



Council of the
European Union

194088/EU XXVII. GP
Eingelangt am 26/07/24

Brussels, 26 July 2024
(OR. en)

12605/24
ADD 8

JAI 1253
FREMP 336
AG 148
POLGEN 123

COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	26 July 2024
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	SWD(2024) 808 final
Subject:	COMMISSION STAFF WORKING DOCUMENT 2024 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 2024 Rule of Law Report The rule of law situation in the European Union

Delegations will find attached document SWD(2024) 808 final.

Encl.: SWD(2024) 808 final



EUROPEAN
COMMISSION

Brussels, 24.7.2024
SWD(2024) 808 final

COMMISSION STAFF WORKING DOCUMENT

**2024 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**

2024 Rule of Law Report

The rule of law situation in the European Union

{COM(2024) 800 final} - {SWD(2024) 801-831 final}

ABSTRACT

The evaluation of judges is taking place under a new legal framework. A legislative proposal was adopted involving the judiciary in appointments to the highest positions in the judiciary. Efforts to increase the level of digitalisation continue, and the implementation of several reforms financed by the Recovery and Resilience Facility aiming to improve the quality of justice are well on track. The new judicial map in civil and criminal justice is a major reform which aims at a balanced distribution of cases among first instance judges and a speedier administration of justice. Serious challenges remain regarding the length of proceedings before civil courts and the Council of State with some improvements in ordinary administrative courts. Efforts to reduce the length of proceedings include the transfer of categories of non-litigious cases from courts to lawyers and the planned reform of the preliminary procedure of the Council of State.

The 2022-2025 National Anti-Corruption Action Plan was updated and implementation is on track. Efforts to establish a track record of prosecutions and final judgments, in corruption cases, including in high-level corruption cases were made. The legal framework for combatting corruption and foreign bribery was strengthened. The National Transparency Authority maintained its level of activities. The implementation of rules on lobbying and gifts is ongoing with the number of entries in the lobby register increasing and information from the gifts' registry is now public. Implementation of the new law on asset declarations is on track with a significant percentage of verifications completed. Work on developing codes of conduct for ministers and parliamentarians and guidelines for the police continued. Audits of political parties indicated a better level of compliance with the new rules. Whistleblower protection was extended to corruption offences and the external reporting channel became operational. The government is developing an integrated risk management system to increase transparency and integrity in public procurement, still considered to be a high-risk sector.

A new system for the selection and appointment of administrators of public sector entities entered into force, covering also public service media. Selection procedures to address challenges regarding the resources of the media regulator are ongoing, while concerns have been raised regarding its independence. Some further progress has been made in adopting non-legislative safeguards to improve the protection of journalists and significant progress has been made in the legislative process, including with the decriminalisation of the offence of simple defamation.

Some progress was made to improve the consultation of stakeholders, while its effectiveness and timeliness in practice still need to be better addressed. Efforts are under way to improve access to legislation, while challenges regarding the quality of the law-making process persist. Independent authorities established by virtue of the Constitution face challenges that could undermine their status and ability to carry out their tasks effectively. The Ombudsperson is investigating incidents of alleged misconduct involving law enforcement officers. Judicial investigations into the use of spyware are ongoing. The ongoing implementation of the interoperability of the existing registries for Civil Society Organisations is a positive development. The registration framework still needs to be evaluated, in particular in relation to the Special Registries of the Ministry of Migration and Asylum. Concerns regarding the space for civil society remain.

RECOMMENDATIONS

Overall, concerning the recommendations in the 2023 Rule of Law Report, Greece has (made):

- Fully implemented the recommendation 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.
- Some further progress on stepping up efforts to establish a robust track record of prosecutions and final judgments in corruption cases, including high-level corruption.
- Some further progress on taking forward the process of adopting non-legislative safeguards and significant progress on starting the legislative process in relation to the protection of journalists, building on the activities initiated by the Task Force, in particular as regards abusive lawsuits against journalists and their safety, in line with the adopted Memorandum of Understanding and taking into account European standards on the protection of journalists.
- Some progress on ensuring the effective and timely consultation in practice of stakeholders on draft legislation, including by allowing sufficient time for public consultation.
- Some further progress on taking further steps to evaluate the current registration system for civil society organisations, including by initiating a structured dialogue with CSOs, and assess whether there is a need to amend it.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the relevant commitments made under the Recovery and Resilience Plan, it is recommended to Greece to:

- Continue efforts to establish a robust track record of prosecutions and final judgments in corruption cases, including high-level corruption.
- Further advance with the process of adopting legislative and non-legislative safeguards to improve the protection of journalists, in particular as regards abusive lawsuits against journalists and their safety, in line with the adopted Memorandum of Understanding and taking into account European standards on the protection of journalists.
- Step up the efforts to ensure the effective and timely consultation in practice of stakeholders on draft legislation, including by observing the statutory timeframe for public consultation.
- Strengthen efforts to evaluate the current legal framework for the registration system for civil society organisations and assess whether there is a need to amend it, while moving forward with a structured dialogue with CSOs.

I. JUSTICE SYSTEM

The Greek judicial system consists of two autonomous branches: courts with jurisdiction in civil and criminal matters and administrative courts. Both branches are organized in three instances, with first instance courts, courts of appeal¹ and a court of last instance. The Supreme Court is the highest court of general jurisdiction, and the Council of State is the Supreme Administrative Court². The Court of Audit is the Supreme Financial Court and has jurisdiction on the audit of the expenditures of the State, local government agencies and other legal entities³. Judges and prosecutors are appointed by presidential decree after their successful training in the National School of Judiciary⁴. Promotions, assignments to posts, transfers and secondments, are decided by the competent Supreme Judicial Council⁵. As regards prosecution authorities, they are organised into prosecution offices at the courts of first instance, the courts of appeal and the General Prosecutor of the Supreme Court. Greece participates in the European Public Prosecutor's Office (EPPO). There are 63 bar associations in Greece, one at the seat of each court of first instance.

Independence

The level of perceived judicial independence in Greece continues to be average among both the general public and companies. Overall, 40% of the general population and 48% of companies perceive the level of independence of courts and judges to be 'fairly or very good' in 2024⁶. The perceived judicial independence among the general public has significantly decreased in comparison with 2023 (46%)⁷, as well as in comparison with 2020 (53%). The perceived judicial independence among companies has decreased in comparison with 2023 (54%), as well as in comparison with 2020 (51%)⁸.

A legislative provision was adopted, fully implementing the recommendation to address the need for involvement of the judiciary in appointments to the highest positions in the judiciary. The 2023 Rule of Law Report recommended to Greece to 'take steps to address

¹ Special provisions regulate the operation of courts for juveniles, military, navy and air force courts. CEPEJ (2021), Study on the functioning of judicial systems in the EU Member States, p. 638.

² In certain categories of cases, the Council of State has competence to decide in first and last instance by exercising full jurisdiction. The elaboration of all decrees of regulatory nature falls under the jurisdiction of the Council of State which has competence to give an opinion concerning the legality thereof. Codification of Law concerning the Council of State, Presidential Decree, 18/1989.

³ The Court of Audit is also an Audit Institution auditing the use of public funds in Greece. Constitution of Greece, Article 98.

⁴ Constitution, Article 88.

⁵ There are three supreme judicial councils, which are composed of the president of the respective supreme court and of members of the same court chosen by lot from among those having served in it for at least two years. Constitution of Greece, Article 90, para 1; Law 4938/2022; 2024 EU Justice Scoreboard, Figure 57.

⁶ Figures 51 and 53, 2024 EU Justice Scoreboard and 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%).

⁷ 56% of the respondents consider that there is interference or pressure from government and politicians and 53% pressure from economic or other specific interests. 2024 EU Justice Scoreboard, Figure 52.

⁸ 28% of the companies in Greece are either fairly or very confident that their investments are protected by the law and courts in the Member State. 47% of the surveyed companies see the quality, efficiency or independence of justice as one of the main reasons for concern about investment protection in the country. Figures 55 and 56, 2024 EU Justice Scoreboard.

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 appointments⁹. In July 2024, Parliament voted a legislative proposal to involve the administrative Plenaries of the three highest courts in the procedure leading to the appointment of their Presidents and Vice-Presidents¹⁰. According to the adopted provision, the Minister of Justice requests the opinion of the plenary of the relevant highest court¹¹. Members of that court vote by secret ballot up to five candidates for the position of the President¹². The opinion is not binding. The Council of Ministers, after consulting the Conference of Presidents of Parliament and upon a proposal from the Minister for Justice, selects the candidates. The appointments are done by presidential decree, following the recommendation by the Council of Ministers¹³. The new provision takes into account European standards¹⁴. Judges from the three highest courts had spoken in favour of a reform and had expressed the view that the Plenaries of these Courts should be consulted on any relevant legislative proposal¹⁵. Such prior consultation did not take place. Judges associations and the Bar association were, however, heard before Parliament. They all noted that the reform is a first positive step towards the right direction, which needs to be followed up and discussed in depth during the upcoming constitutional revision¹⁶. In view of the foregoing, the implementation of the recommendations made in the previous years have been fully implemented.

The evaluation of judges is taking place under a new legal framework. Following the revision of the Code on the organisation of the courts and the status of judges in 2022¹⁷, the evaluation of both judges and courts is now performed every two years by judges of the highest courts¹⁸. In September 2023, the Supreme Court appointed 12 judges-evaluators and 9

⁹ In the 2023 Rule of Law Report, the Commission concluded that no progress was made on the similar 2022 recommendation. 2022, 2023 Rule of Law Reports, Country Chapter on the rule of law situation in Greece, p. 2. GRECO also addressed a recommendation to Greece to revise the method of selection of the most senior positions of judges and prosecutors so as to involve the peers in the process, which remains non-implemented. GRECO (2023), Fourth Evaluation Round, Second Addendum to the Second Compliance Report Greece, paras 16-20.

¹⁰ Law 5123/2024 on the modernisation of the institutional framework for pledges and the establishment of a unified Electronic Register of Pledges on movable property, claims and other rights and other provisions, Article 27 amending Article 59, para 3 of Law 4938/2022.

¹¹ The General Prosecutor and the deputy prosecutors participate in the plenary session of the Supreme Court.

¹² For the positions of vice-presidents, judges can vote up to fifty per cent of the number of judges having the required qualifications.

¹³ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Greece, pp. 4-5.

¹⁴ Where the constitutional or other legal provisions prescribe that the head of state, the government or the legislative power take decisions concerning the selection and career of judges, an independent and competent authority drawn in substantial part from the judiciary should be authorised to make recommendations or express opinions which the relevant appointing authority follows in practice. Council of Europe: Committee of Ministers (2010), Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities, paras 46-48.

¹⁵ Information received from the Council of State, the Court of Audit and the Supreme Court in the context of the country visit.

¹⁶ The proposed amendment was not submitted to public consultation. Stakeholders (association of judges of the Council of State, association of judges of the Court of Audit, association of prosecutors, the Plenary of the Bar Associations) were heard before the relevant standing parliamentary committee.

¹⁷ Law 4938/2022.

¹⁸ The Law provides different systems for civil courts, administrative courts, the Council of State and the Court of Audit, which are nevertheless based on the same general principles. European Network of Councils for the Judiciary (ENCJ) (2024), Contribution for the 2024 European Commission Rule of Law report, p. 7.

substitutes for a two-year term¹⁹. It expects the evaluation process to provide a comprehensive image of the performance and the functioning of civil justice²⁰. In October 2023, the Court of Audit revised its Rules of Procedure to clarify the evaluation of performance of judges and the allocation of cases based on preestablished objective criteria²¹. The Council of State adopted guidelines for the inspection of ordinary administrative courts and their judges in June 2023 as well as of the judges of the Council of State²².

The Supreme Court formally reacted to a resolution of the European Parliament on the rule of law and media freedom in Greece. In February 2024, the administrative plenary of the Supreme Court issued a decision on the resolution of the European Parliament of 7 February 2024 on the rule of law and media freedom in Greece²³. It reacted to several points in the resolution relating to the judiciary and considered that public opinions expressed by national or EU institutions in relation to cases pending before national courts constitute impermissible interventions in breach of judicial independence²⁴, while a minority of thirteen judges considered that the discussion on the resolution fell outside the competence of the Court²⁵. The Athens Bar Association criticised the decision of the Supreme Court, stating that the judiciary cannot be beyond criticism²⁶.

Quality

Efforts to increase the level of digitalisation continue. As reflected in the 2024 EU Justice Scoreboard, there is some progress in certain areas, including in criminal proceedings, where digitalisation has been particularly slow²⁷. Defendants can communicate confidentially with their lawyers during remote hearings and defendants in detention can use ICT facilities to prepare for hearings, while secure electronic channels of communication for prosecution services were also introduced²⁸. In administrative justice, a unified database allows for the electronic filing of cases and documents and the necessary legal provisions were adopted to include the Supreme Special Court in the electronic Integrated Judicial Case Management Information System²⁹. There has been some progress in adopting procedural rules allowing digital technologies in civil cases, but such rules are lacking in administrative justice, a shortcoming that has been also highlighted by judges³⁰. Some previously identified shortcomings remain, notably as regards the limited availability of digital tools, adequate

¹⁹ Input from Greece for the 2024 Rule of Law Report, p. 4.

²⁰ Information received from the Supreme Court in the context of the country visit to Greece.

²¹ Information received from the Court of Audit in the context of the country visit to Greece.

²² Decision of Council of State in Council 26/2023. Written contribution from Greece in the context of the country visit.

²³ European Parliament resolution of 7 February 2024 on the rule of law and media freedom in Greece.

²⁴ Supreme Court, Administrative Plenary Decision 2/2024, 15 February 2024.

²⁵ They considered that the decision of the Supreme Court did not concern a legal issue relating to its functioning or the administration of justice and risked tangling the Court into the political debate and undermine its status.

²⁶ Athens Bar Association (2023), Judicial Independence – The limits of criticism to justice, press release, 23 February 2024.

²⁷ 2022, 2023 Rule of Law Reports, Country Chapter on the rule of law situation in Greece, p. 7 and p. 6 respectively.

²⁸ Figures 48 and 46, 2024 EU Justice Scoreboard.

²⁹ Article 25 of the Law 5067/2023; Input from Greece for the 2024 Rule of Law Report, pp. 9-11.

³⁰ Figure 43, 2024 EU Justice Scoreboard. Judges of the Council of State noted that there is a pressing need to adopt rules in relation to legal deadlines and electronic serving of documents. Information received from the Council of State in the context of the country visit.

infrastructure and equipment and the limited possibilities for courts to communicate electronically in a secure manner³¹. Several projects, including those under the Recovery and Resilience Plan, are expected to increase the level of digitalisation³², which stakeholders see as a precondition to improve working conditions for the judiciary³³.

The Office for the Collection and Processing of Judicial Statistics continues to face challenges but a project to support its functioning has been included in the revised Recovery and Resilience Plan. The 2023 Rule of Law Report noted delays in the effective functioning of the Office for the Collection and Processing of Judicial Statistics linked to the lack of human resources and IT infrastructure³⁴. The Office is not fully functional yet and lacks the necessary tools to produce better qualitative and quantitative statistics. Stakeholders consider the data available to the public to be insufficient³⁵. In December 2023, a project to support the functioning of the Office was included in the revised Recovery and Resilience Plan and is expected to be completed at the end of 2025³⁶. Plans to recruit specialised scientific staff are ongoing.

The implementation of several reforms financed by the Recovery and Resilience Facility aiming to improve the quality of justice are well on track. The implementation of the revised judicial map in administrative justice is progressing well³⁷. A three-member monitoring committee was established in October 2023 to follow-up on the reform, while the information systems and video conferencing services have been tested during a five-month pilot phase that ended in April 2024³⁸. Regarding the establishment of the judicial police³⁹, the recruitments of officers for both the scientific/civil and police branches are ongoing. The first officers are expected to take up their duties in August 2024⁴⁰. The secondary legislation for the establishment of the Judicial Clerks Performance Tool was adopted in December 2023⁴¹ and the system is now operational. The objective of this performance-based compensation scheme is to diminish the time required for the different tasks assigned to

³¹ Figures 44 and 45, 2024 EU Justice Scoreboard.

³² Indicatively, projects include the upgrading of the court records management system; the digitisation of court records and data forms; the video conferencing services in courts and penitentiaries and information services of courts' e-dockets and exhibits. Input from Greece for the 2024 Rule of Law Report, pp. 9-11.

³³ Information received from Prosecutors, the Association of Judges and Prosecutors, the Supreme Court and the Athens Bar Association in the context of the country visit.

³⁴ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 6.

³⁵ Vouliwatch, Greek Council for Refugees, Refugee Support Aegean, HIAS Greece, Generation 2.0 for Rights, Equality and Diversity, Reporters United (2024), Rule of Law Backsliding Continues in Greece, Joint Civil Society Submission to the European Commission on the 2024 Rule of Law Report, para 45; Contribution from Civil Liberties Union for Europe for the 2024 Rule of Law Report, pp. 10-11. GRECO also recommended to Greece to make publicly available data concerning the management of the workload as well as the content and outcome of disciplinary cases against judges and prosecutors. GRECO (2023), Fourth Evaluation Round, Second Addendum to the Second Compliance Report Greece, paras 34-37.

³⁶ Revised Annex to the Council Implementing Decision Amending Implementing Decision of 13 July 2021 on the approval of the assessment of the recovery and resilience plan for Greece.

³⁷ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Greece, pp. 7-8.

³⁸ Input from Greece for the 2024 Rule of Law Report, p.12; Information received from the Ministry of Justice in the context of the country visit.

³⁹ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 8.

⁴⁰ Input from Greece for the 2024 Rule of Law Report, p. 6; Information received from the Ministry of Justice in the context of the country visit.

⁴¹ Joint Ministerial Decision GG A' 7462/29, 12.2023.

judicial clerks⁴². In parallel, the planned recruitment of additional judicial clerks is also progressing⁴³.

The new judicial map in civil and criminal justice is a major reform which aims at a balanced distribution of cases among first instance judges and a speedier administration of justice in civil and criminal justice. In May 2024, Parliament adopted the law reforming the judicial map in civil and criminal justice⁴⁴, despite lawyers and judicial clerks reacting to the reform⁴⁵. Central elements of the reform are the consolidation of the first degree of jurisdiction with the merging of the magistrate's courts and the courts of first instance⁴⁶ as well as the rationalisation of the number of courts⁴⁷. The new judicial map intends to reduce workload inequalities and alleviate excessive workload at the first instance level⁴⁸. The changes regarding the career track and salaries of magistrates and first instance judges take into consideration constitutional constraints⁴⁹. The adoption and implementation of the new judicial map will entail the need for further changes, including in legislation and infrastructure⁵⁰. The judiciary considers the reform a necessary step to improve the quality and the efficiency of the justice system.

Delays in settling outstanding lawyers' fees in legal aid cases have been addressed. The Government took a series of legislative measures to facilitate the settling of unpaid lawyers'

⁴² The criteria for potential beneficiaries include a commitment to expeditious and efficient task processing, proficiency in handling multiple tasks, adaptability to new technologies and processes and effective communication skills. Input from Greece for the 2024 Rule of Law Report, pp. 6-7.

⁴³ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Greece, pp. 8-9; Judges reported that the lack of judicial clerks impacts on their working conditions. Information received from the association of judges and prosecutors in the context of the country visit.

⁴⁴ Law 5108/2024. The law was the outcome of a long consultation with relevant stakeholders, which started in September 2023. Written contribution from Greece. The reform is included in the Recovery and Resilience Plan (measure ID 16575) and is set to be fully implemented by the end of 2025. Revised Annex to the Council Implementing Decision Amending Implementing Decision of 13 July 2021 on the approval of the assessment of the recovery and resilience plan for Greece.

⁴⁵ Association of Judicial Clerks (2023), Decision of the Conference of the Association of Judicial Clerks, 29 November – 2 December 2023. The Plenary of the Bar Associations stated that the reform does not lead to accelerating the administration of justice, as the necessary conditions for this are better digitalisation, appropriate training for magistrates and necessary infrastructure. Statement of the Plenary of 20 April 2024. Both associations abstained from their duties for several weeks, reacting notably to the possibility of abolishing or merging courts in certain areas.

⁴⁶ Magistrates' courts represent the small claims justice in Greece, while courts of first instance handle the bulk of civil and criminal litigations.

⁴⁷ In principle, the distribution of courts will respect the administrative division of the country; hence there will be a court of first instance in every regional unit, while a limited number of transitional and parallel seats is also foreseen. Written contribution from the Ministry of Justice in the context of the country visit, pp. 22-23.

⁴⁸ Until recently 916 magistrates were dealing with only 20% of the judicial caseload, while the remaining 80% was assigned to 1 200 first instance judges. Once the new structures become operational, cases should be adjudicated within less than two years. Written contribution from the Ministry of Justice in the context of the country visit, p. 21.

⁴⁹ There will be two different career tracks for serving magistrates and judges: a special yearbook for magistrates and a general yearbook for first instance judges. Magistrates will be given the possibility to reclassify to the general yearbook after evaluation by the Supreme Judicial Council and targeted training in the National School of Judges. Written contribution from the Ministry of Justice in the context of the country visit, p. 23. See also, N.K. Alivizatos, Opinion on the new judicial map, 26 February 2024.

⁵⁰ Including the revision of the Code of Civil Procedure and the Code on the organisation of the courts and the status of judges. Information received from the Ministry of Justice in the context of the country visit.

fees for the provision of legal aid services⁵¹ and is now examining means to accelerate and digitalise the compensation procedure for lawyers⁵². Lawyers welcomed the settling of all pending claims, while they highlighted the need for a structural solution, as the current measures cannot prevent similar issues from reoccurring⁵³. The Ministry of Justice established a working group to revise the Code of Lawyers, aiming to amend, amongst others, the provisions on lawyer's fees⁵⁴.

Efficiency

Serious challenges remain regarding the length of proceedings before civil courts and the Council of State, with some improvements in ordinary administrative courts.

According to data in the 2024 EU Justice Scoreboard, the disposition time in civil and commercial cases at first instance courts has further deteriorated, reaching 746 days in 2022 (compared to 728 days in 2021) and remaining among the longest in the EU⁵⁵. For administrative cases, the disposition time at first instance courts has significantly improved to 464 days in 2022 from 595 days in 2021 (551 days in 2020)⁵⁶. On the contrary, it remained at a very high level in the Council of State, namely 1 239 days (1 324 days in 2021)⁵⁷. In 2022, the clearance rate for litigious civil and commercial cases increased significantly to 93% (82% in 2021) but remains still clearly below 100% and among the lowest of the EU⁵⁸. On the other side, the clearance rate in 2022 for administrative cases was 127%⁵⁹, one of the highest of the EU, meaning that more cases were resolved than came in. The number of pending administrative cases has been steadily dropping, though at the end of 2022, they still remained among the highest in the EU⁶⁰. Stakeholders consider the persisting delays in the administration of justice to constitute a systemic challenge for the judicial system⁶¹.

Ongoing efforts to reduce the length of proceedings include the transfer of categories of non-litigious cases from courts to lawyers. From June 2024 onwards, several types of non-contentious cases, including mortgage pre-notations, the provision of sworn statements and acts relating to inheritance, are performed by lawyers⁶². Both lawyers and judges welcomed the measure, which is expected to contribute to decongesting civil courts from a significant number of time-consuming cases and improve efficiency⁶³. The reform of the Code of

⁵¹ Laws 5016/2023, 5049/2023 and 5095/2024. See also, 2023 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 7.

⁵² Input from Greece for the 2024 Rule of Law Report, p. 6.

⁵³ Information received from the Athens Bar Association in the context of the country visit.

⁵⁴ The working group, which includes Bar Associations, will also examine the admission into the legal profession, disciplinary rules and professional incompatibilities. Information received from the Ministry of Justice and the Athens Bar Association in the context of the country visit.

⁵⁵ Figure 6, 2024 EU Justice Scoreboard.

⁵⁶ Figure 9, 2024 EU Justice Scoreboard, Figure 9, 2023 EU Justice Scoreboard, and Figure 10, 2022 EU Justice Scoreboard.

⁵⁷ Ibidem.

⁵⁸ Figure 11, 2024 EU Justice Scoreboard.

⁵⁹ Figure 12, 2024 EU Justice Scoreboard.

⁶⁰ Figure 15, 2024 EU Justice Scoreboard.

⁶¹ Information received from Athens Bar Association, Supreme Court and Council of State in the context of the country visit; Contribution from Civil Liberties Union for Europe for the 2024 Rule of Law Report, pp. 12-13; Joint Civil Society Submission to the European Commission on the Rule of Law Report, paras 46-52.

⁶² Law 5095/2024.

⁶³ Indicatively, in 2023, the Court of First Instance of Athens dealt with 12 000 mortgage cancellation procedures, while the Magistrates Court of Athens issued 7 190 sworn statements. Information received from

Criminal Procedure also seeks to accelerate criminal proceedings, particularly with the abolition of the pre-trial judicial council procedure for certain categories of offences and the restriction of the number of adjournments⁶⁴. However, judges and lawyers fear that the elimination of the pre-trial procedure may increase the number of cases brought to trial and, subsequently, also the length of proceedings⁶⁵. In administrative justice, in July 2024, the preliminary procedure before the Council of State was reformed to accelerate the adjudication of cases⁶⁶. The implementation of a similar accelerated procedure by the Court of Audit for specific cases relating to reductions of pensions has significantly reduced the backlog of the Court⁶⁷, which has indicated its preference for a legislative initiative allowing for the extra-judicial settlement of these cases⁶⁸. Technical support has been mobilised for reducing the backlog and the disposition time of the Courts of First Instance of Athens and Thessaloniki⁶⁹.

II. ANTI-CORRUPTION FRAMEWORK

The National Transparency Authority (NTA)⁷⁰ oversees the implementation of the National Anti-Corruption Action Plan (NACAP) for 2022-2025, conducts investigations on corruption cases, monitors the implementation of provisions related to asset declarations and lobbying activities, takes the necessary actions to ensure the coherence and effectiveness of the national strategy, with emphasis on coordination of control bodies and the efficiency of their operations⁷¹, and provides relevant instructions. The Directorate General of the Financial and

the Ministry of Justice in the context of the country visit. The President of the Athens Bar Association welcomed the new law considering that it confirms the important role of lawyers in the administration of justice, upgrades their status and expands their professional activity. Athens Bar Association (2024), Press release of the President, 14 March 2024.

⁶⁴ Law 5090/2024.

⁶⁵ Information received from the Athens Bar Association and Association of judges and prosecutors in the context of the country visit.

⁶⁶ Law 5119/2024. According to the reform, cases will be assigned to a single judge and will be decided by a three-member panel unless the legal issues raised require a hearing. The law also provides for stricter deadlines for the notification of pleadings, the submission of public authorities' input and the gathering of evidence. Written contribution from Greece. Judges consider that the proposed procedure could accelerate the adjudication of appeals on points of law but may have an adverse effect for requests for annulment. Information received from the Council of State in the context of the country visit. The plenary of the Bar Associations issued a statement opposing the reform, on the grounds that it restricts the right to be heard and to effective judicial protection. They also criticised that there was no prior consultation with lawyers. Plenary of the Bar Associations (2024), Decision of 15 June 2024.

⁶⁷ See 2023 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 9-10. Based on this procedure, 1 341 judgments have been delivered, corresponding to 70 819 claims. Input from Greece for the 2024 Rule of Law Report, p. 13.

⁶⁸ Information received from the Court of Audit in the context of the country visit.

⁶⁹ Project 24EL13, 'Supporting the reduction of backlog in the first instance courts of Athens and Thessaloniki (pilot courts)', is funded by the Technical Support Instrument of the European Commission.

⁷⁰ In line with the milestone foreseen under the Greek Recovery and Resilience Plan (RRP), new business premises for NTA shall be developed by the end of 2025. NTA is the Greek designated authority responsible for coordinating the fight against fraud (AFCOS) in accordance with the Regulation (EE, Euratom) No. 883/2013 of the European Parliament and the Council of September 11, 2013 (EU L248). The NTA was established by Law 4622/2019 and is subject to parliamentary scrutiny.

⁷¹ The NTA chairs the meetings of the National Coordinating Body for Audit and Accountability (ESOEL) established by Article 103 of Law 4622/2019. ESOEL's tasks include the dissemination of good practices and development of common standards and tools for the prevention, detection and control of fraud and corruption. Seventeen public bodies active in the field of law enforcement participate. In 2023, the Internal Audit Unit of the Ministry of Economy and Finance and the Hellenic Labour Inspectorate were added to ESOEL. See input from Greece for the 2024 Rule of Law Report, p. 17.

Economic Crime Unit is the law enforcement agency of the Ministry of Finance, whose focus is the detection of fraud and corruption cases. The Directorate of Internal Affairs is tasked to tackle corruption within the Independent Authority for Public Revenue. The Internal Affairs Agency for Law Enforcement Bodies⁷² exercises internal control and investigates crimes, including corruption, committed by various entities⁷³. The Court of Audit is the Supreme Financial Court and Audit Institution auditing the use of public funds.

The perception among experts and business executives is that the level of corruption in the public sector is high. In the 2023 Corruption Perceptions Index by Transparency International, Greece scores 49/100 and ranks 24th in the European Union and 59th globally⁷⁴. This perception has been relatively stable over the past five years⁷⁵. The 2024 Special Eurobarometer on Corruption shows that 98% of respondents consider corruption widespread in their country (EU average 68%) and 63% of respondents feel personally affected by corruption in their daily lives (EU average 27%)⁷⁶. As regards businesses, 95% of companies consider that corruption is widespread (EU average 65%) and 70% consider that corruption is a problem when doing business (EU average 36%)⁷⁷. Furthermore, 24% of respondents find that there are enough successful prosecutions to deter people from corrupt practices (EU average 32%)⁷⁸, while 13% of companies believe that people and businesses caught for bribing a senior official are appropriately punished (EU average 31%)⁷⁹.

The National Anti-Corruption Action Plan (NACAP) for 2022-2025 was updated and its implementation is on track. The NACAP was updated at the end of 2023 to take account of developments since its initial adoption in 2022, incorporating sixteen actions of the National Integrity System⁸⁰ and new actions such as the update of the Code of Conduct for Police Officers⁸¹. The inter-institutional Central Coordination Committee approved the updated NACAP on 21 March 2024 and is it now pending final approval by the Council of Ministers. In 2023, out of 129 actions envisaged under the NACAP, 47 (36%) were completed (23 or

⁷² The Agency reports to the Ministry of Citizen Protection and is subject to parliamentary scrutiny.

⁷³ According to the provisions of Presidential Decree 65/2019 these are the personnel of the Hellenic Police, Hellenic Coast Guard and Hellenic Fire Brigade, employees of the wider public sector, and employees of the European Union or International Organizations that work on the Greek territory.

⁷⁴ Transparency International (2024), Corruption Perceptions Index 2023. 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).

⁷⁵ In 2019 the score was 48 while in 2023 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.

⁷⁶ Special Eurobarometer 548 on Citizens' attitudes towards corruption in the EU (2024). The Eurobarometer data on citizens' corruption perception and experience is updated every year. The previous data set is the Special Eurobarometer 534 (2023).

⁷⁷ Flash Eurobarometer 543 on Businesses' attitudes towards corruption in the EU (2024). The Eurobarometer data on business attitudes towards corruption as is updated every year. The previous data set is the Flash Eurobarometer 524 (2023).

⁷⁸ Special Eurobarometer 548 on Citizens' attitudes towards corruption in the EU (2024).

⁷⁹ Flash Eurobarometer 543 on Businesses' attitudes towards corruption in the EU (2024).

⁸⁰ The main objectives of the National Integrity System (NIS) 2022-2025, established by Ministerial Decision No. 707/18852/05.12.2022, are the prevention and tackling of corruption, strengthening transparency, integrity, and accountability in the public administration, and public information and awareness-raising. See 2023 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 11.

⁸¹ Written input from NTA for the 2024 Rule of Law Report, p. 1.

18%) in 2022), 68 (53%) are being implemented (84 (65%) in 2022) and 14 (11%) have not yet started (22 or 17% in 2022), which shows a steady increase in implementation over the past year. Completed actions include development of a special anti-corruption and anti-fraud strategy in the context of the management of Recovery and Resilience Funds, and the digitisation of more than 150 administrative procedures in 2023, further reducing in-person interaction between citizens and state employees and thus eliminating corruption risks⁸². In January 2024, the *e-Peitharxika* application, an electronic database for registration and follow-up of disciplinary cases in the public sector, became fully operational. The aim is to enhance citizens' trust in public institutions, improve the administration of disciplinary justice, and reinforce transparency and accountability efforts by the Ministry of Interior and NTA⁸³.

Some further progress has been made to establish a track record of prosecutions and final judgments in corruption cases, including in high-level corruption cases. The 2023 Rule of Law Report recommended to Greece to 'step up efforts to establish a robust track record of prosecutions and final judgments in corruption cases, including high-level corruption'⁸⁴. Prosecutions and final judgments related to corruption, including for high level corruption⁸⁵, have been taken forward though are still limited. In 2023, there were 44 ongoing criminal investigations for bribery and corruption offences at first instance (compared to 80 in 2022), 224 investigations concluded (74 in 2022) and 21 cases referred to a hearing (compared to 17 in 2022). There were 34 convictions at appeal and first instance levels combined (compared to 32 in 2022) and 16 acquittals (compared to 15 in 2022)⁸⁶. The prosecution services identified a number of challenges to investigate corruption and economic crime such as difficulties to obtain evidence through judicial or administrative assistance, the management of time limits to carry out preliminary examinations in complex cases, and risks of leaks of confidential information to the media⁸⁷. To address challenges

⁸² NTA (2024), NACAP 2022-2025 Implementation Report 2nd Semester 2023; Input from Greece for the 2024 Rule of Law Report, pp. 22-23; Written contribution from NTA in the context of the country visit to Greece, pp. 1-2.

⁸³ National Transparency Authority (2024), Press release 'E-peitharxika Application'. See also Input from Greece for the 2024 Rule of law Report, p. 25.

⁸⁴ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 2, which reported that some progress had been achieved on implementing the similar recommendation in the 2022 Rule of Law Report, p. 2.'

⁸⁵ According to data on high level corruption cases provided in July 2024, one case for bribery of judges and two for bribery of employees of international organisations were concluded. Ongoing prosecutions include one case for bribery of politicians, two for bribery of judges and four for bribery of employees of international organisations. At appeals court level, there was one conviction (imprisonment combined with fines) for bribery of national public officials and three for passive bribery (imprisonment). Written contribution from Greece in the context of the country visit. However, it is not specified whether these cases pertain to high-level officials, for instance in the case of the employees working in international organisations. There are more cases concluded, ongoing or brought to trial for fraud (15, 2 and 12 respectively) and money laundering (9, 25 and 7 respectively) than for bribery.

⁸⁶ Written contribution from the Ministry of Justice in the context of the country visit to Greece, p. 32 and input from Greece for the 2024 Rule of Law Report, pp. 43-44.

⁸⁷ They also point to the fact that the effectiveness of investigations and prosecutions cannot be determined solely on the basis of statistical and quantitative criteria, e.g., the way statistics of case files at local level are consolidated at central level could reduce the numerical assessment as individual case files are linked to the central case files. Training of financial crime prosecutors continued and for the first time, a representative was appointed as a national expert to take part in the country evaluations of the United Nations Convention against Corruption. Written contribution from the Financial Crime Department of the Public Prosecutor's Office, in the context of the country visit to Greece, pp. 3-4 and 11.

identified in collecting corruption statistics, the Ministry of Justice created a dedicated working group to monitor the track record of prosecutions and final judgments in corruption cases, including high level corruption⁸⁸. The group is operational and held its first meeting on 14 April 2024 during which it launched the online platform and proposed the collection of additional data categories⁸⁹. Cooperation between the EPPO and the police and the national prosecution offices is overall satisfactory⁹⁰. The OECD reported concerns about Greece's poor track record of the enforcement of the Anti-Bribery Convention and the lack of any convictions with sanctions for foreign bribery⁹¹. In light of these developments, including efforts to improve the quality of statistics, including for high-level corruption cases, there has been some further progress in the implementation of the recommendation made in the 2023 Rule of Law Report.

The legal framework for combatting corruption and foreign bribery was strengthened.

A series of important and substantive amendments to enhance the fight against corruption were made to the Criminal Code and Criminal Procedure Code that entered into force in January 2024⁹². The OECD welcomed Greece's efforts to implement several of its previous recommendations, including on reforming its corporate liability regime for (foreign) bribery offences⁹³. The changes to the Criminal Code introduce for the first time in the Greek legal order the criminal liability of legal persons and entities for corruption and bribery offences regardless of any liability of natural persons involved⁹⁴. In addition, the financial penalties for bribery of political persons were significantly increased while the financial penalties for the

⁸⁸ Decision No 20459 of 29.03.2024 of the Minister for Justice, The Working Group is composed of prosecutors from different Court levels and one official from the Statistics Department of the Ministry of Justice. Its tasks involve monitoring, evaluating and categorising corruption statistics in order to collect statistics in a timely manner and include more qualitative characteristics depending on the gravity of the corruption crimes involved. Written contribution from the Ministry of Justice in the context of the country visit to Greece, p. 30. In addition, the Office for the Collection and Processing of Judicial Statistics (JustStat) reported that a new information system is being created that will be interconnected with the various Integrated Judicial Systems to allow for a faster and better-quality collection of judicial statistics. Input from Greece for the 2024 Rule of Law Report, pp. 14-15.

⁸⁹ These include pending and closed cases, cases with prosecution, cases forwarded to the court of first instance, asset freezes, and follow-up of cases at trial stage. Written contribution from the Ministry of Justice in the context of the country visit to Greece, p. 30.

⁹⁰ To improve the support to the European Delegated Prosecutors, Greek authorities will second 10 specialised financial investigators to the Athens local EPPO office in 2024. Input from EPPO for the 2024 Rule of Law Report p. 20. In 2023, EPPO investigated 9 corruption cases in Greece that amount to 9% of EPPO cases in Greece. EPPO (2024), Annual Report 2023, p. 35. The EPPO also expressed concerns about certain limitations related to the lifting of immunities. EPPO's input to the 2024 Rule of law Report, p. 21.

⁹¹ OECD (2024), Phase 4 Two-Year Written Follow-Up Report, pp. 5, 8 and 9. The OECD did note that Greece launched three new foreign bribery investigations since 2022 of which one has been terminated and two are at the preliminary investigation phase.

⁹² Law 5090/2024, Government Gazette, Series I, No 30/23.2.2024 and Law 5095/2023, Government Gazette, Series I, No 40/15.3.2024.

⁹³ In its latest report on Greece's implementation of the Anti-Bribery Convention, the OECD welcomed Greece's efforts to implement several of its previous recommendations, including on reforming its corporate liability regime for (foreign) bribery offences, extending whistleblower protection to include foreign bribery, and ensuring that the Economic Crime Prosecutor possesses the authority to both investigate and prosecute foreign bribery cases. OECD (2024), Phase 4 Two-Year Written Follow-Up Report (see e.g., pp. 4-5, 7-9 and 14). See also 2023 Rule of Law Report, Country Chapter on the Rule of Law Situation in Greece, p. 14 (footnote 114).

⁹⁴ Input from Greece to the 2024 Rule of Law Report, p. 41 and information received from the Ministry of Justice and Prosecution Services in the context of the country visit to Greece.

corruption and bribery of judicial officials, including judges seconded to international organisations, regardless of whether or not they exercise judicial functions, were redefined⁹⁵. Furthermore, the Code of Criminal Procedure now specifically provides the Public Prosecutor of Economic Crime with the competence to initiate criminal proceedings directly instead of first assigning the case to local prosecutors as was previously the case. This change is designed to avoid unnecessary procedural delays in the investigation of corruption as well as foreign bribery cases⁹⁶. The law now also requires prosecutors to report all convictions and sanctioning decisions against legal persons in bribery cases to the Independent Authority for Public Revenue and to the Hellenic Single Public Procurement Authority⁹⁷.

The National Transparency Authority maintained its level of activities. The NTA continued its efforts to ensure an adequate level of resources and to recruit staff to fill a significant number of vacant posts (122 in early March 2024 compared to 103 in 2022)⁹⁸. Lengthy recruitment processes and the lack of extra remuneration incentives are mentioned as challenges to attract administrative and audit staff⁹⁹. In November 2023, three members of the Management Board of the NTA, including its President, resigned and the process of filling the vacancies is expected to be completed in the third quarter of 2024¹⁰⁰. The NTA has been run by an interim Governor for the past two years. The recruitment procedure for a new Governor will be launched after the new members of the Management Board are appointed. The delays in recruitment of top positions have been criticised by stakeholders¹⁰¹. Nevertheless, the NTA managed to maintain its level of activity in 2023. The NTA in 2023 received 3 565 complaints on alleged corruption, fraud, and maladministration (3 513 in

⁹⁵ The penalties for passive bribery of politicians were increased from two hundred thousand (200 000) to four million (4 000 000) euros while those for active bribery of politicians increased from one hundred thousand (100 000) to five hundred thousand (500 000) euros. Law No 5090/2024 also provides for an increase in the maximum prison limit for all felonies, including corruption crimes, from 15 to 20 years. Moreover, Greek criminal laws now apply to nationals and foreigners, irrespective of the laws of the place where the offence was committed. Written contribution from the Ministry of Justice received in the context of the country visit to Greece, pp. 2– 7. In Greece’s next evaluation phase, the OECD will continue to monitor whether the (increased) sanctions against natural and legal persons are effective, proportionate and dissuasive in practice, which so far has been difficult to assess especially given Greece’s lack of enforcement of the Convention. OECD (2024), Phase 4 Two-Year Written Follow-Up Report (pp. 4-5 and 7-8).

⁹⁶ Prosecutors must close their preliminary investigation within six months after a case has been brought before them, unless the Head of the Economic Crime Department determines that the nature of the case or of the acts to be investigated justifies an extension of the time limit. Written contribution from the Ministry of Justice in the context of the country visit to Greece. See also OECD (2024), Phase 4 Two-Year Written Follow-Up Report, pp. 4 and 9.

⁹⁷ Information received from Greece in the context of the country visit. See also OECD (2024), Phase 4 Two-Year Written Follow-Up Report, p. 13.

⁹⁸ 15 Inspectors-Auditors (are expected to take up duties within the first semester of 2024. In addition, a call to recruit an extra 10-15 Inspectors-Auditors for the NTA’s Regional Units will be published in 2024. The number of vacancies increased in 2023 compared to 2022 due to retirements and termination of previous secondments. Input from Greece for the 2024 Rule of Law Report, p. 16 and NTA written contribution in the context of the country visit to Greece (pp. 2-4).

⁹⁹ Information received from the NTA in the context of the country visit to Greece.

¹⁰⁰ Written contribution from the NTA in the context of the country visit to Greece, pp. 9-10.

¹⁰¹ Information received from Vouliwatch and Transparency International in the context of the country visit to Greece. The Civil Liberties Union for Europe has also expressed concern about the selection procedure of the director and management board members in that it does not provide for the super-majority vote guarantees of Article 101A(2) of the Constitution, which apply to other independent authorities. Contribution from Civil Liberties Union for Europe for the 2024 Rule of Law Report, p. 15.

2022) and carried out 700 audits and inspections (575 in 2022)¹⁰². The NTA's cooperation with other independent entities continued to be good and several trainings were organised¹⁰³.

Implementation of the new law on asset declarations is on track, with a significant percentage of verifications completed. Law 5026/2023 on asset declarations adopted in February 2023 extensively revamped the previous system of asset disclosures¹⁰⁴. The 2023 Rule of Law Report highlighted significant progress on the 2022 recommendation to ensure the effective and systematic verification of the accuracy of asset disclosures filed by all types of public officials¹⁰⁵. The total number of audits carried out by the Audit Committee in 2023 with reference to a five-year period was 16 818. The audit target of 5% for the first year as provided for by the law¹⁰⁶ was therefore reached and surpassed to reach 6%¹⁰⁷. As regards post-audit activities, 28 natural persons were reported to public prosecutors in 2023 because they repeatedly failed to fulfil their obligations during the last five years¹⁰⁸. In terms of enhancing transparency, a noteworthy development is represented by Law 5104/2024 which aims to streamline and improve the administrative processes for citizens and tax administration¹⁰⁹. The electronic platform *e-pothen* has been upgraded to allow for the higher number¹¹⁰ of declarations and files to be registered more efficiently and transparently as the necessary financial data will be retrieved electronically from banks directly through the interconnection with the *e-pothen* platform¹¹¹. Overall, the implementation of the law is going

¹⁰² Of these cases 17 were referred for criminal prosecution to the judicial authorities (13 in 2022). In addition, 83 cases were referred to the competent disciplinary authorities (55 in 2022) and 33 (41 in 2022) were referred for both criminal and disciplinary prosecution. A total of 315 civil servants and elected officials (186 in 2022) were referred to disciplinary boards. Written contribution from the NTA in the context of the country visit to Greece, p. 9.

¹⁰³ For instance, the NTA signed Memorandum of Understanding with the Independent Authority for Public Revenues (IAPR), the Data Protection Authority, the Institute of Education Policy and other institution. Under the Memorandum, a digital platform will be launched enabling IAPR's employees or persons working with the authority to report corruption or integrity incidents as well as EU law infringements. The NTA organised several awareness-raising as well as a training programme on internal audit with the Public Employment Service (DYPA) aimed at developing internal audit performance. Input from Greece to the 2024 Rule of Law Report, pp. 19-20, 24 and 38-40.

¹⁰⁴ Changes involving the functioning of assets control system involved the preparation, submission, and control of declarations and penalties.

¹⁰⁵ See 2023 Rule of Law Report, Country Chapter on the rule of law situation in Greece, pp. 12-13.

¹⁰⁶ According to Articles 1 and 29 of Law 5026/2023, for the first year of application of the new law, the percentage of audits will be set at 5% and at 6% for the second year.

¹⁰⁷ The scheduled target of 5% set by the Law was outstripped by 20%, leading to a 6% of audits for the first year. Information and written contribution received from the Parliamentary Committee on asset declarations (CIDA) in the context of the country visit to Greece.

¹⁰⁸ According to information received from the CIDA, the number of prosecutions in relation to the year 2023 is expected to increase over the course of 2024 as the new system 'catches up'.

¹⁰⁹ Some of the improvements: simplification of bureaucracy to assist taxpayers, enabling digital communication with the Hellenic Authority for Communication Security and Privacy; Transition from paper-based to digital correspondence between the tax administration and taxpayers; specific timeframe for tax audits, typically one year from the order notification, with the option for a six-month extension; expansion of the issuance of tax information.

¹¹⁰ Number of persons obliged to submit an asset declaration has increased by 50%. Total number of persons with obligation for submission of the year 2023 were 290 856. Written contribution from the CIDA in the context of the country visit to Greece.

¹¹¹ The new law on asset declaration incorporates the data protection safeguards of the EU General Data Protection Regulation in relation to the obligated persons and bodies in the public and private sectors and the *e-pothen* system. Written contribution from the CIDA in the context of the country visit to Greece, p. 1. The law indeed aims to avoid unnecessary inconvenience to collect the required information for the declaration

well although the limited number of staff and financial resources risk making it difficult to sustain the implementation rate at the same level¹¹². Civil society organisations, however, continued to express concerns as to the transparency and effectiveness of the Audit Committee's scrutiny¹¹³.

Work on developing codes of conduct for political advisers, ministers and parliamentarians and guidelines for the police continued. Following last year's Rule of Law Report¹¹⁴, various planned codes of conduct, including for high-level officials, have been taken forward. In the second half of 2023, the NTA finalized a draft Code of Conduct for Political Appointees and Special Advisors that is undergoing an internal round of consultation within the Government prior to its publication expected in the second quarter of 2024.¹¹⁵ The update to the Codes of Conduct for Members of Government and Members of Parliament envisaged in the NACAP, was finalised following the opinion of the NTA's Ethics Committee in April 2024, and should be published by May 2024¹¹⁶. The Independent Authority for Public Revenue (IAPR) published a Code of Ethics for its employees in November 2023¹¹⁷. Following last year's reported plans to improve integrity in the police force, the 2004 Code of Police Ethics will be complemented by a new Guide¹¹⁸. The Guide will introduce provisions with detailed guidance¹¹⁹ on issues of integrity and transparency and on handling corruption incidents and integrity issues within the police¹²⁰.

(e.g., certificates from each bank for the balance of accounts, credit cards etc.). This contributes to increasing the number of declarations checked each year by introducing an annual audit target by the Audit Committee, while avoiding the fragmentation of the audit work. However, difficulties emerged in relation to interoperability issues (interconnection of banks) and data collection) which is why the period for submitting asset declarations for 2023 was extended until the end of June 2024. Written contribution from the Ministry of Justice in the context of the country visit to Greece, p. 36. This delay was criticised by some CSOs such as Vouliwatch. Information received from Vouliwatch in the context of the country visit to Greece.

¹¹² CIDA has asked for more resources considering the positive results of their work. Information received from CIDA in the context of the country visit to Greece.

¹¹³ Concerns related to the unjustified reduction of the availability period of the report of the Parliamentary Committee (from 7 to 3 years); the reduction of the availability of the information online reduced to three years; the repeal of the obligation to declare cash exceeding EUR 30 000; the attribution of audit tasks to only one single body – CIDA- considering the high numbers of declarations; the lifting of confidentiality remaining optional. CSOs Joint submission for the 2024 Rule of Law Report pp. 21-22.

¹¹⁴ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 15.

¹¹⁵ Written contribution from the NTA in the context of the country visit to Greece, p. 6. See also input from Greece for the 2024 Rule of Law Report, p. 28.

¹¹⁶ The proposed code of conduct covers ministerial cabinets and their advisors. This will be signed off by the Prime Minister. The President of Parliament must also review the text to see whether changes to the Parliament's 2016 Code of Conduct and Rules of Procedure need amending to cover those members who are also government ministers. The NTA intends to carry out awareness-raising activities about these Codes. Written contribution (p.6) and information received from the General Secretariat of Legal and Parliamentary Affairs, and the NTA in the context of the country visit to Greece.

¹¹⁷ Input from Greece for the 2024 Rule of Law Report, p. 28.

¹¹⁸ 2023 Rule of Law Report, pp. 15-16. See also GRECO (2022) Fifth Evaluation Round – Evaluation Report for Greece, pp. 43-47.

¹¹⁹ The Guide will serve as a syllabus of the police ethics courses that are included in various police trainings/seminars. The corresponding draft Ministerial Guidelines are being finalised and elaborated by the competent independent authorities, including the NTA and the Ombudsman. Input from for the 2024 Rule of Law Report, p. 29.

¹²⁰ Ibid. Information also received from the Ministry of Citizen Protection and the Internal Affairs Unit of law enforcement bodies in the context of the country visit to Greece. Guidelines are also being developed for all police personnel when dealing with incidents of violence and harassment.

The implementation of rules on lobbying and gifts is ongoing with the number of entries in the lobby register increasing slightly and information from the gifts registry is now publicly available. Lobbying legislation, in force since 2021, obliges high-level officials with executive and legislative functions to declare their contacts with lobbyists¹²¹. It also mandated the setting up of a lobby register, which has been operational since December 2022¹²². As of July 2024, the publicly accessible lobby register only had 20 registrations, a slight increase from the 17 recorded in December 2023¹²³. Civil society organisations noted that no statistics have yet been released on the functioning of the lobby register¹²⁴. However, the NTA will draft a report with statistical data concerning the operation of the Registry for the calendar year 2023 by the end of 2024¹²⁵. There are also two publicly available gift registries, one for the President of the Republic and another for the Prime Minister and Members of Government. According to a Ministerial Decision adopted in November 2023, items offered as gifts will become State property¹²⁶. The received gifts are recorded in a Special Electronic Book administered and managed by the Prime Minister's Office¹²⁷. An extract from the Electronic Register showing the gifts offered in 2022-2023 to Members of Government and the Prime Minister was published on the Prime Minister's website¹²⁸. The slow implementation of the rules on lobbying has been raised by some civil society organisations that have asked for more transparency on the functioning of both the lobby and

¹²¹ Law 4829/2021 stipulates that all interest representatives should register in the Transparency Register (operational since 2022) and they should submit their annual declarations in the month of January of the same year; for the legislature and the executive they have to submit declaration in the month of May for lobbying activities exercised during previous year.

¹²² All interest representatives must register in the Transparency Register to engage with members of the legislature and the executive branch. Both interest representatives and members of the legislature and executive branches are required to submit a publicly available annual activity report to the NTA. The Transparency Register is meant to be interoperable with other databases such as the Hellenic Online Tax System (TAXIS), the General Electronic Commercial Registry (GEMI) and the National Criminal Records Portal. See 2023 Rule of Law Report Country Chapter on the rule of law situation in Greece, p. 16.

¹²³ In the context of the country visit to Greece, the NTA explained that there is a lack of familiarity in Greece about the need for formal lobbying rules since such practices have been always informal. NTA has been engaged in raising awareness activities in close cooperation with the Ministry of the Interior with officials and competent bodies required to submit declarations when they meet lobbyists. Following this awareness campaign an increase on lobbying registrations is expected in 2024.

¹²⁴ Joint Civil Society Submission on the 2024 Rule of Law Report, p. 19. The Greek authorities explained that the statutory deadlines for the submission of annual activities for both lobbyists and public officials (were extended to enable the obliged persons to comply with the new regulatory framework and familiarize themselves with the process of submitting an annual declaration through the lobby register.

¹²⁵ The NTA will submit the 2022 Report to the Parliamentary Committee and upload it to the lobby register website by the end of July 2024. However, it will not contain any statistical data as the register was not yet fully operational at the time.

¹²⁶ Ministerial Decision 18552/08.11.2023 (Government Gazette, Series II, No. 6427) and Articles 14 to 19 of Law 4829/2021 (Government Gazette, Series I, No 166) govern the rules on gifts. The Ministerial Decision lays down the conditions, procedures, and technical specification for the registration and publication of gifts. Written contribution from the Ministry of Justice in the context of the country visit to Greece, p. 39 and input from Greece for the 2024 Rule of Law Report, p. 33.

¹²⁷ Gifts must be recorded and information about them made public when their estimated value exceeds two hundred euros or when they are of a particular national, historical, cultural or artistic value, irrespective of their value. Written contribution from the Ministry of Justice in the context of the country visit to Greece, p. 39.

¹²⁸ There is, however, no information on the approximate value of the gift itself recorded in the public registry. The publication follows Decision No 4753/08.05.2024 of the Secretary-General of the Prime Minister. Written contribution from the Ministry of Justice in the context of the country visit to Greece, p. 39.

gift registries¹²⁹. The NTA has also been raising public awareness on the lobbying legislation, including with public officials¹³⁰.

Audits of political parties carried out under the new rules on political party financing indicated a better level of compliance. In 2023, the Committee of Parliament for the Investigation of Declarations of Assets (CIDA) carried out the audits (referring to 2021 fiscal year) on 18 political parties, out of which it proposed penalties for seven parties and sent letters of compliance to one party. The President of the Hellenic Parliament adopted CIDA's proposal and imposed sanctions¹³¹. The CIDA concluded the audit of 17 political parties' financial statements for 2022 and proposed sanctions for 5 of them and letters of compliance for 2 parties¹³². The CIDA is assessing the findings and conclusions related to the financial data of parties for the two 2023 elections and will begin its audit of the financial statements of the political parties once they are submitted by the end of May 2024¹³³. The CIDA has noted a significant level of compliance with the new legal framework from all the political parties based on the data the parties submitted to it¹³⁴. Some civil society organisations continue to consider that the audit mechanisms could be more transparent and regret that the deadline for submitting financial statements is often extended and delayed¹³⁵.

The material scope of the law on the protection of whistleblowers was extended to corruption offences and the external reporting channel became operational. In 2023, several Ministerial Decisions were adopted to implement the 2022 Whistleblower Protection Act to clarify the scope of application, the procedure for submission, duties and

¹²⁹ They claim, for instance, that it should be made clearer what obligations are imposed on lobbyists and that the functioning of the system should be made more transparent. Doubts remain as to the compliance with legally required gift lists, particularly in the case of members of Parliament. Article 4(2) of the Parliament's Code of Conduct provides for a list of gifts and benefits offered to Members of Parliament. Vouliwatch had submitted requests to access the lists of gifts offered to Cabinet Members and Deputy Minister and to Members of Parliament. Joint Civil Society Submission on the 2024 Rule of Law Report, pp. 19-20. GRECO had issued a recommendation that Greece adopt a comprehensive code of conduct for persons entrusted with top executive functions on issues such as contacts with lobbyists and other third parties, gifts and other advantages, among others, and made easily accessible to the public, which has not been implemented yet. GRECO (2022, 2024), Fifth Evaluation Round, Evaluation Report and Compliance Report for Greece, pp. 18 (para. 58), 60 and 4-6 respectively.

¹³⁰ The NTA noted that the phenomenon of lobbying is not very common to the public discourse in Greece. It has therefore carried out awareness-raising activities on the law 4829/2021, which will be complemented within 2024 by a more targeted awareness raising plans for interest representatives and public officials. Information from NTA in the context of the country visit to Greece.

¹³¹ Input from Greece for the 2024 Rule of Law Report, p. 33.

¹³² Written contribution from the CIDA in the context of the country visit to Greece, p. 7.

¹³³ Written contribution from the CIDA in the context of the country visit to Greece, p. 7. Collection of data from political parties, candidates, marketing, media and polling companies for the pre-election periods of the two national elections of 2023 was extended and will be checked by CIDA in 2024. Input from Greece for the 2024 Rule of Law Report, p. 33.

¹³⁴ The codification of the law provides a clearer insight of the political parties' obligations and acts that they can or cannot do throughout a year regardless of whether it is an election year or not. Written contribution from the CIDA in the context of the country visit to Greece, p. 5.

¹³⁵ Joint Civil Society Submission on the 2024 Rule of Law Report, p. 23. As measured against OECD standards on political finance, Greece fulfils 60% of criteria on regulations and 71% of criteria on practice, compared to the OECD average of 73% and 58%, respectively. All financial reports are available from one single online platform in a user-friendly format. However, there is no published information on the number of cases related to breaches of political finance regulations, the number of investigations conducted, and a breakdown of the different types of sanctions issued. OECD (2024) 'Anti-corruption and Integrity Outlook, Country Fact Sheet for Greece', p. 8.

responsibilities of the officers receiving the reports and other administrative issues¹³⁶. The NTA has been operating an external channel to receive and manage reports from the private and public sectors on violations of EU law since August 2023¹³⁷. Law 5095/2024 extended the material scope of the 2022 Whistleblower Protection Act to persons who report or disclose breaches of national law regarding the offences of bribery and trading in influence¹³⁸. In 2023, a total of 79 reports were submitted to the NTA, of which 65 were unfounded, 6 were not within the framework of the 2022 Act, 3 were forwarded to other competent bodies and 5 were under examination by the competent inspectors¹³⁹.

The government is developing an integrated risk management system to increase transparency and integrity in public procurement, which is still considered as a high-risk area. The Flash Eurobarometer on Businesses' attitudes towards corruption in the EU shows that 54% of companies in Greece (EU average 27%) think that corruption has prevented them from winning a public tender or a public procurement contract in practice in the last three years¹⁴⁰. Based on the number of complaints received, the NTA considered that the sectors characterized as high-risk are local government concentrating 26% of the total complaints, as well as public procurement and the health sector amounting to 16% and 15% respectively of the total complaints¹⁴¹. Based on the complaints received by the Hellenic Single Public Procurement Authority (HSPPA), the sectors of public procurement that seem to have a high risk of infringement of national or EU law on public procurement possibly linked to corruption are health, education and civil protection¹⁴². The NTA carried out two significant projects to identify and outline areas of corruption risk within public hospitals in the national health system.¹⁴³ A new project to develop an integrated risk management system aims to enhance the transparency and integrity in the public procurement sector and contribute to the strategic priorities of Greece's National Public Procurement Strategy 2021-2025¹⁴⁴. In this context, a code of conduct for civil servants working in procurement units

¹³⁶ Input from Greece to the 2024 Rule of Law Report, p. 34.

¹³⁷ The established platform allows secured and anonymized communication between NTA and whistleblowers. Written contribution from the NTA in the context of the country visit to Greece, pp. 5-6 and Input from Greece for the 2024 Rule of Law Report, pp. 22 and 35.

¹³⁸ Article 20 of Law 5095/2024 'Inclusion of bribery offences in the material scope of Law 4990/2022, Amendment of Article 4 of Law 4990/2022'. The following breaches are now also included: active and passive bribery of political persons, active and passive bribery of an official, active and passive bribery of judicial officers, trading in influence by intermediaries and active and passive bribery in the private sector and liability of legal persons and entities for bribery offences. Written contribution from the NTA in the context of the country visit to Greece, written contribution p. 6. These changes fully implement the OECD's recommendation to extend whistleblower protection to bribery offences, including foreign bribery. The OECD will assess the law against the standards of the Anti-Bribery Recommendation XXII in Greece's next evaluation phase. OECD (2024), Phase 4 Two-Year Written Follow-Up Report, pp. 4 and 6.

¹³⁹ Written contribution from the NTA in the context of the country visit to Greece, p. 6.

¹⁴⁰ Flash Eurobarometer 543 on Businesses' attitudes towards corruption in the EU (2024). This is 27 percentage points above the EU average.

¹⁴¹ Written input from the NTA in the context of the country visit to Greece, p. 9.

¹⁴² Written contribution from the HSPPA in the context of the country visit to Greece, p.11. The HSPPA also referred to direct awards of regional student transportation services.

¹⁴³ Some actions have been put in place in relation to the Recovery and Resilience Funds, such as the appointment of a Fraud/Corruption and Conflict of Interest Officer by the IAPR. Input from Greece for the 2024 Rule of Law Report, pp. 36-37.

¹⁴⁴ The project brings together the NTA, OECD and the European Commission and is financed under the EU's Technical Support Instrument (TSI). Specifically, the project aims to introduce a Risk Registry, which contains integrity risks as well as mitigation measures and a training program for contracting authorities. Written contributions from the HSPPA and NTA in the context of the country visit to Greece, pp. 8 and 6-7.

within the public sector will be drafted by the OECD in collaboration with the NTA and is expected to be delivered by the end of 2024¹⁴⁵. The Court of Audit intends to carry out a thematic audit on the effectiveness of measures and practices to prevent corruption and ensure integrity in the public sector in high-risk areas in the course of 2024¹⁴⁶.

III. MEDIA PLURALISM AND MEDIA FREEDOM

The Greek legal framework regulating media pluralism and media freedom is established by the Constitution and specific sectorial legislation. The Greek Constitution enshrines the rights to freedom of expression and press freedom. It also provides for a right of access to information. Law No. 4779/2021, which transposed the Audiovisual Media Services Directive (AVMSD) into the Greek legal order, regulates audiovisual media¹⁴⁷.

Selection procedures to address challenges regarding the resources of the media regulator are ongoing, while concerns have been raised regarding its independence. The selection procedure organised by the Supreme Council for Civil Personnel Selection to hire 17 new staff members for the National Council for Radio and Television (NCRTV) is ongoing. The first stage of appointment of 11 new employees is expected to be completed by summer 2024¹⁴⁸. While the impending appointment of new staff members is a welcome development, previously identified challenges persist in relation to the adequacy of the resources with respect to the functions that the NCRTV needs to carry out under the existing regulatory framework¹⁴⁹. Under the legal framework¹⁵⁰, the NCRTV is only subject to parliamentary scrutiny. However, the procedure followed for the appointment of the new members of the NCRTV in September 2023¹⁵¹ has raised concerns among civil society, journalists, and legal experts and was perceived as an attempt to interfere with its independence¹⁵². In July 2024, the hearing of the related petitions of annulment submitted by the Athens Bar Association took place in the Plenary Session of the Council of State and the judgement is expected¹⁵³. The 2024 Media Pluralism Monitor (MPM) has changed its previous assessment of the independence and effectiveness of the Media Authority from medium to high risk¹⁵⁴.

The new registries are regarded as a positive development for transparency of media ownership. The legal framework in place ensures a certain degree of transparency of media

¹⁴⁵ The code of conduct is meant to be brief, user-friendly and practical and will have a section on fundamental principles and values and one will be a guidance on expected behaviour. Written contributions from HSPPA the NTA in the context of the country visit to Greece, pp. 7 and 10.

¹⁴⁶ Written contribution from the Court of Audit in the context of the country visit to Greece, pp. 5-6.

¹⁴⁷ Greece ranks 88th in the 2024 Reporters without Borders World Press Freedom Index compared to 107th in the previous year.

¹⁴⁸ Input from Greece for the 2024 Rule of Law Report, p. 46.

¹⁴⁹ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 19; Information received from NCRTV in the context of the country visit to Greece.

¹⁵⁰ Articles 2 and 2A of Law 3051/2002.

¹⁵¹ See details below in Pillar IV.

¹⁵² Information received from NCRTV, ADAE, NCHR, Ombudsman, Athens Bar Association, Vouliwatch and Transparency International in the context of the country visit to Greece. The annulment application submitted by the Athens Bar Association against the appointment decision were heard by the Council of State in May 2024. A decision on the matter is pending. See details and contributions below in Pillar IV, pp. 27-28.

¹⁵³ See details and contributions below in Pillar IV, pp. 27-28.

¹⁵⁴ 2024 Media Pluralism Monitor, Greece, p. 12.

ownership and all media service providers are required to register in the NCRTV Business Register¹⁵⁵. As referred in the 2023 Rule of Law Report, Law 5005/2022¹⁵⁶ set up a Registry for Print Media (MET) as well as a Registry for Electronic Press (MHT) with the aim to improve the transparency of media ownership, including beneficial ownership¹⁵⁷. Both registers started to operate in May 2023 and are accessible through the Digital Portal of the Public Administration¹⁵⁸. Only media appearing in the registers are eligible to benefit from state advertising. The creation of the new registries, as well as the new Ethics Committee in charge of overseeing the compliance of online media with journalistic ethics, are regarded as positive developments. Media legislation¹⁵⁹ contains specific ownership limitations to prevent horizontal concentration in the media market. The 2024 MPM has this year adjusted its risk score from medium to low risk with regard to transparency of media ownership¹⁶⁰, due to the implementation of Law 5005/2002 which established the above-mentioned registries.

A new system for the selection and appointment of administrators of public sector entities entered into force, covering also public service media. The Law on the Hellenic Radio and Public Service Television guarantees the editorial independence of the public service media - Hellenic Radio and Television Corporation (ERT)¹⁶¹. In November 2023, a new Law 5062/2023, which sets out new conditions and procedures for the appointment of directors and other managers of public administration bodies, entered into force¹⁶². The new law defines more transparent criteria related to the selection process. It also introduces an additional framework for the annual evaluation of the performance of administrative bodies based on the performance contract signed between them and the supervising Minister¹⁶³. These changes in the selection process are a welcome improvement by media experts and media representatives, as also reported in the Media Freedom Rapid Response mission report¹⁶⁴. On this basis, in June 2024, the procedure for the selection of the CEO of ERT was launched¹⁶⁵. Under the applicable legal framework, ERT has administrative and financial autonomy¹⁶⁶ and operates independently. ERT is subject to administrative oversight by the

¹⁵⁵ Article 37 of Law No. 4779/2021; See also, 2022 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 17.

¹⁵⁶ Law No. 5005/2022 of 21 December 2022 "Strengthening of the publicity and transparency of print and electronic media - Establishment of electronic registries of print and electronic media and other provisions under the competence of the Secretariat General for Communication and Media".

¹⁵⁷ Access to the following information is provided through the Portal: a) name, b) title, c) legal form, d) registered office, e) address of organized office, f) VAT identification number and competent TAX Offices g) name and surname of publisher and/or website manager, manager, editorial director, h) details of ownership, i) periodicity, j) title of media and website name, k) circulation data, measurement or tracking of networking sites l) thematic units, m) public targeting to which they are addressed, n) geographical and circulation areas for the printed press and geographical targeting for the electronic press.

¹⁵⁸ As of January 2024, i.e. less than a year from the launch of the registries, Media Freedom Rapid Response mission report assessed access to them as still challenging. Media Freedom Rapid Response – Mission Report: Stemming the tide of Greek media freedom decline, 30 January 2024, p. 23; and 2024 Media Pluralism Monitor, Greece p. 14.

¹⁵⁹ Law No. 3592/2007 and Law No. 2328/1995.

¹⁶⁰ 2024 Media Pluralism Monitor, Greece, p. 14.

¹⁶¹ Law No. 4324/2015.

¹⁶² Law No. 5062/2023.

¹⁶³ Input from Greece for the 2024 Rule of Law Report, p. 50.

¹⁶⁴ Media Freedom Rapid Response – Mission Report: Stemming the tide of Greek media freedom decline, 30 January 2024 and information received from NCRTV in the context of the country visit to Greece.

¹⁶⁵ Written contribution from Greece.

¹⁶⁶ Law 4173/13 (A' 169).

General Secretariat for Communication and Media, which some stakeholders criticise as the latter is placed under the responsibility of the office of the Prime Minister¹⁶⁷. The 2024 MPM considers the independence of public service media to be an area of medium risk¹⁶⁸.

The right of access to documents is recognised in the Constitution. According to the Constitution, restrictions can only be imposed by law, provided they are necessary and justified by reasons of national security, combating crime, or protecting the rights and interests of others¹⁶⁹. In this respect, the Code of Administrative Procedure regulates the right of interested parties to have access to administrative documents created by public services¹⁷⁰. GRECO issued a recommendation to Greece to undertake an independent assessment on access to information requirements in order to adopt regulation, which has not been implemented yet¹⁷¹. Challenges have been highlighted by journalists and civil society with regard to the effectiveness of the public authorities' responses to requests for information, since requests for access to documents are often addressed with a long delay or remain unanswered¹⁷². The 2024 MPM has maintained its medium risk score for this area¹⁷³.

Some further progress has been made in adopting non-legislative safeguards to improve the protection of journalists and significant progress has been made in the legislative process, including with the decriminalisation of the offence of simple defamation. The 2023 Rule of Law Report recommended to Greece to 'take forward the process of adopting non-legislative safeguards and start the legislative process in relation to the protection of journalists, building on the activities initiated by the Task Force, in particular as regards abusive lawsuits against journalists and their safety, in line with the adopted Memorandum of Understanding and taking into account European standards on the protection of journalists'¹⁷⁴. In February 2024, the amended Criminal Code¹⁷⁵ abolished the criminal offence of simple defamation (*απλή δυσφήμιση*)¹⁷⁶, only retaining the one of slanderous defamation (*συκοφαντική δυσφήμιση*). The objective pursued with this reform is to protect

¹⁶⁷ Contribution from 2024 Civil Liberties Union for Europe for the 2024 Rule of Law Report; and Media Freedom Rapid Response – Mission Report: Stemming the tide of Greek media freedom decline, 30 January 2024.

¹⁶⁸ 2024 Media Pluralism Monitor, Greece, p. 18.

¹⁶⁹ Greek Constitution, Articles 5A and 10 para. 3.

¹⁷⁰ Article 5 of Law 2690/1999. Law 3861/2010, provides an obligation for all government institutions to upload certain acts and decisions on the dedicated portal, the Transparency portal (*diavgeia*).

¹⁷¹ GRECO (2022), Fifth Evaluation Round, Evaluation Report and Compliance Report on Greece (2024), paras. 59-66 and 24-27 respectively.

¹⁷² Joint Civil Society Submission to the European Commission on the 2024 Rule of Law Report, paras. 78.

¹⁷³ 2024 Media Pluralism Monitor, Greece, p. 11.

¹⁷⁴ In the 2023 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p.2, the Commission concluded that 'some progress' was made on the implementation of the recommendation addressed in the 2022 Rule of Law Report to Greece to establish safeguards to improve the physical safety and working environment of journalists, in line with the recently adopted Memorandum of Understanding, but legislative safeguards are still to be established, taking into account European standards on the protection of journalists.

¹⁷⁵ Law 5090/2024.

¹⁷⁶ The two offences were foreseen in Article 362 of the Criminal Code. In the case of the simple defamation, only the dissemination of a fact is required, while in the slanderous defamation, the offender knows that the facts disseminated are false.

freedom of expression and protect journalists from abusive lawsuits¹⁷⁷. Journalists' organisations and civil society have long been calling for the decriminalisation of defamation. At the same time, journalists' associations have criticised the amended provisions of the Criminal Code and the Code of Criminal Procedure which increased the minimum sentence for slanderous defamation and reduced significantly the possibility of suspending sentences imposed at first instance when they are appealed¹⁷⁸. However, the Greek government submitted that, to date, courts have not imposed a prison sentence of more than two years on a journalist for the offence of slanderous defamation¹⁷⁹. A new law aiming to combat violence in the context of sport events includes specific provisions for the protection of journalists covering or commenting on sporting events¹⁸⁰. The Task Force on Ensuring the Protection, Safety and Empowerment of Journalists and other Media Professionals¹⁸¹ is continuing its work, mainly focusing on organising trainings, academic courses on safety of journalists and awareness-raising events. The office term of the current members was renewed in September 2023. Among the initiatives in the context of the Task Force is also the establishment of an observatory on SLAPPs by the Panhellenic Federation of Journalists Associations (POESY) in July 2023. According to the journalists' unions, the SLAPPs Observatory represents a positive step¹⁸². Notwithstanding statistics by the Greek government that point at a relatively low number of lawsuits against journalists and the media¹⁸³, SLAPPs remain a concern for journalists¹⁸⁴, the Media Freedom Rapid Response Mission Report¹⁸⁵ and the National Commission for Human Rights (NCHR)¹⁸⁶. In light of the above, there has

¹⁷⁷ Input from Greece for the Rule of Law Report, p. 54. The Government notes that, thanks to the abolition of simple defamation at the level of criminal law, it becomes difficult to bring a civil action for damages. Written contribution from Greece.

¹⁷⁸ Journalists' associations indicated that in past cases involving the convictions of journalists for defamation, first instance rulings were overturned on appeal. Information received from journalists' associations and Reporters United in the context of the country visit to Greece. According to the revised provisions, in case of a first-instance conviction for slanderous defamation, the sentence has to be served, only if it exceeds two years.

¹⁷⁹ Written contribution from the Ministry of Justice in the context of the country visit, pp. 9-12.

¹⁸⁰ Law 5085/2024 on "Urgent Measures for the Prevention of Violence at Sporting Events".

¹⁸¹ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 22; The Task Force was formed under the decision of the Secretary General for Communication and Media No. 4957/27.07.2022.

¹⁸² Information received from journalists' associations in the context of the country visit to Greece.

¹⁸³ Based on statistical data already collected by the six largest courts in the country (namely Athens, Piraeus and Thessaloniki Courts of First Instance and Appeals) submitted by the Greek Government, for the years 2022 and 2023, overall 75 cases out of 603 actions brought concerned offences committed through the press, whilst the Government notes further that the number of the lawsuits that are accepted by the court is even lower and that, even in the case of claims that are upheld as well-founded, the amounts awarded by the courts are significantly lower than those requested in the lawsuits, with most of them being less than € 5,000. Written contribution from Greece.

¹⁸⁴ In January 2024, the defamation lawsuit brought against media outlets and journalists that reported on the spyware case was heard before the Court of First Instance of Athens. The International Press Institute (IPI) and other organisations called the legal action a startling example of a SLAPP and an attempt to muzzle investigative reporting on a matter of significant public interest; IPI et al. (2024), Greece: Ahead of court hearing, SLAPP lawsuit against media and journalists must be dropped, 18 January 2024; Media Freedom Rapid Response, "Murdered, surveilled and sued: decisive action needed to protect journalists and salvage press freedom in Greece", 27 September 2023; Centre for European Constitutional Law (2024), Country research, Legal environment and space of civil society organisations in supporting fundamental rights [Greece], EU Agency for Fundamental Rights, pp. 34-35.

¹⁸⁵ Media Freedom Rapid Response – Mission Report: Stemming the tide of Greek media freedom decline, 30 January 2024.

¹⁸⁶ According to the NCHR, the level of protection of journalists in Greece is below European standards, as on the specific issue of protection against abusive lawsuits (SLAPPs), no legislative measures have been

been some further progress on the implementation of the recommendation made in the 2023 Rule of Law Report.

The safety of journalists remains an issue, while some measures have been taken. There have been several cases of attacks or threats to safety of journalists since the publication of the 2023 Rule of Law Report. Journalist associations reported threats, verbal and physical aggression during demonstrations and, particular issues when reporting on migration¹⁸⁷. The Council of Europe's Platform to promote the protection of journalism and safety of journalists registered seven alerts¹⁸⁸ relating to attacks on physical safety of journalists, verbal insults, arbitrary detainment and harassment and intimidation, including by politicians, which is a considerable decrease compared to the previous reporting period¹⁸⁹. The Mapping Media Freedom platform registered five new alerts¹⁹⁰ since the publication of the 2023 Rule of Law Report. In June 2024, the trial of two suspects for the murder of the journalist Giorgos Karaivaz (in April 2021) began¹⁹¹. The spyware case¹⁹² is under judicial investigation conducted by the Deputy Public Prosecutor of the Supreme Court¹⁹³, although journalists' associations criticise the progress made¹⁹⁴. Furthermore, whilst journalists associations have raised concerns about the precarious working conditions¹⁹⁵, on 23 May 2024 a new collective labour agreement was signed between the Greek State and the unions concerning public sector journalists¹⁹⁶, which was welcomed by trade unions¹⁹⁷. The OECD also acknowledges Greece's efforts towards securing a safe environment for journalists, while noting that some concerns remain¹⁹⁸. The 2024 MPM considers 'journalistic profession, its standard and protection' to be an area presenting medium risk, pointing out that 'journalism continues to be a precarious and dangerous profession in Greece' and highlighting the 'prevalence of SLAPPs particularly targeting smaller independent outlets, posing an existential threat to investigative journalism in the country'¹⁹⁹.

adopted. The NCHR considers that the binding out-of-court procedure, which imposes an obligation to ask for the correction of an offensive publication within 10 days for the lawsuit to be admissible, is not a sufficient safeguard against misuse. It points out that this procedure applies only to civil lawsuits and not criminal complaints and is subject to exceptions. ENNHRI (2024), The state of the rule of law in the European Union, Reports from National Human Rights Institutions, Greece, Greek NCHR, pp. 252-254.

¹⁸⁷ Information received by journalists' associations, (ESIEA, POESY, FPA, Reporters United), Vouliwatch and Transparency International in the context of the country visit to Greece.

¹⁸⁸ Council of Europe, Platform to promote the protection of journalism and safety of journalists, Greece.

¹⁸⁹ The 2023 Rule of Law Report referred to 16 recorded alerts; 2023 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 21.

¹⁹⁰ European Centre for Press and Media Freedom, Mapping Media Freedom, Greece country profile.

¹⁹¹ Written contribution from Greece.

¹⁹² 2023 Rule of law Report, Country Chapter on the rule of law situation in Greece, p. 21.

¹⁹³ Written contribution from Greece.

¹⁹⁴ See below, Pillar IV.

¹⁹⁶ Written contribution from Greece.

¹⁹⁷ IFJ press release of 29 May 2024 "New collective agreement to boost gender equality in State and public media".

¹⁹⁸ According to the report, Recommendation 3(b), to ensure that laws relating to freedom of the press are fully applied in practice and that allegations of foreign bribery can be reported, is partially implemented. OECD (2024), Phase 4 Two-Year Written Follow-Up Report, pp.6-7.

¹⁹⁹ 2024 Media Pluralism Monitor, Greece, p. 12.

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 Government²⁰⁰. All courts, irrespective of their position in the judicial hierarchy, have the right and the duty to review the constitutionality of laws. They are bound not to apply a law if they deem its content to be contrary to the Constitution²⁰¹. A number of independent authorities²⁰² and bodies aim to protect and safeguard human rights, including the Greek Ombudsperson²⁰³ and the National Commission for Human Rights, which is accredited with A status by the Global Alliance of Human Rights Institutions²⁰⁴.

Some progress was made to improve the consultation of stakeholders, while its effectiveness and timeliness in practice still need to be better addressed. The 2023 Rule of Law Report recommended to Greece to ‘ensure the effective and timely consultation in practice of stakeholders on draft legislation, including by allowing sufficient time for public consultation’²⁰⁵. Draft bills continue to be systematically submitted to public consultation and in 2023, there was a significant decrease in the number of provisions added in the final text of the law without having been submitted to public consultation²⁰⁶. The statutory period for public consultation is two weeks, with the average time in practice being 12.4 days during the reporting period²⁰⁷, and it can be subject to derogation without a justification for the shortening²⁰⁸. Stakeholders pointed at the fact that draft bills are frequently submitted to Parliament almost immediately after the end of the public consultation²⁰⁹, making it difficult to take account of comments submitted during the public consultation²¹⁰. Independent authorities highlighted that they are rarely consulted by the executive on draft bills despite

²⁰⁰ Constitution of Greece, Article 26. 2021, 2022 Rule Reports, Country Chapter on the rule of law situation in Greece, p. 11 and 19 respectively.

²⁰¹ Constitution of Greece, Article 93, para. 4.

²⁰² The Constitution establishes five independent authorities, the Data Protection Authority; the National Council for Radio and Television (NCRTV); the Hellenic Authority for Communication Security and Privacy (ADAE); the Supreme Council for Civil Personnel Selection; and the Ombudsperson.

²⁰³ The Ombudsperson is also the national equality body with a mandate to combat discrimination and promote the principle of equal treatment.

²⁰⁴ Chart of the status of national institutions – Accreditation status as of 27 April 2022.

²⁰⁵ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 2.

²⁰⁶ In 2023 15,3% of the articles included in the published law were not submitted for public consultation (34% for the period 2020-2022). Information received from the General Secretariat for Legal and Parliamentary Affairs in the context of the country visit. See also, European Semester, 2024 Country Report – Greece, SWD (2024) 608 final, p. 64.

²⁰⁷ According to data from the opengov.gr, between July 2023 and June 2024, 17 out of 53 public consultations observed strictly the two weeks rule. According to the Quality of Law-Making Index 2023, the average time for the first half of 2023 was also 12.4 days. Centre of Liberal Studies (KEFIM) (2023), Quality of Law-Making Index 2023, pp. 16. According to the Government, during the reporting period 80% of the public consultations were open for public consultation for two weeks or more. Written contribution from the General Secretariat for Legal and Parliamentary Affairs, p. 2.

²⁰⁸ According to GRECO, it would have been preferable that the statutory timeframe for consultation was not subject to derogation and that the law itself had some indication as to the reasons which would justify the derogation. GRECO (2022), Fifth Evaluation Round, Evaluation Report on Greece, para 68.

²⁰⁹ During the reporting period 28 draft bills (out of 44) were submitted to Parliament the same or the following day after the public consultation ended.

²¹⁰ Information received by Vouliwatch and Transparency International in the context of the country visit.

their areas of expertise²¹¹; in most cases, they are invited to present their views at a later stage before Parliament²¹². GRECO also issued two recommendations for appropriate timelines allowing for consultations to be effective²¹³, and early and relevant stakeholder engagement²¹⁴. In view of the foregoing, there has thus been some progress on the implementation of the recommendation made in the 2023 Rule of Law Report.

Efforts are underway to improve access to legislation, while challenges regarding the quality of the law-making process persist. The National Codification Portal, an electronic system that aims to gradually standardise the law-making process and to facilitate the administrative codification of legislation, was completed in November 2023²¹⁵. This will grant individuals and legal entities free and immediate access to consolidated legislation²¹⁶. During the reporting period, the total number of parliamentary amendments and the number of provisions included in these amendments decreased²¹⁷. According to stakeholders, most of these amendments regulate issues which are not linked to the main subject-matter of the law²¹⁸. Last-minute amendments remain a point of controversy²¹⁹. The Constitution and Rules of Parliament provide that amendments should be submitted at least three days before the start of the debate in the Plenary²²⁰. However, the Government reports that under the prevailing practice the timely submission of amendments is assessed with reference to the adoption of the agenda of the Plenary. It hence states that not a single last-minute amendment

²¹¹ The Guide on drafting of impact assessment reports issued by the Secretariat General for Legal and Parliamentary Affairs provides that conducting a comprehensive impact assessment presupposes seeking the prior opinion of certain authorities on legislative provisions within their competence. Information received from the Ombudsperson, the NCHR, Data Protection Authority and ADAE in the context of the country visit. See also 2023 Rule of law Report, Country Chapter on the rule of law situation in Greece, p. 25.

²¹² Information received from the Ombudsperson and the National Commission for Human Rights. During the reporting period, the Parliament has held 31 hearings of representatives of independent authorities before various parliamentary committees. Written contribution from Parliament.

²¹³ GRECO (2024), Fourth Evaluation Round Second Addendum to the Second Compliance Report on Greece, paras 6-10. GRECO noted that, while draft bills are consistently subject to public consultation, the concerns about the insufficient time for public consultation remain and concluded that GRECO concludes that the recommendation remained partly implemented.

²¹⁴ GRECO (2022, 2024), Fifth Evaluation Round, Evaluation Report and Compliance Report on Greece, paras 72 and 28-31 respectively. GRECO noted the need for additional targeted steps to better provide for meaningful stakeholder engagement at earlier stages and concluded that the recommendation has not been implemented.

²¹⁵ Input from Greece for the 2024 Rule of Law Report, p. 61.

²¹⁶ The target date for the functioning of the portal is set at the end of 2024/beginning of 2025. Citizens and legal professional have currently access to consolidated legislation mainly through paid databases. Other projects funded under the Technical Support Instrument also aim to improve the law-making process.

²¹⁷ Between July 2023 and June 2024, 292 provisions were included in 69 amendments, an average of 4 articles per amendment, which is a decrease in comparison to the first half of 2023 (7 articles per amendment) and to 2022 (6). Written contribution from the General Secretariat for Legal and Parliamentary Affairs. A single tabled amendment often groups several disperse, unrelated provisions, proposed by different ministries, in an effort to reduce the total number of amendments. Centre of Liberal Studies (KEFIM) (2023), Quality of Law-Making Index 2023, pp. 18-19.

²¹⁸ Amendments unrelated to the main subject of the law amount to 82%, Centre of Liberal Studies (KEFIM) (2023), Quality of Law-Making Index 2023, pp. 19-20; Information received from the Ombudsperson, the NCHR and Transparency International in the context of the country visit; Contribution from Civil Liberties Union for Europe for the 2024 Rule of Law Report, pp. 31-32.

²¹⁹ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 24.

²²⁰ Articles 74 para. 5 d) of the Constitution and 87 para 2 of the Rules of Parliament.

was submitted to Parliament in 2023²²¹. However, stakeholders report that often amendments don't respect the three-day rule and, while in essence overdue, are not recorded as such²²². Also, the quality of law-making and frequent changes in legislation²²³ remain a significant reason for concern among companies about the effectiveness of investment protection in Greece (59% among the respondents, one of the highest in the EU)²²⁴.

Independent authorities, established by virtue of the Constitution, face challenges that could undermine their status and ability to carry out their tasks effectively. In September 2023, the Conference of Presidents of Parliament²²⁵ replaced members of the National Council for Radio and Television (NCRTV) and the Authority for Communication Security and Privacy (ADAE), whose mandate had expired²²⁶. These appointments have, however, been subject to discussion among political and legal experts questioning whether there was an attempt of undue interference with the functioning of these independent authorities²²⁷. According to the Government, the appointments were in line with the Constitution and the new members are widely recognised experts²²⁸. In November 2023, the Athens Bar Association filed two annulment applications before the Council of State against the appointment decisions, claiming that they were in violation of the Constitution²²⁹.

²²¹ The agenda of the Plenary is adopted from one to three days before the debate in Plenary starts. According to Parliament, even amendments submitted on the day before the opening of the debate in the Plenary can be sufficiently discussed. Written contribution from the Parliament in the context of the country visit.

²²² According to Vouliwatch, 49 out of 75 amendments were filed either on the day or the eve of adoption of the law. Joint Civil Society Submission to the European Commission on the 2024 Rule of Law, para. 92. See also, Centre of Liberal Studies (KEFIM) (2023), Quality of Law-Making Index 2023, pp. 25; and SyntagmaWatch (2024), Constitution: Interpretation by article, Article 74, Amendments to draft bills and proposals for law, N. Papaspyrou, p.6. ENNHRI (2024), The state of the rule of law in the European Union, Reports from National Human Rights Institutions, Greece, Greek NCHR, p. 258.

²²³ Stakeholders referred by way of an example to the Criminal Code that has been modified seven times in the last four years. Information received by the Athens Bar Association, Vouliwatch, Transparency International, Journalists Unions, Hellenic Ligue for Human Rights in the context of the country visit.

²²⁴ 53% in 2023. 28% of companies perceive the effectiveness of investment protection by law and courts as very or fairly confident, the lowest in the EU (32% in 2022 and 38% in 2021). Figure 55 and 56, 2024 EU Justice Scoreboard.

²²⁵ Rules of Parliament, Articles 13-14; the Conference of Presidents is a collective body organising parliamentary work. In early September 2023, Parliament modified the composition of the Conference of Presidents to add an extra member.

²²⁶ Prolonged delays in selecting new members of the Independent Authorities are a recurrent issue. The mandates of the Ombudsperson as well as of several members of the Data Protection Authority have also long expired. NCHR (2023), Statement on Independent authorities, Issues of ensuring the institutional integrity of the constitutionally enshrined Independent Authorities and respecting the regime of increased guarantees of their members, 30 November 2023.

²²⁷ NCHR (2023), Statement on Independent authorities, Issues of ensuring the institutional integrity of the constitutionally enshrined Independent Authorities and respecting the regime of increased guarantees of their members, 30 November 2023; Minutes of the Conference Constitutionally Enshrined Independent Authorities: Their contribution to a European democratic rule of law, 1-2 November 2023; Centre for European Constitutional Law (with Hellenic League for Human Rights and Antigone-Information and Documentation Centre on racism, ecology, peace and non-violence) (2024), Country research - Legal environment and space of civil society organisations in supporting fundamental rights [Greece], EU Agency for Fundamental Rights, pp. 34-35; Contributions from Civil Liberties Union for Europe and Joint Civil Society Submission for the 2024 Rule of Law Report, pp. 32-34 and paras. 13-17.

²²⁸ Input from Greece for the 2024 Rule of Law Report, pp. 46-47.

²²⁹ Athens Bar Association (2023), Appeal before the Council of State, 30 November 2023. The main issue is whether the required 3/5 majority required by the Constitution (Article 101A) was respected. The contested decisions were taken with a majority of 16 out of 27 votes. For the Government, the majority required was

Independent authorities consider that their status is severely affected by the mere impression that they operate under pressure²³⁰. They also argue that the current appointment procedure gives the power to decide to a body that does not have a fixed composition, exposes the authorities to undue political influence and should be reviewed²³¹. The Data Protection Authority, the NCRTV and ADAE reported problems of understaffing and limited resources to effectively perform their tasks²³². They pointed to the need for the establishment of a procedure for the selection of their own staff members, which would reduce delays in recruitments²³³. In December 2023, legislative measures were adopted to improve the salary regime for all members of the constitutional authorities²³⁴. Independent authorities and other stakeholders also pointed to the barriers faced by ADAE in the performance of its tasks, including the summons of its members to justice for acts related to their duties²³⁵ and personal attacks on its president²³⁶.

The Ombudsperson investigates incidents of alleged misconduct involving law enforcement officers. The Ombudsperson investigates cases of alleged misconduct by law enforcement officers under its mandate of National Mechanism for the Investigation of Arbitrary Incidents²³⁷. According to its 2022 Special Report, published in October 2023, the systematic lack of effective investigation into disciplinary misconduct of law enforcement officers, despite its repeated recommendations led the Ombudsperson to conclude that documented problems not only persist but have been exacerbated²³⁸. In November 2023, the Ombudsperson launched its own investigation²³⁹ into the conduct of the Coast Guard in the

reached in line with the Rules of Procedure of Parliament. The Bar argues that the majority required is 17. The hearing of the case before the Council of State took place on 17 May 2024.

²³⁰ Press release of the constitutionally enshrined Independent Authorities on the joint Conference “Constitutionally Enshrined Independent Authorities: Their contribution to a European democratic rule of law”, 7 November 2023

²³¹ Idem; Information received from the Ombudsman, NCHR, NCRTV, ADAE, DPA, Athens Bar Association, Vouliwatch and Transparency International in the context of the country visit to Greece.

²³² Information received from the DPA, ADAE and NCRTV in the context of the country visit. The DPA pointed that it experienced a 15% decrease of its budget in the last four years while the other data protection authorities have an increase. In relation to NCRTV, see Pillar III, p. 20.

²³³ Independent Authorities recruit their staff through long selection procedures organized by the Supreme Council for Civil Personnel Selection. For the Ombudsperson, the establishment of its own staff selection process is the only remaining arrangement in order for the authority to be fully compliant with the Principles on the Protection and Promotion of the Ombudsman Institution of the Venice Commission (CDL-AD(2019)005-e). Information received from the Ombudsperson in the context of the country visit.

²³⁴ Article 95 of Law 5079/2023.

²³⁵ In October 2023, members of ADAE were summoned as suspects for leaking classified information. Charges were dropped in February 2024.

²³⁶ NCHR (2023), Statement on Independent Authorities, Issues of ensuring the institutional integrity of the constitutionally enshrined Independent Authorities and respecting the regime of increased guarantees of their members, 30 November 2023; Information received from ADAE in the context of the country visit; Contributions from Civil Liberties Union for Europe and Joint Civil Society Submission for the 2024 Rule of Law Report, pp. 32-34 and paras. 13-17 respectively.

²³⁷ Law 4443/2016. Law 4960/2022 also established a Fundamental Rights Monitoring Mechanism, including Fundamental Rights Officers in the Ministry of Migration and Asylum, the Police and the Coast Guard. Written contribution from Greece.

²³⁸ Ombudsman (2023), 2022 Special Report, National Mechanism for the Investigation of Arbitrary Incidents, p. 23.

²³⁹ Ombudsman (2023), Press release 9 November 2023. In parallel, the European Ombudsman also launched an own-initiative inquiry on how the European Border and Coast Guard Agency (Frontex) complies with its fundamental rights obligations with regard to search and rescue in the context of its maritime surveillance activities, in particular the Adriana shipwreck, which was concluded in February 2024 (OI/3/2023). The

context of the shipwreck of Pylos. The Commissioner for Human Rights of the Council of Europe commended the launch of the Ombudsperson's investigation and urged the Greek authorities to fully cooperate with the Ombudsperson²⁴⁰. He also recognised the importance of the criminal investigations led in parallel, which should be conducted in compliance with the requirements set out by the European Court of Human Rights²⁴¹. Two independent criminal procedures were launched in June 2023: one by the Criminal Court of Kalamata which is concluded²⁴², and the other, by the Naval Court of Piraeus, which is still ongoing and focuses specifically on the conduct of the Coast Guard²⁴³. The European Commission considers that effective and timely investigations²⁴⁴ of such incidents are an important demonstration of the ability of competent authorities to deliver an adequate response²⁴⁵. More generally, in December 2023, the Committee of Ministers of the Council of Europe strongly invited Greece to reinforce the Ombudsperson with sufficient staff, to give effect to its recommendations and to enhance disciplinary investigations²⁴⁶.

Judicial investigations into allegations of wiretapping and the use of spyware started in 2022 and are ongoing²⁴⁷. In July 2023, the Data Protection Authority (DPA) released the findings of its investigation and forwarded them to the judicial authorities²⁴⁸. In October 2023, ADAE rejected the prosecutors' request to verify whether the individuals targeted with spyware were also subject to wiretapping activities by the National Intelligence Service²⁴⁹. In

inquiry found that Frontex had complied with its obligations stemming from Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard.

²⁴⁰ Council of Europe: Commissioner for Human Rights (2023), Statement Greece: The Ombudsman institution opening an independent investigation into the Pylos shipwreck is a welcome step, 9 November 2023.

²⁴¹ Ibidem.

²⁴² The case concerned allegations of smuggling and was closed by the Court of Appeal of Kalamata in May 2024 due to lack of jurisdiction.

²⁴³ In September 2023, forty survivors also filed a criminal complaint before the Naval Court of Piraeus against the Greek authorities. The criminal investigation is also pending.

²⁴⁴ In December 2023, the Committee of Ministers of the Council of Europe strongly invited Greece to notably ensure that criminal investigations are sufficiently thorough. Greece has been under enhanced supervision for the group of cases *Sidiropoulos and Papakostas v. Greece* concerning ill-treatment by law enforcement agents as well as the lack of effective investigations. Council of Europe, Committee of Ministers Decision CM/Del/Dec(2023)1483/H46-16. See also the judgment of the European Court of Human Rights of 16 January 2024, *Alkhatib and Others v. Greece*, 3566/16. Moreover, CSOs voice criticism that despite credible evidence, official investigations into reported incidents have not made meaningful progress, raising concerns about the investigation procedures and the prospect of accountability. Contributions from the European Civic Forum, the Border Violence Monitoring Network, Civil Liberties Union for Europe and Joint Civil Society Submission for the 2024 Rule of Law Report.

²⁴⁵ The European Commission has underlined the need to conclude pending investigations in a transparent, thorough and swift manner. Commissioner Ylva Johansson (2023), Opening Statement - European Parliament Plenary Debate on Search and Rescue in the Mediterranean, 12 July 2023; Commissioner Ylva Johansson (2023), Intervention in the Committee on Civil Liberties, Justice and Home Affairs, European Parliament, 6 June 2023. A dedicated Fundamental Rights Monitoring Mechanism is set up, which includes an inter-ministerial high level task force and Fundamental Rights Officers in the Ministry of Migration and Asylum, the Police and the Coastguards. Law 4960/2022.

²⁴⁶ Council of Europe, Committee of Ministers Decision CM/Del/Dec(2023)1483/H46-16. According to the Government, the Ombudsperson has been reinforced with five additional Special Scientific Staff, while two more will join his office in 2024. Written contribution from Greece.

²⁴⁷ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Greece, pp. 26-27.

²⁴⁸ The DPA stated that over the past years 92 users of Greek phone numbers had been targeted with malicious Predator spyware. DPA (2023), DPA actions in relation to activities of installing and using spyware in Greece, Press Release 20 July 2023; Information received from the DPA in the context of the country visit.

²⁴⁹ Kathimerini, Surveillance, the request of the two judges to ADAE, 24 October 2023.

October 2023, the Prosecutor of the Supreme Court ordered the transfer of the investigation file from the first-instance prosecutor's office to the Supreme Court. This decision was met with criticism, including by press freedom organisations, as it was viewed as an attempt to interfere with the ongoing investigation and further delayed its progress²⁵⁰. According to the Council of Europe Platform for the safety of journalists, the criminal investigations into the use of spyware lacked clarity²⁵¹. The Parliamentary Assembly of the Council of Europe urged Greece to conduct effective, independent and prompt investigations on all cases of abuse of spyware and provide sufficient redress to victims²⁵². In March 2024, the Government submitted its reply to the Parliamentary Assembly in relation to the Resolution providing information on investigations of reported individual incidents conducted in courts, by the National Transparency Authority and by the Parliament²⁵³, as well as on improvements of the applicable legal framework²⁵⁴. In April 2024, the Council of State ruled that the provision applicable at the time stipulating that an individual under surveillance for national security reasons could not be informed about this, is unconstitutional²⁵⁵.

The immunity regime for members of Government has given rise to a public debate.

The Constitution provides that Parliament has the exclusive power to investigate and prosecute serving and former members of the Government for offences committed in the discharge of their duties²⁵⁶. A public debate started following Parliament's decision not to start a preliminary investigation into allegations against former members of Government. Stakeholders also expressed concern over the immunity regime²⁵⁷. A petition to modify the legal framework on immunities gathered 1.5 million signatures²⁵⁸ in relation to a separate case. The Plenary of Bar Associations announced plans to set up a working group, which would work on a corresponding legislative proposal and send it to the Speaker and the parties

²⁵⁰ Reporters Without Borders, Predatorgate scandal in Greece: RSF denounces the political sabotage of the investigation, 2 November 2023. Civil society also criticised that the transfer of the case was ordered while the first instance prosecutors were investigating if the targets of the illegal spyware were also targeted by the National Intelligence Service. Joint Civil Society Submission to the European Commission on the Rule of Law Report, para 11. Contribution from the European Civic Forum for the 2024 Rule of Law, pp. 12-13.

²⁵¹ Annual Report, Annual assessment of press freedom in Europe by the partner organisations of the Safety of Journalists Platform, pp. 71-72.

²⁵² Council of Europe: Parliamentary Assembly (2023), Resolution 2513, Pegasus and similar spyware and secret State surveillance para 11.3. In March 2024, the Government submitted its reply to the Parliamentary Assembly in relation to the Resolution. Written contribution by Greece.

²⁵³ Greece's Submission to PACE's Committee on Legal Affairs and Human Rights Request for Information, following Council of Europe's Parliamentary Assembly Resolution 2513 and Report, March 2024

²⁵⁴ Law 5002/2022, 5086/2024 and strengthening of Independent Authorities charged with privacy protection. According to the Greek authorities, new cybersecurity authority will closely cooperate with intelligence services and independent data protection authorities, to raise the level of awareness and protection of citizens.

²⁵⁵ Council of State (Plenary), 465/2024, 5 April 2024.

²⁵⁶ Constitution, Article 86 paras 1 and 2, Rules of Procedure of Parliament, Article 153 and Law 3126/2003 on the criminal liability of Ministers and other provisions. Following a proposal submitted by thirty Members of Parliament, Parliament decides by absolute majority to set up a Parliamentary Committee to conduct a preliminary examination of the case. The findings of the committee are introduced to the Plenary, which decides by absolute majority whether to prosecute.

²⁵⁷ Information received from the Athens Bar Association, the Ombudsperson, the National Commission for Human Rights, Transparency International and Vouliwatch in the context of the country visit in Greece.

²⁵⁸ The petition was launched by the families of victims of the train collision in the Tempi area on 28 February 2023 in which 57 people died. Article 73 para. 6 of the Constitution foresees the right of 500 000 citizens to introduce draft bills (citizens' legislative initiative). However, the necessary legislation to implement this provision has not been adopted yet.

of the Parliament²⁵⁹. According to the association of judges and prosecutors, the justification for the current system is that members of Government would otherwise refrain from taking decisions under the threat of a lawsuit²⁶⁰.

An established mechanism is in place to ensure the administration's compliance with judicial decisions. The Constitution contains a provision on the obligation of the public administration to comply with judicial decisions²⁶¹. A special procedure to ensure the execution of domestic judicial decisions is foreseen by law²⁶². The judiciary considers that the mechanism works overall well except in some cases related to pension rights²⁶³.

On 1 January 2024, Greece had 28 leading judgments of the European Court of Human Rights pending implementation, an increase of one compared to the previous year²⁶⁴. At that time, Greece's rate of leading judgments from the past 10 years that remained pending was at 30% (compared to 34% in 2023) and the average time that the judgments had been pending implementation was 6 years 7 months (same as in 2023)²⁶⁵. One of the oldest group of cases, pending implementation for more than 15 years, concerns violations of the right to freedom of association due to the domestic courts' rulings not to register or to dissolve associations on the grounds that their aim was to promote the idea that an ethnic minority existed in Greece²⁶⁶. As regards the respect of payment deadlines, on 31 December 2023 there were 7 cases in total awaiting confirmation of payments (compared to 13 in 2022)²⁶⁷.

²⁵⁹ Athens Bar Association, Press Release, 5 June 2024.

²⁶⁰ Information received from the Association of judges and prosecutors in the context of the country visit.

²⁶¹ Constitution, Article 95, paragraph 5. The Constitution also provides the compulsory execution of judgments against the state, local authorities and legal entities of public law (article 94 paragraph 4).

²⁶² Law 3068/2002. A three-member council within the jurisdiction that issued the relevant judicial decision examines, at the request of the private party concerned, if the administration has not complied or has not correctly complied with the decision and, if so, it invites the administration to comply within a prescribed time. The same panel can impose a penalty.

²⁶³ The Court of Audit reported that in such cases, due to their impact on the State budget, the administration often refuses to comply even after the special procedure foreseen has been concluded. Information received from the Court of Audit in the context of the country visit.

²⁶⁴ 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.

²⁶⁵ 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 2024. See the Contribution from the European Implementation Network for the 2024 Rule of Law Report, p. 4.

²⁶⁶ In December 2023, the Committee of Ministers expressed its deep concern that, despite the legislative amendment adopted by Greece in 2017 which allowed the reopening of the impugned proceedings, the applicants have still not been provided with restitutio in integrum, despite having exhausted the possibilities available to them within the domestic legal system; CM/Del/Dec(2023)1483/H46-15/ 06 December 2023-H46-15 Bekir-Ousta and Others group v. Greece (Application No. 35151/05).

²⁶⁷ Council of Europe (2024), Supervision of the execution of judgments decisions of the European Court of Human Rights – 17th Annual Report of the Committee of Ministers – 2023, p. 137. The NCHR reports that Greece continues to maintain a satisfactory track record regarding the payment of just satisfaction ordered by the Court. ENNHRI (2024), The state of the rule of law in the European Union, Reports from National Human Rights Institutions, Greece, Greek NCHR, p. 276.

On 1 July 2024, the number of leading judgments pending implementation had increased to 29²⁶⁸.

Some further progress was made with the ongoing implementation of the interoperability of the existing registries for Civil Society Organisations, while the registration framework still needs to be evaluated in particular in relation to the Special Registries of the Ministry of Migration and Asylum. The 2023 Rule of Law Report recommended to Greece to ‘take further steps to evaluate the current registration system for civil society organisations, including by initiating a structured dialogue with CSOs, and assess whether there is a need to amend it’²⁶⁹. In October 2023, the Public Database and the Special Registry for CSOs became operational²⁷⁰ and their functioning has been overall smooth²⁷¹. The nine Special Registries managed by different ministries continue to operate, including the two Special Registries of the Ministry of Migration and Asylum (MoMA)²⁷². There are ongoing efforts to make the different registries interoperable, thus minimising the number of documents to be resubmitted and avoiding duplication²⁷³. In May 2024, the MoMA abolished the obligation for registered CSOs to renew every three years the registration in its Special Registries²⁷⁴. These are positive steps aiming to reduce costs and administrative burden, while the need to evaluate the substance of the current legal framework and its impact on the CSOs’ ability to operate remains, in particular of those CSOs dealing with international protection, migration and social integration²⁷⁵. In October 2023, in a targeted meeting with CSOs, the MoMA announced its intention to review the legal framework governing its Special Registries and requested feedback. Several CSOs referred to specific concerns and put forward concrete proposals²⁷⁶. The MoMA has been

²⁶⁸ Data according to the online database of the Council of Europe (HUDOC).

²⁶⁹ In the 2023 Rule of Law Report, the Commission concluded that some progress was made on the recommendation to ensure that registration requirements for civil society organisations are proportionate in view of maintaining an open framework for them to operate. 2022 and 2023 Rule of Law Reports, Country Chapter on the rule of law situation in Greece, p. 2.

²⁷⁰ 2023 Rule of Law Report, Country Chapter Greece, p. 27; Law 4873/2021. CSOs need to register if they wish to apply for state funding and other benefits. Registration requirements for the Public Database are simpler and the funding is up to EUR 50 000. For the Central Registry, CSOs need to submit additional documents and can receive funding over EUR 50 000 as well as support by targeted tax exemptions and additional tax incentives.

²⁷¹ In the first eight months, 703 CSOs registered in the Public Database and 628 in the Special Registry. The average time to process applications was short and well below the time-limits prescribed in the law. Written contribution from the Ministry of Interior in the context of the country visit.

²⁷² Registry of Greek and Foreign Non-Governmental Organisations and Registry of NGO Members; 87 CSOs are currently registered with approximately 2,200 CSO members included in the Registry for NGO Members, 8 applications are pending, while 116 CSOs were denied registration at least once. Written contribution from the Ministry of Migration and Asylum in the context of the country visit.

²⁷³ The Ministries of Interior and Migration and Asylum have been working to establish an electronic validation process, through which the registration of a CSO in one of their Registries will be verified and status updates will automatically be incorporated in the other ones. The plans shall progressively include all the existing Registries, while interoperability shall be implemented by early 2025. Written contribution from the Ministry of Interior in the context of the country visit; 2024 Annual Action Plan of the Ministry of Interior.

²⁷⁴ Registered CSOs remain thus registered until a revocation decision. Ministerial decision 148104/19-5-2024.

²⁷⁵ 2021, 2022, 2023 Rule of Law Reports, Country Chapter on the rule of law situation in Greece, p. 13, pp. 21-22 and p. 27 respectively.

²⁷⁶ CSOs refer to (i) the excessive discretion of the administration in refusing or suspending registration based on grounds which are not expressly provided by the law; (ii) the administration’s insistence on imposing registration requirements to lawyers; (iii) the compatibility of the legal framework with EU data protection legislation. Joint Civil Society Submission to the European Commission on the Rule of Law Report, paras

engaging with CSOs, which could pave the way for setting up a structured dialogue scheme²⁷⁷, and intends to submit a concrete proposal²⁷⁸. The Council of State has not yet delivered its judgment on the case challenging some aspects of the legality of the legislation, which is pending for more than three years²⁷⁹. Several CSOs offering critical services to refugees and migrants have reported difficulties to the Commission's Task Force on Migration Management in complying with registration requirements. In some cases, CSOs reported that the difficulties to register resulted in the temporary suspension of their activities or in their complete inability to operate due to the freezing of their assets by banks²⁸⁰. According to the NCHR, the inconsistent and non-transparent application of the legal requirements for registration and the increased formalities has led many CSOs either to leave Greece or reduce their presence in the field²⁸¹. The Council of Europe Commissioner for Human Rights referred to the Greek registration system as raising concerns²⁸². In light of the above, there has been some further progress on the implementation of the recommendations made in the 2023 Rule of Law Report.

Concerns regarding the space for civil society remain. The civic space in Greece remains “obstructed” due to concerns in relation to civil society organisations working with refugees and asylum seekers²⁸³. In July 2023, the Commissioner for Human Rights of the Council of Europe called on Greece to actively create and maintain an enabling legal framework and a political and public environment conducive to the existence and functioning of CSOs²⁸⁴. In September 2023, in response to a request submitted by 115 lawyers, the Athens Bar Association expressed the opinion that lawyers providing legal advice and assistance to persons arriving in Greece and wishing to apply for international protection can in no way be

112-123; Contribution from Civil Liberties Union for Europe for the 2024 Rule of Law Report, pp. 19-20; Contribution from the Border Violence Monitoring Network for the 2024 Rule of Law Report, pp. 25-26; Contribution from the European Civic Forum for the 2024 Rule of Law, pp. 7-8.

²⁷⁷ The scheme will establish an annual high-level meeting between MoMA's political leadership and CSOs and will be complemented by regular operational meetings with all relevant MoMA services. A key element of the structured dialogue scheme will be targeted consultations on future MoMA initiatives. Written contribution from the Ministry of Migration and Asylum in the context of the country visit.

²⁷⁸ The 2024 Action Plan of the Ministry of Migration, under the Action relating to control of requests and registration of CSOs, includes a milestone foreseeing a tri-monthly meeting with CSOs for information and better coordination. The Government has submitted an updated Action Plan including a new action with milestones to improve and update the current legal framework. Written contribution from Greece.

²⁷⁹ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 28.

²⁸⁰ For instance, Boat Refugee Foundation, active in reception and provision of medical services and mental health support had to temporarily suspend its activities on the ground. HIAS Greece considers that the rejection of its application led to the deactivation of its bank accounts and its inability to perform any financial transactions, including paying salaries, telecommunication bills and court fees. Written contribution from HIAS Greece in the context of the country visit.

²⁸¹ The NCHR referred to a field visit in the island of Samos and recommended to national authorities to review the legal framework governing the Special Registries and establish transparent and uniform criteria. ENNHRI (2024), The state of the rule of law in the European Union, Reports from National Human Rights Institutions, Greece, Greek NCHR, p. 258-260.

²⁸² Council of Europe, Commissioner for Human Rights (2024), Protecting the Defenders Ending repression of human rights defenders assisting refugees, asylum seekers and migrants in Europe, Recommendation, pp. 16-17.

²⁸³ Rating by CIVICUS; ratings are on a five-category scale defined as: open, narrowed, obstructed, repressed and closed. (Civics (2023), Monitor tracking civic space-Greece); 2023 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 29.

²⁸⁴ Council of Europe: Commissioner for Human Rights, Letter to Prime Minister of Greece, 19 July 2023.

considered as facilitating irregular entry or stay²⁸⁵. In April 2024, the NCHR noted that the situation of human rights defenders working with migrants and asylum seekers has deteriorated and made an urgent appeal to the government to act, proposing concrete measures²⁸⁶. A study by the Expert Council of NGO Law also refers to the stigmatisation and criminalisation of certain activities of CSOs in Greece²⁸⁷. The adoption of a law legalizing same-sex marriages²⁸⁸ is expected to have a positive impact on the working environment for CSOs advocating for LGBTIQ+ rights²⁸⁹. The MoMA is in the process of instituting regular meetings with CSO representatives along specific thematic axes²⁹⁰ and has designated focal points in its services dealing with CSOs to better liaise with them²⁹¹. It also plans to map the specific areas of expertise of the CSOs active in the areas of migration and asylum, for the purposes of targeted consultations²⁹². These plans are positive steps that remain to be implemented.

²⁸⁵ Athens Bar Association (2023), 143/ 11-09/2023.

²⁸⁶ NCHR, Statement of 22 April 2024 on human rights defenders working with migrants and asylum seekers.
NCHR, Statement of 22 April 2024 on human rights defenders working with migrants and asylum seekers.
NCHR, Statement of 22 April 2024 on human rights defenders working with migrants and asylum seekers.

²⁸⁷ Conference of INGOs of the Council of Europe, Expert Council on NGO Law, Study on Stigmatisation of Non-Governmental Organisations in Europe, pp. 23, 32-33.

²⁸⁸ Law 5089/2024.

²⁸⁹ Joint Civil Society Submission to the European Commission on the Rule of Law Report, para 203. LGBTIQ+ individuals as well as their advocates are reported as targets of incidents of racist violence. Network Racist Violence Recording (2024), Annual Report 2022.

²⁹⁰ A first meeting to discuss issues arising from CSOs activities in the fields of migration and asylum initially scheduled for June 2024 was postponed to a later date. Written contribution from Greece.

²⁹¹ Written contribution from Greece.

²⁹² Idem.

Annex I: List of sources in alphabetical order*

* *The list of contributions received in the context of the consultation for the 2024 Rule of Law report can be found at https://commission.europa.eu/publications/2024-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 2024 with:

- Authority for Communication Security and Privacy (ADAE)
- Committee of Parliament for the Investigation of Declarations of Assets (CIDA)
- Council of State
- Court of Audit
- Foreign Press Association Greece
- Greek Association of Judges and Prosecutors
- Greek Bar Associations
- Greek Council for Refugees
- Greek Data Protection Authority(DPA)
- Greek National Commission for Human Rights
- Greek Ombudsman
- Hellenic Broadcasting Corporation (ERT)
- Hellenic Federation of Enterprises (SEV)
- Hellenic League for Human Rights
- Hellenic Single Public Procurement Authority (HSPPA)
- HIAS Greece
- Internal Affairs Unit of Law Enforcement Bodies, Ministry of Citizen Protection
- Journalists' Union of Athens Daily Newspaper (ESIEA)
- Ministry of Citizen Protection
- Ministry of Interior
- Ministry of Justice
- Ministry of Migration and Asylum
- National Audiovisual Regulator
- National Commission for Human Rights
- National Transparency Authority
- Panhellenic Federation of Journalists' Unions
- Professor Nikos K. Alivizatos, member of the Venice Commission
- Prosecutor for Financial Crimes and the Financial Police Division
- Prosecutor's Office to the Supreme Court
- Refugee Support Aegean
- Reporters United
- Secretariat General for Communication and Media
- Secretariat General of Legal and Parliamentary Affairs
- Special Secretary to the President of Parliament
- Supreme Court
- Transparency International Greece
- Vouliwatch

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

- Amnesty International EU
- Centre for Democracy and Technology Europe
- Centre for European Volunteering
- Civil Liberties Union for Europe
- Civil Rights Defenders
- Civil Society Europe
- Culture Action Europe
- Democracy Reporting International
- European Centre for Non-Profit Law
- European Civic Forum
- European Federation of Journalists
- European Partnership for Democracy
- European Youth Forum
- Free Press Unlimited
- International Federation for Human Rights
- International Planned Parenthood Federation
- International Press Institute
- Irish Council for Civil Liberties
- JEF Europe
- Open Society Foundations
- Philanthropy Europe Association
- PICUM
- Reporters Without Borders
- SOLIDAR
- Transparency International EU