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LAW 2939

Packaging and alternative management of packaging and other products – Establishment of a National Organisation for the Alternative Management of Packaging and Other Products (N.O.A.M.P.O.P.) and other provisions.

THE PRESIDENT
OF THE HELLENIC REPUBLIC

Hereby issues the following Law enacted by the House of Parliament

CHAPTER A'
GENERAL PROVISIONS

Article 1
Objects

1. The object of this Law is the regulation of the management of packaging and other products aiming at reuse or recovery of their waste.
2. In particular the regulations of this law are aiming at:
 - a) The prevention of the creation of packaging waste through the restriction of the overall volume of packaging, as well as the restriction of the damaging effects from this refuse on the consumer's health and for the environment, for a stable and continuous development.
 - b) The reduction of the final disposal of the packaging waste or other products by encouraging as first priority:
 - systems for their reuse in an environment friendly manner, as well as the recovery of materials and their recycling, in order to reduce the consumption of energy and primary raw materials.
 - recovery of energy as an effective means for the recovery of their waste.
 - c) Specifying quantitative targets for recycling and other processes for the recovery of packaging waste and other products, as well as medium term and long term time limits.
 - d) Planning and setting up return (deposit), collection and recovery systems with the participation of all the parties concerned.
 - e) Provision for marking of packaging.

- f) Specification of the basic requirements with respect to the composition and the nature of reusable and recoverable packaging and other products including recycling.
 - g) Sorting waste at purchasing point, in order to achieve a high recycling and recovery level.
 - h) Provision for the adoption of packaging standards.
 - i) Provision for measures and conditions for cooperation of all those instruments concerned with the management of packaging and other products within the framework of the principle “polluter pays ”and their participation in the responsibility.
 - j) Setting up consumer awareness systems for the adaptation of their attitude and behaviour regarding the management of packaging and other products.
 - k) Setting up a public awareness procedure in the field of technical standards and specifications.
3. The implementation of the objects of this law is assigned to the National Organisation for Alternative Management of Packaging and other products (N.O.A.M.P.O.P. pursuant to the provisions of Chapter E’ of this Law. The regulations of this law with respect to the packaging and packaging waste shall be harmonized with the provisions of Directive 94/62/EC of the European Council and the 20th of December 1994 Council with respect to “packaging and packaging waste” (EEL 365/10/31.12.1994).

Article 2

Interpretation

In this Law:

1. “Packaging” means : every product made of any type of material, from raw material to processed material and designed to be used in order to include goods aiming at the protection, transport, disposal and presentation thereof, from the producer to the user or the consumer. Packaging is considered to be all kinds of single or multiple use, used for the same purpose.

“Packaging” shall mean only:

 - a) Packaging for the sale of primary packaging, i.e. packaging designed in a manner constituting, at the purchasing point, a separate unit.
 - b) Group packaging or packaging designed in a manner which constitutes at the point of purchase, a set or a certain number of units for sale, whether they are being sold in their original form to the final user or consumer, or they are useful only for exhibition purposes at the sale point. The said packaging may be removed from the product without altering its characteristics and may be delivered by the final user or consumer to the seller.
 - c) Transport packaging or secondary packaging, i.e. packaging designed to facilitate the handling and transport of a number of sale units or group packaging, in order to prevent physical handling and transport damage. Transport packaging does not include road, rail, sea and air transport containers.

2. “Group packaging” means: Packaging designed to be reused. This packaging becomes packaging waste upon ceasing to be subject to reuse.
3. “Single use packaging” means: Packaging designed to be used once and which becomes packaging waste when used.
4. “Other products” shall mean all products such as vehicles, tyres, catalysts, mineral oils, batteries and accumulators, electrical appliances, electrical and electronic appliances, telecommunication materials, excavation and demolition products, furniture, newspapers and magazines, paper etc. which, after they have been used and having become waste (solid or noxious), pursuant to the provisions of the relevant legislation, are subject to reuse or recovery.
5. “Prevention” shall mean: the reduction of the quantity and the damaging effect for the environment of :
 - material and substances contained in the packaging and the packaging waste and other products,
 - packaging or waste at production process level and during marketing, distribution, use and elimination stages, in particular through the development of “clean” products and technologies.
6. “Packaging waste and waste of other products”. shall mean every packaging or packaging material included in the definition of waste contained in Joint Ministerial Decision No.69728/824/1996(Government Gazette 358B0), with the exception of production waste.
7. “ Management of packaging waste and other products” means the management of waste, as specified in article 2 of J.M.D No.69728/824/1996(Government Gazette 358B0)
8. “Municipal Waste” means waste as specified in article 2 J.M.D No.69728/824/1996(Government Gazette 358B0)
9. “Reuse” means every operation refilling multiple use packaging or using thereof for the same purpose for which they have been designed with or without the support of auxiliary products present in the market enabling the packaging to be refilled.
10. “Recovery” means every operation carried out as provided in Annex II B of article 21 of the J.M.D. 69728/824/1996.
11. “Recycling” means the reprocessing at the production point, of packaging waste or other products in order to be used for their original purpose or for other purposes including organic recycling, with the exception of recovery of energy.
12. “Energy Recovery” means the use of packaging waste fuels and other products as a means to generate energy, through direct incineration, with or without other waste, but through recovery of heat, without environmental pollution.
13. “Organic recycling” means the processing under aerobic treatment (composting) or anaerobic treatment (biomethanization), with microorganisms under controlled conditions of the biodegradable parts of the packaging waste, which produces stabilized organic residues or methane. Landfill shall not be considered a form of organic recycling.

14. “ Disposal” means every operation as provided in Annex II A of article 21 of the J.M.D. 69728/824/1996 (article 2).
15. “ Collection” means the collection of waste as specified in article 2 of J.M.D. 69728/824/1996.
16. “Management of packaging”: shall mean:
 - production and/or disposal of materials from which packaging is manufactured (supply of primary and secondary material) or the import of packaging, hereinafter referred to as “supply”,
 - production and manufacturing of packaging (“manufacturing”),
 - distribution in the market (trading including import) of packaged products (“transport”), intended to reach the user or the consumer. Transport does not include transport services in themselves.
17. “Management of other products” means:
 - production and/or disposal of material (supply of primary and secondary material) hereinafter referred to as “supply”.
 - production and modification of other products (“manufacturing”).
 - distribution in the market (trading including import) of other products, intended to be used or consumed by the public (“transport”) Transport does not include transport in itself.
18. “Alternative management of packaging and other products” shall mean collection work including guarantee, transport, reloading, temporary storage, reuse and recovery of used packaging of multiple use or packaging waste and other products, so that following their reuse or recovery respectively, they may be returned to the market.
19. “ Alternative Management System” means organizing on an individual or collective basis, in any legal form, the collection, including deposit, transport, reuse and recovery of the used packaging or packaging waste and other products:
 - reuse of used multiple use packaging following their collection, including deposit or transport thereof, as well as,
 - recovery of packaging waste or other products following their collection, transport, re-loading or temporary storage thereof, so that used packaging as well as packaging and other product waste may be returned to the market.
20. “ Economic Operators” shall mean, in relation to the management of packaging, the suppliers of packaging material, packaging producers and converters , fillers and the users, importers, traders and distributors, public authorities, Local Self-Government Organisations and other public organizations, Institutes or Foundations. This term shall apply, mutatis mutandis, to the management of other products.
21. “Voluntary Agreement”, means every formal agreement concluded between competent public authorities and activity sectors concerned, which must be open to all parts wishing to comply with the conditions of the agreement, with a view to contribute to the implementation of this law.
22. “Deposit System”, means the alternative management of packaging system according to which the purchaser of a packaged product pays to the seller

monetary exchange (deposit), which is refunded upon the return of the packaging (single or multiple use) with a purpose of alternative management thereof.

23. “Municipalities / Communities”: as specified in article 2 of the Joint Ministerial Decision No.69728/824/1996 referring to the management of solid waste not including Boards abolished under L.2539/1997 (Government Gazette244A).
24. “Raw Material” means the product deriving primarily from the natural environment.
25. “Primary material” means every material being the product of primary material processing, having the status of a waste product.
26. “Secondary material” means every material being the product of primary material processing, having the status of a waste product.
27. “N.O.A.M.P.O.P.” means the National Organisation for Alternative Management of Packaging Waste and Other Products, pursuant to Chapter E of this Law.

Article 3 Applications

1. This Law shall apply:
 - a) to all packaging distributed in the market and to packaging waste originating from industries, trade, offices, shops, services, households or from any other source, without prejudice to the components of the material.
 - b) to other products, as specified in the provisions of article 2 (par.4).
2. This Law shall apply in the above cases, save the provisions of existing legislation with respect to quality requirements regarding packaging and other products, such as safety requirements, health requirements and hygiene of packaged products and other products or requirements regarding transportation and management of hazardous waste.

Article 4 General Principles on Alternative Management of Packaging and Other Products

Alternative management of packaging and other products is based on the following principles.

- a) on the principle of prevention of the creation of waste and other products through the reduction of the overall volume thereof and the hazardous components thereof, and furthermore:
 - on the principle of reuse of packaging as a priority and the recovery of material and the recycling of packaging waste and other products, and
 - on the recovery of energy without environmental pollution, in order to reduce the final disposal thereof,

- b) on the principle “polluter pays”, and
 - c) on the principle of the responsibility of all economic agencies, public and private,
 - d) on the principle of public awareness of the users and consumers with respect to the measures taken in order to demonstrate their role as participants in the reuse or recovery (alternative management) of packaging and other products.
- The principle of public awareness include measures on mandatory marking on the package, of the deposit, if any, as well as the special marking demonstrating that the package comes under alternative management.

CHAPTER B’ PACKAGING – PACKAGING WASTE

Article 5

Alternative management of packaging programmes

1. N.O.A.M.P.O.P. shall carry out and implement programmes with respect to alternative management of packaging. These programmes shall refer to the prevention of the hazardous effects on the environment deriving from the management of packaging and packaging waste and the taking of the required measures under the general principles of article 4.
2. Programmes shall include mainly:
 - Encouragement measures:
 - i) for the reuse of packaging, if under the specifications of the packaged product, reusing, is ecologically profitable, technologically and financially feasible, as well as
 - ii) for the use of materials deriving from recycled packaging waste for the production of packaging and other products.
 - Measures for the establishment of waste sorting systems at the purchasing point, with the mandatory participation of the final user or consumer.
 - Methods for organizing alternative management of packaging, pursuant to article 7.
 - Measures for achieving, the quantitative targets for the recovery and recycling, pursuant to article 10.
 - Guidelines for the organization of refund-collection-recovery systems, pursuant to article 7.
 - General specifications for granting approvals for alternative management systems, pursuant to article 7.
 - Measures for the promotion of community standards and general measures for the management of packaging, pursuant to article 6.
 - Sensitivity and awareness measures for the consumer or other final users, pursuant to article 19.
 - Technical measures for combating probable difficulties deriving from the implementation of this law, mainly in primary packaging of medical devices and pharmaceutical products in small packaging, as well as luxury

packaging, when the European Community Commission proceeds to the specification of technical measures.

3. The programmes shall be approved by a joint decision of the Minister of Environment, Planning and Public Works and the Ministers of National Economy, Finance, Development, Interior, Public Administration and Decentralization and Agriculture.

Article 6 Terms and Conditions for the Management of packaging

1. For the transport of packaging in the market, the following terms and conditions, with respect to the composition, as well as the nature of reusability and recovery possibilities of the packaging, shall be complied with:
 - a. Special requirements regarding the manufacture and composition of packaging:
 - a.1. Packaging must be manufactured in a manner limiting the volume and weight of packaging to the minimum requirements, in order to maintain the necessary safety, health and acceptance level, for the packaged product as well as for the consumer.
 - a.2. Packaging must be designed, manufactured and distributed to the market in a manner permitting the reuse or recovery of its waste, including recycling thereof and to restrict to the minimum the effects on the environment, on disposing packaging waste or waste deriving from the management of packaging waste operations.
 - a.3. Packaging must be manufactured in a manner permitting the promotion to the market of products having the minimum adverse effects on the environment and secondary materials and materials not reducing the recovery potentials should be used.
 - a.4. Packaging must be manufactured in a manner to minimize the presence of damaging or other hazardous substances and materials as components of the packaging material, or any element of the packaging, with regard to their presence in emissions, ashes or rinse, when combustion or landfill of packaging or their waste is carried out from management processes or packaging waste.
 - b. Special requirements regarding the reusable nature of packaging must be simultaneously satisfied. In particular:
 - b.1. natural properties and characteristics of the packaging must allow a certain number of transports or repeated use under normal predictable conditions of use.
 - b.2. treatment possibilities of the used packaging, in order to satisfy health requirements for the workforce.
 - b.3. it must satisfy the special requirements for retrievable packaging, when this packaging is no further used and consequently they become waste.
 - b.4. use of clean technologies for reusing waste.
 - c. Special requirements with respect to recovery nature of packaging.
 - c.1. Packaging which may be utilized in the form of recyclable material.

Packaging must be manufactured in a manner permitting recycling of a certain percentage per weight of the material used for the manufacture of products distributed in the market, according to the relevant standards in force for the time being. Such percentage may vary, depending on the type of material constituting the packaging.

c.2. Packaging recoverable in the form of energy recovery.

Packaging recoverable in the form of energy recovery Packaging waste processed for energy purposes, recovery shall have a minimum inferior calorific value to allow optimization of energy recovery.

c.3. Packaging recoverable in the form of composting Packaging.

Packaging recoverable in the form of composting Packaging waste processed for the purpose of composting shall be of such a biodegradable nature that it should not hinder the separate collection and the composting process or activity into which it is introduced.

c.4. Biodegradable Packaging.

Biodegradable packaging waste shall be of such a nature that it is capable of undergoing physical, chemical, thermal or biological decomposition such that most of the finished compost ultimately decomposes into carbon dioxide, biomass and water and not leaving hazardous residues.

2.1. N.O.A.M.P.O.P. in cooperation of the Hellenic Standards Organisation shall apply the community standards, referred to in the requirements of this article. In the absence of community standards, N.O.A.M.P.O.P. may set up national standards, referring to:

- criteria and methodologies for life cycle analysis of packaging.
- methods for measuring and verifying the presence of heavy metals and other dangerous metals in the packaging and their release in the environment from packaging and packaging waste.
- criteria for a minimum content of recycled material in packaging for appropriate types of packaging,
- criteria for recycling methods,
- criteria for composting methods, and produced compost,
- criteria for the marking of packaging.

National standards shall be approved through a joint decision of the Ministers of Environment, Planning and Public Works, Development and Agriculture.

2.2. The overall concentration levels of lead, cadmium, mercury and hexavalent chromium present in packaging or packaging components shall not exceed 100ppm by weight.

The Concentration levels referred to in this paragraph shall not apply for packaging entirely made of lead crystal glass as defined in Directive 69/493/EEC. By joint decision of the Ministers of Development and Environment, Planning and Public Works, it shall be possible that the above values may be amended in line with the relevant community legislative regulations in force for the time being. Pursuant to article 11 (par.3) of Directive 94/62/EC it is specified:

- a. The conditions according to which the aforesaid concentration levels do not apply, on recycled products and product loops present in closed and controlled chains.

- b. the types of packaging which may be exempted from some of the above specified concentration level values.
3. Each packaging operator shall have an alternative management certificate pursuant to article 9.
4. By joint decision of the Ministers of Development and Environment, Planning and Public Works, issued upon a recommendation from the N.O.A.M.P.O.P., the use of certain materials may be prohibited or the use of certain materials may be limited or the use of a specific material components may be imposed or the reuse or deposit for certain packaging, under the condition that they do not hinder trade and distort competition.
5. Persons carrying out supply and manufacturing of packaging, N.O.A.M.P.O.P a report with respect to the implementation of the provisions of this article, as well as the planning for their implementation for the following year.
The first report shall be submitted one year after this law comes into effect, without prejudice as to the approval of the national programme (article 5) or the presence of standards (community-national).

Article 7

Terms and Conditions for the alternative Management of packaging –Alternative Management Systems

- A. Those undertaking packaging management, hereinafter referred to as “handlers”, are obliged to set up systems or to participate in systems of alternative management of packaging relating to their activity.
1. Packaging handlers shall promote, in apply the programmes (article 5) the most profitable method for alternative management, by setting up collection systems, which shall include deposit, and recovery of used packaging or packaging waste, pursuant to the provisions of article 8 of the Joint Ministerial Decision 69728/824/1996 (Government Gazette 358 B), as well as packaging reuse systems.
These systems shall particularly aim at:
 - a) The return and/or the collection of used packaging or packaging waste from the consumer or other final user or from waste flow, in order to distribute them to the most advisable alternative waste management solutions.
 - b) The reuse or recovery, including recycling of the collected packaging or packaging waste with the use of clean technologies.
 2. The aforementioned systems shall also apply for imported products under conditions avoiding discrimination. In particular these systems shall:
 - a) be designed in a manner to avoid hindering the trade or create distortions in competition in accordance to the national and community law, and
 - b) shall take into account mainly the requirements on matters of:
 - protection of the environment and health, safety and hygiene of the consumers,
 - protection of the quality, authenticity and technical characteristics of packaged goods and used materials, as well as,

- protection of the rights for industrial and trade confidentiality.

B. The setting up of alternative management systems shall be carried out by the packaging handlers:

- a) Individually, with an obligation to apply deposit systems, or
- b) collectively, through their participation in approved systems of collective alternative management of any legal nature, such as companies (Anonymous Companies- Limited Responsibility Companies etc), cooperations, joint ventures etc.

For the setting up of each system of individual or collective alternative management, the packaging manager shall be required to:

a.1. Implement a deposit system.

a.2. Deposit at the N.O.A.M.P.O.P a study and/or data through which:

* gives evidence that the handler:

- implements a deposit system, and
- has the required financial and technical infrastructure for the implementation of the system,
- he complies with the terms of par. A 1.2.,

* specifies:

- the objectives and methods of alternative management. A special provision is required for islands and remote regions.
- the sum of the deposit.

a.3. pay to the N.O.A.M.P.O.P a relevant refund tariff, which shall be determined initially through a joint decision of the Ministers of Finance and Environment, Planning and Public Works. The sum of the return charge shall be readjusted by joint decision of the above Ministers following a recommendation of the N.O.A.M.P.O.P based on the criterion of the extent of the alternative management system.

b) The packaging handlers setting up individual alternative management, shall be responsible for the fulfillment of their obligations as described in article 12.

2. Collective Alternative Management Systems.

a) For the approval of each collective alternative management system it is required by the packaging manager to:

- provide evidence that the system has the required technical and financial infrastructure for implementation and that it complies with the conditions of par. A1.2.
- specify the sum of the monetary contribution paid to the system by participating handlers, with main criteria the volume and weight of the packaging, the quantity of the waste produced, pollution and others,
- specify:
 - the objectives and methods of alternative management. A special provision shall be required for islands and remote regions, and
 - the deposit tariff, if a deposit system shall be applied.

a.2) To secure the possibility for participation in the system, of the packaging handlers concerned who comply with the terms and conditions of the system.

a.3) To specify the framework of the contract for their joining the system, with a summary description of the contractual obligations of the handlers concerned.

a.4) to ensure the possibility of setting up cooperation contracts with the authorities for the management of municipal waste, in pursuance to article 8.

a.5) To pay to the N.O.A.M.P.O.P a relevant return tariff, which shall be specified initially through a joint Ministerial decision of the Ministers of Finance and Environment, Planning and Public Works. The sum of the return charge shall be readjusted through a joint decision of the aforesaid Ministers upon the recommendation of the N.O.A.M.P.O.P, based on the criterion of the magnitude of the alternative management system.

b) Terms for participation in the system:

Packaging handlers, provided they do not proceed to the setting up of individual alternative management system through implementation of the deposit system pursuant to the terms of case 1, they shall participate compulsorily in collective alternative management systems, provided that these systems have obtained the relevant approval of the N.O.A.M.P.O.P as provided in this paragraph and that existing participating handlers are lawful holders of the Alternative Management Certificate (A.M.C) pursuant to article 9.

Participation in collective alternative management systems:

- i) is accompanied by the payment to the system on behalf of the manager concerned, of a monetary contribution. The sum of such contribution shall be specified in the joining agreement, pursuant to the terms referred to in paragraph 2a.
- ii) provides to the participating handler the right to mark the packaging with the identification described in the contract, as a proof of his participation in the system.
- iii) Exempts the contracting handlers from the obligation to fulfill the obligations specified in article 12.

C. Approval or renewal of each individual or collective alternative management system shall be granted solely where:

1) Enterprises comprising alternative management systems, have not been declared bankrupt and have not entered into a winding up procedure or discontinuance of payments and participating handlers have not been sentenced for tax or financial offences, as well as violations related to provisions regarding competition or unlawful profiting constituting an impediment in exercising business activities under the law in force.

In case the system is lawfully registered as an Anonymous Company, members of the administration, directors and senior managerial staff, should not have been sentenced for the aforesaid offences

2) The N.O.A.M.P.O.P shall verify that the said system fulfills the terms of the previous paragraphs A (clause 2) and B of this article and the alternative management programmes (article 5).

The approval of individual or collective alternative management may contain provisions for specialized terms for more effective implementation.

The approval shall be in force for six (6) years and may be renewed by amending or reviewing the study according to the new data in force for the time being or by applying article 9 (par.4). Procedures for the renewal, suspension or recall of the approvals, as well as every necessary detail for the implementation of this

paragraph, shall be regulated by regulations issued by decision of the Minister for Environment, Planning and Public Works upon the recommendation of N.O.A.M.P.O.P.

D. Packaging handlers are obliged to prepare a detail report with respect to the implementation of individual or collective alternative management system, and ways of meeting their obligations in accordance to this article. This report shall also include the planning of the system for the following year. The report shall be submitted to N.O.A.M.P.O.P on the 1st of January each year.

Article 8

Terms and conditions for alternative management of municipal packaging waste

1. Alternative management of municipal packaging waste is mandatory for Local Administration Organisations and shall be organized:

a) by waste management authorities under obligation (Municipalities or Communities or Municipality or Community Associations or Port Organisation – Port Fund), for compliance purposes with article 6 of the Joint Ministerial Decision No. 69728/824/1996 (Government Gazette 358 B') in conjunction with article 10 thereof, or

b) by packaging handlers (individual or collective alternative management) in cooperation with the above obliged authorities. In each case, alternative management of municipal packaging waste shall be carried out according to the terms and conditions as provided in the previous article, in conjunction with the quantitative targets specified in article 10.

2. If alternative management of municipal waste is jointly organized in accordance to paragraph 1 (b'), six year cooperation contracts shall be prepared between the parties concerned (obliged waste management handlers and packaging handlers).

Such contracts shall specify in particular:

a) operational plans on alternative management indicating waste management operations undertaken by obliged management authorities, the quantitative targets and the timetable for their attainment, specifications of secondary material, such as packaging waste.

b) the Joint Ministerial Decision No. 69728/854/1996.

Such financing shall be based on finding the actual cost of the overall management of municipal waste mechanism, and it shall include the reduction of the expenditure of the obliged waste packaging authorities.

c) measures and terms in case of violation of the contractual duties of the parties. A copy of such six year cooperation contracts shall be submitted to N.O.A.M.P.O.P within a month of them signing thereof.

3. Where it is established that obliged authorities for packaging waste in relation to the cooperation contract terms, the matter shall be referred to the N.O.A.M.P.O.P Board of Directors by one of the parties concerned or to the

Committee as provided for in article 24 (par. 11), in order to propose the most appropriate solution for both parties.

4. Obligated authorities for packaging waste, shall take the necessary measures for the smooth and profitable operation of alternative management. Such measures shall apply mainly, to the implementation of return systems and waste collection systems, through a mandatory participation of the consumer or final user, at the stage of sorting waste at the purchasing point. In cases of non compliance on behalf of the consumer or the final user with the above measures, the obliged management carrier, shall have the right to impose a fine, in pursuance to the regulations in force for the time being, issued by Local Administration Organizations, under article 15 (par.5) of Law 2539/1997.

5. In any case, activities of persons dealing with the collection of recyclable used material on a casual basis, is not excluded, as well as that of schools, scouts, ecological organizations of non profitable nature, under the condition that they do not hinder approved systems of alternative management.

Article 9

Certificate of Alternative Management of Packaging Waste

1. Every three (3) years from the date of granting the approval for an alternative management system (article 7), N.O.A.M.P.O.P shall carry out an inspection, upon an application by the packaging trustee or collective alternative management system handler or ex officio, in order to establish that during this period, methods of alternative management is being implemented and that the targets set according to the requirements of article 7 are attained.

2. The Certificate of Alternative Management of Packaging Waste shall be issued in the name of the handler, with respect to all materials or packaging or packaged products being handled. The C.A.M exempts the rest of the jointly responsible handlers of the said material or packaging from the obligation for issuing a certificate.

3. The C.A.M. shall be issued when the applicant handler:

a) Provides evidence that, based on the data requested by N.O.A.M.P.O.P, obligations with respect to alternative management for the last three year term has been complied with, in pursuance to the terms specified in the approval granted for the alternative management system (article 7). In case the applicant handler participates in collective alternative management systems (article 7 par. 3), filing evidence with N.O.A.M.P.O.P with respect to participation in such systems and meeting his obligations, shall be sufficient.

b) Pays a return tariff, the sum of which shall be specified by joint decision of the Ministers of Finance, Development and Environment, Planning and Public Works. This sum shall be readjusted by joint decision of the above Ministers upon an application submitted by N.O.A.M.P.O.P.

4. If N.O.A.M.P.O.P establishes that obligations on alternative management or the terms of the approval granted are not complied with, special terms may be

imposed for the issue of the C.A.M. with a compliance deadline or impose a fine, pursuant to article 20.

If the applicant does not demonstrate adequacy or does not comply with the special terms imposed, N.O.A.M.P.O.P has the right to:

a) In the case of an individual alternative management system, oblige the applicant to participate in an existing system of alternative management regarding his article or to jointly work towards the creation of a new one, or otherwise proceed to a review of the terms or revocation of the approval with respect to this system.

b) In the case of a collective alternative management system, to undertake a review of the terms or to a revocation of the approval of such system.

5. Applications and the relevant evidence for issuing a C.A.M. shall be submitted to the N.O.A.M.P.O.P., every three(3) years, from the date of approval of the alternative management system, as of the 1st of January. Within six (6) months from the date of submitting all the required data, the C.A.M is issued, which is then published in the N.O.A.M.P.O.P. list as provided in article 13.

Article 10

Quantitative targets for recovery- reuse of packaging waste

A. With respect to recovery of packaging waste (recycling – recovery of energy):

1.a) Until the 31st of December, 2005, at least 50% of the packaging waste by weight, must be recovered, with a maximum limit 65%.

b) Within the framework of the above target and for the same period, at least 25% of the overall packaging material by weight, must be recycled. In this percentage, at least 15% of each packaging material must be recovered.

c) Following this date, the recovery and recycling percentage shall be specified in pursuance to article 6 (par.1c) of directive 94/62/EC.

The above mentioned quantitative targets shall be amended by a joint decision of the Ministers of Development, Interior, Public Administration and Decentralization and Environment, Planning and Public Works, so that they are harmonized with the Community Law in force for the time being.

2. For the attainment of the targets as provided in the above paragraph, N.O.A.M.P.O.P., or until its establishment the competent service of the Ministry of Environment, Planning and Public Works, shall submit a proposal to the Ministry of Environment, Planning and Public Works and/or the Minister of Development, with respect to carrying out the necessary measures within the framework of the relevant programme, pursuant to article 5, or, in case such a programme has not been prepared, pursuant to the general principles on alternative management (article 4).

3. In case N.O.A.M.P.O.P. prepares or proposes to prepare a programme exceeding the quantitative targets set under par.1 (a and b) , by providing at the same time suitable recycling and recovery potentials, for a high standard protection of the environment, this programme shall be approved by decision of

the Minister of Environment, Planning and Public Works, under the condition that the measures provided for implementing thereof, shall not cause distortion in the national and community market.

N.O.A.M.P.O.P., through the Ministry for Environment, Planning and Public Works shall inform the European Communities Commission with respect to this programme.

B. With regard to reuse of packaging:

By joined decisions of the Ministers for Environment, Planning and Public Works and Development, upon a recommendation by N.O.A.M.P.O.P., quantitative targets may be approved, for the promotion of reusing various product packaging, as well as the measures for their attainment, such as promotion of return-deposit systems.

Article 11

Marking of Packaging and Identification System

1. Packaging must demonstrate a suitable marking either on the packaging itself, or on the label. Marking must be clearly visible and in a legible form, as well as adequately durable and long lived even after opening.

By a joint decision of the Ministers of Development and Environment, Planning and Public Works, upon a recommendation from N.O.A.M.P.O.P., marking of packaging shall be specified pursuant to the terms of this paragraph.

The legal use of marking shall be controlled by N.O.A.M.P.O.P.

2. The nature of the product or used packaging materials for identification purposes and classification, by the industry or enterprise undertaking the supply or manufacture of the packaging under article 2 (par.16).

Numbering and abbreviations on which the packaging identification system is based, shall be included in decision No. 97/29/EC of the 28th of January, 1997.

Article 12

Obligations of Packaging Handlers

1. Packaging Handlers are responsible for fulfilling the obligations deriving from the provisions of this law and in particular, articles 6,7,8,9,10 and 11 thereof, within the framework of their activities. In particular, packaging handlers shall be responsible for:

- a) Suppliers – manufacturers: shall collect from approved areas or facilities, all secondary material (packaging waste) and use it for the production of new products (recycling-recovery of material).
- b) Packagers – importers: should undertake the collection and sorting at the purchasing point the packaging waste and to take care so that such waste is forwarded for reuse or to approved recovery facilities depending on the case, in pursuance to the existing relevant provisions for the time being.

- c) Transporters: shall collect packaging waste or used packaging and avoid transporting products not marked or identified in pursuance to the provisions of this law.
2. Packaging handlers participating in collective alternative management systems, shall be exempted from the obligations specified in paragraph 1 (clause a, b and c) of this article, , according to article 7 (par. B clause b) of this law, provided that, contractual commitments between handlers or Local Administration Handlers are complied with.

Article 13 Information Systems

1. N.O.A.M.P.O.P. shall cause the creation of data bases with respect to packaging and packaging waste.
2. Data bases shall provide information mainly in relation to the magnitude, characteristics and evolution of the packaging and packaging waste flow, (including information on the hazardous nature of packaging material and the components used for their manufacture) at a national level.
3. In order to harmonize the characteristics of the presentation of the data produced, N.O.A.M.P.O.P. shall provide to the European Community Commission with the available data, according to article 12 (par. 3) of directive 94/62/EC.
4. Packaging handlers are obliged to provide N.O.A.M.P.O.P. with precise and reliable data, with respect to their activity sector.
Having regard to the particular problems faced by small-medium enterprises at providing detailed data, N.O.A.M.P.O.P. has the right to: a) examine the reliability of the data provided and b) collect and process further information, save the industrial and trade confidentiality.
5. N.O.A.M.P.O.P., shall forward the data provided pursuant to this article, to the Ministry of Environment, Planning and Public Works, together with national reports as provided in article 14, in order to be forwarded later by the Ministry of Environment, Planning and Public Works, to the European Community Commission.
6. N.O.A.M.P.O.P. shall publish every two (2) years a list of approved systems of alternative management, as well as the lawful holders of alternative management certificates.

Article 14 Report submission

N.O.A.M.P.O.P. shall submit to the European Communities Commission through the Ministry of Environment, Planning and Public Works, reports with respect to the adoption of the provisions of this law. Such reports shall be prepared in

accordance to article 5 of directive 91/692/EEC of the 23rd of December 1991 Council “regarding the standardization and rationalization of the reports etc”.

CHAPTER C' OTHER PRODUCTS – OTHER PRODUCT WASTE

Article 15 Plans for alternative management of other products

1. N.O.A.M.P.O.P. shall pursue and adopt alternative management plans for other products, including guidelines and measures for prevention of the damaging impact on the environment. These plans shall be the result of a collection and utilization of all relevant initiatives and recommendations of economic operators to N.O.A.M.P.O.P., and they shall be aiming at taking the necessary measures for alternative management of products, pursuant to the general principles of article 4.
2. The content of the plan for each product shall be in proportion to that for alternative management of packaging, as specified in article 5, except where for certain products more specific provisions than those laid out in existing legislation are in force, such as batteries, used mineral oils.
3. In preparing the plans for municipal waste, within a year from this law coming into force, Local Administration Organizations, shall submit their proposals to N.O.A.M.P.O.P., in cooperation with the handlers of products and other competent authorities, with respect to the planning of the waste management of these products, as well as a report regarding the organization methods for alternative management thereof.
4. Each plan shall be approved by joint decision of the Ministers of Development, National Economy, Finance, Interior and Environment, Planning and Public Works.
5. If at the date of this law entering into force, plans for certain products have been prepared already, pursuant to special provisions of existing legislation, in compliance with community law (i.e. batteries, used mineral oils etc.), these plans shall be incorporated in the regulations of this law from the date of this law entering into force in conjunction to existing more specific legislative regulations governing thereof, and N.O.A.M.P.O.P. shall be their implementation instrument.

Article 16 Terms and conditions for the management of other products

1. For the purpose of transporting other products in the market, European standards shall be adopted, referring to the requirements in relation to the composition and reusable and recoverable nature of other products.

If no European standards have been adopted, handlers of other products may submit to N.O.A.M.P.O.P. within the first six months, one year after this law coming into effect, proposals for the preparation of national standards based on the criteria and the methods described in paragraph 2.1 of article 6. These proposals may refer also to agreements.

2. National management standards for other products shall be approved by joint decision of the Minister of Environment, Planning and Public Works and the competent Minister upon a recommendation submitted by N.O.A.M.P.O.P.

Article 17

Terms and Conditions for alternative management of other products

1. Those undertaking the management of other products (handlers), are obliged to organize alternative management systems for other products regarding their activity.

2. Handlers of other products shall promote, in adopting the plans provided for in article 15, the most suitable method for alternative management, through organizing collection, transport, temporary storage, recovery systems, for waste deriving from other products, subject to the provisions of article 8 of the Joint Ministerial Decision No. 69728/824/1996 as well as reuse systems.

3. Public services, enterprises and organizations shall organize the collection of the waste of other products resulting from their activity.

4. By presidential decree, issued upon a proposal of the Ministers of Development and Environment, Planning and Public Works, upon a recommendation of N.O.A.M.P.O.P., more specific terms and conditions shall be specified, as well as every detail necessary for alternative management of other products and the issue of an alternative management certificate.

5. By joint decision of the Ministers of Development and Environment, Planning and Public Works, upon a recommendation by N.O.A.M.P.O.P., the quantitative targets for alternative management of products shall be specified, as well as the measures to be taken for their attainment, such as the promotion of a deposit system etc.

6. The obligations of packaging handlers described in article 12 shall be given a specialized form by decision of the Minister of Environment, Planning and Public Works, upon a recommendation by N.O.A.M.P.O.P., for other product handlers.

Article 18

Information Systems

The provisions contained in article 13 (paragraphs 1,2,4 and 6) shall be adopted accordingly, for other products as well, as well as for their waste.

CHAPTER D' OTHER PROVISIONS

Article 19 National Public Information System

N.O.A.M.P.O.P. shall set up a national information system for users of packaging and other products and in particular consumers, as well as for every private or public carrier concerned, referring mainly:

- to packaging or other products management plans,
- to return, collection and recovery systems,
- to the role of users- consumers in contributing to the effectiveness of alternative management through effective participation in return, collection/sorting systems at the purchasing point, of used packaging or packaging waste and other products.
- the appropriate elements of the management of packaging and other products and packaging waste and other products.

Article 20 Penalties

A. CRIMINAL PENALTIES

1.a. Every packaging and other products handler, carrying out an activity or enterprise in violation of the provisions in articles 12 and 17, as well as the regulations issued for their implementation, shall be sentenced to imprisonment up to three (3) years or a fine ranging from 100.000 drachmas to 1.000.000 drachmas or both.

b. Where such actions have been the result of negligence, offenders shall be sentenced to imprisonment up to one (1) year or a fine ranging from 150.000 to 300.000 drachmas.

2. Where pollution or other downgrading of the environment takes place, arising from the activity of a corporation, the court declares “ wholly responsible with respect to the civil code” the corporation, for the payment of the fine.

3. Chairmen of the Board of Directors, authorized or managing directors of limited liability companies, the chairman of the administrative and inspection board for cooperations, as well as persons exercising the administration or management of joint ventures and other corporations of the public or private sector, including Local Administration Organizations, shall have particular legal obligations to take measures for the adoption of the provisions of this law.

For every action or default on the part of a corporation under paragraph 1 of this article, such persons shall be sentenced as violators without prejudice as to the civil responsibility of the corporation, if by intent or negligence they

have not complied with the particular legal obligation, in taking measures for the adoption of the provisions of this law.

4. Every person hindering inspection by N.O.A.M.P.O.P., pursuant to article 24 (par.3 clause I) as well as every person refusing to provide data or information, being obliged to do so, or gives false information or data, shall be sentenced in accordance to article 458 of the Criminal Code.
4. In cases of violation of this article, the government, Local Administration Organisations where such offences took place, shall attend without preliminary proceedings as plaintiffs, provided that the Government or L.A.O. are not the offenders, without prejudice as to whether they have sustained property loss, by requesting reinstatement in the best possible manner.

CIVIL RESPONSIBILITY

Any person, natural or corporation violating the provisions of this law and the regulations thereof, shall be liable for paying compensation unless evidence is provided as to that the damage is caused by an Act of God (force majeure) or that it is a result of an action by a third person acting deceitfully.

C. ADMINISTRATIVE PENALTIES

1. With respect to each natural person or incorporation violating the provisions of this law and in particular articles 6,7,8,9,11,12,16 and 17 and the regulations issued under their authorization, administrative penalties shall be imposed, without prejudice as to their civil or criminal responsibility:
 - a) by the Prefect concerned, upon a substantiated recommendation from N.O.A.M.P.O.P. and following a prior hearing of the person concerned.
 - a fine of one hundred thousand (100,000) up to one million (1.000.000) drachmas for each violation.
 - temporary termination of the operation of the specific activity for a period up to five days.
 - b) by the Minister of Environment, Planning and Public Works, who, jointly with another competent Minister, may impose by joint decision, upon a substantiated recommendation of N.O.A.M.P.O.P. and prior hearing of the person concerned.
 - a fine for each violation amounting to one million (1.000.000) up to fifty million (50.000.000) drachmas.
 - temporary termination of the operation of the specific activity for a period exceeding five days.
 - final closing of the operation of the specific activity.

Together with the decision for imposing termination of the operation there may be a provision for a fine ranging from two hundred thousand (200.000) to one million (1.000.000) drachmas for each day of violation of the restriction.

2. On deciding the imposition of termination of the operation, mainly the gravity of the violation or possible repeated non –compliance to the recommendations of the competent instruments, or similar violations in past and the degree of responsibility, should be taken into account.

3. Prior to the imposition of the above administrative penalties there may be a reasonable deadline for compliance or one extension, if deemed that the one granted initially was not sufficient.

4. By Presidential Decree, issued upon a proposal by the Ministers of Environment, Planning and Public Works and Finance, upon a recommendation by N.O.A.M.P.O.P., the maximum of the aforementioned fines may be increased.

5. The procedure for imposing administrative penalties of this article, begins from the date of the decision of the competent instrument being issued, establishing the violation. Such decision shall be forwarded by a summons in writing to the violator in order to submit his views within five days from the date of forwarding the summons.

6. Execution of administrative penalties contained in this article, for temporary or final termination of the operation of the activity, shall be carried out by the competent police authority.

7. Fines provided for in this article shall be received by the Public Economic Services (P.E.S) pursuant to the provisions of the “receipt of public revenues” code and shall be paid to N.O.A.M.P.O.P. by the competent Directorate of the State Treasury. The Minister of Finance shall regulate the required details for implementing the provisions of this paragraph.

D. Penalties as provided in this article, shall be imposed without prejudice as to the penalties provided for in other provisions of existing legislation, such as regulations in force with respect to protection of trade and industrial confidentiality etc.

Article 21 Incentives

Handlers undertaking alternative management of packaging and other products, in accordance to the targets, requirements and general principles of this law, shall be granted incentives, pursuant to the legislative state aid for private investments in force for the time being.

Article 22 Repealed provisions

As of the date of this law entering into force, Ministerial Decision No. 31784/954/1990(Government Gazette 251 B”) “Regarding packaging standards

for liquid food” shall be repealed, as well as any other provision being contrary to the provisions of this law or referring to matters regulated by this law.

Article 23 Transitional Provisions

1. Packaging handlers and handlers of other products shall be obliged, within eight months or eighteen months respectively, from the date of this law entering into force, to submit systems for alternative management of packaging and other products for approval, pursuant to article 7 and 17 and within five months from the beginning of the operation of each system, to submit a relevant application to N.O.A.M.P.O.P. for the certificate for alternative management, as provided in article 9.
2. All enterprises already carrying out alternative management of packaging and other products, shall be obliged within three months from the date of entry into force of this law, to notify the competent Environment Service of the Ministry of Environment, Planning and Public Works, in order to obtain the required approval and the alternative management certificate.
3. Obligations as provided in the paragraphs 2 and 3 hereinabove mentioned, shall apply to Local Administration Organisations carrying out alternative management of packaging, as well.
4. If no alternative management plans have been prepared as provided in articles 5 and 15, planning or alternative management systems as well as granting of the approvals as provided in paragraphs 2 and 3 above, shall be carried out within the framework of the implementation of the targets of this law, in accordance to the general principles of alternative management (article 4) and the specific regulations of this law.
5. The requirements for the manufacture of packaging shall apply for packaging used for one specific product before the date of this law coming into effect.

CHAPTER E'

Article 24 National Organisation for Alternative Management of Packaging and Other Products (N.O.A.M.P.O.)

1. A private corporation is hereby established under the name “National Organisation for Alternative Management of Packaging and Other Products” under the title “N.O.A.M.P.O.”. N.O.A.M.P.O. shall operate for public interest purposes and shall be a non profitable organization.
With regard to the relations between N.O.A.M.P.O. and foreign countries the name “... National Organisation for the Alternative Management of Packaging and other Waste....” shall be used and the distinct title “N.O.A.M.O.W.”

2. The registered office of N.O.A.M.P.O. shall be in Athens, and it shall have full administrative and financial autonomy and it shall come under the control and inspection of the Minister of Environment , Planning and Public Works.

3. The object of N.O.A.M.P.O. shall be, mainly, the planning and implementation of the policy for alternative management of packaging and other products in accordance to the objects and the general principles of this law.

For the attainment of this object N.O.A.M.P.O. shall have the following competencies:

- a) To recommend to the Minister of Environment, Planning and Public Works:
 - Alternative management of packaging and other products plans, pursuant to article 5 and 15,
 - national standards for the management of packaging, pursuant to article 6,
 - individual plan where the quantitative targets for the management of packaging is exceed, as provided in article 10,
 - deviations from the quantitative targets as provided in article 10 according to the provisions of par. A4 thereof,
 - the issue of regulations with respect to the procedure in relation to renewals, alterations, suspensions or revocations of the approvals for alternative management, pursuant to article 7.
 - alteration of the refund tariffs as provided in articles 7 (par. B1 ii) and 9 (par.3b),
 - with respect to marking of packaging, pursuant to article 11,
 - specification of more specific terms and conditions for alternative management of other products (article 17 par.4),
 - quantitative targets for alternative management of other products (article 17 par. 5),
 - prohibition or restriction of the use of certain materials, imposing the use of a certain particular composition of materials or reuse or deposit, pursuant to article 6 (par. B4),
 - imposition of penalties in accordance to par. C (clause 1b) of article 20 and to the competent Prefect, in accordance to par. C (clause 1a) of article 20,
 - taking the required administrative and legislative measures for a more effective implementation of the objects of the law,
 - investment plans for the protection of environment in order to make possible the relevant financing from State or international organizations.
- b) N.O.A.M.P.O. shall:
 - grant approvals for individual or collective alternative management, pursuant to articles 7 and 17,
 - provide certificates for alternative management of packaging and other products, pursuant to article 9.
- c) Forward to handlers, either ex officio or upon a request of the economic operators or a third person, instructions or recommendations and shall submit to the Ministry of Environment, Planning and Public Works, relevant proposals on policy matters in relation to alternative management of systems/other products,

- d) Give its opinion for any matter referred to it by the Minister of Environment, Planning and Public Works with respect to the implementation of the law.
- e) Shall set up databases (information system) regarding packaging and other products and their waste, and shall publish a list containing the approved systems for alternative management and the legal holders of such certificates (articles 12 and 17).
- f) Create a public information system, pursuant to article 18.
- g) Prepare and submit reports to the Ministry of Environment, Planning and Public works with respect to the implementation of the law.
- h) Pursue or assign studies and shall finance research serving its object.
- i) Organize regular and random inspections referring to:
 - compliance and implementation with alternative management plans (articles 5 and 14),
 - lawful transport of packaging and other products,
 - lawful use of marking, and
 - compliance of the terms and obligations in general, arising from the provisions of the law.

Random inspections shall be carried out ex officio or upon a complaint being made. Carrying out part or all inspections may be delegated to scientists having specialized knowledge, who shall contribute in a substantial manner to this project. In the case of delegating the inspection to third persons, handlers of packaging and other products, shall be burdened with the expenses.

- ia) Summon the violator to terminate the violation, upon a complaint being made on behalf of economic operators or third persons or ex officio.
- ib) Execute and implement every kind of national or community programmes assigned by the Minister of Environment, Planning and Public Works for the implementation of the objects of the law, undertaking at the same time, integration and management of the relevant EEC allocations.
- ic) Coordinate the activities of other competent public and private sector authorities, for the planning and implementation of plans and programmes on alternative management and provide its contribution when required.
- id) Enter into contracts with individual or collective systems for alternative management of packaging/other products for the purpose of attaining the objects of this law.
- ie) Enter into contracts with similar instruments or organizations from other countries, as well as with international organizations for the exchange of information and possibly the preparation of joint programmes.
- if) Organize conferences and training programmes.
- ig) Exercise the competencies delegated by the Minister of Environment, Planning and Public Works by special authorization for the attainment of its objects.
- ih) Manage the assets of the organization.

4. Administration instruments of N.O.A.M.P.O. shall be the Board of Directors (B.D) and the Director General (D.G.).

Such instruments shall:

- Recommend the policy of alternative management of packaging and other products to the Minister of Environment, Planning and Public Works, and
- undertake the attainment of the objects of this law.

The Board of Directors of N.O.A.M.P.O. shall comprise members without pay and shall be constituted by representatives of the public and private sector, elected representatives of Local Administration Organisations, representatives of collective authorities, ecological organisations and consumer organisations.

5. The competencies of N.O.A.M.P.O. administration instruments, the number and capacity, knowledge and experience of the members of such instruments, the duration of their term of service, as well as every other detail necessary, shall be specified by a Presidential Decree, issued upon a proposal of the Ministers of Interior, Public Administration and Decentralization, National Economy, Finance and Environment, Planning and Public Works, . It shall also regulate issues referring to:

- the composition and operation of the N.O.A.M.P.O. administration instruments,
- the organizational structure by activity sector of the N.O.A.M.P.O. and to personnel matters,
- the financial management, supplies and logistics.

6. A joint decision of the Ministers of Finance and Environment, Planning and Public Works shall specify the remuneration of the Director General of N.O.A.M.P.O. in accordance to existing provisions.

7. The N.O.A.M.P.O. Organisation, shall be approved by Presidential Decree, issued upon a proposal of the Ministers of Interior, Public Administration and Decentralization, National Economy and Finance, Development and Environment, Planning and Public Works.

This Organisation shall regulate:

- a) The organization of the services and their competencies.
- b) The number of personnel posts and their classification to specializations, as well as the required formal and essential qualifications for filling such posts. Positions in N.O.A.M.P.O. may be filled by secondment or transfer of personnel from the Ministry of Environment, Planning and Public Works as well as other Ministries or corporations by joint decision of the Minister of Environment, Planning and Public Works and the competent, depending on the case, Minister. The procedure for transferring personnel shall be specified by joint decision of the Ministers of Interior, Public Administration and Decentralization and Environment, Planning and Public Works.

8. The resources of N.O.A.M.P.O. shall arise from:

- a) Grants from the Public Investments plan of the Ministry of Environment, Planning and Public Works.
- b) Community resources provided for pursuing studies and research programmes with respect to issues related to the objects of N.O.A.M.P.O.
- c) Guarantee charges for the approval of alternative management systems and the relevant certificates (articles 7 and 9 of this law).
- d) Revenues arising from turning into account properties from grants obtained through Greek or foreign organizations and from donations or inheritances.

- e) Grants (ordinary and extraordinary) from the Special Fund for the Implementation of Regulatory and Town Planning Projects.
- f) Fines from administrative penalties (article 20 of this law).
- g) Special contributions and grants from public enterprises, other public authorities, international organizations, private enterprises or private individuals etc.
- h) Part of the revenue as provided in article 18 of L.2052/1992 (Government Gazette 94 A') paid to the Ministry of Environment, Planning and Public Works covering 1/3 of the budget for its operation and shall be determined each year by joint decision of the Ministers of Environment, Planning and Public Works and Finance. Through a similar decision, the manner and the procedure for payment and every required detail, shall also be specified.
- i) Proceeds from issues, as well as from the general activities of N.O.A.M.P.O. Resources arising from data under a' and h' shall cease to exist after the expiry of two years from the date of operation of N.O.A.M.P.O.

The resources of N.O.A.M.P.O., shall be used for its operation expenses and for the partial or full financing of studies, plans, projects or activities of public or private authorities or Local Administration Organizations for the purpose of attaining the objects of the law.

9. Expenditure for the attainment of the object of N.O.A.M.P.O. shall be carried out in accordance to its financial regulations prepared by N.O.A.M.P.O. and approved by a joint decision of the Ministers of National Economy, Finance and Environment, Planning and Public Works.

10. N.O.A.M.P.O. shall have the privileges relating to procedures, of the public sector. N.O.A.M.P.O. shall also have the privileges for mandatory execution and especially those referring to classification in an auction or bankruptcy.

11.1. Until the date of N.O.A.M.P.O. coming into operation, competencies assigned thereto under this law, shall be exercised by the General Directorate of Environment of the Ministry of Environment, Planning and Public Works. To this effect, an Office for the Alternative Management of Packaging/ other products shall be established at the General Directorate of Environment, which shall come under the Directorate for Environmental Planning. Control for the implementation of the provisions of this law shall be assigned to this office.

11.2. With respect to staffing this Office, there shall be two (2) positions in the Secretariat for the Administrative Section and three (3) positions of specialized scientific-technical personnel, in accordance to article 25 (par. 2) of L. 1943/1991 (Government Gazette 50 A') on issues referring to this Law. In supporting the work of the above Office, there shall be a Committee for the Inspection of Alternative Management (C.I.A.M.), which shall comprise seventeen (17) representatives of the Ministries of Development, without pay (1), Finance (1), National Economy (1) Agriculture (1), Environment, Planning and Public Works (1) Interior, Public Administration and Decentralization (1), Central Union of Municipalities and Communities (1) E.N.A.E (1), two (2) representatives of the handlers of packaging /other products depending on the case, four (4) representatives of raw materials producers one (1), representative of the transporters, one (1) ecological organizations and one (1) representative from the

consumers association. Members of the above Committee shall be proposed by the authorities they represent and shall be determined by decision of the Minister of Environment, Planning and Public Works. Members of the Committee shall be replaced according to the same procedure.

11.3. The term of service of the members of the Committee shall be, until the beginning of the operation of N.O.A.M.P.O. pursuant to paragraph 12 of this article. The representative for the time being of the Ministry of Environment, Planning and Public Works shall preside the meetings. The committee shall be convened at regular intervals each month by the Alternative Management Office of the General Directorate for the Environment or extraordinarily if requested by the Chairman or 1/3 of its members. By the same decision hereinabove mentioned, the manner in which members shall be summoned shall be determined, the manner and the procedure with respect to decision making and every detail required for the execution of the tasks of the committee.

11.4. The committee shall have the following competencies:

- a) To recommend to the Minister of Environment, Planning and Public Works:
 - plans for alternative management for packaging and other products, pursuant to articles 5 and 15,
 - national standards for the management of packaging (article 6 par.1),
 - marking of packaging,
 - granting or not of approvals for alternative management systems, pursuant to article 7,8 and 17,
 - granting or not of Certificates for Alternative Management (article 9),
 - imposition of penalties, pursuant to article 20,
 - taking the necessary measures for the implementation of the provisions of the law.
- b) To give its opinion on every issue referred by the General Directorate of Environment of the Ministry of Environment, Planning and Public Works or by the Minister of Environment, Planning and Public Works with respect to the implementation of the Law.
- c) Upon a complaint on behalf of economic operators or third persons or ex officio, to summon the violators to terminate the violation.
- d) To inspect the creation of databases for packaging/other products and to publish a list with approved systems for alternative management and holders of C.A.M.
- e) To cooperate with similar instruments or organizations from other countries.

12. Upon the beginning of the operation of N.O.A.M.P.O. the Office for Alternative Management of Packaging and Other Products shall continue to exist with the personnel provided for in paragraph 11, being responsible for the control and inspection of the work of N.O.A.M.P.O. The Committee for the Inspection of Alternative Management (C.I.A.M) as provided in the same paragraph mentioned above, shall be abolished.

Article 25

Prior to the issue of the presidential decrees referred to in paragraphs 5 and 7 of article 24, the Committee for the Inspection of Alternative Management shall

submit, within eighteen (18) months from the date of the beginning of its operation, to the above mentioned Ministers, a special study with respect to the organization and operation methods of N.O.A.M.P.O.

Article 26

1.a. Provisions in par. 2 of article 2 of L.173/1967/ G.G.189 A') of Law 2112/1920 (O.G 57 A'), relating to the amount of compensation to dismissed personnel of the Water and Sewerage Company for the Capital, as they are in force, following the Collective Agreements signed between the Water and Sewerage Company and the confederation for W.S.C. employees and the decision of the Board of Directors of W.S.C., No. 6471/1989, shall continue to be in force.

b. Similarly, the superannuation account for W.S.C personnel shall continue to exist, according to the National Pension Scheme provisions of 2.4.1990, 2.7.1991 and 25.5.1992 and the terms provided therein. Handling of this account shall be exercised by a four member committee, comprising one (1) representative proposed by W.S.C., one (1) from the Ministry of Finance, one (1) from the Ministry of Environment, Planning and Public Works and one (1) from the W.S.C. employees confederation.

Any deficit in the account referring to personnel serving until the 25.10.1999, shall be covered by the Greek State, at the end of the year.

By decision of the Minister of Finance, issued within the month of January of each year, the procedure and manner of payment shall be specified.

In covering the deficit for the fiscal year until the 31.12.2001, the State shall pay in advance the sum of one billion five hundred million (1.500.000.000) drachmas, against the sum which shall arise at the end of the year.

2.a. A fifth clause shall be added after the fourth clause of par. 1 of article 6 of L.2744/1999, containing the following;

“The above business or part thereof may be delegated to W.S.C. against a reasonable remuneration”.

b. The agreements as they are laid out in the provisions of par. 3 article 6 of L. 2744/1000 (G.G. 222 A') referring to carrying out the business in paragraphs 1 clause four and seven and 2 of this article, shall have a retrospective effect without prejudice as for the date of signing thereof, and shall take effect as of the 25.10.1999.

The cost owed to W.S.C. on behalf of the State, for the relevant business carried out during the period from the 25.10.1999 until the date of this law entering into force and relating to the non-jointly financed projects by the Cohesion Fund, shall be that arising from the relevant registrations in the accounting books of W.S.C. and in that, a reasonable remuneration for W.S.C shall be added, specified by a contract prepared by W.S.C and the Greek State, through the Minister for Environment, Planning and Public Works.

c. The Anonymous Company W.S.C. shall continue to be the carrier for the implementation of the projects with respect to the water supply system in the Athens basin after the date of L. 2744/1999 (G.G. 222 A') entering into force, and who have come under Regulation (E.C) No. 1164/1994 of the European Union

Council and the decisions for approval of the European Commission under numbers E. (1999) 2973 final/15.9.1999, E (1999) 2978 3611 final/8.11.1999 and E(1999)4089 final/17.12.1999 and has the right to receive the grant of the Cohesion Fund of the European Union, retrospectively, for the sums paid or being paid after the date of L.2744/1999 (G.G. 222 A') entering into force and registered later in the collective decision for projects (C.D.P) 0762. W.S.C. is additionally entitled to grants for financing the percentage for costs for selectable expenses, not covered by the relevant grants of the Cohesion Fund and the overall non-selectable expenses, retrospectively, for sums paid or being paid, by the company, after the date of L.2744/1999 (G.G.222 A') entering into force and thereafter, as well as reasonable remuneration. This additional grant, as well as the remuneration of W.S.C. and the terms of payment thereof retrospectively from the 25.10. 1999, shall be determined through a special contract between W.S.C. and the Greek State, represented through the Minister of Environment, Planning and Public Works. For expenses incurred until the publication of this law and payment thereof, the relevant registrations in the accounting books of W.S.C shall be taken into account. The above mentioned remuneration for W.S.C shall be added to that.

d. Jointly financed projects through the Cohesion Fund which come under Regulation 1164/1999 EC of the European Union Council, shall be constructed by W.S.C. and shall be delivered to the corporation under the registered name "W.S.C. Fixed Assets Company".

e. The provisions in paragraph 2 of article 4 and clause c of paragraph 9 in article 1 of L.2744/1999 shall apply also in the case of transfer of the projects, referred to in the previous paragraph to the corporation under the name " W.S.C. Fixed Assets Company".

Article 27

Date of entry into force of this Law

This law shall enter into force from the date of publication in the Official Government Gazette, unless otherwise specified in individual provisions thereof.

I order the publication of this law in the Official Government Gazette and its execution as a law of the State.

Athens, August 2, 2001.

THE PRESIDENT OF THE REPUBLIC
KONSTANTINOS STEPHANOPOULOS

THE MINISTERS

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ADMINISTRATION AND
DECENTRALIZATION
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NATIONAL ECONOMY AND
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Y. PAPANTONIOU

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WORKS
K. LALLOTIS

JUSTICE
MICHAEL STATHOPOULOS

Verified and bearing the Official Seal of the State
Athens, August 2, 2001

THE MINISTER OF JUSTICE
M. STATHOPOULOS

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