

I. Justice System

1. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the justice system (if applicable)

Addressing concerns on the process of selection of the presidents and vice presidents of the supreme courts, both with regard to the non-participation of an independent and competent authority drawn substantially from the judiciary judges therein, as well as to the provision of an effective remedy for the unsuccessful candidate, requires a review of the relevant constitutional provisions. More specifically, as stated in the 2022 Rule of Law Report of the Commission, addressing the concerns expressed on the matter of selection of the leadership of the judiciary would require a revision of the relevant provisions of the Constitution, which is subject to the time limitation of Article 110(6) of the Constitution ("No revision of the Constitution shall be permitted before five years have elapsed since the completion of the previous one"). However, as the 2022 Report notes, through the new Code on the organisation of the courts and the status of judges a limitation to the discretionary power of the Council of Ministers is set by including a seniority

criterion to the eligibility of the candidate judges. This restriction can only be regarded as a confirmation of the decisions of the judicial councils on the promotion of judges and the order of seniority formed as a result.

Moreover, in this regard, the interpretation of the relevant prohibition set in Article 90(6) of the Constitution with regard to the exercise of an effective remedy against decisions on the promotions to the position of Presidents and Vice-Presidents of the higher courts has been shaped, in this restrictive manner, by the case-law of the Council of State under the current regime.

A. Independence

2. Appointment and selection of judges, prosecutors and court presidents (incl. Judicial review)

Pursuant to the adoption of Law 4871/2021 on the organization and functioning of the National School of Judges, the first formation of judges graduated and are appointed to specific courts, including for the first time Magistrates' Court judges.

3. Irremovability of judges; including transfers (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicialreview)

See question 17

4. Promotion of judges and prosecutors (incl. judicial review)

N/A

5. Allocation of cases in courts

See question 17

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

N/A

7. Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

A. Charter of Ethics for Judges and Prosecutors in Civil and Criminal Justice. The Charter of Ethics for Judges and Prosecutors of the Civil and Criminal Justice System was published in 2023 by the Supreme Court (<http://www.areiospagos.gr>). It is a single document setting out basic principles of judicial ethics and standards of conduct derived from them. These standards already exist as an element of the judicial and prosecutorial function and are intended to better shield the values that emerge from these principles, which ultimately converge in safeguarding the fundamental concept of the rule of law, both in its formal and substantive dimensions. At the same time, it offers a framework of guidelines for judges and prosecutors on ethical issues they face, so that they can demonstrate and promote a high level of judicial conduct, which is necessary for their effective response to the role assigned to them by the constitutional legislator, as well as for maintaining and strengthening society's confidence in the institution of justice. The Charter of Ethics contributes to a better understanding of the role of the judiciary and prosecutors in the criminal and civil justice system and the high standards of conduct that they must observe, as well as the specific nature of their duties and the limits arising from them. In addition, it focuses on highlighting the modern role of the judges and prosecutors in society and the need for their continuous and substantial training, on institutional communication with other state authorities, as well as with the media and citizens, on the increasing introduction of new information and communication technologies in the judiciary, and on the growing demand for more complete information, respect and service to the parties. The Charter is not intended to describe "unacceptable" behaviour, nor does it provide an exhaustive list of 'ethical' behaviours. It sets out a framework of principles and standards and sets out good practice in order to support the judge and prosecutor, but at the same time to enable him or her, making him a shareholder of contemporary concerns. It is inspired by the major changes recorded in recent years in a number of soft law texts of international and European organisations, in particular the Council of Europe and its Commission for the Efficiency of Justice (CEPEJ).

B. The Plenum of the Court of Audit unanimously decided [normative Decision FG8/16812/2022 (Government's Gazette B` 1579/04.04.2022)] the amendment of the Judges' Charter of Ethics in order to be in full compliance with the national strategy for LGBTQI+ equality. In this regard, Article 10 of the Charter, proclaiming the principle of fairness, is amended and the judges of the Court of Audit, in the course of their professional activity, oppose any discrimination with regard to, not only sexual orientation, but also to gender identity and gender characteristics or expression of individuals involved in judicial and other court proceedings.

C. Pursuant to Article 104 of the new Code on the Status of Judges (Law 4923/2022, see Rule of Law Report 2022), which provides that the plenary sessions of the Supreme Courts, in order to ensure the uniformity and effectiveness of the inspection of courts and prosecutors' offices, their directors and other judicial officers, shall draw up by decision a uniform framework of instructions, practices and guidelines for the relevant Inspection Board and inspectors for the exercise of their powers, the President of the Council of State established two working groups to draft a framework of instructions for the inspectors and the Inspection Boards for the judges of the Council of State and of ordinary administrative courts, respectively. The matter will then be considered by the plenary session of the Court.

8. Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

N/A

9. Independence/autonomy of the prosecution service

N/A

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

N/A

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

N/A

B. Quality of justice

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

Accessibility/Legal Aid :

Measures aiming at improving access to justice for persons with disabilities based on the first National Action Plan for the Rights of Persons with Disabilities, which was adopted in November 2020 are being taken. The interventions to make court buildings further accessible continue with the aim of gradually including all court buildings in Greece. In addition, the initiative of improving accessibility for deaf and hard-of-hearing people in courtrooms through the use of digitized procedures, in combination with existing infrastructure, was launched in 2022 and is scheduled to be completed by 2026. In addition, a relevant working group has been set up at the Ministry of Justice that has as its main task the evaluation of the institutional framework of accessibility in court buildings to ensure universal accessibility by all citizens.

In this context, the Ministry of Justice has taken a legislative initiative to further enhance access to justice for persons with disabilities in compliance with Articles 9 (State Parties shall ensure to persons with disabilities access, on an equal basis with others, to all buildings open to the public and at the same time to take measures to eliminate any obstacle and barrier affecting accessibility) and 13 (States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others) of the UN Convention on the Rights of Persons with Disabilities (CRPD). The relevant Draft Law was presented to the Council of Ministers on 26 October 2022 (<https://government.gov.gr/sinedriasi-tou-ipourgikou-simvoulou-tis-26is-oktovriou-2022/>) and has already been submitted to the General Secretariat for Legal and Parliamentary Affairs.

In addition, in accordance with the recommendation of the UN Committee on the Rights of Persons with Disabilities to ensure effective access to justice without any discrimination¹, the aforementioned draft law aims at enhancing the accessibility of persons with disabilities to courts, by adding a special provision to the New Code of Courts Organization and Status of Judges (Law 4938/2022) for the designation of a judicial clerk/contact point in the courts to be responsible for issues of accessibility for persons with disabilities and their effective and immediate support.

At the same time, in accordance with the recommendation of the UN Committee on the Rights of Persons with Disabilities to ensure effective access to legal services and legal aid², the same draft law seeks to strengthen the institution of legal aid in Greece by amending Law 3226/2004. In

1 Rec. 20, CRPD/C/GRC/CO/1: Concluding observations on the initial report of Greece
<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/312/96/PDF/G1931296.pdf?OpenElement>

2 Rec. 20, CRPD/C/GRC/CO/1: Concluding observations on the initial report of Greece
<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/312/96/PDF/G1931296.pdf?OpenElement>

particular, the relevant amendment includes persons with disabilities over 67% among the beneficiaries of legal aid, without any income criterion, with the aim of ensuring their direct and effective access to justice. This particular provision emerged from the meetings of the Working Group that examined the reevaluation of the conditions for the provision of legal aid to low-income citizens with a view to introducing positive measures for persons with disabilities. The Working Group was established in 2021 and is included in the National Action Plan on the Rights of Persons with Disabilities.

Finally, in accordance with the recommendation of the UN Committee on the Rights of Persons with Disabilities to eliminate from the legislation derogatory language in reference to persons with disabilities in close consultation with and the active involvement of organizations of persons³, the aforementioned draft law provides for the updating of the terminology of the basic Codes of Greek legislation, and in particular, the rewording and replacement of stereotypical and derogatory terms and expressions for persons with disabilities in provisions of the Civil Code, the Code of Civil Procedure, the Criminal Code, the Code of Criminal Procedure, the Code of Administrative Procedure, the Code of Notaries, and Law 4478/2017. These laws contain terms for persons with disabilities that are inconsistent with the rights-based approach to disability, in accordance with the UN International Convention and the UN Principles on Disability-Inclusive Language Guidelines (www.ungeneva.org/sites/default/files/2021-01/Disability-Inclusive-Language-Guidelines.pdf)

This action falls under the indicator "Updating of codes and rewriting, where necessary, of disability terms" of Objective 16 (Equal Access to Justice) of Pillar II (Protection of the Rights of Persons with Disabilities) of the National Action Plan. In this context, a relevant working group was set up at the Ministry of Justice, in which a representative of the National Confederation of Persons with Disabilities participated, and which came up with specific recommendations that formed the basis for updating the terminology of the Codes of Greek legislation.

To enhance equal access to information for persons with disabilities, the Guide on the rights of victims of racist crime (which was prepared in the framework of the project "Developing an integrated strategy against racism, intolerance and hate crimes" and includes sufficient information on the existing legal framework) was printed in Braille. The Guide was sent to multiple disability organizations both in Braille and digitally in an accessible format and its distribution to organizations is ongoing.

13. Resources of the judiciary (human/financial/material)

A. Selection, education and **training of Judicial Clerks** via the National School of Judges (Law 5001/2022, A' 227/9.12.2022) - The role and contribution of judicial clerks in the administration of justice is of paramount importance as they contribute substantially to the work of the judiciary. According to recent data, the current ratio of judges/judicial clerks in our country is one to one (1/1), while according to the recommendations of the CEPEJ it should be one to three. This weakness of the system was mainly due to the uniform recruitment procedure for civil servants and judicial clerks through the Supreme Council for Civil Personnel Selection, which was unable to respond to the immediate, urgent and specific needs of the judicial services. Law 5001/2022 now provides for the selection, education and training of judicial clerks at the National School of Judges and that judicial clerks will now be selected on the basis of the needs of the judicial services. During their studies at the National School of Judges, future judicial officers are to receive the knowledge necessary to perform their duties effectively and expeditiously. At the same time, the role of active judicial clerks will be improved and their work made more meaningful through their participation in training seminars and other lifelong learning activities. In this way, their knowledge

3 Rec. 6 (c), CRPD/C/GRC/CO/1: Concluding observations on the initial report of Greece <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/312/96/PDF/G1931296.pdf?OpenElement>

and skills are broadened and they contribute to a better administration of justice in our country. It should be noted that the National Centre for Public Administration and Local Government (NCCA) will continue to provide its services in the training of judicial officials even after this amending law.

With articles 53 and 54 of the draft law of the Ministry of Justice, submitted to Parliament on the 18th January 2023⁴ it is foreseen that judicial clerks of the Court of Audit will also be selected, trained and educated at the National School of Judges, a provision that was initially excluded with the law 5001/2022.

B. Law no. 4963/2022 (A' 149/30.7.2022) provides for the establishment, operation and organisation of the **Judicial Police**. With the gradual implementation of the above law, the work of judges and prosecutors is expected to be drastically enhanced by the exercise of responsibilities by the Judicial Police personnel, and, in particular, by the conduct of preliminary examination, preliminary inquiry and investigative acts by specialized personnel, directly linked to the prosecutorial and investigative authorities, with high legal training, experience and primarily the role of drafting technical reports. In this way, the validity and reliability of these reports is ensured, in view of the fact that in many cases the outcome of cases is determined, the execution of criminal decisions and the enforcement of court decisions is ensured and the work of the Hellenic Police is relieved from the execution of summonses and court decisions. For the implementation of this law, a Presidential Decree is to be issued in the near future, establishing a Judicial Police Directorate for the staffing of the Thessaloniki courthouse and the Central Service of the Ministry of Justice, specifying its responsibilities and the distribution of positions. Finally, a Joint Ministerial Decision is expected to be issued, which will provide for the uniforms and equipment of the newly established Judicial Police. This will amount to a pilot implementation of the above legislation.

C. With Articles 1 to 13 of Law No. 4937/2022 (A' 106/2.6.2022), the critical and relevant provisions of the Code of Criminal Procedure were amended for the **electronic service of summons**, orders and other relevant documents to defendants, their appointed counsel and other parties. The objectives of this initiative is to save costs, to make police personnel immediately available for operational tasks, to free up bailiffs and allocate them to other tasks, and to modernise the judiciary through the digitisation of procedural processes in line with the requirements of e-government. The implementation and execution of these provisions will be achieved through an electronic platform which is being developed in close cooperation between the special legal service of the Ministry of Justice, the Ministry of Digital Governance and the Athens First Instance Prosecutor's Office, while in parallel the text of the joint ministerial decision provided for in para. 4 of article 155 of the Criminal Procedure Code is being drafted.

D. As part of the implementation of the Greek National Recovery and Resilience Plan (NRRP) for Justice, supported by the European Recovery and Resilience Facility (RRF), the Ministry of Justice is promoting an extensive program of **construction and renovation of court buildings** to meet the standards of a modern high functioning judicial system.

Specifically, within the framework of the NRRP, the Ministry of Justice has already started procedures for the submission of tenders by interested economic operators in response to a call for competition for the construction of a) the Athens Courthouse, where the Court of First Instance and the Prosecutors Office will be housed and b) the Courthouse of Piraeus where the civil and administrative Courts of Piraeus will be housed.

At the same time, within January-February 2023, calls for competitions are expected for the submission of tenders regarding the renovation of the buildings a) of the Court of Appeal of

4. https://www.hellenicparliament.gr/Nomothetiko-Ergo/Anazitisi-Nomothetikou-Ergou?law_id=910ab666-e842-4761-a659-af8e017aa4f6

Athens, b) of the Administrative Court of First Instance of Athens, c) of the Administrative Court of Appeal of Athens, d) of the Council of State, d) of the Court of Audit and e) of the National School of Judges.

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

A. Improved provisions for continuous training of Judges - The aforementioned initiatives for the selection, education and training of Judicial clerks complement and harmonise with previous legislative actions such as the reform of the National School of Judges by Law no. 4871/2021 and the relevant provisions on the training programs for active judicial officers and the requirement of attendance for their promotion, which was introduced by the new Code on the Organisation of Courts and Judges (Law 4938/2022). With articles 73 and 74 of 5001/2022 (A' 227/9.12.2022), law no. 4871/2021 was amended in order to enable the participation of a greater number of active judges in the continuous training programmes, as well as the participation in these programmes, with the use of new technologies, of those serving in remote areas, whose physical access, in view of their permanent employment is impossible or particularly difficult and to make the training programme more widely publicised, through the posting of the training materials on the School's website, which is publicly accessible.

By data provided by the National School of Judges, throughout 2022, 5 national seminars were held online, in which 1,769 judges and 125 students of the School of Judges participated and 7 national in person seminars, in which 948 judges participated. Training seminars were also held in cooperation with european agencies organisations, e.g. euua. For the year 2023, 2 national seminars are planned and/or are being conducted online, 9 in person national seminars at the School of Judges' premises and 4 national seminars in district courts. The topics of the seminars are related to new and/or specific legislation, protection of human rights, etc⁵.

B. In 2022, the Ministry of Justice took initiatives in cooperation with the National School of Judiciary to implement interdisciplinary seminars on child-friendly justice and the rights of victims of crime.

On the 5th and 6th of May of 2022, a training seminar on "Charter of Fundamental Rights - Rights of the Child - Child-friendly justice" took place at the National School. The seminar included important topics such as the rights of children with disabilities following the ratification of the UN Convention on the Rights of Persons with Disabilities, the UN Convention on the Rights of the Child as well as workshops and practical issues of "Child Friendly Justice in the Legal System". Also, on the 20th and 21st of October of 2022, a seminar on "The rights of victims of criminal acts (with emphasis on victims of human trafficking, domestic violence and crimes against sexual freedom)" took place at the National School of Judiciary, while on the 8th and 9th of December of 2022 a seminar on "Domestic violence - civil and criminal aspects" was held. Finally, on the 17th of October of 2022, in cooperation with the Athens Bar Association a training seminar for lawyers took place on "Children's Rights - Child-Friendly Justice", with experienced lecturers from the judiciary, prosecutors, lawyers, juvenile probation officers and psychologists. The progress of Greece in the field of child-friendly justice is depicted on the EU Justice Scoreboard 2022.⁶

15. 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)

A. Digitalisation of **administrative justice** is well advanced. In administrative justice, centralized case management and case law systems are now fully operational with a portal through which all

5 <https://www.esdi.gr/%ce%b4%ce%b9%ce%b1%cf%81%ce%ba%ce%ae%cf%82-%ce%b5%cf%80%ce%b9%ce%bc%cf%8c%cf%81%cf%86%cf%89%cf%83%ce%b7/>

6 [Figure 32 Specific arrangements for child-friendly proceedings] https://commission.europa.eu/system/files/2022-05/eu_justice_scoreboard_2022.pdf

interested parties can access a unified Database of Administrative Justice. Through the system, lawyers and public bodies are provided with updated information and can follow up on case processes as well as file all type of remedies, including appeals, online through the Hellenic Bar Association portal that authenticates them as lawyers. Entitled applicants can also request legal aid via the system. In addition, through the same system the handling of documents is operated electronically, as is the notification of decisions and the filing of applications for issuing certificates. Lawyers can also lodge procedural documents to the administrative courts portal through the Hellenic Bar Association's portal. Fully anonymised case law is accessible to the public through the administrative justice portal.

Since 2018 the Information Systems Committee of the Hellenic Council of State has been preparing a new contract notice so as to digitally upgrade the hellenic administrative justice's information system [Integrated Administrative Court Case Management System («IACCMS» -the Greek abbreviation, which is often met is "OSDDY- DD")]. Most recently (mid spring 2022) the funding of this large scale project, which is absolutely crucial and vital for the development of hellenic administrative justice information system, in order to be able to meet the advanced demands of the modern digitalised and dematerialised judicial proceedings, was approved, the running of the competition (under law on public procurement) was organised by the Ministry of Justice as contracting authority and the Council of State as owner of the project. The contract for Section 1 of the project "Digital Upgrade of the OSSDAY ΔΔ" was signed on 16.12.2022 with the company Unisystems SA as the contractor. This contract includes the improvement of the architecture of our information system, the redesign of most applications and the renewal of the equipment for the CoE and all administrative courts (servers, personal computers, laptops, tablets). Section 2 of the same project, which concerns the equipment and security services of the IT system, will be re-tendered, following modifications to the technical specifications and an increase in the budget. This procedure has become necessary as no tender was submitted for this section during the tender held in June. was signed on s to be reviewed and it will be signed shortly afterwards.

B. Important steps have been done in the digitalization of **Civil & Criminal Courts** and Prosecution Offices of the Appellate Court Districts of Athens, Thessaloniki, Piraeus and Evia, which manage a large amount of the Territorial Civil & Criminal Cases. An integrated information system has been developed for the:

- Management of judicial cases and workflows.
- Provision of external services through the project's web portal (www.solon.gov.gr):
 - Electronic filing of complaints and relative documents by a lawyer.
 - Monitoring of the Civil Case Progress.
 - Monitoring of the Criminal Procedure Exhibits
 - Monitoring of Docket (Hearings/Halls).
 - Online submission of request and receipt of court certificates.
 - Information about Justice and the Courts and Prosecution Offices of the project.
 - Contact details of the Courts and Prosecution Offices of the project.
- Production of statistics and administrative reports regarding the administration of Justice.
- Knowledge management.
- Interoperability with other information systems of the broader public sector (like General Secretariat of Information Systems (GSIS), Hellenic Police Headquarters, General Electronic Commercial Registry (G.E.MI.), Penitentiaries, Citizens' Service Centre (CSC)).
- Interoperability with information systems in Justice (like National Criminal Record, Court Recording & Transcription System, Hellenic Bar Association System).

The co funded with the Recovery & Resilience Facility (RRF) implementation of the upgrading extension of the above Integrated Judicial Case Management System for Civil and Criminal Cases (OSDDY-PP) to the rest of the Courts and Prosecution Offices of the territory, has recently started via the awarding of the relevant contract.

The hearing of criminal trials through Court Recording & Transcription System launched in May 2021 for all civil and criminal courts. In addition, a new pilot platform launched in December 2021 offers real-time information regarding trial boards and hearings of the First Instance Court of Athens and is expected to be extended to the rest courts with the implementation of the project “Videoconferencing services in courts and penitentiaries and information services of courts’ e-dockets and exhibits” through the Operational Program "Public Sector Reform" of the National Strategic Reference Framework (NSRF) 2014-2020, which is still in progress

Digitalisation of justice has been identified as one of the priority areas in the national Recovery and Resilience Plan (RRP) in combination with an important programme of upgrading existing court buildings and the construction of new ones taking into consideration digital justice needs.

The Government is taking measures aimed at improving access to justice for persons with disabilities. The Ministry of Justice is committed to continue improving the accessibility of court buildings for persons with disabilities until 2027 to cover all the court buildings of Greece. Furthermore, the possibility of enhancing accessibility to deaf and hard-of-hearing people in courtrooms through the use of digitalised procedures in combination with the existing infrastructure started in 2022 and is planned to be completed in 2026.

C. In the context of the IT project "Upgrading the digital services of the **Court of Audit**" included in the Operational Program "Public Sector Reform 2014-2020" of the NSRF 2014-2020, the new, upgraded Legal Information Database has already been put into full operation, enabling a more efficient and faster search for case-law.

16. 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)

A. Significant steps have been made regarding the implementation of the **system for the collection of judicial statistics**. An office for the collection and processing of judicial statistics was established in the Ministry of Justice at the end of 2020, with the objective of systematic collection of qualitative and quantitative statistical data. The functioning of the office has been formalised and regulated with Presidential Decree 47/2022 “Office for the Collection and Processing of Judicial Statistics” and the foreseen in article 3 steering committee has been established with ministerial decision Αριθμ. 51867οίκ./26-10-2022 (Government Gazette YODD 1036/2022). The procurement of the relevant information system is in progress.

B. The ICT system of the Hellenic administrative justice has/beholds a BI system that provides valid and accurate statistics. Due to lack of especially trained personnel and to the architecture of the ICT System, data mining which serves the purposes of court statistics demands a lot of time (so as to ensure the quality and accuracy of the statistics). This system will be enriched and further improved with the deployment of the digital upgrade of the ICT system.

17. Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases.

A. The conclusions of the working group established by an act of the President of the Council of State on the **reform or the judicial map of the administrative justice** provided for the preparation

of a study on the implementation of the proposed changes. To this end a working group was established by the decision 50390/f.363/27.10.2022 of the Minister of Justice for the preparation of a road map for the rational organisation of the regular administrative courts, which was to complete its work by 31 December 2022. The working group submitted its findings to the Minister of Justice. The proposed reform is based on the CEPEJ criteria e.g. the size of each court, the volume of new and pending cases per court, the possibility of permanent presence of judges in court, the population density in judicial districts, the geographical features and level of entrepreneurship of these districts, the building infrastructure and the means of transport, the possibility of alternative dispute resolution in these regions etc. The final proposal also contains a series of measures for the redistribution of judges, judicial clerks and competences between the existing courts, new procedural rules and case management solutions, as well as the implementation of new forms of distant litigation, which are necessary for the successful implementation of the reform.

B. Judicial Map Reform of the civil and criminal courts - The technical assistance by the International Bank for Reconstruction and Development for the support of the reform of the judicial map is progressing smoothly and the project outputs are expected timely as foreseen in the March 2022 agreement.

C. Efficiency of the justice system

18. Length of proceedings

A. The President of the Council of State established a working group within the Court to submit a proposal for the reformation of the procedural rules applicable to its pre-trial proceedings.

B. The Plenum of the Court of Audit, taking into consideration the number of pending cases arising from pensions (approximately 130.000 cases), most of which concern multiple claims as well as the fact that for the vast majority of these cases the legal issues at stake have been resolved and the pertinent claims have been dismissed, on the basis of pilot-Judgments delivered by the Plenum of the Court, put forward a proposal for the adoption of legislative measures aiming at the acceleration of the pertinent proceedings. More specifically, the proposed measures entail the hearing of the cases, in a Council procedure, by a single-member panel (Appeal-judges) and a short timeframe for the filling in of the file by the parties and for the delivery of the judgment, in consonance with the fair trial principles (defense rights of the parties, the right of the parties to request, following the delivery of the judgment, that the case be heard in court by a three-member panel of judges). (Minutes of the 25th General Assembly of the Plenum of the Court of Audit, as of 19.12.2022).

Other – please specify

The Council of State organises regularly visits by secondary and primary school students to the premises of the Court, in order to promote familiarisation with the functioning of the Supreme Court. For primary school pupils in particular, mock trials are held, adapted to their level of perception, so that they can understand the concepts of justice, law and corruption.

II. Anti-corruption framework

19. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the anti-corruption framework (if applicable)

A. The effective and systematic verification of the accuracy of asset disclosures filed by all types of public officials is the main scope of the draft law of the Ministry of Justice entitled "Submission of the declarations of assets and financial interests", which will be posted shortly for public consultation. The proposed legislation, when implemented, will assure the verification of a wider percentage of asset declarations of public officials and thus help create a robust track record of prosecutions and final judgements on corruption cases, which, in any case, remained significant

throughout 2022 (see below on the relevant questions with regard to controls by the competent authorities. Data on cases for 2022 will be available in February).

The proposed draft law modernises provisions and procedures, such as the complete digitalisation of the procedure, a clear delineation of the audit work, for the benefit of auditors and auditees, a rationalisation of the criminal treatment of infringements, adapted to reality and the principle of proportionality, as well as a significant legislative and technical improvement of the existing regulations, where the substantive legislative framework was adequate, but either fragmented or not updated.

In particular, the proposed draft law introduces the following main changes: (a) the existing fragmented, piecemeal and ultimately incomprehensible legislative framework for the submission of the Declarations of Assets and Liabilities (DACs) and Declarations of Financial Interests (DFIs) is legally systematized. The current forty-nine (49) cases of obligors are now grouped into thirteen (13) easy-to-understand categories of obligors, making it easier to search and defining the relevant obligation more clearly. In this context, the separate obligation of spouses, common-law spouses or parties to a civil partnership to declare their assets and financial interests is now provided for, so that the recording is more complete and does not depend on the "approval" of the declaration of the obligor by the aforementioned persons, (b) to relieve debtors from the unnecessary hassle of collecting the required information for the declaration (such as statements from each bank on account balances, credit cards), since all the necessary information for the declaration is automatically captured in the declaration, through the relevant electronic systems, so that the person liable only has to consent to the submission of the declaration, thus making the process fully digital (in the same context, notaries send contracts electronically),

(c) it is sought and legislated to increase the number of declarations audited per year by up to 10% over a three-year period, through the introduction of an annual audit target by the Audit Committee, in the form of a minimum percentage of declarations audited (annual audit target) and risk analysis criteria (and other elements) for the selection of declarations to be audited in order to achieve the above target. To this end, the audit body will take a reasoned decision on the audit criteria annually and before the start of the deadline for submission of the declarations, and it is further envisaged that an audit coordinator position will be established, to be occupied by the head of the special department of the current Commission under Article 3A of Law No. 3213/2003, to assist the work of the audit body and to coordinate with the special audit bodies, to achieve the annual objective and to define and assign by the audit body to sworn auditors and special scientists audit operations, with the aim of a uniform methodology per type of audit, the detailed examination of the declarations of assets and their data when required, the preparation of the relevant report, as well as any other responsibility assigned to him by the audit body and its chairman,

(d) avoiding the fragmentation of the audit work, through the increased coordination role of only one body, namely the current Audit Committee under Article 25 of the proposed regulation and the provision of the other current audit bodies as specialised bodies assisting the work of the Commission, and (e) the criminal treatment of infringements of the relevant legislation is dealt with in a rational manner, in proportion to their gravity and importance, in contrast to the current regime, which provides for disproportionate penalties for minor infringements,

(f) a maximum limit is set for the retention of declaration data (ten years) with a statutory obligation to complete any check within this period (five years for completion + five years for indications or new evidence of the commission or attempted commission of a criminal offence), fully decoupled from the criminal statute of limitations, given that the general purpose of the present procedure is not to detect crimes and punish them, but to record the assets upon acquisition of the status and subsequently to check that the further increase in assets is in line with the annual income acquired.

In summary, the proposed draft law seeks, on the one hand, to enhance transparency by increasing the number of audit results through the introduction of a minimum percentage of audited

declarations as part of the annual audit target, and on the other hand, to improve the efficiency of the procedure, while making it easier for those liable to submit the declarations, through a modern and comprehensible piece of legislation which modernises and adapts the way declarations are submitted to the current circumstances, with obvious benefits for both.

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

20. List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO.

A. As to the National Transparency Authority:

By Law 4622/2019 the National Transparency Authority (*hereinafter* NTA) was established as an Independent Authority with an anti-corruption mandate and key tasks to enhance integrity, transparency, and accountability in the action of public institutions, achieve measurable results in the fight against corruption, and raise awareness regarding these actions. The Authority’s institutional framework is addressed in articles 82-103 and 118-119 of the said Law.

I. Annual Budget: NTA enjoys administrative and financial autonomy (art. 82 para. 2 of Law 4622/2019). NTA’s annual budget for 2022 was 7,703,000.00 €. As for 2023, NTA’s annual budget is 8.523.000€ (ΑΔΑ: Ω8Ε046ΜΙ0Φ-ΗΦΔ).

II. Human Resources:

Total number of NTA positions: 503 (400 occupied)

- Inspectors-Auditors: 320 (257 occupied)
- Administrative staff: 183 (143 occupied)

A more detailed outline of the human resource planning and allocation is provided in the following table:

General Directorate/Unit	Inspectors-Auditors		Administrative Staff	
Inspections and Audits’ Unit	257		-	
	Central	Regional Units		
	184	73		
Directorate General for Financial and Administrative Services and e-Government	-		72	
			Central	Regional Units
			55	17
Directorate General for Integrity and Accountability			48	
Directorate for Strategic Planning and Behavioural Analysis			14	
Directorate General for Awareness Raising and Actions with Society			6	
Directorate for Internal Audit and Investigations			2	

GDPR Officer		1
Total	257	143

In January 2023, NTA has launched an open call for the recruitment (via secondment) of 15 Inspectors – Auditors and it is expected that by the end of 2023 the successful candidates will be seconded, thus, further increasing the operational capacity of the Unit of Inspections and Audits of NTA.

III. The National Coordinating Body for Audit and Accountability (ESOEL)

The National Coordinating Body for Audit and Accountability (ESOEL) is established by article 103 of Law 4622/2019 and is competent for a) the identification of synergies and possible overlaps between control actions and anti-corruption initiatives, (b) the design and implementation of joint actions in this area, (c) the systematic dialogue and exchange of views between all authorities, bodies and services involved in controlling the action of public bodies and the fight against corruption and (d) the dissemination of good practices and innovative methodological approaches and tools by developing common standards and tools.

15 public bodies active in the field of law enforcement, strengthening public integrity and the fight against corruption participate in ESOEL and contributing to the dialogue and exchange of know-how, which is the main mission of this interactive platform for cooperation and coordination (*The Hellenic Police Forensic Science Division and the Detention Premises' Supervision and Control Body of the Ministry of Citizen Protection were also added to ESOEL plenary session in 2022*). NTA chairs ESOEL meetings.

The 2021 ESOEL annual report is available here. The 2022 ESOEL annual report will be available in March 2023.

IV. Cooperation with EPPO

Regarding the function and role of NTA, as provided in Law 4622/2019 and Law 4786/2021 respectively (*obligation of the NTA to assist the European Delegated Prosecutors on investigations of a criminal or a non-criminal nature by supporting EPPO in specific cases regarding EU funds*), an MoU has been signed between NTA & EPPO in February 2022, to establish a closer cooperation in the exercise of their mandates. With the MoU, emphasis is given on establishing channels for information exchange and on the conditions for the provision of scientific and technical assistance by the NTA to support the investigations of the European Public Prosecutor's Office regarding the protection of the financial interests of the European Union.

Within the framework of the Memorandum of Cooperation signed between the EPPO/NTA, a technical meeting was held on 3/5/2022 between representatives of the NTA, (AFCOS, the Audit Authority Unit and the former Governor) on the basis of the EPPO Regulation, Law 4786/2021 concerning the following topics:

1. Discussion on the methodology of complaints reporting to the EPPO Office on cases received by the NTA / AFCOS.
2. Cooperation between the EPPO Office and the NTA following an order from the Prosecutor's office.
3. Designing a framework of secure information exchange between EPPO-NTA.
4. Organizing specific actions of common interest (conferences, workshops, operational meetings, etc.).
5. Establishing technical meetings on a regular basis.

In 2022, NTA co-operated with EPPO on 4 cases.

Co-operation with OLAF

In 2022, NTA as the Greek AFCOS coordinated 23 audit cases of the European Anti-Fraud Office (OLAF), in order to protect the financial interests of the EU.

- Coordinated OLAF's on-the-spot checks by identifying competent national authorities on a case-by-case basis and requesting the assistance of its audit teams.
- Facilitated operational cooperation between OLAF and national agencies.
- Provided administrative assistance and information to OLAF upon request.

V. MOUs

A series of MoUs has been signed by NTA, during 2022, to strengthen the Authority's cooperation with public universities and other agencies and public entities in key areas of its operation. In particular, during 2022, NTA has signed MoUs with the Aegean University, Aristotle University of Thessaloniki, University of Western Macedonia, University of Crete, University of Macedonia and University of Patras to strengthen the development of academic research, teaching and knowledge dissemination on transparency, anti-fraud and anti-corruption, internal control systems, etc., as well as to enhance their capacity on the implementation of integrity mechanisms/institutions (i.e. integrity advisors). For enhancing transparency through the development of integrity policies (prevention of conflict of interest etc.) and specialized codes of conduct as well as through awareness raising activities on regulatory compliance and internal control, MoUs have also been signed between the National Transparency Authority and the Hellenic Development Bank (HDB), Hellenic Public Electricity (DEI), Hellenic Agricultural Organization-DHMHTRA (ELGO DHMHTRA) and the Naval Reserve Fund (NAT). An MoU with the Hellenic Capital Market Commission (HCMC) has been also signed with focus on the training of the staff of the Hellenic Capital Market Commission in risk management methodology, internal control, and on the formulation of policies and actions for the prevention of corruption.

B. As to the Directorate of Internal Affairs (D.ES.YP.) of the Independent Authority for Public Revenue (IAPR, in Greek AADE)

In the National Action Plan for the fight against corruption, the Directorate of Internal Affairs (DESYP) of the Independent Public Revenue Authority (AADE) also participates, being a pillar of the prepared and implemented Anti-Corruption Strategy for the period 2022-2025, which was mobilized to strengthen transparency, integrity, justice and honesty in the Services of the Authority, preventing and fighting corruption phenomena, with the aim of consolidating the relationship of trust and cooperation with the citizen and strengthening the prestige and reliability of the services provided by AADE.

The 2022 Operational Plan of AADE (IAPR) included objectives and intervention actions to combat corruption, in the context of which DESYP focused on control (carrying out targeted controls, regular and extraordinary) on strengthening transparency (adopting measures and actions), as well as in prevention (e.g. Asset Status Checks of Supervisors, on-site checks in AADE structures, etc.)

In particular, in the year 2022, thirty (29) checks of the assets of supervisors (against a target of 27 checks), and fifty-five (55) checks of the assets of employees (against a target of 53 checks) were completed, covering 107% and 104% of the corresponding annual targets. From the above 84 audits, the acquisition of assets for three (3) employees is not justified. Their cases were forwarded to the Court of Auditors for imputation in favor of the Greek State.

In addition, in 2022, ninety-one (92) audits were carried out to identify criminal offenses and disciplinary offenses against employees [against the target of ninety (90) audits], with the implementation rate reaching 102%.

In 15 of the above audits, disciplinary offenses or criminal offenses were found, involving 31 AADE employees.

Accordingly, 40 on-site audits (against the target of 30 audits) were carried out at the local Services by Financial Inspectors for compliance with the provisions of laws, circular orders, prevention and

disclosure of any criminal behavior of AADE employees, as well as non-observance of the necessary measures to protect the health of employees and those dealing with AADE Services, exceeding the annual audit target that had been set.

With reference to the targeted financial and management audits of public accountants and public administrations, accruals of responsible, financial and administrative audits of cases dating back to a time before 03/22/2017, accruals of these and pending accruals on the above date, as well as of reviews of tax cases in audits already carried out, exclusively for the verification of criminal offenses and disciplinary offenses committed or participated in by AADE employees, twenty (20) audits were carried out in 2022 (against the target of 11 audits).

During 2022, amounts of more than 4,100,000 Euros were charged by our Management at the expense of culpable employees, responsible for deficits, or at the expense of persons who received undue benefits.

The Complaints Department of the DESYP in the year 2022 received 221 complaints-reports-information, according to which it is complained, reported or written, that disciplinary offenses or criminal offenses have been committed, on the part of employees and/or Services of AADE or /and third parties. From the total of the above-mentioned complaints, 219 complaints were examined and evaluated (within 2022), with the percentage of investigated complaints being 99.1% in 2022 (against the annual target of 90%).

With the decision DE.SY.P. B 134796 EΞ 2022 EMII/14.4.2022 (GG B' 2024/21.04.2022) the Governor of AADE defined the selection criteria for the AADE employees who will carry out targeted or sample checks of their financial situation".

21. Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption.

NTA's independence

During 2022, significant developments took place in the direction of further enhancing the functional independence of authorities tasked with the prevention and detection of corruption.

a) The establishment of an Internal Audit Units and Audit Committees within the operation of Independent Administrative Authorities. With the circular no 19037/8.12.2022 titled "Establishment and operation of an Internal Audit Unit and Audit Committee in the Independent Administrative Authorities" the obligation of all Independent Authorities to establish Internal Audit Units is reminded. According to the latest modification of Law no 4795/2021 by Law 4940/2022 (A' 112/14.6.2022), no Ministerial Decision laying down the criteria of the Internal Audit Unit is required. Moreover, the circular obliges the Independent Authorities that not setting up an Internal Audit Unit, due to the nature of their competences, to notify the Court of Auditors, the Ministry of the Interior, and the National Transparency Authority on their management body's justifiable decision. Moreover, the circular provides the requirements and incompatibilities of the members of the Audit Committees (Law No. 4795/2021), composed by three members, at least one with audit experience and none of them under a dependent employment relationship with the Authority. The competences of the Audit Committee are explicitly defined in Article 8 of the aforementioned law.

b) The establishment of the National Integrity System by Ministerial Decision No 7707/18852/5.12.2022 titled "Establishment of a National Integrity System, (N.I.S.) 2022-2025." (GG 6312B'/12.12.2022). By this Decision the Minister of Interior:

1. provides a definition of N.I.S. *"as a strategically important intervention that is part of the broader framework of the National Anti-Corruption Strategic Plan (NACAP) and includes a coherent framework of actions related to public administration focused on strengthening the integrity and accountability in public organisations."*

2. prescribes N.I.S. main objectives, which are

- a. the prevention and tackling of corruption in public organizations,
- b. the strengthening of transparency, integrity, and accountability in the public administration; and

c. to systematically inform and raise awareness of the society.

3. lists the actions of the National Integrity System included in the National Anti-Corruption Plan 2022-2025.

Finally, the decision describes the structure of N.I.S. and the monitoring and update procedures.

22. Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators.

A. By Law (4915/2022, A/24.3.2022) the National Strategic Plan for Combating Corruption (hereinafter referred to as NACAP) is the country's national strategy that includes a coherent framework of actions, interventions and projects aimed at preventing and fighting corruption, strengthening transparency, integrity and accountability. NACAP also includes actions that make up the National Integrity System (NIS), which includes, in particular, actions and projects relating to public administration and focusing on strengthening public integrity and accountability in public sector bodies.

The governance of NACAP has been designed in order to ensure the active participation and engagement of every major stakeholder. To this direction, a Steering Committee responsible for coordinating the drafting and consultation phase was established (GG63A'/24.3.2022). NACAP 2022-2025 has also been approved by the Council of Ministers, thus ensuring political ownership at the government level (GG 138A'/13.7.2022).

Implementation progress for the year 2022:

Regarding the progress of the NACAP during 2022, it is noted that 22 out of 129 actions have already been completed (17.05%) while 84 (65,12%) are in progress and 23 (17,83%) have not yet started (according to schedule).

The main achievements during the first implementation period are the following:

- Transposition of the European Directive 2019/1153, for the establishment of rules to facilitate the use of financial and other information for the prevention, detection, investigation, prosecution of certain criminal offenses and the abolition of Council Decision 2000/642/JHA Law 4920/2022 (Government Gazette A' 74/15.04.2022)
- P.D. 47/2022 (Government Gazette A' 114/17-06-2022) on the "Establishment, organization and operation of the Office responsible for the Collection and Processing of Judicial Statistics in the Central Service of the Ministry of Justice" (JUST STAT)
- Development of the Network of Integrity Advisors in Public Administration
- Development of Risk Based Annual Plan for Systemic Controls methodology
- Development of e-platform "E-peitharxika" for the monitoring of disciplinary cases of the public sector [Art. 24 of Law 4807/2021, joint decision ΔΙΑΔ/Φ.58/939/οικ.3131/1-3-2022, "Regulations on more specific issues concerning the operation and management of the electronic database entitled e-Peitharxika" (GG B' 1040) and circular ΔΙΑΔ/Φ.69/207/οικ. 8955/3-6-2022 (online publication diavgeia number: 6O3H46MTΛ6-361) of the Ministry of the Interior],
- Assessment of the Internal Control System in the field of Financial Management of Ministries
- Issue Management and Control System with regards to the actions and projects funded by the Recovery and Resilience Fund, as well as the Manual of Procedures.
- Update of the IAPR Anti-Corruption Action Plan for the period 2022 - 2025
- Development of a centralised and unified procedure for the management of complaints submitted to the website metoogreece.gr
- Targeted education and awareness actions to tackle corruption and strengthen integrity in sports.

(The Implementation Progress - A' Semester 2022 is also published on the NTA's website).

B. Following last year's input on the management of frozen assets by the Directorate General of Financial and Economic Crime Unit (DG SDOE) (see questionnaire 2022, question no 20), regarding to the Management of Seized and Confiscated Assets, the work of the legislative committee has been completed and a draft law has been prepared which is to be submitted for public consultation and adoption in the near future. More specifically, the actions regarding the strengthening of the legislative and institutional framework for the recovery and management of assets derived from criminal activities and the design and development of an Integrated Information System (IIS) for the management of assets derived from criminal activities, are reflected in the National Strategic Plan for the Fight against Corruption (NSPC) 2022-2025 (G.G. A' 138/13.07.2022).

C. The competences of the **DESYP** are reduced and exercised within the **AADE (IAPR)** in the effort to fight corruption. Thus, in the 2022 Operational Plan of AADE, DESYP was assigned Goals and Actions, as below:

- Carrying out 90 checks to detect criminal offenses and disciplinary offenses of AADE employees (Goal SP.3.1.456). From these audits, accounting responsibilities were identified, as a result of which sums totaling €2,022,253.53 have been imputed.
 - The carrying out of 27 audits of the assets of Heads of General Directorates/Directorates/Departments (active and retired) of AADE (Target SP.3.1.457).
 - The carrying out of 53 audits of the assets of employees (active and retired) of AADE (Target SP.3.1.458).
 - The performance of eleven (11) targeted financial and management audits of public accounts and public administrations, imputations of those responsible, and examination of complaints on audited tax cases, exclusively for the verification of criminal offenses and disciplinary offenses of AA-DE employees (Objective SP.3.1.464). Also, sums of a total amount of €1,909,454.66 have been attributed, while sums of €60,437.03 were collected from businesses, as undue recipients.
 - The implementation of thirty (30) on-the-spot surprise checks in the local AADE Services (DOU, Customs, Chemical Services), for the observance of the provisions, laws, circular orders, prevention and disclosure of criminal behavior of the employees (Goal SP .3.1.465).
 - The processing of at least 90% of the complaints that come to the attention of the Directorate (Target SP.3.1.459).
 - Also, our Directorate of Internal Affairs - for the course of the Actions-Targets assigned to it - submits every year, until the second 10th of February, to the Governor, an annual Report, as well as monthly and quarterly reports to the Directorate of Strategic Planning.
 - The update of the Strategic Plan for the fight against corruption 2022-2025.
 - The inclusion in the systemic application of the Complaints-Information Management of AADE.
- All the above Goals & Actions have been exceeded and implemented.

B. Prevention

23. Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training). Please provide figures on their application.

I. Internal control

Law 4795/2021 (GG A' 62) was adopted in April 2021, comprising provisions on the operation of the Internal Control System and Internal Audit Units in all bodies, organizations and authorities of the Public Sector, in accordance with international standards and the provisions of Directive 2011/85 (esp. art. 3). On 05/01/2023, a draft law was submitted to the Parliament, following the cooperation of the NTA and the Ministry of Interior, which supplements the provisions of Law 4795/2021 "Internal Audit System and Internal Audit Units in Public Administration" and establishes the obligation of each entity

to develop and implement a policy, framework and risk management procedure, based on internationally accepted standards.

Additionally, the NTA conducts training activities on corruption risk management and carries out risk assessments in selected procedures of public administration bodies (e.g. General Secretariat of Citizenship, Ministry of Health, National Commission for Central Health Procurement).

Finally, an awareness-raising strategy, through education, is being finalized and submitted for approval to the Ministry of Education, with the aim of promoting and consolidating the concept of public integrity among children and young people.

In 2022, 189 internal auditors of the public sector have been certified in 2022 while 208 have participated in the relevant training.

Furthermore NTA, in the context of the development and monitoring of the implementation of the National Internal Audit System:

- issued (in December 2022) the Maturity Assessment of the Internal Audit System (IAC) of Ministries, in order to reflect the current situation - through a macro investigation- of the Internal Audit System of three Ministries (the Ministries of Labour and Social Affairs, Health and Digital Governance) in order to highlight both the good practices and the weak points of the System and to identify any opportunities for improvement of the institutional framework and the procedures followed, in the context of an initial assessment. This work has been integrated into the National Recovery and Resilience Plan. The conclusions drawn from this project highlight a significant reform effort that has taken place in recent years in the functioning and organization of Ministries, in the HR management, in the emergence of institutions and policies for integrity and anti-corruption and finally in the supervision and monitoring of the Internal Control System. In addition, weaknesses have been identified, mainly stemming from the lack of flexibility in the public administration as regards the implementation of policies tailored to the needs of each institution and the lack of a culture regarding the role of the Internal Audit System in achieving the objectives and mission of the Ministries.
- issued (in December 2022) the Supervision and Guidance report to General Government Agencies for the Development of a Coherent and Functional Internal Audit System. This Report has been prepared as a deliverable of milestone 211 of the Recovery and Resilience Fund and includes the actions through which the National Transparency Authority, in collaboration with the Ministry of Interior, provides guidance to general government agencies to establish a coherent and operational system of internal control. Supervision and guidance is provided on three axes: legislative/regulatory arrangements, support actions for the Internal Audit Units and pilot self-assessment - maturity assessment of the Internal Audit System.
- has issued (in March 2022) the Handbook/Manual on the "Mapping and recording of procedures with financial impact in Municipalities", prepared in cooperation with the Ministry of Interior, the Central Union of Municipalities of Greece (KEDE) and the Hellenic Agency for Local Development and Local Government as an important publication for the implementation of the Internal Control System to the Municipalities, meeting the requirements of the new institutional framework and also the needs of the LGEs and the society.

- issued (in May 2022) the manual "Recording of Procedures with Fiscal Impact of First Level Local Authorities" as a useful tool for municipalities to adopt the provisions of Law 4795/2021 and the Decision no. FG8/55081/2020 of the Plenary of the Court of Auditors (B' 4938). The manual sets out twenty (20) basic procedures with a financial impact, applied by the first-degree Organisations of Local Government. Each procedure is analysed and the legal framework is further described. Potential risks and control mechanisms are also identified per stage, along with the responsible person within the organisational structure of the municipality.

NTA provides expertise and advisory services on the establishment and full operationalization of internal audit units across the PA as well as expertise on the development of a corruption and fraud risk management methodology through the development of applied tools such as guidelines, assessment of existing procedures, etc.

II. Integrity Advisors

Law 4795/2021 also includes provisions (art. 23-30, 80 and 82) for the institutionalization of Integrity Advisors in the Greek Public Sector. Integrity Advisors aim to ensure a coherent framework for the effective protection of civil servants who find out, suffer the consequences of or simply wish to report integrity breaches in their workplace and to provide support, information and advice on ethics and integrity matters. The Integrity Advisor offices have already been set up in most Ministries and several municipalities and in the Region of Crete the first Integrity Advisor has assumed duties. In addition, all regulatory acts, which are necessary for the implementation of the new Law, have already been published. Furthermore, following five rounds of training and certification programs, approximately one hundred (100) Integrity Advisors have been successfully certified through very demanding and meritocratic examination procedures.

III. Codes of conduct

The role of codes of ethics or codes of conduct is also upgraded and utilized in the fight against corruption in Greece. Codes of ethics or conduct constitute a systematic effort to approach the general and/or specific standards of integrity and ethics that must be met in each professional field, depending on its characteristics and particularities. NTA provides its assistance and expertise to public sector bodies in their efforts to establish such codes. In this context, Codes of Ethics and Deontology have already been published to safeguard integrity:

- In July 2022, NTA issued **the Code of Ethics and Professional Conduct for Public Sector Officials** (online publication diavgeia number: ΨΚΘ46ΜΤΛ6-ΤΦΣ)⁷ that contains fundamental values for the performance of public sector employees' duties. As public officials serve the public interest, they are required to adhere to standards of professional conduct, establishing a culture of ethics in public administration that, in turn, enhances citizens' trust in the integrity of its institutions. The Code addresses several issues, such as conflict of interest, harassment, intimidation, equal treatment, management, and disclosure of information, as well as any possible abuse of power by senior members of the public administration, while considering contemporary literature, international standards, methodologies, and good practices, which favor a system based on value-based rather than compliance-based rules.
- In June 2022, NTA issued the **Code of Conduct for Elected Officials of Local Government Entities (Mayors, Governors of Regions, etc.)**. The Code meets the need for a model Code of Conduct for elected bodies of local government. With a sense of respect to

7. <https://www.ypes.gr/wp-content/uploads/2022/07/KodikasIthEpaSympYpalDimTom-Ioulios2022-20220725.pdf>.

the status of elected officials, deriving directly from their popular mandate, the Code has been prepared on the basis of best international practices and standards, in an effort to ensure that local government elected officials respect and serve the public interest by performing their duties with honesty, integrity, and good faith.

IV. Revolving door

The revolving door practice is addressed in various laws such as law 4622/2019 which addresses among other post-employment obligations as well as law 4829/2021 which regulates lobbying activities (see below Q.24).

The legal framework for political advisors and associates is strengthened by article 38 of the law 4940/2022 (*which amends article 76 of the law 4622/2019*). In particular:

- Obligation to submit a declaration on their professional activities within one month of taking up their duties
- Obligation to comply with a Code of Conduct
- Prohibition on signing contracts with bodies performing duties or bodies supervised by the employing body
- Post-employment declaration and applications for an authorization by the Ethics Committee (for a period of 12 months after they leave their post).
- Ex-officio or upon complaint control by the Ethics Committee
- Incompatibilities:
 - Appointment: same with the incompatibilities for civil servants
 - Appointment to the post of Director: suspension of liberal profession
 - Obligations during the performance of duties: As art. 71 of Law 4622/2019
 - Prevention of conflicts of interest: As art. 72 par.2 & 3 of Law 4622/2019
 - Post-employment: Declaration for professional activities (12 months)

V. Capacity building for the public sector

As part of its awareness raising pillar, the NTA has organized various seminars and activities that aim to strengthen integrity and accountability (see below Question 28).

In the NACAP 2022 -2025 (GG138A/13.7.2022) actions are also planned on the:

- Development of annual operational audit plans by the National Transparency Authority based on the risk-based analysis methodology (RBAP) (1.2.2) – completed.
- Development of a digital application for the issuance of annual systemic audit plan of the NTA, based on the risk analysis methodology (1.4.13) and institutionalization of a risk management system in Public Administration.
- Integration of a special teaching section in training seminars, to promote transparency, accountability, and integrity, for: a) Heads of Departments & Directorates and b) new entrants (2.3.9) – ongoing.
- Development of a Fraud and Corruption cases Management framework (2.3.12)
- Expansion of the Integrated System for the Management of Judicial Cases of Civil & Criminal Justice to ensure the full digitization of the judicial process (2.4.6) – ongoing.
- Digital upgrade and expansion of the Integrated System for the Management of Judicial Cases of Administrative Justice (OSDY-DD) (2.4.7) – completed.

- Conduct of a survey to investigate the degree of awareness of public servants regards the: a) corruption among public officials, b) existing tools to tackle them and c) their perceived effectiveness (3.1.2.)
- Design and implementation of webinars to representatives of associations and chambers to enhance transparency and accountability in the field of public works (3.1.10) – ongoing.
- Implementation of information and awareness actions on corruption in the medical sector and its consequences in the Health System (3.1.12)
- Annual organisation of an information day, on the OECD Convention on the Bribery of Foreign Public Servants, for the Ministry of Foreign Affairs officials (3.1.16) – ongoing.

AADE is working on the adoption of a Code of Ethics for the employees of the Agency [no. D. ORG. B 1114755 EX 2022/08-11-2022 (AD: 6ΛΚΟ46ΠΠ3Ζ- Δ1Θ) Decision of the Governor of AADE] with delivery horizon on 15.5.2023. After the approval of the Code in question, relevant training will be prepared in collaboration with the competent AADE Service (Tax & Customs Academy).

24. General transparency of public decision-making, including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing)

I. NTA's mandate: The NTA is a single and truly independent Authority with horizontal competence to enhance transparency and strengthen the fight against corruption in line with international instruments, recommendations, and best practices.

The right of access to documents is recognized in the Greek Constitution and is also envisaged by Law 2690, art. 5, Code of Administrative Procedure and other provisions (GG 45A /9.3.1999), as in force. Law 4727/2020 [(A' 184) (Chapter IA', Digital Transparency – Diavgeia program)] modernizes the regulatory framework of the "Diavgeia Program" on strengthening transparency through the mandatory posting of laws and acts of governmental, administrative and self-governing bodies on the internet. The article 3 of said law extends the right of access to information of public sector bodies, stipulating that access to documents, as provided for in Article 5 of the Code of Administrative Procedure, also applies to electronic documents and can be exercised using ICT. In addition, according to art.62 of said law, NTA is the competent authority to handle appeals in cases of rejecting decisions by public entities to submit documents and decide on them within twenty (20) days after appeals' submission.

II. Lobbying

With the adoption of Law 4829/2021 (A' 163), Greece, for the first time, introduces a regulatory framework for lobbying activities. The law 4829/2021 as in force, regulates issues related to the contact of officials with high executive functions with lobbyists, while in order to enhance transparency and accountability for gifts, other benefits, and hospitality offered to the President of the Republic, members of the Government, and Deputy Ministers, rules are also introduced for the management, recording, disclosure, and utilization of the items offered.

The Law envisages that institutional bodies must, inter alia, (a) refuse to communicate with interest representatives who are not registered in the Transparency Register; (b) not obstruct influence activities if they are conducted in accordance with the provisions of the Law; and (c) submit to the

National Transparency Authority an annual declaration on their communication with interest representatives on the time of communication, the identity of the interest representative, the policy area, and the type of decision. In addition, the joint ministerial Decisions were issued, according to the aforementioned law provisions. In particular:

- Decision of the Minister of Interior (No.271/7073) on the determination of the institutional bodies referred to in paragraph b' of Article 3, as well as the sanctions to be imposed on them in case of violation of the obligations of Article 5 of Law 4829/2021 in accordance with par. 1 of Article 13 of Law No. 4829/2021 (GG 2293 B'/10.5.2022).
- Joint Decision of the Ministers of Interior and State (No.298/8056) on the definition and specification of issues related to the operation of the Transparency Register, pursuant to par. 2 of Article 13 of Law 4829/2021 (GG 2604 B' /26.5.2022).
- Decision of the Minister of Interior (No 196/5471) for the determination of the terms, conditions and data for the registration in the Transparency Register of associations, professional associations, chambers and civil society bodies under par. 4 of Article 8 of Law No. 4829/2021 (GG 1751 B'/11.4.2022).
- Decision of the Minister of Interior (No.208/5827) on the determination of the procedure for submission, examination of reports and complaints and imposition of sanctions for the application of Chapter D of Part A of Law No. 4829/2021 (GG 2058 B'/26.4.2022).
- Decision of the Minister of Interior (No.246/6415) on the determination of details for the establishment of a Code of Conduct for Interest Representatives pursuant to par. 5 of Article 13 of Law 4829/2021 (GG 2101 B'/28.4.2022).

The law forbids current members of the legislature and executive branches and their spouses from acting as interest representatives, and at the same time, it restricts former members from engaging in lobbying activities for a period of 18 months after leaving office. In addition, NGOs and professional organizations can be registered as interest representatives.

The law also stipulates that all interest representatives should register in the Transparency Register in order to engage with members of the legislature and the executive branch. Both interest representatives and members of the legislature and executive branches are required to submit a report of their activities on an annual basis, which will be available to the public. The Transparency Register was launched in December 2022 and is fully operational.

Moreover, a Code of Conduct has been developed in December 2022, to guide their behaviour to and bind registrants when communicating with institutions in the context of influencing activities and ensure transparency and integrity in the public decision-making process and avoid conflicts of interest or any undue influence. Finally, Supervisory Authorities may impose sanctions in accordance with the relevant procedure has been set in the event of a breach of the obligations arising from the above law.

- a. Legal regulation of lobbying activities was first introduced by Law 4829/2021.
- b. Operation of the Transparency Register (December 2022).
 - i. Submission of an annual declaration by interest representatives to the Transparency Register
 - ii. Accessibility of citizens to the Transparency Register data
 - iii. Interoperability with TAXIS, GEMI, the National Criminal Records Portal
- c. Publication of the Code of Conduct (December 2022).
- d. Publication of Guidelines (December 2022).

The NTA has also created a more specialized website with all the pertinent information on lobbying provisions and instructions for entering the lobbying registry (see also <https://lobbying.aead.gr/>).

III. Asset declaration

The framework: The Greek asset declarations system is governed by Law 3213/2003 on Declaration and Audit of Assets of Public Officials, Media Owners and Other Individuals, Government Gazette A' 309/31.12.2003, which obliges specific categories of persons including the Prime Minister, Ministers, high ranked and senior public officials, judges, prosecutors, and journalists, among others, to submit an asset declaration form. However, a legislative initiative is already undertaken by the Ministry of Justice and a draft law has been prepared to modernize the legal framework for the submission of assets' declarations and financial interests, to enhance interoperability as well as for the country to comply with international recommendations (**see above Question no 19**).

Recent changes (e-pothen platform):

In 2022, the technological upgrade of the platform that supports the submission of asset declarations and financial interest declarations (e-pothen) was completed. The upgrade involved the application of modern technologies and programming languages to enable the information system to interoperate with other databases such as banks and land registries, as well as to extend the system's interoperability with already interoperable databases (AADE). Changes were also made to the user interface to make it more user-friendly, as well as changes to the completion forms. The new version of the integrated system will be put into production in 2023.

Audits:

According to NTA, in 2021 in-depth audits were carried out. After the update of the methodology manual, in 2022 verification audits were foreseen to verify the accuracy of the declarations (2022: 220 verification checks). Based on the findings of the verification audits and the indications for potential infringements, in-depth audits' orders were issued (2022: 16 in-depth audits' orders issued and initiated during the 2nd semester of 2022).

In addition, in 2022, 656 obliged persons were taken to the prosecutor for non-submission of their asset declarations.”

According to the Committee of Parliament for the Investigation of Declarations of Assets (CIDA), in 2022, approximately 8.000 declarations of assets verified during the annual audit by the CIDA and one case sent to the public prosecutor.

Additional audits performed on nine (9) incoming whistleblowing reports and filled with no sanction. From the 2022 RoL report (p.13) four (4) pending cases were also filled. In addition to the above, one (1) case forwarded to the public prosecutor. Finally, five (5) questions from the members of the judiciary were submitted, all of them being answered adequately.

IV. Gifts Policy

With regard to Gift policy (Part B' of law 4829/2021) that introduced the legislative framework on the gift policy applied to the President of the Republic, the Members of the Government and the Deputy Ministers. A draft opinion and Ministerial Decision for the technical specifications and the specific content of the electronic book and the list of gifts, as well as the procedure and details of the aforementioned list and any other necessary detail and procedure for the management and utilization of the gifts under the administration and management of the Presidency of the Government, have been prepared by the National Transparency Authority.

V. Political parties

Legal framework

During 2022 the Ministry of the Interior in collaboration with the Committee of Parliament for the Investigation of Declarations of Assets (CIDA) which is responsible, among other duties, for the audit of the finances of political parties, introduced two (2) legislative initiatives:

- Presidential Decree 15/2022 (A' 39/1-3-2022) codified in a single text the provisions of the legislation on the financing, by the state, of political parties, and audit of their finances,
- Law 4954/2022 (A' 136/9-7-2022) added amendments to the aforementioned Presidential Decree towards the clarification of the concepts, the update of the provisions and rationalization of sanctions proposed by the CIDA in case of violation of the provisions, by the audited parties.

According to data from CIDA, within 2022 the audit of the finances of political parties and coalitions of parties for the fiscal year 2020 was completed. Eighteen (18) political parties / coalitions of parties were audited finding for 8 of them violations of the relevant legislation, of varying degrees. CIDA proposed sanctions for five (5) of these political parties to the President of the Hellenic Parliament, as provided for by domestic legislation, which were adopted in full. For the remaining three (3) political parties, due to the minor level of the committed violations (mainly of formal type), CIDA decided not to propose sanctions and instead sent them letters of compliance.

Also, in 2022, the competent domestic agencies imposed the sanctions on the Political Parties that had found violating the legislation for the financial year 2019 (as can be seen in 2022 Rule of Law Report, p.13).

25. Rules and measures to prevent conflict of interests in the public sector. Please specify the scope of their application (e.g. categories of officials concerned)

I. Conflicts of interest of members of the government:

Apart from the provisions envisaged by Law 4622/2019 for the impediments to appointment, the incompatibilities and the obligations during the performance of duties in order to avoid conflicts of interest, it is noted that the ESSKD 2022-2025 includes an action (Action 2.3.18) regarding the update of the Code of Conduct for Members of the Government and Members of Parliament.

In NACAP 2022-2025 are included actions such as the:

- Elaboration of a Mapping Study of the provisions that regulate issues of conflict of interest / integrity violations in Legal Entities under Private Law supervised by the Ministry of Health and suggestion of improvement measures (NACAP 2022-2025, 2.3.6)
- Organizing public awareness actions on conflicts of interest (NACAP 2022-2025, 3.1.4 - ongoing)
- Introduction of a regulatory framework and tools to address conflicts of interest in the public sector (NACAP 2022-2025, 2.2.20)

II. The Ethics Committee

In accordance with article 74 of Law 4622/2019, an Ethics Committee an amendment with Law 4940/2022 has been introduced to the article by adding a case e) according to which the Ethics Committee is responsible for the examination, ex officio or upon complaint, of possible violations of the obligations of associates and political advisors⁸ and proposes the sanctions provided for in article 75 of the Law. In 2022 two more decision were published⁹.

8 as specified in article 76.

9 <https://aead.gr/nta/epitropi-deontologias>

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

Protection of whistleblowers: Directive (EU) 2019/1937 sets the new rules at EU level for the protection of persons who report breaches of Union law. With the Law 4990/2022 (A' 210/11.11.2022) the Directive 2019/1937 was transposed into the Greek legislation. The transposition of the Directive into national law fills an important legislative gap that has existed so far.

Whistleblowing platform in accordance with Directive (EU) 2019/1937 and Law 4990/2022

A. Article 11 of law 4990/2022 provides that the National Transparency Authority will act as an external reporting channel, i.e. as the competent Authority for receiving, managing and monitoring reports on violations falling within the scope of the law. Via the online platform, employees in private and public bodies will be able to submit safely and without fear of retaliation anonymous reports on illegal behaviors and practices taking place within the organization that harm corporate reputation and lead to direct and indirect financial losses. Whistleblowing enhances integrity, accountability and trust within the organization. The existing NTA online complaints platform already supports the submission of anonymous complaints. The new whistleblowing platform will further enhance this function by supporting two-way communication (complainant and inspector) and by keeping whistleblower's anonymity through a secure online communication channel and a management environment for the evaluation and investigation of reports.

In addition, by Law 4990/2022, in public sector bodies as well as local governance organizations (1st degree) employing up to forty-nine (49) employees, the competences of the responsible officer for receiving and monitoring reports within the framework of Law 4990/2022 (YPPA officers) are exercised by the Integrity Advisors of Law 4795/2021 (art.23) or the HR Officer of the supervising Ministry, in cases where integrity advisors' positions are established and taken and also where no Integrity advisors' positions are established at the 2nd degree local governance organizations, in whose territorial jurisdiction they fall. The rights and obligations foreseen for the integrity advisors are also envisaged for YPPA officers.

B. By virtue of the (normative) Decision FG8/71316 of the Plenum of the Court of Audit "Handling by the Court of Audit of complaints, petitions and requests for audit submitted before its Services" (Government's Gazette B'6592/21.12.2022),¹⁰ Decision No. FG8/27390/31.5.2021 (B'2537/2021), which was previously in force, was replaced and the procedures for the examination of complaints, petitions and requests for audit were streamlined and aligned with the new Organic Law 4820/2021. Inter alia, the procedure for the examination of complaints by public authorities, by the Commissioner's Service "Audit Planning" at the Court of Audit and Audit Chambers I and II of the Court is further clarified; an important criterion for their examination is the severity of the complaint, i.e. whether it is a complaint of interest due to systemic reasons or reasons relating to the significance of the complaint's object.

27. List the sectors with high-risks of corruption in your Member State and list the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. public procurement, healthcare, citizen investor schemes, risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list

¹⁰ <https://www.elsyn.gr/el/node/1483>

measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector)

NTA is responsible for planning, monitoring and evaluating anti-corruption strategies in high - risk sectors, including health and sports. NTA has developed anti-corruption strategies in the health and sports sectors and in cooperation with the relevant ministries, monitors and evaluates these strategies. It also participates, among competent authorities, in the National Public Procurement Strategy.

In September 2022, NTA developed a Guide for the Development of Sectoral Anti-Corruption Strategies that provides a comprehensive methodological framework and analytical guidance to support the work of public sector bodies wishing to develop strategies and action plans to strengthen the prevention and capacity to detect and prevent corruption and maladministration. Strategic anti-corruption planning is an effective management tool, particularly in policy areas that are highly vulnerable to such phenomena, as it allows, in a systematic way, the design, monitoring, and evaluation of targeted actions that respond to the challenges and problems of the policy area in which each body operates.

Furthermore, NTA in co-operation with the Single Public Procurement Agency and the General Secretariat for Commerce has submitted a project proposal in the TSI financial Instrument on the topic of professionalization of public procurement including the development of a risk registry, risk-based audit planning methodology along with capacity building initiatives such as integrity training and the drafting of a code of professional behaviour.

In NACAP 2022-2025 are included actions such as the:

Development of an Ethics and Conduct Code for civil servants working in Procurement Units within the public sector (national central purchasing authorities, Central purchasing authority and contracting authorities / bodies) and / or participating as members in Tender or Acceptance Committees (NACAP 2022-2025, 2.3.2).

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

A. In 2022, the NTA organized the following seminars/conferences/workshops:

- **February 2022:** Code of Conduct for Internal Auditors: An Ethical Compass for the 09/02/2022: Webinar entitled “**Real Beneficiaries and Enhancing Corporate Transparency**”
- **March 2022:**
 - 01/03/2022: Webinar entitled “**Mapping Audit Institutions’ role in the implementation of SDG 16**”
 - 10/03/2022: Webinar entitled “**Strengthening Local Authorities’ governance system**” consisted of three sessions:
 1. Code of Conduct for Elected Bodies of Local Government
 2. Internal Audit System for Financial Management of First Level Local Authorities (Municipalities)
 3. The contribution of training in strengthening Local Authorities’ Governance
- **April 2022:** 06/04/2022: Webinar entitled “**Lobbying: the Greek institutional framework**”

- **May 2022:**
 - **17/05/2022:** Webinar entitled “**The future of young people in Europe - Transparency & Rule of Law**”
 - **24/05/2022:** Webinar entitled “**Memoranda of Understanding: From draft to implementation**”

- **June 2022:**
 - **27/06/2022:** Webinar entitled “**Internal Audit System & Integrity Advisor in Universities: Legal framework, data, challenges & perspectives**” **Cooperating Institution:** University of West Attica (the third largest university in the country with regard to the number of undergraduate students whereas it hosts over 57,800 students in total).
 - **29/06/2022:** Press Conference regarding the electronic application for monitoring disciplinary cases “e-peitharxika”
Cooperating Institution: Ministry of Interior

- **July 2022:**
 - **12/07/2022:** Press Conference regarding the Code of Ethics and Professional Conduct for Civil Servants and National Integrity System
Cooperating Institution: Ministry of Interior

- **September 2022:**
 - **11/09/2022:** Webinar/Workshop entitled “**Natural Disaster Management and Transparency**”
 - **12/09/2022:** Webinar/Workshop entitled “**Digital Transformation and Transparency in Health Care**”

- **October 2022: 26/10/2022:** Webinar entitled “**Joining forces to tackle gender-based violence**”

- **November 2022: 30/11/2022:** Webinar entitled “**The OECD Convention on Bribery of Foreign Public Officials in International Business Transactions (Foreign Bribery) and the recent assessment of Greece**”

- **December 2022: 09/12/2022: 2nd Integrity Forum** consisted of three sessions
 1. Lobbying Activities
 2. Presentation of the Public Opinion Survey on attitudes and perceptions towards Corruption
 3. Conflict of Interest, Local Government & Integrity Advisor Institution

The NTA organized the above-mentioned events in cooperation with 14 organizations and the participation of 65 public and private sector executives. It is worth noting that in total 7.070 people attended the events (physically and web users who have attended the events, both in real and non-real time). All the audiovisual material of the events has been posted on the Authority's youtube channel and is freely accessible to all interested parties, creating a friendly user online library, which is constantly enriched with new information and awareness-raising activities.

B. According to the article 20 of Law 4557/2018 as in force, the General Directorate of SDOE has been designated as the competent authority for the verification of the compliance and accuracy of the data recorded in the Central Beneficial Ownership Register. In this context, a relevant Ministerial Decision has been issued to regulate specific aspects of the control and detection

procedure of any violations regarding the registration and record keeping of updated data of the beneficial owner of legal persons and entities on the registry.

C. With the aim of facilitating and assisting the work of contracting authorities/entities in the correct application of the negotiated procedure without prior publication (art. 26, 32 & 269 of Law 4412/2016), HSPPA (in Greek EA.DH.SY.) issued a document entitled “Reminder of obligations of contracting authorities/entities related to the recourse to the exceptional negotiated procedure without prior publication” (Document no 3581/1.7.2022). This document clarifies the required conditions and terms for recourse to the exceptional negotiated procedure, the HSPPA’s advisory competence on requests to provide consent to recourse to the negotiated procedure and the obligations of the contracting authorities/entities that arise following recourse to the said procedure.

C. Repressive measures

29. Criminalisation, including the level of sanctions available by law, of corruption and related offences, including foreign bribery.

N/A

30. 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 to the implementation of EU funds.

During the year 2022, SDOE investigated 73 cases of corruption and detected 52 infringements. Moreover, SDOE conducted 76 investigations aiming to the safeguard and the proper implementation of the provisions regarding the use of EU subsidies and in cases where irregularities were found (almost 93 irregularities were detected), the competent authorities were informed in order to proceed to the recovery of the subsidies/grants. Furthermore, SDOE cooperated in 17 joint investigations in year 2022 with OLAF.

31. Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

N/A

32. Information on effectiveness of non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders.

From data provided by AADE:

- From audits investigating criminal offenses and disciplinary offenses, among other things, reporting responsibilities of employees were identified, hence sums totaling €2,022,253.53 (Independent Department A' and Department E') were imputed.
- From the audits of assets (84 in total) it was found that there was an unjustified origin of assets amounting to €132,422.80 for 3 employees and their cases were forwarded to the Court of Auditors for imputation in favor of the Greek State (Independent Department B').
- Also, sums of a total amount of €1,909,454.66 have been imputed, while sums of €60,437.03 were collected from businesses, as undue recipients (Section D').

Other – please specify

By virtue of (normative) Decision FG8/42900 of the Plenum of the Court of Audit "Rules of Internal Procedure for the Administrative and Audit Units of the Hellenic Court of Audit" (Government’s Gazette B’ 4069/29.7.2022)¹¹ the Rules of Internal Procedure previously in force were replaced so as to adopt to the provisions established by the new Organic Law 4820/2021. The matters

11 <https://www.elsyn.gr/el/node/1112>

regulated under the new Rules of Internal Procedure concern in particular (i) the organisational chart of the administration and audit services; (ii) the allocation of the judicial employees' statutory posts in these services and (iii) the definition of the administrative and audit remits of the aforementioned services, as well as the mode in which these remits shall be exercised.

III. Media freedom and pluralism

33. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding media freedom and pluralism (if applicable)

Memorandum of Understanding

Greece has already launched a series of initiatives aligned with the Commission *Recommendation (EU) 2021/1534 on ensuring the protection, safety and empowerment of journalists and other media professionals in the European Union*, with the signing of a Memorandum of Understanding, initiated by the Secretariat General for Communication and Media of the Presidency of the Government, taking place on May 23rd, 2022. The co-signatories of the MoU include the Ministry of Justice - Secretariat General for Justice And Human Rights, the Ministry of Citizen Protection - Secretariat General of Public Order, the Ministry of Labour and Social Affairs - Secretariat General for Demographic And Family Policy And Gender Equality, the Ministry of Digital Governance - Secretariat General For Telecommunications and the Ministry of Foreign Affairs.

This Memorandum of Understanding contains a common framework of cooperation which includes, inter alia, the preparation and submission of proposals for legislative and non-legislative initiatives to ensure the protection, safety and empowerment of journalists and other media professionals, the documentation and specialization of policies and initiatives in regards to online safety, digital literacy and empowerment of journalists, the planning of training programs for the development of skills and competencies in all professions related to the protection of journalists and other media professionals as well as raising public awareness of the dangers posed by attacks on journalists on the smooth functioning of Democracy.

Task Force

Additionally, the MoU provided for the creation of a Task Force in further pursuit of the goals set in its text. In this regard, the Secretariat General for Media and Communication has already proceeded with its creation and all signatories of the Memorandum have appointed representatives - experts in the areas that the Task Force is mandated to cover. Besides the signatories of the MoU, the members of the Task Force include representatives as appointed by the following bodies: the Hellenic Broadcasting Corporation (ERT), the Athenian-Macedonian News Agency, Panteion University - Department of Media Communication and Culture, the National Kapodistrian University - Department of Communication and Media, the Aristotle University - Department of Journalism and Media, the Association of Editors of Daily Newspapers of Athens (ESHEA), the Association of Editors of Macedonian Thrace (ESHEM-TH), the Association of Editors of Daily Newspapers of Peloponnese-Epirus- Islands, the Association of Editors of Daily Newspapers of Thessaly-Mainland Greece-Evia, the Panhellenic Federation of Editors' Associations, the Association of Magazine-Electronic Press Editors, the Association of Photojournalists of Greece (EFE), the Panhellenic Sports Press Association and the Foreign Press Association in Greece.

The Task Force was created on the 27th July 2022 (GG B' 3991), held its first meeting on the 24th August, and convenes once a month. As of this moment, five meetings have already taken place, while the next is scheduled to take place in late January. During the meetings the stakeholders provide updates from their respective fields and organizations, while cooperating in subgroups under a mandate that cover the following topics:

1) Data collection, analysis and reporting on attacks against Journalists

- 2) Secure working conditions
- 3) Security of journalists in conflict situations
- 4) Areas of intersectional competence of public bodies
- 5) Digital safety, digital transformation, online media
- 6) Legal Harassment – SLAPPs
- 7) Fight against impunity - educational programmes for the Hellenic Police
- 8) Women Journalists
- 9) Regional press

The Vice-President of the European Commission, Commissioner for Values and Transparency, Věra Jourová, visited the Secretariat General for Communication and Media on September 30, as part of her two-day visit to our country and participated, per her request, in a scheduled meeting with the "Task Force to ensure the protection, safety and empowerment of journalists and other media professionals". Ms. Jourová congratulated the Secretariat General for Communication and Media for the creation of this Task Force and noted that Greece is taking the lead at the European level with this initiative, as there is no equivalent in another EU member state. In her statement she pointed out that the freedom of the press and the safety of journalists is a priority for the EU and welcomed the close cooperation of the Secretariat General for Communication and Media with the E.U. to promote journalistic freedoms and values. Representatives of journalistic associations, university departments and organizations participating in the Task Force were present at the meeting, while a discussion and exchange of views followed. In the same context, during an interview of Ms. Jourová to the Athenian – Macedonian News Agency, she expressed her satisfaction for the creation of the Task Force, the commitment shown and the wide range of representatives.

Law No. 5005/2022

The recently adopted law No. 5005/2022 (GG A' 236) entitled "*Strengthening of the publicity and transparency of print and electronic media - Establishment of electronic registries of print and electronic media and other provisions under the competence of the Secretariat General for Communication and Media*" promotes transparency by publishing information, including the publisher, the director and the chief editor, the administrator and the domain name beneficiary.

It should be mentioned that the new law No. 5005/2022 is in line with the suggested *European Commission Regulation on European Media Freedom Act*, which focuses, among others, on the transparency of the ownership of media and the allocation of public advertisement.

For the first time, the new law sets up a Registry for Print Media (MET) as well as a Registry for Electronic Media (MHT), within a modern digital environment, where all print and electronic media service providers are called to register, in order to have access to state advertising. More specifically, there is a list of objective criteria that each media service provider, be it print or electronic, should meet, in order to enter these Registries including, inter alia:

1. Provision for the legal employment of a specific number of journalists and other employees, depending on the nature of the media service provider (newspapers, magazines, daily newspapers with national circulation, other newspapers with national circulation, regional press, etc.), the geographic coverage and the annual revenues (for electronic press).
2. The indication at a prominent place of the name and the head office of the media company, the name of the shareholder or partner who holds directly or indirectly half of the capital share, the name of the publisher, of the legal representative, of the director and the editing

- director as well as the name of the manager and the holder of the domain name (for electronic media businesses).
3. The frequency and the circulation of the print media (depending on the nature of the medium).
 4. The prohibition of content reproduction from another medium, without its consent.
 5. Online traffic (for electronic media)
 6. Geographical coverage
 7. Thematics covered.
 8. Conformity with the codes of conduct and ethics according to the existing journalists' professional Codes of Ethics and Conduct.

The aim behind these provisions is:

- The mapping of the media space (newspapers, magazines) as well as the substantive and detailed capture of the continuously rising numbers of electronic media
- The establishment of a modern consistent legal framework in two axes: the enforcement of the private initiative and healthy competition on the one hand and the substantive and efficient use of public means that are channeled in state advertising, on the other.
- The enhancement of transparency through the obligation to register the ownership status, the identity and the structure of the media businesses, print and electronic.
- Transparency at the allocation of state advertising – with objective and equitable criteria - since state advertising will be exclusively provided to print and electronic media registered in the respective Registries, provided that they fulfill the conditions set by law.
- Enhanced respect of the principle of proportionality, fair treatment, as well as protection of the regional and local press and small media businesses.
- The creation of Registries with the highest possible reliability, given that a tight auditing framework has been put in place, providing for random checks of the registered businesses throughout the calendar year.
- The enforcement of publicity through the provision that specific information of the media businesses will be available on the Uniform Digital Gateway of Public Administration (gov.gr)
- The safeguarding of sound administration and the protection of citizens.

Special reference should be made to the provision for an independent Committee of Deontology to ensure adherence with the journalistic rules of ethics, comprised by distinguished members with expertise in the media sector. This Committee is charged with reviewing complaints by anyone with a legitimate interest against a print or electronic information medium, for not conforming to the rules of journalistic deontology and ethics, according to the Journalistic Professional Codes of Ethics and Deontology of the Journalists' Union of Athens Daily (ESHEA) and the Panhellenic Federation of Journalists' Unions (POESY), that are in place.

The office term of the Committee shall be two years, while most of the members of the independent Committee are representatives elected by the journalists' press unions, among their own members. The rest of the members of the Committee are representatives from Academic Institutions with a specialization in journalism, communication and mass media, who are appointed by the academic staff of the relevant departments, as well as a representative from the National Council for Radio and Television and from the non-profit organisation "Foundation for the Promotion of Journalism of Athanasios Vassiliou Botsi", who will serve as the President of the Committee.

A. Media authorities and bodies

34. Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

- (i) The National Council for Radio and Television (NCRTV) is a Greek independent administrative authority that supervises and regulates the radio/television market, founded in 1989, and its independence is enshrined in the Greek Constitution.

While its legal framework is primarily defined in the Greek Constitution (Article 15, paragraph 2), the NCRTV was established further by Law no.1866/1989, amended by Law no.2863/2000 and Law no. 3051/2002, which has been respectively amended by Law 4339/2015 and the newly established law 4779/2021.

Greece has strengthened the independence of the media regulator. Law No. 4779/2021 transposing the revised AVMSD includes provisions aimed at reinforcing the independence of the NCRTV from the Government and other state entities.

The Greek Government has requested the NCRTV to submit a complete action plan, describing resources and technical equipment needed in order to facilitate the Authority's performance in regard to its enhanced tasks. Furthermore, there are legal provisions which mandate the human resources allocation and hiring process for the entirety of the Public Sector, through which the NCRTV can strengthen its human resources.

In the framework of a holistic approach to public human resource management, the Ministry of Interior is responsible for drafting a long term as well as an annual strategic plan for the recruitment of civil permanent and seasonal personnel, according to L. 4590/2019 and L. 4622/2019 art. 51. The scope of this legislation is to enhance the efficiency and the speed of the public recruitment process organized by the Supreme Council for Civil Personnel Selection (ASEP) in line with recent structural changes in civil recruitment, encompassing a mobility program (L. 4440/2016, L. 4674/2020 and L. 4781/2021), the detailed description of each position's outline including specific duties and responsibilities as well as the digital organizational plan of public administration.

NCRTV has applied for the fulfilment of 18 vacant positions and according to two ministry cabinet decisions (50/2021 and 31/2022), fifteen (15) persons will be hired (special scientists etc) by the procedure of national exams, organized by the "National Council of Staff Selection", which is also an independent authority.

- (ii) The Secretariat General for Communication and Media is one of the Secretariats that form the Presidency of the Government. Its main mission is to provide timely and accurate information to the public regarding the Government's work, to regulate on various media and audiovisual matters as well as to exercise its supervisory responsibilities on the Athens News Agency - Macedonian Press Agency (ANA-MPA) and the National TV broadcaster (ERT AE). The Secretariat General for Communication and Media is also charged with the competence of policy-making on media, taking into consideration the evolution of technology. It is also responsible for the application of the law in the media industry, as defined in Presidential Decree No 98/2020 (Official Government Gazette A' 236).

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

The National Council for Radio and Television (NCRTV) is a nine-member body, consisting of a President, a Vice-President and seven members, (Act N.2863/2000, as amended by Law 4357/2016). These members are appointed by the Plenary of the Presidents, a special body of the

Parliament in charge of the nomination of the independent authorities, where all political parties are represented.

Under article 101^A of the Greek Constitution it is foreseen that *“in cases where the establishment and functioning of an independent authority is provided by the Constitution, its members shall be appointed for a fixed tenure and shall enjoy personal and functional independence, as specified by law”* and that *“the members of the independent authorities must possess the corresponding qualifications, as specified by law. Their selection is made by decision of the Conference of Parliamentary Chairmen. The decision is taken by a three fifths majority of its members. The term of office of the members of the independent authorities is extended until the appointment of the new members. Matters relating to the selection procedure are specified by the Standing Orders of the Parliament”*.

Under par. 2 of article 3 of Law 3051/2002 (Government Gazette A' 220), as amended and in force, *“the members of the Independent Authorities and their deputies, where provided for by the written provisions, are selected by decision of the Conference of Parliamentary Chairmen, in accordance with article 101^A of the Constitution, after a previous recommendation by the Committee on Institutions and Transparency, as defined in the Standing Orders of the Parliament. The decision of the Conference of Parliamentary Chairmen is notified without delay to the competent Minister, who must issue the act of appointment within a period of fifteen (15) days from the notification”*.

Additionally, the abovementioned law specifies that the term of office of the members, the President and the Vice-President is six years without the possibility of renewal.

The NCRTV members are persons of high status, enjoy social approval and are distinguished for their scientific expertise and their professional ability in the legal, academic and media field.

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

In Greece, there is a number of active media company unions in the radio and television ecosystems.

Article 8 of Law 2863/2000 stipulates the operation within each private television station of an Ethics Committee (as a self-regulatory body) charged with the monitoring of the content of any informative or entertaining television program. Such Committees have been established in every private television station of the Greek territory, as notified to NCRTV, but they have never been actually activated until now.

On the contrary, the Greek Association of Internet Publishers (ENED) established in 2012, who includes digital newspapers as well as digital television and radio stations, has issued a Code of Conduct in order to ensure the fundamental principles of journalism in the digital environment. The Code contains references to specific issues (as disinformation, use of interactive platforms, discrimination, protection of journalistic sources, use of protected content and plagiarism, rules for the use of social media by journalists, UGC documentation etc.) and refers to best practices in each case.

Finally, it should be mentioned the establishment since 2003 of a self-regulatory body in the field of advertisement. The mission of the SEE (Advertising Self-Regulation Council), formed by the Association of Advertising and Communication Companies and the Association of Greek Advertisers, is to control the advertising messages transmitted by the electronic media.

B. Safeguards against government or political interference and transparency and concentration of media ownership

37. Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

The transparency of the terms and the procedure for the award of advertising services by public entities and the wider public sector is provided for in Article 9 of the Law No. 2328/1995 (A' 159) in conjunction with the Presidential Decree No. 261/1997 (A' 186).

The Secretariat General for Communication and Media supervises public services and organizations in the implementation of their media plans and actions which include state advertising. The categories of state advertising are thoroughly described in the Law mentioned above.

Each public service and organization that elaborates media plans with a budget that exceeds the amount of thirty thousand euros (30,000 €) is obliged to submit an application to be approved by the Secretariat General for Communication and Media. The aims of the media plan, the content and timeline of the foreseen actions, the material and human resources required and the results expected must be clearly presented in the submitted application (Cabinet Act 50/2015, article 3).

It is mandatory that these media plans include the allocation of each public service's and organization's budget for state advertising costs among national and regional media (TV, radio, newspapers and magazines).

The percentage of the budgeted cost to be spent on the regional media is set to a minimum of 30% of each media category (TV, radio, newspapers and magazines) (Presidential Decree no. 261/1997, article 4, par. 2). In case the intended minimum rate of 30% participation of regional media in the allocation of the total advertising expenditure is not met, a fine equal to the residual advertising expenditure remaining is imposed, so as to complete the intended participation rate (presidential decree no. 261/1997, article 4, par. 2).

Each decision concerning the approval of the media plans described above is uploaded at the "Transparency Portal" of the Greek Government, to ensure transparency and information of the public.

Every following calendar year, all public services and organizations that received the approval from the Secretariat General for Communication and Media mentioned above, are required to submit a report for the media plan conducted the previous year (presidential decree no. 261/1997, article 4, par. 7, combined with presidential decree no. 60/1997, article 3 and Cabinet Act 50/2015), as well as detailed lists of their expenditures allocated in the previous year for all types of advertising services.

It should also be mentioned that Articles 6 & 7 of the presidential decree no. 261/97 (Government Gazette 186 A') determine, inter alia, the conditions for the allocation of state advertising to private or public bodies, taking into account: a) the cost of transmission and b) the impact of the media on the general public (average monthly print circulation).

Additionally, the new law No. 5005/2002, as mentioned above (**see question 33**), in the context of strengthening publicity and transparency in the allocation of state advertising to print and electronic press, based on objective and equitable criteria, for the first time provides for the establishment of a Registry for Print Media (MET) as well as a Registry for Electronic Media (MHT) and sets as a prerequisite to be a certified publication or website in order to be eligible for state advertising.

38. Safeguards against state / political interference, in particular:

- **safeguards to ensure editorial independence of media (private and public)**
- **specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions**

Greek legislation provides specific safeguards for the independence of the public media. In particular:

First of all, the Constitution of Greece states the following in Article 14: *“1. Every person may express and propagate his thoughts orally, in writing and through the press in compliance with the laws of the State. 2. The press is free. Censorship and all other preventive measures are prohibited.”*

Furthermore, editorial independence, autonomy and dignity of journalists are further ensured in public and private media by codes of Conduct of the journalistic profession.

E.R.T. SA is the public broadcaster in Greece and has administrative and financial autonomy which is ensured by Law 4173/13. E.R.T. SA operates independently as a public limited company under the provisions of Law 3429/2005 *“Public Enterprises and Organisations”* as well as Law 4548/2018 *“Reform of public limited companies’ law”*.

According to par. 3 & 4 of Article 2 of this law it is stipulated that: *“E.R.T. S.A. is an entity of democracy and culture and contributes to the safeguarding of pluralism, the independent transmission of information and news and the promotion of works of art and speech. The audiovisual services provided by E.R.T. S.A. must meet the quality standards required by its social mission and the cultural development of the country and respect in particular the value of the human being and the protection of childhood and youth... E.R.T. SA is independent of the State, all public or private authorities and political parties and shall prepare and broadcast its broadcasting and Internet content, subject only to the relevant provisions of the Constitution and the legislation in force.”*

In addition, there is now in force a new law (Law 4972/2022, A’ 181/23.9.2022) which regulates issues concerning the operation of the private companies of the public sector, which includes ERT SA, in accordance with the principles of corporate governance, transparency and the guidelines of the Organisation for Economic Co-operation and Development (OECD).

Additionally, the process relating to the appointment of E.R.T. SA’s President and Managing Director includes a public call for applications by the independent authority Supreme Council for Civil Personnel Selection (ASEP), under Law 4735/2020, articles 20-23. Moreover, Law 4622/2019, article 68 prohibits any conflict of interests for the Managing Director of public entities, same as the members of the Government.

The remaining members of the Board of Directors are elected by the General Assembly of the Company, based on increased qualifications (higher education degree, at least five years of work experience), with the exception of the employee representative who is elected through direct, secret and universal vote by the employees of the Company (Law 4972 /2022). The procedure of a parliamentary hearing for obtaining the opinion of the Parliament's Committee on Institutions and Transparency is a prerequisite for the members selected (Law 4173/2013).

The members of the Board of Directors are appointed for a term of office and enjoy a personal and functional independence in the exercise of their duties and are subject to the law, the main aim of which is to satisfy the objectives of public interest.

The functioning of the Board of Directors of E.R.T. S.A. is regulated by its Operating Regulation, while in addition E.R.T. S.A. has:

- Internal Operating Regulation which regulates the structure and operation of the services of E.R.T. S.A. and
- General Personnel Regulation, which regulates personnel issues, the necessary qualifications for recruitment, the recruitment procedure and any other relevant issue.

The abovementioned regulations are uploaded to the Transparency Portal of the Greek Government. Furthermore, for the purpose of transparency in the operation of public broadcasting, an annual report on Transparency and Public Value is prepared and submitted to the Committee on Institutions and Transparency of the Hellenic Parliament and the National Broadcasting Council.

Finally, E.R.T. SA’s financial resources are also ensured by Law 4173/2013, article 6: A reciprocal fee of three euros (3.00 €) per month is imposed on consumers and collected in favor of E.R.T. SA, as a compensation for the fulfillment of its purposes.

The licensing for the operation of radio and television stations lies among the powers and duties of the NCRTV.

- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licences, company operation, capital entry requirements, concentration, and corporate governance

(i) Regulatory update and implementation of the licensing process of radio stations.

- In 2021, a Working Group was established regarding the required legislative, technical and procedural actions required for the resolution of issues for the licensing of the radio stations.

- The legislation, which is the final stage of action, will be preceded by consultation between all relevant stakeholders to resolve the issue of radio station licensing.

(ii) Regulatory update and implementation of the licensing process of free-to-air non-informative (thematic) television stations and regional tv stations.

Since April 2022, a collaboration has begun with expert scientists who have specialized knowledge and many years of experience in issues related to radio and television legislation has begun, aiming to, in the first phase, draw up a new institutional framework for the licensing - in the first phase - of radio stations. This action is expected to make a significant contribution to achieving the targeting, further promoting transparency and accountability in the audiovisual sector, while correcting some shortcomings in existing legislation for the benefit of the public and all stakeholders. At the same time, the institutional framework is being modernized and the national legal order is being harmonized with the requirements of European legislation.

The implementation of regulations of law 4339/2015: there is an annual obligation for television and radio broadcasters to submit certain data to the NCRTV, such as the company's balance sheet, asset statement, company articles of association, etc.¹²

Furthermore, following the provisions of article 3 par. 6 of L. 4779/2021, the NCRTV has issued Decision No. 1/2022 regarding the registration of audiovisual media services and related providers for media service providers as defined in article 1 par. 1(d) of the AVMSD, in a new business registry which is publicly available.¹³

For more information on relevant legal provisions, please refer to answer provided for question 33 concerning law No 5005/2022.

39. Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners as well as any rules regulating the matter

A. Transparency of linear media ownership is ensured by the registration of media owner's identity and percentages in the Media Ownership Register held within the Greek Council (NCRTV). Media Ownership Register is uploaded in the Council's website and it is fully accessible by the public. Apart the information on ownership, the Register also includes update related to transfer of shareholders of TV stations. Transparency of non-linear media ownership is ensured by the registration of media owner's identity and percentages in the Register of New Audiovisual Services that includes on demand platforms providing audiovisual services. This new Register was established by NCRTV in 2022.

B. The Greek Government, through the new law provision of art. 110 of Law 4915/2022 (A' 63/24.3.2022) concerning Press accountability, proceeded with a critical legislative intervention aiming at further enhancing transparency in the press. This regulation concerns the quality of Democracy and not only strengthens its institutions but also protects citizens' dignity. The new regulation includes:

12 <https://www.esr.gr/τηλεόραση/στοιχεία-που-υποβάλουν-στο-εσρ/>

13 [mitroo_n_oa_yp.xlsx](#) (live.com)

- Obligation of the newspapers to expressly indicate the owner, the legal representative, the director and the editor-in-chief.
- The director and the editor-in-chief ought to be members of a professional journalism association.
- Auxiliary liability of the owner of the newspaper for damages awarded to affected individuals, in the case that the legal entity's property does not suffice.

The recently adopted law No. 5005/2022 promotes transparency by publishing information, including its shareholders or partners of the company that directly or indirectly own half of the shares or capital shares, the publisher, the director and the chief editor, the administrator and the domain name beneficiary.

On the 19th September 2022, the Greek Government issued a public statement of support for the European Media Freedom Act, as announced by the Deputy Minister to the Prime Minister and Government Spokesman, Mr. Giannis Oikonomou, who stated, among others that *“The Greek Government welcomes the European Media Freedom Act, the new set of rules approved by the European Commission to protect media pluralism and independence in the EU, which includes a new Proposal for a Regulation as well as an accompanying Recommendation to all the member states. [...] Moreover, the initiatives included in the new framework presented by the Commission are coordinated with many of the initiatives for independent, innovative and sustainable media that the Greek government has already launched, defending their role as pillars of democracy and guardians of the rule of law, in an open and transparent market that promotes pluralism and freedom of expression.”*¹⁴

C. Framework for journalists' protection, transparency and access to documents

40. Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications

A. The Law 5002/2022 “Procedure for the lifting of communications privacy, cybersecurity, and protection of citizens' personal data”, regarding the procedure and the terms of the lawful interception for the investigation of serious crimes and for reasons of national security, was recently published (A' 228/9.12.2022). Among all the specific articles, there is the prohibition of the use and traffic of spy – ware software (art. 12).

The purpose of the above law is a) to shield and modernize the procedure for lifting the confidentiality of communications, in accordance with the second subparagraph of paragraph 1 of Article 19 of the Constitution, b) to optimize the functioning of National Intelligence Service (in greek EYP), c) to protect the confidentiality of communications from surveillance software, d) to organically and functionally rebuild the level of cybersecurity in the country and e) to protect individuals more effectively against the processing of personal data. This law a) exhaustively regulated the procedure for lifting the confidentiality of communications, providing as well for a specific procedure for informing the person who has been subject to the lifting of privacy for reasons of national security, b) introduced amendments to the structure and operation of the National Intelligence Service, c) criminalized the trafficking, possession and use of surveillance software, d) established and operated a Coordination Committee for cybersecurity issues and e) amended the provisions for the incorporation of Directive (EU) 2016/680 into the national legal order.

B. Article 191 of Criminal Code: The issue of the amendment of the Criminal Code was discussed in the Task Force and was incorporated under article 41 of the new law No. 5005/2022. The amendment was deemed necessary in order to eliminate the use of the concept of the ability to

14 <https://www.media.gov.gr/evropaiki-praksi-gia-tin-elftheria-ton-meson-enimerosis-european-media-freedom-act/>

cause concern or death to citizens and the "shaking of public confidence", which is difficult to prove and not easily evaluated, as a consequence of the spread of fake news. The regulation defines the offence of Article 191 of the Criminal Code as an offence of a specific risk, since the prerequisite for the fulfilment of the objective substance is the causing of death, as an effect, to an unlimited number of people or to a certain circle or category of persons, who are thus forced to perform unplanned actions or their cancellation, with the risk of damage to the national economy, the defence capacity of the country and public health. Also, the scope of punishment is changed and for the offence under Article 191 of the Criminal Code, the prescribed punishment is imprisonment for up to three years or a fine. Finally, the aggravating circumstance of repeated offence of the crime is removed.

C. Please see also question 33, as well as several measures and initiatives mentioned under question "Other – please specify".

41. Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

Regarding the competencies of the Secretariat General for Communication and Media, as described in the answer for question 33, the Task Force works vigorously under a mandate that covers the thematic of the physical safety of journalists during demonstrations, as well as the preparation for a proposal on educational programmes for the Hellenic Police. All findings and relevant proposals will be included in the final report of the Task Force which will be sent to the European Commission in early spring 2023, as provided for in the *Commission Recommendation (EU) 2021/1534 on ensuring the protection, safety and empowerment of journalists and other media professionals in the European Union*.

42. Access to information and public documents (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

The access to information and public documents is a fundamental right registered in the Greek Constitution (article 5A). This right is also recognized in law 2690/1999, completed with provisions of law 2880/2001 (article 8) and replaced with provisions of law 3230/2004 (article 11). There is a codification of these provisions in the Presidential decree N.28/2015. Law N.3861/2010 reinforces transparency in the public sector, and this was amended and further enhanced by Law N. 4727/2020 (Right of access to information of public sector bodies) as most public documents are posted on a platform and every Greek citizen has access to them. With regard to the competencies of the Secretariat General for Communication and Media, as described in the answer for question 33, the Task Force works vigorously under a mandate that covers access to information and is discussed during its monthly meetings. All findings and relevant proposals will be included in the final report of the Task Force which will be sent to the European Commission in early spring 2023, as provided for in the *Commission Recommendation (EU) 2021/1534 on ensuring the protection, safety and empowerment of journalists and other media professionals in the European Union*.

43. Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

With regard to the competencies of the Secretariat General for Communication and Media, as described in the answer for question 33, the Task Force works vigorously under a mandate that covers the thematic of legal Harassment and SLAPPs. All findings and relevant proposals will be included in the final report of the Task Force which will be sent to the European Commission in

early spring 2023, as provided for in the Commission *Recommendation (EU) 2021/1534 on ensuring the protection, safety and empowerment of journalists and other media professionals in the European Union*.

Other – please specify

EDOEAP – STATE AID

During the year 2021, an important and ambitious program of support for the companies that suffered the effects of the coronavirus pandemic regarding newspapers of national circulation as well as regional and local newspapers and magazines, the content providers of regional TV stations, radio stations and electronic media, was completed. This program was horizontal and based on objective and equitable criteria for supporting media companies. The program had a budget of €18.5 million and supported 697 large, medium and small-sized companies, local, regional and national, helping them to repay their contributions to their insurance fund (EDOEAP), under objective criteria according to the size of each business. This resulted in benefiting both businesses and the insurance fund. (Joint Ministerial Decision 165/29.7.2021).

The effectiveness of the intervention as well as the prolonged unstable climate created by the pandemic during 2021, led to the initiative of immediate implementation of a new aid program for all affected companies (Joint Ministerial Decision 81/ 24.5.22). The program had a budget of €8.5 million and was based on the same objective and equitable criteria according to the insurance contributions of media companies to their insurance fund.

It is worth noting that both the first program as well as the second provide for the establishment and operation of an Ethics Committee, which is responsible for deciding whether or not to adhere to the principles of journalistic ethics and deontology taking into account the applicable Codes of Professional Ethics and Conduct of journalists, and in particular the Code of Professional Ethics and Conduct of the Journalists' Union of Athens Daily Newspapers (ESIEA) "Principles of ethics of the journalistic profession" which has been posted on the website of ESIEA (<https://www.esiea.gr/arxes-deontologias/arxosi? = pdf>) and the Code of Ethics of the Pan-Hellenic Federation of Journalists' Associations (POESY) which has been posted on the website of POESY ([www.poesy.gr/index.php?view=article&catid=17%3Afoundation & id = 18% 3Adeontologia & tmpl = 1 = default & page = & option = com_content & Itemid = 72 \)](http://www.poesy.gr/index.php?view=article&catid=17%3Afoundation & id = 18% 3Adeontologia & tmpl = 1 = default & page = & option = com_content & Itemid = 72)))

GRANT FOR TRANSPORT & PRINTING PAPER COSTS

On June 30, 2022, art. 81 of Law 4949/2022 (A' 126/30.6.2022) provided for a regulatory measure, regarding the grant of transport costs to press publishing companies, a financial aid which had been also granted in 2021 to support the print media sector during the pandemic. In addition, a grant for the coverage of printing paper cost was launched for the first time, given the exorbitant increase in operating expenses, due to the current inflationary trend in a period of economic challenges.

In particular, according to this regulation, for the first time, financial support is granted not only to press companies that publish newspapers and magazines with nation-wide circulation but also to press companies that publish regional and local newspapers and magazines, in the context of a holistic approach to strategic planning aiming to strengthen the sustainability of print media, guaranteeing plurality of expression and the decentralization of information, with the scope to actively approach the citizen and ensure diversification of local media.

In accordance with Joint Ministerial Decision No. 1105/29.07.2022 (Government Gazette B' 4190/08.08.2022) describing the procedure and conditions, the duration of the grant is fixed at one (1) two calendar months and three (3) calendar quarters starting from 01.02.2022 until 31.12.2022.

According to the provisions of the aforementioned regulation, the grant is unseizable, it is not subject to any fee or levy, it is applied horizontally and objectively.

This support is deemed necessary, given that, due to the recent successive external crises, there has been a steep increase in operating expenses, transport distribution costs and the cost of paper for print media.

This intervention is part of the toolkit developed and implemented by the Greek Government to support print media businesses and is part of the wider context of Government initiatives, aiming at strengthening plurality of expression.

NEW APPLICATION FOR THE REGISTRATION OF FINANCIAL AND OTHER INFORMATION OF REGIONAL AND LOCAL PRESS COMPANIES

The launch of a new application of the Secretariat General for Communication and Media took place on the 20th April 2022, a service which is available for the registration of financial and other information of regional and local press companies, under corresponding categorization and common criteria, in order to enhance the objectivity and transparency of press information. This initiative is the first step of the Government's strategy to strengthen the regional and local press, while it is worth noting that it gained positive feedback from the body of domestic press (joint ministerial decision 15195 EΞ 2022/ 19.4.2022, GG B' 1958). The application is provided digitally through the easy-to-use Public Administration website (gov.gr), where the companies of the sector are invited to register, on their own initiative, their financial and other data (turnover, payroll costs, traffic, employees, equipment, etc). The purpose behind the creation and operation of this electronic service is to create an updated and reliable image of the data of the industry but also to facilitate the overall State planning towards the strengthening of the regional and local press.

COLLECTIVE EMPLOYMENT AGREEMENT

A Collective Employment Agreement on the working conditions of journalists that are employed in the public sector, legal entities under public law, local authorities and legal entities under private law has been signed and is in force from January 1, 2022 until 31 December, 2023.

The Collective Employment Agreement, for the first time, includes provisions regarding journalistic missions at war zones or areas affected by natural disasters and humanitarian crises or in areas where pandemics are present and on-going. Under these provisions, the public media employing the appointed journalists are obliged to provide them with the necessary equipment for the safe realization of the mission, undertaking at the same time all the necessary preparatory measures for their security and insurance.

More specifically and according to the instructions of the International Journalists' Federation, the public media should provide for the following:

1. Equipment

- Ballistic threat level IV or at least IIIA bulletproof vests with additional detachable plates with IV shield level (according to US NIJ standards).
- IIIA threat level helmet (according to US NIJ standards).

2. War zone insurance (IFJ Battleface covering injuries etc on the field).

3. Adherence to risk assessment protocols and security policies which include:

- (a) Personnel training on crisis management (e.g. need for evacuation, envoys' hostage cases),
- (b) Ensuring that envoy journalists understand the dangers of being sent to a war zone, through filling in a relevant questionnaire approved by the organization's executives designated as responsible for risk assessment.

4. Security training in a hostile environment (with training for first aid on the battlefield) and retraining every 2 years, in collaboration with Journalists' Union of Athens Daily Newspapers (ESIEA).

Furthermore, the Collective Employment Agreement provides for benefits (other than salary) which are the following:

- (i) €5 stipend per working day, which will be paid to each employee, except those on any form of leave, for up to twenty-two days a month, in the form of a prepaid card.

- (ii) A monthly amount up to €300 per child to employees, the children of whom attend nurseries.
- (iii) €300 annually to be deposited in two instalment of €150 each, for Easter and Christmas holidays, to each employee, except those who are on leave without pay, in the form of an individual pre-paid card.
- (iv) €250 per 2 years for the renewal of electronic equipment.

2ND SAFETY FOR JOURNALISTS TRAINING SCHOOL, KILKIS

The second three-day Training School on the Safety for Journalists was successfully held by the Peace Journalism Laboratory on the 29th of August 2022 at the Multinational Peace Support Operations Training Center of Kilkis. The training course was held by the Peace Journalism Laboratory of the Aristotle University of Thessaloniki under the auspices of the Secretariat General for Communication and Media. Co-organizers were also the Jean Monet Chair on European Union Public Diplomacy, the Multinational Peace Support Operations Training Center of the Army Forces, the Center for Education and Lifelong Learning of the Aristotle University of Thessaloniki, the Friedrich Naumann Foundation for Freedom Greece and Cyprus, the European Federation of Journalists, the Free Press Unlimited and the Journalists' Union of Macedonia and Thrace.

This initiative focuses on the safety of journalists in war zones and crisis situations, encompassing training courses on war reporting, ethics of journalism in war and crises, hostile environment awareness training, preparation and risk assessment, digital tools and data security, international mechanisms, legislation on armed conflict, self medical care in the field and the handling of documents and other procedural issues. The highlight of this workshop was however the live, on-site demonstration of survival practices under hostage conditions, which was held at the Training Centre of Irregular War Practices at Redina, Thessaloniki.

The speakers in the training courses represented the academic community, the Greek army, the European Federation of Journalists and the Free Press Unlimited, while experts on crisis communication and medical care were also present.

17TH JOURNALISM CONFERENCE OF SAMOTHRAKI

The 17th Journalism Conference of Samothraki revived fourteen years after the last held conference, under the auspices of the Secretariat General for Communication and Media and took place on the 22nd-23rd October, focusing on the two top issues on the European agenda in relation to Information: the safety of journalists and the freedom of the press. The work of the Conference traced how the State, journalists and media respond to the relevant challenges.

Speakers from European and Greek media and information organizations participated in the works of the Conference, while all Editors' Unions and the Panhellenic Federation of Editors' Associations cooperated for its preparation.

MEETING WITH THE PRESIDENT OF THE INTERNATIONAL FEDERATION OF JOURNALISTS (IFJ)

The Secretary General for Communication and Media, Dimitris Galamatis, met with the newly elected President of the International Federation of Journalists (IFJ), and member of the National Union of Journalists (SNJ), Ms. Dominique Pradalié, on the 16th December 2022.

During the meeting, issues such as the challenges faced by the world of media in a constantly changing international environment were discussed, as well as the protection and promotion of journalistic work, but also the defense of pluralism in the modern world.

The Secretary General of Communication and Media spoke about the actions undertaken by the Secretariat, such as, among others, the Memorandum of Understanding to ensure the protection, safety and empowerment of journalists and other media professionals, signed at the initiative of the Secretariat General of Communication and Media of the Presidency of the Government and the participation of five more relevant Ministries, as well as the Task Force, where representatives of all the journalistic associations of the country, university representatives, representatives of relevant

ministries, the Hellenic Broadcasting Corporation, the Athens-Macedonian News Agency, etc, works in this direction.

ESTABLISHMENT OF AN INTERNATIONAL TRAINING CENTER FOR THE SAFETY OF JOURNALISTS IN THESSALONIKI

In August 2022, during the 2nd Safety Training School for Journalists in Kilkis, the Secretary General for Communication and Media announced the establishment of an International Training Center for the Safety of Journalists and Media Professionals, based in Thessaloniki.

The creation of the international training center, which will be under the scientific supervision of the Peace Journalism Laboratory, the Department of Journalism and Media of the Aristotle University of Thessaloniki, as has become evident with the war in Ukraine, but also recognized by all the organizations worldwide, is absolutely necessary. It is an important initiative to strengthen and defend journalistic work, but also to support the media.

From the initial announcement, the cooperation with the involved bodies was promoted with the actions having progressed, while a working meeting with the stakeholders that will support the project (local government bodies, Universities, journalistic associations, etc) is already planned for January 20th, 2023. Further information will be available in the near future.

The creation of the training center is part of the wider framework of initiatives implemented by the Secretariat General for Communication and Media, with the creation of a Task Force ensuring the protection, safety and empowerment of journalists and other media professionals.

IV. Other institutional issues related to checks and balances

44. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the system of checks and balances (if applicable)

The establishment of the special registers provided for in Law no. 4781/2021 "Organization of the Ministry of Foreign Affairs" (Register of all civil society organizations involved in development and humanitarian projects abroad) and in Law No. 4873/2021 concerning volunteerism (register of all Civil Society Organisations (CSOs) active in Greece) has been made with a view to respecting the principle of proportionality between the need to register active CSOs and to ensure their funding and other privileges (e.g. tax exemptions) in their favor. No question of a breach of the proportionality principle has been raised in the application of the above provisions, since the regulatory acts, necessary for the operation of the registers, have just been published or are in the process of being published.

At the level of provisions of the law, from the point of view of compliance with the principle of proportionality inter alia, the constitutionality of Article 191 of Law No. 4662/2020 providing for the establishment of a Register of Members of NGOs active in international protection, immigration and social integration issues, in the Ministry of Immigration and Asylum and of Article 58 of Law 4686/2020 providing for or the establishment of a Register of NGOs (domestic and foreign) has been questioned.

Three petitions of annulment against the joint ministerial decision issued on the operation of the registers and a petition for annulment against an act rejecting the registration of an NGO, were brought before the Plenary Session of the Council of State on 2.12.2022. The cases are still in deliberation.

A. The process for preparing and enacting laws

45. Framework, policy and use of impact assessments and evidence based policy-making, stakeholders/public consultations (particularly consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process

N/A

46. 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)

Law 4622/2019 on the executive state reflected the Greek Government's utmost priority on increasing the quality of law-making and parliamentary accountability, as key aspects of the rule-of-law. Rather than merely outlining substantive principles, it also introduced the necessary procedures to safeguard their consistent implementation. Starting from an annual comprehensive plan of government policy adopted by the Council of Ministers, also including the Government's legislative initiatives, Law 4622/2019 combined the concentrated approach, prevalent in the Anglo-Saxon legal systems, with the traditional European deconcentrated approach of law-making. It established the General Secretariat for Legal and Parliamentary Affairs, a distinct unit within the Presidency of the Government, as the central custodian of good law-making as well as a single, comprehensive form on Regulatory Impact Assessment comprising forty concrete questions and including, apart from the draft bill's explanatory memorandum (*αιτιολογική έκθεση*), its impact report (*έκθεση συνεπειών*) and the General Accounting Office's reports on fiscal implications, a report on the bill's public consultation, a legality report (examining the bill's consistency with constitutional, European and international law) and an implementation report (outlining the steps that need to be undertaken to ensure the bill's implementations, e.g. the necessary secondary legislation). Moreover, a high-level interdisciplinary body, the Committee on Quality Evaluation of the Lawmaking Process, comprising both lawyers and economists, assesses the quality of draft legislation, before its submission to Parliament. As a part of the broader priority accorded to the quality of legislation, Law 4622/2019 also outlines the procedure on codification of existing legislation, coordinated by a Central Codification Committee. Supported by renowned international experts, the General Secretariat for Legal and Parliamentary Affairs has published comprehensive manuals on the law-making process, the impact assessment and the methodology of codification and has organized training seminars, aiming at providing to all relevant stakeholders a step-by-step assistance in improving the quality of legislation.

In implementation of these reforms, a comparison in the legislation pre-2019 and currently highlights significant improvements aimed at increasing accessibility and effectiveness of legislation and thus enhancing the rule-of-law. Such improvements include, inter alia, a table of contents preceding each bill; substantive headings in each article; a concise explanation introducing each amendment of existing legislation; the compilation of all delegation clauses and transitional provisions in distinct articles. Furthermore, draft bills are consistently subject to public consultation for a minimum of two weeks whereas compliance with parliamentary rules and procedures has improved dramatically. In particular:

- Since August 2019, Parliament has approved 394 bills (as of 19 January 2023; 131 in 2022). Despite the pandemic of COVID-19 and the global energy crisis, arguably justifying *par excellence* legislation on an urgent basis, the use of urgent and super-urgent legislative procedures that allow for limited parliamentary debate has been minimized. Compared with 7,11 bills annually during the previous legislative period (2015-2019), only *three* bills have been approved with the urgent procedure since August 2019 (one in 2021 and none in 2022). Similarly, whereas from 2015-2019 4,22 bills annually were approved with the super-urgent legislative procedures, the total number of super-urgent bills since July 2019 amount to eight, notably including only one bill in 2021 and none in 2022. Notably, in 2022, for the first time since 2009, not a single bill has been submitted to Parliament in implementation of either the urgent or super-urgent procedure.

- In a development of fundamental importance, whereas a usual bad practice in Greece had been the submission of last-minute amendments during the debate in the Parliament's plenary session, hours or literally minutes, before its completion, such amendments are not submitted anymore. In fact, since May 2021 one single amendment has been submitted to Parliament by the Government on the day of debate in the Parliament's plenary session. Based on the same methodology over the years, amendments submitted after the parliamentary deadlines accounted for the bulk of parliamentary amendments in previous years (74% in 2017, 70% in 2018, 82% in 2019, 56% in 2020); in contrast, they accounted for 11% of amendments in 2021 and 0,69% in 2022.
- In addition, to address the high overall number of parliamentary amendments, novel techniques are used, for instance consolidating in a single bill a number of disparate provisions stemming from the same Ministry. Contrary to amendments, such bills follow the normal steps of the legislative procedures, in particular public consultation and full parliamentary debate, thus further enhancing the quality of law-making. As a result, whereas the total number of parliamentary amendments tabled by the Government amounted to an average of 285 annually in 2016-2018, it reduced quite significantly to an average of 203 in 2020-2021 and to 152 in 2022.

In addition, an intensive program on codification of legislation is underway, in an unprecedented scale in Greece; as of January 2023, in implementation of the annual codification plan approved by the Council of Ministers, the Central Codification Committee has concluded *eleven* codes (on individual labor law; cultural property; island policy; maritime transportation; funding of political parties; illegal migration; administrative procedures of Hellenic Police; mental health; collection of public revenues; tax procedures; tourism legislation) whereas a significant number of additional codes will be completed within 2023.

Last but not least, in a further manifestation of the Government's commitment to the rule-of-law, recent data reveal a paradigm shift with respect to parliamentary accountability. Whereas from 2015 to 2019, the members of the Government failed to respond in 940 planned questions without justification based on parliamentary rules (absence rate of 29%), the comparable absence rate amounted to 0,27% in 2019-2020 (2 questions) and 0% in 2020-2021 and 2021-2022 (0 questions). Further, the number of current questions actually discussed in Parliament increased from 51% of planned questions (in 2015-2019) to 77% (in 2019-2022) – regardless of the actual reasons precluding parliamentary debate.

47. Regime for constitutional review of laws

N/A

48. COVID-19: provide update on significant developments with regard to emergency regimes/measures 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

A. In a series of decisions concerning measures for the protection of public health against covid-19 coronavirus, the **Council of State** in plenary session has held that in situations in which public health is at serious risk, such as the current pandemic situation, the State must take appropriate and necessary measures to limit the spread of the disease, based on valid, up-to-date and substantiated scientific, medical and epidemiological data. Although such measures may even constitute a serious interference with the enjoyment of fundamental human rights, such as the free development of the individual's personality, freedom of movement and privacy, such interference is constitutionally tolerable provided, inter alia, a) that such measures are taken for the strictly necessary period of time and in any event until a solution is found to halt the pandemic, and b) the intensity and duration of those measures, given their temporary nature, must be reviewed periodically by the

competent State bodies in the light of existing epidemiological data and the development of valid scientific assumptions. The abovementioned intervention, in so far as, in accordance with the prevailing scientific assumptions on the development of the pandemic, it is considered necessary and appropriate for the protection of the health and, subsequently, the lives of citizens, in conjunction with the State's constitutional duty of care to safeguard the functioning of the health system, cannot be considered disproportionate to the achievement of the public constitutional objective referred to above.

Furthermore, as has been held, in determining the measures to be taken to deal with the pandemic, for the adoption of which medical data are weighed against the effects of the pandemic and the measures taken on the economic and social life of the country, the legislator (both ordinary and statutory) has a wide margin of appreciation as to their appropriateness and necessity, which, as stated above, must be based on scientific data. Consequently, judicial review of compliance with the principle of proportionality is limited to determining whether the rules adopted are either manifestly inappropriate or manifestly go beyond what is necessary for the attainment of the objective pursued (Decision **1684/2022** of the Plenary Session, on the compulsory vaccination of health care workers, Decision **1400/2022** of the Plenary Session, on the compulsory vaccination of those serving in the Special Disaster Response Units of the Fire Brigade, Decision **1284/2022** of the Plenary Session, on the prohibition of movement for hunting and Decision **1147/2022** of the Plenary Session, on the obligation to wear a non-medical mask). These measures include compulsory vaccination, which is carried out in order to protect health, collectively and individually, from diseases and to gradually eliminate them.

It has also been held, the measure of vaccination constitutes, in itself, a serious interference with the free development of the personality and the private life of the individual, in particular his physical and mental integrity, but is constitutionally permissible, provided that, as stated above, it is provided for by specific legislation, fully adopting the valid and substantiated scientific, medical and epidemiological findings in the relevant field and allowing an exemption from vaccination in specific individual cases for which vaccination is contraindicated. The aforementioned intervention, if it is deemed, according to substantiated and up-to-date scientific data, necessary and appropriate for the protection of the health of both the vaccinated persons themselves and third parties (e.g. persons who have not yet been vaccinated, persons who are not allowed for medical reasons to be vaccinated), is not disproportionate to the achievement of the aforementioned constitutional public purpose (Decision 1684/2022 of the Plenary Session, Decision 1400/2022 of the Plenary Session). Furthermore, the measure of compulsory vaccination of the staff of health service units, which necessarily entails serious restrictions on the individual rights of the workers concerned, has been found to be constitutional: a) in view of the epidemiological and scientific data prevailing at the time of its adoption; and b) subject to its reassessment within a reasonable period of time. In particular, in the above-mentioned 1684/2022 judgment of the Plenary Session of the Council of State, it was held that the assessment of the constitutionality of the measure of compulsory vaccination of workers in health care establishments 'depends on the scientific and epidemiological data in force at the time when the contested measures were adopted. Therefore, given the nature of the compulsory vaccination measure and its consequences, there is an obligation for the legislator and the regulatory administration to reassess it in its entirety, taking into account, in particular, the constantly changing scientific assumptions concerning the value, effectiveness and consequences of vaccines against coronavirus and the course and development of the pandemic, as well as the consequences of the suspension of the duties of workers in the operation of health care establishments', and, in particular, as regards the suspension of duties and the subsequent consequences thereof, it was held that they were not indefinite but 'pending a reassessment of the compulsory vaccination measure, which must, however, be carried out within a reasonable period of time' (Decision 1400/2022 of the Plenary Session, which ruled that the compulsory vaccination of staff serving in the Special Disaster Response Units of the Fire Brigade was constitutional, but it was further held that the administration is obliged to reassess the regulation in the light of

constantly evolving scientific assumptions and the course of the pandemic, thus not being prevented from lifting it by a later act).

In a recent case concerning the unconstitutionality of the extension of the measure of compulsory vaccination of workers in health care facilities, the 3rd Section of the Council of State in formation of 7 judges (**Decision 2332/2022**) has held that, at the time of the publication of Law no. 4917/2022 (31-3-2022) and the adoption of the contested act (14-4-2022), a period of more than eight months had elapsed since the adoption of the measure of compulsory vaccination of workers in health care establishments. A period which, given the nature of the measure and its consequences, is manifestly non reasonable, considering that the extension of the measure was adopted without reassessment on the basis of scientific and epidemiological up to date data, on the value, effectiveness and consequences of vaccines against coronavirus and the course and development of the pandemic. Moreover, it is not at all clear on the basis of which specific scientific data the time for reassessment was extended by law until 31-12-2022, that is to say, it was set at a time which is also non reasonable, given that it is nine months after the adoption of Law 4917/2022.

B. A legislative measure, stipulating that public contracts for the supply of SARS-COVID-19 self-tests may be concluded, so long as the spread of the virus is imminent, without being submitted to the pre-contractual audit carried out by the **Court of Audit** or even before its completion and also entailing terms and conditions for the ex-post audit of such public contracts was held to be compatible with Article 98 par. 1 (b) of the Constitution. According to the Court of Audit, what was crucial for upholding this legislative measure was its specificity, the imperative need for supplies with specific goods under exceptional circumstances, the public interest reasons underpinning its implementation, its limited temporal validity as well as the fact that it authorized the executive to further regulate issues pertaining to the ensuing claims of the parties, in case the aforementioned public contracts were not subjected to ex-post contractual audit or the delivered audit decision was negative. (Judgments 742, 743/2022 of the Plenum of the Court of Audit)

- oversight (incl. ex-post reporting/investigation) by Parliament of emergency regimes and measures in the context of COVID-19 pandemic

- processes related to lessons learned/crisis preparedness in terms of the functioning of checks and balances

N/A

B. Independent authorities

49. Independence, resources, 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

A. In 2021, the regulatory framework of the **Greek National Commission for Human Rights (GNCHR or EEDA in Greek)** changed in order to boost its functional independence, administrative and financial autonomy as well as to incorporate developments in the human rights area, such as the inclusion of environmental matters on human rights dialogue. Two years after the passing of the new law, the Greek National Commission is still in a transition period to a fully-fledged independent authority. Albeit that, its mandates were strengthened in 2022 (e.g. with respect to the Commission's role in the monitoring of the compliance of EU funds with the provisions of the EU Charter of Fundamental Rights). Other noteworthy developments in 2022 are the appointment of the twenty new Commissioners and the elections of the new three-membered Board that ran smoothly. Based on Law 4780/2021, the Commission's term is henceforth four years instead of three years under the previous regime. Last, the GNCHR's administrative capacity was reinforced in 2022 after four new seconded employees joining the Secretariat from other public services.

B. (1) There is an effort underway to examine existing Independent Authorities operating in a specific field of activity (not NHRIs or ombudsman institutions), in order to assess their efficiency and operational adequacy. Out of the large number of entities that are thought of as Independent Authorities in Greece, there are some which have been made redundant, others which need to be merged because they deal with essentially the same subject matter and others which do not need to operate as separate entities as they are not Independent Authorities by nature.

It is very important to build a sound and unified (as much as possible) structural framework for all Independent Authorities, in order to ensure that effective measures can be taken to strengthen their role and guarantee their optimal operation, in terms of management of (often limited) resources.

The first restructuring effort was made by merging two Authorities with competence in the area of public contracts: the Single Public Procurement Authority (SPPA - ΕΑΑΔΗΣΥ) and the Pre-Contractual Remedies Authority (PCRA - ΑΕΙΠΠ) (Law 4912/2022).

(2) Another restructuring effort was undertaken regarding the Independent Authorities under the competence of the Ministry of Infrastructure, Transport and Networks. As a result of this effort, one Authority (the Regulatory Authority for Passenger Transport), which had never become operational and was practically redundant, was abolished with Law 4974/2022 and its competence was assigned to the (fully functional) Railway Regulation Authority. Two other entities (one for the investigation of railway accidents and one for the investigation of aircraft accidents) that were operating under the title of Independent Authorities, but were not such by nature, are going to be merged and re-established as one autonomous unit within the Ministry. Finally, it was established that one entity, (the Hellenic Slot Coordination Authority) which was also erroneously regarded as an Independent Authority, is indeed an independent private-law legal entity. These restructuring efforts lay the groundwork for further measures that ensure the most efficient functioning, for Independent Authorities which are indeed crucial for safeguarding civilian rights and regulating important areas of the economy.

(3) The above-mentioned reforms are also viewed as a prerequisite for the introduction of cohesive horizontal legislative provisions, aiming to achieve more independence and efficiency for the Independent Authorities. For example, most regulatory Independent Authorities in Greece suffer greatly from understaffing, which potentially can compromise their efficiency and performance. Therefore, reinforcing them with the means to acquire the human resources necessary to fulfil their mission is essential. To this end, a new Bill is being drafted and will soon be introduced to Parliament, which allows these regulatory Independent Authorities to have more flexible ways to recruit specialized staff and offer them adequate remuneration, so that they do not have to compete with the private sector for their employees. This legislation is much anticipated by all Authorities involved, it will enhance their independence immensely as far as resources are concerned and is expected to have a serious positive impact on the fulfillment of their mission.

50. Statistics/reports concerning the follow-up of recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years.

A. Pursuant to the *Recommendation CM/Rec(2021) of the Committee of Ministers to member States on the development and strengthening of effective, pluralist and independent national human rights institutions*, “member States should implement the recommendations of NHRIs and are encouraged to make it a legal obligation for all addressees of NHRI recommendations to provide a reasoned reply within an appropriate time frame, to develop processes to facilitate effective follow-up of NHRI recommendations, in a timely fashion and include information thereon in their relevant documents and reports”. Indeed, in the Commission’s statute law, it is provided that “at the end of each year, the ministries represented in the Commission shall submit a report with their observations on the protection of human rights in the field of their responsibility, indicating with special reference the points where they have adopted recommendations made by the Commission”

(art. 22 Law 4780/2021). This provision is being partially implemented by the Ministries (*à la carte*). The GNCHR, in its Annual Reports, dedicates a chapter on the implementation and follow-up on its recommendations by the state authorities (impact and efficiency of the GNCHR's work). In 2022 the law on reception, international protection and temporary protection was codified (Law 4939/2022). The Greek National Commission, as the independent advisory body to the state on all matters pertaining human rights protection submitted its comments to the Ministry of Migration and Asylum. It is noteworthy that for the first time in the 20 years of the GNCHR's operation, the Minister invited the Commissioners to an in-person meeting to which the Deputy Minister, the General and Special Secretaries and high ranking officers attended in order to discuss in detail the GNCHR's recommendations and provide a reasoned reply to each one of them. In the GNCHR's view, this must be considered as a best practice to be followed by all state authorities.

B. The remarks and responses from the auditees are attached to the audit reports of the Court of Audit, as an Annex. The audit reports and the respective Annexes are published on the Court's website.¹⁵ In 2022, the following thematic audits were concluded and the respective reports were published:¹⁶ "Diagnosis related groups" (Audit Report 1/2022), "Public supplies" (Audit Report 2/2022), "Sanitary material and medical equipment" (Audit Report 3/2022), "Intensive therapy units-COVID 19" (Audit Report 4/2022), "Independent fiscal institutions" (Audit Report 5/2022), "Recycling (Audit Report 6/2022).

C. Accessibility and judicial review of administrative decisions

51. Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

The law 4727/2020 (Government Gazette 184/23.09.2020) is a unique and unified legislative text.

The objective of the law is the regulation of digital governance issues in the public sector and the formation of the required basis on which the Digital State will evolve in the next decade.

The law and its articles redefine the general principles of digital governance with the aim of promoting good administration, transparency, the principle of equality and accessibility for all citizens, the principle of legality, the protection of personal data and privacy, and the issuance of valid, integrated and up-to-date digital services, processes and data.

More specifically, the chapter IA' of the Code (articles 75-83) including all the innovations regarding digital transparency through the *diavgeia.gov.gr* program, presents the regulation of the obligation to post on Internet acts of public sector, as well as the creation of conditions and procedures to ensure their wide publicity.

Concerning the innovations of the law, firstly, the categories of acts of public sector entities that are subject to the scope of the present are defined, as well as the procedure and the place of posting of acts within the scope of this chapter depending on the entity of public sector. It is essential to mention that for the search of each act, only the Internet Uploading Number (IUN) is required. Excluded from the primary posting obligation are the public procurement contracts that are mandatorily registered in the Central Electronic Register of public procurement contracts.

Furthermore, the time of entry into force of acts which are published by law is defined.

Additionally, the protection of the individual from the processing of personal data based on the national and EU legal rules is not affected by the posting of the acts and the organization of the search for information and therefore acts which include personal data of special categories (sensitive personal data) are not posted. The same reservation also applies to state secrets,

15 <https://www.elsyn.gr/el/node/1562>

16 <https://www.elsyn.gr/el/node/1562>

intellectual and industrial property rules, as well as corporate or other secrets provided for by more specific provisions.

Moreover, the procedure and the entities responsible for the technical, procedural and organizational support of the posting of laws and acts on the Internet are defined, while it is defined that the General Secretariat for Digital Governance and Simplification of Procedures of the Ministry of Digital Governance is responsible for operational coordination and the management of the application of the "DIAVGEIA" Program to the entities that fall under the scope of this Chapter.

In this way the Directive (EU) 2019/1024 is incorporated into Greek law 4727/2020 on open data and further use of Government information, introducing open disposal and further use of the documents, information and data that are either located in the possession of State entities, or financed by public funds.

52. Judicial review of administrative decisions:

- short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review).

53. Follow-up by the public administration and State institutions to final (national/supranational) court decisions, as well as available remedies in case of non-implementation

D. The enabling framework for civil society

54. Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration and dissolution rules)

A. The new Statute of the Hellenic Ministry of Foreign Affairs (Law n. 4781/2021), enacted by the Parliament on 28.2.2021, constitutes a major milestone towards transparent financing of all civil society organizations involved in development and humanitarian projects abroad. Namely, according to Article 469 of the Statute, their inclusion (upon meeting certain requirements) in a *Special Registry* is a necessary precondition for the possibility of receiving financing not only by the General Directorate of Development and Humanitarian Aid of the Hellenic Ministry of Foreign Affairs, but also by all bodies of the Hellenic General Government active in the field of development cooperation. Registration is also a necessary precondition for the exemption of an entity from the obligation to pay the taxes and duties associated with these projects. The only organizations exempt from this registration obligation are those already included in the official DAC/OECD list. More recently, Presidential Degree n. 4/2023, specifying the details of the registration procedure for the *Special Registry*, was put into force on 17.1.2023. Two more Presidential Degrees on the implementation/financing of development and humanitarian projects will follow soon (while the general terms for financing civil society organizations, apart from that of registration, are described in Article 471 of Law 4781/2021).

B. In 2021, the Ministry of Interior drafted and adopted Law 4873/2021 on the establishment of a comprehensive institutional framework for the organisation, registration and inscription in a single register of civil society organisations (CSOs), established and operating in Greece as associations or civil non-profit companies with a charitable purpose, as has also laid down regulations and conditions for their state funding, as well as further arrangements to provide incentives and tax exemptions to these CSOs.

In particular, a special organisational unit at Directorate level with a responsibility for centralised management, organisation of registration and inscription of CSOs in a specialised information

system using an electronic platform (public database and special register of civil society organisations (CSOs)) is established in the Ministry of Interior, with the ultimate aim of ensuring the integrity, transparency, sound management and accountability of CSOs and the public benefit bodies of the country.

With regard to the state of implementation of the above legislation, please note that a draft Presidential Decree has already been sent to the Council of State (date of sending: 23.11.2022) amending Presidential Decree 133/2017 “Organisation of the Ministry of Administrative Reconstruction” and adding the Directorate of CSOs and Public Benefit Institutions in the Ministry of Interior. Moreover, an important preparatory work has been carried out for the creation and construction of the information system required for the organisation, registration and inscription of CSOs, and finally the draft of the basic joint ministerial decision required for the operation of the information system, namely the public database and the special register of CSOs, has been prepared following the necessary cooperation and consultation with the competent ministries and authorities. The completion of the implementation of this legislation is a key priority of the Ministry of Interior and it is a key objective that the register of CSOs should be fully operational by the first half of this year.

C. Pursuant to the authorizing provisions of para. 3, art. 58 of law 4686/2020 and of para. 2, art. 191 of law 4662/2020, the Decision 10616/2020 (Government Gazette B '3820 / 9-9-2020) by the Ministers of Finance and of Migration and Asylum was issued on "Determining the operation of the "Registry of Greek and Foreign Non-Governmental Organizations (NGOs)" and the "Registry of Members of Non-Governmental Organizations (NGOs)", which are active in the field of international protection, migration and social integration within the Greek Territory ".

The above-mentioned Joint Ministerial Decision set out the terms of the relevant authorizing provisions and, in particular, set the conditions and requirements for the registration of eligible Greek and international voluntary organizations and Civil Society organizations in the Registry of Greek and Foreign Non-Governmental Organizations (NGOs) but also of their members in the Registry of NGO Members (see also Rule of Law report questionnaire of 2021). .

55. Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services.

56. Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

For 2022 the annual audit programme of the Court of Audit¹⁷ included, inter alia, an audit on grants to non-governmental organisations and associations; this audit shall examine whether granting private entities which assist the executive in achieving its public interest objectives due to their own statutory purposes is sufficiently justified in light of the public interest. Another issue raised are the criteria used by public authorities in order to select among existing NGOs and unions those that should receive a grant as well as the way of ensuring, in this regard, that public money was disposed for a public interest objective.

57. Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between

17 https://www.elsyn.gr/sites/default/files/Work_Program_2022.pdf

authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

Greece participates in the international cooperative initiative of the Open Government Partnership (OGP <https://www.opengovpartnership.org/>) with the preparation and implementation of its National Action Plans for Open Government (<https://www.opengovpartnership.org/members/greece/>).

Greek government representatives, civil society and businesses cooperate in the context of the Open Government Partnership. The prominent importance of this cooperation and of the promotion of accountability, transparency and open governance in general became particularly evident with the introduction of the 5th National Action Plan as a distinct commitment of the General Secretariat of Digital Governance and Procedures of the Ministry of Digital Governance in the National Strategic Plan for the Fight against Corruption (ESSKD) 2022-2025 of the National Transparency Authority.

In the summer of 2022 and in order to support Greece's participation in the OGP, the General Secretariat of Digital Government and Procedures of the Ministry of Digital Government took the initiative to create a working group (Focus Group) for the collaborative preparation of the 5th National Action Plan 2023 - 2025 in a way that it would bring substantial added value in the field of Open Government. The Focus Group was established following the contribution and collaboration of an informal group of experts including public sector executives and representatives of other bodies and organizations of Civil Society.

On the occasion of the new National Action Plan, an opportunity arose to draft an open space for consultation and cooperation with Civil Society for its substantial participation in monitoring the implementation of commitments undertaken in the framework of the open governance policy.

E. Initiatives to foster a rule of law culture

58. 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, contributions from civil society, etc.)

The position of Fundamental Rights Officer (FRO) at the Ministry of Migration and Asylum and the establishment of a Special Fundamental Rights Compliance Committee were introduced by articles 49 and 50 respectively, of Law 4960/2022 (GG A'145). The FRO's duties include the collection and preliminary evaluation of complaints regarding alleged fundamental rights violations during the reception procedures of third country nationals or the procedures of granting them international protection. Subsequently, the FRO is responsible for transmitting any alleged complaints to the National Transparency Authority or to other competent body. The Special Fundamental Rights Compliance Committee is tasked with monitoring the procedures and the implementation of the national, European, and international legislation regarding border protection and granting of international protection.

Other – please specify