

Questionnaire – Rule of Law 2022

GREECE

I. Justice System

A. Independence

1. Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

Law no 4871/2021 (published in the Official Gazette in no A' 246/10.12.2021 and in force the date of its publication) introduced significant changes to the organization and functioning of the National School of Judges in general (art. 1 – 15) and the selection and appointment of judges in particular (art. 16 – 37). The main innovations of the aforementioned law regarding the selection of judges are as follows:

- The introduction of a new training direction for Magistrates' Court judges (Eirinodikes) and separate training section for Court of Audit judges.
- The participation in the admission competition of candidates who have the status of Magistrates' Court judge or member of the Legal Council of State or judicial clerk with a law school degree, who have completed three (3) years of service. Also, in accordance with the case law of the Court of Justice of the European Union, only those who have not exceeded the age of forty years are entitled to participate to the competition, in order to be eligible for advancement in the judiciary.
- The written test in the foreign language comes first and the texts are common to all foreign languages. The examiners are judges. If the candidates are deemed to have sufficient knowledge of a foreign language, the marks obtained will not be taken into account in the subsequent stages of the admission competition, so that only the candidates' legal qualifications are taken into account.
- The written test in the admission competition shall be weighted at seventy-five percent (75%), while the oral test shall be weighted at twenty-five percent (25%).
- The final mark shall be increased by one tenth (1/10) of a point for each postgraduate diploma of a Law School and in any case not more than two and by three tenths (3/10) of a point for a doctorate of a Law School. In the case of a doctorate, the postgraduate degree increment shall not be added.
- Regarding the assessment of students during their training in the school, during the first stage, which lasts from 1 February to 31 October, trainees are assessed by the new institution of core lecturers who are judges with no less than ten (10) teaching days in the same direction. With the exception of the

Prosecutor's direction, the students shall be trained together from 1 February to 30 June, and from 1 July to 31 October, the students shall now be trained separately for each direction or section. The weighting of the assessment of trainees in the first stage shall be 10 %, and 20 % in the second stage.

- Courses can only be provided by a judge who has completed seven (7) years of service in the rank and by a Magistrates Court judge of the First Class who has either completed twenty (20) years of service or has retired from active service which had lasted at least twenty (20) years. New weight factors are also being formulated in order to establish the teaching lists. Finally, the nine-year maximum duration limit for teaching at the School is abolished.

- The graduation examination, whose weighting factor is 40%, are separate for the directions of Civil-Criminal Justice, Prosecutors and Magistrates Court Judges, while in the Administrative Justice direction, they are carried out separately for the section relating to the Council of State and the Administrative Courts and the section relating to the Court of Audit and its General Commission.

- The internship shall now last for a period of eight (8) months. Each instructor shall be responsible for the trainees designated by the supervising judge (no more than five trainees per judge), who shall rotate during the internship in such a manner that all instructors shall be responsible for all trainees (rotation). During the training period the performance of each trainee shall be evaluated by all the trainers on the basis of the trainee's work and personality.

- For the evaluation of the morale and behavior of trainees, the findings of a psychiatric investigation of their personality shall be taken into account, which shall be carried out twice during their time at the School, the first during the first stage of training and the second during the internship. The psychiatric examination, which includes a psychometric test (written and oral), is carried out by a three-member committee consisting of a director and two members of a psychiatric unit of the state or university hospital.

- Appointees shall have ten (10) months of actual service as a probationary judge.

Against the list of final results of the examination a petition for annulment can be filed before the Council of State. Due to the nature of the list as a composite administrative act, grounds pertaining any infringement of the exam procedure can be put forward against the final list.

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

In the coming days the Greek Ministry of Justice is going to sign with the International Bank for Reconstruction and Development (IBRD) a

Reimbursable Advisory Services Agreement for the support of the reform of the judicial map in Greece as a part of Greece's Recovery and Resilience Plan. The technical assistance will propose an integrated plan for the reform of the judicial map (including the necessary transfers of judges) and this proposal will be submitted to consultation with all the relevant stakeholders, in order to have a draft law prepared at the end of 2023. Accordingly, the working group on the reform of the judicial map of the administrative justice and the competence of the administrative courts, established by an act of the President of the Council of State of 24.3.2021, is expected to submit a proposal of the reform (including the necessary transfers of judges) at the end of March 2022.

For judicial review see question 3 below

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

According to art. 90 of the Greek Constitution, promotions, assignments to posts and transfers shall be effected by virtue of a presidential decree, which incorporates the relevant decision of the supreme judicial council of the respective branch of the judiciary. If the Minister of Justice disagrees with the decision of the aforementioned judicial council, they may refer the matter to the plenary session of the respective supreme court. The judge concerned by the council decision has also the right to file an appeal against the council decision before the plenary session of the respective supreme court, which acts as a judicial council of second instance. The decisions of the plenary session and the non contested decisions of the supreme judicial council are binding on the Minister of Justice.

Regarding the promotion to the post of President or Vice-Presidents of the Council of State, the Supreme Civil and Penal Court (Areios Pagos) and the Court of Audit, which shall be effected by presidential decree issued on the proposal of the Cabinet by selection from among the members of the respective court, a petition for annulment can be filed before the Council of State, despite the provisions of par. 6 of art. 90 of the Constitution ("Decisions or acts in compliance with the provisions of the present article shall not be subject to remedies before the Council of State"), but the Court cannot control the exercise of the discretion of the Cabinet with regard to the person chosen for the post or the evaluated criteria for such choice. Are deemed admissible however grounds of annulment pertaining to terms or conditions of the promotion directly set by the constitutional provisions and not by the legislator (see among others, Council of State Plenary Session decision 1304/2019).

4. Allocation of cases in courts

Court management courses and seminars in the National Schools of Judges.

5. 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).

The Council of the Judiciary comprises the president of the respective supreme court and members of the same court with the highest grade chosen by lot during the first public hearing of the First Section of the three Supreme Courts in December, along with alternate members, from among those having served in it for at least two years, for a tenure of one year. There are no provisions for “dismissal”/removal of its members during their tenure, only for the replacement of its members (main or alternate) if needed, also by lot (article 67 par. 5 of Law 1756/1988 “Code on the organization of the courts and the status of judges”, A’ 35 for the Judicial Council of the Council of State, art. 72 par. 9 for the Judicial Council of the Court of Audit and art. 78 par. 6 for the Judicial Council of Areios Pagos). In the meaning of the aforementioned provision, replacement is needed in any event that affects the ability of the judge to exercise their main duties or affects their capacity (p.ex. long time illness, resignation from his/her position as a judge etc). The powers of the Council of the Judiciary include promotions, assignments to posts, transfers, detachments and transfers to another branch of magistrates.

6. 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) Judges and prosecutors are obligated to disclose their assets and declare their conflicts of interest on an annual basis (Law no 3213/2003, A’ 309/31.12.2003). They are also personally liable vis-a-vis the parties to a dispute for any damage incurred due to intent or gross negligence (art. 99 of the Constitution) and they undergo annual evaluation as far as their performance is concerned. Furthermore, disciplinary measures may be taken against them for violation of their duties (including ethical rules such as prohibition of participating in secret entities, prohibition of actively supporting political parties etc.) as stipulated in the Constitution and the Code of Courts Organization and Status of Judges (Law no 1756/1988). Greek legislation has no provisions for civil liability of individual judges.

B) The preparation of a Code of Conduct for the administrative branch of the judiciary is still ongoing. A draft code, as prepared by the relevant special committee established by the President of the Council of State, following consultation with all the judges concerned, as well as their unions, the bar associations, the law schools nationwide and recently retired judges, is currently under examination before the Plenary Session of the Council of State, in its capacity to rule on administrative issues.

The works of a special working group established by the President of Areios Pagos for the preparation of a code of conduct for the civil/penal branch of the

judiciary are currently on hold, due to the need of restructuring following retirement of some of its members.

The Court of Audit has already established a code of conduct for its members (Decision ΦΓ8/55595/2.11.2020 of the Plenary Session of the Court of Audit (Official Gazette, B' 4942/09.11.2020).

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

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

The amount of salary of judges, along with several allowances, which are deemed as salary and not as a bonus, is directly set by law (art. 29 – 31 of Law no 3205/2003, A' 297), on the basis of the salary of the judge of first instance and thus constitutes public information accessible to all. The asset declarations of judges are not rendered public.

8. Independence/autonomy of the prosecution service

N/A

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

N/A

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

No significant developments in 2021.

B. Quality of justice

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

A) With a Joint Ministerial of the Minister of Justice and Deputy Minister of Finance (Government Gazette B' 1472/13.04.2021), access to Justice for low-income individuals qualifying for legal aid is effectively enhanced with the provision that criminal trials are funded effectively in reference to the continuations granted.

B) With regard to the access to courts of the Hellenic administrative justice with the use of electronical means, the electronically provided services are currently:

a) e-filing/lodging of procedural documents that initiate proceedings, b) case monitoring and c) search for case law.

Up until now access to the electronically provided services of administrative justice has been granted to external users as follows:

-Lawyers can lodge procedural documents to the administrative justice information system through the Hellenic Bar Association portal (www.olomeleia.gr), that authenticates them as lawyers.

- A unique electronical case monitoring number/ code number provided automatically by the system to litigant parties, allows them to monitor the status of their pending case (access through the administrative justice portal: www.adjustice.gr)

- Fully anonymized case law is accessible to the public through the administrative justice portal: www.adjustice.gr

Mid Spring 2022 the above [under a)] mentioned services will be expanded so as to include e-lodging of all kinds of procedural documents for lawyers (via authentication through the Hellenic Bar Association portal). At the same time, the same services will also be provided to lawyers of the State (authentication and access to the administrative justice information system through the Legal Council of State Information System).

Simultaneously, citizens and legal entities will be able to lodge procedural documents (with the use of electronical means) by using a special app (called «ethemisID»)- direct access through the hellenic administrative justice portal: www.adjustice.gr/ethemis) that allows authentication either by the use of their e- identity (via eIDAS node) either by the use of the credentials provided by the Hellenic tax authorities. EthemisID app provides information about the e-provided services also in English. Legal aid requests can be lodged through ethemisID app.

C) Law 4855/2021 (A' introduced new measures for the protection of minors who have been victims of the offenses of human trafficking, rape, rape, sexual acts with or in front of minors, child pornography, pederasty, illegal transportation, etc.

In particular, in order to avoid the secondary abuse of victims, it was provided for the conduct of an individual assessment to determine any special needs for their protection during the criminal proceedings. Article 120 of Law 4855/2021, which amended paragraph 7 of Article 227 of the Code of Criminal Procedure (CCP), provided for the application of paragraphs 2 and 3 of Article 68 of Law 4478/2017 as regards the procedure for conducting the examination of the juvenile victim witness of the offenses of paragraph 1.1. of article 227 of the CCP. Thus, the individual evaluation of the victim takes into account a) the personal characteristics of the victim, such as age, race, color, religion, nationality, sexual identification, b) the degree of harm suffered by the victim, the type, severity, degree and nature of the crime, such as terrorism, organized crime, domestic violence, etc., and c) the circumstances of the crime.

In summary: The victim is examined in specially designed rooms by specially trained pre-trial officers, prosecutors and judicial officials who are themselves of the same sex each time, if the victim so wishes, with the presence of a specially trained child psychologist or child psychiatrist who prepares the juvenile and decides on his or her perceptual capacity and mental state. The minor's statement shall be drawn up in writing and recorded on electronic audiovisual media and its electronic presentation shall replace his/her presence at subsequent stages of the procedure. If the victim is deaf or hearing impaired, he or she shall be questioned by means of questions recorded by the clerk of the court or the court registrar and the answers shall be given in writing or in sign language. If the deaf person cannot read or write, two interpreters shall be appointed, chosen from among the persons who used to communicate with the minor. The examination is carried out at the Independent Offices for the Protection of Minor Victims "Child's Home" of the Ministry of Justice and, where there are none, by the Independent Offices of Juvenile Guardians and Social Assistance in collaboration with a specialist child psychologist.

The same procedure is now also provided for adult victims of the crimes of human trafficking, rape, violation of sexual dignity, abuse of the incapable to resist, abuse in sexual acts, sexual acts between relatives and pimping, as established by Article 121 of Law 4855/2021, which amended paragraphs 1, 5 and 6 of Article 228 of the CCP.

Furthermore, Article 106 of Law 4855/2021, which amended paragraph 3 of Article 99 of the CCP, provided for the ex officio appointment of counsel to the minor defendant during the main hearing by the investigating judge for a felony or misdemeanour, without the possibility of waiving this right.

Finally, Article 100 of Law 4855/2021, which amended Article 32 of the CCP, added to the functional competence of the Prosecutor of the Supreme Court the possibility of ordering the main hearing and the introduction of the case to the hearing with absolute priority in felonies against sexual freedom and the financial exploitation of sexual life.

D) As of December 2020, Greece has for the first time a National Action Plan for the Rights of Persons with Disabilities, which sets clearly defined and measurable goals to address in its entirety a complex problem based on the fundamental principles and guidelines of the United Nations Convention on the Rights of Persons with Disabilities. The relevant actions have been included in the annual action plans (2021 and 2022) of the responsible Ministries. This ensures both the effective monitoring of the implementation of the National Action Plan and the accountability of the entities implementing its actions.

Greece ratified the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol by Law n. 4074/2012. Subsequently, law 4488/2017 established a general regulatory framework for the implementation of the Convention. It is an extremely important legal instrument with many groundbreaking and innovative proposals that constitutes a holistic approach to the definition of disability by introducing the social dimension to the approach to disability. The Ministry of Justice plays a key role in both the implementation of many of the National Action Plan's actions and the monitoring and implementation of the UN Convention. By Article 70 of Law n. 4488/2017, the General Secretariat for Human Rights of the Ministry of Justice

is designated as the Central Reference Point for monitoring the implementation of the Convention. The Ministry of Justice implements projects under Objective 16 (Equal Access to Justice) of Pillar II (Protection of the Rights of Persons with Disabilities) of the National Action Plan for the Rights of Persons with Disabilities. Article 13 of the UN Convention guarantees the effective access to justice for persons with disabilities.

As reflected in the annual progress report on the implementation of the National Action Plan, which was presented to the Hellenic Parliament's Subcommittee for people with disabilities on 25 November 2021, the Ministry of Justice has already implemented the following actions:

- a) The process of improving accessibility to court buildings has started. The Ministry of Justice has pointed out to the administrations of all Judicial Services, the Presidents of the Boards of Directors of the Juvenile Protection Services, the Forensic Services and the Land Registries the need to accelerate the work of recording deficiencies regarding the physical accessibility of persons with disabilities in buildings under the jurisdiction of the Ministry of Justice, and to accelerate all necessary actions to comply with the existing provisions and the recommendations of all authorities. A process is underway to record the current situation in owned and leased buildings that function as court mansions or generally house services, with a view to improving accessibility in them. To date, the data collected gives a comprehensive picture of accessible, non-accessible and partially accessible buildings. The aim of this process, which is almost complete, is to draw up specifications for universal access (e.g. lift, audio and visual signage, braille system of writing, emergency exit).
- b) Cooperation with other bodies (indicatively "Ktiriakes Ypodomes S.A.") is underway for the implementation of targeted interventions to enhance accessibility based on the aforementioned data and the gradual provision of universal accessibility to court buildings. Indicatively, interventions have been approved to improve accessibility to the building of the Ministry of Justice, the Thessaloniki Courthouse, the Forensic Service of Athens, the Court of First Instance of Livadia, the Prosecutor's Office of the District Court of Corinthos, the Court of First Instance of Lasithi.
- c) Establishment of a Working Group to examine the adjustment of the conditions/requirements for the provision of legal aid to low-income citizens in order to adopt positive measures for persons with disabilities.

To ensure equal access to justice for persons with disabilities, within 2022 the Ministry of Justice:

- a) continues to improve the accessibility of court buildings in the direction of gradually ensuring universal accessibility (Timetable)
 - 2020-2024: Athens and Piraeus Judicial Services
 - 2024- 2027: other Courts of Appeal and Judicial Services of large cities
 - 2027-2030: Judicial Services of the rest of Greece
- b) the digitization of justice is completed. In particular:
 - Electronic submission of applications as well as electronically

- obtaining certificates and decisions will be extended
 - Web pages will be made accessible, e.g. with audio reading and resizable fonts
 - The possibility of enhancing accessibility to deaf and hard-of-hearing people in courtrooms through the use of new technologies in combination with the existing infrastructure of the project **“Public-Private Partnership for the Digital Recording, Storage and Disposal of Court Proceedings 2016-2021”** is being examined. (Timetable: 2022-2026)
- c) The list of experts and interpreters is updated. In particular:
- The list of experts will be updated, consolidated and digitized
 - A national open register of sign language interpreters is being developed in order to be used in civil and criminal proceedings.

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

A) Article 238 of Law no. 4798/2021 (A' 68) provides for the possibility of public sector employees to be transferred to the Courts and to become full time judicial clerks after evaluation of the relevant judicial council.

Article 37 of Law no. 4745/2020 (A' 214) provides for a program of IT employees' mobility to the Council of State and the General Committee of Ordinary Administrative Courts. The program has been extended to the Ordinary Administrative Courts with article 93 of Law no. 4842/2021 (A' 190). Concerning the Council of State, cases for recruiting new employees, via this program, are currently pending for evaluation before the relevant council.

The joint ministerial decision no 28242/6.7.2021 provides for the internship of trainee lawyers in Courts and Procurement Offices. Under its provisions, 26 trainee lawyers are currently training in the Secretariat of the Council of State.

B) Through the Recovery & Resilience plan for Greece the following projects will be either fully or partially funded:

- a) Acquisition of a 30,000 sq.m. building in Piraeus for the housing of all the courts and prosecutors' offices of the city,
- b) Relocation of the Athens Court of First Instance and the Athens Prosecutor's Office (now housed in the former Evelpidon School) to a new court building of 40,000 sq.m. in the area behind the Supreme Court,
- c) Renovation of the historic building of the Arsakeion, where the Council of State is housed, as well as the building of the National School of Judicial Officers in Thessaloniki,
- d) Renovation of the Thessaloniki courthouse and construction of new courthouses in Serres, Edessa and Kilkis for the implementation of which a Public Private Partnership (ΣΔΙΤ) tender has already been launched,
- e) Renovation/energy upgrade of the courthouses in Larissa, Karditsa, Trikala and Rethymnon and construction of courthouses in Volos, Trikala, Lamia,

Heraklion and Chania which will also be implemented through Public Private Partnership (ΣΔΙΤ).

f) An e-identity Data registry would be created for all Judicial Properties where each building would be allocated a distinct e-identity containing all the necessary information about the building and its' particular properties.

C) The administration of the independent offices for the protection of juvenile victims or "Children's Homes" were incorporated into a department of the Ministry of Justice's Organization by Decree 6/2021, (A' 7) and the relevant structure in Athens started operating in December 2021. During the year 2022, the operation of the other independent offices in Thessaloniki, Piraeus, Patras and Heraklion is expected. The offices are vital tools for the judicial authorities, contributing substantially to their work for the protection of child victims.

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

A) Law no 4871/2021 on the restructuring of the National School of Judges provides also for the training of judges in service (art. 38 - 50): For the continuous training of judges, regular mandatory training programs are provided for all judges, which include four (4) training courses and relevant workshops. In addition, ad hoc training programs are provided for judges of all branches and ranks who are called upon to implement new laws and regulations. Also, international training or further training programs for judges are fortified by extending the School's cooperation with the European Asylum Support Office and the Academy of European Law. The training of trainers is established, in accordance with the provisions of the European Network for the Exchange of Information between those responsible for or providing Judicial Training (Lisbon Network).

B) The Recovery & Resilience plan for Greece provides for the creation of a new National School for Judicial Clerks: this reform will allow the Courts to hire directly judicial clerks of the highest qualifications and will increase the judge/judicial clerk ratio from 1/1,1 to 1/3 according to the CEPEJ recommendations. Training and lifelong training of Judicial Clerks will be provided by the new National School for Judicial Clerks ("NSJC"), in topics that are essential for their duties, e.g., management and organization of their service, digital skills, procedural and substantive law. In particular, the following basic training features will be introduced in the NSJC: (a) training in group categories of courses with particular focus on digital skills (familiarisation with all the existing Case Management Systems in Greece and the new digital tools, especially e-filing, e-certificates, e-docketing, Artificial Intelligence and Business Intelligence), procedural law and organization and management skills, and (b) traineeship. For lifelong training, annual seminars will be organized with the method of working groups and pass or fail evaluation. Seminars will be divided in group categories (digital skills especially e-filing, e-certificates, e-docketing, Artificial Intelligence and Business Intelligence,

communication/management, procedural law and drafting). Lifelong training will be provided to all judicial clerks, either existing or new (educated by NSJC). Training of the trainers of the judicial clerks will also be provided.

14. 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) Administrative justice: The existing ICT system of the Hellenic administrative justice [Integrated Administrative Court Case Management System («IACCMS» -the Greek abbreviation, which is often met is “OSDDY-DD”) was delivered in 2015 and its maintenance contract, signed for a period of 5 years, expires on 30 november 2022.

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 aforementioned information system. Following failure to include the project in the Recovery Fund (official info: 5.10.2021) and due to the passage of time which had an effect on the planned inclusion of the project in the NSRF 2014-21, the relevant authority of the Ministry of Digital Governance requested the re-submission of tender conditions and action schedules, so that part of them would be executed under the next NSRF (2022-2027). Following the integration of comments made in the public consultations and the posting of the tender conditions again on the NSRF Information System on 17.12.2021, the Council of State is currently awaiting the approval of 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.

Finally, judges of the Hellenic Administrative Justice have made use of the platform «epresence.gov.gr» that allows teleconferences to be held in a secure environment during the covid-19 pandemic.

B) Criminal and Civil Justice: In October 2021 the relevant contract was signed for the extension of the Project "Digital Recording, Storage and Disposal of Court Sessions Minutes "" for the provision of recording services for Civil and Criminal Courts throughout the country until August 2022.

Due to the extraordinary events (COVID-19), the Ministry of Justice in cooperation with the Ministry of Digital Governance managed to implement in a short period of time the enrichment of the provided electronic services and the utilization of technological capabilities in the field of Justice. The following are indicative relevant actions:

- Possibility of meetings of collective bodies of the public sector and the wider public sector by means of videoconferencing through the videoconferencing service e:Presence.gov.gr.

- Provision of tele-working through a secure remote access VPN service for the employees of the Central Service of the Ministry of Justice through its infrastructure.
- Provision of tele-working capability via secure remote access VPN service for the employees/users of the OSSDY-PP applications through the project infrastructure.
- Provision of a secure remote access VPN service for employees/users of the National Criminal Record (NCR) applications through the project infrastructure.
- Provision of tele-working capability via secure remote access VPN service to all public bodies connected to the SYZEXIS Network by the Ministry of Digital Governance.
- Through the web portal of the project "Integrated Judicial Case Management System for Civil and Criminal Justice (OSSDY-PP Phase A)", the possibility of electronic filing of applications and receipt of court certificates from the Project Operating Entities.
- Interconnection of the OSSDDY-PP Phase A with the information system of the Public Service Centre/Offices (ΚΕΠ) for issuing Court Certificates to citizens/lawyers.
- Provision of a copy of a court decision (civil cases) to those who have a vested interest, from Courts in the country (<https://www.gov.gr/ipiresies/dikaiousune/dikasteria/elektronikes-dikastikes-apophaseis>).

At the link <https://app.moj.gov.gr/cappsrv/> there is a list of the Courts of the country that provide so far, the above electronic service, while it is gradually extended to the rest of the Courts of the country.

- Identification of the citizen who wishes to make use of the possibility of electronic application and receipt of a copy of the criminal record through the web portal without requiring physical presence in a Prosecutor's Office of the country, through www.gov.gr and use of TaxisNet credentials.
- Consolidation of twenty-five economic and business activity certificates related to judicial solvency, which were issued by the Courts throughout the country, into one called "Single Certificate of Judicial Solvency".

The aforementioned certificate is provided electronically by the Courts - Operational Entities of the OSSDY-PP Phase A through www.solon.gov.gr , and by the other Courts of First Instance of the country through www.gov.gr .

The link <https://app.moj.gov.gr/cappsrv/> provides a list of the Courts of First Instance in the country that have provided the certificate of judicial solvency electronically so far.

- Provision of remote digital signatures to employees & officials of the Courts in the framework of enhancing the services provided through the existing information systems in the field of Justice, as well as other e-Justice actions under implementation and planned. At the moment, there are 9378 active remote digital signatures out of the 11,000 that have been granted to the Ministry of Justice.
- The implementation of the project entitled "Implementation, migration and integration into productive operation of the application of the Wills Department of the Athens Court of First Instance" is in progress.
- The preparation of a Study for the specialization of the Project "Digitization of Data Files of the Ministry of Justice" is in progress.
- The platform for the issuance of the Electronic Consensual Divorce via www.gov.gr will be put into productive operation in the near future.
- Provision of 800 barcode scanners to Judicial and Prosecutorial Offices in the country as part of dematerialization of duty stamps.
- Upgrading of electronic communication services through the SYZEYXIS II project has been initiated in the institutions under the jurisdiction of the Ministry of Justice.

In addition:

- The procedure of the criminal order provided for by the New Code of Criminal Procedure has been put in place, so that it can be fully implemented in the Courts of First Instance and the Public Prosecutor's Offices of the OSSDY-PP project for the first time. The criminal injunction was introduced as a procedure to shorten the criminal procedure for minor offences (mainly minor offences (traffic offences, health offences, etc.), which are not particularly difficult to prove. The new system provides for reduced suspended sentences or even smaller fines issued by summary procedure. With the implementation and integration of the criminal order in the OSSDY - PP, a significant decongestion of the ordinary procedure dockets of the One Member Criminal Court is achieved to address the increased needs caused by the pandemic, and further, the manner and consequences of implementation will be studied in real time to investigate the improvement of the procedure and its possible extension to other minor crimes. In particular, through the functionalities of the integrated information system, all actors of the justice system can now know in real time the speed of the procedure, its efficiency and the real versus intended lightening of the system. With the implementation of the procedure in the largest prosecutor's offices of the country, which resulted from the systematic cooperation of the judicial and prosecutorial officials and IT staff of the working groups of the OSSDY - PP for the first time, the obligation established in the new Code of Criminal Procedure is implemented and the new grid of provisions for faster and more effective administration of criminal justice is fully implemented.

- Two information systems have been implemented for the proper planning and monitoring of the internship for law school graduates:

a) The information system for applications for the beneficiary trainee lawyers and for the law firms/companies which, through the system, create the traineeships. The system supports the process of submitting applications for participation in the internship program for each cycle, checking the submitted supporting documents, issuing results, accepting contracts from the trainees' side.

b) The information system for monitoring the progress of the operation. Through this system, the Traineeship Managers set the start and end dates of the trainees' contracts, monitor the progress of the project by keeping a daily electronic attendance log, the electronic acceptance of the contracts by the Traineeship Managers and the Contracting Authority, and extract statistics and reports on the progress of the project.

In addition, the Ministry of Justice, through the project "maintenance contract for the National Criminal Register for one year with the possibility of extension for one more year", implements, among others, the upgrade of the EPR and ECRIS-RI system in application of Directive 2019/884 (exchange of information on third country nationals) and the requirements of the EU.

The contracting of the project "Teleconferencing services in courts and prisons and provision of services for updating the progress of the boards and dockets of the courts (e-dockets)" is expected in the midst of the first quarter 2022. Specifically the project will cover:

a. The implementation of a network for the provision of videoconferencing services in courts and prisons in the country, covering the needs of the Civil, Criminal and Administrative Courts (Courts of First Instance and Courts of Appeal), the investigative work (Courts of First Instance) and requests for judicial assistance. The scope of action covers judicial institutions (Supreme Court, Council of State, Civil, Criminal and Administrative Courts of Appeal and First Instance and Trial Courts) and penitentiary institutions. In particular, videoconferencing systems are expected to be installed in:

- in a part of the court chambers of the Courts of First Instance and Courts of Appeal,

- in certified areas within the courts but also within the prisons (witness rooms)

- in interrogation offices and offices serving requests for judicial assistance.

b. Information services on the progress of the dockets of the Courts. The objective of the action is the development and commissioning of the information system through which the real-time publication of the progress of the dockets of the Courts of the country on the Internet will be made available to interested parties (lawyers, citizens, etc.).

It will also be possible to provide immediate and real-time information on the progress of the panels through special applications that will operate on electronic devices (smart phones, tablets, etc.), for the better service of lawyers, litigants and those involved in court proceedings in the courtrooms of the Courts. These applications will support multi-channel access to the personal devices of stakeholders, either through mobile telephony or through a wireless network in specific areas (indoor and outdoor) of the country's court complexes. To this end, the development of a wireless access network for the public and lawyers will be implemented.

The Ministry of Justice in cooperation with the Information Society A.E. the following digital projects are under development:

- a) The upgrading and expansion of the Information Systems of the Justice Sector which consists of three (3) functional modules:
 - Operational Module 1 (OU1): Development of an Integrated Information System (IIS) to modernize the operation of the Court of Audit
 - Operational Module 2 (OP2): Package of actions to strengthen the information system of the National Criminal Registry and further extend its services
 - Operational Module 3 (OP3): Upgrading and extending the functionality of the Integrated Judicial Case Management System for Civil and Criminal Justice (OSDDY-PP) – OSDDY-PP Phase 2
- b) Digitization of Court Records and Data
- c) Upgrading of the Court Records Management System

The Ministry of Justice, following the developments that take place at European level in the field of e-Justice, actively participates in European actions (e.g. e-codex, e evidence, interoperability) that aim at the optimal use of Information and Communication Technology systems for the acceleration of the administration of justice, the increase of transparency, the simplification of procedures and the upgrading of the services provided. In particular, the Ministry of Justice participates in the following European projects:

- "Connecting the e-Evidence Platform to the national Case Management System (CMS) - EXEC II", through which the necessary infrastructure will be developed to provide the technical capability for the Greek judiciary to exchange European Investigation Orders (EIO) with the other Member States in a digital way, through the use of the infrastructure of the EXEC project e CODEX (cross-border electronic system offering an easy and secure digital way to access and manage judicial cross-border proceedings between the countries of the European Union).
- "Criminal Court Database", which concerns the creation of a European database of competent authorities of the MS in criminal cases to cover in

particular developments in the field of electronic evidence (e Evidence) at a European level.

- “Training on European Investigation Order”, which concerns the development and piloting of cross-border training in order to achieve uniform implementation of the European Investigation Order and to promote the use of the electronic evidence exchange system.

Finally, smaller-scale IT and communications projects are being approved and implemented at each level of the Courts.

C) According to input by the Ministry of Digital Governance, a new platform – dikes.moj.gov.gr - under the state portal gov.gr has been launched in December 2021. This platform offers real time, via the internet, solid information regarding trial boards and exhibits taking place to civil and criminal courts. In this way, one who wishes to know more about a certain trial, (citizen, lawyer or any participant to the trial) has access to every case of the daily board, which one is in process, located to which room of the building. Anyone interested is offered the possibility to search a case, by a court building number, or room number, or even board code, as well as all of all the cases registered to the daily board with no need whatsoever for authentication or special register. This platform adds value to the need for restrictive measures within the framework of the pandemic, supports a rather smooth judicial procedure and makes everyday life easier and safer for all.

D) The national land registry Ktimatologio A.E <https://www.ktimatologio.gr/el/e-services> has already in place with electronic services (which is expanding continuously throughout the country) for landowners, lawyers, notaries and engineers, allowing for exchange of documents, legal research and map viewing.

15. 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)

ICT system for case management of administrative justice:

Since 2015 separated workflows and digital archives (business processes) of all Administrative Courts (Council of State, 9 Administrative Courts of Appeal and 30 Administrative Courts at First Instance) have been unified into the new centralized system called IIACCMS (“OSDDY- DD”). This system withholds an extensive legal database containing all its judgements/jurisprudence, providing to judges the service of case – law search. At the same time the workflow of judicial proceedings before the court (case management) has been almost

entirely automated through the digitalization of the Court's registrar and the integration of various existing applications regarding the Secretarial services of the Court. This system will be upgraded (see question no 14) so as to be able to support the completely dematerialised proceedings before all courts of the administrative justice.

Court statistics and transparency: The ICT system of the Hellenic administrative justice beholds a BI system that provides valid and accurate statistics. This system will be enriched and further improved with the deployment of the digital upgrade of the ICT system.

Evaluation and surveys among court users or legal professionals: The ICT system has not been yet formally evaluated, no survey among users and legal professionals has there been conducted neither.

16. 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.

The working group on the reform of the judicial map of the administrative justice and the competence of the administrative courts, established by an act of the President of the Council of State of 24.3.2021, continues its works on the subject. The relevant matters have already been under consultation with the management of all administrative courts and are currently under consultation with the bar associations nationwide.

Also, in the coming days the Greek Ministry of Justice is going to sign with the International Bank for Reconstruction and Development (IBRD) a Reimbursable Advisory Services Agreement for the support of the reform of the map of civil and criminal justice in Greece as a part of Greece's Recovery and Resilience Plan. The technical assistance will propose an integrated plan for the reform of the judicial map and this proposal will be submitted to consultation with all the relevant stakeholders, in order to have a draft law prepared at the end of 2023.

C. Efficiency of the justice system

17. Length of proceedings

A) With Law 4842/2021 (A' 190/13.10.2021), article 20A was inserted in **the Code of Civil Procedure** where the institution of “pilot trial” in civil cases was introduced with the main aim of enhancing legal certainty. The provision foresees that applicants that have a pending civil trial before any court may apply to a three member Council (Supreme Court President and 2 Deputy Presidents) to resolve a legal question by the full plenary before the Supreme Court (Areios Pagos), any applicants with similar legal issues before any other

courts may intervene in a trial and are bound by the full plenary decision. The same procedure is foreseen for any judge handling a case and the Supreme Court Prosecutor. This provision was foreseen following the example of the same institution in administrative justice which was particularly successful. This provision came into force on the 1st January 2021.

In addition to the above provision, law 4842/2021 brought about a vast number of amendments to the Code of Civil procedure with the main aim of enhancing legal certainty and improving procedures based on the evaluation of law 4335/2015. Indicatively, lawyers may agree to try a special procedure case without their presence by written procedure, affidavits may be taken before a lawyer (essentially lessening the workload of magistrates), explicit provisions limiting the possibility of a judge issuing an interlocutory decision (possible only by order of the judge), a new improved ordinary procedure based on an extensive evaluation with all stakeholders. Throughout the code, provisions were amended to adapt them to existing infrastructures and future plans for e-justice tools.

B) The newly adopted law no 4855/2021 (A' 215) amended the Criminal Code and Code of Criminal Procedure in the direction of the improvement of the efficiency and quality of the criminal justice system. Provisions are introduced aimed at speeding up criminal proceedings and at the effective protection of the parties and other persons involved, which, inter alia, refer mainly to the completion of the main interrogation in felonies committed by juvenile offenders without the procedure of the Plenary Council (issuance of a verdict), the protection of witnesses during the criminal proceedings for the offences mentioned (formation or participation in a criminal or terrorist organisation or related acts), including, inter alia their relocation to another country, the obligation of the president of the court to appoint counsel to defendants who do not have one, for felonies and misdemeanours punishable by at least three years' imprisonment, and to inform the defendant and provide him or her with the necessary time for preparation, if the court is oriented towards an improvement of the charge or a more correct legal characterization.

C) The Minister of Justice is in the process of the formation of a working group for to propose the structure and identify necessary legal provisions for the formation of "The Judicial Police". The judicial police constitutes a special administrative service which carries a police character. This service is a global practice and is also active in in many European countries such as France, Germany, Spain, the Netherlands, and Belgium. In Greece, the establishment of a judicial police is a long-standing request of judges, prosecutors and lawyers, who refer to it as a "a valuable tool that will help speed up the administration of justice. The mission of the new structure within the Justice system is to support, through specialised scientific staff (economics, financial

crime, corruption and money laundering, etc.), to support the work of the judiciary. The structure will also contribute to the work of preliminary investigations. The adoption of the relevant provisions is expected in the third quarter of 2022 and the adoption of secondary legislation by up to the fourth quarter of 2022.

Other – please specify

II. Anti - corruption framework

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

18. 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 measure taken to effectively and timely cooperate with OLAF and EPPO (where applicable).

A) The National Transparency Authority (NTA) was established by Law 4622/2019. The National Coordinating Body for Audit and Accountability (ESOEL) is established at NTA and is provided in article 103 of Law 4622/2019. The ESOEL has the following objectives: 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. To support the collaboration of relevant authorities in the context of ESOEL, the NTA has developed an intranet that can be accessed by all ESOEL members that aims to support the exchange of expertise and best practices and serve as a basis for further decision making and collaboration. During the year 2020, thirty-five (35) audit reports of cases handled by the relevant mixed audit teams were completed and submitted to the competent Public Prosecutor's Offices and are ongoing until their completion. Data for 2021 will soon be available. Four working groups have been established within ESOEL and have developed the following guides: a) Methods of data analysis in the context of audit missions, b) Guide for attribution, c) Interview techniques, d) Performance audits. The 2020 ESOEL annual report is attached and can also be found at the following link (in Greek): https://aead.gr/images/essays/esoel_ekthesi_apologismou_2020.pdf. The 2021 ESOEL annual report will be available in March 2022.

Cooperation with OLAF

The NTA is designated as the Greek Anti-Fraud Coordination Service (hereinafter AFCOS), according to article 82 para.5 of law 4622/2019. The Greek AFCOS was established in accordance with article 3 para.4 of the regulation 883/2013 (EU, EURATOM), as amended with the regulation 2223/2020. AFCOS' cooperation with the European Anti-Fraud Office (OLAF) and other EU Member States in cases concerning the protection of EU's financial interests is essential. The Greek AFCOS supports OLAF's investigations through the provision of specific Information, offers administrative support in OLAF's cases and coordinates and supports on-the-spot checks by OLAF. Additionally, AFCOS monitors investigations through data collection and analysis of irregularities, fraud and suspected fraud cases, while it monitors the progress of investigations.

The Greek AFCOS is the national reception point of complaints for EU funds. The Greek AFCOS has published a manual regarding the management of complaints for EU funds. This practice creates a concrete baseline for the comparison of complaint trends and corruption cases involved in EU-funded programs. These findings are used by Greece and NTA/AFCOS so as to support the creation, the improvement and the modification of the National Anti-Fraud Strategy as well as to enhance the protection of EU funds.

Having regard to Regulation 1371/2017 as provided by law 4689/2020, according to article 27 "Submission of statistical reports", the Ministry of Justice submits annually to the European Commission statistical reports regarding offences against the financial interests of the European Union. AFCOS cooperates and coordinates this procedure through the exchange of the PIF report questionnaire and generally through its' institutional cooperation with the Ministry of Justice.

Cooperation with EPPO

Having regard to the function and the role of the NTA, as enshrined in Law 4622/2019, as well as the obligation of the NTA to assist the European Delegated Prosecutors (as provided in Law 4786/2021), NTA conducts investigations (of a criminal or a non-criminal nature) by supporting EPPO in specific cases regarding EU funds.

A closer cooperation between NTA & EPPO is about to be established in the exercise of their respective mandates.

MOUs

A series of MoUs have been signed by NTA, during 2021, to strengthen the Authority's cooperation with other agencies and public entities in key areas of its operation. In particular, during the first semester of the year, NTA has signed MoUs with i) the Ministry of Education and Religions aiming at enhancing transparency and accountability in the field of Education and at disseminating the principles of public integrity through the education system, ii) the Ministry of Maritime Affairs and Insular Policy, iii) the Ministry of Migration and Asylum with

the aim of enhancing the Internal Audit system of the Ministries, iv) the Harokopio University, v) the Ionian University, vi) the Economic Chamber of Greece for the undertaking of joint actions and programs to develop further the mechanisms of integrity, transparency and accountability and to share know-how and best practices for the establishment of the mission, goals and activities of the bodies. Additionally, during the second semester of 2021, MoUs have also been signed between NTA and v) the Panteion University of Social and Political Sciences for enforcing the collaboration on three axes on a) educative and training activities b) internal control system and c) research activities on indicators for the assessment of integrity and anti-corruption mechanisms vi) the Hellenic Corporation for Assets and Participations for the exchange of know-how and best practices and inter alia for the development of a corruption and fraud risk assessment methodology.

B) By article 42 of Law 4786/2021 (A' 43/23.3.2021), "Implementation of the provisions of Council Regulation (EU) 2017/1939 of 12 October 2017 on the implementation of enhanced cooperation for the establishment of the European Public Prosecutor's Office, arrangements for the operation of the courts and other provisions of the Ministry of Justice", as replaced by article 178 of Law No. 4855/2021 (A' 215/12.11.2021, "Amendments to the Criminal Code, the Code of Criminal Procedure and other urgent provisions", the following was established in order to ensure the unimpeded cooperation of the competent Greek, administrative, control, police and generally prosecutorial, prosecutorial or judicial services or authorities, including independent authorities, with the European Public Prosecutor's Office:

"Article 42

Transitional provision on pending cases falling within the jurisdiction of the European Public Prosecutor's Office

1. Any pending criminal case relating to an offence committed after the entry into force of Regulation 2017/1939 (L 283) and falling within the jurisdiction of the European Public Prosecutor's Office shall be sought and communicated without undue delay to the European Public Prosecutor's Office, in accordance with Article 24 of the same Regulation, and the relevant file shall be forwarded to the European Public Prosecutor's Office (EPO) at whatever stage the criminal proceedings are at, unless, in accordance with par. 7b of Article 27 thereof, it has already been brought before the competent court in accordance with Articles 320 et seq. of the CCP.

2. Any competent Greek, administrative, control, police and generally prosecutorial, prosecutorial or judicial service or authority, including independent authorities, which is informed of or deals with any case, which may fall within the competence of the European Public Prosecutor's Office and which concerns an offence committed after the entry into force of Regulation 2017/1939, shall inform without undue delay, by electronic or paper

correspondence, the EEO Office, in accordance with Article 24 of the Regulation. After consultation, as provided for in Article 25 of the same Regulation, if the European Public Prosecutor's Office decides to exercise its jurisdiction and informs it accordingly, the criminal part of the case shall be referred to the EEO Office.

3. The validity of investigative and other procedural steps taken by the national authorities before the case is opened shall not be affected. Prosecutions, warrants, orders and incidental orders issued by the national authorities shall retain their validity, but shall not prevent the European Public Prosecutor's Office from repeating, repealing or reforming such acts in the exercise of its own powers”.

C) The Directorate General of Financial and Economic Crime Unit (DG SDOE) is the law enforcement agency of the General Secretariat of Tax Policy and Public Property of the Ministry of Finance (Presidential Decree 142/2017, as amended by Law 4622/2019). Within D.G. SDOE's Operational Directorates and specially within A' Sub-Directorate are operating four (4) departments in Attica and three (3) departments in Macedonia whose competencies mainly focus on the protection and safeguard of national and EU interests and focus amongst other in the disclosure of fraud and corruption cases.

SDOE is a national law enforcement agency that specializes in financial and economic crimes, other than customs and tax crimes, with competency to conduct parallel financial investigations and has the power to freeze the criminal assets immediately, in any significant case. In cases that there are indications of perpetration of predicate offence the procedure of prosecution is activated by sending in timely manner a relevant report to the competent prosecutor. In case of suspicion of money laundering or terrorist financing, SDOE sends a report to the Hellenic Financial Intelligence Unit (HFIU) for further investigation and the possible freezing of assets.

SDOE's main tools and powers:

- Investigations of vehicles, sales and production premises, headquarters, warehouses
- Investigations on residencies (with the assistance of the public prosecutor)
- Ability to interrogate and arrest an offender
- Audits on company documentation and tax records
- Confiscations of books and elements, documents, Goods, Vehicles, Computer Systems.
- Freezing of bank accounts and other assets, in important cases of economic offences or in cases of smuggling.

SDOE's Human Resources: SDOE's staff consists of 45 employees serve at the Central Unit and 193 employees and auditors at the Operational Directorates.

SDOE's access in Information: The SDOE staff and officials have the authority to access every information or data concerning or relating to the execution of their task and mission, following a relevant official order, not subjected to the restrictions of provisions on confidential information (Law 3296/04, art. 30 and as amended by art.64 of the Law 4557/2018, SDOE has direct access to the Taxation Information System (TAXIS), ELENXIS Subsystem, ICISNET System that are the sources of tax and customs data of audited entities, also to the "System of Registries of Bank Accounts and Accounts of Payments" (By virtue of Article 62 of Law 4170/2013 & art 21a L.4557/2018).

SDOE's Cooperation Framework: Concerning the cooperation framework, at a national level D.G. SDOE cooperates with the Public Prosecutor, the National Transparency Authority, the Hellenic FIU, the Hellenic Police Service, as well as, the Hellenic Coast Guards, Tax and Custom Agencies. At the operational level, to promote and ensure inter-agency cooperation and better coordination the SDOE participates in the following bodies: a) the **Coordinating Body for Inspections and Audits** which aims at monitoring and coordinating the investigations undertaken by various investigatory agencies and arranging joint inspections and investigations, especially in the area of **corruption** in the public sector, b) the **National Coordinating Body for Audit and Accountability (ESOEL)** tasked with activities coordinating the fight against **corruption** under the National Authority for Transparency, c) the **Operational Coordination Centre** for combating the smuggling of products subject to excise duty and consumption tax supervised by the Operational Planning Committee, d) the **Coordinating Body for Combating Drug offences**, the national reference authority for drugs for the exchange of information and data between the agencies, related to drug cases at national and international level, e) the **Inter-agency Market Unit** that coordinates the audits in the area of illegal trading of smuggled, counterfeit goods.

At an international level D.G. SDOE cooperates with OLAF, Europol, Interpol and several agencies with relevant competences.

Moreover, within SDOE is operating the National Asset Recovery Office for funds and assets deriving from criminal activity (Hellenic Asset Recovery Office - ARO Greece). Furthermore, Greece is a member of the CARIN network, of which ARO Greece is the national contact point.

D) The Directorate of Internal Affairs of the Independent Authority for Public Revenue (IARP, in Greek AADE) also participates in the National Action Plan for the fight against corruption (see below question no 20), being a pillar of the developed and implemented Anti-Corruption Strategy for the period 2019-2021.

The mission of the Directorate of Internal Affairs is to tackle corruption within the IAPR's services, from the involvement of the Authority employees in specific criminal offences and disciplinary misconduct, to ensure the lawful conduct of its employees, as well as to investigate their assets. All the necessary procedures are carried out to that scope (administrative investigation, administrative examination under oath, preliminary examination, targeted or

random checks on the assets of superiors and employees of the Independent Authority for Public Revenue, etc).

Network of partnerships: Within the framework of its competences, the Directorate of Internal Affairs develops a wide network of cooperation with public bodies and services in order to exchange views, undertake joint actions and acquire know-how and experience in the prevention and suppression of corruption, such as the National Transparency Authority, the National Coordination Body for Control and Accountability, in which the Directorate of Internal Affairs participates, the Financial Prosecutor and the locally competent prosecutors, the Court of Audit, the Internal Affairs Directorate of the Hellenic Police, the Anti-Money Laundering Authority, as well as the Banking and Financial Institutions.

The 2021 Operational Plan of the Hellenic Anti-Corruption Service included objectives and intervention actions for the fight against corruption, in the context of which the Hellenic Anti-Corruption Service focused on control (carrying out targeted audits, both regular and extraordinary), on strengthening transparency (adoption of measures and actions), as well as on prevention (e.g. the Property Controls of Superiors, on-site audits in Hellenic Anti-Corruption Service structures, etc.). In the year 2021, thirty (30) Department Head's' Property Controls (against a target of 27 controls), and fifty-five (55) Employees' Property Controls (against a target of 53 controls) were completed, covering 111.11% and 103.77% of the respective annual targets. In addition, one hundred and three (103) audits were conducted in 2021 to identify criminal offenses and employee disciplinary misconduct, (against a target of one hundred and one (101) audits), for a 101.98% implementation rate.

E) High-level anticorruption audit is carried out in Greece under the supervision and coordination of the Committee of Parliament for the Investigation of Declarations of Assets (CIDA). The audit is multifunctional, with each function executed by a different independent entity, ensuring the integrity, independence and completeness of the audit as well as the uniform treatment of all the persons or entities audited.

Advantages of the structured high-level audit methodology:

- Guarantee of the independence of the audit, since there is no dependence of the controller on the auditee and they do not come into contact
- The impartiality of the audit, since the procedure is determined by international standards
- The integrity of the audit, since auditors are evaluated and accountable on a regular basis for the quality of their audit work, both internally (by their companies) and externally (by international supervisors and by the committee)

The system of anti-corruption control of the institutional pillars of the Greek state is fully assisted and financed with all the resources and means needed to achieve its goal. The committee's operating resources are published with full analysis and transparency and are voted on an annual basis by the plenary of

the Parliament. The decisions of the committee on the outcomes of the audits are also published.

The techno-economic part of audit is carried out by certified for this purpose professionals and the pre-trial part of audit is carried out by senior judges and prosecutors along with the participation of the other controlling bodies. To ensure professionalism, objectivity and integrity of the audits, the financial checks are being carried out based on approved international accounting standards (as proposed and accepted by GRECO, the EU, OECD and World Bank) from independent accredited professional auditors - chartered accountants and not public servants, in order to avoid any dependence from the public sector that could lead to possible exposure to influence attempts.

F) The organic law for the Court of Audit (Law 4821/2021, A' 130/23.7.2021) further enhanced the cooperation between the Court of Audit and the Parliament, with regard to the submission on behalf of the Court of its annual report of findings and recommendations (art. 50-52).

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

A) The National Transparency Authority (NTA) enjoys functional independence, administrative and financial autonomy, and is not subject to control by any governmental or other administrative authority. The NTA is subject to parliamentary scrutiny.

B) The Internal Affairs Service of the Security Forces of Ministry of Citizen Protection, established by Law, is supervised by senior prosecutors in accordance with article 3 of Law 2713/1999, ensuring its effective operation within the framework of legality. Their constant presence in the Service creates an environment of trust and a sense of security for persons who wish to report crimes under the jurisdiction of this service. Furthermore, the work and efficiency of the Service is subject to parliamentary oversight and control. For this purpose, an annual report of the work and activities of this Service is submitted to the Standing Committee on Institutions and Transparency of the Parliament, by the Minister of Citizen Protection.

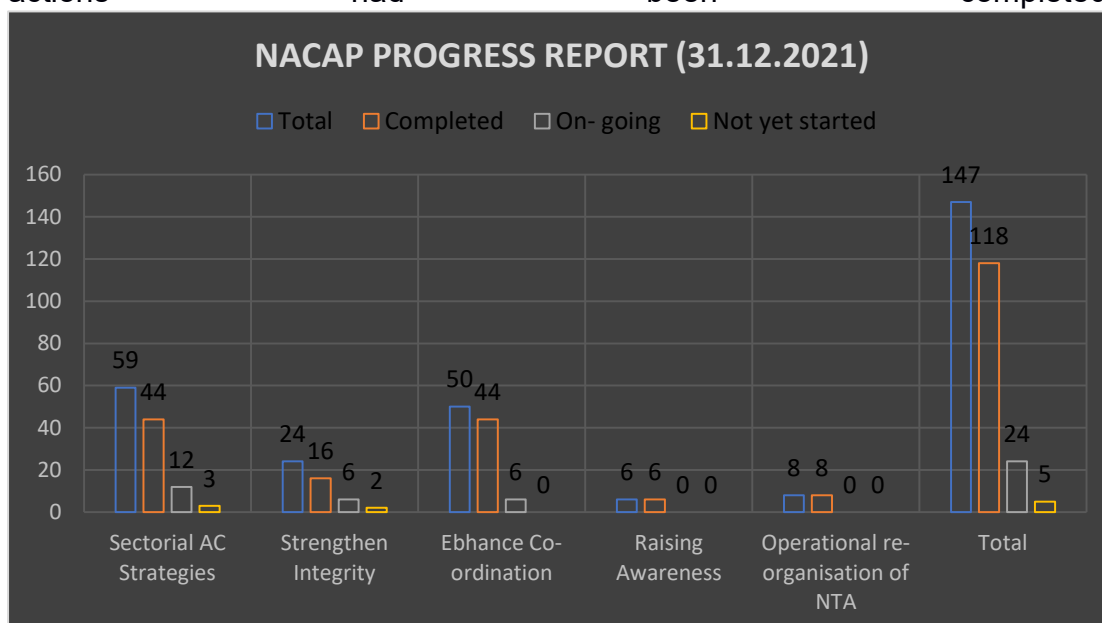
20. Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators.

A) The National Anti-Corruption Action Plan (hereinafter NACAP) is a dynamic policy tool for the detection and prevention of corruption and fraud that brings together all major stakeholders (public – private – civil Society). The NTA is the competent authority for the design, monitoring, evaluation and review of NACAP. NACAP is built on a multi-sectorial approach, as well as on international best practices, NACAP provides an integrated framework for the design, implementation and evaluation of sectoral and horizontal anti-corruption interventions in Greece.

I. NACAP for 2018-2021:

The NACAP for 2018-2021 included 147 actions and was structured in the following 5 parts: PART I: Sectoral prevention of corruption, PART II: Integrity across Public Administration and the Judiciary System, PART III: Strengthening of Cooperation and Coordination across the public sector, PART IV: Raising Awareness, PART V: Organizational Change and Operational Reforms of the National Transparency Authority.

At the end of the implementation period of NACAP 2018-2021, 118 out of 147 actions had been completed.



Main achievements:

An indicative list of main achievements of NACAP 2018-2021 consists of the following:

1) Expansion of Registry of Bank Accounts:

Upgrading the Registry of Bank Accounts with data on bank deposits, electronic transactions and taxpayers' loans further increases the transparency of economic transactions in the country and allows for

effective control and audit. It should be noted that the aforementioned upgrade has also been identified as a priority in the AML Action Plan.

2) Development of Centralized Registry for Beneficial Ownership:

The operationalization of the “Central Register of Beneficial Owners” that operates under the supervision of the Ministry of Finance provides a central point of access to the “beneficial owner” information of all legal entities based or taxed in Greece, mitigating the opacity of a vulnerable to corruption sector of the economy. As a result, it becomes possible for auditors to connect the findings of investigations to legal entities with natural persons.

3) Design of sectoral anti-corruption strategies in High Risk Sectors:

a) Public Procurement:

The first Strategy for Public Procurement for the years 2016-2020 was prepared by the Single Independent Public Procurement Authority (SIPPA) in 2016. The strategy focused on enhancing transparency and preventing corruption risks in public procurement. The strategy’s implementation was monitored through SIPPA’s annual reports. After extended review, a new National Strategy for Public Procurement for the 2021-2025 period has been developed, incorporating a set of measures related to anti-corruption, strengthening integrity, etc. Currently, the National Strategy for Public Procurement for the 2021-2025 is being implemented and NTA participates in the monitoring committee.

b) Tax and customs administration:

In 2019, the Independent Public Revenues Authority (IPRA) developed an anti-corruption strategy for the 2019-2021 period, which is publicly available on its website. The implementation of the strategy is monitored through IPRA's annual reports, which are also published on its website.

c) Health:

NTA, alongside with the Ministry of Health and its supervised bodies prepared a new anticorruption strategy based on the Ministry’s anticorruption challenges, OECD recommendations and the outcomes of previous anti-corruption initiatives, considering also the national and international integrity challenges that emerged due to the spread of COVID-19 pandemic.

d) Sports and Environment:

NTA, in cooperation with the General Secretariat for Sports and with the support of the European Commission's Structural Reform Support Service (SRSS) is implementing a Technical Assistance program, which includes actions to strengthen integrity and prevent corruption risks in the sectors of sports and environment.

4) Improved inter-agency co-ordination with the establishment of the National Coordination Body for Audit and Accountability (ESOEL) (law 4622/2019).

Law 4622/2019 provides for the establishment of the National Coordination Body for Audit and Accountability which is comprised by significant national auditing and law enforcement organizations (see supra question 18). Within this framework, collective initiatives have been undertaken focusing both on

prevention and detection, and the development of guidelines, methods and regulations aiming at the standardization and modernization of audit procedures and methodologies.

5) Optimization of e-POTHEN (asset declarations database):

In order to upgrade the auditing operation of the asset declarations database, NTA set up a working group with the participation of every auditing body engaged in the examination of asset declarations so as to develop a Unified Set of Rules of Procedures for the Audit of Asset Declarations. The aforementioned Set of Rules was issued as a Ministerial Decision. At the same time, pursuant to the provisions of Law 3213/2013, the auditors of NTA now have access to the Taxpayers' Register of the Independent Authority of Public Revenue (IAPR). This came as a result of NTA's and IAPR's cooperation within the framework of a Memorandum of Cooperation signed between the two organizations in July 2020.

6) Establishment of Integrity Officers across the public sector (law 4795/2021):

Law 4795/2021 regulates the function of the Internal Audit System as well as the operation of the Internal Audit Units in the public sector. At the same time, the institution of the Integrity Advisor was introduced in the Greek Public Administration, aiming to strengthen the accountability and integrity mechanisms and to enhance good governance, in accordance with the provisions of Law 4622/2019 and international standards. The main mission of the Integrity Advisor is to ensure an effective framework of protection for employees who identify and report integrity violations, as well as to provide support, information and advice to them, regarding ethics and integrity issues in their workplace.

7) Integrated Complaints Management System:

NTA has developed a solid methodological framework based on standardized processes and evaluation criteria (on/off and weighted) to assess and prioritize incoming complaints.

8) Operational manuals and handbooks for the standardization of audits.

NTA has also developed a series of manuals and handbooks such as: a) Regulations of Auditing Procedures, b) Professional Standards for NTA Auditors and c) Code of Professional Ethics for NTA's auditors.

9) Risk Based Audit Planning (RBAP):

Acknowledging the importance of risk-based methodologies for more effective and efficient audits, NTA has developed a tailor made RBAP. The introduction of risk analysis to NTA's annual audit programming is an innovative tool which is expected to improve audit prioritization and enhance effectiveness.

10) Codes of Ethics and Professional Conduct:

The concentration of fragmentary provisions regarding Ethics and Professional Conduct to a single corpus is a frequently recommended good practice, given their significant influence to behavior and organizational culture. NTA, recognizing the importance of this form of soft law in preventing corruption and enforcing good governance has developed: (a) a

Code of Ethics and Professional Conduct for its staff, (b) a Code of Professional Ethics for NTA's inspectors-auditors and finally (c) a Code of Ethics for Internal Auditors.

11) Improved Access of Auditors to Government Databases:

NTA's auditors have gained direct access to government databases with critical information for their investigative efforts in a wide range of databases related to the tax authorities, the workforce agencies, the budgetary agencies and the Registry of Taxpayers. As new data sources are being accessed, the capacity of NTA's auditors increases and so does the impact of their investigations and audits.

II. NACAP for 2022-2025:

During 2021, the last year of NACAP's 2018-2021 implementation, NTA also focused on designing the NACAP for the 2022-2025 period, while acknowledging the findings of two evaluation rounds (one internal and one external) and following a broad consultation process with key policy actors and civil society representatives. As a result, NACAP 2022-2025 has a multisectoral and results oriented approach, with an intervention logic that enables the incorporation of targeted interventions, the promotion of synergies and the delivery of tangible results.

The **vision** of NACAP 2022-2025 is to: ***“Consolidate Integrity, Accountability and Transparency as core values of the state, of the economy and of society.”***

To this end the intervention focuses on:

- Strengthening citizens' trust in democratic institutions,
- Improving the Greek's economy competitiveness and the business climate and
- Improving the country's rank in the Corruption Perceptions Index of Transparency International.

Three strategic goals were identified; **Prevention - Detection - Raising Awareness**, (in alignment with NTA's three operational pillars) which were further broken down to 9 specific objectives, for the achievement of which 129 clearly defined actions were incorporated.

Detection focuses on enhancing the auditing/investigations framework for the detection of fraud and corruption while prevention is mainly dedicated to strengthening integrity, accountability and transparency. A distinct part on awareness raising aims at engaging citizens in the fight against corruption and fostering a culture of zero – tolerance against corruption. The strategic goals of detection and prevention are served by 4 objectives: a) Strengthening the institutional and regulatory framework, b) Promoting strategic design and policy coordination, c) Enhancing operational capacity and d) Developing digital tools and promoting digital transformation. As for the awareness raising strategic

goal, the main objective is to systematically engage citizens' participation in the fight against corruption.

The actions included in NACAP 2022-2025 are related to certain thematic priorities which include high risk policy sectors such as public procurement, health, environment, defense, etc. along with horizontal issues such as digital transformation and good governance which have been identified as key factors in the development of an integrated anti-corruption framework.

To ensure effective implementation and the monitoring of impact and results, NTA has developed a standardized monitoring and evaluation mechanism and an integrated system of output indicators.

Furthermore, the governance of NACAP has been redesigned 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. NACAP 2022-2025 will also be approved by the Council of Ministers, thus ensuring political ownership at the government level.

B) Law 4478/2017 for the transposition of the EU Directive 42/2014 foresees in article 5 that by a decision of the Minister of Justice, Transparency and Human Rights and the other competent Ministers, a central service will be established or an existing service will be defined to be responsible for the management of confiscated assets, which may include their use for the public interest, social purposes or the satisfaction of the victim, as well as the effective management of assets that are frozen for possible confiscation. The effective management of frozen assets includes the possibility of selling or transferring them when necessary to ensure their value. A legislative committee has been established in the Directorate General of Financial and Economic Crime Unit (SDOE) with the task to draft the Law that will define the Institutional Framework for the Management of Frozen, Seized and Confiscated Assets in Greece. The Committee completed its task and submitted the draft law to the Minister of Finance on November 2021.

B. Prevention

21. 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 (A' 62) was adopted in April 2021, comprising provisions on the operation of the Internal Control System and Internal Audit Units in all bodies, organisations and authorities of the Public Sector, in accordance with international standards and the provisions of Directive 2011/85 (esp. art. 3). In addition, the regulatory acts, which are necessary for the implementation of the new Law, are either being processed or have already been drafted and

published. As a result of its implementation, almost 100 internal auditors of the public sector have been certified in 2021 and have undertaken internal audit duties in their respective services. Furthermore, NTA conducted a detailed evaluation of the internal control system in public finance, in cooperation with the respective Ministries. The evaluation's outcome is expected to be published in 2022.

II. Integrity Advisors

Law 4795/2021(A' 62) 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.

The Integrity Advisor offices have already been set up in most Ministries and in the Region of Crete and Ministers have been informed about the organisation and operation of the relevant office. In addition, all regulatory acts, which are necessary for the implementation of the new Law, are either currently being processed or have already been published. Following two rounds of training and certification programs, approximately forty (40) Integrity Advisors have been successfully certified through very demanding and meritocratic examination procedures.

More specifically on the provisions of the Law 4795/2021 regarding the Integrity Advisor: the Law provides for the establishment of an Integrity Advisor Independent Office in each Ministry, with the exception of three Ministries, and the possibility of setting up the Office in question also in other public entities, if this is deemed necessary with regard to the responsibilities of the entity and the number of employees serving there, by decision of the Minister of the Interior following a recommendation from the competent Minister or the head of the entity, which shall be submitted to the Governor of the National Transparency Authority for an opinion. The independent services and supervised legal persons governed by public and private law, if they have not established an Integrity Advisor Independent Office, shall be subject to the respective Office of the supervising entity.

According to Article 24 of that Law, the responsibilities of the Integrity Advisor are divided into three functional pillars as follows: 1. **Support pillar:** a) Provision of personalised counselling on ethical and integrity issues faced by the employee in the performance of his/her duties, including issues such as sexual harassment, discrimination, intimidation, psychological harassment and conflict of interest, b) Reception of reports from the employees of the entity on incidents of violation of integrity or corruption and carrying out of mediation in order for the bodies of the entity or external bodies responsible for investigating

them to deal with the incidents, c) Monitoring the investigation of the report and informing the employee who submitted it.

2. Information pillar: a) Provision of information to the staff of the entity on ethical and integrity issues, as well as on the functioning, responsibilities and mission of the Integrity Advisor, b) Planning and coordination of training and capacity-building actions for the employees of the entity and the employees of the supervised entities in cooperation with the relevant organisational unit responsible for training matters, as well as with external training service providers, such as the National Centre for Public Administration and Local Government, c) Participation in the formulation of internal policies and in the development of tools to enhance integrity and transparency, such as Codes of Ethics and Deontology, Regulations for the Management of Conflict of Interests, Protocols on the Response to Fraud and Corruption Incidents.

3. Advisory pillar

a) Information and cooperation with the management of the entity, the Internal Audit Unit and the organisational unit responsible for matters of administrative support and human resources, for the development and implementation of integrity policies and standards within the entity, b) Submission of proposals to improve prevention, deterrence and detection mechanisms to the head of the entity when detecting incidents of integrity violations, c) Drawing up of an annual report and submission to the head of the entity and to the National Transparency Authority on the effectiveness of the integrity policies and procedures used by the entity, the work carried out and the progress of the cases handled.

In accordance with Article 28 of Law 4795/2021, the position of the Integrity Advisor shall be filled following a call for expressions of interest issued by the National Transparency Authority. The assessment of candidates to fill the post of Integrity Advisor shall be carried out by a three-member committee set up by decision of the Governor of the National Transparency Authority and composed of the Head of the Directorate-General for Integrity and Accountability of the National Transparency Authority, the Head of the Directorate-General for Public Sector Human Resources of the Ministry of the Interior and the Head of the Directorate-General responsible for staff matters of the relevant entity, if any, or the Head of Directorate responsible for personnel matters. The selection shall be carried out by the Committee taking into account the required formal and additional desired qualifications, as specified in particular in the call for interest. The Committee may invite the three shortlisted candidates per post to an interview, which shall be taken into account for their final selection. The content of the interview with its critical and essential points is summarised in the Commission's selection report, which is specifically justified, includes a comparative assessment of candidates in relation to the selected candidate and a selection of a runner-up, if any.

The term of office of the Integrity Advisor shall be three years, with the possibility of being renewed once more. Renewal may take place after the work of the Integrity Advisor has been evaluated by the three-member Committee, three months before the expiry of his/her term of office.

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 have to be met in each professional field, depending on its characteristics and particularities. NTA provides assistance and know-how 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 within the personnel of the General Secretariat for Citizenship (Ministry of Interior) and the Hellenic Food Authority. Additionally, a Code of Conduct for all persons involved in local and regional governance is about to be published.

IV. Revolving door

The revolving door practice is addressed in various laws such as law 4622/2019 which addresses among other post-employment obligations (see below Q23) as well as law 4829/2021 which regulates lobbying activities (see below Q.22)

V. Capacity building for the public sector

As part of its awareness raising pillar, the NTA has organized various seminars that aim to strengthen integrity and accountability. In 2021, the NTA organized the following seminars:

- April 2021: Code of Conduct for Internal Auditors: An Ethical Compass for the Implementation of Internal Audit
- April 2021: Corruption and Fraud Risk Management Guide. From theory to practice
- June 2021: The Internal Audit System in Municipalities: new legal framework, data, challenges and perspectives
- July 2022: The importance of transparency in international business transactions: modern challenges and new data
- September 2021: Internal Audit in the Regions and their development perspective through the Recovery Fund
- September 2021: Health structures and transparency

- November 2021: The role of the Whistleblowing Mechanism in addressing the risk of fraud and corruption
- December 2021: 1st Integrity Forum, International Anti-Corruption Day
- December 2021: Migration, NGOs and Transparency

The NTA organized the above-mentioned events in cooperation with five organizations and the participation of 37 public and private sector executives. It is worth noting that in total 1.950 people physically attended the events and 5.971 users have followed (in real and non-real time) these events. 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.

In addition, within the context of its technical collaboration project with the UNODC, the NTA organized:

- in collaboration with the National School of Judges, two seminars aiming to strengthen judicial integrity namely “International and European Best Practices to Enhance Judicial Integrity” and “New Challenges on Judicial Integrity: the Impact of New Technologies and Social Media Networks” (June 2021);
- in collaboration with the Ministry of Education, two workshops on teaching resource kits for educators in primary and secondary education based on Education For Justice material (November 2021);
- in collaboration with the Ministry of Environment and Energy, capacity building workshops on corruption risk assessment and mitigation (in February, April and June 2021);
- two workshops on the prevention and detection of fraud for AFCOS network agencies (July 2021).

22. General transparency of public decision-making (e.g. public access to information, including possible obstacles related to the classification of information, transparency authorities where they exist, and framework rules on lobbying including the transparency of lobbying, asset disclosure rules, gifts and 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.

II. Lobbying

Law 4829/2021 (A’ 166) adopted on September 10th, 2021 on “Strengthening Transparency and Accountability of State Institutional Bodies” introduces for

the first time in Greece an effective regulatory framework that governs the interaction between politicians and public officials with interest representatives.

For the formulation of the law, international good practices by the OECD and the Council of Europe, as well as the respective frameworks of France, Ireland, Canada, and the EU were taken into account.

The law recognizes the exercise of lobbying activities as a legitimate practice and as an act of participation in the country's political life.

It aims to strengthen transparency, legality and integrity in the exercise of lobbying activities by introducing rights and obligations that apply to both lobbyists and institutional bodies as it regulates lobbyists' communication with members of the parliament and representatives of the executive power.

In particular the law:

- defines the concept of lobbying activities and that of a lobbyist;
- provides for rights and obligations of lobbyists that include the obligation to register at the Transparency Register and the submission of an annual declaration form;
- provides for obligations of institutional bodies (holders of legislative and executive power) that include that submission of an annual declaration report;
- regulates the revolving door practice by introducing a cooling-off period of 18 months after leaving public office;
- establishes a Transparency Register that will be held at the NTA where lobbyists will have the obligation to register and submit their annual declaration on lobbying activities by declaring: i) the policy area, ii) the decision for which they exercised lobbying activities, iii) the name of the person who exercised lobbying activities and the name of the client, iv) the method used and v) the politician/public official who was the target of the lobbying activities.

The NTA is responsible for monitoring compliance with the law. More specifically, the NTA has the power to conduct audits and investigate any complaint for potential violation. In case of violation, the NTA has the power to impose sanctions ranging from recommendations, to fines from 5,000-20,000 euros or even probation of the exercise of lobbying activities and deletion from the Registry.

Overall, the law aims to:

- create a culture of integrity, transparency and accountability in the communication of interest representatives with state institutions;
- develop effective policies through appropriate information to relevant stakeholders;
- ensure citizens' access to the decision-making process;
- strengthen citizens' trust in public institutions.

III. Asset declaration

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 (A' 309/31.12.2003).

Recent changes: According to Law 4795/21 art. 33 par. 9b amendment “*f. General and special secretaries of the Parliament and the Central Government, as well as special sectoral secretaries of art. 36 Law 4622/19, employees or consultants of special positions and the transferable employees, who are appointed by a governmental body of one or more members, as well as the public officials who are seconded, based on of the provisions of Articles 6 of Law 1878/1990 (A` 33) and 2 and 3 of Law 1895/1990 (A` 116), to the Ministry of Administrative Reconstruction and are available to Members of Parliament and political parties of the Hellenic Parliament and the European Parliament and in the office of the Greek Commissioner to the European Commission.*”

This change adds to General and special secretaries to the categories of the of persons who are obliged to submit an asset declaration form within ninety (90) days from the acquisition of their capacity (initial statement). It is worth mentioning that the competent body for monitoring the asset declarations of the above-mentioned cases is the Financial Intelligence Unit.

Audits:

- Number of audits carried out since March 2021: 29
- Number of asset declarations verified and audited: 123
- Number of cases where NTA has requested further clarification: 24
- Number of cases not fulfilling obligation of submission out of 29 audits: 0
- Number of cases with tax findings referred to tax authorities: 6
- Number of cases with conflicts of interest: 1
- On 31.12.2021, the Internal Regulation of Asset Declaration Audit was updated after “Common Regulation on the Methodology of Asset Declaration Audits” was published in the Government Gazette.
- On 31.12.2021, the Risk Analysis Criteria Manual was updated taking into consideration new criteria.

CIDA is the only audit body that publishes asset declaration data, so the public has unlimited access to the published data for 3 years. The independence from influence of the disclosed data is ensured by the fact that it is not decided by the committee that controls it, but by a common ministerial decision which also ensures that the disclosed data are minimally harmonised to the EU directive on compliance with the GDPR.

IV. Gifts Policy

Part B' of law 4829/2021 (A' 166) introduces legislative framework on the gift policy that applies to the President of the Republic, the Members of the Government and the Deputy Ministers. According to the law, there is a general rule that the above-mentioned persons must not accept any gifts, benefits, hospitality or other advantages offered to them in the exercise of their duties or which may be considered in any way connected with the exercise of those duties, with the exception of gifts offered to them in their official capacity because of custom or courtesy. Any gifts accepted as a result of custom or courtesy shall become the property of the State and shall be administered and managed by the Presidency of the Republic or the Presidency of the Government, provided that the estimated value of the gift exceeds 200 euros.

In the latter case, gifts whose estimated value is less than 200 euros or are consumable goods shall become property of the above-mentioned persons unless they declare that they wish to become property of the State. All gifts are registered at a special electronic register kept at the Presidency of the Republic and the General Secretariat of the Prime Minister of the Presidency of the Government, under the responsibility of the Secretary General concerned. The entry in the electronic register shall be made following a declaration by the above-mentioned persons.

A list of the gifts offered with a description is posted on the website of the Presidency of the Republic and the Presidency of the Government. The gifts may be used for public purposes such as exhibited, granted to museums of education institutions, used by the services of the Presidency of the Republic and the Presidency of the Government, sold, or destroyed or recycled.

23. 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)

A) I. Conflicts of interest of members of the government:

Law 4622/2019 (A' 133) devotes an entire chapter (Part IV) on ineligibilities, incompatibilities and rules for the avoidance of conflicts of interest of Members of the Government, Deputy Ministers, General and Special Secretaries of governing bodies of the public sector and non-permanent staff, among others (see article 68 below). The relative provisions aim at ensuring transparency and integrity in public administration through rules that govern the action of members of the government. In particular, these rules govern their appointment, the carrying out of their duties and the period after they leave service. The main goal of these provisions is to safeguard the principles of integrity and impartiality which are expected from any person who holds a public office. The primary legal basis for these provisions is article 81 of the Greek Constitution which provides for the suspension of any professional activity for

the members of the Government, Deputy Ministers and the President of the Parliament during the performance of their duties. The law extends this suspension to additional persons who exercise public authority given the need for complete dedication to their mandate. The implementation of these provisions is ensured with the creation of the Ethics Committee established within the auspices of the National Transparency Authority (see below NTA's responses provided to questions 4.4 and 7.2). More analytically:

Article 68 refers to the specific categories of persons where the provisions apply, namely to: (a) members of the Government and Deputy Ministers, (b) General and Special Secretaries, and Coordinators of the Decentralised Administrations, (c) Presidents or Heads of Independent Authorities, and Presidents, Vice-Presidents, Governors, Deputy Governors, Directors or appointed advisors to legal persons governed by public law and private law, the selection of whom is reserved to the government, with the exception of bodies falling within the scope of Chapter B of Law 3429/2005 (Government Gazette A' 314).

Hence, article 69 refers to various impediments to appointment, article 70 to incompatibilities, article 71 to obligations during the performance of duties and article 72 to procedural obligations for the avoidance of conflicts of interest while article 73 provides for the obligations after leaving service. More analytically:

As to impediments to appointment (article 69): Persons (a) who have been convicted or referred by a final order (of the judicial council) for a felony, (b) who have been deprived of their civil rights as a result of a conviction and for the period of time that the deprivation is issued, (c) who are subject to a prohibition of appointment, cannot be appointed to the positions of article 68.

As to incompatibilities (article 70): the exercise of any professional or business activity as well as the exercise of public office duties in any position in the public sector is automatically suspended for the persons mentioned in article 68. In addition, under para. 4, these persons should not enter into any contract with the State or other legal persons of public law.

As to the obligations during the performance of duties (article 71): The persons appointed to the positions of article 68 have the obligation to exercise their duties with integrity, objectivity, impartiality, transparency and social responsibility and act exclusively for the public benefit (para. 1). They are required to refrain from the management of certain cases declaring a conflict where such conflict of interest exists. A conflict of interest is defined as any situation that would objectively influence the impartial exercise of their duties (para. 2). Such is the case where there is a benefit, financial or not, for themselves or their spouses and relatives, or a detriment financial or not for the persons with whom there is a special hostility (para. 3). Furthermore, the persons appointed to the positions of the article 68 must declare to the Presidency of the Government of any conflict interests that may later arise as soon as they become aware of it (see article 72, para.2).

As to the procedural obligations in order to avoid a conflict of interest (article 72): A specific procedure needs to be followed for the avoidance of conflicts of interest with the filing of a declaration within one month from appointment. More specifically, the persons specified in article 68 are required to declare (a) their professional activities (including those of their spouses) during the last three years and (b) their participation (including that of their spouses) in the capital or management of enterprises. They must also (c) submit a copy of their asset declaration form for the last three years, (d) declare any other activity (including any activity of their spouses) and (e) submit a copy of their criminal record. According to para. 2, they have the obligation to declare to the Presidency of the Government any conflict of interest that may later arise.

As to the obligations after leaving service (article 73): For one year after they leave their post, persons appointed in positions of article 68 have the obligation to obtain authorization for any professional or business activity that relates to the activity of the entity to which they were appointed, if it could raise any conflict of interest, as described in article 71. The authorization requires the submission of a petition to the Ethics Committee discussed below

II. The Ethics Committee

In accordance with article 74 of Law 4622/2019, an Ethics Committee is established in the National Transparency Authority with the responsibility to (a) address any matter referred to it by the Prime Minister on ethical issues and avoidance of conflicts of interests of the persons appointed to the positions referred to in Article 68 of said Law (see analytically under question 2.1), namely, members of the Government and Deputy Ministers, General and Special Secretaries, Coordinators of Decentralized Administrations, Presidents or Heads of Independent Authorities and to the Presidents, Vice-Presidents, Directors, Deputy Directors, Deputy Directors, Directors or appointed advisers to legal persons governed by public law and private law; (b) examine the requests submitted in the context of Article 73 (1) and (2) of said Law on obligations after leaving service (see also under question 2.1). In addition, the Ethics Committee (c) may, *ex officio*, review the implementation of the provisions on ineligibility, incompatibilities and rules for the avoidance of conflicts of interest (see articles 69 to 73, also analytically discussed under question 2.1) and propose the imposition of the relevant sanctions (addressed in Article 75 discussed below, under question 7.2); and (d) to provide an advisory opinion on draft codes of conduct for persons appointed to the positions referred to in Article 68 or for other civil servants or officials of the public administration, referred to by the Prime Minister.

Penalties imposed by the Ethics Committee of the National Transparency Authority:

In cases of violation of the provisions regarding ineligibility, incompatibilities and rules for the avoidance of conflicts of interest (see response provided to question 2.1), the Ethics Committee (see response provided to question 4.4)

shall in accordance with article 75 para. 1 of Law 4622/2019 draw up a finding on the matter with proposed sanctions and shall send it to the Governor of the National Transparency Authority in order for him/her to adopt an administrative act concerning: (a) the imposition of a fine of up to twice the total remuneration and all the allowances received by the person referred to in Article 68 during his/her term of office, which is certified and is directly collected as public revenue, in accordance with the provisions of the Public Revenue Collection Code; (b) the prohibition of appointment, to the positions mentioned in Article 68 of this Law, for a period of up to five (5) years from the finding of the infringement. The above penalties shall be imposed cumulatively or alternatively. In the event of failure to pay the fine referred to in point (a), the period referred to in point (b) shall be extended for as long as the fine is not paid. All the decisions shall be posted on the website of the National Transparency Authority (para. 2), in addition to the publicity obligations, as set forth. Nullity of the contracts entered into is also provided as an additional consequence (para. 3).

B) Especially for the Public Procurement Sector, as defined in Art. 2 par.2 i) bb) of L. 4013/2011 in combination with the provisions of Art. 24 and 262 (conflict of interest) of Law 4412/2016, Hellenic Single Public Procurement Authority (HSPPA, in Greek ΕΑΑΔΗΣΥ) shall collect and evaluate the decisions of contracting authorities on the measures taken for the effective prevention, identification and remedy of incidents of conflicts of interest arising in the conduct of procurement procedures. In this context, HSPPA, aiming to achieve the standardization of the elements collected relating to incidents of conflict of interest in public procurement, and to assist contracting authorities in their duty to provide relevant information, has issued (in 2017) and published on its website a standard document prescribing the minimum content of the required information on conflict of interest to be notified to HSPPA.

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

A) The Legislative Drafting Committee assigned with the task to develop a draft law on the transposition of Directive 2019/1937 has completed its work and has submitted a draft law to the Minister of Justice. The Greek law is expected to be adopted in the first trimester of 2022.

B) The Internal Affairs Service of the Security Forces of Ministry of Citizen Protection, for the fulfillment of its mission, accepts information and complaints, which can be submitted either by name or anonymously, in person, by phone, by fax, by post, but also by e-mail. In addition, regarding the encouragement of citizens to report acts of corruption, it is known that, under article 1 par. 4 of Law 2713/1999, the Commander of the Internal Affairs Service of the Security Forces may, by his decision, maintain the anonymity of the complainant during

the stage of investigating the validity of the complainants. Lastly, with the aim of revealing cases of organized crime and combating "circuits" of corruption, article 5 of Law 2713/1999 is applied, as well as the current provisions of the Penal Code and Code of Criminal Procedure, introducing mitigating cases of criminal treatment of perpetrators and providing protection to witnesses who report serious crimes and in particular corruption crimes.

C) Financial Crime Prosecutor: Article 47 of the Code of Criminal Procedure (ratified by law no 4620/2019, A' 96/11.6.2019) was amended by article 103 of law 4855/2021 (A' 215/12.11.2021) and provides for the possibility of abstaining from prosecuting public interest witnesses by acts of the chief prosecutor of the Economic Crime Division is established, It also explicitly provides for the possibility of the Assistant Economic Crime Prosecutors to conduct a preliminary investigation, while henceforth the competence of the Economic Prosecutor's Office includes - apart from the corruption offences of subsection b' of par. 1 of Article 35 of the Code of Criminal Procedure, the "major criminal offences" of financial, tax or related crimes of Article 35(1a) of the Code of Criminal Procedure.

D) In December 2020 HSPPA launched a reporting platform for fraud and corruption or general irregularities in the field of public procurement, which meets the conditions for the implementation of Directive 2019/1937, for the protection of witnesses of violations, threats or damage to the public interest (whistleblower), within the framework of the European Program "WIDELY EXPANDING ANONYMOUS TIPPING TECHNOLOGY DEPLOYMENT, OPERATION, AND TRUSTWORTHINESS TO COMBAT CORRUPTION IN EASTERN AND SOUTHERN EUROPE", with the support of Transparency International Greece and the Hermes Center for Transparency and Human and Digital Rights.

The main features of this reporting method are:

- The report is made by completing a questionnaire, which is sent anonymously, if the person who submits it so wishes. Anonymous reports are only considered if they are sufficiently detailed.
- The report is received by the relevant executive or department, which manages it, maintaining the confidentiality of the person submitting the report.
- When sending the report, the petitioner receives a 16-digit numeric code, which must be kept in order to be able to maintain access to his report, verify the response of the competent official or department of HSPPA and contact the recipient of the report, responding to requests for clarification or further information.
- The report can be made from any digital device (personal computer, tablet, smartphone). The protection of anonymity is guaranteed in any case. This is a horizontal measure concerning the detection of fraud and the imposition of sanctions. It falls within the scope of public procurement and is related to the prevention of corruption among staff members, including management. It is a new operational measure, which falls within the scope of "online reporting" and aims to carry out targeted audits.

E) The directorate that supports CIDA is an independent agency that everyone can come and submit a request or corruption complaint. When the committee examines it, they are being informed on the result.

25. 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).

A) NTA is responsible for planning, monitoring and evaluating anti-corruption strategies in high - risk sectors, including health, sports and public procurement. Also, in collaboration with the Ministry of Education and Religious Affairs, NTA is, currently, drawing up an integrity awareness strategy for students. See also supra Q.20 on high risk sectors and how they are addressed in NACAP.

B) Law. 4786/2021 (A 43/23.3.2021) for the effective implementation of Regulation (EU) 2017/1939 (on the implementation of enhanced judicial cooperation for the establishment of the European Public Prosecutor's Office) in essence changes the competence of the Financial Prosecutor in the field of crimes committed against the interests of the European Union, establishing concurrent competence with a privilege in favor of the European Public Prosecutor. The above law regulates, inter alia, the selection procedure, employment status and powers of the European Public Prosecutors, as well as the relationship between the Financial Prosecutor's Office and the local prosecutors' offices and the European Public Prosecutor's Office.

C) HSPPA issued the Guidance 27/2021 (decision 7/30.06.2021 "Repeated irregularities that have been detected during the years 2017 to 2021, in the context of the legality check of the previous tender procedure on requests for the HSPPA's assent for the use of the negotiated procedure for the award of a public contract, in accordance with point (b) of paragraph 2 of Article 26 and Articles 32 par. 2.a and 269 par. a' of Law 4412/2016, as well as suggestions - recommendations that HSPPA included in its issued Opinions on requests following the invocation of the above legal bases", with the aim of facilitating and assisting the work of contracting authorities/entities in the correct application of the legislation during the design and implementation of the tendering procedures.

26. Measures taken to assess and address corruption risks in the context of the COVID-19 pandemic.

A) During 2021, NTA's commitment was to ensure public health and to increase transparency in the allocation of resources. In this context, NTA enhanced targeted audits/inspections in preventing and detecting fraud along with the Hellenic Police, the Finance Police, the Municipal Police and the Hellenic Coast Guard to enforce the restrictions/measures imposed by the Government.

NTA conducted audits, either following a complaint or ex officio, in order to ensure proper compliance with SARS-COV 2 restriction emergency measures focusing in specific areas in public and private sector. Audits were conducted in all municipalities of Greece, at points of high epidemiological burden. To strengthen accountability and transparency, a summary of these results is published in the NTA's web site.

NTA conducted audits along with the Labor Inspection Body so as to ascertain compliance with labor legislation measures for the protection of health and safety of the employees in the workplace and the prevention of the SARS-COV-2 as well as to detect fraudulent actions. For this purpose, eight NTA auditors were authorized to have access to the Information System (IS) "ERGANI" of the Ministry of Labor and Social Affairs.

Additionally, audits have been carried out in hospitals (public and private) and health centers (period January-February 2021) so as to confirm the transparency and compliance with vaccination prioritization criteria in accordance with the Ministry of Health's framework of the National Vaccination Plan for COVID-19.

The amount of resources necessary to ensure public health and safety coupled with the need to respond quickly to rapidly evolving challenges has increased opportunities for corruption. NTA continues to adopt measures in response to the pandemic, in a holistic, multi-stakeholder approach and to investigate how public resources are being deployed, so as to ensure accountability.

B) The Directorate General of SDOE has intensified the audits and investigations on companies that trade in products whose demand has sharply increased during this period, such as antiseptic liquids and surgical masks in order to prevent the circulation in the market of illegal products, which endanger public health.

More specifically, the Operational Directorate of SDOE in Attica- following relevant information-investigated companies which trade personal care products, and confiscated:

- quantity of 2,308 surgical masks with no legal documents of acquisition originating from Turkey and China.
- quantity of more than 8,000 liters of antiseptic liquids, without the required license. Samples of the above confiscated items have been sent to the competent authority and results of the analysis are expected.
- significant quantities of packaging materials for antiseptic products (bottles, lids, packaging labels).

Finally, D.G.SDOE has already informed the General Secretariat of the Ministry of Development and Investments, which was the competent authority for its own lawful actions regarding confiscated items.

C) HSPPA on the field of public procurement issued the Guidance 24/2020 (decision 1 / 15.04.2020 of HSPPA) "Special issues of award and management of public procurement, in the context of dealing with the health crisis of COVID-19 virus, as well as measures to prevent its dispersion " on options on options and flexibilities for public buyers under the EU public procurement framework and the national emergency provisions. The Guidance is intended to help public authorities use on the one hand the flexibilities provided by the provisions of EU Directives (as incorporated into national law. 4412/2016), under the conditions laid down in it and on the other hand to implement properly the special, exceptional and for limited period of time, provisions introduced by Legislative Content Acts. Transparency concerns are pointed out in particular in relation to contracts and direct awards made in this emergency situation that have not been published, and do not fulfil ex-post transparency requirements either. HSPPA took also the initiative to propose an addition of new procedure types for covid-19 in the Central Electronic Register of Public Procurement (hereinafter KIMDIS) and to send a document to the contracting authorities and the contracting entities, in order to use it properly.

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

Business integrity seminars offered by NTA:

In the context of its institutional role, the NTA has taken the initiative to launch in October 2021 a series of 5+1 webinars that will be completed in July 2022 that aim to address the fight against corruption in the private sector and raise awareness on the following topics:

- Fighting corruption as a pillar of corporate social responsibility (18.10.2021);
- Anti-Bribery compliance programs; from adoption, to implementation and monitoring (15.12.2021);
- Beneficial owners and corporate transparency (09.02.2022);
- Lobbying activities: The Greek institutional framework (06.04.2022);
- Protection of whistleblowers and transposition of Directive 2019/1937 (08.06.2022);
- Conclusion: Findings and proposals (06.07.2022).

In designing these series of seminars, the NTA took into consideration the recent international and European developments in the fight against corruption,

the country's progress in establishing an effective framework, as well as the initiatives of the private sector to foster a culture against corrupt practices. The webinars aim to demonstrate that the private sector can play a leading role in the fight against corruption through the adoption of a number of measures and mechanisms that aim to ensure transparency, integrity and accountability. The webinars have an interactive format combining brief presentations with discussions on case studies as well as mentimeter questions that trigger further discussion of the participants who include high ranked officers of private sector companies, academics, representatives of civil society organizations, chambers and professional associations.

The webinars constitute part of NTA's efforts to raise awareness in the private sector and are the continuation of NTA's "Business Integrity as Factor of Growth" webinar that took place at the Thessaloniki International Exhibition on 11.09.2021 (link available at <https://www.youtube.com/watch?v=BRwYxS3stB8>).

The NTA also aimed to raise awareness of bribery in international business transactions with a webinar that took place on 01.07.2021 (the link is available at <https://www.youtube.com/watch?v=51611kIT0p4&t=5s>).

C. Repressive measures

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

A) Law 4855/2021 (A' 215/12.11.2021) "Amendments to the Criminal Code, the Code of Criminal Procedure and other urgent provisions") introduced amendments, inter alia, to corruption-related provisions of the Criminal Code: Articles 31 and 32 of Law No. 4855/2021 amended the relevant provisions on bribery and corruption of political persons, specifically, in par. 4 of article 159 of the Criminal Code (CC), the concept of political official as a subject of the crime of bribery was extended to cover also political officials of another state, namely the Prime Minister, members of the Government, Deputy Ministers of another state, as well as members of the parliament or local government council of another state. This provision aligns with Articles 5 and 6 of the Criminal Law Convention on Corruption and its Additional Protocol. To par. 4 of Article 159A CC to the concept of a political official of another State, to whom the bribery of a national is addressed, includes the Prime Minister, members of the Government and Deputy Ministers, in addition to members of the parliament or local government council of another State. Amendments were also made to the relevant provisions on bribery and corruption of officials, namely, article 43 amended par. 1 of article 236 of the CC, which regulates the offence of bribery of an official, and the penalty provided for "from imprisonment up to three (3) years", was upgraded to imprisonment. This means that the court hearing a corruption case of an official may impose a prison sentence, depending on the circumstances, from ten (10) days to five (5) years. The

amendment to article 236 in turn excludes the possibility of the prosecutor from abstaining from criminal proceedings under Article 48 of the Code of Criminal Procedure. In addition, changes were made to article 235 of the CC (Passive Bribery of Officials) to include the official of any third country, as defined by the law of the third country, to also be considered subject to the crime of corruption. This extension of the concept of an official, as a subject of the crime of bribery, is thus in line with international anti-corruption treaties. Article 44 of said law also repealed par.1 of Article 263a of the CC, which provided that the perpetrator of corruption offence remains unpunished if, on his or her own will and before being examined as suspected of his or her act, he notifies it to the Public Prosecutor of First Instance or to any investigator or other competent authority, by forwarding a written report or orally, in which case a report shall be drawn up.

Specifically,

a) By Article 31 of Law 4855/2021, paragraph 4 of Article 159 of the Criminal Code was amended and Article 159 thereof was amended as follows:

“Article 159

Bribery of politicians

1. The Prime Minister, members of the Government, Deputy Ministers, deputy ministers, members of parliament, regional governors, mayors or members of the committees referred to in Article 157 par. 2, who, directly or through a third party, seeks or receives for themselves or others, for themselves or others, benefits of any nature whatsoever which they are not entitled to or require in return for an act or omission, future or past, which is within or contrary to their duties.

2. A member of Parliament, local government councils and their committees who, in connection with any election or vote held by the aforesaid bodies or committees, accepts the provision or promise of any benefit of any nature whatsoever, for himself or for another, or demands such in return for not taking part in the election or vote, for supporting a certain matter to be voted on or to vote in a certain way.

3. In the event of conviction for the acts of the preceding paragraphs, the convicted person shall also be disqualified from the public office held by the convicted person.

4. Para. 1 and 2 shall also apply when the act is committed by: a) members of parliamentary assemblies of international or supranational organisations of which Greece is a member, b) members of the European Parliament or the European Commission. In these cases, Greek criminal laws apply even if the act was committed abroad by a national, even if it is not punishable under the laws of the country where it was committed. Para. 1 and 2 shall also apply when the act is committed by the Prime Minister, a member of the

Government or Deputy Minister of another state, as well as by members of the parliament or local government council of another state.

5. The provisions of Articles 238 and 263A para. 2 to 5 shall apply mutatis mutandis to the offences referred to in the preceding paragraphs”.

b) By article 32 of Law 4855/2021, case c' of paragraph 4 of article 159A of the Penal Code was amended and article 159A was amended as follows:

“Article 159A

Bribery of politicians

1. Whoever promises or provides to the Prime Minister or a member of the Government or a Deputy Minister, a Member of Parliament, a regional governor or a mayor, directly or through another, any benefits to which he is not entitled for himself or for another, for an act or omission, future or already completed, which is related to or contrary to his duties, shall be punished with imprisonment of up to ten (10) years and a fine of up to one thousand daily units.

2. The same penalty shall be imposed on anyone who, in connection with an election or vote held by Parliament, or the election or vote held by the Parliament pursuant to Article 157 para. 2 local government council or committee thereof, promises or provides a member of the above bodies or their committees any benefits to which he is not entitled, for himself or for another, for not taking part in the election or vote or for voting in a certain manner.

3. A director of an enterprise or other person having the power of decision making or control in an enterprise shall be punishable with imprisonment and a fine, if the act is not punishable more severely by another criminal provision, if, in breach of a specific duty of care, he negligently fails to prevent a person under his command or subject to his control from committing for the benefit of the enterprise the act referred to in the preceding paragraphs.

4. Para. 1 to 3 shall also apply when the act is committed to: a) members of parliamentary assemblies of international or supranational organisations of which Greece is a member, b) members of the European Parliament or the European Commission, c) the Prime Minister, a member of the Government or Deputy Minister of another state, as well as members of the Parliament or any local government council of another state. In such cases, Greek criminal laws shall also apply when the act is committed abroad by a national, even if it is not punishable under the laws of the country where it was committed.

5. The provisions of Articles 238 and 263 A shall apply mutatis mutandis to the crimes of the preceding paragraphs”.

c) By Article 42 of Law 4855/2021, paragraph 5 of Article 235 of the Criminal Code was replaced and Article 235 thereof was formulated as follows:

“Article 235

Bribery of an official

1. An employee who requests or receives, directly or through a third party, for himself or for another, an improper benefit of any nature, or accepts the promise of providing such a benefit, for an act or omission in connection with the performance of his duties, future or already completed, shall be punished by imprisonment and a fine. If the perpetrator commits the act referred to in the preceding subsection on a professional basis, he shall be punished by imprisonment for a term of not less than three (3) years and a fine.

2. If the above act or omission of the culprit is contrary to his/her duties, he/she shall be punished with imprisonment of up to ten (10) years and a fine. If the perpetrator commits the act of the preceding subsection on a professional basis, he shall be punished by imprisonment and a fine of up to one thousand (1,000) daily units.

3. An employee who requests or receives, for himself or for another, an improper benefit of a pecuniary nature, taking advantage of his capacity, shall be punished by imprisonment, if the act is not punished more severely by another criminal provision.

4. Heads of departments or inspectors or persons having the power of decision making or control in departments of the State, local government bodies and legal persons under public law shall be punished by imprisonment for a term not exceeding three (3) years or a fine, if the act is not punished more severely by another criminal provision, if, in breach of a specific official duty, they have negligently failed to prevent a person under their orders or subject to their control from committing an act under the preceding paragraphs.

5. Para. 1 and 2 shall also apply when the acts are committed by officials or other servants employed under any contractual relationship in: a) an institution or body of the European Union, b) any public international or supranational organisation or body of which Greece is a member, as well as by any person, whether seconded or not, who performs duties corresponding to those performed by the officials or other servants, even if the acts of paragraphs a) and b) are not punishable under the laws of the country where they are committed. Para. 1 and 2 shall also apply where the acts are committed by an official of a foreign country”.

d) By article 43 of law 4855/2021, paragraph 1 of article 236 of the Criminal Code was amended and article 236 of the Criminal Code was amended as follows:

“Article 236

Bribery of an official

1. *Whoever offers, promises or provides an employee, directly or through a third party, any kind of improper benefit, for himself or for another, for an action or omission of the employee in connection with the performance of his duties, future or already completed, shall be punished by imprisonment.*

2. *If the aforesaid act or omission is contrary to the official's duties, the offender shall be punished with imprisonment for a term not exceeding eight (8) years and a fine.*

3. *A director of an enterprise or other person having the power of decision making or control in an enterprise shall be punished with imprisonment for a term not exceeding two (2) years or a fine, if the act is not punishable by a heavier penalty, if, in violation of a specific duty of care, he negligently failed to prevent a person under his command or control from committing for the benefit of the enterprise an act of the preceding paragraphs.*

4. *The provisions of paras. 1, 2 and 3 shall also apply when the acts are committed to: a) officials or other employees with any contractual relationship of any institution or body of the European Union having its seat in Greece and any public international or supranational organisation or body of which Greece is a member, as well as to any person, whether seconded or not, who performs duties corresponding to those performed by the officials or other employees; or b) any person who performs a public function or service for a foreign country.*

In such cases the Greek criminal laws shall apply even when the act is committed abroad by a national, even if it is not punishable under the laws of the country where it was committed and for the prosecution of the misdemeanour of para. 1 is not required in accordance with Article 6(1). 3”.

e) By article 44 of Law 4855/2021, paragraph 1 was repealed and paragraphs 2, 3 and 4 of article 263A of the Penal Code were amended and article 263A of the latter was amended as follows:

“Article 263A

Favourable measures

1. *[Repealed]*

2. *Article 263(2) shall be abolished. 1, 2 and 3 and 237 par. 2 and 3 or the participant in the acts of Articles 235 par. 1, 2 and 3, 237 par. 1 and 239 to 260, as well as Article 390, when committed by an official, substantially contributes, by reporting to the authority, to the disclosure of the participation of an official in these acts, shall be punished with a penalty reduced to the measure of Article 44 para. 2. The court may order the suspension of the execution of this sentence, irrespective of whether the conditions laid down in Article 99 are fulfilled. The Council of Plenary Sessions, by a decision issued on the proposal of the competent public prosecutor, shall order the suspension of the prosecution against the perpetrator for a certain period of time in order to confirm the truth of the information submitted. The suspension*

of the prosecution may also be ordered by the court if the evidence is introduced pending a decision at second instance. The same judgment or decision may also order the lifting or replacement of the coercive measures of inquiry imposed. If, after the suspension of the criminal proceedings, it is established that the evidence adduced by the person responsible was not sufficient to bring criminal proceedings against the official, the relevant decision or judgment shall be revoked and the suspended criminal proceedings shall be continued against the person responsible.

3. An employee, an accomplice or participant in the commission of the acts of Articles 235 to 260, as well as Article 390, who substantially contributes, by reporting to the authority, to the disclosure of the participation in these acts of other employees holding a position higher than his own, or a non-employee participant in these acts, excluding the commission by him of the act of Article 236 of the PC, shall be punished in accordance with the provisions of para. 2, provided that he has transferred to the State all the assets he has acquired, directly or indirectly, from the commission of or participation in the commission of the aforementioned crimes. If, exceptionally, this transfer has not been completed by the time the sentence is being assessed, the court may reserve its decision on the sentence by suspending the proceedings for this purpose for a certain date and without the time limitation provided for in Article 352(1)(b). 1 of the Code of Criminal Procedure. In that case, it shall also specify the specific transfers or other acts which the offender must carry out in order to benefit from that advantage. In the decision to discontinue the proceedings, the court may also order the removal or replacement of the measures of coercion imposed.

4.a) If any of the perpetrators of the crimes under Articles 235 to 260, 390 and 396 or acts of money laundering directly derived from the criminal activities in question, introduces evidence of the participation in these acts of persons who are or have been members of the Government or Deputy Ministers, the Judicial Council, by a decision issued on the proposal of the Public Prosecutor, shall order the suspension of the criminal proceedings against him and the immediate referral of the case to Parliament. The above suspension may also be ordered by the court when the evidence is introduced pending a decision at second instance. The same judgment or decision may also order the removal or replacement of the measures of coercion ordered.

b) If the Parliament considers, in accordance with the provision of par. 3 of Article 86 of the Constitution, that the evidence is not sufficient to bring criminal proceedings against a Minister or Deputy Minister, the verdict or decision shall be revoked and the suspended criminal proceedings shall continue. If Parliament decides to prosecute a Minister or Deputy Minister under Article 86 of the Constitution, in the event of conviction by the Special Court, the co-participant who introduced the evidence under the preceding subparagraph shall be punished with a sentence reduced to the extent provided for in Article 44 para. 2. The court may order the suspension of the execution of this sentence in accordance with the provisions of para. 2.

5. If the initiation of criminal proceedings is not possible due to the elimination of the criminal offence, in accordance with the provisions of Article 86 par. 3, para. B of the Constitution, the accused shall be subject to a sentence reduced to the extent provided for in Article 44, para. 2. The court may also order the suspension of the execution of this sentence, as provided for in para. 2”.

B) According to the AML Law (art. 45 par. 3 «Liability of legal persons and entities (articles 58 and 59 of Directive 2015/849)», concerning indicated predicate offences (including corruption and foreign bribery) and ML in case of:

- an obliged legal person or entity, the administrative sanctions provided in L.4557/2018 shall be imposed by a reasoned decision of the competent supervisory authority;
- a non-obliged legal person or entity, the administrative sanctions provided shall be imposed by a reasoned decision of the Head of the competent Operational Directorate of SDOE.

C) In 2021 the directorate that supports CIDA, as the National Representative to submit the list of the PEP-Politically Exposed Persons, submitted to the President of the Parliament and the Minister of Finance, a broader- compared to the requirements of art. 20a(1) AMLD – list of prominent public functions.

29. 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.

A) In 2021, the Operational Directorate of SDOE of Attica has imposed an administrative sanction of 1 million Euros on the legal entity for domestic bribery after receiving the relevant information and copy of the case file sent by prosecutorial authorities.

B) In March 2021 the Committee’s annually report was published with all the relevant information regarding the controls about the investments she commits about assets declaration and parties financing and additionally in August 2021, the Committee published the results from the financing control of political parties for year 2020 along with the Committee’s proposal for their penalization according to the violations found.

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

N/A

31. Information on effectiveness of administrative measures and sanctions, in particular recovery measures and administrative sanctions on both public and private offenders.

Concerning administrative sanctions, in 2021, the Operational Directorate of SDOE of Attica has imposed an administrative sanction of 1 million Euros on the legal entity for domestic bribery after receiving the relevant information and copy of the case file sent by prosecutorial authorities.

During the last two years 2020-2021, D.G SDOE concluded 97 and 266 investigations respectively for the safeguard and the correct implementation of the provisions regarding the use of EU subsidies. Moreover D.G. SDOE cooperated in 15 joint investigations in year 2020 and 10 in 2021 with OLAF.

Other – please specify

III. Media freedom and pluralism

A. Media authorities and bodies

32. Measures taken to ensure the independence, enforcement powers and adequacy of resources of media regulatory authorities and bodies

a) 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. Its legal framework is primarily defined in the Greek Constitution (Article 15, paragraph 2). The NCRTV was established by Law no1866/1989, 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 (A' 27).

b) 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. The Presidential Decree no.82/2017 (Article 27) describes the legal framework of State supervision on media. The recent Law no 4622/2019 (A' 133), transfers the regulatory and State supervisory responsibilities to the Presidency of the Government.

To the scope of strengthening the NCRTV in its mission, the 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. Additionally, Law 4779/2021, reformed the method of payment of the attributed to the NCRTV financial compensation of linear subscription services, thus an increase in NCRTV'S revenue is expected to occur.

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

During the year 2021, the orderly operation of the NCRTV was further ensured by its full composition, following the appointment of a vice-president and a new member to fill the respective vacancies.

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

A) The NCRTV has the following functions:

Regulatory: The NCRTV proposes and advises the competent Minister on the type and number of digital terrestrial television and radio licenses, as well as on the starting price of the auction procedures, issues the relevant Calls for Applications and grants all types of operating licenses to broadcasters.

It further compiles Codes of Ethics for news broadcasts, advertisements and entertainment programs.

Inspections: With regard to the content of radio and television programs, the NCRTV systematically monitors the observance of the rules of ethics, the content quality, the plurality of information, the protection of minors and the respect of human dignity. With regard to the ownership status of private media, it monitors compliance with the applicable law restrictions and incompatibilities and publishes the relevant data in order to comply with the principle of transparency.

Sanction: In cases of violation of the law, it imposes fines or other administrative sanctions, while, in serious cases, revocation of the operating licenses may be imposed.

B) Self-regulation: Law no 4779/2021 encourages media sharing service providers, video sharing platform service providers, and advertising and communication service providers, and associations thereof, to establish national codes of ethics with a view in particular to further protect consumers, minors and the public health and healthy competition (art. 6, under the title "self-regulation - co-regulation"). Those codes of ethics can be compiled in collaboration with the NCRTV, as well as in collaboration with the consumer associations that are registered in the register kept in accordance with Law no

2251/1994 (official gazette A' 191). [See also art. 8 of Law no 2863/2000, A' 262 providing for the obligation of holders of a license to operate a radio or television station to conclude multilateral self-commitment agreements on the rules and principles of ethics that they will apply, within the framework of the current broadcasting legislation, regarding the content and the way of presentation and promotion of all kinds of informative and entertaining radio and television programs].

B. Transparency of media ownership and safeguards against government or political interference

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

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 Law 2328/1995, A' 159 (Article 9) and Presidential Decree 261/1997 (A' 186).

Each public service and organization which elaborates media plans with a budget that exceeds the amount of thirty thousand euros (30,000 €) is obliged to submit an application for the program 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 the total media plan cost, for 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.

The 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.

36. Safeguards against state/political interference, in particular: - safeguards to ensure editorial independence of media (private and public) - specific safeguards for the independence of governing bodies of public service media governance (e.g. related to appointment, dismissal) and safeguards for their operational independence (e.g. related to reporting obligations), - procedures for the concession/renewal/termination of operating licenses - information on specific legal provisions for companies in the media sector (other than licensing), including as regards company operation, capital entry requirements and corporate governance.

a) safeguards to ensure editorial independence of media (private and public): Articles 14 and 15 of the Constitution. Furthermore, editorial independence, autonomy and dignity of journalists are further ensured in public and private media by codes of Conduct of the journalistic profession.

Article 1 par. 3 of Law 4324/2015 (A' 44) on the public broadcasting sector states that public television (ERT SA) is a public company supervised by the State. ERT SA has administrative and financial autonomy. For the fulfilment of its mission, ERT SA acts independently of state entities, any public or private authorities, as well as political parties (article 2 para. 4 of Law 4324/2015), and is governed by the provisions of the Greek Constitution and relevant Greek and EU legislation.

b) specific safeguards for the independence of governing bodies of public service media governance (e.g. related to appointment, dismissal) and safeguards for their operational independence (e.g. related to reporting obligations): E.R.T. SA is the public broadcaster in Greece and has administrative and financial autonomy which is ensured by Law 4173/13. The process relating to the appointment of E.R.T. SA's President and Managing Director includes, which will be applied for future appointments, 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. 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.

According to article 9 of Law 4324/2015, the independent regulating authority (NCRTV) is charged with controlling the public broadcaster's (ERT SA) compliance with the Greek legislation related to programming and broadcasting

general principles. To that end, NCRTV publishes an annual report (paras. 1-2). Compliance with obligations of a different nature, provided into Law 4324/2015, is subject to the control of the Minister of State (para. 4). Furthermore, ERT SA submits to both the Transparency Committee of the Greek Parliament and NCRTV an annual report on the state fee use (para. 3).

c) procedures for the concession/renewal/termination of operating licenses: The independent regulating authority (NCRTV) issues free-to-air terrestrial digital TV licenses, according to the provisions of Law 4339/2015. The duration of each license is ten years from the issuance date (art. 2 para. 5 of Law 4339/2015). Each license is granted for the purposes of a free-to-air terrestrial digital broadcasting and therefore the terms of its use cannot be modified by the licensee (art. 14 para. 3a of Law 4339/2015).

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

- In 2021, a Working Group was established for the elaboration and submission of a proposal 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.

A working group will be established for the elaboration and submission of a proposal regarding the required legislative, technical and procedural actions required.

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.

d) information on specific legal provisions for companies in the media sector (other than licensing), including as regards company operation, capital entry requirements and corporate governance: According to article 3 of Law 4339/2015, the following companies have the right to participate in the licensing procedure: a) societe anonyme (SA) companies (or companies under incorporation) established in Greece or any member state of the EU which fall

under the jurisdiction of the Greek State (according to article 2 of the Directive 2010/13/EC, as modified) operate exclusively in the media sector and include in their corporate objective the provision of free digital television broadcasting services and b) Consortia (or consortia under incorporation) which operate exclusively in the media sector and include in their corporate objective the provision of free-to-air terrestrial digital television broadcasting services, on the condition that the consortium members have the form of SA companies. According to article 4 para. 1 of Law 4339/2015, "the paid-up share capital of the candidate SA company or consortium should amount to at least eight million (8.000.000) euros".

Under 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.

37. Transparency of media ownership and public availability of media ownership information, including on media concentration (including any rules regulating the matter).

Law 3310/2005 (article 3) defines the incompatibilities between the owners of media and the owners of enterprises that sign public contracts. Apart from the owners, the same provision applies to partners, key shareholders, board members or executives in the media market. The incompatibilities are inspected by the NCRTV.

Law 4779/2021 further enhances transparency of media ownership and public availability of media ownership information by introducing the obligation for media service providers to register in the NCRTV's Business Register.

It is a fact that freedom of information includes the protection of journalists' sources and content, with respect to copyright issues. In this context, the Secretariat General for Media and Communication launched, as a national operational measure, the online media registry "e-media" (<http://emediamedia.gov.gr/login>), under Law 4339/2015 (Art.52-54). The "e-media" registry is addressed to all media owners with online presence (websites), encouraging them to voluntarily register their activities online, thus ensuring a transparent, balanced and fair functioning of the media industry in the non-linear environment.

Additional institutional interventions that will offer media in Greece the ability to adequately respond to today's challenges, ensuring their freedom and supporting them in functioning under absolute independence are currently being planned: e.g. completion of licensing process of radio stations and regional televisions, reform of the preconditions and the criteria for inclusion in new and reformed E-media Registries (both for electronic and printed media with a scope to form a transparent and reliable framework in the field of information), establishment of the possibility for E-media registered members

to be correlated –under certain conditions - with the reception of state advertisement.

C. Framework for journalists' protection

38. Rules and practices guaranteeing journalist's independence and safety

Greece is significantly active in the area of protection of human rights, including journalists' rights, acknowledging the need for an integrated approach which involves actions from all public authorities that take into account the human rights dimension in the course of their operation.

Greece has adopted all the recommendations and guidelines of the Council of Europe on the protection of journalism and safety of journalists and other media actors (*Recommendation CM/Rec(2016)4 of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors, Resolution on the safety of journalists adopted by the specialised Ministers of the Council of Europe member States, on the occasion of the Conference of Ministers responsible for Media and Information Society, jointly organised by the Council of Europe and the Republic of Cyprus and held online on 10-11 June 2021, etc*) and responses to all measures need to be taken for this purpose, namely to carry out effective, independent and prompt investigations into any crimes against journalists, such as murders, attacks or ill-treatment, and bring to justice authors, instigators, perpetrators and accomplices who are responsible under the law, ensuring that there is no impunity for attacks against journalists. Moreover, Greek authorities have an excellent cooperation with the [“Platform to promote the protection of journalism and safety of journalists”](#) of the Council of Europe. The Greek State has provided information about all the alerts through the [Permanent Representation of Greece to the Council of Europe](#).

Within its area of competence, the Secretariat General for Communication and Media places special focus on the upholding of human rights in the media environment by empowering people that work and support it, namely, media professionals and journalists.

Moreover, as far as recent measures taken in the field of protection of journalists are concerned, the Secretariat General for Communication and Media has contributed, within its field of competence, to the drafting of the National Action Plan on Women, Peace and Security (WPS) 2019-2024, with a view to eliminate gender stereotypes against female journalists. In this light, and in cooperation with all relevant stakeholders, including the private sector media, public service media, civil society, academia, etc., the Secretariat General for Communication and Media aims at implementing the National Action Plan on Women, Peace and Security (WPS) 2019-2024 by proposing awareness-raising activities for media professionals regarding the protection

and safety of female journalists, especially those where their main activity and work is focused on investigative journalism and/or conflict areas, i.e. female war reporters. These awareness-raising activities will be implemented through seminars and workshops organized by the Secretariat General for Communication and Media, with a view to enhancing safety and protection of journalists through the promotion of activities based on the empowerment of media literacy skills of journalists and other media professionals, with an emphasis on fighting online harassment of journalists, particularly female journalists and journalists belonging to minorities, and enhance the protection of investigative journalists and whistle-blowers.

Greece also salutes the recently announced EU Recommendation on the Safety of Journalists and is currently reflecting on the idea of establishing a **special working group** with the participation of all competent Ministries with the scope of implementing the Recommendation.

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

In case of any attack on journalists, the law (civil and penal) safeguards them as any other Greek citizen (see also presidential decree 141/1991 that provides for compulsory security escorts to certain officials, as well as to any individual when there are security reasons).

40. Access to information and public documents (incl. procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities)

N/A

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

Greece will implement the EU Recommendation on the Safety of Journalists, and further welcomes the initiative and participates in the dialogue on combating SLAPPs.

Moreover, the National School of the Judiciary is scheduling seminars about SLAPPs for trainees and active judges and prosecutors, where all the relevant issues of the protection of the freedom of speech (art. 14 of the Constitution) and every citizen's right of access to justice and judicial protection in case of defamation shall be examined.

Other – please specify

Art. 36 of Law 4855/2021 (A' 215/12.11.2021, "Amendments to the Criminal Code, the Code of Criminal Procedure and other urgent provisions") amended

art.191 of the Criminal Code about spreading false news, so that it stipulates that the offence of spreading false news also applies to the public health sector, and the penalties provided for (imprisonment and a fine) are also imposed on the actual owner or publisher of the medium.

IV. Other institutional issues related to checks and balances

A. The process for preparing and enacting laws

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

N/A

43. 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)

N/A

44. Regime for constitutional review of laws

No development since the Rule of Law Report for 2021

45. COVID-19: provide update on significant developments with regard to emergency regimes in the context of the COVID-19 pandemic - judicial review (including constitutional review) of emergency regimes and measures in the context of COVID-19 pandemic - oversight (incl. ex-post reporting/investigation) by Parliament of emergency regimes and measures in the context of COVID-19 pandemic.

The Council of State dismissed petitions for annulment filed against joint ministerial decisions pertaining the imposition of mandatory self testing to civil servants as a precondition for attending their work place, as well as to pupils, teachers and other education personnel for attending school establishments. The Fourth Section of the Council of State (in formation of seven judges) held that the aforementioned measure, imposed by the competent authorities having wide discretionary power to adopt measures for the protection of public health, as long as those measures are scientifically documented with regard to current health conditions and are proportionate, did not violate the petitioners' right to health, free development of their personality and human dignity nor the principle

of proportionality or their right to equal access to public education (for petitions of pupils and education personnel) (Decisions no 1386/2021, 1758-1759, 1890-1898/2021 of the Council of State).

The Council of State rejected the application for suspension of an act issued by the Head of the Fire Service with regard to the mandatory vaccination of personnel serving in the Special Units for Disaster Response (in greek, EMAK). The act provided that non vaccinated members of the personnel, if failing to do so in a specific deadline, they would be transferred to other units of the Fire Department. The Court, having stated that none of the grounds for annulment was manifestly well founded, weighed the interest of the applicants to the public interest of safeguarding the continuous operation of the service, which rendered necessary the immediate application of the aforementioned act, and thus rejected the application (Decision 133/2021 of the Council of State).

Similar solution was given in cases regarding the suspension of acts on the mandatory vaccination of doctors and other health personnel: the Court, having stated that none of the grounds for annulment was manifestly well founded, weighed the interest of the applicants on one hand to the public interest of protecting public health and more specifically the health of the vulnerable group of hospitalized patients and on the other hand to the public interest of safeguarding the continuous operation of the service, which rendered necessary the immediate application of the aforementioned act, and thus rejected the applications (Decisions 250 – 252/2012 and 303/2021 of the Council of State).

With regard to the petitions for annulment against administrative acts concerning the mandatory vaccination of the personnel of EMAK and doctors and other health personnel, brought before the Plenary Session of the Council of State on a hearing on 8.10.2021, the President of the Council of State, according to art. 34 par. 8 of the presidential decree 18/1989, issued a statement on the results of the deliberations on the aforementioned cases. The court rejected the grounds that the attacked acts violated the Constitution, stating that the measure of mandatory vaccination a) is imposed to the specific professional groups to the scope of safeguarding the continuity of the service (for the EMAK case) or within their constitutional obligation for social solidarity and within their responsibility to safeguard the patients' health (for doctors and health personnel cases), b) is provided for by law, c) is based on valid scientific data on the efficacy of vaccination against the pandemic and d) is based on data on the rarity of vaccine side effects. Also, the measures do not violate the principles of equality or proportionality. The decisions are expected to be issued in April of 2022.

The Council of State has also rejected petitions for suspension of regulatory acts pertaining restrictive measures (curfew on the circulation of citizens, temporary suspension of church services in attendance of churchgoers) on the grounds of the protection of imperative public interest (Council of State

Decisions 1 - 3/2021 and 83/2021). The relevant petitions for annulment, brought before the Plenary Session on 5.2.2021, are in deliberation.

B. Independent authorities

46. 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

Audit institutions

A) The National Transparency Authority (Law 4622/2019, A'), with key tasks to enhance integrity, transparency, and accountability in the action of public institutions, prevent, detect, and respond to fraud and corruption in public and private bodies and organizations, 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 said Law.

Annual Budget: According to article 82 para. 2 of Law 4622/2019, NTA enjoys administrative and financial autonomy. NTA's annual budget for 2021 was 6,817,000.00 euros. As for 2022, NTA's annual budget is 7,703,000.00 euros and can be modified, if deemed necessary.

Human Resources:

Total number of NTA employees: 396

- Inspectors-Auditors: 233
- Administrative staff: 163

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

General Directorate/Unit	Inspectors-Auditors		Administrative Staff	
	Central	Regional Units	Central	Regional Units
Inspections and Audits' Unit	233		-	
	171	62		
Directorate General for Financial and Administrative Services and e-Government	-		96	
			78	18
Directorate General for Integrity and Accountability			48	

Directorate for Strategic Planning and Behavioural Analysis		13
Directorate General for Awareness Raising and Actions with Society		5
Directorate for Internal Audit and Investigations		1
Total	233	163

During the fourth quarter of 2021, NTA launched an open call for the recruitment (via secondment) of 55 Inspectors – Auditors. The selection process is now at its final stage. It is expected that during the first quarter of 2022 the successful candidates will be appointed, thus, further increasing the operational capacity of the Unit of Inspections and Audits of NTA.

B) The Hellenic Anti-money Laundering Authority (Art. 47 to 51 of Law no 4557/2018, A') is administratively and operationally independent. The budget of the Authority is part of the budget of the Ministry of Finance. The Authority may participate in programs funded or co-funded by the European Union or international organizations for its operational support at an audit and technological level. The Authority is constituted by the President and seventeen (17) members, as well as by their equal number of alternates, who shall have the same skills and qualifications as the members they alternate. The President and the members of the Authority have personal and operational independence in the exercise of their duties and are only bound by law and their conscience. Their statutory term of office shall be three years and may be renewed, but it may in no case exceed six (6) years in total. As President of the Authority is appointed a senior prosecutor or a honorary senior prosecutor, with knowledge of the English language. The senior acting prosecutor is selected together with his alternate by a decision of the Supreme Judicial Council, upon a proposal of the Minister of Justice, and is appointed by a joint decision of the Ministers of Finance and Justice. The honorary senior prosecutor is appointed with his alternate by a joint decision of the Ministers of Finance and Justice, following a proposal by the latter and after the opinion of the Permanent Committee on Institutions and Transparency of the Parliament in accordance with the specific provisions of the Rules of Procedure and the eligibility of the proposed person. The President of the Authority is a full time official. The members and alternates of the Authority are appointed by joint decision of the Ministers of Justice, Transparency and Human Rights and Finance, upon proposal of the Ministers of Interior, Foreign Affairs, Justice Transparency and Human Rights, Finance and the Governor of IAPR, the Governor of the Bank of Greece and the Board

of Directors of the Hellenic Capital Market Commission, the Hellenic Accounting and Auditing Standards Oversight Board and the Hellenic Gaming Commission, as specified in the following article. The persons proposed shall stand out for their scientific training, ethics, and their professional skills and experience in the sector of banking, finance, law or business, depending on the requirements of The Hellenic Anti-Money Laundering Authority comprises three (3) autonomous Units, with distinct responsibilities, staff and infrastructure and a common President: Unit A Financial Intelligence Unit (article 48 par. 2 of Law 4557/2018), Unit B Financial Sanctions Unit (article 48 par. 3 of Law 4557/2018), Unit C Source of Funds Investigation Unit (article 48 par. 4 of Law 4557/2018).

47. 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.

N/A

C. Accessibility and judicial review of administrative decisions

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

As a basic principle all regulatory administrative acts and appointments to public offices (albeit not regulatory in nature) must be published in the Official Gazette of the Hellenic State. On the contrary, individual administrative decisions are not -as a rule- made public, with the exception of cases of public money spending or environmental protection, where a publication on the internet is foreseen (www.aepo.ypeka.gr, see art. 19A of Law 4014/2011, A' 209 and joint ministerial decision 21398/2.5.2012, B' 1470), unless when the publication is stipulated by a relevant provision. The publication of an administrative act (regulatory or individual) is an essential element of the act, which without or until publication is non-existent.

For reasons of transparency of the public administration and access to information for all a publication by post on the web program "Diavgeia" is provided for by Law 3861/2010, A' 112. This posting does not substitute the publication in the official gazette or any other publication demanded by law with regard to the effects of publication on the judicial review (p.ex. time-limit for the lodging of a petition for annulment).

49. 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).

According to art. 94 par. 1 and 95 of the Constitution, the Council of State is competent, inter alia, for the annulment on application of self-executing administrative acts for the administrative authorities. In this case, the Council of State decides in first and last instance. According to the same constitutional provisions, the judicial review (annulment) of certain categories of cases may fall under the jurisdiction of administrative courts, following a special provision by law, for reasons pertaining to their nature or to their lower importance (see esp. Law no 702/1977, A' 268, as modified, Law no 3900/2010, A' 213, by the provisions thereof a significant number of cases have been transferred to the administrative courts, both courts of appeal and courts of first instance). In this case, the Council of State is competent for the hearing of appeals against the decisions of the administrative courts.

The ordinary administrative courts have the original competence to decide cases allocated thereto by special provisions, by exercising full jurisdiction, while the Council of State has the competence to hear petitions of cassation for reversal of final judgments reached by the appellate or first - and - last instance administrative courts in such cases.

In certain categories of cases the Council of State has also the competence to decide cases by exercising full jurisdiction, either by virtue of an express constitutional provision (as in cases of dismissal or in cases of downgrading of civil servants) or by virtue of a law issued upon constitutional authorization.

Finally, all administrative acts that impose a sanction fall under the jurisdiction of administrative courts of first instance that exercise full jurisdiction (art. 66 of Law no 4055/2012, published in the official gazette, A' 51/12.3.2012).

The lodging of a petition for annulment does not have a suspensive effect. The applicant can request by application the stay of execution of the challenged administrative act, which is heard by a committee of three members of the court (the president of the court or the section, the rapporteur of the case and one justice). The stay is ordered when the execution of the act can cause irreparable damage or damage that cannot be rectified but with great difficulty or when the grounds for annulment are manifestly well founded. The Court can instead of a stay order any other measure deemed necessary according to the factual and legal situation at hand (art. 52 of the presidential decree 18/1989).

Same provisions can be found in the Code of Administrative Courts Procedure, when the lodging of a substantive recourse does not have immediate full or partial suspensive effect, as for example in tax cases (art. 200 – 205A of Code of Administrative Courts Procedure, Law 2717/1999).

50. 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.

Pursuant to art. 95 para 5 of the Constitution, the Public Administration is bound to comply with court judgments. The breach of this obligation renders liable any competent agent. Law no 3068/2002 (A' 274) specifies the measures necessary for ensuring the compliance of the Public Administration with all judgements of administrative, civil, penal and special courts, including a special compliance procedure before the court that issued the judgment (except for judgements of civil and penal courts that the petition is filed before the Areios Pagos), on petition of the person interested.

The Administration must comply either by positive action (for instance issuing the necessary administrative acts to remedy or create the appropriate legal situation) or abstain from any action contrary to the judgement. In case the court finds that the Administration has not complied to the judgement, it sets a deadline for the Administration to take all measures necessary. In case the Administration does not comply, the court ascertains the unjustified delay or omission to comply and can also allocate a pecuniar compensation to the person interested.

With regard to compliance with the decisions of the European Court of Human Rights, Greek legislation provides for a petition for the reopening of the procedure following a conviction by the European Court for violation of fair process or the relevant to the case material law. This remedy was introduced: a) against decisions of penal courts by the art. 11th of Law 2865/2000 (which added case 5 to par. 1 art. 525 of the Code of Penal Procedure), b) against decisions of administrative courts on recourses of full jurisdiction by art. 23 of Law 3900/2010, c) against decisions of the Court of Audit by art. 75 of Law 4055/2012, d) against decisions of the Council of State and the administrative courts on cases of annulment by art. 16 of Law 4446/2016, and e) for the revocation or amendment of decisions of civil courts of certain categories (εκούσια δικαιοδοσία) by art. 29 of Law 4491/2017 (which amended art. 758 of the Code of Civil Procedure).

D. The enabling framework for civil society

51. Measures regarding the framework for civil society organisations (e.g. access to funding, legal framework incl. registration rules, measures related to dialogue between authorities and civil society, participation of civil society in policy development, measures capable of affecting the public perception of civil society organisations, etc.)

Three petitions for annulment against a regulatory joint ministerial decision on the registration of the NGOs and a petition for annulment against an act rejecting the registration of an NGO are set to be brought before the Plenary Session of the Council of State on 3.6.2022.

52. Rules and practices guaranteeing the effective operation of civil society organisations and rights defenders

N/A

E. Initiatives to foster a rule of law culture

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

N/A

Other – please specify