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To the attention of :

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Topic:

**SUPPLEMENTARY INFORMATION - NEW LEGAL REGULATIONS FOR
THE SAME PRODUCT CATEGORY (IMPORTED FROM EU PASSENGER
TRANSPORTED CARS – CONTINUATION IN EU/17/9263 EU-PILOT
2017)9263 EXPENDITURE:**

Attached (new) documents:

Article 9 of Law 4714/2020 (GG A' 148 31.7.2020)

Articles 5, 63 and 65 of L. 4710/2020 (GG A 142 - Promotion of electrification)

Circular of the Ministry of Finance AADE 31-7-2020 for the implementation of the above legislation

Examples (5) of calculation of the Transfer Custom Fee according to the new legislation EURO 4A,4B,4Γ,4Δ,4E

Examples (6) of calculation of the Transfer Custom Fee according to the new legislation EURO 5A

Examples (6) of calculation of the Transfer Custom Fee according to the new legislation EURO 5B

Examples (6) of calculation of the Transfer Custom Fee according to the new legislation EURO 6A

Dear MrKatsilis,

While the above-mentioned complaints are pending before you and following in the meantime our correspondence, we inform you regarding two laws that were issued by the Greek Government and which are currently into force; these laws concern the exact same categories of products which are included in your pending complaints such as the second hand passenger cars which are imported into Greece from EU Member States and provide for the same infringement by Greece i.e. they provide for the anti-Community method of calculating the registration fee for these categories of used passenger cars, through which European legislation and in particular the provisions of Articles 110 and 28.29, 34 OF THE EU are now being re-infringed and provocatively violated. This is Article 9 of **L. 4714/2020** (GG A' 148 31.7.2020).

Additionally, the Greek Government issued and brought into force the Law **4710/2020** for the promotion of electrification, which under the provisions of Articles 5,63 and 65, imposes an exceptional additional environmental charge for the categories of used passenger cars coming from EU countries, which is collected in accordance with the same procedures as the registration fee and is imposed, just like

the registration fee, because of the import of the products in question into the territory of Greece (GG A 142 - Promotion of electrification).

In particular, the two pieces of legislation are as follows:

« Article 9 Amendment of Articles 121 and 123 of the National Customs Code - Registration fee for passenger cars and trucks for private use

1. Article 121 of Directive 2960/2001 (A' 265) shall be replaced by the following:

'Article 121 Registration fee for passenger cars for private use

1. Passenger cars of tariff heading No 87.03 of the Combined Nomenclature (Council Regulation EEC 2658/1987 of 23 July 1987 OJ L, 7.9.1987) shall be subject to a registration fee on the taxable value, as defined in accordance with Article 126 of Directive 2960/2001 and Article 4 of Act 1573/1985 (A' 201).

2. (a) The coefficients of the registration fee in paragraph 1 shall be as set out in the Annex to this Regulation. 1 defined according to the following progressive tax scale: Taxable value Value from (EUR) Value up to (EUR) Rate 0 14,000 4% >14,000 17,000 26% >17,000 20.00 0 53% >20,000 25,000 62% >25,000 30,000 71% >30,000 30% For the selection of these factors, for used passenger cars, account shall be taken of the taxable value referred to in Article 126, before the reductions provided for in this Article.

(b) For motor vehicles, tricycles or quadricycles falling within the scope of Regulation 168/2013 (EU) and Council Directive 2002/24/EC of 18 March 2002 (OJ L 124, 9.5.2002) and complying by design with the requirements of Regulation 168/2013 (EU) or Directive 2002/51/EC or later, the classification fee coefficients are defined as follows: CYLINDRISM MOBILE QUALITY OF TRAVEL CUSTOMS Less than 50 cubic centimeters 0% From 50 to 500 cubic centimeters 4% From 501 to 900 cubic centimeters 7% From 901 cubic centimeters and above 11% Article 26 of n. 1959/1991 (A' 123) and No. B.27660/712/10.7.1992 Joint Decision of the Ministers for the Environment, Planning and Public Works and Transport and Communications (B' 519) shall also apply to diesel vehicles in this case.

3. For passenger cars in para. 1, the emitted mass of carbon dioxide -CO₂ (combined cycle) shall be: (a) less than or equal to one hundred (100) g/km, the coefficients of the classification fee of approx. (a) of para. 2 shall be reduced by 5%, (b) more than one hundred and twenty (120) and less than or equal to one hundred and forty (140) g/km, the coefficients of the classification fee of approx. (a) of para. 2 shall be increased by ten per cent (10 per cent), (c) greater than one hundred and forty (140) and less than or equal to one hundred and sixty (160) g/km, the coefficients of the classification fee of approx. (a) of para. 2 shall be increased by twenty per cent (20 per cent), (d) greater than one hundred and sixty (160) and less than or equal to one hundred and eighty (180) g/km, the coefficients of the classification fee of approx. (a) of para. 2 shall be increased by thirty per cent (30 per cent), (e) more than one hundred and eighty (180) and less than or equal to two hundred (200) g/km, the coefficients of the classification fee of approx. (a) of para. 2 shall be increased by forty per cent (40 per cent), (f) greater than two hundred (200) and less than or equal to two hundred and fifty (250) g/km, the coefficients of the classification fee of approx. (a) of para. 2 shall be increased by sixty per cent (60 per cent), (g) greater than two hundred and fifty (250) g/km, the coefficients of the classification fee of approx. (a) of para. 2 increase by one hundred per cent (100 per cent).'

4. For passenger cars of para. 1, which:

(a) meet the euro 6 emission limit specifications by design with the last classification date for the first classification up to and down to 31.8.2018; as defined in Regulations 715/2007 (EC) and 692/2008 (EU) or 2017/1151 (EU) or subsequent amendments thereon, or the specifications of Regulation 595/2009 (EC) Euro VI, with the last classification date for the first classification up to 31.8.2019 the coefficients of approx. (a) of para. 2 are increased by fifty per cent (50 per cent),

(b) meet the euro 6 and 5b emission limit specifications by design, with the last classification date for the first classification up to 31.8.2015; as defined in Regulations 715/2007 (EC),

692/2008 (EU) or subsequent amendments thereon, or the specifications of series B2 or C (EEV) of Directives 1999/96 EC, 2005/55 EC Euro V, the coefficients of approx. (a) of para. 2 are increased by one hundred per cent (100 per cent),

(c) meet the emission limit specifications EURO 6a and EURO 5a by design; with the last classification date for the first classification up to and including 31.12.2012, as defined in Regulations 715/2007 (EC), 692/2008 (EU) or subsequent amendments thereof or the specifications of Directive 98/69 EC line (phase) B Euro 4, or the specifications of series B1 of Directives 1999/96 EC, 2005/55 EC Euro IV which meet by design the specifications of Directive 98/69 EC line (phase) A Euro 3, Directive 94/12 EC, Euro 2, Directive 91/441 EEC Euro 1, or the specifications of Directives 1999/96/EC, 2005/55/EC, phase A Euro III, 91/542/EEC phase B Euro II, 91/542/EEC phase A Euro I, the coefficients of approx. (a) of para. 2 are increased by two hundred per cent (200 per cent), (d) do not meet conventional technology emission limit (Euro) standards and for which carbon dioxide emissions, the coefficients of approx. (a) para. 2 are increased by two hundred per cent (200 per cent), with additional application to these provisions the requirements of Regulation 168/2013 (EU) or Directive 2002/51 EC, the coefficients of approx. (a) para. 2 are increased by thirty per cent (30 per cent).

5. Hybrid motor passenger cars, as defined by Directive 2007/46/EC, as in particular hybrid electric cars, as defined by Regulation 692/2008, as applicable, with an emitted mass of carbon dioxide greater than or equal to fifty-one (51) g/km, shall be exempted from fifty per cent (50 per cent) of the total amount of carbon dioxide emitted. the registration fee provided for in that Article. Hybrid cars referred to in the preceding subparagraph with an emitted mass of carbon dioxide less than or equal to fifty (50) g/km. exempted from seventy-five (75%) the registration fee provided for in that Article. Pure electric cars, as defined by Regulation No 692/2008, shall not be subject to the registration fee provided for in this regulation.;

6. Motor caravans of Tariff Class D.C. 8703 of the Combined Nomenclature (S.O.) are exempted from seventy-five (75%) provided for in the provisions of this classification fee.

7. Passenger cars for private use of Tariff Class D.C. 87.03 of the Combined Nomenclature, registered and released in Greece, if transported or dispatched to another Member State of the European Union or exported to a third country and re-exported to the country within eight (8) years of their deletion from the car registers of the Ministry of Infrastructure and Transport, with a view to reclassifies and re-entry into circulation, shall be exempt from the registration fee provided for in this Regulation. By a joint decision of the Ministers of Finance and Infrastructure and Transport, any more specific matter for the implementation of this Regulation shall be determined.

8. In order to qualify for the corresponding classification fee coefficients in paragraphs 1 and 2 of this Article, the Member States shall, in accordance with the procedure set out in paragraphs 1 and 2 of this Article 2, 3 and 4, the determination of carbon dioxide emissions and the European Pollutant Emission Standard (Euro), the specifications of which the vehicle meets by design, shall be carried out by the competent customs authority on the basis of the type-approval presented to it or the type-approval notification certificate and the corresponding vehicle certificate of conformity. Where there is no identification between the vehicle certificate of conformity and the corresponding type-approval or type-approval notification sheet, the corresponding classification fee coefficient shall be included on the basis of the carbon dioxide emissions indicated and the pollutant emission standard indicated in the certificate of conformity which the vehicle meets by design. In particular with regard to the carbon dioxide mass emitted, account shall be taken of: (a) to 31.12.2020 the values, in accordance with the new European driving cycle (NEDC), (b) from 1.1.2021 onwards, the values in accordance with the globally harmonised light vehicle test procedure (WLTP). In the case of second-hand vehicles, the original registration of those received in the foreign country is also required. In the specific cases of vehicles which do not have the supporting documents referred to in the first subparagraph, for the purpose of subjecting the vehicle to the corresponding registration fee coefficient, the procedures and supporting documents submitted to the competent customs authority for the classification of the vehicle as anti-pollution technology and the determination of the specifications of the anti-pollution technology Directive which it meets by design shall be laid down. , as well as any other specific matter for the implementation of this.;

2. (a) The first subparagraph of paragraph 1 shall be replaced by the following: '1. Trucks and their bases of Tariff Class D.C. 87.04 of the Combined Nomenclature (S.O.), as well as motor vehicles having a separate cab by design

with two rows of seats for the driver, passenger and passengers and a separate open cargo loading area of Tariff Class D.C. 87.03 of the S.O., which meet by design the specifications of Euro 6 emission limits as provided for in Regulations 715/2007 (EC) and 692/2008 (EU), as well as those which meet the requirements of Regulation 595/2009 (EC) Euro VI, shall be subject to a classification fee as follows:'. (b) The first subparagraph of approx. in para. Article 123 shall be replaced by the following: '(f) The coefficients referred to in paragraph 1 shall be as follows: (a) to (e) are increased by thirty per cent (30 per cent); in the case of cars which meet by design the Euro 5 emission limit specifications as defined in Regulations 715/2007 (EC) and 692/2008 (EU) or subsequent amendments thereon, or the specifications of series B2 or C (EEV) of Directive 1999/96 EC, 2005/55 EC Euro V and 100 per cent (100 per cent) in the case of cars which do not meet the requirements of the above emission limits and the Euro 6 emission limit specifications as provided for in Regulations 715/2007 (EC), 692/2008 (EC), as well as those which do not comply with the requirements of Regulation 595/2009 Euro VI.

3. (a) Paragraph 1 shall be replaced by the following: Article 121 of Law 2960/2001 (A'265), as in force before its amendment to this Law, shall continue to apply to passenger cars, with a marketing authorization of a Member State of the European Union, issued before 1 June 2016, for which the registration fee has been established and have been submitted by the date of the application for the calibration of the historical registration fee by the Special Committee reported to be in the second submission of para. Article 126, even if no decision has been taken at the time of entry into force of this Regulation. At the request of the parties concerned, the registration fee for the abovementioned vehicles may be certified and collected in accordance with paragraphs 1 and 2, 2, 3 and 4 of Article 121 of Law 2960/2001 (A'265), as amended by Article 1 hereof.

(b) Motor vehicles for which, until the entry into force of this Regulation, custom documents were filed and, until the publication of this document, no proof of collection of the registration fee has been issued or received pursuant to paragraph 1. Article 11 of Law 1477/1984 (A' 144) or para. Article 133 of Law 2960/2001 (A' 265) shall be governed by the provisions of this Law. Motor vehicles for which proof of collection of the registration fee has been issued but which have not been registered may, at the request of commercial undertakings or their owners, be subject to the provisions of this Regulation, by recalculating the registration fee, offsetting the fee paid and refunding any dispute arising.'

As well as Article 5 of Law 4710/2020 on the imposition of the so-called environmental tax (for example):

Article 5

« Imposition of an environmental charge and a ban on imports into old, polluting second-hand vehicles

1. For passenger cars referred to in Article 121(1) of Law 2960/2001 (A' 265), the following shall apply:

(a) An exceptional environmental fee shall be imposed in addition to the registration fee:

(aa) eur 3 000 (3,000), provided that they are subject to the construction specifications of European euro 4 exhaust emission standards as set out in No 3.000. 4179/346/21.01.2000 Joint Decision of the Ministers for Economic Affairs, the Environment, Planning and Public Works and Transport and Communications (B' 182) or subsequent amendments there to it;

(ab) EUR 1,000, provided that they are subject to the construction specifications of European euro 5a exhaust emission standards as laid down in Regulation (EC) No 1782/2003; Regulation (EC) No 715/2007 of 20 June 2007 and Regulation (EC) No 715/2007 of 20 June 2007 laying down detailed rules for the application of Council Regulation (EC) No 715/2007 as regards the application of Council Regulation (EC) No 715/200 692/2008 of 18 July 2008.

(b) Classification shall be prohibited if they fall within the design specifications of European emission standards Euro 3, 2 and 1, as defined in No. 28433/2448/2.7.1992 Joint Decision of the Ministers of

Economic Affairs, Environment, Spatial Planning and Public Works and Transport and Communications (B' 542) and No. 6765/ 511/3.3.1995 Joint Decision of the Ministers for Economic Affairs, The Environment, Spatial Planning and Public Works and Transport and Communications (B' 194) or subsequent amendments there to them, or in so far as they are not subject to european standard emission standards (Euro) of conventional technology and for which carbon dioxide emissions are not demonstrated.

This excludes passenger cars over thirty (30) years of age, which are intended to be used exclusively as cars of historical interest.

2. In the cases of trucks referred to in paragraphs (b) and (c) of Article 123(1) of Law 2960/2001 and their second-hand bases,

(a) an exceptional environmental fee shall be imposed in addition to the registration fee:

(aa) eur 3 000 (3,000), provided that they are subject to the construction specifications of European euro 4 exhaust emission standards as set out in No 3.000. 4179/346/21.1.2000 Joint Decision of the Ministers of Economic Affairs, Environment, Spatial Planning and Public Works and Transport and Communications (B'182) or subsequent amendments there to it;

(ab) EUR 1,000, provided that they are subject to the construction specifications of European euro 5a exhaust emission standards as laid down in Regulation (EC) No 1782/2003; Regulation (EC) No 715/2007 of 20 June 2007 (L 171) and Regulation (EC) No 715/2007 no. 692/2008 of 18 July 2008 (L 199),

(b) classification shall be prohibited if they are subject by design to the specifications of European exhaust emission standards Euro 3, 2 and 1, as defined in No. 28433/2448/2.7.1992 Joint Decision of the Ministers of Economic Affairs, Environment, Spatial Planning and Public Works and Transport and Communications (B' 542) and No. 6765/511/3.3.1995 Joint Decision of the Ministers of Economic Affairs, Environment, Spatial Planning and Public Works and Transport and Communications (B' 194) or subsequent amendments there to them, or in so far as they are not subject to european standard emission standards (Euro) of conventional technology and for which carbon dioxide emissions are not demonstrated.

3. The environmental fee shall be paid once and provided that there is an obligation to pay a registration fee. As regards the time at which the obligation to pay the environmental tax is 1 and the time it becomes due for the vehicles referred to in paragraphs 1 and 2, the provisions of Article 128 of Law 2960/2001 (A' 265) for the registration fee shall apply proportionately. Proceeds from the environmental fee constitute public revenue, which is collected by the Independent Public Revenue Authority and then credited to the Bank of Greece for the financing of projects and actions referred to in Article 1 of Regulation (EC) No 1782/2003. RIS/ICP/33377/732/3.4.2020 Joint Decision of the Ministers of Finance and Environment and Energy (B' 1451), in accordance with the procedure laid down in para. Article 2 of that Decision. For the full or partial exemption from the obligation to pay the environmental fee of paras. 1 and 2 of this Regulation shall apply proportionately to the classification fees.

4. Proceeds from the collection of the environmental charge shall be allocated to the implementation of actions to promote electrification and electric vehicles, in particular through financial incentives for the purchase or hire of any type of pure PC or hybrid external charging computer with pollutant emissions of up to 50 g. CO₂/km, as well as through financial incentives for the supply and installation of computer recharging points.

Through the above-mentioned legislation, an additional registration fee and an environmental fee are imposed on categories of passenger vehicles which are been imported from EU Member States as opposed to similar competing products available

on the domestic market (i.e. domestic second-hand **vehicles**), which were turned into been available and registered in the Greek market before the entry into force of these taxes (fees) and which may be sold, further transferred and move freely on Greek territory without the imposition of the relevant charges.

Regarding the legal basis, the European case-law is also applicable here and thus major considerations of the judgments of the European Court of Justice will be provided:

Case C – 402/09, Tatu

55 In that regard, it should be borne in hand that motor vehicles placed on the market of a Member State are 'domestic products' of that Member State within the meaning of Article 110 OF THE TREATY. they must be regarded as 'similar products' to imported second-hand vehicles of the same type, having the same characteristics and wear and tear. , paragraphs 32 and 40).

56 It follows from the foregoing principles that Article 110 OF THE TREATY obliges each Member State to select and regulate the taxes charged on motor vehicles in such a way as not to favor the sale of domestic second-hand vehicles and thus not to discourage the importation of similar second-hand vehicles.

58 However, it is clear from the file before the Court that that legislation has the effect that imported second-hand vehicles which are of significant age and wear are liable to bear a tax of up to 30 % of their market value, despite the significant reduction in the amount of tax applied to take account of the impairment of their value, whereas similar vehicles put up for sale on the domestic market for second-hand vehicles do not bear any such tax burden.

60 In addition, it must be held, as Mr Tatu rightly observed, that the objective of environmental protection, which is confirmed by the fact that the application of a deterrent tax, on the one hand, impedes the movement in Romania of particularly polluting vehicles, such as those falling within The Euro 1 and Euro 2 standards and having a large size, and, on the other hand, entails the collection of revenue from that tax to finance environmental programmes, could be achieved more fully and consistently by imposing a pollution tax on any vehicle of the same type circulating in Romania. , also in accordance with the polluter pays principle.

Conclusion:

Article 110 OF THE TREATY must be used to prohibit the imposition by a Member State of a pollution tax on motor vehicles when they are first classified in that Member State if that tax measure is taken in such a way as to discourage the movement in that Member State of second-hand vehicles purchased in other Member States without, however, discouraging the acquisition on the domestic market of second-hand vehicles of the same age and wear.

Case C- 437/12

30 The Court has also made it clear that, when collecting a registration fee in a Member State, the amount of that fee is incorporated into the value of the vehicle. Therefore, where a vehicle registered in the Member State concerned is subsequently sold as second-hand in the same Member State, its market value includes the remaining amount of the registration fee and is equal to a percentage of its original value, determined on the basis of the impairment of the original value of the vehicle in question (Decision of 5 October 2006, C-290/05 and C-333/05, *Nádasdi and Németh*, ECR 2006, p. I1015, paragraph 54).

31 There is therefore an infringement of Article 110 OF THE TREATY where the amount of that tax charged on an imported second-hand vehicle coming from another Member State exceeds the residual amount of that tax which remains embedded in the value of similar second-hand vehicles already registered in the State concerned (judgments of 9 March 1995, C-345/93, *Nunes Tadeus*, Collection 1995, p. I479, paragraph 20, of 22 February 2001, C-393/98, *Gomes Valente*, Collection 2001, p. I1327, paragraph 23, and *Tulliasiamies and Siilin*, paragraph 55).

32 In particular, where the amount of tax on imported second-hand vehicles exceeds the residual amount of that tax which remains embedded in the value of similar second-hand vehicles already registered in the State concerned and located on the domestic market, there is a risk that the sale of domestic second-hand vehicles will be favoured and, consequently, the importation of similar second-hand vehicles will be discouraged.

33 However, the purpose of Article 110 OF THE TREATY is not to prevent Member States from imposing new taxes or amending the rates or the taxable amount of applicable taxes (*Nádasdi and Németh*, paragraph 49, and *Tatu*, paragraph 50).

34 However, the power of the Member States to impose new taxes or to amend the rates or the basis for imposing applicable taxes is not unlimited. The prohibition provided for in Article 110 OF THE TREATY should apply in all cases where a tax burden is likely to discourage the importation of products from other Member States for the benefit of domestic products (see, to that effect, *Tatu*, paragraph 52 and the case-law cited).

35 Consequently, Member States do not have the possibility of imposing new or amending existing taxes which have the object or effect of discouraging the sale of imported products for the benefit of the sale of similar national products which began to be placed on the domestic market before the entry into force of the relevant rules imposing or amending those taxes (see, to that effect, *Tatu* , paragraph 53).

Conclusion - CRISE

In the context of the application of Article 110 OF THE TREATY, as like national products, similar to a second-hand vehicle such as the one at issue in the main proceedings, which was first put into service before 1 February 2008 when it was imported and registered in the Netherlands in 2010, vehicles which are on

the Dutch market and have the closest characteristics to the imported vehicle concerned shall be considered.

Article 110 OF THE TREATY is to be seen as meaning that a tax, such as the *belasting personenauto's en motorrijwielen*, is contrary to that Article if and to the extent that the amount of that tax is which imported second-hand vehicles are charged when they are registered in the Netherlands, exceeds the lowest residual amount of the same tax incorporated in the value of similar second-hand cars already registered in the same Member State.

Case C – 263/10

26 Ainsi que la Cour l'a exposé au point 58 de l'arrêt *Tatu*, précité, une réglementation telle que l'OUG n° 50/2008 a pour effet que des véhicules automobiles d'occasion importés et caractérisés par une ancienneté et une usure importantes, malgré l'application d'une réduction élevée du montant de la taxe afin de tenir compte de leur dépréciation, frappés d'une taxe qui peut avoisiner 30 % de leur valeur marchande, tandis que des véhicules similaires mis en vente sur le marché national des véhicules d'occasion ne sont aucunement grevés d'une telle charge fiscale. Il ne saurait être contesté que, dans ces conditions, la dite réglementation nationale a pour effet de dissuader l'importation et la mise en circulation en Roumanie de véhicules automobiles d'occasion achetés dans d'autres États membres.

27 Les mêmes considérations s'imposent agissant du régime de taxation prévu par l'OUG n° 50/2008 telle que modifiée, respectivement, par les OUG n° 208/2008, n° 218/2008, n° 7/2009 et n° 117/2009. Il ressort, en effet, du dossier que l'ensemble des versions modificatives de l'OUG n° 50/2008 maintiennent un régime de taxation dissuasif de l'immatriculation, en Roumanie, de véhicules automobiles d'occasion achetés dans d'autres États membres et caractérisés par une ancienneté et une usure importantes, tandis que des véhicules similaires mis en vente sur le marché national des véhicules d'occasion ne sont aucunement grevés d'une telle charge fiscale. Par ailleurs, au cours de l'audience, laquelle a eu lieu après le prononcé de l'arrêt *Tatu*, précité, le gouvernement roumain n'a pas soutenu qu'il y aurait une différence pertinente, aux fins de l'examen de la compatibilité avec l'article 110 TFUE d'une telle que celle régie par l'OUG n° 50/2008, entre la version initiale de l'OUG n° 50/2008 et les versions ultérieures de celle-ci.

L'article 110 TFUE doit être interprété en ce sens qu'ils'oppose à ce qu'un État membre instaure une taxe sur la pollution frappant des véhicules automobiles lors de leur première immatriculation dans cet État membre, si cette mesure fiscale est aménagée de telle manière qu'elle décourage la mise en circulation, dans ledit État membre, de véhicules d'occasion achetés dans

d'autres États membres, sans pour autant décourager l'achat de véhicules d'occasion de même ancienneté et de même usure sur le marché national.»

The legislative measures of Greece, along with the current ones to which we refer and we attach here, and the older and recent ones which we attach to you and to which we refer hereby, by which the customs authorities calculate the registration fee on second-hand cars imported from EU countries in such a way as to discourage the movement in Greece of used cars purchased from other Member States without, however, discouraging the acquisition on the domestic market of second-hand vehicles of the same age and wear because the amount of that tax, (which is borne by imported second-hand vehicles when registered in Greece), exceeds the lowest residual amount of the same tax which is incorporated in the value of similar used cars already registered in Greece.

**1. YOUNG - REFERENCE - TRANSFER CUSTOMS IMPORTED BY L. 4714/2020
(WITH THE SAME ANTI-COMMUNITY LOGICAL)**

The registration fee rates, which are determined according to the taxable value of the cars, are further differentiated, and under the present recent Greek legislation in accordance with the carbon dioxide (CO₂) emitted mass and the specifications of the pollutant emission standard (Euro), as regards the classification, which they (vehicles) meet by design.

The entry of the car into the corresponding registration fee coefficient requires the presentation at the time of customs of the vehicle of a certificate of conformity and type-approval or a type-approval notification certificate, which shall show the specifications of the standard pollutant emissions (euro) met by design of the vehicle concerned, in terms of registration and carbon dioxide emissions.

In view of the above, with the entry into force of Law 4714/2020, we would like to make it clear to you that the following applies to the rates for the imposition of a registration fee for passenger cars of tariff heading 87.03 of the S.O., depending on the European pollutant emission standard (Euro), which they meet by design, in terms of classification:

4. For passenger cars of para. 1, which:

(a) meet the euro 6 emission limit specifications by design with the last classification date for the first classification up to and down to 31.8.2018; as defined in Regulations 715/2007 (EC) and 692/2008 (EU) or 2017/1151 (EU) or subsequent amending regulations thereof, or the specifications of Regulation 595/2009 (EC) Euro VI, with the last classification date for the first classification up to 31.8. 2019 the coefficients in paragraph 2 shall be increased by fifty per cent (50 per cent);

(b) meet by design the emission limit specifications EURO 6 and 5b, with the last classification date for the first classification up to and including 31.8.2015 as defined in Regulations 715/2007 (EC), 692/2008 (EU) or subsequent amending them; or the specifications of series B2 or C (EEV) of Directives 1999/96 EC, 2005/55 EC Euro V, the coefficients referred to in paragraph 2(a) shall be increased by one hundred per cent (100%),

(c) meet the emission limit specifications EURO 6a and EURO 5a by design, with the last classification date for the first classification up to 31.12.2012; as defined in Regulations 715/2007 (EC), 692/2008 (EU) or subsequent amending regulations or the specifications of

Directive 98/69 EC line (phase) B Euro 4, or the specifications of series B1 of Directives 1999/96 EC, 2005/55 EC Euro IV meeting the requirements of Directive 98/69 EC line (phase) A Euro 3, Directive 94/12 EC, Euro 2, Directive 91/441 EEC Euro 1, or the specifications of Directives 1999/96/EC, 2005/55/EC, phase A Euro III, 91/542/EEC phase B Euro II, 91/542/EEC phase A Euro I, the coefficients referred to in paragraph 2 shall be increased by two hundred per cent (200 per cent) ,
(d) do not meet emission limit (Euro) standards of conventional technology and for which carbon dioxide emissions, the coefficients of approx. (a) para. 2 shall be increased by two hundred per cent (200 per cent), with additional application to them of the increase in para. 3,
(e) do not comply by design with the requirements of Regulation 168/2013 (EU) or Directive 2002/51 EC, the coefficients of approx. (a) para. 2 are increased by thirty per cent (30 per cent).

Do you understand from the simple quote of these extracts that the determination of the registration coefficient on the basis of the inclusion of imported used cars in the standard specifications Euro and the arbitrary division of each emission standard of Euro pollutants into subcategories accompanied by the connection of each (sub) standard category with an excessively increasing coefficient for the immediately preceding categories of standard imported second-hand vehicles (50 %, **200%**) leads first of all to the straight otherwise side-by-side violation of Article 110 OF THE EU because the corresponding built-in residual registration fee especially in certain categories (euro 6, 6a, 5b,5a) again shows a huge difference in favor of domestically used cars discouraging the import from EU countries of cars of the same category. According to the official data of the Association of Car Importers in Greece today the following fleet of passenger cars is released (as classified in the above subcategories):

Moreover, although the Ministry of Finance via the above-mentioned legislation allows the import from the EU of used cars Euro 3,2,1,0 with a surcharge of 200%, the Ministry of Maritime Affairs prohibits their import!!! Furthermore, it is prohibited to import private trucks of up to 3.5 tons while at the same an environmental tax is imposed for them similar to the one imposed on the passenger private cars.

It is important to mention here that there is not any additional impairment of the Transfer Customs due to their actual condition i.e. damages, kilometers, image etc contrary to the jurisprudence of the EC.

As it is stated on our circular, the price lists of the cars and of the extra equipment are published on the sites of their official dealers, namely on the private sites of those

who have rival interests and not on an official national site such as the one of the Ministry of Finance; that fact consists a further obstacle for the smooth movement of goods and of the fair calculation of the Transfer Customs fee since the financial parties who have direct competitive interests may intervene as they wish and to change the prices to their advantage. In any other case, a system with imputed prices should be introduced that fairly reflects the price of cars.

According to the official data of the Association of Car Dealers Importers in Greece, the following fleet of passenger cars is currently available (as classified in the above subcategories):

Conventional technology : 700,000 cars
Euro1 : 347.000
Euro 2: 832.000
Euro 3: 1.403.000
Euro 4: 1.302.000
Euro 5: 350.000
Euro 6: 267.291

We hope that with the evidence we have provided to you and with the recent documents we are presenting to you, you will reassess your position on incompatibility and recent Greek legislation with Article 110 OF THE EUROPEAN UNION.

II. L. 4710/2020 REGARDING THE FEE FOR THE ENVIRONMENT

According to the following Article, an exceptional environmental charge of EUR 3 000 is imposed on passenger cars of para. 1 of Article 121 of Law 2960/2001 (i.e. passenger cars imported from EU countries), provided that they are subject to the production specifications 4, and amounting to EUR 1000 if they fall within the construction specifications Euro 5a^a, to refer restrictively only to these categories. It should be stressed that it is now definitively prohibited to register passenger cars imported from EU countries which meet the euro 3,2,1 exhaust gas standards by design (as opposed to the seamless transfer and movement of domestically used !!!)

Article 5

« Imposition of an environmental charge and a ban on imports into old, polluting second-hand vehicles

1. For passenger cars referred to in Article 121(1) of Law 2960/2001 (A' 265), the following shall apply:

(a) An exceptional environmental fee shall be imposed in addition to the registration fee::

(aa) EUR 3 000 (3,000), provided that they are subject to the construction specifications of European emission standards Euro 4, as defined in No 4179/346/21.01.2000 by the Ministers for Economic Affairs, environment, spatial planning and public works and transport and communications (B' 182) or subsequent amendments there to it;

(ab) EUR 1 000 (1,000) if they are subject to the construction specifications of European euro 5a exhaust emission standards as defined in Regulation (EC) No 715/2007 of 20 June 2007 and Regulation (EC) No 692/2008 of 18 July 2008.

(b) Classification shall be prohibited if they fall within the design specifications of European emission standards Euro 3, 2 and 1, as defined in No. 28433/2448/2.7.1992 Joint Decision of the Ministers of Economic Affairs, Environment, Spatial Planning and Public Works and Transport and Communications (B' 542) and No. 6765/511/3.3.1995 Joint Decision of the Ministers for Economic Affairs, The Environment, Spatial Planning and Public Works and Transport and Communications (B' 194) or subsequent amendments there to them, or in so far as they are not subject to European standard emission standards (Euro) of conventional technology and for which carbon dioxide emissions are not demonstrated.

ON THE REPRESENTATION OF THE REGULATION IN THE PROVISION OF ARTICLE 34 SLEU (ex 28 COEC)

It is clear that the provision IMMEDIATELY complained of constitutes a State measure which directly and truly affects intra-Community trade in second-hand passenger vehicles of those categories previously produced and lawfully released in an EU Member State (Dassonville legal rule). by the order complained of, adopts a measure equivalent to a quantitative restriction on imports of intra-Community goods Dassonville (as regards the categories of passenger cars coming from the EU falling within the categories of conventional technology and euro 1,2,3,,4,5a).

1. In particular, the complainant is discriminatory:

1. The complainant excludes from its scope, i.e. from the imposition of an environmental charge, VEHICLES OF THE ABOVE MENTIONED CATEGORIES, which are included in the EURO domestic passenger vehicles categories and which fall within categories EURO 4 and 5a. **These, according**

to the complainant, can be moved and transferred freely to Greece without the imposition of an environmental fee

- It establishes distinctions between the conventional categories of devices which are vehicles and the categories **euro1, euro2, euro3** which cannot be registered in Greece (and therefore be released) if they are not imported by 30/10/2020, and the corresponding categories domestic passenger vehicles that are freely travelled and transported without restrictions and without the imposition of an environmental charge, even though they fall into these categories and therefore – in Greece's view – also burden the environment. Based on the official data of the Association of Importers of Representatives of Greece, the fleet

ON THE NON-APPLICATION OF ARTICLE 36 – Violation of the principle of proportionality

The provision of Article 36 must be interpreted narrowly in order for the public interest to be obtained with measures which are not harsh. It is for the authorities of the Member State relying on either that provision or the overriding needs of Article 34 to demonstrate (i.e. the Member State has the burden of proof) that the adoption of an exceptional measure was strictly necessary to achieve a public objective and could not be achieved by milder means. Otherwise, the principle of proportionality is infringed (cassis Cassis de Dijon rule of law – DEC 120/78, Rewe, Syl 1979, 649). In any event of invoking either Article 36 or the overriding needs of general interest, it shall be examined whether national legislation complies with the principle of proportionality, i.e. whether it is appropriate to ensure the achievement of the objectives pursued, does not go beyond what is necessary to achieve them and there is no other milder measure which would less restrict the free movement of goods (legal rule of the principle of proportionality).

In our case, the Member State – that is, Greece in this case – merely invoked (without substantiation) in the explanatory memorandum the protection of the environment and the health of citizens, but this invocation was vague and insufficient to lead, in accordance with settled European case-law, to the adoption of an exceptional measure of provision 36 (or the imperative needs of Article 34). The adoption of this measure,

i.e. the imposition of the environmental charge on only certain categories of passenger cars as opposed to the corresponding categories of domestic passenger cars to which it is not imposed, as well as the prohibition on the registration of passenger cars of the categories of conventional technology and euro1,2,3, originating from EU countries as opposed to their domestic ones, is a means of arbitrary discrimination and disguised quantitative restriction otherwise measure equivalent to quantitative restriction between Member States.

The adoption of this measure therefore benefits the dealers of the new vehicles of the respective categories who benefit from the commercial practice of the exchange (i.e. I buy a new car from the dealership and at the same time sell it my oldest which can legally be released in Greece), and leads to the closure of all car dealers involved in the import and trade of used passenger cars from EU member countries (while also dealing a serious blow to export companies across Europe that made used cars available to their Greek customers)

Whereas the recent data and the recent Greek legislation are rather helpful we attach it in order for you to be able to re-appreciate this extremely serious case for our industry and for the market of used cars which are imported from the EU into Greece, we ask for a meeting with you in situ so that any potential questions and doubts will be clarified while at the same time the extremely complex system of calculation and enforcement of TT used vehicles that originate from a EU Member State into Greece.

We request

For the acceptance of our complaint and the establishment in that way of the infringements conducted by the Greek State, with regard to the application of the EU legislation (Article 110 and 28 and 34 Treaty on the Functioning of the European Union)

The attorney of the SEEAE

Panagiotis RIZOS