



**EUROPEAN COMMITTEE OF SOCIAL RIGHTS  
COMITÉ EUROPÉEN DES DROITS SOCIAUX**

23 December 2020

**Case Document No. 4**

**Greek Bar Associations v. Greece**  
Complaint No. 196/2020

**FURTHER RESPONSE BY THE GOVERNMENT ON  
ADMISSIBILITY**

**Registered at the Secretariat on 15 December 2020**





HELLENIC REPUBLIC

MINISTRY OF LABOUR AND SOCIAL AFFAIRS

*Directorate of International Relations*

*Department of Relations with  
International Organizations*

**Further observations of the Greek Government on the Admissibility of  
*Collective Complaint 196/2020, Greek Bar Associations v. Greece***

Following the complainants' observations of 30/10/2020, and your subsequent letter of 27/11/2020, by which you invited the Greek Government to make further written submissions on the admissibility of collective complaint *196/2020 – Greek Bar Associations v. Greece*, we have the honor to submit for your consideration the following observations:

1. Primarily, the Greek Government wishes to confirm, through this memorandum, the position expressed in their observations on admissibility of 13/08/2020, firstly, as to the inadmissibility of the complaint under discussion, secondly, as to the issue of adoption of immediate measures.
2. The Government reiterates their arguments on the nature of the complainant organization as non-compliant with the provisions of the Collective Complaints' Protocol, especially art.1 (c), as stated in their initial memorandum on the admissibility.
3. Furthermore, the Greek Government does not consider the demand for adoption of immediate measures justified. Measures have been already taken, since the first wave of the pandemic (spring of 2020), and are being currently implemented anew, in order to address this second wave of the COVID19 pandemic. The Greek Government, from the beginning of this extreme and unprecedented sanitary crisis, took measures both for the protection of public health as well as for the alleviation of workers and self-employed workers from the after effects of the pandemic and of the subsequent lock-downs on economic life (please be referred to all measures included in the Government's first memorandum<sup>1</sup>), most of which have been put again in force or extended, so as to deal with the harsh circumstances of the second wave of the pandemic.

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<sup>1</sup> Indicatively: emergency prevention and protection measures against the new coronavirus COVID-19, temporary stay-at-home restriction, temporary ban on the operation of schools and all kinds of educational structures, institutions and bodies, work in rotation/ turn-based work,

4. Additionally to these measures, a special purpose compensation was provided (as described in our first memorandum on admissibility) for the country's six key scientific sectors, amongst which, were the lawyers; at present, by virtue of Law 4756/2020, lawyers, along with other categories of free – lancers, are entitled to a lump – sum financial assistance<sup>2</sup>.

5. The Greek Government regrets the fact that the complainant organizations have used their claim as regards the adoption of immediate measures as an opportunity for discussing the merits of the complaint before a judgement on its admissibility is even issued. The complainants' second memorandum (titled *Complainants' Observations and Comments on the Admissibility of the Collective Complaint, on the Government's Observations & on the request for Immediate Measures*) includes new allegations on the merits, new arguments, new claims, to which the Government cannot answer without touching upon the substance of the complaint. Since the majority of the complainants' allegations cannot but be handled at a later stage, the Greek Government will provide all the relevant information, should your Honorable Committee decide upon the admissibility of this complaint in a positive manner.

6. On this occasion, the Greek Government wishes to stress the risk to which the collective complaints procedure is being led by such practices; the fact that, on the one hand, even though this is still the admissibility stage, the merits of the complaint are being analyzed as if it has already been deemed (to be) admissible, and, on the other hand, even now, at this early stage, the complainants are in effect changing the legal basis of the complaint, by adding new allegations for consideration against the Greek Government.

In light of all the above and the arguments included in our first observations on the admissibility of the Complaint under discussion, the Greek Government asks that the European Committee of Social Rights consider Collective Complaint 196/2020 inadmissible and the complainant organizations' request for the adoption of immediate measures unfounded.

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distance working/ tele-working, special leaves (special purpose leave for children care, special sick leave), prohibition of termination of employment contracts, measures of tax and financial content, special measures taken in the field of Justice for the safety and facilitation of those involved (citizens-lawyers-notaries-magistrates) [actions of digitalization and simplification of judicial procedures, imposition of the temporary suspension of operation measure for all Courts and Public Prosecutor's Offices throughout the country, extension of the judicial year etc]

<sup>2</sup> Law 4756/2020 "*Measures to support the employees and the vulnerable social groups, social security arrangements and provisions for strengthening the unemployed*" provides for the provision of a lump – sum financial assistance, amongst other categories of free – lancers, to the lawyers, by the Special Unemployment Account in favor of Independent Employees that has been established in the Greek Manpower Organisation (OAED).