

# Recent Developments in Tax Legislation

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### A. Law 5090/29.2.2024 Amending Law 1882/1990 on Criminal Liability of Legal Representatives of Legal Entities or Persons

1. Law 1882/1990 includes provisions relating to criminal charges brought against Board of Directors' members and other executives of legal entities or persons in respect of debts to the Greek State.
2. Under Law 1882/1990, Board of Directors' members and executives of legal entities who fail to pay their debts to the Greek State for a period exceeding 4 months, are subject to imprisonment for a term of at least:
  - a) 1 year if the total debt including interest or surcharges, exceeds the amount of €100,000 for any reason;
  - b) 3 years if the total debt exceeds the amount of €200,000.
3. Criminal prosecution proceedings may be initiated following an application by the Head of the Tax Office, the Audit Centre or the Customs Office to the General Prosecutor of the Court of First Instance (**Public Authority**), which must be accompanied by a list of debts, including any interest or surcharges and other charges.
4. For the purpose of determining the individual's liability, the application and the list of debts submitted by the Public Authority to the General Prosecutor does not include debts arising

from the offences included in Article 66 of the Code of Tax Procedure (CTP), along with the related surcharges, interest and other charges.

5. The offence is considered unpunished if the amount due is paid before the case is adjudicated.
6. Law 5090/2024 abolishes the provision of Law 1882/1990 pursuant to which fines and other charges imposed by criminal courts were excluded from the list of debts submitted by the Public Authority to the General Prosecutor. These charges must now be included in the list of debts to the State. The new provision applies as of 1 May 2024.

## **B. Energy – Law 5086/2024 on the Special Contribution in Favour of the Energy Transition Fund**

1. Pursuant to Article 36 of Law 5086/2024, as of 14 February 2024, Article 62 of Law 4986/2022 on the special levy per thermal megawatt hour imposed on power generation companies in favour of the Energy Transition Fund is repealed.



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