

**SURVEY OF ANTI-CORRUPTION MEASURES IN THE PUBLIC SECTOR IN OECD
COUNTRIES: GREECE**

1. What anti-corruption mechanisms exist for the public sector in your country?

a) *Legislation proscribing corrupt activities and establishing sanctions*

- The Penal code prescribes sanctions against active or passive bribery of public servants:
- Anti-corruption sanctions are part of the Public Servants Code as well, which can lead to dismissal.
- Law 2065/1992 with regards to “Reform of Direct Taxation and other Regulations” which aims, among others, at proscribing phenomena of bribery of public servants in the Ministry of Finance.
- Law 2331/1995 establishes a commission responsible to collect, evaluate and investigate all information related to the validation of illegal incomes.

b) *Other anti-corruption regulations or orders*

- At the political level, there is Law 2429/1996 “Financing of Political Parties - Publicity and control of the Finances of Political Parties and of Candidates for Parliament”. The law contains legal procedures and controls of financial transparency. The unauthorised use of confidential information is prohibited under the Public Servants Code.
- Article 24 of Law 2429/96 requires transparency regarding the finances of all public servants who are members of public procurement commissions making purchases of an amount higher than twenty (20) million drachma.
- Article 16 of Law 2576/98 gives the minister responsible for public works the right to review any decision or other action concerning public works taken by any public authorities, following an appeal by the parties concerned.
- Law 2522/98 has established a mechanism ensuring that all firms involved in public works construction have the right to effective legal protection, even before the contract is signed.

c) *Oversight by the legislature or parliament (directly or through scrutiny committees)*

In the Parliament there are the following Committees:

- “Committee of Public Enterprises, Banks and Public Utility Enterprises”. The Committee expresses its opinion with regard to the suitability of candidates for the positions of Chairman of the Executive Board or President General in the most important Public Utility Enterprises and Public Sector Banks.
- “Committee of Institutions and Transparency”. The function of the Committee is the parliamentary supervision of independent administrative structures as well as the elaboration of measures which contribute to the transparency of the political and public life in the country.

d) *Investigation systems or bodies with powers to investigate corrupt activity*

- Through Law 2343/1995 “Reorganisation of the Ministry of Finances and Other Regulations”, the “Body of Financial Inspectors” was established with powers of conducting direct and indirect controls with reference to the financial activities of the financial structures of the Government as well as the Legal Structures of Public Law, of Organisations of Local Authorities and Public Utility Enterprises.
- Through Law 2477/1997 “Ombudsman and Body of Inspectors-Controllers of Public Administration” the latter body was created in order to warranty the correct and transparent functioning of the Administration of Central, Regional and Local Authorities, of Public Utility Enterprises and of Legal Structures of Public Law.
- With Decree 393/1994 a special Commission was established for the co-ordination of controls at national and European Union level. This control concerns projects financed by European Union resources and are carried out by legal structures of public law, local authorities, public or private enterprises and individuals.

e) *Supreme financial audit authority*

The Supreme Financial Audit Authority, according to the Greek constitution, is with the “Court of Auditors” whose jurisdiction is:

- The control of government expenditures as well as the expenditures of local authorities or other legal entities of public law;
- The report to the Parliament with regard to the balancing of the accounts of the State.
- The control of the accounts of public enterprises, legal structures of public law and local authorities.

f) Ombudsman

Through Law 2477/1997 the institution of the Ombudsman (The Citizen's Advocate) was established in Greece. It is an independent administrative authority and its mission is the mediation between the Greek citizens and the public administration, the local authorities, the legal structures of public law and the Public Utility Enterprises as well as the protection of the citizen's rights, the overcoming of maladministration and the maintenance of legality.

g) Bodies to enforce sanctions and prosecute corrupt activity, e.g. specialised prosecutors, investigators, courts, tribunals, etc.

Through Law 2343/1995 "Reorganisation of the Ministry of Finance and other Regulations" the "Financial and Economic Crimes Office (FECO)" was established in the Ministry of Finance. The Body is accountable directly to the Minister of Finance and its mission is the prevention and prosecution of tax evasion, of illegal import of goods, of illegal acts against the financial interests of the State, as well as trade of drugs, arms etc. It is represented centrally and regionally and has the jurisdiction to lay charges in cases of illegal acts. This body functions within the frame of the constitution.

h) Human resources management procedures intended to prevent corruption

The Public Servants Code includes provisions which prohibit the appointment to the public service of persons who have been convicted or have lost their civil rights. Every newly appointed public servant has to bring to light his personal property.

According to the new Public Servants code, which will be forwarded to the Parliament shortly, the disciplinary procedures will be reinforced and accelerated time-wise.

A parliamentary committee is responsible for expressing an opinion regarding the suitability of candidates for senior positions (chairman/chief executive officer) in public enterprises, public sector banks, etc.

i) Financial management controls intended to prevent or deter corrupt practices

A ministerial circular requires the regular rotation of officials performing tasks involving risks of corruption (for example, in the Finance Ministry).

See the answer to *Question 1(e)*.

j) Organisational management policies, systems and controls intended to minimise opportunities for corrupt activity

The Body of Inspector-Controllers of Public Administration carries out internal monitoring of management with a view to detecting irregularities in management, identifying procedural difficulties and proposing improvements. The Ombudsman has to some extent a similar mission.

k) Transparency mechanisms, e.g. independent or public scrutiny, systems for declaring or reporting potential conflicting interests or corrupt activity

Under the Public Servants Code, all public servants are required to declare their financial interests.

Pursuant to the decisions of the State Council, the grounds on which administrative decisions are based must be given.

See answers to *Questions 1(c) and 1 (h)*.

l) Guidance and training for public officials or politicians (e.g. codes of conduct, ethics awareness training)

Within the framework of the educational and training programs for public servants there are courses which deal with the conscious fulfilment of the public servant's duties and the respect of the citizen's rights.

The Ministry of the Interior, Public Administration and Decentralisation is studying the details of a programme to introduce codes of conduct into ministries, regions, local authorities, etc.

m) Other measures intended to control, detect or deter corruption

The other measures that have been taken in order to deter corruption are the following:

- System of Appointment to the Public Service based on merit and transparency.
- Full publicity of the declarations of competition for the purchase of goods and services by the Government.
- Ratification of contracts by the Parliament.
- Right of information and access to administrative documents to every citizen.

2. Which anti-corruption mechanisms are regarded as most effective (in terms of implementation and impact)?

The establishment of independent mechanisms of internal control of State activities is considered to be the most effective way of protecting citizens and the public interest.

3. Is the effectiveness of these mechanisms formally evaluated? If so, what evaluation methods are used?

No

4. What, if any, new actions against corruption in the public sector is your country currently considering?

The areas of most concern in terms of corrupt activities in the public sector are the following:

- Activities of organised crime
- The area of managing large amounts of money in order to carry out public works or for purchasing goods and services by the public sector
- The collection of revenues with regards to taxation and custom duties.
- the government has initiated the procedure for ratifying the 1997 Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and for adopting the implementing legislation. It is believed that the Convention will be ratified and the implementing legislation adopted before the end of 1998. Measures will also be taken to implement the 1997 revised Recommendation on Combating Bribery in International Business Transactions;
- the new Public Servants Code submitted to Parliament provides for a reinforcement of sanctions against public servants involved in corruption.

5. Is there an official awareness or a policy position on the part of your government about which areas are of most concern in terms of corrupt or questionable activities involving the public sector?

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