing and parking in Hellenic Airports?

The H.C.A.A. determines the charges for landing and parking at the airports annually. The basis for cost calculation is the out-weight of aircrafts in conjunction with whether the aircrafts have an EU Member State certificate or one from a third country.

How are fares and rates set in Greece?

EU air carriers have freedom in setting air fares and cargo rates for services provided within the EU. This is also extended to third country carriers. Hellenic carriers consequently set their fares and rates.

What is the regulatory regime with regards to air accidents?

The Code of Aviation Law implemented by Law 1815/1988 (K.A.D.) and Law 2912/2001 are the main regulatory instruments with regards to the liability and process of investigation of air accidents.

Which main international conventions is Greece a signatory to?

Greece has implemented the Montreal Convention with the enactment of Law 3006/22-04-2002. Also it has become a party to the Geneva Convention of 1948 by virtue of the Greek Legislative Decree 543/1970. It has not implemented the Cape Town Convention of 2001 although the EU has acceded to it in 2009.

Greece has also ratified the Chicago Convention and has created an open economic environment and access to its market. Bilateral agreements have also been signed between the Hellenic Republic (Greece) and non-EU (third) countries such as: Albania, Algeria, Argentina, Armenia, Australia, Azerbaijan, Bahrain, Bosnia-Herzegovina, Brazil, Burma, Canada, China, Croatia, Cuba, Egypt, Ethiopia, Georgia, Hong Kong, India, Indonesia, Iran, Iraq, Israel, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, Lebanon, Libya, Macao, Malaysia, Moldova, Morocco, Nigeria, Oman, Pakistan, Philippines, Qatar, Russia, Saudi Arabia, Serbia, Singapore, South Africa, South Korea, Sri Lanka, Syria, Thailand, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, USA, Uzbekistan, Vietnam, Zaire, Zambia.

Which courts are competent for handling aviation disputes?

The Greek Civil Courts are competent for handling aviation related disputes. The Code of Civil Procedure (K.Pol.D.) sets out three types of courts competent for civil actions in the first degree:

The Court of the Peace (Eirinodikeio) which handles claims up to €20,000.00.

The Single-Member Court of First Instance (Monomeles Protodikeio) which handles claims between €20,000.01 and €250,000.00.

The Multi-Member Court of First Instance (Polymeles Protodikeio) which handles claims worth more than €250,000.00.

For certain categories of proceedings (e.g. landlord and tenant claims, leases, real estate matters, employment matters, motor accident claims, professional fees disputes etc.), exclusive jurisdiction is allocated to a particular court regardless of the case's monetary value. Articles 15 (K.Pol.D.) (for Courts of the Peace), 6 and 17 (K.Pol.D.) (for Single-Member Courts of First Instance) and 18 (K.Pol.D.) (for Multi-Member Courts of First Instance) regulate matters of exclusive jurisdiction.

In regards to disputes that arise from lease agreements, the Code of Civil Procedure (K.Pol.D.) sets out the following:

The Court of the Peace (Eirinodikeio) handles claims where the monthly rent does not exceed the amount of 600 EUR.

The Single-Member Court of First Instance (Monomeles Protodikeio) handles all other claims that arise from disputes from lease agreements.

What types of remedies are available from the courts in Greece?

1. Interim Remedies;
2. Action before the Hellenic Civil Courts;
3. Actions before the Hellenic Criminal Courts;
4. Actions before the Hellenic Administrative Courts;
5. Arbitration.

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