




Platis - Anastassiadis & Associates

The associate law firm of EY Greece



Building / Construction Conditions and Permitted Land Uses for Data Centers (Greek Law 5069/2023)

The Law 5069/2023 lays down the conditions for the construction of data centers in Greece (articles 1-8). This Law is expected to accommodate the development of the data center market in the country, thus contributing to the country's technological ecosystem.

By virtue of its articles 1-8, the new Law sets the conditions for the construction and operation of data centers in Greece by providing for the required building requirements, construction rules and the process of notifying their establishment to competent administrative authorities.

This new framework governing the establishment and operation of data centers in the country offers several benefits to investors and the public;

- ▶ It ensures that data centers meet certain quality requirements, promoting reliable and secure digital

infrastructures.

- ▶ It safeguards the health and safety of workers employed by data centers.
- ▶ The environmental and spatial impact of the installation and operation of the data centers are minimized.
- ▶ It provides legal clarity by codifying applicable law, rendering investments in data center development more attractive.

1. Data Center Definition

The Act provides for an extensive and detailed definition for data centers, in contrast to previous legislation that contained vague provisions about their concept.

According to the Act, data centers are those enterprises that cumulatively fulfill the following criteria:

- ▶ are intended for the centralised hosting, interconnection, and operation of IT equipment (computer, network, and telecommunications equipment).
- ▶ provide data storage, data processing and data transfer services or cloud computing services.
- ▶ have the required levels of resilience and security to provide services with specific availability.

The law explicitly states that these structures also include all the ancillary infrastructure and facilities needed to support power supply and environmental control.

This definition is crucial, since it sets out the limits of the application of the Act for both existing data centers and those that will be built and operated in the future.

2. Spatial Planning of Data Centers

Data centers fall under the special category of land uses 21.A of the Presidential Decree no. 59/2018. Their installation can be carried out both in areas where the land use in question is permitted according to Law 4759/2020, and in areas where land uses have not been determined, as long as the second case is not prohibited by other more specific provisions.

3. Data Center Construction Terms

This Act amends Law 4759/2020 on construction terms, incorporating special provisions for data centers. It specifically stipulates that:

- ▶ The maximum construction factor is set to 0.8. The law provides for exceptions regarding surfaces that do not count towards the construction factor. These include shelters for the protection of mechanical equipment, backup generators for the production of electricity in the event of a power failure, as well as an underground floor with an area equal to that of the ground floor. Up to 50% of the surface of this basement floor can be reserved for primary use, always subject to compliance with its operating regulations.
- ▶ The maximum percentage of coverage is set at sixty percent (60%).
- ▶ The lateral distances of the building from the boundaries of the field are set at 10 meters.
- ▶ The maximum coefficient per exploitation volume is set at 6 meters.
- ▶ The maximum height is set at 14 meters. Above this

- ▶ height, constructions including, for example, central air conditioning units (CCUs), cold water production machines are allowed, regardless of whether the data center is outside the zoning plan.
- ▶ The deviation in terms of building height is allowed up to 15 meters.

The foregoing also apply in cases where the data center fields are outside city plans, regardless of whether conditions and restrictions have been established by first-level urban planning.

4. Building Requirements

Regarding building requirements, data centers are classified based on the electrical power of the IT equipment they have.

In specific, data centers are divided by the law into the following two categories:

- ▶ Data centers with electrical power of information technology equipment equal to or greater than two hundred (200) kW are included in the category of buildings related to "Industry - Craft" (article 3 I' YPEN/DAOKA/66006/2360/16.6.2023)
- ▶ Data centers with electrical power of information technology equipment of less than two hundred (200) kW are included in the category of buildings concerning "Offices - Craftsmanship" (article 3 I' IPEN/DAOKA/66006/2360/16.6.2023).

In terms of fire protection, data centers are required to comply with at least Chapter 8 of the standard "EN 506002-5:2021 Information Technology - Data Center Facilities and Infrastructures - Part 2-5: Security Systems," or another corresponding international standard (ISO), or another country's standard, which covers, in an equivalent way, the essential fire protection requirements of the "EN 50600-2-5:2021" standard for data centers. Data centers characterized as "Industries-Crafts" fall under risk category Z2 of the Building Fire Protection Regulation (p.d. 41/2018 or p.d. 71/1988) or risk category A2 of article 3 of KYA 136860/1673 /Φ15/18.12.2018, while those characterized as "Offices" fall under risk category D' of the Building Fire Protection Regulation, according to p.d. 41/2018 (A' 80) or the p.d. 71/1988 (A' 32) or under no. 17/2016 Firefighting Ordinance (B' 388).

Regarding the obligation to create parking spaces, this includes the creation of one (1) space per one hundred and seventy square meters (170 sq.m.) of office space only.

5. Notification of Establishment

Due to potential risks and consequences, the operation of data centers is subject to the notification regime outlined in Law 4442/2016.

The notification process occurs before the developmental service of the region or regional unit, if applicable, where the data center is located.

Specifically, data centers are subject to notification if they meet both of the following criteria:

- ▶ They provide their services to third parties, either partially or exclusively.
- ▶ The total rated electrical power of their IT equipment is equal to or greater than two hundred (200) kW.

The same notification obligation applies to data centers that meet both of the following criteria:

- ▶ They do not provide their services to third parties but exclusively serve the needs of another economic activity (for own use).
- ▶ The nominal electrical power of their IT equipment is equal to or greater than one thousand (1000) kW.

Before submitting the notification, the operator of the data center must collect the required supporting documents and retain them as proof of submission in order to make them available for inspection upon request.

In the event of any changes in the details of the operational notification or a change in the operator's identity, the data center operator is obliged to notify the change following the same procedure.

Data centers not subject to notification obligations are still required to comply with other legislative requirements, such as building regulations.

Joint Ministerial Decisions will be issued to define the content, method, required supporting documents for legal notification of operation, as well as the authorities' control powers and other technical issues.

6. Transitional Provisions

Data centers already in operation must inform the competent authorities of their operation within one (1) year from the entry into force of the regulatory acts that determine the supporting documents of the notification, following the same procedure as centers under construction.

Data centers operating before the issuance of the necessary Joint Ministerial Decisions must submit the notification within one year of the entry into force of the relevant regulatory acts.

Additionally, data centers shall comply with applicable fire protection obligations within three years from the entry into force of Law 5069/2023.

7. Penalties

The developmental service of the region or the regional unit within whose territorial jurisdiction the data center is located will supervise compliance with the Act.

Potential violations include:

- ▶ Failure to notify prior to the commencement of operation (initial notification).
- ▶ Failure to notify a change of information or a change of operator.

- ▶ Providing false, inaccurate, or incomplete information during notification.
- ▶ Lack of supporting documents.

Administrative fines range from one thousand (1,000) euros to twenty thousand (20,000) euros, determined by the relevant Regional Governor.

A right of appeal against fines imposed is provided in article 227 of Law 3852/2010 (A' 87).

8. Conclusions

Investing in data centers creates significant potential for the Greek economy, since it can contribute to strengthening the country's technological ecosystem.

Hence, intensifying investments in this sector is expected to positively impact Greece's position in the international innovation environment, improve the digital presence of businesses and consumers, and lead to job creation across various sectors.

In this context, the new Act is expected to contribute to the improvement of the conditions for investments in the data center sector.

The Act no. 5069/2023 is available [here](#)

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For more information on digital law issues, please contact:

Eirnikos Platis

Partner

Tel.: +30 210 2886 521

eirnikos.platis@gr.ey.com

Julia Pournara

Partner

Tel.: +30 210 2886 915

julia.pournara@gr.ey.com

Antonios Broumas

Tel.: +30 210 6171 502

Senior Manager

antonios.broumas@gr.ey.com

at the

Platis - Anastassiadis & Associates Law Partnership

Tel.: +30 210 2886 512

legaloffice@gr.ey.com

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EY



EY Greece



eygreece



@EY_Greece



EY Greece

Platis - Anastassiadis & Associates Law Partnership is associated with EY.

Partners: E. Platis, A. Anastassiadis

Partnership is registered with the Athens Bar, registration number 80240

List of our associates upon request.

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