EPHESUS

Promoting fundamental rights in (post) pandemic times in cross-border proceedings

Country Fiche Greece

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1. The competent authority

a. As Issuing State

The competent authority for transmitting the decision or a certified copy of it along with the certificate referred to in Art. 45§3 of Law 4307/2014, to the competent authority of the executing state, when Greece is the issuing state, is the **Public Prosecutor of the Court** that issued the decision or to which the investigating authority that issued it is subject. For this purpose, the Court or the investigator judge, after issuing a decision imposing supervision measures on a person who has legal and habitual residence in another EU member state, shall promptly transmit an official copy to the aforementioned Public Prosecutor.

b. As Executing State

The competent authority for the recognition of the decision and the monitoring of the supervision measures, when Greece is the executing state, is the **Public Prosecutor of First Instance** in the area of habitual residence of the person against whom the decision regarding supervision measures has been issued.

2. Recourse to a central authority: Yes

The **Ministry of Justice, Transparency, and Human Rights** is designated as the central authority to assist the competent judicial authorities with the administrative transmission and receipt of decisions, as well as for maintaining statistical data.

3. Types of supervision measures ready to supervise – common:

	Yes	No
(a) an obligation for the person to inform the competent authority in the executing State of any change of residence, in particular for the purpose of receiving a summons to attend a hearing or a trial in the course of criminal proceedings;	X	
(b) an obligation not to enter certain localities, places or defined areas in the issuing or executing State;	X	
c) an obligation to remain at a specified place, where applicable during specified times;	X	
(d) an obligation containing limitations on leaving the territory of the executing State;	X	
e) an obligation to report at specified times to a specific authority;	X	
(f) an obligation to avoid contact with specific persons in relation with the offence(s) allegedly committed.	X	

4. Types of supervision measures ready to supervise – optional:

	Yes	No
(a) an obligation not to engage in specified activities in relation with the offence(s) allegedly committed, which may include involvement in a specified profession or field of employment;	X	
b) an obligation not to drive a vehicle;	X	
c) an obligation to deposit a certain sum of money or to give another type of guarantee, which may either be provided through a specified number of instalments or entirely at once;	X	
(d) an obligation to undergo therapeutic treatment or treatment for addiction;	X	
e) an obligation to avoid contact with specific objects in relation with the offence(s) allegedly committed.	X	
f) Others, what?		X

5. What is / are the body / bodies responsible for supervising the measures?

I. Supervisory measure – Common	Supervisory body / bodies
(a) an obligation for the person to inform the competent authority in the executing State of any change of residence, in particular for the purpose of receiving a summons to attend a hearing or a trial in the course of criminal proceedings;	the Public Prosecutor of First Instance in the area of habitual residence of the person against whom the decision regarding supervision measures has been issued
(b) an obligation not to enter certain localities, places or defined areas in the issuing or executing State;	the Public Prosecutor of First Instance in the area of habitual residence of the person (Idem)
c) an obligation to remain at a specified place, where applicable during specified times;	the Public Prosecutor of First Instance in the area of habitual residence of the person (Idem)
(d) an obligation containing limitations on leaving the territory of the executing State;	the Public Prosecutor of First Instance in the area of habitual residence of the person (Idem)
e) an obligation to report at specified times to a specific authority;	the Public Prosecutor of First Instance in the area of habitual residence of the person (Idem)
(f) an obligation to avoid contact with specific persons in relation with the offence(s) allegedly committed.	the Public Prosecutor of First Instance in the area of habitual residence of the person (Idem)

II. Supervisory measures - Optional	Supervisory body / bodies
(a) an obligation not to engage in specified activities in relation with the offence(s) allegedly committed, which may include involvement in a specified profession or field of employment;	the Public Prosecutor of First Instance in the area of habitual residence of the person (Idem)
b) an obligation not to drive a vehicle;	the Public Prosecutor of First Instance in the area of habitual residence of the person (Idem)
c) an obligation to deposit a certain sum of money or to give another type of guarantee, which may either be provided through a specified number of instalments or entirely at once;	the Public Prosecutor of First Instance in the area of habitual residence of the person (Idem)
(d) an obligation to undergo therapeutic treatment or treatment for addiction;	the Public Prosecutor of First Instance in the area of habitual residence of the person (Idem)
e) an obligation to avoid contact with specific objects in relation with the offence(s) allegedly committed.	the Public Prosecutor of First Instance in the area of habitual residence of the person (Idem)
f) Others, what?	NO

6. What is the duration of the measure?

I. Supervisory measure – Common	Maximum duration
(a) an obligation for the person to inform the competent authority in the executing State of any change of residence, in particular for the purpose of receiving a summons to attend a hearing or a trial in the course of criminal proceedings;	Pretrial detention does have time Limits. However, the measures adopted during provisional release do not have a specific limit in the legislation. The restrictive measures usually remain in force until the resolution of the criminal procedure. They may be in force during the pendency of the case.
(b) an obligation not to enter certain localities, places or defined areas in the issuing or executing State;	Idem
c) an obligation to remain at a specified place, where applicable during specified times;	Idem
(d) an obligation containing limitations on leaving the territory of the executing State;	Idem
e) an obligation to report at specified times to a specific authority;	Idem
(f) an obligation to avoid contact with specific persons in relation with the offence(s) allegedly committed.	Idem

II. Supervisory measures - Optional	Maximum duration
(a) an obligation not to engage in specified activities in relation with the offence(s) allegedly committed, which may include involvement in a specified profession or field of employment;	Pretrial detention does have time Limits. However, the measures adopted during provisional release do not have a specific limit in the legislation. The restrictive measures usually remain in force until the resolution of the criminal procedure. They may be in force during the pendency of the case.
b) an obligation not to drive a vehicle;	Idem
c) an obligation to deposit a certain sum of money or to give another type of guarantee, which may either be provided through a specified number of instalments or entirely at once;	Idem
(d) an obligation to undergo therapeutic treatment or treatment for addiction;	Idem
e) an obligation to avoid contact with specific objects in relation with the offence(s) allegedly committed.	Idem
f) Others, what?	NO

7. Prolongation.

I. Supervisory measure – Common	Can it be prolonged?	By who?	For how long?
(a) an obligation for the person to inform the competent authority in the executing State of any change of residence, in particular for the purpose of receiving a summons to attend a hearing or a trial in the course of criminal proceedings;	Yes	The Prosecutor of the Court that issued the decision or to which the investigating authority that issued it belongs, submits to the competent authorities a proposal for the issuance of subsequent decisions regarding the surveillance measures already imposed, taking into account the protection of the victims and citizens, as well as the safeguarding of public order. The Court of the inquiry judge who issued	They may be in force during the pendency of the case.

		the initial decision, issues the subsequent decision as well. The subsequent decisions may include the renewal of the initial decision concerning surveillance measures.	
(b) an obligation not to enter certain localities, places or defined areas in the issuing or executing State;	*Idem*	*Idem*	*Idem*
c) an obligation to remain at a specified place, where applicable during specified times;	*Idem*	*Idem*	*Idem*
(d) an obligation containing limitations on leaving the territory of the executing State;	*Idem*	*Idem*	*Idem*
e) an obligation to report at specified times to a specific authority;	*Idem*	*Idem*	*Idem*
(f) an obligation to avoid contact with specific persons in relation with the offence(s) allegedly committed.	*Idem*		*Idem*

II. Supervisory measures - Optional	Can it be prolonged?	By who?	For how long?
(a) an obligation not to engage in specified activities in relation with the offence(s) allegedly committed, which may include involvement in a specified profession or field of employment;	Yes	The Prosecutor of the Court that issued the decision or to which the investigating authority that issued it belongs, submits to the competent authorities a proposal for the issuance of subsequent decisions regarding the surveillance measures already imposed, taking into account the protection of the victims and citizens, as well as the safeguarding of public order. The Court of	They may be in force during the pendency of the case.

		the inquiry judge who issued the initial decision, issues the subsequent decision as well. These subsequent decisions may include the renewal of the decision concerning surveillance measures.	
b) an obligation not to drive a vehicle;	*Idem*	*Idem*	*Idem*
c) an obligation to deposit a certain sum of money or to give another type of guarantee, which may either be provided through a specified number of instalments or entirely at once;	*Idem*	*Idem*	*Idem*
(d) an obligation to undergo therapeutic treatment or treatment for addiction;	*Idem*	*Idem*	*Idem*
e) an obligation to avoid contact with specific objects in relation with the offence(s) allegedly committed.	*Idem*	*Idem*	
f) Others, what?	NO	NO	NO

8. Can the measures be modified during the pre-trial or trial stage?

I. Supervisory measure – Common	Yes (explain)	No
(a) an obligation for the person to inform the competent authority in the executing State of any change of residence, in particular for the purpose of receiving a summons to attend a hearing or a trial in the course of criminal proceedings;	Yes. The Prosecutor of the Court that issued the decision or to which the investigating authority that issued it belongs, submits to the competent authorities (The court or the inquiry judge) a proposal for the issuance of subsequent decisions regarding the surveillance measures already imposed, taking into account the protection of the victims and citizens in general, as well as the safeguarding of public order. The Court of the inquiry judge who issued the initial	

	decision, issues the subsequent decision as well. The subsequent decisions may include the modification of the surveillance measures.	
(b) an obligation not to enter certain localities, places or defined areas in the issuing or executing State;	*Idem*	
c) an obligation to remain at a specified place, where applicable during specified times;	*Idem*	
(d) an obligation containing limitations on leaving the territory of the executing State;	*Idem*	
e) an obligation to report at specified times to a specific authority;	*Idem*	
(f) an obligation to avoid contact with specific persons in relation with the offence(s) allegedly committed.	*Idem*	

II. Supervisory measures - Optional	Yes (explain)	No
(a) an obligation not to engage in specified activities in relation with the offence(s) allegedly committed, which may include involvement in a specified profession or field of employment;	Yes. The Prosecutor of the Court that issued the decision or to which the investigating authority that issued it belongs, submits to the competent authorities (the court of the inquiry judge) a proposal for the issuance of subsequent decisions regarding the surveillance measures already imposed, taking into account the protection of the victims and citizens in general, as well as the safeguarding of public order. The Court of the inquiry judge who issued the initial decision, issues the subsequent decision as well. The subsequent decisions may include the modification of the surveillance measures.	

b) an obligation not to drive a vehicle;	*Idem*	
c) an obligation to deposit a certain sum of money or to give another type of guarantee, which may either be provided through a specified number of instalments or entirely at once;	*Idem*	
(d) an obligation to undergo therapeutic treatment or treatment for addiction;	*Idem*	
e) an obligation to avoid contact with specific objects in relation with the offence(s) allegedly committed.	*Idem*	
f) Others, what?	*Idem*	

9. Can the measure be appealed?

I. Supervisory measure – Common	Yes – to who	No
(a) an obligation for the person to inform the competent authority in the executing State of any change of residence, in particular for the purpose of receiving a summons to attend a hearing or a trial in the course of criminal proceedings;	Yes. According to article 50 of Law 4307/2014, the prosecutor of the usual residence of the suspect recognizes, by an order, the decision transmitted to him, within a time limit of 20 working days from the receipt of the decision regarding the surveillance measures. If an appeal has been filed against the decision, the recognition period is extended by another 20 working days. As the procedure for the abovementioned appeal is not prescribed by law 4307/2014, the general provision of Article 459 of the CCP will apply, according to which “any doubt or objection concerning the execution of a request for judicial assistance shall be resolved by the Appeals Council, which shall give its decision within eight days. An appeal	

	against that decision may be brought by the prosecutor and by the suspect.	
(b) an obligation not to enter certain localities, places or defined areas in the issuing or executing State;	*Idem*	
c) an obligation to remain at a specified place, where applicable during specified times;	*Idem*	
(d) an obligation containing limitations on leaving the territory of the executing State;	*Idem*	
e) an obligation to report at specified times to a specific authority;	*Idem*	
(f) an obligation to avoid contact with specific persons in relation with the offence(s) allegedly committed.	*Idem*	

II. Supervisory measures - Optional	Yes - to who	No
(a) an obligation not to engage in specified activities in relation with the offence(s) allegedly committed, which may include involvement in a specified profession or field of employment;	According to article 50 of Law 4307/2014, the prosecutor of the usual residence of the suspect recognizes, by an order, the decision transmitted to him, within a time limit of 20 working days from the receipt of the decision regarding the surveillance measures. If an appeal has been filed against the decision, the recognition period is extended by another 20 working days. As the procedure for the abovementioned appeal is not prescribed by law 4307/2014, the general provision of Article 459 of the CCP will apply, according to which "any doubt or objection concerning the execution of a request for judicial assistance shall be resolved by the Appeals Council, which shall give its decision within eight days. An appeal against that decision may be brought by the prosecutor and by the suspect.	

b) an obligation not to drive a vehicle;	*Idem*	
c) an obligation to deposit a certain sum of money or to give another type of guarantee, which may either be provided through a specified number of instalments or entirely at once;	*Idem*	
(d) an obligation to undergo therapeutic treatment or treatment for addiction;	*Idem*	
e) an obligation to avoid contact with specific objects in relation with the offence(s) allegedly committed.	*Idem*	
f) Others, what?	No	

10. Is the country checking for double criminality?

a) Recognition of a decision of the issuing state without double criminality check (serious offences)

Recognition of the decision and monitoring of the supervision measures is allowed, without double criminality check, for specific serious offences prescribed by article 52§1 of Law 4307/2014, if they are punishable in issuing State by a maximum custodial sentence of at least three (3) years.

b) Recognition of a decision of the issuing with double criminality check (minor offences)

According to article 52§2 of Law 4307/2014, recognition of the decision of the issuing state and supervision of supervision measures shall also be permitted for less serious offences, provided that they constitute offences under national law, irrespective of their legal classification by the issuing State.

11. What are the languages accepted as an Executing State?

Both the decision imposing the supervision measures and the certificate shall be translated into the official language of the executing state. In case of Greece, both the decision and the certificate shall be translated into the Greek language.

12. Are there other agreements that apply in the country that enlarge, simplify, or facilitate the mutual recognition of the supervision measures?

When the supervision measures imposed are incompatible with the Greek legal system, the Judge of Instruction or the court will adapt them, after hearing the Public Prosecutors’ Office of the usual residence of the suspect.

For Greece, the decision imposing the supervision measures on which the certificate is based shall be sent together with the certificate referred to in Art. 45§3 of Law 4307/2014.

According to Law 4307/2014, execution of the decision imposing supervision measures will require the following circumstances:

a) The accused has his/her legal and habitual residence in Greece.

b) None of the grounds for refusal of the execution of the decision imposing the supervision measures, prescribed be Art. 53 of Law 4307/2014 are applicable.

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