



## New regulation for the operation framework of Data Centres

On 23.11.2023 the Greek Parliament passed the bill N.5069/2023 of the Ministry of Environment and Energy (the “Law”), which - among others, regulates the operation framework of data centres. Although the specific type of investment has been in the radar of foreign and domestic investors in the past years, their operation framework remained largely unregulated. The Law aims to set forth specific rules, including in relation to building terms and conditions and licensing requirements which will hopefully create a more secure landscape for the establishment and operation of data centres in Greece.

More specifically, the Law touches upon the following:

**Data Centre definition:** The Law defines the Data Centres as “facilities which are intended to host, interconnect, and operate information technology equipment providing storage, data processing and transfer or cloud computing services and which have the required levels of resilience and security to deliver services with specific performance availability. These facilities also include all infrastructure and installations needed to support power supply and its environmental control”

**Notification procedure:** The Law provides that prior to their operation, a notification should be made to the competent authority (“**Notification of**

**Operation**”) by the data centre operator. Notably, a Notification of Operation is required:

- a. for data centres which provide services to third parties (whether on an exclusive basis or not) and are classified, for tax purposes under Activity Code Number (63.11.1) and
- b. for data centres, which do not provide services to third parties but serve the purposes of a business’ own use, if they have electrical power of their IT equipment equal or higher than 1,000 kW.

Data centres not covering the foregoing categories are not subject to the aforementioned notification requirements.

Briefly, the notification procedure involves the submission of the notification by the data centre operator to the Development Department of the Regional Unit where the data centres are located, i.e., via the [notifybusiness.gov.gr](https://notifybusiness.gov.gr) platform and the issuance of the relevant receipt. The required supporting documents are not submitted jointly with the notification but shall be kept, together with the submission receipt, at the data centre's premises for audit purposes. The competent authority shall then forward such notification to the competent auditing authorities a Notification of Operation was submitted (including but not limited to the change of the project owner and the relocation of the data centre) shall be subject to the same notification process.

Existing data centres shall also follow the notification procedure within one (1) year as of the entry into force of the Law.

### Land use

Data centres may be established in areas where such land use is already permitted (see Law 4759/2020 art. 44), as well as in areas with no designated land uses if such use is not prohibited by other, more specific provisions.

### Building construction requirements/ Fire Safety

The Law classifies data centres into two categories on the basis of the electrical power of their IT equipment as follows:

- a. if equal to or higher than 200 kW they are classified as "Industrial buildings"<sup>1</sup>
- b. if less than 200 kW they are classified as "Offices"<sup>2</sup>.
- c. The same applies to fire safety category, which is also determined on the basis of the data centres' classification.

It is noted that operating data centres need to comply with the building construction requirements within three (3) years as of the effective date of the Law.

### Building terms

The Law introduces, among others, deviations in the permissible height of data centres (in application of Law 4759/2020 art. 33 par. 3), as well as exceptions for surfaces which are not taken into account for the building coefficient.

### Parking Spaces

Finally, as regards the minimum parking spaces, the Law requires the creation of one 1 parking space/170 sq.m. of office space only, thus not taking into account the surface required for the data centre itself.

The new Law is expected to be further clarified and detailed by virtue of secondary legislation to be issued on the basis of its enabling provisions.

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<sup>1</sup> art. 330 par. 1 a Law. 4442/2016

<sup>2</sup> art. 330 par. 1 b Law. 4442/2016

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