

LAW 4816/2021 (GOVERNMENT GAZETTE 118/A/9-7-2021)

Prevention and suppression of money laundering and terrorist financing - Amendment of Greek law 4557/2018 - Integration of Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018 on combating money laundering by criminal law, speeding up the administration of justice and other urgent provisions (Articles 1-21 are translated).

THE PRESIDENT OF THE HELLENIC REPUBLIC

We issue the following law passed by the Parliament:

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CHAPTER A PURPOSE AND OBJECT

Article 1
Purpose

The aim of Chapter B is to improve and streamline the existing legal framework for the fight against money from criminal law through the transposition of Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018, on combating money laundering through criminal law (L 284). Chapter C aims to speed up the administration of justice, as well as to facilitate citizens in seeking judicial protection, in the context of strengthening the right to judicial protection (para. 1 of Article 20 of the Constitution).

Article 2

Object

The object of Chapter B is to incorporate Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018 on combating money laundering through criminal law (L 284), as well as to update the list of the main offences relating to money laundering, the reshaping of the prescribed penalty frameworks and sanctions and the alignment of the conditions and procedure for freezing and confiscation of the proceeds of money laundering crime illegal activities with the Penal Code (P.C., 4619/2019, A' 95). In addition, Chapter C emphasises the rational allocation of court material between administrative courts in order to accelerate and improve the administration of administrative justice.

CHAPTER B

PREVENTION AND SUPPRESSION OF MONEY LAUNDERING AND TERRORIST FINANCING

Article 3

Purpose - Replacement of Article 1 of Greek law 4557/2018

Article 1 of Greek law 4557/2018 (A' 139) is replaced by the following:

“Article 1

Purpose

The purpose of this is to prevent and suppress money laundering and terrorist financing, as well as to protect the financial system from the risks posed by them.”.

Article 4

Object - Replacement of Article 2 of Greek law 4557/2018 (Para. 1, points c and b, par. 3, par. 4 of Article 3, on money laundering offences, of Directive 2018/1673)

Article 2 of Greek law 4557/2018 (A' 139) is replaced by the following:

“Article 2

Object

1. Money laundering (money laundering) consists of the following operations:

(a) to convert or transfer property in the knowledge that it originates from a criminal activity, or from an act of participation in such activity, for the purpose of concealing or concealing its illegal origin, or to assist anyone involved in such activity for (b) concealment or disguise the truth, as regards the nature, origin, disposal, movement or use of property, or the place where it is or ownership thereon, or rights relating thereto, knowing that (c) the acquisition, possession or use of property, knowingly, at the time of acquisition, or at the time of possession or use, of the fact that the property originates from criminal activity; (d) the use of the financial sector by placing in it or moving through it proceeds from criminal activities, with a view to laundering that revenue.

2. Money laundering also exists when the activities from which the property to be laundering originates have taken place in the territory of another state, since these would be a basic offence if they were committed in Greece and are considered criminal, according to the legislation of that State.

Activities which, if they had taken place in Greece, would constitute one of the main offences of points a, b, c, d, h, k, m, s of Article 4 of this Law and Article 323A on Trafficking in Human Beings of the Penal Code (P.C., 4619/2019, A' 95), are not required to be punishable under the law of the foreign state.

3. Conviction for the offenses of par. 1 is possible where it is established that the property originated from a specific basic offence referred to in Article 4, without requiring the establishment in detail of all the facts or circumstances relating to the criminal activity in question, including identity of the perpetrator.”.

Article 5

Predicate offences - Amendment of Article 4 of Greek law 4557/2018 (Article 2 on the definition of the criminal activities of Directive 2018/1673)

Article 4 of Greek law 4557/2018 is replaced by the following:

“Article 4

Basic offenses

For the purposes of this, “predicate offences” means the following:

a) the criminal organization according to article 187 of the Penal Code (P.C., Greek law 4619/2019, A' 95),

b) terrorist acts, terrorist organization and their criminal support and financing under Articles 187A, 187B of the P.C. and 32 to 35 of Greek law 4689/2020 (A' 103),

c) the bribery and bribery of politicians and judicial officers referred to in Articles 159, 159a and 237 of the P.C. and the bribery and bribery of an official pursuant to Articles 235 and 236 of the P.C.;

d) the trade in influencer-intermediaries and bribery and corruption in the private sector according to articles 237A and 396 of the Penal Code and the bribe-bribery for alteration of the result of struggle according to article 132 of Greek law 2725/1999 (A' 121),

e) crimes against telecommunications under par. 1 to 4 of Article 292A, Articles 292B, 292C, 292D and para. 1 and 2 of Article 292E of the Penal Code and unlawful access to an information system or data pursuant to Articles 370A, 370B, 370C, para. 2 and 3 of article 370D of Penal Code, (f) intentional killing as referred to in Article 299 of the Penal Code, grievous bodily injury as referred to in Article 310 of the Penal Code, fatal harm referred to in Article 311 of the Penal Code, rapture pursuant to Article 322 of the Penal Code, trafficking in human beings as referred to in Article 323A of the Penal Code, the abduction of minors pursuant to Article 324 P.C.; and unlawful retention as referred to in Article 325 of the Penal Code,

f) counterfeiting of currency and other means of payment referred to in Article 207 of the Penal Code, the circulation of counterfeit coins and other means of payment pursuant to Article 208 of the Penal Code, the over-manufacture of currency as referred to in Article 208A of the Penal Code, the forgery and misuse of stamps referred to in paragraph 1 of Article 208C of the Penal Code, the preparatory acts referred to in Article 211 of the Penal Code, the forgery referred to in Article 216 of the Penal Code, the distinguished forgery of certificates as referred to in par. 3 of Article 217 of the Penal Code, theft pursuant to Article 372 of the Penal Code, grand theft pursuant to Article 374 of the Penal Code, embezzlement under Article 375 of the Penal Code, robbery under Article 380 of the Penal Code, extortion under Article 385 of the Penal Code, fraud under Article 386A of the Penal Code, fraud relating to grants under Article 386B of the Penal Code, infidelity under Article 390 of the Penal Code, acceptance and disposal of proceeds of crime under par. 1 of Article 394 of the Penal Code and usury as referred to Article 404 of the Penal Code,

g) the facilitation of infestations of minors under Article 348 of the Penal Code, the pornography of minors under Article 348A of the Penal Code, the solicitation of children for sexual reasons under Article 348b of the Penal Code, the pornographic representations of minors under Article 348C of the Penal Code, the pimping in accordance with Article 349 of the Penal Code and the sexual act with minor for a fee under Article 351A of the UCY, i) the crimes of articles 20 to 23 of Greek law 4139/2013 (A' 74) on addictive substances, j) the crimes of articles 6, 15 and 17 of Greek law 2168/ 1993 (A' 147) on matters relating to weapons, ammunition, explosives, explosive devices,

h) the crimes of articles 53, 54, 55, 61 and 63 of Greek law 3028/2002 (A' 153) on the protection of antiquities and cultural heritage, l) the crimes of par. 1 and 3 of Article 8 of Presidential Decree 181/1974 (A' 347) on protection against ionising radiation,

i) the crimes of par. 5 to 8 of article 29 and article 30 of Greek law 4251/2014 (A' 80) on immigration and social integration, n) crimes for the criminal protection of the financial interests of the European Union of Article 24 of Greek law 4689/2020 (A' 103), o) the stock market crimes of articles 28 to 31 of Greek law 4443/2016 (A' 232),

j) the crimes:

i) in the tax evasion of Article 66 of Greek law 4174/2013 (A' 170) with the exception of the first subparagraph of par. 5, and cross-border fraud relating to Value Added Tax (VAT) of Article 23 of Greek law 4689/2020

ii) the smuggling of articles 155 to 157 of Greek law 2960/2001 (A' 265),

k) the crimes of par. 1 to 3 of article 28 of Greek law 1650/1986 (A' 160) on the protection of the environment and para. 1 to 5 of article 6 of Greek law 4037/2012 (A' 10) for marine pollution and point a of par. 1 of Article 13 of Greek law 743/1977 (A' 319), as codified into a single text by Presidential Decree 55/1998 (A' 58) on the protection of the marine environment,

l) the crimes of article 66 of Greek law 2121/1993 (A' 25) on intellectual property and par. 1 and 2 of article 45 of Greek law 4679/2020 (A' 71) on trademarks,

m) piracy in accordance with Article 215 of Presidential Decree 187/1973 (A' 261),

n) the crimes of non-payment of debts to the State of Article 25 of Greek law 1882/1990 (A' 43), with the exception of paragraph 1 of par. 1, as well as non-payment of debts resulting from penalty payments or fines imposed by the courts or by administrative and other authorities; and

o) any other crime punishable by a custodial sentence, the minimum limit of which is more than three (3) months, resulting in a property benefit.”.

Article 6

Criminal sanctions for the basic offense and its variants - Replacement of Article 38 of Greek law 4557/2018 (Point a par. 3, par. 5 Article 3, Article 5, Article 6 par. 1 and 2 of Article 10 and Article 11 on money laundering offences, penalties against natural persons, aggravating circumstances, jurisdiction and investigative tools of Directive 2018/1673)

Article 39 of Greek law 4557/2018 (A'139) is replaced by the following:

“Article 39

Criminal sanctions

1.a) The person responsible for money laundering is punishable by imprisonment of up to eight (8) years and a fine of three hundred (300) to one thousand (1,000) daily units.

b) The person responsible for the actions of point a is punishable by imprisonment up to ten (10) years and a fine of one thousand (1,000) to five thousand (5,000) daily units:

(aa) if the object of legalization exceeds in total in value the amount of one hundred twenty thousand (120,000) euros, or

(bb) if the transaction is carried out by a person liable in the course of his professional activity or by a person referred to in the first subparagraph of paragraph 2.

2 of Article 46, or

(cc) if the property which is the subject of legalization comes from the felonies of points a, b, c, h and i of Article 4, as well as Articles 323A, 374, 380, par. 2 and the second subparagraph of para. 3 Article 385 of the Penal Code (P.C., 4619/2019, A' 95), of par. 5 of article 30 and article 30 of Greek law 4251/2014 (A' 80),

c) The person responsible for the actions of point a is punishable by imprisonment and a fine of two thousand (2,000) to ten thousand (10,000) daily units, if he carries out such activities by profession or as a member of a criminal organization, which seeks to commit acts of legalization.

d) If the basic offence is punishable to a degree of misdemeanor, the penalty for the offence of money laundering is imprisonment of up to three (3) years and a fine of up to three hundred (300) daily units. If the act was carried out professionally, the sanctions laid down in point c.

e) The criminal liability for the predicate offence does not exclude the punishment of the offenders, instigator and participants, for the actions of points (a), (b), (d) and (d), provided that the objective test of the money laundering operations is other than that of the predicate offence. In any case, the perpetrator or participant of the act of point c of par. 1 of Article 2 shall be left unpunished if he is found guilty, by the same or earlier judgment, of committing the basic offence, unless the act of legalization is threatened with a custodial sentence with a higher ceiling. The exemption referred to the preceding subparagraph shall not preclude the imposition of a penalty on the other perpetrators or shareholders of the act of legalization. If the offender has been convicted of a basic offence, the penalty against him or his relatives for the offence of money laundering resulting from the same predicate offence may not exceed the penalty imposed for committing the predicate offence.

f) With imprisonment and fine up to five hundred (500) daily units punishable the perpetrator of the crime of money laundering of point c of par. 1 of Article 2 who is not a party to the commission of the basic offence, if it is the person at fault of the basic offence.

g) The last paragraph of point e and point f shall not apply if there are circumstances in the professional performance of legalization.

h) When measuring the penalty for money laundering operations, account shall be taken as aggravating circumstances of irrevocable convictions for this offence issued by courts of other States Parties to the Council of Europe Convention of 16 December May 2005 on the laundering, detection, seizure and confiscation of proceeds from criminal activities and terrorist financing, ratified by Greek law 4478/2017 (A' 91).

2. The par. 1 also applies where the money laundering operations were carried out abroad by a national, even if the conditions laid down in paragraph 1 and 3 of Article 6 of the Penal Code, are not met. It also applies where those transactions were carried out abroad for the benefit of a legal person or entity having its registered office or establishment in Greece.

3. The prosecution and conviction for money laundering do not require the prosecution or conviction of the offender of the predicate offence.

4. In case where the punishable nature of the action is eliminated, in case of court release of the sentence, in case of acquittal due to the non-punishable nature of the action or in case of exemption of the offender from the sanction due to satisfaction of the injured party for the predicate offence, which entails this outcome, the punishable nature of the relevant money laundering operations is also eliminated, no penalty is imposed, and the offender is acquitted or exempted from the sanction for the relevant money laundering operations too. This does not apply where the punishable by the predicate offence has been eliminated by reason of limitation.

5. Employees of obliged legal persons or any other person obliged to report suspicious activities who fails to competently report suspicious or unusual transactions or activities or presents false or misleading information, in breach of the relevant legislative, administrative or regulatory provisions and rules, shall be punished by imprisonment of up to two (5) years and a fine of up to two hundred (200) daily units, provided that no other provisions impose heavier sanctions for their action.

6. The felonies provided for in this Law shall be tried by the Tripartite Court of Appeal and misdemeanors by the Tripartite Misdemeanor Court.

7. On the crimes of par. 1 may be carried out the special investigative acts referred to in Article 254 of the Penal Code (P.C., Greek law 4620/2019 (A' 96)).”.

Article 7

Confiscation of assets - Replacement of Article 40 of Greek law 4557/2018 (Article 9 on confiscation of Directive 2018/1673)

Article 40 of Greek law 4557/2018 (A'139) is replaced by the following:

“Article 40

Confiscation of assets

1. Assets which are the proceeds of a basic offence referred to in Article 4, or of the offences referred to in Article 2, or acquired directly or indirectly as the proceeds of such offences, or the means used or intended to be used for the commission of such offences, shall be seized and, if there is no case of their return to the owner, in accordance with par. 2 of Article 311 and the second paragraph of Article 372 of the Penal Code (P.C., Greek law 4620/2019, A' 96), compulsorily confiscated with the conviction. Where the proceeds of the offence are mixed with property from legitimate sources, seizure and confiscation shall be imposed up to the amount of the value of that product. Confiscation shall be imposed even if the assets or assets belong to a third party, provided that the latter was aware of the basic offence (s) referred to in Article 2 at the time of their acquisition. Knowledge of the third party must be specifically justified in the court decision. Where the third party is a legal person, it shall be examined whether the foreseeable knowledge of the origin of the assets has been available to anyone who has the power to represent it or is authorised to take decisions or to exercise

control, within the legal person or business or in anyone who actually carries out these duties. This applies also in case of attempts of the above offences. Confiscation shall not be imposed where the court, of its own motion or at the request of a party or a third party, considers that it is disproportionate in this case, such as where there is a risk of depriving the convicted person or a third party, in particular their family, of something which serves the necessary their livelihood or cause to them excessive and irreparable harm. In the cases referred to in the preceding subparagraph, the court may impose a limited confiscation or penalty accordingly, in accordance with para. 2.

2. If the property or the proceeds, in accordance with par. 1, no longer exists, has not been found or cannot be seized, seized and confiscated under the terms of para. 1 assets of equal value to that of the aforementioned property or proceeds at the time of the conviction, as determined by the court (substitute confiscation). The court may also impose a penalty up to the amount of the value of the property or proceeds, if it considers that there are no additional assets to be confiscated or the existing assets fall short of the value of the property or proceeds or belong to a third party who cannot be confiscated. The first and second subparagraphs shall not apply where the property or product of par. 1 has already been confiscated on the basis of an irrevocable judgment given in another trial. These subparagraphs apply, however, if the prior confiscation was a substitute confiscation and the confiscated property had not been derived from the criminal conduct for which they were confiscated. The confiscation imposed under the terms of par. 1 and hereof shall be without prejudice to any prior rights acquired by bona fide third parties or by the injured party by the basic offence or by the offence of legalization in respect of confiscated property. These rights can be exercised in accordance with the provisions of private law and the Penal Code.

3. Confiscation is also ordered where no prosecution has been brought for the reason of the death of the person responsible or the prosecution has been permanently terminated or declared inadmissible. In such cases, confiscation shall be ordered by order of the Judicial Council, or by a decision of the court which ceases or declares the prosecution inadmissible and, if no prosecution has been brought, by the order of the competent local misdemeanor council. Article 495 and par. 3 of Article 504 of the Penal Code shall apply accordingly in the present case.

4. The par. 2 of Article 311 and the second paragraph of Article 372 of the Penal Code shall apply depending on whether confiscation has been ordered against the property of a third party who did not take part in the proceedings or was summoned thereto.

5. In each case of confiscation, the court shall decide whether confiscated must be destroyed, or whether they can be used in the public interest, for social purposes, or for the satisfaction of the injured party by the basic offence or legalization offence. In the latter case, the injured party may exercise his rights over the confiscated property in accordance with the provisions of private law and the Penal Code.”.

Article 8

Compensation for the State - Amendment of par. 2 of Article 41 of Greek law 4557/2018

The par. 2 of Article 41 of Greek law 4557/2018 (A' 139) is amended by updating the reported offences and Article 41 reads as follows:

“Article 41

Public compensation (Articles 58 and 59 on penalties of Directive 2015/849)

1. The State may, after a minutes or opinion of the Legal Council of the State, claim before the competent civil courts from the irrevocably sentenced to deprivation of liberty a sentence of at least three (3) years for a criminal offence of par. 2, any other property acquired by him from another offense of par. 2, even if the offence has not been prosecuted for that offence, because of the death of the person liable or the prosecution instituted has been permanently terminated or declared inadmissible.

2. Par. 1 applies to the following criminal offences, provided that they may, directly or indirectly, give rise to economic benefit:

a) of points a, b ,c and i of Article 4 of this Law, and of Articles 237A, 323A and 396 of the Penal Code (P.C., 4619/2019, A' 95),

b) Articles 207, 208, 208A P.C.,

c) Articles 216, 372, 374, 375 and par. 1 of Article 394 of the Penal Code in so far as they relate to non-cash means of payment,

d) Articles 348a, 348b, 348c, 349 of the Penal Code, e) Article 292b of the Penal Code.

3. If the property listed in par. 1 transferred to a third party, the convicted person is obliged to receive compensation equal to its value at the time of discussion of the lawsuit. The above claim may also be brought against a third party acquired for free, if at the time of the acquisition he was a spouse or a blood relative in a direct line with the convicted person or his brother or stepchild, as well as against any third party who acquired the property after the exercise against the convicted criminal prosecution for the above crime, if at the time of obtaining it, the persons concerned were aware of the prosecution of the convicted person. The third and the convicted person are severally liable.”.

Article 9

Freezing and prohibition of divestiture of assets - Replacement of Article 42 of Greek law 4557/2018 (Article 9 on confiscation of Directive 2018/1673)

Article 42 of Greek law 4557/2018 (A' 139) is replaced by the following:

“Article 42

Freezing and prohibition of divestiture of assets - Authorizing provision

1. Where a regular investigation of the offences referred to in Article 2 is carried out, the investigating judge may, with the consent of the public prosecutor, order the freezing of any type of accounts, securities or financial products held by a credit institution or financial

institution and the contents of the vault boxes of the accused person, whether or not shared with another person of any kind, where there are serious indications that such assets originate directly or indirectly from the commission of the offences referred to in Article 2. The same applies where an investigation of a basic offence is carried out and there are serious indications that these assets originate directly or indirectly from the commission of the offence or are subject to confiscation in accordance with Article 40. The freezing may also relate to assets of a third natural or legal person where there are serious indications that the conditions for such confiscation are met in paragraph 1 of Article 40. In the event of a preliminary examination or preliminary investigation, without prejudice to para. 2 Article 36 of the Code of Criminal Procedure (CPC, Greek law 4620/2019, A' 96) for the enforcement of this measure by financial crime prosecutors, the freezing of the above assets may be ordered by the Judicial Council, if there are reasonable grounds for suspecting that they originate directly or indirectly from the commission of a basic offence or a legalisation offence or subject to confiscation in accordance with Article 40. The order of the investigating judge or the decision of the council shall act as an attachment report, issued without prior summons by the accused or the third party, it is not necessary to indicate a specific account, title, financial product or box, it shall be disclosed by any means, under conditions which ensure that the credit institution or financial institution is certified and authenticated, and shall be served on the person against whom the freezing is made within 20 days of its issue. In the case of joint accounts, securities or financial products, it shall also be served on the third co-beneficiary, and in the case of deposit boxes and on the lessee's proxy. The imposition of the freezing does not impede the opening of new bank accounts to serve only the living and professional needs of the person against whom the freezing is directed. In the case of the preceding subparagraph, mandatory measures of increased due diligence shall be taken and the competent prosecutor or investigator shall be informed of the transactions carried out. In this case, bank secrecy does not apply.

2. The freezing provided for in para. 1 shall apply from the time of the proven notification of the order of the investigator or the party to the credit institution or financial institution. Since then, the opening of the deposit box is prohibited and the disbursement of funds from the account or divestment of securities or financial products is void to the State. A manager or employee of a credit institution or financial institution who intentionally violates the provisions of this document shall be punishable by imprisonment of up to two (2) years and a penalty payment. The freezing shall not affect any prior rights acquired by bona fide third parties in respect of the account, securities or financial products or the contents of the box. Nor shall the injured party be prevented by the basic offence or legalization offence, even after the imposition of the freezing, from acquiring rights over the assets of par. 1. The rights of the preceding two subparagraphs may be exercised in accordance with the provisions of private law and the Code of Civil Procedure.

3. If the conditions of par. 1, the investigator or the judicial board may order the prohibition of divestiture of certain property or other property of the accused person. The order of the investigating judge or the order shall act as a statement of attachment, shall be issued without prior summons by the accused person and shall be communicated by any means, under conditions which guarantee written proof and enable them to be ascertained, where appropriate, to the competent authority land registrar or head of land registry office or registry office or other competent authority to register the relevant registration, who shall be required to make a note on the same day in the relevant books and file the document

notified to them. The order of the investigating judge or the order shall be served on the accused within twenty (20) days of his issue, as well as on the third joint owner of the property or on the holder of another right recorded in the books of the above services. Any transaction, mortgage, seizure or other act entered in the books of the above competent departments after the registration of the above note is null and void to the State. The fourth, fifth and sixth subparagraphs of par. 2 shall apply accordingly in the present case.

4. The person against whom the measure of the freezing is directed and the third party or beneficiary in respect of the frozen property are entitled to request the removal of the order of the investigating judge, or the revocation of the will, or the restriction thereof to assets of less value than the bound by an appeal addressed to the competent judicial council and lodged with the investigator or the prosecutor within twenty (20) days of service on him of the order or parliament. The investigating magistrate does not take part in the composition of the Board. The lodging of the appeal and the time limit for that purpose shall not suspend the execution of the order or the term of office. The Board shall, in its view of the limitation of frozen assets, take particular account of the existence of other co-owners or beneficiaries in such assets.

5. Regardless of the lodging of the appeal under par. 4 or on the basis of judgment thereon, the order or decision may be revoked, or reformed and the freezing to be lifted or limited ex officio by the investigating judge or the judicial council or at the request of the person against whom it is directed or the third party or beneficiary over the bound of assets, if new items arise, or special circumstances arise in the person of them or members of their families. It is also permissible to lift or limit the freezing in order to satisfy the injured party by the basic offence or the legalisation offence and where the case is not yet the case provided for in Article 304 of the CPC. After the defendant has been referred to the hearing, the order or decision may be revoked or reformed by the Judicial Council or Tribunal, in accordance with the first subparagraph of para. 1 and para. 2 of Article 294 of the CPC, which shall apply accordingly.

6. Right to submit an appeal or application to the Judicial Council, according to par. 4 and 5 shall also be held by third parties who claim ownership or other right to the frozen asset on their behalf.

7. Where an investigation is carried out by the Authority, the freezing of accounts, securities and financial products and the contents of the boxes, as well as the prohibition of the transfer or divestiture of any asset may be ordered in urgent cases by the President of the Authority, with the terms and conditions provided in para. 1 to 3, if there are reasonable grounds for suspecting in point (d) of para. 2 of Article 48. The data relating to the freezing legally collected by the Authority shall constitute evidence of any criminal case file in connection with the offences referred to by the Authority and shall be taken into account, by way of derogation from the provisions relating to banking, tax, telecommunications, brokerage and any other confidentiality. The evidence and a copy of the case file shall be forwarded to the competent public prosecutor, without hindering the continuation of the investigation by the Authority. Persons harmed by the above freezing have the rights provided for in para. 4, 5 and 6. The time limits for the duration of the freezing measures described in the first subparagraph of para. 2 of Article 36 of the CPC shall also apply to the freezing or prohibition of transfer or divestiture, which is ordered by the President of the

Authority, in accordance with the provisions hereof. The continuation of the order of the President of the Authority beyond the time limits referred to in the preceding subparagraph shall be decided by the investigating judge, in his order, whether the case is pending at the stage of the investigation, or the Judicial Council in any other case, in accordance with the terms and conditions of para. 1 to 3.

8. When issuing the order or the decree of par. 1, 3 and 7 excludes amounts necessary to cover the living, maintenance or operation needs of the persons concerned or their families, the costs of their legal support and the basic costs of maintaining the frozen assets. The persons concerned, at their request addressed to the authority which decided the freezing or by the appeal or application provided for in para. 4, 5 and 7 may request the release of certain amounts for the above reasons. Bank accounts in which salaries, pensions or similar annuities of the person against whom the freezing is directed may also be excluded from the freezing.

9. The freezing hereof shall be automatically lifted upon the time limits set out in para. 4 Article 262 of the CPC. In any case, the Judicial Council, when referring the defendant to the hearing, shall decide on the maintenance of the freezing, provided that the serious indications of paragraph 1 are met, or to limit or remove it. Where the Council decides that no charge should be made against the accused, it shall withdraw the freezing and order the return of the assets to the beneficiary. Paragraph 3 of Article 311 of the CPC is also applicable. 3 Article 311 of the CPC. Article 373 of the CPC shall apply during the procedure at the hearing. In the cases of par. 3 and 4 of Article 43 CPC and para. 2 and 3 of Article 51 of the CPC the withdrawal of the freezing is ordered by the prosecutor in accordance with the application of par. 3 Article 269 of the CPC. Article 544 of the CPC shall also apply to compensation where the freezing was not justified.

10. Any provision, decree or court decision amending or withdrawing the imposed freezing or continuing its validity pursuant to par. 7, as well as any order of referral maintaining the freezing, notified or served within twenty (20) days of its adoption, with the care of the public prosecutor's office or the President of the Authority, if the change has been made by order, on the addressees to whom it is notified; or the corresponding order or order imposing that measure shall also be served. The services of par. 3 must, in the case referred to in the preceding subparagraph, make a note in the books which they keep. Third-party co-owners of the property or beneficiaries of a right thereto, as well as those recipients, have the right to be informed of the above changes from the documents in the case file concerned and to obtain copies of the relevant documents, with the approval of the investigating judge, if the case pending at the stage of questioning, or the prosecutor in any other case. Any doubt as to the validity, duration, extent or withdrawal of the freezing shall be determined by the competent authority in the second subparagraph of paragraph (a) and (b) of the second subparagraph of paragraph 2 of Article 292 of the CPC of the Judicial Council, or the court in the course of the hearing under Article 373 of the CPC, at the request of the person against whom the freezing is directed, of the third party or beneficiary in respect of the frozen asset and the above recipients. In cases of automatic withdrawal of the validity of the provision, the expiry of the time limits shall be established by an act of the competent prosecutor handling the case and the result is communicated to the person concerned.

11. The rights of the person against whom the freezing is directed at present may also be exercised by his heirs in the event of his death.

12. This shall apply *mutatis mutandis* except credit and financial institutions and to the other obliged persons referred to in Article 5.

13. By decision of the Minister of Justice, all the specific issues relating to the freezing and prohibition of divestiture of assets provided for herein shall be regulated.”.

Article 10

Liability of legal persons and entities - Amendment of par. 1 and 8 of Article 45 of Greek law 4557/2018 (Articles 7 and 8, on liability of legal persons and sanctions for legal persons, of Directive 2018/1673)

The points b' and d' of par. 1 and the first paragraph of para. 8 of Article 45 of Greek law 4557/2018 (A' 139) on administrative sanctions against legal persons and entities, are amended and Article 45 reads as follows:

“Article 45

Liability of legal persons and entities

1. If a criminal offence of money laundering or one of the principal offences is committed for the benefit or on behalf of a legal person or entity by a natural person acting either individually or as a member of an organ of the legal person or entity and holds a managerial position within them or has authority to represent them or authorization to make decisions on their behalf or to exercise control within them, the following sanctions shall be imposed on the legal person or entity, cumulatively or separately, with justification:

a) an administrative fine of fifty thousand (50,000) to ten million (10,000,000) euros. The exact amount of the fine is set at least twice the amount of profit resulting from the infringement, if the profit can be determined, or if it cannot be determined at one million (1,000,000) euros.

b) Definitive or temporary, for a period of one (1) month to two (2) years, revocation or suspension of the license or prohibition of doing business, or dissolution of the legal person or entity and putting him or her into liquidation.

c) Prohibition on the pursuit of certain business activities or establishment of branches or increase of share capital, for the same period of time.

d) Definitive or temporary exclusion for the same period from public benefits, aid, works and services assignments, supplies, subsidies, advertisements and tenders of the Greek State or legal entities governed by public law including Local Government Organizations (LGO) and their legal entities, subject to articles 73 and 74 of Greek law 4412/2016 (A' 147) and 39 and 42 of Greek law 4413/2016 (A' 148).

The administrative fine of point a' is always imposed regardless of the imposition of other sanctions. The same sanctions shall be applied where a natural person possessing any of the qualities referred to in the first subparagraph is an instigator or an accomplice in the same acts. The imposition of administrative sanctions requires an irrevocable conviction against the natural person.

2. Where the lack of supervision or control by a natural person referred to in para. 1 has made possible the commission by a hierarchically lower official or by an agent of the legal person or entity of the money laundering operation or the principal offence for the benefit of or on behalf of the legal person or entity, justified in the legal person or entity, cumulatively or alternatively, the following sanctions:

a) Administrative fine from ten thousand (10,000) euros to five million (5,000,000) euros.

The exact amount of the fine is set at least twice the amount of profit resulting from the infringement, if the profit can be determined, or if it cannot be determined at one million (1,000,000) euros.

b) The provided for in points b', c' and d' of par. 1 sanctions, for a period of up to one (1) year.

3. In the case of an obliged legal person or entity, the above sanctions shall be imposed by a reasoned decision of the competent supervisory authority. If it is a non-obliged legal person or entity, imposed by a reasoned decision of the Head of the competent Operational Directorate SDOE.

4. For the cumulative or disjunctive application of the sanctions provided for in para. 1, 2 and 3 and the measurement of such sanctions shall take account of all relevant circumstances, in particular:

(a) the gravity and duration of the infringement;

(b) the degree of liability of the legal person or entity;

(c) the economic standing of the legal person or entity;

(d) the amount of the unlawful revenue or benefit obtained;

(e) the damages of third parties resulting from the offence, f) the actions of the legal person or entity after the infringement has been committed, g) the recidivism of the legal person or entity.

5. No sanction shall be imposed without prior summoning of the legal representatives of the legal person or entity to provide explanations. The summons shall be notified to the person concerned at least ten (10) full days prior to the day of the hearing.

For the rest, paragraphs 1 and 2 of Article 6 of the Code of Administrative Procedure (Greek law 2690/1999 (A' 45) shall apply. In order to establish infringements and impose the

sanctions provided for, the competent authorities shall exercise their powers of control, in accordance with the provisions governing their operation.

6. The application of the provisions of para. 1 to 5 is independent of the civil, disciplinary or criminal liability of the natural persons referred to therein.

7. The prosecution authorities shall immediately inform, where appropriate, the sanctioning authority of criminal proceedings in cases involving a legal person or entity, in accordance with the meaning of para. 1 and 2 and send them a copy of the case file. In case of conviction of a natural person for the offences referred to in para. 1 and 2, the court may, respectively, order that a copy of the judgment and the relevant case file be sent to the sanctioning authority.

8. For the felony of par. 1 of Article 187B of the Penal Code (P.C., 4619/2019, A' 95), the liability of legal persons or entities is defined in Article 36 of Greek law 4689/2020 (A' 103) with the prejudice to articles 73 and 74 of Greek law 4412/2016 and 39 and 42 of Greek law 4413/2016. Specific provisions establishing liability of legal persons for other essential offences shall be maintained.”

Article 11

Units and Responsibilities of the Authority - Amendment of point d' of para. 2 of Article 48 of Greek law 4557/2018

In the fifth subparagraph of point c of para. 2 of Article 48 of Greek law 4557/2018 (A' 139), following the changes made to article 42 of the same law, the reference to “par. 5” is corrected to “par. 7” and point d' is worded as follows:

“(d) In urgent cases, where there is a suspicion that property or transaction is related to money laundering or terrorist financing, the President shall order the temporary freezing of the property or the suspension of execution of the transaction in question, as to investigate the validity of the suspicion as soon as possible and in any case within fifteen (15) working days. If the investigation is completed before the expiry of the deadline without confirmation of suspicion, the President shall withdraw the provisional freezing or suspension. After the expiry of the period, the temporary freezing or suspension shall be automatically lifted. Temporary freezing or suspension shall be ordered under the same conditions when requested by a corresponding authority in another Member State of the European Union. Where the Authority's investigation reveals reasonable suspicions of the commission of the above offences, the President shall order the freezing of the assets of the controlled persons, in accordance with the provisions of para. 7 of Article 42. At the end of the investigation, the Unit shall decide whether the case should be filed or referred with a reasoned conclusion to the competent prosecutor, provided that the information collected is sufficient for such a referral. A case that has been filed may at any time be retracted for the continuation of the investigation or associated with any other investigation by the Authority.”.

CHAPTER C

PROVISIONS TO SPEED UP THE PROVISION OF JUSTICE

Article 12

Regional Administrative Court of Appeal - Addition of a subparagraph to par. 1 of Article 3 of Greek law 702/1977

The first subparagraph of para. 1 of Article 3 of Greek law 702/1977 (A' 268) is updated, in the vernacular added new second subparagraph and par. 1 is configured as follows:

“1. The administrative court of appeal in the district in which the administrative authority which issued the contested act has its seat shall have jurisdiction locally to hear the abovementioned applications for annulment.

In the case of a transfer by an institution of any authority of the right to sign, the competence referred to in the preceding subparagraph shall be determined on the basis of the region in which the institution which ultimately signs is located.

The above applications for annulment may also be brought to the Administrative Court of Appeal of the place where the applicant is serving or training or is employed. Priority between courts shall be determined by the time when the application is lodged.”.

Article 13

Territorial competent administrative court for substantive disputes - Replacement of para.2 Article 7 of the Administrative Procedure Code

In par. 2 Article 7 of the Administrative Procedure Code (Greek law 2717/1999, A' 97) on jurisdiction to hear administrative disputes of substance, a new point e' is added as follows: “(e) in the case of tax disputes arising from acts of audit authorities established in Athens, but their control powers extend beyond Attica, the competent court shall be that in the region of which the controlled natural or legal person is domiciled.”.

Article 14

Territorial court with jurisdiction in disputes referred to in Article 216 of the Administrative Procedure Code - Amendment of para. 2 Article 218 of the Administrative Procedure Code

The second subparagraph of para. 2 of Article 218 of the Administrative Procedure Code (Greek law 2717/1999, A' 97) is amended and specifies that the competent court for seizures measures against credit institutions is only the court for the place of residence of the debtor, and para. 2 is worded as follows:

“2. In the event of opposition against a cash certificate, the court in which the authority that issued the contested act is located, the court having jurisdiction in the first instance, and, in any other case of opposition, the court of the place of enforcement. In particular, in the case of seizures measures against credit institutions, the court in the place of residence of the debtor has jurisdiction.”.

Article 15

Power in the court - Add a subparagraph to par. 5 of Article 224 of Administrative Procedure Code

In par. 5 of Article 224 of the Administrative Procedure Code (Greek law 2717/1999, A' 97) the second subparagraph is added and paragraph 5 is worded as follows:

“5. Claims relating to the repayment of the claim for which enforcement is expedited may be raised on the occasion of an opposition against the cash certificate or any act of enforcement, and must be proved immediately. Claims concerning the limitation period of the State's claim for tax or duty may also be raised on the occasion of an objection for the first time if they have not been proposed and decided by another court with the force of res judicata.”.

Article 16

Increase of organic positions of judicial officers of Ordinary Administrative Courts

The organic positions of judicial officers of the Ordinary Administrative Courts are increased from September 1, 2021 as follows:

- a) the Presidents of Appeals by three (3) and their total number is seventy-eight (78),
- b) of the Appeals by six (6) and their total number is defined at two hundred seventy-two (272).

CHAPTER D

PROVISIONS FOR OFFICIALS AND JUSTICE OFFICERS

Article 17

Standing Committee on Aptitude Test - Amendment of para. 2 of Article 16 of Greek law 4194/2013

The par. 2 of Article 16 of Greek law 4194/2013 (A' 208), as regards the establishment of the Standing Aptitude Test Committee of the Athens Bar Association, is amended and now as follows:

“2. (a) The Commission of para. 1 is appointed for three (3) years, headquartered in Athens and operates at the offices of the Athens Bar Association and consists of:

aa) the Dean or the President of the Legal Department of Legal Schools of the Country or his deputy, as President,

ab) a (1) Professor of the Law Department or the Law School of a Higher Educational Institution or his deputy, as a member and

ac) the Presidents of the Bar Associations of Athens, Thessaloniki and Piraeus or their alternates as members.

b) Secretary of the Committee is appointed an employee of the Athens Bar Association, a law graduate or a paid lawyer of the Athens Bar Association. Support and logistics are provided to the Commission by the Athens Bar Association.”

Article 18

Compensation of members of the Central Examination Committees, Organizing Committees of Appeals and Scoring Groups of Panhellenic Lawyers' Competitions

By way of derogation from Article 40 of Greek law 849/1978 (A' 232), in the delegated act of para. 2 of Article 20 of Greek law 4194/2013 (A' 208) joint decisions of the Ministers of Finance and Justice determining the compensation of the members of the Central Examination Committees, the Organizing Committees of the Appeals Courts and the Scoring Groups of the Panhellenic Lawyers Competitions A' examination period 2019 and 2nd examination period of the year 2019, may be given retroactive validity up to three (3) years before their publication.

Article 19

Duties of judicial officials - Amendment of Article 112 of Greek law 4798/2021

1. In article 112 of Greek law 4798/2021 (A' 68), on the duties of judicial officials, added par. 3 and Article 112 is worded as follows:

“Article 112

Obligation to carry out tasks

1. The employee performs the duties of his branch and specialty.

2. In the case of overriding service needs which cannot otherwise be met, tasks of another branch or specialty may be assigned to a judicial officer. In similar cases, the official may be assigned tasks related to his specialty or duties or for which he/she has the requisite experience or specialisation. The assignment is made by decision of the head of the court or the public prosecutor's office or the Commissioner General, for a period of up to six (6) months, with the possibility of extension for a further six (6) months, with the same decision. For the Court of Auditors' regional offices in particular, the delegation is made by decision of the Commissioner responsible. The delegation period may be extended up to two (2) years in total, by decision of the competent body of the Ministry of Justice, with the agreement of the competent staff council.

3. The participation of judicial officials in the implementation of programmes and actions for the development, promotion and improvement of e-Justice is part of the framework of their tasks. Judicial officials who take part in committees or working parties for the implementation of these programmes and actions shall be selected by an act of the body headed by the court or public prosecutor's office, whose organisation or activities are intended, and to which serve.”.

2. Article 96 of Greek law 4798/2021 is amended in order to add a reference to para. 3 of Article 112, and the article is worded as follows:

“Article 96
Right to perform tasks

The judicial officer has the right to perform the tasks of the branch to which he/she belongs and his/her specialty, with the prejudice to par. 2 and 3 of Article 112.”.

CHAPTER E TRANSITIONAL PROVISIONS

Article 20
Transitional provisions for cases pending before administrative courts

Articles 12 and 13 also cover pending cases, which have not been discussed, which are referred to the competent administrative court in accordance with the procedure laid down in par. 4 of Article 34A of Presidential Decree 18/1989 (A' 8) and Article 126A of Greek law. 2717/1999 (A' 97).

CHAPTER F REPEALED PROVISIONS

Article 21
Repealed provisions

Article 25 of Greek law 4689/2020 (A' 103) on offences directed against the financial interests of the European Union, is repealed.