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Executive Summary & Major Findings

In an environment of a prolonged economic crisis, Greece is struggling to achieve its Sustainable Development Goal (SDG) commitments, while recognizing the importance of an anti-corruption plan in order to promote transparency in both public and private sector.

During the last years it has been shown that corruption and its consequences are the main causes of the multifaceted ethical, social, political and financial crisis that Greece is facing since 2010. Without a doubt, corruption is one of the country's biggest problems. In Transparency International's Corruption Perceptions Index 2017, Greece scored 48 points on a scale of 0 (highly corrupt) to 100 (very clean), ranking 59 out of 180 countries¹.

According to researches among others causes of corruption include the lack of appropriate mechanisms to control public sector corruption, the vague or overlapping responsibilities of overseeing bodies, political influences in decision public decision making, the slow judicial procedures and irrational

legal framework against corruption². The Greek Ministry of Justice, on its "Transparency National Anti-Corruption Action Plan" placed the root of corruption in the lack of true political will, noticing the absence of commitment for a successful anti-corruption model to be fully adopted³.

Addressing corruption shall be one of Greece's priorities, to increase effectiveness of public and private sector, as well as deal with the consequences of the prolonged financial crisis.

Greece has publicly declared that the country is strongly committed to the implementation of the 2030 Agenda for Sustainable Development and its 17 SDGs⁴. The Office of Institutional, International and European Affairs and

¹ Country Profile Greece, available at : <https://www.transparency.org/country/GRC#>

² Transparency National Anti-Corruption Action Plan, General Secretariat for Transparency and Human Rights, January 2013, available at: http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=KyH_7RZiUPg%3D&tabid=64, page 33

³ Transparency National Anti-Corruption Action Plan, General Secretariat for Transparency and Human Rights, January 2013, available at: http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=KyH_7RZiUPg%3D&tabid=64, page 31.

⁴ Voluntary National Review 2018 - Greece, available at: <https://sustainabledevelopment.un.org/members/tates/greece>

Coordination of the General Secretariat of the Government is in charge for the implementation of the SDG implementation process. However, apart from a two paragraphs text, which sets the national priorities on the SDGs, the Greek government has not adopted a document that clearly describes the targets, actions to be taken, responsibilities and a timeline.

The 2030 Agenda for Sustainable Development and its 17 SDGs is a very good opportunity for Greece, to deal effectively with corruption and lack of transparency. It is a duty and responsibility of the whole society, including public services, but above all it is a duty of the political leadership, to ensure the promotion of accountability and morality as its primary concern and its determination to fight corruption wherever this may be. Until now, Greece seems to understand the importance of anti-corruption measures. However, there are still a lot of things to be done, in terms of transparency, integrity and successful prosecution of corruption.

This Shadow Report reviews progress against each SDG Goal 16 target that focuses on corruption.

[The 2030 Agenda for Sustainable Development](#)

Spearheaded by the United Nations, the sustainable development goals (SDGs), also known as *Transforming our World: the 2030 Agenda for Sustainable Development*, is a set of 17

aspirational “global goals” and 169 targets adopted in 2015 by the 193 UN member states. All UN member states have committed to these global goals that are intended to steer policy-making and development funding for the next 15 years. Of particular relevance to the anti-corruption agenda is SDG 16 on sustainable governance, most notably targets 16.4 on illicit financial flows, 16.5 on bribery and corruption, 16.6 on transparent and accountable institutions, and 16.10 on access to information

Global targets and indicators have been set for each goal with the expectation that they will be incorporated into national planning processes and policies. Countries are also encouraged to define national targets tailored to their specific circumstances and identify locally relevant indicators and data sources that will be used to measure progress towards achieving each of the SDG targets.

As part of its follow-up and review mechanisms, the 2030 Agenda for Sustainable Development encourages member states to conduct regular national reviews of progress made towards the achievement of these goals through an inclusive, voluntary and country-led process. In addition, each year certain state parties volunteer to report on national progress to the High-Level Political Forum (HLPF) in New York. Greece was among the countries reported this

year. While SDG 16 will not be reviewed in depth by the HLPF until 2019, integrity risks across the SDG framework make it essential to monitor national progress against corruption from the outset.

[Rationale for this Shadow Report](#)

While governments are expected to take the lead in reviewing progress towards the Sustainable Development Goals (SDGs), national-level monitoring needs to go beyond the remit of governments to include civil society and other stakeholders.

This shadow report is based on data collected by Transparency International Greece. The report has been developed in response to three key issues related to the official SDG monitoring processes: the multi-dimensional nature of SDG targets, data availability and perceived credibility of data generated by government agencies. Collectively, these limitations provide a strong rationale for an independent appraisal of the government's anti-corruption efforts in the context of the Sustainable Development Goals.

Firstly, several of the targets under Goal 16 are multi-dimensional in the sense that they measure broad concepts like "corruption" which cannot be adequately captured by a single indicator. Moreover, the indicators in the official global set do not sufficiently cover the full ambition of the targets. For instance, target 16.5 seeks a substantial reduction in corruption and bribery "in all their

forms", but the only approved global indicators measure bribery between public officials and the public or business. There are no measures of corruption within or between governments or other forms of non-governmental corruption. For some targets, the selected global indicators fail to capture critical aspects. For instance, target 16.4 seeks to combat all forms of organised crime, but there is no official indicator that measures organised crime nor an indicator related to strengthening the recovery and return of stolen assets.

This shadow report seeks to provide a more comprehensive picture of national anti-corruption progress across a range of policy areas.

Secondly, even where the official indicators are themselves capable of capturing progress towards SDG 16 targets, there is an absence of data to speak to these indicators. Many of the global SDG 16 indicators rely on data that is not regularly produced or currently have no established methodology or standards for data collection.

This shadow reporting exercise is partly an effort to compensate for insufficient coverage of and data availability for official SDG 16 indicators by presenting alternative indicators, data sources and proxies.

Finally, the official assessment of progress made towards the SDG targets will rely on data generated by

government agencies, particularly national statistics offices. The reliability and credibility of official data may be open to question for two reasons. First, in some settings, national statistics offices may simply be overwhelmed by the task of producing data for 169 targets. Second, politically sensitive targets, such as those related to corruption and governance, require that governments assess their own efficacy; illicit financial flows (16.4) may involve government officials, corruption (16.5) may involve government elites, while governments may be restricting information, or even targeting journalists, trade unionists or civil society activists (16.10).

Given the challenges described above, independent analysis is vital to complement and scrutinise official government progress reports related to SDGs 16.4, 16.5, 16.6 and 16.10. This shadow report is an attempt to do just that.

The information gleaned from the shadow reporting exercise and presented here in this report can be used as an input into two key processes. At the global level, this information can be used to complement National Voluntary Reviews at the High Level Political Forum in July 2018. Nationally, this information generated can feed into the governmental SDG review processes taking place on a rolling basis in each country.

Methodology

The report aims to provide a broad assessment of national progress towards four SDG targets linked to anti-corruption and transparency – 16.4, 16.5, 16.6 and 16.10. A number of policy areas are covered under each of these four SDG targets to provide a rounded overview in a way that goes beyond the narrow understanding of corruption captured by the official global indicators.

Each policy area was assessed against three elements. First, there was a scored evaluation of the country's *de jure* legal and institutional framework. Second, relevant country data from assessments and indices produced by civil society groups and international organisations was considered. Finally, researchers conducted a qualitative appraisal of the country's *de facto* efforts to tackle corruption.

The research was conducted during May and June of 2018. Country Reports from international organisations such as Organisation for Economic Co-operation and Development (OECD), Financial Action Task Force (FATF), UNITED NATIONS (UN) (for further bibliography please see the references, included in the report) have been used. Also, relevant information has been extracted from reports and press releases of the Greek Ministries and public administration. Civil society's feedback was also useful for the gathering of information. However, lack of official statistics was one of the main difficulties of the report.

National progress report

Greece has publicly declared that country is strongly committed to the implementation of the 2030 Agenda for Sustainable Development and its 17 SDGs⁵. An open dialogue within government units and civil society, has been carried out, in order to define a SDG action plan, on how to implement the Agenda 2030 at the national level⁶. However, apart from a two paragraphs text⁷, which sets the national priorities on the SDGs the Greek government has not adopted a document that clearly describes the targets, actions to be taken, responsibilities and timeline.

Greece has committed to present the work that has been done on the implementation of the SDG Targets in the Voluntary National Review at the High Level Political Forum of United Nations in 2018.

However, it is to be noted that the progress of the Greek government on the implementation of the SDG targets was hard to be found in publicly open sources. Apart from the official page of the General Secretariat of the Government, where announcements

on workshops for the implementation of national SDG plan are published, there is lack of further information on measures adopted.

Taking into consideration that Greece has been through a prolonged economic crisis since 2010, the 2030 Agenda for Sustainable Development and its 17 SDGs should have been examined as an opportunity to deal effectively with corruption, which is one of the main causes of the Greek financial crisis. Greek Government should have focused more on adopting measures and policies aiming at the prevention of corruption in both public and private sector. A new vision is essential for making society to believe on the benefits of transparency and the value of an anti-corruption strategy.

⁵ Voluntary National Review 2018 - Greece, available at:
<https://sustainabledevelopment.un.org/members/tates/greece>

⁶ Sustainable Development Goals – Greece, available at:
http://www.ggk.gov.gr/?page_id=5537

⁷ Greece's National on Sustainable Development Goals – Greece, available at:
http://www.ggk.gov.gr/?page_id=5537

Transparency International's findings on national progress towards SDG 16.4, 16.5, 16.6 and 16.10

Target 16.4: By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime

Based on the research our findings for the SDG Target 16.4 regarding Greece's progress towards fighting money laundering and recovery and return of stolen assets and to fight against all forms of organized crime are as follows:

- Greece has done significant progress in improving its anti-money laundering (AML) regime. The AML law (Law 3691/2008⁸) has considerably strengthened the criminalization of money laundering. As a result, since 2011, Greece is no longer subject to FATF's monitoring process and the country is in line with FAFT recommendations;
- Beneficial ownership is clearly defined in AML law. However, the

lack of a beneficial ownership registry shall be quickly remedied;

- It is noted that the current AML law is based on the 3rd European Union's (EU) AML Directive. However, Greece presents a delay in complying on time with the latest evolutions in money laundering fight, since the 4th EU AML Directive has not been incorporated into the national law.
- Greece has established a legal regime⁹ on the confiscation of proceeds of crime, of assets of an equivalent value and of instruments used or intended to be used in the commission of money laundering offences. Nevertheless, a specific asset and recovery policy is needed in order to address the issues of asset recovery mechanisms, such as seizure and confiscation of proceeds from money laundering without requiring a criminal conviction (non-conviction-based

⁸ For the English version of law 3691/2008 see here: https://www.bankofgreece.gr/BogDocumentEn/law_3691_2008.pdf

⁹ See Laws 3842/2010, 3296/2004, 3691/2008, 4022/2011, article 46 of Law 3691/2008 and article 238 of Criminal Code.

confiscation) and the recognition/enforceability of foreign non-conviction-based confiscation/forfeiture orders.

- Greek authorities should have been able to confirm the effective implementation of the Anti-Money Laundering/Combating the Financing of Terrorism (AML/CTF) regime. There are few statistics and sample available which do not provide any evidence on enhanced effectiveness to a sufficient level.

Target 16.5: Substantially reduce corruption and bribery in all their forms

Based on the research our findings for the SDG Target 16.5 regarding Greece's progress towards substantially reducing corruption and fight against bribery and corruption acts are as follows:

- Corruption seems to be one of the biggest problems of Greek society and is one of the causes of the country's financial crisis. According to Transparency's International Global Corruption Barometer 2016, 10% of Greeks made an unofficial payment or gift, when coming into contact with basic services over the past 12 months, while 59% of Greeks state that government performs "badly" at fighting corruption¹⁰;

- In general, the Greek anti-corruption framework is in line with the United Nations Convention against Corruption. Greece has established various specialized institutions responsible for fighting corruption through law enforcement, including the Anti – Corruption Secretary, the Public Prosecutor against Corruption, the Financial and Economic Crime Prosecutor, the Financial and Economic Crime Unit (SDOE), the Greek Financial Police, the General Inspector of Public Administration, Inspectors-Controllers body for public administration (SEEDD) and the Financial Intelligence Unit. However, these agencies are proven to be ineffective;
- Greece has set no framework for controlling lobbyists and lobbying activities. Up to now, there are no rules to set standards for expected behavior for public officials and lobbyists;
- Greece has adopted a quite specific legal framework regulating the financing of political parties and the finances of political parties. However, there is still a lot to be done on the actual implementation of the law. Until now, only recommendations are published by the competent authorities and no sanctions have been implemented.

¹⁰ See Transparency International Global Corruption Barometer, available at : <http://gcb.transparency.org>

Target 16.6: Develop effective, accountable and transparent institutions at all levels

Based on the research our findings for the SDG Target 16.6 regarding Greece's progress towards developing effective, accountable and transparent institutions at all levels are as follows:

- Codes of Conducts in public administration offer important guidelines for transparency and accountability, however the actual compliance of public officials is still in question;
- There is a legal framework on the interest declarations and income as well as asset disclosures;
- Fiscal transparency is also a sector that has to reinforce, in order to be compliant with the SDG Target 16.5;
- As far as public procurement is concerned, it is noted that in 2014, the Greek government implemented a new law (law 4281/2014), which consolidated the vast array of regulations on procurement into a single framework covering virtually all legal aspects of the procurement environment;
- Greek legislation does not include a complete and distinct legal framework on whistleblowing. The lack of a complete and distinct legal framework does not mean that someone who becomes a whistleblower may not enjoy protection under Greek law. However, fragmented provisions,

cannot guarantee an effective protection. Greece shall offer a more enhanced protection in line with international standards.

Target 16.10: Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements

Based on the research our findings for the SDG Target 16.10 about Greece's progress towards protecting the right to access to information and fundamental freedoms are as follows:

- Protection of fundamental rights is duly recognised by the Greek Constitution. Greece's score according to Freedom's House with regard to democracy is 85/100. The legal framework on journalism seems to encourage the freedom of press. However, the recent reform of the Greek government with regard to the number of private TV channels has caused a lot of controversy. The controversy began when only four broadcast licenses were included in the new law, which would cut in half the current number of private TV channels that are on the air.
- Access to information is a right recognised in the Constitution of Greece. Also, Presidential Decree 28/2015 has improved the framework on the access to public documents. However, Greek bureaucracy usually makes it

difficult to gain access to information. Also, the fact that there is no competent authority to investigate the refuse of access encourages public administration to decline the access to public documents;

- Greece has created a dedicated site, for open data. However, there is no comprehensive legal framework to regulate the open and participatory governance, and despite the different actions taken

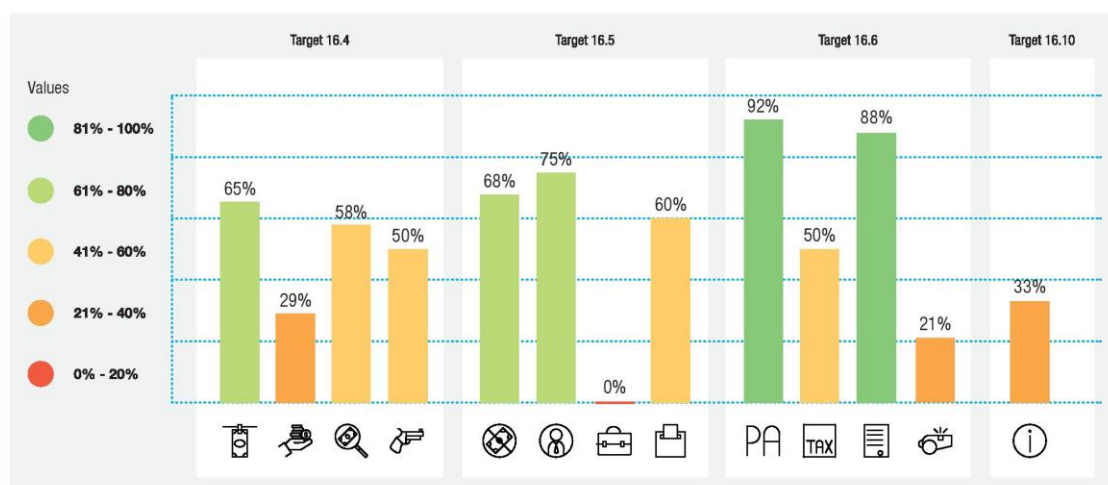
in the past, an integrated strategy and its implementation is still lacking. The Clarity program, the Open Consultation and the participation in the Open Government Partnership have already significantly strengthened the functions of openness in the State, but the overall institutional framework remains weak without comprehensive and substantial provisions of binding nature.

COUNTRY LEGAL SCORECARD*

GREECE

SDG AGGREGATE VALUE

Target 16.4 Score	51%
Target 16.5 Score	57%
Target 16.6 Score	70%
Target 16.10 Score	33%



POLICY AREA

Target 16.4	Target 16.5	Target 16.6	Target 16.10
<ul style="list-style-type: none"> Anti-Money Laundering Beneficial Ownership Asset Recovery Arms Trafficking 	<ul style="list-style-type: none"> Anti-Corruption Framework and Institutions Private sector Transparency in Lobbying Transparency in Party & Election Campaign Finance 	<ul style="list-style-type: none"> Transparency and Integrity in Public Administration Fiscal Transparency Integrity in Public Procurement Whistleblowing 	<ul style="list-style-type: none"> Access to Information

* This scorecard is simply intended to assess whether a given country's legislative and institutional anti-corruption framework is in line with international best practice. It does not assess compliance with the legislative framework or the effectiveness of its implementation.

Recommendations

SDGs:

In order to have a comprehensive SDGs plan to address corruption effectively the Greek government should:

- ensure that all SDG targets and indicators consider corruption in their development and implementation;
- ensure that civil society participates actively in monitoring the SDG plan;
- increase the public trust in its anti-corruption actions.

Target 16.4: By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime

To reduce illicit financial flows and strengthen the recovery and return of stolen assets regime under SDG 16 Target 16.4 the Greek government should:

- actively investigate and prosecute cases of money laundering, drug trafficking and other forms of organised crime;
- create a registry of beneficial ownership;
- follow up on the EU legislation, by incorporating on time all the EU Directives and the measures proposed;

- record the results of its actions in relation to recovery and return of stolen assets and make them public;
- strengthen mechanisms for asset recovery, in order to address issues, such as seizure and confiscation of proceeds from money laundering without requiring a criminal conviction (non-conviction-based confiscation) and recognition/enforceability of foreign non-conviction-based confiscation/forfeiture orders.

Target 16.5: Substantially reduce corruption and bribery in all their forms

To have a strong anti-corruption system and legislation that is able to address and reduce corruption substantially under SDG 16 Target 16.5 the Greek government should:

- pass a law regulating lobbying of political actors, in line with international standards;
- monitor the implementation of legal framework concerning the financing of political parties;
- monitor the implementation of legal framework concerning interest declarations and

income as well as asset disclosures and code of conduct of public officials;

Target 16.6: Develop effective, accountable and transparent institutions at all levels

To develop effective, accountable and transparent institutions at all levels under SDG 16 Target 16.6 the Greek government should:

- pass a standalone whistleblower protection law that is in line with international standards; Also, the protection of whistleblowers, following the International Organizations recommendations shall be strengthen;
- give priority to cases of corruption regarding civil servants and public officials in courts;
- enhance information on accountability and anti-Corruption action in the public sector;
- adopt internal monitoring structures in all ministries, departments, bodies and Local Authorities;

- develop a training policy to support long-term anti-Corruption strategic planning and capacity development for the public sector.

Target 16.10: Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements

To protect the right to access to information and fundamental freedoms, including for the media under SDG target 16.10 the Greek government should:

- support, protect and promote investigative journalism and civil society activists;
- take appropriate measures in order to deal effectively with Greek bureaucracy, in order to ensure people's access to information;
- establish a competent authority to investigate the refuse of access to public documents;
- adopt a comprehensive legal framework to promote the open and participatory governance.

Shadow Reporting Questionnaire for SDG 16.4, 16.5, 16.6 & 16.10

Background

The purpose of this questionnaire is to enable National Chapters to conduct an independent appraisal of their country's progress in fighting corruption, tackling illicit financial flows, and improving transparency and access to information, as national governments begin implementing the Agenda 2030 for Sustainable Development.

The information gleaned from this exercise can be used as an input into two processes. At the global level, this information can be used to complement National Voluntary Reviews at the High-Level Political Forum in July 2018, while at national level, the information generated can feed into governmental SDG reporting processes taking place on a rolling basis in each country.

Introduction

The SDGs set out an ambitious global development agenda until the year 2030. They consist of 17 goals and a total of 169 targets.¹¹ The goals broadly cover three aspects of development: economic prosperity, social development and the protection of the environment.

Global progress towards the targets will be monitored through a set of indicators, a number of which have yet to be finalised,¹² while the data needed to measure progress against some indicators has never before been collected by UN agencies. At national level, countries are encouraged to integrate global targets into national planning and policy processes, developing national targets and indicators tailored to their specific circumstances.

Over the coming years, state parties will report on national progress against the 17 SDGs to the High-Level Political Forum¹ on a voluntary basis. While «in-depth» reporting on SDG 16 is due in 2019, integrity risks across the SDG framework make it essential to monitor national progress against corruption from the outset. National

¹¹ UN: Transforming our world: the 2030 Agenda for Sustainable Development; <https://sustainabledevelopment.un.org/post2015/transformingourworld>. For more background and recent developments around the SDG, see <https://sustainabledevelopment.un.org>.

¹² You can find data by SDG indicator, by country or area at <http://unstats.un.org/sdgs/indicators/database/>. A list of 230 indicators has been proposed: <http://unstats.un.org/sdgs/indicators/Official%20List%20of%20Proposed%20SDG%20Indicators.pdf>.

Voluntary Review reports to the 2018 High-Level Political Forum will cover all goals, though this year's focus is on SDG 6 (water and sanitation), SDG 7 (sustainable energy), SDG 11 (cities), SDG 12 (sustainable consumption), SDG 15 (ecosystems and biodiversity), and SDG 17 (partnership), providing opportunities to track the impact of corruption in these sectors.

Outside official review processes, national chapters can:

- monitor country-specific corruption indicators which may not have been officially selected by government, but are relevant to implementing the SDGs;
- comment on the official country report, calling attention to inaccuracies, omissions, or weaknesses;
- conduct parallel reviews and produce shadow reports using alternative data sources to complement and/or scrutinise the story of progress being told through official monitoring.

The purpose of this questionnaire is to support national chapters to monitor national anti-corruption progress. To do so, it covers a broad range of issues related to a robust anti-corruption framework. It aims to assist national chapters to identify areas where the national anti-corruption system leaves room for improvement and to collect data and information that will serve as a basis for compiling the shadow report.

Not all aspects and issues covered by the questionnaire may be relevant to all national contexts and the work of all chapters. Chapters can customise this questionnaire to reflect their national circumstances and support their advocacy priorities. Some sections can be dropped and questions may be adapted to fit the needs and context of each country.

Based on this first data collection effort, chapters will be able to compile shadow reports, using a template provided by the Secretariat. The shadow reports will be presented in July 2018, when national governments come together to present their first progress reports. They will complement and challenge reports produced by national governments, highlight areas that require reforms and provide specific recommendations and next steps in order to generate momentum for the anti-corruption movement.

The development of regional reports is also envisaged to support national advocacy efforts based on these national shadow reports. These regional reports will build on the data provided by national chapters through this questionnaire.

How to complete this questionnaire

This questionnaire covers three SDG 16 targets which specifically relate to the fight against corruption:

- * 16.4 – By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organised crime
- * 16.5 – Substantially reduce corruption and bribery in all their forms
- * 16.6 – Develop effective, accountable and transparent institutions at all levels
- * 16.10 – Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements

Questions are designed to collect relevant data and information to track progress made towards achieving these targets, using a mix of qualitative and quantitative indicators and suggesting possible data sources. Users completing this questionnaire may find it useful to refer to the Resource Guide on SDG indicators developed by the Secretariat.

When filling out the questionnaire, one to three paragraphs will likely be sufficient to answer most questions. To the extent possible, the response should always be backed by adequate and reliable sources. Please always try to provide links and sources to the information you have based your assessment on.

Text in *italic* provides background information to clarify the question and points researchers to possible sources where relevant information to answer a question may be found.

Sections with «guidance» provide links to relevant background documents that may also be useful when developing recommendations for the shadow report.

There are three types of questions in this questionnaire.

- A number of questions pertaining to the de jure legal framework contain «scoring» references. Please provide a scoring or rating suggestion, based on information you have identified. Details about the scoring process are provided in the methodological scoring document, and a list of all the questions and an overview of the scores is provided [in this spreadsheet](#). **Scored questions are highlighted in this colour.**
- Alongside the score, there will be an opportunity to provide a brief narrative to answer the question and addressing de facto implementation and compliance. **Narrative questions are highlighted in this colour.**

- Information and data from relevant third-party assessments will also be requested. These questions are highlighted in this colour.

Questions marked with * should be considered «optional» and only be answered if they appear relevant to the national context, time and resources permitting.

Scores

Scored questions will require researchers to assign a numerical value to their country's legal framework, based on guidance provided in the question. Each numerical value will correspond to one of the following five scores:

- Dark Green / 1
- Light Green / 0.75
- Orange / 0.5
- Light Red / 0.25
- Dark Red / 0
- Grey / Not applicable or no data available

Note: not all five coloured scores will be available for each question. Where a law or agency does not exist, subsequent questions about the provisions of that law or mandate of that agency should be scored 0 rather than marked as «not applicable».

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Target 16.5: Substantially reduce corruption and bribery in all their forms

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Target 16.6: Develop effective, accountable and transparent institutions at all levels

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Target 16.10: Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements

17. Protection of fundamental freedoms
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Questionnaire

Background

1. National SDG implementation plan and monitoring process

- 1.1 Has the government taken steps to develop an SDG action plan on how to implement the Agenda 2030 at the national level?

Has there been a public consultation process or a format that allowed civil society organisations to make contributions? Has the action plan been published?

Greece seems to be aware of the importance of Sustainable Development Goals. Since 2016, the Office of Institutional, International and European Affairs and Coordination of the General Secretariat of the Government organises seminars, workshops and forums with the participation of civil society organisations and public administration¹³. Greece has been committed to adopt outcome oriented and process-oriented measures, in order to comply with SDG.

Apart from a two paragraphs text which sets the national priorities on the SDGs and is available here: http://www.ggk.gov.gr/?page_id=5537 , the Greek government has not adopted a document that describes the targets, actions to be taken, responsibilities timeline etc.

It is to be noted that the national priorities concern the:

- Fostering a competitive, innovative and sustainable economic growth
- Promoting full employment and decent work for all
- Addressing poverty and social exclusion, and providing universal access to quality health care services
- Reducing social and regional inequalities and ensuring equal opportunities for all
- Providing high-quality and inclusive education
- Strengthening the protection and sustainable management of natural capital as a base for social prosperity and transition to a low-carbon economy
- Building effective, accountable and transparent institutions

¹³ For further information on the government's actions on Sustainable Development Goals see here: http://www.ggk.gov.gr/?page_id=5537

- Enhancing open, participatory, democratic processes and promoting partnerships

1.2 Which government body or bodies are in charge of the implementation of the national SDG implementation process, and in particular concerning the implementation of SDG 16?

Please name the organisation(s) and available points of contact for SDG coordination –the general SDG coordination contact point and any specific governance/corruption contact point.

The Office of Institutional, International and European Affairs and Coordination of the General Secretariat of the Government is in charge of the implementation of the SDG implementation process¹⁴.

1.3 Has civil society been able to contribute to the selection of national indicators concerning SDG 16 and have there been any formal discussions about how anti-corruption targets will fit into the implementation of a national SDG plan?

For example, has there been an opportunity to work with national statistical offices to map the availability of data for the global indicators at the national level, or to develop complementary national indicators for SDG 16? In case there is a national SDG action plan in place, are there anti-corruption targets included in it?

Workshops with civil society organizations have been organized. At the same time the Hellenic Statistical Authority has participated in forums in order to provide its feedback on implementation of national SDG plan¹⁵.

Also, it shall be noted that the importance of SDG has been outlined in the national plan against corruption¹⁶.

1.4 Has the development of national SDG implementation reports relating to SDG 16 been open and inclusive?

¹⁴ See Article 43 of Law 4440/2016, Official Government Gazette (FEK) A, 224/02-12-2016

¹⁵ For further information see here: http://www.ggk.gov.gr/?page_id=5537

¹⁶ Annual Report 2016 of General Secretary on the fight against corruption, available at: <http://www.gsac.gov.gr/attachments/article/186/Annual%20Report%202016.pdf>

Has civil society had an opportunity to provide input or review draft version of the official national implementation reports?

No data available

- 1.5 How do you assess the quality of the official assessment and the data provided in official implementation reports for targets 16.4, 16.5, 16.6 and 16.10?

No official implementation reports have been published.

- 1.6 Are there any salient corruption or governance issues which are omitted or not adequately addressed in the official national report?

No official implementation reports have been published.

2. Recent developments

- 2.1 Has the country adopted a national anti-corruption action plan?

Scoring

- 1: A national anti-corruption action plan has been adopted
- 0.5: There is an ongoing process to draft and adopt a national anti-corruption action plan
- 0: There is no national anti-corruption action plan and no apparent process to adopt one
- - : Not applicable or no data available

The national anti-corruption plan that has been adopted is available here :
http://www.gsac.gov.gr/attachments/article/122/ENG_National%20Anticorruption%20Plan_31_12_2016.pdf

- 2.2 15 % of respondents state that their government performs «well» at fighting corruption in government, according to Transparency International's Global Corruption Barometer.

Please provide the percentage from the most recent TI Global Corruption Barometer (<http://qcb.transparency.org>), and provide the year of the GCB you

are quoting (if data is available for your country), otherwise please provide similar survey results from another regional or national survey, if available.

Response based on data of the 9th Edition of the Global Corruption Barometer (14/11/2017).

- 2.3 Has your country's current political leadership made public declarations about fighting corruption in the past two years? Have there been high-level commitments by the current administration to strengthen the legal framework, policies or institutions that are relevant to preventing, detecting and prosecuting corruption?

How do you assess the political will for advancing anti-corruption at the moment? Please briefly describe which major political leaders, most importantly the government, have made public statements to fight corruption, and what commitments they made. Please provide relevant sources.

Greek Prime Minister Alexis Tsipras has publicly declared his commitment to fighting corruption¹⁷, by mentioning that the anti-corruption fight is one of the priorities of his government¹⁸. In particular, he has publicly stated that « *the party of corruption is over*¹⁹ » and « *we say no to the patriotism of bribery and corruption*²⁰ ». The parliamentary representative of Tsipras' ruling SYRIZA party is also insisting on the government's commitment to fight corruption²¹.

The public administration has also made efforts to strengthen the legal framework that is relevant to prevent, detect and prosecute corruption by adopting the recommendations of GRECO²². Also, the public administration

¹⁷ Tsipras' for corruption, published on 03/03/2018, available at:

<http://www.tanea.gr/news/politics/article/5523260/tsipras-gia-diafthora-h-ellada-den-prokeitai-na-anastenazei-se-balitses/>

Tsipras' comment on corruption cases, published on 03/03/2018, available at :

<https://www.antenna.gr/watch/1173386/parembasi-tsipra-gia-tis-ypotheseis-diafthoras>

¹⁸ Tsipras: our priority is the anti-corruption fight, published on 10/02/2017, available at:

<http://www.naftemporiki.gr/story/1203470/al-tsipras-proteraiotita-i-antimetopisi-tis-diafthoras>

¹⁹ Tsipras: the party of corruption is over, published on 10/02/2017, available at

<http://www.kathimerini.gr/895731/article/epikairothta/politikh/tsipras-to-parti-ths-diafthoras-teleiwsse>

²⁰ Tsipras: no to the patriotism of bribery and corruption, published on 06/03/2018, available at

<http://www.cnn.gr/news/politiki/story/116601/tsipras-oxi-ston-patriotismo-tis-diaplokis-tis-mizas-kai-tis-diafthoras>

²¹ The fight against corruption is one of the most important commitments of SYRIZA, published on 20/03/2018 at <http://newpost.gr/politiki/523102/famellos-h-katapolemshs-ths-diafthoras-einai-apo-tis-basikes-desmeyses-toy-syriza>

²² General Secretariat of the Anti-Corruption Fight: Greece has already adopted the recommendations of GRECO, published on 01/09/2017 at <http://www.tovima.gr/society/article/?aid=898311>

has released an anti-corruption campaign²³. Moreover, senior public officials have publicly declared their commitment to anti-corruption measures²⁴.

2.4 Is there evidence that laws and policies are not equally applied to all officials, resulting in an increased risk for misuse of power and grand corruption?

Have there been reported cases where politicians violated laws and established policies with impunity? Is there evidence that supervisory and anti-corruption bodies, prosecutors, law-enforcement agencies or the judiciary did not pursue investigations or actions against powerful individuals due to political interference? Have there been corruption allegations or scandals involving high-level officials in the past two years, and were there independent investigations into these allegations by the competent authorities? Did any of them result in convictions? Is there any evidence that political leaders and high-level public officials, or people close to them, have personally benefitted from decisions they made while holding public office? Please provide brief descriptions of up to three selected cases that you deem most serious. If possible, prioritize cases related to grand corruption – cases of abuse of high-level power that benefit the few at the expense of the many and cause serious and widespread harm to individuals and society.

According to article 86 of Greek Constitution²⁵ «only the Parliament has the power to prosecute serving or former members of the Cabinet or Undersecretaries for criminal offences that they committed during the discharge of the duties». Also, according to its §3« the Parliament may exercise its competence for prosecution until the end of the second regular session of the parliamentary term commencing after the offence was committed ». In simple words, article 86 of the Greek Constitution establishes a very short statute of limitations for the prosecution of offences committed by members of the Government. This provision raises concerns and implies that that law does not apply equally to all officials, resulting in an increased risk for misuse of power and corruption.

²³ Together let's take action against corruption, published on 09/11/2017 at:

<http://www.kathimerini.gr/933791/article/epikairothta/ellada/kanoyme-th-diafora-enantia-sth-diaf8ora>

²⁴ General Secretariat of the Anti-Corruption Fight : The government has a plan for the detection of Bribery of foreign public officials, published on 16/03/2016 at :

https://www.huffingtonpost.gr/2016/03/16/politiki-katapolemisi-diafthoras-kyvernisis-n_9480338.html

²⁵ The English version of the Greek Constitution is available here:

<https://www.hellenicparliament.gr/UserFiles/f3c70a23-7696-49db-9148-f24dce6a27c8/001-156%20aggliko.pdf>

The most recent corruption case in Greece is the «Novartis Case». According to media reports, Greek prosecutors allege that 10 high-profile politicians may be linked to bribery accusations involving the Swiss drug manufacturer²⁶.

2.5 Have there been significant anti-corruption reforms or advances in the fight against corruption in the past two years?

Such reforms may include improvements in the legal framework, new policies, the adoption of a broader national strategy to promote integrity and transparency, the establishment or strengthening of anti-corruption or supervisory bodies, or evidence of improved capacity or independence of key actors in the anti-corruption framework. Alternatively, is there evidence that the anti-corruption framework has deteriorated? Please describe briefly.

In 2015, the General Secretary against Corruption²⁷ was created (law 4320/2015 FEK A' 29). Greece is prioritising the fight against corruption and bribery and, with assistance from the European institutions, is committed to take immediate action. Under the responsibility of the General Secretariat against Corruption, Greece's National Anti-Corruption Action Plan (NACAP) identifies key areas of reform and provides for a detailed roadmap towards strengthening integrity and fighting corruption and bribery.

The main objective of this project is to increase integrity and reduce corruption in Greece through technical empowerment of the Greek authorities, enabling them to implement the National Anti-Corruption Action Plan.

A team of experts will be responsible for the implementation of all components of the project. The project proposes a set of 10 outcomes, each of them matching objectives of the National Anti-Corruption Action Plan:

Outcome 1: Modernisation of internal and external audit mechanisms

Outcome 2: Advanced tailor-made anti-corruption approaches for high risk policy areas

²⁶ Greek Politicians May Have Taken Bribes from Drug Maker, Prosecutors Say, 9 February 2018, available at: <https://www.nytimes.com/2018/02/09/world/europe/greece-novartis.html>

²⁷ For the website of General Secretary against Corruption, see here: <http://www.gsac.gov.gr/index.php/el/>

Outcome 3: Strengthened institutional capacity of the General Secretariat Against Corruption

Outcome 4: Enhancing anti-corruption awareness across relevant stakeholders (public sector, private sector, CSOs) in relation to corruption prevention and public integrity

Outcome 5: Strengthened whistleblower mechanisms in the public and private sectors

Outcome 6: Improved processing of corruption complaints received via the existing complaint and reporting channels – proposal to create a Complaints Management System

Outcome 7: Improved integrity safeguards through enhanced Asset Declaration and Political Financing systems

Outcome 8: Integrity mainstreamed in the educational system

Outcome 9: Enhanced Public and Private sector partnerships in combating corruption and improving mutual legal assistance arrangements and improve effectiveness in this area

Outcome 10: Improved asset recovery system

2.6 **How do you assess the space for civil society and the media to investigate and highlight corruption risks and cases, and to demand accountability from the country's political and economic elite?**

Have there been significant developments that affected the room of manoeuvre of the media and civil society, positively or negatively? Have fundamental freedoms, such as freedom of speech and assembly, been restricted? Please briefly describe.

Freedom of press is protected by article 14 of the Greek Constitution. In Greece, there are more than 26 daily newspapers²⁸. Also, there are 4 private and 3 public TV channels. However, the variety of means of communication does not guarantee by definition the freedom of press.

Target 16.4: «By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organised crime»

Indicator 16.4.1: Total value of inward and outward illicit financial flows (in current United States dollars)

²⁸ List of newspapers in Greece, available at:
https://en.wikipedia.org/wiki/List_of_newspapers_in_Greece






Indicator 16.4.2: Proportion of seized, found or surrendered arms whose illicit origin or context has been traced or established by a competent authority in line with international instruments.

3. Anti-money laundering

3.1 Has the country adopted a law to criminalize money laundering, in line with recommendation 3 of the FATF?

You will likely find relevant information in FATF mutual evaluation reports <http://www.fatf-gafi.org/publications/mutualevaluations>. You can base your scores on the rating of recommendation 3 in the most recent available FATF mutual evaluation report <http://www.fatf-gafi.org/publications/mutualevaluations>, see the executive summary). FATF 4th round ratings are available at the following link: <http://www.fatf-gafi.org/publications/mutualevaluations/documents/assessment-ratings.html>

Scoring

-  1: Compliant (C)
-  0.75: Largely Compliant (LC)
-  0.5: Partially Compliant (PC)
-  0: Non-compliant (NC)
-  - : Not applicable or no data available

According to the Mutual Evaluation Tenth Follow-Up Report of FATF on Greece²⁹, taking into account the good improvements in the legal framework against the inability to provide statistics, the final assessment is that Greece has raised compliance with Recommendation 3, and that this may be to a level equivalent to a Largely Compliant. The law to criminalize money laundering is largely compliant with Recommendation 3 of FAFT.





3.2 * Has the government during the last three years conducted an assessment of the money laundering risks related to legal persons and arrangements, in line with Principle 2 of TI's «Just for Show?» report? Has the final risk assessment been published?

²⁹ The Mutual Evaluation Tenth Follow-Up Report of FATF on Greece can be found here: <http://www.fatf-gafi.org/media/fatf/documents/reports/mer/FoR%20Greece.pdf>

If yes, please state which entity carried out the assessment, when it was conducted, and if it is available to the public (in full, or only as an executive summary?). You find further guidance and information on risk assessments produced by G20 countries in the «Just for Show?» report (see: questions 2 and 5,

https://www.transparency.org/whatwedo/publication/just_for_show_g20_promises. You may also find relevant information in an FATF Mutual Evaluation reports (recommendation 1, <http://www.fatf-gafi.org/publications/mutualevaluations>.

Scoring



-  1: A risk assessment was carried out and is available to the public
-  0.5: A risk assessment was carried out; only an executive summary of the risk assessment has been published
-  0: No, the risk assessment has not been published or conducted
-  - : Not applicable or no data available

According to the Mutual Evaluation Tenth Follow-Up Report of FATF on Greece³⁰, there is no regular review of the effectiveness of the AML/CFT system. No risk assessment has been conducted and/or published.

3.3 Are financial institutions (banks) prohibited by law they required to undertake due diligence on their customers, in line with FATF recommendation 10?

You may find relevant information in the wording of anti-money laundering laws and mutual evaluation reports on FATF compliance <http://www.fatf-gafi.org/publications/mutualevaluations>. FATF 4th round ratings are available at the following link: <http://www.fatf-gafi.org/publications/mutualevaluations/documents/assessment-ratings.html>

Scoring

-  1: Financial institutions are prohibited by law from keeping anonymous accounts; they are also required to undertake due diligence on their customers, in line with FATF recommendation 10
-  0.5: Only one of those provisions is in place: Financial institutions are prohibited by law from keeping anonymous accounts, or they are required to undertake due diligence on their customers

³⁰ The Mutual Evaluation Tenth Follow-Up Report of FATF on Greece can be found here: <http://www.fatf-gafi.org/media/fatf/documents/reports/mer/FoR%20Greece.pdf>

- 0: Financial institutions are allowed to offer anonymous accounts, and they are not required to carry out due diligence on their customers
- - : Not applicable or no data available

According to article 15 of AML Law (law 3691/2008³¹) «*credit and financial institutions must not keep secret, anonymous or identified-by-number accounts or anonymous passbooks or accounts in fictitious names or accounts without the full name of their holder, in accordance with the identity certification documents*».

3.4 Are financial institutions required by law to inform relevant authorities when they suspect (or have reasonable grounds to suspect) that funds are the proceeds of criminal activity, in line with FATF recommendation 20?

You may find some relevant information in mutual evaluation reports on FATF compliance and TI's Just for Show report on G20 countries' compliance with G20 beneficial ownership transparency principles

http://www.transparency.org/whatwedo/publication/just_for_show_g20_promises. FATF 4th round ratings are available at the following link:

<http://www.fatf-gafi.org/publications/mutualevaluations/documents/assessment-ratings.html>

Scoring

- 1: Financial institutions are required by law to inform relevant authorities when they suspect or have grounds to suspect that funds are the proceeds of criminal activity, in line with FATF recommendation 20
- 0.5: Financial institutional are required by law to inform relevant authorities, but the requirements are only partially in line with FATF recommendation 20
- 0: Financial institutions are not required by law to report funds they suspect are the proceeds of criminal activity
- - : Not applicable or no data available

According to article 26 of the AML Law (law 3691/2008) «*The obligated persons and their staff, including managers, must: a) promptly inform the Commission, on their own initiative, where they know, suspect or have reasonable grounds to suspect that money laundering or terrorist financing is being or has been committed or attempted; and b) promptly furnish the*

³¹ For the English version of law 3691/2008 see here:
https://www.bankofgreece.gr/BogDocumentEn/law_3691_2008.pdf

Commission or other antimoney laundering and anti-terrorist financing authorities, when requested, with all necessary information, in accordance with the procedures established by the applicable legislation».

However, according to the Third Mutual Evaluation on Anti-Money Laundering and Combating the Financing of Terrorism of FATF on Greece³² the country has not taken sufficient steps to encourage the development and use of modern and secure techniques for conducting financial transactions that are less vulnerable to money laundering.

3.5 Are designated non-financial businesses and professions (DNFBPs) – casinos, real estate agents, jewellers, lawyers, notaries, other legal professionals, accountants, and trust and company service providers – required to carry out customer due diligence, to keep records, and to report suspicious transactions to the financial intelligence unit, in line with FATF recommendations 22 and 23?

Please read FATF recommendations 18 to 23. You may find relevant information in mutual evaluation reports on FATF compliance for those recommendations <http://www.fatf-gafi.org/publications/mutualevaluations>. FATF 4th round ratings are available at the following link: <http://www.fatf-gafi.org/publications/mutualevaluations/documents/assessment-ratings.html> See also TI's Just for Show report on G20 countries' compliance with G20 beneficial ownership transparency principles: http://www.transparency.org/whatwedo/publication/just_for_show_g20_promises.

Scoring

- 1: Designated non-financial businesses and professions by law are required to carry out customer due diligence, to keep records and to report suspicious transactions, in line with FATF recommendations 22 and 23.
- 0.5: There are some legal obligations for designated non-financial businesses and professions to carry out customer due diligence, or to keep records, or to report suspicious transactions. These requirements are only partially in line with FATF recommendations 22 and 23.
- 0: There are no legal obligations for designated non-financial businesses and professions to carry out customer due diligence, or to keep records, or to

³² The evaluation is available here: <http://www.fatf-gafi.org/media/fatf/documents/reports/mer/MER%20Greece.pdf>

report suspicious transactions

● - : Not applicable or no data available

The application of the AML Law (2008) has been expanded to the DNFBPs as defined by the FATF (see article 5 of law 3691/2008). However, according to the Mutual Evaluation Tenth Follow-Up Report of FATF on Greece³³, although DNFBPs are technically subject to various provisions of the AML Law, practical application is extremely limited. This raises serious concerns in relation to the effectiveness of the measures in place.

3.6 * Does the law require financial institutions to conduct enhanced due diligence in cases where the customer or the beneficial owner is a PEP (politically exposed person) or a family member or close associate of a PEP?

This information may be partly included in the FATF mutual evaluation report. Search for answers in national anti-money laundering legislation or any guidance or policies issued by the Financial Intelligence Unit, or contact them. See TI's Just for Show report on G20 countries' compliance with G20 beneficial ownership transparency principles
http://www.transparency.org/whatwedo/publication/just_for_show_g20_promises.

Scoring

● 1: Yes, financial institutions are required to conduct enhanced due diligence in cases where their client is a foreign or a domestic PEP, or a family member or close associate of a PEP.

● 0.5: Yes, but the law does not cover both foreign and domestic PEPs, and their close family and associates

● 0: No, there is no requirement for enhanced due diligence in the case of PEPs and associates

● - : Not applicable or no data available

Article 19 and 22 of the AML Law (law 3691/2008) explicitly lists the enhanced CDD measures for PEPs. However, it shall be noted that according to the Mutual Evaluation Tenth Follow-Up Report of FATF on Greece³⁴, article

³³ The mutual report can be found here: <http://www.fatf-gafi.org/media/fatf/documents/reports/mer/FoR%20Greece.pdf>





³⁴ The Mutual Evaluation Tenth Follow-Up Report of FATF on Greece can be found here: <http://www.fatf-gafi.org/media/fatf/documents/reports/mer/FoR%20Greece.pdf>

22 of the AML Law incorporates the provisions of the 3rd EU AML Directive aligning the PEP's framework with the rest of the EU. In this context, PEPs that reside in the EU are subject to standard CDD measures, while only the rest of the PEPs are subject to enhanced CDD measures. This is not line with FATF requirements regarding PEPs.

3.7 * Does the law require enhanced due diligence by DNFBPs in cases where the customer or the beneficial owner is a PEP or a family member or close associate of the PEP?

This information may be partly included in the FATF mutual evaluation report. Search for answers in national anti-money laundering legislation or any guidance or policies issued by the Financial Intelligence Unit, or contact them. See TI's Just for Show report on G20 countries' compliance with G20 beneficial ownership transparency principles
http://www.transparency.org/whatwedo/publication/just_for_show_g20_promises.

Scoring

-  1: Yes, DNFBPs are required to conduct enhanced due diligence in cases where their client is a foreign or a domestic PEP, or a family member or close associate of a PEP.
-  0.5: Yes, but the law does not cover both foreign and domestic PEPs and their close family and associates
-  0: No, there is no requirement for enhanced due diligence in the case of PEPs and their associates
-  - : Not applicable or no data available

Article 19 and 22 of the AML Law (law 3691/2008) explicitly lists the enhanced CDD measures for PEPs. The application of the AML Law (2008) has been expanded to the DNFBPs as defined by the FATF (see article 5 of law 3691/2008). However, it shall be noted that according to the Mutual Evaluation Tenth Follow-Up Report of FATF on Greece³⁵, PEPs that reside in the EU are subject to standard CDD measures, while only the rest of the PEPs are subject to enhanced CDD measures. This is not line with FATF requirements regarding PEPs

³⁵ The Mutual Evaluation Tenth Follow-Up Report of FATF on Greece can be found here:
<http://www.fatf-gafi.org/media/fatf/documents/reports/mer/FoR%20Greece.pdf>


3.8 Has the country signed the multilateral competent authority agreement on the exchange of country-by-country reports on key indicators of multinational enterprise groups?


Please answer «Yes» if your jurisdiction is listed in the OECD's Country-Specific Information on Country-by-Country Reporting Implementation

<https://www.oecd.org/tax/automatic-exchange/country-specific-information-on-country-by-country-reporting-implementation.htm>.

Scoring

 1: Yes

 0: No

 - : Not applicable or no data available


According to OECD's Country-Specific Information on Country-by-Country Reporting Implementation³⁶, Greece has signed the multilateral competent authority agreement on the exchange of country-by-country reports on key indicators of multinational enterprise groups.


3.9 Has the country signed the competent authority multinational agreement on automatic exchange of financial account information?

The OECD maintains a list of signatories and the date the information exchange is intended to start by <https://www.oecd.org/tax/automatic-exchange/international-framework-for-the-crs/MCAA-Signatories.pdf>. Please answer with «Yes», if your jurisdiction is included in the list and provide the start date stated in the document. The OECD also provides information on the details of which jurisdictions will bilaterally exchange financial account information <https://www.oecd.org/tax/automatic-exchange/international-framework-for-the-crs>.

Scoring

 1: Yes

 0: No

 - : Not applicable or no data available

³⁶ OECD's Country-Specific Information on Country-by-Country Reporting Implementation can be found here: <https://www.oecd.org/tax/automatic-exchange/country-specific-information-on-country-by-country-reporting-implementation.htm>

Greece has signed the competent authority multinational agreement on automatic exchange of financial account information³⁷.

3.10 * How is the jurisdiction's performance on the exchange of information for tax purposes on request assessed by the OECD's Global Forum on Transparency and Exchange of Information for Tax Purposes?

Please select the applicable rating – Compliant/ Largely Compliant/ Partially Compliant/ Non-compliant – awarded to your jurisdiction by the OECD <https://www.oecd.org/tax/transparency/exchange-of-information-on-request/ratings/#d.en.342263>. You may find additional relevant information in the Global Forum's Peer Reviews http://www.oecd-ilibrary.org/taxation/global-forum-on-transparency-and-exchange-of-information-for-tax-purposes-peer-reviews_2219469x and on the Exchange of Tax Information Portal <http://eoi-tax.org/>.

Scoring

- 1: Compliant (C)
- 0.75: Largely Compliant (LC)
- 0.5: Partially Compliant (PC)
- 0: Non-compliant (NC)
- - : Not applicable or no data available

Greece is considered largely compliant as far as the exchange of information for tax purposes. The rating is based on OECD data, which is available here: <https://www.oecd.org/tax/transparency/exchange-of-information-on-request/ratings/#d.en.342263>

3.11 What is the country's score in the Basel Institute on Governance's Basel Anti-Money Laundering Index <https://index.baselgovernance.org/?>

Greece's score is 5.11 (with a score of 10 meaning very high risk and 0 a very low risk). Out of 146 countries, Greece ranks 105th highest risk.³⁸

3.12 What is the country's secrecy score in the Tax Justice Network's Financial Secrecy Index <http://www.financialsecrecyindex.com/?>

Greece's score is 58 (100 meaning highly opaque).³⁹

³⁷ For list of the OECD, please see here: <https://www.oecd.org/tax/automatic-exchange/international-framework-for-the-crs/MCAA-Signatories.pdf>

³⁸ See: <https://index.baselgovernance.org/ranking>

- 3.13 * What is the estimated illicit financial outflow of funds from your country in the latest available year, according to Global Financial Integrity <http://www.gfintegrity.org/issues/data-by-country?>

Greece lost an estimated \$261 billion through illicit financial outflows from 2003-2011⁴⁰.

- 3.14 Is there evidence that money laundering is effectively prosecuted?

If available, please provide the following statistics from the two most recent years:

The number of criminal investigations for money laundering (ML) activity; the number of prosecutions for ML activity; the number of ML convictions (number of cases and individuals convicted); average length of custodial sentences imposed for ML convictions; average value of fine imposed on ML convictions; number of sanctions imposed for ML offences; value of proceeds of crime, instrumentalities, or property of equivalent value confiscated. FATF considers these statistics to be particularly useful, the data is likely to be included in the most recent mutual evaluation report <http://www.fatf-gafi.org/publications/mutualevaluations>.

According to the FATF's latest mutual assessment⁴¹, Greece has made progress towards AML practices and policies. It is recognised that the legal framework is sufficient to deal with matters of international cooperation and is actually giving broad assistance when requested. However, the lack of official statistics is noted. Comments are made as to the ability (because of its structure) of the Hellenic FIU to take advantage of its broad powers and implement AML policies efficiently. Measures need to be taken in the insurance sector and the securities sector and adjust provisions for the confiscation of proceeds of crime to the international standards.

- 3.15 * How many suspicious transactions reports did financial institutions and different types of DNFBPs file in the last two years for which data is available?

If any data is available, you may find it in the most recent FATF mutual

³⁹ For details, please see: <https://www.financialsecrecyindex.com/PDF/Greece.pdf>

⁴⁰ Greece Lost \$261 Billion in Illicit Financial Outflows from 2003-2011, GFI's Baker Tells Der Spiegel, published on 04/09/2012 at <http://www.gfintegrity.org/press-release/greece-lost-261-billion-illicit-financial-outflows-2003-2011-gfis-baker-tells-der-spiegel/>

⁴¹ The Mutual Evaluation Tenth Follow-Up Report of FATF on Greece can be found here: <http://www.fatf-gafi.org/media/fatf/documents/reports/mer/FoR%20Greece.pdf>

evaluation report or an annual report issued by the country's Financial Intelligence Unit. [Please name the source.](#)

There are few statistics available from the Greek Financial Intelligence Unit⁴². The reports published contain some statistics, but they are rather general in nature and do not contain specific elements as for instance the predicate offences identified in the cases disseminated to the judicial authorities or the region where the suspicious transactions took place. The current FIU database does not allow for this information to be stored.

For the period of 2013-2017 there are no statistics available.

The only information published for 2018 is the following⁴³:

<u>Month</u>	<u>Number of tax cases reported from FIUs to public prosecutor</u>	<u>Seizure of assets related to tax cases</u>	<u>Requests to non-national authorities</u>
<u>January 2018</u>	<u>14</u>	<u>31.314.237,87</u> <u>EUR</u>	<u>7</u>
<u>February 2018</u>	<u>3</u>	<u>10.775.761,33</u> <u>EUR</u>	<u>9</u>
<u>March 2018</u>	<u>17</u>	<u>34.072.189,07</u> <u>EUR</u>	<u>37</u>
<u>April 2018</u>	<u>11</u>	<u>13.782.813,08</u> <u>EUR</u>	<u>8</u>
<u>Total amount</u>	<u>45</u>	<u>89.945.001,35</u> <u>EUR</u>	<u>61</u>

It is noted that the Greek FIU, does not only receives reports on tax violations. However, the most recent official statistics on cases relating to money-laundering or other suspicious transactions are dated from 2007 and 2008.

Please see the following table⁴⁴:

⁴² See available statistics here: http://www.hellenic-fiu.gr/index.php?option=com_content&view=article&id=54&Itemid=130&lang=en

⁴³ The source of the statistics can be found here: <http://www.hellenic-fiu.gr/images/stories/files/statistics/MONTHLY-GR-2018.pdf>

⁴⁴ Number of STR's recieved 2007-2008, available at: http://www.hellenic-fiu.gr/index.php?option=com_content&view=article&id=54&Itemid=130&lang=en

	2007	2008
NUMBER OF DISCLOSURES RECEIVED	1432	2899
NUMBER OF CASES OPENED	1293	2077
NUMBER OF CASES FOR INVESTIGATION	714	1102
NUMBER OF CASES CLOSED WITHIN THE FIU	588	872
NUMBER OF CASES RESULTING IN PROSECUTIONS	126	103
NUMBER OF CASES RESULTING IN SEIZURE OF ASSETS	3	10
REQUESTS TO FIUS	10	42

3.16 Have there been any noteworthy changes or developments in the past two years that indicate an improvement or deterioration in the framework or practice to prevent and fight money laundering?

Greece has proceeded in the appropriate steps to incorporate the Directive 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing. The public consultation on the draft of the law, implementing the aforementioned Directive ended in February 2018⁴⁵ and the draft law will be soon put to the vote in Parliament.

Greece has adopted the Directive 2014/65 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments⁴⁶.

Guidance

- FATF recommendations relevant to the above questions <http://www.fatf-gafi.org/publications/fatfrecommendations/documents/fatf-recommendations.html>

⁴⁵ Public Consultation on Directive 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing <http://www.opengov.gr/minfin/?p=8454>

⁴⁶ See law 4514/2018, Official Government Gazette (FEK) A 14/30-01-2018

- FATF mutual evaluation reports provide details on the AML framework in your country (<http://www.fatf-gafi.org/publications/mutualevaluations>): reports on high-risk and non-cooperative jurisdictions are also available <http://www.fatf-gafi.org/publications/high-riskandnon-cooperativejurisdictions>
- Find an overview of FATF 4th round ratings at the following link: <http://www.fatf-gafi.org/publications/mutualevaluations/documents/assessment-ratings.html>
- OECD: Country-by-country reporting <https://www.oecd.org/tax/automatic-exchange/about-automatic-exchange/country-by-country-reporting.htm>
- The Tax Justice Network's assessment of your country <http://www.financialsecrecyindex.com/introduction/fsi-2015-results>

4. Beneficial ownership transparency

4.1 To what extent does the law in your country clearly define beneficial ownership?

The beneficial owner(s) is the person who ultimately exercises control through legal ownership or other means. The beneficial owner should always be a natural (physical) person and never another legal entity. Please provide the name and links to the law that defines beneficial ownership and provide an assessment of this definition. You find more information in TI's «Just for Show?» report and the G20 country reports (Principle 1, https://www.transparency.org/whatwedo/publication/just_for_show_g20_promises).

Scoring

- 1: Beneficial owner is defined as a natural person who directly or indirectly exercises ultimate control over a legal entity or arrangement, and the definition of ownership covers control through other means, in addition to legal ownership
- 0.5: Beneficial owner is defined as a natural person [who owns a certain percentage of shares], but there is no mention of whether control is exercised directly or indirectly, or if control is limited to a percentage of share ownership
- 0: There is no definition of beneficial ownership, or the control element is

not included

● - : Not applicable or no data available

According to article 4 of law 3691/2008⁴⁷ »Beneficial owner« means the natural person(s) who ultimately owns or controls the customer and/or the natural person of whose behalf a transaction or activity is being conducted. The beneficial owner shall at least include:

a) in the case of corporate entities:

- (i) the natural person(s) who ultimately owns or controls a legal entity through direct or indirect ownership or control over a sufficient percentage of the shares or voting rights in that legal entity, including through bearer share holdings, other than a company listed in a regulated market that is subject to disclosure requirements consistent with Community legislation or subject to equivalent international standards; a percentage of 25% plus one share shall be deemed sufficient to meet this criterion;
- (ii) the natural person(s) who otherwise exercises control over the management of a legal entity;

b) In the case of legal entities, such as foundations, and legal arrangements, such as trusts, which administer and distribute funds:

- i) where the future beneficiaries have already been determined, the natural person(s) who is the beneficiary of 25% or more of the property of a legal arrangement or entity;
- ii) where the individuals that benefit from the legal arrangement or entity have yet to be determined, the class of persons in whose main interest the legal arrangement or entity is set up or operates;
- iii) the natural person(s) who exercises control over 25% or more of the property of a legal arrangement or entity.

4.2 Does the law require that financial institutions have procedures for identifying the beneficial owner(s) when establishing a business relationship with a client?

⁴⁷ Law 3691/2008 in English version can be found here as an annex: <http://www.fatf-gafi.org/media/fatf/documents/reports/mer/FoR%20Greece.pdf>

Please assess your country's framework against the standards described in Principle 7 of TI's «Just for Show?» report, which also provides relevant information on G20 countries

(https://www.transparency.org/whatwedo/publication/just_for_show_g20_promises). For a detailed definition of «financial institution», please see the FATF definition (<http://www.fatf-gafi.org/glossary/d-i/>).

Scoring

- 1: Yes, financial institutions are always required to identify the beneficial owners of their clients when establishing a business relationship
- 0.5: Financial institutions are required to identify the beneficial owners only in cases considered as high-risk, or the requirement does not cover the identification of the beneficial owners of both natural and legal customers
- 0: No, there is no requirement to identify the beneficial owners
- - : Not applicable or no data available

The AML Law (3691/2008⁴⁸) requires financial institutions to «*identify where applicable, the beneficial owner(s) of the corporate customer, updating the information and taking risk-based and adequate measures to verify his identity so that the obligated person is satisfied that it knows who the beneficial owner(s) is (are), including other natural or legal persons on behalf of whom the customer is acting. As regards other legal persons, trusts and similar legal arrangements, obligated persons shall take risk-based and adequate measures to understand the ownership and control structure of the customer*»(Article 13.1b). The requirement to identify the beneficial owner seems to be in line with the FATF standard⁴⁹. With regards to trusts and legal arrangements, it seems that the AML Law (2008) focuses on measures to understand the ownership and control structure of the customer using a risk-based approach, but not in determining who are the natural persons ultimately exercising effective control. Nevertheless, according to paragraph 5.15.5 of the Bank Of Greece Decision 281/2009⁵⁰, which defines trusts as

⁴⁸ Law 3691/2008 in English version can be found here as an annex: <http://www.fatf-gafi.org/media/fatf/documents/reports/mer/FoR%20Greece.pdf>

⁴⁹ The Mutual Evaluation Tenth Follow-Up Report of FATF on Greece can be found here: <http://www.fatf-gafi.org/media/fatf/documents/reports/mer/FoR%20Greece.pdf>

⁵⁰ The decision of Bank of Greece can be found here: https://www.bankofgreece.gr/BoGDocuments/%CE%95%CE%A4%CE%A0%CE%98_281-17.03.2009_%CE%A0%CF%81%CF%8C%CE%BB%CE%B7%CF%88%CE%B7_%CF%84%CE%B7%CF%82_%CF%87%CF%81%CE%B7%CF%83%CE%B9%CE%BC%CE%BF%CF%80%CE%AF%CE%BF%CE%B9%CF%83%CE%B7%CF%82_%CE%B3%CE%B9%CE%B1_%CF%84%CE%B7%CE%BD_%CE%BD%CE%BF%CE%BC%CE%B9%CE%BC%CE%BF%CF%80%CE%BF%CE%AF%CE%B7%CF%83%CE%B7%CF%82_%CE%B5%CF%83%CF%8C%CE%B4%CF%89%CE%BD_%CE%B1%CF%80%CF%8C_%CF%80%CE%B1%CF%81%CE%AC%CE%BD%CE%BF%CE%

customers of Greek credit institutions as a high-risk category by default and sets out enhanced CDD requirements, supervised institutions: i) shall verify the name and date of establishment, the identities of trustors, trustees and beneficial owners, the nature, objects and activities of the trust, as well as the source of its funds, ii) shall obtain copies of the establishing documents of the trust and any other necessary information on the beneficial owners, and iii) shall keep the relevant data and information in the customer's file.

4.3 Does the law specify which competent authorities (e.g. financial intelligence unit, tax authorities, public prosecutors, anti-corruption agencies, etc.) have access to beneficial ownership information?

You may find information in TI's «Just for Show?» report and the G20 country reports (Principle 4, https://www.transparency.org/whatwedo/publication/just_for_show_g20_promises).

Scoring

- 1: Yes, the law specifies that all law enforcement bodies, tax agencies, and the financial intelligence unit should have access to beneficial ownership information
- 0.75: Yes, a decree or another authoritative standard or policy specifies that all law enforcement bodies, tax agencies, and the financial intelligence unit should have access to beneficial ownership information
- 0.5: Only some competent authorities are explicitly mentioned in the law, decree or policy
- 0: The law or relevant decrees or policies do not specify which authorities should have access to beneficial ownership information
- - : Not applicable or no data available

The AML Law (3691/2008⁵¹) does not list the bodies with access to beneficial ownership information.

4.4 * Which information sources are competent authorities allowed to access for beneficial ownership information?

[BC%CE%B5%CF%82 %CE%B4%CF%81%CE%B1%CF%83%CF%84%CE%B7%CF%81%CE%B9%CF%8C%CF%84%CE%B7%CF%84%CE%B5%CF%82.pdf](#)

⁵¹ Law 3691/2008 in English version can be found here as an annex: <http://www.fatf-gafi.org/media/fatf/documents/reports/mer/FoR%20Greece.pdf>

These rules may be defined by law or by a policy. You may also find information in TI's «Just for Show?» report and G20 country reports (Principle 4,

https://www.transparency.org/whatwedo/publication/just_for_show_g20_promises).

Scoring

- 1: Information is available through a central beneficial ownership registry/company registry
- 0.75: information is available through decentralized beneficial ownership registries/ company registries
- 0.5: Authorities have access to information maintained by legal entities / or information recorded by tax agencies/ or information obtained by financial institutions and DNFBPs
- 0: Information on beneficial ownership is not available
- - : Not applicable or no data available

The AML Law (3691/2008⁵²) does not allow competent authorities to access to beneficial ownership information. The FIU's analysts collect additional financial information from the following on-line databases: i) the Ministry of Finance taxation databases, including income tax, VAT, and other tax related data (TAXIS); the real estate properties database (ETAK) and the vehicle database; ii) the banking information database containing information regarding customers «blacklisted» by the financial sector (TEIRESIAS); iii) the Down Jones watch list service; and iv) World Check, including the information regarding PEPs. In addition, penal and police information are also collected on-line through the criminal intelligence investigations department. In addition, this department ensures access to international electronic data for the exchange of information with the following authorities: i) Europol; ii) Interpol; iii) Eurojust; and iv) the Sustrans system⁵³.

4.5 Which public authority supervises/holds the company registry?

In case there are regional company registries, please briefly explain which authorities are supervising/holding them (you don't have to provide a list of all entities).

⁵² Law 3691/2008 in English version can be found here as an annex: <http://www.fatf-gafi.org/media/fatf/documents/reports/mer/FoR%20Greece.pdf>

⁵³ Mutual Evaluation Tenth Follow-Up Report of FATF on Greece, <http://www.fatf-gafi.org/media/fatf/documents/reports/mer/FoR%20Greece.pdf>

The Company Registry is supervised by the General Secretariat for Commerce⁵⁴, which is under the supervision of the Ministry of Development and Competitiveness⁵⁵.

The Company Registry does not include information on beneficial ownership.






4.6 What information on beneficial ownership is recorded in the company registry?

You may find information in TI's «Just for Show?» report and the G20 country reports (Principle 4,

https://www.transparency.org/whatwedo/publication/just_for_show_g20_promises).

In countries where there are sub-national registries, please respond to the question using the state/province registry that contains the largest number of incorporated companies.

Scoring

-  1: All relevant information is recorded: name of the beneficial owner(s), identification or tax number, personal or business address, nationality, country of residence and description of how control is exercised
-  0.75: Information is partially recorded
-  0.5: Only the name of the beneficial owner is recorded
-  0: No information is recorded
-  - : Not applicable or no data available

There is no obligation for companies to record beneficial ownership information⁵⁶, in a company registry.

The draft of the Greek law, which will incorporate the provisions of the Directive 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, foresees the creation of a registry on beneficial ownership information (article 20 of the draft). According to article 20 of the draft, the registry shall contain «sufficient information» on the beneficial ownership, including at least the name of the beneficial owner(s), date of birth, nationality, country of residence and description of how control is exercised. For the draft of the Greek law on Directive 2015/849, see:

⁵⁴ For the General Secretariat for Commerce, see : <http://www.gge.gr/>

⁵⁵ For the Ministry of Development & Competitiveness, see: <http://84.205.192.59/>

⁵⁶ See Financial Secrecy Index, Report on Greece, Legal Entities and Arrangements: Companies, § 134-141, available at : <http://www.financialsecrecyindex.com/database/Greece.xml#b147>.

http://www.opengov.gr/minfin/wp-content/uploads/downloads/2018/02/sxedio_nomou_terror.pdf

4.7 What information on beneficial ownership is made available to the public?

You may find information in TI's «Just for Show?» report and the G20 country reports (Principle 4,

https://www.transparency.org/whatwedo/publication/just_for_show_g20_promises).

Please briefly describe what information is available to the public, based on the details listed in the scoring criteria below. Mention any other information included in the registry that appears relevant. Please provide a link to the register.

Scoring

- 1: All relevant information is published online: name of the beneficial owner(s), identification or tax number, personal or business address, nationality, country of residence and description of how control is exercised
- 0.75: Information is partially published online, but some data is omitted (e.g. tax number); sufficient information is accessible to identify the beneficial owner
- 0.5: Only the name of the beneficial owner is published, or information is only made available on paper/physically
- 0.25: Only the name of the direct owner (who may not be beneficial owners) is accessible
- 0: No information is published, or accessible information is insufficient to identify direct or beneficial owners.
- - : Not applicable or no data available

Beneficial ownership is not always available online. There is only very basic information available on the company registry website (e.g. company name, address, objective and status). There is no indication that more information is available on public physical records. Furthermore, given that unregistered bearer shares are available (see note above on bearer shares), the disclosure of shareholders' identity cannot be guaranteed (See here: <https://www.businessregistry.gr/publicity/index>).

The draft of the Greek law, which will incorporate the provisions of the Directive 2015/849 of the European Parliament and of the Council of 20 May

2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, foresees the creation of a registry on beneficial ownership information, in which a person could have access if he/she demonstrates a legitimate interest (article 20 § 6 of the draft⁵⁷). As far as the legitimate interest, the draft law mentions that the interested party shall demonstrate a special legitimate interest, without specifying more.

4.8 * Does the law require legal entities to update information on beneficial ownership, shareholders, and directors provided in the company registry?

You may find information in TI's «Just for Show?» report and the G20 country reports (Principle 4, https://www.transparency.org/whatwedo/publication/just_for_show_g20_promises).

Scoring criteria:

- 1: Yes, legal entities are required by law to update information on beneficial ownership or information relevant to identifying the beneficial owner (directors/shareholders) immediately or within 24 hours after the change
- 0.75: Yes, legal entities are required to update the information on beneficial ownership or directors/shareholders within 30 days after the change
- 0.5: Yes, legal entities are required to update the information on the beneficial owner or directors/shareholders on an annual basis
- 0.25: Yes, but the law does not specify a specific timeframe
- 0: No, the law does not require legal entities to update the information on control and ownership
- - : Not applicable or no data available⁵⁸

4.9 * Is there a registry which collects information on trusts?

Does the register contain information on the beneficiaries or beneficial owners and officers of the trust? Does it contain annual accounts? Please also consider including any similar types of legal entity in your country, such as foundations. You may find information in TI's «Just for Show?» report and the

⁵⁷ For the draft of the Greek law on Directive 2015/849, see: http://www.opengov.gr/minfin/wp-content/uploads/downloads/2018/02/sxedio_nomou_terror.pdf

⁵⁸ See Financial Secrecy Index, Report on Greece, Legal Entities and Arrangements: Companies, § 134-141, available at : <http://www.financialsecrecyindex.com/database/Greece.xml#b147>.

G20 country reports (Principle 6, https://www.transparency.org/whatwedo/publication/just_for_show_g20_promises).

Scoring

- 1: Yes, information on trusts, including beneficiaries/beneficial owners, is maintained in a registry and accessible to the public
- 0.5: Yes, there is a registry of trusts, but information available to the public is not sufficient to identify the beneficiaries/beneficial owners
- 0: No, there is no registry in which all trusts are listed
- - : Not applicable or no data available

However, the draft of the Greek law, which will incorporate the provisions of the Directive 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, foresees the creation of a registry on trusts (article 21 of the draft). For the draft of the Greek law on Directive 2015/849, see here: http://www.opengov.gr/minfin/wp-content/uploads/downloads/2018/02/sxedio_nomou_terror.pdf

4.10 * What is the country's score in the Open Company Data Index produced by Open Corporates <http://registries.opencorporates.com?>

The score of Greece is 20/100. It is noted that the score is dated since 2014.

4.11 How strong is the level of transparency of the company registry in practice?

Please provide the following information:

- a. Is the registry easily accessible online? Is it searchable by various relevant parameters (such as addresses of registration, company name, company ID and by the names of directors and owners)?
- b. Is access free? If not, how much do you have to pay for search and receive the ownership information of one company?
- c. Are annual accounts and other filings of companies accessible to the public?
- d. Is registration required for the entity to be legally valid and/or allowed to operate in the country?

In Greece, the business register is called the General Electronic Commercial Registry (Γενικό Εμπορικό Μητρώο, Γ.Ε.ΜΗ., GEMI). It is governed by Law No 3419/2005 (Government Gazette, Series I, No

297/06-12-2005). It records all disclosures of business documents and information. The registry is easily accessible in the following link: <https://www.businessregistry.gr/Publicity.aspx> .

The user can search for any commercial disclosures on the website of the General Electronic Commercial Registry by using just one of the following pieces of information relating to the company:

- 1) tax identification number (Α.Φ.Μ.) or
- 2) registry (Γ.Ε.ΜΗ.) number or
- 3) company name or
- 4) short name.

The Registry contains information on the directors on the company, as well as its official representatives. Information on beneficial ownership is not included.

All members of the public can access the entry of a company in the Registry free of charge. They may also digitally store on their own electronic device and print or otherwise reproduce any document, information or notice posted on the Registry website for public consultation either by the Registry or by the persons required to do so. If a member of the public wishes to obtain official (authentic) certificates or copies of documents or data recorded in a company's entry in the Registry, they may register free of charge with the Registry's transparency department.

In order to obtain official certificates or copies of documents and data, a fee must be paid via the relevant online application. Certificates or copies of the relevant documents or data are delivered in two different ways: digitally through the Registry's transparency application, or by post to the addressee, anywhere in the world.

Among the data accessible to the public are the accounting documents for each financial year which are required to be published in accordance with Council Directives 78/660/EEC (OJ L 222 14.8.1978), 83/349/EEC (OJ L 193 18.7.1983), 86/635/EEC (OJ L 372 31.12.1986) and 91/674/EEC (OJ L 374 31.12.1991), as well as other filings of the company.

According to article 15 of law 3419/2005 (Official Government Gazette (FEK) Α' 297/06-12-2005) registration is required for an entity in order to be legally valid and/or allowed to operate in Greece.

4.12 Have there been any developments in the past two years that indicate an improvement or deterioration of the transparency of corporations and other legal entities?

Greece has prepared the draft of the law, which will incorporate the provisions of the Directive 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing⁵⁹.

Guidance

- More information about the importance of beneficial ownership transparency is available at Open Ownership (<http://openownership.org/>) and in TI's 2015 report: Just for Show? Reviewing G20 promises on beneficial ownership (https://www.transparency.org/whatwedo/publication/just_for_show_g20_promises)
- Mutual evaluation reports by the FATF, especially compliance with recommendations 24 and 25 (<http://www.fatf-gafi.org/publications/mutualevaluations>)
- STAR: Beneficial Ownership Guides (<https://star.worldbank.org/star/about-us/g20-anti-corruption-working-group>)
- Relevant information on corporate ownership transparency may be included in an assessment of your country in the Financial Secrecy Index (<http://www.financialsecrecyindex.com/>)
- You may find information that helps you answer these questions on the website of Open Corporates' Open Company Data Index (<http://registries.opencorporates.com/>) and by accessing and searching one (or in some cases, several) national company registries
- OCCRP's investigative dashboard (<https://investigativedashboard.org/databases>) may help you to identify relevant business registries and databases
- There may have been media coverage or other reports that describe the use of certain legal entities in corruption or money-laundering scheme
- You may find information about weaknesses in the ownership transparency regime in the Tax Justice Network's assessment of your jurisdiction (<http://www.financialsecrecyindex.com/introduction/fsi-2015-results>)





⁵⁹ For the draft of the Greek law on Directive 2015/849, see: http://www.opengov.gr/minfin/wp-content/uploads/downloads/2018/02/sxedio_nomou_terror.pdf

5. Recovery of stolen assets

5.1 Does the country have a specific asset recovery policy?

Such a policy may exist as one or several laws, decrees or in another form. Have there been speeches or statements by national political leaders or government press releases which articulated a concrete or concerted policy stance affirming to making asset recovery a policy priority? Is there evidence that resources been put in place to facilitate the implementation of such a policy?

Scoring

-  1: A comprehensive asset recovery policy is in place
-  0.5: The country has adopted an asset recovery policy, but it fails to address some important aspects
-  0: No asset recovery policy has been adopted
-  - : Not applicable or no data available

Article 46 of Law 3691/2008 and article 238 CC establish the legal regime on the confiscation of proceeds of crime, of assets of an equivalent value or of instruments used or intended to be used in the commission of offences. Also, the general provision of article 76 PC covers some issues, however, it is limited to confiscation of assets from principals or accomplices.

Laws 3842/2010, 3296/2004, 3691/2008 and 4022/2011 provide a set of measures to allow for the identification, location, freezing and seizure of proceeds or instruments of crime. Greece has a set of measures at its disposal to manage frozen, seized or confiscated assets.

On 06/09/2015 the Greek Prime Minister during his speech in Thessaloniki's International Fair has committed that will take active measures in order to promote asset recovery⁶⁰.

On 20 January 2017, the public consultation on the draft law of assets' recovery was concluded⁶¹. The draft law contains the provisions of the Council's of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, also known as Warsaw Convention.

⁶⁰ Tsipras in Thessaloniki's International Fair : We compromised for the country's sake, 06/09/2015, available at <http://www.kathimerini.gr/829859/article/epikairothta/politikh/tsipras-sth-de8-symvivasthkame-gia-thn-patrida>

⁶¹ For the draft of the law on assets recovery see: <http://www.opengov.gr/ministryofjustice/?p=7729>

- 5.2 Has the country established a wide range of asset recovery mechanisms, including a) measures that allow for the seizure and confiscation of proceeds from money laundering without requiring a criminal conviction (non-conviction based confiscation), b) a policy that requires an offender to demonstrate that the assets were acquired lawfully, and c) the recognition/enforceability of foreign non-conviction based confiscation/forfeiture orders?

See FATF mutual evaluation reports on recommendation 4 (<http://www.fatf-gafi.org/publications/mutualevaluations/>).

Scoring

- 1: The country has adopted measures that allow for non-conviction based confiscation and/or measures that shift the burden of proof that assets were acquired legally on the offender, as well as a mechanism that allows for the recognition and enforcement of foreign non-conviction based confiscation orders
- 0.5: The country has adopted two of the above mechanisms
- 0.25: One of the above mechanisms has been adopted
- 0: None of the approaches has been adopted
- : Not applicable or no data available

According to article 76 of the Criminal Code⁶², measures that allow for seizure and confiscation can be adopted on products of crime. Also, according to par. 2 of article 76 when there is danger for the public order, measures that allow for the seizure and confiscation without requiring a criminal conviction can be adopted. Also, a non-conviction-based confiscation is also available on cases of inaccurate statements in assets declarations⁶³.

- 5.3 Has the country created a specialized asset recovery team or unit?

Please provide the name of this agency, team or unit and a link to the website. Does publicly available evidence (such as government statistics and

⁶² Article 76 of Criminal Code is accessible here:

<http://www.ministryofjustice.gr/site/kodikis/%CE%95%CF%85%CF%81%CE%B5%CF%84%CE%A E%CF%81%CE%B9%CE%BF/%CE%A0%CE%9F%CE%99%CE%9D%CE%99%CE%9A%CE%9F %CE%A3%CE%9A%CE%A9%CE%94%CE%99%CE%9A%CE%91%CE%A3/tabid/432/language/e l-GR/Default.aspx>

⁶³ General Secretary for the fight against corruption, Annual Report (March 2015-June 2016), available at: http://www.gsac.gov.gr/attachments/article/142/GEGKAD_Etisia_ekthesi_2015_16.pdf, page 75-76

press releases, news reports, answers to FOI requests, etc.) suggest that the unit has sufficient resources and political independence?

Scoring

● 1: There is a team, unit or agency that specializes in asset recovery and the legal framework provides sufficient political independence and resources to carry out its responsibilities

● 0.5: There is a team, unit or agency that specializes in asset recovery and the legal framework provides either sufficient political independence or sufficient resources to carry out its responsibilities

● 0.25: There is a team, unit or agency that specializes in asset recovery but the legal framework fails to provide sufficient political independence and resources for this body

● 0: There is no specialized team or agency tasked with asset recovery

● - : Not applicable or no data available

According to article 2 of Presidential Degree 85/2005 (FEK A' 122/25.05.2005) Special Secretariat for Financial and Economic Crime Unit (SDOE Department D)⁶⁴ is responsible for dealing with the recovery of assets and capital from criminal activities.

The Financial and Economic Crime Unit (SDOE), is an independent, mixed (interrogative-auditory) service of the Ministry of Finance, headed by an Executive Secretary.

According to media reports, the SDOE appears to enjoy a sound level of independence⁶⁵ and no recent allegations on insufficient resources have been reported. 46 new employees have been recently added to SDOE's forces⁶⁶.

5.4 Is there evidence of a strong political commitment to promoting asset recovery?

Have there been speeches or statements by national political leaders or government press releases which articulated a concrete or concerted policy stance affirming to making asset recovery a policy priority? Is there evidence

⁶⁴ The website of SDOE is accessible here: <http://www.minfin.gr/web/eidike-grammateia-sdoe>

⁶⁵ The independence of the General Secretariat for Public Revenues is strengthened, 18 November 2015, available at: <http://www.cnn.gr/oikonomia/story/7896/enisxyetai-i-anexartisia-tis-genikis-grammateias-dimosion-esodon>

⁶⁶ 46 employees to SDOE, 05/02/2018, available at : <https://government.gov.gr/me-46-nea-stelechi-enischiete-to-soma-dioxis-ikonomikou-egklimatos-sdoe/>

that adequate resources are allocated towards State bodies responsible for carrying out asset recovery actions?

According to Ministerial Decision No 2290/26.9.2016⁶⁷, a working group for the improvement of the national legal framework on asset recovery of public entities has been established.

In September 2015, the Greek Prime Minister during his speech at Thessaloniki's International Fair has committed that the government will take active measures in order to promote asset recovery. Moreover, he publicly declared that Greece will participate in international cooperation networks in order to improve knowledge and obtain expertise on asset recovery⁶⁸.

Also, it shall be noted that the reinforcement of asset recovery is included in the National Strategic Plan for Fighting Corruption.

5.5 Does the country actively participate in international cooperation networks focusing on asset recovery?

Is the country a member or observer in organisations and networks relevant to asset recovery? You can find a list of such bodies on page 5 of STAR: Nine Key Principles of Asset Recovery Benchmarking Survey (<https://star.worldbank.org/star/about-us/q20-anti-corruption-working-group>). Does the country have designated appropriate authorities responsible for mutual legal assistance requests relating to asset recovery, as well as points of contact for asset recovery and law enforcement cooperation? Have efforts been made to improve the capacity to respond to requests for mutual legal assistance in corruption and asset recovery cases? Does the country encourage spontaneous disclosures by domestic authorities to facilitate an international response? Does the country provide technical assistance specifically pertaining to asset recovery to developing countries? You may find relevant information in FATF mutual evaluation reports on recommendations 35 to 40 (<http://www.fatf-gafi.org/publications/mutualevaluations/>).

Greece is a member to the following networks:

⁶⁷ See Official Government Gazette (FEK) B, 3480/27-10-2016

⁶⁸ Tsipras in Thessaloniki's International Fair : We compromised for the country's sake, 06/09/2015, available at <http://www.kathimerini.gr/829859/article/epikairothta/politikh/tsipras-sth-de8-symvivasthkame-gia-thn-patrida>

a) The Camden Assets Recovery Inter-Agency Network (CARIN), an informal network of contacts and a cooperative group in all aspects of tackling the proceeds of crime. The aim of CARIN is to increase the effectiveness of members' efforts, on a multiagency basis, in depriving criminals of their illicit profits.

b) The ARO national Asset Recovery Offices (AROs) in EU countries. The purpose of AROs is to

facilitate the tracing and identification of proceeds of crime, which may become the subject of a freezing, seizure or confiscation order, as part of a criminal or civil investigation. The Greek ARO is established in SDOE. An ARO may, without request, spontaneously exchange information, which they consider necessary for the execution of tasks of the ARO of another EU country.

c) The EUROFISC – a multilateral warning system of EU Member States for combating VAT fraud.

Greece is handling a large number of Mutual Legal Assistance (MLA) requests each year regarding actions falling under the following categories: effecting service of judicial documents, executing searches and seizures, identifying, tracing and freezing assets etc. Such actions, which were occasionally executed in the presence of officials of the requesting foreign authority, have been noted; for example, recently after requests by Germany, Italy, Belgium, the USA and others.

Also, it is noted that spontaneous exchange of data is possible at the European level through Eurojust (Presidential Decree 135/2013).

The Greek police Internal Affairs Bureau reported that it has provided technical assistance to Serbia in the form of training on corruption investigations on the basis of a bilateral agreement between Greece and Serbia.

5.6 * Is there public evidence of any asset recovery cases involving your country in the past two years?

Is there evidence (such as credible news reports, press releases of government agencies, statistics etc.) that proceeds of foreign corruption cases have been confiscated in your country, that such proceeds from cases in your country have been returned to another country, or of close bi-lateral cooperation on investigations involving asset recovery? The STAR Corruption Case database

(<http://star.worldbank.org/corruption-cases>) may help you to identify relevant cases. If there were numerous cases, please state the (approximate) number of identified cases and provide a brief description of the three biggest and most relevant cases, preferably ones involving grand corruption.

- a. *Is there public evidence of proactive enforcement actions? Is there evidence of a proactive information exchange concerning proceeds of corruption with relevant stakeholders from other countries?*

Is there evidence that enforcement bodies take an active approach to tracing and confiscating assets, including without foreign requests to do so? Have relevant bodies which seized assets actively informed counterparts in the jurisdiction of origin?

No data available

- b. *Has there been adequate transparency and accountability with regard to the confiscation of assets and their return?*

Are there known cases where assets were returned by/to your country? Was there adequate transparency about this transfer, including what assets were recovered and who received the returned assets? Is information on the number of cases, their impact and outcomes released in a regular manner (at least annually)?

No data available

Guidance

- The second review cycle of the UN Convention Against Corruption, which includes Chapter V and its provisions on asset recovery, is currently underway. First country review reports may become available throughout 2017 (<https://www.unodc.org/unodc/en/treaties/CAC/country-profile/index.html>)
- FATF mutual evaluation reports (<http://www.fatf-gafi.org/publications/mutualevaluations>).
- TI Working Paper 02/2011: Recovering Stolen Assets: A Problem of Scope and Dimension, (https://www.transparency.org/whatwedo/publication/working_paper_02_2011_recovering_stolen_assets_a_problem_of_scope_and_dimen)
- TI Working Paper 01/2015: Curbing Illicit Financial Flows to Unlock a Sustainable Future,

(https://www.transparency.org/whatwedo/publication/curbing_illicit_financial_flows_to_unlock_a_sustainable_future)

- STAR: G20 Working Group: The Nine Key Principles of Asset Recovery, Benchmarking Survey of G20 Countries and G20 Asset Recovery Guides, available at (<https://star.worldbank.org/star/about-us/g20-anti-corruption-working-group>)
- STAR: Asset Recovery Handbook, (<https://star.worldbank.org/star/publication/asset-recovery-handbook>)

6. Fight against organised crime (optional)

6.1 *** Is there evidence of strong public trust in the integrity of the police?**

Please refer to available data on perceived corruption and integrity of the police in the Global Corruption Barometer (<http://gcb.transparency.org>), or in other regional or national surveys. Has there been a significant change in public trust in law enforcement in recent years (based on results from similar previous surveys)? If any polling data on perceived ability of law enforcement to fight against organised crime is available, please also provide that information.

According to the 9th Global Corruption Barometer, released in November 2017, 2% of respondents stated that all members of police are corrupt; 10% stated that most of police officers are corrupt, 62% expressed believe that some are corrupt, while 6% of respondents stated that no members of the police are corrupt.

6.2 *** Is there evidence, for example through media investigations or prosecution reports, of a penetration of organised crime into the police, the prosecution, or the judiciary? If no, is there evidence that the government is alert and prepared for this risk?**

Please refer to statements and press releases by government bodies, assessments of Anti-Corruption Bodies, academia, think tanks, civil society organisations or to relevant media coverage.

Complaints filed to the Division of Internal Affairs in 2017 involving officials in the broader public sector amounted to 1231; 416 complaints related to members of the police.

According to official statistics of Hellenic Police during 2016, 14 policemen have been prosecuted for forming a criminal organisation, 5 policemen have been prosecuted for illegal possession of arms⁶⁹.

From time to time, the Greek governments, as well as the minister of the Ministry of Justice declare their political will to stop corruption in police.

6.3 *** Is there evidence of effective policing against organised crime by (specialized) law enforcement units? Do these bodies have sufficient independence, resources, capacity and adequate integrity mechanisms to be effective?**

Please refer to statements and press releases by government bodies, assessments of Anti-Corruption Bodies, academia, think tanks, civil society organisations or to relevant media coverage.

The Division of Internal Affairs of the Greek police was founded in 1999, to stamp out cases of corruption within Hellenic Police. This division operates under a special statutory framework (Law 2713/1999⁷⁰ and Law 2800/2000⁷¹) and is overseen directly by the Chief of the Hellenic Police. Its investigation tasks are supervised by a Court of Appeal Public Prosecutor who reports annually to the Institutions and Transparency Committee of the Parliament. It also co-operates with the Group of European States against Corruption (GRECO). The field of its action includes:

a) Crimes of the Criminal Code that commit or participate officials from all levels of police, border guards and special guards, and those crimes provided by the law against drugs, gambling, weapons, antiquities, smuggling and foreigners.

b) Crimes of the Criminal Code and those referred to in Article 2, 4 and 5 of Law 3666/2008⁷² «Ratification and implementation of the UN Convention against Corruption», that staff and officers of the general government sector, as well as employees or officials of the European Union or International Organisations active in Greek Territory, commit or participate in.

⁶⁹ For the research of Division of Internal Affairs of Hellenic Police see:

<http://www.astynomia.gr/images/stories/2017/files17/2016-apologismos-dey.pdf>

⁷⁰ For the law 2713/1999 see : <https://www.e-nomothesia.gr/kat-astynomikos-astynomia/idrysi-leitourgia-uperesion/n-2713-1999.html>

⁷¹ For the law 2800/2000 see : <https://www.e-nomothesia.gr/kat-astynomikos-astynomia/armodiotetes-organon/n-2800-2000.html>

⁷² For the law 3666/2008 see: http://www.dsanet.gr/Epikairothta/Nomothesia/n3666_08.htm

c) The receipt and control of asset declarations of the police personnel, the border guards and special guards and spouses thereof.

The Division of Internal Affairs of the Greek police seems to be quite effective, based on the data published in its annual report⁷³.

7. Arms trafficking (optional)

- 7.1 * Has the country ratified the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organised Crime?

See the list of countries that have signed and/or ratified the protocol, maintained by UNODC
(<http://www.unodc.org/unodc/en/treaties/CTOC/countrylist-firearmsprotocol.html>).

Scoring

- 1: The Protocol has been ratified (or accepted)
- 0: The Protocol has not been ratified**
- : Not applicable or no data available

The Protocol against the Illicit Manufacturing of and Trafficking in Firearms has not been ratified by Greece, according to the list of countries maintained by UNODC⁷⁴.

- 7.2 * Has the country signed and ratified the Arms Trade Treaty (ATT)?

See the list of ratifications maintained by the UN
(<https://www.un.org/disarmament/convarms/att/>).

Scoring

- 1: The ATT has been ratified
- 0.5: The ATT has been signed but not ratified

⁷³ For the research of Division of Internal Affairs of Hellenic Police see : <http://www.astynomia.gr/images/stories/2017/files17/2016-apologismos-dey.pdf>

⁷⁴ For the list of the countries see : <http://www.unodc.org/unodc/en/treaties/CTOC/countrylist-firearmsprotocol.html>

- 0: The ATT has not been signed or ratified
- - : Not applicable or no data available

According to the list of ratifications maintained by UN⁷⁵, the Arms Trade Treaty has been ratified.

7.3 *** Does the government have a well-scrutinised process for arms export decisions that aligns with international protocols, particularly the Arms Trade Treaty?**

Is there evidence that the country has taken action to comply with each of the three ATT articles: 7.1 iv, 11.5 and 15.6? Are upcoming arms exports subject to robust parliamentary approval and debate? Does the Parliament play any role in approving or scrutinising arms exports? You may find relevant information in the TI Government Defence Index (question 21, <http://government.defenceindex.org>).

The Greek export control rules are in accordance with international rules, even though it is not a state that regularly exports arms.

The European Union is the main legislative body in this regard, since it directly affects the Greek legal order. Greece follows all arms regulations and guidelines for International Arms Transfers. The state follows the standards set by the UN, the EU and OSCE and their combination governs both internal (EU) transfers and external (third country) exports, aiming at creating higher standards than the 1998 EU Code of Conduct on Arms Export Controls⁷⁶.

A formal procedure that safeguards the legislative scrutiny of defence policy is in existence. The Government determines the national defence policy through the parliament and the Government Council for Foreign Affairs and Defence (KYSEA). However, there are currently no formal powers for the Greek Parliament to scrutinise the KYSEA's formulated defence policy. The Parliament's Standing Committees can exercise legislative power otherwise bestowed upon the ministries of foreign affairs and national defence, which includes budgetary powers.

⁷⁵ See the list of ratifications maintained by the UN (<https://www.un.org/disarmament/convarms/att/>)

⁷⁶ For further information see Transparency International Defence and Security, Greece recommendations, available at: http://government.defenceindex.org/generate-report.php?country_id=6291

Parliament can exercise its powers to veto laws on security or refuse a defence transaction if it deems it harmful to the domestic economy. Further, the electronic registry of public procurement creates a database of transparency since every Greek citizen can access and be informed regarding the defence expenses of the country⁷⁷. Parliament exercises its budgetary power and sporadically reviews major arms procurements. There is no evidence that the legislature is unduly influenced by the executive to vote in its favour, since all the decisions and their rationale are published in the transparency website⁷⁸.

7.4 * Are there independent, well-resourced, and effective institutions within the defence and security apparatus tasked with building integrity and countering corruption?

Are there identifiable institutions within defence and security bodies that are independent, suitably staffed and funded, and is there evidence of the effectiveness of their work? You may find relevant information in the TI Government Defence Index (question 8, <http://government.defenceindex.org>).

Institutions are in place, but they are scattered or uncoordinated or not sufficiently staffed and funded⁷⁹. The Army Inspector General is in charge of a process of internal audit. It was difficult to accurately assess its effectiveness however as little, if any, information about it has become public.

The State Audit Council oversees and audits every element of the governmental budget, including the defence budget. Its annual report, which includes audits of defence procurement and contract evaluation, is submitted to the parliament for approval, which undeniably raises the level of scrutiny demonstrated.

⁷⁷ For more information on the registry see :

http://www.eprocurement.gov.gr/webcenter/faces/oracle/webcenter/page/scopedMD/sd0cb90ef_26cf_4703_99d5_1561ceff660f/Page119.jspx?_afLoop=26697030785376552#%40%3F_afLoop%3D26697030785376552%26_adf.ctrl-state%3Dh4kt8ltp1_4 and <http://www.eprocurement.gov.gr/kimds/unprotected/searchNotice.htm;jsessionid=Qgvtbb2XcRLx03fPWyQvBbV8PN75C5tKZKj4kT6npwgZCTXGnWkQ!-5590722?execution=e1s1>

⁷⁸ For further information see Transparency International Defence and Security, Greece recommendations, available at: http://government.defenceindex.org/generate-report.php?country_id=6291

⁷⁹ For further information see Transparency International Defence and Security, Greece recommendations, question 08, available at: http://government.defenceindex.org/generate-report.php?country_id=6291

7.5 * How effective are controls over the disposal of assets? Is information on these disposals and the proceeds of their sale transparent?

Are there strong controls over asset disposals? Are planned disposals known in advance and published? Are the financial results of disposals publicly available? Are asset disposals scrutinised by an audit body that is widely regarded as independent? Are audit reports available to the public within a reasonable time frame? You may find relevant information in the TI Government Defence Index (questions 22 and 23, <http://government.defenceindex.org>).

There is little information regarding the procedures followed in events of asset disposals, save for the announcements of the disposals per se. The Ministry complies with transparency rules and publishes all the public tenders on its website and the «Clarity/Diavgeia» website⁸⁰. The Clarity site therefore offers a very detailed approach of the process of selling the equipment which is subject to the oversight of the Finance Directorate of the Hellenic Army General Staff. However, the strength and influence of the Finance Directorate remains relatively ambiguous since no detailed data is published in this regard.

The military itself is the body that scrutinises asset disposals. The Greek Army has a separate department, the Asset Disposal Department, which drafts lists of the military assets that are no longer required, or have greatly depreciated and are available for disposal. The Finance Directorate then oversees the entire process to safeguard transparency since every decision is also published on the Clarity website. Since the Greek Army supervises the entire process, there is potential for issues relating to the independence of scrutiny and accountability. While this cannot be strictly ascertained, there is room to increase transparency by including external auditors in the future.

The Greek Government has debated changing the process of assets disposals, however this is not likely to happen in the foreseeable future, partially due to the traditional self-monitoring right that has been indirectly recognised for the Greek Army⁸¹.

⁸⁰ The Diavgeia website is available here: <https://diavgeia.gov.gr/>

⁸¹ For further information see Transparency International Defence and Security, Greece recommendations, question 23, available at: http://government.defenceindex.org/generate-report.php?country_id=6291

7.6 * How do you assess the integrity and corruption risks related to customs and border officials? Do customs and border agency have adequate capacity and resources to ensure effective control of goods moving in and out of the country?

Have customs and border control agencies adopted strong anti-corruption and ethics mechanisms? Is there evidence that anti-corruption trainings are conducted? Are there documented cases and reports that would suggest that customs and border officials have been bribed to allow for the illegal trafficking of arms?

Customs and borders agencies seem to be one of the most vulnerable sectors in corruption and bribery⁸². Also, it is to be noted that according to press reports customs agencies are understaffed⁸³.

During 2015, the Ministry of Justice reinforced the internal controls over customs and border control agencies⁸⁴, in order to fight corruption. Also, trainings are provided, aiming to educate customs officials on their day-to-day duties⁸⁵.

However, according to press reports, customs officials are often involved in illicit trafficking of goods⁸⁶.

Target 16.5: «Substantially reduce corruption and bribery in all their forms.»

Indicator 16.5.1: Proportion of persons who had at least one contact with a public official and who paid a bribe to a public official, or were

⁸² Public contests and customs agencies seem to be the champions of corruption, 20 December 2017, available at: <http://www.kathimerini.gr/796762/article/oikonomia/die8nhs-oikonomia/dhmosioi-diagwnismoi-kai-telwneia-prwta8lhtes-sth-diaf8ora>

⁸³ Many problems in the customs agencies of the country, 9 August 2017, available at: <http://www.capital.gr/capitaltv/3231961/polla-problimata-sta-teloneia-tis-xoras>

⁸⁴ For the press release see: <http://www.gsac.gov.gr/index.php/el/88-deltia-typoy/139-synexizoun-to-ergo-tous-ta-meikta-klimakia-sta-teloneia>

⁸⁵ Educating customs officials, 07 July 2015, available at: <https://www.taxheaven.gr/news/news/view/id/24414#>

⁸⁶ Fuel smuggling: Involvement of two customs officials, 27 September 2017, available at : <http://www.thessaliaeconomy.gr/blog/eidiseis/lathremporio-kaysimon-se-argia-dyo-ypalliloi-toy-teloneioy-voloy> ; The big trial of 100 customs officials, 5 December 2017, available at: <http://www.kathimerini.gr/937418/article/epikairothta/ellada/h-megalh-dikh-twn-ekato-telwneiakwn-ypallhlwn> ; Prosecution for fuel smuggling, 24 September 2017, available at: <http://www.tovima.gr/society/article/?aid=902873#.WcqNfWXte7Y.facebook>

asked for a bribe by those public officials, during the previous 12 months

Indicator 16.5.2: Proportion of businesses that had at least one contact with a public official and that paid a bribe to a public official, or were asked for a bribe by those public officials during the previous 12 months

8. Experience and perceptions of corruption

8.1 10% of respondents stated that they or a member of their household made an unofficial payment or gift when coming into contact with basic services over the past 12 months, according to Transparency International's 2016 Global Corruption Barometer

13% of respondents stated that they or a member of their household made an unofficial payment or gift when coming into contact with public health system in Greece over the past 12 months, according to Transparency International's 2016 Global Corruption Barometer.

3% of respondents stated that they or a member of their household made an unofficial payment or gift when to obtain official documents over the past 12 months.

Please provide the percentage from the most recent TI Global Corruption Barometer (<http://qcb.transparency.org>) or its regional editions, and provide the year of the survey you are quoting. If no GCB data is available, you can use data from other surveys (see guidance below). In this case, please name the source, information when the field work for your country was conducted and ensure that you correctly represent the answers respondents provided and the question(s) they were asked.

Response based on data from Transparency International's 2016 Global Corruption Barometer (Results for Europe and Central Asia).

8.2 24% of respondents stated that corruption or bribery is one of the three most important problems facing this country that the government should address, according to Transparency International's 2016 Global Corruption Barometer.

Please provide the percentage from the most recent TI Global Corruption

Barometer (<http://qcb.transparency.org>), and provide the year of the GCB you are quoting.

Response based on data from Transparency International's 2016 Global Corruption Barometer (Results for Europe and Central Asia).

- 8.3 59% of respondents state that their government performs «badly» at fighting corruption in government, according to Transparency International's 9th Edition of the Global Corruption Barometer.

Please provide the percentage from the most recent TI Global Corruption Barometer (<http://qcb.transparency.org>), and provide the year of the GCB you are quoting (if data is available for your country).

Response based on data of the 9th Edition of the Global Corruption Barometer (released November 2017).

- 8.4 In Transparency International's most recent Corruption Perceptions Index 2017, the country scored 48 points on a scale of 0 (highly corrupt) to 100 (very clean), ranking 59th out of 180 countries.

Response based on Transparency's International Corruption Perceptions Index 2017.

- 8.5 Has corruption experienced by people increased or decreased in recent years?

Compare data from the most recent edition of the Global Corruption Barometer 2015/2016 with data from the 2013 edition (if no data is available for your country, try to find other relevant surveys you could use for a comparison over time).

According to Transparency's International Global Corruption Barometer 2013, 39% of respondents state that corruption has increased a lot. Accordingly, 16% of respondents state that corruption has increased a little. According to Transparency's International Global Corruption Barometer 2016, 24% of respondents state that corruption is among the 3 biggest problems that the country is facing.

According to Transparency's International Global Corruption Barometer 2016, 27% of respondents state that all or most of the national institutions are involved in corruption.

According to Transparency's International Global Corruption Barometer 2013⁸⁷, 45% of respondents agreed that ordinary people can make a difference in the fight against corruption. However, according to Transparency's International Global Corruption Barometer 2016, 42% of respondents agreed that ordinary people can make a difference in the fight against corruption

Guidance

- Relevant survey data may be available in the Afrobarometer (<http://www.afrobarometer.org/online-data-analysis>), in editions of the Eurobarometer (<http://ec.europa.eu/COMMFrontOffice/publicopinion/index.cfm/Survey/index#p=1&search=corruption>) or other regional or national surveys.
- The World Bank's Enterprise Survey includes polling data on corruption (<http://www.enterprisesurveys.org/data/exploretopics/corruption>)
- The World Economic Forum's Global Competitiveness Report contains indicators on public trust in politicians and on irregular payments and bribes (http://www3.weforum.org/docs/GCR2016-2017/05FullReport/TheGlobalCompetitivenessReport2016-2017_FINAL.pdf)

9. Anti-Corruption framework and institutions

9.1 Are the following offences clearly defined and banned by criminal law?

Please assess if the country is compliant or not compliant with each of these provisions. You will find relevant information in available UNCAC review reports (<https://www.unodc.org/unodc/en/treaties/CAC/country-profile/index.html>) and civil society monitoring reports of UNCAC Coalition member organisations (http://uncaccoalition.org/en_US/uncac-review/cso-review-reports). You may find the relevant references to your national legislation in the UNODC TRACK database (<https://track.unodc.org/LegalLibrary>).

⁸⁷ For more information see: <https://www.transparency.org/gcb2013/country?country=greece>

- a. Active bribery of domestic public officials, in line with Art. 15(a) of UNCAC

Scoring

- 1: The offence is clearly defined and banned
- 0.5: The offence is banned, but there are shortcomings in its definition
- 0: The offence is not adequately defined or not banned
- - : Not applicable or no data available

Bribery of national public officials, including judges and members of parliament is covered in Articles 235-237 (in combination with Articles 13a and 263A par. 1) and 159-159A of the Criminal Code⁸⁸. These provisions were drastically amended recently by Law 4254/2014, in order to improve their scope and effectiveness and also fulfil the country's obligations at the international level. Under the new regime, there is improvement with respect to the relation of the action or omission of the offending official to the circle of his/her official duties, notably his/her functions.





Article 159 of the Criminal Code lays down as a distinct form of corruption the one concerning bodies of the legislative, executive or self-governing branches, if aimed at influencing persons possessing such powers to exercise them in a particular manner or fail to exercise them. No distinction is made between influencing the outcome of the legislative, executive or self-governing function and the plain receipt of gift for an outcome that would occur anyway, because it is considered that the duty of the officers of all the above functions to act uninfluenced by undue advantages is one of their fundamental obligations and thus requiring or receiving such advantages is always inconsistent with a fundamental duty of their office. It is left to legal theory and jurisprudence to further elaborate on the 'undueness' of the advantages, especially in view of the political functions performed by such persons and the factor of political advantages - personal or partisan - that one or the other decision may have for the bearer of such powers. This provision does not seek thereby to cover established and accepted manifestations of political transactions, nor

⁸⁸ For the English version of Articles 235-237 and 159-159A of the Criminal Code see UNODC, Country Review Report of Greece, available at http://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2015_12_04_Greece_Final_Country_Report.pdf, pages 20-23.

does it extend to legal and transparent practices of financial support to the electoral efforts of politicians and their parties⁸⁹.

b. **Passive bribery of domestic public officials, in line with Art. 15(b) of UNCAC**

Scoring

-  1: The offence is clearly defined and banned
-  0.5: The offence is banned, but there are shortcomings in its definition
-  0: The offence is not adequately defined or not banned
-  - : Not applicable or no data available

Bribery of national public officials, including judges and members of parliament is covered in Articles 235-237 (in combination with Articles 13a and 263A par. 1) and 159-159A of the Criminal Code⁹⁰. These provisions were drastically amended recently by Law 4254/2014, in order to improve their scope and effectiveness and also fulfil the country's obligations at the international level. Under the new regime, there is improvement with respect to the relation of the action or omission of the offending official to the circle of his/her official duties, notably his/her functions.

Article 159 of the Criminal Code lays down as a distinct form of corruption the one concerning bodies of the legislative, executive or self-governing branches, if aimed at influencing persons possessing such powers to exercise them in a particular manner or fail to exercise them. No distinction is made between influencing the outcome of the legislative, executive or self-governing function and the plain receipt of gift for an outcome that would occur anyway, because it is considered that the duty of the officers of all the above functions to act uninfluenced by undue advantages is one of their fundamental obligations and thus requiring or receiving such advantages is always inconsistent with a fundamental duty of their office. It is left to legal theory and jurisprudence to further elaborate on the 'undueness' of

⁸⁹ For a more detailed analysis see UNODC, Country Review Report of Greece, available at http://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2015_12_04_Greece_Final_Country_Report.pdf

⁹⁰ For the English version of Articles 235-237 and 159-159A of the Criminal Code see UNODC, Country Review Report of Greece, available at http://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2015_12_04_Greece_Final_Country_Report.pdf, pages 20-23.

the advantages, especially in view of the political functions performed by such persons and the factor of political advantages - personal or partisan - that one or the other decision may have for the bearer of such powers. This provision does not seek thereby to cover established and accepted manifestations of political transactions, nor does it extend to legal and transparent practices of financial support to the electoral efforts of politicians and their parties⁹¹.

- c. **Embezzlement, misappropriation or other diversion of property by a public official, in line with Art. 17 of UNCAC**

Scoring

- 1: The offence is clearly defined and banned
- 0.5: The offence is banned, but there are shortcomings in its definition
- 0: The offence is not adequately defined or not banned
- - : Not applicable or no data available

Greek criminal law typifies two distinct forms of diversion of property:

- a) Embezzlement, which regards cases where the perpetrator appropriates foreign property that is at his disposal, by making it his own or by treating it as such.
- b) Infidelity, which pertains to cases where the perpetrator, who has foreign property under his administration, does not misappropriate it, but knowingly reduces it in any manner. In the case of article 256 GPC, the damage must be induced with the intention to benefit the perpetrator or another person, while in the case of article 390 GPC, there is not such need for an intention of profit as element of the crime.





Both embezzlement and infidelity are crimes of harm, material object of which is property, as the term is defined in article 2(d) of the Convention, including “assets of every kind, whether corporeal or incorporeal, movable or immovable, tangible or intangible, and legal documents or instruments evidencing title to or interest in such assets”. It must be noted though, that according to Greek law misappropriation of immovable assets is not conceivable, since there

⁹¹ For a more detailed analysis see UNODC, Country Review Report of Greece, available at http://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2015_12_04_Greece_Final_Country_Report.pdf

is
no possibility for such assets to be physically extracted from the reach
of their owner⁹².

d. **Trading in influence, in line with Art. 18 of UNCAC**





Scoring

-  1: The offence is clearly defined and banned
-  0.5: The offence is banned, but there are shortcomings in its definition
-  0: The offence is not adequately defined or not banned
-  - : Not applicable or no data available

Trading in influence is covered in Article 237A of the Criminal Code⁹³,
as introduced by Law 4254/2014.

e. **Abuse of functions, in line with Art. 19 of UNCAC**

Scoring

-  1: The offence is clearly defined and banned
-  0.5: The offence is banned, but there are shortcomings in its definition
-  0: The offence is not adequately defined or not banned
-  - : Not applicable or no data available

Article 259 of the Criminal Code⁹⁴ criminalizes any intentional breach of duty to the service committed with the further intention to provide illicit benefit to someone or to cause harm to the state or to another person. It is, obviously, a provision that does not actually describe a specific conduct of the perpetrator, nor a specific outcome as element of the crime, but it depends to other provisions of the (administrative) law for the definition of what, in each and every case, is the “duty to the service” and whether the ensuing benefit or harm is illicit, in the

⁹² For a more detailed analysis see UNODC, Country Review Report of Greece, available at http://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2015_12_04_Greece_Final_Country_Report.pdf





⁹³ For the English version of Article 237A of the Criminal Code see UNODC, Country Review Report of Greece, available at http://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2015_12_04_Greece_Final_Country_Report.pdf, page 31.

⁹⁴ For the English version of Article 259 of the Criminal Code see UNODC, Country Review Report of Greece, available at http://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2015_12_04_Greece_Final_Country_Report.pdf, page 33.

sense that it is not allowed or tolerated by the law. The benefit can be of any nature, including intangible and nonpecuniary. According to UNODC, Greece's legislation is in accordance with Art. 19 of UNCAC⁹⁵.

f. **Illicit Enrichment, in line with Art. 20 of UNCAC**





Scoring

-  1: The offence is clearly defined and banned
-  0.5: The offence is banned, but there are shortcomings in its definition
-  0: The offence is not adequately defined or not banned
-  - : Not applicable or no data available

Greece has not made illicit enrichment a criminal offence. However, its legislation criminalizes the non-declaration, false declaration, any omission and negligence in the declaration by any official or person with respect to the obligation to declare assets, incomes and revenues⁹⁶.

g. **Bribery in the private sector, in line with Art. 21 of UNCAC**

Scoring

-  1: The offence is clearly defined and banned
-  0.5: The offence is banned, but there are shortcomings in its definition
-  0: The offence is not adequately defined or not banned
-  - : Not applicable or no data available

Bribery in the private sector is covered in Article 237B of the Criminal Code⁹⁷, as introduced by Law 4254/2014. This new provision replaces the previously applicable provision of Article 5 of Law 3560/2007 and also incorporated into the Criminal Code the arrangements by means of which Greece had fulfilled the obligation it undertook pursuant to

⁹⁵ For a more detailed analysis see UNODC, Country Review Report of Greece, available at http://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2015_12_04_Greece_Final_Country_Report.pdf

⁹⁶ United Nations Office on Drugs and Crime, Country Review Report of Greece, point 45-46, available at: http://www.ministryofjustice.gr/site/Portals/0/uploaded_files/uploaded_17/UNCAC-EN.pdf, point. 73

⁹⁷ For the English version of Article 237B of the Criminal Code see UNODC, Country Review Report of Greece, available at http://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2015_12_04_Greece_Final_Country_Report.pdf, page 37.

Article 7 of the Council of Europe Criminal Law Convention to establish bribery as criminal offence in the private sector. According to UNODC, Greece's legislation is in accordance with Art. 21 of UNCAC⁹⁸.

- h. **Embezzlement of property in the private sector, in line with Art. 22 of UNCAC**

Scoring

- 1: The offence is clearly defined and banned
- 0.5: The offence is banned, but there are shortcomings in its definition
- 0: The offence is not adequately defined or not banned
- - : Not applicable or no data available

Embezzlement is covered by Article 375⁹⁹ of the Criminal Code on Embezzlement.

Although the misappropriation of immovable property is not covered by the Greek embezzlement offence per se (article 375 Penal Code), cases where someone is defrauded in order to convey his rights on immovable property to another person, or where a private person entrusted with any form of administration of immovable property knowingly disposes of the relevant rights to the detriment of the proprietor, are fully covered, as the actions in questions would constitute – depending on the circumstances of the case – instances falling under the general fraud offence or the infidelity offence of article 390 PC, respectively. The latter reads as follows: «*Whoever knowingly harms the fortune of another, the custody of administration (total or partial or for a distinct action only) of which he has by virtue of law or contract, is punishable with imprisonment of at least three months. If the financial damage exceeds the amount of 30.000 €, the perpetrator is punishable with incarceration of up to ten years*».

- i. **Laundering the proceeds of crime, in line with Art. 23 of UNCAC**

⁹⁸ For a more detailed analysis see UNODC, Country Review Report of Greece, available at http://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2015_12_04_Greece_Final_Country_Report.pdf

⁹⁹ For the English version of Article 375 see UNODC, Country Review Report of Greece, available at http://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2015_12_04_Greece_Final_Country_Report.pdf, page 38.

Scoring

- 1: The offence is clearly defined and banned
- 0.5: The offence is banned, but there are shortcomings in its definition
- 0: The offence is not adequately defined or not banned
- - : Not applicable or no data available

Greece's legislation is partially in accordance with Subparagraphs 2 (a) and (b) of article 23 of UNCAC. Greece shall ensure that all UNCAC offences qualify as predicate offences in respect of Article 3 of Law 3691/2008¹⁰⁰.

j. **Concealment, in line with Art. 24 of UNCAC**

Scoring

- 1: The offence is clearly defined and banned
- 0.5: The offence is banned, but there are shortcomings in its definition
- 0: The offence is not adequately defined or not banned
- - : Not applicable or no data available

Apart from the money laundering offences contained in Law 3691/2008, Article 394 of the Criminal Code¹⁰¹ is also applicable.

While Greece's legislation explicitly addresses the concealment of criminal proceeds, the

Reviewers of UNODC were of the view that the continued retention of property, as foreseen in article 24 of UNCAC, could also be encompassed by the element of "otherwise acquir[ing]" such proceeds (art. 394 CC)¹⁰².

¹⁰⁰ United Nations Office on Drugs and Crime, Country Review Report of Greece, point 45-46, available at: http://www.ministryofjustice.gr/site/Portals/0/uploaded_files/uploaded_17/UNCAC-EN.pdf, point.101.

¹⁰¹ For the English version of Article 394 of the Criminal Code see UNODC, Country Review Report of Greece, available at http://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2015_12_04_Greece_Final_Country_Report.pdf, page 49.

¹⁰² For a more detailed analysis see UNODC, Country Review Report of Greece, available at http://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2015_12_04_Greece_Final_Country_Report.pdf

k. Obstruction of justice, in line with Art. 25 of UNCAC

Scoring

1: The offence is clearly defined and banned

0.5: The offence is banned, but there are shortcomings in its definition

0: The offence is not adequately defined or not banned

- : Not applicable or no data available

Greek criminal law does not dispose a single provision encompassing all the obstructive actions described in article 25 of the Convention. Instead, it typifies perjury, false unsworn testimony and deception to perjury in arts. 224, 225 and 226 of the GPC. All possible manners to induce a false testimony which do not directly fall under these provisions, shall be treated as forms of instigation in one of those offences. According to article 228 par. 2 of the GPC, the attempt to persuade someone to commit the offence of perjury is punishable even if the witness, expert or interpreter did not accept to commit the offence. The use of threats of violence against a witness is not punishable as a distinct crime, but under the general provisions of articles 330 (illegal violence) and 333 GPC (threat). Article 167 criminalizes the attempt to coerce a public official to action or omission relevant to his duties, or to operate in a certain manner. This provision covers justices, as well as law enforcement officers. Article 187 par. 4 typifies an aggravated form of obstructing persecution or sanctioning of embezzlement, with the use of violence or intimidation against judges, witnesses, etc., when the offence has been committed by a criminal organization¹⁰³.

According to UNODC, Greece's legislation is in accordance with Art. 25 of UNCAC¹⁰⁴.

9.2 * Please provide case statistics for each of those offences, including, if available, the number of trials in each of the past two years (ongoing and

¹⁰³ For the English version of the provisions mentioned above see UNODC, Country Review Report of Greece, available at http://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2015_12_04_Greece_Final_Country_Report.pdf, page 50.

¹⁰⁴ For a more detailed analysis see UNODC, Country Review Report of Greece, available at http://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2015_12_04_Greece_Final_Country_Report.pdf

finalized), the number of convictions, the number of settlements, the number of acquittals and the number of cases currently pending.

No data available

9.3 * Anti-Corruption Agency

You may find relevant information to answer the following questions in an NIS assessment conducted by your chapter

(<https://www.transparency.org/whatwedo/nis>). Alternative sources are provided in the guidance at the end of this section.

- a. To what extent is there formal operational independence of the Anti-Corruption Agency (ACA), and what evidence is there that, in practice, it can perform its work without external interference?
- b. To what extent does it have adequate resources and capacity to achieve its goals in practice?
- c. To what extent are there mechanisms in place to ensure the integrity of the ACA, and to what extent is its integrity ensured in practice?
- d. To what extent does the ACA engage in preventive, educational and investigation activities on corruption and alleged corruption cases?

Greece has established various specialized institutions responsible for fighting corruption through law enforcement, including the Anti-Corruption Secretary, the Public Prosecutor against Corruption, the Financial and Economic Crime Prosecutor, the Financial and Economic Crime Unit (SDOE), the Greek Financial Police, the General Inspector of Public Administration, Inspectors-Controllers body for public administration (SEEDD) and the Financial Intelligence Unit. The aforementioned institutions are supervised by the Greek Government.

There are usually Code of Conducts and procedures to report internal complaints.

9.4 * Supreme Audit Institution

- a. To what extent is there formal operational independence of the audit institution, and what evidence is there that, in practice, it can perform its work without external interference?

- b. To what extent does it have adequate resources and capacity to achieve its goals in practice?
- c. To what extent are there mechanisms in place to ensure the integrity of the audit institution, and to what extent is its integrity ensured in practice?
- d. To what extent does the audit institution provide effective audits of public expenditure? Are its reports, findings, and recommendations available to the public?

The Greek Court of Audit is an independent court, whose independence is ensured by the Greek Constitution.

In addition to the 131 judges, the Court has some 1004 staff, of whom 599 are auditors. Around 270 (of whom 114 are audit staff) work in regional offices, the rest at the head office of the Court or within government ministries. Staff are classified as judicial public servants and are usually trained economists, lawyers or accountants.

Salaries are linked to those of the civil service, although they are slightly higher to reflect additional training¹⁰⁵.

The public can access the findings and decisions of the Court online¹⁰⁶.

9.5 * Judiciary

- a. To what extent is the judiciary independent by law, and to what extent does it operate without interference from the government or other actors?
- b. To what extent are there laws seeking to ensure appropriate tenure policies, salaries and working conditions of the judiciary, and does it have adequate levels of financial resources, staffing, and infrastructure to operate effectively in practice?
- c. To what extent does the public have access to judicial information and activities in practice?
- d. To what extent is the integrity of members of the judiciary ensured in practice? To what extent is the judiciary committed to fighting corruption through prosecution and other activities?

¹⁰⁵ For further information see Hellenic Court of Audit – Greece, available at <https://www.elsyn.gr/sites/default/files/Greece0012.pdf>

¹⁰⁶ <https://www.elsyn.gr/en>

According to article 87 of the Greek Constitution¹⁰⁷ «*in the discharge of their duties, judges shall be subject only to the Constitution and the laws; in no case whatsoever shall they be obliged to comply with provisions enacted in violation of the Constitution*».

However, independence of the judges in practice is difficult to be ensured. Many judicial officials have faced disciplinary councils and the High Court and have been given warnings and penalties or even been punished with temporary or permanent suspension or imprisonment¹⁰⁸. It shall be noted that according to Greco much more determined action is necessary on a number of issues, such as the method of selection of the most senior judges and prosecutors, procedural rules for further guarantees against delays in judicial proceedings, the issuance of a set of clear standards of professional conduct and integrity for judges and prosecutors, periodic reporting on the functioning of the courts and the prosecution service and further development of on-going training for judges and prosecutors on integrity issues¹⁰⁹.

Salaries of judges, despite any changes due to the financial crisis's legislation, remain still at a fairly high level.

The public can access the judgements of the two highest courts in Greece online:

- http://www.adjustice.gr/webcenter/faces/wcnavearch-caselaws?_afdf.ctrl-state=z1e3wiy99_86&_afdfLoop=52471120684676869#! (administrative justice)
- <http://www.areiospagos.gr/nomologia/apofaseis.asp> (civil and criminal justice)

The judiciary has recently taken steps to improve its track record on corruption. Recent high-level cases have demonstrated a move

¹⁰⁷ The English version of the Greek Constitution is available here: <https://www.hellenicparliament.gr/UserFiles/f3c70a23-7696-49db-9148-f24dce6a27c8/001-156%20aggliko.pdf>

¹⁰⁸ Greece to the EU Anti-Corruption Report, COM (2014) 38 final, available at : https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/organized-crime-and-human-trafficking/corruption/anti-corruption-report/docs/2014_acr_greece_chapter_en.pdf

¹⁰⁹ GRECO, Fourth Evaluation Round, Corruption prevention in respect of members of parliament, judges and prosecutors, Compliance Report Greece, available at: <https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/168078f072>

towards more effective handling of corruption cases by courts and enforcement of severe sentences, such as the case of the Greek former minister Tsochatzopoulos¹¹⁰.

9.6 * Law Enforcement Agencies

- a. To what extent are law enforcement agencies independent by law, and to what extent are they independent in practice?
- b. To what extent do law enforcement agencies have adequate levels of financial resources, staffing, and infrastructure to operate effectively in practice?
- c. To what extent do law enforcement agencies have to report and be answerable for their actions in practice? To what extent is the integrity of members of law enforcement agencies ensured?
- d. To what extent do law enforcement agencies detect and investigate corruption cases in the country?

The Hellenic Police force is headed in a de jure sense by the Minister of Public Order and Citizen Protection, however, although the Minister sets the general policy direction of Greece's stance towards law and order as a whole, the Chief of Police is the day-to-day head of the force. In law and in practice Hellenic Police is under the Control of the Minister.

There are often press reports that highlight the lack of staff in police.

There is a code of conduct for police officers¹¹¹.

The Division of Internal Affairs of the Greek police was founded in 1999, to stamp out cases of corruption within Hellenic Police. This division operates under a special statutory framework (Law 2713/1999 & Law 2800/2000) and falls directly under the Chief of the Hellenic Police. Its investigation tasks are supervised by a Court of Appeal Public Prosecutor and reports annually through its Head to the Institutions and Transparency Committee of the Parliament. It also co-operates with the Group of European States against Corruption (GRECO).

¹¹⁰ Greek former minister Tsochatzopoulos guilty of fraud, available at: <https://www.bbc.com/news/world-europe-24428355>

¹¹¹ For the Code of Conduct see: http://www.hellenicpolice.gr/images/stories/Attachment14238_KOD_FEK_238A_031204.pdf

The Division of Internal Affairs of the Greek police seems to be quite effective, based on the data published in its annual report¹¹².

Guidance

- TI: NIS assessments (<https://www.transparency.org/whatwedo/nis>) and NIS indicators, (https://www.transparency.org/files/content/nis/NISIndicatorsFoundations_EN.pdf)
Bertelsmann Foundation Transformation Index – BTI (<https://www.bti-project.org/en/reports/>)
- Freedom House (<https://freedomhouse.org/reports>)
- GAN Business Anti-Corruption Portal: country profiles (<http://www.business-anti-corruption.com/country-profiles>)
- Reports by Global Integrity (<http://www.globalintegrity.org/research/reports/>)
- UNODC: Legislative Guide and Technical Guide on UNCAC (https://www.unodc.org/pdf/corruption/CoC_LegislativeGuide.pdf, http://www.unodc.org/documents/corruption/Technical_Guide_UNCAC.pdf)
- GRECO evaluation reports will contain relevant information for countries that are part of the Council of Europe (<https://www.coe.int/en/web/greco/evaluations>)
- UNCAC Coalition: civil society review reports and self-evaluation reports (http://uncaccoalition.org/en_US/uncac-review/) shadow monitoring reports
- UNODC: UNCAC Country Profiles (<https://www.unodc.org/unodc/en/treaties/CAC/country-profile/index.html>)

10. Private sector corruption

- 10.1 Is it a criminal offence under the country's laws to bribe a foreign public official?

Scoring

- 1: The offence is clearly defined and banned
- 0.5: The offence is banned, but there are shortcomings in its definition
- 0: The offence is not adequately defined or not banned
- - : Not applicable or no data available

¹¹² For the research of Division of Internal Affairs of Hellenic Police see: <http://www.astynomia.gr/images/stories/2017/files17/2016-apologismos-dey.pdf>

For guidance, see Article 1 of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and Related Documents (https://www.oecd.org/daf/anti-bribery/ConvCombatBribery_ENG.pdf). You may find relevant information in OECD Country Reports on the Anti-Bribery Convention (<https://www.oecd.org/corruption/bycountry>), in UNCAC review reports (<https://www.unodc.org/unodc/en/treaties/CAC/country-profile/index.html>) and in civil society monitoring reports of UNCAC Coalition member organisations (http://uncaccoalition.org/en_US/uncac-review/cso-review-reports) on Article 16.

Active and passive corruption of foreign public officers is provided for in articles 235 and 236 of Greek Criminal Code. Greece was asked by the OECD Working Group on Bribery to amend the definition of a foreign public official to ensure that it covers officials and agents of public international organisations of which Greece is not a member and to eliminate the effective regret defence that is applicable to the active foreign bribery offence. No measures have been taken to address these important issues. Greece has also not addressed the shortcomings that have been identified in its regime of sanctions and has taken no steps to ensure that the limitation period for foreign bribery offences qualified as misdemeanours is sufficient to allow adequate investigation and prosecution. For further information see: Greece: Follow-up to the phase 3bis report & recommendations (August 2017), available at <http://www.oecd.org/corruption/anti-bribery/Greece-Phase3bis-Follow-up-Report-ENG.pdf>.

10.2 Does the country's legal framework prohibit collusion?

Does the legal framework prohibit hard core cartels (when firms agree not to compete with one another), including fixing prices, making rigged bids (collusive tenders), establishing output restrictions quotas, and sharing or dividing markets by allocating customers, suppliers, territories or lines of commerce?

Scoring:

● 1: The law prohibits hard core cartels and collusion

● 0.5: The law prohibits hard core cartels, but not all major forms of collusion are banned

- 0: The law does not prohibit hard core cartels or most forms of collusion
- - : Not applicable or no data available

The main legal instrument pertaining to the protection of undistorted competition in the Greek market is Law No. 3959/2011 (the Competition Act), which abolished and replaced Law No. 703/1977. The Competition Act does not define the term ‘cartel’. Nonetheless, the notion of ‘prohibited agreements and/or concerted practices’ is used and, essentially, refers to the same practices as prohibited under Article 101 of the Treaty on the Functioning of the European Union (TFEU) (which, in any event, is applied in parallel in most investigations pursued by the Hellenic Competition Commission (HCC)). While the Competition Act does not distinguish between hard-core and other types of horizontal collusive agreements, the HCC’s decisional practice corresponds to EU competition law jurisprudence. Indeed, the published guidelines on the method of setting fines postulate that horizontal price fixing, market sharing and output limitation agreements are considered the most serious infringements of competition law. Similarly, both the leniency programme and the published guidelines on the settlement procedure adopt the same definition of hard-core cartels as in the EU context¹¹³.

10.3 Is the ban on foreign bribery enforced?

Is there evidence that the law is applied effectively? Is there a dedicated body charged with investigating allegations of foreign bribery, and if so, does this body have adequate resources and capacity? Have there been investigations against individuals and/or legal entities in cases involving bribery of a foreign public official in the past two years? Have there been any cases where sanctions under criminal proceedings or in administrative and civil proceedings were imposed in the past two years against legal and natural persons? Are the sanctions applied for bribery dissuasive, proportionate and effective? Does the ban also include facilitation payments? Can bribes be deducted as business expenses for tax purposes? You may find relevant information in the OECD’s data on enforcement of the Anti-Bribery Convention (<https://www.oecd.org/corruption/dataonenforcementoftheanti-briberyconvention.htm>).

There are no data available on cases of implementation of ban of foreign bribery or statistics. Greece’s practical experience on the above issue is limited as Greece has not as yet had a successful prosecution in a foreign

¹¹³ See Dimitris Loukas and Athanasios S Taliadouros, The Cartels and Leniency Review - Edition 6, Greece, 19 February 2018, The Law Reviews, available at <https://thelawreviews.co.uk/chapter/1159154/greece#footnote-022-backlink>

bribery case. Preliminary investigation is currently on-going in at least two cases, but no charges have been brought as yet and naturally no final judgment has been issued. Statistics remain a challenge for the administration of justice in Greece.

Data are compiled empirically as per request and for specific areas of the law, e.g. for purposes of the OECD Anti-Bribery Convention Annual Report. Inevitably, the possibility of following a case to its end becomes practically impossible¹¹⁴.

10.4 Are anti-collusion provisions effectively enforced?

Is there a dedicated body that investigates and sanctions companies involved in collusive practices? Does this body have adequate independence, resources, and capacity? Is there evidence of sanctions being imposed for collusion in the past two years?

The Hellenic Competition Commission (HCC)¹¹⁵ is the competent authority for the enforcement of Law No. 3959/2011 (Competition Act)¹¹⁶. As a result, HCC is the competent authority that investigates and imposes sanctions on companies involved in collusive practices.

In accordance with Regulation 1/2003¹¹⁷, the HCC performs all the enforcement actions of a designated national competition authority (NCA) and is, consequently, fully competent to enforce Article 101 TFEU and Article 1 of the Competition Act (i.e., the domestic equivalent) on cartels. The HCC can initiate proceedings either ex officio or following a complaint. In more detail, as far as agreements and concerted practices are concerned, the HCC has the competence to:

¹¹⁴ United Nations Office on Drugs and Crime, Country Review Report of Greece, point 45-46, available at: http://www.ministryofjustice.gr/site/Portals/0/uploaded_files/uploaded_17/UNCAC-EN.pdf

¹¹⁵ For further information, see: <https://www.epant.gr/en/>

¹¹⁶ For further information, see : <https://www.epant.gr/en/Pages/Legislations>

¹¹⁷ Council Regulation (EC) No. 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the EC Treaty.

- a) take decisions on finding an infringement of Article 1 of the Competition Act and/or Article 101 TFEU and impose administrative fines;
- b) take interim measures in the case of a suspected infringement;
- c) launch investigations and conduct dawn raids for the purpose of enforcing antitrust legislation;
- d) deliver opinions on competition issues either on its own initiative or at the request of the competent minister, in accordance with Article 23 of the Competition Act; and
- e) conduct sector and market inquiries.

The HCC is constituted and operates as an independent authority. Its members enjoy personal and functional independence and are bound only by law and their conscience in exercising their competences. The Competition Commission has legal personality, administrative and financial autonomy and appears in its own right before any court, in all kinds of legal proceedings. The HCC is supervised by the Minister of Economy, Competitiveness and Shipping¹¹⁸.

From 2000 to 2013 HCC has imposed sanctions for collusions and violations of the Competition Act which to the total amount of 411.800.000 EUR¹¹⁹.

10.5 Are there specific rules or practices related to the transparency of corporations that result in high corruption risks?

For example, are companies required to maintain accurate books and records available for inspection that properly and fairly document all financial transactions? Are companies that are publicly traded, as well as large non-listed or privately held companies with substantial international business, required to have accounts externally audited and published on an annual basis according to internationally recognised auditing standards, such as International Standards on Auditing? Are these rules enforced? Are there requirements or incentives for companies that participate in public procurement to adopt integrity measures (code of conducts and an anti-corruption policy for employees, statements certifying that they have not engaged in illegal conduct as part of their bid; anti-corruption programmes etc.)?

¹¹⁸ For further information see article 12 of law no. 3959/2011, available at <https://www.epant.gr/en/Pages/Legislations>

¹¹⁹ For the statistics see : <https://www.epant.gr/Pages/DecisionsOpinions>

According to Greek legislation companies are required to maintain accurate books for inspection. In case of a preliminary judicial examination, investigation or trial, the public prosecutor, the investigating judge and the court have access to the books and records that companies are required to keep according to the legislation in force.

Companies that are publicly traded, as well as large non-listed or privately held companies, are required to have accounts externally audited and published on an annual basis¹²⁰.

According to article 73 of Law 4412/2016 (FEK A 147/08-08-2016) on Public Procurement, an economic operator is excluded from participation in a procurement procedure, if the economic operator has been the subject of a conviction by final judgment for one of the following reasons:

(a) participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA

(b) corruption, as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union and Article 2(1) of Council Framework Decision 2003/568/JHA as well as corruption as defined in the national law of the contracting authority or the economic operator;

(c) fraud within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests;

(d) terrorist offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA respectively, or inciting or aiding or abetting or attempting to commit an offence, as referred to in Article 4 of that Framework Decision; or

(e) money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council.

Guidance:

¹²⁰ OECD, Measurement and Reduction of Administrative Burdens in 13 sectors in Greece, Final Report Company Law and Annual Accounts, 2014, available at : <https://www.oecd.org/regreform/regulatory-policy/Greece-Measuring-administrative-burdens-Company-Law.pdf>

- Transparency International: Business Integrity Country Agenda (BICA): Conceptual Framework for a BICA Assessment (https://www.transparency.org/whatwedo/publication/business_integrity_country_agenda_bica_conceptual_framework_for_a_bica_assessment)
- OECD: Foreign Bribery Report (<https://www.oecd.org/daf/anti-bribery/foreign-bribery-report.htm>)
- Transparency International Policy Position #07/2009: Countering Cartels to End Corruption and Protect the Consumer (https://www.transparency.org/whatwedo/publication/policy_position_07_2009_countering_cartels_to_end_corruption_and_protect_the_consumer)
- OECD (1998): Recommendation of the Council concerning Effective Action against Hard Core Cartels.

11. Lobbying transparency

- 11.1 Is there a law or policy that sets a framework for lobbyists and lobbying activities?

If yes, please name the law, briefly describe to which actors it applies and what requirements it contains. Please provide relevant sources/links.

Scoring

- 1: there is a legal framework that regulates lobbying
- 0: there is no such framework
- - : Not applicable or no data available

- 11.2 Is the definition of (i) lobbyists, (ii) lobbying targets, and (iii) lobbying activities clear and unambiguous? Who is covered by the definition (consultant lobbyists/in-house lobbyists/anybody engaging in lobbying activities)?

Definitions should also clearly specify what communication with public officials is not considered 'lobbying.' For guidance, see the OECD's Elements of strong lobbying regulation and TI's International Standards for Lobbying Regulation; TI's Lobbying in Europe reports contain information on the framework in EU countries.

Scoring

- 1: All those who engage in lobbying are covered by the regulations
- 0.5: Only consultant lobbyists and in-house lobbyists are covered
- 0.25: Only consultant lobbyists are covered
- 0: There is no legislative framework on lobbying
- - : Not applicable or no data available

11.3 Is there a mandatory lobbying register? Do disclosure requirements provide sufficient and relevant information on key aspects of lobbying and lobbyists, such as its objective, beneficiaries, funding sources, and targets?

Please briefly explain, if and what information is publicly accessible, for example through a lobbyist register and provide relevant links. Is the information published in a timely manner and regularly updated?

Scoring

- 1: There is a mandatory lobby register
- 0.5: There is a voluntary lobby register; only some lobbyists are required to register
- 0: No such information is made publicly accessible through a register
- - : Not applicable or no data available

11.4 Are there rules and guidelines which set standards for expected behaviour for public officials and lobbyists, for example to avoid misuse of confidential information?

Guidelines for public officials and civil servants and their communication with lobbyists may be included in a code of conduct or similar policies. Rules of engagement for lobbyists may be included in a code of conduct adopted by the industry or specific companies and organisations.

There are no guidelines or rules which set standards for expected behaviour for public officials and lobbyists.

11.5 Are procedures for securing compliance framed in a coherent spectrum of strategies and mechanisms, including monitoring and enforcement?

Are there incentives for lobbyists to comply with the integrity and transparency rules? Are there visible and proportionate sanctions (such as the public reporting of confirmed breaches, financial and administrative sanctions, such as debarment, and criminal prosecution as appropriate)? Is there evidence that the organisational leadership in public bodies promotes

a culture of integrity and transparency in daily practice through regular disclosure and auditing to ensure compliance?

No data available

- 11.6 Are there documented cases of lobbying misconduct that have been investigated in the past two years? Are there documented cases of sanctions being imposed for non-compliance?

Please describe briefly and provide relevant sources/links.

No data available

- 11.7 Have there been noteworthy efforts to promote transparency and integrity related to lobbying in the past two years? Have there been relevant changes to the framework or its implementation?

Please describe briefly and provide relevant sources/links.

There have been no apparent efforts to improve the transparency and integrity of lobbying in the past two years

Guidance

- TI EU (2016): International Standards for Lobbying Regulation (https://transparency.eu/wp-content/uploads/2016/12/International-Standards-for-Lobbying-Regulation_EN.pdf)
- TI (2015): Lobbying in Europe – Hidden Influence, Privileged Access (<http://eurlobby.transparency.org>)
- OECD (2013): Elements of strong lobbying regulation (<http://www.oecd.org/corruption/ethics/Lobbying-Brochure.pdf>)
- TI Helpdesk (2017): Defining Lobbyists and Regulating Lobbying in Europe (http://www.transparency.org/whatwedo/answer/defining_lobbyists_and_regulating_lobbying_in_europe)

12. Party and election campaign finance transparency

- 12.1 Is there a legal framework regulating the financing of political parties and the finances of candidates running for elected office?

Please provide the name and a link to the relevant law(s), decrees or other regulation. You may briefly elaborate on any political actors that are not covered by the regulation and mention any important shortcomings of the legislation. For example, do existing rules address the following aspects?

- *parameters for the limits, purpose and time periods of campaign expenditures;*
- *limits on contributions;*
- *identification of donors, including whether or not anonymous, international and third-party donations or loans are permissible, restricted or prohibited;*
- *what types of in-kind contributions are allowable;*
- *the form and timing of submission and the publication of accounts and expenditure by party organisations;*
- *means to verify income and expenditure;*
- *whether tax relief is allowed on donations or loans;*
- *means to dissuade governments from using public resources for electoral purposes;*
- *how government subsidies for elections and parties are calculated and awarded and how the development of new parties is encouraged (while the creation of parties whose prime purpose is to access funding is avoided)*

Scoring

- 1: There is a legal framework regulating the financing of political parties and the finances of candidates running for elected office
- 0.5: There is a legal framework regulating the financing of political parties and the finances of candidates running for elected office but some actors or candidates are not subject to this regulation
- 0: there is no such framework
- - : Not applicable or no data available

Law 3023/2002¹²¹ as amended regulates the financing of political parties and the finances of candidates running for elected office.

There are comprehensive limits on the private income of political parties. Private funding of a political party or coalition from the same person, during the year may not exceed the total amount of twenty thousand (20,000) euro. Moreover, there is a limit of 5.000€ per year, on the amount a donor can contribute to a candidate. There are bans on donations from foreign entities, corporations, trade unions and

¹²¹ For the law 3023/2002 see : <http://www.publicrevenue.gr/elib/view?d=/gr/act/2002/3023>

anonymous donors. There are also limits on the amount that can be donated to political parties and candidates both during and outside of election periods.

Public funding is available for political parties and is allocated based on the share of votes in the previous election, the representation in the elected body and the participation in the election¹²². There is also free access to the media which is allocated based on the number of candidates and the share of votes in the previous election. Indirect public funding is available in the form of premises for campaign meetings and space for campaign materials.

There are regulations on spending which includes a ban on vote buying and a ban on state resources being used in favour or against a political party or candidate. There are limits on the amount political parties and candidates can spend¹²³.

Parties are required to regularly report on their finances. Reports must include details on finances in relation to election campaigns and must include the identity of donors in some cases. These reports must be made public and are overseen by the Expenditure Audit Committee. There are sanctions for those breaching the provisions of the law in the form of fines, forfeiture, loss of elected office and sanctions under the criminal law.

Contributions in kind are allowed. According to the definition provided by the law, contributions in kind are any kind of benefits and facilities to recipients, which are not monetary ones but are valued in money, such as, in particular, work offered by civil servants seconded or made available to funding recipients. In kind contributions are included in the income of funding recipients¹²⁴.

Tax relief is allowed on private funding¹²⁵ according article 19 of law 4172/2013¹²⁶.

12.2 Are political parties and individual candidates running for elected office required to disclose financial statements for their campaigns detailing itemized income and expenditure, as well as individual donors to their

¹²² 80% provided to parties with Parliamentary representation, 10% to parties with European Parliament representation and 10% to parties that have filed complete lists of candidates in at least 70% of the constituencies and received at least 1.5% of valid votes at national level.

¹²³ Electoral expenses incurred by a party or coalition taking part in parliamentary elections or elections to the European Parliament, including donations in kind, should not exceed 20% of the most recent total annual amount of regular public funding received by that party or coalition.

¹²⁴ For further information see : <http://europam.eu/?module=country-profile&country=Greece>

¹²⁵ Private funding is defined as the financial aid of any kind provided to beneficiaries from natural persons.

¹²⁶ For the law 4172/2013, see: <https://www.taxheaven.gr/laws/law/index/law/528>

campaign finances?

Please briefly elaborate: Can donors be uniquely identified, based on details that are made public? How timely is the information disclosed, does information on campaign finances become available to the public before election day? What are the exact thresholds for contributions to be disclosed? Are the accounts published in a standardized manner and in a format, that facilitates analysis and re-use of the data?

Scoring

- 1: Political parties (and, if applicable, political candidates) are required to release itemized income and expenditure reports on their campaigns and to disclose donors who contributed to a party's or candidate's electoral campaign, with the threshold of disclosure at 1,000 Euro/USD or less
- 0.5: Political parties (and, if applicable, political candidates) are required to release income reports of political campaigns to the public and to disclose major donors who contributed to a campaign, with a threshold between 1,001 and 5,000 Euro/USD
- 0.25: Political parties (and, if applicable, political candidates) are required to release income reports of political campaigns to the public and to disclose big donors of an electoral campaign, with the threshold being between 5,001 and 20,000 Euro/USD
- 0: Parties and candidates are not required to release financial information, or the reporting does not require the disclosure of donors who contributed more than 20,001 Euro/USD to a campaign
- - : Not applicable or no data available

Political parties and coalitions which receive regular public funding have to publish their yearly balance sheet by the end of February of the next calendar year in at least two daily newspapers, published in Athens (Article 18 (1), Law 3023/2002¹²⁷).

Similarly, parties and coalitions that took part in national or European elections, whether they received electoral public funding or not, have to publish in the Government Gazette within a period of two months after the election date, the report on their electoral income and expenditure (Article 18 (2) and 19 (1), Law 3023/2002).

¹²⁷ For the law 3023/2002 see : <http://www.publicrevenue.gr/elib/view?d=/gr/act/2002/3023>

The financial reports of candidates for election are not published, but filed with the Control Committee within a period of 40 days after the election date. (Article 20 (2), Law 3023/2002). The public has access to those statements by request to the Control Committee.

Article 19 of the new Law 4304/2014, which amends law 3023/2002 vests with the Audit Committee the competence to maintain and administer an official website to which access to information is free and where the Committee is to publish the full details of each legal entity providing funding, at any value, to political parties, party coalitions, election candidates or members of parliament. Moreover, full details are also to be provided on the website concerning sponsors which provide funding in excess of 3,000 euros per year to candidates or elected MPs¹²⁸. The same rule applies in respect of funding in excess of 5,000 euros per year for sponsoring political parties or coalitions of parties.

12.3 Are political parties and, if applicable, individual candidates running for elected office required to disclose annual accounts with itemized income and expenditure and individual donors?

Please briefly elaborate: Can donors be uniquely identified, based on details that are made public? How timely is the information disclosed? What are the exact thresholds for contributions to be disclosed? Are the accounts published in a standardized manner and in a format, that facilitates analysis and re-use of the data?

Scoring

- 1: Political parties (and, if applicable, political candidates) are required to release itemized income and expenditure reports on their annual accounts and disclose donors who contributed to a party's or candidate's annual finances, with the threshold of disclosure at 1,000 Euro/USD or less
- 0.5: Political parties (and, if applicable, political candidates) are required to release annual income reports to the public and to disclose major donors, with a threshold between 1,001 and 5,000 Euro/USD in contributions over one year
- 0.25: Political parties (and, if applicable, political candidates) are required to release annual income reports to the public and to disclose big donors,

¹²⁸ No publications have been found on <https://www.hellenicparliament.gr/Dioikitiki-Organosi/Ypiresies/Other-Services/Eid-Yp-Epitropis-Elenchou-Oikonomikon-ton-Kommaton-kai-ton-Voulefton/>

with the threshold being between 5,001 and 20,000 Euro/USD in contributions over one year

● 0: Parties and candidates are not required to release annual financial information, or the reporting does not require the disclosure of donors who contributed more than 20,001 Euro/USD over one year

● - : Not applicable or no data available

Political parties and coalitions shall keep an accounting book, containing the income and the expenditure for each year and the amounts collected during the election campaign and election expenses. The accounting book is annually audited by the Control Committee. Political parties and coalitions shall annually submit to the Control Committee annual budgets, balance sheets and accounts.

Information on each legal entity providing funding to political parties, coalitions, election candidates or members of parliament shall be published on the official website administered and managed by the Control Committee. Moreover, full details are also to be provided if the donations to political parties and coalitions are above 3,000 euros or if the donations to candidates to elections are above 5,000 euros¹²⁹.

12.4 Are parties' (and, if applicable, candidates') electoral campaign expenditures subject to independent scrutiny?

Is there publicly available evidence of independent scrutiny, such as audit reports produced by the Central Election Commission, the Court of Audit, or a comparable oversight body? Is the political independence of that body guaranteed by law, and is there evidence that it is not subject to political interference? Does the oversight body have adequate investigative powers to verify financial information?

Scoring

● 1: The campaign finances of parties and/or candidates for elected office are subject to independent verification, and the legal framework provides the oversight body with sufficient independence, powers and resources to scrutinise the statements and accounts in an effective manner

● 0.5: The campaign finances of parties and/or candidates for elected office are subject to verification, but available the legal framework fails to guarantee the political independence of the oversight body and/or does not

¹²⁹ For further information see : <http://europam.eu/?module=country-profile&country=Greece>

provide the oversight body with sufficient powers and resources to effectively scrutinise the statements and accounts in an effective manner

● 0: Parties and/or candidates are not required to release financial information on their electoral campaigns, or the law does provide for a control mechanism

● - : Not applicable or no data available

The following authorities are responsible for examining financial reports and/or investigating violations: Audit Committee¹³⁰, Expenditure Control and Violations Committees, Special Investigative Service under the Ministry of Economy and Finance (YPEE), Local Committees, Chartered Auditors under the Control Committee.

During the monitoring process, both the chartered auditors and the Control Committee may have access to all necessary data and documents, including confidential information held by banks, tax authorities and stock exchange. The Control Committee may also carry out investigations ex officio or upon receiving complaints by citizens, members of local committees or public officials concerning alleged infringements of political financing regulations regarding a party or a candidate for election. It may also ask the Special Investigative Service under the Ministry of Economy and Finance (YPEE) to carry out further investigations on its behalf, although this possibility has never been used in practice. The Control Committee may receive complaints submitted in writing before the completion of the voting process by the representative of any political party, coalition or any candidate for election. They may carry out investigations and hearings. The Control Committee then compile the results of their investigations in a report, which they forward to the Control Committee within 15 days after the elections. The Control Committee may use the content of this report at its discretion¹³¹.

12.5 Are the annual accounts of political parties (and, if applicable, of candidates) subject to independent scrutiny?

Is there publicly available evidence of independent scrutiny, such as audit reports produced by the Central Election Commission, the Court of Audit, or a comparable oversight body? Is the political independence of that body guaranteed by law, and is there evidence that it is not subject to political interference? Does the oversight body have adequate investigative powers to

¹³⁰ The political independence of the Audit Committee is guaranteed by law (see article 3A of the law 3213/2003).

¹³¹ For further information see : <http://europam.eu/?module=country-profile&country=Greece>

verify financial information?

Scoring

● 1: Annual financial statements of parties and/or candidates are subject to independent verification, the legal framework provides the oversight body with sufficient independence, powers and resources to scrutinise the statements and accounts in an effective manner

● 0.5: Annual financial statements of parties and/or candidates for elected office are subject to verification, but available the legal framework fails to guarantee the political independence of the oversight body and/or does not provide the oversight body with sufficient powers and resources to effectively scrutinise the statements and accounts in an effective manner

● 0: Parties and/or candidates are not required to release annual financial statements, or the law does provide for a control mechanism

● - : Not applicable or no data available

See question 12.4

12.6 * What is the score in the Money Politics and Transparency assessment produced by Global Integrity?

See <https://data.moneypoliticstransparency.org/>

No data available for Greece.

12.7 Have political parties and/or candidates been sanctioned for violating political finance rules or non-compliance with disclosure requirements in the past two years, according to publicly available evidence?

Please briefly describe if the publicly available evidence suggests that political parties and candidates have faced proportionate, timely and effective sanctions for non-compliance with financial transparency requirements, and if these sanctions were administered in a transparent and objective manner.

The Audit Committee made recommendations towards the political parties to respect the provisions of the law 3023/2002. However, no sanctions have been imposed so far¹³².

¹³² Recommendation of the Parliament to political parties related to their finances, 30/01/2018, available at : https://www.huffingtonpost.gr/entry/sestaseis-tes-voeles-sta-kommata-via-ta-oikonomika-toes_gr_5a70a3ebe4b0be822ba0d89f

Guidance

- You may find relevant information in the law on political parties. Information about the finances of parties and sanctions for violations may be released by the Supreme Audit Institution, the Elections Commission, an Anti-Corruption Agency or a similar body
- Global Integrity/Sunlight Foundation: Money Politics and Transparency, country assessments (<https://data.moneypoliticalstransparency.org>)
- Council of Europe: GRECO evaluation reports (round 3 and follow-up reports), (<https://www.coe.int/en/web/greco/evaluations>)
- International IDEA political finance database (currently being updated, <http://www.idea.int/data-tools/data/political-finance-database>)
- TI Policy Position 01/2009: Standards on Political Funding and Favours (https://www.transparency.org/whatwedo/publication/policy_position_no.01_2009_standards_on_political_funding_and_favours)
- IFES: TIDE Political Finance Oversight Handbook (<http://www.ifes.org/publications/tide-political-finance-oversight-handbook>)

Target 16.6: «Develop effective, accountable and transparent institutions at all levels»

Indicator 16.6.1: *Primary government expenditures as a proportion of original approved budget, by sector (or by budget codes or similar)*

Indicator 16.6.2: *Proportion of the population satisfied with their last experience of public services*

13. Transparency and integrity in public administration

13.1 Is there a law, regulation or Code of Conduct in place, covering public officials, employees and representatives of the national government, that adequately addresses the following issues:

- a. integrity, fairness, and impartiality;
- b. gifts, benefits, and hospitality; and
- c. conflicts of interest?

Scoring

● 1: A law, regulation or Code of Conduct is in place and addresses the aspects mentioned above

- 0.5: A law, regulation or Code of Conduct is in place but only addresses two of the aspects mentioned above
- 0.25: A law, regulation or Code of Conduct is in place but only addresses one of the aspects mentioned above
- 0: No law, regulation or Code of Conduct is in place or an existing law, regulation or Code fails to address any of those aspects
- - : Not applicable or no data available

There is a Code of Conduct¹³³ and a law (law 3528/2007 as amended¹³⁴) which covers integrity, fairness, impartiality, gifts, benefits and hospitality, as well as conflicts of interests of public officials.

In particular, a public official shall execute his duties in an impartial and fair way. He shall not be influenced by any factors that can compromise an objective and fair judgement. He shall avoid any action that may put in question his integrity. He shall not accept any kind of gift, offer, hospitality from a person, whose the case is handled by him. He shall not use the authority of his public office, in order to gain personal benefits. He shall not handle cases of his relatives or the persons closely associated to them. He shall exclude himself from cases that are associated with his personal interests.

13.2 Is there a law or clear policy in place to address the ‘revolving door’ – the movement of individuals between public office and private sector, while working on the same sector or issue, which may result in conflicts of interest and in former public officials misusing the information and power they hold to benefit private interests?

If yes, please provide the name of the law and a link/source.

Scoring

- 1: There is a law or clear policy addressing the ‘revolving door’
- 0: There is no law or policy addressing the ‘revolving door’
- - : Not applicable or no data available

According to article 23 of law 4440/2016¹³⁵ a public official, after the expiration of his contract shall not be involved in any activity that was related to his previous position in the public sector.

¹³³ The State Ombudsman: Guide of appropriate conduct of public officials, 2012, available at: http://www.ydmed.gov.gr/wp-content/uploads/20120405_oods54_odigos_orthis_dioikitikis_siberiforas.pdf

¹³⁴ The law 3528/2007 can be found here: <https://www.taxheaven.gr/laws/law/index/law/224>

There is no relevant provision from the movement of employees from private to public sector.

13.3 Does the law or policy that addresses the ‘revolving door’ cover all relevant public-sector decision-makers?

The law or policy should cover all relevant decision-makers, such as members of the government and the legislature, political advisors and cabinet members, senior public servants, chief executives and managers of state-owned enterprises. The public-sector positions covered by laws or policies to control the ‘revolving door’ should be context and country relevant. It is thus left to the National Chapter to consider which positions it considers ‘relevant’ in this context. If applicable, describe which positions are covered by such a law or policy, and/or briefly elaborate on important positions that should be covered by a control of the ‘revolving door’ but are not covered by an existing law or policy. There may be different systems to regulate different categories of public office holders.

Scoring

- 1: The law or policy in principle provides comprehensive coverage of relevant public-sector decision-makers
- 0.5: The law or policy addressing the ‘revolving door’ covers most relevant public-sector decision-makers but fails to include some relevant positions
- 0.25: The law or policy addressing the ‘revolving door’ only applies to some relevant decision-makers and fails to include many relevant decision-making posts
- 0: No law or policy exists or an existing law or policy does not specify which positions are covered
- - : Not applicable or no data available

The public-sector decision makers are mentioned in article 6 §1 and 2, and article 8 §1 of law No. 4369/2016¹³⁵. The notions covers:

- Administrative and Deputy Administrative Secretaries, which belong to each Minister or Deputy Minister;
- Heads of the General Secretariats ;
- The Presidents, Vice-Presidents, Governors, Deputy Governors, and the General Chiefs of public legal entities ;

¹³⁵ See articles 20-23 of law No 4440/2016, available at : http://www.et.gr/idoscs-nph/search/pdfViewerForm.html?args=5C7QrtC22wFHp_31M9ESQXdtvSoClrL8Xr8Ex4HtQ9Z5MXD0LzQTLWPU9yLzB8V68knBzLCmTXKaO6fpVZ6Lx3UnKl3nP8NxdnJ5r9cmWyJWelDvWS_18kAEhATUkJb0x1LIldQ163nV9K--td6SIubP3SGvTf7Vncrg7cU2LZUqsOzC-CuhvRkcmzlcXbEqA

¹³⁶ For the law 4369/2016 see : <https://www.taxheaven.gr/laws/law/index/law/737>

- The other members of the collective management bodies of such public legal entities (Public Law Entities) ;
- The Presidents, Vice-Presidents, Governors, Deputy Governors, and the general directors of private legal entities, who are appointed by the Government

13.4 Is there a mandatory cooling-off period – a minimum time interval restricting former officials from accepting employment in the private sector that relates to their former position – for members of the government and other relevant high-level decision-makers?

Please provide what cooling-off period(s) are set by the policy and to whom or in what cases they apply. Good practice stresses that the type of restriction and length of the time limits on certain activities, including lobbying, should be proportionate to the threat imposed from their role as a public official. TI has recommended a cooling-off period of at least two years to mitigate the risk of potential conflicts of interests, but restrictions should always take into account the specificities of the position and the country context. A mandatory cooling-off period should primarily apply to high-level decision-makers – which positions and what types of post-employment should be controlled by a cooling-off period is best determined in the national context.

Scoring

- 1: The policy contains a minimum cooling-off period of at least 2 years for certain positions and cases where the new employment of former government members and other high-level decision-makers would result in a conflict of interest
- 0.5: The policy contains a minimum cooling-off period of at least 6 months for certain positions and cases where the new employment of former government members and other high-level decision-makers would result in a conflict of interest
- 0: There are no or shorter minimum post-employment restrictions
- - : Not applicable or no data available

Article 23 of law 4440/2016¹³⁷ contains a minimum cooling-off period of at 2 years for the positions mentioned in paragraph 13.3 and cases where the

¹³⁷ See article 23 of law No 4440/2016, available at : http://www.et.gr/idoscs-nph/search/pdfViewerForm.html?args=5C7QrtC22wFHp_31M9ESQXdtvSoClrL8Xr8Ex4HtO9Z5MX

new employment of former government members and other high-level decision-makers would result in a conflict of interest. In particular, the persons numbered in question 13.3 a) shall not offer their employment to any natural or legal person, which is related with any of the duties that they used to have as public employees and b) shall not participate as directors or shareholders in any legal person, which is related with any of the duties that they used to have as public employees

13.5 **Is there a single public body or are there designated authorities responsible for providing advice and overseeing ‘revolving door’ regulations?**

Describe, if such a designated authority exists, name it and briefly describe its mandate. In some cases, these bodies may also be responsible for approving public officials’ future employment plans.

Scoring

● 1: There is a single body, or there are various designated authorities charged with providing advice and overseeing the implementation of the policy

● 0: No authority or public body is charged with overseeing the implementation of the policy

● - : Not applicable or no data available

There is a public body responsible for imposing sanctions if individuals do not comply with the «revolving door», according to article 23 §2 of law 4440/2016. The public body is called «The Source of Funds Investigation Unit (SFIU)»¹³⁸.

The SFIU collects the non – conflict of interest statements from the obliged persons. Also, the SFIU can impose sanctions on the obliged persons if it finds out that there is a violation of the “revolving door” provisions.

13.6 **Are there proportionate and dissuasive sanctions for both individuals and companies that do not comply with the law or policy controlling the ‘revolving door’?**

Possible sanctions may include fines, the reduction of government pensions,

[D0LzQTLWPU9yLzB8V68knBzLCmTXKaO6fpVZ6Lx3UnKl3nP8NxdnJ5r9cmWyJWelDvWS_18kAEhATUkJb0x1LIdQ163nV9K--td6SIubP3SGvTf7Vncrg7cU2LZUqsOzC-CuhvRkcmzlcXbEqA](https://www.hellenic-fiu.gr/index.php?lang=en)
¹³⁸ For further information please see: <http://www.hellenic-fiu.gr/index.php?lang=en>

imprisonment, the cancellation or refusal of contracts with the private sector employer of the offending former official, fines to the prospective employer, prohibition to occupy a public office for a certain period of time, suspension of registration in professional associations or registries. Sanctions should be context and country specific, it is up to the National Chapter to decide if possible sanctions are considered proportionate, timely and dissuasive.

Scoring

- 1: Sanctions in the law (or policy) can be considered proportionate and dissuasive
- 0.5: There are sanctions in the law (or policy) but they are not considered to be proportionate and dissuasive
- 0: The law (or policy) includes no sanctions
- - : Not applicable or no data available

There are sanctions only for the individuals, but not for the companies. The sanctions for the individuals seem to be proportionate and dissuasive. The individuals shall pay a fine which is equal to twice the total remuneration and compensation received by that person during his or her term of office. Also, there is a prohibition of his/her appointment in the public administration for a period of 10 years.

- 13.7 Are the 'revolving door' provisions implemented and enforced in practice? Have there been any developments in the past year that indicate an improvement (or deterioration) in how the 'revolving door' and related conflicts of interests are addressed?

Relevant changes may include changes in the legal framework, changes in anti-corruption mechanisms, important cases, and the extent to which civil society is able to participate and contribute in this area. Have there been prominent cases of a 'revolving door' that resulted in potential conflicts of interest in the past two years? Please provide any publicly available statistics about enforcement and compliance from the past two years, such as the number of cases in which former officials sought permission from a designated ethics office to move to the private sector and the number of cases in which fines or sanctions were imposed for violating a 'cooling-off' periods or other 'revolving door' provisions. Procedures and criteria for making approval decisions in individual cases as well as for appeals against these decisions should also be transparent and applied in an objective manner.

The most recent change is the Law 4440/2016 analysed above, which includes provisions for the «revolving door».

There are no data available for the last two years.

- 13.8 Does the legal framework require high-level public officials and senior civil servants to regularly (at least once per year) declare their interests, including any paid or unpaid positions and financial interests in companies and other entities?

Please provide the law or regulation containing the disclosure requirements and links to relevant sources and available declarations. You may also want to highlight any relevant gaps in the disclosure requirement.

Scoring

● 1: The legal framework requires high-level public officials and senior civil servants to declare their interests at least once per year.

● 0.25: The legal framework requires high-level public officials and senior civil servants to declare their interests but either does not require this on at least an annual basis or does not specify how regularly declarations are required

● 0: High-level public officials and senior civil servants are not required to declare their interests

● - : Not applicable or no data available

Law 3213/2003¹³⁹ requires from high-level public officials and senior civil servants to declare their interest once per year. A declaration is also submitted within 90 days after obtaining the status of the high-level public official or senior civil servant. The declaration contains the source of funding of the obliged person, his assets, his shares in any form of company, deposits boxes held by financial institutions etc.

Unpaid positions are not declared .

- 13.9 Do the interest disclosure requirements cover officials of all branches of government – executive, the legislature, the judiciary, and civil service as well as other relevant public bodies?

Please briefly describe which officials at which level have to comply with

¹³⁹ Law 3213/2003 (FEK A 309/31.12.2003) is available at:
<https://www.pothen.gr/pothen/main/docs/folder1/file10-n3213.pdf>

interest disclosure requirements (top level officials, members of Parliament, members of the government, cabinet members, heads of public bodies and agencies, heads of departments, other senior officials)? Are there different disclosure requirements for different levels and branches?

Scoring

- 1: the interest disclosure applies to high-level officials from the executive, legislature, judiciary and civil service/other public bodies
- 0.75: the interest disclosure applies to three of these sectors
- 0.5: the interest disclosure applies to two branches of government
- 0.25: the interest disclosure applies to one branch of government
- 0: there is no interest disclosure requirement
- - : Not applicable or no data available

Article 1 of law 3213/2003¹⁴⁰ (FEK A 309/31.12.2003) applies to high level officials from the executive, legislature, judiciary and civil service . Indicatively, the following are mentioned :

- The Prime Minister.
- Heads of political parties represented at the National or European Parliament, as well as those receiving state funding.
- Ministers, Deputy Ministers and Deputy Ministers.
- The Regional Governors
- The governor and deputy governors of the National Intelligence Service (EIO) and the Policy Department Air Force
- The Secretaries-General of Decentralized Administrations
- The Deputy Mayors, the Presidents and the Members of the Committees of Municipalities,
- Judges, Prosecutors and members of the State Legal Council.
- The Governor, the Deputy Governors, the Executive Directors and the directors of the Bank of Greece.
- The Chairman and the executive members of the Board of Directors of Hellenic Exchanges SA

13.10 Does the legal framework require high-level public officials and senior civil servants to regularly (at least once per year) declare their income and assets?

Please provide the law or regulation containing the disclosure requirements and links to relevant sources and available declarations. You may also want to

¹⁴⁰ Law 3213/2003 (FEK A 309/31.12.2003) is available at:
<https://www.pothen.gr/pothen/main/docs/folder1/file10-n3213.pdf>

highlight any relevant gaps in the disclosure requirement.

Scoring

● 1: The legal framework requires high-level public officials and senior civil servants to declare their income and assets at least once per year.

● 0.25: The legal framework requires high-level public officials and senior civil servants to declare their income and assets but either does not require this on at least an annual basis or does not specify how regularly declarations are required

● 0: High-level public officials and senior civil servants are not required to declare their income and assets

● - : Not applicable or no data available

Law 3213/2003¹⁴¹ requires from high-level public officials and senior civil servants to declare their interest once per year. A declaration is also submitted within 90 days after obtaining the status of the high-level public official or senior civil servant.

13.11 Do the income and asset disclosure requirements cover officials of all branches of government –executive, the legislature, the judiciary, and civil service as well as other relevant public bodies?

Please briefly describe which officials at which level have to comply with income and asset disclosure requirements (top level officials, members of Parliament, members of the government, cabinet members, heads of public bodies and agencies, heads of departments, other senior officials)? Are there different disclosure requirements for different levels and branches?

Scoring

● 1: the asset and income disclosure applies to high-level officials from the executive, legislature, judiciary and civil service/other public bodies

● 0.75: the asset and income disclosure applies to three of these sectors

● 0.5: the asset and income disclosure applies to two branches of government

● 0.25: the asset and income disclosure applies to one branch of government

● 0: there is no asset and income disclosure requirement

● - : Not applicable or no data available

¹⁴¹ Law 3213/2003 (FEK A 309/31.12.2003) is available at:
<https://www.pothen.gr/pothen/main/docs/folder1/file10-n3213.pdf>

Article 1 of law 3213/2003¹⁴² (FEK A 309/31.12.2003) applies to high level officials from the executive, legislature, judiciary and civil service. Indicatively, the following are mentioned :

- The Prime Minister.
- Heads of political parties represented at the National or European Parliament, as well as those receiving state funding.
- Ministers, Deputy Ministers and Deputy Ministers.
- The Regional Governors
- The governor and deputy governors of the National Intelligence Service (EIO) and the Policy Department Air Force
- The Secretaries-General of Decentralized Administrations
- The Deputy Mayors, the Presidents and the Members of the Committees of Municipalities,
- Judges, Prosecutors and members of the State Legal Council.
- The Governor, the Deputy Governors, the Executive Directors and the directors of the Bank of Greece.
- The Chairman and the executive members of the Board of Directors of Hellenic Exchanges SA

13.12 Does the framework require that information contained in interest declarations and income and asset disclosures be made publicly accessible?

Are declarations of interest available to the public? Are asset and income declarations accessible online in a central registry? Is there evidence that all declarations are published, if required by law? Please provide relevant sources and links.

Scoring

● 1: All or most information contained in interest declarations and income and asset disclosure forms has to be made available to the public (some redaction may be necessary to protect legitimate privacy interests)

● 0.75: Information contained in both interest declarations and income and asset disclosure forms has to be made available to the public, but there are significant omissions for either interest declarations or income and asset disclosure forms

● 0.5: Information from interest declarations and income and asset disclosure forms has to be publicly accessible, but there are significant omissions for both interest declarations and income and asset disclosure

¹⁴² Law 3213/2003 (FEK A 309/31.12.2003) is available at:
<https://www.pothen.gr/pothen/main/docs/folder1/file10-n3213.pdf>

forms

- 0.25: Only limited information from either interest declarations or income and asset disclosure forms has to be made publicly accessible
- 0: No information contained in interest declarations and income and asset disclosure forms has to be made publicly accessible
- - : Not applicable or no data available

According to article 2 par. 3 of law 3213/2003 all information contained in interest declarations and income and asset disclosure forms has to be made available to the public. However, this obligation covers only the following categories:

- The Prime Minister.
- Heads of political parties represented at the National or European Parliament, as well as those receiving state funding.
- Ministers, Deputy Ministers and Deputy Ministers.
- Members of National Parliament and Members of European Parliament
- Regional Governors, Mayors and those who manage the finances of its political parties

The declarations in question are accessible here:

<https://www.hellenicparliament.gr/Organosi-kai-Leitourgia/epitropi-elegxou-ton-oikonomikon-ton-komaton-kai-ton-vouleftwn/dilosi-periousiakis-katastasis-arxiki>

13.13 Does the legal framework establish an oversight body that is provided with sufficient political independence and legal powers to scrutinise income and asset disclosures?

Please elaborate on any features and shortcomings you deem relevant in the narrative.

Scoring

- 1: The legal framework provides for an independent oversight mechanism with sufficient independence and powers to scrutinise income and asset declarations
- 0.75: The legal framework provides for oversight of the income and asset declarations, but only provides the body or bodies with either sufficient independence or with adequate powers to scrutinise the submissions
- 0.25: The legal framework provides for oversight of the income and asset

declarations, but provides the body or bodies neither with sufficient independence nor with adequate powers to scrutinise the submissions

● 0: The legal framework does not provide for any oversight of the income and asset declarations

● - : Not applicable or no data available

According to article 3 of law 3213/2003¹⁴³ the competent bodies for controlling the income and asset declarations are the following:

- General Inspector of Public Administration
- Anti-Money Laundering, Counter-Terrorist Financing and Source of Funds Investigation Authority (Greek F.I.U)
- The competent committee of the Greek Parliament
 - Prosecutor of Athens
 - Prosecutor's Office of Piraeus /Office of Internal Affairs
 - Asset Control Committee of article 3 A of law 3212/2003

Asset Control Committee of article 3 A of law 3212/2003 is an independent body. The Committee reviews the asset declarations and can ask for additional documents. Upon completion of the investigation, the Committee can transfer the case to the public prosecutor.

13.14 Does the law or policy contain dissuasive and proportionate sanctions for failure to comply with interest and income and asset disclosure requirements?

What sanctions are envisaged by the law – are there administrative or criminal sanctions for failing to comply with the disclosure regime (false declaration, no filing, etc.)? Is there evidence that these sanctions are proportionate and that they are applied in a transparent manner? It is up to the National Chapter to decide if it considers sanctions dissuasive and proportionate, given the national context.

Scoring

● 1: The law or policy contains dissuasive and proportionate sanctions for non-filing of disclosures, or for incomplete or false claims made in disclosures, covering both interests and income and assets

● 0.75: The law or policy contains sanctions for non-filing of disclosures, or

¹⁴³ Law 3213/2003, available at : <https://www.pothen.gr/pothen/main/docs/folder1/file10-n3213.pdf>

for incomplete or false claims made in both interests and income and assets disclosures, but these sanctions are only dissuasive and proportionate in either the area of interest declarations or income and asset disclosures

● 0.5: The law or policy contains sanctions covering interest and/or income and asset disclosures, but in neither area are such sanctions dissuasive and proportionate

● 0.25: The law or policy contains sanctions covering interest and/or income and asset disclosures but they only cover some types of non-compliance (such as false or incomplete claims) while failing to address other forms of non-compliance (such as the non-submission of declarations)

● 0: The law or policy contains no sanctions for non-submission of interest and income and asset declarations, or for incomplete or false claims made in disclosures

● - : Not applicable or no data available

The law contains dissuasive and proportionate sanctions for non-filing of disclosures, or for incomplete or false claims made in disclosures. The sanctions are both administrative and criminal.

An administrative fine of 150 to 400 euro shall be imposed on anyone who submits the declaration after the prescribed time limit¹⁴⁴.

A person who fails to make a statement after 30 days from the expiry of the period or makes an incorrect or incomplete declaration shall be punished by imprisonment and a fine of up to 100.000 euro. In the event of the offender is trying to conceal a property acquired by him, he is punished by imprisonment of at least 2 years and with a fine of 10.000 euro to 500.000 euro¹⁴⁵. The perpetrator shall be punished by imprisonment of up to 10 years and by a fine of 20.000 euros up to 1.000.000 euro if the total value of his or her hiding exceeds 300.000 euros¹⁴⁶.

13.15* Have there been cases in the past two years of sanctions being imposed on elected or high-level public officials or senior civil servants for failing to file declarations of their interest declaration or their assets and income declaration, or for intentionally providing false or incomplete information in their disclosure, according to publicly available evidence?

¹⁴⁴ See article 6 par. 1 of law 3213/2003, available at : <https://www.pothen.gr/pothen/main/docs/folder1/file10-n3213.pdf>

¹⁴⁵ See article 6 par. 2 of law 3213/2003, available at : <https://www.pothen.gr/pothen/main/docs/folder1/file10-n3213.pdf>

¹⁴⁶ See article 6 par. 3 of law 3213/2003, available at : <https://www.pothen.gr/pothen/main/docs/folder1/file10-n3213.pdf>

If available, please provide annual statistics for the past two years or briefly describe not more than three selected cases.

No data available

13.16 How do you evaluate the effectiveness of the disclosure mechanism for interests, assets and income? Is there a disclosure requirement for gifts and hospitality received by public officials and civil servants (if applicable)? Have there been any developments in the past two years that indicate an improvement or a deterioration of the disclosure mechanism?

Relevant changes may include changes in the legal framework, changes in anti-corruption mechanisms, important cases, and the extent to which civil society is able to participate and contribute in this area.

Please briefly assess any relevant weaknesses of the interest and asset declarations:

- *Are declarations easily accessible to the public – is the data easily searchable, are the declarations available in machine-readable formats that facilitate easy reuse and analysis of the information?*
- *Does the disclosure regime cover all relevant elected and senior public officials, does it cover relevant other people connected to those officials (such as their spouses or household members), are all relevant types of income and assets covered, are assets provided with sufficient level of detail (including unique IDs for companies, real estate, etc.), so that independent verification of key bits of information is possible?*
- *Is the disclosure made in a timely and regular (yearly) manner and at the point the official leaves his/her post?*
- *Are adequate steps taken to ensure that disclosures are complete and of sound quality (for example, information is provided in a consistent form)?*
- *Have there been any noteworthy cases where information contained in asset declarations helped to highlight conflicts of interest or potential corruption cases, or where these declarations were used by the media or civil society actors to raise issues related to the accountability of public officials? Please briefly explain and provide relevant sources/links.*

In Greece, public officials have the highest obligations in terms of asset declarations in the legislative branch. The level of asset disclosure is also

above the OECD average for the judicial branch and for «at risk» areas such as tax and customs officials, procurement agents and financial authorities. As in some other OECD countries, public officials in Greece are required to disclose as well some of the assets of their family members¹⁴⁷. Despite the high level of the legislation, it shall be noted that until now the control mechanisms on assets declarations are insufficient.

As per the persons stated in article 2 par. 3 of law 3213/2003 (see question 13.11 above), their assets disclosures are easily accessible¹⁴⁸. The declarations available in machine-readable formats.

The disclosure regime covers all relevant elected and senior public officials, as well as their spouses or household members. Also, all relevant types of income and assets are covered, with sufficient level of detail.

The disclosure is required within 90 days of taking the oath of office, or commencing their duties. The disclosure is required every year during the mandate or holding of seat or office or term. The disclosure is required each year for three years after the expiration of the mandate or loss of seat no later than three months after the deadline for submitting the income tax return¹⁴⁹.

Information is provided in a consistent form¹⁵⁰. The declaration of assets can also be fulfilled online.

There are no cases where information contained in asset declarations helped to highlight conflicts of interest or potential corruption cases. However, media use the declarations, that are accessible online, mostly for highlighting the politicians who seem to own significant assets.

13.17* Does publicly available evidence suggest that sufficient resources are allocated to the implementation of an ethics infrastructure? Have there been

¹⁴⁷ For further information see : <https://www.oecd.org/gov/Greece.pdf>

¹⁴⁸ Please see : <https://www.hellenicparliament.gr//Organosi-kai-Leitourgia/epitropi-elegxou-ton-oikonomikon-ton-komaton-kai-ton-voleftwn/Diloseis-Periousiakis-Katastasis2016>

¹⁴⁹ See article 1 § 2 of law 3213/2003.

¹⁵⁰ Please see : https://www.hellenicparliament.gr/UserFiles/f3c70a23-7696-49db-9148-f24dce6a27c8/%CE%94%CE%97%CE%9B%CE%A9%CE%A3%CE%97%20%CE%A0%CE%95%CE%A1%CE%99%CE%9F%CE%A5%CE%A3%CE%99%CE%91%CE%9A%CE%97%CE%A3%20%CE%9A%CE%91%CE%A4%CE%91%CE%A3%CE%A4%CE%91%CE%A3%CE%97%CE%A3_1.pdf

other noteworthy changes to public sector ethics framework, based on publicly available evidence?

- *Have integrity advisors or units been established in ministries and other public bodies?*
- *Are trainings on the Code of Conduct for public sector employees carried out?*
- *Are other measures taken to promote and raise awareness of the ethics regulation?*
- *Have an Anti-Corruption Agency, the Supreme Audit Institution or civil society organisations raised concerns about insufficient resources?*
- *Have assigned resources improved over the last two years?*

There is a National Strategy for Administrative Reform 2014-2016¹⁵¹, which sought to promote and raise awareness of the ethics regulation. However, no specific measures have been adopted for the aforementioned issues.

Guidance

- TI: Calling out Public Officials on Corruption: Codes of Conduct (https://www.transparency.org/news/feature/calling_out_public_officials_on_corruption_codes_of_conduct)
- TI: Codes of Conduct: A Tool to Clean-up Government (<http://blog.transparency.org/2012/07/19/codes-of-conduct-a-tool-to-clean-up-government>)
- TI: Codes of Conduct: Benefits and Challenges (<http://blog.transparency.org/2012/07/27/codes-of-conduct-benefits-and-challenges>)
- TI Helpdesk: Topic Guide on Public Sector Integrity (https://www.transparency.org/whatwedo/answer/topic_guide_on_public_sector_integrity)
- TI Helpdesk: Corruption and Anti-Corruption Practices in Human Resource Management in the Public Sector (https://www.transparency.org/whatwedo/answer/corruption_and_anti_corruption_practices_in_human_resource_management_in_th)
- See the eligibility criteria of the Open Government Partnership (<http://www.opengovpartnership.org/how-it-works/eligibility-criteria>) and the [OGP score](#) of your country's asset disclosure system

¹⁵¹ Please see for the National Strategy: http://www.minadmin.gov.gr/wp-content/uploads/2014/04/16_action_plan_gcr.pdf

- You may find information on relevant laws in the World Bank's Financial Disclosure Law Library (<http://publicofficialsfinancialdisclosure.worldbank.org/>)
- TI: Topic Guide on Income and Asset Disclosure (https://www.transparency.org/whatwedo/answer/topic_guide_on_income_and_asset_disclosure)
- TI: Holding Politicians to Account: Asset Declarations (https://www.transparency.org/news/feature/holding_politicians_to_account_asset_declarations)
- You may find relevant information in the law on public sector employment, in a conflict of interest law, in dedicated post-public employment rules or a Code of Conduct. Statistics on compliance may be available from a designated Anti-Corruption Agency or a designated body overseeing public servants
- OECD (2010): Post-Public Employment. Good Practices for Preventing Conflict of Interest (http://www.keepeek.com/Digital-Asset-Management/oecd/governance/lobbyists-governments-and-public-trust-volume-3_9789264214224-en)
- TI Anti-Corruption Helpdesk (2015): Cooling-Off Periods: Regulating the Revolving Door, (https://www.transparency.org/files/content/corruptionqas/Cooling_off_periods_regulating_the_revolving_door_2015.pdf)
- TI Working Paper 06/2010: Regulating the Revolving Door, (https://www.transparency.org/whatwedo/publication/working_paper_06_2010_regulating_the_revolving_door)

14. Fiscal transparency

14.1 Is there legislation or policy in place requiring a high degree of fiscal transparency?

Does the legal framework require that key budget documents (pre-budget statements, the executive budget proposal and supporting documents, the enacted budget, a citizen budget, in-year reports in budget success and execution, mid-year reviews, a year-end report and an audit report) be published? You may find relevant information in the Open Budget Survey (<http://www.internationalbudget.org/opening-budgets/open-budget-initiative/open-budget-survey/update/>).

Scoring

- 1: The legal framework requires a high degree of fiscal transparency and the publication of all the key budget documents listed above;
- 0.75: The legal framework requires a fairly high degree of fiscal transparency and the publication of 7 of the key budget documents;
- 0.5: The legal framework requires some degree of fiscal transparency and the release of 6 of the key budget documents
- 0.25: The legal framework requires little fiscal transparency and only the release of 5 of the key budget documents
- 0: The legal framework requires insufficient transparency and only the release of 4 or less of the key budget documents
- - : Not applicable or no data available

The key budget documents released are the following¹⁵²:

- Pre-Budget Statement
- Executive's Budget Proposal
- Enacted budget
- In-year report
- Year -End Report
- Audit Report

14.2 What is the country's score and rank in the most recent Open Budget Survey, conducted by the International Budget Partnership (<http://www.internationalbudget.org/open-budget-survey/>)?

There is no data available for Greece in Open Budget Survey.

However, according to Global Open Data Index, Greece is 45% open¹⁵³.

14.3 Are key budget-related documents published in practice?

Key budget documents are pre-budget statements, executive budget proposal and supporting documents, enacted budget, citizen budget, in-year reports in budget success and execution, mid-year reviews, year-end reports and audit

¹⁵² OBS Tracker Greece, Transparency and Openness of Budget in Greece, <https://obs.ellak.gr/wp-content/uploads/sites/15/2015/04/Meleti-OBS-T-open-for-comments.pdf>, page 53.

¹⁵³ Global Open Data Index, Government Budget, available at : <https://index.okfn.org/place/gr/budget/>

reports. Is the information available in formats that facilitate use and analysis of the data? You find information on the availability of these documents in the Open Budget Survey (<http://www.internationalbudget.org/opening-budgets/open-budget-initiative/open-budget-survey/update/>).

- Pre-budget statements are available here: http://minfin.gr/web/guest/proupologismos/-/asset_publisher/qmvp5pyzdGAQ/content/proschedio-kratikou-proupologismou-2018?inheritRedirect=false
- The executive budget proposal and supporting documents are available here: <http://www.minfin.gr/web/guest/oikonomika-stoicheia>
- The enacted budget is available here: <http://www.minfin.gr/web/guest/oikonomika-stoicheia>
- In-year reports on budget success and execution, are available at <http://www.pbo.gr/el-gr/%CE%94%CE%B7%CE%BC%CE%BF%CF%83%CE%B9%CE%B5%CF%8D%CF%83%CE%B5%CE%B9%CF%82/%CE%A4%CF%81%CE%B9%CE%BCE%CE%B7%CE%BD%CE%B9%CE%B1%CE%AF%CE%B5%CF%82-%CE%95%CE%BA%CE%B8%CE%AD%CF%83%CE%B5%CE%B9%CF%82>
- A year-end report and an audit report is available here: <http://www.minfin.gr/web/guest/apologismos-isologismos-kai-loipes-chrematooikonomikes-katastaseis>

Guidance

- International Budget Partnership (<http://www.internationalbudget.org/>)
- Global Open Data Index by the Open Knowledge Foundation (<http://index.okfn.org/dataset/budget>)

15. Public procurement

- 15.1 Does the law clearly define up to what threshold(s) single-sourced purchases of goods, services and public works are allowed?

Please provide the reference and link to the relevant law(s) or decree(s) and the thresholds for the three categories (goods, services and public works) in the local currency and the Euro/USD equivalent.

Scoring

● 1: Thresholds concerning the single-sourcing of goods, services and public works are clearly defined by law

● 0.75: Thresholds concerning the single-sourcing of goods, services and public works are clearly defined by a decree (or a similar administrative standard)

● 0.25: Thresholds for two of the three categories are clearly defined by a law or a decree

● 0: Thresholds for only one or none of the categories are defined by a law or a decree

● - : Not applicable or no data available

A threshold of 20.000 EUR is provided by article 118 of law 4412/2016 (FEK A' 147/ 08.08.2016)¹⁵⁴.

15.2 What are exceptions in the legal framework for public procurement that allow for single-sourced contracting above these thresholds?

Please provide details concerning exemptions you deem important in this narrative, including on exemptions that may only apply to specific types of purchases (for public works, for example).

Scoring

● 1: Single-sourcing of contracts above certain thresholds is not allowed or only allowed in limited circumstances that are clearly defined by law

● 0.5: The law provides exceptions that may be vulnerable to misuse

● 0: The law does not address this aspect or provides highly ambiguous reasons based on which single-sourced contracting is possible

● - : Not applicable or no data available

Single-sourced contracting is available only if the value of the contract (VAT not included) is less than 20.000,00 EUR (article 118 of law 4412/2016 (FEK A' 147/ 08.08.2016¹⁵⁵)).

15.3 Does the legal framework require that information on public procurement above certain thresholds be published?

Scoring

● 1: The legal framework requires tender announcements and contract

¹⁵⁴ The text of the law is available at : <https://www.taxheaven.gr/laws/law/index/law/770>

¹⁵⁵ The text of the law is available at : <https://www.taxheaven.gr/laws/law/index/law/770>

award information to be released and procurement contracts to be published in full text (possibly with partial redactions)

● 0.5: The legal framework requires tender announcements and contract award information (including information on the procuring entity, the supplier, the number of bidders, the good/service procured, the value of the contract) to be released

● 0: Less information than described above has to be published

● - : Not applicable or no data available

According to article 38 of law 4412/2016 and ministerial decision No. 57654/23-05-2017 (FEK B 1781/23-05-2017) all the information related to contracts of a value which is equal or exceeds the threshold of 1.000 EUR shall be published here: <http://www.eprocurement.gov.gr/kimds2/unprotected/searchRequests.htm?execution=e3s1>

The available information includes the following: the budget of the contract, the type of the contract, the conditions of the tender, the criteria for choosing a bidder, the value of the project, the source of funding, the name of the bidder which will perform the contract, its address, the contract between the contracting authority and the bidder, the payment order etc.

15.4 Are bidders required to disclose their beneficial owners?

Scoring

● 1: Bidders have to disclose beneficial owners, and this information is made public for successful bidders

● 0.5: Bidders have to disclose beneficial owners, this information is not made public

● 0: There is no requirement for bidders to disclose their beneficial owners

● - : Not applicable or no data available

15.5 Are there legal provisions, regulations or policies in place for bidders to file complaints in case they suspect irregularities at any stage of the procurement process?

Please briefly describe the complaints mechanism and highlight any relevant shortcomings. Does available evidence suggest that mechanisms and procedures are in place to ensure that complaints are handled in an impartial,

timely, effective and transparent manner? Is there evidence that companies are aware of the channels to pursue complaints and have confidence in this mechanism? Please provide relevant sources and references.

According to article 174 of law 4412/2016, bidders can challenge the decisions of the contracting authority in front of the Minister of Infrastructure and Transportation or any other authority mentioned in law. In case of failure, the law reserves an action in front of the court for bidders (article 175 of law 4412/2016).

In the first instance, the complaint of the bidder is judged by the public administration, which shall act in an impartial, timely, effective and transparent manner. In second instance, the complaint of the bidder is judged by a court, which can guarantee a fair hearing.

Companies are aware of the channels to pursue complaints, since the law provides that public administration shall inform them for such rights.

- 15.6 Which information and documents related to public procurement and other relevant government contracts (such as privatizations, licenses etc.) are published proactively and are available in full text? Are any of these documents published online through a central website or database?

Is sufficient information released so that the public is able to identify which entities and actors receive what contracts? Is there evidence of strong compliance with existing legal requirements to publish key information on public procurement above certain thresholds? Please briefly explain and provide relevant sources/links.

According to article 38 of law 4412/2016 and ministerial decision No. 57654/23-05-2017 (FEK B 1781/23-05-2017) all the information related to public procurement shall be published here: http://www.eprocurement.gov.gr/webcenter/faces/oracle/webcenter/page/scopedMD/sd0cb90ef_26cf_4703_99d5_1561ceff660f/Page119.jspx?_afLoo p=24566060514017295&_adf.ctrl-state=1d24584tas_4#%40%3Fwc.contextURL%3D%2Fspaces%2Fprod_ministr y%26_adf.ctrl-state%3D1d24584tas_4

The available information includes the following: the budget of the contract, the type of the contract, the conditions of the tender, the criteria for choosing a bidder, the value of the project, the source of funding, the name

of the bidder which will perform the contract, its address, the contract between the contracting authority and the bidder, the payment order etc.

- 15.7 * To what extent does the country use electronic procurement that is open, provides the public with access to procurement information and opportunities to engage in the procurement process?

Is procurement data released in a timely and structured manner, and released in a data format that facilitates re-use? Have any actions been taken to adopt the Open Contracting Data Standard and implement the Open Contracting Principles (<http://www.open-contracting.org>)?

Are there any aspects, practices or approaches related to government contracting and public procurement in your country that you consider to be (potentially) effective in promoting integrity and deterring corruption that could be replicated elsewhere? Are there growing opportunities for civil society and citizens to provide input to public procurement processes? Is there increasing scope for the participation of relevant stakeholders (supplier representatives, users and civil society) during the pre-tendering phase? Please provide any relevant examples and include links/sources.

The Greek e-procurement system is relatively advanced, offering a range of services to awarding authorities and bidders. It applies to public supplies and public services contracts, but it does not apply yet to public works. The central portal, known as Prometheus, contains links to all the key platforms, as well as training and guidance materials, legal materials, and statistical reports¹⁵⁶.

The key e-procurement platform is the National Electronic Public Procurement System (ESIDIS), which offers e-notification, e-access, and e-submission. A blanket government mandate for all three categories was phased in for goods, services and works over the course of 2014 for all contracts over EUR 60.000,00. For the post-award procedure, the Greek Government has established electronic tools, such as e-auction, e-catalogue, e-ordering, e-payment and e-archiving.

Prometheus also hosts links to the Central Electronic Registry for Public Procurement (CERPP)¹⁵⁷, which serves as a transparency register. All

¹⁵⁶ Official website of the e-platform, available at: <http://www.promitheus.gov.gr/>

¹⁵⁷ The Registry can be found here: <http://www.eprocurement.gov.gr/kimds2/unprotected/searchRequests.htm?execution=e1s1>

procurement notices worth EUR 1.000 and above must be published on this platform. Furthermore, there is a search engine for open public data, UltraCl@rity¹⁵⁸, which contains all Greek open Government documents, including relevant data and information on tenders and procurement procedures. The portal was established with the objective to promote transparency among the Greek citizens and to encourage the use of public data¹⁵⁹.

All the aforementioned efforts of the Greek government aim at strengthening transparency and accountability, as well as the participation of civil society in public procurement processes.

Guidance

- Information for several European countries is available through EuroPam (<http://europam.eu>)
- TI: Curbing Corruption in Public Procurement (https://www.transparency.org/whatwedo/activity/curbing_corruption_in_public_procurement)
- TI Helpdesk (2015): Public Procurement Planning and Corruption (https://www.transparency.org/whatwedo/answer/public_procurement_planning_and_corruption)
- TI Helpdesk (2015): Public Procurement Law and Corruption (https://www.transparency.org/whatwedo/answer/public_procurement_law_and_corruption)
- TI Helpdesk (2014): The Role of Technology in Reducing Corruption in Public Procurement (https://www.transparency.org/whatwedo/answer/the_role_of_technology_in_reducing_corruption_in_public_procurement)
- Open Contracting Partnership (<http://www.open-contracting.org>)

16. Whistle-blowing and reporting mechanisms





16.1 Is there a legal framework to protect whistleblowers from the public and the private sector who report reasonable belief of wrongdoing?

¹⁵⁸ Please see : <https://yperdiavgeia.gr/>

¹⁵⁹ For further information see: Public procurement – Study on administrative capacity in the EU Greece Country Profile, available at: http://ec.europa.eu/regional_policy/sources/policy/how/improving-investment/public-procurement/study/country_profile/el.pdf

Please provide the name and a link to the law and briefly describe its scope. Are any organisations exempt from whistleblower legislation (such as the police, the military or security services)?

Score:

-  1: The law provides protection for whistleblowers from both, public and private sector
-  0.5: The law provides protection for whistleblowers from either the public or the private sector
-  0: There is no protection of whistleblowers guaranteed by law
-  - : Not applicable or no data available

Greek legislation does not include a complete and distinct legal framework on whistleblowing. As a result, no specific exceptions on the whistleblowing legislation have been introduced. The lack of a complete and distinct legal framework does not mean that someone who becomes a whistleblower may not enjoy protection under Greek law, given that there is a number of legal provisions that serve the same purpose, scattered in different pieces of legislation¹⁶⁰. The most important provisions of this kind are listed below:

- **Art. 281 of the Civil Code**¹⁶¹ on abuse of rights states that the exercise of a right is forbidden when it exceeds the limits imposed by good faith, moral rules or the social or economic aim of the right.
- **Art. 252 of the Penal Code**¹⁶² on violation of classified business information states, among others, that the use of any necessary

¹⁶⁰ For further information see: Providing an alternative to the silence towards greater protection and support of the whistleblowers in the EU country report Greece, Transparency International Greece, April 2013, available at: http://www.transparency.gr/wp-content/uploads/2013/11/WHISTLEBLOWERS_ENGLISH_LOW.pdf ; United Nations Office of Drugs and Crime, Country Review Report on Greece, Review by Ireland and Gabon of the implementation by Greece of articles 15 – 42 of Chapter III. “Criminalization and law enforcement» and articles 44 – 50 of Chapter IV. “International cooperation» of the United Nations Convention against Corruption for the review cycle 2010 – 2015, available at : http://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2015_12_04_Greece_Final_Country_Report.pdf

¹⁶¹ For the Greek Civil Code see : <http://www.ministryofjustice.gr/site/kodikes/%CE%95%CF%85%CF%81%CE%B5%CF%84%CE%A%CF%81%CE%B9%CE%BF/%CE%91%CE%A3%CE%A4%CE%99%CE%9A%CE%9F%CE%A3%CE%9A%CE%A9%CE%94%CE%99%CE%9A%CE%91%CE%A3/tabid/225/language/el-GR/Default.aspx>

¹⁶² For the Greek Penal Code see : <http://www.ministryofjustice.gr/site/kodikes/%CE%95%CF%85%CF%81%CE%B5%CF%84%CE%A%CF%81%CE%B9%CE%BF/%CE%A0%CE%9F%CE%99%CE%9D%CE%99%CE%9A%CE%9F>

means, information or document made to satisfy the justified interest of informing the public, does not constitute an illegal act.

- **Art. 263B of the Penal Code**¹⁶³ on protective and clemency measures for those who contribute to the disclosure of corruptive acts, states that if an employee that committed active bribery, bribery of a judge or has participated in bribery acceptance, in crimes committed while in service, as well as in disloyalty offences, has had significant contribution (through disclosure to relevant authority), to revealing of another employee's or judge's involvement to these acts, is punished with reduced sentence.

The employee is punished with reduced sentence even when the accused person holds a considerably higher rank, and the employee in name transfers to the State all assets he personally and illegally obtained, directly or indirectly.

If someone, accused for a crime committed while in Service or for disloyalty or money laundering, offers evidence for the participation in those actions of persons who are or were members of the government, or deputy Ministers, then the judicial council, subsequent to a proposal of the prosecutor, orders the suspension of the penalty, and the transfer of the whole case to the Parliament. The above suspension can be ordered also by the Court, provided that the evidence offered until the appeal decision is issued. If the Parliament decides to institute criminal prosecution against a Minister or Deputy Minister according to article 86 of the Constitution¹⁶⁴, and in case of conviction by the Special Court, then the participant (according to the previous paragraph) who offered the evidence is punished less severely. If the criminal prosecution is not possible due to statutory limitations, according to point b of paragraph 3 of article 86 of the Constitution, then the accused is punished less severely.

An employee who denounces the crimes described in articles 235 to 261 of the Penal Code (crimes committed during Service) and according to this denouncement a criminal prosecution takes place against a number of employees, then the employee who denounces may be transferred, if he/she wishes so, by decision of the relevant

[%CE%A3%CE%9A%CE%A9%CE%94%CE%99%CE%9A%CE%91%CE%A3/tabid/432/language/eI-GR/Default.aspx](#)

¹⁶³ See reference no 121.

¹⁶⁴ For the Greek Constitution see : <https://www.hellenicparliament.gr/UserFiles/f3c70a23-7696-49db-9148-f24dce6a27c8/001-156%20aggliko.pdf>

Minister and the Minister of Internal Affairs, despite the existent legal framework and provided that there are available vacancies.

- **Art. 40 of the Code of Criminal Procedure**¹⁶⁵ on private citizen's obligations states that even private citizens are obliged, under specific circumstances provided by law, to disclose to the Prosecutor or to other investigation officers any illegal and indictable by force of law action that comes to their attention.
- **Article 45B of the Code of Criminal Procedure**¹⁶⁶: 1. In cases involving the criminal offences under Articles 159, 159A, 235, 236, 237 and 237A of the Criminal Code any person who, without being involved in any way in such acts and without aiming at his/her own contributes substantially, by means of the information he/she provides to the prosecuting authorities, to their uncovering and prosecution, may be characterised as a whistle-blower by an act of the competent Public Prosecutor or the Corruption Crimes Prosecutor after an approval of the Deputy Public Prosecutor of the Supreme Court that supervises and coordinates the work of Corruption Crimes Prosecutors. The act of the Prosecutor under the previous paragraph can be revoked in the same manner and at any stage of the criminal proceedings, if the Prosecutor considers that the reasons that led him/her to issue such act do not exist.
- **Article 9 of Law. 2928/2001**¹⁶⁷: A comprehensive system for the protection of witnesses, experts and victims was first introduced into the domestic legal order by article 9 of Law 2928/2001 on measures against terrorism. Subsequent amendments put under the protective scope of this article persons involved in human trafficking, migrant smuggling and eventually (by Law 4254/2014) persons involved in corruption offences.¹⁶⁸.

¹⁶⁵ For the Code on Criminal Procedure see:

<http://www.ministryofjustice.gr/site/kodikis/%CE%95%CF%85%CF%81%CE%B5%CF%84%CE%A E%CF%81%CE%B9%CE%BF/%CE%9A%CE%A9%CE%94%CE%99%CE%9A%CE%91%CE%A 3%CE%A0%CE%9F%CE%99%CE%9D%CE%99%CE%9A%CE%97%CE%A3%CE%94%CE%99 %CE%9A%CE%9F%CE%9D%CE%9F%CE%9C%CE%99%CE%91%CE%A3/tabid/345/language/el -GR/Default.aspx>

¹⁶⁶ See reference 124

¹⁶⁷ For the law 2928/2001 see : <https://www.e-nomothesia.gr/kat-egklema-organomeno/n-2928-2001.html>

¹⁶⁸ United Nations Office of Drugs and Crime, Country Review Report on Greece, Review by Ireland and Gabon of the implementation by Greece of articles 15 – 42 of Chapter III. “Criminalization and law enforcement» and articles 44 – 50 of Chapter IV. “International cooperation» of the United Nations Convention against Corruption for the review cycle 2010 – 2015, point 229, available at : http://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2015_12_04_Greece_Final_Country_Report.pdf

- **Code for Civil Servants** (art. 26 para 4, 110 para 6, and 125 para 4 of Law-Nr. 3528/2007¹⁶⁹), also provides provisions for disciplinary protection of the civil servants against acts of retaliation in their service.

16.2 * Does the law provide for broad definitions of whistleblowing and whistleblower?

Whistleblowing should be defined as the disclosure or reporting of wrongdoing which is of concern to or threaten the public interest, including but not limited: to corruption; criminal offences; breaches of obligation; miscarriages of justice; specific dangers to public health, safety or the environment; abuse of authority; unauthorized use of public funds or property; gross waste or mismanagement; conflict of interest; and acts to cover up any of these.

The definition of whistleblower should cover any worker who discloses such information and is at risk of retribution. It should cover include individuals outside of the traditional employee-employer relationship, such as contractors, consultants, suppliers, volunteers, trainee/interns, temporary and part-time workers and former employees. See: TI's Principles for Whistleblower Legislation (https://www.transparency.org/whatwedo/publication/international_principles_for_whistleblower_legislation)? Please briefly list important shortcomings.

Score:

- 1: The law contains a broad definition of whistleblowing and whistleblower, that is fully in line with TI's principles
- 0.75: The law contains a broad definition of whistleblowing and whistleblower, that is largely in line with TI's principles
- 0.5: The law contains a definition of whistleblowing and whistleblower, that is partly in line with TI's principles but excludes some important potential cases
- 0: The law does not contain a definition of whistleblowing or whistleblower, or the definition is very narrow
- - : Not applicable or no data available




¹⁶⁹ For the law 3528/2007 see : <https://www.taxheaven.gr/laws/law/index/law/224>

The concept of ‘public interest whistle-blower’ in Greece gave the full definition of a public interest whistle-blower according to article 45B of the Code of Criminal Procedure (CCP)¹⁷⁰, which covers «any person who, without being involved in any way in (corruption) acts and without aiming at his/her own benefit, contributes substantially, by means of the information he/she provides to the prosecuting authorities, to their uncovering and prosecution». The concept of «public interest whistle-blower» in Art. 45B CCP is limited to offences of bribery (159, 159A and 235 to 237A of the Criminal Code), while Law 4254/2014¹⁷¹ amending the Civil Service Code is limited to public officials¹⁷².

16.3 * Does the law provide sufficient protection for whistleblowers?

Is the identity of whistleblowers protected (strict confidentiality or anonymity)? Do protections apply to a wide range of retaliatory actions (including disadvantages or discrimination) and detrimental outcomes (e.g. relief from legal liability, protection from prosecution, direct reprisals, adverse employment action, harassment)? Are there sanctions foreseen against perpetrators of retaliation? See TI Principles 6, 7 and 10-14 (https://www.transparency.org/whatwedo/publication/international_principles_for_whistleblower_legislation). Please briefly explain important shortcomings.

Score:

-  1: The law does provide strong protection for whistleblowers
-  0.75: The law provides good protection for whistleblowers, but there are some important weaknesses
-  0.5: The law provides limited protection for whistleblowers

¹⁷⁰ For the Code on Criminal Procedure see :

<http://www.ministryofjustice.gr/site/kodikos/%CE%95%CF%85%CF%81%CE%B5%CF%84%CE%A%CF%81%CE%B9%CE%BF/%CE%9A%CE%A9%CE%94%CE%99%CE%9A%CE%91%CE%A3%CE%A0%CE%9F%CE%99%CE%9D%CE%99%CE%9A%CE%97%CE%A3%CE%94%CE%99%CE%9A%CE%9F%CE%9D%CE%9F%CE%9C%CE%99%CE%91%CE%A3/tabid/345/language/el-GR/Default.aspx>

¹⁷¹ According to article 1 subpar. 15.17 of Law 4254/2014, an official who has been designated as a whistle-blower under Article 45B of the Code of Criminal Procedure shall not be omitted from the promotion procedure nor be subject to any disciplinary procedure or be punished, fired or suffer any other adverse discrimination in any way, directly or indirectly, in particular in their career development, movement or placement, during the time needed for the judicial investigation of the case.

¹⁷² For further information see: United Nations Office of Drugs and Crime, Country Review Report on Greece, Review by Ireland and Gabon of the implementation by Greece of articles 15 – 42 of Chapter III. “Criminalization and law enforcement» and articles 44 – 50 of Chapter IV. “International cooperation» of the United Nations Convention against Corruption for the review cycle 2010 – 2015, points 244-245, available at : http://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2015_12_04_Greece_Final_Country_Report.pdf

- 0: The law provides no or insufficient protection for whistleblowers
- - : Not applicable or no data available

Article 9 of Law 2928/2001¹⁷³ provides protection measures from acts of potential retaliation or intimidation against witnesses, persons who collaborate with the authorities, whistleblowers and their families. Measures for relocation and resources to testify using communication technologies such as video link are also provided for in the Greek legislation. Victims may become civil parties during the criminal proceedings.

Article 45B CPC¹⁷⁴, added by Law 4254/2014, provides for protection against unjustified prosecution of persons who cooperate with law enforcement to uncover corruption crimes.

According to Code for Civil Servants (art. 26 para 4, 110 para 6, and 125 para 4 of Law-Nr. 3528/2007¹⁷⁵), a civil servant who is proclaimed as a «public interest witness» according to the procedure and the criteria mentioned above, shall not be omitted from promotions, nor is submitted to disciplinary sanctions or to other similar treatment to their detriment, nor is dismissed, nor suffers directly or indirectly from any other unfavourable treatment, during the time which is necessary for the competent judges to investigate the case. It is to be noted that even when a civil servant is not proclaimed as a «public interest witness», his anonymity is totally safeguarded during a preliminary examination of acts of corruption, provided that this person fulfils the prerequisites which can lead to the obtaining of such a status.

16.4 * Does the law provide for adequate and diverse disclosure procedures?

Procedures and regulations for reporting should be highly visible and understandable; confidentiality or anonymity should be protected; there should be timely, thorough and independent investigations of disclosures as well as transparent, enforceable and timely mechanisms to follow up on retaliation complaints. Whistleblowers should be informed about the outcome of any investigation and have the opportunity to comment on the results.

¹⁷³ For the law 2928/2001 see:

http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=s3Z_76sKJ8E%3D&tabid=132

¹⁷⁴ For the Code on Criminal Procedure see :





<http://www.ministryofjustice.gr/site/kodikis/%CE%95%CF%85%CF%81%CE%B5%CF%84%CE%A%CE%81%CE%B9%CE%BF/%CE%9A%CE%A9%CE%94%CE%99%CE%9A%CE%91%CE%A3%CE%A0%CE%9F%CE%99%CE%9D%CE%99%CE%9A%CE%97%CE%A3%CE%94%CE%99%CE%9A%CE%9F%CE%9D%CE%9F%CE%9C%CE%99%CE%91%CE%A3/tabid/345/language/el-GR/Default.aspx>

¹⁷⁵ For the law 3528/2007 see: <https://www.taxheaven.gr/laws/law/index/law/224>

If reporting within the workplace does not seem practical or possible, disclosures should be possible to regulatory, oversight or investigative agencies. In cases of urgent or grave public or personal danger, or persistently unaddressed wrongdoing that could affect the public interest, disclosures to external parties (media, civil society organisations, etc.) should be protected. If disclosures of national security or official secrets are not covered by the regular procedures, are there adequate special measures in place? See TI Principles 15-19, 22 and 30

https://www.transparency.org/whatwedo/publication/international_principles_for_whistleblower_legislation. Please briefly list important shortcomings.

Score:

-  1: The law provides for strong disclosure procedures
-  0.5: The law fails to address some important aspects
-  0: The law provides no or inadequate disclosure procedures
-  - : Not applicable or no data available

The aforementioned articles and provisions concerning whistleblowing restrains their object only to denunciations to the competent prosecutors and not to external parties (media, civil society organisations, etc.).

Also, the whistleblower's protection is uncertain. The person who might disclose the information to the authorities cannot be sure, that he/she will be proclaimed as a «public interest witnesses», given that the criterion of public interest is indeed very vague and subjective and that, as a result, it is not certain at all that the person in question will eventually enjoy the benefits of the status of a «public interest witness».

There are no additional safeguards for both the witness and the State for dealing with national security or state secrets-related disclosures.

Furthermore, there are no provisions for specific rights or safeguards for whistleblowers in court proceedings, apart from certain general regulations concerning, inter alia, violations of classified information (art. 252 para 3 Penal Code¹⁷⁶), of professional secrecy (art. 371 penal Code) and of defamation, if the latter is not calumniating (art. 367 Penal Code). In virtue of

¹⁷⁶ For the Greek Penal Code see :

<http://www.ministryofjustice.gr/site/kodikis/%CE%95%CF%85%CF%81%CE%B5%CF%84%CE%A E%CF%81%CE%B9%CE%BF/%CE%A0%CE%9F%CE%99%CE%9D%CE%99%CE%9A%CE%9F %CE%A3%CE%9A%CE%A9%CE%94%CE%99%CE%9A%CE%91%CE%A3/tabid/432/language/e l-GR/Default.aspx>

these exceptional provisions, relevant offences are considered as being non-punishable if there is justified interest of informing the public or securing any similar legal interest¹⁷⁷.

16.5 Does the law provide for adequate remedies for whistleblowers?

Are there comprehensive and accessible civil and/or employment remedies for whistleblowers who suffer detrimental action (i.e. compensation rights covering attorney and mediation fees as well as compensation for lost past, present and future earnings and status and for pain and suffering; the right to transfer to a new supervisor or department)? Is there a reversal of the burden of proof in favour of the whistleblower who alleges detrimental action? See TI Principles 8. and 20.

(https://www.transparency.org/whatwedo/publication/international_principles_for_whistleblower_legislation). Please briefly list important shortcomings.

Score:

- 1: The law provides for adequate remedies, including compensation rights, the reversal of the burden of proof in favour of the whistleblower, and the right to a new supervisor or department
- 0.75: The law provides several remedies, including two out of the following: compensation rights, the reversal of the burden of proof, and the right to a new supervisor or department
- 0.5: The law fails to address several important aspects, and only provides for one of the following: compensation rights, the reversal of the burden of proof, and the right to a new supervisor or department
- 0: The law provides no or inadequate remedies
- - : Not applicable or no data available

According to article 110 of the Civil Service Code¹⁷⁸ «if in cases relating to offences under Articles 159, 159A, 235, 236, 237 and 237A of the Criminal Code¹⁷⁹ disciplinary action is brought against an official who, by providing

¹⁷⁷ For further information see: Nestor Courakis, The Protection of Whistleblowers in Greece following the Introduction of Law-Nr. 4254/2014. Some Critical Remarks, 22/10/2015, available at : http://eucpn.org/sites/default/files/content/download/files/gp_cy_the_protection_of_whistleblowers_in_greece.pdf

¹⁷⁸ For the law 3528/2007 see : <https://www.taxheaven.gr/laws/law/index/law/224>

¹⁷⁹ For the Greek Criminal Code see : <http://www.ministryofjustice.gr/site/kodikis/%CE%95%CF%85%CF%81%CE%B5%CF%84%CE%A%CF%81%CE%B9%CE%BF/%CE%A0%CE%9F%CE%99%CE%9D%CE%99%CE%9A%CE%9F%CE%A3%CE%9A%CE%A9%CE%94%CE%99%CE%9A%CE%91%CE%A3/tabid/432/language/el-GR/Default.aspx>

information to the prosecuting authorities, contributed substantially to revealing the offences and their prosecution, the disciplinary body must demonstrate that the proceedings brought against the official were not due to his/her substantial contribution.»

According to article 26 paragraph 4 of the Civil Service Code «an official who has been designated as a whistle-blower under Article 45B of the Code of Criminal Procedure¹⁸⁰ shall not be omitted from the promotion procedure nor be subject to any disciplinary procedure or be punished, fired or suffer any other adverse discrimination in any way, directly or indirectly, in particular in their career development, movement or placement, during the time needed for the judicial investigation of the case.»

16.6 **Is there an independent authority responsible for the oversight and enforcement of whistleblowing legislation?**

Please provide a short description of the authority and its mandate, as well as relevant sources and references. For the scoring, please consider the criteria listed under 16.7.

Score:

- ☒ 1: There is an independent authority with a strong and comprehensive mandate to oversee and enforce whistleblowing legislation
- ☐ 0.5: There is an independent authority, but its mandate to oversee and enforce whistleblowing legislation is limited
- ☐ 0: There is no independent authority to oversee and enforce whistleblowing legislation
- ☐ - : Not applicable or no data available

16.7 *** Where an independent authority to oversee and enforce whistleblowing legislation exists, does it have sufficient powers and resources to operate effectively?**

Is the whistleblowing authority competent to:

¹⁸⁰ For the Code on Criminal Procedure see :

<http://www.ministryofjustice.gr/site/kodikis/%CE%95%CF%85%CF%81%CE%B5%CF%84%CE%A%CF%81%CE%B9%CE%BF/%CE%9A%CE%A9%CE%94%CE%99%CE%9A%CE%91%CE%A3%CE%A0%CE%9F%CE%99%CE%9D%CE%99%CE%9A%CE%97%CE%A3%CE%94%CE%99%CE%9A%CE%9F%CE%9D%CE%9F%CE%9C%CE%99%CE%91%CE%A3/tabid/345/language/el-GR/Default.aspx>

- *Receive, investigate and address complaints of unfair treatments*
- *Receive, investigate and address complaints of improper investigations of whistleblower disclosures*
- *Provide advice and support to whistleblowers*
- *Monitor and review whistleblower frameworks*
- *Raise public awareness to encourage the use of whistleblower provisions and enhance cultural acceptance of whistleblowing*
- *Collect and regularly publish data and information regarding the functioning of whistleblower laws and frameworks*

See TI Principles 25 and 28.

https://www.transparency.org/whatwedo/publication/international_principles_for_whistleblower_legislation. Please briefly list important shortcomings.

Question non-applicable

16.8 Is there a law/policy that establishes a dedicated reporting mechanism for witnesses and victims of corruption (such as a hotline or a secure and anonymous electronic post box)? Does the law provide the body charged with operating it with sufficient independence and powers to investigate the reports it receives?

Score:

- 1: The law/policy creates a dedicated reporting mechanism for witnesses and victims of corruption. The body charged with operating it is provided with sufficient independence and powers to investigate the reports it receives
- 0.5: The law/policy creates a dedicated reporting mechanism for witnesses and victims of corruption, but it does not provide the body charged with operating it with sufficient independence and powers to investigate the reports it receives
- 0: There is no law or policy mandating that a dedicated reporting mechanism for witnesses and victims of corruption be established
- - : Not applicable or no data available

16.9 Does such a dedicated reporting mechanism for witnesses and victims of corruption exist in practice?

Does available evidence suggest that it is secure and able to protect the

anonymity of the people who use it in case they wish to remain anonymous? What kind of mechanism(s) exist, and which body is responsible for operating them? Does available evidence suggest that the body operating has sufficient independence, capacity, and resources to investigate cases that are reported? Briefly describe.

The mission of receiving and forwarding disclosures on matters of corruption is performed in Greece by agencies such as the Greek Ombudsman (Synigoros tou Politi)¹⁸¹, the General Inspector of Public Administration¹⁸², the Police's Cyber Crime Center¹⁸³, and Transparency International Greece¹⁸⁴.

The protection of whistleblowers is assigned to the Internal Affairs Department, Security Division of the Greek Police Headquarters, and Witness Protection Department of Greek Police¹⁸⁵.

However, these agencies indeed have a more general competence (not specifically for Whistleblowing) and, besides, they have overlapping responsibilities and low level of cooperation¹⁸⁶.

16.10 **Is data and information regarding the operation and performance of such reporting mechanisms (in compliance with relevant privacy and data protection laws) published?**

Please provide, if available, data for the past two years: the number of cases received; the outcomes of cases (i.e. dismissed, accepted, investigated, validated; the prevalence of wrongdoing in the public and private sectors; awareness of and trust in reporting mechanisms; and time taken to process cases.

No data available

¹⁸¹ For the Greek Ombudsman, see : <https://www.synigoros.gr/?i=stp.en>

¹⁸² For the General Inspector of Public Administration see : <https://www.gedd.gr/index.php?lang=en>

¹⁸³ For the Greek Cyber Crime Center see here: <http://www.cybercc.gr/en/>

¹⁸⁴ For Transparency International Greece see: <http://www.transparency.gr/>

¹⁸⁵ United Nations Office of Drugs and Crime, Country Review Report on Greece, points 238-239, available at :

http://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2015_12_04_Greece_Final_Country_Report.pdf

¹⁸⁶ Nestor Courakis, The Protection of Whistleblowers in Greece following the Introduction of Law-Nr. 4254/2014. Some Critical Remarks, 22/10/2015, available at :

http://eucpn.org/sites/default/files/content/download/files/gp_cy_the_protection_of_whistleblowers_in_greece.pdf

16.11 Is there evidence that relevant state bodies have taken active steps to promote public awareness of this reporting mechanism?

Please provide information on efforts to raise awareness, for example through (advertising) campaigns, trainings for public officials, references to whistleblowing in codes of conducts/ethics, press releases, etc.

No data available

16.12 Have there been prominent cases in the past two years where wrongdoing and corruption were unveiled by a whistleblower or through a reporting mechanism?

Novartis AG, a Swiss pharmaceutical company, has been under investigation by US authorities for alleged widespread misconduct, some of which occurred in Greece. The claims included bribery of doctors, public servants, high ranking officials and companies in exchange for favourable treatment in the Greek market.¹⁸⁷

The disclosure of the aforementioned case is based on whistleblowers¹⁸⁸. The case includes at least six protected whistleblowers. At least two of the whistleblowers who gave evidence to the US Securities and Exchange Commission are Greek citizens. The two are employee whistleblowers who had worked at the company since 2008. Details of the other whistleblowers are not known¹⁸⁹.

16.13 Please provide short descriptions and relevant links/sources.

- a. Have whistleblowers, in practice, been prosecuted or faced retaliation for unveiling wrongdoings? Where their legally

¹⁸⁷ For further information see: Sotiris Nikas, Novartis Bribery Case in Greece Threatens to Bolster Populists, 21/02/2018, available at <https://www.bloomberg.com/news/articles/2018-05-10/google-grapples-with-horrifying-reaction-to-uncanny-ai-tech>; Novartis: Swiss Pharma Company, under Investigation for Bribery in Greece, available at: <http://www.infocreditgroup.com/news-room/news/novartis-swiss-pharma-company-under-investigation-bribery-greece> ; Novartis case: Greek MPs to probe alleged bribery, 22/02/2018, available at : <http://www.bbc.com/news/world-europe-43157232> ; Novartis Case, available at : https://el.wikipedia.org/wiki/%CE%A5%CF%80%CF%8C%CE%B8%CE%B5%CF%83%CE%B7_Novartis#cite_note-8

¹⁸⁸ Supreme Court of Greece (Areios Pagos) : Witnesses of public interest, the witnesses of the Novartis Case, 20/02/2018, available at : <http://www.kathimerini.gr/949646/article/epikairothta/ellada/antieisaggeleas-areioy-pagoy-martyres-dhmosioy-symferontos-oi-treis-martyres-ths-novartis#item-comments>

¹⁸⁹ Safe or Sorry: Whistleblower Protection Laws in Europe Deliver Mixed Results, Blueprint for free speech, available at : <https://blueprintforfreespeech.net/wp-content/uploads/2017/07/BLEUPRINT-Safe-or-Sorry-Whistleblower-Protection-Laws-in-Europe-Deliver-Mixed-Results.pdf>

guaranteed rights violated?

Please provide a brief description of relevant cases from the past two years, including relevant sources and a few links to media coverage.

No data available

- b. Were any steps taken to improve the system of whistleblower protection?

While Greek legislation addresses to some extent the protection of whistleblowers, Greece (in particular law 4254/2014) shall continue its efforts to strengthen whistleblower protections, including especially in the private sector, as well as awareness raising of new legislation and available protections¹⁹⁰.

Guidance

- TI: International Principles for Whistleblower Legislation
(https://www.transparency.org/whatwedo/publication/international_principles_for_whistleblower_legislation)
- TI: Best Practice Guide For Whistleblowing Legislation
(https://www.transparency.org/whatwedo/publication/best_practice_guide_for_whistleblowing_legislation)
- S. Wolfe, M. Worth, S. Dreyfus, A J Brown: Whistleblower Protection Laws in G20 Countries – Priorities for Action
(<https://www.transparency.de/fileadmin/pdfs/Themen/Hinweisgebersysteme/Whistleblower-Protection-Laws-in-G20-Countries-Priorities-for-Action.pdf>)

Target 16.10: «Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.»

Indicator 16.10.1: *Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months*

Indicator 16.10.2: *Number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information*

¹⁹⁰ United Nations Office of Drugs and Crime, Country Review Report on Greece, point 245, available at : http://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2015_12_04_Greece_Final_Country_Report.pdf

17. Protection of fundamental freedoms

- 17.1 What is the country's score and rating in Freedom House's Freedom in the World Rating (<https://freedomhouse.org/report-types/freedom-world>)?

Please provide the score and the rating of your country («free, «partly free», «not free») and the year of the assessment you are referring to.

Greece's score for 2018 is 85/100 (Free)

- 17.2 What is the country's rank and score in the most recent World Press Freedom Index, issued by Reporters Without Borders (<https://rsf.org/en/ranking>)?

Please provide the country's rank, its score and the year of the ranking you are referring to.

Greece's score for 2018 is 29,19, the country ranks 74th out of 180 countries.

- 17.3 Does the legal framework contain any provisions that threaten or undermine the ability of journalists, bloggers researchers, human rights advocates and other civil society actors to exercise their fundamental rights, to uncover and report on all forms of corruption, and to hold leaders accountable?

Please name any relevant laws and provisions, briefly explain why they may threaten fundamental rights, and provide links/references to relevant sources.

On December 22, 2015, the Press Law was amended with article 37 of law 4356/2015. In the past, such provisions led, among other things, to non-proportionate fees against media outlets and to a consequent climate of self-censorship. The president of the Panhellenic Federation of Journalists' Unions (POESY) noticed that «huge amounts that the plaintiffs were asking from the journalists were aiming to terrorise them, impose censorship and hinder a free and democratic dialogue on contemporary political issues»¹⁹¹. However, it shall be noted that journalists can still face imprisonment for libel and insult

¹⁹¹ Media of Greece, Legal framework, available at : https://en.wikipedia.org/wiki/Media_of_Greece

under the Greek Criminal Code, although in practice prison sentences are usually converted into a fine¹⁹².

- 17.4 Are any policies or practices in place that undermine the ability of journalists, bloggers researchers, human rights advocates and other civil society actors to exercise their fundamental rights, to uncover and report on all forms of corruption, and to hold leaders accountable?

Please provide relevant examples and links/sources. If there are many factors you deem relevant, please briefly describe the three you deem most severe.

Greek journalists seem to be afraid that lawsuits from powerful business and political figures, are used as a way of intimidation. The significant amount of money requested from journalists, as well as the expenses of a litigation seem to worry journalists, who consider these lawsuits an act of intimidation¹⁹³.

- 17.5 Have there been documented cases of killings, kidnappings, enforced disappearances, arbitrary detentions, torture or attacks against journalists, associated media personnel, trade unionists, human rights and civil society advocates or other people who investigated, uncovered and advocated against corruption in the previous two years?

If this is the case, please provide approximate numbers of such cases and describe up to two exemplary cases (possibly ones linked to corruption) and corresponding links/sources. You may find useful information in reports by international human rights watchdogs, including Human Rights Watch (<https://www.hrw.org/world-report/2017>), Amnesty International (<https://www.amnesty.org/en/countries>), Freedom House (<https://freedomhouse.org/reports>), Reporters Without Borders (<https://rsf.org>), in reports and press releases issued by national and local human rights advocates, in national media coverage, in statements made by

¹⁹² Lambrini Papadopoulos, In Depth: Greek libel reforms only first step toward greater press freedom, available at : <https://medium.com/athenslivegr/in-depth-greek-libel-reforms-only-first-step-toward-greater-press-freedom-2cb2aa6c3f98>

¹⁹³ Lambrini Papadopoulos, 'Frozen cases' aim to chill investigative reporting in Greece, 10 October 2018, available at : <http://www.freemedia.at/frozen-cases-aim-to-chill-investigative-reporting-in-greece/> ; Lambrini Papadopoulos, David and Goliath meet in Greek libel suit, 10 November 2016, available at : <https://ipi.media/david-and-goliath-meet-in-greek-libel-suit/>; Lambrini Papadopoulos, Greek defence minister takes on media in libel cases, 17 January 2017, available at : <https://ipi.media/greek-defence-minister-takes-on-media-in-libel-cases/>

regional human rights bodies and in reports of a national Human Rights Ombudsman.

On 28 January 2018, the journalist Aris Asvestas was hospitalised after being attacked by two unidentified perpetrators. The day before the attack the journalist came in contact with public prosecutor for the phenomena of corruption in Greek Football¹⁹⁴.

- 17.6 Have there been cases of attacks against NGOs, journalists, and others advocating or reporting on corruption adequately investigated and resolved in the past two years? Were perpetrators identified and held accountable?

Please provide a brief description if and how such cases were investigated and resolved and provide relevant links/sources. If there were numerous such cases in the past two years, please focus on two exemplary ones.

On 28 January 2018, the journalist Aris Asvestas was hospitalised after being attacked by two unidentified perpetrators. The day before the attack the journalist came in contact with public prosecutor for the phenomena of corruption in Greek Football¹⁹⁵.

- 17.7 Have there been documented cases of government censorship, including of online communication, or of undue political interference that limits people's ability to inform and express themselves online in the past two years?

If «yes», please provide a brief description of relevant cases and sources/links. If there were numerous cases or if censorship is an ongoing practice, please briefly describe the three cases or practices you deem most severe.

According to the latest annual report of Reporters without Borders¹⁹⁶ there is progress in the Greek media landscape, but this is not enough.

¹⁹⁴ Reactions against the attack on reporter A. Asvesta, 28 January 2018, available at: <http://www.efsyn.gr/arthro/antidraseis-gia-tin-epithesi-ston-dimosiografo-asvesta>, Attack on the journalist Ari Asvesta, 28 January 2018, available at: <http://www.kathimerini.gr/945674/article/epikairothta/ellada/8yma-3ylodarmoy-epese-o-dhmosiografos-arhs-asvestas>

¹⁹⁵ Reactions against the attack on reporter A. Asvesta, 28 January 2018, available at: <http://www.efsyn.gr/arthro/antidraseis-gia-tin-epithesi-ston-dimosiografo-asvesta>, Attack on the journalist Ari Asvesta, 28 January 2018, available at: <http://www.kathimerini.gr/945674/article/epikairothta/ellada/8yma-3ylodarmoy-epese-o-dhmosiografos-arhs-asvestas>

¹⁹⁶ See the country report : <https://rsf.org/en/greece>

MegaTV, the oldest privately-owned TV channel, seems to be on the point of closing for economic reasons after operating for 29 years.

Prime Minister Alexis Tsipras failed in an attempt of sale of broadcast licenses in 2016. The Syriza leader had promised a major overhaul of the Greek broadcast media.

In another significant court decision, foreign minister Nikos Kotzias was able to have the assets of the publisher of the Athens Review of Books magazine frozen as part of libel suit over an old issue that had reminded its readers of the minister's Communist Party past¹⁹⁷.





Furthermore, in recent cases a local mayor of Greece seems to target press with defamation suits¹⁹⁸.

18. Access to information

18.1 Does the legal framework (including jurisprudence) recognize a fundamental right of access to information?

Please provide a brief description and a reference/link to the relevant legal provision. You will likely find relevant information in the country assessment of the RTI-rating (<http://www.rti-rating.org/country-data/by-indicator/>), indicator 1.

Scoring

-  1: There is a full constitutional recognition of a public right of access to information
-  0.5: There is a limited constitutional right
-  0: There is no constitutional right to information
-  - : Not applicable or no data available

According to article 5A of the Greek Constitution¹⁹⁹ «1. All persons have the right to information, as specified by law. Restrictions to this right may be

¹⁹⁷ Greece: Minister uses court ruling to freeze publisher's bank account, 28 July 2018, available at: <https://rsf.org/en/news/greece-minister-uses-court-ruling-freeze-publishers-bank-account>

¹⁹⁸ Lambrini Papadopoulou, In Greece, local mayor targets press with defamation suits, 22 February 2018, available at: <https://ipi.media/in-greece-local-mayor-targets-press-with-defamation-suits/>

imposed by the law only insofar as they are absolutely necessary and justified for reasons of national security, of combating crime or of protecting rights and interests of third parties. 2. All persons have the right to participate in the Information Society. Facilitation of access to electronically transmitted information, as well as of the production, exchange and diffusion thereof, constitutes an obligation of the State, always in observance of the guarantees of articles 9,9A and 19.»

18.2 Does the right of access to information apply to all materials held by or on behalf of public authorities in any format, regardless of who produced it?

Please provide a brief description and a reference/link to the relevant article. You will likely find relevant information in the country assessment of the RTI-rating (<http://www.rti-rating.org/country-data/by-indicator/>), indicator 5.

Scoring

- 1: The right applies to all materials held by or on behalf of public authorities, with no exceptions
- 0.5: The right applies to materials held by or on behalf of public authorities, but there are exceptions for «internal documents» or databases
- 0: The definition of information is very limited and includes several and/or broad exceptions of information that is not covered by the right
- - : Not applicable or no data available

According to article 5 §1 of the Code of Administrative Procedure²⁰⁰ any interested party is entitled, by written application, to be informed of administrative documents. Also, according to §2 of the aforementioned article any interested party, who has a legitimate interest in entitled by written application to be informed of private documents that are held by public administration and are in connection with his affair.

However according to §3 of the aforementioned article under the previous paragraph is not applicable in cases when the document concerns the private or family life of a third party or if there is violation of confidentiality

¹⁹⁹ The text of the Greek Constitution in English can be found here:
<https://www.hellenicparliament.gr/UserFiles/f3c70a23-7696-49db-9148-f24dce6a27c8/001-156%20aggluko.pdf>

²⁰⁰ The Code of Administrative procedure can be found here:
<http://www.ministryofjustice.gr/site/kodikes/%CE%95%CF%85%CF%81%CE%B5%CF%84%CE%A E%CF%81%CE%B9%CE%BF/%CE%9A%CE%A9%CE%94%CE%99%CE%9A%CE%91%CE%A 3%CE%94%CE%99%CE%9F%CE%99%CE%9A%CE%97%CE%A4%CE%99%CE%9A%CE%97% CE%A3%CE%94%CE%99%CE%91%CE%94%CE%99%CE%9A%CE%91%CE%A3%CE%99%CE %91%CE%A3/tabid/251/language/el-GR/Default.aspx>

stipulated by special provisions. The competent administrative authority may refuse to satisfy this right if the document refers to the discussions of the Cabinet of Ministers or if the satisfaction of this right may substantially obstruct the investigation of judicial, police or military authorities concerning the commission of a crime or an administrative violation.

18.3 To which branches and bodies does the right of access apply?

Please provide a brief description which bodies and entities are covered by access to information and which important entities are completely exempt. You will likely find relevant information in the country assessment of the RTI-rating (<http://www.rti-rating.org/country-data/by-indicator/>), indicators 7 to 12. If a particular complex national situation is not adequately reflected by the scores, the national chapter should choose the score that appears most adequate and provide relevant details in the narrative section of this question.

Scoring

- 1: The right of access applies, with no bodies excluded, to 1) executive branch; 2) the legislature; 3) the judicial branch; 4) state-owned enterprises; 5) other public authorities including constitutional, statutory and oversight bodies (such as an election commission or an information commission); and 6) private bodies that perform a public function or that receive significant public funding
- 0.75: The right of access applies to at least five of the above-mentioned sectors, with no particular bodies excluded
- 0.5: The right of access applies to at least four of the above-mentioned sectors, but some bodies are exempt
- 0.25: The right of access applies to at least three of the above-mentioned sectors or several key bodies are exempt (such as secret services, military, police, president etc.)
- 0: There is no access to information framework; or: no clear provision on the institutions that are covered; or: the right of access applies to less than three of the above-mentioned sectors and several key bodies are exempt (such as secret services, military, police, president etc.)
- - : Not applicable or no data available

1)The law²⁰¹ grants the access to the documents drawn up by public services. This definition may include all the central, regional and local administration

²⁰¹ Code of Administrative Procedure available at: <http://www.rti-rating.org/wp-content/uploads/Greece.pdf> (non updated version)

but not the executive. It is on partially as the law does not include archives, the executive, and the Cabinet of Ministers.

2) According to law, any interested party is entitled, by written application, to be informed of administrative documents. However, the law only applies to administrative documents.

3) There is no specific mention about the judicial branch

4) The right of access to State-owned enterprises is not mentioned.

5) The right of access to other public authorities is not mentioned.

6) The right of access to a) private bodies that perform a public function and b) private bodies that receive significant public funding is not mentioned.

18.4 Are there clear and reasonable maximum timelines for responding to a request, regardless of the manner of satisfying the request?

Please provide a brief description and a reference/link to the relevant article. You will likely find relevant information in the country assessment of the RTI-rating (<http://www.rti-rating.org/country-data/by-indicator/>), indicator 22.

Scoring

- 1: Timeframe is 10 working days (or 15 days, or two weeks) or less
- 0.5: Timeframe is 20 working days (or 30 days, four weeks or one month) or less
- 0.25: Timeframe is more than 20 working days (or 30 days, four weeks or one month)
- 0: There is no specified timeframe for responding to a request
- - : Not applicable or no data available

According to article 4 of the Code of Administrative Procedure²⁰², when applications are made, the administrative authorities are obliged to handle the cases of the interested parties and decide on their requests within the time limit, if any, stipulated by the relevant special provisions, otherwise,

²⁰² Code of Administrative Procedure available at: <http://www.rti-rating.org/wp-content/uploads/Greece.pdf> (non updated version)

within fifty (50) days. The time limit begins when the application is submitted to the competent service. If the application is submitted to a non-competent service, this service is obliged, within three (3) days, to forward it to the competent service and notify the interested party accordingly. In this case, the time limit begins from the date when the application was received by the competent service

18.5 Are exceptions to the right of access consistent with international standards?

Permissible exceptions are: national security; international relations; public health and safety; the prevention, investigation and prosecution of legal wrongs; privacy; legitimate commercial and other economic interests; management of the economy; fair administration of justice and legal advice privilege; conservation of the environment; legitimate policy making and other operations of public authorities. It is also permissible to refer requesters to information which is already publicly available, for example online or in published form.

Please provide a brief description and a reference/link to the relevant article. You will likely find relevant information in the country assessment of the RTI-rating (<http://www.rti-rating.org/country-data/by-indicator/>), indicator 29.

Scoring

Score 10 points and then deduct 1 point for each exception which either (a) falls outside of this list and/or (b) is more broadly framed:

- 1: 9 or 10 points
- 0.75: 7 or 8 points
- 0.5: 5 or 6 points
- 0.25: 3 or 4 points
- 0: 0, 1 or 2 points
- - : Not applicable or no data available

According to article 5 §3 of the Code of Administrative Procedure²⁰³ the competent administrative authority may refuse to satisfy this right if the document refers to the discussions of the Cabinet of Ministers or if the satisfaction of this right may substantially obstruct the investigation of

²⁰³ Code of Administrative Procedure available at: <http://www.rti-rating.org/wp-content/uploads/Greece.pdf> (non updated version)







judicial, police or military authorities concerning the commission of a crime or an administrative violation.

(The documents that refers to the discussions of the Cabinet of Ministers fall outside of the question's list.)

18.6 Is a harm test applied to all exceptions, so that disclosure may only be refused when it poses a risk of actual harm to a protected interest?

Please provide a brief description and a reference/link to the relevant article. You will likely find relevant information in the country assessment of the RTI-rating (<http://www.rti-rating.org/country-data/by-indicator/>), indicator 30. Address any relevant shortcomings concerning the implementation of the harm-test in the narrative of this section. (While affected third parties may be consulted before information is released to a requestor, they must not have veto power over the disclosure. This decision should be made by the public body answering the request, or, in case of an appeal, by an oversight body)



Scoring

-  1: Harm test is applied to all exceptions
-  0.75: Harm test is applied to all but 1 exception
-  0.5: Harm test is applied to all but 2 exceptions
-  0.25: Harm test is applied to all but 3 exceptions
-  0: No Harm test is required by law, or it does not apply to 4 or more exceptions
-  - : Not applicable or no data available

18.7 Is there a mandatory public interest override so that information must be disclosed where this is in the overall public interest, even if this may harm a protected interest? Are there 'hard' overrides (which apply absolutely), for example for information about human rights, corruption or crimes against humanity?

Please provide a brief description and a reference/link to the relevant article. You will likely find relevant information in the country assessment of the RTI-rating (<http://www.rti-rating.org/country-data/by-indicator/>), indicator 31.

Scoring

-  1: There is a mandatory public interest override that applies to all exceptions and is not subject to overreaching limitations
-  0.75: There is a mandatory public interest override that applies to all

exceptions but one or two and is not subject to overreaching limitations

● 0.25: The public interest test only applies to some exceptions

● 0: No public interest test is required by law

● - : Not applicable or no data available

18.8 Is there an independent Information Commission, or a similar oversight body, with whom requestors have the right to lodge an external appeal?

You will likely find relevant information in the country assessment of the RTI-rating (<http://www.rti-rating.org/country-data/by-indicator/>), indicator 37-41.

Scoring

● 1: An Information Commission is in place, and it has the necessary mandate and power to perform its functions, including to review classified documents and inspect the premises of public bodies

● 0.5: An Information Commission or a similar oversight body exists, but either lacks the power to review classified documents or lacks inspection powers

● 0.25: An Information Commission or a similar oversight body exists, but it neither has the power to review classified documents nor to carry out inspections

● 0: No independent oversight body exists

● - : Not applicable or no data available

The law on the Ombudsman of Greece is law No. 2477/1977²⁰⁴. According to this law, the independent authority entitled «The Ombudsman», has as its mission to mediate between citizens and public services, local authorities, private and public organizations, with the view to protecting citizens' rights, combating maladministration and ensuring respect of legality. The Ombudsman shall investigate individual administrative acts or omissions or material actions of public officials, which violate rights or infringe upon the legal interests of physical or legal persons. In particular, the Ombudsman shall investigate cases in which an individual or collective public body: i) by an act or omission, infringes upon a right or interest protected by the Constitution and the legislation; ii) refuses to fulfil a specific obligation imposed by a final court decision; iii) refuses to fulfil a specific obligation imposed by a legal provision or by an individual administrative act; iv) commits or omits a due legal act, in violation of the principles of fair

²⁰⁴ The law can be found here: <https://www.synigoros.gr/?i=stp.el.fundlaw>

administration and transparency or in abuse of power (The Ombudsman is not mentioned by the law like oversight body, but he has a proactive attitude in defence of the access to public documents field.)

18.9 * Does the law/policy on access to information contain minimum standards on mandatory proactive (automatic, without having to be requested) publication of information?

If this is the case, please provide a short description of what information and documents have to be actively released (especially information relevant to deterring or detecting corruption)?

Scoring

● 1: if the law on access to information (or another relevant law) contains requirements on the mandatory automatic publication of certain information

● 0: if there are no requirements to automatically release certain information

● - : Not applicable or no data available

Proactive disclosure is absent from legal framework²⁰⁵.

- a. How do you, based on the evidence available to you, evaluate compliance by public bodies with these requirements to proactively release information?

Non-applicable

18.10 What is the country's score in the Right-To-Information Rating?
(<http://www.rti-rating.org/country-data/>)

Greece's score, based on an assessment of its framework is 65/150 points. The country ranks as having the 92nd strongest legal framework for the right to information out of 110 countries that are currently rated.

²⁰⁵ European Public Accountability Mechanisms, Country Profile of Greece, Freedom of Information, available at : http://europam.eu/?module=country-profile&country=Greece#info_FOI

18.11 * What are shortcomings of the access to information regime?

Does the law...

- *create a specific presumption in favour of access to all information held by public authorities, subject only to limited exceptions, consistent with international standards?*

According to article 5 § 1 of the Code of Administrative Procedure²⁰⁶, any interested person may request administrative documents which are defined as «all documents produced by public authorities such as reports, studies, minutes statistics, administrative circulars, responses opinions and decisions».

- *grant everyone (including non-citizens, non-residents and legal entities) the right to request information?*

According to article 10 of the Greek Constitution «each person, acting on his own or together with others, shall have the right, observing the laws of the State, to petition in writing public authorities, who shall be obliged to take prompt action in accordance with provisions in force, and to give a written and reasoned reply to the petitioner as provided by law».

- *provide a right to both information and access to records/documents?*

According to article 5 of the Code of Administrative Procedure any interested party is entitled, by written application, to be informed of administrative documents. Administrative documents are documents drawn up by public services, such as reports, studies, minutes, statistical data, circulars, replies of the Administration, opinions and resolutions.

The right of the aforementioned paragraph is exercised: a) by studying the document at the premises of the service or b) by issuing a copy, unless the reproduction thereof can prejudice the original. [...]

²⁰⁶ The Code of Administrative Procedure is available here: <http://www.rti-rating.org/wp-content/uploads/Greece.pdf>

- *allow for partial access (a document can be redacted and then be partially released)?*

According to the principle of proportionality, if a document contains classified information that should not be made public, this information should be deducted from the document in question and partially access shall be granted²⁰⁷.

- *establish an effective appeals mechanism?*

According to Article 5 § 4 of law 3448/2006 on further use of information of the public sector administrative appeals are allowed within 10 days of the issuing of a negative response by the relevant body. Administrative appeals are allowed before the General Inspector of Public Administration, who considers in second instance in law and substance. However, no independent, non-judicial appeals mechanism is provided.

You will likely find the needed information in the country assessment of the RTI-Rating (<http://www.rti-rating.org/country-data/>). Another relevant source for the access to information framework in Europe is the EuroPam project (<http://europam.eu>).

18.12* *Are there any factors that, in practice, make it unnecessarily burdensome and difficult to request or gain access to information?*

Such factors may include that requestors have to identify themselves (anonymous requests are not allowed or possible), high fees to receive information, difficult request procedures, the lack of an effective and timely appeal mechanism, poor record keeping or a lack of awareness among public sector employees about the access to information regime. You may be able to obtain information from colleagues at the TI chapter who have submitted requests in the past, or from other civil society organisations or journalists who have extensively submitted FOI requests. You may also find information

²⁰⁷ Antonios Arguros, Access to public documents, available at : https://www.constitutionalism.gr/wp-content/uploads/2016/05/2016_%CE%91%CF%81%CE%B3%CF%85%CF%81%CF%8C%CF%82%CE%AD%CE%B3%CE%B3%CF%81%CE%B1%CF%86%CE%B1.pdf

in an annual report issued by the Information Commission or a similar oversight body, or in relevant court cases. For European countries, also see EuroPam (<http://europam.eu>).

Greek bureaucracy may usually make it difficult to gain access to information. Also, the fact that there is no competent authority to investigate the refuse of access encourages the public administration to decline the access to public documents.

18.13 * How many requests for information were made to public authorities each year in the previous two years?

- a) * How many were answered within the time limits provided by the law?
- b) * What percentage was fully answered, what percentage partly? What happened with the remaining requests?

You may find this information in an annual report by an Information Commissioner or another public body charged with overseeing the implementation of the law, or in annual reports issued by public bodies. If only information on the national level is available, please provide this information. If information is only available for some public bodies, please provide available data and sources. If no government data is available, provide data from civil-society operated FOI request portals or results from relevant field tests, if such exist.

No data available

18.14 Have there been any developments in the past two years that suggest an improvement or deterioration in the framework for public access to information and/or its implementation?

Relevant developments may include discussions to adopt a (new) law or policy, changes to current laws and procedures, relevant court decisions, and the reaction of public bodies to requests for information in important cases. Please provide a short description and relevant sources, references and links.

Presidential Degree 28/2015²⁰⁸ has improved the framework on the access to public documents. The degree has gathered in one law all the relevant articles that concern the access to public documents.

Guidance

- UNESCO: Unpacking Indicator 16.10.2: Enhancing Public Access to Information Through Agenda 2030 for Sustainable Development (http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/news/access_info_2030.pdf)
- Access Info Europe & Centre for Law and Democracy: RTI Rating (<http://www.rti-rating.org> and <http://www.rti-rating.org/wp-content/uploads/Indicators.pdf>)
- Freedominfo.org for recent developments related to the right to information (<http://www.freedominfo.org>)
- Right2Info.org (no longer updated) for international instruments, standards and cases on the right to information (<http://www.right2info.org/international-standards>)

19. Open Government Data (optional)

- 19.1 What is the country's rank and score in the most recent edition of the Open Data Barometer, produced by the World Wide Web Foundation (<http://opendatabarometer.org/data-explorer>)?

The assessment may provide valuable insight on the strengths and weaknesses of the open data implementation in your country.

According to Open Data Barometer 2015, Greece's rank is 33rd out of 92 countries, with a score of 38,48 (out of 100).

- 19.2 What is the country's score in the most recent available Open Data Index, produced by Open Knowledge International (<http://index.okfn.org/place>)?

The assessment is crowd-sourced and may not be complete for all countries. It evaluates the level of openness of key government datasets, several of which are relevant to the anti-corruption agenda.

²⁰⁸ For the Presidential Degree 28/2015 see : <https://www.taxheaven.gr/laws/law/index/law/679>

According to Open Data Index Greece's rank is 35 (out of 94 countries) and its score is 46%.

- 19.3 * Are there noteworthy efforts or initiatives of public bodies to automatically publish information and documents online (especially in machine-readable formats and in line with open data standards) that are relevant to deterring or detecting corruption?

Possible areas where proactively published information may help to fight corruption include government contracts, public procurement, the budget and details on government spending, government subsidies and grants, registries for land, companies and their (beneficial) ownership, political and party financing, asset disclosures of public officials, and information on extractive industries or other sectors with high corruption risks. Please provide up to three noteworthy examples, briefly describe the open government effort and provide links to them. You may find relevant examples mentioned in National Action Plans or other documents submitted to the Open Government Partnership (<http://www.opengovpartnership.org/countries>) or listed on dedicated for open government data portal.

Greece has created a dedicated open data portal: <http://data.gov.gr/>

In Greece, there is no comprehensive legal framework to regulate the open and participative governance, and despite different actions taken in the past, an integrated strategy and its implementation is still lacking. The Clarity program, the Open Consultation and the participation in the Open Government Partnership have already significantly strengthened the functions of openness in the State, but the overall institutional framework remains weak without comprehensive and substantial provisions of a binding nature. This is why it is necessary to address these weaknesses by establishing a framework law for regulating and promoting open governance policies. In summary, the main regulations which will be included in the bill, among others, are: Public nature of meetings of municipal & regional councils and their committees, all meetings should be filmed and uploaded on the web sites of Municipalities and Regions²⁰⁹.

²⁰⁹ Framework law on Open & Participative Governance, E- Government, Capacity Building , Legislation & Regulation, available at : <https://www.opengovpartnership.org/current-commitments/1-framework-law-on-open-participative-governance>

As far as the registry of lands, it shall be noted that an e-service regarding the registration & detailed information of public property is under construction. The main objective is to avoid encroachment and unregulated exploitation of public property. An e-auction platform for permitted leasing of seashore sites is also planned. The main objective of the project is to provide free access to public property data, including geospatial data, as well as open e-auctions and calls for competitions. The General Secretariat of Public Property has already implemented and is in process of the updating and improving the e-services platform for public property²¹⁰.

19.4 * Are there noteworthy civil society projects or initiatives that use open government data and/or, other publicly available data sources to strengthen government accountability and help deter and/or detect corruption?

Please provide brief descriptions on up to three noteworthy projects and provide links to them. In case any of them have helped to expose specific corruption cases, please mention that case.

No data available

Guidance

- Open Knowledge International: Open Data Handbook for background on open data (<http://opendatahandbook.org/guide/en/what-is-open-data>) and additional resources (<http://opendatahandbook.org/resources>).

²¹⁰ Public Property Open Data, Records Management, Open Data, Public Service Delivery, E-Government, available at : <https://www.opengovpartnership.org/current-commitments/15-public-property-open-data>

