

Greece - Information on residency for tax purposes

Section I – Criteria for Individuals to be considered a tax resident

According to para. 1 & 2 of art. 4 of Hellenic Income Tax Code - ITC (Law 4172/2013), an individual is considered as being tax resident in Greece, provided that:

- a) the individual maintains a permanent or principal residence or usual abode or center of living interests, namely his personal or financial or social relations, in Greece, or
- b) the individual is a consular or diplomatic or public official of similar status or public servant having the Greek nationality and serves abroad.

An individual that is constantly present in Greece for a period exceeding 183 days, including short periods of living abroad, is considered as tax resident in Greece from his first day of presence in Greece. The preceding subparagraph does not apply in cases of individuals who are present in Greece only for touristic, medical, curing, or similar private purposes and their presence does not exceed 365 days, including short periods of living abroad. The present paragraph does not exclude the application of paragraph 1 of the present article.

Section II – Criteria for Entities to be considered a tax resident

According to para. 3 & 4 of the same article of the Hellenic ITC, a legal person or a legal entity is considered as tax resident in Greece for any tax period, provided that:

- a) it has been incorporated or established according to the Greek legislation,
- b) it has its registered seat in Greece, or
- c) the place of effective management is located in Greece for any period during the tax year.

The place of effective management is located in Greece on the basis of the actual facts and circumstances, taking into account mainly the following:

- the place of exercising the day-to-day management,
- the place of taking strategic decisions,
- the place where the annual general meeting of shareholders or partners is held,
- the place where the books and records are kept,
- the place where the meeting of the members of the Board of Directors or other executive management board takes place,
- the residence of the members of the Board of Directors or other executive management board.

In combination with the the above facts and circumstances, the residence of the majority of the shareholders or partners may also be taken into consideration.

Furthermore, pursuant to the provisions of art. 2 under points c) and d) of the Hellenic ITC:

- a “legal person” is defined as every business or company with a legal personality or a partnership of businesses or companies with a legal personality,
- a “legal entity” is defined as every form of organization, corporate or not, of a profit or non-profit character, that is not an individual or a legal person, mainly such as an association, organization, offshore company, every form of private investment company, every form of trust or any form of similar nature, every form of foundation or association or any form of similar nature, every form of personal company or any entity of personal character, every form of common enterprise, every

form of management company of capital or assets or testament or inheritance or bequest or donation, every form of joint venture, every form of civil law company, participating or “shadow” companies, civil law associations.

Section III – Entity types that are as a rule not considered tax residents

Section IV – Contact point for further information

In case of further questions on tax residence, the Directorate of Direct Taxation Implementation of the General Secretariat for Public Revenue of the Hellenic Ministry of Finance can be contacted (+30 210 3375315, -317).