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Greco RC-I (2004) 2E
Addendum

First Evaluation Round

Addendum to the Compliance Report on Greece

Adopted by GRECO
at its 35th Plenary Meeting
(Strasbourg, 3-7 December 2007)

I. INTRODUCTION

1. GRECO adopted the First Round Evaluation Report on Greece at its 9th Plenary Meeting (13-17 May 2002). This report (Greco Eval I Rep (2001) 15E), which contains 10 recommendations addressed to Greece, was made public on 16 October 2002.
2. Greece submitted the Situation Report required by GRECO's compliance procedure on 30 December 2003. On the basis of this report and a Plenary debate, GRECO adopted the First Round Compliance Report (RC-report) on Greece at its 21st Plenary Meeting (29 November – 2 December 2004) which was made public on 23 March 2005. The Compliance Report (Greco RC-I (2004) 2E) concluded that Greece had implemented, or dealt with in a satisfactory manner with all the recommendations of the First Round Evaluation Report with the exception of one which had been partly implemented. Recommendations i, ii, iv, vi, vii, viii and ix had been implemented satisfactorily and Recommendations iii and x had been dealt with in a satisfactory manner. Recommendation v had been partly implemented. GRECO requested additional information on its implementation. After several reminders addressed to the authorities, the information requested was eventually submitted on 25 October 2007, i.e. nearly one year and a half after the deadline set by GRECO (31 May 2006).
3. Pursuant to Rule 31, paragraph 9.1 of GRECO's Rules of Procedure the objective of the present Addendum to the First Round Compliance Report is to appraise the implementation of recommendation v in the light of the additional information referred to in paragraph 2.

II. ANALYSIS

Recommendation v.

4. *GRECO recommended to develop a criminal investigation department (under the supervision of prosecutors and investigative judges), to specially screen the officers before being recruited to it, and to establish, within this criminal investigation department, units specialising in economic and financial crime (including corruption).*
5. GRECO recalls that in the Compliance Report, on-going progress was noted since the Greek authorities had indicated that a Committee had been set up, by order of the Minister of Justice, which was drafting new legislation providing for the creation of the Judicial Police. They had also reported that upon completion of the Committee's work, measures aimed at enhancing the level of specialisation of Judicial Police officers and background screening when considering their job applications would be taken.
6. The Greek authorities report that "after careful consideration the proposal to establish a Judicial Police has been dropped and numerous parliamentary bills to that effect have been shelved". They stress that other ways have been found to address the recommendation.
7. First of all, the competence of the Internal Affairs Division of the Hellenic Police (which was until then limited to domestic corruption cases within the Police force) was broadened by virtue of Law 3103/2003 to include corruption offences which involve any staff employed in public administration. The first evaluation round report had assessed the Division in positive terms. It is staffed with specialist police officers who have received only the highest marks in their five last professional appraisals before joining the division, and who cannot be transferred ex officio during the term of their service. A Public Prosecutor to the Court of Appeal is permanently attached to the service and supervises all its operations.

8. Secondly, the Financial and Economic Crimes Office (SDOE) under the Ministry of Economy and Finance has become the Special Investigations Service (SIS) by virtue of Law No 3296 of December 2004. In accordance with the Law on ratification and application of the Criminal Law Convention on Corruption of 2 May 2007 (art. 11), its field of competence has also been broadened to include all offences contained in the convention (as implemented in domestic legislation). Although the SIS is an administrative body (staffed with specialists from the tax administration, financial inspectorate and customs, but also ad hoc experts), it is entitled to apply – for both the preliminary and criminal investigation of cases falling under its competence - measures such as arrests, enquiries, searches (of people, transportation means, shops, houses and any other kind of premises) and even special investigative techniques. The SIS covers the entire territory through its central and 15 regional directorates and it works on a 24 hours/7 days basis. It may act *ex officio* or upon the prosecutor's request. Members of the SIS cannot be sued for opinions and motions contained in the reports they submit to the prosecutor. The Greek authorities also stress that to ensure the SIS' independence; it is subject to the direct authority of the Minister of Economy and Finance. The work of the SIS staff is scrutinised by a special internal committee.
9. GRECO notes that the government has actively supported and initiated measures for the implementation of recommendation v including the introduction of a criminal investigation department / Judicial Police in Greece. However, it would appear that contrary to what could legitimately be expected following the first measures announced in the RC report, the efforts to establish a Judicial Police have finally failed for lack of support by Parliament. This is regrettable since practitioners met by the evaluation team at the time of the on-site visit were unanimously very supportive of such a change. This being said, GRECO welcomes the alternative solutions found by enlarging the fields of competence of two existing bodies thus ensuring that specialist investigative bodies are in place to conduct criminal investigations in the area of corruption. GRECO notes that the Internal Affairs Division of the Hellenic Police and the SIS appear to offer appropriate guarantees (territorial coverage, corruption offences covered, level of expertise, measures to ensure a reasonable level of independence, professional standards, screening etc.) to be considered as an acceptable alternative to the setting up of a criminal investigation department.
10. GRECO concludes that recommendation v has been dealt with in a satisfactory manner.

III. CONCLUSION

11. The information provided by the Greek authorities indicates that the promising plans referred to by GRECO in its Compliance Report and concerning the creation of a criminal investigation department / Judicial Police (with several accompanying measures) have not materialised. Nevertheless, solutions have been found, which appear to offer satisfactory guarantees for properly investigating economic and financial crime (including corruption). Consequently, recommendation v can now be considered as having been dealt with in a satisfactory manner. GRECO hopes that the matter will not entirely disappear from the political agenda but will be reconsidered in due course.
12. The adoption of the present Addendum to the Compliance Report terminates the First Evaluation Round compliance procedure in respect of Greece.
13. Finally, GRECO invites the authorities of Greece to translate this Addendum into the national language and to make this translation public.