



Group of States against Corruption
Groupe d'États contre la corruption

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Adoption: 18 October 2017
Publication: 1st March 2018

Public
GrecoRC4(2017)20

FOURTH EVALUATION ROUND

Corruption prevention in respect of
members of parliament, judges and prosecutors

COMPLIANCE REPORT

GREECE

Adopted by GRECO at its 77th Plenary Meeting
(Strasbourg, 16-18 October 2017)

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I. INTRODUCTION

1. The Compliance Report assesses the measures taken by the authorities of Greece to implement the recommendations issued in the [Fourth Round Evaluation Report on Greece](#) which was adopted at GRECO's 68th Plenary Meeting (19 June 2015) and made public on 22 October 2015, following authorisation by Greece. GRECO's Fourth Evaluation Round deals with "Corruption prevention in respect of members of parliament, judges and prosecutors".
2. As required by GRECO's Rules of Procedure, the authorities of Greece submitted a Situation Report on measures taken to implement the recommendations. This report was received on 8 May 2017 and served, together with the information submitted subsequently, as a basis for the Compliance Report.
3. GRECO selected Italy and Slovenia to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Mr Gaetano PELELLA, Parliament advisor, Head of the Party Funding Unit of the Parliament, on behalf of Italy and Ms Vita HABJAN BARBORIČ, Head of the Centre for Prevention and Integrity of Public Service, on behalf of Slovenia. They were assisted by GRECO's Secretariat in drawing up the Compliance Report.
4. The Compliance Report assesses the implementation of each individual recommendation contained in the Evaluation Report and establishes an overall appraisal of the level of the member's compliance with these recommendations. The implementation of any pending recommendation (partially or not implemented) will be assessed on the basis of a further Situation Report to be submitted by the authorities 18 months after the adoption of the present Compliance Report.

II. ANALYSIS

5. GRECO addressed 19 recommendations to Greece in its Evaluation Report. Compliance with these recommendations is dealt with below.

Corruption prevention in respect of members of parliament

Recommendation i.

6. *GRECO recommended to ensure that legislative drafts including those carrying amendments are processed with an adequate level of transparency and consultation including appropriate timelines allowing for the latter to be effective.*
7. The authorities explain that the considerable increase in the use of urgent legislative procedures has been due to heavy demands under the economic adjustment programmes applied to Greece since 2010. They also clarify that art. 85 par. 3 of the Standing Orders, waiving the duty to prepare an impact assessment report and a public deliberation report, has a narrow scope and only covers bills for the preparation and ratification of codes, bills recommended to Parliament by the President, proposals for referendum, proposals for state of emergency, proposals for amendments to the Standing Orders of Parliament, proposals for constitutional amendments and the national and parliamentary budgets.
8. That said, an amendment to the Standing Orders (art. 110) was adopted in 2016, defining more transparent rules on the discussion of bills and law proposals of an urgent nature, which are now subject to more comprehensive discussions. The competent parliamentary committee may refuse that a bill or law proposal be qualified as "urgent" and request that the ordinary procedure be followed for its examination. The time available for the examination and discussion of drafts has

also been expanded. Furthermore, since the beginning of 2015, parliamentary committee proceedings are broadcasted live provided there are no simultaneous plenum proceedings.

9. GRECO takes the view that the improvements to the expedited legislative procedure brought by the amendment of art. 110 of the Standing Orders have been marginal, with the possibility of having four committee sittings over a total period of two days, instead of three previously. The rules regarding debates in the plenum appear unchanged. Other GRECO concerns regarding the effective implementation of rules regarding the clarity of proposed amendments and their consequences and the supervision over the inclusion of irrelevant amendments remain unaddressed.

10. GRECO concludes that recommendation i has been partly implemented.

Recommendation ii.

11. *GRECO recommended (i) swiftly proceeding with the adoption of a code of conduct for members of the parliament and establishing a suitable mechanism within Parliament for its promotion, supervision and enforcement and (ii) that the public is informed accordingly.*

12. The authorities report that Parliament adopted the new Code of Conduct for its members on 18 April 2016. It is available on the website of the Hellenic Parliament¹. Moreover, a manual for the operation of the Code is ready and is expected to be publicly available in October 2017, after its endorsement by the Special Permanent Committee on Parliamentary Ethics. As regards the second part of the recommendation, the authorities report that the adoption of the Code of Conduct has been widely publicised, notably through press releases and a press conference. There has been media coverage of the content of the Code, as well as of the functions of the Committee.

13. GRECO welcomes the adoption of the new Code of Conduct, its publication on the Parliament's website and that the public was informed accordingly. It notes that the adopted Code is broadly similar to the draft version that was assessed in the Evaluation Report and in particular that it provides for a supervision and enforcement mechanism by a Special Permanent Committee on Parliamentary Ethics and includes a range of sanctions, as required by the recommendation.

14. GRECO concludes that recommendation ii has been implemented satisfactorily.

Recommendation iii.

15. *GRECO recommended that rules be introduced for the ad hoc disclosure when a conflict arises with a parliamentarian's private interests.*

16. The authorities submit that art. 3 of the Code of Conduct stipulates that all MPs must notify the President of the Parliament in respect of any situation which could cause a conflict of interest in the performance of their duties. The President refers the matter to the Special Permanent Committee on Parliamentary Ethics, who hears the MP concerned. If the Committee finds that there is a conflict of interest, it makes a recommendation to the President on what action should be taken.

17. GRECO welcomes the introduction in the Code of Conduct of rules on the ad hoc disclosure of MPs' conflicts of interest and concludes that recommendation iii has been implemented satisfactorily.

¹ <http://www.hellenicparliament.gr/el/> (on the left side of the page)

Recommendation iv.

18. *GRECO recommended that adequate and consistent rules be elaborated concerning the acceptance by parliamentarians of gifts, hospitality and other advantages including special support provided for parliamentary work, and that internal procedures for the valuation, reporting and return of unacceptable benefits be developed.*
19. The authorities indicate that art. 4 of the Code of Conduct provides a general rule against the receipt of gifts and other advantages in cash or in kind that would call into question parliamentary impartiality and sets a presumption that gifts above 200 Euros are likely to raise such impartiality issues. Gifts under this value received in connection with parliamentary activities have to be declared by the MP, under the responsibility of his/her parliamentary group, to the Special Permanent Committee on Parliamentary Ethics. Gifts above the 200 Euros threshold have to be declared too, along with a statement from the MP justifying their acceptance. In case of doubt by the MP as to what course of action is to be taken, or if a written petition is issued by any person against the acceptance of a gift, the Special Permanent Committee on Parliamentary Ethics shall examine the matter and take any necessary action. The Committee may also act *ex officio*. In case of doubt as to the value of a gift, the Committee may deliver an opinion, following expert advice if necessary. In case of infringement of article 4 of the Code of Conduct, the Code sets the obligation of transferring the benefit to a charitable organisation and provides for a reduction of up to half of the MP's monthly remuneration, until his/her compliance. The authorities also indicate that so far, there has been no relevant declaration or registration of gift on the special list maintained by the Special Permanent Committee on Parliamentary Ethics and no petition against the acceptance of a gift.
20. GRECO takes note of the rules on the acceptance of gifts and other advantages contained in the Code of Conduct. It is concerned that these rules are weak. GRECO is aware that the value of a gift is not the only relevant criteria when assessing its risk vis-à-vis an MP's impartiality. Other criteria should be specified as well, such as the context in which the gift was given, the identity and possible motive of the donor and whether other gifts, below or above the threshold, have been received from him/her over a period of time. GRECO invites the authorities to revisit the provisions on the acceptance of gifts in order to establish a clearer regulation. It also notes the absence of practice of implementation of the rules, since no gift, either below or above 200 Euros, has been declared and no petition submitted since the adoption of the Code of Conduct in April 2016. Finally, according to GRECO's opinion, a contradiction – or at least a lack of coordination – still exists in the Hellenic law: in fact, on one hand, Law no. 4281/2014 implicitly allows MP to receive gifts of over 3000 euros; on the other hand, the new Code of Conduct has fixed at 200 euros the threshold over which the gift to MP is considered as a possible source of conflict of interest. As already pointed out in the Evaluation Report, many GRECO member States have opted for a prohibition in principle, often associated with a duty to return unacceptable benefits, with exceptions concerning courtesy gifts, and a system of declarations for those few categories of benefits that are permissible (invitations, hospitality, protocol-related and other goods which become the property of parliament). Larger forms of support would normally need to fall under the regulations and supervision which are specific to the context of political financing.
21. GRECO concludes that recommendation iv has been partly implemented.

Recommendation v.

22. *GRECO recommended (i) that the implementation of the rules on professional eligibility and incompatibilities applicable to parliamentarians is properly assessed and that the necessary secondary legislation is introduced accordingly, as already foreseen in particular under article 57 paragraph 4 of the Constitution; (ii) that the objectives and effectiveness of article 8 of Law 3213/2003 concerning restrictions on the involvement of parliamentarians (and other officials concerned) in offshore companies be reviewed, in line with the declaratory obligations provided in the same law.*
23. The authorities report that art. 8 and art. 2, par. 1 iii of Law 3213/2003 on the declaration of assets have been amended by Law 4396/2016. The new provisions have clarified that parliamentarians – as well as several other categories of persons – may not participate, either themselves or through intermediaries, in the management or capital of companies that have their actual or registered seat in a foreign State; nor may they participate in companies that have their actual or registered seat in an uncooperative tax matters State or in a State that has a privileged tax regime, as determined by art. 65 of Law 4172/2013 and the ministerial decisions issued in application thereof. This double prohibition is done on grounds of emphasis, to illustrate the importance for MPs and other politically exposed persons to avoid offshore companies at all costs. As regards declaratory obligations, MPs are not expected to declare their shares in foreign or offshore companies, since it is assumed that they do not possess any. If they do declare such shares, they confess to the offence of participation in a foreign or offshore company (art. 8 par. 3 of Law 3213/2003).. Other officials covered by the law who are not subject to the prohibition regarding foreign companies do have to declare their shares in such companies.
24. As regards the second part of the recommendation, GRECO takes note of the changes reported regarding art. 8 of Law 3213/2003 and of the fact that the notion of offshore company has been defined, which was one of the concerns expressed in the Evaluation Report. It also welcomes the clarifications provided by the Greek authorities regarding the restrictions and declaratory obligations applicable to MPs. As regards the first part of the recommendation, no implementing measures are reported by the authorities.
25. GRECO concludes that recommendation v has been partly implemented.

Recommendation vi.

26. *GRECO recommended the development of rules to prevent the misuse of confidential information in respect of a broader range of subject matters which are not necessarily captured by the criminal offence of divulgence of State secrets.*
27. The authorities indicate that art. 5 of the Code of Conduct sets out that MPs must not use confidential information and documents which have come to their knowledge in the exercise of their duties for their own financial benefit or for the financial benefit of a third party. If an MP discloses such information to third parties, "special account shall be taken of their justification for such a decision, in conjunction with the principles of transparency and public interest protection".
28. GRECO welcomes the introduction in the Code of Conduct of a rule to prevent the misuse of confidential information and concludes that recommendation vi has been implemented satisfactorily.

Recommendation vii.

29. *GRECO recommended the introduction of rules on how members of parliament engage with lobbyists and other third parties who seek to influence the parliamentary process.*
30. The authorities explain that the Code of Conduct requires that MPs abstain from situations giving rise to conflicts of interest. This includes conflicts as a result of lobbying activities, as the definition of conflicts of interest in the Code refers to serving, directly or indirectly, a private interest either at a personal level, or of any other physical or legal entity.
31. GRECO agrees that the rule exposed above goes some way towards implementation of the recommendation. However, the recommendation calls for a broader recognition of the issue of lobbying in the Hellenic Parliament and for a better protection of parliamentary work from external influences and risk of misuse, in respect of the broadest range of parliamentary activities, not just in connection with the adoption of legislation.
32. GRECO concludes that recommendation vii has been partly implemented.

Recommendation viii.

33. *GRECO recommended that the system of declaration of assets, income and interests is reviewed so that all pertinent information is adequately reflected, including on debts and liabilities, and to ensure that declarations are accessible to the public conveniently and for an adequate period of time.*
34. The authorities report that art. 2 par. 1 ix of Law 3213/2003 as amended provides that those subject to declaration requirements include their loan obligations towards domestic and foreign credit and banking institutions, other legal entities of public and private law and natural persons. This includes all debts deriving from administrative penalties, fines, taxes and fees towards the State and local authorities and contributions to social security organisations, in excess of 5,000 Euros. The declarations are now submitted electronically through the website www.pothen.gr.
35. According to art. 2 par. 3, as amended, of the same law, asset declarations are published on the website of the Parliament, care of the chairman of the committee provided for by art. 3A. Publication takes place after the audit and, in any event, within three months from the date the declaration is to be submitted. Declarations remain online for as long as three years after the term of office of the declarants. Information susceptible to cause harm to the life or property of the declarant or his/her family (such as home address, vehicles' number plates, tax identification number etc.) is exempt from publication.
36. GRECO welcomes that adequate account has been taken of the concerns that gave rise to the recommendation. Declarations are now to be submitted electronically, data to be provided on debts and liabilities has been clarified and expanded and GRECO is satisfied that declarations are to remain online until three years after the end of the declarant's term of office.
37. GRECO concludes that recommendation viii has been implemented satisfactorily.

Recommendation ix.

38. *GRECO recommended that the newly established Committee for the Investigation of Declarations of Assets (CIDA) becomes operational as soon as possible and is provided with all the means necessary to perform its tasks effectively and pro-actively, and that it reports periodically and publicly about the results of its activity.*
39. The authorities indicate that the Committee for the Investigation of Declarations of Assets (CIDA) is now fully operational. Its structure has changed since 2016 and CIDA now operates under a more independent scheme consisting of nine members². CIDA takes its decisions by an absolute majority of the members present, provided that more than half of the members are present and on the condition that at least two of them are judges. It is supported by a Special Service, composed of 20 staff members and headed by a specialist seconded from the Special Secretariat of the Financial Investigative Body. The Parliament unanimously adopted CIDA's and its Special Service's Rules of Procedure on 5 August 2016³.
40. The form and contents of the asset declarations and declarations of financial interests have been further specified and detailed and, as explained above, the asset declarations are now submitted electronically. According to Law 4389/2016, CIDA is to mandatorily audit: a) the Prime Minister; b) the heads of the political parties represented to the Greek Parliament or to the European Parliament, as well as the heads of the parties which receive state funding; c) the ministers and secretaries of state; d) the members of Parliament and of the European Parliament and e) regional governors, mayors and persons who manage the finances of political parties. This represented 694 declarations of assets in 2013, 754 in 2014 and 849 in 2015. The audit of asset declarations of other persons lies within the competence of the Hellenic Financial Intelligence Unit.
41. Regarding CIDA's reporting, art. 3A par. 5 of Law 3213/2003 specifies that the Committee has to file with the Institutions and Transparency Committee of the Parliament and the Ministers of Finance and Justice, Transparency and Human Rights, by 31 March of each year, an activity report over the previous year's activities. This report is published on the Parliament's website⁴ within one week of its receipt, where it remains posted for seven years. The declarations of assets under CIDA's competence are also published on the Parliament's website⁵.
42. Finally, Law 3213/2003 provides for the cooperation between CIDA and the judicial and prosecutorial authorities. In particular, CIDA may decide to transfer cases to the competent prosecutor and/or to the General Commissioner of State at the Court of Audit, if the audit shows that violations may have occurred or there is a need for further investigations. In application of these provisions, 21 cases were transferred to the competent prosecutor for lack of submission, late submission or incomplete submission of asset declarations over the years 2013-2015. CIDA is also developing a follow-up procedure to foster more systematic cooperation with these authorities.

² The President of the Special Permanent Committee on Institutions and Transparency (who presides CIDA), a Supreme Court judge, a Councillor of the Court of Auditors, a State Councillor, a Deputy Governor of the Bank of Greece, the President of the Money Laundering, Terrorist Financing and Assets Declarations Auditing Authority, the Ombudsman, a Member of Parliament from the largest parliamentary group participating in the government and a Member of Parliament from the largest parliamentary group not participating in the Government. Nine substitutes are appointed similarly.

³ http://www.et.gr/idocs-nph/search/pdfViewerForm.html?args=5C7QrtC22wFHp_31M9ESQXdtvSoCrlL8NFVwjN9oWbZ5MXD0LzQTLWPU9yLzB8V68knBzLCmTXKaO6fpvZ6Lx3UnKI3nP8NxdnJ5r9cmWYjWeIDvWS_18kAEhATUKJb0x1LlIdQ163nV9K--td6SIudJot_N0el_4FZdrrcSEYzy4OG5aKpoazkaL6e-r5U0o

⁴ <http://epitropielegxou.parliament.gr/Ανακοινώσεις/Λοιπές-ανακοινώσεις-και-δελτία-τύπου>

⁵ <http://www.hellenicparliament.gr/Organosi-kai-Leitourgia/epitropi-elegxou-ton-oikonomikon-ton-komaton-kai-ton-vouleftwn/dilosi-periousiakis-katastasis-arxiki>

43. GRECO welcomes the modified composition of CIDA, in which only three members out of nine are now MPs and only two of them are designated by representatives of the parliamentary majority. It welcomes also the information provided as regards the Committee's capacity, activity, and regular public reporting about its activity. It encourages the Committee to further develop its activity in order to carry out substantial control of the content of asset declarations.
44. GRECO concludes that recommendation ix has been implemented satisfactorily.
- Recommendation x.
45. *GRECO recommended that determined measures be taken in order to ensure that the procedures to lift the immunity of parliamentarians do not hamper or prevent criminal proceedings in respect of members of parliament suspected of having committed corruption related offences, notably by defining clear rules and criteria in that area.*
46. The authorities explain that under art. 83 par.3 of the Standing Orders, the only reason for not lifting parliamentary immunity is if the conduct attributed to the MP was carried out in the course of his/her parliamentary or political conduct (or if it is deemed that the prosecution has political motivation). According to them, it is established in the practice of the Committee on Parliamentary Ethics, which handles petitions to lift immunity, that acts of corruption cannot be considered to lie within parliamentary or political conduct. The Committee does not debate the substance of the political or financial implications of alleged conduct, but only whether criminal conduct is alleged. If this is the case, the MP's immunity is lifted.
47. Accordingly, in the period 2015-2017, the Committee received one request to lift parliamentary immunity regarding unjustified pecuniary benefit, which was granted. Another seven requests concerned political decisions and their economic effects or repercussions. The Committee then debated the detrimental consequences of these decisions over the public finances. Two requests were granted and five were denied. The authorities stress that in some of these cases, the MPs concerned were members of collegiate administrative bodies issuing decisions challenged as detrimental to public finance. During the current parliamentary legislature (since October 2015), a total of 44 requests for lifting immunity have been discussed and 14 were granted. In the previous legislature (February 2015 – August 2015), 11 requests were discussed and four were granted.
48. GRECO notes that no measures have been taken to implement the recommendation and that the number of denials to lift parliamentary immunity still outweighs significantly the number of requests approved. It recalls that the Evaluation Report called for the development of adequate criteria or procedure for the lifting of immunities, in view of the persisting restrictive practices.
49. GRECO concludes that recommendation x has not been implemented.
- Recommendation xi.
50. *GRECO recommended that as part of a proclaimed integrity policy, efficient internal mechanisms be developed to promote, raise awareness of, and thereby safeguard, integrity in Parliament in a collective effort (e.g. training, discussions on ethics and integrity, awareness of bribery and other corruption-related offences) and on an individual basis through confidential counselling in problematic situations.*

51. The authorities indicate that the adoption of the Code of Conduct for MPs is understood to be a mechanism for improving public awareness and sensitivity over issues of integrity. The Code was debated upon in three joint sessions of Committees on Standing Orders and Parliamentary Ethics, while the issue has been under discussion since 2014, when the first draft code was devised. MPs from all political parties participated in these committees and contributed to the text's final formulation. The text was adopted by the Parliament's Plenum with an overwhelming majority and in a climate of consensus, following extensive debate.
52. The Code of Conduct has been uploaded to the Parliament's website, together with obligations and duties resulting from the Constitution and the Standing Orders. All disciplinary measures are announced to the Plenary during a public session that is broadcasted live by the Parliament channel, while transcripts are available to the public through the Parliament's website. A manual for the operation of the Code, which will include technical details for the Code's implementation, is expected to be publicly available soon. Along with it, a comprehensive guide will be published, covering the Code, the manual, relevant provisions on MPs' rights and duties that will also be publicly available. Moreover, a special link is under construction on the Parliament's website what will provide information on all issues of conduct and transparency – including financial statements, actions to lift immunity etc.
53. GRECO agrees that the preparation and adoption of the Code of Conduct for MPs as part of an inclusive process has merits in improving MPs' awareness about integrity issues. The preparation of a guide and a manual on the Code's implementation and the publication of relevant information on the parliament's website are also positive measures. That said, more needs to be done to promote integrity as part of a continuous policy in Parliament. This includes the organisation of awareness events and training to present the Code and MPs' rights and duties, in particular to newly elected MPs who may not have participated in the discussions leading to the adoption of the Code. The establishment of a venue for confidential counselling for MPs who may have questions or dilemmas on concrete situations is also necessary.
54. GRECO concludes that recommendation xi has been partly implemented.

Corruption prevention in respect of judges and prosecutors

Recommendation xii.

55. *GRECO recommended (i) revising the method of selection concerning the most senior positions of judges and prosecutors so as to involve the peers in the process and (ii) to consider amending the modalities for the initiation of disciplinary proceedings in their respect.*
56. The authorities indicate that a modification of the selection process and disciplinary proceedings for the most senior positions of judges requires amending art. 91 par. 1 of the Constitution. That said, art. 99 of Law 1756/1988 on "The Code on the Organisation of the Courts and the Status of Judges" was amended according to art. 46 par. 3 of Law 4356/2015⁶. Accordingly, the initiation of disciplinary

⁶ Art. 99 par. 1 as amended (changes are underlined): "The following persons are competent for bringing disciplinary proceedings:

- a) the Minister of Justice, Transparency and Human Rights for all judges,
- b) the president of the Council of State and the most senior of the vice-presidents of the Council of State (ordinary and alternates), drawn according to article 82, for the associate judges, assistance judges and probationary rapporteur judges of the Council of State
- c) The president of the Council of State and the Vice-President of the Council of State, who presides over the Inspection Board of the ordinary administrative courts for administrative court judges,

proceedings against judges and prosecutors has been extended also to the Presidents of the highest courts.

57. GRECO notes that no measures have been taken to implement the recommendation as regards the most senior positions of judges and prosecutors and that a constitutional amendment is necessary in this respect. As regards the amendment to art. 99 of Law 1756/1988, GRECO notes that it concerns the initiation of disciplinary proceedings against ordinary judges and prosecutors. It also observes that other members of the highest courts already had this right of initiative.

58. GRECO concludes that recommendation xii has not been implemented.

Recommendation xiii.

59. *GRECO recommended (i) that procedural rules provide for further guarantees against delays before the stage of the decision and that channels for complaints against undue delays be clarified, streamlined and properly communicated to the public; (ii) that the role of judges and prosecutors with managerial functions be strengthened as regards caseload management.*

60. As regards the first part of the recommendation, the authorities explain that the number of cases that are registered for hearing in first instance courts and courts of appeal is defined by a regulation established by the assembly of judges of every court and approved by the Administrative Plenary of the Supreme Court or the Council of State. It is implemented by the presiding judge of the court, who also decides upon a litigant's application to determine his/her case at a closer hearing date. Dates for lawsuits, applications and appeals submitted to civil courts must be scheduled within a reasonable time, which cannot exceed six months for special proceedings and 12 months for regular proceedings, subject to the court's internal regulations.

61. Furthermore, inspector judges of the Supreme Court and the Council of State review every month the workload of every court of first instance and court of appeal, on the basis of documents and charts sent by the courts' presiding judges, which state the case load per judge of the court (art.80-86, 89 and 91 of Law 1756/1988). As for applicants to administrative courts and to the Council of State, they may request a quicker determination of their case if it has been pending for more than two years (art.59 and 60 of Law 4055/2012).

62. Complaints against judges can take the form of a mistrial lawsuit or a simple complaint against a judge. Anyone affected by the actions or omissions of a judge can make a complaint to the head of the court where s/he is serving. Complaints are then forwarded to the President of the Disciplinary Council of the Supreme Court or the Council of State, as these bodies are responsible for disciplinary proceedings against a judge. Complaints may also be addressed directly to these persons, who may initiate disciplinary proceedings *ex officio* against a judge (art. 99 of Law 1756/1988).

d) The Supreme Court President, the Supreme Court Prosecutor and the inspection head officer for all judges of civil-penal courts, apart from the Supreme Court members,

e) The president of the Court of Audit, the most senior of the vice-presidents of the Court of Audit (ordinary and alternates), drawn according to article 82, for the associate judges, assistance judges and probationary rapporteur judges of the Court of Audit."

63. Concerning the second part of the recommendation, the authorities state that the heads of the courts do not only manage the caseload, but also perform relevant supervision. They may issue general instructions and individual oral warnings to judges whose cases are delayed. They may also forbid a judge from taking vacation if there is a high risk of delay in his/her cases.
64. Another safeguard against delays before the stage of the decision is the setting of deadlines for issuing a judgment, beyond which a disciplinary action against a judge is instigated and the case can be removed from the judge in charge under certain conditions. Moreover, the delays in cases are taken seriously into account for the promotion of judges and may trigger a cut in their remuneration.
65. Finally, the authorities wish to highlight the significant progress made on the level of compliance with the judgments of the European Court of Human Rights, as recorded in the 1243th session of the Committee of Ministers, held in Strasbourg on 8-9 December 2015. The Committee, having recorded Greece's full compliance with its obligations under art. 46 par. 1 of the ECHR, decided to end its oversight over 344 Greek cases involving the excess of the reasonable time for proceedings before Greek courts.
66. In deciding this termination, the Committee of Ministers took note in particular:
 - a) of the fact that Greece has adopted adequate national legal remedies to control the reasonable time of proceedings and the award of damages in case this is exceeded;
 - b) of a series of legislative and other measures taken by the Greek State, such as the introduction of mediation and digital justice, that led to the reduction of either the trial time or the backlog of pending cases;
 - c) of the termination of pending national proceedings and
 - d) of the payment of a just compensation to applicants in all of these cases.
67. Furthermore, at a regular meeting of the Permanent Representatives of the Council of Europe, held at the end of 2016, it was decided to terminate the surveillance for 32 cases of the Court of Audit, in which the reasonable time of proceedings had been exceeded. Statistical data of the European Court of Human Rights for the year 2016 show that Greece ranks in terms of appeal on the 16th place out of 47 countries, which is a slight improvement upon the 14th place in the previous year. Specifically, 698 applications are pending, 37% of which concern a reasonable trial time.
68. GRECO takes note of the information submitted by the Greek authorities. As already noted in the Evaluation Report (par. 93 to 95), the procedural guarantees to prevent undue delays seem to focus excessively on the time-frame for the rendering of decisions, the assessment of judges' and prosecutors' workload does not use concrete indicators, such as the average time of proceedings, conviction rates etc. and there is no IT system to support the rapid processing of data in this area. As regards the channels for complaint against undue delays, those to be used by the public should be clarified and advertised appropriately. Finally, nothing indicates that the role of managerial judges and prosecutors has been strengthened as regards caseload management.
69. GRECO concludes that recommendation xiii has not been implemented.

Recommendation xiv.

70. *GRECO recommended that a set of clear standards of professional conduct and integrity, accompanied by explanatory comments and/or practical examples be introduced for judges and prosecutors.*

71. The authorities report that the current Code on the Organisation of the Courts and the Status of Judges (Law 1756/1988 as amended) includes relevant provisions on how judges should behave. On 10 March 2017, a legislative committee was set up within the Ministry of Justice with the aim of reforming Law 1756/1988. This committee has been informed of GRECO recommendations and is to submit its report by 31 December 2017. In parallel, public consultation is on-going on a future constitutional reform.

72. GRECO notes that measures towards the implementation of this recommendation are still at a very preliminary stage and concludes that recommendation xiv has not been implemented.

Recommendation xv.

73. *GRECO recommended that consideration be given to consolidating the various judicial bodies currently responsible for the career, professional supervision and discipline of judges and prosecutors.*

74. The authorities indicate that the Council of State sent to the Ministry of Justice a document stating its position on all GRECO recommendations. Regarding this recommendation, the Council of State takes the view that "according to the Constitution there is no possibility to consolidate the various judicial bodies, as there is a separation of judicial branches and each of them has its own organs." Art. 90 and art. 91 par. 3 of the Constitution, which deal with the career, professional supervision and discipline of judges and prosecutors, namely provide for three different judicial councils: the supreme judicial council on civil and criminal justice, the supreme judicial council of the Supreme Administrative Court and the supreme judicial council of the Court of Auditors. Changing this institutional setup would require amending the Constitution, which is not planned at present.

75. GRECO refers to the set of questions it agreed upon at its 71st plenary meeting (see GRECO(2016)8-summary report) for assessing the level of implementation of the "consider" recommendations, namely pertinence, extent, legitimacy and documentation. There is no doubt that the Council of State and the Ministry of Justice are legitimate institutions to decide what action to take to implement the recommendation. However, GRECO takes the view that this decision was not taken after a thorough reflection process, taking into account the concerns underlying the recommendation. Discussions for the amendment of the Constitution on other matters are currently under way (see recommendations xiv and xix) and this recommendation could be considered in this process, with the involvement of other relevant institutions and legal experts or academics. GRECO is of the view that the pertinence and extent criteria are not met and it cannot regard this recommended as implemented, even partly.

76. GRECO concludes that recommendation xv has not been implemented.

Recommendation xvi.

77. *GRECO recommended that periodic public reports be introduced on the functioning of the courts and the prosecution service, which would include adequate statistical data, information and analyses concerning in particular the management of the workload and disciplinary cases.*

78. The authorities explain that periodic reports on the functioning of the courts and prosecution services are published every trimester by the Ministry of Justice on its

website⁷. Since 2016, statistical data are kept for the Supreme Court, the courts of appeal, the first instance courts, the prosecutor's offices in the courts of appeal and the first instance courts, the administrative courts and the magistrate courts. Data are divided by case type (public law, family affairs, labour affairs etc.) and indicate the number of cases introduced, published, cancelled (following an agreement from the parties) and pending per trimester.

79. Moreover, the Association for Juridical Studies⁸, an NGO comprised of high-level judges and academics, has published a study on "Improvement of the quality and efficiency of civil and penal proceedings – restructuring the justice and rehabilitation system". This study analyses statistical data on cases for the years 2009 to 2014, including workload per judge and per court, average time of proceedings and waiting time for case hearings in civil and criminal matters.
80. The authorities also report, as regards the information technology network, that the Council of State has introduced, in the framework of the ESPA Program 2007-2013, an integrated case management system of administrative justice. It allows the electronic recording and monitoring of cases, the processing of complex statistical data concerning the organisation and functioning of the administrative courts and includes a multi-language Portal for Administrative Justice, which provides information, electronic filing of documents and applications, as well as electronic notification of judgments to the public. Finally, the project included the supply and installation of peripheral equipment (printers, scanners, software etc.), which allows for connection with the central database and the storage and processing of data and statistics regarding administrative justice. It also includes a central e-mail system for all administrative justice judges and officials.
81. GRECO notes that the data published periodically by the Ministry of Justice seems to have been expanded to include also data on the activity of the prosecutors' offices, thereby filling a gap highlighted in the Evaluation Report. However, it does not seem that the data published is analysed nor commented. There are also still no periodic reports on the functioning of the courts and the prosecution service, nor public (anonymised) information on disciplinary cases.
82. GRECO concludes that recommendation xvi has been partly implemented.

Recommendation xvii.
83. *GRECO recommended that training and awareness be developed on integrity-related issues both in the context of initial and of on-going training for judges and prosecutors.*
84. The authorities indicate that the National School of Judiciary provides nine compulsory courses of two hours each on "History of Justice, Professional Ethics and Judicial Conduct, Principle Issues of Disciplinary Law, Legislation on the Organisation of Justice in Greece and in the Member States of the EU regarding the Institutions that ensure its Independence" for the direction of civil and criminal justice⁹. For the administrative direction, nine two-hour courses are taught on "Professional Ethics, Legislation on the Organisation of Justice and Comparative Law" and another nine two-hour courses on "Civil Service and Disciplinary Law"¹⁰.
85. As regards on-going training, several seminars on the role of the judge and integrity-related issues have been held since 2013 (on 25 November 2013, 30-31

⁷ www.ministryofjustice.gr

⁸ www.etdime.gr

⁹ http://www.esdi.gr/nex/images/stories/pdf/programmata_spoudon/en/polit22.pdf

¹⁰ http://www.esdi.gr/nex/images/stories/pdf/programmata_spoudon/en/dioik22.pdf

January 2014 and 23 May 2016). Presenters are judges from the Council of State and law professors. The 2017 programme of the National School of Judiciary is available online¹¹ and as regards 2018, the National School of Judiciary is currently analysing and refining the training programmes and requirements on ethics and judicial conduct.

86. GRECO takes notes of the intensification of initial training activities. It is of the view, however, that the modalities for on-going training on integrity-related issues are essentially similar to those that were assessed in the Evaluation Report and recalls that the recommendation calls for an intensification of efforts in this field as well.
87. GRECO concludes that recommendation xvii has been partly implemented.

Corruption prevention in respect of prosecutors specifically

Recommendation xviii.

88. *GRECO recommended that precise case management rules be drafted and applied consistently within the prosecution services, including criteria for the assignment and withdrawal of a case.*
89. The authorities clarify the information on case management within the prosecution service that was provided at the time of the on-site visit. According to art. 16 of Law 1756/1988, the head of a prosecution office assigns the cases according to the internal rules of the prosecution office, as introduced pursuant to art. 17 of Law 1756/1988. The criteria used for this are the rank and seniority of each prosecutor, the rapid and effective completion of each case, the importance, complexity and difficulty grade of the case and the workload involved.
90. When some prosecutors, during the on-site visit, referred to the distribution of cases by lot, they meant the lot that is conducted for the hearing of penal cases. Lots are drawn for the participation of judges and prosecutors in penal cases according to art. 17 section B of Law 1756/1988, which unfortunately was not translated and provided to the GET during the evaluation. The authorities stress that the drawing of lots in Greek courts is conducted only for the hearing of cases. Under the Greek system, penal cases are registered for hearing on specific dates. The lot is conducted at the end of every month and it is only then that the judges and prosecutors that will hear the case are known. It is therefore impossible for the head of a prosecution office to arrange for a specific prosecutor to hear a specific penal case. S/he can only assign the files to prosecutors for preliminary investigation and it is not possible to anticipate when the case will be ready to go to court. When this happens, it is entirely possible that the case is presented by another prosecutor than the one who prepared it. Art. 17 section B also contains rules for the withdrawal and subsequent replacement of a judge or a prosecutor from a hearing.
91. GRECO is satisfied by the clarifications provided and concludes that recommendation xviii has been dealt with in a satisfactory manner.

Recommendation xix.

92. *GRECO recommended that the procedures involving the special court of article 86 of the Constitution be amended so that they do not hamper or prevent criminal proceedings in respect of serving and former members of government.*

¹¹ <http://www.esdi.gr/nex/index.php/en/2015-07-21-12-01-18>

93. The authorities state that the implementation of this recommendation require a constitutional amendment. The review of the Greek Constitution is being discussed this year and a public consultation is being carried out, through a specific website called "Dialogue Committee on Constitutional Review"¹².
94. GRECO takes note that no specific measures have yet been taken for the implementation of the recommendation.
95. GRECO concludes that recommendation xix has not been implemented.

III. CONCLUSIONS

96. In view of the foregoing, GRECO concludes that Greece has implemented satisfactorily or dealt with in a satisfactory manner six of the nineteen recommendations contained in the Fourth Round Evaluation Report. Of the remaining recommendations, seven have been partly implemented and six have not been implemented.
97. More specifically, recommendations ii, iii, vi, viii and ix have been satisfactorily implemented, recommendation xviii has been dealt with in a satisfactory manner, recommendations i, iv, v, vii, xi, xvi and xvii have been partly implemented and recommendations x, xii, xiii, xiv, xv and xix have not been implemented.
98. With respect to members of parliament, GRECO welcomes the adoption and publication of a Code of Conduct, containing *i.a.* rules on conflicts of interest, the acceptance of gifts and other advantages and the misuse of confidential information. The provision in the Code of a mechanism of supervision of MP's compliance with the rules is also positive. GRECO also notes that improvements have taken place as regards asset declarations, which are now submitted electronically and include a broader range of information regarding MPs' debts and liabilities and that the Committee for the Investigation of Declaration of Assets is operational. However, some of GRECO's concerns are still largely unaddressed, namely as regards the expedited procedure for the adoption of laws in Parliament, the issue of lobbying, as well as MPs' incompatibilities and the rules for lifting their immunity.
99. As far as judges and prosecutors are concerned, some limited progress has been achieved, namely the quarterly publication by the Ministry of Justice of data on the activities of the prosecution service and clarifications provided by the Greek authorities as regards case management rules within the prosecution service. Much more determined action is necessary on a number of issues, such as the method of selection of the most senior judges and prosecutors, procedural rules for further guarantees against delays in judicial proceedings, the issuance of a set of clear standards of professional conduct and integrity for judges and prosecutors, periodic reporting on the functioning of the courts and the prosecution service and further development of on-going training for judges and prosecutors on integrity issues.
100. In view of the above, GRECO notes that further significant material progress is necessary to demonstrate that an acceptable level of compliance with the recommendations within the next 18 months can be achieved. However, bearing in mind that several substantial measures have been taken and on the understanding that the Greek authorities will further pursue their efforts, GRECO concludes that the current low level of compliance with the recommendations is not "globally unsatisfactory" in the meaning of Rule 31, paragraph 8.3 of GRECO's Rules of

¹² www.syntagma-dialogos.gov.gr

Procedure. GRECO, in accordance with Rule 31 revised paragraph 8.2, asks the Head of delegation of Greece to submit additional information regarding the implementation of recommendations i, iv, v, vii, x to xvii and xix by 30 April 2019.

101. Finally, GRECO invites the authorities of Greece to authorise, as soon as possible, the publication of the report, to translate it into the national language and to make this translation public.