



ICLG

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Aviation Law 2014

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General Chapters:

1	Global Aviation – The Next Ten Years – Philip Perrotta & Sidanth Rajagopal, Clyde & Co LLP	1
2	The Use of Personal Data by the Commercial Aviation Industry – Alan Meneghetti, Locke Lord LLP	5
3	Recent Developments in U.S. Aviation Product Liability Law – 2014 – Donald R. Andersen, Donald R. Andersen, P.C.	8
4	The Cape Town Convention: An Evolving Process (with a Side Note on Non-Citizen Trusts) – Erin M. Van Laanen & Maria E. Gonzalez, McAfee & Taft A Professional Corporation	16
5	Worldwide Airports Lawyers Association – an Overview – Diego R. Gonzalez & Ilona M. Crommentuyn, Worldwide Airports Lawyers Association	21

Country Question and Answer Chapters:

6	Albania	KALO & ASSOCIATES: Enkelejd Seitllari	24
7	Argentina	Maciel, Norman & Asociados: Rogelio N. Maciel & Maria Laura Maciel	31
8	Austria	Jarolim Flitsch Rechtsanwälte GmbH: Martina Flitsch & Irena Gogl-Hassanin	38
9	Bolivia	Salazar, Salazar & Asociados, Soc. Civ.: Sergio Salazar-Machicado & Ignacio Salazar-Machicado	45
10	Brazil	DDSA – De Luca, Derenusson, Schuttoff e Azevedo Advogados: Ana Luisa Castro Cunha Derenusson	51
11	Canada	Alexander Holburn Beaudin + Lang LLP: Darryl G. Pankratz & Michael Dery	58
12	Colombia	Del Hierro Abogados: José Elías Del Hierro Hoyos	65
13	Czech Republic	JŠK, advokátní kancelář, s.r.o.: Roman Kramařík & Roman Šťastný	72
14	Denmark	Kromann Reumert: Jakob Bernhoft & Julie Bak-Larsen	78
15	France	BOPS Law Firm: Carole Sportes	85
16	Germany	Arnecke Siebold Rechtsanwälte Partnerschaftsgesellschaft: Holger Buerskens & Ulrich Stepler	91
17	Greece	Bahas, Gramatidis & Partners: Betty Smyrniou	99
18	Indonesia	Ali Budiardjo, Nugroho, Reksodiputro Counsellors at Law: Theodoor Bakker & Dinasti Brian Harahap	106
19	Italy	Studio Pierallini: Laura Pierallini & Francesco Grassetti	113
20	Kosovo	KALO & ASSOCIATES: Loriana Robo & Vegim Kraja	121
21	Malta	Dingli & Dingli Law Firm: Dr. Tonio Grech	128
22	Mexico	Chacón & Rodríguez, S.C.: Samuel Chacón	134
23	Netherlands	AKD N.V.: Guido de Vos & Jan Appel	141
24	Peru	Diaz Palao & Siles Abogados: Patricia Siles Alvarez	148
25	Poland	MMMLegal - Legal Counsels: Krystyna Marut & Anna Burchacińska-Mańko	153
26	Portugal	Neville de Rougemont & Associados: Geoffrey Graham & Vicky Rodrigues	160
27	South Africa	Christodoulou & Mavrikis Inc.: Chris Christodoulou	166
28	Spain	Ventura Garcés & López-Ibor Abogados: Alfonso López-Ibor Aliño & Pablo Stöger Pérez	179
29	Switzerland	ThomannFischer: Stephan Erbe	187
30	Turkey	Dikici Law Office: Fulya Dikici	193
31	United Kingdom	Clyde & Co LLP: Philip Perrotta & Sidanth Rajagopal	199
32	USA	Condon & Forsyth LLP: Bartholomew J. Banino & Nicole M. Smith	210

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Greece

Bahas, Gramatidis & Partners

Betty Smyrniou



1 General

1.1 Please list and briefly describe the principal legislation and regulatory bodies which apply to and/or regulate aviation in Greece.

The principal legislation which applies to aviation in Greece is the Air Law Code, ratified by Law 1815/1988. The regulatory body which regulates aviation in Greece is the Hellenic Civil Aviation Authority (HCAA), which constitutes a public authority and comes under the Ministry of Transport and Communication, pursuant to section 2 of Law 1340/1983.

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 regulated by the Hellenic Tourism Organisation. Regarding suppliers, EC Regulations Nos. 300/2008 and 185/2010, along with HCAA Regulation No. D15/A/18070/1501, apply to airport suppliers and in-flight suppliers.

1.2 What are the steps which air carriers need to take in order to obtain an operating licence?

For the granting of an operating licence, air carriers need to take the following steps: certificates, approvals or licences in the following order:

- Gathering of the certificates, approvals and licences required (i.e. written approval of the base airport; approval of the lease of the aircraft; certificates of noise (if required), flight capability, registration and air carrier; and licensing of the aircraft's station).
- Submission of the above-mentioned documents along with a written application to the HCAA.
- In case any documents are missing, the HCAA must notify the applicant in writing within 20 days. Said documents should be presented within 30 days.
- Examination and evaluation of the documents by the HCAA.
- The HCAA must reply to the applicant within 120 days from the submission of all documents.

1.3 What are the principal pieces of legislation in Greece which govern air safety, and who administers air safety?

The security of airports and air safety in general is based on EC Regulation No. 216/2008, Ministerial Decision D2/1614/2008 and the National Civil Aviation Security Regulation.

The HCAA is the authority responsible for planning, developing,

enforcing, observing and preserving the National Civil Aviation Regulation as well as coordinating the activities of all agents involved in the safety of Civil Aviation.

The HCAA also makes all the arrangements necessary to prevent and repel any illegal actions against the safety of civil aviation in Greece and Greek aviation interests abroad. Moreover, it represents Greece in various international aviation meetings, cooperates with foreign security authorities and arranges for the joint prevention and suppression of illegal acts against the safety of civil aviation.

1.4 Is air safety regulated separately for commercial, cargo and private carriers?

Regarding safety regulation in the aviation sector, EC Regulation No. 216/2008 and Ministerial Decision D2/1614/2008 apply to all aircraft except for those of historic or scientific value, private and very light aircraft, very small aircraft, helicopters and military aircraft. More specific legislation regulates the safety of other types of aircraft (i.e. by Presidential Decree 64/2012, the safety regulation of helicopters is provided for).

1.5 Are air charters regulated separately for commercial, cargo and private carriers?

Charter flights in the Greek territory are regulated by Ministerial Decision D1/D/30817/2180 of the Ministry of Transportation and Communications. Air transport with charters without previous written approval from aviation authorities is prohibited. For the approval to be granted, the applicant must have the following: an operator's licence; a technical operating licence; and a licence of time use for the airports involved; provided that the related letter of guarantee has been deposited and that it does not oppose the general policy of the state.

The approval is valid for the specific purpose, airport, date and time it has been issued for and charter flights should be carried out without violating airport operating hours. There is an exception as to individual flights, for which only the notice before flight to the airport authorities and the airport involved is sufficient.

1.6 As regards international air carriers operating in Greece, are there any particular limitations to be aware of, in particular when compared with 'domestic' or local operators? By way of example only, restrictions and taxes which apply to international but not domestic carriers.

EC Regulation No. 1008/2008 regulates the air transport regime in the European Community and sets the basic requirements that an air

carrier must satisfy in order to operate an air service between two Community airports. International carriers belonging to non-EU countries may operate by virtue of bilateral agreements signed between Greece and those countries. The requirements that the foreign operators must satisfy in order to operate the air transport, the number of routes and the fees for the use of the airports are defined in each agreement, whereas the landing fees are regulated by HCAA and are different for EU carriers and carriers from third countries.

1.7 Are airports state or privately owned?

Currently all airports in Greece are owned and operated by the state, with the exception of Athens International Airport, which is operated by Athens International SA, while the Greek state retains control and supervision over these activities. In addition, a new regulatory framework has been adopted (Law 3913/2011) pursuant to which, by virtue of a decision of the competent Intra-Ministerial Committee of Restructuring and Privatization, relevant *société anonyme* companies (“SAAAs”) may be established for the administration and operation of all or certain Greek regional airports. Administration and operation of regional airports may be granted through concession to SAAAs and investors.

1.8 Do the airports impose requirements on carriers flying to and from the airports in Greece?

EC Regulation No. 1008/2008 and HCAA Regulation No. D1/D30817/2180 provide a general right of air carriers with an operating licence to provide air transport services on domestic routes and on routes in the European Community. However, there may be some restrictions/requirements for air carriers in the following cases:

- When the State imposes a public service obligation on a certain air carrier (see question 4.7 below).
- Restrictions in order to reduce noise or about flights during night-time (for example, pursuant to decision D3/B/14268/3609/12 of the HCAA, landing and take-off is prohibited for specific aircraft types in specific runways).
- In airports not operating 24/7, non-scheduled private flights must be notified and approved in advance.
- In addition, the State may limit access to airports through the allocation of slots so as to reduce air traffic congestion and delay.

The distinctions are not made in relation to the nationality of airlines, but rather in relation to the technical characteristics of the aircraft and the circumstances under which the flight takes place.

1.9 What legislative and/or regulatory regime applies to air accidents? For example, are there any particular rules, regulations, systems and procedures in place which need to be adhered to?

Legislation regarding air accidents consists mainly of the Air Law Code regarding liability matters, and Law 2912/2001 which regulates the procedure of investigation of air accidents.

Pursuant to said Law, the investigation of air accidents is carried out by the Air Safety and Accident Investigation Committee. The extent of the investigation is decided by the Committee and varies depending on the type and variety of the accident. Its duration cannot exceed a six-month period.

The countries in which the aircraft is registered may participate in the investigation and give their opinion on conclusions regarding the causes of the accident in the first draft of the findings.

The above-mentioned draft is written by the chief investigator and is sent to the Committee, which must issue the Finding Report within three months and send a copy of it to the Ministry of Transport and Telecommunications, the participating countries, the ICAO, and the European Commission.

A summary of the Finding is published in the two daily newspapers with the largest sales, published in Athens, and in a local newspaper published in the area covered by the Court of First Instance with jurisdiction over the case where the accident occurred.

1.10 Have there been any recent cases of note in Greece involving air operators and/or airports?

One recent case concerning authorisation for state aid pursuant to Articles 107 and 108 of the Treaty on the Functioning of the European Union (TFEU) in which the Commission raised no objection is SA.35697 (Official Journal of the European Union C 81/ Volume 56/ 20 March 2013). In this case the Commission decided to consider that the measure notified by Greece on November 2012 (a measure concerning the development of Skiathos Airport) constitutes state aid within the meaning of Article 107(1) of the TFEU, compatible with the internal market pursuant to Article 107(3)(c) of the TFEU.

2 Aircraft Trading, Finance and Leasing

2.1 Does registration of ownership in the aircraft register constitute proof of ownership?

Registration of ownership in the aircraft registers constitutes proof of ownership. In Greece there are two aircraft registers – one for aircraft of Greek ownership and one for those of foreign ownership which are leased to Greek operators. Upon registration in these registers, the aircraft automatically acquires Greek nationality and is accorded the right to fly in Greek airspace, provided it has a certificate of airworthiness.

For the registration of ownership during the registration of an aircraft, one must submit to the HCAA the bill of sale, private or notarised and authenticated by the Greek Consul, or apostilled if the transfer of ownership takes place outside of Greece. There is no special form that needs to be completed for the registration.

2.2 Is there a register of aircraft mortgages and charges? Broadly speaking, what are the rules around the operation of this register?

There is a mortgage registry where the mortgages are registered.

For the registration of a mortgage, along with the relevant application, the title of the mortgage is filed, along with the authority (power of attorney, etc.) of the persons who have executed this title and the summary of the mortgage. All information contained in the summary must be entered in the register, along with the submission date. A registered mortgage will take priority over other mortgages (save for mortgages registered earlier in time or on the same day, in which case the mortgages will be considered of equal value and rank in the same order). No special registration fees are payable except in the case that the mortgage is established by virtue of a notarial deed. The register is up to date and if all documents provided are in place, the mortgage can be registered in one day.

Aircraft liens, provided in Article 76 of the Air Law Code, become extinct if they are not registered in the aircraft registry according to

the procedure provided in Article 79 of the Air Law Code. More specifically, these liens are extinguished after the sale of the aircraft in a public auction unless (with the consent of the creditor) the bidder has accepted the claim, or with the expiry of a three-month period as from the creation of the claim. Such latter extinction will not occur if, within the three-month period, either a lawsuit is brought and is recorded in the mortgage registry or a written agreement for the amount of the claim is entered into and recorded in the mortgage registry as well.

2.3 Are there any particular regulatory requirements which a lessor or a financier needs to be aware of as regards aircraft operation?

Upon the expiration or early termination of the leasing agreement as a consequence of a breach of contract, the lessor or financier may deregister the aircraft if there is a deregistration power of attorney in place, otherwise the lessor and owner, and definitely the financier, may confront difficulties in the process. The lessor or the financier is entitled to physically repossess the aircraft on the basis of the same deregistration power of attorney. If the lessee disputes the repossession, the lessor or financier may eventually need to apply to the Greek courts for an order of repossession.

2.4 Is Greece a signatory to the main international conventions (Montreal, Geneva and Cape Town)?

Greece has ratified the Montreal Convention with Law 3006/22-4-2002 and became party to the 1948 Geneva Convention by Greek Legislative Decree 543/1970. Regarding the 2001 Cape Town Convention, Greece has not ratified it yet, although the European Community acceded to it on 6 April 2009.

2.5 How are the Conventions applied in Greece?

The Conventions, which are ratified by the Greek Parliament, are applied in Greece in the ordinary course, through the Greek courts.

3 Litigation and Dispute Resolution

3.1 What rights of detention are available in relation to aircraft and unpaid debts?

Generally the creditor may apply to court for the seizure of the aircraft in case of unpaid debts. This may be done in the process of Summary Proceedings and he may even apply for the issue of a provisional order according to the procedure provided in the Greek Code of Civil Procedure. However, such seizure requires that the aircraft is owned by the debtor except if it is a case of aircraft lien, in which case the debt and lien burden the aircraft.

More specifically, Article 189 of the Aviation Law Code provides that any aircraft flying over Greek territory or landing at Greek airports or accepting any kind of airport services is subject to payment of rights, duties and other charges related to aviation, landing and use of Greek airports. These duties are treated as aircraft liens. In case of non-payment of such duties, the creditor may request the airport authority to prohibit the take-off of the aircraft burdened by the lien or any other aircraft that the debtor owns. The airport authority must satisfy the request of the creditor and detain the aircraft. The airport authority detaining the aircraft must enable its take-off in the case that the owner or administrator of the aircraft deposits a letter of guarantee, equal to the total debt,

from a bank operating legally in Greece, or in the case that the creditor does not submit a request of aircraft provisional arrest within four days of its detention. The Court of First Instance judging through Summary Proceedings may at any time order the release of the aircraft from detention.

3.2 Is there a regime of self-help available to a lessor or a financier of aircraft if it needs to reacquire possession of the aircraft or enforce any of its rights under the lease/finance agreement?

If a lease is notarised the lessor will be entitled to bring compulsory enforcement proceedings with regard to the return of the aircraft through a court bailiff and to take possession of the aircraft without judicial intervention, in case of a default by the lessee under the terms of the lease.

If the lease is not notarised, it is not possible for the lessor, on default by the lessee, to retake possession of the aircraft. The lessor, in case the lessee refuses to redeliver the aircraft, must follow the judicial procedure for the repossession of the aircraft.

However if the lessor has a deregistration power of attorney, and especially if the lessee does not dispute the repossession, the lessor may be able to acquire the possession of the aircraft without resorting to court.

Other than repossession, the lessor may be able to proceed and complete the deregistration process without resorting to court on the basis of the powers of the deregistration POA.

If petition to court is required for the repossession of the aircraft, relevant Summary Proceedings can be applied which are shorter in time.

3.3 Which courts are appropriate for aviation disputes? Does this depend on the value of the dispute? For example, is there a distinction in Greece regarding the courts in which civil and criminal cases are brought?

The courts which are appropriate for aviation disputes are the Greek Civil Courts: i) the County Court is competent when the value of the object at dispute does not exceed the amount of €20,000, and for disputes arising from lease agreements where the monthly rent does not exceed the amount of €600; ii) the Single-Member Court of First Instance is competent when the value of the object at dispute is above €20,000 but does not exceed €250,000, and for all other disputes arising from lease agreements where the County Court is not competent; and iii) the Multi-Member Court of First Instance is competent when the value of the object at dispute exceeds the amount of €250,000.

Regarding Summary Proceedings, the competent court is generally the Single-Member Court of First Instance, unless the main case is submitted in the competency of the County Court or the main case is pending in the Multi-Member Court. Summary Proceedings concerning issues on possession and ownership are heard exclusively by the County Court.

Regarding criminal cases concerning aviation, the criminal jurisdiction is provided by the general provisions of Articles 1-10 of the Greek Code of Criminal Procedure.

3.4 What type of remedies are available from the courts or arbitral tribunals in Greece, both on an i) interim and a ii) final basis?

The following types of remedy are available:

- i) The applicant is entitled to interim remedies and may file an application for an injunction before the Greek courts. The most popular interim remedies are: freezing/seizure; prohibitory and mandatory injunctions; interim payments; and provisional orders. The claimant may also apply for an interim attachment order in order to preserve assets pending judgment or a final order.
- ii) On a final basis, the applicant is entitled to file an action or lawsuit before the Greek Civil Courts. The final remedies available at trial stage are: specific performance or damages; a declaration of the existence or non-existence of a legal relationship; and the creation, transformation or rescission of a legal relationship.
- iii) Regarding arbitration under Greek Law, the parties may agree that private law disputes arising from a legal relationship will be resolved through arbitration. The tribunal can order all final remedies that are available in litigation. The arbitrators cannot order, reform or revoke provisional measures.

3.5 Are there any rights of appeal to the courts from the decision of a court or arbitral tribunal, and, if so, in what circumstances do these rights arise?

The decisions of arbitration are not subject to legal means and, unless a right of appeal is provided by the arbitration agreement, the decisions constitute precedent and may be enforced according to the provisions of the Greek Code of Civil Procedure. Greece has ratified the New York Convention by Legislative Decree 4220/1961, which applies to the enforcement of arbitral awards.

Regarding the right of appeal to the courts from the decision of a court, the following courts are competent: the Greek Multimember Court; the Courts of Appeal, depending on the dispute; and the Hellenic Supreme Court, as the highest court.

Regarding Summary Proceedings, the law provides the right of revocation of the provisional order on certain grounds, whereas no right of appeal against the Summary Proceedings decision is provided except if it is a case of possession or ownership.

4 Commercial and Regulatory

4.1 How does Greece approach and regulate joint ventures between airline competitors?

There is no such precedent at the national level. In a hypothetical case, the general Greek and EU competition rules would apply (Law 3959/2011 and Article 101 of the TFEU respectively), in combination with Article 5 of Regulation No. 1008/2008, according to which Community air carriers shall be permitted by the Member State(s) concerned, to combine air services and to enter into code share arrangements with any air carrier on air services to, from or via any airport in their territory, from or to any point(s) in third countries, on condition that they do not impede, restrain or distort competition or, in case they do, they can be exempted under the exemptions provided by Article 101(3) of the TFEU and Article 1 para 3 of Law 3959/2011.

4.2 How do the competition authorities in Greece determine the "relevant market" for the purposes of mergers and acquisitions?

The Competent Competition Authority in Greece is the Hellenic Competition Commission (HCC), an independent authority supervised by the Minister of Development, Competitiveness, Infrastructure, Transport and Networks. Decisions of the HCC may

be annulled by recourse/petition lodged in the Administrative Court of Athens and decisions of said Court may be annulled by the Council of State.

The HCC has determined the relevant product and geographical market on a case-by-case basis by applying the origin/destination city-pair criterion. Each airline route constitutes a distinct relevant market, to the extent that passengers cannot substitute the services of said airline with the services of another. Demand of passengers, density of passenger movement and the substitution of other means of transport constitute criteria which are further used in the determination of the relevant market.

The HCC has also distinguished relevant markets regarding the kind of flight (public flight/VIP flight).

4.3 Does Greece have a notification system whereby parties to an agreement can obtain regulatory clearance/anti-trust immunity from regulatory agencies?

According to Article 6 of Law 3959/2011, a notification to the HCC is required only in the case that a merger takes place, and if said merger meets the thresholds for prior notification (€150 million aggregate turnover of all the entities involved, with at least two of the entities involved each having a turnover of €15 million in the Greek market).

4.4 How does Greece approach mergers, acquisition mergers and full function joint ventures?

There is no recent precedent in the aviation sector at the national level, except for the acquisition of Olympic Air SA by Aegean Airlines SA, which was examined by the European Commission, since it met the thresholds of Article 1 para 3 of Regulation 139/2004 and obtained Community dimension. The acquisition was approved in October 2013.

Generally speaking, pursuant to Law 3959/2011, mergers and acquisitions that meet certain thresholds (see question 4.3) must be notified to the HCC within 30 days as from the execution of the first document giving rise to the concentration (i.e. a binding agreement or announcement of a bid or exchange).

Furthermore, there is control of foreign ownership in air carriers. According to Article 4 of Regulation No. 1008/2008, in order for a Community carrier to be granted an operating licence, Member States and/or nationals of Member States must own more than 50% of the undertaking and effectively control it, whether directly or indirectly, except as provided for in an agreement with a third country to which the Community is a party.

4.5 Please give an outline of the procedure, including time frames for clearance and details of any costs of notifications.

The procedure which must be followed in order to obtain clearance for a merger includes the following steps:

- Notification of the merger to the HCC within 30 days from the agreement, providing all the information in the notification form and sending the documents required (i.e. documents regarding the merger/acquisition, financial lists and annual reports of the merger participants, any research/study of the merger regarding market shares, conditions of competition, etc.); also a fee of €1,100 must be submitted.
- Publication of an announcement for the merger by the interested parties in a daily newspaper of nationwide circulation at their own expense, and notification to the HCC of said publication.

- Within 30 days from the submission of the notification, the HCC must decide whether it will approve the merger or will conduct further investigation; in any case, the HCC must decide upon the merger within 90 days from the notification.

4.6 Are there any sector-specific rules which govern the aviation sector in relation to financial support for air operators and airports, including (without limitation) state aid?

In the aviation sector, general state aid rules apply according to the direct or indirect financial support given to individual companies by the government or government-controlled agencies or companies. In particular, the following apply under European Union law:

- Article 107 of the TFEU;
- Article 108 of the TFEU;
- EC Regulation No. 659/1999 as amended;
- EC Regulation No. 794/2004 as amended;
- EC Regulation No. 800/2008; and
- Community Guidelines C312 of 9 December 2005 on financing airports and start-up aid to airlines departing from regional airports. In relation to these Community Guidelines, the European Economic and Social Committee drew up an Opinion on the Revision of the 1994 and 2005 EU aviation and airport guidelines. In July 2013, the European Commission published proposed revised Guidelines for consultation. The finalised revised Guidelines are expected to be adopted in early 2014.

At national level, the following also apply:

- Ministerial Decision 2007892/2008, as amended, for the recovery of illegal state aid; and
- Circulars Nos. 39279/2005 and 16825/2006 of the Ministry of Finance / General Directorate for Economic Policy / Directorate of the European Union regarding the organisation and management of the state aid electronic notification system.

4.7 Are state subsidies available in respect of particular routes? What criteria apply to obtaining these subsidies?

EC Regulation 1008/2008 is applicable, among others, to the issue of which state subsidies are available in respect of particular routes. According to said Regulation, if no Community air carrier has commenced or can demonstrate that it is about to commence sustainable scheduled air services on a route in accordance with the public service obligation which has been imposed on that route, the Member State concerned may limit access to the scheduled air services on that route to only one Community air carrier for a period of up to four years, after which the situation shall be reviewed. The carrier will be selected by public tender in accordance with the Regulation.

At the national level, according to Ministerial Decision D11/B/24702/9337, the invitation for the public tender shall be communicated by the relevant headquarters of HCAA and the criterion for the selection of the air carrier shall be the lowest remuneration requested.

4.8 What are the main regulatory instruments governing the acquisition, retention and use of passenger data, and what rights do passengers have in respect of their data which is held by airlines?

Pursuant to Law 2472/1997, all individuals, including passengers, have the right to ask for information about the collection of their

personal data, the right to access and request information about the processing or not of their personal data, and to object to such processing.

In addition, with Presidential Decree 53/2008, Council Directive 2004/82/EC on the obligation of carriers to communicate passenger data was incorporated to Greek legislation in order to combat illegal immigration effectively and to improve border control. According to said Decree, after passengers have entered Greek territory, the relevant authorities and air carriers must delete the data within 24 hours after transmission, unless the data is needed later for the purposes that are provided by the same Article.

Finally, the Council of the European Union adopted on 26 April 2012 a decision on the conclusion of a new EU-US PNR Agreement. PNR data is the information voluntarily provided by passengers and collected by air carriers during the reservation and check-in procedures. It includes information such as name, travel and ticket information, address and phone numbers, means of payment used, credit card number, etc.

4.9 In the event of a data loss by a carrier, what obligations are there on the airline which has lost the data and are there any applicable sanctions?

According to Law 2472/1997, the Data Controller must implement appropriate organisational and technical measures to secure data.

Moreover, according to Law 2472/1997, the HDPA (the competent Data Protection Authority in Greece) is entitled to apply sanctions to the Data Controllers for breaching the obligations arising under the Law. The sanctions depend on the gravity of the violation of personal data and are the following: notification, fine, temporary or permanent withdrawal of the licence and, finally, the destruction of the personal data file, the termination of its processing, and the return or the detention of the file.

If passengers believe that their personal data has been violated in any way, they can file a complaint with the HDPA. In case they wish to exercise their right to access or their right to object, they have to contact the Controller (i.e. the airline) and if they fail to satisfy the demand, passengers can file a complaint with the HDPA. Passengers may also seek compensation for pecuniary or moral damage from Civil Courts.

A fine or any other sanction can be levied against the airline by a decision from the HDPA. Petitions for annulment of enforceable acts of the HDPA are heard by the Council of State, which decides in first and last instance.

4.10 What are the mechanisms available for the protection of intellectual property (e.g. trademarks) and other assets and data of a proprietary nature?

Regarding trademarks, there is a register for trademarks held by the Department of Commercial and Industrial Property. The Administrative Commission of Trademarks and the Administrative Courts are appropriate for issues arising on the registration for trademarks.

The Hellenic Copyright Organisation (OPI), which is supervised by the Ministry of Culture and Tourism, is the competent organisation for the protection of intellectual property in general and copyright. Patents are granted by the Hellenic Industrial Property Organisation (OBI). In order to obtain a patent, the proprietor (applicant) should file an application, including all the necessary supporting documents, with OBI, which will examine the documents and grant the patent. The rights conferred upon the owner of a patent are

acquired and remain in effect only where the relevant fees have been paid to OBI.

OBI also operates as a receiving office for applications for i) European Patents pursuant to the Munich Convention (European Patent Convention), and ii) International Patent Cooperation Treaty (PCT) deposits whereby one can request that a patent be issued for any of the signatories by depositing one application only.

According to Law 2943/2001, for the purposes of Article 91 of EC Regulation No. 40/1994, special designated chambers are established in the Civil Courts of First Instance and Courts of Appeal on Athens and Thessaloniki under the form of first and second instance tribunals for community trademarks. The community trademark chambers are also competent for cases relating to patents.

4.11 Is there any legislation governing the denial of boarding rights?

Regulation No. 261/2004 of the European Parliament and of the Council establishes common rules on compensation assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and sets out the passengers' rights when a flight that they intend to travel on is delayed or cancelled, or when they are denied boarding such a flight due to overbooking. The above Regulation applies to any passenger departing from an airport located in the territory of a Member State or leaving an airport located in a third country for one situated in a Member State when a Community carrier operates the flight, on condition the passengers have a confirmed reservation on the flight and have arrived in time for check-in, or have been transferred from the flight for which they held a reservation to some other flight. All passengers denied boarding must be offered all three types of compensation provided in Article 7 of the Regulation and assistance provided in Article 9 of the Regulation. Passengers may also seek compensation by filing a lawsuit before the Civil Courts.

4.12 What powers do the relevant authorities have in relation to the late arrival and departure of flights?

According to Ministerial Decision D1/D/30817/2180, if the flight departs or arrives 30 minutes later than the time approved, a fine is imposed on the air carrier by the HCAA. The fine is equal to the landing and parking charges. The fine is not imposed if the airport involved has consented to the delay or in case of emergency.

4.13 Are the airport authorities governed by particular legislation? If so, what obligations, broadly speaking, are imposed on the airport authorities?

Pursuant to Chapter D of Ministerial Decision D3/A/20357/4641, the airport authorities have certain obligations regarding the operation and administration of the airport, such as:

- to allow access to the airport, to notify and to report to the authorised HCAA personnel;
- to comply with the Standards and Practices of Annex 14 of the Chicago Convention;
- to employ experienced and qualified personnel with the relevant expertise;

- to operate and maintain the airport in compliance with the Airport Manual and the relevant HCAA regulations and guidelines;
- to establish and inspect a security management system and ensure the cooperation of every airport user regarding security;
- to inspect the security management system as well as the facilities and equipment of the airport and see to the external inspection and evaluation of the airport users; and
- to conduct special inspection of the airport in order to ensure flight safety.

4.14 To what extent does general consumer protection legislation apply to the relationship between the airport operator and the passenger?

The principal legislation which applies to consumer protection in Greece is codified in Law 2251/1994. According to Article 1 para 4 of said Law a passenger is considered to be a consumer and therefore said Law applies also to the protection of the passenger. However, for the passenger to be protected within the frame of said Law for services rendered by an airport operator, the airport operator's services must be rendered either directly to or in favour of the passenger. In this respect, in case an airport operator renders services to air operators (for example ground luggage handling), the passenger is not protected against the airport operator under the provisions of said Law, but only against the air operator.

4.15 What global distribution suppliers (GDS) operate in Greece?

There are three GDS suppliers currently operating in Greece: Amadeus and Sabre, which operate the systems of the same names respectively; and Travelport, which operates the Galileo and Worldspan systems. All three companies have established subsidiaries in Greece.

4.16 Are there any ownership requirements pertaining to GDSs operating in Greece?

No, they can be established under the general regime governing commercial companies.

4.17 Is vertical integration permitted between air operators and airports (and, if so, under what conditions)?

In general, regarding vertical integration between air operators and airports, Regulation No. 330/2010 as well as Article 101 para 3 of TFEU and Art. 1 para 3 of Law 3959/2011 are applicable. However, in the scope of the tenders currently taking place for the privatisation of the regional airports, the investor must confirm that no conflict of interests exists or shall exist in the future. Such conflict of interests is presumed to exist in the event that the investor holds over 15% of the capital of an air operator or vice versa. In such a case, the investor must prove that the conflict of interests shall be managed properly or he will be excluded from the tendering procedure.



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BAHAS, GRAMATIDIS
& PARTNERS^{LLP}

Bahas, Gramatidis & Partners traces its origins to the Law Office Marios Bahas, in 1970. In 1988, the original firm merged with Law Office Yanos Gramatidis to form Bahas, Gramatidis & Associates with the participation of Dimitris Emvalomenos in 1990. Finally, in 2002, Bahas, Gramatidis & Associates merged with Law Office Athanassios Felonis & Associates and with Law Office Spyros Alexandris & Associates, to form Bahas, Gramatidis & Partners. At the core of the Firm's practice is the representation of corporations, financial institutions, investment banks, non-profit entities and individuals, in complex financial and corporate transactions and litigation. Headquartered in the city of Athens, the Firm has associated offices in 35 countries. Bahas, Gramatidis & Partners' corporate team advises companies and businesses on a daily basis on all aspects of carrying out business in Greece, from commercial regulatory matters to regulatory compliance. The Firm has developed a unique expertise in aviation law which is recognised worldwide, and is member of EALA. It has been involved in an impressive number of aircraft lease transactions, as it represents major U.S. and European aircraft leasing companies, as well as banking institutions, in structuring their lease agreements with domestic carriers and planning the Greek part of major securitisations. It represents international airlines, leasing companies, financial institutions and aviation-related businesses in aircraft finance, leasing, acquisitions and operational matters. The Firm's services also include sale and lease-back of new and used equipment and securitisation of aircraft and airline receivables. It also deals with all sorts of issues relating to airlines in Greece, including but not limited to liability, disputes, repossession procedures and complex tax issues.

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