



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

9 February 2021

Case Document No. 6

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

**RESPONSE BY THE GOVERNMENT TO THE ADDITIONAL
OBSERVATIONS BY GREEK BAR ASSOCIATIONS ON
ADMISSIBILITY**

Registered at the Secretariat on 29 January 2021



HELLENIC GOVERNMENT

MINISTRY OF LABOUR
AND SOCIAL AFFAIRS

DIRECTORATE OF INTERNATIONAL
RELATIONS

DEPARTMENT OF RELATIONS WITH
INTERNATIONAL ORGANIZATIONS

Athens, 29 January 2021

Ref. No.: 4301/31 AD1

TO:

The Council of Europe

Directorate General of Human Rights &
Rule of Law

Department of the
European Social Charter

*To the attention of Mr. Henrik Kristensen
Deputy Head of Department*

Deputy Executive Secretary of the

European Committee of Social Rights

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SUBJECT: Collective Complaint 196/2020 “Greek Bar Associations v. Greece”, in the framework of the Additional Protocol to the European Social Charter providing for a system of Collective Complaints – 2nd Additional Observations by the Hellenic Government regarding the adoption of immediate measures

1. Following up to the observations made by the complainant organisations dated 18/12/2020 on the admissibility of Collective Complaint 196/2020 under discussion and the need for adoption of additional immediate measures by the Hellenic Government, and in reply to your Letter dated 12 January 2021 by which you invited the Hellenic Government to submit its comments on the above, if it so wishes, we have the honor to bring to the attention of your honorable Committee the following regarding the complainants’ objections on the request for immediate measures.

2. As a follow up to the provisions regarding the *One-off financial assistance offered to lawyers, engineers and economists by the Special Unemployment Account established in the Greek Manpower Organisation (OAED) in favour of Independent Professionals, by virtue of article 66 of Law 4756 (O.G. A’235/26-11-2020)*, a meeting took place on 16/12/2020 at the Ministry of

Labour and Social Affairs between the then Minister and the Governor of the OAED, together with representatives of scientific bodies, including the President of the Athens Bar Association. This meeting aimed at initiating consultations on the criteria and the beneficiaries who shall receive the emergency financial assistance, which will be paid by the Special Unemployment Account in favour of Independent professionals, by virtue of article 44, para.2 of Law 3986/2011. In this meeting all scientific bodies were asked to work on and submit to the Ministry of Labour a joint proposal that would become the basis for the adoption of the relevant Joint Ministerial Decision setting the criteria, the beneficiaries and the amount of the emergency financial assistance.

No reference is made to the above mentioned meeting of 16th of December in the present memorandum of additional observations made by the country's Bar Associations and submitted on the 18th of December.

3. Then, the new Minister of Labour and Social Affairs, Mr Kostis Chatzidakis, immediately after assuming office and in the context of initiating a new cycle of contacts with the social partners and professional/scientific bodies, acknowledging consultations on the immediate payment of emergency financial assistance as top priority, had a meeting with the President of Athens Bar Association, among other heads of scientific bodies¹, on 21 January 2021, during which the key elements were described regarding the payment plan of the emergency allowance of 400 euros to self-employed scientists (physicians, lawyers, engineers, economists, geotechnicians), expressing commitment for the immediate signing of the relevant Joint Ministerial Decision.

4. The Joint Ministerial Decision is to be issued by the Minister of Finance and the Minister of Labour and Social Affairs, as regards the one-off financial assistance for the period March-November 2020 to the insured of the former Insurance Fund for Independent Professionals (ETAA), which also covers lawyers, as well as economists and geotechnicians insured by the Electronic Unified Social Security Fund (e-EFKA) who have suffered financially as a result of the outbreak and spread of COVID-19 disease in 2020.

5. The one-off financial assistance to beneficiaries amounts to €400,00. Given the budget constraints in view of the third wave of coronavirus pandemic outbreak throughout the country but also the targeting of measures to scientists in need, with emphasis given on youth and those having a very low income, criteria are set for granting the financial assistance as described in Article 2 of the JMD (time of entry into the profession and income criteria).

¹ The following participated in the teleconference – in addition to the Minister of Labour and Social Affairs: the Undersecretary of State for the Ministry of Labour and Social Affairs, the Governor of the OAED, the General Secretary for Labour, the General Secretary for Social Affairs, the Administrative Secretary, the President of the Athens Bar Association, the president of the Technical Chamber of Greece, the president of the Panhellenic Medical Association, the president of the Economic Chamber of Greece and the President of the Geotechnical Chamber of Greece.

More specifically, a family income ceiling is set for 2020, while a decrease in the income of potential beneficiaries for the period April-December 2020 compared to the corresponding period of 2019 is deemed a necessary condition.

6. The financial assistance payment as defined in the above JMD is made by the Manpower Employment Organization (OAED). A detailed list of beneficiaries is extracted from the ERGANI Information System in electronic form. Beneficiaries by virtue of Article 2 of the JMD are entitled to submit a Solemn Declaration - Application for the one-off financial assistance on the online electronic platform of the ERGANI Information System of the Ministry of Labour and Social Affairs.

7. Finally, with regard to the allegations on admissibility, the Hellenic Government confirms the views included in its two previous memorandums that supplements hereby. In any case, provided that the collective complaint is declared admissible the Hellenic Government reserves the right to present, in accordance with the established practice, detailed information on the prevention and protection measures adopted against the new coronavirus COVID-19 for all self-employed and in particular for lawyers.



THE MINISTER


KONSTANTINOS CHATZIDAKIS