

2021 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The first annual Rule of Law Report was published on 30 September 2020. It is the core of the new European rule of law mechanism, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues.

In the preparation of the first annual Rule of Law Report, the Commission relied on a diversity of relevant sources, including from Member States, country visits, and stakeholders' contributions collected through a targeted stakeholder consultation[1]. The information provided has informed the Member State-specific assessments of the Commission in preparing the Report. Building on the positive experience from the first Rule of Law Report, the Commission is inviting stakeholders to provide written contributions for the preparation of the 2021 Rule of Law Report through this targeted consultation.

The contributions should cover in particular (1) feedback and developments with regard to the points raised in the country chapters of the 2020 Rule of Law Report and (2) any other significant developments since January 2020[2] falling under the 'type of information' outlined in next section. This would also include significant rule of law developments in relation to the COVID-19 pandemic falling under the scope of the four pillars covered by the report.

The input should be short and concise, if possible in English, and summarise information related to one or more of the areas referred to in the template. You are invited to focus on the areas that relate to the scope of work and expertise of your organisation. Existing reports, statements, legislation or other documents may be referenced with a link (no need to provide the full text). Stakeholders are encouraged to make references to any contributions already provided in a different context or to Reports and documents already published.

Contributions should focus on significant developments both as regards the legal framework and its implementation in practice.

Please provide your contribution by 8 March. Should you have any requests for clarifications, you can contact the Commission at the following email address: rule-of-law-network@ec.europa.eu.

[1] https://ec.europa.eu/info/publications/2020-rule-law-report-targeted-stakeholder-consultation_en

[2] Unless the information was already submitted in the consultation for the 2020 Rule of Law Report.

Type of information

The topics are structured according to four pillars: I. Justice system; II. Anti-corruption framework; III. Media pluralism; and IV. Other institutional issues related to checks and balances. The replies could include aspects set out below under each pillar. This can include challenges, current work streams, positive developments and best practices:

Legislative developments

- Newly adopted legislation
- Legislative drafts currently discussed in Parliament
- Legislative plans envisaged by the Government

Policy developments

- Implementation of legislation
- Evaluations, impact assessment, surveys
- White papers/strategies/actions plans/consultation processes
- Follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- Important administrative measures
- Generalised practices

Developments related to the judiciary / independent authorities

- Important case law by national courts
- Important decision/opinions from independent bodies/authorities
- State of play on terms and nominations for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, heads of independent authorities included in the scope of the request for input^[1])

Any other relevant developments

- National authorities are free to add any further information, which they deem relevant; however, this should be short and to the point.

Please include, where relevant, information related to measures taken in the context of the COVID-19 pandemic under the relevant topics.

If there are no changes, it is sufficient to indicate this and the information covered in the 2020 Rule of Law Report should not be repeated.

[1] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions and supreme audit institutions.

About you

* I am giving my contribution as

Other

If "Other", please specify

Judiciary

* Organisation name

250 character(s) maximum

Council of State (supreme administrative court)

* Main Areas of Work

- ☒ Justice System
- ☐ Anti-corruption
- ☐ Media Pluralism
- ☐ Other

* Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

500 character(s) maximum

<http://www.adjustice.gr/>

Transparency register number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

* Country of origin

Please add the country of origin of your organisation

Greece

* First Name

Maria

* Surname

Gkana

* Email Address of the organisation (this information will not be published)

presidentste@adjustice.gr, mgkana@adjustice.gr

* Publication of your contribution and privacy settings

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- ☐ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**
- ☒ Public - Your personal details (name, organisation name, transparency register number, country of origin) will be published with your contribution.
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ I agree with the [personal data protection provisions](#).

Questions on horizontal developments

In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[overview_topics_for_contribution.pdf](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

Questions on developments in Member States

The following four pillars are sub-divided into topics and sub-topics. You are invited to provide concrete information on significant developments, focusing primarily on developments since January 2020, for each of the sub-topics which are relevant for your work. Please feel free to provide a link to and reference relevant legislation/documents. Significant developments can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices (as outlined under "type of information").

If there are developments you consider relevant under each of the four pillars that are not mentioned in the sub-topics, please add them under the section "other - please specify". Only significant developments should be covered.

Please note that, due to the size of the questionnaire, certain elements may be slow to load, especially if selecting many Member States at once. In such cases, it is recommended to wait a few minutes to let the page load correctly.

Member States covered in contribution [several choices possible]

Please select all Member States for which you wish to contribute information. For each Member State, a separate template for providing information will open. This may take several minutes to fully load.

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☒ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

Justice System - Greece

Independence

Appointment and selection of judges, prosecutors and court presidents

(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)

3000 character(s) maximum

Judges and prosecutors are selected via written and oral examinations and formally appointed by a presidential decree.

Irremovability of judges; including transfers, dismissal and retirement regime of judges, court presidents and prosecutors

3000 character(s) maximum

According to the Constitution (art. 88), judges may not be dismissed, save pursuant to a court judgment resulting from a criminal conviction or a grave disciplinary breach or illness or disability or professional incompetence. Retirement from the service of the magistrates shall be compulsory upon attainment of the age of 65 years for all magistrates up to and including the rank of Court of Appeal judge or Deputy Prosecutor of the Court of Appeals, or a rank corresponding thereto. In the case of magistrates of a rank higher than the one stated, or of a corresponding rank, retirement shall be compulsory upon attainment of the age of 67 years. Assignments to posts, transfers, detachments, and transfers to another branch of magistrates are effected by presidential decree, issued after prior decision by the supreme judicial council (art. 90).

Promotion of judges and prosecutors

3000 character(s) maximum

According to the Constitution (art. 90), promotions are effected by presidential decree, issued after prior decision by the supreme judicial council. Promotion to the post of President or Vice-President of the Council of State, of the Supreme Civil and Criminal Court and of the Court of Audit shall be effected by presidential decree issued on the proposal of the Cabinet, by selection from among the members of the respective supreme court.

Allocation of cases in courts

3000 character(s) maximum

The President of the respective section of the Council of State allocates the cases, according to the following criteria: specialization, experience, workload.

Independence (including composition and nomination of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

3000 character(s) maximum

The Council for the Judiciary comprises the president of the respective supreme court and members of the same court chosen by lot from among those having served in it for at least two years. Its powers include promotions, assignments to posts, transfers, detachments, and transfers to another branch of magistrates.

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal liability of judges

3000 character(s) maximum

Judges and prosecutors are obligated to disclose their assets and declare their conflicts of interest on an annual basis (Law no 3213/2003, 4571/2018). They are also personally liable vis-a-vis the parties to a dispute for any damage incurred due to intent or gross negligence (art. 99 of the Constitution) and they undergo annual evaluation as far as their performance is concerned. Furthermore, disciplinary measures may be taken against them for violation of their duties (including ethical rules such as prohibition of participating in secret entities prohibition of actively supporting political parties etc.) as stipulated in the Constitution and the Code of Courts Organization and Status of Judges (Law no 1756/1988).

Remuneration/bonuses for judges and prosecutors

3000 character(s) maximum

According to the Constitution (art. 88 para 2), the remuneration of magistrates is commensurate with their office. No bonuses are provided for. Matters concerning their rank, remuneration and their general status are regulated by special statutes. Disputes concerning all kinds of remunerations and pensions of magistrates are tried by a special court comprising 3 members of the Judiciary, 3 professors of law and 3 barristers.

Independence/autonomy of the prosecution service

3000 character(s) maximum

N/A (question not immediately linked to the Council of State)

Independence of the Bar (chamber/association of lawyers) and of lawyers

3000 character(s) maximum

N/A (question not immediately linked to the Council of State)

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

3000 character(s) maximum

No significant developments in 2020.

Quality of justice

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under "type of information".)

Accessibility of courts (e.g. court fees, legal aid, language)

3000 character(s) maximum

Court fees (without counting attorneys' fees) are fairly reasonable and range from 300 euros for a trial before the administrative first instance court to 1,300 euros for a trial before the Council of State (supreme administrative court). Special procedures (i.e. competition law cases, tax or tort law cases where the fees are calculated on a percentage of the disputed sum) have different -usually more elevated- costs. Legal aid is provided for those in need (upon relevant proof).

Resources of the judiciary (human/financial/material)

Material resources refer e.g. to court buildings and other facilities.

3000 character(s) maximum

Administrative justice: 1.103 judges (938 in the administrative courts and 165 in the Council of State). No separate budget for the administrative justice. Budget is allotted to the Ministry of Justice for all its purposes (Ministry and courts [civil and administrative]). For 2020, 530.000.000 euros were allotted to the Ministry of Justice (<https://www.hellenicparliament.gr/UserFiles/c8827c35-4399-4fbb-8ea6-aebdc768f4f7/11137250.pdf>).

Training of justice professionals (including judges, prosecutors, lawyers, court staff)

3000 character(s) maximum

Judges receive a 16-month initial training in the National School for the Judiciary. Continuing training is provided mostly via seminars organized by the National School for the Judiciary. Court staff receive a 10-day initial training. Draft law on court staff (currently under deliberation) introduces two new staff sectors, one for the immediate assistance of judges by highly trained staff (3-month initial training in the Council of State) and one for the judicial communication by specialized staff (18-month initial training in the National School for Public Administration).

Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic)

(Factual information presented in Commission Staff Working Document of 2 December 2020, SWD(2020) 540 final, does not need to be repeated)

3000 character(s) maximum

Besides its well-established case-law search and case-management function, through the Integrated Administrative Court Case Management System (IICCMS), it is now possible for all parties to submit their motions, petitions and written observations as well as all relevant documents supporting their motions and to follow their case on-line, using a verified signature system. Furthermore, during the COVID-19 pandemic, most of the deliberations are conducted online via a secure platform.

Use of assessment tools and standards (e.g. ICT systems for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

3000 character(s) maximum

- Integrated Administrative Court Case Management System (https://www.ministryofjustice.gr/English/?page_id=792)
- Court statistics (https://www.ministryofjustic.gr/?page_id=1603)
- Monitoring and evaluation of the judiciary

Geographical distribution and number of courts/jurisdictions ("judicial map") and their specialization

3000 character(s) maximum

N/A (question not immediately linked to the Council of State)

Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under "type of information".)

Length of proceedings

3000 character(s) maximum

According to the 2020 EU Justice scoreboard (p. 10 fig. 9), the time needed to resolve an administrative case is 601 days for the first instance, 564 days for the second instance and 1260 for the third instance.

Other - please specify

3000 character(s) maximum

Anti-Corruption Framework - Greece

The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

List of relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption. Please indicate the resources allocated to these (the human, financial, legal, and practical resources as relevant)

3000 character(s) maximum

Prevention

Integrity framework including incompatibility rules (e.g.: revolving doors)

3000 character(s) maximum

Pursuant to art. 89 of the Constitution, judges are prohibited from performing any other salaried service or practicing any other profession. Exceptionally, they may be elected members of the Athens Academy or teaching staff of university level institutions, as well as may sit on councils or committees exercising competences of disciplinary, auditing or adjudicating nature and on Bill drafting committees, provided that this participation is specifically stipulated by the law. Assignment of administrative duties to judges is prohibited. Activities related to the training of magistrates are considered to be of judicial nature. The assignment to judges of the duties of representing the Country in international organisations is permitted. The conduct of arbitrations by magistrates is allowed only in the framework of their official duties, as specified by law. Finally, participation of magistrates in the Government is prohibited.

General transparency of public decision-making (including public access to information such as lobbying, asset disclosure rules and transparency of political party financing)

3000 character(s) maximum

Judges are subject to annual disclosure of assets (Law no 3213/2003).
A special committee comprising members of the parliament and the judiciary (Law no 4571/2018) is in charge of verifying the assets' provenance.

Rules on preventing conflict of interests in the public sector.

3000 character(s) maximum

Judges are also subject to annual declaration of conflict of interests (Law no 3213/2003). The above mentioned committee is also responsible for controlling these declarations.

Measures in place to ensure whistleblower protection and encourage reporting of corruption

3000 character(s) maximum

N/A (question not immediately linked to the Council of State)

List the sectors with high-risks of corruption in your Member State and list the relevant measures taken /envisaged for preventing corruption and conflict of interest in these sectors. (e.g. public procurement, healthcare, other).

3000 character(s) maximum

N/A (question not immediately linked to the Council of State)

Measures taken to address corruption risks in the context of the COVID-19 pandemic

3000 character(s) maximum

N/A (question not immediately linked to the Council of State)

Any other relevant measures to prevent corruption in public and private sector.

3000 character(s) maximum

N/A (question not immediately linked to the Council of State)

Repressive measures

Criminalisation of corruption and related offences.

3000 character(s) maximum

N/A (question not immediately linked to the Council of State)

Data on investigation and application of sanctions for corruption offences (including for legal persons and high level and complex corruption cases) and their transparency, including as regards the implementation of EU funds

3000 character(s) maximum

N/A (question not immediately linked to the Council of State)

Potential obstacles to investigation and prosecution of high-level and complex corruption cases(e.g. political immunity regulation).

3000 character(s) maximum

N/A (question not immediately linked to the Council of State)

Other – please specify

3000 character(s) maximum

Media Pluralism - Greece

Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Independence, enforcement powers and adequacy of resources of media regulatory authorities and bodies

3000 character(s) maximum

N/A (question not immediately linked to the Council of State)

Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

3000 character(s) maximum

N/A (question not immediately linked to the Council of State)

Existence and functions of media councils or other self-regulatory bodies

3000 character(s) maximum

N/A (question not immediately linked to the Council of State)

Transparency of media ownership and government interference

The transparent allocation of state advertising (including any rules regulating the matter); other safeguards against state / political interference

3000 character(s) maximum

N/A (question not immediately linked to the Council of State)

Rules governing transparency of media ownership and public availability of media ownership information

3000 character(s) maximum

N/A (question not immediately linked to the Council of State)

Framework for journalists' protection

Rules and practices guaranteeing journalist's independence and safety

3000 character(s) maximum

N/A (question not immediately linked to the Council of State)

Law enforcement capacity to ensure journalists' safety and to investigate attacks on journalists

3000 character(s) maximum

N/A (question not immediately linked to the Council of State)

Access to information and public documents

3000 character(s) maximum

N/A (question not immediately linked to the Council of State)

Lawsuits and convictions against journalists (incl. defamation cases) and safeguards against abuse

3000 character(s) maximum

N/A (question not immediately linked to the Council of State)

Other - please specify

3000 character(s) maximum

Other institutional issues related to checks and balances - Greece

The process for preparing and enacting laws

Framework, policy and use of impact assessments, stakeholders'/public consultations (particularly consultation of judiciary on judicial reforms), and transparency and quality of the legislative process decisions).

3000 character(s) maximum

Law no 4622/2019 (art. 63) establishes a sophisticated centralized process for the preparing of laws that includes public consultation, impact assessment and the involvement of experts in the drafting, before laws are officially adopted by the Parliament. However, consultation of the judiciary prior to any judicial reform is not obligatory, as consultation of stakeholders is purely optional. Traditionally, draft laws affecting the functioning of justice are sent to the supreme courts for opinion prior to their adoption, but as it is not a legal obligation, skipping it comes with no consequences.

Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

3000 character(s) maximum

Fast-track procedures are provided for in competition law cases (Law 3959/2011, art. 32) and public procurement cases (Law 4412/2016, art. 372). Emergency procedures (stay of execution applications) are provided for in any case the execution of the contested administrative act is likely to cause to the applicant grave prejudice difficult to redress. In 2020, 306 out of 3.329 judgments were adopted through emergency /urgent procedure (0,1%).

Regime for constitutional review of laws.

3000 character(s) maximum

In Greece, there is no constitutional court and, therefore, no preliminary constitutional review of laws. According to art. 93 para 4 of the Constitution, the Courts are bound not to apply a law that runs contrary to the Constitution. Therefore any and all courts are entitled to exercise constitutional review of laws. However they are not allowed to quash an unconstitutional law; they may only set it aside and not apply it in the case at hand. There is only one derogation from the principle of the diffused constitutionality review, that is when a section of the Supreme Administrative Court or chamber of the Supreme Civil and Criminal Court or of the Court of Audit judges a provision of a law to be contrary to the Constitution. In that case, it is bound to refer the question to the respective plenum, which is assembled into judicial formation and decides definitively (art. 100 para. 5 of the Constitution).

COVID-19: provide update on significant developments with regard to emergency regimes in the context of the COVID-19 pandemic

- judicial review (including constitutional review) of emergency regimes and measures in the context of COVID-19 pandemic
- oversight by Parliament of emergency regimes and measures in the context of COVID-19 pandemic
- measures taken to ensure the continued activity of Parliament (including possible best practices)

3000 character(s) maximum

In 2020, there have been 23 judgments, 12 of which in stay-of-execution proceedings, with regard to emergency regimes in the context of the COVID-19 pandemic.

Independent authorities

Independence, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>

3000 character(s) maximum

N/A (question not immediately linked to the Council of State)

Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data) and judicial review (incl. scope, suspensive effect)

3000 character(s) maximum

Individual administrative decisions are not -as a rule- made public, with the exception of cases of public money spending or environmental protection, where a publication on the internet is foreseen. On the contrary, regulatory administrative decisions and appointments to public offices (albeit not regulatory in nature) require a more formal means of publication and are therefore published in the Official Gazette. Some administrative decisions may be challenged before the first instance administrative courts (or the courts of appeal acting as first instance ones) where the scope of review includes law and facts, while others (basically the most important ones and almost all regulatory decisions) may only be challenged directly before the supreme administrative court (Council of State), which exercises a judicial review on law and procedure, and, while not substituting itself for an administrative authority, it, nevertheless, verifies whether the latter has made proper use of its discretionary powers, where applicable.

Implementation by the public administration and State institutions of final court decisions

3000 character(s) maximum

Pursuant to art. 95 para 5 of the Constitution, the Public Administration is bound to comply with court judgments. The breach of this obligation renders liable any competent agent. Law no 3068/2002 specifies the measures necessary for ensuring the compliance of the Public Administration with the administrative judgements, including a special compliance procedure before the court that issued the judgment. Although a lot of progress has been made over the years, petitions for non-compliance of the State are still filed every year. In 2020, for example, in 6 out of 100 cases the Council of State found there had been no compliance.

The enabling framework for civil society

Measures regarding the framework for civil society organisations (e.g. access to funding, registration rules, measures capable of affecting the public perception of civil society organisations, etc.)

3000 character(s) maximum

N/A (question not immediately linked to the Council of State)

Initiatives to foster a rule of law culture

Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, etc.)

3000 character(s) maximum

N/A (question not immediately linked to the Council of State)

Other – please specify

3000 character(s) maximum

Contact

rule-of-law-network@ec.europa.eu