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Groupe d'États contre la corruption

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## FOURTH EVALUATION ROUND

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

## SECOND COMPLIANCE REPORT

GREECE

Adopted by GRECO at its 85<sup>th</sup> Plenary Meeting  
(Strasbourg, 21 – 25 September 2020)

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## **I. INTRODUCTION**

1. The Second 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 (see paragraph 2) covering "Corruption prevention in respect of members of parliament, judges and prosecutors".
2. The Fourth Round Evaluation Report on Greece was adopted at GRECO's 68<sup>th</sup> Plenary Meeting (19 June 2015) and made public on 22 October 2015, following authorisation by Greece ([Greco Eval IV Rep \(2014\) 9E](#)).
3. The [Compliance Report](#) was adopted by GRECO at its 77<sup>th</sup> Plenary Meeting (23 June 2017) and made public on 1<sup>st</sup> March 2018, following authorisation by Greece (GrecoRC4(2017)20). As required by GRECO's Rules of Procedure, the authorities of Greece submitted a Situation Report on further measures taken to implement the pending recommendations. This report was received on 2 August 2019 and served, together with the information submitted subsequently, as a basis for this Second Compliance Report.
4. GRECO selected Italy (with respect to parliamentary assemblies) and Slovenia (with respect to judicial institutions) 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.

## **II. ANALYSIS**

5. GRECO, in its Evaluation Report, addressed 19 recommendations to Greece. In the Compliance Report, GRECO concluded that recommendations ii, iii, vi, viii and ix had been satisfactorily implemented, recommendation xviii had been dealt with in a satisfactory manner, recommendations i, iv, v, vii, xi, xvi and xvii had been partly implemented and recommendations x, xii, xiii, xiv, xv and xix had not been implemented. Compliance with the 13 pending recommendations is examined 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. It is recalled that in the Compliance Report, GRECO concluded that this recommendation was partly implemented. More precisely, GRECO noted some improvements to the expedited legislative procedure through amendments of Article 110 of the Standing Orders, but found that they remained marginal; that the rules on debates in the plenum were unchanged; and that other concerns for improving the clarity of proposed amendments and their consequences, and dealing with irrelevant amendments, had not been addressed.
8. The Greek authorities now report that the frequent use of the expedited parliamentary procedure in the recent years was mainly the result of extraordinary circumstances due to the implementation of the economic adjustment programmes. They highlight that the use of such procedures is decreasing significantly, and that the situation is returning to normal.

9. GRECO notes that the use of the expedited parliamentary procedure has decreased (47 bills processed under urgent or extra urgent procedures between September 2015 and July 2019, including only 16 bills within the last period starting October 2017) and that this progressive return to normality may give again more effect to the existing legal framework aimed at ensuring transparency of the legislative process. However, GRECO stresses that expedited procedure is not the only factor undermining the necessary transparency of the legislative process. More effective use remains to be made of the existing arrangements in the broadest range of situations. GRECO notes that no new measures have been indicated by the Greek authorities for an effective application of the relevant existing provisions provided for by the Standing Orders and/or the Constitution. No change is indicated regarding debates in the plenum. Appropriate measures remain to be taken regarding the effective implementation of rules on the clarity of proposed amendments and their consequences, and the supervision over the inclusion of irrelevant amendments.
10. GRECO concludes that recommendation i remains partly implemented.

**Recommendation iv.**

11. *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.*
12. It is recalled that in the Compliance Report, GRECO concluded that this recommendation was partly implemented. More precisely, GRECO noted the new rules on the acceptance of gifts contained in the Code of Conduct but considered them as weak; it invited the authorities to establish a clearer regulation on the acceptance of gifts or advantages, and to implement effectively this regulation. It noted a discrepancy in the amounts between the law (3000 euros) and the Code of Conduct (200 euros) for receiving gifts. It recalled the existing option for a prohibition in principle, associated with a duty to return unacceptable benefits, and a system of declarations for those few categories of benefits that are permissible.
13. The Greek authorities now indicate that the Committee on Parliamentary Ethics adopted in May 2018 an assessment of the implementation of the Code of Conduct and a Manual for compliance with the Code, which are part of the national strategy against corruption. The Standing Orders of Parliament, the Code of Conduct and the Manual are distributed to all new parliamentarians and made public on the Parliament's website. The rules regarding the acceptance of a gift, a range of criteria for accepting or refusing gifts, as well as a procedure to deal with such gifts have been specified in the Manual. Article 8 of the Code of Conduct provides that "*in the case of acceptance of a gift or benefit deemed to raise issues of impartiality*", parliamentarians have an "*obligation to render the benefit to a public service purpose*".
14. As regards the contradiction noted in the previous report between the law (which implicitly allowed parliamentarians to receive gifts of over 3000 euros) and the Code of Conduct (which fixes the threshold at 200 euros), the Greek authorities indicate that the two provisions are distinct: Article 4 of the Code of Conduct is specifically addressed to parliamentarians, and its enforcement is supervised by the Ethics Committee of the Parliament (and ultimately by the Parliament in plenum). It prohibits the receipt of gifts where this could question the impartiality of parliamentarians and sets the presumption that gifts above the threshold of 200 euros give rise to pertinent concerns. Therefore, parliamentarians shall declare gifts and benefits above this threshold and to justify their acceptance. Article 19 of Law

3213/2003 is part of the general legislation against corruption, its enforcement is supervised by the Committee for the audit of declarations of financial status. It provides that persons in elected public positions shall declare any economic support from third parties provided in relation to their public activities when the total value is above 3.000 euros per calendar year. Parliamentarians are then subject to both norms, each operating independently: declaring all gifts above 200 € to the Parliamentary Ethics Committee and reporting all gifts over 3000 € to the Committee for the Audit of Statements of Financial Status.

15. GRECO notes that the rules on the acceptance of gifts and other advantages have been strengthened and specified both in the Code of Conduct and the Manual for compliance with the Code. These documents, which are made available to the parliamentarians and to the public, now provide for adequate rules and internal procedures aimed at parliamentarians for the valuation, reporting and return of unacceptable benefits. Moreover, it stresses that the explanations provided by the Greek authorities make it possible to conclude that there is no discrepancy between the law and the Code of Conduct of parliamentarians as regards the regime for accepting gifts or advantages applied to parliamentarians.
16. GRECO concludes that recommendation iv has been implemented satisfactorily.

**Recommendation v.**

17. *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.*
18. It is recalled that in the Compliance Report, GRECO concluded that this recommendation was partly implemented. As regards the first part of the recommendation, no implementing measures were reported by the authorities. The second part of the recommendation was assessed as implemented, following amendments to Law 3213/2003.
19. The Greek authorities now indicate that the Manual for compliance with the Code of Conduct adopted in May 2018 complement the Constitution to set out a system of eligibility and incompatibility. In particular, Article 3 of the Manual complements the constitutional provisions dealing with incompatibilities which is not regulated by the Constitution. It also deals with situations which are likely to cause conflicts of interest and specifies the powers of the Parliamentary Ethics Committee when assessing potential situations of conflicts of interest.
20. GRECO notes that the new rules introduced in the Manual on compliance with the Code of Conduct provide for proper modalities and procedures to assess the implementation of the rules on professional eligibility and incompatibilities applicable to parliamentarians. These rules complement the relevant constitutional provisions regarding this issue.
21. GRECO concludes that recommendation v has been dealt with in a satisfactory manner.

### **Recommendation vii.**

22. *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.*
23. It is recalled that in the Compliance Report, GRECO concluded that this recommendation was partly implemented. More precisely, beyond the existing rules regarding lobbying which requires parliamentarians to abstain from situations giving rise to conflicts of interest, GRECO called for a broader recognition of the issue of lobbying in Parliament and for a better protection of parliamentary work from external influences and risk of misuse.
24. The Greek authorities now indicate that the Committee on Parliamentary Ethics adopted in May 2018 an assessment of the implementation of the Code of Conduct and a Manual for compliance with the Code. More precisely, they stress that Article 3 of the Manual provides a definition of lobbying and clarifies the cases of lobbying which must be addressed as special cases of (potential) conflict of interest.
25. GRECO welcomes the definition of lobbying and notes that rules aimed at protecting the parliamentary work from external influences and risks of misuse have been introduced by the Manual for compliance with the Code of Conduct. It recalls that this work has to be protected in respect of the broadest range of activities, not only in connection with the adoption of legislation.
26. GRECO concludes that recommendation vii has been implemented satisfactorily.

### **Recommendation x.**

27. *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.*
28. It is recalled that in the Compliance Report, GRECO concluded that this recommendation was not implemented, as no measures had been taken. Moreover, GRECO noted that the number of denials to lift parliamentary immunity still outweighed the number of requests approved and called again for adequate criteria or procedure for the lifting of immunities.
29. The Greek authorities now indicate that Parliament amended the Constitution (law published in the Official Gazette on 28 November 2019) in order to limit the scope of parliamentary immunity and namely to provide that the immunity is to be lifted mandatorily if the request of the prosecuting authority concerns a crime that is not connected to the performance of the duties or to the political activities of the parliamentarian. In order to clarify the concept of a crime "*not connected to the performance of the duties or to the political activities of the parliamentarian*", the Greek authorities refer to Articles 159 and 159A of the Penal Code which punish passive and active corruption regarding members of Parliament when related to the performance of their duties. In addition, they refer to the parliamentary preparatory work on the constitutional amendments and quote the Majority Rapporteur who indicated that Parliament's refusal to the prosecutor's request to lift the immunity was limited to those cases which have immediate relevance to the exercise of the parliamentary duties. They confirm that this excludes corruption.

30. Moreover, the authorities indicate that the rate of immunity lifting has increased: 31,8% of the cases discussed ended with an immunity lifting between October 2015 and October 2017; this rate has reached 46.4% between October 2017 and June 2019.
31. GRECO welcomes the amendments to the Constitution to limit the scope of parliamentary immunity, which is in line with its recommendation. It is understood, having in mind the relevant articles of the Penal Code and the parliamentary preparatory work, that the constitutional amendments imply that the immunity is mandatorily lifted for a parliamentarian suspected of having committed, for example, a criminal offence of passive bribery in order to vote for/against a certain draft law in a legislative proceeding.
32. GRECO concludes that recommendation x has been dealt with in a satisfactory manner.

**Recommendation xi.**

33. *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.*
34. It is recalled that in the Compliance Report, GRECO concluded that this recommendation was partly implemented. GRECO assessed positively the adoption of the Code of Conduct for parliamentarians and the preparation of a guide and a manual on the Code's implementation, as well as the publication of information on the Parliament's website. However, it indicated that the organisation of awareness events and training, aimed in particular at newly elected parliamentarians, as well as the establishment of a venue for confidential counselling on concrete situations, were lacking.
35. The Greek authorities now recall the adoption in May 2018 of an assessment of the implementation of the Code of Conduct and a Manual for compliance with the Code, widely disseminated among the new parliamentarians and available on the Parliament's website (see above). They note that, by the time of issuance of the assessment report, ten cases had been processed under the Code, among them five referred to the Plenum – which did not impose sanctions, four resulting on individual recommendations by the Committee for Parliamentary Ethics – all assessed as implemented, and one resulting on a general written condemnation of the conduct - not aimed at a specific parliamentarian.
36. GRECO notes that the Manual for compliance with the Code of Conduct is now effective and complements the Code for its proper application. These documents are made available specifically to the newly elected parliamentarians and made public on the Internet. It also notes that specific cases regarding integrity of parliamentarians are addressed according to this Code, including through individual recommendations to parliamentarians and the assessment of the way such recommendations are to be implemented. General recommendations are also drawn from this experience and made public to all parliamentarians. This written framework, as well as the effective practice implemented to address cases concerning parliamentarians' integrity, can be considered as part of an integrity policy. However, no specific practice is indicated by the Greek authorities to offer to parliamentarians a venue for confidential counselling on individual concrete situations.
37. GRECO concludes that recommendation xi remains partly implemented.

**Recommendation xii.**

38. 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.
39. It is recalled that in the Compliance Report, GRECO concluded that this recommendation was not implemented. No measures had been taken as regards the method of selection, nor in respect of the modalities for initiating disciplinary proceedings vis-à-vis most senior positions of judges and prosecutors.
40. The Greek authorities now stress that the new draft law amending the "Code on the Organisation of the Courts and the Status of Judges" (December 2018) provides for the abolition both of the pre-selection procedure of the most senior judges and prosecutors by the Minister of Justice, and of the provision of a non-binding opinion by the Conference of Parliament Speakers to the Council of Ministers. According to the Greek authorities, this draft law introduces a fundamental principle of seniority among judges and limits the discretion of the Council of Ministers "*in a reasonable and appropriate manner within the framework prescribed by the (...) constitutional provisions*". They indicate that, for this purpose, Parliament on 14 February 2019 considered that the provision of Article 90(5) of the Constitution should not be reviewed as regards the promotion of the most senior judges and the disciplinary power of judicial officers (86 votes in favour, 174 against).
41. Moreover, they indicate that Article 33 of the Code of Criminal Procedure was amended on 27 May 2020 by Parliament so that the Financial Crime Prosecutor may be selected among the whole of the prosecutorial corps rather than only those serving at the Athens Court of Appeal, as it was previously the case. In addition, the Financial Crime Prosecutor now reports to a deputy prosecutor appointed for this purpose at the level of the Supreme Court by the Judicial Council.
42. The authorities also indicate that the General Secretariat against Corruption included into the National Anti-corruption Action Plan 2018-2021 the initiative "Mapping of the current procedures for judges and prosecutors and legislative initiatives for the improvement of the judicial system according to international standards".
43. GRECO notes that the draft law amending the "Code on the Organisation of the courts and the status of judges" (Article 60) introduces new provisions for promoting judges and prosecutors to some of the senior positions, which go in the right direction. However, this draft law has not yet been finalised at the level of the Ministry of Justice. It also notes that Parliament does not intend to amend the Constitution. Furthermore, GRECO notes that the Code of Criminal Procedure has been amended to allow the selection of the Financial Crime Prosecutor from among all the members of the prosecution service, and that the latter is now under the supervision of a deputy prosecutor appointed at the level of the Supreme Court by the Supreme Judicial Council. This is in line with the recommendation as regards this specific position.
44. As regards the second part of the recommendation, GRECO notes that a "mapping of the disciplinary procedures for judges and prosecutors and legislative initiatives for the improvement of the judicial system according to international standards" is planned in the 2018-2021 National Anti-corruption Plan. This is a step forward. However, the mere inclusion of an action to be taken into the National Action plan is not enough to strengthen the modalities for the initiation of disciplinary proceedings,

especially since the National Action plan has already been implemented for two years and no concrete steps have been taken in this respect.

45. GRECO concludes that recommendation xii remains not implemented.

**Recommendation xiii.**

46. *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.*
47. It is recalled that in the Compliance Report, GRECO concluded that this recommendation was not implemented. More precisely, GRECO highlighted that the procedural guarantees to prevent undue delays were focused excessively on timeframes and were lacking concrete indicators, that there was no IT case management system, and that that managerial role of judges and prosecutors needed to be strengthened as regards caseload management. Moreover, GRECO noted that the procedure for complaining against undue delays should be clarified and made public.
48. The Greek authorities indicate that the draft law amending the "Code on the Organisation of the Courts and the Status of Judges" (articles 19, 101 and 102 of the draft law) sets out the minimum content of each Court Regulation, criteria for organising courts and prosecution offices and the distribution of the workload among judges/prosecutors, so as to improve the quality of the judicial work. This includes *inter alia* rules for assigning cases, taking into account the quantitative and qualitative aspects of the cases, as well as rules and criteria aimed at guiding the work of judicial inspectors as regards the assessment of the quantitative and qualitative work of the courts. Moreover, the Heads of courts and prosecution services have the power to issue general instructions and address personal notices to strengthen the qualitative and quantitative performance of the judicial and prosecutorial work.
49. The authorities also underline that Greece has started to establish IT case management systems. Presidential Decree 40/2013 opened the way for the electronic filing of cases with respect to administrative trials, and Presidential Decree 25/2012 provides for the electronic filing of civil cases with the use of an advanced electronic signature. They add that projects are under way as regards case management in administrative, civil and criminal matters. Moreover, they point out that, in administrative law matter, a new law was adopted on 24 October 2019 providing for mandatory digital administrative files regarding the documents addressed to the Council of State and all administrative courts.
50. GRECO notes that the draft law aims at strengthening procedural guarantees against delays and the role of judges and prosecutors as regards caseload management, while introducing qualitative elements for guiding and assessing the work of the courts. Such amendments, once adopted and applied, may contribute to preventing or minimising delays, and strengthening management. However, the drafting of new legislation is at an early stage and this part of the recommendation has not then been implemented, even partly. Moreover, GRECO underlines that no measures have been reported to set up clarified, streamlined and publicly advertised procedures for complaining against undue judicial delays. GRECO encourages the move towards an effective implementation of appropriate IT case management systems.
51. GRECO concludes that recommendation xiii remains not implemented.



#### **Recommendation xiv.**

52. *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.*
53. It is recalled that in the Compliance Report, GRECO concluded that this recommendation was not implemented as the measures (legislative intentions) towards the implementation of this recommendation were still at a very preliminary stage.
54. The Greek authorities now indicate that there is no legislative initiative to implement the recommendation at this stage. However, they stress that the General Secretariat against Corruption has included assessment and revision of the Code of Conduct for Judges and Prosecutors into the National Plan for Fighting Corruption. This work is due to be supported by the European Commission's Structural Reform Support Service (SRSS).
55. GRECO takes note of the information provided and encourages the Greek authorities to implement the National Plan against Corruption as appears to be underway. It notes that, at this stage, no specific measures have been taken to introduce a set of clear standards of professional conduct and integrity aimed at judges and prosecutors. It takes the view that such a work should preferably be carried out within the judiciary itself.
56. GRECO concludes that recommendation xiv remains not implemented.

#### **Recommendation xv.**

57. *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.*
58. It is recalled that in the Compliance Report, GRECO concluded that this recommendation was not implemented. More precisely, GRECO noted that the Council of State's position that according to the Constitution, it was not possible to consolidate the various judicial bodies, had not been subject to a sufficiently thorough reflexion process. It highlighted that discussions under way for amending the Constitution could be considered to consolidate the various judicial bodies responsible for the career, professional supervision and discipline of judges and prosecutors.
59. The Greek authorities now indicate that due consideration has been given to the issue raised by GRECO in its Evaluation report of 19 June 2015. Firstly, the General Commission of the State considered the issue on 3 November 2016 and stated that *"the establishment of such a single body obviously requires constitutional intervention. However, integration and uniformity are two features that must be present in any system of inspection, evaluation and control, supervisory and disciplinary. Exclusivity in the performance of these tasks, by exempting inspectors from their parallel judicial duties and staying longer on their boards, by introducing standards or guidelines into uniformity logic, can be amended at the level of the common legislator"*. Secondly, the Council of State (supreme administrative court) also considered this issue and stated on 14 November 2016 that *"according to the Constitution there is no possibility of consolidating the various judicial bodies, as there is a separation within the judiciary and each one has its own council"*. Thirdly, the Supreme Court considered the issue on 11 April 2017 and concluded that *"the proposed consolidation is not necessary because it is in practice institutionalized. In*

*particular, the judges of the civil and criminal courts: (a) are being evaluated by inspectors who carry out their respective duties; (b) both judges and prosecutors participate in the Inspection Councils and (c) both judges and prosecutors also participate in the Supreme Judicial Council which decides on judges' promotions".* In addition, the Administrative Court of Nafplion indicated on 15 November 2016 that *"...the consolidation of the various judicial councils into one, as proposed by GRECO, requires the appropriate logistical infrastructure and staffing and permanent secretarial staff, which would lead to additional financial incidents. As the Greek State is unable, considering the period of recession, to respond, it would be advisable to retain the current judicial councils (judicial, disciplinary, inspection), but to appoint judges who have been trained and who have served within those boards for at least three years, with the possibility of extending their term of office".* Fourthly, the Greek authorities confirmed that on 14 February 2019, within the framework of the Constitutional Review Committee, the Parliament considered the issue raised by GRECO, but decided that consolidating the various judicial bodies responsible for the career, professional supervision and discipline of judges and prosecutors was not compliant with the Greek judicial system.

60. GRECO notes that consideration has been given to consolidating the various judicial bodies currently responsible for the career, professional supervision and discipline of judges and prosecutors at the highest level of the judiciary and by Parliament. It also notes that constitutional, organisational and financial issues have been considered to that effect. GRECO regrets that these multiple considerations have not resulted in a consolidation or merger of the various bodies of the judiciary of concern, which would have been the ultimate goal, although not a requirement of the current recommendation. However, it acknowledges that the concern raised in the recommendation has been considered by a number of institutions, following the adoption of the Evaluation report. It points out that the specific criteria attached to this "consider-recommendation" have been fulfilled, i.e the issue raised by the recommendation has been considered from various perspectives, by relevant bodies, including the authorities of the judiciary and the legislature. Relevant documentation has been provided to this end.
61. GRECO concludes that recommendation xv has been dealt with in a satisfactory manner.

#### **Recommendation xvi.**

62. *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.*
63. It is recalled that in the Compliance Report, GRECO concluded that this recommendation was partly implemented. More precisely, GRECO noted an expansion in the publications by the Ministry of Justice towards the activity of the prosecution service, but highlighted that other periodic information was missing: analysis and comments of the data published, reports on the functioning of the courts and the prosecution service, (anonymised) information on disciplinary cases.
64. The Greek authorities now indicate that the draft law amending the "Code on the Organisation of the Courts and the Status of Judges" provides for the first time (Article 103) for an electronic reporting of the general Reports of the Supreme Inspection Boards to the Judiciary, describing the situation of the courts and prosecution services and indicating measures for improving their functioning. The draft explanatory report specifies that this information may include instructions to the inspectors, the classification of the cases according to the seriousness and

difficulty, and the provision of the related training. The draft explanatory report stresses that these measures should support and facilitate the effective inspection of the court work, then the conditions for rendering justice, and finally public trust in the justice system. These reports will be drafted annually (as judges are inspected on an annual basis).

65. GRECO takes note that the draft law aims at strengthening reporting by the Supreme Inspection Boards on the functioning of the courts and the prosecution service. It supports the ultimate stated objective which is to strengthen public trust in the judiciary. However, this electronic reporting is aimed only at the judiciary of the various sectors concerned. It is not accessible to the public. Therefore, GRECO reiterates its conclusion that periodic reports on the functioning of the courts and prosecution service should be made public in an appropriate way. This concerns in particular adequate statistical data, information and analyses concerning namely the management of the workload and disciplinary cases.
66. GRECO concludes that recommendation xvi remains partly implemented.

**Recommendation xvii.**

67. *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.*
68. It is recalled that in the Compliance Report, GRECO concluded that this recommendation was partly implemented, as an improved on-going training of judges and prosecutors regarding integrity-related issues remained to be further intensified.
69. The Greek authorities now indicate that a report entitled: "Justice in Greece – Proposals for a Modern Judicial System" was drafted by seven judges in February 2019 and presented to a large gathering of judges and prosecutors twice, in Athens (April 2019) and Thessaloniki (October 2019). The content of this report is made available on the Internet. They also stress that the Institute for Justice and Growth of the European Public Law Organisation organised in June 2019 a highly attended round table on the Code of Conduct for Judges.
70. GRECO takes note of this information. However, it cannot assess that the content of the above-mentioned report, which seems to concern a wide spectrum of issues concerning the functioning of judicial systems, adequately addresses judicial integrity issues. Moreover, GRECO stresses that the organisation of two events focused on this wide report, and one event specifically dedicated to the Code of Conduct for judges, do not constitute as such an on-going training and awareness policy for judges and prosecutors on integrity issues.
71. GRECO concludes that recommendation xvii remains partly implemented.

*Corruption prevention in respect of prosecutors specifically*

**Recommendation xix.**

72. *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.*
73. It is recalled that in the Compliance Report, GRECO concluded that this recommendation was not implemented, as no specific measures had been taken.

74. The Greek authorities now indicate that Article 86 of the Constitution was amended on 28 November 2019. The special limitation period within which serving and former members of government can be prosecuted (until the completion of the second regular session of the following parliamentary term commencing after the offence was committed) has been abolished. The previous wording of the Constitution restricted practically the possibility to prosecute serving and former members of the government; the new wording gives more realistic scope for Parliament to take legal action against them for criminal offences committed during the exercise of their duties.
75. GRECO welcomes the constitutional amendment which contributes to giving Parliament a more realistic timeframe to initiate criminal proceedings in respect of serving and former members of government. It points out that this amendment improves the timing for initiating such proceedings but does not guarantee that Parliament indeed brings serving and former members of the government to the special court when they are suspected of having committed criminal offences, including corruption-related offences. It therefore recommends that this issue be further examined within the framework of GRECO's Fifth Evaluation Round which deals *inter alia* with prevention of corruption and promoting integrity in respect of top executive functions. Nevertheless, the possibility for Parliament to interrupt proceedings at any stage remains.
76. GRECO concludes that recommendation xix has been partly implemented.

### **III. CONCLUSIONS**

77. **In view of the foregoing, GRECO concludes that Greece has implemented satisfactorily or dealt with in a satisfactory manner eleven of the nineteen recommendations contained in the Fourth Round Evaluation Report.** Of the remaining recommendations, five have been partly implemented and three have not been implemented.
78. More specifically, recommendations ii, iii, iv, v, vi, vii, viii, ix, x, xv and xviii have been implemented satisfactorily or dealt with in a satisfactory manner, recommendations i, xi, xvi, xvii and xix have been partly implemented and recommendations xii, xiii and xiv have not been implemented.
79. *With respect to members of Parliament*, GRECO welcomes the progress as regards the integrity policy of Parliament, including the adoption of the Manual for Compliance with the Code of Conduct, which is made public. The Manual to the Code complements the constitutional provisions as regards the system of eligibility and incompatibilities applicable to parliamentarians, introduces some rules to protect the parliamentary work from external influences and risks of misuse, and to some extent rules on the acceptance of gifts and other advantages. GRECO notes that the use of expedited legislative procedures appears to be decreasing, which strengthens transparency of this process. Specific cases and general recommendations regarding integrity of parliamentarians are addressed according to the Code of Conduct. It welcomes the recent amendment to the Constitution which limits the scope of parliamentary immunity. Efforts to strengthen integrity of the parliamentarians and transparency of the legislative process need to be pursued and broadened both in the texts and the practice - including through the establishment of a venue for confidential counselling in individual situations regarding parliamentarians' integrity.
80. *As far as judges and prosecutors are concerned*, GRECO encourages the authorities to finalise the process for adopting new legislation for promoting judges and

prosecutors to senior positions and managing disciplinary processes against them. It notes the ongoing legislative process to limit delays in proceedings and improve case-flow management, which should be completed with measures aimed at strengthening managers (both judges and prosecutors) with regard to caseload and delays. Specific measures remain to be implemented to make it possible to use appropriate IT case management system, as well as appropriate procedures for complaining against undue judicial delays. Relevant information on court activity and disciplinary issues remains to be made public. GRECO also encourages the authorities to implement the National Plan against Corruption and to develop standards of professional conduct and integrity for judges and prosecutors.

81. In view of the fact that eight out of nineteen recommendations are yet to be implemented GRECO, in accordance with Rule 31, paragraph 9 of its Rules of Procedure, asks the Head of delegation of Greece to submit additional information on the pending recommendations, namely regarding the implementation of recommendations i, xi, xii, xiii, xiv, xvi, xvii and xix by 30 September 2021 at the latest.
82. 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.