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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 ADDENDUM TO THE SECOND COMPLIANCE REPORT GREECE

Adopted by GRECO at its 95th Plenary Meeting
(Strasbourg, 27 November – 1 December 2023)

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I. INTRODUCTION

1. The Second 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 covers "Corruption prevention in respect of members of parliament, judges and prosecutors". The Evaluation Report was adopted at GRECO's 68th Plenary Meeting (19 June 2015) and made public on 22 October 2015, following authorisation by Greece.
2. Between 2017 and 2022 three compliance reports were adopted by GRECO, as follows: the [Compliance Report](#) was adopted at GRECO's 77th Plenary Meeting (23 June 2017), the [Second Compliance Report](#) was adopted at GRECO's 85th Plenary meeting (24 September 2020), and the [Addendum to the Second Compliance Report](#) was adopted at GRECO's 90th Plenary meeting (25 March 2022). The three reports were made public on 16 November 2020, 1 March 2018, and 1 June 2022, respectively, following authorisation by Greece.
3. As required by GRECO's Rules of Procedure, the authorities of Greece submitted a Situation Report on further measures taken to implement the outstanding recommendations. This report was received on 7 April 2023 and served, together with additional information, as a basis for this Second Addendum to the 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, on behalf of Italy and Ms Vita HABJAN BARBORIČ, on behalf of Slovenia. They were assisted by GRECO's Secretariat in drawing up this Addendum.

II. ANALYSIS

5. It is recalled that GRECO, in its Evaluation Report, addressed 19 recommendations to Greece. In the Addendum to the Second Compliance Report, GRECO concluded that recommendations ii, iii, iv, v, vi, vii, viii, ix, x, xv, xviii and xix, had been implemented satisfactorily or dealt with in a satisfactory manner, recommendations i, xi, xvi and xvii had been partly implemented and recommendations xii, xiii and xiv had not been implemented. Compliance with the seven outstanding 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. GRECO recalls that this recommendation was partly implemented. The problems relating to the use of expedited procedures had previously been dealt with. A requirement had been introduced to the effect that all parliamentary bills and amendments were to be accompanied by a regulatory impact assessment¹ (RIA). The outstanding elements that remained to be addressed related to the effective implementation of the existing rules regarding the clarity of proposed amendments and the supervision over the inclusion of irrelevant (last minute) amendments.

¹ The content of RIA was described in footnote 1 in the Addendum to the Second Compliance Report.

8. The Greek authorities now report that the requirement that all amendments be accompanied by RIAs addresses the problem of clarity, since they clarify both the content and the effects of the proposed amendments. As regards the introduction of last-minute amendments, the authorities have provided the following figures: from 16 July 2019 to 2 October 2020, there were 64 timely amendments and 120 last-minute ones; from 5 October 2020 to 1 October 2021, there were 167 timely amendments and 61 last-minute ones; from 4 October 2021 to 30 September 2022, there were 166 timely amendments and one last-minute amendment, and from 3 October 2022 to 17 March 2023, there were only 67 timely amendments and no last-minute amendment.
9. GRECO takes note of the figures provided by the authorities and welcomes the gradual reduction in, leading to a disappearance of, the use of last-minute amendments, while noting, at the same time, that civil society organisations share a different view². It encourages the authorities to maintain the positive trend put forward by them. It also takes note of the content and purpose of regulatory impact assessments, which, as confirmed by the authorities, accompany all legislative drafts. That notwithstanding, GRECO further notes that, while draft bills are consistently subject to public consultation, the concerns about the insufficient time for public consultation remain³.
10. GRECO concludes that recommendation i remains partly implemented.

Recommendation xi

11. *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.*
12. GRECO recalls that this recommendation was partly implemented. A Manual for compliance with the Code of Conduct for parliamentarians was published on the internet. It contained examples and recommendations on how parliamentarians were to handle ethical questions. The Manual and the Code were made available to all parliamentarians. The Committee on Parliamentary Ethics, which was responsible for the Code's implementation, was also to provide confidential counselling. The mix of functions in a single body would appear to exclude the confidentiality of advice provided vis-à-vis the Committee members itself.
13. The Greek authorities report that the involvement of the Committee on Parliamentary Ethics ensures the integrity of the counselling process and safeguards the legitimate reliance of parliamentarians on the advice received, even though no register is kept on the number and nature of advice provided to parliamentarians.
14. GRECO acknowledges that the Committee on Parliamentary Ethics has been entrusted to play a role in providing confidential advice on integrity-related matters to parliamentarians. However, the conflation of roles entrusted to that Committee, which, in addition to giving confidential counselling to parliamentarians, is responsible for the supervision of the Code of Conduct, is open to misgivings about its impartiality and perceived conflicts of interest when dealing with the same issue

² See the [European Commission's 2023 Rule of Law Report on Greece](#), page 24.

³ In some instances, reduced time for public consultation means less than a week, including weekends and public holidays and may also concern legislation of increased public interest ([European Commission's 2023 Rule of Law Report on Greece](#), page 24).

in respect of the same parliamentarian. It may be best if these two distinct functions were assumed by two different parliamentary committees.

15. GRECO concludes that recommendation xi remains partly implemented.

Corruption prevention in respect of judges and prosecutors

Recommendation xii

16. *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.*
17. GRECO recalls that this recommendation was not implemented. While no initiative to amend the Constitution was taken, a draft law amending the "Code on the organisation of the courts and the status of judges" was being prepared in response to part (i) of the recommendation. Regarding part (ii), there was no progress towards its implementation.
18. The Greek authorities now report, as regards part (i) of the recommendation, that Article 59 (3) of Law no. 4938/2022 on the "Code on the organisation of the courts and the status of judges" has introduced a limitation to the absolute discretion of the Government in selecting the leadership of the judiciary by promoting a seniority criterion. Thus, promotion of senior judges and prosecutors is made by a presidential decree, on the proposal of the Council of Ministers, after an opinion of the Conference of Presidents of Parliament and a recommendation of the Minister of Justice. The Council of Ministers will select candidates from among those who are legally qualified, in accordance with the criteria prescribed by law. No constitutional amendments may be made until the lapse of five years from the most recent constitutional amendments which took place in 2019. Regarding part (ii), the authorities have decided that the present provisions for the initiation of disciplinary proceedings reflect the appropriate balance between judicial independence and reliance on hierarchical seniority.
19. GRECO notes that, as regards part (i) of the recommendation, the introduction of a statutory seniority criteria has not altered the method for the selection of judges and prosecutors to the most senior positions by the Government, in conjunction with the legislature, which is absent from the involvement of peer judges in the process. Regrettably, the situation remains the same as described in paragraphs 81 and 87 of the Evaluation Report. This part has thus not been complied with, even partly. Concerning part (ii) of the recommendation, as admitted by the authorities, there have been no changes to the situation, the principal concern being the exclusive responsibility for the Minister of Justice to initiate disciplinary proceedings against judges and prosecutors. No evidence has been provided that this issue has been subject to a reflection process, in-depth discussion, and thus, due consideration, as recommended.
20. GRECO concludes that recommendation xii remains not implemented.

Recommendation xiii

21. *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.*

22. GRECO recalls that this recommendation was not implemented. As regards part (i), the introduction of alternative, extra-judicial procedures for certain categories of civil and criminal cases could have an impact on workloads and the length of court proceedings, but they did not address the absence of procedural guarantees against delays in courts and the lack of channels for complaints against such delays. Concerning part (ii), new draft legislation was underway which was expected to contribute to the strengthening of the role of managerial judges and prosecutors as regards the assessment of caseload management.
23. The Greek authorities now report that training programmes on caseload management have become compulsory for all judges and prosecutors up to the rank of the appellate court judge, appellate deputy prosecutors and appellate judge for administrative courts, in accordance with national law⁴. They are divided in four cycles, the first one⁵ of which deals with the courts' organisation and administration, judicial communication, judicial ethics, methodology of judicial work and time management for the performance of duties.
24. The authorities further provide that centralised and digitalised case management is operational in respect of administrative proceedings. A portal, through which all interested parties can access a unified Database of Administrative Justice, has been created. Lawyers and public bodies are provided with updated information and may follow up on case processing. They may file documents, applications, motions and appeals online, through the Hellenic Bar Association portal that authenticates them as lawyers. Entitled applicants may also request legal aid via the system. In addition, through the same system the handling of documents is operated electronically, as well as the notification of decisions and the filing of applications for issuing certificates. Fully anonymised case law is accessible to the public through the administrative justice portal. In addition, important steps have been made towards the digitalisation of civil and criminal courts and prosecution offices of the appellate court districts of Athens, Thessaloniki, Piraeus and Evia, which manage a large amount of civil and criminal cases. At the same time, the Court Recording Transcription System is currently fully operational for all civil and criminal courts, having been launched in May 2021.
25. Additional targeted courses have been provided to courts' presidents and other persons exercising managerial functions, whose selection is made in accordance with the criteria prescribed by law, though no specific figures are kept about the number of trained judges and prosecutors with managerial functions.
26. GRECO acknowledges that, as regards part (i) of the recommendation, administrative proceedings appear to have become totally digitalised, and work is underway towards the digitalisation of civil and criminal proceedings. These are steps in the right direction, and GRECO expects that the ongoing expansion of digitalisation of civil, criminal and administrative proceedings as well as the continuous strengthening of the IT system will constitute guarantees against delays before the stage of the decision. It is for this reason that this part of the recommendation can be considered partly complied with, noting, at the same time, that the situation has remained unchanged as regards the fact that channels for

⁴ Law no. 4871/2021 (GG A 246/10 Dec 2021) on "Reforms on the Legislative framework on the National School of Judiciary" reinforces the role of the National School of Judiciary on the training of magistrates. Chapter E of the Law is entitled "On-going training for magistrates" (Articles 38-48 of the Law). Article 40 provides for the conduct of regular and *ad hoc* training programmes for magistrates, and regular programmes are divided in compulsory and optional.

⁵ The second cycle addresses economic law and in particular issues relating to energy, capital market, competition and consumer protection. The third cycle concerns in-depth legal training on subjects depending on the branch of law concerned, and the fourth cycle focuses on European Union law and the European Convention on Human Rights.

complaints against undue delays have not been clarified and communicated appropriately.

27. With respect to part (ii) of the recommendation, GRECO welcomes the introduction of a compulsory training programme on caseload management for magistrates up to the rank of the appellate court judge, appellate deputy prosecutors and appellate judge for administrative court (no such compulsory training being provided to judges of supreme courts). It hopes that such a training programme will be translated into tangible results as regards the strengthening of the role of judges and prosecutors with managerial functions in the assessment of the workload management of individual judges and prosecutors, including the possibility to exert disciplinary responsibility or formal control or appraisal responsibility. GRECO therefore considers that this part of the recommendation has been partly complied with.
28. GRECO concludes that recommendation xiii has been partly 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. GRECO recalls that this recommendation was not implemented. Working groups were set up to prepare two separate codes of conduct for administrative judges and for judges and prosecutors of the civil and criminal courts.
31. The Greek authorities now report that a code of conduct for judges of the Council of State and a code of conduct for judges of civil and criminal courts and respective prosecutors have been adopted and published online⁶. Both codes of conduct largely contain identical provisions. They set out basic principles and standards of conduct, such as independence, impartiality, integrity, decency, prohibition of discrimination, professional competence and diligence, self-restraint, transparency and communication. Several basic principles have been accompanied by explanations in the form of instructions and guidance. Both codes of conduct are principle-based, they state that they do not establish legal rules, introduce rights or obligations; matters of discipline are dealt with in separate regulations. The Codes are coupled with advisory channels through the work of Ethics Councils.
32. GRECO welcomes the adoption of codes of conduct applicable to judges of civil and criminal courts and respective prosecutors as well as to judges of the Council of State. However, the code of conduct for judges of the Council of State does not extend its application to all judges of the administrative court system, which is the reason for regarding this recommendation as partly complied with. GRECO is also pleased to note the establishment of Ethics Councils to provide advice to judges on ethical matters.
33. GRECO concludes that recommendation xiv has been partly implemented.

Recommendation xvi

⁶ The code of conduct for judges of the Council of State may be found at <http://www.adjustice.gr/webcenter/content/conn/WebCenterSpaces-ucm/uuid/dDocName%3aVMDOCMGT02OSDD078353?docid=87534>. The code of conduct for judges of civil and criminal courts and respective prosecutors may be accessed at <https://www.areiospagos.gr/Magna%20Carta.pdf>.

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. GRECO recalls that this recommendation was partly implemented. The Office for Judicial Statistics, entrusted with the collection of statistical information on the functioning of all of the country's courts and prosecution offices, was established under the Ministry of Justice and was yet to become fully operational. Also, it was not clear whether reporting on the content and outcome of disciplinary procedures was to be included in the publication of the annual statistical programme.
36. The Greek authorities now indicate that the Office for Judicial Statistics (JustStat) has become operational by virtue of Presidential decree 47/2022. JustStat collects and publishes statistics, on a quarterly and semi-annual basis, about criminal, civil and administrative cases (newly registered cases, pending cases and cases adjudicated and at the end of each period), which are published online⁷. Since July 2021, it has developed an in-house electronic platform called "Judicial Statistics", where magistrate courts, petty-crimes courts, prosecution offices, first-instance courts, courts of appeal, and prosecution offices at the courts of Appeal, register all aggregate judicial data. Data are collected on the number of cases, convictions, acquittals, prosecutions, offenders and victims (where possible). The collection and publication of data regarding the disciplinary procedures against judges and prosecutors is an issue that the Judicial Statistics Supervisory Committee, the supervising body of JustStat, ought to authorise, it being understood that the personal data (i.e. names, city of the court) may not be made public. Following requests sent from JustStat to various judicial authorities, statistical information about disciplinary proceedings will be collected, processed and published online as soon as they become available.
37. GRECO welcomes that the Office for Judicial Statistics has become fully operational, resulting in the publication of statistical data on a quarterly and semi-annual basis. For this recommendation to be considered fully implemented, information and analyses concerning the management of the workload as well as the content and outcome of disciplinary cases against judges and prosecutors ought to be made public. In this regard, GRECO takes note that efforts are underway to collect, process and publish such information online in the future.
38. GRECO concludes that recommendation xvi remains partly implemented.

Recommendation xvii

39. *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.*
40. GRECO recalls that this recommendation was partly implemented on account of initial training (three hours) provided to judges and prosecutors on judicial ethics and conduct by the National School of Judiciary, the updated training curriculum of which is available online⁸. Ongoing training and awareness policy for judges and prosecutors on integrity issues was needed. The reinforcement of the training programmes offered by the National Judicial Academy, which would commence in 2023, was to be kept under review.

⁷ https://ministryofjustice.gr/?page_id=1603

⁸ https://www.esdi.gr/wp-content/uploads/2022/03/1o_stadio_eisagg28.pdf and https://www.esdi.gr/wp-content/uploads/2022/03/1o_stadio_eisagg28.pdf

41. The Greek authorities now report that, further to a comprehensive reform of the National School of Judiciary (NSJ) brought about by Law 4871/2021, new provisions have been introduced requiring magistrates to attend mandatory training programmes before seeking promotion (see, also, paragraph 23 above). Participation in these training programmes, which last between one and two days, is further facilitated through the use of new technologies for those serving in remote areas or where physical access is impossible or particularly difficult. Magistrates (i.e. judges and prosecutors), to whom the mandatory training programmes are addressed, must participate annually at least in one of them, from any cycle of their choice, until they have completed, at least once, all the cycles of the mandatory training programmes in an eight-year period of their career. In 2022, the NSJ organised 11 compulsory training programmes and one optional training programme, which were attended by 2,580 magistrates. From January to September 2023, nine compulsory training programmes took place, in which 1,718 magistrates participated. The training workshop on “Judicial ethics, management of courts – time management in the performance of judicial duties”, which was organised in March 2023⁹, was attended by 146 magistrates. Training programmes and the presentations of speakers is found on NSJ’s website, under the link “ongoing training”.
42. In addition, the following training workshops have been scheduled for 2023: two online national training workshops, nine in-person national training workshops to be held at the NSJ premises, and four in-person national training workshops to be organised in various district courts. The topics of the training workshops will cover all thematic issues of the four cycles in order to ensure that, depending on their personal and working schedule, judges and prosecutors have the opportunity to attend one or more compulsory trainings per year.
43. GRECO welcomes that the statutory amendments, which have introduced the mandatory in-service training programme for judges and prosecutors, contain a module dealing with, amongst others, judicial ethics. A training workshop on judicial ethics was organised in 2023 and attended by 146 magistrates. As confirmed by the authorities, such a training workshop will be organised, at least, once a year to enable judges and prosecutors to receive ongoing training on integrity-related matters. GRECO expects that future training workshops will take into account the recently adopted codes of conduct, and target all magistrates, including senior-ranking judges and prosecutors. In these circumstances, this recommendation has been fully complied with.
44. GRECO concludes that recommendation xvii has been implemented satisfactorily.

III. CONCLUSIONS

45. **In view of the foregoing, GRECO concludes that Greece has implemented satisfactorily or dealt with in a satisfactory manner thirteen of the nineteen recommendations contained in the Fourth Round Evaluation Report.** Of the remaining recommendations, five have been partly implemented and one has not been implemented.
46. More specifically, recommendations ii, iii, iv, v, vi, vii, viii, ix, x, xv, xvii, xviii and xix have been implemented satisfactorily or dealt with in a satisfactory manner,

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<https://www.esdi.gr/seminars/%ce%b4%ce%b9%ce%ba%ce%b1%cf%83%cf%84%ce%b9%ce%ba%ce%ae-%ce%b4%ce%b5%ce%bf%ce%bd%cf%84%ce%bf%ce%bb%ce%bf%ce%b3%ce%af%ce%b1-%ce%b4%ce%b9%ce%b1%cf%87%ce%b5%ce%af%cf%81%ce%b9%cf%83%ce%b7-%ce%b4%ce%b9/>

recommendations i, xi, xiii, xiv and xvi have been partly implemented and recommendations xii has not been implemented.

47. With respect to members of parliament, it is to be welcomed that last-minute amendments to bills have not been introduced since 3 October 2022, while concerns about the insufficient time for public consultation persist. The conflation of roles entrusted to the Committee on Parliamentary Ethics, which is responsible for the supervision of the Code of Conduct for parliamentarians and for providing confidential counselling to them, remains to be addressed effectively.
48. As regards judges and prosecutors, it is welcomed that digitalisation of civil, criminal and administrative proceedings has moved forward, and it is expected that this will contribute to preventing undue delays. The adoption of codes of conduct for judges and prosecutors, and the establishment of an Ethics Council to provide advice are also positive developments. The Office for Judicial Statistics has become operational, resulting in the publication of statistical data on a regular basis. An in-service compulsory training programme has been developed, including a mandatory module of judicial ethics. It is, however, regrettable that the selection of the most senior positions of judges and prosecutors remains the responsibility of the Government, without any involvement of the peers in the process, and that no consideration has been paid to the modalities for the initiation of disciplinary proceedings against judges and prosecutors, with the Minister of Justice retaining exclusive responsibility in this regard. Further efforts remain to be taken to strengthen the role of managerial judges and prosecutors in addressing caseload management.
49. The adoption of this Second Addendum to the Second Compliance Report terminates the Fourth-Round compliance procedure in respect of Greece. The authorities of Greece may, however, wish to inform GRECO of further developments with regard to the implementation of the outstanding recommendations i, xi, xii, xiii, xiv and xvi.
50. 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.