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First Evaluation Round

Compliance Report on Greece

Adopted by GRECO
at its 21st Plenary Meeting
(Strasbourg, 29 November - 2 December 2004)

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) was made public by GRECO, following authorisation by the authorities of Greece on 16 October 2002.
2. In accordance with Rule 30.2 of GRECO's Rules of Procedure, the authorities of Greece submitted their Situation Report (RS-Report) on the measures taken to follow the recommendations on 30 December 2003.
3. At its 13th Plenary Meeting (24-28 March 2003), GRECO selected, in accordance with Rule 31.1 of its Rules of Procedure, Portugal and Slovenia to provide Rapporteurs for the compliance procedure. The Rapporteurs appointed were Mrs Luisa Maia GONÇALVES on behalf of Portugal and Mr Roman PRAH on behalf of Slovenia. The Rapporteurs were assisted by the GRECO Secretariat in drafting the Compliance Report (RC-Report).
4. The RC-Report was adopted by GRECO, following examination and debate pursuant to Rule 31.7 of the Rules of Procedure, at its 21st Plenary Meeting (29 November - 2 December 2004).
5. Under Article 15 para. 6 of the GRECO Statute and Rule 30.2 of the Rules of Procedure, the objective of the RC-Report is to assess the measures taken by the authorities of Greece and, wherever possible, their effectiveness in order to comply with the recommendations contained in the Evaluation Report.

II. ANALYSIS

6. It was recalled that GRECO in its Evaluation Report addressed 10 recommendations to Greece. Compliance with these recommendations is dealt with below.

Recommendation i.

7. *GRECO recommended to organise the gathering of information, including as a priority the computerisation of data at the Ministry of Justice, to draft appropriate statistics and to develop official research into and studies of this phenomenon.*
8. The authorities of Greece have reported that:
9. The Prosecution Office of the Supreme Court (*Areios Pagos*) has embarked on the necessary means needed to organise the gathering of information on all crimes of corruption. Accordingly, all the competent Prosecution Offices in Greece submit comprehensive reports to the Prosecution Office of the Supreme Court. These reports highlight criminal prosecutions of corruption offences, the detailed description of these offences, the advancement, as well as a conclusion of the proceedings. They enable an improvement of the judicial control, the faster progress of the related judicial proceedings and facilitate the possibility of establishing the degree, level and characteristics of corruption throughout the country. The Prosecution Office of the Supreme Court is computerising this compilation of data that shall be incorporated into the statistics gathered at the Ministry of Justice. Personal data kept in the Public Prosecutor's Office by the Supreme Court may well be used for a statistical analysis of corruption cases and contribute, through a study of the facts included in them, to the investigation of these cases.

10. Furthermore, a data computerising process has been initiated by the Ministry of Justice with the project of the Central Service Criminal Records' Computerisation already in progress. The computerisation of the Criminal Record of the Central Service of the Ministry of Justice is to be completed by the end of December 2004.
11. GRECO took note of the information provided by the Greek authorities. It welcomed the efforts made by the Prosecution Office of the Supreme Court to organise the gathering of information relevant to corruption, which will lead to the improvement of the system. It also welcomed the efforts in the establishment of computerised data at the Ministry of Justice, including the possibility to incorporate relevant data collected by the Public Prosecutor's Office by the Supreme Court. These efforts should permit to draft appropriate statistics and to develop official research into and studies of the phenomenon of corruption.
12. GRECO concludes that recommendation i has been implemented satisfactorily.

Recommendation ii.

13. *GRECO recommended to make a comprehensive analysis of how the law should be tidied up and simplified, and to step up efforts to promote awareness, enforcement and monitoring of administrative rules in the most vulnerable sectors.*
14. The authorities of Greece have reported that :
 - The effort to modernise the administrative system, reform the legal framework, monitor the enforcement of legislation, aiming to ensure the transparency in the functioning of both public and private sectors, combat the phenomenon of corruption and organised crime, is a constant priority for the Hellenic State;
 - Specific initiatives and actions have been taken in sensitive and crucial sectors to implement the recommendation, manifested by, *inter alia*, establishing and functioning a new institutional multi-disciplinary instrument for co-ordinating, monitoring and combating corruption, curing former deficiencies caused by administrative disfunctioning, confusion of controlling competences, vagueness of legislative regulations and time-consuming judicial procedures. Law No 3133 of 11.4.2003 on the 'establishment and formation of the Central Codification Committee' was adopted in order to render possible a comprehensive analysis of fragmented legislative texts and to promote awareness, enforcement and monitoring of administrative rules in the most vulnerable sectors, and finally, transparency in the administration.
 - The Central Codification Committee is established at the Secretariat General of the Cabinet and is composed of seven members, five of which are representatives of the Supreme Courts (civil, criminal and administrative justice) and two representatives from education institutes. This body is meant to codify the laws that are in force, by bringing together and categorising them into thematic units (Article 2 para. 1); in order to prepare the standard law codes, it is allowed to reform the codified provisions and omit provisions that are explicitly or implicitly cancelled or that lack implementation (Article 2 para. 2). This codification of the legislation will prevent any conflicts of laws, any confusion on how the rules of law should be implemented and will strengthen the effect that the principle of transparency has in the administrative system.
 - Finally, the 'General Public Administration Inspector' (GPAI) and the 'Coordinating Inspection and Control Instrument' (CICI) established by virtue of Law 3074/04.12.2002 are performing controls

over the Public Administration that contribute to promote awareness, enforcement and monitoring of administrative rules in the most vulnerable sectors (see also comments under Recommendation iii).

15. GRECO took note of the information provided by the Greek authorities. It welcomed the adoption of Law No 3133/11.4.2003 and the establishment of the Central Codification Committee, whose purpose is to simplify and clarify the legislative provisions with the goal of improving the effectiveness of the law. The inspections performed by the 'General Public Administration Inspector' (GPAI) and the 'Coordinating Inspection and Control Instrument' (CICI) established by virtue of Law No 3074/4.12.2002 also promote awareness and ensure enforcement and monitoring of administrative rules in the most vulnerable sectors.
16. GRECO concludes that recommendation ii has been implemented satisfactorily.

Recommendation iii.

17. *GRECO recommended to introduce a national anti-corruption strategy or action plan and to designate or create a multi-disciplinary inter-ministerial body that has sufficient legitimacy and authority to see that it is followed through.*
18. The authorities of Greece have reported that major laws and decrees have been passed with a view to putting into place all elements of a national anti-corruption strategy. Thus, the Law No 3074 of 4.12.2002 established two institutional bodies:
 - The 'General Public Administration Inspector' (GPAI) with the purpose of setting up a national anti-corruption strategy, by certifying the organised and efficient functioning of the administration, by monitoring and evaluating the work of public administration inspection bodies and by tracking corruption and incidents of inefficient administration (Article 1, para. 1). The body, which is composed of five members (General Inspector and four Assistants) who enjoy personal and functional independence (Article 1, para. 3(d)), has to perform the following duties:
 - It may order *ex officio* the carrying out of inspections, checks, repeat controls and investigations by the Public Administration Inspectorate and the separate Inspection and Control Bodies and Services of the ministries, districts, local government organisations and their services, public law legal persons, state-run private law legal persons and public undertakings (Article 1, para. 1(a), (d)).
 - It organises and supervises the Coordinating Inspection and Control Instrument (CICI), so as to ensure the inter-ministerial control and significant harmonisation of the work of all Ministerial Inspection and Control Bodies (Article 1, para. 1(f)).
 - The importance of this institutional body is identified in the fact that its annual report, which publishes the most important cases related to corruption activities, bad administration and lack of transparency in the public administration, is examined during a special meeting of the Plenary Session of the Parliament and is released as a special publication of the National Printing House (Article 1, para. 1(h)).
 - The 'Coordinating Inspection and Control Instrument' (CICI), which monitors and directs the Inspection and Control carried out by the Public Administration Inspectorates. This body may

- order mixed groups of inspectors to carry out joint inspections, controls and investigations (Article 8, para. 1 and 6).
19. At Governmental level, by virtue of Decision No 54722 of 13.5.2003, the Minister of Justice established a “Working Group for the consolidation of the principle of transparency and the fight against corruption”, which is presided by the Secretary General of the Ministry and composed of representatives of several bodies in charge with the prevention, detection and repression of corruption.
20. The other major legislative developments are the following:
- Concerning the government procurement, by virtue of the Presidential Decree No 22 of 25.1/4.2.2002, the Greek legislation has been adapted to the Directive 98/4/EC of the European Parliament and of the Council of 16.2.1998, coordinating the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors.
 - Concerning the government procurement in connection with mass media enterprises, the constitutional amendment of April 2001 established a special provision (Article 14 paragraph 9e of the Constitution) which provided for the incompatibility of parallel activity in the field of government procurement and the field of mass media. Furthermore, by virtue of Law No 3021 of 19.6.2002 on “restrictions to the contracting public procurement with persons operating or participating in mass media enterprises” are designated : aa) the notion and the content of the above-mentioned incompatibility and the corresponding prohibition of contracting government procurement (Articles 1, 2); bb) specific control-mechanisms and procedures for the respect of provided prohibitions and restrictions (Article 4); cc) administrative, criminal and other sanctions against natural and legal persons in the breach of the law (Article 5).
 - Concerning the European Union’s financial aid and funding for the procurement procedures in relation to the Olympic Games of 2004, by virtue of Law No 2940 of 6.8.2001 the institutional framework ruling the constructions sector has been reformed and in particular the issues of transparency and of objectivity in the public tender procedures have been emphasised (Article 5 of Law No 2940 of 6.8.2001).
 - Concerning the financing of the political parties and the parliamentary candidates, the Law No 3023 of 25.6.2002, which has been voted for the implementation of the revised constitutional rules, regarding the financial support of the political parties and the publicity of the electoral expenditure of parties and of the candidate members of parliament (Article 29 paragraph 2 of the Constitution), provides: aa) that the audit of the electoral expenses of the political parties and of the candidate members of parliament is exercised by a special body composed of supreme court’s judges ; bb) the loss of mandate, in case of violation in financing process ; cc) the handling of no less than 80% of the annual total amounts of the political parties revenues and expenditures through bank accounts ; dd) the prohibition of financing political parties and candidate members of parliament by any public law bodies (Article 26 of Law No 3026 of 2003).
 - Concerning the fight against organised crime, the Law No 2928 of 27.6.2001 has been voted for the protection of the citizen against offences caused by criminal organisations.
21. GRECO took note of the information provided by the Greek authorities. It welcomed the progress made with the adoption by the Parliament of major laws aiming at preventing and combating corruption. GRECO welcomed in particular the adoption of Law No 3074/04.12.2002 that assigns

an institutional body, the General Public Administration Inspector (GPAI), to create a specific anti-corruption strategy for Public Administration and to monitor its implementation together with the Coordinating Inspection and Control Instrument (CICI), which monitors and directs the Inspection and Control carried out by the Public Administration Inspectorates. The Greek authorities provided a convincing summary of the annual report for 2003 by the General Inspector of Public Administration. GRECO also welcomes the establishment and functioning of the Ministry of Justice's Working group.

22. GRECO concludes that recommendation iii has been dealt with in a satisfactory manner.

Recommendation iv.

23. *GRECO recommended to strengthen the Internal Affairs Division of the Greek police and to gradually extend its jurisdiction to other sectors of the public administration (the Ministry of Finance, among others), starting with officials who hold police powers.*
24. The authorities of Greece reported that selected provisions of Law 2713/1999, which created the Internal Affairs Division of the Greek Police, have been amended by Law 3103/29.1.2003. These amendments considerably improve and enlarge the Division's extent of authority (Article 2). Above all, the Division is in charge of the enquiry and criminal prosecution of offences of bribery and extortion, perpetrated by civil servants and a broader range of public sector's officials, including officials of the Ministry of Finance. Furthermore, the Division is authorised to carry out the enquiry, solving and criminal prosecution of corruption offences identified in the original Law, which have been perpetrated by special security men and border guards.
25. Moreover, as far as the Ministry of Finance is concerned, in the planning of the new Organisation of the Financial Inspection Service, the establishment of a Financial Control Department for all Departments of the above Ministry is also provided for.
26. GRECO took note of the information provided by the Greek authorities. It welcomed the measures adopted that strengthen and extend the Internal Affairs Division's authority of the Greek Police, and its new powers extended to cover officials in the public sector including those of the Ministry of Finance and those who hold police powers, such as security men and border guards.
27. GRECO concludes that recommendation iv has been implemented satisfactorily.

Recommendation v.

28. *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).*
29. The authorities of Greece have reported that:
- The police departments in charge of preliminary investigations or preliminary inquiries are those composed of trained officers who are graduates of universities or special police schools. These police officers have the capacity to carry out preliminary investigation functions, because they are qualified to be general investigative officers and are well-informed and experienced.

- The preliminary investigation and inquiries are conducted upon the order of the public prosecutor of the first instance criminal court, and are under his supervision (Article 33, para. 1 of the Code of Criminal Procedure).
 - A current amendment of the Greek legislation has now granted the Public Prosecutor at the Athens Court of Appeal a broader judicial supervision (with the pan-Hellenic jurisdiction) of economic and financial crime, including corruption (Article 7, Law 3074/2002).
 - In addition, a public prosecutor heads the Internal Affairs Division of the Greek Police (Article 4, Law 2713/1999); a public prosecutor is in charge of the body dealing with the investigation of 'Money Laundering' (Article 7, Law 2331/1995); a public prosecutor oversees the special 'Financial and Economic Crimes Office' (SDOE) (Law 2343/1995); The public prosecutors of the local first instance criminal courts administer the preliminary investigations or inquiries carried out by Inspectors concerning corruption offences (Article 7b, Law 3074/2002).
 - The special Greek police departments presently function efficiently as actual (*de facto*) criminal investigation departments, including the benefit that they function on a pan-Hellenic level, practising decentralisation instead of concentration.
30. In addition to these measures, the Greek authorities have reported that a Committee has been set up, by order of the Minister of Justice, which is drafting new legislation providing for the creation of the Judicial Police. They have also reported that upon completion of the Committee's work, measures aimed at enhancing specialisations of officers of the Judicial Police and screening their job applications will be taken.
31. GRECO took note of the information provided by the Greek authorities. The information provided helped identify the role of police and public prosecutors in criminal investigations and some specialised law enforcement services. GRECO was made aware of the fact that the Government finally decided to establish a Judicial Police and Greece is currently preparing a draft law with that purpose. It welcomes this positive measure. As soon as the judicial police will be created, GRECO is confident that the Greek authorities will take all measures to implement the second part of the recommendation, in particular, that they will specially screen the officers before recruiting them to this criminal investigation department, and that they will establish units specialised in economic and financial crime (including corruption).
32. GRECO considered that these measures, once implemented, would comply with recommendation v. It concludes that recommendation v has been partly implemented.

Recommendation vi.

33. *GRECO recommended to continue to enhance the training for judges and prosecutors responsible for fighting economic and financial crime, including corruption, and to appoint the latter to court chambers or prosecution office sections which should become specialised.*
34. The authorities of Greece have reported that:
35. Presidential Decree No 308 of 1996 stipulates that members of the Judiciary shall be trained in legal, social, methodological, organisational and other relevant issues for the exercise of their duties. Article 3 par. 4 stipulates that, during their service (as practising Reporting Judges and

Reporting Judges by the State Council and the Court of Audit, Assistant Judges, Deputy Public Prosecutors and Public Prosecutors by the Courts of First Instance, Judges by the Courts of First Instance and Presiding Justice, as well as first-degree Judges by Administrative Courts), members of the Judiciary should necessarily attend at least eight training courses having as their object, among others: "the new forms of financial crime." This covers corruption cases as well.

36. Furthermore, by virtue of Decision No. 92952 of 2000 of the Minister of Justice, a Department of the National School of Magistrates shall be in charge of the training of the members of the Judiciary. This Department has organised several training seminars attended by 1,978 Judges and Public Prosecutors. For the academic year starting in Autumn 2004 and as part of the cycle of training courses to be held in the National School of Judges, one of the sessions has already been scheduled to be devoted to the various forms of financial crime and specifically to corruption.
37. The handling of cases involving financial crimes, including corruption, is assigned to special investigation departments dealing exclusively with financial crimes.
38. As mentioned above (under recommendation v), the Public Prosecutor at the Athens Court of Appeal has now the general judicial supervision (with pan-Hellenic jurisdiction) of the offences in question (Article 7, Law 3074/2002). Therefore, financial crime cases, including corruption, are dealt with by specialised public prosecutors.
39. GRECO took note of the information provided. It welcomed the increased specialisation at the Public prosecutor's level by conferring pan-Hellenic judicial supervision on corruption offences to the Public Prosecutor at the Athens Court of Appeal. It also welcomed the continued efforts in providing judges and public prosecutors a training that enables them to be informed and updated of the evolution of the legislation and most importantly that which is related to corruption. The judges and prosecutors who take part in these courses acquire a specialised knowledge of economic and financial crime, including corruption.
40. GRECO concludes that recommendation vi has been implemented satisfactorily.

Recommendation vii.

41. *GRECO recommended to adopt the necessary legal and other measures as may be necessary to ensure that police and judicial authorities are given systematically information from the Audit Court which could be useful to uncover corruption cases.*
42. The authorities of Greece have reported that based on the general provisions of Article 37 para. 2 of the Code of Criminal Procedure, all civil servants, whether in permanent or temporary positions, are required to report, as soon as possible, to the competent public prosecutor any information they may have received with regard to *ex officio* prosecutable offences, for instance crimes of corruption.
43. Based on the provisions in force, in particular Law No 3074 of 4.12.2002, all the bodies that deal with corruption co-operate and supply information needed by the Public prosecutor at the Athens Court of Appeal. The Public prosecutor at the Athens Court of Appeal acts not only once an identifiable corruption offence has been committed, but also on the reception of any information that may have transpired from any part of an audit carried out in the structure of any inspection or administrative inquiry on a potentially committed corruption offence. Subsequently, the Public

Prosecutor at the Athens Court of Appeal instructs either the competent Public Prosecutor of the First Instance Court or the Inspectors and Assistant Inspectors of the Public Administration Inspectorate to carry out a preliminary investigation to establish if an offence has been committed (Article 5, para. 5, section (c-ii), Law No 3074 of 4.12.2002).

44. When auditing the accounts, if a criminal act punishable by law is discovered, it “will” be notified to the competent public prosecutor and the President of the Audit Court (Articles 23-24, para. 7, Presidential Decree No 774 of 1980). There is no clash between Articles 21-24 of Presidential Decree No 774/1980 and Article 37 of the Code of Penal Procedure. On the contrary, both provisions express the same principle, according to which, when a public servant ascertains the commission of a criminally punishable act in his/her area of competence during the performance of his/her duties, s/he refers the case to the competent public prosecutor.
45. GRECO took note of the information provided by Greece and in particular that the Law No. 3074 of December 2002, in addition to the provisions already existing at the time of the evaluation visit (Criminal Procedure Code and the Presidential Decree No. 774 of 1980), regulates now the cooperation between the Public Prosecution Authorities and the inspection services.
46. GRECO concludes that recommendation vii has been implemented satisfactorily.

Recommendation viii.

47. *GRECO recommended to promote the full application of the mechanism for the declaration of assets; this should be done by taking the measures necessary to make the best use – in the perspective of the fight against corruption – of the declarations submitted by civil servants, providing if necessary for legal presumptions or specific offences.*
48. The authorities of Greece have reported that Law No 3213 of 31.12.2003 on “Declaration and Checking of the Financial Status of Members of Parliament, Public Servants and Employees, Owners of Mass Media and Other Categories of Persons” was passed through Parliament and is currently in force. An English translation of this Law has been made available. During the checking of the declarations submitted by the persons who are legally bound to do so, should a violation be ascertained (failure to submit a declaration or inaccurate declaration), the case is referred to the competent Public Prosecutor, and, once an order is issued, the case is brought before a court.
49. GRECO took note of the information provided by the Greek authorities. It welcomed the legislative efforts made to implement the recommendation. It noted that Article 1 contains a long list of all categories of persons (but not all civil servants) obliged to fulfil a financial declaration. Article 3 of Law No 3213 of 31.12.2003 contains a description of the several Organs assigned to monitor the full application of the mechanism for the declaration of assets and the audit procedure. The law contains some provisions relating to the means available to certify the exactness of the declaration’s content and to detect whether the acquisition of new assets or the increase of the ones which exist, is excused by the amount of any kind of revenue, whatsoever, in combination with the costs of living. The banking, stock market and tax secrecy shall not apply. Article 4 of the law provides for criminal sanctions including imprisonment, deprivation of civil rights and confiscation. Nevertheless, depending on the category of Persons described by the Law, every matter concerning the scope, the audit procedure and the establishment of the monitoring organ shall be regulated by specific decision of the President of the Parliament, the Minister of Justice or the Minister of Economics and Financial Affairs, and published in the Official

Gazette. GRECO is confident that the enforcement of the new Law and the decisions of the President of the Parliament, the Minister of Justice and the Minister of Economics and Financial Affairs should also give the Organs in charge of the implementation of that Law all the means necessary to promote the full application of the mechanism for the declaration of assets. The Greek authorities might wish to transmit to GRECO information on the above mentioned decisions.

50. GRECO concludes that recommendation viii has been implemented satisfactorily.

Recommendation ix.

51. *GRECO recommended to establish, for the purpose of devising a multidisciplinary strategy to combat corruption, channels of contact or even mechanisms for associating non-governmental organisations with the definition of policies in the field.*
52. The authorities of Greece have reported that in practice, all competent institutional and administrative mechanisms, and in particular the authorities responsible for creating legislative acts, take into account the suggestions and opinions of non-governmental organisations, including on issues regarding corruption. This practice was now made easier by the procedural systems bestowed at the constitutional level following the 2001 constitutional amendment. The amended Article 10 of the Constitution permits and assures the entitlement of interested parties to ask for and obtain access to information or data available by the public authorities, and to propose their opinions on the numerous issues of interest to the public sector with corruption being one of them.
53. Furthermore, the Secretary General of “Transparency International Hellas” participates in the “Working Group for the consolidation of the principle of transparency and the fight against corruption” of the Ministry of Justice, set up by Decision No. 54722 of 13.5.2003, presided by the Secretary General of the Ministry of Justice and engaged in law-elaboration.
54. GRECO took note of the information provided by the Greek authorities and welcomes the measures taken to implement recommendation ix.
55. GRECO concludes that recommendation ix has been implemented satisfactorily.

Recommendation x.

56. *GRECO recommended to review, in the perspective of a forthcoming constitutional amendment, the procedure for waiving the immunity of members of parliament and of the government, in order to make it more transparent and easier to apply.*
57. The authorities of Greece have reported that the amendment of Article 83 of the Parliamentary Rules of Procedure (on 31st October 2003) has established a new process for lifting the immunity enjoyed by members of Parliament. In order to start proceedings against a member of parliament the relevant requests have to be checked by the Public Prosecutor of the Supreme Court and then be submitted by the Minister of Justice to the Parliament. Once the Parliament has received this request it is communicated to the Parliamentary Ethics Committee by the Speaker of the Parliament (Article 43A paragraph 1(e)). The investigation carried out against the MP has as a goal to ascertain whether an act committed by the MP was associated with his/her political activity or whether the prosecution masks reasons of political pragmatism in having the authority

and function of the Parliament or the MP's Parliamentary Group tainted. The MP can be granted a hearing if he/she wishes to. Then the Committee investigates the situation and makes a decision based on the information associated with the request, and not with the validity of the charges. The Plenary Session of the Parliament comes to a decision regarding the report through the practice of an open vote. The Speaker or the Chairman of the MP's Parliamentary Group may call for a secret ballot. The purpose of the rules is to protect the Parliament and defend the authority of members of Parliament that is actually connected to their political activities, who are nonetheless harassed for their actions. On the other hand, these rules intend to disband any misgivings that citizens may often have regarding the potential 'covering-up due to peer solidarity' of immunity waiving cases.

58. The legal liability of Ministers is established in Article 86 of the Constitution, as well as in Law 3126 of 19.3.2003 which specifies the content of this constitutional provision (the English translation of these texts was made available). The law makes a distinction between offences – misdemeanours and felonies – committed by the Ministers or Deputy Ministers during the exercise of their duties and offences committed outside the exercise of their duties. The former are tried, following the proceedings established in Article 86 of the Constitution, by a special court (even if such Minister has no longer this capacity), while the latter by competent courts, pursuant to the provisions of the Penal Code and the Code of Penal Procedure. Should there be any accomplices, these are also brought before a court and tried, pursuant to the provisions of Law 3126/2003. By virtue of that Law, preliminary investigation, pressing of criminal charges, preliminary examination or examination against a Minister for punishable acts, shall not be carried out without the previous resolution by the Plenary Session of the Parliament. If, during another administrative investigation, preliminary investigation, preliminary examination or examination, evidence arises, which relates to punishable acts as mentioned above, the same shall be promptly forwarded to the Parliament by the person who conducts the investigation, preliminary examination or examination. In no case the person conducting the investigation or examination may evaluate the evidence related to possible Ministers' criminal liability. The criminal proceedings shall be instituted as long as it is requested in writing by at least thirty (30) members of the Parliament. The Parliament shall, by a resolution passed by the absolute majority of all its members, form a special parliamentary committee, to conduct a preliminary investigation, with all powers of a Public Prosecutor of the First Instance Court. It establishes a motion for the pressing of criminal charges or not. The resolution of the Parliament in Plenary Session on whether to press criminal charges or not shall be passed by the absolute majority of all members of Parliament. If the Plenary Session of the Parliament rejects the motion for the pressing of criminal charges as obviously unfounded, any further motion concerning the same persons and the same acts shall in all cases be inadmissible, even if it has a different legal characterisation.
59. By virtue of Article 110 of the Constitution, a review of the Constitution is not allowed before the lapse of five years after completion of the previous one in 2001.
60. GRECO took note of the information provided by the Greek authorities. GRECO welcomed the efforts made regarding the application and transparency of the process for lifting the immunity of Members of Parliament in the Rules of Procedures of the Parliament and of Members (or former members) of Government in Law 3126 of 19.3.2003. Due to these amendments and clarifications, the procedure for waiving the immunity of members of Parliament and of the Government might be easier to apply. Nevertheless, this procedure remains difficult to apply as even for former ministers, not even a preliminary investigation can start without applying the cumbersome procedure of Article 86 and Law No 3126 of 19.3.2003. GRECO noted that a proposal for amending the procedure for waiving the immunity of members of Parliament and of the

Government had been rejected by the Parliament when considering and adopting the constitutional amendment of 2001. It also understands that due to constitutional obstacles no other amendment could be made to this procedure before 2006. The Greek authorities may wish to transmit additional information to GRECO regarding possible amendments to the system of immunities covering members and former members of government.

61. GRECO concludes that recommendation x has been dealt with in a satisfactory manner.

III. **CONCLUSIONS**

62. **In view of the above, GRECO concludes that Greece has implemented satisfactorily or dealt with in a satisfactory manner almost all recommendations contained in the First Round Evaluation Report.** Recommendations i, ii, iv, vi, vii, viii and ix have been implemented satisfactorily. Recommendations iii and x have been dealt with in a satisfactory manner. Recommendation v has been partly implemented.
63. GRECO invites the Head of the delegation of Greece to submit additional information regarding the implementation of recommendation v by 31 May 2006.