

Directive 2004/38/EC on the right of citizens of the Union and their family members
to move and reside freely within the territory of the Member-States

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| Country: | GREECE | |

Introduction to transposition context:

The Directive 2004/38 [hereafter: the Directive] has been introduced to the Greek legal order by the Presidential Decree 106/2007 [hereafter: the Decree] The attached Table of Correspondence shows that, in general, Greek legal order is in conformity with the Directive, though not completely, as it can be seen from the rather few exceptions noticed in the ToC.

The Decree covers all the fields of the Directive. In some cases it proceeds to a literal transposition of the wording of the Directive, while in other it chooses a different wording, but effectively. However, there are cases where the wording of the Decree does not univocally assure its conformity with the Directive, leaving the final outcome dependant on the interpretation and implementation of the relevant disposition.

It should be noticed that, for the administrative and eventually other procedures with regard to the implementation of the substantial obligations emanating from the Directive, the Decree refers to other legislative and normative acts governing such procedures, making however clear that when these procedures are followed with regard to subject matters covered by the Decree, the substantial obligations emanating from the Decree must be observed.

The Decree includes in its Art. 28 a clear guarantee for the full compliance of any Greek authority with its provisions, stipulating that any dispositions contrary to the Decree are repealed, and therefore no disposition contrary to the Decree can be applied or invoked by any Greek authority.

List of transposing national legislation (including legal reference and abbreviations used in ToC):

- Presidential Decree (P.D.) no. 106/2007 (Decree) <http://www.synigoros.gr/allodapoi/pdfs/PD106.pdf>
- Law (L.) 3386/2005 <http://www.synigoros.gr/allodapoi/docs/n3386.pdf>
- Presidential decree (P.D.) 283/1985 (Penal Code) http://www.elinyae.gr/el/lib_file_upload/106a_85.1161679152370.pdf
- Ministerial Decision (M.D.) no. 24103/2005 http://www.synigoros.gr/allodapoi/docs/meta_n3386_dikaiologitika.pdf
- Legislative Decree 356/1974 (Public Income Collection Code) http://lawdb.intrasoftnet.com/nomos/2_nomothesia_rs_sub.php
- Law (L.) 2690/1999 http://lawdb.intrasoftnet.com/nomos/2_nomothesia_rs_sub.php
- Joint Ministerial Decision (J.M.D.) 7004/3/40-0/23.4.2004 http://lawdb.intrasoftnet.com/nomos/2_nomothesia_rs_sub.php
- Joint Ministerial Decision (J.M.D.) 4000/4/32-ιβ' /4.9.2006 <http://www.synigoros.gr/allodapoi/docs/KYA4000.pdf>
- Presidential decree (P.D.) 25/2004 http://lawdb.intrasoftnet.com/nomos/2_nomothesia_rs_sub.php
- Legislative Decree (L.D.) 127/1969 http://lawdb.intrasoftnet.com/nomos/2_nomothesia_rs_sub.php
- Law (L.) 3103/2003 http://lawdb.intrasoftnet.com/nomos/2_nomothesia_rs_sub.php
- Ministerial Decision (M.D.) 302//2005 http://lawdb.intrasoftnet.com/nomos/2_nomothesia_rs_sub.php
- Circular no. 10 of Ministry of Interior, Public Administration & Decentralization (Ministry of Interior) on P.D. 106/2007 http://www.ypes.gr/allodapoi/content/GR/egiklio/egiklios10_08.doc
- Law (L.) 2514/1997 http://lawdb.intrasoftnet.com/nomos/2_nomothesia_rs_sub.php

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Other abbreviations: numero (no.)

Government Gazette (G.G.)

Article (art.)

Analysed legislation in conformity? (click as appropriate)

YES
or/and Stricter

NO
Incomplete or/and Incorrect



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| Chapter I. GENERAL PROVISIONS | | | | | | |
| Art. 2.1 | Definitions For the purposes of this Directive: 1) "Union citizen" means any person having the nationality of a Member State; | P.D. 106/2007, art. 2.1 | Ορισμοί Για την εφαρμογή των διατάξεων του παρόντος προεδρικού διατάγματος, νοούνται ως: 1. «Πολίτης της Ένωσης»: κάθε πρόσωπο το οποίο έχει την ιθαγένεια κράτους μέλους της Ένωσης, | Terms For the application of the provisions of the presidential decree herein, the following meanings apply: 1. "Union citizen": any person having the nationality of a Member State of the Union. | Y | Literal transposition |
| Art. 2.2 (a) | 2) "Family member" means: (a) the spouse; | P.D 106/2007, art. 2.2 (a) | 2. «Μέλος της οικογένειας»: (α) ο [η] σύζυγος ανεξαρτήτως ιθαγένειας, | 2. "Family member": (a) the spouse irrespective of nationality, | Y | Effective transposition |
| Art. 2.2 (b) | (b) the partner with whom the Union citizen has contracted a registered partnership, on the basis of the legislation of a Member State, if the legislation of the host Member State treats registered partnerships as equivalent to marriage and in accordance with the conditions laid down in the relevant legislation of the host Member State; | | | | n/a | Effective transposition Greek legislation does not recognize any form of partnership except marriage. Therefore, registered partners do not enjoy any privileges under article 2.2(b). Nevertheless, the transposition is fully in accordance. |
| Art. 2.2 (c) | (c) the direct descendants who are under the age of 21 or are dependants and those of the spouse or partner as defined in point (b); | P.D 106/2007, art. 2.2 (b) | (β) ανεξαρτήτως ιθαγένειας: τα κοινά τέκνα των συζύγων, τα οποία είναι κάτω των 21 ετών, τα λοιπά κοινά τέκνα των συζύγων, ανεξαρτήτως ηλικίας, εφόσον είναι συντηρούμενα, τα τέκνα του [της] συζύγου, κατά την ανωτέρω διάκριση, ως προς την ηλικία καθώς και τα τέκνα που έχουν υιοθετηθεί, επίσης κατά την ανωτέρω διάκριση | (b) irrespective of nationality: the common children of the two spouses which are under the age of 21, the rest common children irrespective of age as long as they are dependants, the children of the spouse, according to the distinction above, as to the age, as well as the adopted children, also according to the distinction above | N, Incorrect | Incorrect transposition Article 2.2(b) of the Decree by referring only to the common children of the two spouses and to those of the spouse only seems to exclude those children of the Union citizen whose mother or father is not his/her present spouse. This constitutes a significant problem of conformity. However, it is obvious that it is about a bad wording and there is no purpose for those descendants to be excluded, as a relevant reference is made for the children of the spouse. |

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| | | | | | | <p>Furthermore, the Decree only refers to the “children” excluding the rest direct descendants. At the official Greek version of the said article of the Directive, the English word “direct” which defines the word “descendant” was translated in a way as for the family relation concerned to be perceived as referring to those descendants whose nexus with the person concerned occurs directly, without the mediation of an intermediate generation. Furthermore, according to Greek civil law as “descendants” are to be considered only those relatives of the person concerned that descend from him/her, namely, only his/her children, grandchildren, great – grandchildren and so on. Accordingly, the group of the “direct descendants” consists of those descendants which belong to the closest generation. On the basis of the aforementioned, the group of “direct descendants” was comprehended by the Hellenic Republic as referring only to the children of the person concerned. However, it was noticed that the abovementioned interpretation of the term “direct descendants” is not in conformity with the respective provision of the Directive.</p> <p>Registered partner’s direct descendants do not enjoy any privileges under article 2.2(c) for the reasons set out at comments on article 2.2(b).</p> |

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| Art. 2.2 (d) | (d) the dependent direct relatives in the ascending line and those of the spouse or partner as defined in point (b); | P.D 106/2007, art. 2.2 (c) | (γ) ανεξαρτήτως ιθαγένειας, οι απευθείας ανιόντες του πολίτη της Ένωσης, καθώς και εκείνοι του [της] συζύγου, εφόσον είναι συντηρούμενοι | (c) irrespective of nationality, the direct relatives in the ascending line of the Union citizen and those of the spouse if they are dependants. | Y | Literal Transposition |
| Art. 2.3 | 3) "Host Member State" means the Member State to which a Union citizen moves in order to exercise his/her right of free movement and residence. | P.D. 106/2007, art. 1 | Σκοπός του παρόντος διατάγματος είναι να καθορίσει: (α) τους όρους που διέπουν την άσκηση του δικαιώματος της ελεύθερης κυκλοφορίας και διαμονής στην ελληνική επικράτεια από τους πολίτες της Ευρωπαϊκής Ένωσης και τα μέλη των οικογενειών τους, | This decree lays down: (a) the conditions governing the exercise of the right of free movement and residence within the territory of the Hellenic Republic by citizens of the European Union (Union) and their family members, | Y | Effective transposition |
| Art. 3.1 | Beneficiaries This Directive shall apply to all Union citizens who move to or reside in a Member State other than that of which they are a national, and to their family members as defined in point 2 of Article 2 who accompany or join them. | P.D. 106/2007, art. 3.1 | 1. Το παρόν διάταγμα ισχύει για τους πολίτες της Ένωσης, οι οποίοι εισέρχονται ή διαμένουν στην Ελλάδα και δεν έχουν την ελληνική ιθαγένεια καθώς και για τα μέλη των οικογενειών τους, ανεξαρτήτως ιθαγένειας, σύμφωνα με τα οριζόμενα στην παράγραφο 2 του άρθρου 2, που τους συνοδεύουν ή έρχονται να τους συναντήσουν. | 1. This presidential decree shall apply to all Union Citizens who move to or reside in Greece and do not have the Greek nationality, as well as to their family members as defined in paragraph 2 of article 2 who accompany or come to join them. | N, Incomplete | Incomplete transposition The provisions of the Directive should also apply to Greek nationals having exercised the right to free movement and returning to Greece afterwards. Article 3.1 was comprehended by the Hellenic Republic as excluding Greek nationals in general from the group of Directive's beneficiaries. The circular no. 10 of the Ministry of Interior confirms the fact that the Decree is not applicable to third-country nationals, members of the family of Greek citizens. This is a problem of conformity, while the provisions of the Directive should also apply to Greek nationals having exercised the right to free movement and returning to Greece afterwards, with the members of their family, who have already acquired the rights granted by the Directive. As far as Greek nationals are concerned, the Directive explicitly excludes them |

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| | | | | | | <p>from the group of beneficiaries only when they exercise the said right within the Greek territory. The problem concerns, mainly, the third-nationals, members of the family of a Greek national, in case they acquired the said right, while the Greek national - E.U. citizen was exercising idem right in another M.S. and then returned to Greece. Besides, the relevant right is granted to Greek nationals by article 5 of the Greek Constitution. As far as his/her members of the family are concerned, those of them being, as well, Union citizens, directly enjoy idem right granted by the Directive; to those of them being third country nationals L. 3386/2005 including equally favourable provisions shall apply.</p> <p>The Circular provides that itself should also apply to the third country nationals, members of the family of a Greek citizen for reasons of equal treatment and given that basically, the provisions of the Decree have already been integrated into L. 3386/2005, except for the cases, where such a pro rata implementation cannot take place for objective reasons, i.e. when there are differentiations between the status of the third country nationals members of the family of a Greek citizen and of those of a Union citizen.</p> <p>For example, in case the marriage between the Greek citizen and the third country national takes place in Greece, then the legal residence of</p> |

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| | | | | | | <p>the third country national within the Greek territory shall have to be proved. In these cases the third country national is considered to legally rest within the Greek territory, if he/she has an entry visa and as long as it is valid or for a time period of three months, if he/she comes from a country, which according to the Regulation 539/2001, as currently in force, is excluded from the above obligation or is a holder of a certification concerning the submission of the documents for the granting or renewal of residence card. Furthermore, in these cases provisions of art. 9(5) of the Decree on the right of third country nationals to apply for a residence card within a year from their arrival shall not apply, as at the date of their arrival they were not members of the family of the Greek citizen.</p> <p>On the same grounds, neither the chapters of the Circular concerning the granting of the permanent residence card shall apply in the above cases. For, the constant legal residence, which constitutes the main precondition for the establishment of the right to permanent residence, concerns the right of residence, which has been obtained on the grounds of the specific relation with the Greek citizen. Accordingly, the right of residence is attested only by means of a residence card of a member of the family of a Greek citizen, by means of which the constant residence of five years is</p> |

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| | | | | | | <p>also attested. In other words, in order for a third country national, who has become member of the family of a Greek citizen after his/her arrival to the Greek territory, the time of residence in Greece before the acquirement of the right of residence as a member of the family of a Greek citizen, shall not be admeasured for the acquirement of the right of permanent residence.</p> <p>In the light of ECJ's case <i>Surinder Singh</i>, it should also be noticed that in general, third country nationals, members of the family of a Greek national shall continue relying on the rights acquired through the Directive, when the Greek national returns to Greece after having exercised his/her right to free movement by residing in another MS. However, as indicated above those cases, from a systematic point of view shall not be governed by the Decree, but by L. 3386/2005. Besides, in respect to the acquirement and exercise of said rights L. 3386/2005 lays down the same conditions with those laid down by the Decree.</p> |
| Art. 3.2 (a) | Without prejudice to any right to free movement and residence the persons concerned may have in their own right, the host Member State shall, in accordance with its national legislation, facilitate entry and residence for the following persons: (a) any other family members, irrespective of their nationality, not falling under the definition in point 2 of Article 2 who, in the country from which | P.D. 106/2007, art. 3.2 (a) | 2. Με την επιφύλαξη τυχόν ατομικού δικαιώματος ελεύθερης κυκλοφορίας και διαμονής των ενδιαφερομένων, εξετάζεται κατά προτεραιότητα και γενικώς διευκολύνεται, σύμφωνα με την ισχύουσα ελληνική νομοθεσία, η είσοδος και η διαμονή των ακόλουθων προσώπων: (α) Κάθε άλλου μέλους της οικογένειας του πολίτη της | 2. Without prejudice to any right to free movement and residence the persons concerned may have in their own right, the entry and residence of the following persons is examined under priority and generally facilitated according to Greek current legislation: (a) Any other family member of the Union citizen, irrespective of | Y | <p>Literal transposition</p> <p>According to the Circular, facilitation herein consists of the examination of the relevant requests by means of priority. As for the rest and under the condition that the person concerned is a third-country national, the general provisions of L. 3386/2005 for the third-country nationals shall apply.</p> |

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| | they have come, are dependants or members of the household of the Union citizen having the primary right of residence, or where serious health grounds strictly require the personal care of the family member by the Union citizen; | | Ένωσης, ανεξαρτήτως ιθαγένειας, το οποίο δεν εμπίπτει στα αναφερόμενα στην παρ. 2 του άρθρου 2 πρόσωπα, εφόσον το μέλος τούτο συντηρείται από τον έχοντα ίδιο δικαίωμα διαμονής πολίτη της Ένωσης ή ζει υπό τη στέγη του στη χώρα προέλευσης ή εφόσον σοβαροί λόγοι υγείας καθιστούν απολύτως αναγκαία την προσωπική φροντίδα του εν λόγω μέλους της οικογένειας από τον πολίτη της Ένωσης και | nationality, not falling under the definition in paragraph 2 article 2 if this family member is dependant of the Union citizen having primary right of residence or is a member of his/her household in the country from which he/she arrived or where serious health grounds strictly require the personal care of the family member by the Union citizen and, | | Art. 12 of L. 3386/2005 provides that in order for the person concerned to be granted with a residence card, he/she may be invited by the competent authorities in an interview, if reasons of public order and/or public security occur. The only reference made in the Circular no. 10 in regard to the facilitation procedure is the following: “[...]If the abovementioned persons are third country nationals, then facilitation consists of the examination of the their requests referring to the entry and residence in the country by means of priority. As for the rest, the general provisions of L. 3386/2005 for the third-country nationals shall apply. In any case a sedulous examination of the personal condition of these persons shall take place, while any refusal concerning their entry and residence in the country shall be justified”. |
| Art. 3.2 (b) | (b) the partner with whom the Union citizen has a durable relationship, duly attested. | P.D. 106/2007, art. 3.2 (b) | (β) ανεξαρτήτως ιθαγένειας, του [της] συντρόφου, με τον οποίο ο πολίτης της Ένωσης έχει σταθερή σχέση, προσηκόντως αποδεδειγμένη. | (b) irrespective of their nationality, the partner with whom the Union citizen has a durable relationship, duly attested. | Y | Literal transposition |
| | The host Member State shall undertake an extensive examination of the personal circumstances and shall justify any denial of entry or residence to these people. | P.D. 106/2007, art.3.3 | 3. Σε κάθε περίπτωση γίνεται ενδελεχής εξέταση της προσωπικής κατάστασης και αιτιολογείται κάθε άρνηση εισόδου ή διαμονής των προσώπων αυτών. | 3. In any case a thorough examination of the personal circumstances shall be performed and any denial of entry or residence to these people shall be justified. | Y | Literal transposition |

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| Chapter II. RIGHT OF EXIT AND ENTRY | | | | | | |
| Art. 4.1 | Right of Exit Without prejudice to the provisions on travel documents applicable to national border controls, all Union citizens with a valid identity card or passport and their family members who are not nationals of a Member State and who hold a valid passport shall have the right to leave the territory of a Member State to travel to another Member State. | P.D. 106/2007, art. 4.1 | Δικαίωμα εξόδου 1. Με την επιφύλαξη των ισχυουσών για τους εθνικούς συνοριακούς ελέγχους διατάξεων, που αφορούν τα ταξιδιωτικά έγγραφα, όλοι οι πολίτες της Ένωσης οι οποίοι φέρουν ισχύον δελτίο ταυτότητας ή διαβατήριο καθώς και τα μέλη της οικογένειάς τους, τα οποία είναι υπήκοοι τρίτης χώρας και φέρουν ισχύον διαβατήριο, δικαιούνται να εγκαταλείπουν το έδαφος της Ελλάδας προκειμένου να μεταβούν σε άλλο κράτος μέλος. | Right of Exit 1. Without prejudice to provisions in effect on national border controls concerning travel documents, all Union citizens with a valid identity card or passport and the members of their family, who are not nationals of Greece and who hold a valid passport, shall have the right to leave the territory of Greece, in order to travel to another Member State. | Y | Effective transposition Greek nationals, as well, enjoy respective right regarding their free entry and exit from the Greek territory provided for by article 5 of the Constitution. |
| Art. 4.2 | No exit visa or equivalent formality may be imposed on the persons to whom paragraph 1 applies. | P.D. 106/2007, art. 4.2 | 2. Στα πρόσωπα της παρ. 1 δεν επιβάλλεται καμία θεώρηση εξόδου ή άλλη ισοδύναμη διατύπωση. | 2. No exit visa or equivalent formality may be imposed on the persons to whom paragraph 1 applies. | Y | Literal transposition |
| Art. 4.3 | Member States shall, acting in accordance with their laws, issue to their own nationals, and renew, an identity card or passport stating their nationality. | L.D. 127/1969, art. 1, para.1 (as replaced by art. 13, para 3 of L. 3345/2005) | Έλληνες πολίτες που κατοικούν ή διαμένουν προσωρινά στην Ελλάδα και έχουν συμπληρώσει το 12ο έτος της ηλικίας τους υποχρεούνται να εφοδιασθούν με δελτίο αστυνομικής ταυτότητας, το οποίο εκδίδεται ατελώς, κατά τις διατάξεις του παρόντος νομοθετικού διατάγματος.[...] 1. Το δελτίο ταυτότητας ακυρώνεται και αντικαθίσταται: α. Λόγω ακύρωσης ένεκα μεταβολής οποιουδήποτε στοιχείου της ταυτότητας του κατόχου, όπως ορίζεται στο άρθρο 6 ν.δ. 127/1969. β. Λόγω μη αναγραφής στο δελτίο | Greek citizens inhabiting or residing temporarily in Greece and having reached the age of 12 shall be obliged to be granted with an identity card, which shall be issued gratis, according to the provisions of the present legislative decree.[...] 1. The identity card is invalidated and replaced: a. Due to invalidation owing to amendment of any detail whatsoever of the identification of the holder, as stipulated in Article 6 of the legislative decree 127/1969. b. Due to non-indication on the | Y | Effective transposition |

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| | | <p>M..D. 302//2005, art. 5</p> <p>L. 3103/2003, art. 1, para 1</p> <p>P.D 25/2004, art. 3, para 1, 2 &</p> | <p>ταυτότητας της ιθαγένειας του κατόχου ή λόγω μη αναγραφής των στοιχείων του κατόχου με λατινικούς χαρακτήρες, όπως προβλέπεται στο άρθρο 1 παρ. 1α.</p> <p>γ. Λόγω φθοράς.</p> <p>δ. Λόγω παρέλευσης δεκαετίας από την έκδοσή του.</p> <p>ε. Λόγω απώλειας ή κλοπής.</p> <p>2. Για την αντικατάσταση δελτίου ταυτότητας υποβάλλονται τα δικαιολογητικά και ακολουθείται η διαδικασία που προβλέπεται για την αρχική έκδοση [...]</p> <p>[...] Η αρμοδιότητα για την έκδοση και χορήγηση των διαβατηρίων ανατίθεται αποκλειστικά σε Κεντρική Υπηρεσία της Ελληνικής Αστυνομίας.[...]</p> <p>1. Η διάρκεια ισχύος των διαβατηρίων καθορίζεται σε πέντε (5) έτη από την έκδοσή τους για τα διαβατήρια των ενηλίκων, καθώς και των ανηλίκων, που έχουν συμπληρώσει τα 14 έτη της ηλικίας τους και τρία (3) έτη για τα διαβατήρια των λοιπών ανηλίκων. Τα διαβατήρια που χορηγούνται στις περιπτώσεις της παρ. 3 του προηγούμενου άρθρου, έχουν ισχύ 13 μηνών.</p> <p>1. Αντικατάσταση του ισχύοντος</p> | <p>identity card of the holder's citizenship or due to non-indication of the holder's details in Latin characters as such is provided in Article 1 paragraph 1a.</p> <p>c. Due to damage.</p> <p>d. Due to lapse of ten years' period from issuance thereof.</p> <p>e. Due to loss or theft thereof.</p> <p>2. In order to have the identity card replaced the supporting documents are submitted and the procedure provided for its initial issuance is followed [...]</p> <p>[...] Competence as for the issue and the granting of passports is being exclusively assigned to the Central Service of Greek Police Authorities.[...]</p> <p>1. The validity period of the passports is determined to five (5) years from the issuance thereof in relation to adults' passports, as well as regarding the passports for those who are 14 years old, and three (3) years for the passports of those who are under age. The passports granted in cases under paragraph 3 of said Article are valid for 13 months.</p> <p>1. Replacement of a valid</p> | | |

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| | | 3, art. 2 | <p>διαβατηρίου γίνεται από την Υπηρεσία που το εξέδωσε, μετά από αίτηση του ενδιαφερομένου, όταν συντρέχει μία από τις ακόλουθες περιπτώσεις:</p> <p>α. Έχουν συμπληρωθεί όλες οι σελίδες του ώστε η περαιτέρω χρησιμοποίησή του να είναι ανέφικτη.</p> <p>β. Επήλθαν μεταβολές στοιχείων της προσωπικής κατάστασης του κατόχου που αναγράφονται στο διαβατήριο.</p> <p>γ. Υπάρχουν αλλοιώσεις στη φωτογραφία ή στις εσωτερικές εγγραφές, ή επήλθε φθορά του διαβατηρίου.</p> <p>δ. Περιλαμβάνονται στις σελίδες του διαβατηρίου ενδείξεις κράτους οι οποίες καθιστούν αδύνατη τη μετάβαση του κατόχου σε συγκεκριμένο κράτος.</p> <p>2. Το νέο διαβατήριο που χορηγείται σε αντικατάσταση του παλαιού ισχύει για όσο χρόνο απομένει μέχρι τη λήξη του.</p> <p>3. Η αρμόδια για την παράδοση του νέου διαβατηρίου υπηρεσία προβαίνει στην ακύρωση του διαβατηρίου που αντικαθίσταται και επιστρέφει αυτό στον κάτοχο. Η ακύρωση του διαβατηρίου γίνεται με διάτρηση ολοκλήρου του βιβλιαρίου (εξώφυλλα εσώφυλλα) στην άνω και κάτω</p> | <p>passport is done by the Authority that issued it, upon request of the interested party, when one of the following cases occurs:</p> <p>a. All pages have been filled therefore further usage of the passport is not possible.</p> <p>b. Changes of the details of the holder's personal status that are stated on the passport have occurred.</p> <p>c. There are either defacements of the photo or the internal registrations, or damage of the passport has occurred.</p> <p>d. There are indications, on the account of the state, included in the passport's pages that render the transition of the holder to a specific country impossible.</p> <p>2. The new passport granted in replacement of the old is valid only for the remaining time until expiration thereof.</p> <p>3. The competent authority for the delivery of the new passport proceeds to the invalidation of the passport being replaced and such is returned to the holder. The invalidation of the passport is done by perforation of the entire booklet (both covers and inner pages) at the right upper and lower side thereof, and the simultaneous stamp being</p> | | |

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| | | | γωνία της δεξιάς πλευράς αυτού, με παράλληλη επίθεση σφραγίδας με την ένδειξη "AKYRON - CANCELLED", σε σημεία που δεν θα θίγονται οι φερόμενες σ' αυτό ενδείξεις. | affixed with the indication "INVALID – CANCELLED", at places where the details thereon are not affected. | | |
| Art.4.4 | The passport shall be valid at least for all Member States and for countries through which the holder must pass when travelling between Member States. Where the law of a Member State does not provide for identity cards to be issued, the period of validity of any passport on being issued or renewed shall be not less than five years. | P.D. 25/2004, art. 1, para 1 L. 3103/2003, art. 1, para 1 | Διαβατήριο είναι το έγγραφο που εκδίδεται από τη Διεύθυνση Κρατικής Ασφάλειας του Αρχηγείου Ελληνικής Αστυνομίας, με το οποίο ο κάτοχος μπορεί νόμιμα να εξέρχεται και να εισέρχεται στη Χώρα, μέσω των καθορισμένων για το σκοπό αυτό σημείων. | Passport is the document that is being issued by the directorate of State Security of the Headquarters of Greek Police Authorities, by virtue of which the holder may legally exit or enter into the Country through the determined for the said purpose spots. | Y | Effective transposition The national provision herein cited provides for no restrictions or exclusions with respect to the territorial validity of passports issued by Greek authorities. A passport is valid for five years. |
| Art. 5.1 | Right on Entry 1. Without prejudice to the provisions on travel documents applicable to national border controls, Member States shall grant Union citizens leave to enter their territory with a valid identity card or passport and shall grant family members who are not nationals of a Member State leave to enter their territory with a valid passport. | P.D. 106/2007, art.5.1(a) & (b) | Δικαίωμα εισόδου 1. Με την επιφύλαξη των διατάξεων που αφορούν τα ταξιδιωτικά έγγραφα, τα οποία ισχύουν για τους εθνικούς συνοριακούς ελέγχους, επιτρέπεται η είσοδος στην ελληνική επικράτεια: (α) σε κάθε πολίτη της Ένωσης, ο οποίος φέρει ισχύον δελτίο ταυτότητας ή διαβατήριο [...] και (β) στα μέλη οικογένειας που είναι υπήκοοι τρίτων χωρών, εφόσον φέρουν ισχύον διαβατήριο. | Right on Entry 1. Without prejudice to the provisions on travel documents applicable to national border controls, entry into Greek territory is permitted: (a) to any Union citizen with a valid identity card or passport... and (b) to family members who are nationals of third countries with a valid passport. | Y | Literal transposition |
| | No entry visa or equivalent formality may be imposed on Union citizens. | P.D. 106/2007, art.5.1(a) | (α) [...] χωρίς να απαιτείται καμία θεώρηση εισόδου ή άλλη ισοδύναμη διατύπωση | (a)...with no requirement of entry visa or any other equivalent formality | Y | Effective transposition |
| Art. 5.2 | 2. Family members who are not nationals of a Member State shall only be required to have an entry visa in accordance with Regulation (EC) No 539/2001 or, where appropriate, with national law. | P.D. 106/2007, art.5.1(b), 5.2 | (β) [...] Στα πρόσωπα αυτά επιβάλλεται μόνο θεώρηση εισόδου, όταν απαιτείται σύμφωνα με τον Κανονισμό (ΕΚ) 539/2001, όπως ισχύει, ή | (b) [...]To these persons only an entry visa may be imposed, if required in accordance with Regulation (EC) No 539/2001 as currently valid, or, where | Y | Effective transposition Circular no. 10 provides that third country nationals, family members of the Union citizen shall be granted |

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| | For the purposes of this Directive, possession of the valid residence card referred to in Article 10 shall exempt such family members from the visa requirement. | | ενδεχομένως σύμφωνα με το εθνικό δίκαιο [...] 2. Η κατοχή ισχύοντος δελτίου διαμονής μέλους οικογένειας πολίτη της Ένωσης, απαλλάσσει τα πρόσωπα της περίπτωσης (β) της παρ. 1 του παρόντος άρθρου από την υποχρέωση θεώρησης εισόδου. | appropriate, with national law [...] 2. Possession of a valid residence card of family member of Union citizen, shall exempt persons of point (b) of paragraph 1 of the present article from the requirement of the entry visa. | | with an entry visa, if required, on a basis of an accelerated procedure and free of all charges. It is worded as follows: “[...]To those persons, who are not holders of a residence card of a member of the family of a Union citizen, an entry visa shall be imposed, if necessary, according to the Regulation 539/2001, as currently in force, gratis and on the basis of an accelerated procedure”. |
| | Member States shall grant such persons every facility to obtain the necessary visas. Such visas shall be issued free of charge as soon as possible and on the basis of an accelerated procedure. | P.D. 106/2007, art. 5.1 | Στα πρόσωπα αυτά παρέχεται κάθε διευκόλυνση, προκειμένου να αποκτήσουν τις απαιτούμενες θεωρήσεις. Οι θεωρήσεις αυτές εκδίδονται, ατελώς, το συντομότερο δυνατόν, και βάσει ταχείας διαδικασίας. | Every facility shall be granted to these persons in order for them to obtain the necessary visas. Such visas shall be issued free of charge as soon as possible and on the basis of an accelerated procedure. | Y | Literal transposition No special procedure has been established. However, competent authorities unofficially stated that these visas are being issued by order of priority and as soon as possible. |
| Art. 5.3 | 3. The host Member State shall not place an entry or exit stamp in the passport of family members who are not nationals of a Member State provided that they present the residence card provided for in Article 10. | P.D. 106/2007, art. 5.3 | 3. Δεν επιτίθεται σφραγίδα εισόδου ή εξόδου στο διαβατήριο των κατά το άρθρο 2 παρ. 2 του παρόντος, μελών της οικογένειας πολίτη της Ένωσης που είναι υπήκοοι τρίτων χωρών, εφόσον προσκομίζουν δελτίο διαμονής μέλους οικογένειας πολίτη της Ένωσης. | 3. No stamp in the passport of family members referred to in article 2, paragraph 2 of the present, who are nationals of third countries, may be placed as for their entry or exit, provided that they present the residence card of member of the family of Union citizen. | Y | Effective transposition |
| Art. 5.4 | 4. Where a Union citizen, or a family member who is not a national of a Member State, does not have the necessary travel documents or, if required, the necessary visas, the Member State concerned shall, before turning them back, give such persons every reasonable opportunity to obtain the necessary documents or have them brought to them within a reasonable period of time or to corroborate or prove by other means that they are covered by | P.D. 106/2007, art. 5.4 | 4. Όταν ο πολίτης της Ένωσης ή μέλος της οικογένειας του, που είναι υπήκοος τρίτης χώρας, δεν διαθέτει τα απαιτούμενα ταξιδιωτικά έγγραφα ή, ανάλογα με την περίπτωση, την αναγκαία θεώρηση, οι ελληνικές αστυνομικές αρχές, πριν λάβουν εις βάρος του το μέτρο της απέλασης, του παρέχουν κάθε εύλογη δυνατότητα είτε για την απόκτηση και την προσκόμιση ή | 4. Whenever a Union citizen, or a family member who is national of a third country, does not have the necessary travel documents or, as the case may be, the necessary visa, police authorities of Greece shall, before taking against him the measure of expulsion, give such person every reasonable opportunity either to obtain and present or to forward the abovementioned | Y | Effective transposition Greek law provides for a maximum period of 1 month to obtain the documents. |

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| | the right of free movement and residence. | | την αποστολή των προαναφερομένων στοιχείων, το αργότερο εντός μηνός από την είσοδο του στην ελληνική επικράτεια, δυνάμει του παρόντος, είτε για να αποδείξει, με οποιοδήποτε άλλο πρόσφορο μέσο, ότι καλύπτεται από το δικαίωμα ελεύθερης κυκλοφορίας και διαμονής. | documents, at the latest within one month from the time he entered the Greek territory, or to prove by other appropriate means, that he is covered by the right of free movement and residence. | | |
| Art.5.5 | 5. The Member State may require the person concerned to report his/ her presence within its territory within a reasonable and non-discriminatory period of time. Failure to comply with this requirement may make the person concerned liable to proportionate and non-discriminatory sanctions. | | | | n/a | Effective transposition Such requirement is not provided for neither in the present decree nor in any other Greek normative act; this not to be a problem of concordance, given that the corresponding article of the said Directive leaves this issue in the discretionary power of the Member – States. |
| Chapter III. RIGHT OF RESIDENCE | | | | | | |
| Art. 6.1 | Right of residence for up to three months 1. Union citizens shall have the right of residence on the territory of another Member State for a period of up to three months without any conditions or any formalities other than the requirement to hold a valid identity card or passport. | P.D. 106/2007, art. 6.1 | Δικαίωμα διαμονής έως τρεις μήνες 1. Οι πολίτες της Ένωσης και τα μέλη της οικογένειάς τους, που είναι επίσης πολίτες της Ένωσης, έχουν δικαίωμα διαμονής στην Ελλάδα για χρονικό διάστημα έως τρεις μήνες χωρίς κανένα όρο ή διατύπωση εφόσον κατέχουν ισχύον δελτίο ταυτότητας ή διαβατήριο. | Right of residence for up to three months 1. Union citizens and the members of their families who are also Union citizens shall have the right of residence on the Greek territory for a period of up to three months without any conditions or any formalities if they hold a valid identity card or passport. | Y, (Not for jobseekers) | Effective transposition, except for jobseekers As far as jobseekers are concerned a reference is made in art. 7, para. 3 cases (b) & (c) and art. 20, para. 3 as herein cited. As far as EU law provides an exception for jobseekers who consequently do not have to register necessarily during the first six months of residence, Greece does not correctly transpose this point, as there is no exception in Greek law for registration of jobseekers. There is no case-law available with respect to the special status of jobseekers. |

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| Art. 6.2 | 2. The provisions of paragraph 1 shall also apply to family members in possession of a valid passport who are not nationals of a Member State, accompanying or joining the Union citizen. | P.D. 106/2007, art. 6.2 | 2. Τα μέλη της οικογένειας πολίτη της Ένωσης, που είναι υπήκοοι τρίτης χώρας, έχουν δικαίωμα διαμονής στην Ελλάδα για χρονικό διάστημα έως τρεις μήνες χωρίς κανένα όρο ή διατύπωση, εφόσον είναι κάτοχοι ισχύοντος διαβατηρίου ή θεώρησης, όπου απαιτείται και συνοδεύουν ή πηγαίνουν να συναντήσουν τον πολίτη της Ένωσης. | 2. The members of the family of Union citizen, who are nationals of a third country shall have the right of residence on the Greek territory for a period up to three months without any conditions or any formalities, as long as they hold a valid passport or visa, if required, and accompany or join the Union citizen. | N, Incorrect | Incorrect transposition No residence visa may be required. However, it should be noticed that the respective provision of the Decree probably but not undoubtedly, refers to the cases falling under article 5.2 of the Directive, i.e. in the cases an entry visa is required in accordance with Regulation (EC) No 539/2001. |
| Art.7.1 (a) | Right of residence for more than three months All Union citizens shall have the right of residence on the territory of another Member State for a period of longer than three months if they: (a) are workers or self-employed persons in the host Member State; or | P.D. 106/2007, art.7.1(a) | Δικαίωμα διαμονής άνω των τριών μηνών 1. Οι πολίτες της Ένωσης έχουν δικαίωμα διαμονής στην Ελλάδα για χρονικό διάστημα μεγαλύτερο των τριών μηνών, εφόσον: (α) είναι μισθωτοί ή ασκούν ανεξάρτητη οικονομική δραστηριότητα, ή | Right of residence for more than three months Union citizens shall have the right of residence on the Greek territory for a period of longer than three months if they: (a) are workers or self-employed persons, or | Y | Literal transposition |
| Art.7.1 (b) | (b) have sufficient resources for themselves and their family members not to become a burden on the social assistance system of the host Member State during their period of residence and have comprehensive sickness insurance cover in the host Member State; or | P.D. 106/2007, art. 7.1(b) | (β) διαθέτουν επαρκείς πόρους για τον εαυτό τους και τα μέλη των οικογενειών τους, σύμφωνα με την παρ. 3 του άρθρου 8 του παρόντος, ούτως ώστε να μην επιβαρύνουν κατά τη διάρκεια της περιόδου διαμονής τους το σύστημα κοινωνικής πρόνοιας της Χώρας, καθώς και πλήρη ασφαλιστική κάλυψη ασθένειας, ή | (b) have sufficient resources for themselves and their family members, according to paragraph 3 of article 8 of the present, in order not to become a burden on the social assistance system of the Country during their period of residence, as well as comprehensive sickness insurance cover, or | Y | Almost Literal transposition |
| Art.7.1 (c) | (c) - are enrolled at a private or public establishment, accredited or financed by the host Member State on the basis of its legislation or administrative practice, for the principal purpose of following a course of study, including vocational training; and | P.D. 106/2007, art. 7.1(c) | (γ) έχουν εγγραφεί σε ιδιωτικό ή δημόσιο εκπαιδευτικό ίδρυμα, εγκεκριμένο ή χρηματοδοτούμενο από το Ελληνικό κράτος, βάσει της ισχύουσας νομοθεσίας ή διοικητικής πρακτικής, για να παρακολουθήσουν κατά κύριο λόγο σπουδές, | (c) - are enrolled at a private or public educational institution, accredited or financed by the Greek State, on the basis of the current legislation or administrative practice, for the principal purpose of following a course of study, including | Y | Almost Literal transposition |

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| | | | συμπεριλαμβανομένων μαθημάτων επαγγελματικής κατάρτισης και [...] | vocational training and | | |
| | - have comprehensive sickness insurance cover in the host Member State and assure the relevant national authority, by means of a declaration or by such equivalent means as they may choose, that they have sufficient resources for themselves and their family members not to become a burden on the social assistance system of the host Member State during their period of residence; or | P.D. 106/2007, art. 7.1(c) | [...] διαθέτουν πλήρη ασφαλιστική κάλυψη ασθενοίας στην Ελλάδα, βεβαιώνουν δε την αρμόδια αστυνομική αρχή, με δήλωση ή ισοδύναμα αποδεικτικά της επιλογής τους, ότι διαθέτουν επαρκείς πόρους για τον εαυτό τους και τα μέλη της οικογένειάς τους, σύμφωνα με την παρ. 3 του άρθρου 8 του παρόντος, ώστε να μην επιβαρύνουν το σύστημα κοινωνικής πρόνοιας της Χώρας κατά τη διάρκεια της παραμονής τους, ή | have comprehensive sickness insurance cover in Greece and assure the relevant competent police authority, by means of a declaration or by such equivalent means as they may choose, that they have sufficient resources for themselves and their family members, according to paragraph 3 of article 8, in order not to become a burden on the social assistance system of the Country during their period of residence, or | Y | Literal transposition |
| Art.7.1 (d) | (d) are family members accompanying or joining a Union citizen who satisfies the conditions referred to in points (a), (b) or (c). | P.D. 106/2007, art. 7.1(d) | (δ) είναι μέλη της οικογένειας πολίτη της Ένωσης, που πληροί τους αναφερόμενους στις περιπτώσεις (α), (β) ή (γ) όρους, τα οποία τον συνοδεύουν ή έρχονται να τον συναντήσουν | (d) are family members of a Union citizen who satisfies the conditions referred to in points (a), (b) or (c), whom accompany or join | Y | Literal transposition |
| Art. 7.2 | 2. The right of residence provided for in paragraph 1 shall extend to family members who are not nationals of a Member State, accompanying or joining the Union citizen in the host Member State, provided that such Union citizen satisfies the conditions referred to in paragraph 1(a), (b) or (c). | P.D. 106/2007, art. 7.2 | 2. Τα μέλη οικογένειας πολίτη της Ένωσης που είναι υπήκοοι τρίτων χωρών και τον συνοδεύουν ή πηγαίνουν να τον συναντήσουν, έχουν δικαίωμα διαμονής για διάστημα άνω των τριών μηνών, εφόσον ο πολίτης της Ένωσης διαμένει νόμιμα στην Ελλάδα σύμφωνα με τις διατάξεις της παρ. 1 περιπτώσεις (α), (β) και (γ) του παρόντος άρθρου. | 2. Family members of a Union citizen who are nationals of a third country and accompany or join him, shall have the right of residence for a period of longer than three months, provided that such Union citizen resides legally in Greece, in accordance with the provisions of paragraph 1, points (a), (b) and (c) of the present article. | Y | Effective transposition Actually, “legally” here means meeting a, b and c conditions. |
| Art. 7.3 (a) | 3. For the purposes of paragraph 1(a), a Union citizen who is no longer a worker or self-employed person shall retain the status of worker or self-employed person in the following circumstances: (a) he/she is temporarily unable to work as the result of an illness or accident; | P.D. 106/2007, art. 7.3(a) | 3. Για τους σκοπούς της παραγράφου 1, περίπτωση (α), η ιδιότητα του μισθωτού ή του ασκούντος ανεξάρτητη οικονομική δραστηριότητα διατηρείται για τον πολίτη της Ένωσης που δεν είναι πλέον | 3. For the purposes of paragraph 1 point (a), a Union citizen who is no longer a worker or self-employed person shall retain the status of worker or self-employed person in the following circumstances: | Y | Literal transposition |

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| | | | μισθωτός ή δεν ασκεί ανεξάρτητη οικονομική δραστηριότητα, στις ακόλουθες περιπτώσεις: (α) αν ο ενδιαφερόμενος είναι προσωρινά ανίκανος για εργασία εξαιτίας ασθeneίας ή ατυχήματος, | (a) if the person concerned is temporarily unable to work as the result of an illness or accident, | | |
| Art. 7.3 (b) | (b) he/she is in duly recorded involuntary unemployment after having been employed for more than one year and has registered as a jobseeker with the relevant employment office; | P.D. 106/2007, art. 7.3(b) | (β) αν ο ενδιαφερόμενος έχει καταγραφεί αρμοδίως ως ακουσίως άνεργος, έχοντας ασκήσει επαγγελματική δραστηριότητα άνω του ενός έτους, και έχει καταγραφεί ως πρόσωπο το οποίο αναζητεί εργασία στην αρμόδια υπηρεσία απασχόλησης, | (b) if the person concerned is in duly recorded involuntary unemployment after having been employed for more than one year and has registered as a jobseeker with the relevant employment office, | Y | Literal transposition |
| Art. 7.3 (c) | (c) he/she is in duly recorded involuntary unemployment after completing a fixed-term employment contract of less than a year or after having become involuntarily unemployed during the first twelve months and has registered as a job-seeker with the relevant employment office. In this case, the status of worker shall be retained for no less than six months; | P.D. 106/2007, art. 7.3 (c) | (γ) αν ο ενδιαφερόμενος έχει καταγραφεί αρμοδίως ως ακουσίως άνεργος μετά τη λήξη ισχύος της σύμβασης εργασίας ορισμένου χρόνου με διάρκεια μικρότερη του ενός έτους ή αφού κατέστη ακουσίως άνεργος κατά τη διάρκεια των πρώτων δώδεκα μηνών και έχει καταγραφεί στην αρμόδια υπηρεσία απασχόλησης ως πρόσωπο το οποίο αναζητεί εργασία. Στην περίπτωση αυτή, η ιδιότητα του εργαζομένου διατηρείται επί ένα εξάμηνο | (c) if the person concerned is in duly recorded involuntary unemployment after completion of a fixed-term employment contract of less than a year or after having become involuntarily unemployed during the first twelve months and has registered as a job-seeker with the relevant employment office. In this case, the status of worker shall be retained for no less than six months | Y | Literal transposition |
| Art.7.3 (d) | (d) he/she embarks on vocational training. Unless he/she is involuntarily unemployed, the retention of the status of worker shall require the training to be related to the previous employment. | P.D. 106/2007, art. 7.3(d) | (δ) αν ο ενδιαφερόμενος παρακολουθεί μαθήματα επαγγελματικής κατάρτισης, εκτός της περιπτώσεως που ο ενδιαφερόμενος είναι ακουσίως άνεργος, οπότε η διατήρηση της ιδιότητας του εργαζομένου | (d) if the person concerned embarks on vocational training, unless he/she is involuntarily unemployed, therefore the retention of the status of worker shall require the training to be related to the previous | Y | Literal transposition |

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| | | | προϋποθέτει την ύπαρξη σχέσης μεταξύ της προηγούμενης επαγγελματικής δραστηριότητας και της κατάρτισης. | employment. | | |
| Art. 7.4 | 4. By way of derogation from paragraphs 1(d) and 2 above, only the spouse, the registered partner provided for in Article 2(2)(b) and dependent children shall have the right of residence as family members of a Union citizen meeting the conditions under 1(c) above. Article 3(2) shall apply to his/her dependent direct relatives in the ascending lines and those of his/her spouse or registered partner. | P.D. 106/2007, art. 7.4 | 4. Όταν ο πολίτης της Ένωσης διαμένει στην Ελλάδα, επειδή πληροί τους όρους της παρ. 1 περίπτωση (γ) του παρόντος άρθρου, κατά παρέκκλιση από την παρ. 1 περίπτωση (δ) και την παρ. 2 του παρόντος άρθρου, δικαίωμα διαμονής στην ελληνική επικράτεια, ως μέλη της οικογένειάς του, έχουν μόνο ο [η] σύζυγος και τα συντηρούμενα τέκνα, όπως ορίζονται στο άρθρο 2 παρ. 2 του παρόντος. Η είσοδος και διαμονή των συντηρούμενων απευθείας ανιόντων του πολίτη της Ένωσης, που διαμένει στην Ελλάδα επειδή πληροί τους όρους της παρ. 1 περίπτωση (γ), καθώς και του [της] συζύγου του, διευκολύνεται σύμφωνα με τις διατάξεις της παρ. 2 του άρθρου 3 του παρόντος. | 4. By way of derogation from paragraphs 1 point (d) and 2 herein, only the spouse and dependent children as defined in paragraph 2 of article 2 herein shall have the right of residence as family members of a Union citizen meeting the conditions under paragraph 1 point (c) above. Entry and residence of dependent direct relatives in the ascending lines and those of the spouse of a Union citizen meeting the conditions under paragraph 1 point (c) shall be facilitated, according to article 3 paragraph 2 herein. | Y | Literal transposition |
| Art. 8.1 | Administrative formalities for Union citizens 1. Without prejudice to Article 5(5), for periods of residence longer than three months, the host Member State may require Union citizens to register with the relevant authorities. | P.D. 106/2007, art. 8.1 | Χορήγηση βεβαίωσης εγγραφής στους πολίτες της Ένωσης 1. Πολίτες της Ένωσης που πρόκειται να διαμείνουν στην Ελλάδα για χρονικό διάστημα που υπερβαίνει τους τρεις μήνες από την ημερομηνία άφιξης τους, υποχρεούνται πριν τη λήξη του τριμήνου να εμφανίζονται αυτοπροσώπως, στις αρμόδιες για το χειρισμό θεμάτων αλλοδαπών αστυνομικές αρχές του τόπου κατοικίας τους, για καταγραφή. | Granting to Union citizens of registration certificate 1. For period of residence longer than three months from the date of arrival, Union citizens must register with the competent police authorities handling alien issues in the place of residence, before the trimester expires. | Y | Effective transposition The deadline of three months from the date of arrival is transposed well in the Greek legislation. After this period, Union citizens are required to register, which obligation does not mean though that they cannot register without the three month period. |

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| Art. 8.2 | 2. The deadline for registration may not be less than three months from the date of arrival. A registration certificate shall be issued immediately, stating the name and address of the person registering and the date of the registration. Failure to comply with the registration requirement may render the person concerned liable to proportionate and non-discriminatory sanctions. | P.D. 106/2007, art. 8.1 P.D. 106/2007, art.27 Penal Code, art. 458 | <p>Οι ανωτέρω υπηρεσίες ενεργούν σχετική εγγραφή και χορηγούν άμεσα βεβαίωση για την πράξη τους, στην οποία αναγράφονται το ονοματεπώνυμο και η διεύθυνση του εγγραφέντος και η ημερομηνία εγγραφής. Η μη συμμόρφωση με την απαίτηση εγγραφής τιμωρείται σύμφωνα με τις διατάξεις του άρθρου 27 του παρόντος.</p> <p>Σε περίπτωση παράβασης των διατάξεων των άρθρων 8 παρ. 1 και 20 παρ. 6 του παρόντος εφαρμόζονται, με την επιφύλαξη ειδικότερων διατάξεων, οι κυρώσεις του άρθρου 458 του Ποινικού Κώδικα.</p> <p>Όποιος με πρόθεση παραβαίνει επιτακτική ή απαγορευτική διάταξη διοικητικών νόμων τιμωρείται με πρόστιμο τουλάχιστον πενήντα εννέα (59,00) ευρώ, αν η ειδική διάταξη αναφέρεται στο άρθρο αυτό ως προς την ποινική κύρωση της παράβασης.</p> | <p>The abovementioned authorities shall go through the registration and immediately grant a registration certificate, stating the name and address of the person registering and the date of the registration. Failure to comply with the registration requirement shall be punished, according to provisions of article 27 of the present</p> <p>In case of violation of the provisions of articles 8 paragraph 1 and 20 paragraph 6 herein, and without prejudice to more specific provisions, the sanctions of article 458 of the Penal Code shall apply.</p> <p>To everyone violating a compulsory or prohibitive provision of administrative laws a fine of 59,00 euros shall be imposed, whereas the special provision refers to this article as for the penalty due to the violation.</p> | Y (Not for jobseekers) | <p>Literal transposition</p> <p>The deadline for registration is three months as provided for in article 8.1 of the Decree.</p> <p>The amount of fines imposed on EU citizens is the same with that imposed on Greek citizens in similar situations. Besides, it's about a general provision, which provides for the lowest fine that may be imposed, in case a breach of an administrative provision occurs.</p> <p>As far as EU law provides an exception for jobseekers who consequently do not have to register necessarily during the first six months of residence, Greece does not correctly transpose this point, as there is no exception in Greek law for registration of jobseekers.</p> |
| Art. 8.3 | 3. For the registration certificate to be issued, Member States may only require that — Union citizens to whom point (a) of Article 7(1) applies present a valid identity card or passport, a confirmation of engagement from the employer or a certificate of employment, or proof that they are self-employed persons, | P.D. 106/2007, art. 8.2(a) | 2. Για τη χορήγηση βεβαίωσης εγγραφής απαιτείται να προσκομισθούν στις ανωτέρω αναφερόμενες αρχές, ακριβές φωτοαντίγραφο ισχύοντος δελτίου ταυτότητας ή διαβατηρίου καθώς και (α) βεβαίωση πρόσληψης από τον εργοδότη ή άλλο έγγραφο από το οποίο να προκύπτει απασχόληση σε μισθωτή δραστηριότητα ή άσκηση | 2. For the registration certificate to be granted, a valid identity card or passport shall be presented, as well as (a) a confirmation of engagement from the employer or a certificate of employment, or proof of being self-employed persons, as far as Union citizens, to whom article 7, paragraph 1, point (a) applies, are concerned, | Y | Literal transposition |

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| | | | ανεξάρτητης οικονομικής δραστηριότητας από τους πολίτες της Ένωσης για τους οποίους έχει εφαρμογή το άρθρο 7 παρ. 1 στοιχείο (α), | | | |
| | — Union citizens to whom point (b) of Article 7(1) applies present a valid identity card or passport and provide proof that they satisfy the conditions laid down therein, | P.D. 106/2007, art. 8.2(b) | (β) επίσημα στοιχεία που αποδεικνύουν ότι ο ενδιαφερόμενος πληροί τους όρους που καθορίζονται στο άρθρο 7 παρ. 1 στοιχείο (β), για τους πολίτες της Ένωσης που εμπύπτουν στη ρύθμιση αυτή, | (b) formal documentation as a proof that they satisfy the conditions laid down in article 7, paragraph 1, point (b), as far as Union citizens to whom this provision applies | Y | Literal transposition |
| | — Union citizens to whom point (c) of Article 7(1) applies present a valid identity card or passport, provide proof of enrolment at an accredited establishment and of comprehensive sickness insurance cover and the declaration or equivalent means referred to in point (c) of Article 7(1). Member States may not require this declaration to refer to any specific amount of resources. | P.D. 106/2007, art. 8.2(c) | (γ) απόδειξη για την εγγραφή τους σε εκπαιδευτικό ίδρυμα και για πλήρη ασφαλιστική κάλυψη ασθένειας, καθώς και δήλωση ή άλλο ισοδύναμο μέσο, από το οποίο να προκύπτει ότι διαθέτουν επαρκείς πόρους, εφόσον πρόκειται για τους πολίτες που εμπύπτουν στις ρυθμίσεις του άρθρου 7 παρ. 1 στοιχείο (γ). Στη δήλωση, για την απόδειξη κατοχής από μέρους του ενδιαφερόμενου επαρκών οικονομικών πόρων, δεν απαιτείται να αναφέρεται το συγκεκριμένο ύψος αυτών. | (c) documentation as a proof of enrolment at an accredited establishment and of comprehensive sickness insurance cover, as well as a declaration or equivalent means as a proof that they have sufficient resources, as far as citizens, to whom article 7, paragraph 1, point (c) applies, are concerned. It is not required that this declaration refers to any specific amount of resources. | Y | Literal transposition |
| Art. 8.4 | 4. Member States may not lay down a fixed amount which they regard as ‘sufficient resources’, but they must take into account the personal situation of the person concerned. In all cases this amount shall not be higher than the threshold below which nationals of the host Member State become eligible for social assistance, or, where this criterion is not applicable, higher than the minimum social security pension paid by the host Member State. | P.D. 106/2007, art. 8.3 | 3. Για τον υπολογισμό της κατοχής επαρκών πόρων από μέρους των ενδιαφερομένων, λαμβάνεται υπόψη το ύψος της χορηγούμενης στην Ελλάδα ελάχιστης σύνταξης. | 3. As for an estimation to be made regarding the possession of sufficient resources from the part of the concerned persons, the amount of minimum social security pension paid by Greece shall be taken into account. | N, Incomplete | Incomplete transposition Conformity as to article 8.4 of the Directive is not met. In particular, the corresponding national provision, as for the determination of notion “sufficient resources” only provides for the minimum social security pension paid in Greece to be taken into account, while article 8.4 of the Directive explicitly provides that no fixed amount should be laid down by Member States; i.e., only the personal |

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| | | | | | | situation of the person concerned should be taken into account. In other words, article 8.4 of the Directive provides that the criterion of the minimum social security pension paid by the host Member State, shall apply only as a ceiling with respect to the determination of the amount in each specific case. |
| Art. 8.5 | 5. For the registration certificate to be issued to family members of Union citizens, who are themselves Union citizens, Member States may require the following documents to be presented: | P.D. 106/2007, art. 8.4 | 4. Για να χορηγηθεί βεβαίωση εγγραφής στα μέλη της οικογένειας ενός πολίτη της Ένωσης, που είναι επίσης πολίτες της Ένωσης, απαιτείται η προσκόμιση των εξής στοιχείων: | 4. 5. For the registration certificate to be granted to family members of Union citizens, who are themselves Union citizens, the following documents shall be presented: | Y | Literal transposition |
| | (a) a valid identity card or passport; | P.D. 106/2007, art. 8.4(a) | (α) ακριβές φωτοαντίγραφο ισχύοντος δελτίου ταυτότητας ή διαβατηρίου, | (a) true copy of a valid identity card or passport, | Y | Effective transposition Greek transposing legislation also accepts a true copy of a valid identity card, which is a more favourable transposition. On the other hand, it is not sure whether presenting a valid identity card without presenting a true copy would suffice for the Greek authorities. It would be a minor issue of conformity, but it could be one since EU citizens would be obliged to get a true copy. |
| | (b) a document attesting to the existence of a family relationship or of a registered partnership; | P.D. 106/2007, art. 8.4(b) | (β) επίσημο έγγραφο το οποίο πιστοποιεί την ύπαρξη δεσμού συγγένειας, | (b) official document attesting to the existence of a family relationship, | Y | Effective transposition The requirement of an official document should not be considered as creating problems of conformity, whereas article 8.5 (b) of the Directive, as well, requires a document attesting and not just proving the said real fact. In other words, the word “attest” having a |

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| | | | | | | stronger meaning than “prove”, lays an additional condition as to the form of the supporting document required. As to the registered partnership see comments on article 2.2(b) |
| | (c) where appropriate, the registration certificate of the Union citizen whom they are accompanying or joining; | P.D. 106/2007, art. 8.4(c) | (γ) ακριβές φωτοαντίγραφο της βεβαίωσης εγγραφής του πολίτη της Ένωσης που συνοδεύουν ή έρχονται να συναντήσουν, εφόσον έχει χορηγηθεί, | (c) true copy of the registration certificate of the Union citizen whom they are accompanying or joining, if having been issued, | Y | Effective transposition Same comment as above. |
| | (d) in cases falling under points (c) and (d) of Article 2(2), documentary evidence that the conditions laid down therein are met; | P.D. 106/2007, art. 8.4(d) & (e) | (δ) ακριβές φωτοαντίγραφο του πιστοποιητικού γεννήσεως των τέκνων του πολίτη της Ένωσης και/ή του [της] συζύγου του, ή αντίστοιχο πιστοποιητικό ηλικίας, (ε) για τα άνω των 21 ετών τέκνα του πολίτη της Ένωσης και/ή του [της] συζύγου του, καθώς και για τους απευθείας ανιόντες, έγγραφο από την αρμόδια αρχή της χώρας καταγωγής ή προέλευσης, το οποίο πιστοποιεί ότι συντηρούνται από τον πολίτη της Ένωσης,[...] | (d) true copy of certification of birth of the children of the Union citizen and of those of his/her spouse, or a corresponding certificate of age (e) if children of the Union citizen or of his/her spouse are over the age of 21, document by the competent authority of the country of origin or the country of which they have come certifying that they are dependants of the Union citizen shall be presented, the same applying to the directly ascendants as well, ... | Y | Effective transposition Same comment as above. |
| | (e) in cases falling under Article 3(2)(a), a document issued by the relevant authority in the country of origin or country from which they are arriving certifying that they are dependants or members of the household of the Union citizen, or proof of the existence of serious health grounds which strictly require the personal care of the family member by the Union citizen; | P.D. 106/2007, art. 8.4(e) | (ε)[...],για δε τα λοιπά μέλη της οικογένειας του πολίτη της Ένωσης, που emπίπτουν στις διατάξεις του άρθρου 3 παρ. 2 περίπτωση (α), έγγραφο από την αρμόδια αρχή της χώρας καταγωγής ή προέλευσης, το οποίο πιστοποιεί ότι ζούσαν υπό τη στέγη του στη χώρα προέλευσης ή στοιχεία που αποδεικνύουν την ύπαρξη σοβαρών λόγων υγείας, που καθιστούν απολύτως αναγκαία την προσωπική φροντίδα του | (e)..., with respect to the rest members of the family of the Union citizen, to whom provisions of article 3, paragraph 2, point (a) applies, document by the competent authority of the country from which they arrive certifying that they are members of his/her household or proof of the existence of serious health grounds, which strictly require the personal care of the family member by the Union citizen. | Y | Literal transposition |

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| | | | μέλους της οικογένειας από τον πολίτη της Ένωσης. | | | |
| | (f) in cases falling under Article 3(2)(b), proof of the existence of a durable relationship with the Union citizen. | P.D. 106/2007, art. 8.4(f) | στ. έγγραφη απόδειξη για την ύπαρξη σταθερής σχέσης με τον πολίτη της Ένωσης, στις περιπτώσεις που εμπίπτουν στο άρθρο 3 παρ. 2 στοιχείο (β). | (f) in cases falling under article 3, paragraph 2, point (b), documentary proof of the existence of a durable relationship with the Union citizen. | Y | Literal transposition |
| Art. 9.1 | Administrative formalities for family members who are not nationals of a Member State. 1. Member States shall issue a residence card to family members of a Union citizen who are not nationals of a Member State, where the planned period of residence is for more than three months. | P.D. 106/2007, art.9.1 | Χορήγηση Δελτίου Διαμονής στα μέλη οικογένειας πολίτη της Ένωσης που είναι υπήκοοι τρίτων χωρών 1. Στα μέλη οικογένειας πολίτη της Ένωσης που είναι υπήκοοι τρίτων χωρών και έχουν δικαίωμα διαμονής σύμφωνα με την παρ. 2 του άρθρου 7 του παρόντος, χορηγείται ατομικό δελτίο διαμονής, το οποίο καλείται "Δελτίο Διαμονής μέλους οικογένειας πολίτη της Ένωσης". | Granting of Residence Card to family members of the Union citizen, who are nationals of a third country 1. The right of residence of family members of a Union citizen who are not nationals of a Member State and have right of residence according to article 7 herein shall be evidenced by the issuing of a personal residence document called "Residence card of a family member of a Union citizen" | Y | Literal transposition |
| Art. 9.2 | 2. The deadline for submitting the residence card application may not be less than three months from the date of arrival. | P.D. 106/2007, art. 9.2 | 2. Το μέλος οικογένειας πολίτη της Ένωσης, το οποίο είναι υπήκοος τρίτης χώρας και επιθυμεί τη χορήγηση του, κατά την παρ. 1 του παρόντος άρθρου, δελτίου διαμονής, οφείλει να υποβάλει αίτηση στις, κατά το άρθρο 9 παρ. 6 του παρόντος, αρμόδιες αρχές, εντός τριών μηνών από την ημερομηνία άφιξης του στην Ελλάδα.[...] | 2. The family member of a Union citizen who is a third-country national requesting the issue of a residence card according to article 9 par. 6 herein, must submit an application according to article 9 par. 6 herein to the competent authorities, within three months from the day of his/her arrival to Greece.[...] | Y | Effective transposition According to the Greek legislation, family members of Union citizens who are not nationals of a Member State must submit an application for a residence card within three months from the day of their arrival. This does not mean though, that they may not submit such an application immediately upon their arrival. |
| Art. 9.3 | 3. Failure to comply with the requirement to apply for a residence card may make the person concerned liable to proportionate and non-discriminatory sanctions. | P.D. 106/2007, art. 9.5 | 5. Σε περίπτωση μη υποβολής της αίτησης της παρ. 2 του παρόντος, με απόφαση του Γενικού Γραμματέα της Περιφέρειας, επιβάλλεται χρηματικό πρόστιμο ύψους εκατόν πενήντα (150) | 5. In case the application under paragraph 2 herein is not submitted, a fine amounting to one hundred fifty (150) Euros is imposed by decision of the General Secretary of the | N, Incorrect | Incorrect transposition The corresponding national provision provides that the residence card shall not be issued, in case the submission of the relevant application does not |

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| | | | <p>ευρώ. Θεωρείται επιβαρυντική περίπτωση και δεν χορηγείται δελτίο διαμονής, στην περίπτωση που η μη συμμόρφωση με την ανωτέρω απαίτηση υπερβεί το διάστημα του ενός έτους. Η διαδικασία βεβαίωσης και καταβολής του ανωτέρω προστίμου ενεργείται σύμφωνα με τις διατάξεις του Κώδικα Εισπράξεως Δημοσίων Εσόδων (Κ.Ε.Δ.Ε.).</p> | <p>Region. Failure to comply with the above requirement for a period of longer than a year, is considered an invidious case, so as for the residence card not to be issued. The assessment and deposit of the above fine is performed according to the provisions of Public Income Collection Code.</p> | | <p>take place within a year. This provision makes the person concerned liable to non-proportionate sanction, whereas failure to comply with the requirement of the submission of the relevant application may in some cases occur irrespective of the personal attitude of the person concerned. It should also be pointed out that the said article of the Directive does not provide the discretionary power to M.S. to impose sanctions equivalent to the deprivation of the relevant right.</p> |
| Art.10.1 | <p>Issue of residence cards</p> <p>1. The right of residence of family members of a Union citizen who are not nationals of a Member State shall be evidenced by the issuing of a document called 'Residence card of a family member of a Union citizen' no later than six months from the date on which they submit the application. A certificate of application for the residence card shall be issued immediately.</p> | <p>P.D. 106/2007, art. 9.1, 9.4, 9.6 L. 3386/2005, art. 11</p> | <p>1. Στα μέλη οικογένειας πολίτη της Ένωσης που είναι υπήκοοι τρίτων χωρών και έχουν δικαίωμα διαμονής σύμφωνα με την παρ. 2 του άρθρου 7 του παρόντος, χορηγείται ατομικό δελτίο διαμονής, το οποίο καλείται "Δελτίο Διαμονής μέλους οικογένειας πολίτη της Ένωσης". 4. Η, κατά την παρ. 6 του παρόντος άρθρου, υπηρεσία ελέγχει την πληρότητα των δικαιολογητικών και χορηγεί άμεσα βεβαίωση υποβολής δικαιολογητικών για τη χορήγηση δελτίου διαμονής. Η αίτηση με τα απαιτούμενα δικαιολογητικά διαβιβάζεται στην αρμόδια Υπηρεσία Αλλοδαπών και Μετανάστευσης της οικείας Περιφέρειας, το αργότερο εντός 15 ημερών από του υποβληθεί η αίτηση. Η Υπηρεσία Αλλοδαπών και Μετανάστευσης της οικείας Περιφέρειας εξετάζει την αίτηση και, εφόσον δεν συντρέχουν λόγοι δημόσιας τάξης και ασφάλειας ή</p> | <p>1. The right of residence of family members of a Union citizen who are not nationals of a Member State and have right of residence according to article 7 herein shall be evidenced by the issuing of a personal residence document called "Residence card of a family member of a Union citizen" 4. The service under par. 6 of this article checks the completeness of the documents and immediately issues a confirmation that the documents were deposited for the issuing of a residence card. The application and the required documents are forwarded to the competent Alien and Immigration Service of the Region, within 15 days at the latest from the application submission date. The Aliens and Immigration Service of the Region, examines the</p> | Y | <p>Effective transposition</p> |

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| | | | <p>λόγοι δημόσιας υγείας, εκδίδει απόφαση, με την οποία χορηγείται δελτίο διαμονής στα μέλη οικογένειας του πολίτη της Ένωσης, το αργότερο εντός έξι (6) μηνών από την ημερομηνία υποβολής της αίτησης με όλα τα απαιτούμενα δικαιολογητικά.</p> <p>6. Αρμόδια υπηρεσία για την παραλαβή της αίτησης, είναι η υπηρεσία που ορίζεται σύμφωνα με τις διατάξεις του άρθρου 11 του ν. 3386/2005 (ΦΕΚ 212 Α') για την παραλαβή των αιτήσεων, όπως ισχύει.</p> <p>11 [...] Οι αιτήσεις για τη χορήγηση και ανανέωση των αδειών διαμονής κατατίθενται στο δήμο ή την κοινότητα του τόπου κατοικίας ή διαμονής του αιτούντος.[...]</p> | <p>application and if there are no public order and security or public health issues involved, issues the decision by which the residence card is issued to the members of the family of the Union citizen, at the latest within six (6) months from the date the application and the supporting documents were submitted.</p> <p>6. The authority competent to receive the applications is the service defined in accordance to the provisions of article 11 of L. 3386/2005 (G. G. 212 A') for receiving applications, as in effect.</p> <p>11. [...] The applications for the granting and renewal of the residence cards are being filed before the municipality or the community of the place of residence of the applicant. [...]</p> | | |
| Art.10.2 (a) | 2. For the residence card to be issued, Member States shall require presentation of the following documents: (a) a valid passport; | P.D. 106/2007, art.9.2(a), (9.3) M.D no. 24103/2005 | 3. Η αίτηση για τη χορήγηση δελτίου διαμονής συνοδεύεται από τα απαιτούμενα προς απόδειξη της συνδρομής των προϋποθέσεων της παρ. 2 δικαιολογητικά, σύμφωνα με την υπ' αριθμ. οικ. 24103/2005 απόφαση του Υφυπουργού Εσωτερικών Δημόσιας Διοίκησης και Αποκέντρωσης "Καθορισμός απαιτούμενων δικαιολογητικών για τη χορήγηση και ανανέωση της άδειας διαμονής σύμφωνα με τις διατάξεις του ν. 3386/2005" (ΦΕΚ 1804 Β'), όπως ισχύει, καθώς και από πιστοποιητικό υγείας, εφόσον απαιτείται, | 3. The application for the issuing of a residence card must be accompanied by the required proof documents under the requirement of par. 2, according to the decision of the Vice - Minister of Interior, Public Administration and Decentralization no. 24103/2005 "Definition of required documentation for issuing of residence card according to the provisions of L. 3386/2005" (G.G. 1804 B'), as is in effect, and a health certificate where it is required, according to the provisions of article 21, par. 9 | Y | <p>Effective transposition</p> <p>The herein mentioned Ministerial Decision only provides for an application accompanied by three recent photos of the person concerned, a deposit the amount of which varies according to the term of residence and a health certificate, if required, to be submitted.</p> <p>It should be noticed that the elements included in the forms of the applications of all kind with respect to the matters dealt by the Directive do not actually introduce additional preconditions as to the granting of the</p> |

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| | | | <p>σύμφωνα με τις διατάξεις του άρθρου 21 παρ. 9 του παρόντος.</p> <p>2. Το μέλος οικογένειας πολίτη της Ένωσης, το οποίο είναι υπήκοος τρίτης χώρας και επιθυμεί τη χορήγηση του, κατά την παρ. 1 του παρόντος άρθρου, δελτίου διαμονής, οφείλει να υποβάλει αίτηση στις, κατά το άρθρο 9 παρ. 6 του παρόντος, αρμόδιες αρχές, εντός τριών μηνών από την ημερομηνία άφιξης του στην Ελλάδα, εφόσον πληροί τις παρακάτω προϋποθέσεις: (α) Είναι κάτοχος ισχύοντος διαβατηρίου ή άλλου ταξιδιωτικού εγγράφου αναγνωρισμένου από την Ελλάδα.</p> | <p>herein.</p> <p>2. The family member of a Union citizen who is a third-country national requesting the issue of a residence card according to article 9 para. 6 herein must submit an application according to article 9 para. 6 herein to the competent authorities, within three months from the day he/she entered Greece, if he/she meets the following conditions: (a) Holds a valid passport or other travel document recognized by Greece.</p> | | <p>residence cards.</p> <p>The actual problem with the forms of the applications is that though the legal framework has changed in order to comply with E.U. law, the forms have remained the same due to lack of organisation. Besides, this is the answer we got from the part of the relevant administrative authorities. In other words, it is more a matter of lack of systemisation than a conformity problem.</p> |
| Art.10.2 (b) | (b) a document attesting to the existence of a family relationship or of a registered partnership; | P.D. 106/2007, art. 9.2(b) | (β) Αποδεικνύει εγγράφως την οικογενειακή του σχέση με τον πολίτη της Ένωσης. | (b) Presents documentation on his/her family relationship with the Union citizen. | Y | <p>Effective transposition</p> <p>As to the registered partnership see comments on article 2.2(b)</p> |
| Art.10.2 (c) | (c) the registration certificate or, in the absence of a registration system, any other proof of residence in the host Member State of the Union citizen whom they are accompanying or joining; | P.D. 106/2007, art. 9.2(c) | (γ) Αποδεικνύει τη νόμιμη διαμονή του πολίτη της Ένωσης στην Ελλάδα. | (c) Presents proof of the legal residence of the Union citizen in Greece | Y | <p>Literal transposition</p> <p>More favourable (no need of the registration certificate – other means possible)</p> |
| Art.10.2 (d) | (d) in cases falling under points (c) and (d) of Article 2(2), documentary evidence that the conditions laid down therein are met; | P.D. 106/2007, art. 9.2(d) | (δ) Αποδεικνύει με κάθε πρόσφορο τρόπο ότι συντηρείται από τον πολίτη της Ένωσης, στις περιπτώσεις στις οποίες πρέπει να συντρέχει το πραγματικό αυτό γεγονός, σύμφωνα με το άρθρο 2 παρ.2 περιπτώσεις (β) και (γ). | (d) Presents any available proof that he/she is dependant of the Union citizen, for the cases this true fact must occur, according to article 2 paragraph 2, points (b) and (c). | Y | Effective transposition |
| Art.10.2 (e) | (e) in cases falling under Article 3(2)(a), a document issued by the relevant authority in the country of origin or country from which they are arriving | P.D. 106/2007, art. 9.2(e) | (ε) Αποδεικνύει, με σχετικό έγγραφο της αρμόδιας αρχής της χώρας καταγωγής ή προέλευσης, ότι συντηρείται από τον πολίτη | (e) Presents documentary, issued by the competent authority in the country of origin or country from which he arrived, on | Y | Literal transposition |

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| | certifying that they are dependants or members of the household of the Union citizen, or proof of the existence of serious health grounds which strictly require the personal care of the family member by the Union citizen; | | της Ένωσης ή ότι ζούσε υπό τη στέγη του στη χώρα καταγωγής ή ότι υπάρχουν σοβαροί λόγοι υγείας που καθιστούν απολύτως αναγκαία την προσωπική φροντίδα του μέλους της οικογένειας από τον πολίτη της Ένωσης, σύμφωνα με το άρθρο 3 παρ. 2 περίπτωση (α). | him/her being dependant of the Union citizen or on serious health grounds, which strictly require the personal care of the family member by the Union citizen, according to article 3 paragraph 2, point (a). | | |
| Art.10.2 (f) | (f) in cases falling under Article 3(2)(b), proof of the existence of a durable relationship with the Union citizen. | P.D. 106/2007, art. 9.2(b) | (β) Αποδεικνύει εγγράφως την οικογενειακή του σχέση με τον πολίτη της Ένωσης. | (b) Presents documentation on his/her family relationship with the Union citizen | Y | Effective transposition Article 10.2(f) of the Directive has not been transposed by a separate provision. However, it is covered by the regulatory content of Article 9.2(b) of the present Decree |
| Art.11.1 | Validity of the residence card 1. The residence card provided for by Article 10(1) shall be valid for five years from the date of issue or for the envisaged period of residence of the Union citizen, if this period is less than five years. | P.D. 106/2007, art.10.1 | Διάρκεια και ισχύς του Δελτίου Διαμονής των μελών οικογένειας πολίτη της Ένωσης που είναι υπήκοοι τρίτων χωρών 1. Το δελτίο διαμονής των μελών οικογένειας πολίτη της Ένωσης που είναι υπήκοοι τρίτων χωρών έχει διάρκεια πέντε έτη ή την προβλεπόμενη περίοδο διαμονής του πολίτη της Ένωσης, εφόσον αυτή είναι μικρότερη των πέντε ετών. | Validity of the Residence Card of family members of a Union citizen, who are nationals of a third country 1. The residence card of family members of Union citizen, who are nationals of a third country, shall be valid for a period of five years or for the envisaged period of residence of the Union citizen, if this period is less than five years. | Y | Literal transposition |
| Art.11.2 | 2. The validity of the residence card shall not be affected by temporary absences not exceeding six months a year, or by absences of a longer duration for compulsory military service or by one absence of a maximum of 12 consecutive months for important reasons such as pregnancy and childbirth, serious illness, study or vocational training, or a posting in another Member State or a third country. | P.D. 106/2007, art. 10.2 | 2. Η ισχύς του δελτίου διαμονής δεν θίγεται από προσωρινές απουσίες που δεν υπερβαίνουν τους έξι μήνες ετησίως ούτε από απουσίες μεγαλύτερης διάρκειας για την εκπλήρωση υποχρεωτικής στρατιωτικής θητείας ή από μία απουσία δώδεκα συναπτόν μηνών κατ' ανώτατο όριο για σοβαρούς λόγους, ιδίως εγκυμοσύνη και | 2. The validity of the residence card shall not be affected by temporary absences not exceeding six months per year or by absences of a longer duration for fulfilment of compulsory military service or by an absence of a maximum period of twelve consecutive months for important reasons, such as pregnancy and childbirth, serious illness, study or | Y | Literal transposition |

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| | | | μητρότητα, σοβαρή ασθένεια, σπουδές ή επαγγελματική κατάρτιση ή τοποθέτηση σε άλλο κράτος μέλος ή τρίτη χώρα. | vocational training or a posting in another Member State or third country. | | |
| Art.12.1 | Retention of the right of residence by family members in the event of death or departure of the Union citizen 1. Without prejudice to the second subparagraph, the Union citizen's death or departure from the host Member State shall not affect the right of residence of his/her family members who are nationals of a Member State. Before acquiring the right of permanent residence, the persons concerned must meet the conditions laid down in points (a), (b), (c) or (d) of Article 7(1). | P.D. 106/2007, art. 11.1 | Διατήρηση του δικαιώματος διαμονής από τα μέλη της οικογένειας σε περίπτωση θανάτου ή αναχώρησης του πολίτη της Ένωσης 1. Με την επιφύλαξη του επόμενου εδαφίου, ο θάνατος του πολίτη της Ένωσης ή η αναχώρηση του από την Ελλάδα, δεν θίγει το δικαίωμα διαμονής των μελών της οικογένειας του, τα οποία είναι υπήκοοι κράτους μέλους. Πριν από την απόκτηση του δικαιώματος μόνιμης διαμονής, οι ενδιαφερόμενοι πρέπει να πληρούν, κατά περίπτωση, τους όρους που καθορίζονται στα στοιχεία (α), (β), (γ) ή (δ) της παρ. 1 του άρθρου 7 του παρόντος. | Retention of the right of residence by family members in the event of death or departure of the Union citizen 1. Without prejudice to the next subparagraph, the Union citizen's death or departure from Greece shall not affect the right of residence of his/her family members who are nationals of a Member State. Before acquiring the right of permanent residence, the persons concerned must meet, as the case may be, the conditions laid down in points (a), (b), (c) or (d) of paragraph 1 of article 7 herein. | Y | Literal transposition |
| Art.12.2 | 2. Without prejudice to the second subparagraph, the Union citizen's death shall not entail loss of the right of residence of his/her family members who are not nationals of a Member State and who have been residing in the host Member State as family members for at least one year before the Union citizen's death. | P.D. 106/2007, art. 11.2 | 2. Με την επιφύλαξη του επόμενου εδαφίου, εάν ο πολίτης της Ένωσης αποβιώσει, τα μέλη της οικογένειας του, τα οποία είναι υπήκοοι τρίτων χωρών, εφόσον διαμένουν στην Ελλάδα, ως μέλη της οικογένειας, επί ένα έτος τουλάχιστον πριν από το θάνατο του, διατηρούν το δικαίωμα διαμονής σε προσωπική βάση. | 2. Without prejudice to the next subparagraph, if a Union citizen dies, his/her family members who are nationals of a third country and have been residing in Greece, as family members for at least one year before the Union citizen's death, shall retain the right of residence on a personal basis. | Y | Literal transposition |
| | Before acquiring the right of permanent residence, the right of residence of the persons concerned shall remain subject to the requirement that they are able to show that they are workers or self-employed | P.D. 106/2007, art. 11.2 | [...]Πριν από την απόκτηση του δικαιώματος μόνιμης διαμονής, κατά το άρθρο 13 του παρόντος, το δικαίωμα διαμονής των προσώπων της παρ. 1 και του | Before acquiring the right of permanent residence, under article 13 herein, the right of residence of the persons concerned shall remain, under | Y | Effective transposition Given that no requirement of specific documents in order for the said status to be verified is mentioned, "prove" |

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| | persons or that they have sufficient resources for themselves and their family members not to become a burden on the social assistance system of the host Member State during their period of residence and have comprehensive sickness insurance cover in the host Member State, or that they are members of the family, already constituted in the host Member State, of a person satisfying these requirements. 'Sufficient resources' shall be as defined in Article 8(4). | | ανωτέρου εδαφίου διατηρείται, υπό την προϋπόθεση ότι τα πρόσωπα αυτά αποδεικνύουν την ιδιότητα τους ως μισθωτών ή την άσκηση ανεξάρτητης οικονομικής δραστηριότητας, ή αποδεικνύουν ότι διαθέτουν επαρκείς πόρους για τους ίδιους και τα μέλη της οικογένειάς τους, ούτως ώστε να μην επιβαρύνουν, κατά τη διάρκεια της παραμονής τους στην Ελλάδα, το σύστημα κοινωνικής πρόνοιας της Χώρας, καθώς και ότι έχουν πλήρη ασφαλιστική κάλυψη ασθένειας στην Ελλάδα, ή, τέλος, αποδεικνύουν ότι είναι μέλη της ήδη συσταθείσης, στην Ελλάδα, οικογένειας ενός προσώπου, το οποίο πληροί τις ανωτέρω προϋποθέσεις. Η έννοια των επαρκών πόρων ορίζεται στο άρθρο 8 παρ. 3 του παρόντος. | the condition that they are able to prove that they are workers or self-employed persons or that they have sufficient resources for themselves and their family members, not to become a burden on the social welfare system of Greece during their period of residence and have comprehensive sickness insurance cover in Greece, or that they are members of the family, already constituted in Greece, of a person satisfying the above requirements. Sufficient resources shall be defined in article 8, paragraph 3 herein. | | shall not be considered as stronger than "show". |
| | Such family members shall retain their right of residence exclusively on a personal basis. | P.D. 106/2007, art.11.2 | 2. Με την επιφύλαξη του επόμενου εδαφίου, εάν ο πολίτης της Ένωσης αποβιώσει, τα μέλη της οικογένειάς του, τα οποία είναι υπήκοοι τρίτων χωρών, εφόσον διαμένουν στην Ελλάδα, ως μέλη της οικογένειας, επί ένα έτος τουλάχιστον πριν από το θάνατο του, διατηρούν το δικαίωμα διαμονής σε προσωπική βάση. | 2. Without prejudice to the next subparagraph, if a Union citizen dies, his/her family members who are nationals of a third country and have been residing in Greece, as family members for at least one year before the Union citizen's death, shall retain the right of residence on a personal basis. | Y | Literal transposition |
| Art.12.3 | 3. The Union citizen's departure from the host Member State or his/her death shall not entail loss of the right of residence of his/her children or of the parent who has actual custody of the children, irrespective of nationality, if the children | P.D. 106/2007, art. 11.3 | 3. Η αναχώρηση του πολίτη της Ένωσης από την Ελλάδα ή ο θάνατος του δεν συνεπάγεται απώλεια του δικαιώματος διαμονής των τέκνων του ή του γονέα ο οποίος έχει πράγματι την | 3. Union citizen's departure from Greece or his/her death shall not entail loss of the right of residence of his/her children or of the parent, who actually has the custody of the children, | Y | Effective transposition The requirement of the submission of certification of enrolment in an educational institution is not considered as a stringent provision, |

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| | reside in the host Member State and are enrolled at an educational establishment, for the purpose of studying there, until the completion of their studies. | | επιμέλεια των τέκνων, ανεξαρτήτως ιθαγένειας, εφόσον τα τέκνα διαμένουν στην Ελλάδα, και είναι εγγεγραμμένα σε εκπαιδευτικό ίδρυμα, με σκοπό την πραγματοποίηση σπουδών, έως την ολοκλήρωση των σπουδών τους. Προς απόδειξη του γεγονότος αυτού, οι ενδιαφερόμενοι υποχρεούνται να υποβάλουν στις κατά τόπον αρμόδιες για τον χειρισμό θεμάτων αλλοδαπών αστυνομικές αρχές, όταν πρόκειται για πολίτες της Ένωσης ή στις, κατά το άρθρο 9 παρ. 6 του παρόντος, αρμόδιες αρχές, όταν πρόκειται για υπηκόους τρίτων χωρών, βεβαίωση εγγραφής των τέκνων σε εκπαιδευτικό ίδρυμα. | irrespective of nationality, if the children reside in Greece and are enrolled at an educational institution, for the purpose of studying there, until the completion of their studies. For proof of this, the persons concerned must submit to the local police authorities responsible for handling alien issues in the case of Union citizens or the competent authorities under article 9 paragraph 6 herein, in the cases of third-country nationals, a certification of enrolment of the children in an educational institution | | given that it falls within the purpose of article 12.3 of the Directive, for the said documentary constitutes the only proof, in order for the actual enrolment to be verified. |
| Art.13.1 | Retention of the right of residence by family members in the event of divorce, annulment of marriage or termination of registered partnership 1. Without prejudice to the second subparagraph, divorce, annulment of the Union citizen's marriage or termination of his/her registered partnership, as referred to in point 2(b) of Article 2 shall not affect the right of residence of his/her family members who are nationals of a Member State. | P.D. 106/2007, art.12.1 | Διατήρηση του δικαιώματος διαμονής από τα μέλη της οικογένειας σε περίπτωση διαζυγίου, ακύρωσης του γάμου ή λήξης της καταχωρημένης συμβίωσης με τον πολίτη της Ένωσης 1. Με την επιφύλαξη του δευτέρου εδαφίου, το διαζύγιο ή η ακύρωση του γάμου του πολίτη της Ένωσης, δεν θίγει το δικαίωμα διαμονής των μελών της οικογένειας του, τα οποία είναι υπήκοοι κράτους μέλους. | Retention of the right of residency by family members in the event of divorce, annulment of marriage or termination of registered partnership with the Union citizen 1. Without prejudice to the second subparagraph, divorce or annulment of the Union citizen's marriage shall not affect the right of residence of his/her family members, who are nationals of a Member State. | Y | Effective transposition As to registered partnership see comments on article 2.2(b) |
| | Before acquiring the right of permanent residence, the persons concerned must meet the conditions laid down in points (a), (b), (c) or (d) of Article 7(1). | P.D. 106/2007, art. 12.1 | [...]Πριν από την απόκτηση του δικαιώματος μόνιμης διαμονής, οι ενδιαφερόμενοι πρέπει να πληρούν, κατά περίπτωση, τους | Before acquiring the right of permanent residence, the persons concerned must meet, as the case may be, the conditions laid down | Y | Literal transposition |

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| | | | όρους που καθορίζονται στα στοιχεία (α), (β), (γ) ή (δ) της παρ. 1 του άρθρου 7 του παρόντος. | in points (a), (b), (c) or (d) of paragraph 1 of article 7 herein | | |
| Art.13.2 (a) | 2. Without prejudice to the second subparagraph, divorce, annulment of marriage or termination of the registered partnership referred to in point 2(b) of Article 2 shall not entail loss of the right of residence of a Union citizen's family members who are not nationals of a Member State where: (a) prior to initiation of the divorce or annulment proceedings or termination of the registered partnership referred to in point 2(b) of Article 2, the marriage or registered partnership has lasted at least three years, including one year in the host Member State; or | P.D. 106/2007, art. 12.2(a) | 2. Με την επιφύλαξη του δευτέρου εδαφίου, το διαζύγιο ή η ακύρωση του γάμου δεν συνεπάγεται απώλεια του δικαιώματος διαμονής των μελών της οικογένειας του πολίτη της Ένωσης, τα οποία είναι υπήκοοι τρίτων χωρών. Τα εν λόγω μέλη της οικογένειας διατηρούν το δικαίωμα διαμονής, σε προσωπική βάση, στις ακόλουθες περιπτώσεις: (α) εάν ο γάμος διήρκησε, έως την έναρξη της διαδικασίας έκδοσης διαζυγίου ή ακύρωσης του γάμου, τρία έτη τουλάχιστον, εκ των οποίων το ένα έτος στην Ελλάδα, | 2. Without prejudice to the second subparagraph, divorce or annulment of marriage shall not entail loss of the right of residence of a Union citizen's family members, who are nationals of third countries. The said family members shall retain the right of residence on a personal basis, where: (a) prior to initiation of the divorce or annulment proceedings marriage has lasted at least three years, including one year in Greece, | Y | Effective transposition As to registered partnership see comments on article 2.2(b) |
| Art.13.2 (b) | (b) by agreement between the spouses or the partners referred to in point 2(b) of Article 2 or by court order, the spouse or partner who is not a national of a Member State has custody of the Union citizen's children; or | P.D. 106/2007, art. 12.2(b) | (β) εάν η επιμέλεια των τέκνων του πολίτη της Ένωσης έχει ανατεθεί στον σύζυγο που είναι υπήκοος τρίτης χώρας, με έναν από τους προβλεπόμενους νόμιμους τρόπους, | (b) if the custody of the children of Union citizen has been assigned by legal means to the spouse who is a national of a third country, | Y | Effective transposition “Legal means” includes an agreement, as well as a court order. As to registered partnership see comments on article 2.2(b) |
| Art.13.2 (c) | (c) this is warranted by particularly difficult circumstances, such as having been a victim of domestic violence while the marriage or registered partnership was subsisting; or | P.D. 106/2007, art. 12.2(c) | (γ) εάν τούτο υπαγορεύεται από ιδιαίτερες δυσχερείς καταστάσεις, όπως στην περίπτωση που το μέλος της οικογένειας κατέστη θύμα οικογενειακής βίας, ενόσω υφίστατο ο γάμος, | (c) if this is prescribed by particularly difficult circumstances, such as having been a victim of domestic violence, while the marriage was subsisting | Y | Effective transposition As to registered partnership see comments on article 2.2(b) |
| Art.13.2 (d) | d) by agreement between the spouses or partners referred to in point 2 (b) of Article 2 or by court order, the spouse or partner who is not a national of a Member State has the right of access to a minor child, provided that the court has ruled | P.D. 106/2007, art. 12.2(d) | (δ) εάν ο σύζυγος που είναι υπήκοος τρίτης χώρας απολαύει, με έναν από τους προβλεπόμενους νόμιμους τρόπους, του δικαιώματος επικοινωνίας με ανήλικο τέκνο, υπό τον όρο ότι | (d) if the spouse who is a national of a third country has the right of access to with a minor child by legal means, provided that at the relevant agreement or court | Y | Effective transposition As to registered partnership see comments on article 2.2(b) |

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| | that such access must be in the host Member State, and for as long as is required. | | στη σχετική συμφωνία ή απόφαση κρίθηκε ότι οι επισκέψεις πρέπει να πραγματοποιούνται στην Ελλάδα και για όσο διάστημα απαιτείται. | order it has been ruled that such access must take place in Greece, and for as long as is required. | | |
| | Before acquiring the right of permanent residence, the right of residence of the persons concerned shall remain subject to the requirement that they are able to show that they are workers or self-employed persons or that they have sufficient resources for themselves and their family members not to become a burden on the social assistance system of the host Member State during their period of residence and have comprehensive sickness insurance cover in the host Member State, or that they are members of the family, already constituted in the host Member State, of a person satisfying these requirements. 'Sufficient resources' shall be as defined in Article 8(4). | P.D. 106/2007, art. 12.2 | [...]Πριν από την απόκτηση του δικαιώματος μόνιμης διαμονής, κατά το άρθρο 13 του παρόντος, το δικαίωμα διαμονής των προσώπων της παρ. 1 και 2 διατηρείται, υπό την προϋπόθεση ότι τα πρόσωπα αυτά αποδεικνύουν την ιδιότητα τους ως μισθωτών ή την άσκηση ανεξάρτητης οικονομικής δραστηριότητας, ή αποδεικνύουν ότι διαθέτουν επαρκείς πόρους για τους ίδιους και τα μέλη της οικογένειάς τους, ούτως ώστε να μην επιβαρύνουν, κατά τη διάρκεια της παραμονής τους στην Ελλάδα, το σύστημα κοινωνικής πρόνοιας της Χώρας, καθώς και ότι έχουν πλήρη ασφαλιστική κάλυψη ασθένειας στην Ελλάδα, ή, τέλος αποδεικνύουν ότι είναι μέλη της ήδη συσταθείσης, στην Ελλάδα, οικογένειας ενός προσώπου, το οποίο πληροί τις ανωτέρω προϋποθέσεις. Η έννοια των επαρκών πόρων ορίζεται στο άρθρο 8 παρ. 3 του παρόντος. | Before acquiring the right of permanent residence, under article 13 herein, the right of residence of the persons under paragraph 1 and 2 shall remain under the condition that they are able to prove that they are workers or self-employed persons or that they have sufficient resources for themselves and their family members not to become a burden on the social welfare system of Greece during their period of residence and have comprehensive sickness insurance cover in Greece or that they are members of the family, already constituted in Greece, of a person satisfying the above requirements. "Sufficient resources" shall be as defined in article 8, paragraph 3 herein. | Y | Effective transposition |
| | Such family members shall retain their right of residence exclusively on personal basis. | P.D. 106/2007, art.12.2 | 2 [...] Τα εν λόγω μέλη της οικογένειας διατηρούν το δικαίωμα διαμονής, σε προσωπική βάση, [...] | 2 [...] The said family members shall retain the right of residence on a personal basis, [...] | Y | Literal transposition |
| Art.14.1 | Retention of the right of residence Union citizens and their family members shall have the right of residence provided | P.D. 106/2007, art. 6.3 | 3. Οι πολίτες της Ένωσης και τα μέλη της οικογένειάς τους, ανεξαρτήτως ιθαγένειας, έχουν το δικαίωμα διαμονής που | 3. Union citizens and their family members, irrespective of nationality, have the right of residence provided by the above | Y | Effective transposition |

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| | for in Article 6, as long as they do not become an unreasonable burden on the social assistance system of the host Member State. | | προβλέπεται στις ανωτέρω διατάξεις, ενόσω δεν αποτελούν υπέρμετρο βάρος για το σύστημα κοινωνικής πρόνοιας της Ελλάδος. | provisions, as long as they do not constitute an excessive burden to the Greek social welfare system. | | |
| Art.14.2 | 2. Union citizens and their family Members shall have the right of residence provided for in Articles 7, 12 and 13 as long as they meet the conditions set out therein. | P.D. 106/2007, art. 7.5, 11.4, 12.4 | 7.5 Το δικαίωμα διαμονής των πολιτών της Ένωσης και των μελών της οικογένειάς τους, ανεξαρτήτως ιθαγένειας, διατηρείται για όσο διάστημα πληρούνται οι προϋποθέσεις του άρθρου 7 του παρόντος. [...] 11.4 Τα μέλη της οικογένειας πολίτη της Ένωσης διατηρούν το δικαίωμα διαμονής δυνάμει των διατάξεων του παρόντος άρθρου, ενόσω πληρούν τις προϋποθέσεις του άρθρου αυτού. [...] 12.4 Τα μέλη της οικογένειας πολίτη της Ένωσης διατηρούν το δικαίωμα διαμονής δυνάμει των διατάξεων του παρόντος άρθρου, ενόσω πληρούν τις προϋποθέσεις του άρθρου αυτού. [...] | 7.5 Right of residence of Union citizens and the members of their family irrespective of nationality, is maintained for as long as the conditions being set by article 7 herein, are met. [...] 11.4 The family members of a Union citizen retain the right of residence by virtue of the provisions of this article, if they meet the conditions being set by this article. [...] 12.4 The family members of a Union citizen retain the right of residence by virtue of the provisions of this article, if they meet the conditions being set by this article. [...] | Y | Effective transposition |
| | In specific cases where there is a reasonable doubt as to whether a Union citizen or his/her family members satisfies the conditions set out in Articles 7, 12 and 13, Member States may verify if these conditions are fulfilled. This verification shall not be carried out systematically. | P.D. 106/2007, art. 7.5, 11.4, 12.4 | 7.5 [...] Σε συγκεκριμένες περιπτώσεις όπου υπάρχει εύλογη αμφιβολία για το κατά πόσο πληρούνται οι όροι αυτοί, διενεργούνται σχετικοί έλεγχοι από τις αρμόδιες για το χειρισμό θεμάτων αλλοδαπών αστυνομικές αρχές του τόπου κατοικίας τους, όταν πρόκειται για πολίτη της Ένωσης ή μελών της οικογένειάς του που είναι επίσης πολίτες της Ένωσης ή τις αρμόδιες Υπηρεσίες Αλλοδαπών και Μετανάστευσης της οικείας Περιφέρειας, όταν πρόκειται για μέλη οικογένειας πολίτη της Ένωσης που είναι υπήκοοι τρίτων χωρών. Οι | 7.5 [...] In particular cases, where there is reasonable doubt as to if these conditions are met, inspections are performed by the competent police authorities in the place of their residence, which are authorized to handle alien issues for the cases concerning Union citizens or members of their family who are also Union citizens, or by the competent Alien and Immigration Services of the Region, for the cases where the members of the family of the Union citizen are nationals of a third country. These inspections | Y | Effective transposition |

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| | | | <p>έλεγχοι αυτοί δεν μπορεί να είναι συστηματικοί.</p> <p>11.4 [...] Σε συγκεκριμένες περιπτώσεις, όπου υπάρχει εύλογη αμφιβολία για το κατά πόσον πληρούνται οι προϋποθέσεις του παρόντος άρθρου, διενεργούνται σχετικοί έλεγχοι από τις αρμόδιες για το χειρισμό θεμάτων αλλοδαπών αστυνομικές αρχές του τόπου κατοικίας τους, όταν πρόκειται για πολίτη της Ένωσης ή μελών της οικογένειας του που είναι επίσης πολίτες της Ένωσης ή τις αρμόδιες Υπηρεσίες Αλλοδαπών και Μετανάστευσης της οικείας Περιφέρειας όταν πρόκειται για μέλη οικογένειας πολίτη της Ένωσης που είναι υπήκοοι τρίτων χωρών. Οι έλεγχοι αυτοί δεν διενεργούνται συστηματικά.</p> <p>12.4 [...] Σε συγκεκριμένες περιπτώσεις, όπου υπάρχει εύλογη αμφιβολία για το κατά πόσον πληρούνται οι προϋποθέσεις του παρόντος άρθρου, διενεργούνται σχετικοί έλεγχοι από τις αρμόδιες για το χειρισμό θεμάτων αλλοδαπών αστυνομικές αρχές του τόπου κατοικίας τους, όταν πρόκειται για πολίτη της Ένωσης ή μελών της οικογένειας του που είναι επίσης πολίτες της Ένωσης ή τις αρμόδιες Υπηρεσίες Αλλοδαπών και Μετανάστευσης της οικείας Περιφέρειας όταν πρόκειται για μέλη οικογένειας πολίτη της Ένωσης που είναι υπήκοοι τρίτων χωρών. Οι έλεγχοι αυτοί δεν</p> | <p>can not be systematic.</p> <p>11.4 [...] In particular cases, where there is reasonable doubt as to if these conditions are met, inspections are performed by the competent police authorities in the place of their residence, which are authorized to handle alien issues for the cases concerning Union citizens or members of their family who are also Union citizens, or by the competent Alien and Immigration Services of the Region, for the cases where the members of the family of the Union citizen are nationals of a third country. These inspections can not be systematic.</p> <p>12.4 [...] In particular cases, where there is reasonable doubt as to if these conditions are met, inspections are performed by the competent police authorities in the place of their residence, which are authorized to handle alien issues for the cases concerning Union citizens or members of their family who are also Union citizens, or by the competent Alien and Immigration Services of the Region, for the cases where the members of the family of the Union citizen are nationals of a third country. These inspections can not be systematic.</p> | | |

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| | | | διενεργούνται συστηματικά. | | | |
| Art.14.3 | 3. An expulsion measure shall not be the automatic consequence of a Union citizen's or his or her family member's recourse to the social assistance system of the host Member State. | P.D. 106/2007, art. 22.4 | 4. Η προσφυγή πολίτη της Ένωσης ή μέλους της οικογένειάς του στο σύστημα κοινωνικής πρόνοιας της Ελλάδας δεν συνεπάγεται αυτομάτως τη λήψη μέτρου απέλασης. | 4. An expulsion measure shall not be the automatic consequence of a Union citizen's or his/her family member's recourse to the social welfare system of Greece. | Y | Literal transposition |
| Art.14.4 (a) | 4. By way of derogation from paragraphs 1 and 2 and without prejudice to the provisions of Chapter VI, an expulsion measure may in no case be adopted against Union citizens or their family members if: (a) the Union citizens are workers or self-employed persons, or | P.D. 106/2007, art. 22.8 | 8. Δεν λαμβάνεται επ' ουδενί μέτρο απέλασης κατά πολίτη της Ένωσης, ακόμη και αν αυτός έπαυσε να πληροί τους όρους των άρθρων 6 παρ. 3, 7,11 παρ. 1 και 12 παρ.1 του παρόντος, υπό την επιφύλαξη των διατάξεων του Κεφαλαίου VI, εφόσον οι πολίτες της Ένωσης είναι μισθωτοί ή ασκούν ανεξάρτητη οικονομική δραστηριότητα [...] | 8. Without prejudice to Chapter VI, in no case shall an expulsion measure be adopted against a Union citizen, even if he/she does no any longer meet the conditions being set by articles 6 (3), 7, 11 (1) and 12 (1) herein, where the Union citizen is a worker or self-employed [...] | Y | Literal transposition |
| Art.14.4 (b) | (b) the Union citizens entered the territory of the host Member State in order to seek employment. In this case, the Union citizens and their family members may not be expelled for as long as the Union citizens can provide evidence that they are continuing to seek employment and that they have a genuine chance of being engaged. | P.D. 106/2007, art. 22.8 | 8. [...] ή εισήλθαν στην ελληνική επικράτεια προκειμένου να βρουν εργασία. Στην περίπτωση αυτή οι πολίτες της Ένωσης και τα μέλη των οικογενειών τους δεν μπορούν να απελαθούν εφόσον δύνανται να παρέχουν αποδείξεις ότι συνεχίζουν να αναζητούν εργασία και ότι έχουν πραγματικές πιθανότητες να προσληφθούν. | 8 [...] or entered the Greek territory in order to seek for employment. In this case Union citizens and their family members cannot be expelled, as long as they can provide evidence that they continue to seek employment and have real potential of being hired. | N, Incorrect | Incorrect transposition The respective article of the Decree may be implemented in an incorrect way by the Greek Authorities, since its wording is confusing. In particular it is not clear, whether the requirement to provide evidence with respect to the seeking of job also refers to the family members of the Union citizens. |
| Art.15.1 | Procedural safeguards The procedures provided for by Articles 30 and 31 shall apply by analogy to all decisions restricting free movement of Union citizens and their family members on grounds other than public policy, public security or public health. | P.D. 106/2007, art. 21.3 | 3. Για κάθε μέτρο που λαμβάνεται δυνάμει της παρ. 1 του παρόντος άρθρου, για άλλους λόγους εκτός της δημόσιας τάξης, της δημόσιας ασφάλειας ή της δημόσιας υγείας, εφαρμόζονται οι διατάξεις των άρθρων 23 και 24 του παρόντος.[...] | 3. Regarding any measure taken by virtue of paragraph 1 of this article, for reasons other than public order, public security or public health, provisions of articles 23 and 24 herein shall apply. [...] | Y | Effective transposition |
| Art.15.2 | 2. Expiry of the identity card or passport on the basis of which the person concerned entered the host Member State and was issued with a registration | P.D. 106/2007, art. 22.5 | 5. Η λήξη ισχύος του δελτίου ταυτότητας ή του διαβατηρίου, βάσει του οποίου ο ενδιαφερόμενος εισήλθε στην | 5. Expiry of the identity card or passport on the basis of which the person concerned entered Greece and was issued with a | Y | Literal transposition |

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| | certificate or residence card shall not constitute a ground for expulsion from the host Member State. | | Ελλάδα και εκδόθηκε η βεβαίωση εγγραφής ή του δελτίου διαμονής δεν αποτελεί λόγο απέλασης. | registration certificate or residence card shall not constitute a ground for expulsion. | | |
| Art.15.3 | 3. The host Member State may not impose a ban on entry in the context of an expulsion decision to which paragraph 1 applies. | P.D. 106/2007, art. 21.3 | 3. [...] Δεν μπορεί να επιβληθεί απαγόρευση εισόδου σε συνδυασμό με απόφαση απέλασης για την οποία ισχύει το προηγούμενο εδάφιο. | 3. [...] Denial of entry cannot be imposed in combination with an expulsion decision which falls under the previous subparagraph. | Y | Literal transposition |
| Chapter IV. RIGHT OF PERMANENT RESIDENCE | | | | | | |
| Section I. Eligibility | | | | | | |
| Art.16.1 | General rule for Union citizens and their family members 1. Union citizens who have resided legally for a continuous period of five years in the host Member State shall have the right of permanent residence there. This right shall not be subject to the conditions provided for in Chapter III. | P.D. 106/2007, art.13.1 | Γενικός κανόνας για τους πολίτες της Ένωσης και τα μέλη των οικογενειών τους 1. Οι πολίτες της Ένωσης οι οποίοι έχουν διαμείνει νομίμως για συνεχές χρονικό διάστημα πέντε ετών στην Ελλάδα... έχουν δικαίωμα μόνιμης διαμονής. Το δικαίωμα αυτό δεν υπόκειται στους όρους που προβλέπονται από τις διατάξεις του Κεφαλαίου III. [...] | General rule for Union citizens and their family members 1. Union citizens who have resided legally for a continuous period of five years in Greece [...] shall have the right of permanent residence. This right shall not be subject to the conditions provided for in Chapter III. [...] | Y | Literal transposition |
| Art.16.2 | 2. Paragraph 1 shall apply also to family members who are not nationals of a Member State and have legally resided with the Union citizen in the host Member State for a continuous period of five years. | P.D. 106/2007, art. 13.1 | 1. [...] και τα κατά την παρ. 2 άρθρου 2 του παρόντος μέλη οικογένειας που διαμένουν νομίμως με τον πολίτη της Ένωσης για συνεχές χρονικό διάστημα πέντε ετών έχουν δικαίωμα μόνιμης διαμονής [...]. | 1. [...] as well as the family members referred to in paragraph 2 of article 2 herein, who legally reside with the Union citizen for a continuous period of five years, shall have the right of permanent residence [...]. | Y | Literal transposition The part “This right shall not be subject to the conditions...” also applies to family members, as in the original form of article 13.1 of the Decree the above-mentioned sentence is placed below both texts corresponding to articles 16.1 and 16.2 of the Directive, which actually belong to the same sentence. |
| Art.16.3 | 3. Continuity of residence shall not be affected by temporary absences not exceeding a total of six months a year, or by absences of a longer duration for compulsory military service, or by one | P.D. 106/2007, art. 13.2 | 2. Το αδιάλειπτο της διαμονής της παρ. 1 του παρόντος άρθρου δεν θίγεται από προσωρινές απουσίες που δεν υπερβαίνουν συνολικά τους έξι μήνες ετησίως, ούτε από | 2. Continuity of residence under paragraph 1 of the present article shall not be affected by temporary absences not exceeding a total of six months | Y | Literal transposition |

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| | absence of a maximum of 12 consecutive months for important reasons such as pregnancy and childbirth, serious illness, study or vocational training, or a posting in another Member State or a third country. | | απουσίες μεγαλύτερης διάρκειας για την εκπλήρωση υποχρεωτικής στρατιωτικής θητείας ή από μία απουσία δώδεκα συναπτών μηνών κατ' ανώτατο όριο, για σοβαρούς λόγους, ιδίως εγκυμοσύνη και μητρότητα, σοβαρή ασθένεια, σπουδές ή επαγγελματική κατάρτιση ή τοποθέτηση σε άλλο κράτος μέλος ή τρίτη χώρα. | per year, or by absences of a longer duration for compulsory military service, or by one absence of a maximum of twelve consecutive months for important reasons, such as pregnancy and childbirth, serious illness, study or vocational training, or a posting in another Member State or third country. | | |
| Art.16.4 | 4. Once acquired, the right of permanent residence shall be lost only through absence from the host Member State for a period exceeding two consecutive years. | P.D. 106/2007, art. 13.3 | 3. Μετά την απόκτηση του δικαιώματος της μόνιμης διαμονής η απώλεια αυτού επέρχεται μόνο σε περίπτωση απουσίας του ενδιαφερόμενου από την Ελλάδα, για χρονικό διάστημα που υπερβαίνει τα δύο συναπτά έτη. | 3. Once acquired, the right of permanent residence shall be lost only through absence of the concerned person from Greece for a period exceeding two consecutive years. | Y | Literal transposition |
| Art.17.1 (a) | Exemptions for persons no longer working in the host Member State and their family members 1. By way of derogation from Article 16, the right of permanent residence in the host Member State shall be enjoyed before completion of a continuous period of five years of residence by: (a) workers or self-employed persons who, at the time they stop working, have reached the age laid down by the law of that Member State for entitlement to an old age pension or workers who cease paid employment to take early retirement, provided that they have been working in that Member State for at least the preceding twelve months and have resided there continuously for more than three years. | P.D. 106/2007, art. 14.1(a) | Παρεκκλίσεις για τα πρόσωπα τα οποία δεν εργάζονται πλέον στην Ελλάδα και για τα μέλη των οικογενειών τους 1. Κατά παρέκκλιση από τα οριζόμενα στο άρθρο 13, οι πολίτες της Ένωσης έχουν δικαίωμα μόνιμης διαμονής πριν τη συμπλήρωση των πέντε ετών συνεχούς διαμονής, στις εξής περιπτώσεις: (α) είναι μισθωτοί ή ασκούν ανεξάρτητη οικονομική δραστηριότητα και κατά το χρόνο παύσης της εργασίας τους στην Ελλάδα, έχουν συμπληρώσει την ηλικία που ορίζεται από το εθνικό δίκαιο για την απόκτηση δικαιωμάτων σε σύνταξη γήρατος, ή είναι μισθωτοί και έχουν παύσει να ασκούν μισθωτή | Exemptions for persons no longer working in Greece and their family members 1. By way of derogation from Article 13, the right of permanent residence in Greece shall be enjoyed by Union citizens before completion of a continuous period of five years of residence at the following cases: (a) they are workers or self-employed persons who, at the time they stopped working in Greece, have reached the age laid down by national law for entitlement to an old age pension or they are workers who ceased paid employment to take early retirement, provided that they have been working in the | Y | Literal transposition |

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| | | | δραστηριότητα λόγω πρόωρης συνταξιοδότησης, υπό την προϋπόθεση ότι εργάστηκαν στην ελληνική επικράτεια τουλάχιστον τους προηγούμενους δώδεκα μήνες και έχουν διαμείνει σε αυτή συνεχώς για περισσότερα από τρία έτη. [...] | Greek territory for at least the preceding twelve months and have resided there continuously for more than three years. [...] | | |
| | If the law of the host Member State does not grant the right to an old age pension to certain categories of self-employed persons, the age condition shall be deemed to have been met once the person concerned has reached the age of 60; | P.D. 106/2007, art. 14.1(a) | 1. (α) [...] Αν δεν αναγνωρίζεται το δικαίωμα σύνταξης γήρατος σε ορισμένες κατηγορίες ασκούντων ανεξάρτητη οικονομική δραστηριότητα, οι ενδιαφερόμενοι θεμελιώνουν το δικαίωμα μόνιμης διαμονής όταν συμπληρώσουν το 60ο έτος της ηλικίας τους. | 1. (a) [...] If the right to an old age pension is not granted to certain categories of self-employed persons, the persons concerned shall acquire the right of permanent residence once they reach the age of 60 | Y | Literal transposition |
| Art.17.1 (b) | (b) workers or self-employed persons who have resided continuously in the host Member State for more than two years and stop working there as a result of permanent incapacity to work. If such incapacity is the result of an accident at work or an occupational disease entitling the person concerned to a benefit payable in full or in part by an institution in the host Member State, no condition shall be imposed as to length of residence; | P.D. 106/2007, art. 14.1(b) | (β) είναι μισθωτοί ή ασκούν ανεξάρτητη οικονομική δραστηριότητα και διέμεναν συνεχώς για περισσότερα από δύο έτη στην Ελλάδα, εφόσον έπαυσαν να εργάζονται εξαιτίας μόνιμης ανικανότητας προς εργασία. Αν η ανικανότητα αυτή είναι συνέπεια εργατικού ατυχήματος ή άλλης επαγγελματικής ασθένειας, που παρέχει ευεργέτημα το οποίο αναγνωρίζεται στον ενδιαφερόμενο εν όλω ή εν μέρει από τον αρμόδιο φορέα της Χώρας, δεν επιβάλλονται όροι στη διάρκεια της παραμονής. | (b) they are workers or self-employed persons who have resided continuously in Greece for more than two years and have stopped working there as a result of permanent incapacity to work. If such incapacity is the result of an accident at work or an occupational disease entitling the person concerned to a benefit payable in full or in part by the competent entity of the Country, no condition shall be imposed as to length of residence; | Y | Literal transposition |
| Art.17.1 (c) | (c) workers or self-employed persons who, after three years of continuous employment and residence in the host Member State, work in an employed or self-employed capacity in another Member State, while retaining their place of residence in the host Member State, to | P.D. 106/2007, art. 14.1(c) | (γ) είναι μισθωτοί ή ασκούν ανεξάρτητη οικονομική δραστηριότητα και μετά τη συμπλήρωση τριών ετών συνεχούς απασχόλησης και διαμονής στη Χώρα, ασκούν μισθωτή ή ανεξάρτητη | (c) they are workers or self-employed persons who, after three years of continuous employment and residence in Greece, work in an employed or self-employed capacity in another Member State, while | Y | Literal transposition |

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| | which they return, as a rule, each day or at least once a week. | | οικονομική δραστηριότητα σε άλλο κράτος μέλος και διατηρούν ως τόπο διαμονής τους την Ελλάδα, όπου και επιστρέφουν, καταρχήν, καθημερινώς ή τουλάχιστον άπαξ εβδομαδιαίως. | retaining their place of residence in Greece, to which they return, on a basis daily or at least once a week. | | |
| | For the purposes of entitlement to the rights referred to in points (a) and (b), periods of employment spent in the Member State in which the person concerned is working shall be regarded as having been spent in the host Member State. | P.D. 106/2007, art. 14.1 | [...] Για τους σκοπούς της απόκτησης των δικαιωμάτων που προβλέπονται στα στοιχεία α και β, οι περίοδοι απασχόλησης στο κράτος μέλος όπου εργάζεται ο ενδιαφερόμενος λογίζονται ως περίοδοι απασχόλησης που πραγματοποιήθηκαν στη Χώρα. [...] | [...] For the purposes of entitlement to the rights referred to in points (a) and (b), periods of employment spent in the Member State in which the person concerned is working shall be regarded as having been spent in the Country. [...] | Y | Literal transposition |
| | Periods of involuntary unemployment duly recorded by the relevant employment office, periods not worked for reasons not of the person's own making and absences from work or cessation of work due to illness or accident shall be regarded as periods of employment. | P.D. 106/2007, art. 14.1 | [...] Οι περίοδοι ακούσιας ανεργίας, που έχουν καταγραφεί από την αρμόδια υπηρεσία απασχόλησης, οι περίοδοι διακοπής δραστηριότητας που δεν οφείλονται στη βούληση του ενδιαφερομένου καθώς και οι απουσίες από την εργασία ή η διακοπή δραστηριότητας λόγω ασθένειας ή ατυχήματος, λογίζονται ως περίοδοι απασχόλησης. | [...] Periods of involuntary unemployment duly recorded by the competent employment office, periods not worked for reasons not of the concerned person's own making and absences from work or cessation of work due to illness or accident shall be regarded as periods of employment. | Y | Literal transposition |
| Art.17.2 | 2. The conditions as to length of residence and employment laid down in point (a) of paragraph 1 and the condition as to length of residence laid down in point (b) of paragraph 1 shall not apply if the worker's or the self-employed person's spouse or partner as referred to in point 2(b) of Article 2 is a national of the host Member State or has lost the nationality of that Member State by marriage to that worker or self-employed person. | P.D. 106/2007, art. 14.2 | 2. Οι όροι της διάρκειας παραμονής και απασχόλησης που προβλέπονται στο στοιχείο (α) της παρ. 1, καθώς και ο όρος της διάρκειας διαμονής που προβλέπεται στο στοιχείο (β) της παρ. 1, δεν ισχύουν αν ο [η] σύζυγος του μισθωτού ή του ασκούντος ανεξάρτητη οικονομική δραστηριότητα, έχει την ελληνική ιθαγένεια ή απώλεσε την ελληνική ιθαγένεια λόγω γάμου με τον εν λόγω μισθωτό ή τον ασκούντα | 2. The conditions as to length of residence and employment laid down in point (a) of paragraph 1 and the condition as to length of residence laid down in point (b) of paragraph 1 shall not apply, if the worker's or the self-employed person's spouse is a national of Greece or has lost the Greek nationality by marriage to the said worker or self-employed person. | Y | Literal transposition |

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| | | | ανεξάρτητη οικονομική δραστηριότητα. | | | |
| Art.17.3 | 3. Irrespective of nationality, the family members of a worker or a self-employed person who are residing with him in the territory of the host Member State shall have the right of permanent residence in that Member State, if the worker or self-employed person has acquired himself the right of permanent residence in that Member State on the basis of paragraph 1. | P.D. 106/2007, art. 14.3 | 3. Ανεξαρτήτως ιθαγένειας, τα μέλη της οικογένειας μισθωτού ή ασκούντος ανεξάρτητη οικονομική δραστηριότητα, που διαμένουν μαζί του στην Ελλάδα, έχουν δικαίωμα μόνιμης διαμονής, πριν από τη συμπλήρωση των πέντε ετών συνεχούς διαμονής, εφόσον ο ίδιος ο μισθωτός ή ο ασκών ανεξάρτητη οικονομική δραστηριότητα έχει αποκτήσει δικαίωμα μόνιμης διαμονής στη χώρα κατά την παράγραφο 1 του παρόντος άρθρου. | 3. Irrespective of nationality, the family members of a worker or a self-employed person who are residing with him in Greece, shall have the right of permanent residence before completing a continuous five year period of residence in Greece, if the worker or self-employed person has acquired himself the right of permanent residence in the country according to paragraph 1 herein. | Y | Literal transposition |
| Art.17.4 (a) | 4. If, however, the worker or self-employed person dies while still working but before acquiring permanent residence status in the host Member State on the basis of paragraph 1, his family members who are residing with him in the host Member State shall acquire the right of permanent residence there, on condition that: (a) the worker or self-employed person had, at the time of death, resided continuously on the territory of that Member State for two years; or | P.D. 106/2007, art.14.4(a) | 4. Σε περίπτωση που ο μισθωτός ή ο ασκών ανεξάρτητη οικονομική δραστηριότητα απεβίωσε ενόσω ακόμη εργαζόταν αλλά πριν αποκτήσει το καθεστώς μόνιμης διαμονής στην Ελλάδα βάσει της παραγράφου 1, τα διαμένοντα μαζί του μέλη της οικογένειας του ανεξαρτήτως ιθαγένειας, έχουν δικαίωμα μόνιμης διαμονής, με την προϋπόθεση ότι: (α) ο μισθωτός ή ο ασκών ανεξάρτητη οικονομική δραστηριότητα διέμενε συνεχώς, μέχρι τον θάνατο του, επί δύο έτη στην ελληνική επικράτεια, ή | 4. In case the worker or self-employed person dies while still working but before acquiring permanent residence status in Greece on the basis of paragraph 1, his/her family members who are residing with him irrespective of nationality, shall have the right of permanent residence there, under the condition that: (a) the worker or self-employed person who, was by the time of his death residing continuously on the Greek territory for two years, or | Y | Literal transposition |
| Art.17.4 (b) | (b) the death resulted from an accident at work or an occupational disease; or | P.D. 106/2007, art. 14.4(b) | (β) ο θάνατος του οφείλεται σε εργατικό ατύχημα ή επαγγελματική ασθένεια, ή | (b) his/her death resulted from an accident at work or an occupational disease; or | Y | Literal transposition |
| Art.17.4 (c) | (c) the surviving spouse lost the nationality of that Member State following marriage to the worker or self- | P.D. 106/2007, art. 14.4(c) | (γ) ο επιζών σύζυγος έχει απολέσει την ελληνική ιθαγένεια λόγω του γάμου του με τον | (c) the surviving spouse lost the Greek nationality following marriage to the worker or self- | Y | Literal transposition |

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| | employed person. | | μισθωτό ή τον ασκούντα ανεξάρτητη οικονομική δραστηριότητα. | employed person. | | |
| Art.18 | <p>Acquisition of the right of permanent residence by certain family members who are not nationals of a Member State.</p> <p>Without prejudice to Article 17, the family members of a Union citizen to whom Articles 12(2) and 13(2) apply, who satisfy the conditions laid down therein, shall acquire the right of permanent residence after residing legally for a period of five consecutive years in the host Member State.</p> | P.D. 106/2007, art. 15 | <p>Απόκτηση δικαιώματος μόνιμης διαμονής από ορισμένα μέλη της οικογένειας που είναι υπήκοοι τρίτων χωρών</p> <p>Με την επιφύλαξη των διατάξεων του προηγούμενου άρθρου, τα μέλη της οικογένειας πολίτη της Ένωσης που είναι υπήκοοι τρίτων χωρών και επιτίτουν στο πεδίο εφαρμογής της παρ. 2 του άρθρου 11 και της παρ. 2 του άρθρου 12 του παρόντος, πληρούν δε τους εκεί προβλεπόμενους όρους, αποκτούν δικαίωμα μόνιμης διαμονής, εφόσον έχουν διαμείνει νομίμως στην Ελλάδα για πέντε (5) συνεχή έτη.</p> | <p>Acquisition of the right of permanent residence by certain family members who are not nationals of a Member State</p> <p>Without prejudice to the previous article, the family members of a Union citizen who are nationals of a third country and who fall under the field of application of paragraph 2 of article 11 and paragraph 2 of article 12 herein, while satisfying the conditions laid down therein, shall acquire the right of permanent residence after having legally resided in Greece for a period of five consecutive years.</p> | Y | Literal transposition |
| Chapter IV. RIGHT OF PERMANENT RESIDENCE | | | | | | |
| <i>Section I. Administrative formalities</i> | | | | | | |
| Art.19.1 | <p>Document certifying permanent residence for Union citizens</p> <p>1. Upon application Member States shall issue Union citizens entitled to permanent residence, after having verified duration of residence, with a document certifying permanent residence.</p> | P.D. 106/2007, art. 16 | <p>Έγγραφο πιστοποίησης μόνιμης διαμονής πολίτη της Ένωσης</p> <p>Αφού εξακριβωθεί η διάρκεια παραμονής των πολιτών της Ένωσης που είναι δικαιούχοι μόνιμης διαμονής, με την προσκόμιση της βεβαίωσης εγγραφής, οι αρμόδιες για το χειρισμό θεμάτων αλλοδαπών αστυνομικές αρχές του τόπου κατοικίας τους χορηγούν, κατόπιν αιτήσεως τους που υποβάλλεται αυτοπροσώπως, έγγραφο που πιστοποιεί τη μόνιμη διαμονή τους.</p> | <p>Document certifying permanent residence of Union citizens</p> <p>After having verified duration of residence of Union citizens who are eligible for permanent residence following a submission of written registration, the police authorities assigned to handle alien issues in the place of residence shall grant, upon application submitted in person, the document certifying permanent residence.</p> | Y | <p>Effective transposition</p> <p>There is no express clause in the Greek legislation stating that the document certifying permanent residence shall have unlimited validity.</p> |

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| Art.19.2 | 2. The document certifying permanent residence shall be issued as soon as possible. | | | | N, Incomplete | Incomplete transposition There is no corresponding national provision with respect to article 19.2 of the Directive. |
| Art.20.1 | Permanent residence card for family members who are not nationals of a Member State 1. Member States shall issue family members who are not nationals of a Member State entitled to permanent residence with a permanent residence card within six months of the submission of the application. The permanent residence card shall be renewable automatically every 10 years. | P.D. 106/2007, art.17.1, 17.3, 17.5 | Χορήγηση Δελτίου μόνιμης διαμονής σε μέλη οικογένειας πολίτη Ένωσης που είναι υπήκοοι τρίτων χωρών 1. Στα μέλη οικογένειας πολίτη της Ένωσης που είναι υπήκοοι τρίτης χώρας και έχουν δικαίωμα μόνιμης διαμονής, κατά τις διατάξεις του παρόντος, χορηγείται ατομικό δελτίο μόνιμης διαμονής, το οποίο καλείται "Δελτίο Μόνιμης Διαμονής μέλους οικογένειας πολίτη της Ένωσης". 3. Η αρμόδια υπηρεσία για την παραλαβή της αίτησης ελέγχει την πληρότητα των δικαιολογητικών και χορηγεί άμεσα βεβαίωση υποβολής δικαιολογητικών για τη χορήγηση δελτίου μόνιμης διαμονής. Η αίτηση με τα απαιτούμενα δικαιολογητικά διαβιβάζεται στην αρμόδια Υπηρεσία Αλλοδαπών και Μετανάστευσης της οικείας Περιφέρειας, το αργότερο εντός 15 ημερών αφότου υποβληθεί η αίτηση. Η ανωτέρω υπηρεσία εξετάζει την αίτηση και, εφόσον δεν συντρέχουν λόγοι δημόσιας τάξης και ασφάλειας, εκδίδει απόφαση, με την οποία χορηγείται δελτίο μόνιμης | Permanent residence card for family members who are not nationals of a Member State 1. Family members of Union citizens who are nationals of a third country having the right of permanent residency, according to the provisions herein, are issued with a permanent residence card which is called "Permanent Residence Card of family member of Union citizen". 3. In order to accept the application, the competent authority checks the completeness of documentation and immediately issues a certificate regarding the submission of the documentation for the granting of permanent residence card. The application accompanied by the required documents is being forwarded to the competent Aliens and Immigration Service of the Region, within 15 days at the latest from the date the application was submitted. The above service examines the application and if there are no public order and security or public health issues involved, | Y | Effective transposition The cross-reference to articles 13, 14 and 17 means that for the renewal of the permanent residence card the preconditions laid down in the abovementioned articles are not being examined again, as long as the relevant application is accompanied by a copy of the previous permanent residence card. As for the forms of the relevant applications see comments above on art. 10.2. |

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| | | | <p>διαμονής στα μέλη οικογένειας του πολίτη της Ένωσης, το αργότερο εντός έξι (6) μηνών από την ημερομηνία υποβολής της αίτησης με όλα τα απαιτούμενα δικαιολογητικά.</p> <p>5. Το δελτίο μόνιμης διαμονής ανανεώνεται ανά δεκαετία χωρίς την ανάγκη συνδρομής των προϋποθέσεων των άρθρων 13,14 και 17 του παρόντος, κατόπιν σχετικής αίτησης, η οποία συνοδεύεται από αντίγραφο του προηγούμενου δελτίου μόνιμης διαμονής.</p> | <p>issues the decision by which the residence card is granted to the members of the family of the Union citizen, at the latest within six (6) months from the date the application and the supporting documents were submitted.</p> <p>5. The permanent residence card is renewed every ten years without any requirement for the conditions of articles 13, 14 and 17 herein to be met, following a relevant application which is accompanied by a copy of the previous residence card.</p> | | |
| Art.20.2 | <p>2. The application for a permanent residence card shall be submitted before the residence card expires.</p> <p>Failure to comply with the requirement to apply for a permanent residence card may render the person concerned liable to proportionate and non-discriminatory sanctions.</p> | <p>P.D. 106/2007, art. 17.2, 17.4 Public Income Collection Code</p> | <p>2. Για τη χορήγηση του δελτίου μόνιμης διαμονής, ο υπήκοος τρίτης χώρας υποβάλλει αίτηση στις, κατά το άρθρο 9 παρ. 6 του παρόντος, αρμόδιες αρχές, πριν την λήξη του δελτίου διαμονής του, η οποία συνοδεύεται από τα εξής δικαιολογητικά:</p> <p>(α) Αντίγραφο του ισχύοντος δελτίου διαμονής.</p> <p>(β) Επικυρωμένο αντίγραφο της βεβαίωσης εγγραφής ή του εγγράφου πιστοποίησης μόνιμης διαμονής του πολίτη της Ένωσης, σύμφωνα με τις διατάξεις των άρθρων 8 και 16 αντίστοιχα, του παρόντος</p> <p>(γ) Σε περίπτωση θανάτου του πολίτη της Ένωσης, βεβαίωση από την αρμόδια αρχή για το χρόνο διαμονής του στην Ελλάδα ή βεβαίωση από την αρμόδια</p> | <p>2. In order to be granted with a permanent residence card, the third-country national must submit an application to the competent authorities referred to in article 9 paragraph 6 herein before the expiration of his/her residence card, which must be accompanied by the following supporting documentation:</p> <p>(a) A copy of a valid residence card.</p> <p>(b) Attested copy of the registration certification or the certificate of permanent residence of the Union citizen, according to the provisions of articles 8 and 16 respectively, herein,</p> <p>(c) In the case of death of the Union citizen, certificate by the competent authority for the</p> | <p>N, Incorrect</p> | <p>Incorrect transposition</p> <p>The corresponding national provision provides that the permanent residence card shall not be issued, in case the submission of the relevant application does not take place within a year. This provision makes the person concerned liable to non-proportionate sanction, whereas failure to comply with the requirement of the submission of the relevant application may in some cases occur irrespective of the personal attitude of the person concerned.</p> <p>Point (c) does not introduce an additional precondition, given that the submission of the said certificate is the only way so as for the one year's period of residence laid down in art. 11, para. 2 of the Decree to be ascertained.</p> |

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| | | | <p>αρχή ότι ο θάνατος του οφείλεται σε εργατικό ατύχημα ή επαγγελματική ασθένεια.</p> <p>(δ) Πρόσφατο πιστοποιητικό οικογενειακής κατάστασης ή άλλο επίσημο έγγραφο από το οποίο να προκύπτει ο συγγενικός δεσμός.</p> <p>4. Σε περίπτωση μη υποβολής της αίτησης της παρ. 2 του παρόντος άρθρου, με απόφαση του Γενικού Γραμματέα της Περιφέρειας επιβάλλεται χρηματικό πρόστιμο ύψους μέχρι εκατόν πενήντα (150) ευρώ. θεωρείται επιβαρυντική περίπτωση και δεν χορηγείται δελτίο μόνιμης διαμονής, στην περίπτωση που η μη συμμόρφωση με την ανωτέρω απαίτηση υπερβεί το διάστημα του ενός έτους. Η διαδικασία βεβαίωσης και καταβολής του ανωτέρω προστίμου ενεργείται σύμφωνα με τις διατάξεις του Κώδικα Εισπράξεως Δημοσίων Εσόδων (Κ.Ε.Δ.Ε.).</p> | <p>period of residence in Greece or confirmation from the same authority that death was a result of an accident at work or occupational disease.</p> <p>(d) Recent family status certificate or other official document proving the said family relation</p> <p>4. In case the application under paragraph 2 herein, is not submitted, a fine amounting to one hundred fifty (150) euros is imposed by decision of the General Secretary of the Region. It is considered an invidious case and a residence card is not being granted in case non compliance with the requirement above takes longer than one year. The proceedings regarding the assessment and deposit of the above fine are performed according to the provisions of Public Income Collection Code.</p> | | |
| Art.20.3 | 3. Interruption in residence not exceeding two consecutive years shall not affect the validity of the permanent residence card. | P.D. 106/2007, art. 17.6 | 6. Η διακοπή της διαμονής η οποία δεν υπερβαίνει τα δύο συναπτά έτη, δε θίγει την ισχύ του δελτίου μόνιμης διαμονής. | 6. Interruption in residence not exceeding two consecutive years shall not affect the validity of the permanent residence card. | Y | Literal transposition |
| Art. 21 | Continuity of residence For the purposes of this Directive, continuity of residence may be attested by any means of proof in use in the host Member State. Continuity of residence is broken by any expulsion decision duly enforced against the person concerned. | P.D. 106/2007, art. 18 | Αδιάλειπτο της διαμονής Για τους σκοπούς του παρόντος, το αδιάλειπτο της διαμονής πιστοποιείται με οποιοδήποτε πρόσφορο αποδεικτικό μέσο προβλέπεται στην κείμενη νομοθεσία. Το αδιάλειπτο της διαμονής διακόπτεται από κάθε | Continuity of residence For the purposes of the present degree, continuity of residence may be attested by any means or proof provided by current legislation. Continuity of residence is broken by every expulsion decision duly executed | Y | Literal transposition |

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| | | | απόφαση απέλασης, η οποία εκτελείται νομοτύπως κατά του ενδιαφερομένου. | against the person concerned. | | |
| Chapter V. PROVISIONS COMMON TO THE RIGHT OF RESIDENCE AND THE RIGHT OF PERMANENT RESIDENCE | | | | | | |
| Art. 22 | Territorial scope The right of residence and the right of permanent residence shall cover the whole territory of the host Member State. | P.D. 106/2007, art. 19 | Εδαφική εφαρμογή Το δικαίωμα διαμονής και το δικαίωμα μόνιμης διαμονής καλύπτουν το σύνολο της ελληνικής επικράτειας. [...] | Territorial scope The right of residence and the right of permanent residence shall cover the territory of Greece as a whole. [...] | Y | Literal transposition |
| | Member States may impose territorial restrictions on the right of residence and the right of permanent residence only where the same restrictions apply to their own nationals. | P.D. 106/2007, art. 19 | [...] Περιορισμοί στο δικαίωμα διαμονής και στο δικαίωμα μόνιμης διαμονής επιβάλλονται μόνο στις περιπτώσεις που οι ίδιοι περιορισμοί ισχύουν και για τους ημεδαπούς, σύμφωνα με την ισχύουσα νομοθεσία. | [...] Restrictions on the right of residence and the right of permanent residence are imposed only where such restrictions apply to Greek citizens as well, according to current legislation. | Y | Literal transposition |
| Art.23 | Related rights Irrespective of nationality, the family members of a Union citizen who have the right of residence or the right of permanent residence in a Member State shall be entitled to take up employment or self-employment there. | P.D. 106/2007, art. 20.1 | 1. Ανεξαρτήτως ιθαγένειας, τα μέλη της οικογένειας πολίτη της Ένωσης, τα οποία έχουν το δικαίωμα διαμονής ή το δικαίωμα μόνιμης διαμονής στην Ελλάδα, δικαιούνται να εργάζονται ως μισθωτοί ή να ασκούν ανεξάρτητη οικονομική δραστηριότητα. | 1. Irrespective of nationality, family members of a Union citizen who have the right of residence or the right of permanent residence in Greece shall be entitled to take up employment or self-employment. | Y | Literal transposition |
| Art.24.1 | Equal treatment 1. Subject to such specific provisions as are expressly provided for in the Treaty and secondary law, all Union citizens residing on the basis of this Directive in the territory of the host Member State shall enjoy equal treatment with the nationals of that Member State within the scope of the Treaty. The benefit of this right shall be extended to family members who are not nationals of a Member State and who have the right of residence or permanent residence. | P.D. 106/2007, art. 20.2 | 2. Με την επιφύλαξη των ειδικών διατάξεων που προβλέπονται ρητώς στη Συνθήκη των Ευρωπαϊκών Κοινοτήτων και στο παράγωγο δικαίο, όλοι οι πολίτες της Ένωσης που διαμένουν στην Ελλάδα βάσει του παρόντος προεδρικού διατάγματος, απολαμβάνουν ίσης μεταχείρισης με τους ημεδαπούς εντός του πεδίου εφαρμογής της Συνθήκης των Ευρωπαϊκών Κοινοτήτων. Το ευεργέτημα αυτό απονέμεται στα μέλη της οικογένειας που είναι υπήκοοι τρίτων χωρών, εφόσον | 2. Subject to such specific provisions as are expressly provided for in the Treaty and secondary law, all Union citizens residing in Greece on the basis of this presidential degree, shall enjoy equal treatment with the nationals of Greece within the scope of the Treaty. The benefit of this right shall be extended to family members who are nationals of a third country as long as they have the right of residence or permanent residence. | Y | Literal transposition |

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| | | | έχουν το δικαίωμα διαμονής ή μόνιμης διαμονής. | | | |
| Art.24.2 | 2. By way of derogation from paragraph 1, the host Member State shall not be obliged to confer entitlement to social assistance during the first three months of residence or, where appropriate, the longer period provided for in Article 14(4)(b), nor shall it be obliged, prior to acquisition of the right of permanent residence, to grant maintenance aid for studies, including vocational training, consisting in student grants or student loans to persons other than workers, self-employed persons, persons who retain such status and members of their families. | P.D. 106/2007, art.20.3 | 3. Κατά παρέκκλιση από την παράγραφο 2 του παρόντος άρθρου, η Ελλάδα δεν υποχρεούται να παρέχει κοινωνικές παροχές κατά τους πρώτους τρεις μήνες της διαμονής, ή, κατά περίπτωση, κατά το μακρότερο χρονικό διάστημα κατά το οποίο ο πολίτης της Ένωσης παρέχει αποδείξεις ότι αναζητά εργασία στην Ελλάδα και ότι έχει πραγματικές πιθανότητες να προσληφθεί, ούτε να δίνει, πριν από την απόκτηση του δικαιώματος μόνιμης διαμονής, σπουδαστική βοήθεια, συμπεριλαμβανομένης της επαγγελματικής κατάρτισης, αποτελούμενη από σπουδαστικές υποτροφίες ή σπουδαστικά δάνεια σε άλλα πρόσωπα εκτός από μισθωτούς, ασκούντες ανεξάρτητη οικονομική δραστηριότητα, σε πρόσωπα που διατηρούν αυτή την ιδιότητα και στα μέλη των οικογενειών τους. | 3. By way of derogation from paragraph 2 of this article, Greece shall not be obliged neither to confer entitlement to social assistance during the first three months of residence or, as the case may be, for a longer period during which the Union citizen presents proof that he/she is seeking employment in Greece and has real potentials of being hired, nor, prior to acquisition of the right of permanent residence, to grant maintenance aid for studies, including vocational training, consisting in student grants or student loans to persons other than workers, self-employed persons, persons who retain such status and members of their families. | Y | Literal transposition |
| Art.25.1 | General provisions concerning residence documents 1. Possession of a registration certificate as referred to in Article 8, of a document certifying permanent residence, of a certificate attesting submission of an application for a family member residence card, of a residence card or of a permanent residence card, may under no circumstances be made a precondition for the exercise of a right or the completion of an administrative formality, as | P.D. 106/2007, art. 20.4 | 4. Η κατοχή της προβλεπόμενης στο άρθρο 8 βεβαίωσης εγγραφής, του εγγράφου που πιστοποιεί τη μόνιμη διαμονή, της βεβαίωσης που πιστοποιεί την υποβολή αίτησης για τη χορήγηση δελτίου διαμονής μέλους της οικογένειας, του δελτίου διαμονής ή του δελτίου μόνιμης διαμονής, δε μπορεί, σε καμία περίπτωση, να επιβάλλεται ως προϋπόθεση για την άσκηση δικαιώματος ή την διεκπεραίωση διοικητικής | 4. Possession of a registration certificate as referred to in article 8, of the document certifying permanent residence, of a certificate attesting submission of an application for a family member residence card, of a residence card or of a permanent residence card, may under no circumstances be made a precondition for the exercise of a right or the completion of an administrative formality, as | Y | Almost Literal transposition |

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| | entitlement to rights may be attested by any other means of proof. | | διαδικασίας, εφόσον η απόκτηση των δικαιωμάτων που απορρέουν από τα ανωτέρω έγγραφα μπορεί να βεβαιώνεται με άλλο αποδεικτικό μέσο. | entitlement to rights may be attested by any other means of proof. | | |
| Art.25.2 | 2. All documents mentioned in paragraph 1 shall be issued free of charge or for a charge not exceeding that imposed on nationals for the issuing of similar documents. | P.D. 106/2007, art. 20.5 | 5. Όλα τα έγγραφα που αναφέρονται στην προηγούμενη παράγραφο χορηγούνται ατελώς. | 5. All documents mentioned in the previous paragraph shall be issued free of charge. | Y | Literal transposition |
| Art.26 | Checks Member States may carry out checks on compliance with any requirement deriving from their national legislation for non-nationals always to carry their registration certificate or residence card, provided that the same requirement applies to their own nationals as regards their identity card. In the event of failure to comply with this requirement, Member States may impose the same sanctions as those imposed on their own nationals for failure to carry their identity card. | P.D. 106/2007, art. 20.6, 20.7, 20.8 L. 3386/2005, art. 71 & 72 | 6. Όποιος, κατά τη διάρκεια ελέγχου από αρμόδια αρχή ή υπάλληλο, αρνείται την επίδειξη ή προσκόμιση του δελτίου διαμονής ή μόνιμης διαμονής ή τη βεβαίωση υποβολής δικαιολογητικών για τη χορήγηση των δελτίων αυτών ή δηλώνει ψευδή στοιχεία σχετικά με αυτά, τιμωρείται σύμφωνα με τις διατάξεις του άρθρου 27 του παρόντος, αν η πράξη δεν τιμωρείται βαρύτερα από άλλη διάταξη. 7. Οι υπήκοοι τρίτης χώρας, κάτοχοι δελτίου διαμονής και μόνιμης διαμονής έχουν και τα γενικά δικαιώματα των υπηκόων τρίτων χωρών, σύμφωνα με τις διατάξεις των άρθρων 71 και 72 του ν. 3386/2005 (ΦΕΚ 212 Α'). 8. Κατά παρέκκλιση της παρ. 5 του άρθρου 71 του ν. 3386/ 2005, το δικαίωμα επανεισόδου των μελών οικογένειας πολίτη της Ένωσης που είναι υπήκοοι τρίτης χώρας, ρυθμίζεται σύμφωνα με | 6. Whoever during a check by a competent authority or civil servant refuses to show or provide the residence card or permanent residence card or the certificate for submission of documentation for the purpose of issuance of these cards or provides false evidence in relation to these, is punished according to the provisions of article 27 herein, if this action is not subject to any more severe punishment according to another provision. 7. Citizens of a third country, who hold a residence and permanent residence card enjoy the same general rights as the citizens of third countries according to the provisions of articles 71 and 72 of L. 3386/2005 (G. G. 212 A'). 8. By way of derogation of paragraph 5 of article 71 of L. 3386/2005, the right of re-entry of family members of Union citizens who are third country nationals shall be | Y | Effective transposition The requirements also apply to Greek citizens with respect to their identity cards. Art. 20.8 of the Decree provides for an exception from the implementation of the general provision of art. 71 of L. 3386/2005, which becomes applicable by means of art. 20.7 of the Decree. In particular it is mentioned that as far as the right to re-entrance of a third country national member of the family of a Union citizen is concerned, instead of art. 71, para. 5 of L. 3386/2005, art. 5 of the Decree shall apply. Art. 71, para. 5 of L. 3386/2005 provides that a third country national who legally resides in Greece has the right of re-entrance, as long as his/hers residence card is still valid. |

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| | | | τις διατάξεις του άρθρου 5 του παρόντος. | regulated according to provisions of article 5 herein. | | |
| Chapter VI. RESTRICTIONS ON THE RIGHT OF ENTRY AND THE RIGHT OF RESIDENCE ON GROUNDS OF PUBLIC POLICY, PUBLIC SECURITY OR PUBLIC HEALTH | | | | | | |
| Art.27.1 | General principles 1. Subject to the provisions of this Chapter, Member States may restrict the freedom of movement and residence of Union citizens and their family members, irrespective of nationality, on grounds of public policy, public security or public health. These grounds shall not be invoked to serve economic ends. | P.D. 106/2007, art. 21.1 | 1. Με την επιφύλαξη των διατάξεων του παρόντος κεφαλαίου, μπορούν να επιβληθούν περιορισμοί στην ελευθερία κυκλοφορίας και διαμονής των πολιτών της Ένωσης και των μελών της οικογένειάς τους, ανεξαρτήτως ιθαγένειας, για λόγους δημόσιας τάξης, δημόσιας ασφάλειας ή δημόσιας υγείας. Δεν μπορεί να γίνεται επίκληση των λόγων αυτών για την εξυπηρέτηση σκοπών γενικότερης δημοσιονομικής πολιτικής. | 1. Subject to the provisions of this Chapter, restrictions may be posed on the freedom of movement and residence of Union citizens and their family members, irrespective of nationality, on grounds of public order, public security or public health. These grounds shall not be invoked to serve economic aims. | Y | Literal transposition |
| Art.27.2 | 2. Measures taken on grounds of public policy or public security shall comply with the principle of proportionality and shall be based exclusively on the personal conduct of the individual concerned. Previous criminal convictions shall not in themselves constitute grounds for taking such measures. | P.D. 106/2007, art. 21.2 | 2. Κάθε μέτρο που λαμβάνεται για λόγους δημόσιας τάξης ή δημόσιας ασφάλειας πρέπει να είναι σύμφωνο με την αρχή της αναλογικότητας και να θεμελιώνεται αποκλειστικά στην προσωπική συμπεριφορά του προσώπου που αφορά. Προηγούμενες ποινικές καταδίκες δεν αποτελούν αυτοτελώς λόγους για τη λήψη τέτοιων μέτρων.[...] | 2. Every measure taken on grounds of public policy or public security shall comply with the principle of proportionality and shall be based exclusively on the personal conduct of the person concerned. Previous criminal convictions shall not in themselves constitute grounds for taking such measures. [...] | Y | Literal transposition |
| | The personal conduct of the individual concerned must represent a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society. Justifications that are isolated from the particulars of the case or that rely on considerations of general prevention shall not be accepted. | P.D. 106/2007, art. 21.2 | [...] Η προσωπική συμπεριφορά του προσώπου που αφορά το μέτρο πρέπει να συνιστά πραγματική, ενεστώσα και αρκούντως σοβαρή απειλή, που στρέφεται κατά θεμελιώδους συμφέροντος της κοινωνίας. Αιτιολογίες που δεν συνδέονται με τα στοιχεία της υπόθεσης ή στηρίζονται σε εκτιμήσεις γενικής πρόληψης δεν γίνονται αποδεκτές. | [...] The personal conduct of the individual concerned must represent a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society. Justifications that are isolated from the particulars of the case or that rely on considerations of general prevention shall not be accepted. | Y | Literal transposition See reasoning and pronouncing of decision no. 1243/2000 of the Highest Criminal Court, as cited at Annex III of the Conformity Study. |

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| Art.27.3 | 3. In order to ascertain whether the person concerned represents a danger for public policy or public security, when issuing the registration certificate or, in the absence of a registration system, not later than three months from the date of arrival of the person concerned on its territory or from the date of reporting his/her presence within the territory, as provided for in Article 5(5), or when issuing the residence card, the host Member State may, should it consider this essential, request the Member State of origin and, if need be, other Member States to provide information concerning any previous police record the person concerned may have. Such enquiries shall not be made as a matter of routine. The Member State consulted shall give its reply within two months. | P.D. 106/2007, art. 21.4 | 4. Για να εξακριβωθεί κατά πόσο ο ενδιαφερόμενος συνιστά απειλή για τη δημόσια τάξη ή τη δημόσια ασφάλεια, οι αρμόδιες για το χειρισμό θεμάτων αλλοδαπών αστυνομικές αρχές του τόπου κατοικίας τους, κατά τη χορήγηση βεβαίωσης εγγραφής για τους πολίτες της Ένωσης καθώς και για τα μέλη των οικογενειών τους που είναι επίσης πολίτες της Ένωσης ή οι αρμόδιες Υπηρεσίες Αλλοδαπών και Μετανάστευσης της οικείας Περιφέρειας κατά τη χορήγηση δελτίου διαμονής για τα μέλη οικογένειας πολίτη της Ένωσης που είναι υπήκοοι τρίτων χωρών, μπορούν να ζητούν, εφόσον κριθεί απαραίτητο, πληροφορίες για το ποινικό μητρώο του ενδιαφερομένου, από το κράτος μέλος καταγωγής και, ενδεχομένως, από άλλα κράτη μέλη. Η έρευνα αυτή δεν μπορεί να έχει συστηματικό χαρακτήρα. Ανάλογα αιτήματα κρατών μελών της Ένωσης ικανοποιούνται από τις αρμόδιες υπηρεσίες του Υπουργείου Δικαιοσύνης, εντός διμήνου. | 4. In order to ascertain whether the person concerned represents a danger for public policy or public security, when issuing the registration certificate to Union citizens and the members of their families who are also Union citizens, the competent police authorities of their place of residence, or, the Aliens and Immigration Service of the Region for family members of the Union citizen who are nationals of third countries, can request, if need be, other Member States or the country of origin to provide information regarding any previous police record the person concerned may have. Such enquiry shall not be made as a matter of routine. Such requests by other Member States are being satisfied by the competent services of the Ministry of Justice within two months. | Y | Literal transposition |
| Art.27.4 | 4. The Member State which issued the passport or identity card shall allow the holder of the document who has been expelled on grounds of public policy, public security, or public health from another Member State to re-enter its territory without any formality even if the document is no longer valid or the nationality of the holder is in dispute. | P.D. 106/2007, art. 21.5 | 5. Αν πολίτης της Ένωσης ή μέλος της οικογένειάς του, ανεξαρτήτως ιθαγένειας, στον οποίο οι αρμόδιες ελληνικές αστυνομικές αρχές έχουν εκδώσει διαβατήριο ή δελτίο ταυτότητας, έχει απελαθεί από άλλο κράτος μέλος της Ένωσης, κατά την άσκηση του δικαιώματος ελεύθερης κυκλοφορίας δυνάμει της Οδηγίας 2004/38/EK, για | 5. If a Union citizen or a member of his/her family, irrespective of nationality, to whom the Greek police authorities have issued a passport or identity card, has while exercising right to free movement under Directive 2004/38/EU been expelled from another Member State on grounds of public policy, public | Y | Literal transposition |

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| | | | λόγους δημόσιας τάξης, δημόσιας ασφάλειας ή δημόσιας υγείας, οι ελληνικές αρχές υποχρεούνται να δεχθούν την επανείσοδό του στη Χώρα, χωρίς διατυπώσεις, ανεξαρτήτως εάν η ισχύς του ανωτέρω εγγράφου έχει λήξει ή εάν αμφισβητείται η ιθαγένεια του κατόχου. | security or public health, the Greek authorities are obliged to allow his/her re-entry into the country, without any formality even if the document is no longer valid or the nationality of the holder is in dispute. | | |
| Art.28 | Protection against expulsion 1. Before taking an expulsion decision on grounds of public policy or public security, the host Member State shall take account of considerations such as how long the individual concerned has resided on its territory, his/her age, state of health, family and economic situation, social and cultural integration into the host Member State and the extent of his/her links with the country of origin. | P.D. 106/2007, art. 22.1 | 1. Προκειμένου να εκδοθεί απόφαση απέλασης για λόγους δημόσιας τάξης ή δημόσιας ασφάλειας, λαμβάνονται υπόψη η διάρκεια παραμονής στην ελληνική επικράτεια, του ατόμου εις βάρος του οποίου λαμβάνεται το μέτρο, η ηλικία του, η κατάσταση της υγείας του, η οικογενειακή και οικονομική του κατάσταση, η κοινωνική και πολιτιστική ένταξη του στην Ελλάδα και οι δεσμοί του με τη χώρα καταγωγής. | 1. Before taking an expulsion decision on grounds of public policy or public security, considerations, such as how long the person concerned has resided on its territory, his/her age, state of health, family and economic situation, social and cultural integration into Greece and the extent of his/her links with the country of origin. | Y | Literal transposition |
| | 2. The host Member State may not take an expulsion decision against Union citizens or their family members, irrespective of nationality, who have the right of permanent residence on its territory, except on serious grounds of public policy or public security. | P.D. 106/2007, art. 22.2 L. 3386/2005, art. 2, 3, 4, 5, 76 77, 78, 79, 80, 81 & 82 | 2. Η απέλαση πολίτη της Ένωσης ή μέλους της οικογένειας του, ανεξαρτήτως ιθαγένειας, που έχει αποκτήσει δικαίωμα μόνιμης διαμονής στην ελληνική επικράτεια, διατάσσεται μόνο για σοβαρούς λόγους δημόσιας τάξης ή δημόσιας ασφάλειας. Ως προς τα αρμόδια για την απέλαση όργανα, τη διαδικασία έκδοσης και εκτέλεσης της απόφασης απέλασης, τις εξαιρέσεις και λοιπά σχετικά ζητήματα, εφαρμόζονται, αναλόγως, οι διατάξεις των άρθρων 76, παράγραφοι 2-5, 77, 78, 79, 80, 81 και 82 του ν. 3386/2005. | 2. The expulsion of a Union citizen or a member of his/her family, irrespective of nationality, who has acquired the right of permanent residence in the Greek territory, can only be ordered for serious reasons of public policy, or public security. As for the competent bodies for performing the expulsion, the issuing and execution of the decision ordering the expulsion, exceptions and other relevant issues provisions of articles 76, paragraphs 2 - 5, 77, 78, 79, 80, 81 and 82 of L. 3386/2005 apply accordingly. | Y | Literal transposition For the reason that the Decree has recently entered into force there is neither case-law nor administrative practice on expulsion decisions taken on the grounds of serious reasons of public order. The relevant administrative authorities with whom we contacted unofficially stated that relapse into serious crimes comprises serious reason of public order justifying an expulsion decision. |

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| | 3. An expulsion decision may not be taken against Union citizens, except if the decision is based on imperative grounds of public security, as defined by Member States, if they: (a) have resided in the host Member State for the previous 10 years; or | P.D. 106/2007, art. 22.3 | 3. Υπό την επιφύλαξη των περιπτώσεων στις οποίες η απέλαση ερείδεται σε επιτακτικούς λόγους δημόσιας ασφάλειας, δεν διατάσσεται απέλαση πολιτών της Ένωσης, όταν τα πρόσωπα αυτά: (α) έχουν διαμείνει, κατά τα προηγούμενα δέκα έτη, στην Ελλάδα ή | 3. Without prejudice to the cases, where expulsion is based on imperative grounds of public security, decision on the expulsion of Union citizens is not taken, if they: (a) have resided in Greece for the previous ten years, or | Y | Literal transposition For the reason that the Decree has recently entered into force there is neither case-law nor administrative practice on expulsion decisions taken on the grounds of imperative reasons of public security. |
| | (b) are a minor, except if the expulsion is necessary for the best interests of the child, as provided for in the United Nations Convention on the Rights of the Child of 20 November 1989. | P.D. 106/2007, art. 22.3 | (β) είναι ανήλικοι, εκτός εάν η απέλαση είναι απαραίτητη για το βέλτιστο συμφέρον του παιδιού, όπως προβλέπεται στη Σύμβαση των Ηνωμένων Εθνών για τα Δικαιώματα του Παιδιού, της 20ής Νοεμβρίου 1989. | (b) are minor, except if the expulsion is necessary for the best interests of the child, as provided for in the United Nations Convention on the Rights of the Child or 20 November 1989. | Y | Literal transposition |
| Art. 29.1 | Public health 1. The only diseases justifying measures restricting freedom of movement shall be the diseases with epidemic potential as defined by the relevant instruments of the World Health Organisation and other infectious diseases or contagious parasitic diseases if they are the subject of protection provisions applying to nationals of the host Member State. | P.D. 106/2007, art. 21.8 | 8. Οι μόνες ασθένειες που μπορούν να δικαιολογήσουν άρνηση εισόδου ή διαμονής ή άλλο μέτρο περιοριστικό της ελεύθερης κυκλοφορίας, για λόγους δημόσιας υγείας, είναι οι ασθένειες που εγκλείουν κίνδυνο επιδημίας όπως ορίζονται στις οικείες πράξεις της Παγκόσμιας Οργάνωσης Υγείας, καθώς και άλλες λοιμώδεις, μεταδοτικές ή παρασιτικές ασθένειες, εφόσον επιβάλλουν τη λήψη μέτρων προστασίας της δημόσιας υγείας, εφαρμοστέων στους ημεδαπούς. | 8. The only diseases that constituting grounds for refusal of entry, residence or any other measures restrictive to freedom of movement for reasons of public health, shall be the diseases with epidemic potential as defined by the relevant instruments of the World Health Organization and other infectious diseases or contagious parasitic diseases, if they are the subject of protection provisions applying to Greek nationals. | Y | Literal transposition |
| Art.29.2 | 2. Diseases occurring after a three-month period from the date of arrival shall not constitute grounds for expulsion from the territory. | P.D. 106/2007, art.21.10 | 10. Οι ασθένειες που επέρχονται σε χρονικό διάστημα μεγαλύτερο των τριών μηνών από την άφιξη στην Ελλάδα του πολίτη της Ένωσης ή μέλους της οικογένειάς του, δεν δικαιολογούν τη λήψη εις βάρος του μέτρου απέλασης. | 10. Diseases occurring after a three – month period from the date of arrival of the Union citizen or his/her family member in Greece, shall not constitute grounds for expulsion. | Y | Effective transposition |
| Art.29.3 | 3. Where there are serious indications that it is necessary, Member States may, | P.D. 106/2007, art. 21.9 | 9. Οι αρμόδιες για χειρισμό θεμάτων αλλοδαπών αστυνομικές | 9. The police authorities who are responsible for handling alien | Y | Literal transposition |

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| | <p>within three months of the date of arrival, require persons entitled to the right of residence to undergo, free of charge, a medical examination to certify that they are not suffering from any of the conditions referred to in paragraph 1. Such medical examinations may not be required as a matter of routine.</p> | | <p>αρχές του τόπου διαμονής των πολιτών της Ένωσης, που θεμελιώνουν σύμφωνα με τις διατάξεις του παρόντος δικαίωμα διαμονής ή, αντίστοιχα, για την περίπτωση των υπηκόων τρίτων χωρών, οι Υπηρεσίες Αλλοδαπών και Μετανάστευσης της οικείας Περιφέρειας μπορούν, εφόσον υπάρχουν σοβαρές ενδείξεις που το καθιστούν αναγκαίο, να ζητήσουν από τον ενδιαφερόμενο να υποβληθεί, εντός τριών μηνών από την είσοδο του στην Ελληνική επικράτεια, σε δωρεάν ιατρικές εξετάσεις, προκειμένου να πιστοποιηθεί ότι δεν πάσχει από καμία από τις ασθένειες που αναφέρονται στην παράγραφο 8 του παρόντος. Αυτές οι ιατρικές εξετάσεις δεν μπορούν να έχουν συστηματικό χαρακτήρα.</p> | <p>issues in the area of residence of Union citizens having the right of residence, according to the provisions herein or respectively, for cases of third-country nationals, the Alien and Immigration Service of the Region, may require, where there are serious indications that this is necessary, a medical examination of the person concerned to be performed free of charge within three months from entry into the Greek territory in order to be certified that the latter does not suffer from any of the diseases referred to in paragraph 8 herein. Such medical examinations may not be required as a matter of routine.</p> | | |
| Art.30.1 | <p>Notification of decisions</p> <p>1. The persons concerned shall be notified in writing of any decision taken under Article 27(1), in such a way that they are able to comprehend its content and the implications for them.</p> | <p>P.D. 106/2007, art.23.1 L. 2690/1999, art. 19.1, 19.2</p> | <p>Κοινοποίηση των αποφάσεων</p> <p>1. Κάθε μέτρο που λαμβάνεται για τον περιορισμό της ελεύθερης κυκλοφορίας, σύμφωνα με τις διατάξεις της παρ. 1 του άρθρου 21 του παρόντος, πρέπει να κοινοποιείται εγγράφως στους ενδιαφερόμενους και σύμφωνα με τις διατάξεις του άρθρου 19 του ν. 2690/1999 (ΦΕΚ 45 Α'), κατά τρόπο που να τους επιτρέπει να κατανοήσουν το περιεχόμενο και τις συνέπειες της σχετικής απόφασης. [...]</p> <p>1. Η ατομική διοικητική πράξη κοινοποιείται στο πρόσωπο το οποίο αφορά.</p> | <p>Notification of decision</p> <p>1. Any measure to be taken for the restriction of freedom of movement, according to the provisions of paragraph 1 of article 21 herein, must be notified in writing to the persons concerned and in compliance with the provisions of article 19 of L. 2690/1999 (G. G. 45 A'), in manner that allows them to understand the content and consequences of the relevant decision. [...]</p> <p>1. Every individual administrative act is being notified to the person concerned</p> | Y | Effective transposition |

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| | | | 2. Με την επιφύλαξη των τυχόν οριζόμενων σε ειδικές διατάξεις, η κοινοποίηση γίνεται με κάθε πρόσφορο τρόπο. | 2. Without prejudice to more special provisions, the notification takes place via any convenient means. | | |
| Art.30.2 | 2. The persons concerned shall be informed, precisely and in full, of the public policy, public security or public health grounds on which the decision taken in their case is based, unless this is contrary to the interests of State security. | P.D. 106/2007, art. 23.1 | [...] Οι ενδιαφερόμενοι ενημερώνονται, επακριβώς και πλήρως, για τους λόγους δημόσιας τάξης, δημόσιας ασφάλειας ή δημόσιας υγείας, στους οποίους στηρίζεται η ληφθείσα απόφαση, εκτός αν αυτό αντιτίθεται στα συμφέροντα της ασφάλειας του κράτους. | [...] The persons concerned shall be informed, precisely and in full of the public order, public security or public health grounds on which the decision taken in their case is based, unless this is contrary to the interests of State security. | Y | Literal transposition |
| Art.30.3 | 3. The notification shall specify the court or administrative authority with which the person concerned may lodge an appeal, the time limit for the appeal and, where applicable, the time allowed for the person to leave the territory of the Member State. Save in duly substantiated cases of urgency, the time allowed to leave the territory shall be not less than one month from the date of notification. | P.D. 106/2007, art. 23.2 | 2. Η κοινοποίηση περιέχει μνεία του δικαστηρίου ή της διοικητικής αρχής, ενώπιον των οποίων ο ενδιαφερόμενος μπορεί να ασκήσει προσφυγή, σύμφωνα με τις διατάξεις του άρθρου 24 του παρόντος, καθώς και της προθεσμίας άσκησης της, και, ενδεχομένως, της προθεσμίας που τάσσεται στον ενδιαφερόμενο να εγκαταλείψει την Ελληνική επικράτεια. Με εξαίρεση τις δεόντως αιτιολογημένες περιπτώσεις κατεπείγοντος, η τασσόμενη προθεσμία για την εγκατάλειψη της επικράτειας δεν μπορεί να είναι μικρότερη του ενός μηνός από την ημερομηνία της κοινοποίησης. | 2. The notification shall specify the court or administrative authority, before which the person concerned may lodge an appeal, according to the provisions of article 24 herein, as well as the time limit for the appeal and where applicable, the time allowed for the person to leave the Greek territory. Save in duly substantiated cases of urgency, the time allowed to leave the territory shall be not less than one month from the date of the notification. | Y | Literal transposition |
| Art.31.1 | Procedural safeguards 1. The persons concerned shall have access to judicial and, where appropriate, administrative redress procedures in the host Member State to appeal against or seek review of any decision taken against them on the grounds of public policy, public security or public health. | P.D. 106/2007, art.24.1, 24.2 L. 3386/2005, art. 77 J.M.D. 7004/3/40-θ/23.4.2004, art. 1, point q Penal Code, art. 74, para 3 and 99, para 3 L. 3068/2002, art. 15, para 3 | Διαδικαστικές εγγυήσεις - Δικαίωμα προσφυγής 1. Κατά της διοικητικής απόφασης απέλασης είναι επιτρεπτή η άσκηση διοικητικής προσφυγής, σύμφωνα με το άρθρο 77 του Ν. 3386/2005 και το άρθρο 1 περ. ιθ' της υπ' αριθ. | Procedural safeguards - Right to a appeal 1. An administrative expulsion decision may be appealed according to article 77 of L. 3386/2005 and article 1, point q of J.M.D. 7004/3/40-θ/23.4.2004 "Transfer of authority of the | Y | Effective transposition See notes below on art. 31.3. of the Directive. |

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| | | | <p>7004/3/40-Θ/23.4.2004 κοινής υπουργικής απόφασης "Μεταβίβαση αρμοδιοτήτων Υπουργού Δημόσιας Τάξης σε υφιστάμενα υπηρεσιακά όργανα" (B'-649) όπως τροποποιήθηκε και ισχύει. Για την περίπτωση της επιβολής της απέλασης ως παρεπόμενης ποινής ή μέτρου ασφάλειας, με δικαστική απόφαση, εφαρμόζονται τα άρθρα 74 παρ. 3 και 99 παρ. 3 του Ποινικού Κώδικα.</p> <p>2. Κατά της απόφασης που εκδίδεται επί της διοικητικής προσφυγής της προηγούμενης παραγράφου, καθώς και κατά της απόφασης απόρριψης της αίτησης για χορήγηση βεβαίωσης εγγραφής, δελτίου διαμονής ή μόνιμης διαμονής, της ανάκλησης ή μη ανανέωσης του, ασκείται αίτηση ακύρωσης ενώπιον του Συμβουλίου της Επικρατείας, κατ' εφαρμογή των διατάξεων του άρθρου 15 παρ. 3 του ν. 3068/2002 (ΦΕΚ Α' 274), όπως ισχύει.</p> <p>Κατά της απόφασης απέλασης δικαιούται ο αλλοδαπός να προσφύγει μέσα σε προθεσμία πέντε ημερών από την κοινοποίηση της στον Υπουργό Δημόσιας Τάξης ή στο εξουσιοδοτούμενο από αυτόν όργανο. Η σχετική απόφαση εκδίδεται μέσα σε τρεις εργάσιμες ημέρες από την άσκηση της προσφυγής. Η άσκηση προσφυγής</p> | <p>Minister of Public Order to subordinate service officers" (G. G. B'-649), as was amended and currently valid. Where the expulsion is enforced as a subsequent sentence or security measure by judicial decision, articles 74 paragraph 3 and 99 paragraph 3 of the Penal Code shall apply.</p> <p>2. Against the decision to be issued on the administrative petition for appeal under the previous paragraph, as well as against the decision rejecting the applications for the granting of registration certificate, residence or permanent residence card and those ordering their revocation or non renewal, a petition for cassation may be lodged before the Highest Administrative Court, in compliance with the provisions of article 15 par. 3 of L. 3068/2002 (G. G. A' 274), as currently valid.</p> <p>The alien has the right to appeal against the decision ordering the expulsion within five days from the time the notification of the relevant decision to the Minister of Public Order or to the body authorized by the latter took place. The relevant decision shall be issued within three days from the lodgement of the appeal. The lodgement of the appeal does not suspend the execution of the decision. In</p> | | |

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| | | | συνεπάγεται την αναστολή εκτέλεσης της απόφασης. Σε περίπτωση κατά την οποία με την απόφαση απέλασης έχει διαταχθεί και η κράτηση, η αναστολή αφορά μόνο την απέλαση. | case the decision ordering the expulsion is accompanied by the enforcement of detention, the suspension only refers to the expulsion. | | |
| Art.31.2 | 2. Where the application for appeal against or judicial review of the expulsion decision is accompanied by an application for an interim order to suspend enforcement of that decision, actual removal from the territory may not take place until such time as the decision on the interim order has been taken, except: — where the expulsion decision is based on a previous judicial decision; or — where the persons concerned have had previous access to judicial review; or — where the expulsion decision is based on imperative grounds of public security under Article 28(3). | P.D. 106/2007, art. 24.3 | 3. Όταν η διοικητική ή δικαστική προσφυγή κατά της απόφασης απέλασης συνοδεύεται από αίτημα αναστολής της εκτέλεσης της, η απομάκρυνση του ενδιαφερομένου από την επικράτεια δεν μπορεί να διενεργείται πριν ληφθεί απόφαση επί του αιτήματος αναστολής, εκτός εάν: - η απόφαση απέλασης βασίζεται σε προηγούμενη δικαστική απόφαση ή - τα ενδιαφερόμενα πρόσωπα είχαν ήδη πρόσβαση σε ένδικο μέσο ή - η απόφαση απέλασης βασίζεται σε επιτακτικούς λόγους δημόσιας ασφάλειας, σύμφωνα με τα άρθρα 21 και 22 του παρόντος. | 3. Where the application for appeal or cassation against the decision on the expulsion is accompanied by an application for an interim order to suspend enforcement of that decision, actual removal from the territory of the person concerned may not take place until such time as the decision of the interim order has been taken, except: - where the expulsion order is based on a previous judicial decision or - where the persons concerned have had previous access to judicial review or - where the expulsion decision is based on imperative grounds of public security under articles 21 and 22 herein. | Y | Literal transposition |
| Art.31.3 | 3. The redress procedures shall allow for an examination of the legality of the decision, as well as of the facts and circumstances on which the proposed measure is based. They shall ensure that the decision is not disproportionate, particularly in view of the requirements laid down in Article 28. | P.D. 106/2007, art. 24.4 | 4. Η εξέταση της διοικητικής προσφυγής περιλαμβάνει τόσο τον έλεγχο της νομιμότητας της απόφασης όσο και την εξέταση των γεγονότων και των περιστάσεων επί των οποίων βασίζεται το προτεινόμενο μέτρο. Συνεκτιμώνται επίσης οι σχετικές προϋποθέσεις που καθορίζονται στο άρθρο 22 του παρόντος. | 4. The consideration of the administrative petition for appeal shall allow for an examination of the legality of the decision, as well as of the real facts and circumstances on which the proposed measure is based. The requirements laid down under article 22 herein, shall also be taken into consideration. | N, Incorrect | Incorrect transposition The corresponding national provision provides for the examination of the real facts, as well, only in case of administrative redress procedure. On the contrary, at the Directive it is explicitly laid down that the examination of the legality, as well as of the real facts shall be allowed in both redress procedures, judicial and administrative. Thus, art. 24.2 of the Decree, which only provides for a |

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| | | | | | | petition for cassation to be lodged against the administrative decision is not in conformity, whereas the said legal remedy does not allow the examination of real facts. |
| Art.31.4 | 4. Member States may exclude the individual concerned from their territory pending the redress procedure, but they may not prevent the individual from submitting his/her defence in person, except when his/ her appearance may cause serious troubles to public policy or public security or when the appeal or judicial review concerns a denial of entry to the territory. | P.D. 106/2007, art. 24.5 | 5. Κατά τη διάρκεια της διαδικασίας προσφυγής μπορεί να απαγορευθεί η είσοδος του ενδιαφερομένου στην Ελλάδα, αλλά δεν μπορεί να του απαγορευθεί η αυτοπρόσωπη παρουσία του κατά τη δίκη, εκτός αν η εμφάνιση του μπορεί να προκαλέσει σοβαρή διατάραξη της δημόσιας τάξης ή δημόσιας ασφάλειας ή αν η προσφυγή αφορά άρνηση εισόδου στην ελληνική επικράτεια. | 5. During the redress procedure, the individual concerned may be excluded from entry into Greece, but may not be prevented from attending in person the hearing, except when his/her appearance may cause serious troubles to public order or public security or when the appeal concerns a denial of entry into the Greek territory. | Y | Literal transposition |
| Art.32.1 | Duration of exclusion orders 1. Persons excluded on grounds of public policy or public security may submit an application for lifting of the exclusion order after a reasonable period, depending on the circumstances, and in any event after three years from enforcement of the final exclusion order which has been validly adopted in accordance with Community law, by putting forward arguments to establish that there has been a material change in the circumstances which justified the decision ordering their exclusion. | P.D. 106/2007, art. 21.6 | 6. Πρόσωπα εις βάρος των οποίων έχει εκδοθεί απόφαση απαγόρευσης εισόδου στην Ελλάδα, για λόγους δημόσιας τάξης ή δημόσιας ασφάλειας, μπορούν να υποβάλλουν αίτηση, για την άρση της απαγόρευσης εισόδου, μετά από εύλογη, κατά τις περιστάσεις, προθεσμία, εν πάροδο τριετίας από την έκδοση της οριστικής απόφασης απαγόρευσης εισόδου, επικαλούμενα στοιχεία τα οποία αποδεικνύουν ουσιαστική μεταβολή των περιστάσεων που είχαν δικαιολογήσει την επιβολή απαγόρευσης. [...] | 6. Persons excluded from entrance into Greece on grounds of public order, public security may submit an application for lifting of the exclusion order after a reasonable period of time, depending on circumstances and in any event after three years from issue of the final exclusion order by putting forward argument to establish that there has been substantial change in the circumstances which on the grounds of which the decision ordering their exclusion was taken. [...] | Y | Literal transposition |

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| | The Member State concerned shall reach a decision on this application within six months of its submission. | P.D. 106/2007, art. 21.6 Penal Code, art. 74, para 3 and art. 99, para 3 J.M.D. no. 4000/4/32-ιβ'/4.9.2006, art. 3, para 2, case c' | [...] Για την αίτηση αυτή αποφαιίνεται, εντός έξι μηνών από την υποβολή της, ο Διευθυντής της Διεύθυνσης Αλλοδαπών του Αρχηγείου της Ελληνικής Αστυνομίας. Εάν λόγω της απόφασης απαγόρευσης εισόδου είχε γίνει σχετική εγγραφή στον Κατάλογο Ανεπιθύμητων Αλλοδαπών και η παραπάνω αίτηση γίνει δεκτή, διατάσσεται η διαγραφή από τον Κατάλογο. Σε περίπτωση που η απόφαση εγγραφής στον Εθνικό Κατάλογο Ανεπιθύμητων Αλλοδαπών, επιβλήθηκε κατά την κείμενη νομοθεσία κατόπιν δικαστικής απόφασης απέλασης, η ως άνω αίτηση υποβάλλεται στον Υπουργό Δικαιοσύνης, κατ' εφαρμογή των άρθρων 74 παρ. 3 και 99 παρ. 3 του Ποινικού Κώδικα, μετά την πάροδο 3 ετών από την απέλαση και, σε περίπτωση που γίνει δεκτή, εφαρμόζεται το άρθρο 3 παρ. 2 περίπτωση (γ) της Κοινής απόφασης των Υπουργών Εσωτερικών, Δημόσιας Διοίκησης και Αποκέντρωσης, Εξωτερικών, Εθνικής Άμυνας, Δικαιοσύνης και Δημόσιας Τάξης 4000/4/32-ιβ'/4.9.2006 "Καθορισμός των κριτηρίων και της διαδικασίας για την εγγραφή και διαγραφή αλλοδαπών από τον "Εθνικό Κατάλογο Ανεπιθύμητων Αλλοδαπών". 2. Η εγγραφή παύει αυτοδικαίως να ισχύει. | [...] The Director of the Aliens Directorate of the Greek Police shall reach a decision on this application within six months of its submission. If the exclusion decision has been entered into the National Undesirable Aliens List and the application is accepted, its elimination for the List is demanded. In case the decision to enter into the National Undesirable Aliens List was imposed by current legislation following an expulsion court order, the application above is lodged in the Ministry of Justice, in compliance with articles 74 par. 3 and 99 par. 3 of the Penal Code, after a period of three years from the expulsion, and in the case it is admitted article 3 par. 2 point (c) of the J.M.D. of the Ministers of Interior, Public Administration and Decentralization, Foreign Affairs, Defence, Justice and Public Order number 4000/4/32-ιβ'/4.9.2006 "Determination of criteria and procedure for the registration and elimination of aliens from the "National Undesirable Aliens List" 2. The record becomes de jure non valid: | Y | Effective transposition The herein cited J.M.D provides that aliens may be recorded at the National Undesirable Aliens List in the following cases: a) when an expulsion measure by means either of judicial or administrative decision has been ordered against them b) if they constitute a threat for national or public security or public order c) for reasons of public health According to art. 96 of the Treaty of Schengen, which has been ratified by means of L. 2514/1997, such a threat mainly occurs, when there are serious indications that the alien concerned has committed a serious crime or he has performed preliminary acts of such a crime. According to art. 82, para. 2 & 3 an alien who rests within the Greek territory is obliged to leave the country, once he/she gets recorded at the National Undesirable Aliens List, within the time period determined by the Minister of public order. If he/she does not do so, he/she is being expelled. Furthermore, according to the same article an alien to whom entering in the country is not allowed on the grounds that he/she is recorded at the National Undesirable Aliens List, has to immediately leave the country or else he/she is being sent to his/her country of origin or, as the case may be, to a third country. |

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| | | | γ Από την έκδοση απόφασης του Υπουργού Δικαιοσύνης, με την οποία επιτρέπεται η επάνοδος του αλλοδαπού στη χώρα...και για όσο χρονικό διάστημα ορίζεται στην απόφαση. | c) By the time of issuance of the decision of the Minister of Justice, by means of which the return of the alien in the country... is being ordered | | |
| Art.32.2 | 2. The persons referred to in paragraph 1 shall have no right of entry to the territory of the Member State concerned while their application is being considered. | P.D. 106/2007, art.21.7 | 7. Τα αναφερόμενα στην παρ. 6 του παρόντος άρθρου πρόσωπα δεν έχουν κανένα δικαίωμα εισόδου στην Ελληνική επικράτεια όσο εξετάζεται η αίτησή τους. | 7. Persons mentioned in paragraph 6 herein do not have any right of entry into the Greek territory while their application is examined. | Y | Literal transposition |
| Art.33.1 | Expulsion as a penalty or legal consequence 1. Expulsion orders may not be issued by the host Member State as a penalty or legal consequence of a custodial penalty, unless they conform to the requirements of Articles 27, 28 and 29. | P.D. 106/2007, art.22.7 Penal Code, art. 74, para. 1 | 7. Το δικαστήριο μπορεί να διατάξει την απέλαση πολίτη της Ένωσης ή μέλους της οικογενείας του, ως ποινή ή ως παρεπόμενο μέτρο, σε σχέση με ποινή κράτησης, σύμφωνα με τις οικείες διατάξεις του Ποινικού Κώδικα, μόνο εφόσον πληρούνται οι απαιτήσεις των άρθρων 21 και 22. 1. Το δικαστήριο μπορεί να διατάξει την απέλαση αλλοδαπού που καταδικάστηκε σε κάθειρξη ή φυλάκιση με την επιφύλαξη των σχετικών διατάξεων που περιλαμβάνονται σε διεθνείς συμβάσεις που έχουν κυρωθεί από τη χώρα. | 7. The court may order the expulsion of a Union citizen or a member of his/her family, as a sentence or as a subsequent measure, in relation to a jail sentence according to the provisions of Penal Code, only as long as the provisions of articles 21 and 22 are met. 1. The court may order the expulsion of an alien who was condemned in imprisonment without prejudice to any relevant provisions of international conventions that have been ratified by the country. | Y | Effective transposition |
| Art.33.2 | 2. If an expulsion order, as provided for in paragraph 1, is enforced more than two years after it was issued, the Member State shall check that the individual concerned is currently and genuinely a threat to public policy or public security and shall assess whether there has been any material change in the circumstances since the expulsion order was issued. | P.D. 106/2007, art.22.7 | Εάν η απόφαση απέλασης πρόκειται να εκτελεσθεί μετά την πάροδο χρονικού διαστήματος μεγαλύτερου των δύο ετών από την έκδοσή της, η αρμόδια για την εκτέλεση της αρχή βεβαιώνει ότι το άτομο, το οποίο αφορά η απέλαση, εξακολουθεί να αποτελεί πραγματική απειλή για τη δημόσια τάξη ή τη δημόσια ασφάλεια, πραιτέρω δε, εξετάζει | If the expulsion sentence is to be executed after a period of time of more than 2 years from the date it was issued, the competent authority must verify that the person concerned continues to be a real threat to public order or public security and furthermore it shall also assess whether there has been any material change of the circumstances since the time | Y | Effective transposition |

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| | | | επίσης κατά πόσον έχει, ενδεχομένως, επέλθει ουσιαστική μεταβολή των περιστάσεων από τον χρόνο έκδοσης της απόφασης απέλασης. | the expulsion order was issued. | | |
| Art.34 | Publicity Member States shall disseminate information concerning the rights and obligations of Union citizens and their family members on the subjects covered by this Directive, particularly by means of awareness-raising campaigns conducted through national and local media and other means of communication. | P.D. 106/2007, art. 25 | Δημοσιότητα Τα Υπουργεία Εσωτερικών, Δημόσιας Διοίκησης και Αποκέντρωσης, και Δημόσιας Τάξης, καθώς και οι Υπηρεσίες Αλλοδαπών και Μετανάστευσης των Περιφερειών της Χώρας ενημερώνουν τους ενδιαφερόμενους σχετικά με το δικαίωμα των πολιτών της Ένωσης και των μελών της οικογένειάς τους, ανεξαρτήτως ιθαγένειας, να κυκλοφορούν και να διαμένουν ελεύθερα στην ελληνική επικράτεια, καθώς και για τα λοιπά δικαιώματα και τις υποχρεώσεις που απορρέουν από το παρόν διάταγμα. Η ενημέρωση πραγματοποιείται ιδίως μέσω ανάρτησης πληροφοριακού υλικού στις ιστοσελίδες των ανωτέρω φορέων ή με εκστρατείες συνειδητοποίησης διεξαγόμενες μέσω των εθνικών και τοπικών μέσων μαζικής ενημέρωσης και μέσων επικοινωνίας. Το υλικό αυτό επικαιροποιείται ανά τακτά χρονικά διαστήματα. | Publicity The Ministries of Interior, Public Administration and Decentralization, and Public Order as well as the Alien and Immigration Services of the Regions of the Country shall disseminate information concerning the rights and obligations of Union citizens and their family members, irrespective of nationality, concerning freedom of movement in the Greek territory, as well as other subjects covered by this decree. Information is disseminated mainly via websites of the entities above or by means of awareness-raising campaigns conducted via national and local media and other means of communication. This material is updated at regular intervals. | Y | Effective transposition We are not aware of any special campaigns on the subject matter. As far as publicity is concerned, it is served via relevant publications at the website of the Ministry of Interior of the relevant legislation, as well as, at the website of the Greek Ombudsman for Human Rights, where case studies, as well as, actual cases dealt by the Ombudsman are being cited. |
| Art.35 | Abuse of rights Member States may adopt the necessary measures to refuse, terminate or withdraw any right conferred by this Directive in the case of abuse of rights or fraud, such | P.D. 106/2007, art.26 | Κατάχρηση δικαιώματος Όταν διαπιστώνεται αιτιολογημένα, ιδίως με δικαστική απόφαση ή αμετάκλητο βούλευμα δικαστικού | Abuse of rights Where it is justifiably ascertained, particularly by judicial decision or irrevocable decision of judicial | Y | Effective transposition The non issue or revoke of residence card or of the card of permanent residence shall be considered to be proportionate; for if abuse of rights or |

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| | as marriages of convenience. Any such measure shall be proportionate and subject to the procedural safeguards provided for in Articles 30 and 31. | | συμβουλίου, ότι χρησιμοποιήθηκαν ψευδείς ή παραπλανητικές πληροφορίες ή πλαστά έγγραφα και γενικά ότι στοιχειοθετείται κατάχρηση δικαιώματος ή απάτη, όπως στην περίπτωση εικονικού γάμου, τα δικαιώματα και το δελτίο διαμονής η μόνιμης διαμονής δεν χορηγείται ή ανακαλείται. Τα μέτρα που λαμβάνονται στις περιπτώσεις αυτές δεν πρέπει να αντίκεινται στις εγγυήσεις οι οποίες προβλέπονται στα άρθρα 23 και 24. | council that fraudulent or misleading information or falsified documents were used and in general that abuse of rights or fraud is established, such as in the occasion of a marriage of convenience, the rights and the residence card or the card of permanent residence are not issued or are revoked. Any such measure shall not be contrary to the safeguards provided for in articles 23 and 24. | | fraud occur, it means that the conditions as for the granting of the said cards are not met. |
| Art.36 | Sanctions Member States shall lay down provisions on the sanctions applicable to breaches of national rules adopted for the implementation of this Directive and shall take the measures required for their application. The sanctions laid down shall be effective and proportionate. Member States shall notify the Commission of these provisions not later than 30 April 2006 and as promptly as possible in the case of any subsequent changes. | P.D. 106/2007, art.27 Penal Code, art. 458 | Κυρώσεις Σε περίπτωση παράβασης των διατάξεων των άρθρων 8 παρ. 1 και 20 παρ. 6 του παρόντος εφαρμόζονται, με την επιφύλαξη ειδικότερων διατάξεων, οι κυρώσεις του άρθρου 458 του Ποινικού Κώδικα. Όποιος με πρόθεση παραβαίνει επιτακτική ή απαγορευτική διάταξη διοικητικών νόμων τιμωρείται με πρόστιμο τουλάχιστον πενήντα εννέα (59,00) ευρώ, αν η ειδική διάταξη αναφέρεται στο άρθρο αυτό ως προς την ποινική κύρωση της παράβασης. | Sanctions In case of violation of the provisions of articles 8 paragraph 1 and 20 paragraph 6 herein, and without prejudice to more specific provisions, the sanctions of article 458 of the Penal Code shall apply. To everyone violating a compulsory or prohibitive provision of administrative laws a fine of 59,00 euros shall be imposed, whereas the special provision refers to this article as for the penalty due to the violation. | Y | Effective transposition The herein sanctions neither introduce any discrimination measure as to Union citizens and the members of their family nor comprise strict measures in terms of the purpose of their enforcement. Therefore, they should be considered as proportionate. |
| Art.37 | More favourable national provisions The provisions of this Directive shall not affect any laws, regulations or administrative provisions laid down by a Member State which would be more favourable to the persons covered by this | | | | Y | Effective transposition |

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| | Directive. | | | | | |
| Art.38 | 1. Articles 10 and 11 of Regulation (EEC) No 1612/68 shall be repealed with effect from 30 April 2006. 2. Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC shall be repealed with effect from 30 April 2006. 3. References made to the repealed provisions and Directives shall be construed as being made to this Directive. | P.D. 106/2007, art.28 | Καταργούνται οι διατάξεις των π.δ.525/1983 (Α' - 203), 499/1987 (Α' - 238) και 278/1992 (Α' - 144) καθώς και κάθε άλλη γενική ή ειδική διάταξη που περιλαμβάνει ρυθμίσεις αντίθετες προς τις διατάξεις του παρόντος διατάγματος. | The provisions of P.D. 525/1983 (G. G. Α' - 203), 499/1987 (G. G. Α' - 238) and 278/1992 (G. G. Α' - 144) and any other general or special provision that is contrary to the provisions of this decree shall be repealed. | Y | Effective transposition |
| Art.39 | No later than 30 April 2008 the Commission shall submit a report on the application of this Directive to the European Parliament and the Council, together with any necessary proposals, notably on the opportunity to extend the period of time during which Union citizens and their family members may reside in the territory of the host Member State without any conditions. The Member States shall provide the Commission with the information needed to produce the report. | | | | Y | Effective transposition |
| Art.40 | Transposition 1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 April 2006. | P.D. 106/2007, art. 29 | Η ισχύς του παρόντος διατάγματος αρχίζει από τη δημοσίευσή του στην Εφημερίδα της Κυβερνήσεως. | The present decree shall be in force from the date of its publication at the G.G. | N, Incomplete | Incomplete transposition Taken into account that the Decree was entered into force on 21 st June 2007, article 40.1 of the Directive has been violated by the Hellenic Republic. |
| | When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States. | P.D. 106/2007, art. 1 | Σκοπός Σκοπός του παρόντος διατάγματος είναι να καθορίσει: (α) τους όρους που διέπουν την άσκηση του δικαιώματος της ελεύθερης κυκλοφορίας και διαμονής στην ελληνική | Object The purpose of this decree is to define: (a) the terms governing the exercise of freedom of movement and residence in the Greek territory of citizens of the | Y | Effective transposition |

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| | | | <p>επικράτεια από τους πολίτες της Ευρωπαϊκής Ένωσης (Ένωσης) και τα μέλη των οικογενειών τους,</p> <p>(β) το δικαίωμα μόνιμης διαμονής στην Ελλάδα των πολιτών της Ένωσης και των μελών των οικογενειών τους,</p> <p>(γ) τους περιορισμούς των δικαιωμάτων που αναφέρονται στα εδάφια α και β του παρόντος, για λόγους δημόσιας τάξης, δημόσιας ασφάλειας ή δημόσιας υγείας, προκειμένου να ενσωματωθούν στην ελληνική νομοθεσία οι διατάξεις της υπ' αριθμ. 2004/38/EK οδηγίας του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου, που αφορούν την ελεύθερη κυκλοφορία και διαμονή στην Ελλάδα των πολιτών της Ένωσης και των μελών των οικογενειών τους.</p> | <p>European Union (Union) and their family members.</p> <p>(b) right of permanent residence in Greece of the citizens of the Union and their family members.</p> <p>(c) the restrictions of the rights mentioned in sub-paragraphs a and b herein, for reasons of public order, public security or public health, so that the provisions of European Parliament's Directive no 2004/38/EU regarding the freedom of movement and residence of Union citizens and their family members, can be incorporated in Greek legislature.</p> | | |
| | <p>2. Member States shall communicate to the Commission the text of the provisions of national law which they adopt in the field covered by this Directive together with a table showing how the provisions of this Directive correspond to the national provisions adopted.</p> | | | | Y | Effective transposition |