

**LAW AMENDING THE (RATIFYING) LAW OF 2004 ON THE ADDITIONAL
PROTOCOL TO THE CONVENTION ON CYBERCRIME, CONCERNING
THE CRIMINALISATION OF ACTS OF A RACIST AND XENOPHOBIC
NATURE COMMITTED THROUGH COMPUTER SYSTEMS.**

The House of Representatives enacts as follows:

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| Short title.
26 (III) of 2004. | 1. This Law shall be referred to as the (Ratifying) (Amending) Law of 2023 on the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems and shall be read together with the (Ratifying) Law of 2004 on the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (hereinafter referred to as “basic law”). The basic law and this Law shall together be referred to as the (Ratifying) Laws of 2004 and 2023 on the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems. |
| Amendment of
Article 2 of the
basic law. | 2. Article 2 of the basic law is amended by adding, in the appropriate alphabetical order, the following new term and its definition:

<div style="margin-left: 40px;">“Court” means a court having jurisdiction under the Law on courts.</div> <div style="margin-left: 40px;">14 of 1960
50 of 1962
11 of 1963
8 of 1969
40 of 1970
58 of 1972
1 of 1980
35 of 1982
29 of 1983
91 of 1983
16 of 1984</div> |

51 of 1984
83 of 1984
93 of 1984
18 of 1985
71 of 1985
89 of 1985
96 of 1986
317 of 1987
49 of 1988
64 of 1990
136 of 1991
149 of 1991
232 of 1991
237 of 1991
42(l) of 1992
43(l) of 1992
102(l) of 1992
26(l) of 1993
82(l) of 1995
102(l) of 1996
4(l) of 1997
53(l) of 1997
90(l) of 1997
27(l) of 1998
53(l) of 1998
110(l) of 1998
34(l) of 1999
146(l) of 1999
41(l) of 2000
32(l) of 2001
40(l) of 2002
80(l) of 2002
140(l) of 2002
206(l) of 2002
17(l) of 2004
165(l) of 2004
268(l) of 2004
21(l) of 2006

99(l) of 2007
 170(l) of 2007
 76(l) of 2008
 81(l) of 2008
 118(l) of 2008
 119(l) of 2008
 36(l) of 2009
 129(l) of 2009
 138(l) of 2009
 19(l) of 2010
 166(l) of 2011
 30(l) of 2013
 46(l) of 2014
 191(l) of 2014
 29(l) of 2017
 109(l) of 2017
 5(l) of 2020
 102(l) of 2020
 199(l) of 2020
 70(l) of 2022
 146(l) of 2022
 168(l) of 2022
 222(l) of 2022
 114(l) of 2023

Amendment of the
 basic law by
 adding a new
 Article 8A.

3. The basic law is amended by adding the following new Article directly after Article 8:

“Removal of
 websites
 hosting
 webpages with
 racist or
 xenophobic
 material and/or
 blocking access

8A.-(1) The Court may, at any stage of the police investigation conducted in connection with the commission of an offence specified in this Act, on the basis of a unilateral request (ex parte) submitted in accordance with the provisions of subparagraph (2), order:

(a) the removal of websites hosting webpages

to such
websites and
webpages.

with racist or xenophobic material and/or
blocking access of users to such websites and
webpages;

(b) blocking access to websites containing or
disseminating racist or xenophobic material for
internet users residing in the Republic;

immediately or within a reasonable period of time
and under conditions which the Court may lay
down, until the conclusion of any criminal
proceedings which may be conducted in
connection with them.

(2) The court order referred to in subparagraph
(1)

(a) is issued on an ex parte request by a police
investigator, submitted at the order of the Chief
of Police and upon approval of the Attorney
General of the Republic, after the Court deems
that there is prima facie evidence of the
commission of an offence, referred to in this Part,
through a specific website or webpage;

(b) may be made returnable.

(3) A court which convicts a person for an
offence, referred to in this Part, in addition to
imposing a sentence and taking into account
whether there is a reasonable risk of committing
a new similar offence in the future, may order the
convicted person to remove and keep out of
operation any website or webpage in relation to
which the offence, for which he/she has been
convicted, has been committed, immediately or
within a reasonable time and under conditions
which the Court deems appropriate or necessary
to specify in the order, for the purpose of

implementing the provisions of this Law more effectively.

(4) A person against whom an order has been issued pursuant to this Article and who fails or neglects to comply with such an order within the period specified therein, if any, shall be guilty of an offence and, if convicted, shall be liable to imprisonment for a term not exceeding three (3) years or to a fine not exceeding one hundred and seventy thousand euros (EUR 170,000) or both.’;

File No. 23.01.060.064-2019

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