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FIFTH EVALUATION ROUND

Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies

EVALUATION REPORT

GREECE

Adopted by GRECO
at its 89th Plenary Meeting (Strasbourg,29 November–3 December 2021)

GRECO
Group of States against Corruption
Groupe d'États contre la corruption

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

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1. Perceptions of corruption in Greece remain high, but indicators show gradual improvement in recent years. Positive steps have been taken to boost the anticorruption framework and provide for a more holistic and streamlined approach for this key policy. The establishment of the National Transparency Authority (NTA), which is responsible for the implementation of the National Anti-Corruption Action Plan (NACAP, 2018-2021), constitutes an encouraging step in this direction. A new anticorruption plan for 2022-2025 is in the making. There are some promising developments on the corruption prevention front, both of a legislative and an institutional nature, the challenge now rests with their efficient implementation.

2. The executive branch of power is divided between the President of the Republic, who has a mostly ceremonial and representative function, and the Government, which is the actual holder of executive authority. For the purpose of the report, the notion of persons entrusted with top executive functions at central level (PTEF) covers members of government (Prime-minister, ministers, ministers without portfolio, alternate ministers and deputy ministers) and political advisors (ministerial associates and special advisors). More clarity is needed regarding the status of political advisors and the applicable corruption prevention framework in their respect so that they are subject to the highest standards of integrity.

3. The recently upgraded systems for internal control and financial disclosure constitute essential tools in the prevention of corruption for high officials at central level. Moreover, following constitutional amendments in 2019 reforming *inter alia* immunity provisions, the accountability framework for serving and former ministers has been significantly stepped-up. Also, there are noteworthy improvements in transparency and public consultation mechanisms; digitalisation has proven capital in this respect. That said, proper implementation of access to information upon request remains an outstanding challenge. Similarly, additional efforts are required to better provide for meaningful stakeholder engagement at earlier stages of decision-making processes and to track external interventions. New rules on lobbying were introduced after the on-site visit, in September 2021 (Law 4829/2021). This is a welcome development, which effectiveness is to be tested in practice as implementation evolves.

4. The NTA is promoting the development of tailored-made codes of conduct which are adjusted to the nature, challenges, and day-to-day operation of individual public sector bodies. Likewise, pilot projects are under development to establish the institution of integrity officers in individual ministries. Additional efforts can be taken to promote and raise awareness on ethics and integrity matters among PTEF. Law 4622/2019 includes several central provisions regarding the prevention of conflicts of interest and an institutional framework for their implementation. Time and experience with the new law will help develop many of the new requirements it introduces, and some other which were in vigour before, but were not complied with (e.g. cooling-off periods). The oversight of financial disclosure is shared among different institutions and some initiatives have been taken to streamline their respective methodologies, but more can be done to streamline the existing system, maximise synergies and enhance information exchange on best practice and lessons learned on the basis of the experience gained by the responsible bodies.

5. Regarding law enforcement, the report focuses on the police being the largest law enforcement body and performing the main law enforcement functions under national legislation in Greece. There is some margin for further advancement on the corruption prevention front. More particularly, there is no dedicated anti-corruption policy for the police and the current NACAP does not include specific measures having a direct focus on the police (although it is anticipated that the future NACAP for 2022-2025 will include some measures specifically targeting the police, notably regarding its disciplinary system). A more pro-active approach would need to be developed. Priority areas for improvement refer to working conditions of police officers, notably, through the establishment of a recognised, forward-looking shift pattern/roster, as well as the effective compensation of overtime. The proportion of female officers is low (14%); calling for targeted measures. Vetting and re-vetting procedures also need to be stepped up.

6. The police has a Code of Ethics since 2004, but additional efforts should follow to provide officers with more targeted awareness-raising opportunities on conduct-related obligations, as well as dedicated confidential advice. Regarding secondary activities, a uniform policy is yet to take root in this domain; it needs to be clear, realistic, practicable and efficient. In reviewing whether the system is fit for purpose, attention should also be paid to moves of police officers to the private sector after leaving the organisation. The framework for oversight and accountability of the police must also be reinforced. Additional safeguards are required to guarantee the objectivity of investigation and the impartiality of the investigative body, and to ensure that they are seen as such by the public in being sufficiently transparent. Lastly, dedicated measures are recommended to strengthen whistleblower protection.

II. INTRODUCTION AND METHODOLOGY

7. Greece joined GRECO in 1999. Since its accession, the country has been subject to evaluation in the framework of GRECO's First (in May 2002), Second (in December 2005), Third (in June 2010) and Fourth (in June 2015) Evaluation Rounds. The relevant Evaluation Reports, as well as the subsequent Compliance Reports, are available on GRECO's homepage (www.coe.int/greco). This Fifth Evaluation Round was launched on 1 January 2017[1].

8. The objective of this report is to evaluate the effectiveness of the measures adopted by the authorities of Greece to prevent corruption and promote integrity in central governments (top executive functions) and law enforcement agencies. The report contains a critical analysis of the situation, reflecting on the efforts made by the actors concerned and the results achieved. It identifies possible shortcomings and makes recommendations for improvement. In keeping with the practice of GRECO, the recommendations are addressed, via the Head of delegation in GRECO, to the authorities of Greece, which determine the national institutions/bodies that are to be responsible for taking the requisite action. Within 18 months following the adoption of this report, Greece shall report back on the action taken in response to GRECO's recommendations.

9. To prepare this report, a GRECO evaluation team (hereafter referred to as the "GET"), carried out an on-site visit to Greece from 21 to 25 June 2021, and reference was made to the responses by Greece to the Evaluation Questionnaire, as well as other information received, including from civil society. The GET was composed of Mr Matthew GARDNER, former Chief Superintendent, Operational Commander, Metropolitan Police Directorate of Professional Standards, Internal Affairs (United Kingdom); Ms Kateřina HLAVÁČOVÁ, Police Officer, Department of Internal Control, Police Presidium (Czech Republic); Ms Natasa NOVAKOVIC, President of the Commission for Resolution of Conflict of Interest (Croatia) and Mr Rafael VAILLO RAMOS, Technical Adviser, Directorate General For International Cooperation, Ministry of Justice (Spain). The GET was supported by Ms Laura SANZ-LEVIA from GRECO's Secretariat.

10. The GET held talks with the Ministry of Justice, the Ministry of Interior, the Ministry of State, the Ministry of Citizen Protection, the Council of State, the General Accounting Office of the Government, the National Transparency Authority and the Ombudsman. The GET also interviewed the Hellenic Police and representatives from its trade unions, as well as other members of law enforcement (prosecutors, asset declaration verification bodies). Finally, the GET also met with representatives of Transparency International, Vouliwatch, ACFE-Greece, and the Citizens Movement, as well as with academics and media interlocutors.

[1] More information on the methodology is contained in the Evaluation Questionnaire which is available on GRECO's website.

III. CONTEXT

11. Greece has been a member of GRECO since 1999. Since then, it has been subject to four evaluation rounds focusing on different topics linked to the prevention of and fight against corruption[2]. In summary, 100% of recommendations were implemented in the First Evaluation Round, 50% in the Second Evaluation Round, and 70% in the Third Evaluation Round. In the Fourth Evaluation Round, dealing with corruption prevention in respect of parliamentarians, judges and prosecutors, 58% of the recommendations have been fully implemented, 26% partly implemented and 16% not implemented so far. The compliance procedure under that round is, however, still on-going[3].

12. A downgrading of the criminal offence of bribery of public officials from a felony to a misdemeanour in 2019 triggered strong criticism in Greece, as well as from the international community, after which the offence was again qualified as a felony. Even so, pursuant to the Rule 34 procedure[4] which was launched by GRECO in respect of Greece on 21 June 2019, GRECO recommended additional measures to restore the law and the ability of the criminal justice system to counter corruption effectively. In an Ad hoc Report on Greece, which was issued on 6 December 2019, GRECO made four specific recommendations to this end. On 3 December 2021, GRECO terminated the Rule 34 procedure following considerable improvements in the Penal Code (Law 4855/2021) which were largely in line with GRECO's recommendations.

13. Perceptions of corruption in Greece remain high, but indicators show gradual improvement in recent years. According to the Corruption Perceptions Index published by Transparency International (CPI), Greece occupied the 59th rank out of 180 countries in 2020 and had a score of 50 (out of a total score of 100 – where 0 corresponds to countries where there is a high level of corruption and 100 to countries with a low level of corruption). This scoring confirms the positive trend observed since 2012.

14. Some positive efforts have been made to boost the anti-corruption framework and provide for a more holistic and streamlined approach for this key policy. The establishment of the National Transparency Authority (NTA) has marked a milestone in this regard by significantly stepping up cooperation and coordination among the different audit authorities and inspection bodies. The NTA aims to strengthen the national integrity and accountability framework by carrying out investigation and audits, developing strategies to prevent and fight corruption, as well as raising awareness. Further, NTA is responsible for the implementation of the National Anti-Corruption Action Plan (NACAP). The NACAP has been the guiding policy

[2] Evaluation round I: Independence, specialisation and means available to national bodies engaged in the prevention and fight against corruption / Extent and scope of immunities; Evaluation round II: Identification, seizure and confiscation of corruption proceeds / Public administration and corruption / Prevention of legal persons being used as shields for corruption / Tax and financial legislation to counter corruption / Links between corruption, organised crime and money laundering; Evaluation round III: Criminalisation of corruption / Transparency of party funding; Evaluation round IV: Prevention of corruption in respect of members of parliament, judges and prosecutors.

[3] These figures provide a snapshot of the situation regarding the implementation of GRECO's recommendations at the time of formal closure of the compliance procedures. The country may therefore have implemented the remaining recommendations after the formal closure of the compliance procedure. For update please check the GRECO website: https://www.coe.int/en/web/greco/evaluations/greece.

[4] Rule 34 provides for an ad hoc procedure which can be triggered in exceptional circumstances, such as when GRECO receives information concerning institutional reforms, legislative initiatives or procedural changes that may result in serious violations of anti-corruption standards of the Council of Europe.

document in the anti-corruption fight since 2013. It was updated in 2015 and then in 2018 to cover the period until 2021. A new NACAP for the period 2022-2025 is under preparation – for more details on the NTA and the NACAP, see paragraphs 46 to 52.

15. According to the 2019 Special Eurobarometer, 95% of respondents think that the problem of corruption is widespread in Greece (EU average: 71%), 91% strongly perceive corruption in public institutions (EU average: 70%) and 9% have experienced or witnessed a case of corruption (EU average: 5%).

16. Over half of the respondents of the 2019 Special Eurobarometer (58%) think that bribes and abuse of power are widespread among politicians. These results can be interpreted as a direct consequence of the public scandals that came to light following the 2008 financial crisis. In the 2019 Flash Eurobarometer[5], companies appear to be rather pessimistic as regards the criminal justice response to corruption, especially involving high-level or senior officials, with only 20% considering that people caught for bribing a senior-official are adequately punished. In general, 32% of respondents think that people engaged in corruption are likely to be caught by police, 37% that they are likely to face charges and go to court and 34% that significant sanctions will be applied - all below the EU average.

17. More recently, a corruption case in the healthcare system has put into question the integrity of several public leaders who are being investigated over accusations of having accepted bribes from the Swiss pharmaceutical firm Novartis in return for patronage. The 2019 Eurobarometer reveals that 81% believe that bribery in the healthcare system is prevalent (EU average: 27%).

[5] 2019 Flash Eurobarometer 482: Business' attitudes towards corruption in the EU.

IV. CORRUPTION PREVENTION IN CENTRAL GOVERNMENTS (TOP EXECUTIVE FUNCTIONS)

System of government and top executive functions

System of government and status of persons with top executive functions

The President

18. Greece is a parliamentary democracy with a multiparty political system. The President of the Republic, who is the Head of State, is elected every five years by the parliament through vote by roll call in a special session and can be re-elected once. The powers of the President are only those that are strictly conferred by the Constitution and concurrent laws. Moreover, no act of the President of the Republic is valid or may be executed unless it has been countersigned by the competent minister and published in the Official Gazette. Very limited exceptions (closed-list) apply to this general principle: (a) the appointment of the Prime Minister, (b) the assignment of an exploratory mandate in order to ascertain the possibility of forming a government enjoying the confidence of the parliament, (c) the dissolution of parliament if the Prime Minister or the Cabinet fail to countersign, (d) the return to parliament of a voted bill or law proposal, and finally, (e) staff appointments to the administrative services of the Presidency of the Republic.

19. The President (in strict compliance with the principle of countersignature) represents the State internationally, declares war, concludes treaties of peace, alliance, economic cooperation and participation in international organisations or unions and announces them to the parliament with the necessary clarifications, whenever the interest and the security of the State thus allow. S/he may confer decorations in accordance with the provisions of the relevant laws, supply and receive letters of credentials to diplomatic staff, etc. S/he may grant pardons, commute or reduce sentences, but only pursuant to a recommendation by the Minister of Justice and after consulting with a council composed in its majority of judges. S/he can also grant a pardon to a convicted minister for criminal offences committed during the discharge of their duties, but only with the consent of parliament. The President is also the symbolic Head of the Armed Forces and confers ranks on those serving within in, as specified by law.

20. GRECO agreed that a head of State would be covered by the 5th evaluation round under the "central government (top executive functions)" topic where that individual actively participates on a regular basis in the development and/or the execution of governmental functions or advises the government on such functions. These may include determining and implementing policies, enforcing laws, proposing and/or implementing legislation, adopting and implementing by-laws/normative decrees, taking decisions on government expenditure and taking decisions on the appointment of individuals to top executive functions.

21. The GET notes that the functions of the Head of State in Greece are to a large extent of a formal, representative and ceremonial nature and s/he does not actively and regularly participate in governmental functions. Moreover, his/her powers are strictly restricted (and are generally subject to the requirement of countersignature), and s/he is excluded from direct and active involvement in policy-making. It therefore follows that the functions of the

President of Greece do not fall within the category of "persons entrusted with top executive functions" (PTEF) as spelt out above.

Members of government

22. Executive power thus lies with the government, headed by the Prime Minister. The government consists of the cabinet, which is made up of the prime minister and the ministers, alternate ministers, and deputy ministers. The cabinet is collectively responsible to parliament for the general policy of the government.

23. The Prime Minister guarantees the unity of the government and directs its actions; he/she exercises executive power by identifying government policy within the framework of cabinet decisions and coordinates its implementation. The Prime Minister is appointed by the President of the Republic to the leader of the party that holds the absolute majority of the seats or who is nominated by an alliance of parliamentary parties with a majority in the house (in the absence of an absolute majority, the law provides for means to form a coalition, or even a so-called "universal", government).

24. The Prime Minister may propose the passage of draft laws to the parliament and ask for a vote of confidence. S/he represents the government abroad. The Prime Minister proposes the appointment and termination of service of the members of the cabinet, ministers and deputy ministers. By decision, he/she assigns responsibilities to ministers and deputies without a portfolio. By joint decision with the minister responsible, he/she assigns responsibility to deputy ministers. In addition, the Prime Minister oversees and evaluates the work of members of the government and supervises the implementation of laws by public sector agencies and their operation. Since 2019, the Prime Minister is assisted by an executive unit: the Presidency of the Government, which supports him/her and assures coherence and effectiveness of government work.

25. There is no maximum number of ministers, but no ministry can have more than three alternate ministers and deputy ministers. Moreover, the number of alternate ministers may not be more than one per ministry. All ministers serve at the discretion of the Prime Minister and can be reshuffled or dismissed for any reason. Currently, there are 17 male and two female ministers. There are also two alternate ministers and 27 deputy ministers, including three women. Accordingly, in the current government, female representation is at 10%. In this connection, the GET calls the attention of the Greek authorities to Recommendation Rec(2003)3 of the Committee of Ministers of the Council of Europe to members states on balanced participation of women and men, which outlines that the representation of either women or men in any decision-making body in political or public life should not fall below 40%.

26. As to impediments to appointment, persons: (a) who have been convicted or referred by a final order (of the judicial council) for a crime; (b) who have been deprived of their civil rights as a result of a conviction and for the period of time that the deprivation is issued; (c) who are subject to a prohibition of appointment, cannot be members of government (Article 69, Law 4622/2019).

27. The government meets as the Council of Ministers, which is convened by the Prime Minister once a month; extraordinary sessions may occur, whenever necessary, at the invitation of the Prime Minister. Deputy ministers are not members of the Council of

Ministers, but the Prime Minister may invite them to participate without the right to vote. The Council of Ministers defines and directs the general policy of the country, decides on political issues of a general nature, decides on any matter of competence of collective governmental bodies or on any matter of competence of one or more ministers referred to by the Prime Minister (the relevant decisions of the Council of Ministers replace the decisions of the competent bodies), and exercises all other powers provided for by the Constitution and other laws.

28. The Council of Ministers may also decide on the establishment or/and abolishment of collective bodies, committees and working groups; such decisions must be issued on proposal by the Prime Minister and published in the Official Gazette. In this connection, committees may be established to handle specific government policy issues, which require special management and systematic monitoring. They are composed of members of the Council of Ministers and/or State Secretaries, as well as public officials and other experts (e.g. academics) in the related field. For example, the Minister of Health set-up, on 23 February 2020, a National Committee for the Protection of Public Health against COVID-19. The GET observes that, for public accountability purposes, the current system for the establishment of this type of committees, would benefit from some further legal precision on the formal substantiation of their necessity, membership (including regarding the engagement of ad-hoc experts), and budgetary implications. The relevant procedures and outcomes should be fully transparent and accessible.

29. In the event of disagreement in the Council of Ministers, the Prime Minister puts the matter for an open and absolute majority vote of the members present (in the event of a tie, the Prime Minister has the casting vote). If more than two opinions were delivered in the vote without the required majority being formed, the Prime Minister invites those who were in favour of weaker opinions to join one of the prevailing opinions. Once the meeting has been completed, an official press statement of the issues raised in the Council of Ministers, and the decisions taken, is released. The official minutes of the Council of Minister are registered in the Official Journal of the Council of State. Finally, decisions may also be taken by the Prime Minister, the ministers individually (ministerial decisions) or jointly (joint ministerial decisions).

Politically appointed personnel

30. In addition to the members of government, there is politically non-permanent appointed personnel, as provided by law (Article 46(1-6), Law 4622/2019) – hereinafter political advisors. There are two types of political advisors: (i) associates and (ii) special advisors. The positions of associates are covered by (i) individuals, who occupy exclusively non-permanent positions, through recruitment; (ii) public officials, under a public or private law working relationship of indefinite duration, who serve in public sector entities, through secondment; and (iii) by advocates, with a salaried mandate by the State, who serve in public sector entities, through secondment. Their number is specifically capped by law and may only be increased by decision of the Council of Ministers, issued following a specific reasoned proposal by a member of government and published in the Government Gazette. The authorities confirmed that a strict approach is followed in this respect and derogations have not occurred to date. Their pay is calculated in line with the salary scale in the public service (see also paragraph 43). Their term of office ceases at the end of the mandate of the

minister/deputy minister who appointed them; termination does not give rise to any right to compensation.

31. The law also provides for special advisors (Article 46(7), Law 4622/2019) to a maximum of two per office. These persons are distinguished experts in a specific subject matter and are to be recruited by the corresponding decision of the relevant government members published in the *Official Gazette*. They do not receive any salary, allowance, or other financial gain, except travel expenses. They are recruited for a specific period of time and their mandate ends when the assignment for which they were hired is completed.

32. The posts of political advisors are filled through a recruitment act signed by the appointing body, which is published in the *Official Gazette* and includes information on the post to be filled, the applicable salary scale, as well as any allowance for positions of responsibility and other benefits (Article 47(1-2), Law 4622/2019). The law establishes certain recruiting requirements, including (i) minimum qualifications: secondary school and a good knowledge on an EU language (Article 48(1), Law 4622/2019); (ii) general appointment requirements laid down for civil servants (with the exception of the upper limit for appointment): nationality, fulfilment of military obligations, good health conditions, clean criminal records, not having been dismissed from other public post (Article 48(2), Law 4622/2019, Articles 4-9, Code of Conduct of Public Officials); and (iii) impediments for appointment, according to which they cannot be recruited if they fall under an exclusion of those explicitly provided by law for entering public service and if the candidate for the post is spouse or partner or first or second degree relative of a member of government (Article 76, Law 4622/2019). The existence of the qualifications and the absence of any impediments for appointment must be attested by a solemn declaration; the services responsible for the recruitment of political advisors are required to verify all diplomas, certificates and other evidence of the staff recruited (Article 48(3-4), Law 4622/2019). The authorities indicated that the relevant recruitment decision is published both in the Government Gazette and in the *Di@vgeia* portal. As of September 2021, there were 520 political advisors.

33. If political advisors are recruited from the private sector, they can continue exercising their main profession (Article 76(2), Law 4622/2019). However, if they chose to do so, they must abide by certain rules of Law 4622/2019, particularly those regarding the requirement to perform official duties with integrity, objectivity, impartiality and social responsibility, act in the public interest and respect the rules of discretion and confidentiality (Article 71, Law 4622/2019), as well as preventing and declaring conflicts of interest (Articles 71(2-3) and 72(2-3), Law 4622/2019).

34. During the on-site visit, the GET discussed at length the status of political advisors. At the start, the GET recognises some valuable features of the system. There are legal arrangements on the number of political advisors that can work in each ministry (which the GET was told was being respected and that the government keeps centralised records) and their remuneration (which is calculated in line with the salary scale in the public service). Moreover, the law establishes recruitment requirements: minimum qualifications, impediments for appointment (which are aimed, *inter alia*, at preventing potential conflicts of interest because of family ties and at assuring clean criminal/serious discipline records). Additionally, the decision to recruit (with information on the post to be filled and the associated remuneration), as well as the final appointment decision must be published.

35. The GET however considers that more clarity is needed regarding the status of political advisors and the applicable corruption prevention framework. In this connection, the GET notes that in Greece the status of political advisors is somehow contradictory. On the one hand, they are partially covered by some provisions of Law 4622/2019, although they are not included in the exhaustive list of persons, including members of government and deputy ministers, which constitutes the subject scope of this law (Article 68, Law 4622/2019 – see also paragraph 85). On the other hand, they reportedly fall under public service rules (Code of Conduct, Code of Administrative Procedure and Manual on Good Administrative Conduct). When exploring how the rules on civil servants would actually apply to political advisors, the GET could see some notable differences, for example, in relation to recruitment and dismissal procedures (which are highly regulated in relation to civil service), incompatibilities, training, etc.

36. For the GET, the civil service status of political advisors is difficult to reconcile with their political role and their employment on the basis of trust. The authorities argued that these categories of persons do not have any form of executive power since they do not manage nor administer cases that fall within the remit of the services of the relevant ministry, nor they have the status of a superior authority for those services. Cabinets are responsible for the study of issues and the gathering of the data necessary to provide appropriate information, custody of correspondence, maintenance of protocol staff, care for communication with members of government, citizens, representatives of the social institutions and public officials in general and ensuring that ceremonial obligations are properly met (Article 45 (3) and (5), Law 4622/2019). The GET notes that, whilst political advisors may not be vested with executive powers *stricto sensu*, they do have executive functions as they either participate directly in decision-making regarding public policies or have a decisive influence in their development given the position they hold. Therefore, in accordance with GRECO's practice, ministerial associates and special advisors are to be considered as PTEF in the sense of this report.

37. Hence, it is essential that the transparency and integrity requirements for political advisors are adapted to the nature of their mandate and their specific responsibilities, and thus, equivalent to those applied to other political appointees with top executive functions. Particular attention must be paid to some conflict-of-interest prevention related obligations, some of which are currently not applicable (or not fully applicable) to political advisors, but which bear primary significance for them, including on contacts with lobbyists (paragraph 74), ethics and conflict of interest related provisions (paragraphs 56, 93, 95, 96, 97, 98, 100 and 114), revolving doors (paragraph 104), as well as the coverage of asset declarations and the applicable publication requirements (paragraph 110). Likewise, it will be important to ensure that they are offered adequate training opportunities (upon recruitment and at regular intervals) and advisory channels on ethical dilemmas (paragraph 58). **GRECO recommends that the legal status and obligations of political advisors be clarified and thoroughly regulated to subject them to the highest standards of integrity, including as regards rules of conduct, conflicts of interest and financial disclosure obligations.**

38. Moreover, additional steps need to be taken to enhance transparency of their appointments. Although, individual appointments are advertised as they occur in the transparency portal, it would be preferable that this information is systematised and made more easily accessible on-line, so that the public can have a holistic overview of the number, remuneration, and functions of political advisors, including regarding information on the main

job/ancillary activities, given that political advisors can continue exercising their profession and some of them work pro-bono (special advisors). **GRECO recommends that for the sake of greater transparency the names, functions and remuneration (for the tasks performed for the government) of political advisors, as well as information on ancillary activities (when those are carried out), is disclosed in a way that provides for easy, appropriate public access on-line.**

39. It is to be noted that the recommendations that follow later in this report, which are addressed to all persons entrusted with top executive functions, also comprise political advisors under their scope, as appropriate.

Non-politically appointed personnel: high civil servants

40. Finally, permanent secretaries are the highest civil servants at ministry level. They are entrusted with a smooth and efficient administrative and financial operation of the ministry. The position of permanent secretary is not a political appointment: the person appointed comes from the civil service and is selected by the Supreme Council for Civil Personnel Selection (ASEP), which is an independent authority. The term of office of permanent secretaries is limited to three years and is renewable once to three additional years. It is recalled that civil servants have already been evaluated within the framework of GRECO's Second Evaluation Round.

Remuneration and other advantages

41. Ministers receive a monthly remuneration amounting to 5 135 EUR. Such compensation is taxed under the generally applicable tax rules, except for a special portion (880 EUR), that is not taxed. Ministers who are also members of parliament (MPs) additionally receive parliamentary allowances (e.g. travel allowances, postage fee, office organisation costs, etc.)[6].

42. The salaries of high-level civil servants are determined according to the provisions of the Uniform Payroll Law[7], solely based on their status and the increased level of duties of their respective positions, as indicated in the table below. Family allowances may also additionally apply.

STATUS	RENUMERATION (in EUR)		
	Basic Salary	Responsibility allowance	TOTAL
Secretary General	3 231	1 400	**4 631**
Administrative Secretariat	3 231	1 400	**4 631**
Special Secretary	2 800	1 150	**3 950**
First Degree Special Posts	1 960	600	**2 560**
Second Degree Special Posts	1 820	550	**2 370**

[6] Information on the compensation of MPs is publicly available at the parliament's website: https://www.hellenicparliament.gr/userfiles/f3c70a23-7696-49db-9148-f24dce6a27c8/VoulApozNew.pdf.

[7] It is based on a series of 36 salary scales according to employee category. Each scale is broken down into 18 levels, each one with a base salary set by law.

43. The same goes for all other high-level officials, as per the table below. Family allowances may also additionally apply.

STATUS / POST	TOTAL RENUMERATION (in EUR)
Head of Cabinet	2 604
Non-permanent staff - PhD graduates	2 036
Non-permanent staff – holders of a master's degree or National School for Public Administration and Local Government graduates	1 918
Non-permanent staff - holders of a degree of higher education	1 800

44. The annual State budget is available online at the website of the Ministry of Finance. It includes details on appropriations per ministry and expenditure category. The Greek budget in the expenditure part is executed using approved credits. During the execution period, the decision for the use of the amounts in each budget code is made by the authorising officer, i.e. the minister him/herself for the use of the budget in the ministry under his/her responsibility. A procedure is in place, which involves the General Directorate of Financial Services (GDFS) to provide for transparency and accountability of the minister's decision, which is published online at *Di@vgeia*.

45. Moreover, the Court of Audit is responsible for external (including *ex ante*) audits. Additional control requirements apply in relation to the so-called classified expenses or contingency reserves. In sum, the relevant ministers' decisions on expenditure are limited as per legislation, including through the establishment of upper limits and auditing processes.

Anticorruption and integrity policy, regulatory and institutional framework

46. The National Transparency Authority was established in 2019 with a view to streamlining anti-corruption policy (Law 4622/2019 on the Organisation, Operation and Transparency of the Government, Government Institutions and Central Administration). This move constituted the catalyst for a radical organisational and operational modernisation of the five key public audit bodies (Inspectors-Controllers for Public Administration, General Inspector for Public Administration, Inspectors Body for Health and Welfare Services, Inspectors Body for Public Works, Inspectors-Controllers Body for Transport), as well as the General Secretariat of Anti-Corruption. The NTA is also designated the Hellenic Anti-Fraud Coordination Service (AFCOS) in collaboration with the Special Secretariat for Financial and Economic Crime Unit (SDOE).

47. The NTA aims to strengthen the national integrity and accountability framework by, *inter alia*, carrying out audits and investigations, developing strategies to prevent and fight corruption, and raising awareness on the impact of corruption on society and economy. The NTA operates in accordance with the principles of control, accountability, and transparency. It is structured into three key anti-corruption operational pillars: (i) corruption and maladministration audits and investigations; (ii) prevention and integrity policies; and (iii) awareness-raising and communication activities. The remit of the NTA does not only cover all public institutions (whether at central or local level), but also expands to private entities which have entered into contract, trade with, or are engaged in, any economic activity with public sector bodies.

48. The NTA enjoys functional independence and administrative and financial autonomy and is not subject to the control or supervision of government bodies, State institutions or other administrative authorities. A governance (check and balance) system is in place, which consists of (i) NTA Governor, who is the head of the organisation. S/he is appointed by the responsible committee of parliament and holds the following responsibilities: formulates NTA's strategic priorities, sets the operational framework and arrangements of NTA, represents NTA domestically and internationally, and exercises all NTA's competences that are not explicitly by law exercised by another body; (ii) Management Board, which is the supervisory body of the NTA consisting of the President and four other members appointed by the responsible committee of parliament. It approves the NTA's strategy, budget and annual action plan, it appoints the Audit Committee. The Board has no power to interfere in the investigation of specific cases; and (iii) Audit Committee, which oversees the proper functioning of NTA's internal control system and reinforces the independence of NTA's internal auditors.

49. A so-called Ethics Committee, within the NTA, addresses any matter referred to it by the Prime Minister for issues of ethics and conflict of interest prevention regarding top senior officials under the *personae* scope of Law 4622/2019; examines post-employment requests; may, on its own motion, review the application of the rules on ineligibility, incompatibilities and the prevention of conflict of interests of members of government, state secretaries, general and special secretaries, governing bodies of the public sector and non-permanent staff (Chapter 1, Part D on Transparency and Integrity, Law 4622/2019), as well as propose the imposition of sanctions, as applicable; shall be consulted when drafting codes of conduct for top senior officials under the *personae* scope of Law 4622/2019 or for other civil servants or officials of public administration, which are brought to it by the Prime Minister (Article 74, Law 4622/2019).

50. The NTA is accountable to parliament. It issues an annual activity report and may, in exceptional cases and upon request, submit to the Prime Minister and the President of parliament special reports on matters within its remit. The NTA collaborates with prosecutorial and judicial authorities, as well as with all other administrative authorities and institutions in matters of financial control, accountability, transparency and the fight against fraud and corruption.

51. The 2021 budget of the NTA amounts to around 8.5 million EUR (the budget can be modified according to operational needs). The law provides for the NTA to be staffed with 503 employees. The NTA continues recruiting additional personnel. In this connection, the NTA underscored that the challenge was not so much on the number, but on finding the appropriate capacities and specialisation for the positions to be filled. At the time of the on-site visit, these positions were distributed as follows: 321 for investigators-auditors, 57 for integrity experts, 12 for awareness-raising experts and 91 for experts working on IT, human resources, financial services and procurement, 4 for internal audit and data protection and 18 for strategic planning, project management and behavioural analyses. The NTA has a central office in Athens and six regional agencies in Thessaloniki, Larissa, Tripoli, Patras, Serres and Rethymnon, respectively.

52. The NTA is responsible for the implementation of the National Anti-Corruption Action Plan (NACAP). The first NACAP was issued in 2013, then updated in 2015, and the plan in vigour

covers the period 2018 to mid-2021. It touches upon several areas reviewed in this report, including lobbying, whistleblower protection, internal audit, the monitoring (and potential amendment) of codes of conduct – including that of members of government, the monitoring of financial disclosure, etc. Building up on the experience already gained with implementation of previous NACAP, a new strategy is in the making for the period 2022-2025. It was anticipated to the GET that the intention was to place heightened focus on high-risk sectors and activities. A fraud risk-management tool has been recently issued for risk mapping in public institutions.

53. The GET welcomes the establishment of the NTA and the attention paid by the authorities to the importance of a holistic coordination of its anti-corruption policy, an issue which had been identified, for years, as a key shortcoming of the system. As to the implementation of the NACAP (2018-2021), several of its programmed measures have been effectively met (including, for example, an amendment of the Constitution reviewing the immunity regime for MPs and members of government – see also paragraph 116). These positive efforts must also be saluted. That said, some important work still lies ahead. In this connection, the GET hopes that, as the new NACAP is designed, the recommendations contained in this report further contribute to the future roadmap for reform.

Ethical principles and rules of conduct

54. A Code of Conduct for members of government was issued in 2014. It contains provisions on confidentiality, delivery of files and access to them, good management, transparency and impartiality, gifts, and conflicts of interest prevention. In addition, the Code of Conduct for parliamentarians applies to those ministers who are also MPs. The Code of Conduct for parliamentarians, which is accompanied with a Manual for Compliance, as well as an enforcement and supervision system, was subject to review in the Fourth Evaluation Round and assessed as satisfactory by GRECO. Further, some ministries have developed their own codes of conduct, which apply to all persons working in that ministry (i.e. Code of Conduct of the Ministry of Finance). Also, NTA has developed a Code of Conduct for Internal Auditors, a Code of Professional Conduct for Inspectors and Auditors of the NTA, and a Code of Ethical and Good Administrative Behaviour of the staff of the NTA, all of which are publicly accessible[8]. As already described, the Ethics Committee of the NTA is to be consulted when developing codes of conduct in public administration (see paragraph 49 on responsibilities of the Ethics Committee).

55. The GET was told that as a way to reinforce ethics in public administration, sectorial codes were being developed, with a view to better tailoring them to the day-to-day challenges of each individual institution. The NACAP also establishes as one of its objectives the review of the Code of Conduct for members of government. The GET notes that the current Code does not have any associated machinery for its monitoring and enforcement. It further highlights that some of its provisions are not in line with the applicable legislative requirements on the very same issues which have been introduced by Law 4622/2019 (e.g. on cooling-off periods and procedural obligations to avoid a conflict of interest).

56. The authorities themselves recognised that the aforementioned Law had somehow superseded the Code, which in any case had never taken off, precisely because of the absence

[8] https://aead.gr/publications/manuals.

of teeth. Therefore, authorities were hesitant as to the value of updating the Code of Conduct for members of government. They were rather of the view that the comprehensive provisions of the Law 4622/2019 were sufficient to regulate conduct matters for PTEF. The GET understands that Law 4622/2019 sets in place a detailed integrity framework for PTEF (although it does not provide for a consistent coverage of political advisors, as already explained), which is coupled with enforcement machinery. However, the GET, sees merit in having a stand-alone Code of Conduct, separate and more user friendly (for its addressees, but also for the public at large) than the ethical provisions comprised in Law 4622/2019. Moreover, the GET notes that there are other additional conduct related obligations which have been incorporated in recent legislation, for example, regarding relations with lobbyists or the acceptance of gifts (Law 4829/2021). It would be preferable that all these conduct related obligations would be placed together, and explained through guidance and practical examples, in a comprehensive code of conduct which would complement the legislative arsenal for PTEF. Codes of conduct are meant to be living instruments, adjusted as new situations and dilemmas may arise in time, easily usable, and understandable by the targeted subjects. Accordingly, a recommendation follows in paragraph 58.

Awareness

57. No guidelines have been developed on the basis of the ethics and integrity obligations laid out in the Code of Conduct for members of government or Law 4622/2019. The GET certainly considers it useful to do so and thereby provide a more targeted, hands-on approach, to the type of practical dilemmas that may arise in the performance of daily routines and the expected standard of conduct (e.g. the reception of gifts and other advantages, contacts with third parties, self-recusal possibilities with respect to specific conflict of interest situations, misuse of insider information, position and contacts, etc.). The General Secretariat for Legal and Parliamentary Affairs of the Presidency of Government indicated it intended to develop FAQ and guidance materials, as well as training on the prevention of conflict of interest for PTEF, notably, by further exploiting the experience it had gathered with implementation of the reporting obligation to avoid conflicts of interest (see also paragraph 91). The authorities added that, every year, CIDA, along with the parliament, organise an awareness-raising training session for political representatives (parliamentarians and members of government) regarding financial disclosure, which also includes advise on conflict of interest related provisions (for example in relation to offshore investments, beneficial ownership, PEPs, etc.).

58. Moreover, the NTA reported on plans underway to establish integrity advisors in each ministry. These persons are entrusted with key functions in relation to the promotion of ethics and integrity issues, including by providing individualised advice, receiving reports on integrity breaches and supervising subsequent investigations on the matter, designing and coordinating training and capacity building activities, participating in the formulation of internal policies and the development of tools to enhance integrity and transparency, and proposing recommendations for improvement (Article 24, Law 4795/2021). At the time of the visit, a pilot project was underway for the establishment of integrity officers in the Ministry of Health, the Ministry of Sport and the Ministry of the Interior, and the authorities trusted that by the end of 2021 integrity officers would be appointed in the majority of ministries. This is all work in progress and it was not unequivocally clear whether PTEFs would be able to turn to these officers in case of ethical dilemmas. The GET was also told that political advisors could, in principle, benefit from the training offered to civil servants, although this had never

happened. The GET reiterates its concerns about the type of advice and training that should be in place for political advisors, which must be adapted to the nature of their functions (and which are more similar to those faced by members of government than by civil servants). In light of the foregoing considerations, **GRECO recommends that (i) a comprehensive code of conduct for persons entrusted with top executive functions be adopted (on issues such as contacts with lobbyists and other third parties, the prevention of conflicts of interest, gifts and other advantages, accessory activities and post-employment situations, disclosure requirements, etc.) and made easily accessible to the public, and (ii) that it be complemented by practical measures for its implementation, including written guidance, confidential advice, and training at the start of the term of office and on a regular basis thereafter.**

Transparency and oversight of executive activities of central government

Access to information

59. Greece has neither signed, nor ratified the Council of Europe Convention on Access to Official Documents (CETS 205). There is currently no dedicated freedom of information act in Greece. However, the Constitution provides for a general right of access. In particular, all persons are entitled to information, as specified by law. Restrictions to this right may be imposed by 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. Moreover, all persons are entitled to participate in the information society. Facilitation of access to electronically handled information, as well as of the production, exchange and diffusion thereof constitutes an obligation of the State (Article 5, Constitution). All persons have the right to be protected from the collection, processing and use by electronic means of their personal data as specified by law (Article 9, Constitution). Further legislation expands on the protection of personal data and private life, as well as on e-government.

60. Moreover, Law 2690/1999 on the Ratification of the Administrative Procedure Code and other provisions establish that interested persons have a right to access administrative documents created by government agencies. Law 4727/2020 on Digital Governance and Electronic Communications (Chapter C) establishes a personal identification number for every citizen, which is necessary for the mandatory verification of the persons' identity concerning his/her transactions in the public sector. Requests must be in writing and filed either in person (be personal appearance or by legal representation) or through electronic means. Administrative documents are defined as any document produced by a public authority, such as reports, studies, minutes, statistics, administrative circulars, responses, opinions and decisions. In addition, the law allows persons with a special legitimate interest to obtain private documents relating to a case about them. Documents relating to the personal life of an individual are not subject to the aforementioned law. Secrets defined by law, including those relating to national defence, public order and taxation cannot be released. By way of exception, documents could also be restricted if they relate to deliberations of the Council of Ministers, or if they could substantially obstruct judicial, military or administrative investigations of criminal or administrative offences. The competent authority is obliged to reply to a request for information for the supply of documents, particularly certificates, supporting documents and attestations, within a set deadline not exceeding 60 days (Article 10(3), Constitution). Individuals can turn to the Ombudsman, the NTA, and ultimately, to court to enact their right to information.

61. Open government data policy is a priority of the Greek public administration. Law 4305/2014 and Law 4727/2020 adopt the principle that public sector information should be "open by default". Greece has been a member of the Open Government Partnership (OGP) since 2011. It is currently implementing its Fourth Action Plan (2019-2022), which was amended in December 2020, taking into account the special circumstances caused by the COVID-19 pandemic, and incorporating new proposals from civil society organisations, companies and citizens. This amendment follows the recommendation of the Independent Reporting Mechanism (IRM) of the OGP to better ensure public engagement in the development of an open public data strategy. The IRM also called for increased efforts regarding further homogenisation of datasets, public procurement transparency (particularly in relation to COVID-19 emergency procurements) and whistleblower protection. Another important priority in the Plan is the establishment of open governance at local level.

62. Since 2010, Greece is operating an electronic platform, so-called *Di@vgeia*, to which all public authorities have to upload every administrative act, including, *inter alia*, appointment decisions, awards of grants, transfers of personnel and decisions on state subsidies to citizens. Pursuant to Law 4210/2013, no act is deemed to be valid, unless it is first uploaded and shown on the electronic platform. A nationwide human network of 4 600 project task forces is in place and the leaders of these task forces form a Joint Central Task Force, which supports the network, focusing on strong cooperation, solving common, problems, sharing best practices and collecting feedback. Further action has been/is being taken to assure a coherent approach to information storage and structure. Until recently, the available public datasets were scattered in different public websites and in various formats which did not always allow for their re-use. A centralised data repository has been designed; it allows, *inter alia*, for citizens to identify and vote for datasets which may be of value to them but have not yet been made publicly available. Finally, the online platform on Open Government provides information (and allows for participatory channels, as applicable) regarding (i) public recruitment (top and mid-level positions); (ii) public consultation regarding draft legislation; (iii) web laboratory that brings together experts from the technological community and institutions that manage information technology projects for the public sectors and citizens.

63. The GET notes in particular two aspects on access to information: one is the obligation for public authorities to collect, update and publish information (active information), and the other refers to the obligation on public authorities to respond to public requests for information (passive information). The GET acknowledges the resolute action taken by the authorities to comply with the active aspect of freedom of information (e.g. mandatory publication of laws and regulations, administrative decisions on appointments and transfers, award contracts, etc. on the *Di@vgeia* portal); the authorities must be commended for these accomplishments.

64. When it comes to the passive aspect of freedom of information, the assessment is less positive. There is no dedicated freedom of information law and most applicable provisions are to be found in the general Administrative Procedure Code. The GET believes that there is some scope for reviewing the applicable legislation and ultimately deciding whether the time is ripe to develop a dedicated law on this matter that also embeds provisions for its implementation – an aspect which is, in the GET's view, the most problematic issue. There are some requirements that could be limiting access to information. In this context, while the

Constitution enshrines a general right to information, the Administrative Procedure Code establishes that "interested" persons (rather than "any" person) can file information requests. The press indicated it had to be very precise when formulating a request; if the heading (title) of the case was not fully correct, access could be denied easily. Also, the GET considers that the 60 days deadline to answer information requests is rather long. While the GET accepts that there may be cumbersome/complex requests that could justify an extension of a deadline, this should be the exception rather than the rule, and thus, timeframes for responding should be substantially shortened. Further, there are no sanctions for non-compliance and there is limited support for those exercising the right of information. The Constitution established the right to economic compensation if the deadline to respond to information requests is not met, but the GET was told that effective compliance with this provision was challenging and generated potential for abuse, and so, ultimately, this provision was repealed in 2013. Finally, it is possible for a citizen to channel his/her request through the NTA, but the latter has no specified deadline to forward the request to the competent authority; this risks delaying even more the process.

65. As already hinted, the main problem in this area relates to implementation practices. In this connection, the Ombudsman statistics confirm that administrative silence (rather than actual denial) is a common pattern. The GET was provided with some concrete examples in this respect, also with reference to information held by PTEF (e.g. request for information regarding the relocation of minors from a refugee camp in Greece to other EU member States, which was denied by the responsible Greek minister, but which the relevant NGO received, half a year later, through a separate request to a third-country ministry involved in the case). The Ombudsman has no authority to compel a public administration to act, as it can only issue non-binding recommendations. Non-governmental representatives, with whom the GET met, also confirmed that they had to turn to court to satisfy their claims in this domain; this consumes time and resources (including associated legal costs). Access to information must be timely; this is particularly true for corruption prevention purposes. When the information comes late, it may serve little purpose. When information requests are effort and time consuming, filers are usually dissuaded not only in relation to their initial request but also for the future. This runs counter the spirit any freedom of information legislation.

66. The GET points at relevant practice of other member States, which potential has not yet been exploited in Greece, e.g. appointment of information officers, development of clear guidelines, internal system for recording requests, establishment of a specialised body to oversee implementation, further assistance to those exercising the right of information, sanctions and disincentives for inaction, effectiveness of appeal mechanisms, etc. Lastly, a change of mindset is needed across the line; this calls for targeted training to build a common understanding and application of freedom of information provisions, as well as public awareness-raising measures. The authorities are encouraged to take these valuable experiences on board when designing an effective implementation plan further facilitating access to information. The GET notes that Greece has not acceded to CETS 205 and encourages the authorities to do so in due time, as this could further pave the way for advancing implementation of freedom of information. **GRECO recommends undertaking an independent assessment on access to information requirements in order to adopt regulation, and the necessary implementation measures, that fully meet the standards of the Council of Europe Convention on Access to Official Documents (CETS 205).**

Transparency of the law-making process

67. A comprehensive reform of law-making procedures has taken place in recent years. In this connection, Law 4622/2019 is based on better regulation principles and techniques, with an emphasis on strengthening the role of impact assessments. Two detailed legislative methodology manuals (including a template for a comprehensive impact assessment) were issued in 2020, so that all responsible public entities follow a uniform way of action; they are available online. Starting from July 2020, all draft legislation submitted to parliament needs to abide by the rules and standards included in these manuals.

68. More particularly, mechanisms for citizen participation have been thoroughly regulated. Legislative initiatives are required to undergo an online public consultation process on the OpenGov.gr platform prior to being passed on to parliament for discussion. The law provides for deadlines and procedures to allow for public comments. The reference period for consultation is established at 14 days; it may be shortened to one week or extended for an additional week, on a recommendation of the relevant minister and approval by the Presidency of the Government, for duly justified reasons, which are mentioned in the report on the public consultation accompanying the arrangement (Article 61(2-3), Law 4622/2019). For the GET, it would have been preferable that the statutory timeframe for consultation was not subject to derogation on the basis of the decision of the responsible minister (even if justified), or that some indication was given in the law itself as to the reasons which would allow justification of derogation. The eventual shortening of the consultation period to one week is troublesome. Given that the rules have only been recently introduced, it is too early to predict how exceptions would operate in practice, and thus, the GET refrains from issuing a formal recommendation in this respect. The GET was assured that good practice was emerging: the average consultation period in 2018 and 2019 was eight and seven days, respectively; in 2020, the average consultation period was indeed 14 days.

69. There is a system to document the outcome of consultations: a final impact assessment report is issued and accompanies the law when it is submitted to parliament; it is also posted online and sent to all those who submitted comments. The authorities highlighted that, following these recent changes and improvements, public consultation is not just a necessary formal procedure, but it rather constitutes an essential stage of the legislative process. This step-by-step procedure for regulatory reform is coupled with a Westminster-style centralised body, the General Secretariat for Legal and Parliamentary Affairs, which acts as the "gatekeeper" of regulatory, parliamentary and legislative drafting quality. In addition, two intra-governmental committees: the Committee of Scrutiny of the Legislative Process and the Committee for Codification, assure regulatory quality for new bills and proper codification of existing legislation, respectively.

70. The latest amendments to the Constitution, in 2019, introduce the possibility of a civic legislative initiative, which can proceed once it reaches a threshold of 500,000 signatures. Finally, efforts are being made to limit recourse to fast-track procedures and emergency ordinances in the law making process, although this has proven challenging during COVID-19 times given the extraordinary circumstances and the needs at stake. However, Greece did not trigger a state of emergency during the pandemic and all relevant measures were taken following the normal legislative process.

71. The GET acknowledges the important efforts made by the Greek authorities in recent

years to increase transparency and facilitate public consultation when designing norms and policies. An online platform is available to this effect, deadlines and procedures are regulated, and evidence of the consultation performed is provided in a final report (which is submitted to parliament, made available online and, in any event, accompanies the given proposal). Furthermore, the system is coupled with dedicated monitoring. That said, the GET was told that once the draft law is put for public consultation, it is too late in the process to make meaningful contributions to it and that it is very rare that contents are modified on the basis of public comments. Some concerns were also expressed on-site regarding the so-called "overdue amendments" which are introduced in parliament without prior public consultation. Several interlocutors also expressed misgivings as to the type of consultations/contacts that may have occurred at earlier stages of the drafting process which could stay unreported, including information of the interests or/and justification that may had been at the origin of the legislative/policy proposal. Although the law establishes that the public consultation report sums up comments received, including information on those which have been accepted/rejected, some of the stakeholders interviewed felt that the feedback process was not fully satisfactory as, in their view, it did not provide sufficient information on the use made of submissions and their impact on final proposals.

72. In the light of the aforementioned concerns, the GET sees some room for improvement to avoid that public consultation procedures are seen as a "ticking the box exercise" and truly increase the potential of stakeholders to engage in the decision-making process. **GRECO recommends (i) facilitating early and relevant stakeholder engagement in policy/regulatory development; and (ii) establishing a legislative footprint tracking all external interventions from the beginning of the legislative process.**

Third parties and lobbyists

73. Rules on lobbying were enacted after the on-site visit, in September 2021. More particularly, Law 4829/2021 lays down provisions governing lobbying activities, including by placing obligations on both subjects lobbied and lobbyists. It further establishes a lobbyist register (so-called transparency register), as well as a supervisory and enforcement regime, which is entrusted to the NTA. The Law specifically foresees an obligation for PTEF to submit to the NTA an annual statement on their communication with interest representatives on the time of communication, the identity of the interest representative, the policy area and the type of decision (Article 5(e), Law 4829/2021). The NTA indicated that this information will be publicly available. Moreover, the Law also requires PTEF to refuse to communicate with interest representatives who are not registered in the transparency register (Article 5(b), Law 4829/2021). Given the recent adoption of the Law and the fact that, at the time of the visit, the authorities were at preliminary stages of its drafting process and they were still discussing policy options, the GET refrains from any conclusion on the potential effectiveness of the new rules which will largely depend on their practical implementation. At the time of the visit, however, some of the interlocutors interviewed regreted that the rules would only cover professional lobbyists (lobbying activities carried out for remuneration), thus, leaving out of their scope other vested interests (e.g. NGOs, trade unions, religious bodies, voluntary lobbying, in-house lobbying). The GET notes that the regulation of lobbying is a complex matter and there is no-one-size-fits-all model. Time and experience will prove if further adjustments are needed.

74. The authorities indicated that they are now in the process of developing an action plan for the implementation of the new rules on lobbying. In such a context, the GET considers it important that PTEF receive targeted guidance on the practical implementation of their obligations under Law 4829/2021, and the corresponding standards of conduct which can be expected from them, vis-à-vis their relations with lobbyists and third parties, including in respect of informal contacts that happen outside the workplace whenever someone is asking a PTEF because of his/her official capacity for a favour, or special access to information, meetings, etc. This will also help to reassure the public that an ethical approach to lobbying is understood and actively being applied. It will be important to ensure that this guidance refers to how PTEF engage in contacts not only with professional lobbyists, but also with other third parties seeking to influence governmental processes and decisions. This should be taken into account when implementing recommendation iii, paragraph 58. The GET further notes that implementation of recommendation v, paragraph 72 on legislative footprint will further assist in increasing the transparency on meetings that PTEF held with lobbyist and other third parties. Moreover, the GET underscores the relevance of comprising political advisors under the scope of such guidance given their proximity to ministers and first-hand experience of government business. This is an issue to be specifically addressed when implementing recommendation i, paragraph 37.

Control mechanisms

75. Parliament has, among other functions, to control the actions of the government. To do so, it has several instruments at its disposal, which are spelled out in the Constitution and subsequently regulated in detail in the Parliamentary Rules of Procedure. Primary means of parliamentary control typically include petitions, questions (including the so-called current questions), and interpellations; requests for the submission of documents; and ultimately, a motion of no confidence (censure motion). Individuals or groups of citizens may address parliament in writing to make complaints or requests on the action of government. Parliamentarians may endorse such petitions.

76. Parliamentary questions are the most frequent means of control in the Hellenic parliament. Ministers are required to reply within 25 days. In the event of failure to do so, the relevant question can, in any event, still be discussed before the plenary. In the same context, every parliamentarian has the right to raise an issue of current significance and address a question to the Prime Minister or the ministers, to which they may give an oral response. The Rules of Procedure of the House provide for the regular presence of the Prime Minister in the parliament to reply to current questions addressed to him/her. This procedure is informally called the Prime Minister's time. The Prime Minister may assign a minister to reply on his/her behalf. The discussion of current questions and, in particular, the Prime Minister's time, enjoy broad media coverage. Due to their topical nature, these means have been frequently employed by the opposition to address issues of national interest. It is noteworthy that during the first lockdown period of the COVID-19 pandemic (between 25 February 2020 and 27 April 2020), 62 current questions were answered (93% of the submitted questions).

77. The so-called secondary means of parliamentary control include inquiry committees, debates outside the order of the day and governmental reporting. The setting-up of inquiry committees has been a primordial means of control in recent years, notably, in relation to the economic and financial crisis. From 2010 to date, a total of 13 inquiry committees have been established (seven of them, in 2010, 2012, 2015 and 2017, had a direct link to the economic

downturn of Greece). Usually, these committees operate over a period of several months, their proceedings enjoy broad media coverage and their outcome may cause significant political and/or judicial turmoil for the persons/parties under investigation.

78. The Committee for the Investigation of Declarations of Assets (CIDA) is an independent, special body (not just administrative), which is responsible for anti-corruption control, transparency and integrity of the political system and its financing[9]. Its main role is to investigate and focus on incidents or suspicions of corruption related to politicians, members of government and the judiciary. To fulfil its role, CIDA works closely on anticorruption and integrity matters with all investigation bodies. The independence and effectiveness of CIDA relies on three key pillars: (i) independent composition (it consists of a majority of highest-level judges from all the three superior courts, along with heads of other controlling bodies - among which also the NTA governor - and a small minority of MPs; (ii) multiple distinct control levels (in relation to the supervision of financial disclosures, each declaration is controlled under a triple independent perspective: accounting, legislative-legal, and synthesis. Each one of them is carried out by sector certified specialists with the highest professional quality standards, who, for transparency reasons, do not contact each other when performing the relevant control, and all communication takes place through the special directorate); and (iii) administrative adequacy (CIDA operates under the administrative umbrella of the parliament, which assures administrative needs, as appropriate). According to the authorities, this multidimensional system of cross checking and controls provides further assurance for audit procedures to be transparent and independent from any (political or other kind of) influence. CIDA publishes (i) on a regular basis details of the financial interests of members of parliament and government and (ii) on a yearly basis a detailed report with the results of its audits. Both are available on CIDA's webpage inside the portal of the parliament. See also paragraph 108 for more details on CIDA's mandate regarding financial disclosure oversight.

79. The Council of State (which is modelled after the French Conseil d'état), as well as other administrative courts, exert retrospective control over "enforceable acts" of administrative authorities regarding their constitutionality and legality, with the exception of the so-called acts of government[10]. Judicial control includes both legislative decrees (so-called normative administrative acts) and individual acts (so-called individual administrative acts). The Council of State is also responsible for the *ex-ante* review of presidential decrees, including in relation to their constitutionality.

80. The Ombudsman monitors the activities of all persons/bodies carrying out functions within the public administration. The purpose of the investigations of the Ombudsman, which are either instigated at his/her own initiative or following a request, is to establish whether the acts and decisions of persons fulfilling the duties of the public administration follow the guiding principles of the administration.

[9] Rules on CIDA are contained in Article 29 of the Constitution, as well as in Laws 3023/2002 and 3213/2003.

[10] The so-called acts of government may be classified into three categories: (i) those concerning the relations between the President of the Republic with parliament and the government (e.g. decree dissolving the parliament and announcing elections, decree accepting the resignation of a minister or the government, decree proclaiming a referendum, etc.); (ii) acts declaring the mobilisation of the armed forces and granting grace; and (iii) acts relating to international relations of Greece with third countries.

81. The National Transparency Authority (NTA) is responsible, *inter alia*, for carrying out inspections and audits of the public sector. This responsibility is indeed a primary one for the NTA, which deploys around 70% of its personnel in such a task. The NTA is provided with broad inspection and investigative powers in this respect (e.g. visit premises – with or without notice, examine any person who is able to contribute to the audit, request information and intelligence, have access to files including confidential ones, request the assistance of other public authorities, etc.). Pursuant to its activity, the NTA issues recommendations and proposals to the body concerned. The implementation and fulfilment of these has a binding nature for the audited bodies, which shall, within two months of notification of the inspection/audit report, inform the NTA of the actions taken. In the performance of these control tasks, evidence may be found of criminal or/and disciplinary action, in such cases, the criminal/disciplinary bodies concerned are notified and the requisite coordination occurs thereafter.

82. Within the NTA, there is a so-called National Coordinating Body of Audit and Accountability, which is entrusted with (i) the identification of synergies and possible overlaps between control actions and anti-corruption initiatives; (ii) the design and implementation of joint actions in this area; (iii) systematic dialogue and exchange of views among all authorities, bodies and agencies involved in monitoring the action of public authorities and the fight against corruption; and (iv) the dissemination of good practices and innovative methodological approaches with the development of common standards and tools.

83. Finally, a system of internal control is foreseen by Law 4622/2019 (the basic features of this system are laid out in Article 39 of Law 4622/2019, as subsequently developed by Law 4795/2021). In particular, Internal Audit Units (IAU) are established, in close consultation with the NTA, in each ministry for the provision of advisory services to the minister with a view to improving the effectiveness of the relevant management processes and internal control procedures. More particularly, the IAU is to (i) monitor systems of governance and their practical operation; (ii) ensure proper and efficient risk management processes; (iii) assure the application of sound financial management; (iv) identify and investigate cases of misconduct. The IAU reports directly to the minister. The effective establishment and operability of IAUs is currently under development; at the time of adoption of the present report, IAUs had been established and were fully functional in all line ministries and in several large public law entities, such as municipalities, regions, universities and hospitals.

84. The NTA encourages the development of internal audit units in all public sector institutions by providing advisory support and expertise. In this context, the General Directorate for Integrity and Accountability of the NTA has developed its first Directive on Internal Control. The Directive provides guidance on how to articulate such a system and foresees three levels of responsibility for action (so-called “lines of defence”): (i) employees of organic units and their supervisors, who are directly responsible for daily operations and associated risks; (ii) general directors, who are responsible for financial management, procurement, information technology, security and risk management; and (iii) internal auditors, who are responsible for the independent audit of the first two levels.

Conflicts of interest

85. Law 4622/2019 comprises key provisions on transparency, integrity and accountability of top senior officials (Section IV, Articles 68 to 75, Law 4622/2019). The *personae* scope of

Law 4622/2019 covers (a) members of government (including deputy ministers); (b) general and special secretaries, coordinators of decentralised administrations; and (c) presidents of heads of independent authorities, presidents, vice-presidents, directors, deputy directors, administrators/governors, vice-administrators/governors, deputy administrators/governors; chief executive officers of legal persons governed by public law and private law, the selection of which is reserved to the government (Article 68, Law 4622/2019). The Ethics Committee, within the NTA, is to ensure appropriate implementation of these provisions. Further, a system of sanctions, namely consisting of fines or/and professional bans, is provided in the event of infringement (see also paragraph 114). Laws 3213/2003 and 3023/2002 the necessary procedures, methods and tools for the control of the financial interests, among others, of PTEF (see section later in this report regarding financial disclosure, paragraphs 105-116).

86. With particular reference to Law 4622/2019, it stresses the requirements of integrity, objectivity, impartiality, transparency, and social responsibility (Article 71(1), Law 4622/2019). It further defines conflict of interest as any situation where the impartial performance of duties is objectively affected. The impartial performance of public duties is affected in particular (a) by a benefit, whether financial or not, for the person himself/herself, his/her spouse or partner and relatives by blood or by marriage in the direct line up to the second degree, as well as any natural or legal person with whom there is a special link or special relationship, and (b) by damage, whether financial or not, for natural or legal persons with whom there is special hostility. In the event of a conflict of interest, there is a requirement to refrain from dealing with specific cases through an ad-hoc declaration to this effect (Article 71(2) and (3), Law 4622/2019).

87. The procedural obligations in order to avoid a conflict of interest are as follows: the persons covered by the Law shall submit to the Presidency of the Government, within one month of taking up their duties, an initial declaration with regards to (aa) all the professional activities pursued by them and their spouses or partners over the last three years, (bb) any participation by them and their spouses or partners in the capital or management of enterprises, in any form, (cc) a copy of the statement of assets in the last three years where they are already obligated, or, in any other case, of the initial declaration, (dd) any other activity undertaken by them or by their spouses or partners, whether paid or not, which may, in their judgement, create a situation of conflict of interests in the performance of their duties, (ee) a copy of their criminal record, and (ff) a solemn declaration that they have been informed of the limitations and obligations of the present chapter and of the competence of the Ethics Committee as well as a declaration of resignation from any right to challenge its decisions (Article 72(1), Law 4622/2019). In addition, members of government are required to also file a subsequent declaration to the Presidency of the Government on any later conflict of interest, as soon as they become aware thereof, and whether they are found in a situation of conflict of interest or not, whenever they are required to so (Article 72(2), Law 4622/2019).

88. The General Secretariat for Legal and Parliamentary Affairs of the Presidency of Government is the competent body for the effective coordination and implementation of the aforementioned procedural obligations in order to avoid a conflict of interest. It makes an evaluation of the case at stake and puts forward a recommendation to the Prime Minister for decision. The Prime Minister assesses the recommendation and proceeds accordingly: (a) if s/he deems that there is no conflict of interest, the case returns to the General Secretariat for filing; (b) If s/he deems that the matter needs further investigation, s/he refers the case,

accompanied by remarks, to the General Secretariat, which shall make its report to the person concerned. The latter can argue whether in his/her opinion a conflict of interest exist. If s/he considers that it exists, then replacement is automatically triggered. If, in the opinion of the person concerned, there is no conflict of interest, s/he must submit a timely, reasoned declaration in this respect. This negative statement is forwarded again to the Prime Minister, who shall take a final decision, although s/he may also refer the matter to the Ethics Committee of the NTA for advice; (c) if s/he deems that a situation of conflict of interest exists, replacement applies (Article 5, Prime Minister's Decision Y150/GG B 4550/12.12.2019). If infringements occur the case is referred to the Ethics Committee which is the responsible body to propose sanctions.

89. The General Secretariat receives declarations and keeps records. Declarations are submitted electronically via email; all information is kept in a confidential electronic file that meets security requirements and assures data protection (Article 4, Prime Minister's Decision Y150/GG B 4550/12.12.2019). It is the responsibility of the PTEF to evaluate his/her circumstances in relation to the rules and declare potential conflicts of interests to the General Secretariat, but it is also possible for the General Secretariat to receive indications from any other source (Article 5, Prime Minister's Decision Y150/GG B 4550/12.12.2019).

90. The Code of Conduct for members of government establishes that every member of government must (a) declare to the Prime Minister, when undertaking his/her duties, any conflict of interest. This conflict of interest must be resolved before taking up his/her duties; (b) report to the Prime Minister any conflict of interest the moment s/he becomes aware of it; (c) declare to the Prime Minister is s/he is in a state of conflict of interest or not, whenever asked (Article 6(2), Code of Conduct for members of government). As has been highlighted before, this provision of the Code is not fully in line with the new rules on the very same matter contained in Law 4622/2019. The authorities have indicated that, according to the Greek legal system, in case of contradiction, Law 4622/2019 prevails over the provisions of the Code.

91. The GET notes that Law 4622/2019 includes several central provisions regarding the prevention of conflicts of interest and an institutional framework for their implementation. Time and experience with the new law will help develop many of the new requirements it introduces, and some other which were in vigour before, but were not complied with. The authorities indicated that additional developments are expected in this area since, up to now, the conflict-of-interest prevention policy, has been squarely correlated to financial disclosure. Some of the initiatives, which were anticipated by the General Secretariat, referred to the issuing of FAQs, guidance documents and training focusing on a variety of scenarios and dilemmas. The NTA also mentioned its intention to develop a toolkit on conflicts of interest and was aware of the challenge of keeping under review emerging areas.

92. Notwithstanding these promising developments, the GET considers that some features of the system for reporting conflicts of interest deserve further adjustment. More particularly, the GET has misgivings about the decision-making role of the Prime Minister in this area. In the GET's view such stronger powers, and a more decisive role, should be left to the General Secretariat, and further steps should follow to enhance the understanding and expertise of the responsible personnel, so that they can better recognise conflicts of interest. Also, it is not clear who would be in charge of assessing conflict of interest declarations of the Prime Minister himself/herself. Similarly, nothing is said in the law as to publication of decisions in this area. With regards to the possibility for a citizen, or other institutions, to submit a conflict-

of-interest concern regarding a PTEF, the law allows for this, but it has never happened in practice. The GET notes that the absence of such an input may be explained by the fact that a complaint procedure has not been articulated (other than in respect of members of government who are also members of parliament)[11]. Lastly, the use of declarations of conflicts of interest for preventive/counselling purposes is yet to be exploited. There was some reported intention of the authorities to act in this direction, but, at the time of the on-site visit, this had not materialised in practice. **GRECO recommends that the system for managing conflicts of interest of persons entrusted with top executive functions be strengthened by (i) removing decision-making power from the Prime Minister and enhancing the competences of the General Secretariat for Legal and Parliamentary Affairs of the Presidency of Government; (ii) using declarations of conflicts of interest for counselling purposes; (iii) making disqualification decisions available to the public; (iv) articulating a complaint mechanism by the public or other institutions.**

93. Political advisors are covered by the Money Laundering Law 4557/2018; notably, they are considered political exposed persons (PEPs) (Article 3 (11) and (18)) or beneficial owners (chapter D) in the framework of the law (particularly, regarding the obligations established under Articles 11-19). These persons, among others, are obliged to declare their interests and also to be treated with due diligence. Their interests, according to the provisions of the same law, are also becoming public. The GET, nevertheless notes, that political advisors are not covered by the conflict-of-interest declaration regime laid out by Law 4622/2019 (as described in the preceding paragraphs) unless they carry out parallel activities. And even so, they would only be covered regarding the requirement of ad-hoc declaration, but not with respect to the initial statement that other PTEF must file within one month of taking up their duties. The GET is of the firm view that all political advisors (independently of whether they perform or not parallel activities) must be subject to equivalent conflict of interest prevention standards as those required for other PTEF. The GET is not convinced that the anti-money laundering regime fully supplements such standards. This is an issue to be dealt with when implementing recommendation i, paragraph 37.

Prohibition or restriction of certain activities

Incompatibilities, outside activities and financial interests

94. There is a strict incompatibility regime for members of government: they cannot exercise any professional or business activity, nor hold any public service or duty in any position in the public sector or in any public sector entity (Article 70 (1), Law 4622/2019). Moreover, members of government, general and special secretaries of ministries may not be involved directly or indirectly in the capital or management of so-called "off-shore companies" (Article 8 Law 3213/2003 - Participation in an offshore company), but also to conduct stock market transactions (Article 32 Law 2843/2000 combined with Article 13 of Law 3213/2003).

95. In turn, as already indicated, political advisors can carry out parallel activities. In the case of special advisors, such a system is understandable, since they perform part-time work/ad-hoc tasks and are not remunerated. Even so, it is important that information on their

[11] In respect of members of government who are also members of parliament, any citizen can submit a request or complaint to the parliament. Regarding the financial interests of such persons, pursuant to Law 3213/2003, anybody can submit a complaint or suggestion to the CIDA Secretariat, which has a special mechanism to handle these.

main job/activities is available to the public. Regarding associates (full time remunerated political personnel) this situation is more problematic. The authorities indicated that the "bad practice" of parallel activities in such cases was being abandoned. The GET considers that secondary positions and occupations can cause real questions of partiality and concerns for conflicts of interest; they can also impede one's full ability to carry out official duties either through the time those activities take or that they create a need to recuse from official matters. This is an issue to be specifically addressed when implementing recommendation i, paragraph 37.

Contracts with state authorities

96. Members of government are not allowed to enter into any form of contract with the State or any other public sector entity which gives any benefit to them or third parties. This prohibition also applies to their spouses or partners, as well as to their dependent children. The prohibition also applies to any form of company or business in which those persons participate as the main shareholder or as a partner, limited or limited liability partner, or who retain the status of a senior manager (Article 70(4), Law 4622/2019). This ban is not applicable to political advisors, a situation which, in the GET's view, should be revisited when implementing recommendation i, paragraph 37 and recommendation ii, paragraph 38.

Gifts

97. The Code of Conduct for members of government establishes a ban on gifts, except for ordinary hospitality or small gifts of a ceremonial nature. These gifts are listed in a register kept at the Office of the Prime Minister (Article 8, Code of Conduct for members of government). Additional rules on gifts were introduced after the on-site visit in Law 4829/2021; they include, *inter alia*, some novelties regarding their scope (which cover the President, members of government and deputy ministers), a recording system, publication requirements and the establishment of a 200 EUR threshold for permissible gifts. A presumption is established that gifts over this threshold give rise to pertinent concerns; therefore, gifts and benefits above this threshold would need to be reported and justification on their acceptance provided. The authorities are called to look into this matter also in respect of political advisors, including in relation with implementation of recommendation i, paragraph 37.

Misuse of public resources

98. The Code of Conduct for members of government stresses that they must be guided exclusively by the public interest, managing the facilities and public resources entrusted to them by the State in a spirit of economy and in the most efficient and effective way (Article 4(b), Code of Conduct for members of government). For members of government who are also members of parliament, the provisions of Law 3023/2002 on Political Financing apply, notably, in relation to the use made of public subsidies during election campaigns; CIDA is responsible for performing the relevant control. With respect to political advisors, this is an issue which deserves further attention when implementing recommendation i, paragraph 37.

99. Additionally, the general penalties of the Criminal Code may apply, for instance in case of forgery (Article 216), forgery and misuse of fees (Article 218), theft (Article 372), embezzlement (Article 375), fraud (Article 386). In accordance with Article 1, Law 1608/1950,

on the "Increase of sanctions applied to misusers of public resources", a series of aggravating circumstances are foreseen where the offence adversely affects the public sector or legal entities thereof or certain other legal entities and the benefit achieved or intended by the perpetrator or the damage caused or threatened against the public sector or the aforementioned legal entities exceeds 150 000 EUR (the punishment is then imprisonment from five to twenty years). Where other aggravating conditions occur, especially if the perpetrator repeatedly and for a long period of time committed such offence or if the object of such offence is of a significantly high value, life imprisonment shall be imposed.

Misuse of confidential information

100. Law 4622/2019 establishes a requirement to obey the rules of discretion and confidentiality in respect of matters which have come to knowledge in the performance of official duties (Article 71 (2), Law 4622/2019). Likewise, the Code of conduct for members of government establishes a primary obligation of confidentiality (Articles 2 and 7, Code of Conduct for members of government). It also refers, in particular, to the requirement for members of government to avoid their involvement, in any way, in financial transactions, or to disclose to third parties or to use sensitive information of financial information, which they may have acquired in the exercise of their duties or on the occasion thereof (Article 7, Code of Conduct for members of government). In addition, the general provisions of the Criminal Code on violation of State secrets apply (Articles 146 and 147, Criminal Code). The GET considers that, in connection with implementation of recommendation i, paragraph 37, attention must be paid to the applicable rules/guidance regarding the use by political advisors of confidential information obtained through their work for the government.

Revolving doors

101. Law 4622/2019 sets in place a post-public employment reference framework by which the top senior officials covered by Law 4622/2019 are required, for one year after leaving their post for any reason, to obtain authorisation for any professional or business activity related to the activity of the entity to which they were appointed, in so far as this may give rise to a conflict of interest. Such a situation exists, especially: (a) through the provision of services, by any legal relationship, to a natural or legal person governed by private law in Greece or abroad or (b) through their participation in the capital or management of the above legal persons, except for in the case of the acquisition of shares, or other rights by way of inheritance (Article 73, Law 4622/2019).

102. The Ethics Committee, within the NTA, is responsible for granting this permission (or for allowing this activity under specific conditions) and, in the event of breaches, for proposing sanctions within the framework of the law, to be imposed by the Head of the NTA. The reasoned decision of the Ethics Committee must be issued within one month. During this period, the person must refrain from exercising the activity to which the application relates. Where the Committee has not taken any decision within the deadline set, the authorisation shall be deemed to have been granted. The Committee may ask the applicant for the additional information it deems necessary for its decision. The Committee may set reasonable compensation during the temporary disqualification period. The final decision is published in the NTA's portal. The sanctioning system is that provided for other infringements of the relevant transparency and integrity framework established by Law 4622/2019, i.e. fines or/and professional bans (see also paragraph 114 on sanctions).

103. The GET notes that the revolving door standard has been recently reviewed and, at the time of the on-site visit, there was virtually no experience with its application. The cool-off period has been shortened from two years to one year. With respect to this change, the authorities explained that the two years cool-off period was established in the Code of Conduct for members of government, but, since there was no implementation practice in this respect, there was no evidence that would justify that such timespan was the proper standard to be applied. The recently adopted Law 4829/2021 introduces a longer cool-off period (18 months) for lobbying activities. The GET understands that in terms of the cooling-off period, length is less important than whether the limits are effective in preventing and managing conflicts of interest. The right balance must be sought between fostering public integrity and supporting a flexible labour market. The GET notes that most GRECO members reviewed to date in the Fifth Evaluation Round establish longer cool-off periods for PTEF - the most common timeframe generally stands at two years. In the GET's view, given PTEF's exposure to decision-making, the one-year period risks to be short to be an effective conflict of interest prevention tool. The GET was further told that the issue of revolving doors is indeed quite topical in Greece. The media has revealed on several occasions the existence of a direct relationship between the activity performed by the PTEF while in office and the new competencies acquired in the private sector thereafter.

104. The GET also notes that the post-employment rules do not apply to political advisors. Lastly, nothing is said regarding conflicts of interest of a current PTEF that may arise from his/her activities prior to government service, such as the interests of a former employer, a former client, or an ongoing matter in which the PTEF had been substantially involved before coming into government. Accordingly, the GET sees merit in strengthening and adapting some aspects of the revolving door standard. Moreover, as experience with the law evolves, new areas may need additional regulation. Therefore, it will be particularly important to closely monitor implementation of and experience with the newly established legislative provisions. The Ethics Committee has so far received three cases. One of these cases has resulted in the imposition of the post-employment term restriction; more specifically, the Ethics Committee decided that the applicant had to refrain from concluding any contract between the company that he intended to set up and the public bodies which had been, until recently, under his supervision. **GRECO recommends that the post-employment regime be reviewed in order to assess its adequacy and that it be strengthened by broadening its scope in respect of persons with top executive functions.**

Declaration of assets, income, liabilities and interests

105. Pursuant to Law 3213/2003, as amended, all PTEFs (including political advisors) are required to file financial reports upon assuming their position, and then, on an annual basis, while in office. This information must also be declared for their spouses, or persons with whom there is a cohabitation agreement, as well as underage children (Article 1, Law 3213/2003). Following completion of the public function duties, the reporting obligation for members of government extends to three years, while for political advisors it is just one year. There are two types of forms (i) declarations of assets and (ii) declarations of financial interests. PTEFs must submit their declarations electronically; however, the obligation to have the declarations posted on-line only applies to members of government (and members of parliament, as already analysed in the Fourth Round concerning this category of persons).

106. Regarding asset declarations, these cover a) income from any source during the last three years; b) income from any source in the current financial year (i.e. 2013 for the declarations to be filed in 2014) – a column also refers to "financial aids, loans, heritage etc."; c) real estate property and proprietary rights[12]; d) shares of domestic and foreign companies including bonds, any debentures, mutual funds, financial derivatives; e) financial deposits (at banks, savings banks, other domestic or foreign credit institutions; f) vehicles / vessels (land, air and sea); g) participation in any kind of enterprises (including name of business, type of participation, year of commencement, amount of capital contribution and share of participation). The tables require that where relevant, the origin of assets used for the acquisition is mentioned. Political advisors are not legally required to declare their liabilities (whether in Greece or abroad), although they may do so at their own discretion (the corresponding form allows for such a possibility).

107. Declarations of financial interests comprise a) professional activities; b) participation in the management of any kind of legal persons and companies, associations and non-governmental organisations; c) any regular remunerated activity undertaken in parallel with the performance of duties, either as public officials or as self-employed; d) any occasional remunerated activity (including writing activity, tenure or counselling) undertaken concurrently with the exercise of duties, if the total remuneration exceeds 5 000 EUR per calendar year; e) participation in a company or consortium, where such involvement may have an impact on public policy or when it gives to the subject person the possibility of significant influence over affairs of the company or consortium; f) in the case of persons serving in an elected public office, any financial support from third parties, in personnel or in material resources, allocated in connection with their public activities, given the identity of the third parties, if the total value exceeds 3 000 EUR; g) any specific financial interest that caused immediate or potential conflict of interests in connection with the official duties (this provision is then followed by the definition of conflicts of interest mentioned earlier).

108. The competent bodies for checking financial disclosures of PTEFs are: the Committee for the Investigation of Declarations of Assets (CIDA)[13] for members of government (which assigns auditing of financial declarations to an independent, external pool of professional auditors serving under oath) and the Greek Anti-Money Laundering Authority (AML)[14] for political advisors. These bodies examine whether the PTEF who declares used his/her authority or position to gain personal advantage, benefit, or profit. To have a clear picture on this regard, they audit, among other evidence, the correctness, legitimacy and accuracy of the reported items, as well as the corresponding annual variations, by cross-checking the

[12] Including information on the status, location, surface of land/constructions, year of acquisition, way of acquisition, share of proprietary rights, price paid (or collected)

[13] CIDA is an independent investigation body which is responsible for the oversight and sanctions on political entities' (such as parties and persons) financing, and on asset declarations. It has a multidisciplinary composition, including three members of parliament (one of them, a Vice President of the parliament chairing the Committee), one Supreme Court Judge, one councillor of the Court of Audit, a senior member of the Bank of Greece and the President of the FIU. Seven substitutes are appointed similarly. CIDA is supported by a special service operating under the authority of the Chair and composed of members designated by the Speaker of the Parliament, who may also be seconded by State bodies.

[14] The Hellenic AML Authority consists of three individual and autonomous Units: Unit A-The Financial Intelligence Unit (FIU), Unit B-The Financial Sanctions Unit, Unit C-The Source of Funds Investigation Unit (SFIU). These three Units have dinstict responsibilities, staff and infractructure and a common Chairman. The Source of Funds Investigation Unit receives and audits the Declarations of Assets and Declarations of Financial Interests of certain categories of obliged persons, including political advisors (Articles 47 and 48, Law 4557/2018).

submitted documentation and data against that held by other public authorities and private institutions[15].

109. GRECO issued two recommendations in the Fourth Evaluation Round to improve the financial disclosure system applicable to MPs (which is the one that also applies to members of government). They related to the categories of items to be disclosed (in particular, debts and liabilities) and the operability of CIDA. In the corresponding compliance process, both recommendations were considered satisfactorily implemented. Given the recent establishment of CIDA, GRECO encouraged it to further develop its activity in order to carry out substantial control of the content of asset declarations. The OECD has also been assisting Greece in strengthening its asset declaration framework both in law and in practice. Following successive reforms, the Greek financial declaration system is vested, today, with some strong features, including a reasonably broad coverage of economic and other interests, and the existence of an upgraded enforcement machinery, both in terms of the wide-ranging powers of oversight bodies and the varied array of possible sanctions in the event of infringement.

110. GET, however, notes that not all PTEF are subject to equivalent requirements. Political advisors are not required to report liabilities (although they may do so on a voluntary basis), their financial declarations are not published, and, once they leave office, they are only bound to report in the successive year (whilst the obligation for members of government extends to three years following the completion of the public function duties). Because the type of information available to them and the matters that they may be called upon to assist the minister can almost be as broad as the minister they serve, the GET considers that they must be subject to an equivalent level of disclosure. This is a shortcoming to be specifically addressed when implementing recommendation i, paragraph 37.

111. Moreover, the powers and the system of verification of the different oversight bodies vary. In this connection, the GET heard concerns on too divergent methodologies, powers and rigor in rolling out audits. The GET was also made aware of a change in legislation, which made no longer compulsory for CIDA to carry out an audit of bank accounts for members of government (and members of parliament)[16]. CIDA nevertheless indicated that, although not compulsory, it resorted to checks of bank accounts whenever it felt this was necessary. Recent initiatives to streamline implementation arrangements, relate to the development of a common procedural regulation in 2020, which establishes some minimum requirements (minimum number of cross-checks and audits)[17].

[15] It is to be noted that financial disclosure monitoring in Greece is entrusted to four different authorities (depending on the categories of officials to be audited): i) the Committee of Parliament for the Investigation of Declarations of Assets (CIDA), which is responsible for checking declarations of members of parliament and government; ii) Unit C of the AML (Anti-Money Laundering Authority), which is responsible for the audit of asset declarations of several categories of public officials, as well as for individuals performing management duties in specific private legal entities; iii) the Internal Affairs Unit of the Police, which is responsible for the audit of declarations of police officers, and (iv) the Head of the National Transparency Authority who is responsible for receiving and verifying the asset declarations of administrative control authorities (inspectors, auditors, investigators). Additionally, other oversight bodies can verify an asset declaration on an ad hoc basis, in case they received a complaint (e.g. the Court of Audit in cases of illicit enrichment).

[16] In derogation of the penultimate subparagraph of paragraph 1 of Article 3B of Law No. 3213/2003, which establishes that the use of the information collected, if required, by lifting banking, stock market, tax and professional secrecy is a prerequisite for the completion of any audit by CIDA.

[17] Single Regulation for Auditing Asset Declarations (GG B 3947/15.9.2020).

112. However, the GET considers that further initiatives can be taken to maximise synergies and enhance information exchange on best practice and lessons learned on the basis of the experience already gained by the responsible bodies. In particular, the GET believes that the positive experience, competence, and verification methods of the Anti-Money Laundering Authority can largely benefit other oversight bodies with responsibilities in this domain. Moreover, the GET highlights that the public can also play a decisive role in assisting with the identification of irregularities. The GET encourages the authorities to think expansively to that effect, with due respect to the rights of the declaring persons, including in relation to GDPR requirements. In the GET's view, and drawing on the experience gained in this area, further streamlining of the system and better coordination are desirable. **GRECO recommends further streamlining and strengthening the oversight of the declarations of assets and financial interests of persons entrusted with top executive functions.**

Accountability and enforcement mechanisms

Non-criminal accountability mechanisms

113. Members of government have political responsibility, collectively and individually, for their own acts or omissions, as well as for acts or omissions of the deputy ministers reporting to them and any other person under their supervision. The most extreme form of political responsibility is the motion of censure (also known as motion for withdrawal of confidence) of parliament against the government as a whole, or one of its members individually. Should a motion of censure be adopted, the Prime Minister resigns along with his/her cabinet. In case a motion adopted concerns an individual member of the government, then only this minister or vice-minister resigns. The threshold for instigating a motion of censure is quite low: any consideration justifying withdrawal of confidence may be invoked in such a motion. Members of government also have civil responsibility for acts and omissions not related to the discharge of their duties. In respect of acts related to the discharge of those duties, they are jointly liable with the State. Regarding administrative mechanisms for adherence to the transparency and accountability obligations under Law 4622/2019, the Ethics Committee of the NTA is competent, *inter alia*, for reviewing *ex officio* the application of the rules on ineligibility, incompatibilities, and the prevention of conflict of interests of the persons under the scope of the aforementioned Law, as well as proposing the imposition of sanctions (which are ultimately imposed through an administrative act of the Governor of the NTA).

114. Sanctions for breaches of the relevant transparency and integrity requirements under Law 4622/2019 consist of (a) the imposition of a fine of up to twice the total remuneration and all the allowances received during the term of office, which is certified and is directly collected as public revenue, in accordance with the provisions of the Public Revenue Collection Code. In the event of failure to pay the fine, the calculation period is extended, beyond tenure, for as long as the fine is not paid; (b) the prohibition of appointment to top management positions in the public sector for a period of up to five years from the finding of the infringement. The above penalties may be imposed cumulatively or alternatively (Article 75, Law 4622/2019). Regarding sanctions for breaches of financial disclosure obligations, these include fines, confiscation and imprisonment (up to ten years imprisonment and 1 000 000 EUR for high value cases). Penalties are also provided for third party accomplices and persons who have violated reporting requirements. Regarding statistics, to date, there has been no violation of the provisions of the recently introduced Law 4622/2019 which would have led the Ethics Committee to propose to the Governor of the NTA the imposition of sanctions under

Article 75; there have been, nevertheless, three cases regarding cooling off periods, one of which resulted in the imposition of a post-employment restriction, as already described. Statistics have also been submitted regarding breaches of financial disclosure obligations where more experience exists to date. CIDA reports that between 2016-2021, six cases of central government PTEFs were sent to the public prosecutors. Out of these cases, one of them was acquitted; two of them were convicted (one of them with a fine and another one with both a fine and imprisonment); for three of them the outcome is still pending. The GET considers that the sanctioning system described above, as coupled with criminal liability as described below, provides for a broad range of measures and a dedicated machinery to punish misconduct. Further, the GET did not come across any criticism on-site in this respect. Additional adjustments would nevertheless need to be made to cover political advisors; this is an issue to be specifically addressed when implementing recommendation i, paragraph 37.

Criminal proceedings and immunities

115. Provisions governing the criminal responsibility of ministers are provided for in the Constitution (Article 86), Law 3126/2003, and Law 4622/2019. They cover all forms of misdemeanour and felony offences committed by the Prime Minister or any member of the government in the discharge of their duties. It is immaterial whether the minister in question remains in the office or not. A special court is responsible for hearing this type of cases. It is expressly provided that in respect of criminal acts committed in the exercise of ministerial duties, there may be no prosecution, investigation, preliminary investigation or preliminary examination of the minister, without a prior decision of the plenary of parliament. The parliament's refusal to the prosecutor's request to lift the immunity is strictly limited to those cases which have immediate relevance to the exercise of the parliamentary duties; this would exclude corruption. When the criminal offence or misdemeanour was not committed during the discharge of ministerial duties, the charges would be heard by the regular criminal courts.

116. The GET notes that the constitutional provisions regarding the immunity regime for parliamentarians and of serving or former ministers were modified in 2019. Under the new regime, the scope of immunity is further limited, and it is to be lifted mandatorily if the request of the prosecuting authority concerns an offence that is not connected to the performance of the duties (or to the political activities) of the parliamentarian/serving or former minister. This move was welcomed by GRECO as compliant with the recommendation it had made in its Fourth Round Evaluation Report on Greece (cf. recommendation x, paragraphs 27 to 32 of the Fourth Evaluation Round, Second Compliance Report on Greece). The special statute of limitations has also been abolished, notably as regards the removal of the time limit for the parliament to adopt a motion for prosecution against serving or former ministers. The relevant provisions entered into force on 28 November 2019 and do not apply retroactively for pending cases.

117. Two specialised anti-corruption units are responsible for tackling corruption committed by politicians and high-ranking officials. The public prosecution service and the prosecution service in charge of economic crimes are supported by special investigative agencies, such as the Financial Economic Crime Unit (SDOE), the Financial Police and the NTA's Inspectors-Auditors. Following specific recommendations from the OECD, Greece is making efforts to equip the investigating and prosecuting authorities with adequate human and

technical resources[18]. The authorities have referred to two criminal cases involving two former ministers, which adjudication took place in the last five years, although the commission of the relevant offences had taken place before, in the 1990's and 2000s. One case relates to money laundering, for which the accused minister was punished to 19 years' imprisonment, and the other refers to the submission of an inaccurate declaration of assets which was sanctioned with four years' imprisonment. Both cases underwent trial in regular courts because the criminal acts were not performed within the exercise of the ministerial duties. Political advisors are criminally liable as per the rules which are applicable to any other Greek citizen; no information is available regarding corruption-related cases involving political advisors.

[18] OECD (2018): Phase 3bis follow-up: additional written report by Greece.

V. CORRUPTION PREVENTION IN LAW ENFORCEMENT AGENCIES

Organisation and accountability of law enforcement/police authorities

Overview of various law enforcement authorities

118. Law enforcement functions in Greece are carried out by several distinct authorities, each operating within their own area of competence:

- The Hellenic Police assumed its present structure in 1984, when the Gendarmerie and the Urban Police Forces were merged. It is administratively under the Ministry of Citizen Protection. Its mission is to (i) ensure peace and order, as well as citizens' unhindered social development - a mission that includes general policing duties and traffic safety; (ii) prevent and interdict crime, as well as to protect the State and the democratic form of government within the framework of constitutional order - a mission that also includes the implementation of public and state security policy; and (iii) prevent illegal entry and exit of foreigners in and out of Greece, and control of compliance with the provisions related to the entry, exit, residence and work of foreigners in the country - a mission that includes the implementation of foreigners and border protection policy duties. The police is also involved in dealing with emergencies resulting from natural disasters and accidents, or other type of disasters, in peacetime or war, as well as in cooperation with the Armed Forces to secure national defence.

- The Financial and Economic Crime Unit (SDOE), established in 1997, falls under the Ministry of Finance and is supervised by the Prosecutor against Financial Crime and the General Secretariat against Corruption. The mission of SDOE is the prevention, disclosure, suppression and prosecution of financial crime, fraud and corruption, dealing with illicit subsidies financed by national budget resources, illegal grants in the EU aid funds co-financed investment activities framework, in collaboration with OLAF and at national level, money laundering, intellectual property, cigarette smuggling, drugs and weapons trafficking, thus aiming to the protection of the national and the EU fiscal interests. Additionally, the National Asset Recovery Office for funds and assets deriving from criminal activity, operates within the SDOE.

- The Hellenic Coast Guard falls under the authority of the Ministry of Mercantile Marine, the Aegean and Island Policy. It is an armed corps, militarily organised, whose personnel has military status and is subject to the Military Penal Code. It performs multiple tasks, including police surveillance of ships, ports, coasts, territorial waters and borders, the protection of human life and property at sea, search and rescue at sea, safety of navigation, and protection of the marine environment.

- The Hellenic Customs Service falls under the Ministry of Finance. Its mission is to implement national and EU legislation, assess and collect excise duties and other taxes, assure compliance with the procedures and formalities on the movement of goods subject to customs control or supervision, investigate customs offences and impose administrative or penal sanctions, investigate fraud and smuggling. It also collects, processes, and evaluates information to combat the trafficking of drugs, weapons, and organised crime generally.

The Hellenic Police

119. This report focuses on the Hellenic Police (hereinafter the police) being the largest law enforcement body with 56 573 police officers and performing the main law enforcement functions under national legislation in Greece.

Statistics by type of posts and gender (as of 22 September 2021)

Type	**Male**	**Female**	***Subtotal***
General duties	45 113	7 562	52 675
Special duties	257	249	506
Special guards	1 571	43	1 614
Border guards	1 528	150	1 678
Total	48 469 (86%)	8 004 (14%)	**56 573**

120. Although there are legal provisions in place calling for impartial criteria and equal opportunities for men and women within the police, particularly at entry level (officers and constables), as per Presidential Decree 4/1995, it is clear from the table above that the proportion of female officers (14%) is rather low. It emerged from the discussions on-site that some of the entry requirements in the force may be limiting the possibility for women to become police officers. In particular, among the admission requisites, it is demanded an applicant's height of at least 1.70 meters without shoes and the physical examinations that men and women undergo are the same. Subsequent working conditions while in service may also be undermining female representation in the police (e.g. unpredictability of working times – see also paragraph 152).

121. The police must be representative of society as a whole. Much more needs to be done to have women better represented in the police force, including in strategic, managerial and policymaking positions. Seeking a better gender balance is not only a requirement of equality under international law but can also bring about substantial improvements in day-to-say work and routines (e.g. in contacts with the public, in creating a more heterogeneous environment in some parts of the police which could counter a possible code of silence, further developing multiple-eyes routines, etc.). In this connection, the GET considers diversity and gender equality a key mechanism in the prevention of group-think and in turn corruption. Consequently, **GRECO recommends that dedicated measures be taken to strengthen the representation of women at all levels in the police**.

122. The police is organised in central and regional services, with the Hellenic Police Headquarters (HPHQs) being the supreme authority over these services. Its efforts focus on the fulfilment of the force's mission. Accordingly, it schedules, directs, oversees and monitors the activities of the relevant services, and ensures the necessary conditions for the exercise of its mandate. The organisation, structure and mission of the police is primarily regulated by Presidential Decree 178/2014 and Presidential Decree 7/2017. The police's hierarchy is as follows:

- The Chief of the Hellenic Police is entrusted with the leadership of the police force and directs, supervises and controls the operations and the actions of the police services for the successful fulfilment of their mission. Within this framework, in serious cases and at the respective suggestion of the General Police Inspectors, the Chief may order

the operational activation of any service of the force, even in regions out of their local jurisdiction.

- The Deputy Chief of the Hellenic Police is the immediate assistant to the Chief. S/he assists him/her with the performance of his/her tasks, and moreover supervises, coordinates, directs, and controls the independent central Services under his/her jurisdiction.

- The Head of the Police General Staff assists the Chief and the Deputy Chief in fulfilling their mission, directs the staff and supervises, coordinates, leads and controls the relevant branches and independent divisions of the force.

- The General Police Inspectors for Northern and Southern Greece assist the Chief and the Deputy Chief of the force in fulfilling their tasks and, at the same time, they supervise, lead, coordinate and monitor, according to their jurisdiction, the regional services of the Northern and Southern Greece sectors.

- The General Police Inspectors of Attica and Thessaloniki, the General Regional Police Directors, the Directors (the Heads) of the independent or non-central services, as well as the directors, the commanders or the heads of the force's regional services direct, command or manage their services, by coordinating and monitoring within the framework of their competence the work of their subordinate services and their personnel, in order to efficiently fulfil their mission.

Access to information

123. The information held by the police falls under the principle of public access to official documents, as provided for in the Constitution and other legislation on this subject matter. Certain exceptions are provided for by law, e.g. national defence, public order, documents which could substantially obstruct judicial, military or administrative investigations of criminal or administrative offences (for specific details on access to public information, see the first part of this report on PTEFs). The police is responsible for informing the public about its work via press releases and conferences, communication campaigns, social media, and information included on its website (to better facilitate access, a special space has been created in the police's website entitled Citizens Guide). Such information does also include the outcome of corruption-related proceedings handled by Internal Affairs. The police issues an annual report on its activities.

Public trust in law enforcement authorities

124. The 2019 Special Eurobarometer points at 45% of Greek respondents thinking that the giving and taking of bribes is widespread in the Hellenic police (EU average: 26%). On the other hand, respondents view the police as the most trusted institution for making a corruption-related complaint (69%), followed by the justice system (30%). A national survey on trust in institutions for the period 2015-2018 submits that the most trusted bodies by Greek citizens are the army (89%), the police (72%), and schools (66%). According to the Annual Report of the Internal Affairs Agency for Law Enforcement Bodies (hereinafter: Internal Affairs), in 2019, 43.9% of corruption cases it dealt with involved police officers (followed by 27.6% involving non-uniformed officials and 11.6% involving the Coast Guard).

Trade unions and professional organisations

125. Police officers may freely participate in professional associations and trade unions (Article 20, Presidential Decree 538/1989, as amended). There are over 50 police trade unions/associations in the police. They have a primary role in protecting the employment rights of their members. They participate in appointment, transfer, and dismissal boards.

Anticorruption and integrity policy

Policy, planning and risk management measures for corruption prone areas

126. The police has five-year strategic and operational plans, which set priorities and objectives, including on aspects pertaining to strategic and operational targets, organisational structure of the force, human resources management, material technical equipment, budget, modernisation, development and cooperation with other authorities, services and entities, particularly, with local government organisations. Moreover, the competent branches in the HPHQs also develop annual operational programming and action plans.

127. A National Strategic Plan for Corruption Prevention is issued, every three years, regarding among other things measures to be taken for the protection of human rights and corruption prevention. The current NACAP (2018-2021) does not include specific measures having a direct focus on the police. In this respect, the GET was told that the police had not participated in the development of previous national anti-corruption plans, but that, in connection with the upcoming NACAP for the period 2002-2025, the NTA was carrying out consultations with the Ministry of Citizen Protection, notably, concerning the revision of disciplinary law provisions for the police.

128. The authorities further point at various measures and mechanisms in the Hellenic police to prevent corruption within its own ranks, including training on integrity, disciplinary machinery in case of breaches of duties, systems of internal and external control, and other tools such as written substantiation of all decision-making procedures. The GET was also made aware of a pilot project on body cameras which were provided to a small unit of officers based on the motorcycle unit. Body cameras have been proven as a reliable and evidence-based technology that has many benefits such as ensuring ethical, justified and proportionate behaviour from officers 24/7, as well as supporting officer statements in false and malicious allegations. Furthermore, this can also serve as a tool to offer the public an open and transparent window into the challenges police officers face in their day-to-day. Thus, the GET encourages any opportunity to expand and utilise body worn cameras across the whole front-line workforce at the earliest opportunity.

129. Moreover, the GET believes that a more pro-active approach can be taken as regards corruption prevention in the police; the development of a dedicated policy (beyond the current triannual activity plan) is crucial in this respect. Prevention is critical in order that the Hellenic police is forward looking and pre-emptive in its handling of challenges, rather than responding to challenges as they develop, or worse still, after such challenges inflict serious damage. An established prevention strategy enables organisations to get up-stream of problems, as problems are foreseen and dealt with proactively, rather than reactively, leading to many benefits such as cost savings and reputational enhancement. Additionally, a robust

prevention strategy encourages a more content workforce as employees feel valued through their management's commitment to training, education and welfare, which drives a change in employee behaviour and cements a culture whereby staff feel part of the solution and take ownership.

130. Each organisation is unique in its nature and competencies. The powers and responsibilities of State bodies are different and so are the possibilities for corruption risks and deviant behaviours within those bodies. A significant issue in the study of police corruption is the individual officers' perception of what constitutes a corrupt activity. An organisational policy is therefore key to set standards high and to establish targeted measures and indicators of achievement of such standards. Such a policy necessitates from the development of risk assessment construed upon a variety of sources, including the analysis of complaints, disciplinary and criminal cases, information from screening processes, IT logs, possible staff surveys, etc. **GRECO recommends that a comprehensive risk assessment of corruption prone areas and activities be undertaken in the police, to identify problems and emerging trends, and that the data is used for the pro-active design of an integrity and anti-corruption strategy for the police.**

Handling undercover operations and contacts with informants and witnesses

131. Internal Affairs, in the framework of a corruption related investigation, may resort to undercover operations. These must be ordered by the Head of Internal Affairs, upon prior consent of the Public Prosecutor at the Appeals Court supervising Internal Affairs (Article 5, Law 2713/1999). There are rules for the protection of witnesses, persons who collaborate with the authorities and their families (Article 5, Law 2713/1999 and Article 9, Law 2928/2001), including the concealment of their personal data in the course of the criminal proceedings, change of identity, resources to testify using communication technologies, etc. Also, witness may be guarded by competent and trained police personnel; they might be relocated in other countries, transferred, or seconded for an indefinite period. Moreover, the law provides for protection against unjustified prosecution of persons who cooperate with law enforcement to uncover corruption crimes (Article 45B, Law 4254/2014 - see also section of this report on whistleblower protection). There is a dedicated Witness Protection Division in the Hellenic police.

132. Allegations of brutality and ill-treatment of criminal suspects who were deprived of their liberty by the Hellenic police are not uncommon (e.g. excessive use of force upon apprehension, physical and psychological ill-treatment during or in the context of police interviews for the purpose of obtaining a confession, verbal abuse, including racist/xenophobic remarks of detained persons) and the GET was told that in COVID-19 times reports of police brutality had risen (the Ombudsman statistics tracked an increase of 75% in 2020[19]). The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has repeatedly recommended the promotion of a fundamentally different approach towards methods of police investigation, as well as the development of clear rules or guidelines on how interviews with suspects should be carried out with built-in human rights safeguards[20]. In a Roundtable in Professional Policing, which

[19] The authorities, nevertheless, underscored that this increase needs to be contextualised as it may not only refer to an increase of actual incidents, but also to more reports because of better knowledge of the reporting channels, more trust in the Ombudsman as an external oversight body of the police, etc.
[20] Cf. CPT/Inf (2020)15.

was organised by the Council of Europe and the Greek Court of Cassation Prosecutor's Office (Athens, January 2019), some additional proposals were outlined in this domain, including (but not limited to) the revision of policies and practices relating to preventive police action, the approach to collecting evidence and witness statements, the standards applicable to arrest, the timely creating and maintenance of detailed custody records, awareness raising and training activities for police officers on the conduct of human rights-compatible interviews of suspects and witnesses, etc.

Code of ethics, advice, training and awareness on integrity

133. Upon taking up their duties, police officers swear solemn oath on loyal and diligent behaviour. There is a Code of Ethics for the Police (Presidential Decree 254/2004). It contains rules concerning the required police's actions, attitude and conduct, which infringement may amount to disciplinary or criminal liability in more serious cases. The competent authority for disciplinary proceedings is the head of the police officer's service; for criminal proceedings, responsibility lies with Internal Affairs. Some additional conduct-related rules are contained in Presidential Decree 538/1989 on Obligations and Rights of the Police Staff.

134. The Police Academy is responsible for organising mandatory training, education and specialisation to police personnel. The Academy has administrative and financial autonomy. It falls under the remit of the Minister of Citizen Protection (as delegated to the HPHQs) and the Minister of Education and Religious Affairs. Training at basic educational level is provided by the Hellenic Police Officers' School and the Hellenic Police Constables' School. Both schools held, *inter alia*, a dedicated course on social and professional conduct, ethics, public relations and communication. Moreover, the Hellenic Police Postgraduate and Training School provides further training opportunities to officers (sergeants, warrant officers and captains) in the context of promotion processes. Teaching personnel consists of professors, judicial and police experts, as well as private instructors. Training sessions combine a theoretical and practical approach to ethics in service.

135. Recommendations, instructions and advice may be provided by hierarchical superior bodies to its subordinate services. Moreover, advice on ethics matters may also emerge in the framework of the training described above, but also during personnel meetings. Additionally, recommendations and orders are issued to remind personnel of their duties and avoid any possible damage to the image of the police because of misconduct (orders have been issued, for example, on matters relating the protection of disabled persons, gender equality, xenophobia and racial discrimination, respect of religious freedom, human rights during police action, etc.[21]). An activity report is issued yearly regarding measures taken for the protection of human rights during police action; this adds to the National Strategic Plan for Corruption Prevention, previously described, which contains activities related to the protection of human rights, along with corruption prevention measures.

136. The GET notes that the Code of Ethics for the police was issued in 2004. The challenge with any such code is that it is simply a set of rules which are left on a shelf and not used as an effective tool on a daily basis to drive messages home. An effective code of conduct needs to be operational, in that it defines what is acceptable and what is not through relevant, real-time, real-life examples. Whilst the GET saw evidence of driving examples of standards

[21] See for example, the Guide for the Hellenic Police Officers on how to treat religious and vulnerable social groups.

through publications in the Police Gazette, the GET did not see evidence of setting those standards on a regular basis. It was suggested that there were regular (monthly, bi-weekly) messages from the Chief of Police to his/her senior managers downwards, who, in turn, gave regular "floor briefings" on current issues to the front-line work force. When junior groups were questioned, during the on-site visit, regarding this practice they were not aware of a top down, face to face messaging system.

137. The GET was made aware of the efforts made to streamline education on ethics and integrity related matters into the initial and professional training of police officers. Notwithstanding these efforts, the GET refers to the CPT reports which reiterate, virtually year after year, that ill-treatment by the police is a serious concern in Greece, particularly against foreign nationals and persons from the Roma community. The recommendations made by the CPT in this respect are instrumental to enhance an institutional culture of integrity. For the GET, police misconduct may also be linked to corruption. In particular, police brutality strengthens aspects of police culture and loyalty that foster and conceal corruption. For example, brutality, regardless of the motive, sometimes serves as a rite of passage to other forms of misconduct, including corruption.

138. Additional action should thus follow to better provide officers with targeted guidance on ethical dilemmas they may face in the course of their duties. When approaching issues such as conflicts of interest prevention, gifts, misuse of information, abuse of public resources, etc., the provisions of the Code of Ethics do not provide any explanatory direction and interlocutors rather refer to criminal law when interviewed regarding these matters. In the GET's view, there is somehow a missing link here since there are grey areas where misconduct, although unethical, does not necessarily equate to the commission of a crime. Education and training are key elements for ensuring ethical sensitivity and that officers take a wider perspective and consider how their actions and relations might be viewed by a third party. The use of scenario-based training would be an additional asset in this respect. **GRECO recommends that (i) the Code of Ethics for the Police be updated in order to address current challenges of policing and to include detailed guidance on integrity matters (conflicts of interest prevention, gifts, misuse of information, abuse of public resources, etc.); (ii) the professional training (initial and in-service) for police officers on ethics be further developed, taking into consideration the specificity of their duties and vulnerabilities and with a practice-oriented focus; and (iii) a regular communication strategy is devised to evidence ethical standards to the front-line workforce.**

139. Lastly, there is no clearly signposted procedure for police officers to avail themselves of confidential advice on integrity and ethical matters other than seeking information from internal websites, eventual discussions in personnel meetings or turning to their superiors. The GET considers that a more institutionalised approach should be introduced in this domain. For the GET, it would be more appropriate if an expert body or persons with no daily contact with LEO were responsible for providing confidential advice to police officers in the event of an ethical dilemma. Notwithstanding the key role that superiors/line managers are to play in setting the right tone and leading by example within the force, the GET believes that, rather than having them directly involved in this process (which could deter requests for advice from low-ranking personnel), it would be preferable having adequately trained, easily accessible, persons of trust to whom any police member can turn in confidence in order to obtain information on integrity issues. These persons could also be entrusted to act as a designated recipient of disclosures of misconduct within the police for whistleblower protection purposes

(see also under paragraph 176). **GRECO recommends that a mechanism be introduced for providing confidential counselling to police officers on ethical and integrity matters**.

Recruitment, career and conditions of service

Recruitment requirements and appointment procedure

140. Candidates to the posts of officers and constables must attend the Hellenic Police Officer School and Constable School, respectively, and their admission is conducted via the regular university entrance system, which is managed by the Ministry for Education and Religious Affairs. Public notices are published in the daily press to inform individuals interested in entering the police. They include details on: the number of placement spots per school, overall and per category; the supporting documents required, as well as the place and time of their submission; the procedure, time and place of preliminary exams (medical check and fitness tests for candidates), as well as other necessary details.

141. Special police guards and border guards[22] are recruited using objective criteria, as stipulated by law. The required qualifications are based on physical and mental skills, competence and merit. More particularly, they are recruited using a points-based system and must be Greek citizens, high school graduates with foreign language skills, not aged over 28 and having completed their military service. Special duty police officers are recruited based on specific criteria, such as their major field of university study, laboratory experience, post-graduate studies, etc., as stipulated in the relevant public notice. For all the aforementioned categories, the competent entity for formal appointment is the Ministry for Citizen Protection. Criminal records are also checked prior to taking a recruitment decision. Candidates must not have been found guilty, *inter alia*, of a corruption-related offence. Candidates who have been indicted may participate in the examinations but cannot join the police unless an irrevocable acquittal decision is issued by the time the recruitment decision is reached.

142. The Chief of the Police is selected by the Government Council for Foreign Affairs and Defence (KYSEA) from among general duty Lieutenant Generals and Major Generals. KYSEA has discretion in making this appointment, as it goes through the profile of each candidate. Candidates are considered individually - not compared to each other in terms of their seniority, but rather on the basis of their qualifications; minutes are drawn to document the selection process.

143. There are remedies to challenge recruitment procedures. Firstly, a rejection decision of a candidate must be subject to special and explicit reasoning. Secondly, candidates can raise an objection before the Supreme Committee for Personnel Selection (which is an independent body from the police). Furthermore, they can appeal the aforementioned Committee's decision, firstly, internally, before the same Committee for any possible error, and then, externally at last instance, before the administrative courts for annulment.

144. The GET considers that the vetting procedures in the police need to be stepped up. The background check during the recruitment process consists only of verification of criminal

[22] Special Guards perform tasks related to the protection of vulnerable targets and patrols. They are deployed to staff special police services, to form special units and temporarily serve in other positions, to combat certain forms of crime as well as to investigate the whereabouts of criminals on the lost or missing people. Border Guarding Services address the problem of illegal immigration and cross-border crimes.

records (intentional offences punishable with at least three years' imprisonment) and a psychological test. The carrying out of thorough background checks increases the chance of detecting candidates who have dishonest intentions or engage in unethical behaviour. Vetting is also designated to ensure the accuracy of the information provided by the candidate. It is important to do background checks before actual admission to the force, as the possible information about dishonest behaviour obtained after the admission may not always lead to sufficient reason for dismissal. The police thus have an excellent opportunity to eliminate the threat of corruption from the very beginning, particularly, if the recruitment procedure is very competitive and the police can choose among many candidates, as the GET was told during the on-site visit. There are many opportunities to screen candidates in today's modern technological age, for example, a wealth of information can be found on social networks. The police could also conduct reference checks by collecting information about the candidate`s reputation in previous jobs. Likewise, checks can also be carried out on family members and associates, as well as on financial records of the applicant (which avail a history of responsibility managing finances), or on driving records, for instance. These are just some examples on potential ways to strengthen the current vetting procedures on appointment.

145. When it comes to vetting while in service, the GET was satisfied that there is a robust system in place to ensure that any arrest of a service police officer would be detected when the detainee is going through the police booking in procedure (due to the national ID card and the process whereby a police officer's occupation and status is recorded on the national database system, further supported by fingerprint identification). This system is called "Police On-line" (P.O.L.) and it is an internet database connecting all police departments and agencies. Inside P.O.L., the user (police officer) gets access to multiple applications (mail, police personnel files, service layout tables, etc.) and s/he can correspond instantly with other agencies. The GET was told that this is a useful tool to every police officer during preliminary investigations, which gives access to the user for sorting out if the arrested person is a police officer or a civilian, and to relevant information about the officer, including former criminal prosecutions and disciplinary proceedings. Furthermore, when a person is arrested, the standard procedure includes that his/her fingerprints are taken. For every police officer, there is a data bank with his/her fingerprints, which will reveal his/her ID even if P.O.L. investigation fails. In any preliminary investigation or complaint, the user of P.O.L. can easily come to a conclusion, if the perpetrator or complainant is a police officer, just from combining a variety of elements if his/her ID is unknown (license plates, his/her agency or department, etc.).

146. Having said that, other than declaration or identification of an officer being arrested, there is no evidence of background checks being conducted upon police officers as a routine procedure. This is a recognised prevention strand that is not being utilised in Greece and it is thus an opportunity that is being missed. Tools within an organisation's armoury to dip-sample the behaviour of its employees are practices such as random drug tests, complaint intervention schemes and integrity testing. In-service vetting should make use of all relevant information, including regarding the financial situation of the staff concerned, and be prompted also when doubts arise. In the same vein, the requirement for police members to provide information about any change in their personal situation as it could give rise to higher exposure to risks should be made clear to all police staff, in particular in risk areas, and should be included in the code of conduct and related guidance. In this connection, the GET was told that, at present, officers had an obligation to report any change in their marital status (Article 16, Presidential Decree 538/1989). Finally, the periodicity of integrity checks should be set out, regularity depending on the exposure of the post and the level of security required, and

it should be carried out by trained personnel, preferably outside the direct chain of command. **GRECO recommends strengthening integrity checks during staff recruitment, as well as at regular intervals throughout police careers.**

Performance evaluation and promotion to a higher rank, transfers and termination of service

147. Following graduation from the Police Constable School, cadets assume the rank of constable and are appointed to a division or department of the police on a point-based system. They can be appointed to the rank of police sergeant following at least three years of service and with the successful completion of a promotion's exam. If promoted, they join the category of non-commissioned officers. Likewise, following five years of service, police sergeants can achieve promotion to the rank of police inspector through an assessment test. Graduates of this school serve as investigators; police sergeants and police inspectors normally serve as duty officers. Police inspectors can be promoted to the rank of lieutenant by attending the Police Inspector Re-training Department at the Police Academy, a prerequisite for promotion to the rank of police captain (1st class). Graduates of the Officers School hold the rank of police lieutenant (2nd class) and are officers of the Hellenic Police Force. They can be promoted up to the rank of lieutenant general. Special duty officers retain a separate ranking system and can be promoted up to the rank of major general.

148. Decisions on promotions, transfers and dismissal are taken by the responsible boards (assessment, mobility or disciplinary boards) by open vote and following a majority criterion. Promotions are made based on qualifications and record. More particularly, when making a promotion decision, the personal file of the candidate is checked and assessed, it includes information of the career life of the officer, including his/her qualifications, performance, ethos (character, qualities and moral), as well as details on eventual discipline/criminal sanctions imposed on him/her. The latter, when of a severe nature, do have a bearing in promotion decisions, particularly, where the law provides that the officer may receive an honourable discharge from public duty. In looking at the aforementioned records, boards can go as far as ten years before the promotion assessment takes place.

149. Performance appraisals are carried out yearly (extraordinary appraisals may be carried out if position or superior changes); they are performed by the responsible line managers. For more senior positions (from the rank of Colonel to Major General), a system of self-evaluation applies (competences, projects accomplished, best practices, extent to which objectives were achieved and initiatives taken). Appraisals have an impact for promotion, and other career-advancement (e.g. secondment positions), opportunities. The appraisal process is thoroughly regulated and can be subject to objection by the appraisee, first internally, before an appraisal board, and externally, before the administrative courts.

150. Rotation may be required for certain sensitive positions. This is the case, for example, of officers working in Internal Affairs, who cannot be staying in the post for longer than four years (for permanent staff selected or appointed to Internal Affairs) or three years (for seconded personnel); these periods can be renewed for a period of three additional years (in the case of transfers) and two years (in the case of secondments).

Working conditions

151. For the payroll classification of the permanent personnel, four categories have been established, depending on the provenance of such personnel (Law 4472/2017, Articles 124 and 125). Accordingly, monthly salary ranges from a minimum of 939 EUR (Category C, Scale 22) to a maximum of 4 200 EUR (Category A, Scale 1). In addition to the basic salary, allowances and benefits may apply, e.g. family allowance, allowance for special working conditions and overtime, positions of responsibility, disability and risk, personnel of Internal Affairs, etc. (Law 4472/2017, Article 127 a to I).

152. When discussing on-site working conditions of police officers, it emerged that although overtime was very common (interlocutors said this happens on a daily basis), economic compensation in such a case did not occur in practice. Furthermore, the GET was most troubled as it heard that officers do not receive a shift roster in advance. The law establishes that service shall be announced on a weekly basis (notably, by 2 pm on Friday), but that it may be modified at any time if serious or urgent service needs so require (Article 1(7), Presidential Decree 394/2001, as amended in 2013). This exception appears to be the norm in reality, as reported to the GET (with officers only knowing a day in advance their schedule); these allegations are too serious to be ignored. While there may be reasons justifying a flexible response to deal with surge demands, this should only be a resort in exceptional situations, rather than a service pattern. The lack of a recognised, forward-looking shift pattern/roster entails non-negligible corruption risks as it can affect the efficiency, effectiveness, harmony of police officers. It also runs counter to the internationally recognised principle of work-life balance. Moreover, unpredictable schedules are likely to further fuel gender segregation in employment.

153. The expectation on a workforce to work extra hours for no financial reward, compounded by the lack of a shift pattern that does not allow forward planning, appears to be creating an environment that does not reward employees either financially or with appropriate recuperation. This can lead to unethical behaviour and a culture to make ends meet by another means (see also concerns on outside activities, paragraphs 157 and 158), potentially causing corruptible practices which are ultimately primarily caused by the employee's policies and procedures. In addressing working conditions' improvements – as recommended below, it would be important that a full consultation process with professional associations be established. **GRECO recommends (i) ensuring an adequate financial reward system for overtime; and (ii) implementing a shift pattern which meets public service as well as individual officers' demands, thereby assuring work-life balance in the police.**

Conflicts of interest, prohibitions and restrictions

154. The Code of Ethics refers to the importance of the requirements of impartiality and objectivity for the police. The rules which will be described below regarding incompatibilities, side activities, confidentiality, etc. add to the framework in place to prevent conflicts of interest in the police. At the start, the GET notes that the authorities largely refer to criminal law provisions. GRECO has extensive jurisprudence in this particular domain where it elaborates on the need to pay attention to grey areas (e.g. gifts and hospitality), and to do so through (preventive) administrative rules or guidance rather than exclusively relying on (repressive/punitive) criminal legislation. The GET considers that this is an issue that could further benefit from more developed guidance, including practical examples on situations that

may occur in daily routines and possible ways and internal channels to address them (as per recommendation xi, paragraph 138).

Incompatibilities, outside activities and post-employment restrictions

155. The Code of Ethics provides that officers shall not engage in activities that may reflect on their position. As an exception to this general ban, police officers may engage in private remunerated work if (a) it is compatible with the duties of the post; (b) does not interfere with the proper performance of the official duties; and (c) does not give rise to unfavourable comments against the official or the corps (Article 5, Presidential Decree 538/1989, as amended). Further, the law also specifies that officers must not participate in, or be the manager of, any type of trading company, or be the chief executive officer or the executive director of a public limited company. Subject to authorisation (as explained above), an officer may, participate in the management of a public limited company or an agricultural cooperative (Article 5, Presidential Decree 538/1989, as amended). Police officers are forbidden to hold any kind of demonstration in support of political parties (Article 4, Presidential Decree 538/1989, as amended). They are, however, free to participate in registered non-profit associations (of a charitable, sport, educational, cultural, civic or environmental purpose) and trade unions; such participation is not subject to any authorisation requirement (Article 20, Presidential Decree 538/1989, as amended).

156. Ancillary activities are subject to authorisation by the Chief of the Hellenic Police for a maximum period of three years. Any request for this permission must be sent to the Police Personnel Division by specifying all details of the secondary activity; records are kept accordingly (however, the authorities were not able to submit any statistics on this because of the way the data are collected). If a request of a secondary activity is rejected, it can be challenged, first before the service and then before administrative court. The exercise of a profession other than that of a police officer and the exercise of any permissible ancillary activity without the required authorisation, constitutes a disciplinary offence punishable by a fine. An official engaging in an incompatible activity leads to dismissal.

157. There does not appear to be an effective process to deal with secondary employment. The current system does not provide clear and transparent rules to assess whether there is a conflict of interest or not. This is further complicated by a bureaucratic supervision process which the GET was told could take up to 14 months. By not addressing this issue face on, the GET believes there is a current threat that could drive unwanted or unethical employment underground, or it could drive behaviour not to declare a legitimate employment application that ordinarily would have been supported. The GET was, for example, made aware about instances of officers working in the security sector.

158. Moreover, in reviewing the applicable system, attention should also be paid to moves to the private sector after leaving the organisation. In this connection, the GET acknowledges that certain specialist skills and knowledge police officers can bring to the private sector can be invaluable and provide welcome employment opportunities for (former) police officers. At the same time, however, moves to the private sector by police specialists can entail certain risks (for example, that certain information gained in the police service is misused, that a police officer is influenced in the exercise of his authority by the hope or expectation of future employment or that communication channels with former colleagues are being used for the unwarranted benefit of the new employer). The GET sees advantage in further articulating the

existing system. A clear, unequivocal policy is yet to take root in this domain. It needs to be realistic, practicable and efficient. **GRECO recommends assessing the effectiveness of the current system/policy of parallel and post-employment business interests/activities of the police, including by establishing unequivocal criteria for permissible secondary activities and streamlining the authorisation process to render it clear, timely and effective.**

Gifts

159. Pursuant to Articles 236 and 238 of the Criminal Code, any person who promises or provides to a civil servant, directly or through a third party, benefits of any nature for himself or a third party so that the civil servant, in breach of his duties, carries out an act or omission in relation to his duties related thereto or in breach thereof is punishable with imprisonment of at least one year and the decision orders the sequestration of gift that were offered or their value.

160. The Disciplinary Code establishes that the acceptance of any material benefit, provided it is not bribery and is given to the police officer due to his/her capacity, is punishable by a fine (Article 13, Presidential Decree 120/2008). The Code of Ethics for the Police does not include any mention on this sensitive matter. This is a subject-area that would benefit from further refinement (e.g. practical scenarios and procedures for situations in which gifts are offered, reporting and registering of gifts, etc.) in the guidance recommended before (recommendation xi, paragraph 138).

Misuse of public resources

161. The relevant provisions of the Criminal Code on forgery (Article 216), forgery and misuse of fees (Article 218), theft (Article 372), embezzlement (Article 375), fraud (Article 386) are applicable in this regard. The GET believes that this is an area which would benefit from further development, as per recommendation xi, paragraph 138.

Misuse of confidential information

162. Police officers must maintain absolute discretion with regard to confidential facts or information, as well as on facts or information obtained in the performance of their duties or in their capacity as such, whether they relate to official matters or to the private affairs of individuals, unless otherwise required by law (Article 3, Presidential Decree 538/1989, as amended). Additionally, Articles 252 and 259 of the Criminal Code on violations of service secrecy and violations of duty apply in this respect. Seven cases of misuse of confidential information have been reported in the last five years within the police. This is yet another matter which can be supplemented with hands-on guidance and examples when implementing recommendation xi, paragraph 138.

Declaration of assets, income, liabilities and interests

163. Police personnel is subject to the financial declaration regime of public officials, pursuant to Law 3212/2003, as amended (which is the one described under the section on PTEF of this report, see paragraphs 105-107). The authority in charge of checking the relevant disclosures varies depending on the person's position (see footnote 15). Some concerns have been raised regarding the capacity to deal with the influx of disclosures of law enforcement

officials given the important volume of declarations received (around 54 000 officials fall under the financial disclosure obligation)[23]. The comments made earlier in this report regarding the improvement of tools and methodologies to strengthen current verification procedures of declarations apply here, see paragraph 112.

Internal oversight mechanisms

164. The Internal Affairs Agency for Law Enforcement Bodies (Internal Affairs), as set-up in 2019 (through the merger of the Division of Internal Affairs of the Police and the Division of Internal Affairs of the Coast Guard), is the competent authority to exercise internal control and investigate crimes committed by police officers. It also addresses corruption offences that the employees and officials in the wider public sector, as well officials of the European Union or international organisations operating in the Greek territory, commit or participate in. It does not deal with disciplinary offences, but it can submit copies of pre-investigative reports to the relevant service dealing with personnel issues, which may serve as evidence during the investigation of a discipline case (criminal and disciplinary proceedings may run in parallel).

165. Internal Affairs is formed by a Directorate located in the Prefecture of Attica and a Sub-directorate of Northern Greece, located in the Prefecture of Thessaloniki. The Directorate is composed of the following sections: Information Management and Strategy, Special Affairs, Investigation and Prosecution, Receiving and Controlling Asset Declarations, Internal Operations and Personnel, Payment and Materials Management, Adjutant Office. The subordinated Sub-directorate is composed of the following sections: Special Affairs, Investigation and Prosecution, Administrative Support. The staff of Internal Affairs comprises both permanent personnel of the police and other LEA, as well as of special tasks officers and civil personnel with specialisation in the agency's tasks. Accordingly, it is staffed with 217 officers (179 men and 38 women) The staff must comply with some requirements such as experience and soft competences, as provided by Presidential Decree 65/2019 (e.g. efficient and effective, ethos, accountability, decisiveness, at least two-years' experience in Security Services and interrogation/questioning offices, legal, financial, IT expertise, etc.); they take part in regular trainings and conferences to keep up to date with state-of-the-art skills.

166. It can act *ex-officio* or upon complaint. A hotline which functions 24/7 enables an effective channel to report offences which occur outside working hours. If the allegations of corruption concern criminal offences committed in flagrante delicto, Internal Affairs conducts all preliminary investigations in order to verify the information received and sends the culprit/perpetrator to the competent prosecuting authority for criminal prosecution purposes. In all other cases, Internal Affairs either draws up the file, or refer the information received to the responsible Court of Appeal Public Prosecutor, who after evaluating the contents of the report, order: (i) the conducting of either a pre-investigation or a preliminary examination. After the case file is drawn up and completed, it is submitted to the competent prosecutor for criminal proceedings; (ii) the assignment of the report made to other competent police services, if the matter does not suggest specialised investigation. Internal Affairs has capacity to make audio and video recordings, take witness statements and conduct investigations, including by resorting to a broad range of special investigative techniques. It is also empowered to access the archives of all police services and other authorities or services of the wider public sector in the course of its mission.

[23] EU Rule of Law Report on Greece, SWD(2021) 709 final.

167. Internal Affairs is directly subordinated to the Minister of Citizen Protection in order to avoid interferences, and to further provide assurances over the legality and proper oversight of its action, it is supervised by senior prosecutors, i.e. Court of Appeal Public Prosecutors of Athens and Thessaloniki. This oversight is not strictly limited to preliminary investigation/examination but covers all the activity of Internal Affairs in general. In this regard, the prosecutors shall be informed about all information or complaints received by Internal Affairs, take notice of all cases it handles, monitor their progress, give instructions and directions, and appear at their discretion in the conduct of investigations. Annual reports on the evaluation of the work of Internal Affairs are subjected to parliamentary supervision upon the annual submission of the respective report by the Minister of Citizen Protection to the Committee on Institutions and Transparency of Parliament. These reports are posted online on the police website. Moreover, statistics on case files, arrests, criminal prosecutions exercised by the Internal Affairs are posted online.

168. The GET considers that the institution of Internal Affairs is vested with some solid features, including a framework of direct governance exercised by the Minister of Citizen Protection, the excellent credentials of its staff, and the oversight of the organisation by the prosecution service, who can demand preliminary investigations and other actions.

Reporting obligations and whistleblower protection

General framework for whistleblower protection in Greece

169. There is a general obligation for public officials to report a crime to the competent authorities (Article 40, Code of Criminal Procedure). This obligation has been reiterated in Article 12 of Law 3560/2007 on the ratification and implementation of the Criminal Law Convention on Corruption (ETS 173) and its Additional Protocol (ETS 191). Failure to report may constitute a criminal offence by virtue of Articles 232 (failure to report a crime) or Article 259 (breach of faith) of the Criminal Code. In 2014, some steps were taken to encourage individuals with knowledge about corruption crimes to report relevant information to the authorities, notably through the insertion of Article 45B on public interest witnesses in the Code of Criminal Procedure (amendment introduced by Law 4254/2014 on Measures for the Support and Development of the Greek Economy and Other Provisions). The aforementioned provision establishes that any person who, without any involvement in a list of specified offences (bribery-related and trading in influence offences) and without any personal gain, substantially contributes to the prosecution of such offences by providing authorities with appropriate information, can be characterised as a whistleblower, and hence cannot be subject to any adverse discrimination directly or indirectly as a result of the disclosure. Protection is at the discretion of a prosecutor and is only available if there is a criminal prosecution.

170. For the GET, even with this improvement of the whistleblower protection system, Greece falls short of the required standards. Firstly, whistleblower protection is only related to criminal offences, but does not extend more broadly to misconduct (e.g. ethical breaches). Secondly, there is a large margin of discretion granted to the competent prosecutor, who affords protection if the whistleblower has "substantially contributed" to uncovering the crime. If the disclosure does not result in criminal proceedings, protection is not provided. Thirdly, protection can be withdrawn at any time. Fourthly, the system only envisages

reporting to prosecution, but nothing is said on internal reporting channels or on the possibility of reporting externally. Lastly, prohibitions to exercise reprisal are limited to criminal-offence related disclosures and only applicable during the judicial investigation.

171. The 2019 Special Eurobarometer reveals that 32% of Greek citizens consider the lack of protection for people reporting corruption as one of the main reasons why not to report a corruption case. In the 2016 OECD Survey on Public Opinion, Attitudes and Experiences with Corruption in Greece, 91% of public servants stated that it would be "very likely" or "likely" that someone who reported bribery or stealing at work would face negative consequences. In addition, among public servants who would not report misconduct witnessed in the workplace, 48% would base their decision on the fact that it would not make any difference, or because it would be too burdensome or not worth the effort.

172. Whistleblower protection is a key tool to uncover corruption schemes; this has been the case, for example, in relation to the Novartis trial. It is obvious that, in Greece, there is a need to develop and increase the whistleblowers' protection framework. In the Second Evaluation Round, GRECO issued a recommendation to Greece in this respect, but it was not implemented. Sixteen years after the adoption of that report, the issue is far from settled. More recently, in 2018, the OECD issued a Technical Report on Whistleblower Protection in the Public Sector in Greece where it identifies gaps of the system and outlines the way forward[24]. The 2021 EU Rule of Law Report on Greece also points at this particular area as deserving further attention for anti-corruption purposes. A legislative initiative for the establishment of an effective mechanism for whistle-blower protection is part of the NACAP, but it yet needs to be developed. Against this background, GRECO can only insist on the importance of thoroughly regulating this subject, and ensuring an effective implementation framework thereafter, as a matter of priority.

Whistleblower protection in the police

173. With particular reference to the police, there is a requirement for investigating officers to announce immediately to the competent prosecutor any information regarding a criminal act prosecuted *ex officio* (Article 38, Criminal Code). Likewise, there is an obligation for any police officer to inform right away the authorities when there is a preliminary investigation about crimes within the jurisdiction of Internal Affairs (Article 1, Law 2713/1999). Failure to do so entails a disciplinary sanction (Article 5, Presidential Decree 120/2008). Moreover, the Code of Ethics of the police includes an obligation to report any act of corruption to the competent authorities (Article 6(i), Code of Conduct).

174. Law 2713/1999 on the Hellenic Police Internal Affairs Service includes a requirement for the protection for officers in the service, as well as witnesses, in defined cases (Article 5(5), Law 2713/1999)[25]. The police also referred to the relevant witness protection provisions of

[24] This report was prepared as part of the Greece-OECD Project on Technical Support for Anti-Corruption. The report is accompanied by Guidelines for Reporting Misconduct in the Public Sector (2018), as well as Guidelines on Whistleblower Protection for Companies in Greece (2018).

[25] Law 2713/1999, Article 5 – extenuating circumstances, protection of witnesses
(1) It shall not be unfair for a police officer of the Internal Affairs Service who, on the orders of his/her superior officer and for the purpose of discovering or arresting a person involved in a criminal offence referred to in this Act, appears as an accomplice to the offence. The same shall apply to any other person acting for that purpose on the recommendation of the head of the Office. In both cases, the consent of the public prosecutor referred to in Article 3 shall be required.

Law 2928/2001 on the Protection of Citizens against Criminal Acts by Organised Crime and Terrorist Groups (Article 9 (2) (3) and (4), Law 2928/2001)[26], which scope also extends to corruption offences by virtue of amendments introduced by Law 4254/2014.

175. When discussing whistleblowing protection in the police, it was clear to the GET that the authorities generally assimilate whistleblowing to witness protection, in terms of the assurances granted (relocation, identity change and protection, confidentiality, testifying using communication technologies, etc.) and the reduction of penalties (if the whistleblower was also involved in the commission of the offence but repented and collaborated with justice). The authorities also highlighted that the disciplinary process enables due protection assurances from reprisal. For the GET, the issue of whistle-blower protection is not exhausted with witness protection in criminal proceedings and guarantees in disciplinary proceedings.

176. Moreover, the current witness protection provisions refer to the reporting of crimes; they do not address good-faith reports against colleagues or supervisors, who have committed less serious infringements or misconduct. The GET considers that a more adapted system is

(2) It is also not unjustifiable for a police officer of the Internal Affairs Service to act when, following a complaint or reasonable suspicion, he conducts a search of a means of transport for the purpose of finding evidence of the criminal acts provided for in paragraph 2 of Article 1.
(3) A policeman or other person, who has committed jointly with another policeman crimes from those referred to in this Act or participated in any way in the commission of such crimes, shall be punished with the reduced sentence under Article 83 of the Criminal Code, the maximum of which shall be further reduced by half, with a corresponding reduction of the minimum prison sentence provided for in cases (b) and (c) of the above Article, if, before the act for which criminal proceedings have been brought against him is reported, he provides information about the persons and their criminal activity and thereby contributes to their disclosure. However, the court may, in the light of his remorse and personality and the specific circumstances in which he committed the act, find him not guilty.
(4) In the event that the accused, after the prosecution and until he is convicted without a final sentence, provides the information referred to in the preceding paragraph, the maximum penalty provided for by law shall be reduced by half, without excluding the application of the provisions of Article 84 of the PC.
(5) The persons referred to in this Article shall be given the necessary protection by the Ministry of Citizen Protection. Similar protection shall be afforded to material witnesses in these cases, experts, victims or their relatives or other persons closely connected to them, whenever necessary, at the request of the competent prosecuting authority, in accordance with the provisions of Article 9, paragraphs (2) to (4) of Law 2928/2001.

[26] Law 2928/2001, Article 9 – protection of witnesses
(2) Protection measures are guarding with properly trained police personnel, deposition using electronic means, and the use of audio and visual or audio-only transmission, the absence of an indication on the name, place of birth, place of residence and place of residence, place of work, occupation and age, ordered by a reasoned order of the competent public prosecutor, the change of identity, relocation to other countries, and the transfer, transition to another public sector entity or secondment for an indefinite period, with the possibility of its revocation, of public officials decided by way of derogation from the provisions in force, shall be decided by the competent ministers on the recommendation of the competent public prosecutor. The ministerial decision may provide for it not to be published in the Government Gazette and may also provide for other ways of ensuring the secrecy of the act. Protective measures shall be taken with the consent of the witness, shall not restrict the individual freedom beyond what is necessary for his/her safety and shall be discontinued if the witness so requests in writing or fails to cooperate to their success.
(3) By decision of the Ministers of Foreign Affairs, Finance, Justice, Transparency and Human Rights, Labour, Social Security and Social Solidarity, Health, Education, Lifelong Learning and Religious Affairs, Citizen Protection, Interior and Administrative Reconstruction, as well as any other competent Minister, where applicable, the body and the procedure for the implementation of the protection measures included in the previous paragraph shall be determined
(4) During the hearing, the witness whose identity has not been disclosed shall be called by the name given in the report of his examination. If the prosecutor or a party requests the disclosure of his or her real name, the court shall give reasons for deciding whether or not to disclose it. The court may also order disclosure on its own motion. In any case, the court may order as laid down in Article 354 of the Code of Criminal Procedure.

necessary, including by developing specific operational arrangements and institutionalised mechanisms to provide full coverage to police officers who signal suspicions of corruption in good faith (not necessary constituting a crime) from the start of the report to the end of the process. The GET points at the experience already developed in other jurisdictions to set in place a "safe" reporting environment, e.g., dedicated reporting lines, designation of persons of trust, development of tailored guidance, awareness raising measures, etc. The GET also notes that confidentiality assurances for whistleblowers need to be strengthened; while there are mechanisms to protect the person making the disclosure (the police uses tracking numbers for each reported case), the confidentiality assurance can be withdrawn at a later stage upon the discretion of the public prosecutor or the court. This significantly questions whether whistleblowers would come forward due to fear.

177. The GET encourages the police to think expansively and proactively in this domain. In this connection, the OECD Technical Report on Whistleblower Protection in the Public Sector in Greece points at the possibility of using pilots in strategic public organisations to test improvements in whistleblower protection in parallel to the development of a broader whistleblower protection framework (a process which has proven to be time consuming and yet awaits conclusive action). The GET agrees that this can indeed be a positive course of action in the police, particularly, because whistleblower protection is decidedly important for the police given the "code of silence" (false solidarity or blue code) that could informally rule in hierarchical organisations. **GRECO recommends strengthening the protection of whistleblowers within the police and taking all other measures deemed necessary to facilitate the reporting of corruption, including by guaranteeing whistleblowers' confidentiality, as appropriate.**

Remedy procedures for the general public

Administrative internal complaint procedure

178. Every police service is responsible for receiving complaints from citizens about corruption and related misconduct of police officers (matters of discipline). Complaints can be lodged orally or in written form by resorting to multiple channels (telephone, letter, email, social media, etc.). Anonymous or oral complaints against police officers, for which the complainant does not accept to sign the relevant report, may not be used as the basis for instigating disciplinary proceedings. However, if they are specific and relate, in case they are founded, to a disciplinary offense that is punishable by a higher penalty, a preliminary examination shall be ordered.

179. The complaint's process about a disciplinary misconduct is the following: (i) the complaint is initially received by a receiving police service; (ii) investigation and opinion of the disciplinary competent body; (iii) the receiving service submits the complaint to the authority supervising the service where the police officer, against whom the complaint was lodged, performs his/her duties; (iv) the complaint, the material collected during the investigation and the opinion of the disciplinary body that investigated that case are submitted to other hierarchically superior bodies who decide whether or not a disciplinary sanction has to be imposed. The omission to act by the competent service, or of the responsible disciplinary body, may be challenged internally and externally. Failure to act upon a public complaint may trigger disciplinary, and even criminal, action.

180. With particular reference to corruption-related complaints (crimes), persons can turn to Internal Affairs in person, by phone (available 24/7), by email or by fax. All complaints or information received (including anonymous complaints) are evaluated and filed in the agency's electronic system. Complaints relating to crimes out of the competence of Internal Affairs are investigated or transmitted to another competent police service or public authority. Exceptionally, the complaint may be terminated with the consent of the public prosecutor due to lack of relevance or lack of merit. Complainants are informed of the progress of their case.

External complaints' mechanisms

181. The Ombudsman is an independent body whose mission is to address maladministration of public bodies and restore legality, investigate authorities' abuses, and collect, evaluate, or further refer for instigation of disciplinary proceedings to the competent services. The Ombudsman is a mediator, who makes recommendations and submit proposals to public administration. It does not impose sanctions, nor does it annul illegal actions taken by public administration. Additionally, in 2014, the Ombudsman was designated as the National Preventive Mechanism against Torture and Ill-Treatment. In this capacity, its mission includes the regular monitoring and inspection of the treatment of persons deprived of their freedom. The Ombudsman can act upon individual complaints or on its own motion. Anonymous complaints are not possible; however, the complaint's identity could be kept confidential, and his/her consent is necessary to disclose his/her name. The complaint must be submitted within six months after the complainant's awareness of the alleged illegality (action/inaction) of a public body. The complaint can be sent online (roughly 65% of the complaints are submitted via the online platform), by fax, by post or delivered in person to a specific office. Every complaint submitted to the Ombudsman receives a reference number and, if the complaint is submitted online, a monitoring code which alerts the filer with any changes in status of his/her complaint. The Ombudsman receives an average of 15 000 complaints per year, of which around 15% are related to corruption. However, there is no specific information as to the number of the aforementioned complaints which relate to corruption and the police.

182. The GET heard recurrent concerns regarding alleged impunity of law enforcement officers, with criminal and disciplinary investigations not always proving their timeliness or effectiveness. Against this background, the GET underscores the crucialness of independent investigation as a key tool to ensure accountability of the police to the public. The GET notes that complaints against the police made by members of the public are predominantly investigated and determined by serving police officers. Internal Affairs, as efficient as it may prove to be, is not an external oversight body. Moreover, Internal Affairs deals with crimes. It would not, for example, automatically investigate deaths related to police activities. The establishment of the National Preventive Mechanism against Torture and Ill-Treatment, within the Ombudsman, is a welcome development, although experience is also unveiling its limitations. It operates as a parallel mechanism for investigation and does not replace the bodies tasked with conducting disciplinary and criminal proceedings. It does not have the power to compel action but can only make recommendations (except in respect of requiring the re-opening of investigations following an adverse finding at the ECtHR). Moreover, the Ombudsman cannot accept anonymous complaints.

183. An independent report commissioned by the Minister of Citizen Protection, which was completed in May 2020 by a special committee set up to investigate police violence, found that officers often acted with impunity when they became involved in violent incidents. It evidenced: (1) reluctance of the police to cooperate with the Ombudsman. The police failed to take testimony from critical witnesses, ask key questions and examine the doctors who dealt with the cases; (2) bias of the investigative police bodies, as evidenced by the systematic acceptance of strikingly "similar" statements by the police officers involved and by giving greater weight to the testimonies of the latter, as compared to the statements of citizens, without this being justified; (3) systematic delay in the submission of documents requested by the Ombudsman; (4) failure to comply with the findings of the Ombudsman; (5) inadequate reasoning of the decisions of the disciplinary bodies of the police, especially in the investigation of cases with a racial component.

184. The important shortcomings revealed by the independent study are self-explanatory. Several cases have also reached the ECtHR[27]. Some improvements have been made in relation to the investigation of torture and ill-treatment. In particular, Circular 1165/2010 establishes that, in cases of complaints lodged by detainees in police services concerning their ill-treatment in the course of their preliminary apprehension or investigation, the competent prosecutor at the court of first instance must be immediately informed and complaints must not be investigated by officers of the same service, but by the prosecuting and judicial authorities, without limiting the competence of Internal Affairs. More recently, pursuant to Presidential Decree 11/2019, it is established that preliminary investigations in relation to torture and ill treatment crimes, as well as cruel misbehaviour, be conducted by an officer of a directorate or an equivalent department, other than the one of the police officer(s) involved. The GET can certainly see the advantage to apply such a safeguard in all kinds of internal investigations of serious misconduct, where there is no indication that there is a criminal offence, but the incident must, by its nature, be independently investigated.

185. In the GET's view, additional safeguards are needed to guarantee the objectivity of investigation and the impartiality of the investigative body, and to ensure that they are seen as such by the public in being sufficiently transparent. The GET also notes the absence of a tracking system, including through the systematised gathering of figures on the outcome of corruption-related complaints (whether triggering criminal or administrative/disciplinary action). This is a missed opportunity for prevention purposes, which would help build knowledge on incidents of misconduct (possible typologies), as well as on the performance of the relevant investigations. Accordingly, **GRECO recommends that (i) additional safeguards be introduced to provide for independent and effective investigation into police complaints and a sufficient level of transparency to the public; (ii) a tracking-system of public complaints be established.**

Enforcement and sanctions

Disciplinary procedure

186. The administrative procedure to investigate misconduct is normally carried out by the local police service to which the suspected police officer belongs, according to the applicable

[27] See Andersen v. Greece, Sidiropoulos and Papakostas v. Greece, Konstantinopoulos and others v. Greece.

law and notably the 2008 Disciplinary Code[28]. Most investigations routinely take place in the first instance as a preliminary administrative enquiry (PAE), following a written complaint and upon the decision of a superior officer of the law enforcement official in question. They are usually carried out either by the superior officer in person or by another senior officer appointed by him/her (not necessarily belonging to a different police service). A PAE does not amount to the disciplinary indictment of the officer investigated.

187. A disciplinary indictment is launched with a second type of disciplinary enquiry, so-called sworn administrative enquiry (SAE), because of clear indications that a serious disciplinary offence may have been committed. In the case of a SAE into allegations of torture and other violations of human dignity, as well as cruel misbehaviour, the law provides for the mandatory assignment of the investigation to an officer who does not have administrative jurisdiction over the suspected police officer. However, such assignment is discretionary for other disciplinary offences. There are, nevertheless, a number of listed reasons for recusal in investigations (e.g. relatives by blood, close friendship, witness, etc.- Article 28, Disciplinary Code). With regards to the investigation of serious misconduct, see also the remarks made in paragraph 184, leading to recommendation xvii in paragraph 185.

188. Decisions on discipline are taken by (First Instance/Second Instance/Supreme) disciplinary boards, which are composed of members of the police, including trade union representatives. There is a list of impediments and reasons to challenge the members of the disciplinary boards in order to ensure their honorability and the absence of a conflict of interest (Article 35, Disciplinary Code). Depending on the seriousness of the offence, disciplinary sanctions consist of compulsory retirement, removal from duty with dismissal, suspension with temporary discontinuation of service, a fine or a reprimand. There are both internal and external legal remedies in place to appeal the decisions of disciplinary boards.

Criminal procedure

189. The members of the Hellenic police do not enjoy any immunity. They are subject to normal criminal procedure. Criminal proceedings do not suspend disciplinary proceedings, however, the bodies responsible for the exercise of disciplinary proceedings and the competent disciplinary bodies may exceptionally order, by a freely revocable decision, the suspension of the disciplinary proceedings for one year if summons or the writ of summons has been served pursuant to the Code of Criminal Procedure. Disciplinary proceedings may be suspended only pending a criminal court's judgment on a criminal prosecution already initiated, without hindering the progress of disciplinary proceedings pending criminal pre-trial proceedings.

[28] Chief and Deputy Chief of the Hellenic Police, Head of Staff of the Police Headquarters, General Police Inspectors, and Chiefs of Branches for the entire Police staff; the Director of the Police Academy, the Director of the VIP Division and the General Police Directors, for the staff of their Services; the Directors of the Police Divisions and the Directors of Services equal to Divisions for the staff of their Services; the commissioned officers, including Police Warrant Officers and Police Sergeants, for all officers inferior in rank to them.

Statistics

190. Statistics on corruption-related crimes have been provided for the period 2015-2019 as follows:

CRIMINAL OFFENCES OF CORRUPTION	2015	2016	2017	2018	2019
Breach of duty	33	73	21	68	29
Abuse of position and powers	9	14	18	16	2
Taking a bribe	3	3	11	8	3
Giving a bribe	2	4	1	0	0
Performing external activities	5	8	7	0	8
Trading in influence	0	0	1	1	0
Disclosing confidential information	1	3	0	4	0
Use of confidential resources for undesignated purposes	0	0	0	2	0
Criminal conspiracy	3	14	3	15	5
TOTAL NUMBER OF CRIMINAL OFFENCES OF CORRUPTION	**56**	**119**	**62**	**114**	**47**

CRIMINAL OFFENCES COMMITTED IN OFFICIAL CAPACITY	2015	2016	2017	2018	2019
Bodily harm	33	42	44	21	22
Unlawful deprivation of liberty	1	0	7	4	0
Violation of the inviolability of the home and business premises	1	4	0	1	0
Illegal use of personal data	1	0	1	1	6
Unauthorised manufacturing of and trafficking in illicit drugs	7	5	8	7	5
Unauthorised performance of an official act	33	73	21	58	29
Aggravated theft	0	0	3	0	0
Forging official or business documents	9	12	8	10	6
Failure to report the commission of a criminal offence	0	0	1	0	0
Taking or destroying an official seal or official document	0	0	0	1	1
TOTAL NUMBER OF OTHER CRIMINAL OFFENCES COMMITTED IN OFFICIAL CAPACITY	**218**	**97**	**140**	**135**	**192**
GRAND TOTAL	**359**	**352**	**295**	**352**	**308**

VI. RECOMMENDATIONS AND FOLLOW-UP

191. In view of the findings of the present report, GRECO addresses the following recommendations to Greece:

Regarding central governments (top executive functions)

i. **that the legal status and obligations of political advisors be clarified and thoroughly regulated to subject them to the highest standards of integrity, including as regards rules of conduct, conflicts of interest and financial disclosure obligations** (paragraph 37);

ii. **that for the sake of greater transparency the names, functions and remuneration (for the tasks performed for the government) of political advisors, as well as information on ancillary activities (when those are carried out), is disclosed in a way that provides for easy, appropriate public access on-line** (paragraph 38)**;**

iii. **that (i) a comprehensive code of conduct for persons entrusted with top executive functions be adopted (on issues such as contacts with lobbyists and other third parties, the prevention of conflicts of interest, gifts and other advantages, accessory activities and post-employment situations, disclosure requirements, etc.) and made easily accessible to the public, and (ii) that it be complemented by practical measures for its implementation, including written guidance, confidential advice, and training at the start of the term of office and on a regular basis thereafter** (paragraph 58);

iv. **undertaking an independent assessment on access to information requirements in order to adopt regulation, and the necessary implementation measures, that fully meet the standards of the Council of Europe Convention on Access to Official Documents (CETS 205)** (paragraph 66);

v. **(i) facilitating early and relevant stakeholder engagement in policy/regulatory development; and (ii) establishing a legislative footprint tracking all external interventions from the beginning of the legislative process** (paragraph 72);

vi. **that the system for managing conflicts of interest of persons entrusted with top executive functions be strengthened by (i) removing decision-making power from the Prime Minister and enhancing the competences of the General Secretariat for Legal and Parliamentary Affairs of the Presidency of Government; (ii) using declarations of conflicts of interest for counselling purposes; (iii) making disqualification decisions available to the public; (iv) articulating a complaint mechanism by the public or other institutions** (paragraph 92);

vii. **that the post-employment regime be reviewed in order to assess its adequacy and that it be strengthened by broadening its scope in respect of persons with top executive functions** (paragraph 104);

viii. **further streamlining and strengthening the oversight of the declarations of assets and financial interests of persons entrusted with top executive functions** (paragraph 112);

Regarding law enforcement agencies

ix. **that dedicated measures be taken to strengthen the representation of women at all levels in the police** (paragraph 121);

x. **that a comprehensive risk assessment of corruption prone areas and activities be undertaken in the police, to identify problems and emerging trends, and that the data is used for the pro-active design of an integrity and anti-corruption strategy for the police** (paragraph 130);

xi. **that (i) the Code of Ethics for the Police be updated in order to address current challenges of policing and to include detailed guidance on integrity matters (conflicts of interest prevention, gifts, misuse of information, abuse of public resources, etc.); (ii) the professional training (initial and in-service) for police officers on ethics be further developed, taking into consideration the specificity of their duties and vulnerabilities and with a practice-oriented focus; and (iii) a regular communication strategy is devised to evidence ethical standards to the front-line workforce** (paragraph 138);

xii. **that a mechanism be introduced for providing confidential counselling to police officers on ethical and integrity matters** (paragraph 139);

xiii. **strengthening integrity checks during staff recruitment, as well as at regular intervals throughout police careers** (paragraph 146);

xiv. **(i) ensuring an adequate financial reward system for overtime; and (ii) implementing a shift pattern which meets public service as well as individual officers' demands, thereby assuring work-life balance in the police** (paragraph 153);

xv. **assessing the effectiveness of the current system/policy of parallel and post-employment business interests/activities of the police, including by establishing unequivocal criteria for permissible secondary activities and streamlining the authorisation process to render it clear, timely and effective** (paragraph 158);

xvi. **strengthening the protection of whistleblowers within the police and taking all other measures deemed necessary to facilitate the reporting of corruption, including by guaranteeing whistleblowers' confidentiality, as appropriate** (paragraph 177);

xvii. **(i) additional safeguards be introduced to provide for independent and effective investigation into police complaints and a sufficient level of transparency to the public; (ii) a tracking-system of public complaints be established** (paragraph 185).

192. Pursuant to Rule 30.2 of the Rules of Procedure, GRECO invites the authorities of Greece to submit a report on the measures taken to implement the above-mentioned recommendations by 30 June 2023. The measures will be assessed by GRECO through its specific compliance procedure.

193. GRECO invites the authorities of Greece to authorise, at their earliest convenience, the publication of this report, and to make a translation of it into the national language available to the public.

About GRECO

The Group of States against Corruption (GRECO) monitors the compliance of its 49 member states with the Council of Europe's anti-corruption instruments. GRECO's monitoring comprises an "evaluation procedure" which is based on country specific responses to a questionnaire and on-site visits, and which is followed up by an impact assessment ("compliance procedure") which examines the measures taken to implement the recommendations emanating from the country evaluations. A dynamic process of mutual evaluation and peer pressure is applied, combining the expertise of practitioners acting as evaluators and state representatives sitting in plenary.

The work carried out by GRECO has led to the adoption of a considerable number of reports that contain a wealth of factual information on European anti-corruption policies and practices. The reports identify achievements and shortcomings in national legislation, regulations, policies and institutional set-ups, and include recommendations intended to improve the capacity of states to fight corruption and to promote integrity.

Membership in GRECO is open, on an equal footing, to Council of Europe member states and non-member states. The evaluation and compliance reports adopted by GRECO, as well as other information on GRECO, are available at: www.coe.int/greco.

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