

Newsletter

Issue 3, July 2008

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Energy performance of buildings

Following its recent conviction by the ECJ for the delay in transposing EC Directive 2002/91 (Judgment of 17.1.2008, C-342/07, Commission v the Hellenic Republic), Greece ratified on 15.5.2008 law 3661/08 on the energy performance of buildings.

The aforementioned law provides first of all for the issuance of a Regulation, which will contain the methodology of calculation of the energy performance of buildings, while it will further set their minimum energy performance requirements. These requirements will be reviewed at regular intervals not exceeding five years and will be updated to reflect technical progress in the building sector. The aforementioned Regulation is to be issued within 6 months from the ratification of the law 3661/08. New buildings, as well as existing ones which undergo major renovation, as such is defined in article 2 par. 12 of the law (and point 13 of the preamble to the Directive) will have to meet the minimum energy performance requirements set by the Regulation. The respective building permits will thus be issued only after the approval of an "energy performance study". Once the construction of the new building or the renovation of the existing are concluded, the owner is obligated to request the issuance of an energy performance certificate, which must also be made available by the owner to prospective buyers or tenants.

The law further provides for the regular inspection of boilers and air-conditioning systems by qualified and accredited inspectors. More particularly, boilers of an effective rated output of 20kW to 100kW will be inspected every 5 years, while boilers of an effective rated output exceeding 100kW will be inspected every 2 years. With regard to the inspection of the air-conditioning systems, the law provides that such systems of an effective rated output of more than 12kW will be inspected at least every 5 years. The inspectors will draft a report in which they will assess the efficiency of the air-conditioning system and the sizing compared to the cooling requirements of the building. They will further provide advice to the users on possible improvement or replacement of their air-conditioning system.

As foreseen in point 18 of the preamble to the Directive, in the recent years in southern European countries, such as Greece, there has been a rise in the air-conditioning systems, which creates problems at peak load times and disrupts the energy balance of the country. It re-

mains to be seen whether the aforementioned measure will address this problem sufficiently.

Finally, it should be noted that although Directive 2002/91 allows Member-States to exclude the buildings foreseen in article 4 par. 3 thereof only from the energy performance requirements, law 3661/08 excludes them completely from its scope of application, i.e. also with regard to the inspection of boilers and air-conditioning systems.

Energy Performance and Saving of Energy in the Public Sector

Shortly after the ratification of law 3661/2008 on "the energy performance of buildings" (outlined in this newsletter) the Ministers of Internal Affairs, Economy & Economics and of Development issued a joint decision (no. Δ6/B/14826/17.6.2008) determining certain measures for the improvement of the energy performance and the saving of energy in the public sector.

These measures are mainly the following:

- Oil is to be substituted by natural gas for heating purposes. Accordingly, applications for the provision of natural gas are to be submitted to the locally competent providers at the latest by December 31st, 2008 for all buildings of the public sector (whether in its ownership or leased by it) situated in areas that are connected to the gas distribution network.
- Idle energy is to be reduced. Appropriate equipment for the compensation of idle energy is to be installed in all buildings of the public sector at the latest by December 31st, 2008, in order to increase the load factor of their electricity consumption to at least 0,95.
- The preventive maintenance of air-conditioning systems. The air conditioning systems of the public buildings are to undergo maintenance by authorized teams at least once a year.
- Indoor Environment. The CEN Standard prEN15251 is to be applied both for the indoor temperature and for the air quality of air conditioned rooms.
- Replacement of electric lamps. Electric lamps are to be replaced by fluorescent lamps with certain minimum energy efficiency and specific technical characteristics. The illuminance levels of all rooms are to be determined in accordance with CEN Standard EN12464-1. Equipment enabling

the automated switching off of the lights is to be installed in the appropriate places.

- Purchase of equipment. The equipment to be purchased by the public sector must be certified in terms of energy efficiency. Specific standards are determined for air conditioners, refrigerators, kitchens, as well as for PCs, notebooks, printers and fax machines.

In cases where the lessor of buildings to the public sector does not consent to the implementation of extensive interventions or when such interventions are not urgent according to the energy report provided for by the ministerial decision, simple measures and techniques are to be applied for the improvement of the building's energy efficiency and the saving of energy. These indicatively include:

- the coating of a building's flat roof and its outer walls with reflective colors
- the installation of ventilators
- the nocturnal ventilation of the buildings
- the shadowing of the building to the extent that this does not decrease the illuminance of the indoor spaces to not acceptable levels
- the application of free cooling in the intermediate periods of heating/cooling

- the installation of devices for the recovery of heat from heating boilers, condensers, air conditioners

Finally the ministerial decision provides for the appointment of an energy officer, who may be responsible for one or more buildings of the public sector. The energy officer is responsible for the collection of data regarding the consumption of electricity, oil, natural gas and any other fuel type and must maintain a pertinent data base or archive. He is further obliged to draft on an annual basis an energy report containing the registration of the energy data in relation to the use of the building, a description of the relation of the building's energy consumption to its operative problems, a standard form of summery energy inspection and the programming of interventions necessary for the improvement of the energy efficiency of the building and the saving of energy. The energy officer must further inspect the operation of central heating and cooling installations and is responsible for the periodical maintenance of boilers and air conditioners. Finally he must monitor the conduct of maintenance and repairs related to the saving of energy.

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Codification of the legislation on public works

The Greek Parliament ratified on 4.6.2008 law 3669/2008, which codifies the legislation on public works issued from 1984 until today. It should be noted that this new legislation codifies over 40 laws, presidential decrees and ministerial decisions. It is divided into 6 parts, the first containing provisions on the stage prior to the award of the contract, the second on the construction contract and the third on construction enterprises and their registries. The fourth part of the new code contains the law provisions, by which Directive 2004/18 was transposed into Greek law, while the last two parts of the code contain special and transitional provisions.

Confidentiality of telephone communications

At the beginning of June this year, the Greek Parliament ratified a new law, which contains provisions and introduces new measures for the protection of the confidentiality of telephone communications.

Law 3674/08 on the “reinforcement of the legal framework concerning the protection of the confidentiality of telephone communications”, imposes, among others, certain obligations on the providers of electronic communications networks or services, to the extent that these refer to publicly available telephone services, that is services available to the public for originating and receiving national and international calls through numbers of the national telephone numbering plan. More specifically it is provided that:

a) each provider is responsible for the safety of the areas, installations, connections and hard- and software systems under his supervision; accordingly he must take all appropriate technical and organizational measures, use hardware and software systems that safeguard the confidentiality of communications

and enable the detection of any effected or attempted violations of the confidentiality of telecommunications. The provider must further regularly control the hard- and software systems under his supervision and have full knowledge of their technical features.

b) each provider is obliged to draw up, in accordance with the regulations of the Hellenic Authority for the Information and Communication Security and Privacy (ADAE) a specific plan setting out the means, procedures and measures to be implemented for the protection of the confidentiality of communications. The said plan is to be submitted to ADAE for its approval. Once approved, the provider delegates the implementation of the plan to an executive specifically authorized for this purpose, the so-called “executive for the protec-

tion of confidentiality”.

c) the obligation of secrecy with regard to the confidentiality of communications is imposed on the executive for the protection of confidentiality, the provider, its legal representative, its employees, people working with or for the provider and the provider’s management.

d) providers using digital switching centers are obliged to record the administration of the software of each such center.

The Law also provides for the possibility to impose on the providers the obligation to encrypt voice signal information transmitted from devices beyond their supervision.

The law further empowers ADAE to conduct ordinary and extraordinary inspections of the hard- and



 **Confidentiality of telephone communications**

software systems, as well as of all, in general, means supervised by the provider, in order to verify the compliance with the legal framework on the confidentiality of communications.

In case of violations of the confidentiality of communications the executive for the protection of confidentiality is obliged to inform respectively without delay the provider or his legal representative, the public prosecutor, ADAE and all the affected persons. Until receipt of orders by the public prosecutors and ADAE, the executive for the protection of confidentiality, the provider, its management and certain other persons may not disclose to any person any information with regard to the violation, while they must also secure any available evidence.

The law further provides for the establishment of a special unit within the Hellenic Police and assigns to it the prevention and suppression of crimes against the confidentiality of electronic telecommunications. The Hellenic Police is to co-operate with ADAE and is supervised by the public prosecutor.

The violation of the law may result to administrative sanctions, such as the issuance of a warning, the imposition of a fine or the temporary or definite revocation of the right to provide telephone communication services. It may further result to civil sanctions as the law provides that third persons, who suffered material

or moral damage due to an infringement of the law, are entitled to compensation of at least €10.000,-.

The law finally introduces a new criminal provision related to crimes against the security of telephone communications, while it amends, especially through the harshening of the criminal penalties provided for, the existing regulation of article 370 A of the Criminal Code concerning the violation of the confidentiality of telephone communications and oral conversations.

G. Verveniotis & Partners
G. VERVENIOTIS & PARTNERS

G. VERVENIOTIS & PARTNERS

LAW OFFICE

9 VALAORITOU STR. • ATHENS 10671 • GREECE

Tel: +30 210 36 11 390

+30 210 36 34 333

Fax: +30 210 36 35 194

WebSite: <http://www.verveniotis.com>

Email: info@verveniotis.com