

White-Collar Crime Comparative Guide

for the jurisdiction of Greece

published in

1. Legal and enforcement framework

1.1. Which legislative and regulatory provisions govern white collar crime in your jurisdiction?

White-collar crime in Greece is governed by:

- the national legislative framework;
- EU regulations and directives on:
 - financial crime;
 - anti-money laundering;
 - public procurement;
 - fraud; and
 - the protection of the European Union's financial interests; and
- international treaties against:
 - corruption;
 - bribery; and
 - money laundering

The regulatory framework for white-collar crime in Greece is primarily established in:

- Chapters 9, 10, 12, 22 and 23 of the Second Book of the Criminal Code; and
- special criminal provisions found in various national laws, such as:
 - Law 146/1914 on unfair competition;
 - Law 3959/2011 on the protection of free competition;
 - Law 4548/2018 on the reform of the legal framework governing sociétés anonymes;
 - Law 3115/2003 on the authority for the assurance of the confidentiality of communications;
 - Law 3471/2006 on the protection of personal data and privacy in

the field of electronic communications;

- Law 3917/2011 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or public communication networks, and the use of surveillance systems involving audio or visual recording in public spaces, among other related provisions;
- Legislative Decree 86/1967 on the imposition of sanctions against those delaying the payment and transfer of social security contributions;
- Law 3560/2007 on the ratification and implementation of the Criminal Law Convention on Corruption and its Additional Protocol;
- Law 2802/2000 on the ratification and implementation of the Convention on Combating Bribery of Officials of the European Communities or Officials of Member States of the European Union;
- Law 4557/2018 on the prevention and suppression of money laundering and terrorism financing; and
- Law 4037/2012 adapting Greek legislation to the provisions of Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties, including criminal penalties for pollution offences, as amended by Directive 2009/123/EC of the European Parliament and of the Council of 21 October 2009, among other provisions.

1.2. Which bilateral and multilateral instruments of relevance to white collar crime have effect in your jurisdiction?

Greece maintains judicial cooperation with various states in criminal law matters. This cooperation is formalised through several bilateral agreements currently in force, addressing extradition and cross-border judicial assistance. Key agreements include:

- the Bilateral Agreement between the Hellenic Republic and the United States on Extradition (Law 3770/2009);
- the Bilateral Agreement between the Hellenic Republic and Russia on Extradition (Law 1242/1982);
- the Bilateral Agreement between the Hellenic Republic and Australia on Judicial Assistance in Criminal Matters (Law 3277/2004); and
- the Bilateral Agreement between the Hellenic Republic and the United States on Judicial Assistance in Criminal Matters (Law 3771/2009).

As a member of the European Union, Greece is also subject to European criminal law frameworks, including:

- Directive EU/2016/919 on the European arrest warrant, which streamlines the extradition process across EU member states; and
- EU Regulation 2017/1939, establishing the European Public Prosecutor's Office (EPPO), a centralised institution responsible for investigating and prosecuting crimes affecting the European Union's financial interests.

Moreover, Greece has enacted:

- Law 3663/2008 on the implementation of the European Judicial Cooperation Unit, joint investigation teams, recidivism and other provisions for the appointment of the national member, its deputy and assistant to:
 - propose investigations or prosecutions in Greece or other EU

countries;

- recommend coordination with other EU national authorities;
 - request the formation of joint investigation teams;
 - assist the Greek authorities with cross-border case coordination; and
 - execute judicial cooperation on behalf of Greece; and
- Law 4489/2017 on the European investigation order (EIO) in criminal matters, aligning national law with Directive 2014/41/EU. The EIO facilitates the mutual recognition and execution of investigative measures between EU member states in the context of criminal proceedings.

Greece maintains judicial cooperation with various states as a member of the European Union, which is formalised through several agreements currently in force, addressing extradition and cross-border judicial assistance, such as:

- the Agreement between the European Union and its Member States, of the one part, and Canada, of the other part on Judicial Assistance in Criminal Matters (Law 4981/2022);
- the Agreement between the European Union and its Member States, of the one part, and Japan, of the other part on Judicial Assistance in Criminal Matters (Law 4854/2021);
- the Agreement between the European Union and its Member States, of the one part, and Australia, of the other part on Judicial Assistance in Criminal Matters (Law 4852/2021); and
- the Agreement between the European Union and its Member States, of the one part, and New Zealand, of the other part on Judicial Assistance in Criminal Matters (Law 4851/2021).

In addition, the European Convention on Extradition applies within the

Greek territory (Law 4165/1961), facilitating cooperation among European states. Through Law 3251/2004, Greece implemented the Framework Decision of 2002 on the European arrest warrant, which introduced a new process increasing the speed and ease of extradition throughout the European Union.

Furthermore, Greece has participated in Interpol since 1956, following the enactment of Law 3640/1956, ensuring communication between:

- its police and judicial and other authorities; and
- the Interpol General Secretariat as well as national central bureaus of member states.

The aim is to facilitate:

- crime prevention and prosecution;
- the exchange of information with international organisations and bilateral/multilateral police cooperation agreements;
- the registration, updating and deletion of arrest warrants;
- the execution of arrest warrants and Interpol red notices;
- the forwarding of data to Interpol databases on:
 - wanted vehicles;
 - missing persons;
 - stolen artefacts;
 - unidentified bodies;
 - crime methods;
 - serious threats; and
 - other relevant crime-related information; and
- the issue of corresponding notices.

1.3. Which bodies are responsible for enforcing the applicable laws and regulations? What powers do they have?

The Prosecutors' Offices at the Court of First Instance are the primary authorities responsible for initiating and conducting criminal prosecutions in most cases. They:

- oversee preliminary investigations;
- decide on charges; and
- supervise the course of criminal proceedings.

There are also specialised prosecutorial bodies dedicated to combating white-collar crime, including:

- the Economic Crime Prosecutor's Office, which is responsible for investigating and prosecuting:
 - complex financial and economic offences; and
 - corruption-related crimes; and
- the EPPO, which operates in Greece and focuses on cross-border financial crimes that affect the EU budget, such as:
 - fraud;
 - corruption; and
 - misuse of EU funds.

The Prosecutors' Offices at the Court of Appeal and the Supreme Court have supervisory authority over the work of the prosecutors at the Court of First Instance to ensure proper conduct in the handling of criminal investigations and prosecutions.

The Prosecutors' Offices at the Court of First Instance are responsible for processing the case until the conclusion of the main investigation, at which point they forward the case file to the public prosecutor at the Court of Appeal, who decides on referral to trial.

The Hellenic police also:

- enforce criminal law;
- investigate crimes;
- collect evidence; and
- execute warrants.

The Hellenic police operate specialised units dedicated to economic crimes, cybercrime and corruption, ensuring focused investigation and effective enforcement in these complex, high-impact areas. The Financial and Economic Crime Unit is particularly noteworthy, as it is tasked with investigating:

- tax evasion;
- money laundering; and
- other serious financial offences.

Judicial authorities are responsible for:

- adjudicating criminal cases;
- issuing warrants; and
- overseeing trials to ensure:
 - due process; and
 - the fair application of the law.

1.4. What is the general approach of the authorities in enforcing the applicable laws and regulations?

Greek prosecutorial authorities have an active role in enforcement efforts. They start by ordering a preliminary inquiry in order to gather evidence, which will determine whether prosecution is justified. After the conclusion of the preliminary inquiry, the public prosecutor will decide whether:

- to prosecute; or
- to dismiss the case:
 - on the grounds that there is no evidence indicating that a criminal offence has been committed; or
 - on legal grounds.

The decision to dismiss the case must be confirmed by the competent prosecutor at the Court of Appeal. If the public prosecutor decides to start prosecution for a misdemeanour offence, they will refer the case to trial before the Misdemeanour Court issuing a writ of summons. This document:

- is served on the defendant; and
- must state:
 - the accusation;
 - the trial date;
 - the court that the defendant must appear before;
 - the witnesses to be examined at the court hearing; and
 - the evidence to be introduced by the public prosecutor.

Foreign defendants also receive a translation of the summons in a language that they understand. In the case of serious crimes, the prosecutor may not refer a felony case for trial directly after the preliminary inquiry but must order a main investigation. The investigation is carried out by the investigating judge and aims to collect all evidence necessary for the Judicial Council, which will

issue its decision after having heard the prosecutor on referral to trial.

During the pre-trial stage, the prosecuting and investigating authorities must respect the principles of confidentiality and legitimacy of the proceedings in accordance with their specific aspects – namely:

- the presumption of innocence (Article 6(2) of the European Convention on Human Rights), which is a fundamental principle of the Greek system according to which:
 - the burden of proof lies with the prosecution; and
 - the defendant is not obliged to disclose its evidence before trial; and
- in general, the rights of the suspect/defendant enshrined in:
 - the Code of Criminal Procedure;
 - the Constitution; and
 - the international agreements to which Greece is a signatory (ie, the European Convention of Human Rights, the Charter of Fundamental Rights of the European Union and the International Covenant on Civil and Political Rights).

The general approach of the Greek authorities in enforcing white-collar crime laws and regulations has been characterised by a gradual institutional modernisation. Greece has strengthened its institutional framework to combat serious crime – particularly economic and organised crime – by establishing two important mechanisms:

- the Directorate for Organised Crime (within the Hellenic police), which specialises in:
 - economic crimes;
 - corruption;
 - money laundering; and
 - international criminal activities; and
- the judicial police, who support the prosecutorial and judicial authorities.

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