

Greece – national procedures for mutual legal assistance on laundering,
search, seizure and confiscation of proceeds of crime
(ETS No. 141)
Updated 03/11/2016

The information contained in this table should be updated on a yearly basis.

Procedure for search (asset-tracing) and seizure	
The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for mutual legal assistance (including freezing and seizure):	<p>MINISTRY OF JUSTICE TRANSPARENCY & HUMAN RIGHTS, 96 Messogion Av</p> <p>TEL: 0030 210 7767311, 0030 210 7767056</p> <p>FAX: 0030 210 7767497</p> <p>Email: minjustice.penalaffairs@justice.gov.gr</p> <p>For Schengen countries the competent public prosecutors offices</p>
If different from the Central Authority, the authority to which the request should be sent (name of the institution, address, telephone, fax and e-mail where available):	
Channels of communication for the request for mutual legal assistance (directly, or other):	Directly
Means of communication (e.g. by post, fax, e-mail ¹):	Written form, either by ordinary mail or by any means capable of producing a written record
Language requirements:	Any language is acceptable

¹Please indicate if encryption or electronic signature is required.

Double criminality requirement, if applicable:	Yes
Other requirements: for example a link between the proceeds and the criminal offence, or that a request for the confiscation judgment or measure will be made later, or that leave is given by a judge for the seizure of assets/goods:	None
Modalities/requirements for the execution of MLA requests for investigative assistance (search, tracing, special investigative techniques), existence of a central register of real estate/ bank accounts, duration of preservation of bank data, etc.:	None
Limitation of use of evidence obtained:	None
Modalities/requirements related to the execution of provisional measures (freezing, prejudgment seizing) including lifting of these measures (possibilities to seize (im)movable properties) and applicable time limits, if any:	None
Available asset management system including preservative measures, (for example prejudgment selling), concerning the seized goods:	By means of a public organization named "O.D.D.Y." ("Directorate of management of public assets"), directed by the Finance Ministry www.oddy.gr

Procedure for confiscation/ Recognition of foreign decisions. Recovery of confiscated assets.	
The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for Confiscation/ recognition of foreign judgments/decisions/measures:	<p>MINISTRY OF JUSTICE TRANSPARENCY & HUMAN RIGHTS, 96 Messogion Av</p> <p>TEL: 0030 210 7767311, 0030 210 7767056</p> <p>FAX: 0030 210 7767497</p> <p>Email: minjustice.penalaffairs@justice.gov.gr</p> <p>For Schengen countries the competent public prosecutors offices</p>
If different from the Central Authority, the authority to which the request should be sent (name of the institution, address, telephone, fax and e-mail where available):	
Channels of communication for the request for mutual legal assistance (directly, or other):	Directly
Means of communication (e.g. by post, fax, e-mail ²):	Written form, either by ordinary mail or by any means capable of producing a written record
Language requirements:	Any language is acceptable
Document requirements and modalities/requirements for the procedure of confiscation:	<ul style="list-style-type: none"> - Official request for enforcement of a confiscation order - Judicial order of the requested confiscation - Judgment rendered and certificate of its irrevocability

²Please indicate if encryption or electronic signature is required.

<p>Other requirements, if applicable:</p> <p>For example: a link between the proceeds and the criminal offence.</p> <p>In case of money laundering, what are the requirements for the predicate offence(s):</p>	<p>A. The following conduct shall be regarded as money laundering, i.e. legalization of proceeds from the criminal activities listed in Article 3 of Law 3691/2008³:</p> <p>a) the conversion or transfer of property, knowing that such property is derived from criminal activity or from an act of participation in criminal activity, for the purpose of concealing or disguising the illicit origin of the property or of assisting any person involved in the commission of such activity to evade the legal consequences of his action;</p> <p>b) the concealment or disguise of the truth, with any manner or means, as it concerns the disposition, movement, use or the place where the property was acquired or is at present, or the ownership of the property or rights with respect to it, knowing that such property is derived from criminal activity or from an act of participation in such activity;</p>
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³ “Criminal activities” shall denote the commission of one or more of the following offences (hereinafter referred to as “predicate offences”):

- a) participation in an organized criminal group (Article 187 of the Penal Code);
- b) terrorist activities and terrorist financing (Article 187A of the Penal Code);
- c) passive bribery (Article 235 of the Penal Code);
- d) active bribery (Article 236 of the Penal Code);
- e) bribery of judges (Article 237 of the Penal Code);
- f) trafficking in human beings (Article 323A of the Penal Code);
- g) computer fraud (Article 386A of the Penal Code);
- h) sexual exploitation (Article 351 of the Penal Code);
- i) the offences provided for in Articles 20, 21, 22 and 23 of Law 3459/2006 re: “Codified Law on narcotic drugs” (Government Gazette 103 A);
- j) the offences provided for in Articles 15 and 17 of Law 2168/1993 re: “Weapons, ammunition, explosives etc.” (Government Gazette 147 A);
- ja) the offences provided for in Articles 53, 54, 55, 61 and 63 of Law 3028/2002 re: “Protection of antiquities and cultural heritage in general” (Government Gazette 153 A);
- jb) the offences provided for in Article 8, paragraphs 1 and 3, of Legislative Decree 181/1974 re: “Protection from ionised radiation” (Government Gazette 347 A);
- jc) the offences provided for in Article 87, paragraphs 5, 6, 7, and 8, and Article 88 of Law 3386/2005 re: “Entry, residence and social integration of non-citizens on Greek territory” (Government Gazette 212 A);
- jd) the offences provided for in the third, fourth and sixth Articles of Law 2803/2000 re: “Protection of the financial interests of the European Communities” (Government Gazette 48 A);
- je) bribery of a foreign civil servant and facilitation or concealment of the commission of such crime, as provided for in Articles 2 of Law 2656/1998 : “Ratification of the Convention on Bribery of Foreign Public Officials in international business transactions” (Government Gazette 265 A);
- jf) bribery of employees of the European Communities or of the European Union Member States, as provided for: a) in Articles 2, 3, and 4 of the Treaty on Combating bribery of employees of the European Union or of European Union Member States, which was ratified by the first article of Law 2802/2000 (Government Gazette 47 A) and b) in the third and fourth article of Law 2802/2000;
- jh) the offences provided for in Articles 29 and 30 of Law 3340/2005 re: “Protection of the capital market from actions by persons holding privileged information and from actions of market manipulation” (Government Gazette 112 A);
- ji) any other offence punishable by deprivation of liberty for a minimum of more than six months and having generated any type of economic benefit.

<p>c) the acquisition, possession, administration or use of property, knowing, at the time of receipt or administration, that such property was derived from criminal activity or from an act of participation in such activity;</p> <p>d) the utilization of the financial sector by placing therein or moving through it proceeds from criminal activities for the purpose of lending false legitimacy to such proceeds;</p> <p>e) the setting up of organisation or group comprising two persons at least, for committing one or more of the acts defined above under a to d and the participation in such organisation or group.</p> <p>B. Money laundering shall be regarded as such even where the activities which generated the property to be laundered were carried out in the territory of another country, provided that they would be a predicate offence if committed in Greece and are punishable according to the law of such other country.</p>	
Procedure /possibilities to trace assets/proceeds when a (foreign) confiscation order is already given:	Use of the existing national databases or registries for any kind of (im)movable assets
Procedure for sharing of assets, if applicable:	None
Where applicable, limitations to the possibility for the requesting state to serve judicial documents directly to the persons concerned:	None
Other particularly relevant information on special types of assistance	
Non Conviction Based Confiscation:	For criminal NCB confiscation see art. 46 par. 1,3 of Law 3691/2008 ⁴

⁴ “1. ... Confiscation shall be imposed even if the assets or means belong to a third person provided that such person was aware of the predicate offence or the offences referred to in Article 2 at the time of their acquisition. The provisions of this paragraph shall also apply in cases of attempts to commit the above offences.

... ..

3. Confiscation shall be ordered even where no criminal proceedings have been initiated because of death of the offender or where prosecution was terminated or declared inadmissible. In these cases, confiscation shall be ordered by a decree of the competent judicial council or the court decision terminating prosecution or declaring prosecution inadmissible. If no criminal proceedings have been instituted, confiscation shall be ordered by a decree of the council of misdemeanours¹¹ court judges having competence *ratione loci*. The provisions of Articles 492 and 504(3) of the Code of Criminal Procedure shall also apply by way of analogy to this case”.

	For civil NCB confiscation see art. 47 of Law 3691/2008 ⁵
MLA regarding liability of legal persons (criminal, civil or administrative):	Greece can provide MLA in investigations against legal persons, even though its own legal system does not recognize criminal liability of legal person, since Greece can provide MLA in relation to the commission of specific offences and the natural persons involved in the criminal activities of the legal person.
Other information (for example, extended confiscation, confiscation for the purpose of victims):	Confiscation for the purpose of restitution to the victims is not possible; assets obtained by criminal means could be only restored to victims by means of a confiscation judgment.
Links to national legislation, national guides on procedure:	Law 3691/2008 on "money laundering etc."

⁵ "1. The State may, on an opinion from the State Legal Council, raise a claim before a civil court against anyone convicted to imprisonment of an offence referred to in Articles 2 and 3 above, in order to receive any other assets acquired by him through another offence referred to in Articles 2 and 3, even if no criminal proceedings were instituted for such offence because of death of the offender or if prosecution was terminated or declared inadmissible.

2. If the assets referred to in paragraph 1 have been transferred to a third person, the convicted person shall be liable to compensation equal to the value of the assets as at the time of the hearing of the action. The above claim may also be raised against a third person who acquired assets without consideration, provided that at the time of acquisition such person was a spouse or lineal relative by blood or a brother/sister or adopted child of the convicted person, as well as against any third person who acquired assets after the institution of criminal proceedings against the convicted person for the above crime, provided that at the time of acquisition he was aware of the initiating of criminal proceedings against the convicted person. The third person and the convicted person shall be severally liable".