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## **COMMISSION STAFF WORKING DOCUMENT**

### **2023 Rule of Law Report Country Chapter on the rule of law situation in Greece**

*Accompanying the document*

#### **COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS**

### **2023 Rule of Law Report**

#### **The rule of law situation in the European Union**

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## **ABSTRACT**

Clear standards of professional conduct and integrity in the judiciary were set with the adoption of Codes of Conduct for all jurisdictions. There have been no steps taken with regard to the involvement of the judiciary in the appointments of the highest positions of the Greek judiciary, in line with European standards. Efforts to improve the quality of the justice system, in particular as regards digitalisation, continue. The revision of the judicial map for administrative justice aims at balancing the uneven distribution of cases and reducing delays. The establishment of the Judicial Police and the recruitment of judicial clerks is expected to improve the administration of justice. The system of legal aid is comprehensive, though its effectiveness could be jeopardised by delays in settling overdue lawyer's fees. Serious challenges remain regarding the efficiency of justice, in particular the length of proceedings, which have further increased. Efforts to address the backlog before the highest administrative courts are made, including by adopting an accelerated procedure to deal with specific types of cases before the Court of Audit, which is already applied in practice.

The implementation of the National Anti-Corruption Action Plan for 2022-2025 is under way. The activities of the National Transparency Authority are progressing well and its cooperation with private and public entities continues. A new law aiming at increasing the verifications of asset declarations entered into force. Progress towards achieving a robust track record of prosecutions and final judgments in corruption cases has been relatively limited. Measures on the integrity of civil servants continue to be taken forward and efforts to improve integrity and conflicts of interest within the police force are ongoing. Rules to regulate lobbying are in force, while progress to implement an effective transparency register has been slow. The rules on political party financing were codified and subsequently amended with a reduction of political fines. A new law on the protection of whistleblowers who report breaches of EU law was adopted. Guidance was issued to ensure that direct awards of public contracts are only used in exceptional cases.

The Government has taken further steps to enhance transparency of media ownership through new legislation. Safeguards are in place to ensure the independence of public service media, but the fact that board members of the Radio and Television Corporation are appointed by the Minister responsible for media continues to raise concerns with regard to their effective independence and potential political influence. A new procedure to hire new staff members of the audiovisual media regulator has been launched, but challenges persist with regard to the adequacy of the regulator's resources. The creation of a Task Force for the protection and empowerment of journalists is an important step. Nevertheless, concerns persist and more concrete steps are needed to improve the working environment of journalists, including as regards abusive lawsuits against journalists and their safety.

Despite efforts improving the quality of the legislative process in practice, challenges remain. While draft bills are consistently subject to public consultation and follow-up reports address the comments submitted, concerns regarding the lack of effective and timely consultation of stakeholders persists. Civil society organisations (CSOs) have criticised the practice of adopting omnibus legislation and last-minute amendments. Independent authorities are playing an active role in the system of checks and balances. An initial step has been taken towards amending the regulatory framework governing the registration requirements for civil society organisations. The situation of civil society raises concerns, in particular in relation CSOs working in specific areas.

## **RECOMMENDATIONS**

Overall, concerning the recommendations in the 2022 Rule of Law Report, Greece has made:

- No progress on addressing the need for involvement of the judiciary in the appointment of President and Vice-President of the Council of State, the Supreme Court and the Court of Audit taking into account European standards on judicial appointments.
- Significant progress on ensuring the effective and systematic verification of the accuracy of asset disclosures filed by all types of public officials.
- Some progress on increasing efforts to establish a robust track record of prosecutions and final judgments in corruption cases.
- Some progress in establishing safeguards to improve the working conditions and physical safety of journalists in line with the Memorandum of Understanding, but legislative safeguards are still to be established, taking into account European standards on the protection of journalists.
- Some progress on ensuring that registration requirements for civil society organisations are proportionate in view of maintaining an open framework for them to operate.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the commitments made under the national Recovery and Resilience Plan relating to certain aspects of the justice system and the anti-corruption framework, it is recommended to Greece to:

- Take steps to address the need for involvement of the judiciary in the appointment of President and Vice-President of the Council of State, the Supreme Court and the Court of Audit taking into account European standards on judicial appointments.
- Step up efforts to establish a robust track record of prosecutions and final judgments in corruption cases, including high-level corruption.
- Take forward the process of adopting non-legislative safeguards and start the legislative process in relation to the protection of journalists, building on the activities initiated by the Task Force, in particular as regards abusive lawsuits against journalists and their safety, in line with the adopted Memorandum of Understanding and taking into account European standards on the protection of journalists.
- Ensure the effective and timely consultation in practice of stakeholders on draft legislation, including by allowing sufficient time for public consultation.
- Take further steps to evaluate the current registration system for civil society organisations, including by initiating a structured dialogue with CSOs, and assess whether there is a need to amend it.

## **I. JUSTICE SYSTEM**

The Greek judicial system consists of 217 first instance courts (154 magistrate courts and 63 first-instance courts of general jurisdiction)<sup>1</sup>. There are 19 second instance courts (courts of appeal) of general jurisdiction and the Supreme Court as the highest court of general jurisdiction<sup>2</sup>. Mixed criminal courts are composed by professional and lay judges<sup>3</sup>. Within the courts of first instance and courts of appeal of large cities, there are special chambers, tasked with adjudicating in special categories of law (e.g. family law, commercial law, etc.)<sup>4</sup>. Administrative courts are organised into 30 administrative courts of first instance, 9 administrative courts of appeal and the Council of State<sup>5</sup> which exerts retrospective control over ‘enforceable acts’ of administrative authorities regarding their constitutionality and legality, with the exception of the Acts of Government<sup>6</sup>. The Court of Audit is the Supreme Financial Court and Audit Institution auditing the use of public funds in Greece, the jurisdictional, auditing and advisory competences thereof being grounded on the Constitution<sup>7</sup>. Judges and prosecutors form a consolidated body subject to a system of recruitment, career, rights and obligations, which is largely homogeneous for all. Judges are appointed to civil and penal jurisdictions and to administrative courts. Promotions, assignments to posts, transfers and secondments, are effected by presidential decree and issued after prior decision by the Supreme Judicial Council<sup>8</sup>. As regards prosecution authorities<sup>9</sup>, they are organised into 63 prosecution offices at the courts of first instance, 19 prosecution offices at the courts of appeal and the General Prosecutor of the Supreme Court. Greece participates in the European Public Prosecutor’s Office (EPPO). There are 63 bar associations in Greece, one at the seat of each court of first instance.

### **Independence**

**The level of perceived judicial independence in Greece continues to be average among both the general public and companies.** Overall, 46% of the general population and 54% of

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<sup>1</sup> Ministry of Justice website, <https://ministryofjustice.gr/English/>.

<sup>2</sup> CEPEJ (2021), Study on the functioning of judicial systems in the EU Member States, p. 638.

<sup>3</sup> Constitution of Greece, Art. 97, para. 1: ‘Felonies and political crimes shall be tried by mixed jury courts composed of ordinary judges and jurors, as specified by law. The judgments of these courts shall be subject to the legal remedies specified by law’.

<sup>4</sup> As far as other special courts are concerned, special provisions regulate the operation of courts for juveniles, military, navy and air force courts. The military, navy and air force courts are under the jurisdiction of the Ministry of National Defence. Juvenile courts are part of the courts of first instance and do not represent separate legal entities. CEPEJ (2021), Study on the functioning of judicial systems in the EU Member States, p. 638.

<sup>5</sup> Ibid.

<sup>6</sup> Codification of Law concerning the Council of State, Presidential Decree, 18/1989, Article 45, para 5. Acts of Government are classified into three categories: (i) those concerning the relations between the President of the Republic with Parliament and the Government (e.g. decree dissolving the Parliament and announcing elections, decree accepting the resignation of a minister or the Government, decree proclaiming a referendum, etc.); (ii) acts declaring the mobilisation of the Armed Forces and granting grace; and (iii) acts relating to international relations of Greece with third countries. GRECO Fifth Evaluation Round –Evaluation Report, p. 25.

<sup>7</sup> Constitution of Greece, Article 98.

<sup>8</sup> There are three supreme judicial councils, one for each of the branches of the judiciary, which are composed only by members of the judiciary. These councils decide on appointments, promotions, transfers and secondments of judges in the respective branches of the judiciary and prosecutors. Constitution of Greece, Article 90, para 1. 2020, 2021, 2022 Rule of Law Reports, Country Chapter on the rule of law situation in Greece, p. 2-3, p. 2 and p. 3 respectively.

<sup>9</sup> CEPEJ (2021), Study on the functioning of judicial systems in the EU Member States, p. 641.

companies perceive the level of independence of courts and judges to be ‘fairly or very good’ in 2023<sup>10</sup>. According to data in the 2023 EU Justice Scoreboard, the perceived judicial independence among the general public and companies has consistently decreased in the last years. Both figures have decreased in comparison with 2022 (53% for the general public and 59% for companies). In comparison with 2016, the perceived judicial independence among the general public has decreased slightly (47%), while the perceived judicial independence among companies has increased (37%).

**Clear standards of professional conduct and integrity in the judiciary were set with the adoption of Codes of Conduct for all jurisdictions.** In October 2022, the Supreme Court published the Code of Conduct for Judges and Prosecutors of the Civil and Criminal Justice<sup>11</sup>, which follows the codes already adopted by the Court of Audit and Council of State, as reflected in the 2022 Rule of Law Report<sup>12</sup>. It draws inspiration from best practices and international texts in this area, including the 2002 United Nations Judicial Group on Strengthening Judicial Integrity, the so-called ‘Bangalore Principles of Judicial Conduct’<sup>13</sup>. It aims to provide guidance to judges and prosecutors on ethical issues and strengthen society’s confidence in the institution of justice. The Plenary of the Supreme Court has decided in favour of the establishment of an ethics committee which would be responsible for the implementation of the code<sup>14</sup>.

**There have been no steps taken with regard to the involvement of the judiciary in the appointments of the highest positions of the Greek judiciary.** The 2022 Rule of Law Report recommended to Greece to ‘address the need for involvement of the judiciary in the appointment of President and Vice-President of the Council of State, the Supreme Court and the Court of Audit taking into account European standards on judicial appointments’<sup>15</sup>. The Government stated that it was not in a position to implement the recommendation, because this would require a revision of the Constitution, which cannot take place until a number of years has elapsed<sup>16</sup>. In particular, the Government referred to three opinions delivered by the Council of State and the Court of Auditors, between 2010 and 2019, considering that the involvement of any other organ in the appointment procedure would run contrary to the Constitution<sup>17</sup>, which provides that the appointments of the highest positions of the Greek judiciary are done by presidential decree, following a recommendation by the Council of Ministers<sup>18</sup>.

<sup>10</sup> Figures 49 and 51, 2023 EU Justice Scoreboard. The level of perceived judicial independence is categorised as follows: very low (below 30% of respondents perceive judicial independence as fairly good and very good); low (between 30-39%), average (between 40-59%), high (between 60-75%), very high (above 75%).

<sup>11</sup> Supreme Court, Plenary decision 64/20.10.2022.

<sup>12</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 6.

<sup>13</sup> The Bangalore Principles of Judicial Conduct are intended to establish standards of ethical conduct for judges. They identify six core values of the judiciary: independence, impartiality, integrity, propriety, equality, competence and diligence. The United Nations Social and Economic Council, by resolution 2006/ 23, has invited Member States to encourage their judiciaries to take into consideration the Bangalore Principles when reviewing or developing rules with respect to the professional and ethical conduct of the members of the judiciary.

<sup>14</sup> Information received from the Office of the Prosecutor to the Supreme Court in the context of the country visit to Greece.

<sup>15</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 2.

<sup>16</sup> No revision of the Constitution shall be permitted before five years have elapsed since the completion of the previous one, Constitution of Greece, Article 110 para 6. The last constitutional revision took place in 2019 (Input from Greece for the 2023 Rule of Law Report).

<sup>17</sup> Council of State, opinions 2/2010 and 7/2019; Court of Audit, 13<sup>th</sup> General Assembly of 29 June 2015.

<sup>18</sup> Constitution of Greece, Article 90 para 5: ‘Promotion to the post of President or Vice-President of the Council of State, the Supreme Court and the Court of Audit shall be effected by presidential decree issued on the

Nevertheless, the current system of appointments already provides, since 2010, for the involvement of a parliamentary body in the appointment procedure<sup>19</sup> and sets some conditions for candidates to the highest positions of the judiciary, notably a seniority criterion, since 2022<sup>20</sup>. According to European standards, where the constitutional or other legal provisions prescribe that the head of state, the government or the legislative power take decisions concerning the selection and career of judges, an independent and competent authority drawn in substantial part from the judiciary should be authorised to make recommendations or express opinions which the relevant appointing authority follows in practice<sup>21</sup>. The lack of reform means that there has been no progress on the implementation of the recommendation made in the 2022 Rule of Law Report.

## Quality

**Efforts to address shortcomings in the digitalisation of all branches of the judiciary continue.** There is progress in certain areas as reflected in the 2023 EU Justice Scoreboard, including with regard to the availability of secure electronic channels of communication for prosecution services and the possibility to carry out specific steps electronically in civil and administrative proceedings<sup>22</sup>. Also in administrative justice, digitalisation is further advancing. For instance, the upgraded Legal Information Database and the electronic register of the Court of Audit are operational since November 2022<sup>23</sup>. In addition, the installation of an information system, interacting with the information systems of the audited bodies facilitates the interoperability of systems and allows the Court of Audit to collect and exchange audit data electronically<sup>24</sup>. The digital upgrade of the Integrated Administrative Court Case Management System is ongoing<sup>25</sup>. In criminal and civil justice, following the completion of Phase I of the project, the Integrated Judicial Case Management System for Civil and Criminal Cases is being upgraded regarding the Appeal Court Districts of Athens, Thessaloniki, Piraeus, and Evia, while the roll-out to all civil and criminal courts and prosecution offices is under way (Phase

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proposal of the Council of Ministers, by selection from among the members of the respective Supreme Court, as specified by law’.

<sup>19</sup> Law 3841/2010 on the selection of magistrates for the top posts of Justice and the reinstatement of the self-governance on courts provided for the involvement of the legislative power in the selection procedure. See also 2022 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 4. The role of the Parliament was maintained during the last reform introduced by Law 4938/2022.

<sup>20</sup> Article 59, para 3 of Law 4938/2022 provides that the selection shall be made from among the ten most senior judges who have the formal qualifications, when the post to be filled is one. For each additional post, the number of candidates to be selected shall be increased by four. According to the Greek authorities, the seniority criterion is a limitation to the discretionary power of the Council of Ministers and shall be perceived as a validation of the decisions of the judicial councils on the promotion of judges and the order of seniority formed as a result. In its opinion 7/2019, the Council of State had also expressed a positive view on the introduction of a seniority criterion. (Input from Greece for the 2023 Rule of Law Report).

<sup>21</sup> Council of Europe: Committee of Ministers (2010), Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities, paras. 46-48.

<sup>22</sup> 2023 EU Justice Scoreboard. There is a significant improvement in (i) the adoption of procedural rules allowing the use of digital technology in proceedings (Figure 41); (ii) the availability of secure electronic communication for prosecution services (Figure 44); and (iii) the possibility to carry out specific steps in civil and administrative proceedings electronically (Figure 45).

<sup>23</sup> The project ‘Upgrading the digital services of the Court of Audit’ was included in the Operational Program Public Sector Reform 2014-2020 of the National Strategic Reference Framework (NSRF) 2014-2020.

<sup>24</sup> The project Support of the internal function of the Court’s audit remit was concluded in October 2022

<sup>25</sup> The project, funded by the Partnership Agreement for the Development Framework (PA) 2014-2020 and 2021 – 2027, is also part of the Greek Recovery and Resilience Plan and provides for the improvement of the architecture of the information system, the redesign of applications, the introduction of AI tools and the renewal of equipment for all administrative courts.

II). The implementation of the reform shall be completed by the end of 2025<sup>26</sup>. Other measures to improve the level of digitalisation include the electronic serving of procedural documents<sup>27</sup> and the possibility for parties to submit procedural documents in electronic form throughout the procedure, both of which could improve efficiency<sup>28</sup>. However, some of the shortcomings previously identified persist<sup>29</sup>, notably as regards the limited possibilities for courts to communicate electronically between themselves in a secure manner as well as with legal professionals and other institutions<sup>30</sup>, the lack of digital solutions to initiate and follow proceedings in criminal cases<sup>31</sup> and the limited availability of various digital tools, adequate infrastructure, and equipment at the disposal of judges, prosecutors, and judicial staff<sup>32</sup>.

**Delays are observed in the operation of the Office for the Collection and Processing of Judicial Statistics, which is not yet fully functioning.** As referred in the 2022 Rule of Law Report<sup>33</sup>, the Office for the Collection and Processing of Judicial Statistics was established at the end of 2020 with the objective of systematic collection of qualitative and quantitative statistical data<sup>34</sup>. However, the Office is still not fully operational. No statistical data have been produced yet under the new mechanism and new procedures<sup>35</sup>. The presidential decree relating to its organisation and functioning was adopted in July 2022 and its steering committee was established in October 2022<sup>36</sup>. The procurement procedure for its information system is still in progress<sup>37</sup>, while the procedures to fill in the ten posts established to cover the staffing needs of the office are not expected to start immediately<sup>38</sup>. Both the Bar association and CSOs have criticised the effective functioning of the office, as there has been no visible improvement in the quantity of the statistical data becoming publicly available<sup>39</sup>.

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<sup>26</sup> The Greek Recovery and Resilience Plan, under the Digital Transformation of Justice reform contains a corresponding milestone which requires Greece to upgrade and provide support services for the “Integrated Court Case Management System for the Civil and Criminal Courts (OSDDY-PP A)” and the roll-out of the system to all Civil and Criminal Courts of the country (OSDDY-PP B). Following the conclusion of the relevant public tender, the implementation of the OSDDY-PP B is in progress.

<sup>27</sup> Digitalisation of procedures for service of documents and relieving the Hellenic Police from service of documents in the criminal and civil proceedings, Law 4937/2022, Articles 1-13.

<sup>28</sup> International Trade Arbitration – Arrangements for the functioning of the Court of Auditors and other urgent provisions, Law 5016/2023, articles 65-67.

<sup>29</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 7.

<sup>30</sup> Figure 43, 2023 EU Justice Scoreboard.

<sup>31</sup> Figure 46, 2023 EU Justice Scoreboard.

<sup>32</sup> Figure 42, 2023 EU Justice Scoreboard.

<sup>33</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 7.

<sup>34</sup> Code of Procedure of the Court of Audit, provisions on the effective administration of justice and other provisions, Law 4700/2020, Article 358. The Greek Recovery and Resilience Plan, under Component 4.3 Improve the efficiency of the justice system reform, contains subproject 3 ‘Implementing the provision of Law 4700/2020 for the establishing of an independent office for the systematic collection and processing of judicial statistics.

<sup>35</sup> Written contribution from Greece for the 2023 Rule of Law Report.

<sup>36</sup> The steering committee coordinates the strategic objectives and priorities in the collection of statistics and adopts the Office’s annual work programme. Establishment, organisation and operation of the Office for the Collection and Processing of Judicial Statistics at the Central Service of the Ministry of Justice, presidential decree 47/2022 and ministerial decision 51867/26-10-2022.

<sup>37</sup> According to the Government, a decision of evaluation of the technical offers of the candidates has already been issued.

<sup>38</sup> Information received from the Ministry of Justice and the Council of State in the context of the country visit in Greece.

<sup>39</sup> Contribution from the Council of Bars and Law Societies of Europe for the 2023 Rule of Law Report, p. 50; Vouliwatch, Greek Council for Refugees, Refugee Support Aegean, HIAS Greece, Generation 2.0 for Rights,

**The effectiveness of the legal aid scheme could be jeopardised by the long delays in settling the lawyers' fees.** The system of legal aid to persons lacking the financial means is comprehensive and well established<sup>40</sup>. In certain cases, legal aid is also provided irrespective of financial criteria<sup>41</sup>. Each Bar association creates a list of lawyers on duty to provide legal aid services. Compensation is paid through the Ministry of Justice. However, in November 2022, the long delays in settling the lawyers' fees have triggered the Bar associations' decision to abstain from further taking up legal aid cases<sup>42</sup>. Following the introduction of a simplified expedited procedure to settle the major part of the compensations<sup>43</sup>, the Bar associations decided to resume providing legal aid services<sup>44</sup>. The settling of pending claims is progressing<sup>45</sup>.

**The revision of the judicial map in administrative cases and the introduction of remote hearings aim to balance the uneven distribution of cases, improve efficiency, and enhance access to justice.** In February 2023, the revision of the judicial map in administrative justice reached an important milestone with the adoption of Law 5028/2023<sup>46</sup>. The reform contains a series of measures for the redistribution of judicial posts and competences between existing courts<sup>47</sup> as well as the implementation of new remote forms of litigation. The territorial jurisdiction of the Piraeus Administrative Court of First Instance was extended to alleviate workload from the Administrative Court of First Instance of Athens. The territorial jurisdiction for disputes with the Organisation of Welfare Benefits and Social Solidarity and the National Social Security Fund is now determined based on the place of residence of the beneficiaries, thereby ensuring the principle of proximity and enhancing efficiency<sup>48</sup>. Furthermore, 20 transitional court seats<sup>49</sup> will become court offices to be used for remote hearings. The parties

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Equality and Diversity, Reporters United (2023), Rule of Law Backsliding Continues in Greece, Joint Civil Society Submission to the European Commission on the Rule of Law Report, p. 11.

<sup>40</sup> Law 3226/2004 on legal aid to citizens with low income and other provisions provides the main legal framework. It has been amended by Law 4689/2020 to include suspects and accused persons in criminal proceedings. Law 4939/2022 regulates legal aid to asylum seekers. Figure 24, 2023 EU Justice Scoreboard.

<sup>41</sup> For instance, persons charged with an indictable offence; a recent amendment extended legal aid to persons with disabilities over 67% regardless of their income (Law 5023/2023, Articles 23 and 24).

<sup>42</sup> Plenary of the presidents of Bar Associations, decisions of 5 November, 11 December 2022 and 28 January 2023. The decisions provided a number of cases where lawyers could be granted leave to appear in court, namely in cases subject to statute limitations, pre-trial detention and other urgent cases.

<sup>43</sup> Law 5016/2023, Article 69 Procedure for liquidating and paying legal aid lawyers' compensation resulting from special promissory notes issued between 1.1.2019 and 31.12.2022.

<sup>44</sup> Plenary of the presidents of Bar Associations, decision of 28 March 2023.

<sup>45</sup> According to the Government, on 14 June 2023, the sums due to the lawyers of 33 (out of 64) Bar associations were paid. By a press release of 12 June 2023, the Plenary of presidents of Bar Associations informed lawyers that the procedure is progressing smoothly and the claims of members of 25 Bar associations have been settled.

<sup>46</sup> Redeployment of districts and decentralisation of competences of ordinary administrative courts, organisation of telematics meeting, conversion of transitional seats and establishment of judicial telematics offices, Law 5028/2023. The Greek Recovery and Resilience Plan contains milestone 226 requiring Greece to enact primary legislation for the revision of the judicial map for administrative justice.

<sup>47</sup> The redistribution concerns judicial posts that will become vacant following promotions of the judges who served in them. No transfers or relocations of judges are foreseen in the context of this reform. Written contribution from the Ministry of Justice in the context of the country visit.

<sup>48</sup> The previous criterion of territorial jurisdiction, based on the seat of the authority whose act gave rise to the dispute, implied that all the social security cases were brought to the Athens courts. This resulted in significant discrepancies in the number of pending cases between administrative courts. The changes regarding the territorial jurisdiction of courts will enter into force on 30 June 2023. Written contribution from the Ministry of Justice in the context of the country visit.

<sup>49</sup> Under the current framework, court sessions are held on specific days per month at the transitional seats with judges moving to them from neighbouring prefectures and regions.



will be able to participate in the hearings using remote access technologies: they will be physically present at the transitional court office and connect to the court by electronic means<sup>50</sup>. This is intended to facilitate access to justice for citizens in remote areas and on islands. The full implementation of the reform is envisaged for January 2027, after a two-year pilot phase (2024-2026)<sup>51</sup>. The Bar associations expressed opposition to the reform, considering that hearings without the physical presence of the parties do not meet the guarantees of a fair trial and the principle of oral and public hearings<sup>52</sup>.

**The establishment of the Judicial Police is expected to improve the administration of justice and enhance the assistance to judges.** In July 2022, the Judicial Police was established with the aim to assist the work of judges and prosecutors, as well as to assume police tasks linked to the judicial services<sup>53</sup>. The Greek Recovery and Resilience Plan contains a milestone which requires Greece to enact further legislation for the full implementation of the law on the Judicial Police<sup>54</sup>. The Judicial Police will have a scientific/civil branch and a police branch. The ‘scientific personnel’, including lawyers, economists, IT specialists, translators, environmental and public health specialists, would conduct preliminary inquiries, investigative acts and would provide scientific and technical assistance to judges and prosecutors. The ‘police branch’ would be responsible for the security of courtrooms, the execution of court decisions and the serving of procedural documents. The number of staff members is envisaged at 600 for the police branch and at 150 for the scientific branch<sup>55</sup>. Both judges and lawyers have welcomed the reform as a positive development that would increase the quality and efficiency of the justice system<sup>56</sup>.

**Additional recruitments of judicial clerks and further investments in court buildings are expected to positively impact the quality of justice.** According to the EU 2023 Justice Scoreboard<sup>57</sup>, Greece’s relative total expenditure on law courts is above the EU average and has been steadily increasing in the last four years. Furthermore, procurement procedures for the construction of new and the renovation of existing court buildings are ongoing<sup>58</sup>. In particular, a tender has been launched for the construction of the Athens Courthouse and the Courthouse of Piraeus; the renovation of several court buildings is also foreseen<sup>59</sup>. Plans to recruit 311 judicial clerks before the end of the year are in progress, while 200 additional

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<sup>50</sup> It is at the discretion of the parties to attend the hearing either from the remote location or in the courtroom where the judges are physically present.

<sup>51</sup> A similar reform in civil and criminal justice is ongoing. The Greek Recovery and Resilience Plan contains milestone no. 232 which requires to revise by end 2023 the judicial map in civil and criminal justice. The project also receives technical assistance from the International Bank for Reconstruction and Development.

<sup>52</sup> Plenary of the Presidents of the Greek Bar Associations, decisions of 28 January 2023.

<sup>53</sup> Establishment of the Judicial Police, Law 4963/2022.

<sup>54</sup> The relevant Presidential Decree was adopted in January 2023. Establishment of a Judicial Police Directorate, four regional judicial police services, structural judicial police posts and competences of the regional judicial police services, Presidential Decree 6/2023.

<sup>55</sup> The pilot phase of the implementation consists in setting up the Central service and four regional services in Thessaloniki.

<sup>56</sup> Information received from the judiciary and the Greek Bar associations in the context of the country visit to Greece.

<sup>57</sup> Figure 33, 2023 EU Justice Scoreboard.

<sup>58</sup> The Greek Recovery and Resilience Plan included milestones no 227 and 233 requiring the launch of tenders for the renovation of buildings of administrative and civil/criminal courts to be completed by end of 2022 and end of 2023 respectively.

<sup>59</sup> Namely the buildings of the Council of State, the Court of Audit, the National School of Judges, the Court of Appeal, Administrative Court of First Instance and Administrative Court of Appeal of Athens.

recruitments are planned for 2024<sup>60</sup>. The judicial clerks will be selected and trained by the National School of Judges<sup>61</sup>. The high number of envisaged new recruitments forms part of the efforts to increase the ratio between judges and judicial clerks<sup>62</sup>.

## Efficiency

**Serious challenges remain regarding the efficiency of justice, in particular the length of proceedings, which has further deteriorated.** According to the 2023 EU Justice Scoreboard, the disposition time in civil and commercial cases at first instance courts was the highest in the EU, as it reached 728 days in 2021<sup>63</sup>. For administrative cases, the disposition time in 2021 at first instance courts increased to 595 days (551 days in 2020)<sup>64</sup>. Furthermore, the disposition time for administrative cases in the Council of State reached the very high level of 1 324 days in 2021 (1 107 in 2020)<sup>65</sup>. In 2021, the clearance rate for litigious civil and commercial cases decreased to 82%, one of the lowest of the EU<sup>66</sup>. On the other side, the clearance rate in 2021 for administrative cases was 130%<sup>67</sup>, one of the highest of the EU - this means that more cases were resolved than came in - although the number of pending administrative cases at the end 2021 remained the most substantial in the EU<sup>68</sup>. Stakeholders have underlined the significant delays and backlogs in the administration of justice and identified the length of proceedings as the most important challenge for the judicial system<sup>69</sup>.

**Efforts to address the backlog and reduce the length of proceedings before the highest administrative courts are made, including by adopting an accelerated procedure to deal with specific types of cases before the Court of Audit, which is already applied in practice.** The Court of Audit proposed an accelerated procedure to deal with the very high number of pending cases relating to reductions of pensions during the period that Greece was under financial supervision, for which the Court's Plenary already dealt with the underlying legal issues in pilot judgments<sup>70</sup>. The proposal led to an amendment to the Statute of the Court of

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<sup>60</sup> Written contribution from Greece for the 2023 Rule of Law Report.

<sup>61</sup> Written contribution from the National School of Judges in the context of the country visit in Greece; see also, 2022 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 8.

<sup>62</sup> While the number of judges is among the highest in the EU (2023 EU Justice Scoreboard, Figure 35), the ratio between judges and non-judge staff decreased substantially in Greece from 2015 (1 judge for 2.53 clerks) to 2020 (1 judge for 1.09 clerk). CEPEJ (2021), Study on the functioning of judicial systems in the EU Member States, p. 640. See also, contribution from the Association of European Administrative Judges for the 2023 Rule of Law Report, p. 14.

<sup>63</sup> Figure 6, 2023 EU Justice Scoreboard.

<sup>64</sup> Figure 9, 2023 EU Justice Scoreboard, and Figure 10, 2022 EU Justice Scoreboard.

<sup>65</sup> Ibid.

<sup>66</sup> Figure 11, 2023 EU Justice Scoreboard.

<sup>67</sup> Figure 12, 2023 EU Justice Scoreboard.

<sup>68</sup> Figure 15, 2023 EU Justice Scoreboard.

<sup>69</sup> Contribution from the Council of Bars and Law Societies of Europe for the 2023 Rule of Law Report, p. 49; Greek National Commission for Human Rights, Impact of 2022 ENNHRI rule of law reporting, p. 10-11; Vouliwatch, Greek Council for Refugees, Refugee Support Aegean, HIAS Greece, Generation 2.0 for Rights, Equality and Diversity, Reporters United (2023), Rule of Law Backsliding Continues in Greece, Joint Civil Society Submission to the European Commission on the Rule of Law Report, p. 11.

<sup>70</sup> The Court of Audit, in its 25<sup>th</sup> General Assembly of the Plenary of the Court of Audit, of 19 December 2022, referred to over 130 000 applicants waiting for a decision on their pension cases, including on claims arising from reductions which were held to be unconstitutional. According to the Court of Audit, a legislative initiative for the extra-judicial settlement of these claims would be most effective in addressing the backlog; Written contribution from the Court of Audit in the context of the country visit in Greece.

Audit<sup>71</sup>. According to the new procedure, which is already in place since March 2023, the President of the Chamber assigns the cases to a single-member panel to deal with them without a public hearing<sup>72</sup>, while the time-limits for submissions of documents and delivery of the decision are also very short.

## II. ANTI-CORRUPTION FRAMEWORK

The National Transparency Authority (NTA)<sup>73</sup> oversees the implementation of the National Anti-Corruption Action Plan (NACAP) for 2022-2025, conducts investigations on corruption cases, monitors the implementation of provisions related to asset declarations and lobbying activities, takes the necessary actions to ensure the coherence and effectiveness of the national strategy, with particular emphasis on coordination of control bodies and the efficiency of their operations<sup>74</sup>, and provides relevant instructions. The Directorate General of the Financial and Economic Crime Unit is the law enforcement agency of the Ministry of Finance, whose focus is the detection of fraud and corruption cases. The Directorate of Internal Affairs is tasked to tackle corruption within the Independent Authority for Public Revenue. The Internal Affairs Agency for Law Enforcement Bodies<sup>75</sup> exercises internal control and investigates crimes, including corruption, committed by various entities<sup>76</sup>. The Court of Audit is the Supreme Financial Court and Audit Institution auditing the use of public funds.

**The perception among experts and the business community is that the level of corruption in the public sector is relatively high.** In the 2022 Corruption Perceptions Index by Transparency International, Greece scores 52/100 and ranks 21<sup>st</sup> in the European Union and 51<sup>st</sup> globally<sup>77</sup>. This perception has significantly decreased over the past five years<sup>78</sup>. The 2023 Special Eurobarometer on Corruption shows that 97% of respondents consider corruption widespread in their country (EU average 70%) and 56% of respondents feel personally affected

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<sup>71</sup> International Trade Arbitration – Arrangements for the functioning of the Court of Auditors and other urgent provisions, Law 5016/2023, Article 52.

<sup>72</sup> The parties have the right to request that the case is heard in court by a three-member panel of judges.

<sup>73</sup> In line with the milestone foreseen under the Greek Recovery and Resilience Plan (RRP), new business premises for NTA shall be developed by the end of 2025. NTA is the Greek designated authority responsible for coordinating the fight against fraud (AFCOS) in accordance with the Regulation (EE, Euratom) No. 883/2013 of the European Parliament and the Council of September 11, 2013 (EU L248). The NTA was established by Law 4622/2019 and is subject to parliamentary scrutiny.

<sup>74</sup> The NTA chairs the meetings of the National Coordinating Body for Audit and Accountability (ESOEL) established by Article 103 of Law 4622/2019. ESOEL tasks include the dissemination of good practices and developing common standards and tools for the prevention, detection and control of fraud and corruption. Fifteen public bodies active in the field of law enforcement participate in ESOEL. Input from Greece for the 2023 Rule of Law Report, p. 12.

<sup>75</sup> The Agency reports to the Ministry of Citizen Protection and is subject to parliamentary scrutiny.

<sup>76</sup> According to the provisions of Presidential Decree 65/2019 these are the Hellenic Police personnel, Hellenic Coast Guard personnel, Hellenic Fire Brigade personnel, employees of the wider public sector, and employees of the European Union or International Organizations that work on the Greek territory.

<sup>77</sup> Transparency International (2023), Corruption Perceptions Index 2022. The level of perceived corruption is categorised as follows: low (the perception among experts and business executives of public sector corruption scores above 79); relatively low (scores between 79-60), relatively high (scores between 59-50), high (scores below 50).

<sup>78</sup> In 2018 the score was 45 while in 2022 the score is 52. The score significantly increases/decreases when it changes more than five points; improves/deteriorates (changes between 4-5 points); is relatively stable (changes from 1-3 points) in the last five years.

by corruption in their daily lives (EU average 24%)<sup>79</sup>. As regards businesses, 95% of companies consider that corruption is widespread (EU average 65%) and 74% consider that corruption is a problem when doing business (EU average 35%)<sup>80</sup>. Furthermore, 25% of respondents find that there are enough successful prosecutions to deter people from corrupt practices (EU average 32%)<sup>81</sup>, while 16% of companies believe that people and businesses caught for bribing a senior official are appropriately punished (EU average 30%)<sup>82</sup>.

**The implementation of the National Anti-Corruption Action Plan (NACAP) for 2022-2025 is underway.** The implementation of the NACAP for 2022-2025, approved last year as reported in the 2022 Rule of Law Report<sup>83</sup>, falls under the remit of the NTA. The NACAP is a strategic plan that includes a coherent framework of actions, interventions and projects aimed at preventing and fighting corruption, strengthening transparency, integrity, and accountability. It also includes actions that make up the National Integrity System that focuses on strengthening public integrity and accountability, including the setting up of Integrity Advisors<sup>84</sup>, in public sector bodies. In 2022, out of 129 actions envisaged under the NACAP, 23 were completed<sup>85</sup>, 84 started and are being implemented and 22 have not yet started<sup>86</sup>. Implementation is on track within the specified timeframes<sup>87</sup>.

**The activities by the National Transparency Authority are progressing well, and its cooperation with private and public entities continues.** In 2022, the NTA already carried out several investigations under the new action plan. It received 3 513 complaints on alleged corruption, fraud, and maladministration (3 057 in 2021); and it carried out 575 audits and

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<sup>79</sup> Special Eurobarometer 534 on Corruption (2023). The Eurobarometer data on citizens' corruption perception and experience is updated every year. The previous data set is the Special Eurobarometer 523 (2022).

<sup>80</sup> Flash Eurobarometer 524 on Businesses' attitudes towards corruption in the EU (2023). The Eurobarometer data on business attitudes towards corruption as is updated every year. The previous data set is the Flash Eurobarometer 507 (2022).

<sup>81</sup> Special Eurobarometer 534 on Corruption (2023).

<sup>82</sup> Flash Eurobarometer 524 on Businesses' attitudes towards corruption in the EU (2023).

<sup>83</sup> Approved by the Council of Ministers by Art. 1 of Law 4915/2022 in March 2022. This was in line with Greece's Recovery and Resilience Plan (RRP). See the 2022 Rule of Law Report, Country Chapter on the rule of law situation in Greece, pp. 12-13.

<sup>84</sup> The National Integrity System (NIS) 2022-2025 was established by Ministerial Decision No. 707/18852/05.12.2022 (GG 6312B<sup>7</sup>/12.12.2022). The main objectives are the prevention and tackling of corruption and the strengthening of transparency, integrity, and accountability in the public administration, as well as public information and awareness-raising. Law 4795/2021 includes provisions to institute Integrity Advisors in the Greek public sector to provide support, information and advice on ethics and integrity matters and to receive reports of integrity breaches at the workplace, which may include whistleblowing reports. Input from Greece for the 2023 Rule of Law Report, pp. 14, 16, 18 and 24. Written contribution from the NTA in the context of the country visit to Greece.

<sup>85</sup> The completed actions include the development of the Network of Integrity Advisors in Public Administration; an e-platform "*E-peitharxika*" to monitor disciplinary cases in the public sector; a management and control system for projects funded under the Recovery and Resilience Fund; and an update of the Anti-Corruption Action Plan 2022-2025 of the Independent Authority for Public Revenue (IAPR). Input from Greece for the 2023 Rule of Law Report, p. 15.

<sup>86</sup> National Transparency Authority (2023), NACAP 2022-2025 Implementation Report, 2<sup>nd</sup> Semester 2022. Written contribution from the NTA in the context of the country visit to Greece. The actions in progress include development of an anti-corruption and anti-fraud strategy for the implementation of actions funded by the Recovery and Resilience Fund; drafting a new Code of Administrative Procedure for the public sector; and an upgrade of the electronic asset declaration system (*e-pothen*). Actions that have yet to start include a Code of Ethics and Conduct for civil servants working in public sector procurement units.

<sup>87</sup> Written contribution from the NTA in the context of the country visit to Greece. Experience with the implementation of NACAP 2018-2021 shows that risks related to a) the procurement cycle and b) delays in the adoption of relevant legislation should be taken into consideration.

inspections (393 in 2021), of which 13 (21 in 2021) were referred for criminal prosecution to the judicial authorities. In addition, 55 cases were referred to the competent disciplinary authorities (42 in 2021) and 41 of these cases (28 in 2021) were referred for both criminal and disciplinary prosecution. A total of 186 civil servants and elected officials (137 in 2021) were referred to disciplinary boards<sup>88</sup>. The NTA is making efforts to ensure an adequate level of resources<sup>89</sup> and to recruit staff to fill the 103 unoccupied posts (out of a total of 503) through both regular recruitment and secondments<sup>90</sup>. Improving the occupancy of its posts as soon as possible is crucial to enable the NTA to carry out its tasks. In 2022, building on efforts reported last year<sup>91</sup>, the NTA signed 15 memoranda of understanding (MoUs) with several agencies<sup>92</sup> and universities<sup>93</sup> aimed at developing integrity actions<sup>94</sup>. This included an MoU with the European Public Prosecutor's Office (EPPO) in February 2022 to improve cooperation<sup>95</sup>. In the same year, the Directorate of Internal Affairs of the Independent Authority for Public Revenue conducted 92 audits of its employees' funds, and found 15 breaches of disciplinary rules, while suspicious criminal offences were forwarded to the Court of Audit within the context of the latter's competence, as well as of its Advocate General competence<sup>96</sup>.

**Following the recent entry into force of a law on asset declarations, significant progress has been made to increase the verifications of asset disclosures.** The 2022 Rule of Law Report recommended to Greece to “ensure the effective and systematic verification of the accuracy of asset disclosures filed by all types of public officials”<sup>97</sup>. The 2022 Report had noted that while asset declarations are filed in great numbers, only a limited percentage of them are verified on their accuracy<sup>98</sup>. On 28 February 2023, a new law on asset disclosures entered into

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<sup>88</sup> Written contribution and information received from the NTA in the context of the country visit to Greece. According to the NTA, the compliance rate is very high (around 80%).

<sup>89</sup> According to relevant international standards, anti-corruption agencies ‘shall be entitled to timely, planned, reliable and adequate resources for the gradual capacity development and improvement of the agency’s operations and fulfilment of its mandate’. UNODC Jakarta Statement on Principles for Anti-Corruption Agencies (2002), and Colombo commentary (2020).

<sup>90</sup> Out of 503 posts, 103 are currently unoccupied (63 inspector-auditor posts and 40 administrative staff). An open call to recruit (via secondment) 15 inspector- auditors should be completed by the end of 2023 while a similar call for 20 auditors will be launched in the third quarter of 2023. Other administrative posts are also expected to be filled. Input from Greece for the 2023 Rule of Law Report, p. 11 and written contribution from the NTA received in the context of the country visit to Greece.

<sup>91</sup> See 2022 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 11.

<sup>92</sup> Such as the Hellenic Development Bank (HDB), Hellenic Public Electricity (DEI), Hellenic Agricultural Organization, Naval Reserve Fund (NAT), and Hellenic Capital Market Commission (HCMC). Input from Greece for the 2023 Rule of Law Report, p. 13 and information received from the National Transparency Authority in the context of the country visit to Greece.

<sup>93</sup> Such as the Aegean University, Aristotle University of Thessaloniki, University of Western Macedonia, University of Crete, University of Macedonia and University of Patras. These MOUs aim to strengthen the development of academic research, teaching and knowledge dissemination on transparency, anti-fraud and anti-corruption and internal control systems. Input from Greece for the 2023 Rule of Law Report, p. 13.

<sup>94</sup> In 2022, the NTA organized a series of workshops on transparency and integrity in cooperation with 14 organizations and the participation of 65 public and private sector executives, attended by 7 070 participants. Input from Greece for the 2023 Rule of Law Report, pp. 25-26. See also written contribution from the NTA in the context of the country visit to Greece.

<sup>95</sup> The MoU with EPPO focuses on establishing channels for information exchange and on the conditions for the provision of scientific and technical assistance by the NTA to support investigations regarding the protection of the financial interests of the European Union. Ibidem p. 12.

<sup>96</sup> Stipulated in Articles 8 para. 2 (b) and 36 par. (a) of Law 4820/2021 and in Articles 118 et seq. of Law 4700/2020. Input from Greece for the 2023 Rule of Law Report, p. 13.

<sup>97</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 2.

<sup>98</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 12.

force<sup>99</sup>. The new law aims to systematise the current rules and streamline the asset declaration process through the following tools and processes: digitalisation<sup>100</sup>; simplification of the list of filers<sup>101</sup>; higher percentage of verifications (to a target of minimum 7% that will be achieved over a three-year period which is almost a doubling of the current 4%)<sup>102</sup>; a uniform methodology for all types of audits, with one central Audit Committee<sup>103</sup> (assisted by an audit coordinator) to supervise and coordinate the work of the specialised audit bodies<sup>104</sup>, in order to reduce fragmentation<sup>105</sup>; and uniformity on violations and appropriate sanctions<sup>106</sup>. The Audit Committee is obliged to publish annual activity reports<sup>107</sup>. The increase in the number of the declarations verified should be achieved through better coordination and distribution of tasks amongst the audit bodies<sup>108</sup>. The secondary legislation enabling the full implementation of the

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<sup>99</sup> Submission of declarations of assets and financial interests - Arrangements for the strengthening of the European Public Prosecutor's Office - Other urgent arrangements, Law 5026/2023. The second part of the law redefines the status of competences between the domestic prosecutorial authorities and the EPPO. The entry into force of a law on asset disclosure is a milestone under Greece's recovery and resilience plan (RRP). Milestone no. 209 states: 'Entry into force of the new legislation regarding: (i) Asset Declarations; (ii) and the codification of legislation on political parties.' The RRP envisages the revision of the legal framework for asset declarations (Law 3213/2003), the simplification of the electronic submission process and an upgrade of the IT platform for asset declaration and management by the end of 2023.

<sup>100</sup> This includes the technological upgrade of the electronic asset declaration system (*e-pothen*) and its interoperability with other databases such as that of the Independent Authority for Public Revenue, banks and land registries. The development of the IT platform is part of the NACAP. Input from Greece for the 2023 Rule of Law Report, p. 22, and information and written contribution received from the NTA in the context of the country visit to Greece.

<sup>101</sup> The new law simplifies the categories of obliged persons from the current 49 cases of obligors into 13 categories and defines their relevant obligations more clearly, with spouses, separated spouses and parties to a civil partnership now obliged to file separate declarations. Input from Greece for the 2023 Rule of Law Report, pp. 9-10 and information received from the Ministry of Justice, the National Transparency Authority (including written contribution), and the Committee of Parliament for the Investigation of Declarations of Assets (CIDA) in the context of the country visit to Greece.

<sup>102</sup> According to Articles 1 and 29 of Law 5026/2023, for the first year of application of the new law, the percentage of audits will be set at 5% and at 6% for the second year. Information also received from the Ministry of Justice, the National Transparency Authority, and the Committee of Parliament for the Investigation of Declarations of Assets (CIDA) in the context of the country visit to Greece.

<sup>103</sup> The Audit Committee set up under Article 25 of Law 5026/2023 will have independent, administrative, and financial autonomy. It will be chaired by the head of the Committee of Parliament for the Investigation of Declarations of Assets (CIDA), the so-called Committee 3-A established under Law No. 3213/2003. The CIDA will remain responsible for the oversight and sanctioning of the political financing of both parties and persons, and on asset declarations of politicians and judicial officials. Information also received from the Parliamentary Committee for the Investigation of Declarations of Assets (CIDA) in the context of the country visit to Greece.

<sup>104</sup> The three Special Audit Bodies under Article 27 of Law 5026/2023 are essentially the same three out of the four authorities responsible for auditing asset declarations under the previous system, namely the 'C Unit for the Control of Asset Declarations' of the Anti-Money Laundering Authority, the National Transparency Authority, and the Internal Affairs Service of the Security Forces. It appears that the fourth authority, the CIDA or Article 3 Committee, will be replaced by the Audit Committee, while the special asset declarations audit service of the parliament will be maintained.

<sup>105</sup> Input from Greece pp 9-10 and information received from the National Transparency Authority and the CIDA in the context of the country visit to Greece.

<sup>106</sup> Input from Greece for the 2023 Rule of Law Report, p. 10.

<sup>107</sup> Article 25 of Law 5026/2023 obliges the Audit Committee to submit an annual report by 31 March on its activities for the previous year to the Special Standing Committee on Institutions and Transparency of the Parliament and to the Ministers for Finance and for Justice. It will incorporate the reports of the special audit bodies. It will be posted on the Parliament's official website and remain posted for three years.

<sup>108</sup> Information received from the Ministry of Justice in the context of the country visit to Greece. A key factor to achieve the quantitative target is that the Audit Committee can assign external auditors and experts to facilitate the process. Written contribution from the NTA in the context of the country visit to Greece.

law was adopted by May 2023<sup>109</sup>. Therefore, there has been significant progress on the implementation of the recommendation made in the 2022 Rule of Law Report.

**Some progress can be noted in relation to establishing a track record of prosecutions and final judgments in corruption cases.** The 2022 Rule of Law Report recommended to Greece to “increase efforts to establish a robust track record of prosecutions and final judgments in corruption cases”<sup>110</sup>. Prosecutions and final judgments related to corruption are still limited, including for high-level corruption. In 2022, the Financial Crime Prosecutor opened 650 cases (560 in 2021) covering all crimes of financial and economic crimes, including corruption. Of these, 229 were closed and 421 are pending preliminary examination<sup>111</sup>. Until the results of the preliminary investigation are ready, it is not possible to extrapolate the number of corruption cases<sup>112</sup>. Available statistics<sup>113</sup> on the prosecution of active and passive bribery indicate that in 2022 there were 80 ongoing criminal investigations (compared to 66 in 2021), 74 investigations concluded (53 in 2021) and 30 cases referred to a hearing (compared to 17 in 2021). This shows a relatively positive development. There were 32 convictions at appeal and first instance levels combined (compared to 24 in 2021) and 15 acquittals (compared to 21 in 2021), which also shows a positive development. However, of the 32 convictions, imposed sanctions of imprisonment were suspended in 28 cases (compared to 20 in 2021). Overall, the increase in the level of prosecutions and final judgments related to bribery offences is offset by the relatively high level of acquittals and suspended sanctions which raises concerns on the deterrent effect of Greece’s criminal justice response in relation to bribery<sup>114</sup>. Cooperation between the police and EPPO is considered to be good<sup>115</sup>. The Financial Crime Prosecutor has referred eleven cases to EPPO since it was set up<sup>116</sup>. The Internal Affairs Unit of Law Enforcement Bodies systematically collects statistics, including on corruption cases within the Hellenic Police, Hellenic Coast Guard, Hellenic Fire Brigade and employees of the wider

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<sup>109</sup> Information received from the Ministry of Justice in the context of the country visit to Greece. Article 45 of Law 5026/2023 provides for a series of secondary legislation including ministerial decisions on the content of declarations on assets and financial interests and on technical matters to implement the system, a parliamentary decision approving the rules of procedure of the Audit Committee and of the audit special service, and a decision by the Audit Committee on the audit methodology and procedure. The rules of procedure of the audit special service and a decision by the Audit Committee on the audit methodology and procedure will be adopted upon formation of the Parliament that will emerge from the forthcoming elections.

<sup>110</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 2.

<sup>111</sup> Written contribution from the Financial Crime Prosecutor in the context of the country visit to Greece.

<sup>112</sup> Written contribution from the Financial Crime Prosecutor in the context of the country visit to Greece. Most of the time the cases cannot be classified as ‘corruption cases’ or ‘other’ before the results of the preliminary investigation. Usually, the processing and investigating concerns both corruption and other economic crimes.

<sup>113</sup> Written contribution from the Ministry of Justice in the context of the country visit to Greece. The figures quoted here have been extrapolated from the statistics provided by the Ministry of Justice.

<sup>114</sup> Concerning foreign bribery, the Financial Crime Prosecutor has one ongoing case (dating from 2014) and four (two each from 2021 and 2022) are pending the conclusions of a preliminary investigation. Written contribution from the Financial Crime Prosecutor in the context of the country visit to Greece. The OECD Working Group on Bribery considers that Greece needs to strengthen enforcement and the independence of its criminal proceedings on foreign bribery investigations. OECD (2022), Implementing the OECD Anti-Bribery Convention, Phase 4 Report, Greece, pp. 5 and 66.

<sup>115</sup> Input from EPPO for the 2023 Rule of Law Report.

<sup>116</sup> Information received from the Financial Crimes Prosecutor’s Office in the context of the country visit to Greece. According to input from Greece for the 2023 Rule of Law Report, p. 27, in 2022, the Financial and Economic Crime Unit (within the Ministry of Finance) investigated 73 cases of corruption and detected 52 infringements. It conducted 76 investigations regarding the use of EU subsidies and detected 93 irregularities and cooperated in 17 joint investigations with OLAF

public sector<sup>117</sup>. Therefore, some progress has been achieved in relation to the 2022 recommendation concerning prosecutions and final judgments in corruption cases.

**Measures on the integrity of civil servants continue to be taken forward, while efforts to improve integrity and conflicts of interest within the police force are ongoing.** In the second half of 2022, the NTA issued a Code of Conduct for Elected Officials of Local Government Entities, covering mayors, regional governors and similar<sup>118</sup>, and a Code of Ethics and Professional Conduct for Public Sector Officials<sup>119</sup>. Following last year's adoption of Law 4940/2022<sup>120</sup>, a Decision of the Ministry of Interior was published in April 2023<sup>121</sup> containing the details for the establishment of a Code of Conduct for Political Advisors that will be drafted by the NTA and is expected to be published by the end of 2023<sup>122</sup>. The NACAP 2022-2025 envisages an update of the Code of Conduct for Members of the Government and Members of Parliament, although work on this action has not yet started<sup>123</sup>. In 2022, the Ethics Committee of the National Transparency Authority examined and decided on three cases<sup>124</sup>. Additional actions are also envisaged under Greece's Recovery and Resilience Plan<sup>125</sup>. GRECO has recommended addressing integrity in the police force, including by updating the Code of Ethics for the Police<sup>126</sup>. The current Code of Police Ethics<sup>127</sup> dates from 2004 and has not been amended since. There are plans to amend the current Code and to introduce provisions with detailed guidance on issues of moral integrity (prevention of conflicts of interest, non-

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<sup>117</sup> The Minister of Citizen Protection publishes an annual report of the work and activities of the Internal Affairs Agency in the Greek language and presents it to the Standing Committee on Institutions and Transparency of the Hellenic Parliament that oversees the work of the Agency. Written contribution from the Internal Affairs Unit of Law Enforcement Bodies in the context of the country visit to Greece. The Hellenic Police publishes general statistics on crime and other incidents such as road accidents (last report dates from 2021). See: Statistics | Hellenic Police (astynomia.gr).

<sup>118</sup> This was announced, also in relation to the relevant RRP milestone, in the 2022 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 14, footnote 109.

<sup>119</sup> The Code of Ethics and Professional Conduct for Public Sector Officials addresses several issues such as conflict of interest, harassment, intimidation, equal treatment, management, and disclosure of information, as well as any possible abuse of power by senior members of the public administration. Input from Greece for the 2023 Rule of Law Report, p. 18.

<sup>120</sup> Law 4940/2022 aims to ensure integrity and accountability for high-level officials, including political advisors, by the publication of their data, and by clarifying their obligations, impediments, and incompatibilities, including post-employment restrictions. Other issues addressed include revolving doors and ethics.

<sup>121</sup> Decision 300/6546/2023 (Government Gazette 2473/B/13-04-2023).

<sup>122</sup> The Code of Conduct aims to define the conduct of political advisors while exercising their duties and activities to prevent conflicts of interest and to ensure transparency, integrity, and accountability in the public policy process. It will cover the entire range of persons appointed to posts as political and special advisors. It will provide for a competent authority to supervise compliance with the Code, awareness-raising and information activities both for political advisors and civil society, examples of moral and ethical dilemmas, and a self-assessment guide. Written contribution from the NTA in the context of the country visit to Greece.

<sup>123</sup> The Independent Authority for Public Revenue (IAPR) is also working on a Code of Ethics for its employees, expected to be ready by May 2023. Input from Greece for the 2023 Rule of Law Report, pp. 20 and 23.

<sup>124</sup> Information obtained from the NTA website.

<sup>125</sup> Actions aimed to review policies and provisions on conflict of interests are expected to be implemented by the end of 2024. These include development of a policy framework, guidelines, toolkit for practitioners, and the establishment of a national network of Integrity Advisors in the Public Administration. See 2022 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 15.

<sup>126</sup> Other GRECO actions to address police force integrity include carrying out a comprehensive risk assessment of corruption in the Police, strengthening integrity checks during staff recruitment, and providing for independent and effective investigation into police complaints. GRECO (2022) Fifth Evaluation Round – Evaluation Report, pp. 42-57. Greece is expected to submit a report on measures taken to implement GRECO's recommendations by 30 June 2023 for GRECO's subsequent compliance assessment.

<sup>127</sup> Governed by Presidential Decree 254/2004.



acceptance of gifts, official confidentiality, and sound management of public resources). The competent service responsible for this exercise<sup>128</sup> has circulated an informative memo on possible amendments to the Code or other alternatives for consideration by the Police hierarchy<sup>129</sup>. No decision has been taken yet pending possible changes in the civilian leadership of the Police following the recent general elections<sup>130</sup>. There are other efforts underway, such as enhancing the electronic complaints monitoring system by the addition, since last year, of corruption cases as a special category<sup>131</sup>. The Police also issued in April 2023 an order to define the concept of corruption and indicatively mention some criminal and disciplinary offences that fall within that concept, to ensure impartiality and transparency during the conduct of administrative inquiries for corruption cases<sup>132</sup>.

**Rules to regulate lobbying are in force but progress to implement an effective register has been slow.** A regulatory framework for lobbying activities entered into force in Greece for the first time in 2021<sup>133</sup>. The law regulates the contact between officials with high executive and legislative functions and lobbyists and mandates the setting up of a Transparency Register<sup>134</sup>. The Transparency Register was, however, launched and became operational only in December 2022<sup>135</sup>. It contains very few entries so far<sup>136</sup>, but the numbers are expected to increase by the end of the year, including through awareness-raising activities planned by the NTA to clarify and improve the implementation and application of the law<sup>137</sup>. In December 2022, the NTA issued a Code of Conduct with practical guidelines to assist lobbyists in their behaviour when communicating with institutions and to ensure transparency and integrity in the public decision-making process and avoid conflicts of interest or any undue influence<sup>138</sup>. The NTA

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<sup>128</sup> The Directorate of Organisation and Legal Support of the Hellenic Police Force.

<sup>129</sup> Written contribution from the Hellenic Police in the context of the country visit to Greece.

<sup>130</sup> Written contribution from the Hellenic Police and information received from the Internal Affairs Unit of Law Enforcement Bodies in the context of the country visit to Greece.

<sup>131</sup> This system provides details of police officers being investigated, the complaints against them, criminal and administrative or disciplinary actions. The cases are categorized by type of complaint, now including corruption. Written contribution from the Hellenic Police in the context of the country visit to Greece.

<sup>132</sup> Written contribution from the Hellenic Police and information received from the Internal Affairs Unit of Law Enforcement Bodies in the context of the country visit to Greece.

<sup>133</sup> ‘Strengthening Transparency and Accountability of State Institutional Bodies’, Law 4829/2021 of 10 September 2021. See 2022 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 14. Five ministerial implementing decisions were issued in 2021 and 2022 by the Minister of Interior and the Minister of State with contributions from the NTA. Input from Greece for the 2023 Rule of Law Report, pp. 20-21 and written contribution from the NTA in the context of the country visit to Greece.

<sup>134</sup> All interest representatives must register in the Transparency Register to engage with members of the legislature and the executive branch. Both interest representatives and members of the legislature and executive branches are required to submit a publicly available annual activity report to the NTA.

<sup>135</sup> The Transparency Register should be interoperable with other databases such as the Hellenic Online Tax System (TAXIS), the General Electronic Commercial Registry (GEMI) and the National Criminal Records Portal. Input from Greece for the 2023 Rule of Law Report, pp. 20-21.

<sup>136</sup> NGOs have voiced concerns about the late operationalisation of the Register and its lack of registrants. Information received from Transparency International in the context of the country visit to Greece. Under Law 4829/2021, registration of NGOs in the Transparency Register is not mandatory and until now no NGO has applied, according to input from Greece for the 2023 Rule of Law Report.

<sup>137</sup> As of the beginning of June 2023, there were 14 registrations and applications pending for approval. Through the recent inclusion of the register on the GOV.GR platform and through awareness-raising activities planned during the year, the NTA expects approximately 40-50 lobbyists by year end. Written contribution received from the NTA in the context of the country visit to Greece.

<sup>138</sup> NTA (2022), Code of Conduct for Interest Representatives – Transparency Register, 30 June 2022. See also input from Greece for the 2023 Rule of Law Report, p. 21 and information and written contribution from the NTA in the context of the country visit to Greece.

has also created a more specialised website with all the pertinent information on lobbying provisions and instructions for entering the lobbying registry<sup>139</sup>. As the lobbying law also regulates gift policy<sup>140</sup>, the NTA has prepared a draft opinion and Ministerial Decision on the technical specifications, content and procedures for an electronic gift registry and rules for the management and utilisation of the gifts. The drafts are currently under consultation with the Government<sup>141</sup>.

**The rules on political party financing were codified and subsequently amended with a reduction of political fines.** In March 2022, the provisions of the legislation on the financing by the state of political parties and the audit of their finances were codified in a single text through a Presidential Decree, which was required as part of Greece's Recovery and Resilience Plan<sup>142</sup>. In July 2022, the Presidential Decree was again amended<sup>143</sup> with the stated purpose of clarifying definitions, updating the procedures, and amending the sanctions that could be imposed by the President of the Parliament following a proposal by the Parliamentary Audit Committee (the CIDA) in cases of violation by the audited parties<sup>144</sup>. These changes include a reduction of political fines compared to the previous law<sup>145</sup> as well as changes to the oversight powers of the Audit Committee<sup>146</sup>. The choice of audits depends on certain criteria such as how active a party is, if it receives state grants<sup>147</sup>, and on information received about possible illegal activities. In 2022, CIDA completed the audits (2020 fiscal year) on 18 political parties,

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<sup>139</sup> See also NTA Transparency Register <https://lobbying.aead.gr/>. Input from Greece for the 2023 Rule of Law Report, p. 21.

<sup>140</sup> Part B of Law 4829/2021 introduced rules for the management, recording, disclosure, and utilization of gifts, other benefits, and hospitality offered to the President of the Republic, members of the Government, and Deputy Ministers, to enhance transparency and accountability. Input from Greece for the 2023 Rule of Law Report, p. 22. See also 2022 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 14.

<sup>141</sup> Input from Greece for the 2023 Rule of Law Report, p. 22 and information and written contribution received from the NTA in the context of the country visit to Greece. The Presidency of the Government will administer and manage the gift registry (or electronic book) and the list.

<sup>142</sup> Presidential Decree 15/2022 (A' 39/1-3-2022). Milestone no. 209 of Greece's Recovery and Resilience Plan states: 'Entry into force of the new legislation regarding: (i) Asset Declarations; (ii) and the codification of legislation on political parties.' See footnote 95 above.

<sup>143</sup> Law 4954/2022 (A' 136/09.07.2022), Part D, Arrangements for the control of revenue and expenditure of parties, coalitions and candidates for Members of Parliament and/or elected representatives - amendments P.D. 15/2022, Articles 19 et seq.

<sup>144</sup> Input from Greece for the 2023 Rule of Law Report, p. 22 (also according to the regulatory impact assessment) and information received from the CIDA in the context of the country visit to Greece. Some NGOs have voiced criticism that the new law does not really enhance the transparency, accountability and objectivity of the audit mechanisms. Joint Civil Society submission for the 2023 Rule of Law Report, p. 16. See also Vouliwatch (2022), 'Draft law on political money: a-transparency and a-accountability'.

<sup>145</sup> For instance, the fine for failure to publish the annual balance sheet and the special report on election revenues and expenditures of a party or coalition within the deadline has been reduced from 5% to a range from 1% to 5%. Fines for political parties and coalitions that channel revenues or expenditures in violation of the law have been reduced from 50% to 20% of the last regular funding paid to them. For parties that did not receive state funding, the fine has been reduced from EUR 150 000 to EUR 50 000. Elected representatives who fail to submit a detailed or incomplete statement of election revenues and expenditures within the deadline will now be subject to a fine of EUR 1 000 instead of up to 10% of the annual parliamentary allowance.

<sup>146</sup> While the Audit Committee will continue to assess financial statements of the cash valuation of in-kind contributions, it will not itself carry out and record the valuation anymore as previously. Rather, the valuation will be carried out and recorded by the beneficiaries themselves who may be less impartial than the Audit Committee.

<sup>147</sup> There are several political parties in Greece, but several only exist on paper, so these are not prioritized. Financial audits are performed annually by specialized financial auditors who can also carry out on-the-spot checks at party premises. Information received from the CIDA in the context of the country visit to Greece.

out of which it proposed penalties<sup>148</sup> for four parties and sent letters of compliance to three parties<sup>149</sup>.

**The new law on the protection of whistleblowers who report breaches of EU law was adopted.** The law entered into force in November 2022<sup>150</sup> and aims to transpose the EU Whistleblowers Directive<sup>151</sup>. It designates the NTA as the external reporting channel competent for receiving, managing, and monitoring reports on violations falling within the scope of the law<sup>152</sup>. Public sector officials and private sector employees will be able to submit, in writing, orally, or through an online platform<sup>153</sup>, eponymous or anonymous reports, covering all types of the submission of complaints<sup>154</sup>. The NTA is contributing to the preparation of four ministerial implementing decisions (one of which has already entered into force) as well as designing the technical specifications of the electronic communication platforms<sup>155</sup>. Civil Society Organisations (CSOs) consider that the legislator's decision not to extend the scope of the law also to breaches of national law<sup>156</sup> is a missed opportunity for encouraging more reporting of corruption<sup>157</sup>. The OECD had urged Greece to implement new legislation for whistleblowers, for cases of foreign bribery<sup>158</sup>.

**Guidance was issued to ensure that direct awards of public contracts are only used in exceptional cases.** To facilitate the work of contracting authorities in the correct application of the negotiated procedure without prior publication, the Hellenic Single Public Procurement

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<sup>148</sup> Decisions on whether to impose sanctions are ultimately taken by the President of the Parliament. CIDA publishes its audit reports on its website. The Parliament President's reasoned decision is published in the Official Gazette. Information received from CIDA in the context of the country visit to Greece.

<sup>149</sup> In 2019, CIDA audited 23 parties and proposed penalties for 8 of them. CIDA is currently undergoing checks for fiscal year 2021. Greek Parliament Audit Committee (March 2023), Declarations of Assets (Article 3a of Law 3213/2003) Annual Report 202, pp. 8-9.

<sup>150</sup> Law 4990/2022 on the 'Protection of persons who report breaches of Union law', Government Gazette A' 210/11.11.2022. Transposition of Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019.

<sup>151</sup> Directive (EU) 2019/1937 on the protection of persons reporting on breaches of Union law.

<sup>152</sup> Article 11 of Law 4990/2022. In addition, the law provides for Integrity Advisors (established under Law 4795/2021) to receive and monitor whistleblowing reports in public sector bodies and local government organizations employing up to 49 employees. Input from Greece for the 2023 Rule of Law Report, p. 24.

<sup>153</sup> The existing NTA online complaints platform already supports the submission of anonymous complaints. The new whistleblowing platform will further enhance this function by supporting two-way communication (complainant and inspector). It will keep the whistleblower's anonymity through a secure online communication channel and a management environment for the evaluation and investigation of reports. Input from Greece for the 2023 Rule of Law Report, p. 24.

<sup>154</sup> The Internal Affairs Unit of Law Enforcement Bodies reported that 71% of complaints were submitted by persons via email or by post and only 29% were made anonymously. Written contribution from the Internal Affairs Unit of Law Enforcement Bodies in the context of the country visit to Greece.

<sup>155</sup> These implementing acts will specify the qualifications of the persons who receive and monitor whistleblower reports; the process of submitting, receiving, and monitoring whistleblower reports; the process of transmitting whistleblower reports to the competent authorities; and the establishment and operation of electronic platforms. Written contribution and information received from the National Transparency Authority in the context of the country visit to Greece.

<sup>156</sup> A possibility allowed under the Directive and encouraged by the European Commission.

<sup>157</sup> Information received from Vouliwatch and Transparency International in the context of the country visit to Greece.

<sup>158</sup> See OECD (2022), Implementing the OECD Anti-Bribery Convention, Phase 4 Report, Greece, p. 5. See GRECO Fifth Evaluation Round – Evaluation Report, pp. 42-57. For its part, GRECO had recommended that Greece strengthen the protection of whistleblowers within the Police.

Authority issued a communication<sup>159</sup> clarifying, amongst other things, the exceptional nature of and conditions for the use of the negotiated procedure without publication of a contract notice, its own advisory competence on requests for consent to use the negotiated procedure, and the obligations of the contracting authorities and entities that arise following recourse to that procedure<sup>160</sup>. The Greek recovery and resilience plan adopted in July 2021 contains two measures for a total amount of 20 million EUR aiming at the professionalisation of staff for better handling of public contracts, the restructuring of the National Central Purchasing Authority (N.C.P.A.) for goods and services to promote centralisation of procurement and improvements in the digital tools for public procurement to avoid understaffing in the future and modernise the process. Having identified a need for specialized knowledge in this sector, the Financial Crimes Prosecutor is looking to hire two experts to assist in cases relating to public procurement offences<sup>161</sup>. The NACAP 2022-2025 includes the development of an ethics code for civil servants working on public procurement<sup>162</sup>.

### **III. MEDIA PLURALISM**

The Greek legal framework concerning media pluralism and media freedom is based on a set of constitutional safeguards and legislative measures. The Constitution guarantees freedom of expression and press freedom and provides for a right of access to information. Audiovisual media is regulated by Law 4779/2021, which also implements the Audiovisual Media Services Directive (AVMSD)<sup>163</sup>.

**There have been no significant changes in the legal framework concerning the regulator for audiovisual media services, and the procedure to hire new personnel is ongoing, while challenges persist with regard to the media regulator’s human resources.** The National Council for Radio and Television (NCRTV) supervises and regulates the radio and television markets both off-line and on-line. Its independence is enshrined in the Greek Constitution and its legal framework set out in the Media Law. As described in the 2022 Rule of Law Report<sup>164</sup>, the independence of NCRTV has been strengthened in the law transposing the revised AVMSD<sup>165</sup>, which contains provisions aimed at reinforcing the independence of the NCRTV from the Government and other state bodies<sup>166</sup>. According to the law, the NCRTV exercises its power with impartiality and transparency, serving in particular the objectives of pluralism, cultural diversity, consumer protection, accessibility for people with disabilities, equal

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<sup>159</sup> Hellenic Single Public Procurement Authority, Document No. 3581/1.7/2022, ‘Reminder of obligations of contracting authorities/entities related to the use of the exceptional negotiation procedure without prior publication’.

<sup>160</sup> Input from Greece for the 2023 Rule of Law Report, p. 26.

<sup>161</sup> Information obtained from the Financial Crime Prosecutor in the context of the country visit to Greece. They are looking specifically for engineers to assist in cases relating to procurement offences in the infrastructure sector where they currently lack specialist knowledge. The Flash Eurobarometer 524 on Businesses’ attitudes towards corruption in the EU (2023) shows that 53% of companies in Greece (EU average 26%) think that corruption has prevented them from winning a public tender or a public procurement contract in practice in the last three years. This is 27 percentage points above the EU average.

<sup>162</sup> Input from Greece for the 2023 Rule of Law Report, p. 25. Moreover, the NTA will receive technical assistance in the framework of TSI 2023 in “Enhancing transparency and integrity in the public procurement system through an integrated risk management system”.

<sup>163</sup> Greece ranks 107th in the 2023 Reporters without Borders World Press Freedom Index compared to 108<sup>th</sup> in the previous year.

<sup>164</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 16.

<sup>165</sup> Law 4779/2021.

<sup>166</sup> Article 33 of Law 4779/2021.

treatment, the proper functioning of the internal market and the promotion of healthy competition<sup>167</sup>. Following two ministry cabinet decisions<sup>168</sup>, a national procedure organised by the National Council of Staff Selection to hire 15 new staff members for the NCRTV is ongoing<sup>169</sup>. However, the NCRTV<sup>170</sup> emphasises that, while the hiring of new personnel is welcome, this will not solve the problem of understaffing, as reported in the 2022 Rule of Law Report<sup>171</sup>, and will not be sufficient for the new tasks, assigned to the NCRTV by the AVMSD, in particular related to the monitoring activities<sup>172</sup>. As in the previous year, the Media Pluralism Monitor (MPM 2023) considers the independence and effectiveness of the media authority to be an area of medium risk<sup>173</sup>

**A new law aiming to enhance transparency of media ownership has been adopted.** Legal safeguards are in place to ensure transparency of media ownership. Law 4779/2021<sup>174</sup> establishes the obligation for media service providers to register in the NCRTV Business Register<sup>175</sup>. The recently adopted Law No. 5005/2022<sup>176</sup> aims to strengthen transparency and publicity in the field of printed and electronic press. The law set up a Registry for Print Media (MET) as well as a Registry for Electronic Press (MHT) and reserves eligibility for state advertising to registered companies. Additionally, the recent Law No.4915/2022 concerning press accountability entered into force, aiming at further enhancing transparency in the press<sup>177</sup>. The MPM 2023 has maintained its medium risk score for transparency of media ownership since the full impact of recent laws and initiatives is yet to be seen<sup>178</sup>. Media legislation contains specific ownership limitations to prevent horizontal concentration in the media market<sup>179</sup>New conditions for holding a license for the provision of pay radio and television services have been introduced by the recent Law No. 5014/2023, which amended Law No. 2644/1998<sup>180</sup>.

**Safeguards are in place to ensure the independence of public service media, but concerns persist with regard to the appointment procedure of the board members of the Hellenic Radio and Television Corporation (ERT).** As described in the 2022 Rule of Law Report, the editorial independence of public service media is guaranteed by the Law on the Hellenic Radio and Television<sup>181</sup> which provides that ERT is independent of the State, of all public or private

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<sup>167</sup> In particular, according to art. 15 of the Constitution, the objectives are: “equal transmission of information and news, as well as products of speech and art, ensuring the quality of programs required by the social mission of radio and television and the cultural development of the country, as well as respect for the value of the human being and the protection of childhood and youth”.

<sup>168</sup> Decisions 50/2021 and 31/2022.

<sup>169</sup> Input from Greece for the 2023 Rule of Law Report, p. 30.

<sup>170</sup> Information received from the NCRTV in the context of the country visit to Greece.

<sup>171</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 16.

<sup>172</sup> Information received from NCRTV in the context of the country visit to Greece.

<sup>173</sup> 2023 Media Pluralism Monitor, Greece, p.13.

<sup>174</sup> Article 37 of Law 4779/2021.

<sup>175</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 17.

<sup>176</sup> Law No. 5005/2022 of 21 December 2022 "Strengthening of the publicity and transparency of print and electronic media - Establishment of electronic registries of print and electronic media and other provisions under the competence of the Secretariat General for Communication and Media".

<sup>177</sup> Article 110 Law No 4915/2022.

<sup>178</sup> 2023 Media Pluralism Monitor, Greece, p. 9.

<sup>179</sup> Law No. 3592/2007.

<sup>180</sup> Article 60 Law 5014/2023 permits the participation of a pay-tv or radio in a company that holds a license for a free-to-air channel, if with its participation: a) the rules of free competition are not violated, b) the dominant position it has acquired in the market for radio and television services is not abused, and c) the objective, pluralistic and equitable transmission of information and news in the mass media is not prejudiced.

<sup>181</sup> Law 4324/2015 of 29 April 2015.

authorities and political parties<sup>182</sup>. ERT is a legal entity under private law in the form of a limited liability company which belongs to the public sector and is supervised by the State. ERT's board members are appointed by decision of the Minister responsible for the media, following the opinion of the Committee on Institutions and Transparency of the Parliament. As highlighted in the 2022 Rule of Law Report<sup>183</sup>, and indicated by the MPM 2023<sup>184</sup>, while the involvement of the Parliamentary Committee seeks to ensure independence and transparency, the fact that the board members are appointed by the Minister responsible for the media continues to raise concerns about the effective independence and potential political influence.

**The legislative framework safeguards the right to information.** In Greece access to information is a Constitutional right. The Greek Constitution guarantees the right of access to administrative documents and the right of citizens to obtain information. Restrictions to this right may be imposed only insofar as they are absolutely necessary and justified for reasons of national security, combating crime or protecting the rights and interests of third parties<sup>185</sup>. The MPM 2023 reports a medium risk with regard to the protection of right to information<sup>186</sup>.

**Threats and attacks against journalists remain an issue.** Since the publication of the 2022 Rule of Law Report, the Council of Europe's Platform to promote the protection of journalism and safety of journalists recorded 16 alerts<sup>187</sup>. The registered incidents relate to physical aggressions, verbal insults, arbitrary detainment and use of spyware against journalists. Moreover, journalists continue to face abusive lawsuits<sup>188</sup> and to work in precarious working conditions<sup>189</sup>. It was also reported that several journalists have been targeted by the spyware Predator<sup>190</sup>. The surveillance of journalists was highlighted as a matter of concern also by the Media Freedom Rapid Response, as a major violation of the journalists' privacy, journalistic source protection, and press freedom<sup>191</sup>. The Greek parliament last December passed a bill banning the sale of spyware: the bill criminalises the sale or possession of spyware and makes the private use of spyware a felony from a misdemeanour, punishable by up to 10 years' imprisonment. The 2023 Media Pluralism Monitor continues to rate the journalistic profession, its standards and protection at a high risk<sup>192</sup>, but registers a decrease compared to last year's assessment, which was connected with the murder of the Greek journalist, Giorgos Karaivaz<sup>193</sup>.

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<sup>182</sup> According to European Parliament's Flash Eurobarometer: News & Media Survey 2022, 34% of respondents in Greece stated that they trust public TV and radio stations, below the EU average of 49%.

<sup>183</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 18.

<sup>184</sup> 2023 Media Pluralism Monitor, Greece, p.19.

<sup>185</sup> Greek Constitution, Article 5A.

<sup>186</sup> 2023 Media Pluralism Monitor, country report for Greece, p. 12.

<sup>187</sup> Council of Europe, Platform to promote the protection of journalism and safety of journalists, Greece.

<sup>188</sup> Reporters Without Borders, Abusive lawsuits against journalists amid political tension in Greece, 5 August 2022.

<sup>189</sup> Information received from Journalists Union ESIEMTH in the context of the country visit to Greece.

<sup>190</sup> Reporters Without Borders, Greek and European authorities must take urgent action after many more journalists said to have been Predator targets, 16 November 2022. See also para in Section IV below on the issue of surveillance.

<sup>191</sup> Media Freedom Rapid Response - Greece, MFRR alarmed by latest revelations of spying on journalists, 20 December 2022.

<sup>192</sup> 2023 Media Pluralism Monitor, Greece, p.13.

<sup>193</sup> In relation to this murder, in April this year two suspects were arrested by the Greek police. European Centre for Press and Media Freedom: MFRR partners welcome first arrests over 2021 assassination of journalist Giorgos Karaivaz.

**A new Ethics Committee and a Directorate for Media Oversight, in charge of overseeing the compliance of online media with journalistic ethics have been established by the law<sup>194</sup> which set up the new registries for printed and electronic press.** The Ethics Committee also has the power to exclude media from receiving state advertising funds for up to two years. While the promotion of media ethics was welcomed also by the journalists' associations, some concerns were raised by stakeholders on the risk that the new rules might lead to effective control of the content published by registered outlets and be misused to arbitrarily exclude certain media from receiving state advertising funds<sup>195</sup>.

**The controversial provision of the Criminal Code on the spread of disinformation was amended to address the concerns previously identified.** In December 2022, Article 191 of the Criminal Code aiming at preventing the spread of disinformation, which, as reported in the 2022 Rule of Law Report, raised serious concerns about the risks for the right of journalists to disseminate information of general interest<sup>196</sup>, was amended<sup>197</sup>. According to the Government, for an offence to be committed, the concrete "effect" of "causing fear is required" and not merely the abstract risk of "causing fear in citizens", which is a concept difficult to prove and not easy to evaluate. Moreover, the amendment removed the aggravating circumstance of repeated offence. The amendment has been considered as a positive development from the journalists' union<sup>198</sup>.

**Some progress has been made on the 2022 recommendation to establish safeguards to improve the working conditions and physical safety of journalists.** The 2022 Rule of Law Report recommended to Greece to "establish legislative and other safeguards to improve the physical safety and working environment of journalists, in line with the recently adopted Memorandum of Understanding and taking into account European standards on the protection of journalists"<sup>199</sup>. Following the signing of the Memorandum of Understanding between the Secretariat General for Communication and Media of the Presidency of the Government, and other competent Ministries<sup>200</sup>, on 27 July 2022 a Task Force was created for the protection and empowerment of journalists<sup>201</sup>. The members of the Task Force include representatives of the journalistic associations, university, ministries, public service media, news agencies and other relevant stakeholders. The Task Force convenes once a month and the stakeholders cooperate under a mandate that covers a range of topics (such as analysis and reporting on attacks against journalists, secure working conditions and security of journalists in conflict situations, digital safety, regional press, strategic lawsuit against public participation (SLAPPs), women journalists). A progress report on the activities of the Task Force was submitted by the Greek authorities to the Commission in March 2023. Among the initiatives taken by the Task Force are the introduction of a course on the Safety of Journalists at the Greek Universities, the creation of an observatory to record events and violations against journalists, and the

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<sup>194</sup> Article 25 of Law No. 5005/2022 of 21 December 2022.

<sup>195</sup> Mapping Media Freedom, Greek parliament passes new media law establishing controversial Ethics Committee, 22 December 2022.

<sup>196</sup> The previous provision stipulated that whoever, publicly or through the internet, creates or distributes in any way, fake news that may provoke anxiety or fear in citizens, or shake citizens' trust in the national economy, or public health, is punishable by a prison sentence of at least three months and a fine. 2022 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 19.

<sup>197</sup> Article 41 of Law 5005/2022.

<sup>198</sup> Information received from the Journalists' Union ESIEMTH in the context of the country visit to Greece.

<sup>199</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 2.

<sup>200</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 19.

<sup>201</sup> Input from Greece for the 2023 Rule of Law Report, p. 29.

establishment of an international training centre for the safety of journalists and media professionals<sup>202</sup>. The establishment of the Task Force is evaluated as a positive step, also by the journalists' union<sup>203</sup>. However more concrete steps are needed to improve the working environment of journalists, including as regards abusive lawsuits against journalists and their safety<sup>204</sup>. Therefore, there has been some progress on the implementation of the recommendation made in the 2022 Rule of Law Report.

#### **IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES**

Greece is a parliamentary democracy with a unicameral Parliament. The separation of powers is enshrined in the Constitution with legislative power vested in the Parliament and the President. The right to introduce legislation belongs to the Parliament and the Government<sup>205</sup>. All courts, irrespective of their position in the judicial hierarchy, have the right and the duty to review the constitutionality of laws. They are bound not to apply a law whose content they deem contrary to the Constitution<sup>206</sup>. A number of independent authorities and bodies aim to protect and safeguard human rights, including the Greek Ombudsperson and the Greek National Commission for Human Rights, which is accredited with A status by the Global Alliance of Human Rights Institutions<sup>207</sup>.

**Remaining challenges lessen the efforts improving the quality of the legislative process in practice, particularly regarding the consultation of stakeholders.** Law 4622/2019 on the Executive State introduced reforms in the law-making procedures, based on better regulation principles, and strengthened the institutional framework<sup>208</sup>. There is progress in the intensive programme on codification of legislation<sup>209</sup>. In 2022, for the first time since 2009, Parliament did not use the expedited legislative procedures<sup>210</sup>. Omnibus laws used for the adoption of disparate provisions stemming from the same Ministry, including amendments to existing provisions, create legal uncertainty to both citizens and businesses as they cannot always detect

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<sup>202</sup> In January 2023, the establishment of the training centre in Thessaloniki under the scientific responsibility of the Peace Journalism Laboratory of the Department of Journalism and Media of the Aristotle University of Thessaloniki was decided. For this purpose, a Memorandum of Cooperation was signed by all interested parties. The 1st training session took place in April 2023 by ESIEMTH. The 2nd session took place in May 2023. (Task Force on Ensuring the Protection, Safety and Empowerment of Journalists and other Media Professionals and Other Initiatives Progress Report, March 2023).

<sup>203</sup> Information received by Journalists' Union ESIEMTH in the context of the country visit to Greece.

<sup>204</sup> Such as the new adopted Collective Employment Agreement on the working conditions of journalists employed in the public sector, put in force from January 1, 2022 until 31 December, 2023.

<sup>205</sup> Constitution of Greece, Article 26. 2021, 2022 Rule Reports, Country Chapter on the rule of law situation in Greece, p. 11 and 19 respectively.

<sup>206</sup> Constitution of Greece, Article 93, para. 4.

<sup>207</sup> Chart of the status of national institutions – Accreditation status as of 27 April 2022.

<sup>208</sup> The General Secretariat of Legal and Parliamentary Affairs has an active role in the legislative process, including on issuing guidance. An interdisciplinary body, the Committee for the Evaluation of the Quality of the Law-making Process carries out quality control of each draft law against the law-making principles as well as the constitutionality of draft legislative provisions. A Central Codification Committee has been established to coordinate the legal codification and to develop an annual codification plan (2021 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 11).

<sup>209</sup> The Central Codification Committee has concluded the codification of fourteen codes. Codes of individual and collective labor law; of cultural property; of island policy; of maritime transportation; of funding of political parties; of illegal migration; of administrative procedures of Hellenic Police; ; of police discipline regulations; of mental health; of collection of public revenues; of tax procedures; of tourism legislation; of military personnel regulations..

<sup>210</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 20.



the applicable law for a given regulatory subject<sup>211</sup>. The Government considers the practice to be a solution to reduce the high number of parliamentary amendments<sup>212</sup>. According to the Government, contrary to amendments, such bills follow the normal steps of the legislative procedures, in particular public consultation, and full parliamentary debate, thus further enhancing the quality of law-making<sup>213</sup>. Civil society organisations point out that omnibus bills are used too often and frequently cover unrelated issues within the competence of different ministries, reducing legal certainty<sup>214</sup>. The Government considers that the practice of last-minute amendments to draft bills has almost ceased in 2022. This is not, however, the view shared by civil society organisations, which consider the figure closer to 50% of all introduced amendments<sup>215</sup>. According to the OECD, better implementation of the legal requirements, including in the area of stakeholder engagement, are advisable<sup>216</sup>. Draft bills are consistently subject to public consultation<sup>217</sup> and follow-up reports on the results of consultations address the comments submitted<sup>218</sup>. The National Commission for Human Rights notes that proposals by interested parties are often taken into consideration resulting in the amendment or repeal of relevant draft provisions<sup>219</sup>. However, the concerns already expressed by stakeholders in the previous Rule of Law Reports as to the insufficient time for public consultation persist<sup>220</sup>. 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<sup>221</sup>.

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<sup>211</sup> An omnibus bill is a law that seeks to regulate a number of often unrelated matters affecting different areas. The practice of omnibus laws has been often criticised as being contrary to Article 74 para. 5 of the Constitution, which provides that a draft law containing provisions not related to its main subject matter shall not be introduced for debate (see Dianeosis, Sotiropoulos, Christopoulos (2017) *Polynomia and Kakonomia in Greece*, p.80; Hellenic Parliament (2017), *Conference on Good legislation as a necessary condition for the proper and efficient functioning of the State*).

<sup>212</sup> According to the Government, in 2022, the total number of amendments to draft bills approved by the Government was quite significantly reduced to 165 (compared to 222 in 2020 and 227 in 2022), partially thanks to the introduction of omnibus laws.

<sup>213</sup> Input from Greece for the 2023 Rule of Law Report.

<sup>214</sup> According to Vouliwatch, in 2022, a total of 42 omnibus bills (32% of the total bills) were submitted to Parliament. Rule of Law Backsliding Continues in Greece, Joint Civil Society Submission to the European Commission on the Rule of Law Report, p. 20-21.

<sup>215</sup> A different interpretation of what constitutes last-minute amendment could explain the discrepancy in these estimates. Article 87 para of the Standing Orders of the Hellenic Parliament provides that additions or amendments are introduced at least three days before the start of the debate in the Plenary. However, as the Secretariat General of Legal and Parliamentary Affairs explained in the context of the country visit to Greece, if the debate in the Plenary starts in less than 3 days after the end of the discussions in the competent standing parliamentary committee, amendments submitted during that period are not considered last-minute amendments.

<sup>216</sup> OECD (2023), Indicators of Regulatory Policy and Governance, Europe 2022-Greece.

<sup>217</sup> Law 4622/2019 on the Executive State, Article 61. The ordinary law-making process requires, as a mandatory step, that a public consultation has taken place on the provisions of the proposed bill prior to its submission to Parliament. The main tool for public consultation is an online platform.

<sup>218</sup> Hellenic Parliament, Standing Orders, Article 85 para 3 (c).

<sup>219</sup> National Commission for Human Rights, Impact of 2022 ENNHRI rule of law reporting, p. 27.

<sup>220</sup> According to data from the [opengov.gr](https://opengov.gr), between July 2022 and June 2023, 62 public consultations were carried out, out of which 32 were open for the ordinary two weeks' time limit; 25 for a shorter period (on average between 7 to 10 days, while in some cases for even shorter periods); and 5 were open for a longer period of time three to four weeks). Article 61 paras 2 and 3 of Law 4622/2019 on the Executive State stipulate that consultation lasts two weeks but can be reduced to one week for duly justified reasons, which are mentioned in the report on the public consultation. The invitation to public consultations published on the dedicated website does not include information on the reasons for reducing the duration of a given consultation. See also, 2021, 2022 Rule of Law Reports, Country Chapter on the rule of law situation in Greece, p. 11 and p. 19.

<sup>221</sup> The consultation on the draft bill on the Code on Migration lasted one week, an issue that was highlighted by both CSOs, the Ombudsman and the National Commission for Human Rights during the country visit.

Furthermore, both the Ombudsperson and the National Commission for Human Rights expressed their regret that they are not always consulted in respect to draft legislation that falls within their area of competences, although the Guide on drafting of impact assessment reports foresees their prior opinion<sup>222</sup>. They often provide comments on their own initiative<sup>223</sup>. The quality of law-making and frequent changes in legislation remains a significant reason for concern about the effectiveness of investment protection among companies in Greece (53%, same percentage as in 2022)<sup>224</sup>.

**The Ombudsperson and the National Commission for Human Rights have an active role in the system of checks and balances.** Despite the high number of complaints received<sup>225</sup>, the Ombudsperson considers the overall compliance rate of the administration with his recommendations satisfactory, notwithstanding an increase in the cases of refusal to comply with recommendations in relation to previous years<sup>226</sup>. Given its broad mandate<sup>227</sup>, the Ombudsperson conducts investigations and publishes several special reports focusing on specific areas of interest or vulnerable social groups. To achieve better accessibility and visibility, the Ombudsperson inaugurated a regional office in Thessaloniki<sup>228</sup>. Following the revision of its regulatory framework, the National Commission for Human Rights enjoys functional independence, and administrative and financial autonomy<sup>229</sup>. In 2022, its mandate was strengthened, and its administrative capacity was reinforced<sup>230</sup>. In January 2023, the National Commission for Human Rights presented the first interim report of the Recording Mechanism of Informal Forced Returns<sup>231</sup>. The mechanism's existence is a positive

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<sup>222</sup> The Guide on drafting of impact assessment reports issued by the Secretariat General for Legal and Parliamentary Affairs provides that conducting a comprehensive impact assessment presupposes seeking the prior opinion of certain authorities on legislative provisions within their competence; the National Commission for Human Rights is expressly mentioned therein.

<sup>223</sup> See, for instance, National Commission for Human Rights, Note on a draft law including provisions relating to conscientious objectors, January 2023; Note on the draft law Waiving of communication privacy, cyber security and citizens' data protection, December 2022; Note on the Draft law on the reform of the Penitentiary Code, October 2022.

<sup>224</sup> Figure 54, 2023 EU Justice Scoreboard.

<sup>225</sup> In 2022, the Ombudsperson received 17 035 complaints; 75% of these complaints were within the Ombudsman's mandate, out of which 70% led to a finding of maladministration. Greek Ombudsperson (2023), Annual report 2022.

<sup>226</sup> Out of the cases, in which the Ombudsman found an instance of maladministration: 62% were resolved by the administration (83% in 2021); 14% were resolved thanks to complainants' initiatives (2% in 2021); in 13% the administration refused to comply (7% in 2021); and in 11% compliance was not possible due to legislative gaps or organisational malfunctions (8% in 2021). Greek Ombudsperson (2023), Annual report 2022.

<sup>227</sup> The Ombudsperson has the task of mediating between citizens and public services, local authorities and bodies governed by public law to protect civil rights, combat maladministration and ensure compliance with due process. 2020 Rule of Law Report, Country Chapter Greece on the rule of law situation in Greece, p. 11.

<sup>228</sup> The program 'Good Governance, Institutions and Transparency', financed by the European Economic Area Financial Mechanism, includes measures reinforcing the Ombudsperson's Office, in cooperation with the EU Agency for Fundamental Rights. See also 2022 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 21.

<sup>229</sup> The National Commission for Human Rights was established in 1998 as an independent advisory body in accordance with the UN Paris Principles (UN General Assembly Resolution 48/134, 20.12.1993). Law 4780/2021 amended its founding legislation.

<sup>230</sup> The National Commission for Human Rights became voting member of the monitoring committee on EU Migration Funds. It has also been entrusted with the monitoring of the compliance of EU development funds with the provisions of the EU Charter of Fundamental Rights. National Commission for Human Rights, Impact of 2022 ENNHRI rule of law reporting, p. 20.

<sup>231</sup> In September 2021, the National Commission for Human Rights decided to establish the Recording Mechanism, given: a) the absence of an official and effective data collection mechanism of informal forced returns; and b) the need for coordination among organizations who record on their own initiative any alleged

development aiming to boost accountability for reported human rights violations alleged to have occurred during informal forced returns of third country nationals from Greece to other countries.

**The issue of surveillance by means of wiretapping (i.e., through telecommunication providers) and spyware, has been subject to investigations by judicial and independent authorities.** Following allegations and complaints or applications for information related to wiretapping and the use of Pegasus spyware against politicians, journalists, and high-ranking army officers, both the Authority for the protection of confidentiality of communications (ADAE)<sup>232</sup> and the Data Protection Authority (DPA)<sup>233</sup> initiated investigations. Both ADAE and the DPA<sup>234</sup> continue their investigations into the matter and have referred their findings to the judicial authorities<sup>235</sup>. The judicial authorities have launched investigations after reports by persons allegedly affected. These investigations are still ongoing. A new law amended the rules on wiretapping for the fight against crime and the protection of national security, including the applicable procedures for lifting confidentiality of communications and informing the individuals subject to the lifting, modified the structure and operation of the National Intelligence Service and amended the criminal code to include the development, selling, possession and use of surveillance software within the scope of application of crimes relating to the breach of privacy of communications<sup>236</sup>. The law has been subject to criticism from the bar associations, academic circles, and independent authorities, including on the information provided to the individuals subject to surveillance for national security purposes<sup>237</sup> and the restriction of the powers of ADAE<sup>238</sup>. The new law also refers to the use of spyware by public

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incidents of informal forced returns from persons who recourse to their services, National Commission for Human Rights, Impact of 2022 ENNHRI rule of law reporting, p. 30.

<sup>232</sup> The Authority for the protection of confidentiality of communications (ADAE) has been established according to article 19 para 2 of the Constitution with the purpose of protecting the free correspondence or communication in any possible way. Its founding law is Law 3115/2003.

<sup>233</sup> The Data Protection Authority is a constitutionally established independent authority (Greek Constitution, article 9A), which has as its mission the supervision of the rules concerning the protection of the individual from the processing of personal data.

<sup>234</sup> In January 2023, the Opinion of the General Prosecutor of the Supreme Court (Opinion 1/2023 on the interpretation of Law 5002/2022) and the reaction of the President of ADAE (Press release on the Opinion 1/2023, 10 January 2023) generated an intense debate between law professors, judges and legal practitioners regarding the role of ADAE, the competences of the Public Prosecutor and the constitutionality of Law 5002/2022. See, Association of Greek prosecutors, Press release of 17 January 2023; Athens Bar Association, Decision of the Board, 12 January 2023; Thessaloniki Bar Association, Resolution of 14 January 2023; Piraeus Bar Association, Decision of the Board, 13 January 2023, Statement of 16 Professors of constitutional law, Kathimerini, 12 January 2023.

<sup>235</sup> Information provided by the presidents of ADAE and DPA during the public hearing of the European Parliament Committee of inquiry to investigate the use of the Pegasus and equivalent surveillance spyware, 28 February 2023.

<sup>236</sup> Law 5002/2022 Waiving of communication privacy, cyber security and citizens' data protection.

<sup>237</sup> Criticism mostly focused on Article 4 para 7 of Law 5002/2022. The provision stipulates that: (i) individuals under surveillance for national security purposes are informed upon request after three years from the time the measure has ceased to apply; and (ii) the decision to inform the individual is taken by a three members committee consisting of the president of ADAE and two prosecutors who previously approved the measure.

<sup>238</sup> Authority for the protection of confidentiality of communications, Observations on the Draft Law for the communications privacy, cybersecurity and the protection of citizens' personal data, November 2022; Data Protection Authority, Opinion 5/2022 on the Draft Law for the communications privacy, cybersecurity and the protection of citizens' personal data, November 2022; National Commission for Human Rights, Note on the Draft Law for the communications privacy, cybersecurity and the protection of citizens' personal data, December 2022; Athens Bar Association, Decision of the Board, 12 January 2023.

authorities for the performance of their tasks, it, however, requires a Decree setting out the conditions of use. The Decree has not yet been adopted.

**On 1 January 2023, Greece had 27 leading judgments of the European Court of Human Rights pending implementation, a decrease of seven compared to the previous year<sup>239</sup>.** At that time, Greece's rate of leading judgments from the past 10 years that remained pending was at 34% (compared to 35% in 2022) and the average time that the judgments had been pending implementation was 6 years 7 months (compared to 6 years and 5 months in 2022)<sup>240</sup>. The oldest leading judgment<sup>241</sup>, pending implementation for 18 years, concerns the access to and the efficient functioning of justice due to the lack and the delayed enforcement of domestic judicial decisions<sup>242</sup>. On 15 June 2023, the number of leading judgments pending implementation has increased to 28<sup>243</sup>.

**An initial step has been taken towards amending the regulatory framework governing the registration requirements for civil society organisations.** The 2022 Rule of Law Report recommended to Greece to 'ensure that registration requirements for civil society organisations are proportionate in view of maintaining an open framework for them to operate'<sup>244</sup>. There are currently nine different registries<sup>245</sup>, and their parallel existence remains an issue<sup>246</sup>. The planned operation of a public database and the new central registry for civil society organisations (CSOs) under the responsibility of the Ministry of Interior<sup>247</sup> is a positive

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<sup>239</sup> The adoption of necessary execution measures for a judgment by the European Court of Human Rights is supervised by the Committee of Ministers of the Council of Europe. It is the Committee's practice to group cases against a State requiring similar execution measures, particularly general measures, and examine them jointly. The first case in the group is designated as the leading case as regards the supervision of the general measures and repetitive cases within the group can be closed when it is assessed that all possible individual measures needed to provide redress to the applicant have been taken.

<sup>240</sup> All figures are calculated by the European Implementation Network and are based on the number of cases that are considered pending at the annual cut-off date of 1 January 2023. See the Contribution from the European Implementation Network for the 2023 Rule of Law Report, p. 4.

<sup>241</sup> Judgment of the European Court of Human Rights of 27 March 2003, *Satka and Others v. Greece*, 55828/00, pending implementation since 2003.

<sup>242</sup> Article 95 para 5 of the Constitution contains a provision on the obligation of the public administration to comply with judicial decisions. Greece adopted Law 3068/2002, which provides a special procedure to ensure the execution of domestic judicial decisions, following a number of judgments of the European Court of Human Rights finding violations of the right to a fair trial (judgment of 19 March 1997, *Hornsby v. Greece*, 18357/91; Council of Europe, Committee of Ministers Resolution ResDH(2004)81).

<sup>243</sup> Data according to the online database of the Council of Europe (HUDOC).

<sup>244</sup> 2022 Rule of Law Reports, Country Chapter on the rule of law situation in Greece, p. 13.

<sup>245</sup> Written contribution from the Ministry of Interior in the context of the country visit.

<sup>246</sup> The Greek Financial Intelligence Unit identified the parallel existence of multiple registries and the absence of a common regulatory framework for CSOs as a weakness of the current system that could result in facilitating the commitment of financial crimes. Anti-Money Laundering Authority, Unit A, Abusive Exploitation of Non-Governmental Organisations, May 2023.

<sup>247</sup> Law 4873/2021, Protection of volunteerism, strengthening civil society, tax incentives to strengthen public benefit activities and other provisions. The Registry, which is expected to become fully operational within the third quarter of 2023, provides for two main categories based on the amounts of funding. The first category concerns funding up to EUR 50 000 and the second category funding over EUR 50 000. For the first category, the registration requirements are simpler, whereas in the second additional documents are requested. The CSOs registered in the second category get immediate support by targeted tax exemptions and additional tax incentives. CSOs are not compelled to register, but only registered organisations will be able to request state funding and benefit from tax exemptions. The registration needs to be renewed annually and is subject to certain conditions and administrative requirements, including the payment of a registration fee. The details regarding its functioning are set out in secondary legislation, adopted in April 2023 (KYA 6216/2013). Written contribution from the Ministry of Interior in the context of the country visit.

development aiming to strengthen transparency and protect public funds. In June 2023, the Government commissioned a study for the simplification and digitalisation of the administrative procedures relating to the functioning of the public database and the new central registry for CSOs and their interoperability with other existing public registries<sup>248</sup>. CSOs dealing with international protection, migration and social integration are concerned by the fact that they have to register in the Registry of Greek and Foreign Non-Governmental Organisations as well as to register their members in the Registry of NGO Members<sup>249</sup>. According to the Government, all CSOs that are actively working in the structures of the Ministry of Migration and Asylum, or in the structures funded by EU programmes are registered in the Registry<sup>250</sup> and can therefore access refugees' reception facilities and receive state funding. In relation to delays in the process, the time-limit to process applications has improved dropping from 120 to 60 days on average<sup>251</sup>. The Council of State has not yet delivered its ruling on the pending judicial review of applications challenging some aspects of the legality of the legislation<sup>252</sup>. Concerns have been raised in relation to the implementation of the regulatory framework, including in relation to the registration process<sup>253</sup>. While the commissioning of the study on the simplification of the procedures is a positive first step, more concrete steps are needed to evaluate the current system, including by initiating a structured dialogue with CSOs, and reflect on the need to amend it. There has been thus some progress on the implementation of the recommendation made in the 2022 Rule of Law Report.

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<sup>248</sup> Contract 55/2023 was signed in the framework of the National Program for the Simplification of Administrative Procedures (EPAD). The study is expected to be delivered within 3 months after signature.

<sup>249</sup> Joint Ministerial Decision 10616/2020 (Law 4662/2020, further amended by Law 4686/2020; 2020, 2021 and 2022 Rule of Law Reports, Country Chapter Greece, pp. 22, 12 and 12, respectively. Registration is necessary for all members of CSOs who need to come in contact with refugees and migrants, especially women, children and unaccompanied minors, particularly for those who have free access and are active in accommodation facilities.

<sup>250</sup> According to data from the Ministry of Migration and Asylum, between September 2020 and March 2023, 82 CSOs have been registered in the Registry of the Ministry of Migration and Asylum and 11 applications have been pending for evaluation. 42 CSOs are actually active in the field of migration, their number being close to 50% of the number of those registered in the Registry, while the rest of them are either not particularly active or they focus on other social groups or they are registered for possible future activities. Written contribution from the Ministry of Migration and Asylum in the context of the country visit in Greece.

<sup>251</sup> Information received from Ministry of Migration and Asylum in the context of the country visit to Greece.

<sup>252</sup> On 2 December 2022, the hearing of the three appeals challenging some aspects of the legality of the law on the registration of NGOs active in the area of asylum, migration and social inclusion (2022 Rule of Law Report, Country Chapter Greece, p. 21) took place before the Plenary of the Council of State. The decisions are pending.

<sup>253</sup> Including in relation to a perceived lack of clarity and foreseeability of the registration process. See, 2022, 2021 Rule of Law Reports, Country Chapter on the rule of law situation in Greece, p. 13 and pp. 21-22 respectively; Expert Council on NGO Law of the Conference of INGOs (2020), Opinion on the compatibility with European standards of recent and planned amendments to the Greek legislation on NGO registration; Commissioner for Human rights, Council of Europe, Letter to Minister for Citizens' Protection of Greece, Minister of Migration and Asylum of Greece and Minister of Shipping and Island Policy of Greece, urging Greek authorities to put an end to pushback operations and to ensure that independent and effective investigations are carried out into all allegations of pushbacks, 3 May 2021, CommHR/DM/sf 019-2021; UN Special Rapporteur on freedom of assembly and association, UN Special Rapporteur on human rights defenders and UN Special Rapporteur on the human rights of migrants, OL GRC 1/2021, 31 March 2021. Report of the Special UN Rapporteur on the situation of human rights defenders, Mary Lawlor - Visit to Greece (A/HRC/52/29/Add.1) 2 March 2023, point 52. The Special Rapporteur on the situation of human rights defenders was first established by the UN Human Rights Commission in 2000. The mandate was most recently renewed by the Human Rights Council in 2020 with decision 43/115 and resolution 43/16.

**The situation of civil society raises concerns, in particular in relation to CSOs working in specific areas.** The civic space has been downgraded from narrowed to obstructed due to concerns in relation to civil society organisations working with refugees and asylum seekers, and failure to tackle the protection of journalists<sup>254</sup>. According to the Special UN Rapporteur on the situation of human rights defenders, while in other areas there is a generally favourable environment for civil society, human rights defenders working in the area of migration have been subjected to smear campaigns, threats and attacks and the misuse of criminal law against them<sup>255</sup>. Concerns have been reported in relation to the legislation on assembly<sup>256</sup>, including the liability of organisers for any damages incurred during protests<sup>257</sup>. The Council of Europe Commissioner for Human Rights referred to the hostile environment in which human rights defenders work in Greece and urged the authorities to ensure that human rights defenders and journalists can work safely and freely, by providing an enabling environment for their work and publicly recognising their important role in a democratic society<sup>258</sup>.

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<sup>254</sup> Rating by CIVICUS; ratings are on a five-category scale defined as: open, narrowed, obstructed, repressed and closed. Civicus (2023), Monitor tracking civic space-Greece.

<sup>255</sup> Report of the Special Rapporteur on the situation of human rights defenders, Mary Lawlor - Visit to Greece (A/HRC/52/29/Add.1) 2 March 2023.

<sup>256</sup> Public outdoor assemblies, Law 4703/2020.

<sup>257</sup> Organizers of gatherings are required to notify the local law enforcement authorities of the time, place and route to be followed prior to the gathering. They must also provide their identification and contact details and must cooperate with the authorities in maintaining peace and order. Report of the Special Rapporteur on the situation of human rights defenders, Mary Lawlor - Visit to Greece (A/HRC/52/29/Add.1) 2 March 2023, points 54-58; Franet, Centre for European Constitutional Law (2022), Country research - Legal environment and space of civil society organisations in supporting fundamental rights – Greece, Vienna, EU Agency for Fundamental Rights.

<sup>258</sup> Council of Europe: Commissioner for Human rights, *Statement on the need to reverse the trend undermining the work of human rights defenders and journalists in Greece*, published on 12 January 2023. See also contributions from the Border Violence Monitoring Network and Human Rights Watch for the 2023 Rule of Law Report, p. 20 and p. 21 respectively.

## **Annex I: List of sources in alphabetical order\***

\* *The list of contributions received in the context of the consultation for the 2023 Rule of Law report can be found at [https://commission.europa.eu/publications/2023-rule-law-report-targeted-stakeholder-consultation\\_en](https://commission.europa.eu/publications/2023-rule-law-report-targeted-stakeholder-consultation_en).*

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## **Annex II: Country visit to Greece**

The Commission services held virtual meetings in March 2023 with:

- Central Codification Committee
- Committee for the Evaluation of the Quality of the law-making process
- Committee of Parliament for the Investigation of Declarations of Assets (CIDA, or Committee 3-A)
- Council of State
- Court of Audit
- Generation 2.0 – for Rights, Equality and Diversity
- Greek Association of Judges and Prosecutors
- Greek Bar Associations
- Greek Council for Refugees
- Greek National Commission for Human Rights
- Hellenic Broadcasting Corporation (ERT)
- Hellenic Federation of Enterprises (SEV)
- HIAS Greece
- Internal Affairs Unit of Law Enforcement Bodies, Ministry of Citizen Protection
- Journalists' Union of Athens Daily Newspaper (ESIEA)
- Journalists' Union of Macedonia and Thrace (ESIEMTH)
- Ministry of Interior
- Ministry of Justice
- Ministry of Migration and Asylum
- National Audiovisual Regulator
- National School of Judges
- National Transparency Authority
- Ombudsman
- Prosecutor for Financial Crimes
- Prosecutor's Office to the Supreme Court
- Refugee Support Aegean
- Reporters United
- Supreme Court
- Secretariat General of Legal and Parliamentary Affairs,
- Transparency International Greece
- Vouliwatch

\* The Commission also met the following organisations in a number of horizontal meetings:

- ALDA (European Association for Local Democracy)
- Amnesty International
- Civil Liberties Union for Europe
- Civil Society Europe
- Culture Action Europe
- European Centre for Press and Media Freedom
- European Civic Forum

- European Federation of Journalists
- European Partnership for Democracy
- European Youth Forum
- Free Press Unlimited
- Front Line Defenders
- ILGA Europe
- International Commission of Jurists
- International Federation for Human Rights (FIDH)
- International Planned Parenthood Federation European Network
- International Press Institute
- JEF Europe
- Osservatorio Balcani e Caucaso Transeuropa
- Philea
- Reporters Without Borders
- SOLIDAR
- Transparency International EU