



## LAWS AND REGULATIONS

### PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

*In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances,  
the Secretary-General has the honour to communicate the following legislative text / texts*

### GREECE

Communicated by the Government of Greece

#### NOTE BY THE SECRETARIAT

- (a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.
- (b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

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**E/NL.2005/50**

**GOVERNMENT GAZETTE OF THE GREEK REPUBLIC**  
**ISSUE FIRST**

Number of Issue 96

17 May 1999

**LAW NUMBER 2716**

**Development and modernization of mental health and other provisions**

**THE PRESIDENT OF THE GREEK REPUBLIC**

**We issue the following Law, which was voted by the Parliament**

**Article 19**

Paragraph 2 of article 7 L. 1729/1987<sup>1</sup> (G.G. 144 A') which was substituted by article 12 L. 2161/1993<sup>2</sup> (G.G. 19A')

is substituted as follows:

2. The administration of substances in substitution of the addiction and of the competitive substances which inactivate the recipients of opium products, is prohibited.

Exceptionally the administration of such substances is permitted by:

- a. State units specialized for this purpose which are granted the relevant permit, by decision of the Minister of Health and Welfare upon opinion of the O.KA.NA.
- b. O.KA.NA. upon the relevant permit which is granted by decision of the Minister of Health and Welfare.

The above decisions stipulate the substances which may be administrated as well as the conditions under which they shall be administrated. The administration of substances in substitution of the addiction or competitive substances in violation of the present provision is persecuted under article 10 of L. 2161/1993. The general conditions, preconditions and other details regarding the implementation of the substitution and competitive substances administration program may be specified by decision of the Minister of Health and Welfare.

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<sup>1</sup> Note by the Secretariat: E/NL.1999/38

<sup>2</sup> Note by the Secretariat: E/NL.1999/39

**GOVERNMENT GAZETTE OF THE GREEK REPUBLIC**  
**ISSUE FIRST**

Number of Issue 112

3 June 1999

**LAW NUMBER 2721**

**Amendment and substitution of provisions of laws 1756/1987 (GG 144 A'), of the Penal Law, of the Civil Procedure-Code, of the Civil Procedure Code and other provisions**

**THE PRESIDENT OF THE GREEK REPUBLIC**

We issue the following law which was voted by the Parliament:

[ ... ]

**CHAPTER B'**

**PROVISIONS ON DRUGS, OF THE CRIMINAL CODE, CRIMINAL PROCEDURE CODE AND SPECIAL PENAL PROVISIONS**

**Article 9**

**Drugs**

1. Article 12 of L. 1729/1987<sup>1</sup> (G.G.144A') "Fighting of drug spreading, protection of young people and other provisions", as it applies after its substitution by article 14 L. 2161/1993<sup>2</sup> (G.G. 119A'), is added paragraph 4 as follows:
5. "The culpable of acts comprised paragraph 1 is punished with imprisonment of at least six (6) months, in case he offers to another person part of the small quantity of drugs he has been supplied for his personal needs, for the latter's exclusive use. Said penalty may be converted to a pecuniary fee and be suspended under the Criminal Code. In the event of a separate case from the one provided by article 6 or aggravating circumstance of article 8 of Law, a provisional imprisonment and pecuniary fee is imposed rising to GDR eight hundred thousand (800.000) up to GDR one hundred and twenty million (120.000.000). The volume of the as above small quantity is specified by decision of paragraph 1 of the above article".
2. Article 13 of L. 1729/1987, as it applies after its substitution by article 15 L. 2161/1993, is added paragraph 5, as follows:
6. "Of the previous beneficial paragraphs provisions and of the cases a', e', and i' of paragraph 1 article 21 of L. 2331/1995<sup>3</sup> enjoy, apart those who shall follow the specific therapeutic domestic program, also those who have fallen into the addiction of using narcotic substances within the meaning of paragraph 1 of the present article, but who have evidently fallen into and got out of it under the following preconditions: a) the addiction to narcotic substances occurred in a time prior to the act should be evidenced in an unquestionable manner by laboratory examinations, reports or certificates deriving from a scientific Director of a domestic or an EE country's state hospital or recognized by the competent state authorities, domestic or an EE country's therapeutic programs and b) the complete recovery should be evidenced by a certificate of a recognized by law therapeutic community, duly operating within the framework of the therapeutic programs of the Ministry of Health and Welfare. Said certificate shall be issued upon previous attendance of an approved by law therapeutic program of body and health drug recovery for at least a six (6) month period. In case such certificate is not produced but, however, the accused accepts his admission, the court orders the obligatory admission of the petitioner and the enforcement of the beneficial provisions, in a therapeutic community of the previous section. Moreover, a certificate should be produced proving that the accused is not persecuted for any punishable action which he eventually committed during the period of the invoked therapy up to the judgment of the offense on the grounds of

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<sup>1</sup> Note by the Secretariat: E/NL.1999/38

<sup>2</sup> Note by the Secretariat: E/NL.1999/39

<sup>3</sup> Note by the Secretariat: E/NL.1996/25

which he requests the enforcement of the beneficial provisions related to drugs and the securing of means for the provision thereof.

3. In the end of case d' of paragraph 1 of article 21 of L. 2331/1995 are added the following sections:

The competent public prosecutor may suspend by his order the enforcement of a penalty of a person who attends an approved by law therapeutic program of mental rehabilitation, provided that such penalties concern acts comprised in case d' and are reported as being committed before the persecuted joined the above program.

The benefit of the non-entry to an extract or copy of a Criminal Record sheet of decisions or orders for crimes in relation with drugs or against the property and assets of the Criminal Code, as those are specified in case a', is granted under the procedure of case d' of paragraph 1 article 21 L.2331/1995 to persons who have successfully completed the substitution program (S.P.) and are both bodily and mentally rehabilitated.

4. Par. 5 of article 14 of L. 1729/1987, as substituted by article 16 L. 2161/1993, is substituted as follows:

The verdict of guilt is entered solely on the copies intended for judicial use, in the event that the convicted has been conditionally discharged after the successful attendance of the therapeutic program, under the provisions of the present article 26 of the same law.

5. Period e' of section d' article 21 L. 2331/1995 after phrase "as those are defined by section a'" and before the phrase "except those" is added the phrase "of the present article and to section a' of paragraph 1 article 12 L. 1729/1987, as substituted by article 14 L. 2161/1993."

#### **Article 10**

Establishment and staffing of rehabilitation centers for drug-addicts.

1. Two (2) Special Therapeutic Offices are established, titled:
  - a) "Drug Addict Prisoners Rehabilitation Centre" domiciled in the Municipal District of Elaionas, Municipality of Thiva and b) "Drug Addict Prisoners Rehabilitation Centre" domiciled in the Municipality of Kassandra Chalkidiki. The purpose of said offices is the therapeutic management of drug-addict prisoners aiming to their bodily and mental rehabilitation.
2. For the staffing of the first (Drug Addict Prisoners Rehabilitation Center domiciled in the Municipal District of Elaionas Municipality, Municipality of Thiva):
  - A) Are constituted:
    - a) 3 posts class T E - Graphic Arts Technology Branch
    - b) 1 post class DE - Branch of Electronics
    - c) 1 post class TE - Branch of Electronics
    - d) 1 post class TE - Structural Works Technologists Branch
    - e) 10 posts class TE - Branch of Psychologists.
  - B) The already existing organic posts of the detention offices are augmented as bellow:
    - a) Branch PE Psychiatrists by eight (8) the total number thereof being defined to twenty seven (27) and branch PE Psychologists by six (6) the total number thereof being defined to sixteen (16).
    - b) Branch TE Health and Welfare specialty of Social Work by twenty four (24), the total number thereof being defined to one hundred twenty four (124).
    - c) Branch PE Internal Medicine Doctors by four (4), the total number thereof being defined to thirty two (32).
    - d) Branch PE Microbiologists by two (2), the total number thereof being defined to three (3).
    - e) Branch PE Pharmacists by two (2), the total number thereof being defined to three (3).
    - f) Branch TE Agronomic Technology by one (1), the total number thereof being defined to six (6).

- g) Branch TF Health Welfare Staff specialty of Nursing by twelve (12), the total number thereof being defined to thirty three (33).
  - h) Branch DE Administrative - Accounting by twenty four (24), the total number thereof being defined to twenty nine (29).
  - i) Branch DE Technical by twelve (12), the total number thereof being defined to twenty eight (28).
  - j) Branch DE Nurse Assistants by ten (10), the total number thereof being defined to thirty five (35).
  - k) Branch YE Auxiliary Staff by eight (8), the total number thereof being defined to eleven (11).
3. By joint decision of the Ministers of Finance, Health and Welfare, and Justice are determined the necessary posts for the Special Therapeutic Office to start operating.

For the under the first application of the present article completion of the post apply the provisions of paragraph 3 article 21 L. 2446/1996 (G.G. 276 A’).

#### **Article 11**

##### **Selection of persons admitted to the Drug Addict Prisoners Rehabilitation Centers**

The following phrase is added to the last section of paragraph 1 article 6 L.2161/1993 (G.G. 118A’): “By the same joint decision are specified the preconditions and way of selecting the persons who are admitted to the above offices.”

**E/NL.2005/52**

**LAW NUMBER 2928**  
**Amendment of provisions of the Penal Code and the Code of Penal**  
**Procedure and other provisions on the protection of citizens from**  
**punishable actions of criminal organisations**

**TRE PRESIDENT OF THE HELLENIC REPUBLIC**

**We issue the following Law passed by Parliament:**

[ ... ]

**Article 11**

**Preliminary investigation is drugs cases**

1. The preliminary investigation and examination conducted by the Drugs prosecution service of Security Directorate of the General Police Commands of Attica and Thessalonica, is subject to the provisions of sections 33,34 and 35 of Code of Criminal procedure, the supervision and guidance of the District Attorney of the Court of Appeal of Athens and Thessalonica respectively, exercised by one of the D.A.'s or Deputy D.A.'s of the Court of Appeal, subordinates appointed by him.

2. The said D.A. officer is promptly notified for all information and denouncements which come to the knowledge of the service mentioned in the preceding paragraph and apply to crimes commitment, provided by the Drugs legislation, having the power, besides the duties mentioned hereto, at his discretion, to order or conduct preliminary investigation or examination for these crimes.

In these cases the case file is submitted, after its completion, to the competent for the criminal prosecution District Attorney.

[ ... ]

Athens, June 15<sup>th</sup> 2001

THE PRESIDENT OF THE REPUBLIC

CONSTANTINOS STEFANOPOULOS

THE MINISTERS

INTERIOR, PUBLIC ADMINISTRATION AND DECENTRALIZATION

FINANCE

JUSTICE

PUBLIC ORDER

DEPUTY MINISTER OF FOREIGN AFFAIRS

Seen, certified and sealed with the Great Seal of State

Athens, June 27<sup>th</sup> 2001

(Sgd) THE MINISTER OF JUSTICE

**GOVERNMENT GAZETTE OF THE GREEK REPUBLIC**  
**ISSUE FIRST**

First Issue N° 203  
12 September 2001

**LAW NUMBER 2943**

**Serving sentence for drug dealers and other provisions in the competence  
of the Ministry of Justice**

**THE PRESIDENT OF THE HELLENIC REPUBLIC**

We hereby promulgate the following law passed by Parliament.

**CHAPTER A'**

**SERVING SENTENCES FOR DRUG -DEALERS**

**Article 1**

Article 19A shall be added to L.1729/1987<sup>1</sup> on "Combating the spread of drugs, protection of youth and other provisions as amended and has as follows:

-“Article 19”-

Those sentenced to imprisonment for violating the said law may be released on the condition of revocation provided the aforementioned have served -in the case of provisional imprisonment- the four fifths of the sentence thereof and in the case of lifelong imprisonment, at least twenty five years. The provisions of paragraph 3 of article 105 of the Penal Code shall not apply. The conditional release of the convict mentioned in the first section may not be granted unless he has remained in the correctional center for a period of time, which in the case of a provisional sentence is equal to the two thirds of the sentence imposed and in the case of lifelong imprisonment, twenty years".

**Article 2**

1. Provision (1) of paragraph 1, article 55 of the Correctional Code (L.2776/1999) shall be amended as follows:

“(1) The convict has served one fifth of his sentence without a favourable computation of sentence days due to work and the detention thereof has lasted three months at least in the case of lifelong sentence, detention must have had duration of at least eight years. Exceptionally, to the one who has been sentenced to imprisonment for violating L.1729/1987 “Combating the spread of drugs, protection of youth and other provisions”, as amended, regular leaves shall be granted provided he has served the two fifths of his sentence without favourable computation of sentence days due to work and detention has lasted one year at least in the case such a convict is serving lifelong imprisonment then the detention thereof should have had duration at least ten years.

In case more sentences have been imposed against the freedom of the convict and these have not been added in a total sentence, pursuant article 94 of the Penal Code on the computation of the sentence served in the meaning of the present provision, the sum of the partial sentences shall be taken into consideration. In the case of penal punishment, it shall be required that the convict, who is an adolescent or post adolescent in age has served at least one third of the minimum sentence, which has been ordered.”

2. Paragraph 1 of article 56 of the Correctional Code shall be amended as follows:

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<sup>1</sup> Note by the Secretariat: E/NL.1999/38 and E/NL.1999/39

“1. A regular leave lasts from one up to five days in which Sundays and holidays are included. Provided that the convict has served the two fifths of the sentence thereof, in any way whatsoever, and in the case of lifelong sentence twelve years, which shall be computed as set forth in the previous section. Exceptionally, in the case of conviction to imprisonment for violation of L.1729/1987 “Combating the spread of drugs, protection of youth and other provisions”, as amended, the duration of the leave may be increased to eight days, which shall be computed pursuant to the previous provisions, provided that the convict has in any way whatsoever served half of the sentence thereof and in the case of lifelong imprisonment, fifteen years.

The total duration of a convict’s leaves shall no exceed the amount forty days each year.