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EUROPEAN SOCIAL CHARTER

Addendum to the 6th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF GREECE

Follow-up to Collective Complaints No. 76/2012, 77/2012,
78/2012, 79/2012 and 80/2012

Report registered by the Secretariat on
28 April 2023

REPORT FOR FINDINGS 2023

6th Simplified Greek Report on the Revised ESC - Addendum

Collective Complaints:

- (1) 76/2012 - Federation of employed pensioners of Greece (IKA –ETAM) v. Greece
- (2) 77/2012 Panhellenic Federation of Public Service Pensioners v. Greece
- (3) 78/2012 Pensioners' Union of the Athens-Piraeus Electric Railways (I.S.A.P.) v. Greece
- (4) 79/2012 Panhellenic Federation of pensioners of the public electricity corporation (POS-DEI) v. Greece
- (5) 80/2012 Pensioner's Union of the Agricultural Bank of Greece (ATE) v. Greece

During the previous cycles (see Findings 2018, 2020, 2021), the European Committee of Social Rights, had stated that they reserve their position concerning the follow-up to the decisions on the merits of the collective complaints under consideration (CC 76, 77, 78, 79 and 80 of 2012), pending their Decision on the merits of Collective Complaint 165/2018, PAP-OTE v. Greece. As all the cases referred above concern social security issues, the follow – up to the said complaints was interlinked by the ECSR.

The ECSR adopted their Decision on the merits of Collective Complaint 165/2018 on the 17th/05/2022, stating that there is no violation of article 12 para 3 of the Charter, as follows:

“71. The Committee recalls that its findings in Complaints Nos. 76-80/2012 were predicated on the absence of a minimum level of research and analysis conducted by the Greek authorities into the effects of the measures in question, as well as on the absence of consultation with relevant stakeholders (Federation of employed pensioners of Greece (IKA-ETAM) v. Greece, op.cit., §79). Turning to the present case, the Government appears to have rectified these shortcomings at least to some extent, by conducting extensive preparatory work before Law No. 4387/2016 was adopted. In particular, the Committee refers to the above-mentioned ILO peer review, which concluded that the actuarial study performed by the Greek authorities in 2015 was based on sound scientific methodology and yielded consistent and reliable findings (see above, §36).

72. The Committee concludes that the 2016 reform has had an overall positive impact on the social security system, mainly by addressing pre-existing inequalities and placing it on more solid footing for the future. In that sense, the impugned legislation should be distinguished from the austerity measures that have been previously found to be in breach in the Charter (see Federation of employed pensioners of Greece (IKA-ETAM) v. Greece, op.cit., and mutatis

mutandis, the Resolution CM/ResCSS(2013)21 on the application of the European Code of Social Security by Greece, period from 1 July 2011 to 30 June 2012, section I, contrasting the social security reforms of 2010 with the austerity measures adopted subsequently).

73. In view of the above, the Committee holds that there is no violation of Article 12§3 of the Charter.”¹

Subsequently, the Committee of Ministers adopted a Resolution (14/09/2022), taking note of the ECSR Report.

Bearing in mind the positive conclusion of the European Committee of Social Rights as regards compliance with article 12 para3 ESC, in the framework of the most recent relevant Collective Complaint (i.e. CC 165/2018, *PAP-OTE v. Greece*), Greece will provide all relevant new information on social security issues upon the examination of thematic group “health, social security and social protection”, when requested by the European Committee of Social Rights in accordance with the new reporting system which will be put in effect gradually from 2023.

¹ European Committee of Social Rights, Decision on the Merits, *Panhellenic Association of Pensioners of the OTE Group Telecommunications (PAP-OTE) v. Greece*, 165/2018, para 71 – 73, [CC-165-2018-dmerits-en.pdf](#)