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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

ADDENDUM TO THE SECOND COMPLIANCE REPORT

GREECE

Adopted by GRECO at its 90th Plenary Meeting
(Strasbourg, 21 – 25 March 2022)

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I. INTRODUCTION

1. The Addendum to 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) covers "Corruption prevention in respect of members of parliament, judges and prosecutors".
2. The [Fourth Round Evaluation Report on Greece](#) was adopted at GRECO's 68th Plenary Meeting (19 June 2015) and made public on 22 October 2015, following authorisation by Greece.
3. The [Compliance Report](#) was adopted by GRECO at its 77th Plenary Meeting (23 June 2017) and made public on 1st March 2018, following authorisation by Greece (GrecoRC4(2017)20).
4. The [Second Compliance Report](#) was adopted by GRECO at its 85th Plenary meeting (24 September 2020) and made public on 16 November 2020, following authorisation by Greece. 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 7 October 2021 and served, together with additional information, as a basis for this Addendum to the Second Compliance Report.
5. The current Addendum to the Second Compliance Report evaluates the progress made in implementing the outstanding recommendations since the previous, Second Compliance Report (i.e. recommendations i, xi, xii, xiii, xiv, xvi, xvii and xix) and provides an overall appraisal of the level of compliance with these recommendations.
6. 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 Corruption Prevention Bureau, Commission for the Prevention of Corruption, on behalf of Slovenia. They were assisted by GRECO's Secretariat in drawing up this Addendum.

II. ANALYSIS

7. GRECO, in its Evaluation Report, addressed 19 recommendations to Greece. In the Second Compliance Report, GRECO concluded that recommendations ii, iii, iv, v, vi, vii, viii, ix, xv and xviii had been implemented satisfactorily or dealt with in a satisfactory manner, recommendations i, xi, xvi, xvii and xix had been partly implemented and recommendations xii, xiii and xiv had not been implemented. Compliance with the eight outstanding recommendations is examined below.

Corruption prevention in respect of members of parliament

Recommendation i.

8. *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.*
9. It is recalled that this recommendation was partly implemented in the Second Compliance Report. The use of expedited legislative procedure had decreased. However, more effective use of the existing provisions of the Standing Orders and/or the Constitution was called for and appropriate measures remained to be taken

concerning the implementation of rules on the clarity of proposed amendments and their consequences, etc.

10. The Greek authorities now report that, with a view to improving the transparency, quality and effectiveness of the legislative process, the Standing Orders of Parliament were amended in 2020 to ensure that each bill is accompanied by a Regulatory Impact Assessment¹ (RIA). Amendments to be proposed by ministers and MPs are to be accompanied by a summary RIA. These amendments are already in force and, in the authorities' view, address the remaining GRECO concerns.
11. GRECO reiterates that the problems relating to the use of expedited procedures were already dealt with in the previous report. It now welcomes the new provisions of an obligation to ensure that all parliamentary bills and amendments are to be accompanied by a regulatory impact assessment (RIA). However, it is not clear to what extent this addresses the outstanding elements of the present recommendation, i.e. the effective implementation of the existing rules regarding the clarity of proposed amendments and ensuring that last minute amendments are not included more than necessary.
12. GRECO concludes that recommendation i remains partly implemented.

Recommendation xi.

13. *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.*
14. It is recalled that this recommendation was partly implemented in the Second Compliance Report. A Manual for compliance with the Code of Conduct had entered into force and complemented the Code for its proper application. Both documents were made available specifically to newly elected MPs and published on the Internet. Specific cases regarding the integrity of MPs were dealt with according to the Code, including through individual recommendations to MPs and an assessment of the way such recommendations were to be implemented. General recommendations were also drawn from this experience and made public to all MPs. However, no confidential counselling on individual situations to MPs had been put in place.
15. The Greek authorities now clarify that the Manual for compliance with the Code of Conduct expressly states (in the preamble) that MPs may, at any moment, request advice from the Committee on Parliamentary Ethics on any issue relevant to the interpretation and application of the Code. Any such contact is to be kept confidential. The authorities further report that no requests for confidential counselling from MPs have been received by the Committee until today.
16. GRECO notes that confidential counselling for MPs is foreseen under the Manual for compliance with the Code of Conduct, which is positive. This being said, it would

¹ A RIA is to include the following: (a) the explanatory memorandum of the article 74 par. 1 of the Constitution, which shall specifically include the identification and determination of the problem which the regulation seeks to solve, the formulation of specific, clear, time-bound and, as far as possible, measurable objectives stating the reasons why they cannot be achieved without it (b) a statement of general consequences stating the consequences of the regulation, namely benefits, costs and risks; (c) the public consultation report which sets out the process and results of the consultation, (d) the legality report, which focuses on the constitutionality of the provisions and their conformity with European and international law; (e) the list of provisions to be amended or repealed; and (f) the report on the implementation of the regulation, including a clear identification of the administration bodies which are responsible for implementing the regulation, including the a timetable for the adoption of the regulatory acts envisaged.

appear that the Committee on Parliamentary Ethics – the body which is responsible for the Code’s implementation - is also responsible for providing confidential counselling. This mix of functions in a single body would appear to exclude the confidentiality of advice provided vis-à-vis the Committee itself, which is also to supervise the implementation of the Code. In view of this, the recommendation remains only partly implemented.

17. GRECO concludes that recommendation xi remains partly implemented.

Corruption prevention in respect of judges and prosecutors

Recommendation xii.

18. *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.*
19. It is recalled that this recommendation was not implemented in the Second Compliance Report. The draft law amending the “Code on the organisation of the courts and the status of judges” contained new provisions for promoting judges and prosecutors to some senior positions, which went in the right direction. However, this draft law had not been finalised by the Ministry of Justice. Furthermore, the Code of Criminal Procedure had been amended in respect of the selection of financial crime prosecutors which was in line with the recommendation in this limited sense. As regards part (ii) of the recommendation, a “mapping of the disciplinary procedures for judges and prosecutors” was included in the 2018-2021 National Anti-corruption Plan. However, no concrete steps had been taken.
20. The Greek authorities now report that a new revised draft law amending the December 2018 draft “Code on the organisations of the courts and the status of judges” has been nearly completed and is to be sent for public consultation by the end of March – early April 2022.
21. GRECO notes that a new draft law amending the “Code on the organisation of the courts and the status of judges” is being prepared in response to part (i) of the recommendation. Given the early stage of the legislative process, this part of the recommendation is not implemented. Regarding part (ii) of the recommendation, no new information is provided.
22. GRECO concludes that recommendation xii remains not implemented.

Recommendation xiii.

23. *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.*
24. It is recalled that this recommendation was not implemented in the Second Compliance Report. A draft law amending the “Code on the organisation of the courts and the status of judges” had been prepared and aimed at strengthening procedural guarantees against delays, and the role of judges and prosecutors as regards caseload management. However, its preparation was still at an early stage. No

measures had been reported on procedures for complaints against undue judicial delays.

25. The Greek authorities now report on a number of initiatives taken. In November 2019, the Mediation Law in civil and commercial cases entered into force. It introduced mandatory mediation in civil and commercial cases for disputes involving over EUR30 000 as well as in family cases, before such cases can be processed by a court. In 2020, approximately 30-40% of cases never reached open court and were instead concluded via mediation. A similar procedure is followed in criminal cases, where according to new Articles 301-303 of the Criminal Procedure Code, adopted in November 2019, plea bargaining was introduced to minimise the number of cases that require a court hearing.
26. Regarding part (ii) of the recommendation, the authorities submit that further amendments are foreseen in the draft «Code on the organisation of the courts and the status of judges», which is expected to be sent for public consultation by the end of March – early April 2022.
27. GRECO takes note of the information provided. Regarding part (i) of the recommendation, the introduction of alternative, extra-judicial procedures for certain categories of civil cases as well as of a plea bargaining procedures for certain criminal cases may well decrease the total number of cases before ordinary courts. While this may have an impact on workloads and possibly delays in the courts, these measures do not more than indirectly address the recommendation. Still, it does not appear that measures have been taken to address the absence of procedural guarantees against delays in courts and the lack of channels for complaints against such delays. GRECO therefore concludes that this part of the recommendation remains not implemented. With respect to part (ii) of the recommendation, new draft legislation appears to be underway but is at an early legislative stage. For this reason, this part of the recommendation also remains not implemented.
28. GRECO concludes that recommendation xiii remains not implemented.

Recommendation xiv.

29. *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.*
30. It is recalled that this recommendation was not implemented in the Second Compliance Report as no specific measures had been taken to introduce standards of professional conduct and integrity for judges and prosecutors.
31. The Greek authorities now report that a working group at the Supreme Administrative Court (Conseil d'Etat) is currently preparing a code of conduct for administrative judges together with a related comparative study. It is expected that this work will soon be completed. Additionally, since September 2020, a working group within the Supreme Court has been drafting a code of conduct for judges and prosecutors of the civil and criminal courts.
32. GRECO notes that preliminary measures appear to be underway but tangible results in the form of standards of professional conduct are still lacking.
33. GRECO concludes that recommendation xiv remains not implemented.

Recommendation xvi.

34. *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.*
35. It is recalled that this recommendation was partly implemented in the Second Compliance Report. A draft amendment to the "Code on the organisation of the courts and the status of judges" aimed at strengthening the reporting by the Supreme Inspection Boards on the functioning of the courts and the prosecution service. However, this electronic reporting was limited to selected sectors of the judiciary and was not available to the public.
36. The Greek authorities now indicate that, according to Article 358 of Law 4700/2020 on «A unified procedural text for the Court of Auditors, a legislative framework for pre-contractual control, amendments to the Code of Laws on the Court of Auditors, provisions on the effective administration of justice and other provisions», a new Judicial Statistics Office has been established under the Ministry of Justice. This Office is entrusted with the systematic collection of data from all national courts and prosecution offices, in particular: the number, nature and subject matter of cases, the amount of claims made, the length of the procedure and, as far as possible, a cost estimate of the procedure. The Office is also responsible for measuring the performance of judicial units in order to facilitate their evaluation by the competent judicial bodies. On the proposal of the Ministers of Finance, Justice, the Interior and Digital Governance, issues related to the *establishment, organisation and operation* of the Office, are to be regulated by Presidential Decree. This decree has been drafted but not yet published. It regulates in detail the operation of the Office. The Office's staff is to be composed of 10 newly created posts.
37. The authorities report that the above-mentioned law is thorough and precise and covers a large amount of work in the courts. All the findings are registered periodically and annually, since the evaluation of judges and the work of all courts is concluded on an annual basis. The Office is also regarded as an effective tool for the annual evaluation of judges by higher courts.
38. In so far as judicial IT tools are concerned, the authorities refer to:
 - the solon.gov.gr portal which is the Civil and Criminal Justice Digital Portal, where the progress of a case, the dockets for the next 15 days, court schedules and procedures can be followed;
 - the [case-flows](#) of the First Instance Courts and Courts of Appeal in Athens, Piraeus, Thessaloniki and Euboea as well as the Athens and Thessaloniki Magistrates' Courts; and
 - the [case-flows](#) of the Conseil d'Etat (Supreme Administrative Court), the Court of Audit and all administrative courts.
39. GRECO welcomes the establishment of the Civil and Criminal Justice Digital portal where progress on individual cases, schedules and procedures can now be followed. It also notes that judicial IT tools have generally improved, especially, in administrative courts as well as bigger civil and criminal courts. GRECO also notes the establishment of the Office for Judicial Statistics, under the Ministry of Justice, charged with collecting the statistical information on the functioning of all of the country's courts and prosecution offices, which appears to go in the direction pursued by the present recommendation. GRECO notes that provision has been made for the publication of the annual statistical programme of the Office and of the annual evaluation report on the implementation of this programme. However, it is not clear

whether reporting on the content and outcome of disciplinary procedures is included. Moreover, the Office is not yet fully set up and the result of its work is yet to be seen. In view of the foregoing, GRECO concludes that, for the time being, this recommendation remains only partly implemented.

40. GRECO concludes that recommendation xvi remains partly implemented.

Recommendation xvii.

41. *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.*

42. It is recalled that this recommendation was partly implemented in the Second Compliance Report. Improved on-going training for judges and prosecutors regarding integrity-related issues needed to be further intensified and to adequately address judicial integrity matters.

43. The Greek authorities now report that, within the framework of on-going training for judges and prosecutors, the National Judicial Academy, in co-operation with the National Transparency Authority and UNODC, has organised two seminars on judicial ethics². The aim of both seminars was to raise the awareness of judges and prosecutors of the rules of conduct and ethics for their professional and personal lives in accordance with international standards and best practice of EU Member States³. These seminars were attended by a total of 30 judges.

44. The authorities further refer to significant changes in the organisation and functioning of the Academy, introduced by law 4871/2021 adopted in December 2021. These have a direct impact on the on-going training for judges and prosecutors in that a compulsory element on judicial ethics is now to be integrated into one of the four compulsory training cycles to be completed by all judges and prosecutors up to the level of the courts of appeal. The authorities indicate that, since seminars for 2022 have been scheduled prior to the adoption of this new law, in 2022 no seminars on judicial ethics are envisaged. However, as from 2023, at least one seminar per year in one of the four cycles is to be dedicated to judicial ethics.

45. GRECO takes note of the above information and reiterates that the organisation of two seminars on judicial ethics cannot be considered a substitute for an on-going training and awareness policy for judges and prosecutors on integrity issues. The significant reinforcement of the training programmes offered by the National Judicial Academy is noted and welcomed but these will only be implemented as from 2023. Supplementary information regarding initial training for judges and prosecutors has not been provided. Moreover, this recommendation needs to be seen in conjunction with recommendation xiv above.

46. GRECO concludes that recommendation xvii remains partly implemented.

Corruption prevention in respect of prosecutors specifically

Recommendation xix.

² The title of one seminar was: "Global and European best practices in the judiciary integrity" and of the second seminar: "New challenges for judicial integrity - The impact of new technologies and social media".

³ <http://www.esdi.gr/nex/index.php/el/component/content/article/103-presentation/news/proskliseis/771-prosklisi-ekdilosis-endiaferontos-gia-tin-katartisi-dikastikon-kai-eisaggelikon-leitourgou-se-themata-akeraiotitas%20; https://aead.gr/education/ekpaideftikes-draseis/diadiktiaka-seminaria-ead-ue-sxoli-dikaston>

47. *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.*
48. It is recalled that this recommendation was partly implemented in the Second Compliance Report. Article 86 of the Constitution had been amended on 28 November 2019. The special limitation period within which serving and former members of government could be prosecuted had been abolished and a more realistic scope for Parliament to take legal action against such persons for criminal offences committed during the exercise of their duties had been provided for. However, this amendment did not guarantee that serving and former members of government were brought to the special court when they were suspected of having committed criminal – including corruption-related – offences and the possibility for Parliament to interrupt proceedings at any stage remained in place.
49. The Greek authorities now report that the Constitution, which was amended in November 2019, can only be amended again after a five-year period has lapsed.
50. GRECO notes the absence of further concrete steps in response to this recommendation. However, it also recalls that the relevant constitutional provisions were scrutinised as part of its Fifth Round Evaluation of Greece which dealt *inter alia* with the prevention of corruption and promoting integrity in respect of top executive functions⁴. In its Fifth Round Evaluation Report (para.115-116), GRECO noted, in particular, that Parliament’s capacity to refuse to accede to the prosecutor’s request to lift the immunity in respect of serving and former members of Government was strictly limited to those cases which have immediate relevance to the exercise of parliamentary duties and that this would not include corruption offences. GRECO was satisfied that the scope of immunity had been further limited and was to be lifted mandatorily if the request of the prosecuting authority related to an offence that was not connected to the performance of the duties of the parliamentarian/serving or former minister.) It would therefore appear that the current recommendation is no longer relevant, as GRECO did not raise specific concerns with respect to the procedures relating to the Special Court of article 86 of the Constitution in the Fifth Round Evaluation Report.
51. GRECO concludes that recommendation xix has been dealt with in a satisfactory manner.

III. CONCLUSIONS

52. **In view of the foregoing, GRECO concludes that Greece has implemented satisfactorily or dealt with in a satisfactory manner twelve of the nineteen recommendations contained in the Fourth Round Evaluation Report.** Of the remaining recommendations, four have been partly implemented and three have not been implemented.
53. More specifically, recommendations ii, iii, iv, v, vi, vii, viii, ix, x, xv, xviii and xix have been implemented satisfactorily or dealt with in a satisfactory manner, recommendations i, xi, xvi and xvii have been partly implemented and recommendations xii, xiii and xiv have not been implemented.
54. With respect to members of parliament, it is to be welcomed that the use of expedited legislative procedures has decreased and that a duty to ensure that all parliamentary bills are to be accompanied by a regulatory impact assessment. However, efforts to

⁴ The report was adopted by GRECO on 3 December 2021, during its 89 Plenary meeting.

strengthen the transparency of the legislative process and of the integrity of parliamentarians need to be further pursued in practice - including by ensuring that last-minute amendments to bills are not used more than necessary and that individual parliamentarians have access to confidential integrity-related counselling separate from the mechanism entrusted with supervision of parliamentarians' conduct.

55. As regards the judiciary, a new Office for Judicial Statistics under the Ministry of Justice has been set up and is charged with collecting statistical information on the functioning of all of the country's courts and prosecution offices. However, its exact mandate and operational modalities need to be clarified, particularly with regard to its competence to publish periodic reports on the state of the justice system in Greece. The process for developing standards of professional conduct and integrity for judges and prosecutors and for adopting new legislation for their promotion to senior positions and managing disciplinary processes against them remains still at an early stage. The problem of delayed judicial proceedings and ineffective case-flow management is yet to be addressed and appropriate procedures for complaints against undue judicial delays remain to be introduced.
56. With respect to prosecutors specifically, although the procedures involving the Special Court of Article 86 of the Constitution have not been revised, GRECO is satisfied that they do not hamper or prevent criminal proceedings in respect of serving and former members of government.
57. In view of the fact that seven (out of nineteen) recommendations are yet to be implemented, GRECO in accordance with Rule 31 revised, paragraph 9 of its Rules of Procedure asks the Head of the delegation of Greece to submit additional information, regarding the implementation of recommendations i, xi, xii, xiii, xiv, xvi and xvii by 31 March 2023.
58. Finally, GRECO invites the authorities of Greece to authorise, as soon as possible, the publication of this report, to translate it into the national language and to make the translation public.