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## **COMMISSION STAFF WORKING DOCUMENT**

### **2022 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**

#### **2022 Rule of Law Report The rule of law situation in the European Union**

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## **ABSTRACT**

A number of measures aiming at improving the efficiency and the quality of the Greek justice system are being implemented. The 2021 reform of the School of Judges aims at increasing the quality of judges' training, and the planned creation of a National School for Judicial Clerks would help to improve the quality of the assistance to judges and of the management of the courts. The revised Code of Civil Procedure in 2021 seeks to have a positive impact on the efficiency of justice, in particular as regards delays in civil justice and the coherence of the case law. A code of conduct for the judges of the Council of State was adopted in March 2022. Draft legislation on the promotion of judges and prosecutors and the organisation of the courts was adopted by the Parliament in June 2022. Measures are being implemented to improve the quality of justice, in particular as regards digitalisation. The draft legal text is being finalised to create a formal legal framework for the office for the collection and processing of judicial statistics established in the Ministry of Justice at the end of 2020. Concerns remain regarding the appointment procedure for the most senior positions of judges and prosecutors, including the lack of judicial involvement in the selection process.

The new National Anti-Corruption Action Plan for 2022-2025 was approved. The cooperation between anticorruption bodies and entities from the private and public sector is being developed. Provisions for the regulation of lobbying were recently adopted. A limited number of prosecutions related to corruption was taken forward, although progress on final decisions remains to be established. While the number of asset declarations being filed has increased and all are verified for their completeness, their accuracy is only verified in a limited percentage. Rules on the ethics of civil servants continued to be implemented, but concerns persist as regards the integrity within the police force. Regular auditing activities aim at detecting and preventing corruption. Specific actions to counter the risk of corruption during the COVID-19 pandemic continued to be applied.

Freedom of expression and the right of access to information are legally and formally protected in the Constitution and sectorial legislation. The Greek government has taken steps to strengthen the transparency of media ownership, through recently adopted legislation. However, the situation of journalists raises significant concerns due to the fact that they continue to face threats and attacks while their professional environment has further deteriorated. The allocation of state advertising as regards, in particular the non-transparent distribution of state funding, is also an issue. While public service media is regulated by a strong legal framework, there are concerns with regard to potential political influence in the appointment of board members. Challenges persist with regard to the adequacy of the media regulator's financial and human resources.

As regards checks and balances, work on improving the quality of legislation is progressing in particular as regards the compatibility of draft laws with the Constitution and EU law. Codification of legislation is also progressing with the adoption of a number of legal codes in different areas of legislation. The number of last-minute amendments for draft legislation is decreasing. However, stakeholders are often left with insufficient time to comment on draft laws. The Ombudsperson is working on strengthening the capacities of the institution including by securing the independence of his budgetary resources and also developing international cooperation. New legislation seeks to improve the framework of an enabling environment for civil society organisations, although some modalities of the registration requirements, continue to be considered cumbersome by some civil society organisations while a review of the existing legislation is pending before the Council of State.

## **RECOMMENDATIONS**

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:

- 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.
- Ensure the effective and systematic verification of the accuracy of asset disclosures filed by all types of public officials.
- Increase efforts to establish a robust track record of prosecutions and final judgments in corruption cases.
- 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.
- Ensure that registration requirements for civil society organisations are proportionate in view of maintaining an open framework for them to operate.

## **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.

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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, paragraph 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, paragraph 1. 2020 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 2-3 and 2021 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 2.

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

## Independence

**The level of perceived judicial independence in Greece continues to be average among the general public and is now average among companies.** Overall, 53% of the general population and 59% of companies perceive the level of independence of courts and judges to be ‘fairly or very good’ in 2022<sup>10</sup>. According to data in the 2022 EU Justice Scoreboard, no clear trend can be identified in the evolution of the perceived level of independence since 2016. Both figures have decreased in comparison to 2021 (55% for the general public and 60% for companies), but they are higher than in 2016 (47% for the general public and 37% for companies).

**The appointments procedures for the highest senior positions of judges and prosecutors continue to raise concerns.** As reported in the previous Rule of Law Reports, the system of appointments raises concerns as being subject to a potentially strong influence from the executive<sup>11</sup>. The relevant legislation<sup>12</sup> stipulates that appointments of judges and prosecutors in the most senior positions<sup>13</sup> – such as the President and Vice-President of the Council of State, of the Supreme Court or of the Court of Audit – be effected by presidential decree, following a recommendation by the Council of Ministers based on a proposal by the Minister of Justice and an opinion of a parliamentary body. There is no involvement of the judiciary in the appointment procedure and the Constitution excludes<sup>14</sup> unsuccessful candidates from contesting before an independent court the decision not to recommend them for appointment.

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<sup>10</sup> Figures 50 and 52, 2022 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> 2020 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 3 and 2021 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 3. In November 2020, GRECO raised concerns regarding the system of appointments for the most senior positions in the judiciary (including the Supreme Court President), notably that these positions are subject to a potentially strong influence of the executive and recommended to revise the method of selection and ensure the involvement of the judiciary in the process, GRECO Fourth Evaluation Round - Second Compliance Report, recommendation xii, p. 7. More recently, the same issue is raised by the Council of Bars and Law Societies of Europe in its contribution for the 2022 Rule of Law Report, p. 30.

<sup>12</sup> The applicable legislation is: i) Constitution of Greece, Art. 90 para. 5, ii) Regulation of the functioning of the Greek Parliament, Art. 12 and 13, iii) ‘On the selection of magistrates for the top posts of Justice and the reinstatement of the self-governance on courts’ Law 3841/2010 and the most recent iv) ‘Code of the organisation of the courts and status of judges’ Law 4938/2022. In practice, there is a list of candidates established by the Minister of Justice based on seniority. The list is discussed by the conference of the Presidents (speakers) of the Parliament. The Minister of Justice is not obliged to follow the opinion of the Parliament. The practice of establishing the list of candidates on the basis of seniority has been enshrined in the recent Law 4938/2022 (paragraph 3 of Article 59) which provides that: ‘For promotions to the posts of Vice-Presidents of the Council of State, the Supreme Court and the Court of Auditors, the selection shall be made from among the ten most senior of the 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.’

<sup>13</sup> As regards all other members of the judiciary see above p. 3.

<sup>14</sup> Article 90, paragraph 6: ‘Decisions or acts in compliance with the provisions of the present article shall not be subject to remedies before the Supreme Administrative Court’. According to the Greek authorities against the presidential decree for the appointment to the post of President or Vice-President, a petition for annulment can be filed before the Council of State, despite the provisions of par. 6 of art. 90 of the Constitution. However, the Court cannot control the exercise of the discretion of the Cabinet with regard to the person chosen for the post or the evaluated criteria for such choice. Are deemed admissible, though, grounds of annulment pertaining to terms or conditions of the promotion directly set by the constitutional provisions and not by the legislator.

According to European standards, an independent and competent authority drawn substantially from the judiciary should be authorised to make recommendations or express opinions which the government follows in practice. In addition, an unsuccessful candidate should have the right to challenge the decision of the Government, or at least the procedure under which the decision was made<sup>15</sup>. These specific issues are per se not addressed in the new law ‘Code on the organisation of the courts and the status of judges’ dealing among others with the promotion of judges<sup>16</sup>. Given the fact that addressing the concerns would imply the revision of the Constitution as well as the revision of the Regulation on the functioning of the Parliament, the new Code, according to the Greek authorities, made the effort to limit the discretionary power of the Council of Ministers by including a seniority criterion to the eligibility of the candidate judges: from now on, only the most senior of judges are eligible to be Vice-President of the Supreme Courts. Similar limitations are also included for the positions of the Presidents of the Supreme Courts.

**Legislation on the organisation of the courts and the status of judges has been adopted.**

The code on the organisation of the courts and the status of judges and prosecutors<sup>17</sup> has been adopted by the Parliament on 6 June 2022<sup>18</sup>. The legislation aims to have a positive impact on the efficiency and quality of justice, in particular as regards the use by judges of digitalised procedures and the acceleration of the administration of justice<sup>19</sup>. In addition, the draft law provides for criteria for the promotion of judges and prosecutors such as quantitative and qualitative performance. These criteria take into consideration the difficulty of the cases the judge has dealt with, efficiency in the administration of justice and professional knowledge acquired including in the framework of their participation to seminars organised by the National School of Judges<sup>20</sup>.

**The Council of State and the Court of Audit are taking action to ensure standards of integrity in their members.** Following the adoption in 2020 of the Code of Conduct of the

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<sup>15</sup> Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe to member states on judges: independence, efficiency and responsibilities, paras. 46-48.

<sup>16</sup> Art. 59, paragraph 3 of the law does not provide for any changes as regards the non-involvement of the judiciary, the strong influence of the executive and the absence of legal remedies in the appointment procedure in the most senior positions of judges and prosecutors. For more details on this draft legislation, see next paragraph in the main text.

<sup>17</sup> In the framework of the 2021 Rule of Law Report, the Greek authorities indicated that a draft law was under preparation, in view of adoption in the third quarter of 2021, in order to amend the ‘Code on the organisation of the courts and the status of judges’ so as to modernise the system of promotion for judges and prosecutors. 2021 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 3-4.

<sup>18</sup> See also above. Written contribution from the Ministry of Justice in the context of the country visit to Greece. The draft law was also published in the website of the Ministry of Justice. The draft legislation was also examined in the context both of the enhanced surveillance framework and is part of the national Recovery and Resilience Plan. European Commission (2022), Enhanced Surveillance Report, Greece, p. 14.

<sup>19</sup> Judges who delay without justification issuing their decisions can face disciplinary procedures, Article 109 of the legislation.

<sup>20</sup> The Association of Judges and Prosecutors considers that the draft provisions on the promotion and the disciplinary procedures of judges do not raise any issue as regards the independence of the judiciary. Information received from the Association of Judges and Prosecutors in the context of the country visit to Greece and also written comments on the draft legislation published in the website of the Association. All the remarks of the Association were taken into consideration by the Ministry of Justice during the elaboration of the draft. Press release of the Association of Judges of 8 April 2022, published on the website of the Association and written contribution from the Ministry of Justice in the context of the country visit to Greece, p. 1.

Court of Audit, which is currently being implemented<sup>21</sup>, the Council of State adopted a code of conduct for its members on 23 March 2022<sup>22</sup>. Both documents take into consideration the best practices and international texts in this area, including the so-called ‘Bangalore Principles of Judicial Conduct’<sup>23</sup>. The implementation of the codes of conduct takes place under the responsibility of a committee. As regards the Council of State, the committee consists of the President and two councillors proposed by the plenum and the association of the judges of the Council of State. As regards the Court of Audit the committee consists of the Vice President and a councillor proposed by the plenum and one judge proposed by the association of the judges of the Court of Audit<sup>24</sup>. As regards civil and criminal justice, the work of a special working group established by the President of the Supreme Court is actively working on the preparation of a code of conduct<sup>25</sup>.

## Quality

**Digitalisation of administrative justice is well advanced, while further steps are needed to address shortcomings in the digitalisation of all branches of the judiciary including civil justice**<sup>26</sup>. In administrative justice, centralised case management and case law systems are now fully operational with a portal through which all interested parties can access a unified Database of Administrative Justice. Through the system, lawyers and public bodies are provided with updated information and can follow up on the case process as well as file all type of remedies, including appeals, online through the Hellenic Bar Association portal that authenticates them as lawyers. Entitled applicants can also request legal aid via the system. In addition, through the same system the handling of documents is operated electronically, as is the notification of decisions and the filing of applications for issuing certificates<sup>27</sup>. Lawyers can also lodge procedural documents to the administrative courts through the Hellenic Bar Association’s portal<sup>28</sup>. Fully anonymised case law is accessible to the public through the administrative justice portal<sup>29</sup>. As regards civil and criminal courts, a new platform<sup>30</sup> launched in December 2021 is offering real-time information regarding trial

<sup>21</sup> ‘Charter of deontology of the judges of the Court of Audit’, OJ, 4942B, 09.11.2020. Input from Greece for the 2022 Rule of Law Report, p. 5 and 2021 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 4, footnote 22.

<sup>22</sup> Published on the website of the Council of State on 23 March 2022. Written contribution from the Council of State in the context of the country visit to Greece.

<sup>23</sup> In particular as regards the core values of the judiciary: Independence, Impartiality, Integrity, Propriety, Equality, Competence and Diligence. The Council of State Code refers to the ‘Bangalore Principles’ in paragraph 4 and the Court of Audit Code in paragraph 6 of the respective codes of conduct. For the Bangalore principles, see [https://www.unodc.org/pdf/crime/corruption/judicial\\_group/Bangalore\\_principles.pdf](https://www.unodc.org/pdf/crime/corruption/judicial_group/Bangalore_principles.pdf).

<sup>24</sup> Information received from the Court of Audit and the Council of State in the context of the country visit to Greece.

<sup>25</sup> Due mainly to the need to restructure the working group following the retirement of some of its members there was some delay. The retired President of the working group has been replaced by the President of the Supreme Court in April 2022 and the work on the draft Code has been resumed.

<sup>26</sup> 2021 Rule of Law Report, Country Chapter on the rule of law situation in Greece, pp. 4-5.

<sup>27</sup> Contribution from the Association of European Administrative Judges for the 2022 Rule of Law Report, pp. 12-13.

<sup>28</sup> Input from Greece for the 2022 Rule of Law Report, pp. 11-19.

<sup>29</sup> Ibid; For the website of the administrative justice portal see <http://www.adjustice.gr/>; Ministry of Justice (2021), Presentation summary of the Integrated Judicial Management System for Administrative Justice.

<sup>30</sup> [dikes.moj.gov.gr](https://dikes.moj.gov.gr) (under: portal gov.gr). Any person who wishes to know about a certain trial, has access to every case of the daily board of the courts. Anyone interested is offered the possibility to search a case, by a

boards and hearings<sup>31</sup>. However, shortcomings still exist in civil justice, in particular as regards the possibility for courts to communicate electronically between themselves in a secure manner as well as with legal professionals and other institutions, and to the use of digital solutions to initiate and follow proceedings in civil and commercial cases<sup>32</sup>. Digitalisation of justice has been identified as one of the priority areas in the national Recovery and Resilience Plan (RRP)<sup>33</sup> in combination with an important programme of upgrading existing court buildings and the construction of new ones taking into consideration digital justice needs<sup>34</sup>.

**The Government is taking measures aimed at improving access to justice for persons with disabilities.** Persons with disabilities face difficulties as regards their access to justice<sup>35</sup>. The Ministry of Justice is committed to continue improving the accessibility of court buildings for persons with disabilities until 2027 to cover all the court buildings of Greece. Furthermore, the possibility of enhancing accessibility to deaf and hard-of-hearing people in courtrooms through the use of digitalised procedures in combination with the existing infrastructure started in 2022 and is planned to be completed in 2026<sup>36</sup>.

**The implementation of the system for the collection of judicial statistics is progressing.** An office for the collection and processing of judicial statistics was established in the Ministry of Justice at the end of 2020<sup>37</sup>, with the objective of systematic collection of qualitative and quantitative statistical data<sup>38</sup>. The functioning of the office<sup>39</sup> has been formalised with a Presidential Decree<sup>40</sup>, which is currently being elaborated by the Ministry of Justice. A call for the procurement of the relevant infrastructure and services will be launched in the near future<sup>41</sup>.

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court building number, or room number, or even board code, with no need for authentication or special registration procedure.

<sup>31</sup> Input from Greece for the 2022 Rule of Law Report, p. 16, [www.solon.gov.gr](http://www.solon.gov.gr).

<sup>32</sup> Figures 43, 44 and 46, 2022 EU Justice Scoreboard. In certain areas as for example the issuing of digital judicial certificates important delays are experienced due mainly to the lack of personnel able to manage the relevant digital tools. Information received from the Bar Association in the context of the country visit to Greece.

<sup>33</sup> European Commission, Report on the Implementation of the Recovery and Resilience Facility 2022, p. 40.

<sup>34</sup> Input from Greece for the 2022 Rule of Law Report, pp. 8-9 and information received from the Ministry of Justice in the context of the country visit to Greece.

<sup>35</sup> Such as the availability of information in accessible formats, the availability of digital solutions for civil, commercial, administrative and criminal cases before first instance courts or the lack of adjusted alternative dispute resolution method. Figure 29, 2022 EU Justice Scoreboard.

<sup>36</sup> Input from Greece for the 2022 Rule of Law Report, p. 8-9.

<sup>37</sup> 2021 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 5.

<sup>38</sup> This project will be further developed in the framework of Greece's Recovery and Resilience Plan; European Commission (2022), Report on the Implementation of the Recovery and Resilience Facility, p. 42.

<sup>39</sup> The office already provides judicial statistics, which are regularly published in the website of the Ministry of Justice.

<sup>40</sup> 'Establishment, organization 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, published in the Government Gazette A' 114/17.06.2022. The Decree provides in Article 4, that the office will be responsible for collecting and transmitting judicial statistics to the European Commission for the Efficiency of Justice (CEPEJ).

<sup>41</sup> Information received from the Ministry of Justice in the context of the country visit to Greece.



### **The School of Judges was reformed in December 2021 to improve the training of judges.**

The reform of the School of Judges<sup>42</sup> aims at increasing the quality of judges' training. The School provides introductory and lifelong training for judges including, for the first time, for magistrates<sup>43</sup>, with regular mandatory training programmes. *Ad-hoc* training programmes are provided for judges of all branches and ranks who are called upon to implement new laws and regulations. In addition, international training or further training programmes for judges will be extended due to the School's cooperation with the European Union Agency for Asylum and the Academy of European Law<sup>44</sup>. The training of trainers is established in accordance with the provisions of the European Network for the Exchange of Information between those responsible for providing Judicial Training<sup>45</sup>. For the first time, the list of mandatory courses includes children's rights as well as principles of child-friendly justice<sup>46</sup>. Ethics and anti-corruption are essential courses in the School's curriculum<sup>47</sup>.

### **The planned creation of a National School for Judicial Clerks aims at ensuring better assistance to judges.**

The judge/judicial clerk ratio has been decreasing since 2015 and is currently 1.09 judicial clerks per judge<sup>48</sup>. The aim of the Ministry of Justice is to increase this ratio to three judicial clerks per judge<sup>49</sup>. The planned creation of a National School for Judicial Clerks (NSJC)<sup>50</sup> aims at increasing the quality of the assistance to judges and the quality of court management<sup>51</sup>. The courts will have the possibility to directly hire judicial clerks from the NSJC. Training and lifelong training of judicial clerks by the NSJC will cover topics that are essential for their duties, including the management and organisation of court service, digital skills, and procedural and substantive law<sup>52</sup>. In addition, public sector officials will have the possibility to be transferred to courts services and become full time judicial

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<sup>42</sup> 'Reform of the National School of Judges', Law 4871/2021 of 10 December 2021. For the website of the School of Judges, see <https://www.esdi.gr/>.

<sup>43</sup> Magistrates chair the magistrate courts which are the lowest jurisdictions.

<sup>44</sup> Since March 2022, the School has participated in seminars on EU tax law, legal language training in cooperation in Asylum and Refugees, the Brussels Ia, Rome I and II Regulations, and asset recovery and confiscation in the EU, <https://www.esdi.gr/%ce%b4%ce%b9%ce%b5%ce%b8%ce%bd%ce%b5%ce%af%cf%82-%cf%83%cf%87%ce%ad%cf%83%ce%b5%ce%b9%cf%82/>. The seminars were organised by the European Judicial Training Network (EJTN).

<sup>45</sup> Law 4871/2021 Article 47 and input from Greece for the 2022 Rule of Law Report, pp. 10-11.

<sup>46</sup> Ibid, Article 42c. Also see National School of Judges (2022), 'Curriculum for the 28<sup>th</sup> cohort of trainees in the administrative justice orientation', 'Meetings: c. "EU Charter of Fundamental Rights – Children's rights – Child-friendly justice"', p. 4; National School of Judges (2022), 'Curriculum for the 28<sup>th</sup> cohort of trainees in the civil and criminal justice orientation and magistrates orientation', 'Meetings: c. "EU Charter of Fundamental Rights – Children's rights – Child-friendly justice"', p. 4; National School of Judges (2022), 'Curriculum for the 28<sup>th</sup> cohort of trainees in the prosecution service orientation', 'Meetings: c. "EU Charter of Fundamental Rights – Children's rights – Child-friendly justice"', p. 4. A training seminar on children's rights and child-friendly justice, for judges and prosecutors currently in office, was held between 5-6 May 2022, [https://www.esdi.gr/wp-content/uploads/2022/05/programmsemmap\\_2022.pdf](https://www.esdi.gr/wp-content/uploads/2022/05/programmsemmap_2022.pdf).

<sup>47</sup> Information received from the representatives of the School of Judges in the context of the country visit to Greece.

<sup>48</sup> The ratio between professional 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.

<sup>49</sup> Input from Greece for the 2022 Rule of Law Report, p. 10-11.

<sup>50</sup> The Code of Judicial Staff (Clerks) was adopted on 24 April 2021; 2021 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p.5.

<sup>51</sup> The NSJC will be created with the assistance of the Recovery and Resilience Plan for Greece. Input from Greece for the 2022 Rule of Law Report, p. 10.

<sup>52</sup> Ibid.

clerks after their evaluation by the relevant Judicial Council<sup>53</sup>. Officials specialised in information technologies will also have the possibility to be transferred to the Council of State and to administrative courts<sup>54</sup>.

**The reform of the judicial map is ongoing.** As regards administrative justice, the working group on the reform of the judicial map, established by an act of the President of the Council of State of 24 March 2021, continues its work<sup>55</sup>. The relevant matters have already been under consultation with all administrative courts and are currently under consultation with the bar associations nationwide<sup>56</sup>. As regards civil and criminal justice, the Ministry of Justice has signed on 30 March 2022 an agreement with the International Bank for Reconstruction and Development for the support of the reform of the judicial map. The technical assistance will propose an integrated plan for the reform of the judicial map due to be submitted for consultation with all relevant stakeholders, in order to have a draft law prepared by the end of 2023<sup>57</sup>. If the reform were to involve a transfer of judges, according to European standards, judges who would be transferred in the course of the reform without their consent should benefit from procedural safeguards in order to ensure that their independence is not jeopardised<sup>58</sup>.

## Efficiency

**Civil justice continues to face challenges regarding its overall efficiency, while improvements are noticed in administrative justice.** Judicial statistics show that the civil court system faces efficiency challenges, as the time needed to resolve litigious civil and commercial disputes in first instance has increased (637 days in 2019<sup>59</sup> compared to 559 days in 2018)<sup>60</sup>. In administrative justice, the clearance rate has remained high (162.8% in 2020 compared to 163.5% in 2018<sup>61</sup>) and the disposition time has decreased (to 551 in 2020 from 601 days in 2018)<sup>62</sup>.

**The adoption of the reviewed Code of Civil Procedure seeks to introduce improvements as regards delays and the coherence of the case law.** On 13 October 2021, the new Code of

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<sup>53</sup> ‘Code of Judicial Staff’, Law 4798/2021, Article 238. Input from Greece for the 2022 Rule of Law Report, p. 10.

<sup>54</sup> ‘Acceleration of pending judicial cases’, Law 4745/2020, Article 37 and ‘Speedy civil procedures’, Law 4842/2021 Article 93. Input from Greece for the 2022 Rule of Law Report, p. 9.

<sup>55</sup> 2021 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 5.

<sup>56</sup> Input from Greece for the 2022 Rule of Law Report, p. 17.

<sup>57</sup> Ibid. This specific reform is part of Greece’s Recovery and Resilience Plan.

<sup>58</sup> Pursuant to European standards, it is allowed, in exceptional cases, to transfer judges without their consent, provided that sufficient safeguards are in place. These safeguards include a requirement that the judge may not be transferred to a court of a lower instance and that he or she has recourse to judicial review. Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe, para. 52; European Charter of the Statute of Judges, Arts. 1.4., 3.4.; European Network of Councils for the Judiciary, Development of Minimal Judicial Standards III – Minimum Standards regarding the evaluation of professional performance and irremovability of members of the judiciary – Report 2012-2013, proposal 4.21; judgment of the European Court of Human Rights of 9 March 2021, *Bilgen v Turkey*, 1571/07, para. 96.

<sup>59</sup> There is no data available for 2020 for civil and commercial justice.

<sup>60</sup> Figure 6, 2022 EU Justice Scoreboard.

<sup>61</sup> Figure 12, 2022 EU Justice Scoreboard. There are no available data for 2019 for administrative justice.

<sup>62</sup> Figure 8, 2022 EU Justice Scoreboard.

Civil Procedure was adopted<sup>63</sup> aiming to modernise civil procedure. Specific provisions of the new Code introduce a general use of digitalised procedures<sup>64</sup> and a number of other innovations<sup>65</sup>, namely pilot trials in civil cases<sup>66</sup>. This procedure allows the Supreme Court to decide on a legal matter brought before it by a three-member council<sup>67</sup> after an application by a party to a pending case or by a preliminary question from a lower court judge. This provision is designed to deal with legal matters that affect a wide circle of parties, with the goal of providing legal certainty while at the same time helping with the swift resolution of the specific cases<sup>68</sup>. Taking into consideration the important innovations the Code brings into the legal system, training of practitioners including judges and lawyers<sup>69</sup> would help the swift implementation of the reviewed Code.

## **II. ANTI-CORRUPTION FRAMEWORK**

The National Transparency Authority (NTA)<sup>70</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, and 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, and provide relevant instructions. The Directorate General of Financial and Economic Crime Unit (DG SDOE) is the law enforcement agency of the Ministry of Finance, whose main focus is the detection of fraud and corruption cases<sup>71</sup>.The

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<sup>63</sup> ‘Expedited civil trial, adaptation of the provisions of civil procedure for the digitalisation of civil justice, other amendments to the Code of Civil Procedure and other urgent provisions’, Law 4842/2021.

<sup>64</sup> Namely, Articles 122A, 959A, 1054 para 4 of Law 4842/2021.

<sup>65</sup> Input from Greece for the 2022 Rule of Law Report, p. 18-19.

<sup>66</sup> Article 20A of the Code. A comparative study on legislation and practices concerning pilot judgment procedures was part of a project of technical assistance the Commission has been providing (between 30 June 2020 and 5 July 2022) to the Greek Ministry of Justice through the general project under the title ‘*Enhancing the reform of the court system in Greece*’ funded under the Structural Reform Support Programme. The pilot trial procedure follows the example of the same practice in administrative justice which was introduced for the first time with Law 3900/2010, ‘Rationalization of procedures and expedited administrative trial’, Article 1.

<sup>67</sup> Composed of the President of the Supreme Court, the oldest in hierarchy Vice President and the competent by substance Vice President or the Prosecutor of the Supreme Court.

<sup>68</sup> The Association of Judges and the Bar Association have expressed their doubts as of the expected efficiency of Pilot Trials in civil procedure. They both consider that very few cases would be concerned and this would have a very limited effect on the speeding of procedures. Information received from the Association of Judges and the Bar Association in the context of the country visit to Greece. The Ministry of Justice agrees that the procedure will be used once or twice a year but its effect on the speeding of justice would be positive. Written input received from the Ministry of Justice following the country visit to Greece.

<sup>69</sup> On 29 March 2022, the Athens Bar Association organised a first training seminar addressed to lawyers on the innovations in the civil procedure. See website of the Athens Bar Association, <https://www.dsa.gr/>.

<sup>70</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 is subject to parliamentary scrutiny.

<sup>71</sup> SDOE’s staff consists of 45 employees serve at the Central Unit and 193 employees and auditors at the Operational Directorates. Input from Greece for the 2022 Rule of Law Report, p. 22.

Directorate of Internal Affairs is tasked to tackle corruption within the Independent Authority for Public Revenue (IAPR)<sup>72</sup>.

**The perception of public sector corruption among experts and the business community is that the level of corruption in the public sector is high.** In the 2022 Corruption Perceptions Index by Transparency International, Greece scores 49/100 and ranks 17<sup>th</sup> in the European Union and 58<sup>th</sup> globally<sup>73</sup>. This perception has been relatively stable over the past five years<sup>74</sup>. The 2022 Special Eurobarometer on Corruption shows that 98% of respondents consider corruption widespread in their country (EU average 68%) and 59% of respondents feel personally affected by corruption in their daily lives (EU average 24%)<sup>75</sup>. As regards businesses, 90% of companies consider that corruption is widespread (EU average 63%) and 76% consider that corruption is a problem when doing business (EU average 34%)<sup>76</sup>. Furthermore, 30% of respondents find that there are enough successful prosecutions to deter people from corrupt practices (EU average 34%)<sup>77</sup>, while 19% of companies believe that people and businesses caught for bribing a senior official are appropriately punished (EU average 29%)<sup>78</sup>.

**The anticorruption institutions continue to develop cooperation with private and public entities.** In 2021, the National Transparency Authority (NTA) continued supporting entities in both the public and private sectors<sup>79</sup> by advising on fraud risk management<sup>80</sup> and developing anticorruption policies<sup>81</sup>. In this context, the NTA signed a series of agreements with public entities<sup>82</sup>. In the same year, the Directorate of Internal Affairs of the Independent Authority for Public Revenue has conducted 85 controls of property of the authority employees<sup>83</sup>.

**The new National Anti-Corruption Action Plan (NACAP) for 2022-2025 was approved.** Following the completion of the NACAP 2018-2021, in line with the Recovery and Resilience Plan (RRP), in March 2022 the Council of Ministers approved the national Action

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<sup>72</sup> Other tasks include monitoring on disciplinary misconduct, ensure the lawful conduct of its employees, as well as to investigate their assets. Input from Greece for the 2022 Rule of Law Report, p. 23.

<sup>73</sup> Transparency International (2022), Corruption Perceptions Index 2021, pp. 2-3. 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>74</sup> In 2017 the score was 48, while in 2021 the score is 49. 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.

<sup>75</sup> Special Eurobarometer 523 on Corruption (2022). The Eurobarometer data on citizens' corruption perception and experience is updated every second year. The previous data set is the Special Eurobarometer 502 (2020).

<sup>76</sup> Flash Eurobarometer 507 on Businesses' attitudes towards corruption in the EU (2022). The Eurobarometer data on business attitudes towards corruption as is updated every second year. The previous data set is the Flash Eurobarometer 482 (2019).

<sup>77</sup> Special Eurobarometer 523 on Corruption (2022).

<sup>78</sup> Flash Eurobarometer 507 on Businesses' attitudes towards corruption in the EU (2022).

<sup>79</sup> Starting October 2021, NTA delivered six webinars on the integrity in the private sector. Input from Greece for the 2022 Rule of Law Report, p. 45.

<sup>80</sup> Information received from the National Transparency Authority in the context of the country visit to Greece.

<sup>81</sup> Ibid.

<sup>82</sup> Input from Greece for the 2022 Rule of Law Report, p. 20.

<sup>83</sup> Information received from the Ministry of Justice in the context of the country visit to Greece.

Plan for 2022-2025<sup>84</sup>. Its implementation remains under the remit of the National Transparency Authority. The lack of comprehensive involvement of civil society in the development of anticorruption strategies remains a point of concern<sup>85</sup>.

**A limited number of prosecutions related to corruption were taken forward, although progress on final decisions remains to be established.** In December 2021, the Criminal Code's provisions on active and passive bribery were amended<sup>86</sup> in line with the recommendations from the Group of State against Corruption (GRECO)<sup>87</sup>. In 2021, the Prosecutor for Financial Crimes (with 13 prosecutors and 13 investigators<sup>88</sup>) treated 266 cases in total, with 81 cases closed, and 19 cases with charges pressed, while 156 cases remain still pending<sup>89</sup>. There is no data available on the number of criminal sentences on cases of corruption by criminal courts. In September 2021, two cases for active bribery were closed due to the statutory limitation<sup>90</sup>. The OECD has raised concerns on the investigation and the legislation, including sanctions for natural and legal persons, related to foreign bribery<sup>91</sup>.

**Asset declarations are filed in great numbers but only a limited percentage of them are verified on their accuracy.** The system of asset declarations is divided among four oversight bodies<sup>92</sup>. The National Transparency Authority (NTA) is responsible for receiving and verifying the asset declarations of all administrative control authorities (inspectors, auditors, investigators). While the completeness of asset declarations is regularly checked, relying on a risk-based assessment, in 2021 the NTA verified the accuracy of only 139 declarations of assets; seven cases were referred to the tax authorities for further investigation, and in one

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<sup>84</sup> By art.1 of Law 4915/2022, the Council of Ministers approved the NACAP 2022-2025. In the context of Greece's RRP, actions concerning the National Anti-Corruption Action Plan are expected to be implemented by the end of 2022, namely milestone n.210 on the adoption by the National Transparency Authority of the National Anti-Corruption Action Plan for the period 2022-2025, including the specification of: (i) actions to enhance transparency and accountability across public administration; (ii) targeted interventions to detect and prevent corruption in high-risk areas (including, for example, health, public finances, investments); (iii) necessary regulatory interventions in selected policy fields.

<sup>85</sup> GRECO Fifth Evaluation Round – Evaluation Report, p. 23, in addition to the information received by civil society organisations in the context of the country visit to Greece. According to the Greek authorities there were consultations with 24 relevant public and private stakeholders of which 5 Civil Society Organisations.

<sup>86</sup> 'Amendments to the Penal Code and the Code of Criminal Procedure', Law 4855/2021, 12 November 2021.

<sup>87</sup> GRECO Fifth Evaluation Round – Evaluation Report, p. 7.

<sup>88</sup> Information received from the Public Prosecutor's Office in the context of the country visit to Greece.

<sup>89</sup> Ibid.

<sup>90</sup> Information received from the Ministry of Justice in the context of the country visit to Greece.

<sup>91</sup> OECD (2022), Implementing the OECD Anti-Bribery Convention, Phase 4 Report, Greece, p. 5.

<sup>92</sup> There are four main authorities in charge of receiving and auditing asset declarations: i) the Committee of Parliament for the Investigation of Declarations of Assets (CIDA), the so-called Committee 3-A, is responsible for the oversight and sanctions on political entities' (such as parties and persons) financing, and on asset declarations; ii) the Source of Funds Investigation Unit (SFIU) of the Anti-Money Laundering Authority, which is responsible for the audit of asset declarations of several categories of public officials, as well as for individuals performing management duties in specific private legal entities; iii) the Hellenic Internal Affairs Agency of Law Enforcement Bodies, which is responsible for the audit of asset declarations of Hellenic Police Personnel, Hellenic Coast Guard Personnel and Fire Brigade Personnel, as well as Public Servants of the wider public sector, and (iv) the National Transparency Authority who is responsible for receiving and verifying the asset declarations of administrative control authorities (inspectors, auditors, investigators). 2020 and 2021 Rule of Law Reports, Country Chapter on the rule of law situation in Greece, p. 7 and p. 8 respectively.

case a situation of conflict of interests was found<sup>93</sup> (compared to 15 cases of non-declared revenues and two cases of possible conflict of interest in 2020). The Committee of Parliament for the Investigation of Declarations of Assets (CIDA), which is responsible for the verification of the asset declarations of Members of the Parliament, political parties and members of the judiciary,<sup>94</sup> manages an annual workload of several thousands of declarations<sup>95</sup>. In 2021, it received eight whistleblowing reports, and three questions from the members of the judiciary; four reports were closed with no sanction<sup>96</sup>, and the other four cases remain pending<sup>97</sup>. In 2021, CIDA verified 23 financial declaration of political parties (for the year 2019), and found eight minor violations on the use of public funds<sup>98</sup>. In 2021, the Source of Funds Investigation Unit of the FIU (SFIU) of the Hellenic anti-money laundering authority received 83 528 asset declarations, performed 659 verifications and asked clarifications for 124 of the declarations verified<sup>99</sup>. For the same year, violations (mainly for non-submission) were found in 27 cases, which were forwarded to the competent prosecutorial authorities<sup>100</sup>. The verification on the accuracy of the information declared is performed only at the request of the prosecutor on an *ad hoc* basis<sup>101</sup>. Following verifications by the Hellenic Internal Affairs Agency of Law Enforcement Bodies, 34 audit reports for non-declaration and 56 reports for inaccurate declarations (concerning 727 obligated persons) were transmitted to the prosecution authorities<sup>102</sup>. In 2021, the same unit received approximately 990 complaints from whistleblowers concerning mainly cases of abuse of power, bribery, drugs dealing and gambling, which brought to open examinations on about 1 345 cases<sup>103</sup>. GRECO recommends further streamlining the declarations of assets of persons entrusted with top executive functions<sup>104</sup>. The RRP foresees the revision of the legal framework for asset declarations (Law 3213/2003), the simplification of the electronic

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<sup>93</sup> In December 2021, the Internal Regulation of Asset Declaration Audit was updated after ‘Common Regulation on the Methodology of Asset Declaration Audits’, as well as the Risk Analysis Criteria Manual. Information received from the National Transparency Authority in the context of the country visit to Greece, and input from Greece for the 2022 Rule of Law Report, p. 36.

<sup>94</sup> 2021 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 8. In order to protect sensitive data of the declarants, the declarations of Members of Parliament are done in a non-machine readable manner. Information received from CIDA in the context of the country visit to Greece.

<sup>95</sup> 2021 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 8.

<sup>96</sup> Information received from CIDA in the context of the country visit to Greece.

<sup>97</sup> By the end of 2021, the backlog of 20 000 declarations of assets to be verified was resolved. 2021 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 8. Information received from CIDA in the context of the country visit to Greece.

<sup>98</sup> The findings concerned inaccuracy in the declarations. The President of the Parliament issued sanctions on all eight cases. Information received from CIDA in the context of the country visit to Greece.

<sup>99</sup> Information received from the Source of Funds Investigation Unit in the context of the country visit to Greece.

<sup>100</sup> Information received from the Source of Funds Investigation Unit in the context of the country visit to Greece.

<sup>101</sup> The annual number of asset declarations verified for accuracy varies depending on different elements, such as the complaints, prosecutor’s orders, complexity of cases, among others. Information received from the Hellenic Internal Affairs Agency of Law Enforcement Bodies in the context of the country visit to Greece.

<sup>102</sup> Written contribution from the Hellenic Internal Affairs Agency of Law Enforcement Bodies in the context of the country visit, p. 1.

<sup>103</sup> Information received from Hellenic Internal Affairs Agency of Law Enforcement Bodies in the context of the country visit to Greece.

<sup>104</sup> The GRECO report indicates that ‘further initiatives can be taken to maximise synergies and enhance information exchange on best practice and lessons learned on the basis of the experience already gained by the responsible bodies’. ‘Drawing on the experience gained in this area, further streamlining of the system and better coordination are desirable’, GRECO Fifth Evaluation Round – Evaluation Report, p. 35.

submission process and to upgrade the IT platform for asset declaration and management by the end of 2023<sup>105</sup>.

**Provisions for the regulation of lobbying were adopted, but it is still early to assess their implementation.** Following the adoption in September 2021<sup>106</sup> of the new legislation on transparency and accountability, five ministerial implementing decisions were issued for the part concerning lobbying. The Ministry of Digital Governance is in the process of developing a specific platform for the Lobbying Registry, which will be managed by the National Transparency Authority<sup>107</sup>. The recently adopted law on lobbying does not mandatorily apply to civil society organisations<sup>108</sup>. In the context of Greece's RRP, actions aimed to strengthen the implementation of lobbying regulations (such as the development of the lobbying registry) are expected to be developed by the end of 2023.

**Measures on the integrity of civil servants continue to be taken forward, although the conflict of interests system and integrity within the police are matters of concern.** In 2021, the code of ethics and deontology was adopted for the personnel of the General Secretariat for Citizenship within the Ministry of Interior as well as that for the Hellenic Food Authority<sup>109</sup>. In 2021, the Ethics Committee of the National Transparency Authority examined three cases and imposed a restriction on post-employment in one case<sup>110</sup>. The new legislation on enhancing transparency and accountability regulates also the gift policy that applies to the President of the Republic, the members of the Government and the Deputy Ministers<sup>111</sup>. In December 2021, GRECO issued recommendations on matters of concern related to managing conflicts of interest of persons entrusted with top executive functions<sup>112</sup>, including a post-employment regime<sup>113</sup>. In June 2022 a law was adopted, on the enhancement

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<sup>105</sup> These RRP actions aim to streamline the asset declaration process and eliminate excessive and unnecessary burden on obligated persons for asset declarations.

<sup>106</sup> 'Strengthening Transparency and Accountability of State Institutional Bodies', Law n. 4829 of 10 September 2021. Input from Greece for the 2022 Rule of Law Report, p. 34.

<sup>107</sup> Information received from the National Transparency Authority in the context of the country visit to Greece.

<sup>108</sup> According to the Ministry of Justice, the law covers lobbying activities with remuneration. Associations, civil society organisations and other types of non-professional interest representatives may register on a voluntary basis and acquire the rights and obligations of professional lobbyists under the Law. Transparency International Greece expressed concerns that the recently adopted law on lobbying does not apply to non-professional lobbyists, such as associations, civil society organisations and other types of non-professional interest representatives. Information received from the Ministry of Justice and Transparency International Greece respectively, in the context of the country visit to Greece.

<sup>109</sup> Additionally, a general code of conduct for officers in local and regional governance is expected to be published in 2022, in line with the milestone foreseen under the recovery and resilience plan. Information received from the National Transparency Authority in the context of the country visit to Greece.

<sup>110</sup> Written contribution received from the National Transparency Authority in the context of the country visit, p. 6.

<sup>111</sup> Supra, part B' of law 4829/2021. Input from Greece for the 2022 Rule of Law Report, p. 37. NTA and the Ministry of the Interior are drafting the ministerial implementing decisions. Information received from the National Transparency Authority in the context of the country visit to Greece and written contribution from the National Transparency Authority in the context of the country visit, p. 3.

<sup>112</sup> By (i) removing decision-making power from the Prime Minister and enhancing the competences of the General Secretariat for Legal and Parliamentary Affairs of the Presidency of Government; (ii) using declarations of conflicts of interest for counselling purposes; (iii) making disqualification decisions available to the public; (iv) articulating a complaint mechanism by the public or other institutions... GRECO Fifth Evaluation Round - Evaluation Report, pp. 29.

<sup>113</sup> The post-employment regime be reviewed in order to assess its adequacy and that it be strengthened by broadening its scope in respect of persons with top executive functions. GRECO Fifth Evaluation Round - Evaluation Report, p. 32.

of transparency for high level officials working at the Offices of Members of the Government and General Secretaries in Ministries<sup>114</sup>. It is too early to assess the effectiveness of this new law. Moreover, GRECO recommended to address integrity in the Police force, including by carrying out a comprehensive risk assessment of corruption in the Police; updating the Code of Ethics for the Police; strengthening integrity checks during staff recruitment and to provide for independent and effective investigation into police complaints<sup>115</sup>. In the context of Greece's RRP, actions aimed to review policies and provisions on conflict of interests are expected to be implemented by the end of 2024<sup>116</sup>.

**Greece lacks a comprehensive legislative framework for the protection of whistleblowers<sup>117</sup> and has yet to transpose the Directive on the protection of whistleblowers<sup>118</sup>.** The Committee tasked to develop a draft law on the protection of whistleblowers submitted the draft legislation to the Minister of Justice at the end of 2021 which is planned to be posted for public consultation in July 2022<sup>119</sup>. NGOs criticised their non-involvement since the early phase of development of this draft law<sup>120</sup>. The OECD has recently urged Greece to implement new legislation for whistleblowers, for cases of foreign bribery<sup>121</sup>. GRECO recommended Greece to strengthen the protection of whistleblowers within the Police<sup>122</sup>.

**Specific actions to counter the risk of corruption during the COVID-19 pandemic continued to be implemented.** In June 2021, the Hellenic Single Public Procurement

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<sup>114</sup> 'System of evaluation in view of enhancing the efficiency of the public administration', Law 4940/2022. The law 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.

<sup>115</sup> GRECO Fifth Evaluation Round – Evaluation Report, pp. 42-57.

<sup>116</sup> Actions include development of policy framework, guidelines, toolkit for practitioners; the establishment of a national network of Integrity Advisors in the Public Administration.

<sup>117</sup> Whistleblower protection exists in administrative law for the protection of civil servants against retaliation and in criminal law for the protection of 'public interest witnesses' in penal cases. 2021 Rule of Law Reports, country chapter on the rule of law situation in Greece, p. 9.

<sup>118</sup> Directive (EU) 2019/1937 on the protection of persons reporting on breaches of Union law, p. 17. The deadline for the transposition of the Directive into national law expired on 17 December 2021. The Draft Law has been submitted to the General Secretariat for Legal and Parliamentary Affairs of the Presidency of Government.

<sup>119</sup> Input from Greece for the 2022 Rule of Law Report, p. 40 and written contribution from the Ministry of Justice in the context of the country visit, p. 3.

<sup>120</sup> Information received from Transparency International Greece in the context of the country visit to Greece. However, the Ministry of Justice of Greece argues that the Transparency International Greece was invited to submit in writing its proposals, comments or other feedback as to specific points of the Directive so as to be taken into consideration by the members of the legislative committee. Despite this invitation, the NGO did not submit any relevant proposal or other material. Information received from the Ministry of Justice in the context of the country visit to Greece.

<sup>121</sup> OECD (2022), Implementing the OECD Anti-Bribery Convention, Phase 4 Report, Greece, p. 5. The OECD report indicated that 'To date, no foreign bribery cases have been detected through whistleblower reporting in Greece and the situation for whistleblowers remains precarious. During the on-site visit, civil society and private sector representatives cited the fear of retaliation and the negative perception of whistleblowers, due to historical reasons, as the main reasons for the lack of whistleblower reporting. Recent reports about alleged retaliation against the whistleblowers in the Pharmaceutical company case, and attempts to unveil their identity, have caused greater damage to the perception of whistleblowers and have had an additional deterrent effect on those who could potentially report allegations of corruption and foreign bribery'.

<sup>122</sup> GRECO Fifth Evaluation Round – Evaluation Report, pp. 42-57.



Authority (HSPPA) issued guidelines<sup>123</sup>, with the aim of facilitating and assisting the work of contracting authorities in the correct implementation of the legislation, so as to avoid risks of corruption<sup>124</sup>. To the same end, the collaboration continues among the NTA, the SDOE, and HSPPA. In 2021, 21 targeted audits were performed on specific cases<sup>125</sup>.

### **III. MEDIA PLURALISM AND FREEDOM**

The Greek legal framework regulating media pluralism is established by the Constitution and specific sectorial legislation. The Greek Constitution provides for freedom of expression and press freedom<sup>126</sup>. It also provides for a right of access to 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. Legislation transposing the Audiovisual Media Services Directive has been in place since February 2021<sup>127</sup>.

**There have been no significant changes to the legal framework regulating the media regulator and concerns remain with regard to its financial capacity and human resources.** The Constitution guarantees the independence of the main media regulatory body<sup>128</sup>, the National Council for Radio and Television (NCRTV). According to Law 4779/2021<sup>129</sup>, NCRTV enjoys full operational independence from the government and from any other public and private body. Moreover, the NCRTV exercises ‘its responsibilities impartially and transparently’<sup>130</sup>. Although the law implementing the Audiovisual Media Services Directive assigns new tasks and responsibilities to the NCRTV, there have been no additional financial or human resources allocated<sup>131</sup> which would improve the effective functioning and monitoring duties of the media regulator<sup>132</sup>. Understaffing has been highlighted as a matter of concern in a recent publication issued by the European Audiovisual Observatory and the European Platform of Regulatory Authorities (EPRA)<sup>133</sup>. For these reasons, the Media Pluralism Monitor (MPM 2022) considers the independence and effectiveness of the media authority to be an area of medium risk.<sup>134</sup> Concerning operating licencing, according to the legislation in place<sup>135</sup>, the NCRTV issues free-to-air terrestrial digital TV licences. The duration of each licence is 10 years. Each licence is granted for the purposes of a free-to-air terrestrial digital broadcasting and therefore the terms of its use cannot be modified by the licensee<sup>136</sup>.

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<sup>123</sup> N.27 of June 2021.

<sup>124</sup> Input from Greece for the 2022 Rule of Law Report, p. 42.

<sup>125</sup> Information received from the National Transparency Authority in the context of the country visit to Greece.

<sup>126</sup> Article 14.

<sup>127</sup> 2021 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 9. Greece ranks 108th in the 2022 Reporters without Borders World Press Freedom Index, compared to 70th in the previous year.

<sup>128</sup> Constitution of Greece, Art. 15(2).

<sup>129</sup> Article 33(1).

<sup>130</sup> Article 33(2) of Law 4779/2021.

<sup>131</sup> The Greek Government requested the NCRTV to submit an action plan indicating resources and technical equipment needed for the new enhanced tasks.

<sup>132</sup> Information received from the NCRTV in the context of the country visit to Greece.

<sup>133</sup> IRIS Plus (2021), Joint publication of the European Audiovisual Observatory and the EPRA: ‘Media regulatory authorities and the challenges of cooperation’, p. 36.

<sup>134</sup> 2022 Media Pluralism Monitor, country report for Greece, p. 10.

<sup>135</sup> ‘Licencing operators...’, Law 4339/2015.

<sup>136</sup> Input from Greece for the 2022 Rule of law Report, p. 56.

**The Greek Government has taken some steps to strengthen transparency of media ownership.** Legal safeguards to ensure transparency of media ownership consist in Law 4779/2021<sup>137</sup> which stipulates that media service providers shall register in the NCRTV's Business Register. A recently adopted Law includes obligations for the newspapers to expressly indicate the ownership structure and the legal representatives<sup>138</sup>. Media legislation contains safeguards to prevent a high degree of horizontal concentration in the media sector. The MPM 2022 indicates a medium risk for news media concentration<sup>139</sup>.

**The allocation of state advertising raises some concerns.** The lack of transparency in the distribution of state subsidies to media outlets was highlighted by both the Media Freedom Rapid Response (MFRR) fact-finding mission to Greece<sup>140</sup> and the 2022 Media Pluralism Monitor (MPM 2022)<sup>141</sup>, pointing in particular to the non-transparent allocation of state funding for a health awareness campaign during the COVID-19 pandemic. A parliamentary inquiry was launched in November 2021, to investigate the funding of media outlets by the Government in this context. The competent body of the Hellenic Parliament, established on 12 November 2021, stated that the campaign was assigned on objective standards such as quantitative criteria on audience viewing, circulation, affinity indexes on target groups as well as qualitative criteria such as brand safety. However, the detailed information on the implementation of the public contract concerning the criteria used for the distribution of funds and the amount received by the different media have not been entirely disclosed<sup>142</sup>. A request demanding the disclosure of the detailed award criteria filed by a non-profit organisation<sup>143</sup> was tacitly rejected by the authorities. In February 2022 the Administrative Court of Appeal of Athens found this rejection to be unlawful and ordered that the case be referred back to the administration<sup>144</sup>. Following the Administrative Court of Appeal's decision, the National Transparency Authority (NTA) examined the appeal and concluded that the non-profit organization could not establish a legal right to access the required documentation<sup>145</sup>.

**Legal safeguards are in place to ensure the independence of Greek public service media (ERT), however there are concerns with regards to potential political influence in the appointment of the board members.** The Greek public service media is regulated by the Law on the Hellenic Radio and Television which provides that ERT is a limited liability company belonging to the public sector and supervised by the State<sup>146</sup>. The governing Board of ERT comprises seven members: the President, the Managing Director, two representatives of ERT's employees (one of whom shall be a journalist) and three members with specialised knowledge and expertise, appointed for a five-year term which can be renewed once<sup>147</sup>. The

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<sup>137</sup> Article 3 of Law 4779/2021.

<sup>138</sup> 'National Strategic Plan on the fight against corruption', Law 4915/2022, Article 110.

<sup>139</sup> 2022 Media Pluralism Monitor, country report for Greece, p. 12.

<sup>140</sup> Media Freedom Rapid Response (2022), 'Controlling the Message: Challenges for independent reporting in Greece – key findings from the Media Freedom Rapid Response (MFRR online fact-finding mission to Greece)', p.12.

<sup>141</sup> 2022 Media Pluralism Monitor, country report for Greece, p. 14.

<sup>142</sup> Media Freedom Rapid Response (2022), 'Controlling the Message: Challenges for independent reporting in Greece – key findings from the Media Freedom Rapid Response (MFRR online fact-finding mission to Greece)', p. 12.

<sup>143</sup> Greek non-profit organisation Vouliwatch.

<sup>144</sup> Decision no.56/2022 of the Administrative Court of Appeal of Athens.

<sup>145</sup> Decision 16647/7.6.2022 of the Administrative Court of Appeal of Athens.

<sup>146</sup> 'Regulating the Greek Radio-Television SA', Law 4324/2015, of 29 April 2015.

<sup>147</sup> Ibid, Article 9.

members of the Board are appointed by the Minister responsible for the media after the Committee on Institutions and Transparency of the Parliament has given its opinion on the Minister's recommendation<sup>148</sup>. This procedure raises concerns as regards the independence from the Government and potential political influence, as indicated by the MPM 2022, which considers this to be an area of high risk<sup>149</sup>. Safeguards against arbitrary dismissals are in place<sup>150</sup>. The monitoring of compliance with program obligations and principles is under the responsibility of the NCRTV, which publishes an annual report on ERT's compliance with its obligations.

**Attacks and threats against journalists persist<sup>151</sup> and journalists' professional environment has deteriorated further.** Since the 2021 Rule of Law Report, 16 alerts have been published for Greece on the Council of Europe's Platform to promote the protection of journalism and safety of journalists<sup>152</sup>. They range from physical attacks<sup>153</sup> to threats and arbitrary detainment. Journalists also continue to face criminal lawsuits<sup>154</sup> in the form of accusations and lawsuits for defamation or violation of one's privacy and exposure of personal data<sup>155</sup>. It was moreover reported that one Greek journalist has been targeted by spyware surveillance software equivalent to Pegasus (Predator)<sup>156</sup>, while another journalist was allegedly monitored by the national intelligence service (EYP)<sup>157</sup>. The Media Freedom Rapid Response (MFRR) fact-finding mission to Greece highlighted legal threats as a significant problem for media freedom in Greece, including Strategic Lawsuits Against Public Participation (SLAPP)<sup>158</sup> targeting mostly government-critical outlets and journalists who report on corruption<sup>159</sup>. Such legal threats can lead to self-censorship and pose an additional economic risk to Greek media outlets and journalists who are already under-resourced<sup>160</sup>. Moreover, respect for professional standards is not effectively guaranteed<sup>161</sup>.

<sup>148</sup> Ibid and input from Greece for the 2022 Rule of Law Report, p. 55.

<sup>149</sup> 2022 Media Pluralism Monitor, country report for Greece, p. 15.

<sup>150</sup> 'General Staff Regulation of ERT', Decision 3150/11.3.2020 of the ERT Board, Articles 23-40.

<sup>151</sup> 2021 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 10.

<sup>152</sup> Council of Europe, Platform to promote the protection of journalism and safety of journalists, Greece.

<sup>153</sup> The murder of journalist Giorgos Karaivaz in April 2021 is under investigation by the authorities in Greece, and little official information has been made public.

<sup>154</sup> Two recent alerts concern two Journalists who faced criminal conspiracy charges linked to their reporting on the Novartis case and the 'Lagarde list'. The journalists were subsequently acquitted.

<sup>155</sup> Contribution from Reporters without Borders for the 2022 Rule of Law Report, p. 18.

<sup>156</sup> The Greek authorities replied to this alert on 16 June 2022 highlighting that 'the Greek authorities do not use the specific software described in these complaints. The Greek State does not trade with any of the companies that manufacture or market such software' and 'the National Transparency Authority has rightly intervened on its initiative to investigate the matter'.

<sup>157</sup> Council of Europe, Platform to promote the protection of journalism and safety of journalists, Greece

<sup>158</sup> In November 2021, a Strategic Lawsuit Against Public Participation targeted against the independent media outlet Alterthess.gr and its journalist Stavroula Poulimeni by a Greek gold mining executive convicted of serious environmental crimes, raised serious concerns. See contribution from Reporters without Borders for the 2022 Rule of law Report, p. 20.

<sup>159</sup> The Media Freedom Rapid Response (MFRR) online fact-finding mission to Greece took place between 1 and 15 December 2021 and was led by the European Centre for Press and Media Freedom joined by representatives of MFRR partners ARTICLE 19, the European Federation of Journalists (EFJ), the International Press Institute (IPI), the Osservatorio Balcani e Caucaso Transeuropa (OBCT), and a representative of Reporters without Borders (RSF).

<sup>160</sup> Media Freedom Rapid Response (2022), 'Controlling the Message: Challenges for independent reporting in Greece – key findings from the Media Freedom Rapid Response (MFRR online fact-finding mission to Greece)', p. 5. According to the Greek authorities, following a request from the Ministry of Justice the National School of Judges has already successfully completed 2 mandatory seminars on SLAPP for all judges, magistrates, prosecutors and the candidate judges.

The Greek Government has recently signed a ‘Memorandum of Understanding on the protection, safety and empowerment of journalists and other media professionals’, which contains a common framework of cooperation among the different ministries including the preparation of proposals for legislative and non-legislative initiatives to ensure the protection of journalists<sup>162</sup>. The MPM 2022 has highlighted the deteriorating conditions faced by journalists as an issue presenting an increased risk<sup>163</sup>. Concerns have been expressed about the risks for the right of journalists to disseminate information of general interest deriving from new legislation amending Article 191 of the Greek Criminal Code<sup>164</sup> aiming at preventing the spread of disinformation. The new provision stipulates 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. Several associations and interlocutors interviewed by the MFRR fact-finding mission have expressed serious concerns with regard to this provision<sup>165</sup>.

#### **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>166</sup>. All courts, irrespective of their position in the judicial hierarchy, can review the constitutionality of legislation and are bound to disapply a law whose content they deem contrary to the Constitution<sup>167</sup>. There are a number of national independent authorities, organisations and institutions that aim to protect and safeguard human rights, including the Greek National Commission for Human Rights accredited with A status by the Global Alliance of Human Rights Institutions<sup>168</sup>.

**Work on improving the quality of the legislative process continues, but stakeholders are often left with insufficient time to comment on draft legislation.** The Committee for the Evaluation of the Quality of the Law-making Process<sup>169</sup>, assessed 49 legislative proposals – out of 100 – in the last two years focusing mainly on checking the compatibility of the draft laws with the Constitution and EU law, ensuring the coherence of the drafts, in particular as regards the relevance of the subjects provided for<sup>170</sup> and that the impact assessment is

<sup>161</sup> Contribution from Reporters without Borders for the 2022 Rule of law Report, p. 18.

<sup>162</sup> The Memorandum of Understanding, initiated by the Secretariat General for Communication and Media with the participation of five competent ministries, was signed on 23 May 2022.

<sup>163</sup> 2022 Media Pluralism Monitor, country report for Greece, p. 10.

<sup>164</sup> ‘Revision of the criminal code...’, Law 4855/2021, 12 November 2021.

<sup>165</sup> Contribution from RSF, and from the European Center for Press and Media Freedom (ECPMF) for the 2022 Rule of law Report, p.10 and p. 19 respectively. Media Freedom Rapid Response (2022), ‘Controlling the Message: Challenges for independent reporting in Greece – key findings from the Media Freedom Rapid Response (MFRR online fact-finding mission to Greece)’, p. 21.

<sup>166</sup> 2021 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 11.

<sup>167</sup> Greek Constitution, Article 93, paragraph 4.

<sup>168</sup> Website of the Global Alliance of Human Rights Institutions, <https://ganhri.org/>. See Chart of the status of national institutions – Accreditation status as of 27 April 2022 <https://www.ohchr.org/sites/default/files/Documents/Countries/NHRI/StatusAccreditationChartNHRI.pdf>.

<sup>169</sup> 2021 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 11.

<sup>170</sup> Often legislative proposals in various sections include subjects not related to the main subject.

accurate and factually relevant<sup>171</sup>. The Central Codification Committee<sup>172</sup> continued its work with the codification<sup>173</sup> of a number of legislative texts with the adoption by the Parliament of four codes and the elaboration of four draft codes. Currently, the Committee is working on the elaboration of 20 additional codes<sup>174</sup>. In addition, the Greek authorities have reported that the practice of last-minute amendments submitted to Parliament very close to the end of the parliamentary debate is almost eliminated<sup>175</sup>, although civil society organisations (CSOs), including professional associations, often complain not to receive draft legislation in a timely manner<sup>176</sup>. According to the European Network of National Human Rights Institutions, there is extensive use of the expedited legislative process by the Government, by which many laws have been adopted<sup>177</sup>. This process could significantly restrict the discussion in Parliament and the timely consultation of stakeholders. The Government is trying to minimise this practice despite the circumstances created by the COVID-19 pandemic<sup>178</sup>. The quality of law-making is an important factor for investor confidence and a reason for concern about effectiveness of investment protection for 50% of companies in Greece<sup>179</sup>.

**The Ombudsperson is working on strengthening the capacities of the institution and its international cooperation.** The Ombudsperson submitted proposals to the Government in December 2021 aiming at further ensuring the autonomy of the Ombudsperson to recruit his own staff and at securing the independence of his budgetary resources, in line with recommendations of the Venice Commission<sup>180</sup>. In parallel, and in order to not rely only on the State budget, in November 2021, the Ombudsperson started implementing a project under

<sup>171</sup> Information received from the Committee for the Evaluation of the Quality of the Law-making Process in the context of the country visit to Greece.

<sup>172</sup> 2021 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 11.

<sup>173</sup> The Ministry of Digital Governance is running the project of the National Portal for Codification and Reform of Greek Legislation, which will be the electronic hub of codified legislation, available free of charge to the public. The project will also include the platform through which all the law-making and regulatory flows will be standardised, the codification will be facilitated, and the operation of the competent authorities will be supported. The project is expected to be completed in October 2023.

<sup>174</sup> The four adopted Codes are: 1) Code of legislation for the protection of antiquities and cultural heritage in general (Law 4858/2021), 2) Code of legislation on the financing of political parties (Decree 15/2022), 3) Code of legislation for the maritime policy in the island area (Law 4832/2021) and 4) Code of Administrative Procedures of the Hellenic Police (Decree 103/2021). Written input from the Central Codification Committee in the context of the country visit to Greece. In addition, the Ministry of Digital Governance has created the ‘Special Administrative Codification of urgent regulatory measures to prevent and limit the spreading of coronavirus COVID-19 and to deal with relevant problems’, which contains all COVID-19 regulatory measures in a consolidated form.

<sup>175</sup> In 2017, 74% of all amendments were last minute amendments; in 2021 they were reduced to 11% and the trend continues in the first three months of 2022 with only 2%. 2021 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 11; written contribution from the Secretariat General of Legal and Parliamentary Affairs in the context of the country visit to Greece, p. 2.

<sup>176</sup> Contribution from the Association of Judges and Prosecutors for the 2022 Rule of Law Report, pp. 11, 12, 17; Contribution from the European Network of National Human Rights Institutions for the 2022 Rule of Law Report, Greece, p. 290; information received from the Ombudsperson in the context of the country visit to Greece.

<sup>177</sup> Contribution from the European Network of National Human Rights Institutions for the 2022 Rule of Law Report, Greece, p. 290.

<sup>178</sup> Written contribution from the Secretariat General of Legal and Parliamentary Affairs in the context of the country visit to Greece, p. 2.

<sup>179</sup> Figure 55, 2022 EU Justice Scoreboard indicates that ‘Frequent changes in legislation or concerns about quality of the law-making process’ is a significant reason for concerns about effectiveness of investment protection among companies in Greece.

<sup>180</sup> Venice Commission opinion (CDL-AD(2019)005), paragraphs, 21 and 22; Information received by the Ombudsperson in the context of the country visit to Greece.

the programme ‘Good Governance, Institutions and Transparency’ of the European Economic Area Financial Mechanism. Overall, the project focuses on strengthening the capacities of the Ombudsperson both as regards his human resources and the infrastructure. The final aim of the programme is the capacity of the Ombudsperson to further reduce maladministration in the public sector<sup>181</sup>. Given the relevance of migration and asylum in Greece, the Ombudsperson intervenes on these issues and recently published an own initiative report on allegations of pushbacks<sup>182</sup>.

**On 1 January 2022, Greece had 34 leading judgments of the European Court of Human Rights pending implementation<sup>183</sup>.** At that time, Greece’s rate of leading judgments from the past 10 years that remained pending was at 35%, and the average time that the judgments had been pending implementation was 6 years and 5 months<sup>184</sup>. The oldest leading judgment, 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>185</sup>. On 1 July 2022, the number of leading judgments pending implementation has decreased to 30<sup>186</sup>.

**The requirements for the registration of CSOs specifically active in the area of asylum, migration and social inclusion<sup>187</sup> continue to raise concerns and the issue is pending before the Council of State.** The 2021 Rule of Law Report<sup>188</sup> noted concerns regarding the ability of CSOs active in these areas to operate in Greece and to receive financial support in light of the rules on the registration and certification introduced in 2020. Three appeals are pending before the Council of State challenging some aspects of the legality of legislation on the registration of CSOs<sup>189</sup>. All these cases were set to be heard by the Plenary Session of the Council of State on 3 June 2022 but have been postponed to early December 2022<sup>190</sup>.

**New legislation raises expectations as regards support to CSOs civil society organisation in general, although doubts are expressed by some CSOs on some modalities of the new registration procedure.** A new law which entered into force in April 2022<sup>191</sup> aims at

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<sup>181</sup> With the participation of the European Union Agency for Fundamental Rights (FRA), the budget of this project is EUR 1 938 million. Website of the Ombudsperson and information received from the Ombudsman in the context of the country visit to Greece. For the website of the Ombudsperson see <https://www.synigoros.gr/en>.

<sup>182</sup> Greek Ombudsman (2022), ‘Special report of the Ombudsman on returns of third-country nationals 2021’.

<sup>183</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>184</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 2022. See Contribution from the European Implementation Network for the 2022 Rule of Law Report, p. 46.

<sup>185</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>186</sup> Data according to the online database of the Council of Europe (HUDOC).

<sup>187</sup> 2021 Rule of Law Report, Country Chapter on the rule of law situation in Greece, pp. 12-13.

<sup>188</sup> Ibid.

<sup>189</sup> Ibid.

<sup>190</sup> Input from Greece for the 2022 Rule of Law Report, p. 66.

<sup>191</sup> Adopted on 16 December 2021, ‘Protection of volunteering, strengthening the action of the Civil Society, tax incentives for the strengthening of the public benefit action of the CSOs and other provisions’, Law 4873/2021.

supporting all types of CSOs. The law establishes a new database and a public registry for CSOs, introduces state financial support and tax exemptions, and provides monetary incentives to private actors in order to encourage donations to CSOs. While it is not mandatory for CSOs to register in the new database and registry, only registered organisations benefit from the tax exemptions and may request state financial support. The registration is subject to certain conditions and administrative requirements which aim at strengthening transparency but some modalities have been criticised as overly cumbersome, especially for smaller CSOs which lack the necessary administrative capacity<sup>192</sup>. The result is that the civil society space is considered to be narrowed<sup>193</sup>. More than 300 CSOs signed a statement<sup>194</sup> before the adoption of the law urging the Government to reconsider its rationale. They argue that the law impinges on the independence of CSOs, creates an uneven playing field and a two-speed civil society, to the detriment, in particular, of smaller and newly formed CSOs, and fails to establish an appropriate framework for the interaction of state and civil society<sup>195</sup>. While the Ombudsperson has a generally positive position on the new legislation, in particular as regards transparency, the Ombudsperson considers that the concerns of some CSOs related to the requirements for registration could be cumbersome for smaller entities<sup>196</sup>. In addition, following a new law of 4 September 2021<sup>197</sup>, CSOs providing services in areas within the competence of the Hellenic Coastguard, especially NGOs engaged in search and rescue missions at sea, have the obligation to act only after prior authorisation of the Hellenic Coastguard. If the NGOs in question do not respect this obligation, the responsible persons face penalties that could entail a custodial sentence up to one year<sup>198</sup>.

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<sup>192</sup> Contribution from the European Union Agency for Fundamental Rights for the 2022 Rule of Law Report, ‘legal environment and space of civil society organisations in supporting fundamental right and the rule of law’, Greece, p. 6.

<sup>193</sup> Rating by CIVICUS; ratings are on a five-category scale defined as: open, narrowed, obstructed, repressed and closed. Civicus (2022), Monitor tracking civic space-Greece.

<sup>194</sup> Franet (2022), Country research – legal environment and space of civil society organisations in supporting fundamental rights – Greece, p. 6; Higher Incubator Giving Growth & Sustainability (HIGGS) (2021), ‘Joint Statement of 303 organisations on the new bill on CSOs’.

<sup>195</sup> Contribution from European Civic Forum for the 2022 Rule of Law Report, Greece, p. 3.

<sup>196</sup> Information received from the Ombudsperson in the context of the country visit to Greece.

<sup>197</sup> ‘Revision of expulsion proceedings ....’, Law 4825/2021 (Article 40).

<sup>198</sup> The criminalisation of certain rescue at sea activities of CSOs has been criticised by the Ombudsman (in his annual report published on 31 December 2021)..

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

\*The list of contributions received in the context of the consultation for the 2021 Rule of Law report can be found at [https://ec.europa.eu/info/publications/2022-rule-law-report-targeted-stakeholder-consultation\\_en](https://ec.europa.eu/info/publications/2022-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 2022 with:

- Athens Bar Association
- 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
- Greek Association of Judges
- Greek Bar Association
- Hellenic Internal Affairs Agency of Law Enforcement Bodies
- Journalists' Union ESIEMTH
- Ministry of Justice
- National Audiovisual Regulator
- National School of Judges
- National Transparency Authority
- Ombudsman
- PRAKSIS
- Prosecutor for Financial Crimes and the Financial Police Division
- Prosecutor's Office to the Supreme Court
- Refugee Support Aegean
- Supreme Court
- Transparency International Greece

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

- Article 19
- Civil Liberties Union for Europe
- Civil Society 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
- Human Rights Watch
- ILGA Europe
- International Federation for Human Rights (FIDH)
- International Press Institute
- Open Society European Policy Institute ( OSEPI)
- Osservatorio Balcani e Caucaso Transeuropa
- Philea
- Reporters Without Borders
- Transparency International Europe