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DECISIONS

Ref. 509/1/11.09.2020

Granting of a Licence for Associates of Internet Gambling Promotions and registration in the Register of Affiliates.

THE INDEPENDENT ADMINISTRATIVE AUTHORITY KNOWN AS THE 'SUPERVISORY COMMITTEE AND CONTROL OF GAMES (E.E.E.P.)"

Having regard to:

- 1. Provisions:
- a. articles 16 to 23 of Law No. 3229/2004 'Supervision of private insurance, supervision and control of gambling, application of International Accounting Standards and other provisions' (A' 38) and, in addition, the provisions of Law No. 3051/2002 (A' 220) 'Constitutionally guaranteed independent authorities, amendment and completion of the public sector recruitment system and related provisions'.
- b. of articles 25 to 54 of Law No. 4002/2011 "Amendments to the public pension legislation; Arrangements for development and fiscal consolidation; Matters within the competence of the Ministries of Finance, Culture and Tourism and Labour and Social Security" (A' 180), in particular the provisions of Article 45A, as added by the provisions of Article 196 of Law No. 4635/2019 'Investing in Greece and other provisions' (A' 167),
- c. 4624/2019 "Personal Data Protection Authority, measures implementing Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and transposing into national legislation Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 and other provisions" (A' 137),
- d. the Regulation (EU) 2016/679 of the European Council and the Council of 27 April 2016
- "On the protection of natural persons with regard to the processing of personal data and on the free movement of such data

and repealing Directive 95/46/EC (General Data Protection Regulation)" (L 119/1 of 4 May 2016),

- e. of articles 4 and 11 of Law No. 3471/2006 "Protection of personal data and privacy in the electronic communications sector and amendment of Law No. 2472/1997" (A' 133),
- f. of article 9 of Law no. 2251/1994 "Consumer Protection" (A' 191),
- g. of decree 109/2010 "Harmonization of Greek broadcasting legislation to the provisions of Directive 2010/13/EU (OJ L 95 of 15.4.2010) of the European Council and the Council, which codified the provisions of Directive 89/552/EEC (OJ L 298 of 17.10.1989), as last amended by Directive 2007/65/EC (OJ L 332, 18.12.2007) of the European Parliament and of the Council on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services' (OJ L 190, 18.12.2007),
- h. of Decree 81/2018 "Incorporation into Greek law of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 (OJ L 241, 17.9.2015, p.1) "on the establishment of an information procedure in the field of technical specifications and rules on information society services (codified text)" and other provisions" (A' 151),
- i. the European Commission Recommendation 2014/478/EU of 14 July 2014 "On the principles for the protection of consumers and players of online gambling services and on the prevention of minors from taking part in online gambling" (L214/38 of 19 July 2014),
- j. the joint decision of the Ministers of Finance and Culture and Tourism (No. 56660/1679/22.12.2011) "Certification of the opening of the Gaming Supervision and Control Commission (GSC)" (B' 2910),
- k. of No 2/63389/0004/21.7.2016 (D.O.D.D. 397) decision of the Minister of Finance "Appointment of the Chairman and two members and renewal of the term of office of the members of the Committee for the Supervision and Control of Children's

(D.O.D.D. 397), in conjunction with No. 2/3935/0004/24.7.2018 (D.O.D.D. 428) and No. 2/3935/0004/24.7.2018 (D.O.D.D. 428). 9433 EX/DEC.9433

2019/12.2.2019 (D.O.D. 64) and under reference 3557 EX 2020 (D.O.D. 20) similar decisions,

I. of the decision of the Minister of Finance under reference 79292 EX 2020/23.7.2020 "Adoption of the Gaming Regulation on the Commercial Communication of Gambling" (V' 3260),

m. of the Minister of Finance's decree under reference 79835 EX 2020/24.7.2020 "Adoption of the Gaming Regulation for the Organisation and Conduct of Internet Gambling" (B' 3265).

2. The need to regulate issues relating to the granting of a Suitability Licence for Partners of Promotional Internet Gambling Activities and registration in the Register of Partners (Affiliates), in accordance with the provisions of Article 45A of Law No. 4002/2011 (A' 180).

3. The Commission's Decision No. 472/2/5.3.2020 decision of the Hellenic Gaming Commission, by which a draft decision on the establishment of the procedure for the granting of the Licence of Competence of Affiliates of Promotional Gambling Activities via the Internet and the registration in the Register of Affiliates, was notified to the Hellenic Gaming Commission.E. on 10.3.2020, in accordance with the provisions of Decree 81/2018 (A' 151), with reference code 2020/109/GR and a deadline for the end of the standstill period on 11 June 2020.

4. The fact that the standstill period has expired on 11 June 2020 and the provisions proposed herein do not need to be re-notified to the EU under Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 (OJ L 241, 17.9.2015), as they do not extend existing and/or notified restrictions or introduce new restrictions, barriers or prohibitions in relation to the access, provision, installation and use of gambling services and the specifications of products and services related to their provision and use.

5. The Recommendation of the President of the Hellenic Republic under reference P 161 EX/8.9.2020.

6. The interactive debate that followed.

7.The fact that this Decision does not entail any expenditure to the detriment of the budget of the European Economic and Social Committee, we hereby decide:

The adoption of a decision for the granting of a Licence of Competence for Partners of Promotional Activities of Gambling via the Internet under article 45A of Law. 4002/2011 (A' 180) and registration in the Register of Affiliates, as follows:

GRANTING OF AN AUTHORISATION FOR THE ELIGIBILITY OF ONLINE GAMBLING PROMOTERS AND REGISTRATION IN THE REGISTER OF AFFILIATES

Article 1 Definitio

ns

For the purposes of this Decision, the following phrases or words shall have the following meanings:

Internet Gambling Licence or Licence is the administrative authorisation issued by the NECP for the organisation/execution of Gambling. Only two types of licences are available: a) Type 1 Licence for the Conduct of Internet Gambling and b) Type 2 Licence for the Conduct of Other Internet Gambling.

An Affiliate Eligibility Permit (Affiliate Eligibility Permit) or Eligibility Permit is the act of approving the eligibility of a person to become an Affiliate of the Licensee, in accordance with the provisions of this Decision.

A Commercial Communication is any specific announcement intended to directly or indirectly promote gambling services and which is made as part of a Commercial Communication programme in accordance with the Gambling Regulation on Commercial Communication of Gambling.

Commercial Communication is any form of promotion and advertising of the organisation and conduct of the Games or the image of the Licensee. The concept of Commercial Communication includes Sponsorship, Corporate Social Responsibility and Loyalty Programs.

The NCA or Authority is the Gambling Supervision and Control Commission.

Conduct is the conduct of a game of the case mth' of article 25 of Law no. 4002/2011 (A' 180). Where the provisions of this Decision provide for the concept of Conduct, the concept of Organisation shall be understood as well and vice versa.

An organisation is the organisation of a game of section jh' of article 25 of Law no. 4002/2011 (A' 180). Where the provisions of this Decision provide for the concept of Organisation, the concept of Conduct is also understood to mean the concept of Conduct and vice versa.

The Gaming Regulation is any ministerial decision under paragraph 3 of article 29 of Law 29. 4002/2011 (A' 180).

Eligibility is the determination by the E.E.E.P. of the fulfilment of the conditions for the granting of an AC Associate in accordance with the provisions of this Decision. In making this determination, the CEIOPS examines, inter alia, information relating to the identity, place of establishment, history, criminal record, organisation, operation and, in general, the lawful presence and business activity of the person applying for an AFO.

A Licensee or Holder is a legal entity that provides services for the Organisation and Conduct of Gambling and which has been granted an Internet Gambling Licence in accordance with the provisions of the Law and the Gambling Regulations.

A register is the set of data kept by the E.E.E.P. and posted on its website.

The law is Law no. 4002/2011 (A' 180).

Instructions are the circular instructions of the Hellenic Republic on the application of the provisions of the Children's Regulation.

and this Decision. The Directives shall have binding force in the context of the relations between the Authority and the parties concerned.

A Player is a natural person who legally participates in the Games organised and conducted by the Licensee.

A Payment Service Provider is a credit or payment institution or electronic money institution that is legally established and operating in Greece or in another member state of the European Union or the European Economic Area.

The Regulatory Framework is the set of legislative and regulatory provisions, decisions, directives and recommendations of the Hellenic Gaming Authority, the terms of the Licences, as well as the terms of the Treaties relevant to the competences of the Hellenic Gaming Authority, which define and specify the conditions for the organisation and conduct of games in the Greek territory.

Affiliate Sites are websites and web applications owned by the Affiliates, as well as websites and channels managed by the Affiliates on online social media

Participation is the registration of the Player's details/entries in any Game of Chance and the validation thereof upon payment of a fee.

An affiliate is a person who cooperates with the Licensee to promote specific Games by placing links on its website in order to attract Players to the website of the advertised Internet Gambling Licensee, has received an Affiliate's license for this purpose and is registered in the relevant Register.

Gambling Games or Games are the Online Game of case c' of Article 25 of the Law and the Other Online Games of case kb' of Article 25 of the Law, which may be legally organized and conducted in the Greek territory by the Licensee through the Website and which have received the certifications provided for in the Gaming Regulations.

Responsible Gambling is the set of regulations of the Gaming Regulation and the ECG Guidelines which aim to ensure that all activities in the field of Gambling are carried out in accordance with the applicable provisions and in a socially responsible manner, in order to minimise the negative impact on players from their participation in Gambling.

Article 2 SCOPE OF APPLICATION - GENERAL PRINCIPLES

- 2.1. This Decision applies to Affiliates and applicants for the granting of an Affiliate Licence, as well as to Licence Holders.
- 2.2. The movement and management of files and documents between the E.E.E.P. and the holder of a Partner's licence is generally carried out electronically. To this end, the holder of an AC partner must have digital sub-

the procedures for the issue, circulation and management of documents.

- 2.3. In the event of rejection of an application for the granting of a Partner's licence or the withdrawal of the licence for any reason whatsoever, fees paid in accordance with the provisions in force and this Decision shall not be refunded.
- 2.4. During the examination of the application for the award of the title of Associate, the E.E.E.P., in order to ensure the accuracy, completeness and authenticity of the data and supporting documents submitted, may request from the applicant or any other public or private sector body or authority, in Greece and abroad, any data, information or document that it deems appropriate for the formation of its judgment. By their application, applicants give the Hellenic Statistical Authority full and unreserved authorisation to process the personal data concerning them, including the making available to the Authority and/or the verification by the Authority of the aforementioned data and information by third parties. Where the relevant certificates and records are derived from registers available in electronic form, the applicant is exempted from the obligation to provide them if he/she indicates the electronic address (url) where they are posted, as well as search codes if necessary for accessing and retrieving them. The Authority will verify, either globally or on a sample basis, the accuracy of the information submitted with the application for the grant of a licence. The CEPOL may at any time carry out an independent check on the compliance with the conditions and terms of the grant of a partner licence.
 - 2.5. When examining applications for the granting of AK

If the applicant is a partner, the CEPOL takes into account any information that has come to its attention from the competent law enforcement and judicial authorities concerning cases in which the applicants are involved or for which they are being prosecuted and may, after a prior hearing of the applicant, reject the application for the granting of a TA on these grounds and with reasons.

- 2.6. In no case shall the licence granted to an Associate amend or repeal other applicable licensing provisions and shall not prevail over them.
- 2.7.In case the applicant for the AK Associate has a registered office/residence abroad, equivalent documents of the competent authority of the country of establishment, legally certified and translated into Greek, as required herein, are submitted. CVs required in accordance with the provisions hereof shall be submitted in Greek or English.
- 2.8. The Partners may use the logo of the Hellenic Republic in their commercial publications and commercial communications, subject to the conditions and specifications set by the Authority.
- 2.9. Instructions issued by the Hellenic Petroleum Research Council determine and reapply the content of the application for the granting of the Partner's licence, the way of its submission, the required data and any other necessary details.

- 2.10. The CEEP may, if it considers it appropriate, invite the applicant for a suitability assessment to a personal interview.
- 2.11. The terms and conditions on the basis of which a Partner's PC was issued must be fulfilled throughout the duration of the PC. The Hellenic Republic will at any time check compliance with the terms and conditions of the Partner's PC and, if it finds any violations, will proceed to revoke the PC.
- 2.12. The Partner's ACs granted in accordance with the provisions herein shall be valid until their expiry or their withdrawal. An AC Associate's licence shall be revoked if it is established that the conditions for its granting are not met or at the request of the AC Associate holder. The holders of a partner licence shall notify the EBA of any change in the data and supporting documents on the basis of which the licence was granted, as provided for herein.
- 2.13. During the period of validity of the Partner's AC, the Licensees shall provide for and implement adequate and effective procedures to monitor compliance with the suitability requirements of their Partners and shall notify the NCA of any change in the data and supporting documents on the basis of which the AC was issued, as soon as they become aware of it.
- 2.14. The Licensee shall provide for and implement appropriate procedures to ensure that the provision of the services of the Licensee's Affiliate does not endanger the lawful Organisation and Conduct of Games, public safety and public health, and to ensure compliance with the Principles of Responsible Gaming.
- 2.15. The provisions of paragraph 8 of article 23 of Law No. 4141/2013 (A' 81).

Article 3 PARTNERS (AFFILIATES)

- 3.1. Any person who works with a Licensee to promote the Conduct of the Games and to attract customers to the Games through the Points and whose remuneration is related to the number, Participation and generally the gaming activity of the Players he/she attracts, falls within the meaning of the term "Affiliates" in Article 45A of the Act and is understood as a person who organises Gambling within the meaning of Article 25 (jh) of the Act.
- 3.2. In order to provide services to a Licensee, the persons referred to in paragraph 3.1 are required to have received an affiliate license, to have been registered in the Register of Affiliates maintained by the Hellenic Petroleum and to have signed the Cooperation Agreement referred to in Article 5.
- 3.3. The Associates are subject to the provisions of the General Regulation for the Protection of Personal Data, Law no. 4624/2019 (A' 137) and Law No. 2472/1997 (A' 50) and must take appropriate precautionary measures to prevent the identification of Players by technical or other means that could reasonably be used by third parties.

Article 4 AFFILIATE LICENCE (AFFILIATE)

- 4.1. For the award of an AK Partner, the persons concerned submit an application to the E.E.E.P.
- 4.2. The application has the status of an affidavit, as per par. 4 of Article 8 of Law No. 1599/1986 (A' 75), that all the information contained in it and those accompanying it are true and is accompanied by an envelope containing the following supporting documents and information:
 - a. Curriculum Vitae.
- β. A complete list of the domain names, web addresses, any web applications and the distribution channels of these applications to be used as Partner Points for the provision of its services to one or more Licensees.
- c. Certificate of registration (WHOIS) of the domain names belonging to the domain.
- δ. Certificate of commencement of a profession/commercial activity.
- ε. Proof of the appointment of a representative, in case the candidate Partner is established abroad.
- f. A certificate issued by the competent authority, certifying that the candidate Partner is not in a state of bankruptcy, liquidation, receivership, receivership or other similar situation, as well as in bankruptcy proceedings, or in the process of being declared bankrupt, or in the process of a decision on compulsory liquidation, receivership or receivership, or in other similar proceedings.

In particular, if the candidate Partner is established in Greece, the certificates that it is not in bankruptcy, under bankruptcy composition or receivership or that it has not been subject to a reorganization procedure, are issued by the competent court of the seat of these courts. The certificate that the legal person has not been wound up by a court decision shall be issued by the competent court in the place where the legal person has its registered office, and the certificate that the legal person has not been wound up by a decision of the partners shall be issued by the G.E.M.I., in accordance with the provisions in force, as applicable from time to time. Natural persons or sole proprietorships shall not submit a certificate of nonliquidation.

- ζ. Certificates/confirmations of registration in professional/company registers (if any).
- $\eta.$ A declaration by the candidate Partner stating that:
- aa) He/she or, in the case of a legal entity, the persons who exercise the administration, management and/or legally represent the candidate Partner, has not been convicted by final judgment of a felony or any other penalty for theft, embezzlement, fraud, unfaithfulness, receiving and disposing of the proceeds of crime, extortion, forgery, active or passive bribery,

dangerous or grievous bodily harm, concealment of a crime, crime against currency, common dangerous crime, crime against personal liberty, crime against sexual freedom, crime against sexual freedom, crime of economic exploitation of sexual life, crime provided for in the legislation on drugs, weapons, explosives and tax evasion, whether in Greece or abroad.

- bb) The candidate Partner or, in the case of a legal entity, the persons who exercise the administration, management and/or legally represent the candidate Partner, has not been convicted by final judgment for a crime provided for in the legislation on gambling, either in Greece or abroad.
- (cc) It is not in a state of bankruptcy, liquidation, receivership, receivership or other similar situation, or in a state of bankruptcy, receivership, receivership or other similar procedure.
- dd) Provides, without reservation, to the Hellenic Statistical Authority his/her full consent and authorization for the processing of personal data and data concerning him/her, including the provision to and/or verification by the Authority of the aforementioned data and data by third parties.

In the event that the applicant of the applicant for the PC of this article is in a situation of bb' and/or cc' above, the applicant shall declare the situation in which he/she is in, provide any evidence available to him/her and request the NECP to examine whether, despite the existence of this situation, it may approve the application if the situation in which he/she is in does not jeopardise the lawful and uninterrupted conduct of the Games.

- 0. Proof of payment of the foreseen fee in favour of the E.E.E.P.
- 4.3. Where the application concerns a legal person, the following supporting documents and information must also be submitted:
- α. Depending on the legal form of the applicant and the law of the country of establishment, the applicant's incorporation and legal documents.
 - β. Decision to form the Board of Directors as a body.
- c. Minutes of the Board of Directors or a legal document on the legal person's representation.
- δ. Authorization to sign and submit the application in case it is not signed by the legal representative.
- 4.4. In all cases where, according to the applicable provisions, the candidate Partner is required to hold a licence to exercise a profession or business activity, he/she shall submit the relevant licence or declare that he/she is not required to hold such a licence.
- 4.5. If the legal requirements are met, the E.E.E.P. issues the AK and registers the Partner in the relevant Register. The registration constitutes sufficient notification and proof for the issue of the PC and, consequently, the legal provision of the services.

- 4.6. A fee of one thousand (1,000) euros is payable for the granting of the Partner's Certificate and registration in the relevant Register.
- 4.7. Those registered in the Register shall notify the Hellenic Register of any change, which directly or indirectly affects their eligibility, within twenty (20) days from the date of the change, together with the necessary data and supporting documents to substantiate the change.
- 4.8. The Committee may invite the candidates to a personal interview in order to assess their suitability.
- 4.9. The E.E.E.P. grants to the holders of the Partner's AK, upon their request, a certificate of validity of the AK, for any legal use.
- 4.10. The way, type, form and procedures for keeping data and information relating to the conduct of the Games within the framework of the Cooperation are defined in the instructions of the NECP.

Article 5 COOPERATION AGREEMENT

- 5.1. In order for Partners to provide their services to a Licensee they must have signed a Cooperation Agreement.
- 5.2. The Cooperation Agreement shall include, at a minimum, the duration and scope of the Cooperation, the Points of Cooperation, the procedure for amending the Agreement, the grounds for terminating the Agreement, the method of calculation and the method and time of payment of the Partner's fees, the method of calculating and calculating the fees of the Affiliate, the manner of dispute resolution, the express commitment of the Affiliate to accept the provisions of the applicable legislation, the Gaming Regulations and the EC Gaming Commission's Directives in full, absolute and unconditional form.NECP for the organisation and conduct of the Games.
- 5.3. Affiliate licensees are not permitted to provide services in any capacity to non licensees. To this end, the Affiliates are required, before entering into the Contract and during the provision of services, to verify by all reasonable means that the person to whom they intend to provide or are providing services is a Licence Holder.
- 5.4. The Partner in the context of its contractual relationship with the Licensee:
- $\alpha.$ Use for the promotion of the Licensee, exclusively, Affiliate Points.
- β . Informs, without delay, the N.E.E.P., for any change, transfer, modification, interruption or addition of Partner Points.
- c. Settle its transactions with the Licensee in an account held by the Licensee as sole beneficiary with a Payment Service Provider, in accordance with the applicable provisions.
- 5.5. The Licensee shall, without delay, notify the E.E.E.P. of the Cooperation Agreement and any amendment thereto, upon signing it, as well as the account held by the Partner as sole beneficiary in

Payment Service Provider and to whom the transactions between them under the Contract are settled.

5.6. In the event that the Partner's licence is revoked, the Licensee is obliged to immediately cease all actions related to the Cooperation Agreement, to terminate the Agreement and to notify the above actions to the N.E.E.P.

Article 6 COMMERCIAL COMMUNICATION

- 6.1. The Partner must comply with the provisions on Commercial Communication of Law no. 4002/2011 (A' 180) and the Gaming Regulation.
- 6.2. The N.E.E.P. may impose the immediate cessation of any commercial communication activity that is contrary to the applicable provisions and the Gaming Regulation.
- 6.3. The Licensee and its Affiliates may conduct Commercial Communication on accounts maintained by them on social media, provided that the social media provides special filters and applications to block access to persons under the age of 21 and in accordance with the specific provisions of the relevant regulatory provisions on commercial communication and Responsible Gaming and the relevant Hellenic Republic Directives.

Article 7
MAINTENANCE OF A REGISTER OF HOLDERS
LICENCE HOLDER'S LICENCE TO ENGAGE A
PARTNER

- 7.1. The Licensee shall keep a register of all the holders of an Affiliate Licence with whom it has a contractual relationship. The data and information to be kept in the relevant register, the way and form in which such data are kept and sent to the EPC, the type and nature of the data kept, the way in which changes are displayed, the way in which information is displayed and coded, and any other relevant details are defined in instructions issued by the EPC.
- 7.2. Within the first five (5) working days of each month, the Licensee shall send to the H.E.E.P. a list of AK Partner holders. The list shall include, at a minimum, the full name and first name or surname, the date the legal relationship commenced and ended, and the code number of the AK Partner.
- 7.3. The Licensee is obliged to check compliance with the conditions for issuing an AK Partner throughout the duration of the contractual relationship.
- 7.4. Notwithstanding the obligation in paragraph 7.2, the Licensee shall provide the NRA with access to the registers of AK Partner holders at the time and in the manner specified by the Authority. By instructions from the NCA.

data and information held in the relevant register may be added.

Article 8
PAYMENT PROCEDURE
OF THE FORESEEABLE PARABOLA

- 8.1.The prescribed fee for the granting of an AK Partner is a resource of the EEEP and is paid into a bank account designated by the Authority. Each deposit constitutes a collection of the corresponding fee and the corresponding deposit slip constitutes a document of collection, which explicitly states the reason for the deposit and the type of fee.
- 8.2. The details, the method and the time of payment of the prescribed deposit as well as specific issues for the application of the provisions of this Article may be regulated by decision of the Hellenic Republic.

Article 9 SUPERVISION AND CONTROL -ADMINISTRATIVE MEASURES AND PENALTIES

- 9.1. The supervision and control of the holders of the Co-operator's Licence is exercised by the E.E.E.P., in accordance with the provisions of the applicable provisions and the Children's Regulation on Administrative Measures and Sanctions.
- 9.2. The holders of an AK Partner are obliged to grant access to the NRA and its delegated bodies, to the relevant data, Points and their premises, in the manner and at the time specified by the Authority.
- 9.3. In case of violation of the provisions of this decision, administrative sanctions are imposed in accordance with the provisions of the applicable provisions and the Gaming Regulation on Administrative Measures and Sanctions.

Article 10 TRANSITIONAL PROVISION

Persons who, at the time of the entry into force of this Agreement, are lawfully providing Internet gambling services and have applied for an Internet Gambling Licence, shall cease to receive the services referred to in Article 3 from persons who have not received an AC Partner, within one

(1) month from the granting of the License.

Article 11 ENTRY INTO EFFECT

This Decision shall enter into force upon its publication in the Official Gazette.

This Decision shall be published in the Official Gazette.

The President
EVANGELOS KARAGREGORIOS



ΕΘΝΙΚΟ ΤΥΠΟΓΡΑΦΕΙΟ

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