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POLICY ADVICE

IMPROVEMENT OF THE FISCAL MONITORING SYSTEM OF LOCAL GOVERNMENT

EUROPEAN UNION – COUNCIL OF EUROPE TECHNICAL ASSISTANCE PROJECT ON INSTITUTIONAL ENHANCEMENT FOR LOCAL GOVERNANCE, GREECE

The present document was prepared by the Centre of Expertise for Local Government Reform of the Council of Europe in co-operation with Ms. Sandra Cohen, Council of Europe Expert



**Centre of Expertise
for Local Government Reform**



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LIST OF ABBREVIATIONS

CFO	Chief Financial Officer
CoA	Court of Audit
CoE	Council of Europe
DA	Decentralised Administrations
EETAA	Hellenic Agency for Local Development and Local Government
IT	Information Technology
GAO	General Accounting Office
KAE	Codification of Expenses and Revenues
KAP	General Grants (Central Autonomous Resources)
KYA	Common Decision of the Minister of Finance and the Minister of Interior
LG	Local Government
Mol	Ministry of Interior
OPD	Integrated Action Framework
PE	Public Entity (General Government Entity)

EXECUTIVE SUMMARY

The fiscal monitoring system of local governments seems to operate without major shortcomings. LGs utilise the guidelines issued by the Mol to set-up yearly budgets¹ and the different entities involved in the fiscal supervision of LGs exercise different tasks which, substantially, do not overlap.

Introduction of E-tools and sound human resource policies would be particularly beneficial to improve and simplify the budget review and supervision systems, ease interactions among the different central authorities and decrease the cost of its administration.

I. INTRODUCTION

I.1. Purpose and scope of the report

This report was developed by the Centre of Expertise for Local Government Reform as part of the European Union – Council of Europe Technical Assistance Project on Institutional Enhancement for Local Governance in Greece. The report reviews the current system of fiscal monitoring of Local Governments (LGs) in Greece²; it identifies areas for improvement and proposes possible policy actions to simplify and streamline the current system, where appropriate.

In any local policy, financial discipline is of outmost importance and the systems in place should facilitate the efficient monitoring of the progress of the budgets outturns and timely signal any shortcoming. Maintaining financial discipline does not however imply that the supervising authorities ossify monitoring processes and that they disproportionally limit the management autonomy of the local government level³.

The policy advice presented in this report acknowledges the rigour that the financial management of the Government in Greece is subject to. The advice hence identifies areas for improvement without suggesting major changes in the existing procedures. The proposed actions are inspired by Recommendation Rec(2004)1 of the Committee of Ministers to member states on financial and budgetary management at local and regional levels⁴. Finally, this policy advice acknowledges the importance of IT as a key factor to streamline the fiscal monitoring process. Integrated and centralised IT solutions would improve the efficiency of the system by

¹ See Joint Ministerial Decision on local budget at <http://www.ypes.gr/UserFiles/f0ff9297-f516-40ff-a70e-eca84e2ec9b9/eggr24438-27072016.pdf>

² Fiscal monitoring in terms of budget development and follow-up complies with articles 1 and 3 of the European Charter of Local Self-Government (CoE, 1985).

³ "(...) in the Greek context after 2010 – deeply marked by the financial crisis and by the subsequent international conditionality – a certain degree of centralised supervision, especially budgetary, over local government cannot be avoided" - *Local and regional democracy in Greece*, Congress of Local and Regional Authorities of the Council of Europe, 2015, Paragraph 183.

⁴ See full text of Rec(2004)1 at https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805de0df

simplifying and speeding up the administrative process. Further analysis in this regard could be addressed through a dedicated policy advice on e-governance tools.

The report briefly presents the process, the key players and the main features of the following three dimensions related to fiscal monitoring:

- budget development and approval;
- budget follow up; and
- every-day operations (in relation to fiscal monitoring).

The remit of the analysis seeks to cover the multiplicity of the actors involved in fiscal monitoring. It is mainly focused on municipalities, while regions are considered in a subsidiary way. Because of the clear multi-level interactions and dynamics, however, most of the proposed policy recommendations may also pertain to the regional level.

The report considers the main bodies responsible for fiscal supervision, such as the Court of Audit, the Decentralised Administrations, the Observatory of Financial Independence of LGs, as well as the Ministry of Interior, Ministry of Finance and the General Accounting Office.

By contrast, other bodies that conduct only exceptional fiscal ex-post controls fall out of the scope of the analysis.⁵ The paper does not explicitly cover the financial audit function performed by Certified Auditors on the financial statements of LGs, since this is not directly linked to fiscal monitoring.

I.2. Methodology

A thorough review of the legislation, desk research, and in-depth interviews with stakeholders underpin the report. In particular,

- **Review of the legislation and other material** – A review of the legislation in relation to fiscal monitoring of LGs that touches upon the three above said dimensions, i.e. a) budget development and approval, b) budget follow up and c) every-day operations (in relation to fiscal monitoring) was carried out. The material reviewed is presented in Appendix I. Apart from legislation, it also includes relevant sources such as Council of Europe (CoE) Recommendations and reports and other publications available at the websites of the Ministry of Finance and of the Ministry of Interior.
- **Interviews with stakeholders** – The in-depth interviews provided first-hand information on main challenges faced by stakeholders in the practical applications of legal requirements. The following stakeholders were interviewed: two Mayors, one deputy Mayor, two Chief Financial Officers (CFOs) as well as officials from the Ministry of

⁵ It is the case of the General Inspector of Public Administration, the Inspectors-Controllers Body for Public Administration, the Inspectors-Controllers Body of Ministry of Transports, the Body of Inspectors of Public Works of Ministry of Infrastructure and Transports, the Body of Inspectors of Health Services and the Special Secretariat of Financial and Economic Crime Unit.

Finance and the General Accounting Office. The full list of stakeholders interviewed is reported in Appendix II of this report.

II. OVERVIEW OF THE FISCAL MONITORING SYSTEM

This section presents the fiscal monitor system currently in place in Greece, with a special focus on procedural aspects and introduces the key players involved.

II.1 Budget development and approval

Every year in July, annual budgets are developed on the basis of a decision (KYA) commonly developed by the Minister of Finance and the Minister of Interior. The KYA sets out how to elaborate, execute and revise LGs budgets. According to L.4172/13, article 77, the KYA should be issued by end of July. The revenues forecasted by LGs should be consistent with what provided for by the KYA and should be properly justified, especially those related to own revenues.

The KYA guidelines for LGs to develop their budget are based on previous year's actual data and set limits for possible increases in relation to own revenues. Expenses that are considered obligatory should be included in the budget. This has ensured that the cost for on-going operations is incorporated in the budget and remains available.

The value of the Central Autonomous Grants (KAPs) for the LGs for the following year is based on central government forecasts for specific tax categories. Further allocation of this general amount to specific LGs is based on an allocation formula that is highly reliant on population. While the second part of the formula does not deviate significantly from one year to the other, the final amount of the specific tax revenues is only known at the end of the corresponding year. As a consequence, the LGs financial management critically depends on the accuracy of the forecast for those specific tax revenues.

LGs are expected to complete by 20 July the consolidation of expense information collected by the various local councils within a LG. By the same date, the Executive Committee should submit a draft budget to the Financial Committee, on the basis of the proposals made by LG service departments and, possibly by the Consultation Committee. The Financial Committee prepares the draft budget in case this is not developed by the Executive Committee.

By 5 September the Financial Committee reviews the draft budget prepared by the Executive Committee and submits it to the database operated by the Observatory. The latter issues an opinion on whether the budgets prepared are "balanced" and "realistic". The Observatory assists LGs in this task. If necessary, guidelines by the Ministry of Interior for revising the draft budget are submitted to the Finance Committee and then to the Municipal Council. The final version of the budget is discussed and approved by the Municipal Council by the end of October.

The Municipal Council approves the budget and the Integrated Action Framework (OPD) by 15 November. OPD includes the budget of the LGs as well as the one of the Public Entities (PEs) and Private Entities included in the General Government Entities Registry of the LG and analyses the budget into monthly and quarterly goals. The approved budget and OPD is submitted to the Decentralised Administration (DA) in both electronic and hard copy form. Additional data in hard copy form are submitted to the DA as well. The DA checks among others whether the budget follows the KYA requirements. The DA review process should be completed by the end of December. The approved budget is then uploaded to the database of the Ministry of Interior.

The law (L. 4172/2013) provides for sanctions in case the time plan is not respected both for LGs (L. 4172/2013, article 77, § 8) and regions (L. 4172/2013, article 78, § 7). Same dates and procedures are applied to the regions.

II.2 Budget revisions and follow-up

The Observatory monitors the execution of the budget on the basis of the OPD on a quarterly basis. Should a budget require revision in the course of its implementation, proposals for budgetary amendments are submitted in both hard copy and electronic form to the DA for approval. Moreover, in case of significant deviations between the budgeted amounts and the budget execution amounts, the Observatory notifies the LGs or the PEs respectively and proposes solutions for overcoming shortcomings.

II.3 Every-day operations

The budget is executed and the financial transactions are made in accordance with the relevant legal provisions (L. 4270/2014)⁶. For these operations, the pre-audit function of the Court of Audit (CoA) plays a pivotal role. The following remarks are worth highlighting in this respect:

- Pre-audits focus on assessing the accuracy, legality and regularity of the expenditure. Should the pre-audit reveal illegality of the administrative act creating the payment obligation, the CoA has the authority not to give approval to a payment order, thereby blocking the initiated expenditure.
- Only a certain part of the expenditures of municipalities are pre-audited. For instance, salary expenses, rents, recurring expenses for utilities and low value expenses (less than EUR 5000) are not subject to pre-audit.
- The CoA also reviews contractual agreements before they become definitive.

Furthermore, at the end of the fiscal year the CoA undertakes a post-audit of LGs accounts. The post-audit is performed on a sample of transactions (audit sampling) unless there are findings that would justify a full-scale audit.

⁶ The procedures laid down in the B.Δ. 17-5/15-6-59.

III. POLICY ANALYSIS AND ADVICE

This section proposes a series of actions that Mol may consider undertaking based on a comprehensive appraisal of the current framework for financial monitoring. The section follows the same structure, differentiating between the following three stages: 1) development and approval of the budget; 2) revision and follow-up; and 3) exercise of every-day operations.

III.1 Budget development and approval

The role of the KYA

Overall, the procedures for budget development and approval introduced by law 852/2010 and consequently specified in law 4270/2014 and law 4172/2013 have speeded up the process compared to the past. However, for some LGs the final decision on their budget occurs after the beginning of the year it refers to. LGs can operate for the first three months based on the last year's budget, but only in relation to obligatory expenditures. The operational functions of LGs, by contrast, are clearly affected by a delayed budget approval.

- **Late inception of the budget development procedure**

Delays in the development of the budgets maybe attributable to several factors pertaining the operation and the administration of the LGs. However, the issuance of the KYA may contribute to these delays. The KYA is in fact usually issued after 20 July, although Executive Committee should submit a draft budget to the Financial Committee by that date. As a consequence, the guidelines are not available when the Executive Committee prepares the draft budget. The CoE interviews confirm that LGs start the budgeting process before the definition of the new KYA. A draft budget is developed on the basis of the previous year's KYA and adjusted to the requirements of the KYA that refers to the budgeting year. The issuance of the KYA is highly reliant on the information the Mol receives from the Ministry of Finance. By taking into account all the activities and processes necessary to issue the KYA including the communication with stakeholders, the Mol estimates that the period needed from the time the Mol receives the KAP data from the Ministry of Finance until the issuance of the KYA is about three weeks.

Proposed policy action 1: Earlier provision of the KYA, e.g. by the end of June or the first week of July would facilitate the budgeting process (depending on timely issuance of relevant information by the Ministry of Finance).

- **Bottlenecks at the level of the Decentralised Administrations**

Review of all budgets and OPDs of all LGs (including the PEs of LGs) are carried out by the DAs in a short time period (about 45 days). This causes a pick in their workload that affects the timely completion of the reviews. Since 2016, computerised checks that assess whether the guidelines included in the KYA referring to revenues have been met are performed.

Proposed policy action 2: The use of e-procedures and computerised checks should be expanded and intensified in order to speed up and improve the supervision process. Ways to minimise the use of hard copies should be sought (e.g. the electronic signature would decrease the amount of paper documents requested to date). An analysis of the activities and average time needed to perform a review of a budget would provide an indication of the FTEs needed to complete the task by the DA. This could be used as a reference point to identify the man power needed to efficiently and effectively perform the necessary tasks.

The budget development and approval could be eased and improved by taking into consideration additional elements:

- **Strengthen capacity of LGs and PEs**

Interviewed stakeholders praised the supportive role of the Observatory, which assists LGs before the budget is finally approved by the Municipal Council by issuing opinions which are available online. The Ministry of Interior also offers technical support to the LGs and PEs by answering emails and by developing Frequently Asked Questions (FAQs)⁷.

Proposed policy action 3: Assistance to members of the financial departments of the LGs and PEs could be systematically provided at national level and ad hoc trainings could be designed to improve LGs and PEs capacity to assess realistic budgets and elaborate accurate forecasts. Good practice guidelines might be developed to support LGs and PEs in this regard.

Proposed policy action 4: The technical assistance provided by the Ministry of Interior to LGs and PEs in preparing their budgets (by emails and FAQs) could be formalised by developing a Help Desk Unit.

- **Enhance citizen participation**

The Consultation Committee was introduced by the Kallikratis (L.3852/2010, article 76) to include citizens in the budgeting process. Some interviewees claimed that the role of the Consultation Committee is more ceremonial than substantial.

Proposed policy action 5: The involvement of citizens and stakeholders in the budgeting process could be enhanced.⁸ Citizens could be consulted by LGs to prioritise policies and allocate financial resources accordingly. Consideration could be given to the idea of dedicating a budgetary line to projects proposed or areas prioritised by the Consultation Committee. Different options could be explored through a dedicated policy advice.

⁷ See for example, http://www.ypes.gr/el/Ministry/FAQ/proypologismoi_ota2016/ and http://www.ypes.gr/el/Ministry/FAQ/proypologismoi_ota2017/

⁸ Recommendation of the Committee of Ministers of the Council of Europe on the participation of citizens in local public life (CM/Rec(2001)19).

The PEs

The LGs can set up PEs as provided for by law 3463/2006 and law 3852/2010. The CFO of the LG has for its PEs obligations and responsibilities like the ones assumed by the General Manager of Financial Services of Ministries for the entities under its responsibility (L.4270/2014; article 25 §4). Based on the interviews with the GAO, small PEs delay data submission because they lack adequate expertise or/and resources. These delays are not only evident during the process of budget approval but also during the budget follow up.

Proposed policy action 6: Close cooperation between PEs and their supervising LGs should be enhanced. LGs could assist PEs to perform their financial monitoring obligations in a timely and appropriate manner. (See also **Proposed policy action 13**).

III.2 Budget revisions and follow-up

Interviewed LGs did not express any noticeable complain about this process, although they critically reported a perceived excessive complexity and length of the procedures.

Budget revisions

If during the year the financial situation of a LG is better than anticipated, increase in revenues is permitted. The revision of the budget goes through the normal procedure, i.e. approved by the DA. In such case, expenses are adjusted to align with the new revenue level. However, while the total budget can be frequently updated, the OPD can be revised only once throughout the year. This causes inconsistencies as the OPD may not be a proper benchmark for budgetary follow-up if revisions have not been included.

Proposed policy action 7: LGs should be able to revise the OPD and update the information in the database whenever there are budget updates. This recommendation should be read in parallel with **Proposed policy action 9**.

All changes to the LGs budgets go through the approval of the Decentralised Administration. As the budget revisions are frequent this causes an extra burden for Decentralised Administration.

Proposed policy action 8: The review of these revisions should be performed electronically. The communication with the Decentralised Administrations should take place through proper software in order to save time, minimise errors and enhance the transparency and accountability of the system.

Follow up from the Observatory

The Observatory monitors the consistency between LGs expenditures and the OPD on a quarterly basis. In case of discrepancies (assessed against specific thresholds) the Observatory issues recommendations to the LGs. Observatory monitoring focuses on variations on own revenues, revenues from previous years and net result (revenues minus expenses plus changes in liabilities). A threshold of 10% unfavorable variance is the cut-off point. Discussions

with the stakeholders suggest that that monthly variances are not that significant. What is more important is the variance in the net result (revenues minus expenses plus changes in liabilities) from the beginning of the year until the quarter under analysis.

Proposed policy action 9: The OPD could be developed on a monthly basis and reviewed on a quarterly basis. Otherwise, the OPD could be developed on a quarterly basis in order to be used for performance assessment and on a monthly basis for internal use within LGs.

Monthly bulletins of budget execution

The Mol currently has two databases. In the first, data are inserted manually through a web platform, while the second is the Komvos database. Through its databases, the Mol collects data on execution of LGs and PEs budgets and performs a large number of checks based on a strict timetable in order to send the monthly reports to General Accounting Office. The GAO prepares the monthly bulletins on budget execution for the General Government.

The preparation of the monthly bulletin requires information which must be provided by LGs, PEs and Regions. However, delays in uploading necessary information in the databases take place (see next paragraph). As the GAO performs sanity checks⁹ of data, it is crucial to meet deadlines for reliable reporting. If data are not available for specific entities, forecasts based on past data are developed by the GAO. Based on the interviews, the unavailability of the information submitted by some entities (mainly PEs) does not have a significant impact on the final result. Finally, the GAO proceeds in adjusting information e.g. for subsidies by reconciling data from different sources (e.g. The Ministry of Interior, the Deposits and Laws Funds and the LGs).

Proposed policy action 10: In order for this process to be streamlined, the identification and the standardisation of a set of basic sanity checks performed by Mol and GAO are advisable. The chart of KAE in the Mol databases as well as the software of LGs should be systematically updated each year according to the KYA.

Databases

The two Mol databases contain different information. The Komvos database does not include information about PEs, which are stored in the web database instead. Also the web database keeps information about past year expenses payments for regions (ΠΟΕ). The databases also collect information about balance sheet data (based on accrual accounting information) and commitment registers.

Proposed policy action 11: All data should be collected and stored in one dataset. The integrated Mol database should include information on financial statements, performance ratios based on budgetary (cash) and accounting (accrual) data in order to provide an overview of the activity of the LGs and the way it evolves throughout time.

⁹ A **sanity test** or **sanity check** is a basic test to quickly evaluate whether a claim or the result of a calculation is correct.

Such a comprehensive dataset would allow comparisons among LGs sharing common characteristics (in geography, size, etc.) and would be a useful tool for decision making and accountability purposes. It would also help third parties contracting with LGs to have an overview of their financial position and performance. Examples of these ratios consistent with international literature are already included in the legislation.

III.3 Every-day operations

Complexity in every-day operations

Interviewed stakeholders stressed that in several LGs the personnel of the financial departments does not have the necessary skills to efficiently perform in financial related activities. Moreover, legislation is fragmented, it is subject to frequent changes which do not allow enough time for personnel to keep up with the new developments. Improving the capacity and the skills of the financial departments personnel is consistent with the CoE Recommendation CM/Rec(2007)12 of the Committee of Ministers to member states on capacity building at local and regional level¹⁰.

Proposed policy action 12: The challenges stemming from the complex legal framework and the demanding financial management could be overcome through improved human resource policies (including personnel training and hiring of highly qualified staff). E-learning programs on subjects relevant to LGs financial management could be developed. Moreover the codification of the laws would streamline and simplify the process.

Proposed policy action 13: Small LGs and/or PEs seem not to have the accounting expertise to set up and follow-up their budget as well as to issue accrual accounting financial statements. Bigger LGs could provide assistance to these small LGs and island municipalities under a fee regime, as provided for by L.3463/2006 article 222.

Reciprocal services

Reciprocal services are an important issue for LGs. Revenues and expenses for reciprocal revenues should be balanced. This is however not always the case. There are cases where reciprocal services may show a surplus that according to legislation cannot be used for other purposes. There are also cases where revenues from reciprocal services are not sufficient to cover the corresponding expenses. While revenues from reciprocal services are clearly recorded in the accounts (as they are registered in specific KAEs), the cost for reciprocal service provision is a more complex exercise. In order for the reciprocal services cost to be accurately assessed, a cost accounting system is needed. Cost accounting should be based on accrual accounting information and not on cash-based one.

Proposed policy action 14: The MoI should provide guidelines to LGs in order to build suitable cost accounting systems to calculate the cost of their reciprocal services. Alternatively, a costing model could be centrally provided. Allowing the use of general

¹⁰ CM/Rec(2007)12 available at https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805d5271

grants (KAPs) to cover the deficit of these services could be an option. This recommendation implies the need for qualified personnel in the financial departments of LGs (see also **Proposed policy action 12**).

Abolition of the ex-ante control from the CoA

The abolition of the ex-ante control from the CoA caused mixed reactions in LGs. On the one hand, it is expected to speed up processes and decrease bureaucracy, on the other hand it will increase the responsibilities attributed to local financial departments. Some of the interviewees expressed doubts on the capacity of local personnel to take over new tasks without a proper capacity building scheme.

Proposed policy action 15: The consequences of the abolition of the ex-ante audit from the CoA from the 1 January 2019 needs further analysis. Training of the personnel, improved internal audit processes, internal review of the expenses above a defined threshold from an internal committee that would for example include high level administrative staff of LGs (e.g. CFO, Head of the technical department, and Head of the legal department) would facilitate the transition to the new framework. Internal audit in LGs should be enhanced.

APPENDIX I – MATERIAL REVIEWED

Legislation

Law 3463/2006

Law 3852/2010 (ΦΕΚ 87 Α/7-6-2010)

Law 4111/2013

Law 4172/2013

Law 4270/2014

Β.Δ. 17-5/15-6-59 (Governmental Gazette 114/59 volume Α')

Other material

Cohen, S. (2015), "Public Sector Accounting and Auditing in Greece", in Public Sector Accounting and Auditing in Europe: The Harmonisation Challenge, editors I. Brusca, E. Caperchione, S. Cohen and F. Manes Rossi, Palgrave Macmillan.

Council of Europe, "The European Charter of Local Self-Government", European Treaty Series - No. 122, Strasbourg, 15 October 1985 (<https://rm.coe.int/168007a088>)

Congress of Local and Regional Authorities of the Council of Europe, "Local and regional democracy in Greece", CG/2015(28)8FINAL, 26 March 2015, Strasbourg (<https://rm.coe.int/168071980e>)

<http://www.minfin.gr>

<http://www.ypes.gr/el/>

<https://www.eetaa.gr/>

Ministry of Interior -Committee of Article 5 L. 4368/2016 "Revision proposal of the legislative framework of Local Governments" accessed on 14/5/2017 from

<http://www.ypes.gr/UserFiles/f0ff9297-f516-40ff-a70e-eca84e2ec9b9/TelPorEpitrAnatheorisis-030317.pdf>

Recommendation CM/Rec(2009)2 of the Committee of Ministers to member states on the evaluation, auditing and monitoring of participation and participation policies at local and regional level

Recommendation CM/Rec(2007)12 of the Committee of Ministers to member states on capacity building at local and regional level

Recommendation Rec(2004)1 of the Committee of Ministers to member states on financial and budgetary management at local and regional levels

APPENDIX II – CoE INTERVIEW PROGRAMME

1. **Date:** 22.03.2017
Meeting place: ITA
Michalis Kolias, Mayor of Leros
2. **Date:** 05.04.2017
Meeting place: Ministry of Interior
Participants:
Chatziergatis Nikolaos, Directorate of Financial Issues for Local Governments
Zafeiriou Kostantinos, Department of Financial Management and Budgeting
Labrakakis Vassileios, Department of Monitoring and Following Up of the Financial Data of Local Governments
3. **Date:** 05.04.2017
Meeting place: Ministry of Finance,
Participants:
Giannakopoulos Giorgos, General Accounting Office
Chatzidimitroglou Chrysanthi, General Accounting Office
Apostolopoulou Maria, General Accounting Office
4. **Date:** 10.04.2017
Meeting place: Municipality of Athens
Participants:
Spyros Chamakiotis, Chief Financial Officer
Sophia Sainidou, Financial Department
5. **Date:** 24.04.2017
Meeting place: Municipality of Acharnai
Participants:
Ioannis Kassavos, Mayor
Eirini Lekka, Chief Financial Officer
Ilias Zitounis, Deputy Mayor Responsible for Finance