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First Evaluation Round

Evaluation Report on Greece

Adopted by GRECO
at its 9th Plenary meeting
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I. INTRODUCTION

1. Greece was the twenty-first GRECO member to be examined in the First Evaluation Round. The GRECO evaluation team (hereinafter referred to as the GET) was composed of Ms Gordana CENIC-JOTANOVIC, Deputy to the Minister for Finance (of Republika Srpska, Federation of Bosnia and Herzegovina, expert on general policies), Mr Jean-Marie LEQUESNE, Chief Superintendent (*Commissaire Divisionnaire*) (Belgian Federal Police Force, expert on police questions) and Mr Jean-Pierre ZANOTO, magistrate (Inspectorate-General of Judicial Services, France, expert on judicial questions). This team, together with a member of the Secretariat, visited Athens from 13 to 16 November 2001. Prior to the visit the experts had received information in the form of summary replies to the evaluation questionnaire (document Greco Eval I (2001) 44E); these replies made frequent reference to a number of statutes appended to them. Additional information was provided from time to time in the course of the visit.
2. The GET appreciated the hospitality extended by the Greek authorities, the diversity of the institutions included in the visit and the receptiveness of the representatives of the various authorities whom it met: the Minister for Justice and central departments of the Justice Ministry (Special Advisers, Directorate-General of Judicial Administration, Directorate of Legislative Co-ordination and Special Legal Relations, Special Legal Affairs Section for the EU and international organisations), judges and prosecutors at the Athens Court of First Instance, judges and prosecutors at the Athens Court of Appeal, Directorate of Internal Affairs of the Ministry of Public Order, Parliament (Deputies and Political Parties Financial Scrutiny Committee; the meeting with the Chairman of the Committee on Institutions and Transparency had to be cancelled owing to the recent reorganisation of the committee), Financial and Economic Crimes Office (FECO) of the Ministry of Finance, central directorates of the tax and customs services, Committee on Section 7 of the Money Laundering Act, Ministry of Development, Audit Court, Government Inspectorate (Ministry of the Interior, Public Administration and Decentralisation) and, lastly, the Ombudsman and members of his staff. The Greek Representative on the GRECO, who is Professor of Criminology at the University of Athens, also took part in the visit.
3. The GET particularly appreciated the fact that the Greek officials assisting it in implementing its programme elected not to be present at the discussions it had with representatives of the non-governmental sectors, namely the Greek branch of Transparency International and the main newspaper journalists' association.
4. The programme was intensive, and the discussions, lasting from one to two hours, took place in the offices of the players concerned.
5. It will be remembered that the GRECO decided at its 2nd plenary meeting (December 1999) that the First Evaluation Round would last from 1 January 2000 to 31 December 2001, this deadline subsequently being extended to 30 June 2002 to allow evaluation of the new members (decision taken at the 6th plenary meeting (September 2001)). The 2nd plenary meeting also decided – in accordance with Article 10.3 of the GRECO Statute – that the evaluation procedure would be based on the following provisions:
 - Guiding Principle 3: persons in charge of preventing, investigating, prosecuting and adjudicating corruption offences: legal status, powers, means for gathering evidence, independence and autonomy;
 - Guiding Principle 7: specialisation of persons or bodies in charge of fighting corruption, means at their disposal;

- Guiding Principle 6: immunity from investigation, prosecution or adjudication of corruption offences.
6. The principal objective of this report is to evaluate the measures adopted by the Greek authorities, and wherever possible their effectiveness, in order to comply with the requirements deriving from Guiding Principles 3, 6 and 7. The report will first describe the situation of corruption in Greece, the general anti-corruption policy, the institutions and authorities in charge of combating it – their functioning, structures, powers, expertise, means and specialisation – and the system of immunities preventing the prosecution of certain persons for acts of corruption. The second part contains a critical analysis of the situation described, assessing, in particular, whether the system in place in Greece is fully compatible with the undertakings resulting from Guiding Principles 3, 6 and 7. Finally, the report includes a list of recommendations to Greece in order for this country to improve its level of compliance with the Guiding Principles under consideration.

II. GENERAL DESCRIPTION OF THE SITUATION

7. Greece is a medium-sized state (132 000 km²) in southern Europe. It borders Albania, “the former Yugoslav Republic of Macedonia” and Bulgaria to the north and Turkey to the east. A distinctive feature of the country’s geography is the large number of islands, 169 of which are inhabited. Economically, the primary sector remains important. Annual per capita GDP is € 11 200. The shadow economy represents 30% of the GDP (study of the Institute of Economic and Industrial Research published in June 2001). The population totals slightly over 10 million, with approximately 55% living in urban areas. The Greater Athens conurbation accounts for approximately 35% of the total population. Since the end of the dictatorship in 1974, Greece – historically the birthplace of democracy – has been governed by a parliamentary democracy affirmed by the Constitution of 1974 as reformed in 1986 and 2001. The politico-administrative system is of the deconcentrated type and comprises 13 regions, each run by a Secretary General appointed by the Cabinet (Council of Ministers). The 51 *nomoi* (departments) and the municipalities are supervised by prefectures. The State is traditionally an important economic player. A policy of privatisation has been under way for some years. Greece is a member of the EU and most international organisations, including the United Nations, the Council of Europe and the OECD; it is also part of the Eurozone.

a. The phenomenon of corruption and its perception in Greece

8. No official study has been made of the extent and nature of corruption in Greece. The lack of a computerised system in the Ministry of Justice means, moreover, that it is impossible to have comprehensive data on corruption cases. The replies to the questionnaire state briefly that:
- “corruption in Greece mainly takes the form of bribery (passive and active) of national officials.
 - it is impossible to give a clear indication of the scale of corruption, as it is one of the usual forms of hidden crime. The fact that only a few cases of corruption have been brought to trial is not significant. The commonest form of corruption is bribery of public officials in return for their assistance in obtaining subsidies or aid from European Union funds and obtaining Greek citizenship (a recent phenomenon caused by the enormous influx of economic immigrants from central and east European countries). There are also similar cases of corruption in certain public services.”

9. In the discussions with the GET, representatives of the Athens Court of First Instance supplied the following statistics for this court: from September 2000 to the date of the visit, 6 cases of passive corruption had been considered, resulting in 2 convictions, 1 acquittal and 2 adjournments, with 1 case pending. From January 2000 to the date of the visit, the same court had considered 8 cases of trading in influence: 4 of them had been tried but the judgment was not known, and 4 cases were pending. On its side, the GET found publicly available information indicating that in the years 1990 to 1996, nearly 300 state employees had been deprived from their office for corruption-related acts.¹ To quote another example, in the period March 2000 – March 2001, the Transport Inspectorate carried out investigations in 141 corruption and “inefficiency” cases, of which 53 were forwarded to the prosecution².
10. During its visit the GET strove to obtain an overall picture and sector-by-sector views of the phenomenon of corruption and to overcome the difficulties stemming in part from the lack of data³. In this respect, the Greek authorities recalled that the detection of corruption is hindered by the reticence of citizens to report corruption related incidents. It discovered that a study had been published in 1998 on the initiative of a parliamentarian showing that corruption was on a larger scale than had been imagined, affecting in particular the police, the tax authorities and the construction sector.
11. An opinion poll was conducted by the Greek section of Transparency International in February 2001⁴. The study shows that 83% of the 920 persons questioned consider Greek society to be affected by corruption; 45% admit to having given a bribe or “backhander” and 18% to taking advantage of “connections”. As regards the reasons for corrupt behaviour, of the 45% of persons admitting to giving “backhanders”, 42% said that if they had not done so, their application or request would have been unsuccessful, 39% said they had done so because they had been asked, 23% because they feared adverse consequences, 20% because they had been advised to do so and 18% for reasons relating to common practice or to certain forms of obligation.
12. According to the study the public sectors particularly affected are hospitals and the tax department. However, the departments responsible for general administration and the sovereign functions of police and justice are no more immune than the providers of services (telecommunications, water, electricity). The information the GET obtained during its visit shows that the practice of bribes or “backhanders” – in the case of petty corruption – is often designed simply to secure the service owed by the department concerned (issue of documents or provision of service) in a reasonable time owing to the complexity of the applicable rules and procedures, and sometimes also to secure a favour (“backhander” to a doctor, issuing of a building permit).
13. However, the Greek authorities consider that the results of this study cannot be considered equal to elements of scientific research or of national statistics, as the results of such an opinion poll can be inaccurate or distorted.

¹ *The European*, 3-9 July 1997.

² Report of the Ministry of Transport published on 26 July 2001 (source : Kathimerini of 27 July 2001).

³ Other bodies have been similarly confronted with a lack of information: e.g. the University of Ghent (Belgium) was unable to obtain a Greek contribution to its 2001 study on “The organisation of the fight against corruption in the Member States and candidate countries of the EU”, or the Commission of the European Communities in the Annual Report for 2000 “Protection of the Communities’ financial interests and the fight against fraud”, point 13.1.2 (irrelevant data and data submitted late).

⁴ Results of the opinion poll conducted by Transparency International Greece from 9 to 19 January 2001 (in the Athens/Piraeus conurbation, by means of individual interviews with a representative sample of 920 people aged from 16 to 69).

14. Furthermore, a few of the representatives of institutions who were met were able to give an outline picture of corruption in the light of their own experience.
15. With a score of 4.2 out of 10 (10 being the best and 0 the worst), Greece is in 42nd place in the Transparency International Corruption Perception Index for 2001. This is the lowest place held by a European Union country.
16. With regard to Greece's anti-corruption strategy, the replies to the questionnaire state that "the Greek Government has made one of its main priorities the development of a legal framework for fighting corruption and the implementation of policies to promote transparency in all public-sector activities and effectively tackle the phenomenon of corruption, instead of making do with political commitments and declarations. More specifically:
- having signed the OECD Convention of 21 November 1997 on Combating Bribery of Foreign Public Officials in International Business Transactions, it ratified it in November 1998 and already fully implements it following the entry into force of Law 2656/1998 and the deposit of the instruments of ratification in November 1999;
 - by Law 2802 [of 3 March 2000], it has ratified the Convention on the Fight against Corruption involving Officials of the European Communities or Officials of Member States of the European Union;
 - by Law 2803 [of 3 March 2000], it has ratified the Convention on the Protection of the European Communities' Financial Interests and the protocols thereto;
 - it has amended and made more effective the provisions of Articles 235 and 236 of the Criminal Code relating respectively to passive and active corruption (Section 2 of Law 2802/2000);
 - it has signed the Council of Europe's Criminal Law and Civil Law Conventions on Corruption and will very shortly be ratifying them⁵ (Criminal Law Convention signed on 27 January 1999, and the Civil Law Convention on 8 June 2000)".
17. The GET was told that the Statistical Department of the Ministry of Justice monitors the effectiveness of the anti-corruption measures but that the Department does not function efficiently at present. During its visit the GET could identify no co-ordinating authority or representative with an overall picture of the anti-corruption policy.
18. As regards the relationship between corruption and organised crime, the replies to the questionnaire and discussions during the visit indicated that no such relationship had been established.
- ii) The legal framework of corruption*
19. Under Greek law the following forms of corruption are offences (see Appendix II): active and passive corruption of national public officials⁶; active and passive corruption of national judges⁷;

⁵ A Law authorising the ratification of the Criminal Law Convention was adopted on 12 November 2001. The Civil Law Convention was ratified on 21 February 2002.

⁶ Articles 236 and 235 of the Criminal Code, replaced by Section 2 of Law 2802/2000.

⁷ Article 237 of the Criminal Code.

active and passive corruption of members of the national parliament and of members of Greek local government boards or committees (in the framework of an election or vote)⁸; active and passive corruption of officials of the European Communities⁹; active and passive corruption of members of the Commission of the European Communities, the European Parliament, the Court of Justice of the European Communities or the Court of Auditors of the European Communities¹⁰; active corruption/abetting or concealing the active corruption of a foreign public official, a foreign judge, a member of a national assembly, a person performing public service for a foreign state, an official or representative of an international public organisation¹¹; trading in influence¹²; some forms of corruption in the private sector¹³.

20. The GET noted that the definitions provided are generally broad and reflect the relevant international instruments. The relevant jurisprudence confirms that the advantage obtained through corruption can be tangible or intangible (e.g. professional promotion). The definition of a “public official” is also broad.¹⁴ The sanctions foreseen are generally 1 to 5 years’ imprisonment. As a consequence, and according to Greek law, these are misdemeanours. Committing offences, as an accomplice or member of a gang, which are sanctioned by a sentence of at least one year’s imprisonment is also criminalized (Article 187 of the Penal Code). Moreover, it is worth underlining that offences sanctioned under articles 235, 236 and 237, may lead to the confiscation of “gifts” or their equivalent value (article 238 of the Penal Code).

iii) Other relevant mechanisms

21. “Money laundering” is a separate criminal offence (Section 2 of Law 2331/1995). All forms of corruption thus constitute a predicate offence in relation to the offence of “money laundering” provided for in Section 2 of Law 2331/1995. This same law established a body responsible for centralising information and suspicions concerning laundering operations, the “Section 7 Committee”, an independent administrative authority funded by the budget of the Ministry of Finance. The committee is responsible for gathering, evaluating and investigating information about financial transactions where it is suspected that proceeds of crime are being laundered. It reports transactions that are criminal offences to the judicial authorities (public prosecutor). It has nation-wide authority and access to all databases of other authorities, none of which has access to the committee’s own database. In the past two years the committee has investigated 42 corruption cases involving various categories of public official at all levels of the hierarchy,

⁸ Article 159 of the Criminal Code and Section 12 of Law 5227/1931 on trading in influence.

⁹ Sections 2 and 3 of Law 2802/2000 and Sections 2 and 3 of Law 2803/2000.

¹⁰ Section 4 of Law 2802/2000 and Section 10 sub-sections 2 and 3 of Law 2803/2000.

¹¹ Sections 2 and 3 of Law 2656/2000.

¹² Sections 11 and 12 of Law 5227/1931 and Section 27 of Law 2429/1996.

¹³ In the private sector corruption is an offence punishable as trading in influence under Sections 11 and 12 of Law 5227/1931 on trading in influence. In addition, active and passive corruption is punishable in connection with votes in general meetings of public limited companies (Section 59 of Law 2190/1920) or of private limited companies (Section 60, sub-sections 9 and 10 of Law 3190/1955). Lastly, passive corruption is also punishable in the case of rigged sports fixtures (Section 60 of Law 75/1975 on the organisation of out-of-school sports and the rules pertaining thereto, as amended by Section 1 of Law 1070/1980 on measures for the development of sport and the rules pertaining thereto). Furthermore, in pursuance of the joint action on corruption in the private sector approved by the Council on 22 December 1998, each member state must take such measures as are necessary to make active and passive corruption in the private sector an offence. The Ministry of Justice is preparing draft legislation making active and passive corruption in the private sector a criminal offence.

¹⁴ Shall be considered as public official or civil servant any person who is legally either temporarily or permanently, attributed public, municipal or communal functions, or functions of another entity of public law. In addition, a foreign official or an official of an international organisation shall be assimilated to domestic public officials (article 13 of the penal code – unofficial translation). Finally, article 263a provides that for the purposes of articles 235 and 236 of the penal code, those persons employed by a private law entity in charge of a public service shall also be considered as public officials.

especially high-ranking police officers. Of these cases, 8 were referred to the public prosecutor and brought to trial.

22. Article 187 (amended) of the Criminal Code makes membership of a "criminal organisation" a criminal offence. In Greek criminal law, a legal person cannot be held criminally liable. Administrative penalties exist for enterprises that derive profit from criminal acts or offences committed by persons acting either individually or as agents of the enterprise concerned (Section 8 of Law 2803/2000, Section 5 of Law 2656/1998).
23. Lastly, it should be noted that Greek courts have jurisdiction not only over corruption offences committed on Greek territory by Greek nationals or by aliens but also over corruption offences committed by Greek nationals in a foreign country, even if the offence is not punishable under the laws of that country. Furthermore, Greek criminal law is applicable to an alien for an offence committed in a foreign country if such offence is directed against a Greek civil servant in the performance of his duties (Articles 5 and 6 of the Criminal Code, Section 11 of Law 2803/2000, Article 8 of the Criminal Code).

b. Bodies and institutions responsible for the fight against corruption

b1. The police

General remarks

24. The Greek police force was created in 1984 by merging the "gendarmerie" and the urban police forces under the Ministry of Public Order. It has a total strength of some 45 000 officers, including 5 000 higher ranks, but civil servants who are not police officers may carry out preliminary investigations for the public prosecutor without infringing the liberty of the people (cf in particular the SDOE). Police functions are also carried out by the Port Police Corps (under the authority of the Ministry of the Merchant Marine) and the Customs Investigations Services (under the Ministry of Finance). The police force has a hierarchical structure, and the Chief of Police is appointed by the K.Y.S.E.A (a governmental body composed of certain ministers and the Prime minister). He/she is appointed for a two-years term which can be prolonged for a further year (article 23 of Law 2800/2000).
25. Under Greek law all police officers, regardless of their rank, are general investigators empowered to conduct preliminary investigations on the orders of the public prosecutor. There is no separate criminal investigation department (judicial police), although there are some specialised services and a presidential decree provides for a measure of specialisation in the Directorate General. The structure of the Greek police comprises the following departments :
 - central departments: Office of the Chief of Police, Security and Public Order Directorate (State Security, Traffic Police and Tourism Police Departments, etc), Directorate of Administration (training, finance, studies, personnel, etc), the « independent » departments (criminological investigation department, audit department, accounts department, medical service, air patrol, etc), the VIP protection service. By virtue of Presidential Decree No. 14/2001 of 31 January 2001, the Security and Public Order Directorate comprises new services among which a Criminal Analysis Service and a Financial Crime Service. The latter studies the measures necessary for the suppression of offences connected with abuse of confidence, fraud, extortion, competition, money laundering, bribery, smuggling,

cyber-crime, etc. This Service is also called upon to “guide the regional services in the suppression of such offences”;

- regional departments: General Police Inspectorates and 14 General Police Directorates – including those of the Athens and Thessaloniki regions, which comprise police, security, traffic, operations and flying squad departments;
 - special services: criminal investigation, drug enforcement, police operations; special anti-terrorist units; violent crimes department; specialist explosives squads; juvenile department; air patrol.
26. Police officers are trained at the Police Academy. It includes various institutions responsible for the initial training of low and higher ranking police officers. Access to basic training is subject to qualification (secondary education diploma) and the passing of an examination – of university level since 1994. This training covers five semesters. High ranking officers are trained within a school equivalent to a higher education institute to which civil candidates or those having completed basic training have access after passing an examination. The training covers eight semesters. In-house and specialised training is provided by two other schools which notably train officers promoted to higher grades. Specific training programmes are also provided locally by the various police departments.

The Police Internal Affairs Division

27. The function of the Greek Police’s Internal Affairs Division, which was established in April 1999 and became operational in October of the same year, is to inquire into offences committed by police officers of whatever rank or by outside accomplices of police officers. The Division has 155 members whose jurisdiction extends over the whole country and who are based in Athens and Thessaloniki. It uses the latest management techniques in both enforcement and prevention. Its members are carefully selected by the Division’s senior officers. From a hierarchical point of view, the Head of the Division is answerable to the Chief of Police. He is appointed by the Minister of public order upon a proposal of the Parliamentary Committee for Transparency and Institutions (article 43a of the parliamentary rules of procedure). In a certain way, this procedure puts the Division in the position of an “independent agency”. The Division is overseen by a public prosecutor at the Athens Court of Appeal.
28. The Division may open an investigation of its own motion but is required to notify the public prosecutor within whose jurisdiction it is operating. It may use special techniques, including recourse to agents provocateurs; secrecy of communications and correspondence and banking secrecy may be waived with the prior consent of magistrates of the court of appeal.
29. The Division presents statistics of its activities, which show that the number of complaints fell by half between 2000 and 2001, whereas the number of judicial investigations increased by 30% and the number of persons arrested almost doubled. At the date of the visit, the activity – concerning problems directly linked to police duties (including, but not only, corruption) - was as follows¹⁵:

¹⁵ There are two origins for investigations:

-complaints received (1280)

-requests for investigation by the prosecutor (58)

The outcome of complaints received are : filed without further proceedings (*ab initio*, groundless – 194), filed after preliminary investigation (254), opening of an investigation (203), forwarded to other authorities (other than the prosecutor – 629) for

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| Complaints -filed after investigation: 254 -investigations opened: 203 -transfer to other authorities: 629 -filed: 194 | 1280 |
| Opening of investigations -upon Prosecutor's order: 58 | 58 |
| Criminal prosecutions -involving Police officers: 132 -involving Civilians: 101 | 233 |
| Arrests in <i>flagrante delicto</i> -involving Police officers: 33 -involving Civilians: 54 | 87 |

30. As regards prevention, the Division identifies vulnerable sectors in order to devise new procedures; it may also make suggestions to the force's other divisions and propose the legislative changes it considers necessary in the light of its expert knowledge. The Division' has good overview perception of the corruption phenomenon within the police.
31. The creation of this Division was widely reported in the media and accompanied by the opening of round-the-clock telephone hotlines. This media promotion of the service has had a significant impact in terms of cases reported. It has also prompted not only numerous requests for co-operation from public prosecutors in other regions for non-internal investigations (which accordingly could not be met). However, it provided an effective assistance to judicial and administrative authorities, and it seems to perform better than other services, when it comes to assisting such authorities. The creation of other services such as the Administration Inspectorate (see below) and a similar service in the ports and harbours authority, draw inspiration from the Division.

b2. The courts

32. The court system is based on separation between the administrative courts and the ordinary courts. The administrative courts hear and determine cases between government departments and members of the public and rule on the lawfulness of administrative acts and the validity of public contracts. The administrative courts include the administrative tribunals, the administrative courts of appeal and the Council of State. The Audit Court, which is a supreme court like the Council of State, is not part of the administrative courts system.
33. The ordinary courts include first-instance courts (63 regional courts and 661 district judges), 14 appeal courts and a Court of Cassation (*Arios Pagos*) which rules on appeals on points of law against last-instance decisions without examining the merits of cases. Commercial disputes and those relating to employment contracts come under the jurisdiction of ordinary civil courts; there are no special courts for these matters.

example when the case is not serious enough to warrant a judicial investigation by the Internal Affairs Division and it is forwarded to disciplinary or administrative authorities for investigation.

In the course of judicial investigations, 132 police officers and 101 civilians have been prosecuted (not only for corruption related offences); 87 arrests *in flagrante delicto* have been made involving 33 police officers and 54 civilians.

34. Criminal offences are classed as petty offences, misdemeanours and felonies. Depending on the legal classification of the offences charged, cases are heard by the assize court, the regional criminal court sitting with three judges, the regional criminal court sitting with a single judge or the police court. Corruption offences being classed as misdemeanours punishable by up to five years' imprisonment, they are tried at first instance by the regional criminal court sitting with three judges and, on appeal, by the appeal court.
35. Victims of corruption may apply to the criminal or civil courts for compensation for the damage suffered.
36. The rules on time limits require final decisions in misdemeanour cases to be handed down within eight years of the commission of the offence. In felony cases, the time limit is 20 years. According to the Greek judicial authorities, it is quite exceptional for time limits to impede the trial of criminal cases¹⁶.

b3. Magistrates (judges and prosecutors)

37. For all courts taken together, there are 1558 judges plus 661 district judges. Members of the prosecution service number 607. Greece also has investigating judges, to whom any felonies must be referred. Since 1996 Greek judges and prosecutors have been trained at the National Legal Service Training College, entry to which is by competition. After their training, students choose between posts of judge and posts of prosecutors , as the career paths of the two branches of the legal service are separate. In-service training for the judiciary is in its infancy; recently, a first training session was held on the Council of Europe's anti-money laundering convention.
38. The independence of judges and prosecutors is enshrined in Articles 87 and 88 of the Constitution. Members of the prosecution service, like members of the judiciary, are irremovable. Appointed for life, they cannot be dismissed. Their career and transfer depend on the Judicial Service Commission, which is made up exclusively of judges and prosecutors under the chairmanship of the President of the Court of Cassation.
39. Prosecutors may not receive instructions from the political authorities, the Principal State Prosecutor at the court of appeal or the Principal State Prosecutor at the Court of Cassation. The last-named may simply request that a particular fact be investigated but cannot give orders to that effect¹⁷. Article 30 of the Code of Criminal Procedure allows the Minister for Justice to ask for charges to be brought in respect of any punishable offence. Since the restoration of democracy in 1974 the Minister has done so on only three occasions. The same article authorises the Minister to request the suspension of an investigation that could harm good relations with other countries or concern political offences. This has never happened, however, in the past 27 years.
40. The Minister for Justice cannot determine the broad thrust of penal policy. Only the Principal State Prosecutor at the Court of Cassation can issue general circulars. None has been issued on corruption questions in recent years.

¹⁶ issues such as the length of proceedings and the lack of means of courts have been vividly discussed at the annual meeting of judges and magistrates, which was held on 2 December 2001 (Kathimerini newspaper of 3 December 2001).

¹⁷ Section 24 sub-section 4 of Law No. 1756/1988 states that although all members of the prosecution service are required to obey the orders of their superiors, they remain independent in the performance of their duties and expression of their opinions, obeying only the law and their own consciences.

b4. Corruption investigations and special relations between the police, the prosecution service and the investigating during pre-trial procedures

41. Since corruption is a misdemeanour, the intervention of an investigating judge will depend on the scale of the damage and the procedure. In most cases preliminary investigations are conducted into complaints concerning corruption. As a general rule, 10% of criminal cases are the subject of a judicial investigation; most criminal cases are thus handled by the public prosecutors.
42. There is no criminal investigation department as such (judicial police) in Greece. The public prosecutor plays a central role in the conduct of preliminary investigations. He/she is responsible for supervising all criminal investigations and has very wide-ranging powers. He/she must be kept fully informed and must be physically present whenever searches are carried out. This is a personal power which, as a general rule and in pursuance of the Constitution, must be exercised personally. He/she may, however, be represented at searches by a district court judge. This possibility seems to be very widely used in practice. However, Greek public prosecutors have been calling for some years now for the creation of a criminal investigation branch so as to reduce the number of police officers with whom they have to work and increase the number of specialists available for investigations.
43. The criminal system is based on the principle of mandatory prosecution¹⁸. Investigations are conducted by the public prosecutor acting either of his own motion or upon a complaint by the victim. Depending on the seriousness or complexity of the facts, he either commits the perpetrator of the offence directly for trial or orders a preliminary investigation or opens a judicial investigation. The principle of mandatory prosecution nonetheless allows the prosecutor discretion to take no further action on a complaint if, after investigation, there is insufficient evidence to proceed. In such a case, however, the victim is notified of the decision to take no further action and may appeal against it to the Principal State Prosecutor at the appeal court.
44. In order to be able to commence proceedings, the public prosecutor receives not only the complaints of victims of offences but also disclosures by members of the Greek civil service, for whom it is a criminal offence not to report to the judicial authorities any offences they discover in the performance of their duties. The same obligation rests on members of the Audit Court and on the Ombudsman.
45. Preliminary and judicial investigations are subject to the principle of secrecy, which does not, however, apply to the persons being investigated. Nothing in the file is communicated to the public or the press. Greek law does not allow evidence to be given anonymously, except – a recent change – in cases of organised crime. On the other hand, anonymous letters may be taken into consideration in any field.
46. Greece has a centralised bank accounts system that makes it possible to know every account opened by a physical or legal person. Banking secrecy can be waived in criminal matters by a bench of three judges. In urgent cases, however, an account can be frozen immediately at the public prosecutor's request, but this decision must subsequently be confirmed by the Council of Judges (first instance accusation chamber).
47. The following means of investigation may be used in corruption cases: a) interception of telecommunications only if authorised by the Judicial Service Commission or, in an emergency,

¹⁸ The principle is quite strict; there is only one exception.

by the public prosecutor, for a period not exceeding two months (Sections 4 and 5 of Law 2225/1994 and Section 6 of Law 2713/1999); b) surveillance of the suspect by an investigator; c) body search (Article 257 of the Code of Criminal Procedure); d) collecting information pertaining to tax; e) seizure; f) searching means of transport and house searches; g) waiving the secrecy of letters and all other forms of correspondence if so authorised by the Council of Judges at the Court of Appeal or, in an emergency, if so ordered by the Principal State Prosecutor.

b5. Other bodies, institutions and mechanisms

i) The Financial and Economic Crimes Office (SDOE)

48. The SDOE has been operational since April 1997. It is an administrative body supervised by the Minister for Finance and headed by a politically appointed Executive Secretary. With a remit covering the whole of Greece, the SDOE comprises a central directorate and 13 regional directorates and has a total staff of approximately 1 500. Members of the Unit are empowered to report to the public prosecutor facts that may give rise to criminal proceedings and to conduct preliminary investigations (hearings in particular) under the prosecutor's authority. The SDOE's functions include carrying out preventive checks to ensure the proper enforcement of tax and customs legislation and combat tax avoidance and smuggling, conducting investigations into economic and social fraud, in the context of the Finance Ministry's responsibilities, in such fields as damage the financial interests of the State or the European Union; combating trafficking in violation of customs legislation, including trafficking in drugs, arms, etc, and related offences, including laundering. The definition of economic crime, which this Unit is responsible for combating, does not include corruption; should the Unit uncover corruption in the course of its work, it reports it either to the Office of the Administration Inspectorate or to the public prosecutor, who has it investigated by the police. In 2000 a total of 34 officials of the Finance Ministry were reported to the public prosecutor for various offences, including corruption.

ii) Government reform, the Public Administration Inspectorate and the Ombudsman

49. In 1986 important legislation was passed to restore a balance in relations between Government and people by guaranteeing access to administrative documents and simplifying administrative procedures. Measures seem also to have been taken subsequently that oblige government departments to reply to citizens' requests within a set time and impose penalties in the event of unjustified delays¹⁹. Sustained efforts have been made in recent years to modernise and enhance the transparency and scrutiny of the Greek political and administrative system²⁰. These efforts have resulted, inter alia, in the passing of Law 2477 of April 1997 establishing the Administration Inspectorate and the office of Ombudsman.

50. The Public Administration Inspectorate is equipped with new tools for combating corruption. Although they belong to the administration, its members may carry out preliminary investigations for the public prosecutor. The Inspectorate's purpose is to check the efficiency and performance of government departments and scrutinise the activities of local authorities. On the other hand, it has no supervisory powers over independent administrative authorities, the judicial authorities in the exercise of their judicial functions, ecclesiastical bodies, the departments of the Foreign

¹⁹ Information gleaned from the Ministry of the Press and Mass Media's website.

²⁰ "Affected by problems associated with low productivity and poor quality of service, the wastage of resources, opaque procedures, the lack of systematic scrutiny, etc (...) which also impair the country's economic and social development and its prosperity" – cf the booklet presenting the Inspectorate, Ministry of the Interior, Public Administration and Decentralisation, March 1999.

Ministry, port/military/police authorities, the National Information Department or, lastly, "public-sector legal persons operating in accordance with the rules of the private sector". Its role is both prevention and enforcement. It opens its investigations either at the Minister's request or on its own initiative. The Inspectorate does not make its checks public, but commissions consider and, where appropriate, take account of complaints by members of the public and by the press against government departments. In such cases the Head of the Inspectorate may order an investigation of his own motion. The Inspectorate must draw up a report on any check it makes and send a copy to the government department concerned.

51. The Greek Ombudsman is an independent state authority whose existence is guaranteed by the Constitution. He started operating on 1st of October 1998, assisted by four deputy Ombudsmen and over 80 assistants, the biggest part of them being investigators. Each deputy Ombudsman is in charge of a department (human rights, health and social affairs, quality of life, relations state-citizens). The Ombudsman's services act to solve individual conflicts involving the administration on the one side, and natural or legal persons on the other. The scope of their intervention covers possible cases concerning the disfunctioning of almost any public service agency, except where the following issues are concerned: public function statute, national defence/state security/foreign affairs, cases pending before a court, acts of courts/the Council of State, independent authorities/public institutions of the clergy. Neither can they act against policies of the Government. The activity report drafted annually by the Ombudsman allows to take stock of the good work of his departments. The Ombudsman and his services were able to provide the GET with ample information about the reasons and the phenomenon of corruption in their respective fields.

iii) The Ministries responsible for supervising public procurement contracts

52. Procurement contracts in Greece are in principle the responsibility of, and supervised by, three ministries: the Ministry of Development in the case of State supplies (a moderately flexible procedure); the Ministry of Finance in the case of provision of services (the most flexible procedure); the Ministry of the Environment, Planning and Public Procurement in the case of construction and real-estate operations (the least flexible procedure). Since the entry into force of Law 2286/1995, the Audit Court exercises prior (preventive) control when the value of the contract envisaged exceeds GRD 500 million (EUR 1.47 million) in the case of supplies and services or twice that amount in the case of construction schemes. The Audit Court also conducts an ex-post review of the selection procedure, if that procedure is challenged. The GET met representatives of the Ministry in charge of operations concerning supplies.
53. In the Ministry of Development 5 boards are involved in supervision: 1) the State Supplies Policy Board, which approves or rejects the request of the purchaser department/ministry and stipulates the procedure (open or otherwise) to be followed; 2) the Tenders Evaluation Board (which has 5 members, all of them specialists in the field concerned); the Awards Board (which has 7 members, is chaired by a former judge of the Court of Cassation and includes representatives of the industries, employees and authorities concerned; should any objections be made at this stage, the request is considered by: 4) the Ad hoc Board, likewise chaired by a former judge of the Court of Cassation; 5) the Board which then sits at the start of the contract awarding procedure to ensure that the call for tenders is both transparent and objective (to avoid, for instance, calls for tender being framed with a particular product or enterprise in mind).
54. The GET was also told that the mechanism for examining tenders affords a number of guarantees (confidentiality, opening of tenders at sessions of the board, etc). Furthermore, the

representatives met stressed that Greece took ample account of the relevant European Union standards.

iv) Major consultative institutions

55. Greece has four major consultative institutions to assist the Government: the Council of State, the Legal Council of State, the National Public Administration Commission and the Audit Court. The first two call for no particular comment. The National Public Administration Commission was set up in 1995 to produce consensus proposals for administrative policies. It is chaired by the Minister for the Interior, Public Administration and Decentralisation and made up of parliamentarians from parties represented in the Greek parliament or the European Parliament. The Chairman of the parliamentary Committee on Public Administration is also a member. The Commission was not included in the programme of the visit and perhaps would it have been interesting for the GET to meet its representatives, should this body be dealing with corruption-related issues. Lastly, the Audit Court, established in 1833 on the French model, has a dual function: a) it is the supreme financial court and an advisory administrative body; b) it audits public accounts. It comprises 120 magistrates and prosecutors and 600 other staff and publishes an annual report. The Court has three types of power: audit/control (for the purposes of prevention and enforcement), judicial and advisory. Under the first of these, the Court examined in 2000 a total of 182 preliminary public procurement contracts (see also point iii. above), of which it found 43 to be illegal (34 out of 164 in 2001). The representatives of the Audit Court said that the commonest problem was non-objective calls for tenders where the description of goods to be acquired or services to be provided is drafted so as to favour a given provider. The control over public purchases makes the Audit Court an important body for the fight against corruption.
56. The judges and prosecutors of the Audit Court are required – like any citizen or civil servant – to notify the prosecutor if, in the course of their work, they ever come across facts that could constitute a criminal offence (article 37 of the Criminal Procedure Code). The representatives met said they would like to see the Audit Court granted greater powers in regard to the merits of cases, so that it could be more active. They also stressed that public-law bodies (hospitals, etc) and local authorities were the most vulnerable sectors owing to their lack of technical expertise.

v) The Ministry of Finance

57. The people the GET talked with at the Ministry of Finance said that Greece's legislation on corruption prevention was very strict, particularly as regards Finance Ministry staff. The Ministry has set up a Finance Inspectorate (270 inspectors, aided by support staff) which inspects the various departments of the Ministry on its own initiative. Furthermore, it receives the reports on disciplinary matters from the other services. In the event of a criminal offence, the service concerned also sends a copy of the file to the public prosecutor. The internal Inspectorate liaises with the courts, as it is not impossible for criminal acts (eg extortion) to come to light in the course of disciplinary proceedings. A Disciplinary Board exists to deal with the most serious criminal acts. Its decisions can be appealed. Some attention has been given to functional prevention with the introduction of computerised procedures and separation of tasks. To a certain extent, staff rotation is applied. The tax administration co-operates with the police in cases of bribery in order to secure as much evidence as possible and because only the police can make an arrest. Still in the field of prevention, the customs and tax authorities each have regulations laying down the rights and duties of their staffs. Their respective Directors are responsible for the proper enforcement of the regulations. There are also special telephone hotlines which members of the

public can use to make complaints; any such complaints are considered by the two complaints review boards (Athens and Thessaloniki).

58. When questioned about statistics, the representatives of the Customs Service said that they dealt with between 2 and 5 corruption cases a year (active or passive corruption *flagrante delicto*) and that the disciplinary system was strict: the official concerned is suspended and can be reinstated only if cleared of any improper conduct by a decision. The tax authorities said there had been 3 cases entailing administrative sanctions in 2000 and 2 in 2001. In each government department there were in all some 4 or 5 sets of disciplinary proceedings a year.

vi) *Statements of assets*

59. The concern to combat corruption has led the Greek authorities to require all civil servants in positions of responsibility, judges and prosecutors, and parliamentarians to file an annual statement of their assets detailing the origin of the funds used to purchase property. The statement covers the assets not only of the person concerned but also of his or her spouse and children. The Principal State Prosecutor at the Court of Cassation checks these statements, and the public has access to them. Failure to submit a statement or submission out of time is criminally punishable. According to the people the GET interviewed, the Principal State Prosecutor's Department has sufficient resources to carry out the necessary checks, but the lack of statistics made this impossible to verify.

vii) *Non governmental organisations and the media*

60. The GET met the Greek section of TI which argues for legislative reform to enhance transparency and combat corruption more effectively. TI Greece has approximately 110 paid-up members and is supported by enterprises. This non-governmental organisation co-operates with other national NGOs but very little with the authorities owing to the lack of institutional arrangements for so doing.
61. Like in other countries, mass media play a significant role in Greece when it comes to reporting about, or even initiating political and economic "cases". By doing so, they contribute to the making of a public opinion through the corruption perception and this topic is widely covered by the media. On the other hand, the journalists met by the GET mentioned the existence of collusions of interests involving the political and economic sectors, and the media (TV/radio stations in the hands of economic-political interests). The GET did have no opportunity to examine this question further into details. Nevertheless, having in mind the worrying situation in other European countries, it wishes to underline the potential risks connected with a concentration of the press, particularly as regards the objectivity and diversity of opinions and the increased weight of political actors who take advantage of such situation.

c. Immunities

62. The President of the Republic, members of parliament and members of the government enjoy immunity to enable them to perform their duties without risk of destabilisation. Exemptions from jurisdiction exist in certain cases. The Ombudsman also enjoys an immunity provided for in law but not by the Constitution.
63. Save in cases of high treason or intentional violation of the Constitution, the President cannot be held liable – no matter what may result – for acts performed in the discharge of his duties

(Article 49 of the Constitution). For acts unrelated to his duties, prosecution is suspended until his term of office expires. A request that the President be charged or remanded in custody must normally be signed by one-third of the members of parliament and requires, for adoption, a two-thirds majority of all members of parliament. If the request is approved, the case is then considered by the special court provided for in Article 86 of the Constitution²¹. The President is suspended from office for the duration of the proceedings.

64. During their term of office members of parliament cannot be prosecuted, arrested, imprisoned or otherwise confined without Parliament's approval (Article 62 of the Constitution). No prior authorisation is required if a member is caught in the act of committing an offence. The request – which may be made by a public prosecutor – must be addressed to the Speaker of Parliament. Parliament's authorisation must be given formally: if Parliament takes no decision within three months of the date of the request (this time limit being suspended during parliamentary recesses), the request is deemed to have been rejected. Furthermore, a member of a dissolved Parliament cannot be prosecuted for political offences during the period between the dissolution and the election of the members of the new Parliament. Representatives of civil society told the GET that since 1974 many requests for waiver of parliamentarians' immunity had been made, but that only 4 had been granted: one case concerned a traffic accident and another concerned assault between spouses; the remaining two related to purely political offences.
65. In Greece, most members of Government are also Parliamentarians; however they are subject to a specific procedure for the lifting of immunity. Indictment, questioning and the opening of a judicial or preliminary investigation concerning a member of the Government require the prior consent of Parliament. In addition, only the Parliament can initiate a prosecution for offences committed by them in the performance of their duties (Article 86 of the Constitution) – including corruption offences. This applies also to State Under-Secretaries and former members of the Government. Proceedings may be instituted only upon a motion by at least thirty members of parliament. Parliament then decides by an absolute majority of its members to set up a special committee to conduct a preliminary inquiry. If this majority is not attained, the motion is rejected as manifestly ill-founded. Parliament may institute proceedings only within a specific period of time (running from the session commencing after the commission of the act(s) to the end of the 2nd subsequent ordinary session). The findings of the Committee of Inquiry are then considered in plenary session by Parliament, which may decide (by an absolute majority) to prosecute the Government member or former member concerned and bring him before the special court provided for in Article 86. Parliament may decide at any time (by an absolute majority) to reverse its decision and suspend or terminate the proceedings.

III. ANALYSIS

a. **General anti-corruption policy**

66. The GET believes Greece's efforts to modernise the state and the administrative system as a whole should be saluted. Numerous supervisory bodies now exist which are theoretically capable of discouraging and detecting maladministration and notably corruption. The GET further noted

²¹ The special court provided for in Article 86 of the Constitution is made up of 6 members of the Council of State and 7 members of the Court of Cassation, all of them chosen by lot after the indictment. The President of this special court is the senior member representing the Court of Cassation. A Judicial Council (2 additional members of the Council of State and 3 of the Court of Cassation) with responsibility for the preliminary proceedings is also formed by lot. This Council then appoints the person who will act as investigating judge. The person who will act as prosecutor before the Judicial Council and the special Court is chosen by lot from among the state prosecutors at the Court of Cassation.

that at the present time the Greek authorities have to contend with considerable scepticism and high expectations on the part of the public as regards government reform in general. The store Greece sets by European instruments is also to be welcomed.

67. The GET is, however, of the opinion that implementation of the relevant international instruments cannot per se constitute an effective strategy for fighting corruption. The first step should be to admit the existence of the phenomenon of corruption and assess its scale, the reasons for it, its impact, etc. Indeed, the representatives of the Greek authorities and those of non-governmental entities met sometimes had diverging opinions regarding the existence of corruption in Greece, despite the fact that they were unanimous with regard to the necessity to remedy the phenomenon. The replies to the questionnaire, which refer constantly to laws passed, contain no statistical, dynamic or qualitative information. The GET noted, moreover, that the courts are not computerised either and that there are therefore no centralised data on cases involving corruption or related economic and financial offences, etc.²². It was only with difficulty that the representatives of the government departments with whom the GET interviewed were persuaded to mention corruption cases or corrupt practices. The GET believes that certain administrations would therefore seem to lack sufficient familiarity with the subject - despite extended media coverage - and even though Greece has made commendable efforts to tackle corruption. This was not the case with the Police's internal anti-corruption department.
68. The GET further points out that corruption is a phenomenon not confined by definition to certain government departments or authorities. Nor is it confined to certain types of relations or persons. The information obtained suggests that numerous sectors are affected and that the causes of corruption are therefore not primarily exogenous²³.
69. According to Transparency International and the Athens Journalists Association, the accelerated modernisation of Greek society, the privatisation of public economic sectors, kickbacks paid on the occasion of arms purchases, the importance of subsidies from European Union funds or construction programmes such as those connected with the 2004 Olympic games are factors contributing to the development of corrupt practices involving the country's elites. Interlocutors of the GET underlined that political parties increasingly need funds for the financing of campaigns which allow to win elections, and for the financing of - sometimes huge - party staffs. The control of press companies by economic groups, which participate also in public tender procedures, contributes to doubtful relationship between money and politics. The GET noted that according to some interlocutors, the current legislation on political parties needs to be strengthened due to certain insufficiencies and a lack of implementation of certain provisions (e.g. penalties ordered by Parliament are rarely collected, thus rendering sanctions ineffective). Information gathered by the GET also confirm that relations do sometimes exist between corruption and organised crime (e.g. illegal migration and prostitution networks).
70. The GET accordingly recommends to organise the gathering of information on corruption, 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.
71. For the time being corruption therefore appears to merge into the much more global problem of administrative disfunctioning, in which individual acts of corruption pass unnoticed. In this

²² However, the GET was informed that a project to computerise courts and prosecutor offices was being examined, with the support of EU funding (in the framework of the programme : "Information Society").

²³ The replies to the questionnaire stated firstly that corruption was associated with the obtaining of European Union funds and, in the case of identity and residence papers, with illegal immigration.

connection the GET noted that the efforts – indeed praiseworthy efforts – being made to reform the public sector focus on the problems of non-enforcement of legislation, confusion of rules, lack of transparency, low productivity and quality of service, which are generally addressed as systemic problems and much more rarely as ones of individuals failing in their duty of integrity, etc. Several people told the GET that the legislation and regulations now in place to limit the risk of corruption are substantial, but that their complexity is such that they may have the opposite effect and open the door to abuses and irregularities. The problem of non-enforcement of regulations, and of sanctions in cases of non-enforcement, was also raised. The GET is of the opinion that while a battery of legislation is necessary to combat corruption, not only must such legislation be clear but also its implementation must be monitored. According to some of the interlocutors met by the GET, the problem of transparency of rules and regulations seems to be crucial in Greece and is likely to contribute to the persistence of certain forms of corruption.

72. The GET therefore recommends that a comprehensive analysis be made of how the law should be tidied up and simplified, and that efforts should be stepped up to promote awareness, enforcement and monitoring of administrative rules in the most vulnerable sectors.
73. In the course of the interviews no mention was made either of a general stimulating and/or co-ordinating mechanism. The GET heard no conclusive answer to the question “what kind of mechanism for co-ordinating overall anti-corruption policy could be envisaged, and at what institutional level should it be situated in order to have sufficient legitimacy and authority?” It did, however, find there to be sectoral mechanisms (around the corps of inspectors and the National Public Administration Commission)²⁴. It appears that, for its part, the Ministry of Justice plays a primarily legal role.
74. For the reasons given above, the GET accordingly recommends the introduction of a national anti-corruption strategy or action plan and the designation or creation of a multi-disciplinary inter-ministerial body that has sufficient legitimacy and authority to see that it is followed through.
75. The GET also wishes to remind that corruption remains a weapon of organised crime, and that the latter by ignoring borders has become an problem of international dimension. Greece’s geopolitical position²⁵ should encourage this country – in its relations with neighbouring countries – to play a leading role as regards cooperation in the fight against corruption and other serious offences. The GET also noted that the exchange of general information between Greece and European/international co-operation bodies should continue to develop, expand and improve.

b. Institutions, bodies and departments responsible for preventing, investigating, prosecuting and adjudicating corruption offences

b1. Police, prosecution service and courts

76. The Greek authorities indicated that public trust in the police has increased in recent years, but that cases are also reported which concern the involvement of some of its members in corrupt relationships. This has sometimes created an unfavourable public image which is reinforced by articles in the press²⁶. The reasons for this state of affairs are to be found in the conditions of

²⁴ After the visit, the GET was informed that an interministerial coordination mechanism was being set up.

²⁵ At present Greece is an outlying EU country in a region very vulnerable to crime and has no common frontier with the rest of the Union.

²⁶ KATHIMERINI 18/01/2001: “Police racketeering allegations”; *ibid.* 21.02.2001: “Opinion”; *ibid.* 13.07.2001 “Modern slave trade is rife in Greece”; *ibid.* 25.09.2001 “Mass Media help boost sex trade”, and study by Mrs Ira EMKE-POULOPOULOU.

recruitment and training of certain officers who are still in it²⁷. This obviously does not mean that all members of the police force are corrupt.

77. In recent years the political authorities have become aware of the problem and set up a corps of "incorruptibles" to combat the phenomenon and other illegal behaviours (tradition of "self-cleaning" within the corps): the Internal Affairs Division of the Greek Police. This division, one of the most efficient bodies the GET has met, is promoting an anti-corruption drive that deserves encouragement. This drive stems from the quality of the police officers forming the division, who are recruited for their professional skills and integrity. The results achieved by the Internal Affairs Division are, to judge from the statistics it presents²⁸, remarkable for such a short period of time but are also indicative of the scale of the problems encountered in the Greek police forces.
78. This is clearly a step in the right direction. The GET met no other representatives of the police forces. It hopes that the Division, which can be considered as a model, is not the only police body to make use of other countries' experience and innovative working methods (crime analysis in particular). The Internal Affairs Division is helping to restore the Greek police's standing in public opinion. This change of attitude is vital to the pursuit of the fight against corruption in Greece. The Division takes care of the absence of influence of corruption on the corps, keeping in mind that in democracies, the judicial system and the police are the bases from which the fight against corruption can be carried to other sectors of government and society²⁹. So efficient a division ought in future to be able to extend its action to combating corruption among other sectors of government in which corruption is reported (where appropriate working in co-operation with other administrative departments such as the SDOE or the BICA). This would particularly be the case for customs and tax officials of the Ministry of Finance, in respect of whom the Internal Affairs Division could deploy its specific skills, while the government inspectorates would supply the technical knowledge needed to master the dossiers handled by corrupt officials. This would make it possible to raise the level of corruption cases dealt with above that of "small-scale, street-corner corruption" by increasing the factors for success in this undertaking. The problem also arises externally, as it is the police who are responsible for investigating corruption generally, whereas their integrity and efficiency are called into question.
79. The GET accordingly recommends 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.
80. It should also be noted that economic and financial investigations, including corruption investigations, require a number of specialist police officers. The lack of a judicial police means that Greece has no service specialising in the conduct of criminal investigations. The creation of such a department would make it possible for police officers to be relieved of administrative duties so as to be able to devote their time exclusively to investigations, which would both make for greater efficiency and offer a guarantee regarding compliance with the procedural rules. It would also make it possible for police services to specialise in certain types of crime. Everyone the GET interviewed from the judicial and police services wants to see a judicial police set up. It is a pity that the 1993 act which provided for it has never been brought into force. Furthermore, it is

²⁷ ANGELIS, I. Comparative study of the relationship between public prosecutor and police in Greece and in England, 1990, pp.55-62.

²⁸ In this connection the GET draws attention to the few statistics available.

²⁹ See inter alia: UN-ODCCP United Nation Manual on Anti-Corruption Policy, Vienna June 2001, pp. 52-54, which regards corruption within the police and the state legal service as the worst form of corruption.

clear the prosecutors have particularly high expectations regarding the existence of police officers specialising in the investigation of corruption cases.

81. The GET accordingly recommends:

- that a criminal investigation department be developed (operating under the supervision of prosecutors and investigative judges)
- that officers are specially screened before being recruited to it
- to establish, within this criminal investigation department, units specialising in economic and financial crime (including corruption).

82. Constitutionally guaranteed, the independence of Greek magistrates (judges and prosecutors) does not appear to be undermined in practice. Their assertion that they perform their duties without interference from the executive branch has not been contradicted in any information the GET has received. The opinion poll conducted by Transparency International suggests that the judicial system is – relatively speaking – fairly little affected by corruption (bribery, backhanders and trading in influence). This being said, the GET noted the existence of controversies as regards the judiciary and possible political interference³⁰.

83. But although it enjoys a reputation for independence, the judiciary does not always have the training and legal resources needed to identify and prosecute corruption, even in its simplest forms. The judges and prosecutors responsible for the fight against economic and financial crime, and particularly corruption, receive no special training – in-service training is in its infancy (even if it is encouraging to see that the first training theme covered was money laundering) – and are not chosen for their expertise in the field. Pushed to extremes, the concern for impartiality and independence leads, in the major courts, to determining the composition of the various chambers by lot and to electing to posts of responsibility in the prosecution service. Moreover, judges, including those in courts as important as that of Athens, are generalists who sit sometimes in civil cases and sometimes in criminal ones. They do not specialise in a particular area. Nevertheless, there are in Athens about ten investigating judges specialised in offences qualified as “felonies” under Greek law. This category, which covers some economic and financial offences, can include corruption (considered as a misdemeanour) when it is connected to an economic felony. Investigating judges do not spend all of their time preparing files, as they also sit in. This system, which is deplored by the judges themselves, allows no specialisation, specialisation which is necessary for the effectiveness of the fight against economic and financial crime, including corruption. It runs only on the good will of judges who train themselves and who turn to experts whenever the evidence becomes complex.

84. The GET accordingly recommends to continue to enhance the training for judges and prosecutors responsible for fighting economic and financial crime, including corruption, and the appointment of the latter to court chambers or prosecution office sections which should become specialised.

³⁰ The Newspaper Kathimerini of 30 July 2001 reported risks of politicisation due to interest groups ; Kathimerini of 3,5 and 9 October 2001 : a prosecutor who had charged officials for corruption and fraud involving important sums in the framework of the establishing of a land register (required by the EU), was summoned to prove that he had no links with opposition parliamentarians ; Kathimerini of 16 October 2001 : Supreme Court prosecutors criticise government allegations that members of the judiciary are performing their duties on behalf of the opposition ; Kathimerini of 3 December 2001 reporting about the discussions of the annual conference of judges and prosecutors and quoting « the political power has always attempted to struggle the judiciary » ; financial times of 19 December reporting that, according to a politician, the judiciary is strongly politicised, affected by interferences, controls, influences and corruption.

85. In some cases, local circumstances can lead to pressure being put on the judicial system. Moreover court judges may be called upon to prosecute and adjudicate corruption involving senior or elected officials with whom the former may have (had) professional relations. Under such circumstances, it may be desirable to hand the case over to another jurisdiction in order to guarantee the necessary dispassionateness and objective impartiality. The current Greek penal procedure rules do not permit the transfer of a case for the sake of the correct administration of justice, except in the case of proceedings brought against a magistrate. In this context, the GET observes the usefulness of a mechanism which provides, when necessary in order to ensure impartial court proceedings, the possibility for cases to be removed from a given judicial jurisdiction and transferred to another one, with all the requisite guarantees.

b2. Sources of information

86. The GET was unable to go into detail regarding the scale of the special resources available for investigating corruption cases. The offence of corruption remains difficult to prove in Greece, but as the GET lacks comprehensive judicial data on corruption cases and was not granted access to police data, it is hard for it to form an opinion on the effectiveness of the enforcement institutions and their working methods.

87. It would appear, however, that for the time being Greece has chosen to put the emphasis on prevention through public information and public reporting of wrongdoings (helpdesks and telephone hotlines). The GET asked the various authorities concerned for data on the impact of these arrangements (number of calls, types of information or complaint received, operational and strategic arrangements for following up, etc). The information received was insufficient for the GET to reach any conclusions about the effectiveness of the arrangements.

88. The GET noted moreover that the public prosecutors could be given more and better information. According to the magistrates of the Audit court met, the provisions of Articles 21 and 22 of Presidential Decree No. 774/1980, do not allow them to report to the judicial authorities any acts that are potential offences but for which they are unable to classify. It was apparent from the GET's discussions with representatives of the Audit Court that the Court strictly applied the text of the Presidential Decree, despite the provisions of article 37 of the Criminal Procedure Code. As a result, the judicial authorities are not notified of actions which, though not legally classifiable, nonetheless violate the criminal law.

89. As a consequence, the GET recommends 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.

90. In addition, the representative of the Political Party Finance Control Commission indicated to the GET that when this body comes across a breach of the rules, it reports to the Chairman of Parliament who then imposes a fine; the Greek authorities indicated however, that the Commission is entitled to report to the prosecutor. The GET observed that it would also be desirable for the Political Party Finance Control Commission to be required, like other state institutions, to report to the public prosecutor any criminal acts that come to its notice. In return, the public prosecutor ought to notify the department or official supplying the information of the action taken on it. Such a step could encourage reporting.

b3. Other institutions and mechanisms for combating corruption

91. The obligation on all officials to declare their assets is an interesting initiative but one whose effectiveness is nonetheless relative, given the difficulty of proving corruption-related acts. Although various representatives of the administration pointed at the importance of the obligation for all civil servants to declare their income (including property), the GET noted that this obligation was contested by a major civil servants' trade union, which ordered its members not to submit this kind of declaration – regarded as an invasion of privacy – and filed a complaint on this ground³¹. Consequently, the principle seems badly accepted within the Greek administration, which makes its implementation therefore uncertain. The GET further noted that even though the 42 investigations launched in the past two years by the committee set up under Section 7 of Law 2331/1995 have resulted in 8 civil servants being reported to the prosecutor, only 3 cases of corruption have been proved. Cases prosecuted on the initiative of the inspectorates of the different ministries are scarcely more numerous. In order to strengthen the efficiency of the fight against corruption, certain representatives met by the GET said they would like legislation to be passed reversing the burden of proof in cases where civil servants and other people have a standard of living or assets inconsistent with their declared income.
92. Without going so far, the GET accordingly recommends 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 pre-sumptions or specific offences.
93. As regards the Financial and Economic Crimes Office (SDOE), the GET notes an inconsistency between the account given of it in Greece's replies to the GRECO questionnaire ("There is a specific body specialised in the fight against corruption which is called the Financial and Economic Crimes Office. This body is provided for by [Law] 2343/1995.") and the description the Office gives of its activities in its annual report for 2000, in the English version of which the concepts *corruption* and *bribery* do not appear. The GET further noted that according to its senior staff, the Office's aim is not to detect corruption in government departments but simply to combat economic crime and the various kinds of fraud (including defrauding the European Union - said in the replies to the questionnaire to be a major corruption-related problem). If it is effective in combating tax and customs evasion or fraud in connection with EU subsidies and in so doing also contributes to some extent to combating money laundering, the SDOE may indeed have its place in a comprehensive anti-corruption policy. The GET further noted that the SDOE operates on modern principles in an attempt to offset the shortcomings of the tax authorities.
94. For these reasons the GET observes that the SDOE should certainly be more actively enrolled in fighting corruption by sensitising its members to this function and specifically including corruption among the economic offences the SDOE is responsible for investigating. This might be done through the creation of the co-ordination mechanism recommended at the beginning of this analysis. Regular meetings with other departments and services would enable SDOE to share with other institutions the experience it has acquired in the economic and financial aspects of cases, an experience which other authorities with more general responsibilities often lack.
95. Members of the Administration Inspectorate are in a key position for fighting corruption. Those whom the GET interviewed nonetheless stressed that corruption is still very difficult to prove, despite the various mechanisms that have been set up in Greece. Because the institution is in its

³¹ ADEDY trade union: source T.I. Greece. See also KATHIMERINI 06.02.2001: "Greeks see corruption on the rise": findings of a study by the Institute of Economic and Industrial Research.

infancy and statistics are lacking, it is difficult to come to any conclusion as to its effectiveness and its independence, which is very necessary in corruption investigations. The point must, however, be made that the Office of the Administration Inspectorate convenes regular meetings of the inspectorates of the different ministries to co-ordinate their activities. This is a practice that should be encouraged and that might be turned to account in the fight against corruption, particularly for the transmission of information, as a network of contact persons in the various government departments enables operational and strategic information to be circulated more speedily. This kind of co-ordination of inspection services might therefore be the nucleus of a co-ordination structure for combating corruption in government departments, as mentioned earlier.

96. During its short visit the GET was unable to discuss in detail the specific question of public enterprises, despite the continuing importance of the public sector in the economy. The Greek government officials the GET interviewed during its visit said little of substance about major economic and financial crime, concentrating instead on petty corruption. The GET nonetheless noted that political party financing and public procurement contracts were still – as in many other countries – two vulnerable sectors. The GET also points out that these two sectors are frequently linked. Some Greek practitioners similarly underlined the vulnerability of public legal persons. The GET observed, however, firstly that public entities are not subject to scrutiny by the Administration Inspectorate and secondly that the system for supervising public procurement contracts is complex because responsibility for it is shared among three ministries. The GET accordingly thinks it advisable for anti-corruption policy in Greece to pay greater attention to the public sector of the economy.
97. The personnel departments of the Ministry of Finance responsible for the Customs service and the tax service emphasised the strictness of current legislation as an instrument for prevention of corruption. They also drew attention to the obligation on all civil servants to declare their incomes and their assets. The GET welcomed this optimism despite certain problems met in practice (see above the issue of declarations of income and property). The EEG believes that the Ministry of Finance has, indeed, taken significant steps to preserve the integrity of its staff. The 270-strong General Inspectorate (one inspector for approximately every 150 staff) carries definite weight. The GET also noted that despite this, the senior officials it met at the Ministry of Finance do not consider corruption in Finance Ministry departments to be a major problem (which shows the tax service to be particularly vulnerable)³².
98. The GET also wondered whether the - recently amended - Public Servants Code, which contains anti-corruption standards as well as provisions on public servants' moral and ethical duties, was effectively applied.
99. As regards public procurements contracts, the GET noted the Greek Government's concern to find innovative solutions to guarantee effective scrutiny of them. Such scrutiny is the responsibility of three different ministries, depending on whether the contracts are for public works, supply or services. The responsibilities of the ministry visited extended only to supply contracts; there too the representatives met expressed their satisfaction with the legislation, something the GET can confirm, the laws in question being the incorporation in Greek law of the relevant European directives. Numerous decisions have to be made collectively, which in principle wards off

³² According to the Ombudsman of the Greek Republic, civil servants enjoy too great a discretion in regard to the texts they have to apply, or else the procedures are so lacking in transparency and so open to interpretation that they encourage corruption among the public who want their administrative problems settled in a reasonable time. See also KATHIMERINI 29.01.2001: "Greeks believe worst of their civil service".

corruption. The problem is whether the law is actually enforced and the perception of its enforcement, which is quite different depending on who is consulted – the ministry, the Audit Court, public opinion or the press. When one finds purely formal rather than substantial compliance with the law, e.g. application of the law for the purpose of classifying companies according to their technical capabilities, it is difficult to say that this shortcoming is a product of presumed corruption, even if the Audit Court has doubts or the press expresses surprise at the choice of a particular company for a public works contract. After investigations, which are too short to be truly effective, the Audit Court cancels approximately one-quarter of all the contracts which are submitted to it and which are found to be in breach of the law. A further positive aspect which is worth underlining, is the possibility for a dismissed competitor who suspects corruption or an arbitrary act, to claim for compensation and the cancelling of the procedure before the courts, including through urgent applications.

100. The GET accordingly observed that if the Audit Court considers the deadline for its opinion to be too short in view of the importance or the circumstances of the contract, it should be able of its own motion to extend the deadline by issuing a reasoned order to this effect.
101. The GET believed that the non-governmental sector has a part to play in the determination of a national anti-corruption strategy. The NGO Transparency International Greece has demonstrated its ability to play an active part in this, even though it is at present not widely known in Greece.
102. The GET recommended, for the purpose of devising a multidisciplinary strategy to combat corruption, the establishment of channels of contact or even mechanisms for associating non-governmental organisations with the definition of policies in the field.

c. Immunities

103. Constitutionally guaranteed immunities apply to a reasonable number of categories of person. As regards the President of the Republic, the GET noted that the constitutional protection afforded is strong, as it is in other countries, in that it combines a special procedure for instituting proceedings against the President with an exemption from jurisdiction.
104. The situation regarding members of parliament and members of the government is, on the other hand, worrying. The GET was told clearly that a strong sense of solidarity manifested itself among members of parliament as soon as one of their number faced proceedings. The procedure for both ministers and members of parliament allows broad scope for refusal by default, as Parliament is not required to make an express decision on waiver of parliamentarians' immunity and the time limit for its decision is in any case relatively short. This could explain why despite the apparently high number of requests for waiver of immunity, the number of requests granted is low. The image members of parliament convey of themselves is a confused one, fostering a feeling of inequity borne out by the findings of the study by Transparency International – Greece. On the other hand, the press representatives met by the GET indicated that the public tended to consider – by extrapolation – the political class to be affected by corruption in proportions equivalent to those of "street corruption". As regards waiver of the immunity of members of the government, the special procedure laid down is doubtless designed to guarantee the highest possible degree of objectivity. As a result, it is relatively cumbersome and can moreover be halted by Parliament at any time. The GET wishes to remind that the political class, whose members are called upon to govern and draft laws, plays an important role as regards the credibility of institutions. This has consequences on the confidence of citizens in their institutions, and in turn,

on their own compliance with the rules. Therefore, immunities should not be perceived as granting absolute protection.

105. The Greek authorities indicate that such a modification would require a constitutional amendment, and that there can only be one for every five years period (article 110 para. 6 of the Constitution). The last constitutional amendment was passed in 2001.
106. The GET accordingly recommends that, in the perspective of a forthcoming constitutional amendment, the procedure for waiving the immunity of members of parliament and of the government be reviewed in order to make it more transparent and easier to apply.

IV. CONCLUSIONS

107. In recent years Greece has made praiseworthy efforts to modernise government. These efforts must be encouraged. The state modernisation is likely to reduce petty corruption of public officials inherited from ancient and widespread habits. Mechanisms aimed at a better control and enhanced transparency have been put in place in order to improve administrative functioning. Furthermore, the creation of efficient services, like the Police Internal Affairs Division, is a clear sign of the Greek state's will to tackle corruption.
108. Nevertheless, the recent establishment of this machinery and the lack of statistics do not allow, for the time being, to assess its results. In order to fight corruption more effectively, Greece needs to study in depth the causes of corruption in society not only as regards traditional causes, but also through the prism of high level, economic and financial delinquency. Corruption nowadays is not limited to the "little envelope" required by/given to a civil servant for him to complement his/her income. In a largely opened world, wide scale corruption forms do exist which may make use of international networks which can be those of organised crime. Therefore, Greece needs to draft a global strategy for the fight against corruption. This fight cannot take place in a fragmentary way, without coordination. Finally, a specialised police and judiciary are further prerequisites of successful work.
109. In the light of the foregoing, the GRECO addresses the following recommendations to Greece:
 - i) 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;
 - ii) 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;
 - iii) 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;
 - iv) 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;

- v) 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);
 - vi) 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;
 - vii) 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;
 - viii) 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;
 - ix) 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;
 - x) 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.
110. Furthermore, the GRECO invites the Greek authorities to take account of the observations made by the experts in the analysis part of this report.
111. Finally, and in accordance with Rule 30.2 of its Rules of Procedure, the GRECO invites the Greek authorities to report to it on the implementation of the above recommendations by 31 December 2003.

APPENDIX I

List of persons met by the GRECO Evaluation Team

Some persons may have been omitted, as the GRECO secretariat could not write their names. The GRECO secretariat extends its apologies to those concerned.

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| Ministry of Justice | M.I.SPYROPOULOS (former dep. Prosec. at the Supreme Court, spec. adviser to the Minister) M. I.CHAMILOTHORIS (Appeal Court judge, adviser to the Minister) M. H. VOURLIOTIS (dep. Prosec. at the Appeal Court, adviser to the Minister) Mrs M.FARMAKI (Head of Directorate General of Justice Administration) Mrs E. XENOU (Head of Directorate for legal coordination and special legal relations) Mrs M. ARVANITI (Head of Section of special EU and other gov. org. legal affairs) MMrs E. FLENGA and P. KARATZAFERI (ibid) M. A. POTAMIANOS (Deputy President of the Higher first Instance court) M. A. VASSILAKI (Judge) M. A. TSOULOS (investigating judge) M. BAYAS (Head of Prosecution at the First Instance Court of Athens) M. J. ANGELLIS (First instance court prosecutor, representative in GRECO) M. ZORBA (Appeal Court prosecutor) |
| Article 7 Committee (CFCI) | M. P. NIKOLOUDIS (President) M. PANDELIS (deputy President) |
| MINISTRY OF THE INTERIOR (Police Internal Affairs Service) | M. TSIATURAS (Head of Service) M. V. SERDANIS (deputy Head) M. A. SKANDALIS M. C.PANAYIOTOPOULOS |
| MINISTRY OF FINANCES (Tax and Customs Department) | M. PANESTINAS (Director of Customs' staff) M. M. KOSTAS (Director of tax services' staff) M. AMSIMAKOPOULOS M. PANAGOPOULOU M. MILONA M. PESKANIAKIS |
| (SDOE/FECO) | M. BADZELIS (Secretary General of SDOE/FECO) M. ATANASSOPOULOU (SDOE, head of legal affairs) |
| MINISTRY OF DEVELOPMENT | Mrs SOPHOULI Mrs LASCARI Mrs LANDOU Mrs SIBOU M. POPSACHIRIS M. SPASARIS M. FOCAS |
| PARLIAMENT | M. VRETOS (Deputy President of Parliament, President of the Committee on financing of political life, political parties and parliamentarians) |
| Body of Inspectors-controllers | M. C. J. KOYAS Mrs MARINOPOULOU Mrs VOUDZINAKOUS |
| Court of audit | M. CHASSAPOGHIANIS M. SALMAS M. CASTOPOULOS M. CACALIS |

| | |
|--|---|
| | M. CARKELIS |
| Ombudsman | M. P.N. DIAMANDOUROS (Ombudsperson) Mrs. KOUTSOUKARI (deputy Ombudsman, in charge of state/citizens relationship) M. SIMOPOULOS (deputy Ombudsman, in charge of human rights) M. FITRAKIS (social protection) M. ANTONIADIS (environment, quality of life) M. DROSSOS (state/citizens relationship) M. CASSAVETIS (trainee) |
| University | Professor N. COURAKIS (Professor of criminology, University of Athens) |
| Transparency International Greece | Mrs V. TSOUDEROS (Head of TI Greece) |
| Journalists | Mrs PETRALIA M. MAGREZIS M. BELITZIS |

APPENDIX II

Selected legal provisions on corruption

Article second of Law 2802 of 2000 Substitution of Criminal Code provisions

The provisions of articles 235 and 236 of the Criminal Code are substituted as follows:

"Article 235 (as amended by Law 2802 of 2000). Passive Bribery. The official who, in violation of his duties claims or receives, directly or through mediation of a third party, for himself or for a third party, benefits of any nature or accepts a promise thereof, in order to proceed in an act or failure relevant to his duties or contravening the same is punished by imprisonment of at least one year".

"Article 236 (as amended by Law 2802 of 2000). Active Bribery. Anyone promising or offering to an official, directly or by mediation of a third party, benefits of any nature for himself or for a third party, so that said official, in violation of his duties, proceeds to an act or failure relevant to his duties or contravening the same is punished by the penalty of article 235. The act remains unpunished, in case the perpetrator by his own free will and prior to his examination one way or another for the above act, notifies the same to the magistrate court public prosecutor or to any investigating official or other competent authority, by surrendering a written report or verbally in which case a relevant report is being drawn up. In this case the gift or the benefit which has been eventually confiscated or surrendered to the investigator is rendered to the person who gave it and the provision of article 238 does not apply in this case".

Article 237 of the Criminal Code Bribery of a Judge

1. Whoever is called upon by law to perform the duties of a judge or of an arbitrator and he demands or accepts gifts or other benefits which he is not entitled to claim, or when he accepts the promise that he will receive such gifts or benefits so that he will judge or handle an assigned case in favour or against someone else, is punished with at least a year of imprisonment (up to five years).
2. Whoever offers, promises or gives such gifts or benefits with the same objective to any of the persons mentioned in paragraph 1 or to a relative of his, is punished with a minimum of three months imprisonment (maximum five years).

Article 159 of the Criminal Code Bribery

1. Anyone who in relation with any election or vote conducted by the Parliament or any committee thereof proposes, offers or promises to a deputy gifts or any other benefits which are not due to him as exchange in order not to participate to such election or vote or to vote in a specific manner is punished by imprisonment up to two years as well as by fine.
2. The deputy who in relation with any of the as above in paragraph 1 of the present article elections or votes accepts the offer or promise of gifts or other benefits which are not due to him or claims

the same as an exchange in order not to participate to the election or the vote or to vote in a specific manner, is punished by imprisonment as well as by fine.

3. Anyone who in relation with any election or vote conducted by the Prefectural, municipal or communal council of any other local administration council or committee or any of the above, proposes, offers or promises to any member thereof gifts or any other benefits which are not due to him as exchange in order not to participate in such election or vote or to vote in a specific manner is punished by imprisonment up to one year as well as by fine.
4. The counsel who in relation to any of the elections or votes of paragraph 3 of the present article accepts the offer of promises of gifts or of other benefits which are not due to him or claims the same as an exchange in order not to participate in the election or the vote or to vote in a specific manner, is punished by imprisonment up to one year as well as by fine.
5. The court may apart such penalties impose the deprivation of offices and posts or article 63, no 1.

Article 12 of the Law 5227 of 1931

1. An imprisonment of at least three months and a fine of five thousand (5.000) up to one hundred thousand (100.000) GRD is imposed as punishment to any official of the State or Municipalities or Communities, or any representative or instrument or member of boards of the in article 1 of the present described persons, if they directly or indirectly accept offers or promises of gifts or other benefits or if they claim such as exchange for the achievement of the in the previous article results or in order to vote in a specific manner or abstain on purpose from voting or in order to exercise their influence and power or offer somehow their assistance. The same penalty is imposed to the members of Legislative Bodies or Municipal or Communal Boards, in case they accept gifts or other benefits in property in relation to the exercise of their duties or in order to exercise their influence or power or in order to somehow offer their assistance for the achievement of the in the previous article set forth results.
2. The same penalties are imposed to whom who for one of the above purposes gives or promises to give to the above persons gifts or other benefits as well as whom who offers such, even if the same have not been accepted.
The same penalties, as well, are imposed to a state official and the one who engaged him for any service and at any pay, provided such official participates to boards which give opinion on matters which are relevant to the works or business of the person who engaged him.
3. The gravest definitions of the Criminal Law are kept in force.

Article 2 of Law 2802 of 2000

Passive bribery

1. For the purposes of the present convention, an official shall have committed passive bribery when, intentionally he claims or receives, directly or through mediation of a third party, for himself or for a third party, benefits of any nature or accepts a promise thereof, in order to execute or not execute an act belonging to his duties or at the exercise of his duties, in violation of his official duties.
2. Each country member takes the necessary measures for securing that the behaviour stated in paragraph 1 constitutes criminal offence.

Article 3 of Law 2802 of 2000
Active bribery

1. For the purposes of the present convention, active bribery shall be committed when anyone, intentionally promises or gives to an official, directly or by mediation of a third party, any kind of benefits for himself or for a third party, so that such official executes or does not execute an act belonging to his duties or at the exercise of his duties, in violation of his official duties.
2. Each country member takes the necessary measures for securing that the behaviour stated in paragraph 1 constitutes criminal offence.

Article 2 of the Law 2803 of 2000
Passive Bribery

1. For the purposes of the present protocol, an official shall have committed passive bribery when, intentionally he claims or receives, directly or through mediation of a third party, for himself or for a third party, benefits of any nature or accepts a promise thereof, in order to execute or not execute an act, in a way which contravenes his official duties, within the framework of his duties or at the execution of his duties, which damages or may damage the economic interests of the European Community.
2. Each country member takes the necessary measures for securing that the behaviour stated in paragraph 1 constitutes criminal offence.

Article 3 of the Law 2803 of 2000
Active Bribery

1. For the purposes of the present convention, active bribery shall be committed when anyone, intentionally promises or gives to an official, directly or by mediation of a third party, any kind of benefits for himself or for a third party, so that such official executes or does not execute an act, in a way contravening his official duties, within the framework of his duties, which damages or may damage the economic interests of the European Community.
2. Each country member takes the necessary measures for securing that the behaviour stated in paragraph 1 constitutes criminal offence.

Article fourth of Law 2802 of 2000
Ranking of community clerks and officials with the national ones

1. The offence of bribery, when committed by or towards Members of the European Community Commission, the European Parliament, the European Community Court or Court of Auditors at the exercise of their duties, is punished in the same way with the one committed by or towards the Ministers of the Greek Parliament and the members of the Greek Supreme Courts, at the exercise of their duties. However, the special procedural provisions referred to the persecution and competence of the courts, do not apply. Said persons are judged by the court of appeal.
2. The provisions of treaties for the foundation of the European Community, the protocol regarding the privileges and immunities of the European Community, the Court's organisations, as well as

the provisions enacted for their implementation, apply fully, as regards to removal of immunities of the as above persons.

Article tenth of the Law 2803 of 2000

Ranking of community clerks and officials with the national ones

2. The punishable acts, provided by article three, four, five, six and nine of the present law, as well as those set forth in the previous paragraph whenever committed by members of the European Community Commission, of the European Parliament, of the European Community Court or Court of Auditors or against such persons, are punished as those committed by the Ministers of the Greek Government, the elected members of the Greek Parliament and the members of the Greek Supreme Courts, at the execution of their duties or against such persons. However, the special procedural provisions regarding the Ministers' liability, including the provisions referring to the criminal persecution and the competence of courts, do not apply.
3. The provisions of treaties for the foundation of the European Community, the protocol regarding the privileges and immunities of the European Community, the Court's organisations, as well as the provisions enacted for their implementation, apply fully, as regards the removal of immunities of the as above persons.

Article 2 of the Law 2656 of 2000

Bribery of a foreign public official

1. Whom, who at the execution of international business activities and with the purpose to acquire or keep an unfair business or other, non-due, advantage, offers, promises or gives, himself or by a third party, gifts or other non-due exchange to a foreign public official, on behalf of himself or of a third party, in order to make him proceed to an act or failure which is relevant to his service or which contravenes his duties, is punished by imprisonment of at least one year.
2. The offered gifts and their value are confiscated.

Article 3 of the Law 2656 of 2000

Bribery of a foreign public official

A foreign public official bribery perpetration
Facilitation or concealing

Whom who in order to facilitate or conceal the perpetration of under article second act:

1. keeps accounts outside his business books
2. transacts outside the books or inadequately specified therein
3. enter non-existing charges or determined erroneously their object, or
4. uses documents with false content, is punished by imprisonment up to three years, in case his act is not punished more gravely by virtue of another provision.

Article 11 of the Law 5227 of 1931

An imprisonment of at least three months and a fine of ten thousand (10.000) up to one million (1.000.000) GRD is imposed as punishment to whom who falsely or truly alleges that due to his relations or his capacity or in general due to his influence and power, he may succeed in favour of a

third party or himself, but on the account of a third party, the entering to any contract with the State or the other in article 1 of the present mentioned persons, or regardless to any contract causes any deed or failure of such persons, of their employees, representatives or instruments, receives a fee or other exchange or gets out a promise of such fee or exchange in favour of himself or of a third party.

Article 27 of the Law 2429 of 1996

Criminal sanctions

1. Anyone under check, who acquires or gives to a third party benefit of property taking advantage of his capacity, is punished by imprisonment of at least three (3) years and by fine. To the culpable is imposed as well deprivation of his political rights from one (1) up to five (5) years. The same penalties apply for the spouses and the children thereof who acquired or gave to a third party benefits of property taking advantage of the capacity of the under check person.
2. In case the benefit of property of the convicted person is a movable or immovable thing or ideal share of a thing or a specific amount of money, confiscation is ordered as attendant penalty.
3. Anyone under check who fails to file the under articles 24 and 25 statement or knowingly files inexact particulars, is punished by imprisonment of at least two (2) years and by fine. To the culpable is imposed as well deprivation of his political rights from one (1) up to four (4) years. In case the deed has been committed by negligence, the penalty imposed is imprisonment of three (3) months up to two (2) years.
4. A third party denying the granting of data and information as well as anyone who by any means prevents the under the previous article check is punished by imprisonment of at least six (6) months. The same punishment is imposed to the one who only publishes only part of the statement in violation of paragraph 4 article 25.

Article 238 of the Criminal Code

Confiscation of the gifts

In all cases of articles 235, 236 and 237, the gifts which were given or their equivalent value is confiscated by the relevant decision.

Article 187 of the Criminal Code (modified)

Criminal organisation

1. A sentence of imprisonment of up to ten years is imposed to any person who sets up or is included as member in a structured group with continuous activity, made up of three or more persons (organisation) and seeks to commit felonies provided for by articles 207 (forgery), 208 (circulation of forged money), 216 (falsification), 218 (falsification and abuse of stamps), 242 (false testimony, adulteration), 264 (arson), 265 (arson to forests), 268 (flood), 270 (explosion), 272 (violations relating to explosive materials), 277 (sinking of ship), 279 (poisoning of springs and food), 291 (disturbance of safety of trains, ships and aircrafts), 299 (intentional murder), 310 (gross physical injury), 322 (abduction), 325 (slave trafficking), 324 (abduction of minors), 327 (involuntary kidnapping), 336 (rape), 338 (abuse to lechery), 339 (child seduction), 374 (gross cases of theft), 375 (defalcation), 380 (robbery), 385 (extortion), 386 (fraud), 386A (computer fraud), 404 (usury), as well as felonies provided for in the legislation on narcotics, weapons, explosive materials and protection from materials emitting radiation harmful to people.

2. Any person who, by threat or use of force against judicial functionaries, interrogating or judicial servants, witnesses, experts and interpreters or by bribe to the said persons, attempts to cancel the discovery or prosecution and punishment of the offences of the previous paragraph, is punished by imprisonment of at least one year.
3. Any person who, apart from the cases of paragraph 1, joins another person to commit a felony (gang) is punished by imprisonment of at least six months. The culprit is punished by imprisonment of at least three months if the joining under the previous sentence was carried out to commit a misdemeanour, punished by imprisonment of at least one year, by which financial or other material gain or damage to life, physical integrity or sexual freedom are sought.
4. The manufacture, supply or possession of weapons, explosive materials and chemical or biological materials or materials emitting radiation harmful to people, aiming at serving the purposes of the organisation of paragraph 1 or the gang of paragraph 3 or the pursuit of financial or other material gain of their members are aggravating circumstances. The non commission of any of the sought crimes of paragraphs 1 and 3 are extenuating circumstances. The simple mental complicity to the crimes of formation or participation under paragraph 1 or gang under paragraph 3 is not punished if the members of the organisation or the gang do not seek financial or other material gain.
5. The provisions of the present article are also applicable when the punishable actions provided for hereby were committed abroad by a Greek citizen or were made against a Greek citizen or legal entity with registered offices in Greece or against the Greek state, even if they are not punishable under the laws of the country in which they were committed. (...)