1. Please provide data on the implementation in practice of the rules on immunity for members of Parliament and members of Government, including data on number of requests for lifting immunity, time needed to process requests, remedies against decisions, number of investigations opened and convictions .

A. Requests of the public prosecutor's office for the granting of permission to prosecute a Member of Parliament

The applications of the public prosecutor for the granting of permission to prosecute a Member of Parliament, in accordance with articles 61 par. 2 and 62 par. 1 of the Constitution, after being checked by the Prosecutor of the Supreme Court, are submitted to Parliament by the Minister of Justice and registered in a special registry, in the order of their submission.

Upon their submission, such applications are referred by the President of the Parliament to the Parliamentary Ethics Committee.

The Chairman of the Committee invites the Member of Parliament (MP) whose immunity may be lifted to be heard, if he so wishes, and the Committee investigates whether the act for which the lifting of the immunity is requested is connected to the political or parliamentary activity of the MP or whether the prosecution or the criminal lawsuit or complaint is in fact politically motivated and, if this is not the case, the Committee recommends lifting the immunity of the MP.

The Committee does not examine the merits of the charges brought against the Member of Parliament and drafts a report within the deadline set by the referring document of the President of the Parliament. The Commission drafts a reasoned report.

Applications for the lifting of parliamentary immunity are entered on the agenda of the Plenary of the Parliament after the submission of the Committee's report and must be on the agenda at least ten days before the expiry of the deadlines provided by articles 61 and 62 of the Constitution. If the Committee's report is not submitted on time, the President of the Parliament appoints amongst the members of the

Committee one special rapporteur from the majority and one from the minority, who refer only to the events mentioned in the request for the lifting of immunity.

The Plenary of the Parliament reaches a decision, in accordance to parliamentary practice, by voting which takes place via an electronic system and by recording the names of the Members of Parliament. If requested, the possibility to speak is always granted to the Member of Parliament to whom the application relates and to the Presidents of the Parliamentary Groups or to their deputies.

A new application for prosecution based on the same facts is inadmissible. According to the Constitution, the permission is deemed not to have been given if the Plenary of the Parliament does not issue a decision within 3 months after the application was forwarded to the President of the Parliament (the deadline is 45 days in case of defamation). If the Plenary Session of the Parliament refuses to give permission for prosecution or if the deadline is missed, the act is considered irrevocable.

Regarding statistical data on requests to waive the immunity of MPs, during the 2015-2019 Period (IZ) 102 requests to waive immunity were filed, 82 were discussed and in 28 of them the lifting of immunity was granted (27%), during the 2019-2023 Period (IH) 77 requests were filed, 74 were discussed and immunity was waived in 48 cases (62%), whereas during the current Period (K) 11 applications have been submitted, of which 9 have been discussed, and the decision of the Plenary was to waive immunity in all these cases (100%).

B. Establishment of committees to carry out a preliminary examination on ministerial offences

For the prosecution of those who are or were members of the Government or Deputy Ministers for criminal offenses committed in the exercise of their duties, the Plenary of the Parliament is competent in accordance with the provisions of Article 86 of the Constitution. The relevant issues are specified and regulated by the Standing Orders of the Parliament and the Law 3126/2003 on the criminal liability of Ministers.

Upon the submission of the data transmitted to Parliament pursuant to article 86 par. 2 sec. b' of the Constitution, the President of the Parliament announces such data to the Plenary of the Parliament.

The prosecution of a person who is or was a member of the Government or a Deputy Minister requires the existence of a proposal for indictment and a decision of Parliament accepting such proposal.

The proposal for prosecution against the above persons is submitted in writing and signed by at least thirty (30) Members of Parliament, otherwise, it is inadmissible.

The motion for prosecution must clearly identify the acts or omissions which, according to the law on the liability of Ministers, are punishable, and mention the provisions that have been violated.

Voting on all questions relating to article 86 of the Constitution is secret. The person against whom the proposal for prosecution is directed does not participate in this vote if he is a Member of Parliament.

The decision to set up a special parliamentary committee to carry out a preliminary examination is taken by an absolute majority of the entire number of MPs, otherwise the proposal in question is rejected.

If the Plenary of the Parliament decides not to set up a special parliamentary committee to carry out a preliminary examination, a new proposal for prosecution based on the same facts cannot be submitted.

If the Plenary of the Parliament decides to carry out a preliminary examination, it appoints a twelve-member Committee from among its members. Simultaneously, it also sets the deadline within which the committee must submit its findings and the relevant evidence. The number of members of the Committee is set in such a way that all Parliamentary Groups recognized by Parliament's Standing Orders are represented by at least one (1) member and in proportion to their strength in Parliament.

The Committee is constituted and operates according to the provisions of Standing Committees, which apply accordingly. The Committee has all the powers of a first instance Prosecutor when he conducts a preliminary examination.

During the preliminary examination, the person against whom the prosecution proposal is directed is invited by the Committee to provide explanations. When the criminal act for which the preliminary examination is being carried out entails financial benefits for the Minister in the sense of article 68 par. 1 of the Criminal Code, the Committee orders their confiscation.

The Commission's findings must be reasoned and contain in particular the facts and the evidence leading to them as they emerged during the preliminary examination, the application of the facts to the relevant criminal provisions, and a clear proposal regarding the exercise or not of the criminal prosecution. The proposal of the minority, if any, must also be reasoned, and is included in a separate chapter of the said findings report. The Committee's findings and the relevant evidence are submitted to the President of the Parliament who announces their submission to the Plenary of the Parliament.

If Parliament is dissolved or the parliamentary term ends and the Committee's findings have not been submitted, the Plenary of the Parliament, during the first regular session of the new parliamentary term, appoints a new Committee to carry out or continue the preliminary examination.

Within five days of the distribution of the Committee's findings to the MPs, a special agenda of the Plenary Session of Parliament is drawn up and a discussion in the Plenary Session of Parliament begins no later than fifteen days after notification of the special agenda; the discussion is general and refers to the admission or denial of the motion to prosecute. During the discussion, the Plenary of the Parliament can call the person against whom the motion of prosecution is directed to appear before it and be heard, even if he is not a member of the Government, a Deputy Minister or a Member of Parliament.

Immediately after the end of the discussion, a secret vote is held on the Committee's proposal, separately for each alleged act or omission for which prosecution is requested. The decision is taken by an absolute majority of the entire number of Members of Parliament.

If the Plenary of the Parliament decides to prosecute, it proceeds to draw by lot the regular and substitute members of the Special Court, the Judicial Council and the prosecuting authority, in accordance with article 86 of the Constitution and the law on the responsibility of Ministers. The drawing of regular and substitute members of the Special Court is done before the Plenary of the Parliament by its President.

In the IZ Parliamentary Term, two (2) Committees were established to carry out a preliminary examination (the Papantoniou arms procurement, the Novartis case) which met 8 and 10 times respectively. In these two cases, a Special Court was not established given that the Plenary of the Parliament decided it was not competent and referred the cases back in order for them to be tried by ordinary courts.

In the IH Parliamentary Term, two (2) Committees were set up to conduct a preliminary examination (Papaggelopoulos case, N. Pappas case) which met 64 and 17 times respectively, and a Special Court was established for both.

C. Establishment of Inquiry Committees

In addition, the Plenary of the Parliament can constitute Committees of Inquiry from its members to examine special issues of public interest.

The proposal for the establishment of an Inquiry Committee must be signed by one-fifth (1/5) of the total number of Members of Parliament and must determine the reasons for which its establishment is requested, as well as the specific issue it will deal with.

The decision of the Plenary of the Parliament for the establishment according to article 68 par. 2 sec. a' of the Constitution of a Committee of Inquiry is taken by the absolute majority of those present, which cannot be less than two-fifths (2/5) of the total number of Members of Parliament.

After the revision of the Constitution in November 2009 (Government Gazette 187Α΄), the Plenary of the Parliament can, following a proposal of at least ten deputies, constitute two Committees of Inquiry per parliamentary term, with a decision taken

by at least two-fifths (2/ 5) of all the deputies, regardless of there being a majority, and subject to the second section of paragraph 2 of article 68 of the Constitution.

The decision of the Plenary of the Parliament must specify the number of members of the Inquiry Committee and determine the deadline for submitting the relevant findings. This deadline can be extended by special decisions of the Plenary of the Parliament in exceptional cases.

The formation and operation of Inquiry Committees is governed by the provisions that regulate the formation and operation of permanent committees.

The Commissions of Inquiry have all the powers of the investigative authorities, as well as those of the prosecutor for misdemeanors, and can carry out, at their discretion, any investigation necessary to achieve the objective for which they were established. The powers of the Inquiry Committees are not suspended at the end of the regular session, but they cease with the dissolution of the Parliament which appointed them or at the end of the parliamentary term.

After the completion of the investigation, each Commission of Inquiry evaluates the evidence collected and draws up a reasoned findings report, in which the opinions of the minority, if any, are also recorded.

With the proposal of one fifth (1/5) of all the MPs, the findings of the inquiry committee are set on the agenda for discussion.

In the 17th Parliamentary Term, two (2) Committee of Inquiry were established (loans to political parties, scandals in the field of health policy 1997-2014) which met 36 and 58 times respectively; only the findings of the first inquiry were discussed in the Plenary of the Parliament.

In the 18th Parliamentary Term, two (2) Committees of Inquiry (the right of the minority) (media manipulation, breach of the confidentiality of communications) which met 12 and 10 times respectively, their findings being discussed in the Plenary (10/2/2022 & 21/10/ 2022).

In the 20th Parliamentary Term, one (1) Committee of Inquiry was established; it met 30 times and submitted its findings which were discussed in the Plenary of the Parliament on 20/3/2024.

2. **In the Greco Evaluation Report on the Fifth Evaluation Round, it is noted that '[t]he parliament's refusal to the prosecutor's request to lift the immunity is strictly limited to those cases which have immediate relevance to the exercise of the parliamentary duties; this would exclude corruption.'(para 115). Could you please further elaborate on the exclusion of corruption from the scope of the special regime applied to members of Government. Is this provided by law or clarified through case-law?**

The criminal liability of members of the Cabinet, including the Prime Minister and the Undersecretaries, is governed by provisions in the Constitution (Article 86), Law 3126/2003, and Law 4622/2019. These provisions apply to all criminal offenses (misdemeanours and felonies) committed by any member of the Cabinet in the discharge of their duties.

It is immaterial whether the minister in question remains in office or not.

Only Parliament may prosecute members of the Cabinet for criminal offenses committed *in the exercise of duties*, and there can be no prosecution, investigation, preliminary investigation or preliminary examination of the minister without a prior decision of the plenary of Parliament.

If, in the course of another procedure (criminal or administrative), evidence should arise relating to members of the Cabinet and to offences committed in the exercise of ministerial duties, this shall be promptly forwarded to the Parliament (art. 86 par.1 and 2 of the Constitution).

The concept of «corruption» is not mentioned as such in the Greek criminal code. It is a term used in politics. However, certain criminal offenses could be classified as acts of «corruption». For example, the bribery of politicians and, in particular, the bribery of the persons referred to in Article 86 of the Constitution. In this instance, the Criminal Code provides, in Article 159, that «[t]he Prime Minister, members of the Government, Deputy Ministers (…) who, directly or through a third party, seek or receive for themselves or others, benefits of any nature whatsoever and, irrespective of their value, to which they are not entitled or which they require in return for an act or an omission, future or past, within the scope of their duties or contrary to them, shall be punished with imprisonment and a fine ranging from two hundred thousand (200.000) to four million (4.000.000) euros».

On the issue of whether «corruption»-related offences, which include bribery, active and passive, as well trading in influence, are considered as offences committed in the discharge of ministerial duties, the Greek courts have ruled that bribery does constitute an offence committed in the discharge of ministerial duties, whereas money laundering related to property deriving from bribery (self- laundering is also punishable) committed by a minister does not constitute an offence in the discharge of ministerial duties. Therefore, money laundering falls under the competence of ordinary criminal courts. In the adjudicated cases ministers were prosecuted by the Public Prosecutor for money laundering and they were tried by ordinary criminal courts.

Since 2004 the Parliament has prosecuted former ministers for:

a. Breach of trust in public service as a felony. The case was dismissed due to the expiration of the prescriptive period for Parliament to adopt a motion to prosecute (this status of limitations was abolished by constitutional amendment in 2019).

b. Bribery and money laundering (felonies). The case was dismissed for the offence of bribery, due to the expiration of the prescriptive period for Parliament to adopt a motion to prosecute, and was forwarded to ordinary courts for the money laundering offence, for which the former minister was convicted to 19 years of imprisonment.

c. Falsification of documents in public service (felony) and attempt of breach of trust in public service (felony). The case was tried by the Special Court of Article 86 of the Constitution. The former minister was convicted for falsification of documents (misdemeanour) to 1 year of imprisonment and a 3-year suspended penalty.

d. Breach of duty (misdemeanour) in two different cases, tried by the Special Court of article 86 of the Constitution. Both former ministers were convicted. In one case, the former minister was convicted in 2 years of imprisonment, with a 3-year suspended penalty, and in the other case, the former minister was convicted in a pecuniary penalty of 10.000 euros.

e. In one case, the Parliament did not prosecute for bribery (felony) due to the expiration of the prescriptive period for Parliament to adopt a motion to prosecute. The rest of the case (money laundering) was forwarded to ordinary courts, where it is still pending.

f. Moreover, in one case, a former minister was prosecuted by the Public Prosecutor for money laundering deriving from bribery, which could not be prosecuted by the Parliament due to the expiration of the prescriptive period for Parliament to adopt a motion to prosecute, and he was convicted by the ordinary criminal court in 5 years of imprisonment, which was conversed in a pecuniary sentence of 40 euros per day of imprisonment to be paid in 32 monthly instalments.

3. How is the deadline for amendments calculated, also in light of the relevant provisions of the Constitution and the Rules of Parliament.

The case of amendments and, in particular, of the so called “last-minute” amendments, is of great importance.

Over the last 4.5 years, the total number of amendments submitted by Members of Parliament has decreased considerably. During the 2015-2019 Parliamentary Term it amounted to 5.1 amendments per bill. During 2019-2023 it decreased to 1.7

amendments per bill, while during the current Parliamentary Term which started in July 2023, the number of amendments reached a historic low of 0.9 amendments per bill (43 accepted over 50 bills).

Last-minute amendments were a common and bad practice, as it involved their submission during the debate in the Plenary of the Parliament, a few hours or even minutes before the debate was completed. As a frequent practice, the submission of last-minute amendments is no longer followed.

Since May 2021, the Government has submitted only one amendment during the debate in the Plenary. In the years before that, late-submissions were the majority of the amendments submitted (70% in 2017, 74% in 2018, 82% in 2019, 56% in 2020). By contrast, they accounted for 11% of amendments in 2021 and for 0.68% of amendments in 2022. For the first time, in 2023, not a single last-minute amendment was submitted. In 2024, only one late amendment by the Opposition was accepted in the Plenary.

Pursuant to article 87 of the Standing Orders of Parliament, "1. Additions and amendments are signed by the MPs and Ministers who submit them to the relevant office of the Parliament. Additions and law proposals enter a special book of continuous numbering according to the dates of their submission. On Fridays, additions and amendments are submitted on 13.00 p.m. the latest. A certification of the submission of amendments and additions is provided by the office of the Parliament which prepares at the end of the text a relative act stating the number, the date and the time of the submission. 2. Additions or amendments are introduced to the Plenary, to the Recess Section or to the competent standing committee at least three days before the commencement of the relevant debate. In case of a dispute, the Speaker addresses the Parliament, which takes a final decision by standing or raising hands and without a debate".

It is necessary to understand how the parliamentary practice of late-submitted amendments has evolved over the last 30 years.

It has now become a prevailing practice that the threshold of a timely submission of an amendment is that of the adoption of the Order of the Day. The allocated period is

reasonable and it is linked to the date on which the last sitting of the competent Standing Committee is held. It may vary from one to three days before the opening of the debate in the Plenary, depending on a decision by the Conference of Presidents in order to better facilitate legislative planning.

The submitting of amendments even on the day before the opening of the debate in the Plenary may be considered as a sufficient processing time, given that a factor of vital importance for the debate, is the Report of the Scientific Service, which must take into account the amendment/s and is submitted on the day before the opening of the debate. The Report is accordingly taken into account by the rapporteurs of Bills and Law Proposals at the beginning of the Plenary sitting.

In agreement to the above, there can be no doubt as to the classification of an amendment as being late or timely, given that each amendment is recorded with its number, date and time of submission, and bears the stamp of the service.

It must be mentioned that, due to the existence of 9 Parliamentary Groups during the current Parliamentary Term, each debate on a bill or a law proposal, with the exception of the ratification of international conventions, takes between 10 hours to 3 days. This is a sufficient time for Parliamentary Groups to process submitted amendments, even if they are submitted the day before the beginning of the debate, and in any case, before the adoption of the order of the day. This time exceeds the time allowed by previous Parliamentary Terms.

Therefore, the only way to ensure that there are no last-minute amendments is to submit them on time.

In conclusion, no late-submitted ministerial amendments have been voted on since 2022, only one late-submitted parliamentary amendment by the Opposition has been voted in 2024 (establishing the 1st of February as National Sports Fan Day), while 721 late-submitted amendments were voted during the Parliamentary Term of 2015-2019.