



**HELLENIC REPUBLIC
MINISTRY OF DEVELOPMENT**

AND INVESTMENTS

**GENERAL SECRETARIAT FOR PRIVATE INVESTMENTS AND PUBLIC-
PRIVATE PARTNERSHIPS
GENERAL DIRECTORATE FOR STRATEGIC INVESTMENTS
DIRECTORATE FOR THE ORGANISATION AND MONITORING OF
STRATEGIC
INVESTMENTS
DEPARTMENT A' PROGRAMMING AND INCENTIVES**

DECISION

Determination of the procedure for the selection of auditors and the designation of experts, their obligations, the audit scope, as well as the procedures, terms and conditions for the audit of the implementation of investments designated as strategic.

THE MINISTERS OF FINANCE – DEVELOPMENT AND INVESTMENTS

Having regard to:

1.

- a. Law No 4864/2021 “Strategic Investments and improvement of the investment environment through the acceleration of procedures for private and strategic investments, establishment of a framework for spin-off companies and other urgent provisions for development” – Part A “Strategic Investments” (Government Gazette A’ 237), and in particular Article 28(8) thereof.
- b. Law 4608/20190 "Hellenic Development Bank and Attracting Strategic Investments and other provisions" - Part B "Attracting Strategic Investments". (Government Gazette A’ 66).

- c. Law No 4622/2019 “Executive State: organisation, operation and transparency of the Government, government bodies and the central public administration” (Government Gazette A’ 133).
- d. Law 4449/2017 "Mandatory audit of annual and consolidated financial statements, public oversight of audit work and other provisions".(Government Gazette A' 7)
- e. Law No 4270/2014 “Principles of fiscal management and supervision (transposition of Directive 2011/85/EU) – public accounting and other provisions” (Government Gazette A’ 143), as amended by Law No 4337/2015, Article 10.
- f. Law No 3894/2010 “Acceleration and transparency in the implementation of Strategic Investments” (Government Gazette A’ 204).
- 2.** Presidential Decree 81/2019 "Establishment, merger, renaming and abolition of Ministries and determination of their responsibilities - Transfer of services and responsibilities between Ministries" (Government Gazette A'119).
- 3.** Presidential Decree 83/2019 "Appointment of the Vice-President of the Government, Ministers, Deputy Ministers and Deputy Ministers" (Government Gazette A'121).
- 4.** Presidential Decree 84/2019 "Establishment and abolition of General Secretariats and Special Secretariats/Unified Administrative Sectors of Ministries" (Government Gazette A'123).
- 5.** Presidential Decree 62/2020 (Government Gazette A' 155) "Appointment of Alternate Ministers and Deputy Ministers".
- 6.** Presidential Decree 5/2022 (Government Gazette A' 15) "Organisation of the Ministry of Development and Investment".
- 7.** Article 90 of the "Code for the Government and Government Bodies" ratified by Article 1 of Presidential Decree 63/2005 (Government Gazette A' 98).
- 8.** Prime Ministerial Decision ,no Y 35/22.9.2021 "Assignment of responsibilities to the Alternate Minister of Development and Investments, Nikolaos Papathanasis" (Government Gazette B' 4405/23-09-2021)."
- 9.** Prime Ministerial Decision No Y 70/30.10.2020 “Assignment of responsibilities to the Alternate Minister of Finance, Theodoros Skilakakis” (Government Gazette B’ 4805).

10. Decision No Y 48/18.7.2019 of the Prime Minister and the Minister of Development and Investments “Assignment of responsibilities to the Deputy Minister of Development and Investments, Christos Dimas” (Government Gazette B’ 3100/1.8.2019).

11. The recommendation No 68307/5.7.2022 (corrected on 22.7.2022) of the Head of the General Directorate of Financial Services of the Ministry of Development and Investments.

12. The fact that no expenditure is caused to the State Budget by the provisions of this Decision

W e d e c i d e

Article **1**
Scope

The scope of this Decision shall cover all investment projects designated as Strategic Investments by decision of the Interministerial Committee for Strategic Investments (DESE), in accordance with Laws No 4864/2021 and No 4608/2019, as well as those designated as Strategic Investments in accordance with Law No 3894/2010, for which the implementing entities have requested an audit of their implementation by a statutory auditor, pursuant to Article 29(6) of Law No 4864/2021, and for which a decision granting incentives and aid under Article 16 of Law No 4864/2021 has been issued.

Article 2

Submission of audit request

1. The intermediate certification of the implementation of the physical and financial object and the certification of completion and commencement of productive operation of the investments referred to in Article 1 of this Decision shall be carried out through an audit by a statutory auditor. Investment projects including research and development aid shall, in addition to the audit by the statutory auditor, also be certified by an expert designated from the Register of

Certified Evaluators (MPE) of the General Secretariat for Research and Innovation of the Ministry of Development and Investments. The investment entity shall submit to the General Directorate for Strategic Investments the relevant audit request, accompanied by the supporting documents specified in the applicable regulatory decisions, the details of the proposed statutory auditor from the Public Register referred to in Article 14 of Law No 4449/2017 (A' 7), who is to carry out the audit, as well as a request for the designation of an expert from the Register of Certified Evaluators (MPE) of the General Secretariat for Research and Innovation, where the investment includes research and development aid.

2. The General Directorate for Strategic Investments shall verify the completeness of the audit request and, where it is deemed complete, shall proceed with the issuance of an approval decision by the Minister of Development and Investments for the designation of the proposed statutory auditor and, where the investment includes research and development aid, shall transmit to the General Secretariat for Research and Innovation a request for the selection of an expert from the Register of Certified Evaluators (MPE).

Article 3

Subject matter and procedure of the audit by a statutory auditor

The subject matter of the audit for the purposes of the interim certification of the implementation of the physical and financial scope, as well as for the certification of the completion and commencement of productive operation of each strategic investment approved by the Interministerial Committee for Strategic Investments (ICSI), shall include:

- a) the verification and recording of the interim implementation of the physical and financial scope, or of the completion and commencement of the productive operation of the investment;

b) the financial audit of the investment, in particular the examination of accounting records, supporting documents and payment evidence relating to its implementation and settlement, ensuring, inter alia, the prevention of double funding of the same expenditure from the Recovery and Resilience Facility or other Union programmes;

c) the verification of the compliance of the project promoter with the provisions of Laws 4608/2019, 4864/2021 and 3894/2010, as well as with the conditions and terms set out in the decision of the Interministerial Committee for Strategic Investments concerning the designation of the investment as strategic, and in the decision granting aid issued by the Minister of Development and Investments;

d) the confirmation of the accuracy of the declared data.

For the conduct of the audit of investments, a Strategic Investment Audit Programme shall apply, which is drawn up and updated by decision of the Minister of Development and Investments and issued following the opinion of the Hellenic Accounting and Auditing Standards Oversight Board (ELTE). Statutory auditors shall have access to the documentation of the investment project file maintained at the General Directorate for Strategic Investments in order to complete their audit.

Investments shall be audited with regard to their physical and financial scope at the place of implementation and, where necessary, at the registered office of the project promoter, where the original technical documentation and supporting expenditure documents are kept.

The audit of the implementation of the physical scope shall be mandatorily assigned by the responsible statutory auditor to certified auditors of appropriate specialisation, including architects, civil engineers, mechanical engineers or other relevant disciplines, depending on the nature of the investment. These experts shall prepare and submit the relevant implementation certificates.

The fees of the statutory auditors shall be borne by the project promoter.

Article 4

Audit deliverables and reasonable assurance report of the statutory auditor

1. Upon completion of the audit engagement, the statutory auditors shall submit to the General Directorate for Strategic Investments:

a) the “Interim Certification Report” or the “Certification Report on the completion and commencement of productive operation of the investment”, in accordance with the applicable methodology, standardised templates and the Strategic Investment Audit Programme, as in force from time to time;

b) the audit report referred to in Article 32 of Law 4449/2017, hereinafter the “Reasonable Assurance Report”, which covers the subject matter of the “Interim Certification Report” or the “Certification Report on the completion and commencement of productive operation of the investment”, as well as the Strategic Investment Audit Programme, and is accompanied by any additional copies of documents taken into account for its preparation. The Reasonable Assurance Report shall be prepared in writing, in accordance with the requirements of international auditing standards, and in particular the International Standard on Assurance Engagements 3000 entitled: “Assurance Engagements Other than Audits or Reviews of Historical Financial Information”. The Reasonable Assurance Report shall indicate any limitations in the scope of work concerning the audit of the physical scope falling within the competence of an architect, civil engineer, mechanical engineer or other certified auditor of appropriate specialisation, and shall be drawn up in accordance with the templates published on the website of the Ministry of Development and Investments.

Depending on the type of conclusion of the Reasonable Assurance Report issued by the statutory auditors, the following cases shall be distinguished:

- i. Unqualified conclusion.
- ii. Unqualified conclusion with emphasis of matter.
- iii. Qualified conclusion.
- iv. Adverse conclusion.

c) a relevant implementation certificate issued by an architect, civil engineer, mechanical engineer or other certified auditors of appropriate specialisation, depending on the conditions for the designation of the investment as a strategic investment.

The certificates, templates of which are published on the website of the Ministry of Development and Investments, shall be binding as to their use and shall have the legal status of a solemn declaration under Law 1599/1986 for the signatory, with all the legal consequences entailed thereby.

The persons referred to in this paragraph shall hold the required professional licence and be duly registered with the competent professional Chambers, where applicable.

2. All submitted documents shall be fully substantiated and justified, based **on** appropriate supporting evidence. The record-keeping requirements applicable to statutory auditors shall apply for a period of five (5) years from the date of the Reasonable Assurance Report. If the above persons are notified in writing that a judicial investigation concerning the audited entity is ongoing, the retention period shall be extended until the conclusion of such investigation.
3. Statutory auditors may submit written queries on specific technical issues arising during the audit to the General Directorate for Strategic Investments. Any delay in responding to such queries exceeding fifteen (15) working days shall not constitute grounds for delaying the completion of the audits by the statutory auditors. In the event that an issue (or issues) arises requiring further consideration by the statutory auditor and has not been clarified by the General Directorate for Strategic Investments, such issue(s) shall be explicitly referred to in the statutory auditor's report under the relevant section entitled "Emphasis of Matter".
4. Statutory auditors conducting audits of investments, as provided for in this Decision, shall apply *mutatis mutandis* to the project promoter the provisions on the prohibition of the provision of non-audit services applicable to the statutory audit of public-interest entities, as laid down in Regulation (EU) No 537/2014 and Law 4449/2017, as applicable to non-public-interest entities.
5. Matters not covered by this Decision and the relevant audit programme shall be addressed in accordance with the framework set out in the International

Standard on Assurance Engagements 3000, “Assurance Engagements Other than Audits or Reviews of Historical Financial Information”.

Article 5

Expert opinion for investments receiving aid for research and development projects and determination of remuneration

The General Directorate for Strategic Investments, for investments for which aid for research and development has been approved by the Interministerial Committee for Strategic Investments (ICSI) pursuant to point (b) of Article 10(1) of Law 4864/2021 and point (b) of Article 14(1) of Law 4608/2019, shall forward the audit request, together with the supporting documentation of the investment, to the General Secretariat for Research and Innovation (GSRI) of the Ministry of Development and Investments.

The competent service of the GSRI shall, within three (3) days, by decision notified to the General Directorate for Strategic Investments, appoint an expert from the Register of Certified Evaluators, specialised in the specific field of the investment, in order to provide an opinion on the implementation of the physical scope, the deliverables and the eligibility of research and development expenditure of the investment, in accordance with Article 25 of Commission Regulation (EU) No 651/2014 of 17 June 2014.

The expert may, where deemed necessary, request access to the documentation of the investment project file maintained at the General Directorate for Strategic Investments in order to prepare the opinion.

The expert shall draw up a report, which shall be submitted to the Directorate for the Support of Research and Innovation Actions of the GSRI.

Within a period of fifteen (15) days from the decision of appointment, the GSRI shall forward its opinion, on the basis of the above expert report, and shall return the audit request together with the supporting documentation to the General Directorate for Strategic Investments.

The General Directorate for Strategic Investments shall notify the opinion of the GSRI to the statutory auditor in order for it to be taken into account in the preparation of the Certification Report of the investment.

The remuneration of the experts for each investment project shall be set at one hundred and fifty euro (EUR 150.00), inclusive of all applicable legal deductions and bank transfer charges. The remuneration shall be paid by the GSRI and charged to the account “Returns of Capital of Law 2216/1994 of the Special Account of the General Secretariat for Research and Technology”.

Article 6

Verification of the completeness of the audit

1. The General Directorate for Strategic Investments shall receive the “Interim Certification Report” or the “Certification Report on the completion and commencement of productive operation” of the investment, as well as the “Reasonable Assurance Report”, together with any additional copies of the documents taken into account for their preparation, and the relevant implementation certificates issued by architects, civil engineers, mechanical engineers or certified auditors of appropriate specialisation. It shall verify their completeness with regard to the implementation of the physical and financial scope, the completion and commencement of productive operation of the investment, as well as the consistency of the certified data with the provisions of the applicable legal framework and the implementation certificates relating to the physical and financial scope.

In addition, for investments including aid for research and development projects, the General Directorate for Strategic Investments shall receive from the General Secretariat for Research and Innovation (GSRI) the expert opinion, in accordance with the procedure set out in Article 5 of this Decision, regarding compliance with the conditions

laid down in Article 25 of Commission Regulation (EU) No 651/2014 of 17 June 2014, as regards the implemented physical scope and the eligible research and development expenditure of the investment.

2. Following the above verification of completeness, the General Directorate for Strategic Investments shall proceed with the following actions:

a) where the Certification Report is complete and the interim implementation of the physical and financial scope, or the completion and commencement of productive operation of the investment, is certified without reservation by the auditors, it shall propose the issuance of the relevant decision (either a decision on the interim implementation of the physical and financial scope or a decision on the completion and commencement of productive operation of the investment);

b) where deficiencies are identified, either through the completeness check of the Certification Report or from the findings of the Reasonable Assurance Report relating to the investment, it shall request the submission of a supplementary or a new Certification Report, depending on the severity of the deficiencies;

c) where serious deficiencies in the investment are identified, either through the completeness check of the Certification Report or from the findings of the Reasonable Assurance Report, it may propose the application of the provisions of Article 19 of Law 4864/2021.

3. The actions referred to in paragraphs 1 and 2 shall be completed by the General Directorate for Strategic Investments within forty-five (45) days from the submission of the above reports.

4. Where the General Directorate for Strategic Investments identifies serious breaches of the provisions relating to the conduct of the audit and the completeness of the Certification Report, as provided for in Article 43 of Law 4449/2017, by the statutory auditor, either at the stage of interim certification of the investment or at the stage of certification of its completion and commencement of productive operation, the case shall be referred to the Hellenic Accounting and Auditing Standards Oversight Board (ELTE).

Article 7

Prevention of conflict of interest

1. The statutory auditor and the experts (evaluators from the Register of Certified Evaluators of the General Secretariat for Research and Innovation (GSRI), architects, civil engineers, mechanical engineers and certified auditors of other specialisations) conducting the audit shall not participate in the certification/inspection/audit or in the approval of Certification/inspection/audit Reports relating to a project of a project promoter with whom they have or maintain a relationship that may be considered as a conflict of interest, that is to say, a relationship from which they have any direct or indirect personal, primarily financial, interest linked to the entity responsible for the implementation of the investment, which may improperly influence the impartial performance of their duties. In particular, such conflict of interest shall be deemed to exist where they themselves, or through a legal entity in which they are principal shareholders, participate in the corporate or share capital or in the management of the project promoter for the project concerned, or where they have prepared or participated in any way in the preparation, submission, assessment or approval of the investment project. Furthermore, they shall not participate in the certification/verification/inspection/audit of projects or approve the relevant reports where a spouse or a relative in the ascending or descending line, or up to the fourth degree, participates in the corporate or share capital or in the management of the project promoter.
2. The statutory auditor and the experts appointed for the audit of the implementation of the investment shall submit a **solemn declaration** attesting the absence of any conflict of interest. This declaration shall be submitted once to the General Directorate for Strategic Investments.

Article 8

Entry into Force

1. This Decision shall enter into force on the date of its publication in the Government Gazette.
2. This Decision shall be published in the Government Gazette.

**THE ALTERNATE MINISTER
OF FINANCE**

THEODOROS SKYLAKAKIS

**THE ALTERNATE MINISTER
OF DEVELOPMENT AND INVESTMENTS**

NIKOLAOS PAPATHANASSIS

**THE DEPUTY MINISTER
DEVELOPMENT AND INVESTMENT**

CHRISTOS DIMAS