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Law 4384

Agricultural Cooperatives, forms of collective organization of rural areas and other provisions.

THE PRESIDENT OF THE HELLENIC REPUBLIC

We hereby promulgate the following law passed by the Parliament:

[...]

Article 58

Article 13a shall be added in Law 4251/2014, to read as follows:

«Article 13a

Employment of third country citizens irregularly staying in the country, in agricultural economy

1. If the paid posts provided for in the Joint Ministerial Decision mentioned in Article 11, paragraph 1 hereof, for employment in the rural economy are not covered through the procedure of Articles 12 and 13 hereof, the employer may lodge to the competent authority of the Decentralized Administration of his place of residence a request for the employment, by way of exception, of third country citizens who do not hold a permit to reside in the country, in order to face urgent needs in farms. This request shall include the number of posts on the basis of the ratio between arable land or livestock per worker in application of the Joint Ministerial Decision of Article 11, paragraph 3, the details and nationality of the employable third country citizens, their specialization and the period of employment. This request shall be accompanied by:

- a) The Single Crop Declaration or the Single Livestock Farming Declaration of Article 9 of Law 3877/2010 (GG A 160),
 - b) A Solemn Declaration of the employer on the situation of force majeure faced as it is not possible to conclude legal work contracts in time to face the needs in his farm,
 - c) The documents provided for in Article 13, paragraph 3.
2. The Coordinator of the Decentralized Administration examines the requests in the order they are lodged, and may issue acts of approval for the employment by way of exception of third country citizens irregularly residing in the country, until the number set in the Joint Ministerial Decision of Article 11, paragraph 1, is met. The approval granted for the employment of third country citizens by way of exception constitutes reason for their removal to be suspended and provisions in Article 24 of Law 3907/2011 (GG A 7) shall apply accordingly. The competent authority of the Decentralized Administration sends to the competent territorial Police Authority this approval. In case a return decision has already been issued, the competent police authority issues a certification for removal suspension pursuant to Article 24, paragraph 4 of Law 3907/2011, provided there is no grounds of public order and security, according Article 6, indent iii) . In case a removal decision has not been issued yet, this is being issued now by the competent police authority, followed by the issuance of a certification for the suspension of removal pursuant to Article 24, paragraph 4 of Law 3907/2011. Third

country citizens whose removal has been suspended, lodge an application for work permit at the Region of their place of residence pursuant to Article 3 of the Decision no 53619/735/2015 by the Ministers of Interior and Administrative Reconstruction, of Economy, Development and Tourism, and of Labour, Social Security and Social Solidarity (GG B 2631). It is obligatory for the Region to communicate the work permits granted to the locally competent Agricultural Insurance Organisation (OGA) correspondent and to the locally competent unit of the Labour Inspectorate (SEPE).

3. An employer who employs third country citizens pursuant to paragraphs 1 and 2 hereof, are not subject to the penalties of Articles 85, 87 and 88 of Law 4052/2012 (GG A 41).
4. Third country citizens employed in the rural economy pursuant to paragraphs 1 and 2 hereof, are insured in the Agricultural Insurance Organisation with a labour ticket pursuant to Article 27 of Law 2639/1998 (GG A 205) and Article 20 of Law 3863/2010 (GG A 115).
5. A Joint Decision by Ministers of Finance and Agricultural Development and of Labour, Social Security and Social Solidarity addresses matters in relation to counting fee cost in the workers' expenses, calculating their taxable income and any other related matter."