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# **Authorisations Regulation for Generation and Supply (1<sup>st</sup> Edition)**

## **CHAPTER A GENERAL PROVISIONS**

### **Article 1**

#### **Definitions**

For the application of this Regulation, the definitions given in Article 2 of Law 2773/99 (Official Gazette A 286) entitled "Liberalisation of the Electricity Market - Regulation of Energy policy issues and other provisions" apply:

"Law" means Law 2773/99 as it is currently valid;

"RAE" means the Regulatory Authority for Energy;

"authorisation" means either a generation authorisation or a supply authorisation;

"generation authorisation" means an authorisation granted under Articles 9 or 11 of the Law ;

"supply authorisation" means an authorisation granted under Article 24 of the Law<sup>(1)</sup>;

"Authorisation Holder" means the entity to which an authorisation has been granted;

"register of authorisations" means the register, kept by RAE, listing the authorisations which have been granted by the Minister of Development.

## **CHAPTER B**

### **APPLICATION PROCEDURES FOR AUTHORISATIONS OR EXEMPTIONS**

#### **Article 2**

##### **Right to Apply for Authorisations and Exemptions**

1. The right to apply for an authorisation or exemption under these Regulations is given to persons having the citizenship of a member state of the European Union or to legal entities or consortia registered in any European Union member state.
2. Applications for a generation authorisation in the Non-Interconnected Islands can be made, subject to the conditions of paragraph 1, only where the applicant:
  - (a) has been successful in a tendering procedure carried out under the terms of Article 11 of the Law; or
  - (b) proposes to generate using renewable energy sources or is an autoproducer; or

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<sup>(1)</sup> *In the present edition of this Regulation, the supply authorisation pertains only to supplying Eligible Customers.*

- (c) is the Public Power Corporation in the case where the tendering procedure has not succeeded or in circumstances of necessity in order to ensure an uninterrupted supply of electricity.

### **Article 3**

#### **Application for Authorisation or Exemption**

1. An application for an authorisation or exemption must be submitted to RAE in the form set out in this Regulation. It must be accompanied by the documents and particulars prescribed in this Regulation and by a receipt showing that the appropriate fee has been deposited in RAE's account.
2. At the same time, a copy of the application, with all accompanying documents and particulars, is submitted to the Minister of Development.
3. Upon receipt of the application, RAE shall enter its record in the register of applications.
4. An application may be submitted at any time. The Minister of Development, after an opinion or recommendation by RAE, may decide that applications can be submitted only within certain time periods, or with special terms and conditions for authorisations as well as for the authorisation procedure, according to Article 28 of the Law. In case a deadline is imposed for submission of applications, the allowed time period cannot be shorter than two months.
5. An application for a generation authorisation can be submitted prior to the applicant obtaining other necessary permissions and approvals. The granting of a generation authorisation does not remove the obligation of the applicant to obtain all other necessary permissions and approvals. The applicant may not proceed with the development of the generating facilities to which the authorisation relates before the generation authorisation is granted, even if all other permissions and approvals have been granted by the appropriate authorities.

### **Article 4**

#### **Form of Applications and Accompanying Documents**

1. An application for a generation authorisation shall be in the form specified in Part 1 of Schedule 1 of this Regulation and shall be accompanied by the documents and particulars specified in Part 2 of Schedule 1.
2. An application for an exemption from the obligation to obtain a generation authorisation shall be in the form specified in Schedule 3 of this Regulation.
3. An application for a supply authorisation shall be in the form specified in Part 1 of Schedule 2 of this Regulation and shall be accompanied by the documents and particulars specified in Part 2 of Schedule 2.
4. An application for an exemption from the obligation to obtain a supply authorisation shall be in the form specified in Schedule 4 of this Regulation.

## **Article 5**

### **Submission of Further Information**

1. During a period of two months from the date of the receipt of an application, RAE may require the applicant to provide further information, within a specified deadline, concerning any matter deemed necessary by RAE or by the Minister of Development. Where RAE does not serve any such notice within this two month period, the application shall be deemed to be complete.
2. If the applicant fails to provide that further information within the specified period, the Minister of Development, after consultation with RAE, may reject the application.
3. Where an applicant submits the requested further information on time and RAE does not issue a further request for information within one month of the date the requested information was submitted, the application shall be deemed to be complete.

## **Article 6**

### **Publication of Applications**

1. Within 15 days of lodging an application, the applicant must publish in two daily newspapers of wide circulation published in Athens:
  - (a) a brief summary of the contents of the application;
  - (b) an announcement that submissions by interested persons may be made to RAE within 15 days of the publication.
2. RAE shall ensure that the application and all accompanying documents and other information are available for public inspection at the offices of RAE. RAE may, taking into consideration representations by the applicant, decide which particulars or documents are held to be confidential and may bar access to them by interested parties.

## **Article 7**

### **Objections**

1. Any person having legal interest may, within the deadline defined in Article 6, submit to RAE a reasoned objection in relation to any application made under this Regulation.
2. RAE informs the applicant of the objections that may have been received regarding its application.
3. The submission of objections cannot justify delays in the authorisation procedure.

## **CHAPTER C**

### **DETERMINATION OF APPLICATIONS**

#### **Article 8**

##### **Procedure for Consideration of Applications**

1. After expiry of the period specified in Article 7 for submission of objections, RAE considers the application, in such manner as it considers appropriate in the circumstances and applying the criteria specified in Article 9 below.
2. In making its recommendation to the Minister of Development, RAE examines:
  - (a) the applicant's application, accompanying documents and particulars, as well as any further information submitted by the applicant;
  - (b) the objections submitted by interested persons;
  - (c) any other information deemed necessary.

#### **Article 9**

##### **Criteria for Formulating Opinions**

1. In formulating its opinion to the Minister of Development whether to grant or refuse an application for an authorisation, or in deciding on an application for an exemption, as well as on the terms and conditions for such authorisation or exemption, RAE takes into consideration in particular:
  - (a) the security and protection of the System, the Network, the generation installations and the connected equipment;
  - (b) the protection of the environment;
  - (c) the efficient generation and use of electricity;
  - (d) the primary energy source and the proposed technology for energy conversion;
  - (e) the technical, economic and financial capabilities of the applicant;
  - (f) the maturity of the project in the case of a generation authorisation;
  - (g) public service obligations;
  - (h) the long-term energy planning of the country;
  - (i) the protection of consumers;
  - (j) any concerns relating to national security raised by other ministries or authorities.
2. Where an application for an authorisation relates to a hydroelectric project, then RAE takes also into consideration matters relating to the integrated planning for the development and energy management of the hydro-potential of the relevant basin, in accordance with the provisions of Law 1739/1987 (Official Gazette, A 201/20.11.1987), as it is currently valid.

## **Article 10**

### **Opinions of RAE**

1. RAE must forward to the Minister of Development its opinion on each application within three months of the date on which the application has been deemed complete, sends a copy of it opinion to the applicant, and ensures its publication.
2. RAE may issue a reasoned decision extending the period in which it must deliver an opinion relating to the application, notifying the applicant and the Minister of Development to that effect.
3. The opinion submitted by RAE may include recommendations as to the terms, conditions and restrictions on the exercise of rights that it considers should be included in any authorisation to be granted.
4. The terms, conditions, and restrictions on the exercise of rights proposed by RAE for any authorisation include, in particular, those set out in Schedules 5 and 6. Where RAE proposes terms and conditions more extensive than those set out in Schedules 5 and 6, RAE shall include in its opinion its reasoned arguments for such additional terms and conditions.

## **Article 11**

### **Decisions on Applications**

1. The Minister of Development must decide each application within one month from the date RAE issued its opinion on the application.
2. The Minister of Development may serve a notice on the applicant, providing a copy to RAE, extending the period for determining the application and stating the reasons for the extension.

## **Article 12**

### **Publication**

1. The Minister's decision to grant an authorisation is relayed to the applicant with a copy to RAE, which enters it in the relevant register.
2. The Minister makes public a summary of the authorisation in a daily newspaper of wide circulation published in Athens.
3. The authorisation takes effect from the date of its granting by the Minister of Development or the effective date set out in the authorisation.

## **Article 13**

### **Terms, Conditions and Restrictions on the Exercise of Rights Granted by the Authorisation**

1. The terms, conditions and restrictions that the Minister of Development incorporates in any authorisation include mainly the general conditions set out in Schedules 5 and 6. In addition, the Minister may impose additional terms, conditions and restrictions.
2. In case the Minister of Development grants an authorisation with content, terms, conditions or restrictions which are materially different than those proposed in RAE's opinion, then the Minister of Development shall make public reasoned arguments for such a determination.

## **Article 14**

### **Extensions**

1. After two thirds of the period of validity of an authorisation has elapsed, the authorisation Holder may apply for an extension to that authorisation.
2. An application for an extension of an authorisation is determined in accordance with the procedures set out in Articles 2 to 13 of this Regulation.

## **CHAPTER D**

### **MODIFICATIONS TO AUTHORISATIONS**

#### **Article 15**

##### **Power to Modify Authorisations**

1. An authorisation may be modified by decision of the Minister of Development, following an opinion or proposal by RAE, in accordance with the procedures set out in Articles 16 to 18.
2. Where, in response to a proposal for modification proposed by RAE, the Minister of Development determines that no modification shall be made or the modification made by the Minister of Development is materially different from the modification proposed by RAE, the Minister of Development shall make public its reasoned decision.

#### **Article 16**

##### **Modification Notices**

1. RAE may, in response to any submission received or to a request by the Minister of Development or on its own initiative, propose or issue opinions for the modification of any particular authorisation or classes of authorisations.
2. Before proposing or issuing an opinion on any modification to an authorisation or classes of authorisations, RAE shall publish its intention to propose modification of an authorisation or classes of authorisations, stating the reasons and estimating the possible effects.
3. This publication will be done in such manner as RAE considers appropriate for the purpose of bringing the notice to the attention of persons likely to be affected by such modifications, and in any case notifies each relevant Authorisation Holder and the Minister of Development.
4. The publication specifies a deadline, which cannot be less than 15 days from the date of publication, within which reasoned objections can be submitted by persons having a legal interest in the matter.
5. After this deadline has elapsed, RAE examines any representations received and any other information it considers necessary and decides with reasoned arguments within three months, either to leave the subject authorisation or classes of authorisations unchanged, or to submit a proposal or opinion to the Minister of Development for the modification. In every case it publishes the outcome in accordance with paragraph 3.

## **Article 17**

### **Modification to the General Conditions contained in Schedules 5 and 6**

1. The general conditions for authorisations contained in Schedules 5 and 6 may be modified by decision of the Minister of Development, following an opinion or proposal by RAE. Such modifications cannot apply retroactively to any authorisations already in force, except in accordance with the provisions of this Regulation.
2. Modifications according to the present Article follow the procedure of publication and objections, as well as the corresponding deadlines, set in Article 16.

## **Article 18**

### **Modification by Agreement**

1. The terms of an authorisation may be modified by decision of the Minister of Development, following an opinion or proposal by RAE, which is issued after an the Authorisation Holder has submitted to RAE a reasoned request. In particular, the conditions contained in Schedules 5 and 6 of this Regulation can be modified only if:
  - (a) such modification is required to meet the circumstances of the particular case; and
  - (b) no other holder of an authorisation of the same type would be unduly disadvantaged in competing with other holders of such authorisations.
2. Modifications under the present Article follow the procedure of publication and objections, as well as the corresponding deadlines, set in Article 16.
3. The modification under this Article of part of an authorisation shall not affect the validity of any other term of the authorisation.

## **CHAPTER E**

### **SANCTIONS**

## **Article 19**

### **Revocation of Authorisations**

1. An authorisation may be revoked in accordance with its terms and conditions.
2. In addition to the circumstances set out in the terms and conditions in Schedules 5 and 6, the Minister of Development, following an opinion or recommendation of RAE, may revoke an authorisation if:
  - (a) the Authorisation Holder commits any breach of the Law, this Regulation, or any terms, conditions or restrictions included in its authorisation; or
  - (b) the authorisation was granted on the basis of materially false or misleading information.

## **Article 20**

### **Procedure for revocation**

1. In the event of any of the circumstances mentioned in Article 19, RAE serves a reasoned notice on the Authorisation Holder setting out the circumstances of the breach and stating a deadline by which the Authorisation Holder is obliged to conform to its legal obligations. RAE informs the Minister of Development of the matter.
2. If the Authorisation Holder fails to remedy the breach within the specified deadline, the Minister of Development may, following a recommendation by RAE, issue a reasoned decision whether to accept or reject RAE's recommendation, which is served on the Authorisation Holder and is copied to RAE and, in case the Minister considers it appropriate, the Minister revokes the authorisation.

## **CHAPTER F**

### **EXEMPTIONS**

## **Article 22**

### **Exemptions from Requirement for Authorisation**

1. Exempted from the obligation to obtain a generation authorisation are the persons generating electrical energy from such installations as are defined under elements (a) to (d) of paragraph 1 of Article 10 of the Law.
2. Exempted from the obligation to obtain a supply authorisation are the persons supplying electrical energy which is produced exclusively from installations granted exemption from the obligation to obtain a generation authorisation in accordance with paragraph 1 of the present Article.
3. RAE decides with a reasoned decision for the granting of a generation exemption or a supply exemption, following a petition by the interested person. The exemption is granted for a specified period of time.
4. The granting of an exemption follows the procedures defined in Articles 3 to 7 if this Regulation.
5. The decision of RAE is relayed to the applicant, is entered in the Authorisations Register marked as exemption, is published in the manner deemed appropriate and is made known to the Minister of Development.

## **CHAPTER G**

### **REFUSALS TO GRANT APPLICATIONS**

## **Article 23**

### **Refusals to Grant Applications for Authorisations and Exemptions**

Where the Minister of Development decides to refuse an application for an authorisation, or RAE issues a decision refusing an application for an exemption from the requirement to hold an authorisation, the applicant is notified of such decisions and of the reasons for the refusal.



## **CHAPTER H**

### **MISCELLANEOUS**

#### **Article 24**

##### **Power to Impose Additional Obligations**

1. Where the Minister of Development issues a decision to impose on Authorisation Holders any of the additional obligations specified indicatively in Article 28 paragraph 3 of the Law, such decision shall be published in the Official Gazette, shall be relayed to Authorisation Holders and shall be copied to RAE.
2. Such decision shall specify the period within which each Authorisation Holder must comply.
3. In particular for decisions imposing public service obligations in accordance with element (a) of Article 28, paragraph 3 of the Law, the Minister of Development publishes a draft of the intended decision and defines a deadline not shorter than 15 days within which any person having a legal interest may file objections.

#### **Article 25**

##### **Transfer of Authorisations**

1. An Authorisation Holder may transfer an authorisation to another person which satisfies the requirements defined in Article 2. In order for an authorisation to be transferred:
  - (a) the Authorisation Holder must submit an application to the Minister of Development at least three months before the date of the proposed transfer, furnishing the necessary details and particulars of the person to which it is proposed that the authorisation be transferred and the reason for the transfer;
  - (b) the person to which the authorisation is to be transferred must submit to the Minister of Development complete details in the form set out in Schedule 1 or 2, as appropriate;
  - (c) the applicant must publish a summary its application in accordance with Article 6.
2. In considering an application for transfer of an authorisation, the procedure set out in this Regulation in respect of applications for authorisations is followed.

#### **Article 26**

This Regulation is valid from the date of its publication in the Official Gazette.

# Schedule 1

## Part 1: Form of Application for a Generation Authorisation (submitted in written and in electronic copy)

### Part 1 – 1A

1. Full name of the applicant(s), or in the case of a legal entity, its registered name
2. Address of the applicant(s), or in the case of a legal entity, of the registered or principal office
3. Name and full mailing address and e-mail address of the person appointed by the applicant as its representative to receive the notices served to the applicant during the authorisation procedure
4. Where the applicant is a company, the names of the current member of its Board of Directors and the company's tax registration number
5. Where the applicant, or a member of the applicant consortium, is a company, details should be provided here of any holdings of the shares of that company by others that would require notification under the rules of the Athens Stock Exchange

### Part1 – 1B

6. Desired date from which the authorisation is to take effect
7. Desired term of authorisation
8. The proposed location of the generation installation
9. A description of how the station will be fueled, the method of supply of fuel, as well as the conversion technology to be utilized
10. The capacity and type of each unit within the generating station (MW)
11. The date when the generating station is expected to be commissioned

### Part 1 – 1C

12. Details of any other authorisations held, applied for, or being applied for by the applicant in respect to the generation or supply of electricity in Greece or other member state of the EU
13. Details of any non-electricity activities performed by the applicant
14. Certification by the applicant that, in case the authorisation is granted, the requirements of Article 30 of the Law "Accounts kept by Authorisation Holders" will be satisfied and details of plans in place to meet such requirements.

## **Part 2: Documents and Particulars to Accompany an Application for a Generation Authorisation**

*Note: Applications for plants with a net capacity of less than 50 MW do not need provide the information requested in items 9 and 10 below.*

### **Part 1 – 2A**

1. The organisational and administrative structure of the applicant, as well as the existing links and participation with other companies or groups of companies.
2. Current statements of the accounts kept by the applicant, including profit or loss accounts and balance sheets for the three most recent financial years, together with copies of the latest audit reports and certifications by chartered accountants, as well as copies of annual reports.

### **Part 1 – 2B**

3. An outline statement of the business plan of the applicant to which the application relates, for the next five years, including:
  - (a) the average net power (MW) expected to be available to the System from the generating station at any one time and the maximum net power (MW) expected to be available from the generating station;
  - (b) the expected life of the generating station;
  - (c) the numbers of generating units in the station and the capacity of each generating unit;
  - (d) map or maps sufficient to identify the exact location of the generating station, and particulars documenting the availability to the applicant of suitable space for construction, fuel supply and safe operation of the generating installation;
  - (e) annual forecasts of fixed and variable costs of production, sales of electrical energy, revenues and sources of project financing, stating the assumptions underlying the figures provided.
4. Details of any expected subsequent substantial capital outflows, including major decommissioning costs.
5. Timetable for construction, testing and expected commissioning of the generating installation.

### **Part 1 – 2C**

6. Feasibility study, which should include at least the following:
  - (a) Technical description of project (construction and functioning).
  - (b) Preliminary estimate of method and costs for connection to the System.
  - (c) Operational plan of the station in relation to the System.
  - (d) Preliminary evaluation of the environmental impact on a local or general level.
  - (e) Plans for ensuring security of fuel supply.

- (f) Approximate estimate of the required investment.
  - (g) Expected production costs for electrical and any other form of energy, separately for fixed and variable costs.
  - (h) Expected market for the energy to be produced.
7. Plans relating to meeting public service obligations, if applicable.
  8. In the case of applications for hydroelectric plants, details documenting the integrated development planning and energy management scheme of the hydro-potential of the specific basin to which the proposed station makes part, according to the provisions of Law 1739/1987.

**Part 1 – 2D**

9. Summary financial projection for the project, showing cash flow forecasts, broken down into the principal categories of cash inflows and outflows over either
  - (a) the financing period, or
  - (b) the technical life of the project, if longer.
10. Proposed capital structure and anticipated method and sources of financing for the project.

## Schedule 2

### **Part 1: Form of Application for a Supply Authorisation (submitted in written and electronic copy)**

#### **Part 2 – 1A**

1. Full name of the applicant(s), or in the case of a legal entity, its registered name
2. Address of the applicant(s), or in the case of a legal entity, of the registered or principal office
3. Name and full mailing address and e-mail address of the person appointed by the applicant as its representative to receive the notices served to the applicant during the authorisation procedure
4. Where the applicant is a company, the names of the current member of its Board of Directors and the company's tax registration number
5. Where the applicant, or a member of the applicant consortium, is a company, details should be provided here of any holdings of the shares of that company by others that would require notification under the rules of the Athens Stock Exchange

#### **Part 2 – 1B**

6. Desired date from which the authorisation is to take effect
7. Desired term of authorisation
8. Details about the estimated aggregate load curve of the target customers of the proposed supply activities, the kind of customers and their expected load characteristics
9. Generating capacity owned by the applicant which is installed in a member state the European Union and which is available to the applicant pursuant to his application
10. Certification by the applicant that, in case the authorisation is granted, the requirements of Article 24 of the Law "Supply Authorisation for Electrical Energy" will be satisfied and details of plans in place to meet such requirements

#### **Part 2 – 1C**

- (11. absent)
12. Details of any authorisations held, applied for, or being applied for by the applicant in respect of the generation or supply of electricity in Greece or elsewhere in the EU
13. Details of any non-electricity activities carried out by the applicant
14. Certification by the applicant that, in case the authorisation is granted, the requirements of Article 30 of the Law "Accounts kept by Authorisation Holders" will be satisfied and details of plans in place to meet such requirements.

## **Part 2: Documents and Particulars to Accompany an Application for a Supply Authorisation**

### **Part 2 – 2A**

1. The organisational and administrative structure of the applicant, as well as the existing links and participation with other companies or groups of companies.
2. Current statements of the accounts kept by the applicant, including profit or loss accounts and balance sheets for the three most recent financial years, together with copies of the latest audit reports and certifications by chartered accountants, as well as copies of annual reports.

### **Part 2 – 2B**

3. Details of the generating capacity installed in a member state of the European Union owned by the applicant and available with respect to the application.
4. Full particulars of arrangements that have been concluded with generating plants installed in a member state of the European Union to ensure the required reserve capacity.
5. Where the information set out by the applicant in respect of number 9 of Part 1 of the application form includes plant located outside Greece, provide full details of the arrangements that have been made to ensure the availability of all necessary transmission and inter-connector capacity for the energy to be supplied pursuant to the application.

### **Part 2 – 2C**

6. An outline statement of the business plan of the applicant to which the application relates, for the next five years, which includes in particular:
  - (a) details of the generating installations from which the applicant intends to acquire the electricity which he will supply;
  - (b) the expected life of the generating installations related to the application;
  - (c) forecast of annual maximum demand (MW) to be supplied, giving a breakdown of the demand for each type of customer, e.g., industrial, commercial, etc., and yearly amount of energy (GWh) to be supplied;
  - (d) annual forecasts of costs, revenues from sales of electrical energy, and financing plan;
7. Plans relating to meeting public service obligations, if applicable.
8. Estimates of net annual cash flows for subsequent periods, sufficient to demonstrate the financial viability of the business plan to which the application relates.

## Schedule 3

### **Form of Application for a Generation Authorisation Exemption (submitted in written and electronic copy)**

#### **Part 3 – 1A**

1. Full name of the applicant(s), or in the case of a legal entity, its registered name
2. Address of the applicant(s), or in the case of a legal entity, of the registered or principal office
3. Name and full mailing address and e-mail address of the person appointed by the applicant as its representative to receive the notices served to the applicant during the authorisation procedure
4. Where the applicant is a company, the names of the current member of its Board of Directors and the company's tax registration number
5. Where the applicant, or a member of the applicant consortium, is a company, details should be provided here of any holdings of the shares of that company by others that would require notification under the rules of the Athens Stock Exchange

#### **Part 3 – 1B**

6. Details of the justification of the exemption according to Article 22 of the Regulation
7. Desired date from which the exemption is to take effect
8. Desired duration of the exemption
9. Proposed location of the generation station
10. A description of how the station will be fueled, the method of supply of fuel, as well as the conversion technology to be utilized
11. The capacity and type of each unit within the generating station (MW)
12. The date when the proposed generating station is expected to be commissioned

#### **Part 3 – 1C**

13. Details of any other authorisations held, applied for, or being applied for by the applicant in respect to the generation or supply of electricity in Greece or other member state of the EU

## **Schedule 4**

### **Form of Application for a Generation Authorisation Exemption (submitted in written and electronic copy)**

#### **Part 4 – 1A**

1. Full name of the applicant(s), or in the case of a legal entity, its registered name
2. Address of the applicant(s), or in the case of a legal entity, of the registered or principal office
3. Name and full mailing address and e-mail address of the person appointed by the applicant as its representative to receive the notices served to the applicant during the authorisation procedure
4. Where the applicant is a company, the names of the current member of its Board of Directors and the company's tax registration number
5. Where the applicant, or a member of the applicant consortium, is a company, details should be provided here of any holdings of the shares of that company by others that would require notification under the rules of the Athens Stock Exchange

#### **Part 4 – 1B**

6. Details of the justification of the exemption according to Article 24 paragraph 3 of the Law
7. Desired date from which the exemption is to take effect
8. Desired duration of the exemption
9. Details of the generation capacity which is exempted from the obligation to obtain generation authorisation pursuant to paragraph 1, Article 10 of the Law, as well as of the manner by which that capacity is used to supply the consumption for which the exemption is required

#### **Part 4 – 1C**

10. Details of any other authorisations held, applied for, or being applied for by the applicant in respect to the generation or supply of electricity in Greece or other member state of the EU.



## Schedule 5

### Generation Authorisation General Conditions

#### 1. Scope of the Authorisation

[.....], the Authorisation Holder, is hereby authorised under the terms of the Law 2773/99, as it is valid, and the terms that follow, to construct the generating plant [.....] located at [.....] fueled by [.....], with a maximum net capacity of [.....] thermal MW and to produce electrical energy, plus thermal energy in the case of a co-generation plant.

#### 2. Definitions

The words, terms and expressions used in this authorisation have the meaning defined in the Law 2773/99, as it is valid, or the meaning given to them in the Authorisation Regulation.

#### 3. Information Provisions

The Authorisation Holder shall provide to RAE any documents or other information that it may require to carry out its functions.

#### 4. Inspection Provisions

The Authorisation Holder shall, within a reasonable period after receiving written notice, make available its facilities for inspection by RAE.

#### 5. Accounts

The Authorisation Holder shall comply with the obligations under Article 30 of the Law 2773/99 for the maintenance of accounts, such accounts to be kept available to the public if the Authorisation Holder is not otherwise obliged to publish its accounts.

#### 6. Transfer of Control or Modification of Consortium

1. Where the Authorisation Holder is a company or consortium, it must promptly notify the Minister of Development and RAE of any change of control of that company or of any company that is a member of that consortium, or of any change in the composition of the consortium.
2. The Authorisation Holder may proceed with the change of control or of the composition of the consortium if, following an opinion by the RAE, the Minister of Development agrees in writing or does not respond within one month from the date the relevant notification is received. Within this period of one month, the Minister of Development, following an opinion by RAE, may implement the procedure for modification or termination of the authorisation pursuant to this Regulation.
3. For the purposes of this condition, the concept of "control" of a company shall mean:
  - (a) the concept defined in Law 703/77, as it is currently valid, as well as
  - (b) any other transaction involving the shares of the Authorisation Holder that would require notification under the rules of the Athens Stock Exchange.

## **7. Disposal of Assets**

1. The Authorisation Holder shall give the Minister of Development and RAE not less than one month's prior written notice of its intention to dispose of or relinquish operational control over any of its assets. Any further information that is requested must be provided by the Authorisation Holder.
2. The Authorisation Holder may dispose of or relinquish operational control over any asset if, following an opinion by the RAE, the Minister of Development consents in writing or does not respond within one month from the date the relevant notification is received. The Minister of Development, following an opinion by RAE, may implement the procedure for modification or termination of the authorisation pursuant to this Regulation.
3. For the purposes of this condition, "asset" includes any land or equipment of considerable value used in the course of the business authorised by this authorisation.

## **8. Construction, Extension, and Closure of Plant**

1. Where the Authorisation Holder intends to proceed with construction or modifications which affect elements and characteristics of the installations relevant to the generation authorisation, or plans to close either permanently or for a long period significant plant, he is obliged to notify the Minister of Development and RAE in writing at least one month prior to the intended action. Any further information that is requested must be provided by the Authorisation Holder.
2. The Authorisation Holder may proceed with such actions if the Minister of Development, following an opinion by the RAE, consents in writing or does not respond within one month from the date the relevant notification is received. The Minister of Development, following an opinion by RAE, may implement the procedure for modification or termination of the authorisation pursuant to this Regulation.

## **9. Compliance with Other Codes**

The Authorisation Holder shall ensure that it complies with all Codes in force relevant to the generation of electrical energy.

## **10. Contracts with the System Operator**

1. The Authorisation Holder is required to enter with the System Operator into such use of system agreements and connection agreements as are required for the activities authorised by this authorisation.
2. The Authorisation Holder is obliged to comply with the terms of those agreements.

## **11. Compliance with the Power Exchange Code**

1. The Authorisation Holder is obliged to comply with the Power Exchange Code, in particular with respect to any financial offer that it submits under the Power Exchange Code or Grid Code.
2. The Authorisation Holder is obliged to behave in a manner which is not anti-competitive or seeks to exploit or abuse a dominant market position.

## **12. Compliance with Safety and Environmental Protection Regulations**

The Authorisation Holder shall ensure that the activities covered by this authorisation comply with:

- (a) the Safety Rules issued under Article 31 of the Law;
- (b) any environmental requirements to which the activities are subject when this authorisation is granted or become subject to during the term of this authorisation;
- (c) any other regulations or rules pertaining to his activities.

## **13. Other Obligations**

1. The Authorisation Holder shall comply with any special obligations imposed at the time this authorisation is granted pursuant to Article 28, paragraph 3, item (a) of the Law 2773/99, as it is valid.
2. The Authorisation Holder shall comply with any decisions of the Minister of Development issued under Article 28, paragraph 3 of the Law 2773/99, as it is valid, which impose on it additional obligations and shall take such steps as are necessary to implement such decisions.

## **14. Hydroelectric Plants**

The Authorisation Holder in relation to any generation plant using hydroelectric power is obliged to comply with the terms related to the integrated development planning and energy management scheme of hydro potential of the specific hydrologic basin, according to the provisions of Law 1739/1987 (Official Gazette, A 201/20.11.1987), as it is valid, and the associated regulations for its implementation.

## **15. Fees**

The Authorisation Holder is obliged to pay all fees required by the legislation in force.

## **16. Term and Termination**

1. The Authorisation shall be valid for a term of [.....] years. Its duration may be extended in accordance with the Authorisations Regulation.
2. The Minister of Development may revoke this Authorisation, following an opinion by RAE, in accordance with the procedure of Article 20 of this Code, under the following circumstances:
  - (a) when the Authorisation Holder requests that the Authorisation be revoked;
  - (b) when the above Conditions 6, 7, or 8 are realised;
  - (c) when a notification is issued under the rules of Public Accounting that fees or fines remain unpaid;
  - (d) if the Authorisation Holder is in repeated and systematic breach of the regulatory framework or of any of the conditions of this authorisation;
  - (e) if the Authorisation Holder fails to comply with any decision of the Minister of Development issued in relation to its activities authorised under the Authorisation, in particular any decisions issued under paragraph 3 of Article 28 of the Law 2773/99, as it is valid;

- (f) when the Authorisation Holder ceases permanently to carry on the authorised activities; or
- (g) if the Authorisation Holder is adjudicated bankrupt.

## Schedule 6

### Eligible Customer Supply Authorisation General Conditions

#### 1. Scope of the Authorisation

[.....], the Authorisation Holder, is hereby authorised under the terms of Law 2773/99, as it is valid, and the terms that follow, to supply electrical energy to Eligible Customers whose Maximum Demand does not exceed [.....] MW.

#### 2. Definitions

The words, terms and expressions used in this authorisation have the meaning defined in the Law 2773/99, as it is valid, or the meaning given to them in the Authorisation Regulation.

#### 3. Information Provisions

1. The Authorisation Holder shall provide to RAE any documents or other information that it may require to carry out its functions.
2. The Authorisation Holder shall keep an up to date register of its customers, which will include in particular the name or title of the customer and the corresponding electrical characteristics. This register and its modifications are made known to RAE and to the System and Network Operators, in case the customers are connected to the Network.

#### 4. Inspection Provisions

The Authorisation Holder shall, within a reasonable period after receiving written notice, make available its facilities for inspection by RAE.

#### 5. Accounts

The Authorisation Holder shall comply with the obligations under Article 30 of the Law 2773/99 for the maintenance of accounts, such accounts to be kept available to the public if the Authorisation Holder is not otherwise obliged to publish its accounts.

#### 6. Transfer of Control or Modification of Consortium

1. Where the Authorisation Holder is a company or consortium, it must promptly notify the Minister of Development and RAE of any change of control of that company or of any company that is a member of that consortium, or of any change in the composition of the consortium.
2. The Authorisation Holder may proceed with the change of control or of the composition of the consortium if, following an opinion by the RAE, the Minister of Development agrees in writing or does not respond within one month from the date the relevant notification is received. Within this period of one month, the Minister of Development, following an opinion by RAE, may implement the procedure for modification or termination of the authorisation pursuant to this Regulation.
3. For the purposes of this condition, the concept of "control" of a company shall mean:
  - (a) the concept defined in Law 703/77, as it is currently valid, as well as
  - (b) any other transaction involving the shares of the Authorisation Holder that would require notification under the rules of the Athens Stock Exchange.

## **7. Sufficient Generating Capacity**

1. The Authorisation Holder must be the owner of sufficient generating capacity located in Greece or another EU member state so that its total net electrical capacity is not less than the maximum demand mentioned in Condition 1 above. This capacity must be available to the System in such a way that the consumers supplied by the Authorisation Holder are not prevented from being supplied by reason of that capacity being unavailable. The characteristics and particulars of the generating plants constituting the aforementioned sufficient generating capacity are included in Appendix A of the present authorisation.
2. Where the Authorisation Holder proposes to modify particulars or characteristics of his generating capacity or to effect changes in the ownership or the availability of the generating capacity included in Appendix A, which formed the basis for granting the supply authorisation, it shall notify the Minister of Development and RAE in writing at least one month prior to the date on which the change is to take effect. The Authorisation Holder shall provide such additional information as may be requested.
3. The Authorisation Holder may effect changes to Appendix A of his authorisation if, following an opinion by the RAE, the Minister of Development consents in writing or does not respond within one month from the date the relevant notification was received. The Minister of Development within this period of one month, following an opinion by RAE, may implement the procedure for modification or termination of the authorization pursuant to this Regulation.

## **8. Reserve Generating Capacity**

1. The Authorisation Holder guarantees the availability of reserve capacity in Greece or other member state of the EU, representing a net generating capacity of not less than 15% of the maximum capacity mentioned in Condition 1 above. The Authorisation Holder shall ensure that the reserve capacity is made available in such a way that the Consumers supplied by the Authorisation Holder are not prevented from being supplied by reason of that capacity being unavailable. Appendix B of the present authorisation includes particulars proving the availability of the reserve capacity in accordance with Article 24 of the Law 2773/99, as it is valid.
2. Where the Authorisation Holder proposes to modify particulars included in Appendix B, which formed the basis for granting the supply authorisation, it shall notify the Minister of Development and RAE at least one month prior to the date on which the change is to take effect. The Authorisation Holder shall provide such additional information as may be requested.
3. The Authorisation Holder may effect changes to Appendix B of his authorisation if, following an opinion by the RAE, the Minister of Development consents in writing or does not respond within one month from the date the relevant notification was received. The Minister of Development within this period of one month, following an opinion by the RAE, may implement the procedure for modification or termination of the authorization pursuant to this Regulation.

## **9. Transmission System and Interconnection Capacity**

1. When the Sufficient Generating Capacity of Condition 7 or the Reserve Generating Capacity of Condition 8 are obtained outside the Greek territory, the Authorisation Holder is obliged to ensure the availability for all necessary transmission and interconnection capacity for the transmission of the electricity he will supply, in such a way that the Consumers supplied by the Authorisation Holder are not prevented from being supplied by reason of the necessary transmission and interconnection capacity not being available. Appendix C of the present authorisation includes particulars proving the

availability of the transmission and interconnection capacity required by Article 24 of the Law 2773/99, as it is valid.

2. Where the Authorisation Holder proposes to modify particulars included in Appendix C, which formed the basis for granting the supply authorisation, it shall notify the Minister of Development and RAE at least one month prior to the date on which the change is to take effect. The Authorisation Holder shall provide such additional information as may be requested.
3. The Authorisation Holder may effect changes to Appendix C of his authorisation if, following an opinion by the RAE, the Minister of Development consents in writing or does not respond within one month from the date the relevant notification was received. The Minister of Development within this period of one month, following an opinion by the RAE, may implement the procedure for modification or termination of the authorization pursuant to this Regulation.

#### **10. Balance Between Maximum Demand and Sufficient Generating Capacity**

1. Where, due to unanticipated growth in demand, the actual or expected Maximum Demand of the consumers supplied by the Authorisation Holder exceeds by more than 8% the Maximum Demand defined in Condition 1 of its authorisation, the Authorisation Holder shall promptly notify the Minister of Development and RAE and take steps ensuring that its Sufficient Generating Capacity defined in Condition 7 of its authorisation remains equal to or greater than the Maximum Demand of its consumers. The steps to be taken, which must be made known to the Minister of Development and to RAE, may consist of:
  - (a) Arrangements to achieve the necessary increase in its Sufficient Generating Capacity of Condition 7, the reserve generating capacity of Condition 8 and, where relevant, the necessary transmission and interconnection capacity of Condition 9.
  - (b) Arrangements to reduce the Maximum Demand of its consumers, either through demand management measures or through transfer of consumers to other Holders of supply authorisation.
  - (c) Any other arrangements, which however are considered only as provisional, such as contracts with Generation Authorisation Holders for additional generating capacity, or special imports of electrical energy. In such a case, the Authorisation Holder must specify the duration of the provisional arrangements.
2. Where a notification is made by the Authorisation Holder under paragraph 1, the Authorisation Holder shall submit within one month of that notification an application for an appropriate modification of this authorisation, in accordance with the Authorisation Regulation.
3. The Authorisation Holder is not permitted to conclude additional supply contracts with consumers, if such contracts would disturb or upset the balance between the Sufficient Generating Capacity and the Maximum Demand of the customers supplied.

#### **11. Compliance with Codes**

1. The Authorisation Holder shall comply with all Codes and other Regulations relevant to its role as a supplier of electrical energy.
2. The Authorisation Holder shall perform his activities in a manner ensuring equal treatment of his customers without discrimination and shall comply to the Supply Code.

3. In the performance of his duties, the Authorisation Holder shall comply with any other regulation relevant to his role.

## **12. Use of System Agreements**

1. The Authorisation Holder shall enter into such use of system agreements and connection agreements with the System Operator as may be required for the use of the System and the relevant interconnections.
2. The Authorisation Holder shall comply with the terms of those agreements.

## **13. Compliance with the Power Exchange Code**

1. The Authorisation Holder shall comply with the Power Exchange Code, in particular with respect to offers made in the context of that Code or of the Operating Code.
2. The Authorisation Holder is obliged to behave in a manner which is not anti-competitive or seeks to exploit or abuse a dominant market position.

## **14. Compliance with Safety and Environmental Protection Regulations**

The Authorisation Holder shall ensure that the activities covered by this authorisation comply with:

- (a) the Safety Rules issued under Article 31 of the Law;
- (b) any environmental requirements to which the activities are subject when this authorisation is granted or become subject to during the term of this authorisation;
- (c) any other regulations or rules pertaining to his activities.

## **15. Other Obligations**

1. The Authorisation Holder shall comply with any special obligations imposed at the time this authorisation is granted pursuant to Article 28, paragraph 3, item (a) of the Law 2773/99, as it is valid.
2. The Authorisation Holder shall comply with any decisions of the Minister of Development issued under Article 28, paragraph 3 of the Law 2773/99, as it is valid, which impose on it additional obligations and shall take such steps as are necessary to implement such decisions.

## **16. Fees**

The Authorisation Holder is obliged to pay all fees required by the current legislation.

## **17. Term and Termination**

1. The Authorisation shall be valid for a term of [.....] years. Its duration may be extended in accordance with the Authorisations Regulation.
2. The Minister of Development may revoke this Authorisation, following an opinion by RAE, in accordance with the procedure of Article 20 of this Code, under the following circumstances:
  - (a) when the Authorisation Holder requests that the Authorisation be revoked;
  - (b) when the above Conditions 6, 7, or 8 are realised;



- (c) when a notification is issued under the rules of Public Accounting that fees or fines remain unpaid;
- (d) if the Authorisation Holder is in repeated and systematic breach of the regulatory framework or of any of the conditions of this Authorisation;
- (e) if the Authorisation Holder fails to comply with any decision of the Minister of Development issued in relation to its activities authorised under the Authorisation, in particular any decisions issued under paragraph 3 of Article 28 of the Law 2773/99, as it is valid;
- (f) when the Authorisation Holder ceases permanently to carry on the authorised activities; or
- (g) if the Authorisation Holder is adjudicated bankrupt.

#### **Appendix A**

[... characteristics and particulars of the generating plants which constitute the Sufficient Generating Capacity...]

#### **Appendix B**

[... particulars proving the availability of the required reserve capacity ...]

#### **Appendix C**

[... particulars proving the availability of the required transmission and interconnection capacity ...]