



**Greece-OECD Project:
Technical Support on Anti-Corruption**

**Proposals to streamline co-
ordination when detecting,
investigating and prosecuting
bribery and corruption in Greece**

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About the Greece-OECD Project

The Greek government is prioritising the fight against corruption and bribery and, with the assistance of the European institutions, is committed to taking immediate action. Under the responsibility of the General Secretariat against Corruption, Greece's National Anti-Corruption Action Plan (NACAP) identifies key areas of reform and provides for a detailed action plan towards strengthening integrity and fighting corruption and bribery. The OECD, together with Greece and the European Commission, has developed support activities for implementing the NACAP. This project is carried out with funding by the European Union and Greece.

www.oecd.org/corruption/greece-oecd-anti-corruption.htm



ΓΕΝΙΚΗ ΓΡΑΜΜΑΤΕΙΑ ΓΙΑ ΤΗΝ
ΚΑΤΑΠΟΛΕΜΗΣΗ ΤΗΣ ΔΙΑΦΘΟΡΑΣ

Table of Contents

Introduction	4
I. General framework for criminal proceedings in corruption cases.....	4
II. Lack of co-ordination and exchange of information in corruption cases.....	5
III. OECD proposals in other relevant project outputs	6
IV. Proposals to streamline co-operation, co-ordination and information-sharing	6
1. Co-ordination between the PPACC and the ECP	7
2. Co-ordination between the PPACC and the Public Prosecutors of the Court of First Instance.....	8
3. Co-ordination between different First Instance Prosecutors and/or investigative authorities	8
Annex	10
Compilation of statutory laws	10
Prosecutorial and Judicial Authorities	10
Law Enforcement Authorities	12
Administrative Authorities	15
Independent Authorities	17

Introduction

Greece's National Anti-Corruption Action Plan (NACAP) identifies key areas of reform and provides for a detailed action plan towards strengthening integrity and fighting corruption and bribery. Through its Greece Technical Assistance Project, the OECD has committed to supporting the Greek authorities and to provide technical guidance to implement the reform agenda in a series of pre-identified areas.

This document has been produced under Outcome 3.4 of the Technical Assistance Project which aims to promote co-ordination, co-operation and information-sharing among authorities involved in detecting, investigating and prosecuting corruption as well as bribery. The document starts by describing the law enforcement framework in corruption cases. It explains the relevant authorities involved and the existing co-ordination and information exchange among these authorities. The document then proposes measures and tools for enhancing co-ordination, reporting of allegations, information-sharing, and prioritising cases. Information for the document was drawn from the Hellenic authorities' responses to questionnaires in January 2017; consultation meetings with these authorities in Thessaloniki and Athens in February 2017; and a workshop on law enforcement co-ordination in Athens on 4-8 December 2017. The proposals identify the outlines and general principles for better co-ordination in Greece; details for implementation such as specific legal agreements or instruments for a co-ordination mechanism will have to be developed at a later time.

I. General framework for criminal proceedings in corruption cases

There is no single entry point for corruption or other economic crime allegations in Greece. A large number of authorities and administrative bodies may receive such allegations due to their varied nature and responsibilities.¹ These bodies' officials, like all Greek public officials, must report to the Public Prosecutor offences of which they become aware during the exercise of their duties (Article 37 Code of Penal Procedure (CPP)).

A Public Prosecutor who becomes aware of information about a crime must initiate a prosecution unless the complaint is legally or manifestly unfounded in substance, or is unsusceptible of judicial control (Arts. 27 and 43 CPP). Since the majority of corruption-related crimes in Greece are felonies,² the Public Prosecutor must first order a preparatory examination (προκαταρκτική εξέταση) or preliminary investigation (προανάκριση) (Article 43 CPP). Preparatory examinations and preliminary investigations are performed by general or special investigative officers defined in Arts. 33 and 34 CPP under the supervision of the Public Prosecutor. If the preparatory examination or preliminary investigation does not yield sufficient evidence, then the Public Prosecutor asks the Judicial Council to dismiss the case. Otherwise, s/he requests the commencement of prosecution either by sending the accused to trial (for misdemeanours) or by ordering a main investigation conducted by an investigative judge (for felonies) (Article 245 CPP). An indictment may then be issued if the main investigation produces sufficient evidence (Article 308 CPP).

These tasks are usually performed by Public Prosecutors of the Court of First Instance and general investigative judges, but there are exceptions. In cases to which Law 4022/2011 applies, the Public Prosecutors against Crimes of Corruption (PPACC) in Athens and Thessaloniki are responsible for ordering preparatory examinations and preliminary investigations. The main investigation is conducted by the President of the Court of First Instance (Investigative Judges of Law 4022/2011). Furthermore, Article 17A(3) of Law 2523/1997 vests the Economic Crime Prosecutor (ECP) with jurisdiction over all financial,

¹ For a more comprehensive analysis of the competences of respective authorities and administrative bodies please refer to the compilation in the Annex.

² Penal Code Articles 159, 159A, 235, 236 237, and 237A.

economic and tax related crimes in Greece. The current practice, however, is for the ECP to assert jurisdiction only over criminal tax cases.

As discussed further in a separate deliverable,³ one issue under this arrangement is that the PPACC conducts much more than complex corruption cases. Law 4022/2011 broadly applies to felonies occurring in Athens or Thessaloniki that fall under the subject matter jurisdiction of the three member Court of Appeals. These offences include not only bribery and theft against the state but also felonies against property, national currency, adulteration, fraud, etc. The Law applies not only to certain senior public officials (political functionaries and civil servants) who commit these offences, but also to individuals who have been legally entrusted, even temporarily, directly or indirectly, with the exercise of a public or municipal service. This includes also employees of banks residing in Greece. The Law further applies to any individual – including non-public officials – who commit these offences if the Public Prosecutor of the Supreme Court (Areios Pagos) considers the case to be of high social or public interest.

II. Lack of co-ordination and exchange of information in corruption cases

During the consultations with investigators, prosecutors and investigative judges, the OECD team heard examples of parallel investigations in corruption cases under the current arrangement. Duplication occurs at three levels: (i) between the PPACC and the ECP, (ii) between the PPACC and Prosecutors of the Court of First Instance, and (iii) among Prosecutors of the Court of First Instance and investigative authorities such as police units or SDOE:

- (i) The PPACC and ECP have conducted parallel investigations in the past. Indeed, there have been examples where the PPACC's investigation of a company for bribing Greek public officials has led the ECP to launch its own investigation against the company's executives for tax offences. The ECP has also decided that it should investigate Greek officials who face corruption allegations for failure to declare the proceeds of corruption under tax laws. This means that almost every PPACC corruption case may potentially lead to a concurrent tax investigation by the ECP. In these concurrent investigations, the PPACC and ECP undoubtedly act within their jurisdictions and investigate different offences (corruption vs. tax). It is equally clear, however, the parallel investigations target the same entities and some of the same evidence, e.g. banking and financial transaction information of those involved.
- (ii) Parallel investigations by the PPACC and Prosecutors of the Court of First Instance arise because of the unclear jurisdictional rules in Law 4022/2011. The Law takes certain cases away from the Court of First Instance Prosecutor and assigns them to the PPACC. In practice, the PPACC reassigns some of its cases back to the First Instance Prosecutor because of workload. This has led the First Instance Prosecutor to take the initiative to retain some cases that fall under the PPACC's jurisdiction under Law 4022/2011 but without informing the PPACC. When the PPACC opens its own inquiry into these cases, parallel investigation may result. In addition, the Supreme Court Prosecutor can assign a case of high social or public interest to the PPACC. The First Instance Prosecutor may not be aware of the decision and may open a parallel investigation.
- (iii) Parallel investigations may also arise among different Prosecutors of the Court of First Instance, or different investigative authorities such as police units or SDOE. As mentioned above, there is no single entry point for corruption or other economic crime allegations. When more than one authority or administrative body receives allegations about the same case, these authorities could each open their own investigations. Alternatively, they may report the matter to different Prosecutors of the First Instance Court who then open parallel investigations.

³ Output 4.3-4.4: Technical Proposals and Reference Materials for Building Capacity and Mobilisation of Greek Law Enforcement Authorities, Section 2.

These parallel investigations, without proper co-ordination, need to be avoided for several reasons:

- Resources are wasted, e.g. the same evidence is sought and analysed more than once. This is especially damaging since all stakeholders agree that Greek prosecutors face a severe shortage of resources.
- Cases are not prioritised. A very important case may be investigated by just one prosecutor and his/her experts and investigators. A relatively unimportant case might be investigated by the PPACC, ECP, and one or more Prosecutors of the First Instance Court, and their investigative teams.
- Investigations can be jeopardised. Steps taken in one investigation can tip off an investigative target and jeopardise the second investigation.
- Information is not fully leveraged. One prosecutor may have helpful information about the case that a second prosecutor does not have, and vice versa. But the information in their possession is not combined for full advantage.

III. OECD proposals in other relevant project outputs

Two of the OECD's proposals under other project outputs help reduce parallel investigations and improve prioritisation of corruption cases.

A first proposal advocates a uniform threshold and channel for the authorities and administrative bodies to refer corruption allegations to prosecutors.⁴ If implemented, the proposal would improve case prioritisation by filtering out weak allegations. Training and guidance would help authorities and administrative bodies identify the proper prosecutorial authority for receiving allegations. This would then lessen the likelihood that multiple prosecutorial authorities receive allegations about the same case and open parallel investigations.

A second proposal concerns the jurisdiction of the PPACC.⁵ Among other things, the proposal would limit the PPACC's jurisdiction to corruption felonies (and related crimes such as money laundering) committed by senior officials (political functionaries and civil servants) anywhere in Greece. The PPACC could also investigate and prosecute corruption felonies that s/he, and not the Public Prosecutor of the Supreme Court, considers to be of major public or social interest. If implemented, the proposal would improve case prioritisation by giving the PPACC jurisdiction over the most serious corruption matters, and by allowing the PPACC to prioritise cases within his/her jurisdiction. The proposal would also reduce the likelihood of parallel investigations by more clearly delimiting the PPACC's jurisdiction.

These two proposals are not enough as they only partially resolve the current problems with co-ordination and parallel investigations. Additional proposals dealing specifically with co-ordination are necessary.

IV. Additional proposals to streamline co-operation, co-ordination and information-sharing

The additional proposals consist of two levels (i) co-ordination between the PPACC and the ECP; (ii) co-ordination between the PPACC and the Public Prosecutors of the Court of First Instance. The

⁴ Output 4.3-4.4: Technical Proposals and Reference Materials for Building Capacity and Mobilisation of Greek Law Enforcement Authorities, Section 1: Referral of Corruption Cases to Prosecutorial and Judicial Authorities.

⁵ Output 4.3-4.4: Technical Proposals and Reference Materials for Building Capacity and Mobilisation of Greek Law Enforcement Authorities, Section 2: The jurisdiction of the Public Prosecutor against Crimes of Corruption.

proposals concern cases that are conducted by the PPACC.⁶ As discussed above, the offences in these cases include not only corruption felonies but also related offences such as money laundering and tax crimes. The proposal focuses on these cases because they are the most important, serious and sensitive. Successful co-ordination of these cases will have the most impact.

A secondary proposal tries to tackle issues of co-ordination (iii) among Prosecutors of the Court of First Instance and investigative authorities such as police units or SDOE. This proposal concerns low-level corruption cases, or economic crimes unrelated to corruption by public officials, such as private sector embezzlement or fraud. These cases are extremely numerous and spread throughout the country.

V. Co-ordination between the PPACC and the ECP

The proposal to streamline co-operation, co-ordination and information-sharing between the PPACC and the ECP draws on existing practice. These arrangements could, however, be better structured and formalised.

During the consultations with the OECD team, it became evident that communication and co-ordination between the current Athens PPACC, who has been in office since May 2017, and the ECP takes place on an informal and interpersonal basis as needed. Formalisation of this practice would ensure its continuation with future PPACCs and ECPs. This could be done through a Memorandum of Understanding (MOU) or any other formal arrangement that the prosecutors deem appropriate as long as it allows for adequate co-ordination. Whatever the formal arrangement, the two prosecutors would meet on a regular basis (e.g. every month). The same model could be duplicated in Thessaloniki for the PPACC and the Deputy ECP who are based there. This arrangement takes into account the underlying principle of the secrecy of pre-trial investigations;⁷ information is shared only between two senior prosecutors who are potentially dealing with the same case and only as necessary for co-ordination. In almost all cases, the PPACC and ECP will agree on how to co-ordinate in specific cases. This has been the experience under the current informal and interpersonal arrangement between these two prosecutors. Prosecutors in other jurisdictions with a similar co-ordination arrangement report the same experience. When necessary and appropriate, the PPACC and the ECP could invite the Deputy Prosecutor of the Supreme Court to resolve any issues on an ad hoc basis. The PPACC and ECP may also invite other prosecutors or heads of law enforcement authorities on an ad hoc basis when relevant issues arise. The ad hoc involvement of these additional stakeholders avoids unnecessary bureaucratic structures, thereby reducing resource consumption and making co-ordination meetings easier to organise.

This arrangement would allow the two prosecutors to monitor closely the progress in ongoing investigations, make the best use of available resources by eliminating potential overlaps, and facilitate mutual exchange of information. It would also allow them to prioritise cases that they consider of major public or social interest and merit speedy proceedings. Finally, given that corruption cases very often have a tax element, the ECP would benefit from this arrangement in obtaining new leads and information for tax investigations. A list of cases that are of common interest could be established between the PPACC and the ECP for the purposes of the co-ordination meetings.

Second, it is proposed that the same Public Prosecutor of the Supreme Court supervises the offices of the PPACC and the ECP. This already occurs in practice. Law 4022/2011 Article 2(1)(a) stipulates that the work of PPACC is supervised and co-ordinated by a Deputy Prosecutor of the Supreme Court. The same provision has been included in Article 17A(2) of Law 2523/1997 regarding the ECP. Although not

⁶ Please also refer to the Output 4.3-4.4: Technical Proposals and Reference Materials for Building Capacity and Mobilisation of Greek Law Enforcement Authorities, Chapter 6: Expanding Access to Databases.

⁷ The proposal reflects the concerns expressed by the PPACC and the ECP about confidentiality and unwieldiness if too many authorities participate in the co-ordination arrangement. To this end, we consider appropriate to limit the proposal only for the PPACC and the ECP.

required by law, the same Deputy Prosecutor of the Supreme Court currently supervises the work of both prosecutorial offices. Codification of this arrangement would take into account the principle of indivisibility and vertical organisation of the prosecutorial system. It could be achieved by a circular, or by amending Article 17A(2) of Law 2523/1997 and Article 2(1)(a) of Law 4022/2011. In the unlikely event that the PPACC and ECP cannot agree on the co-ordination in a particular case through co-ordination meetings described above, the Supreme Court Prosecutor could then step in to resolve the matter.

VI. Co-ordination between the PPACC and the Public Prosecutors of the Court of First Instance

Even if Greece decides to limit the PPACC's jurisdiction to corruption felonies (and related crimes such as money laundering) committed by senior officials (political functionaries and civil servants), practice suggests that it would be extremely difficult to ensure that only the PPACC would deal with the cases of Law 4022/2011.

This means that the PPACC should be at least informed when a certain 4022/2011 case is being investigated by the First Instance Prosecution Office in Athens and Thessaloniki. During consultations in December 2018, the Athens PPACC suggested that the Heads of the above First Instance Prosecution Offices send regularly (e.g. every month) a list of corruption cases that their offices handle. The PPACC would then check the list for overlaps in investigations, or for investigations that need to be transferred to the PPACC office. To protect the secrecy of pre-trial investigations, the PPACC would maintain confidentiality of the list and use it only for co-ordination purposes. This arrangement would also foster mutual trust between the PPACC and the Heads of the Prosecution Office of the Court of First Instance as they would not see each other antagonistically but as serving the common objectives, i.e. to join forces in the fight against corruption.

VII. Co-ordination between different First Instance Prosecutors and/or investigative authorities

As already described above, low-level corruption cases, or economic crimes unrelated to corruption by public officials, such as private sector embezzlement or fraud, are extremely numerous and spread throughout the country. Co-ordination of these cases would demand different solutions such as a case management database and regional anti-corruption prosecutors. These solutions would require additional resources and Greece could therefore consider them at a later stage.

Database for investigations

For example, Greece could consider establishing an extensive and nationwide database of investigations in open cases. If properly organised, the database of investigations could be a very effective tool not only in terms of co-operation, co-ordination and information-sharing but also in terms of prevention and detection. The United Kingdom has long experience in this area, and Slovenia has recently undertaken the initiative to establish a similar database.⁸ Greece could therefore look at their models and consult with their authorities in the process of setting up a database for investigations.

The present report outlines some basic principles for such a database to function in Greece. To protect the secrecy of pre-trial investigations, the data of the database and their transmission are encrypted. All data should have an owner who is able to control who has access to this set of data, for which purposes and at what level. Each access to the data should be recorded to allow the owner of the data to identify those who have accessed the data. Finally, the database should abide by protection of personal data

⁸ It has to be noted that all investigation authorities ("Participants in Tackling Foreign Bribery") have access to UK's Foreign Bribery Register. On the other hand, Slovenia's register of cases give access only to prosecutorial authorities.

regulations. This means in practice that the data of the database are accurate, adequate, relevant and not excessive in relation to the purposes for which they are collected, processed fairly and lawfully, and collected for specified, explicit and legitimate purposes and not be used for incompatible or unrelated purposes.

Regional anti-corruption prosecutors

Greece could consider establishing regional anti-corruption prosecutors in the Prosecution Offices of the Courts of First Instance or Courts of Appeal. The Thessaloniki PPACC supported this idea during the December 2017 consultations. This proposal could be implemented either if Greece accepts the proposal to expand the jurisdiction of the PPACC nationwide⁹ or if it retains the current division of the jurisdiction of the PPACC only between Athens and Thessaloniki. Having regional anti-corruption prosecutors in every Court of First Instance or Court of Appeal would ensure that the investigative authorities and administrative bodies would refer corruption allegations only to the said anti-corruption prosecutors minimising the chance of having parallel investigations among different prosecutors, or different investigative authorities. Moreover, since only anti-corruption prosecutors would deal with corruption cases (either cases of 4022/2011 or low-level corruption case) it would be easier for the anti-corruption prosecutors to supervise and direct the investigative authorities in a more efficient way.

Conclusion

A lack of co-ordination in corruption cases is a common problem in Greece. The result is a waste of precious resources, poor prioritisation of cases, and investigations of lesser quality. The proposals in this document and other Project deliverables should significantly improve the co-ordination of complex corruption cases conducted by the PPACC. The Greek authorities are strongly urged to implement these proposals. The proposed arrangement could also be reviewed and fine-tuned after 12 months for improvement. Efforts to co-ordinate low-level corruption cases could be pursued at a later phase when resources become available.

⁹ Output 4.3-4.4: Technical Proposals and Reference Materials for Building Capacity and Mobilisation of Greek Law Enforcement Authorities, Section 2: The jurisdiction of the Public Prosecutor against Crimes of Corruption.

Annex

Compilation of statutory laws¹⁰

Prosecutorial and Judicial Authorities

Public Prosecutor against Crimes of Corruption

Law 4022/2011 Adjudication of corruption offences committed by political functionaries and senior civil servants, cases of great social importance and major public interest as well as other provisions

Article 1

This law's provisions shall apply to

- (a) Felonies falling under the competence of the three member Court of Appeals, acting as a first instance court, which are outside the scope of Article 86 (1) of the Constitution and are committed by Ministers or Deputy Ministers or by members of the Greek Parliament during their service, even if the perpetrators have ceased to have this position;
- (b) Felonies falling under the competence of the three member Court of Appeals, acting as a first instance court, which are committed by General and Special Secretaries of ministries, governors, deputy governors or presidents or managing directors or executive directors of public entities, public corporations, public institutions and private entities the administration of which is, directly or indirectly, appointed by the State, or by civil servants according to the provisions of Articles 13A and 263A of the Greek Penal Code, provided that the above mentioned perpetrators commit these felonies in the course of their duties or on the occasion of office;
- (c) Felonies falling under the competence of the three member Court of Appeals, acting as a first instance court, which are of high social interest or high public interest, provided that the case is defined as by a relevant act of the Public Prosecutor of the Supreme Court (Areios Pagos).

* **Element (b) was replaced as above by Article 75 of Law 4139/2013, Government Gazette A 74/20.3.2013.**

Article 2

(1) [...] The role of the Public Prosecutor against Crimes of Corruption is to supervise, guide and coordinate the actions of the general investigative officers of Article 33 (1) (a) of the Code of Penal Procedure and of the special investigative officers, when conducting inquiries and other investigative acts during the preparatory examination and the preliminary investigation to verify the commission of offences that fall under their competence.

¹⁰ Please note that all laws provided for in the Annex are the laws establishing the respective authority or administrative body and are cited as they have been amended and are applicable as of February 2017.

* **Paragraph 1 was replaced as above by Article 76 of Law 4139/2013, Government Gazette A 74/20.3.2013.**

Investigative Judges of Law 4022/2011

Law 4022/2011 Adjudication of corruption offences committed by political functionaries and senior civil servants, cases of great social importance and major public interest as well as other provisions

Article 2

(2) The main investigation [of the offences of Article 1] is conducted by the President of the Court of First Instance or, in exceptional cases, by an investigative judge designated for this purpose by the competent directing body of the First Instance Court. Additionally, up to two investigative judges and up to one Public Prosecutor may be appointed in complex cases.

Economic Crime Prosecutor

Law 2523/1997 Administrative and criminal penalties in tax legislation and other provisions

Article 17A

(3) The Economic Crime Prosecutor is responsible for conducting inquiries, preparatory examinations or preliminary investigations to ascertain the commission of all types of tax and economic crimes and those related to the latter crimes, if they are committed to the detriment of the Greek State, local authorities, legal persons governed by public law, legal persons of the wider public sector and the European Union or seriously harm the national economy. The territorial jurisdiction of the Economic Crime Prosecutor extends throughout the Territory. Without prejudice to paragraph 5 of this Article, for the performance of his duties, the Economic Crime Prosecutor shall be responsible for supervising, guiding and coordinating the actions of the general investigative officers of Article 33 (1) (a) of the Code of Penal Procedure and of the special investigative officers, in particular officers of the Financial and Economic Crime Unit and the Financial Police Division, within their respective competencies.

* **Paragraph 3 was replaced as above by paragraph 2, article 63 of Law 4472/2017, Government Gazette A 74/19.5.2017.**

Court of Audit

Constitution

Law 4129/2013 Ratification of the Code of Laws of the Court of Audit

Article 98 of the Constitution

(1) The jurisdiction of the Court of Audit pertains mainly to:

(a) The audit of the expenditures of the State as well as of local government agencies or other legal entities subject to this status by special provision of law.

b) The audit of high financial value contracts in which contracting partner is the State or any other legal entity which in this respect is equated to the State, as specified by law.

c) The audit of the accounts of public accountable officials and of the local government agencies or other legal entities subject to the audit foreseen in paragraph (a).

Article 32 of Law 4129/2013

(4) If in the course of the preventive audit is discovered a commission of a criminally punishable act, this is communicated to Minister of Finance, the ordering officer, and the competent public prosecutor.

Article 38 of Law 4129/2013

(7) If during the audit of the accounts is discovered a criminally punishable act, this is announced to the competent Public Prosecutor, to the competent Minister or to other competent body to which the accountable officer is subordinated, and to the President of the Court of Audit.

Law Enforcement Authorities

Financial and Economic Crime Unit

Law 3842 Restoration of tax justice, tackling tax evasion and other provisions

Article 88

(1) The main task of the Special Secretariat of the Economic Crime Investigation Corps (SDOE) is:

(a) Investigating, identifying and suppressing economic crimes of particular gravity and importance, such as money laundering, fraud and irregularities, procurement-related offenses, subsidies, illegal stock practices and transactions and in general, financial frauds to the detriment of the interests of the Greek State and the European Union, irrespective of the venue.

(b) Collecting, analysing and evaluating data and information and conducting investigations and audits to identify, reveal, document, combat and suppress financial offenses and crimes, as well as illegal economic activities to the detriment of the EU's financial interests.

(c) Collecting, analysing and evaluating data and information and conducting investigations and audits to identify, reveal, document, combat and suppress financial offenses and crimes related to the illicit origin of private funds, transactions and activities that are the product of corruption public officials and other persons who benefit from offenses of active or passive bribery as well as of the trading of influence, fraud and irregularities against the financial the interests of the Greek State and the national economy in general, other cases of illegal activities, omissions and irregularities of a particular nature or of particular economic interest at the expense of the country's interests.

* **As applicable, Presidential Decree 85/2005 as applicable, and article 107-113 of Presidential Decree 111/2014**

Financial Police Division

Law 4249/2014 Reorganisation of the Hellenic Police, the Fire Brigade and the General Secretariat for Civil Protection, upgrading of the Ministry of Public Order and Citizen Protection and regulation of other issues within the competence of the Ministry of Public Order and Citizen Protection and other provision

Presidential Decree 178/2014 Organisation of the services of the Hellenic Police

Article 24 of Law 4249/2014

(1) [...] the Financial Police Division has the mission to prevent, investigate and suppress economic crimes that have been committed against the economic interests of the State and the national economy in general and which exhibit characteristics of organised crime as well as to investigate, prevent and suppress cases of undeclared and uninsured labour and tax avoidance, even when they do not amount to criminal offences.

Article 32 of P.D. 178/2014

(4) [the Financial Police Division] is responsible for the investigation and prosecution of economic crimes committed by natural or legal persons damaging or threatening the economic interests of the Hellenic State, the broader public sector and the European Union and more specifically those pertaining to:

(a) in any way misuse, damage or unlawful use of public property or property of the EU;

(b) the opaque, illicit or otherwise out-of-process management of EU funds and state funding and aid;

(c) crimes such as fraud, infidelity and corruption that affect the economic interests of the State or the EU and are directly related to State aid, aid from Public Law Entities, the broader public sector and the Private Law Entities, which are subsidised by the state or EU budget and;

(d) any other illegal activity of a national or cross-border nature, from which public property or property of the EU is seriously threatened or seriously damaged.

Internal Affairs Directorate of the Hellenic Police

Law 2713/1999 Internal Affairs Directorate of the Hellenic Police and other provisions

Article 1

(2) The Internal Affairs Directorate of the Hellenic Police is tasked with the detection, investigation and prosecution throughout the Greek territory of:

(a) the offences committed by or involving police officers of all grades, border guards and special guards provided for by Articles 134 to 137 D, 216 to 222, 235 to 246, 252 to 263A, 322 to 324, 336, 353, 372, 399, 402, and 406 of the Penal Code and the legislation on drugs, gambling, weapons, antiquities, smuggling and aliens.

(b) the offences referred to in Articles 216 to 222, 235 to 246, 252 to 263A, 323A, 323B, 324, 385 of the Penal Code and the other offences referred to in the second, fourth and fifth article of Law 3666/2008 (Government Gazette 105 A '), committed by or involving civil servants and officers of the public sector as defined by the provisions of Article 1 (1) of Law 1256/1982 (Government Gazette 65 A) and redefined with the provisions of Article 51 of Law 1892/1990 (Government Gazette 101 A), as well as employees and officials of the European Union or International **Organisations acting within the Greek Territory.**

- * **Element (b) of paragraph 2, as replaced by paragraph 1 of article 2 of Law 3103/2003, Government Gazette A 23, was replaced by article 5 paragraph 1 of Law 3938/2011, Government Gazette A 61/31.3.2011.**

Internal Affairs Directorate of the Hellenic Ministry of Shipping and Island Policy

Law 2713/1999 Ranking and training of the Hellenic Coast Guard

Article 2

(2) The Internal Affairs Directorate of the Hellenic Police is tasked with the detection, investigation and prosecution within the area of their jurisdiction:

(a) the offences committed by or involving officers of the Coast Guard of all grades provided for by Articles 134 to 137 D, 216 to 222, 235 to 246, 252 to 263A, 322 to 324, 336 to 353, 372 to 399 and 402 to 406 of the Penal Code and the legislation on drugs, gambling, weapons, antiquities, smuggling and aliens.

(b) the offences referred to in Articles 216 to 222, 235 to 246, 252 to 263A, 323A, 323B, 324, 385 of the Penal Code and the other offences referred to in the second, fourth and fifth article of Law 3666/2008 (Government Gazette 105 A '), committed by or involving civil servants and officers of the public sector as defined by the provisions of Article 1 (1) of Law 1256/1982 (Government Gazette 65 A) and redefined with the provisions of Article 51 of Law 1892/1990 (Government Gazette 101 A), as well as employees and officials of the European Union or International Organisations acting within the Greek Territory.

- * **Element (b) was replaced as above by article 14 para.2 of Law 4456/2017, Government Gazette A 24/1.3.2017.**

Administrative Authorities

General Secretariat against Corruption

Law 4320/2015 *Arrangements for immediate measures to deal with the humanitarian crisis, the organisation of the Government and governmental bodies and other provisions*

Article 7

(1) The General Secretariat against Corruption:

(a) undertakes the necessary initiatives and actions to ensure the coherence and effectiveness of the national strategy (NACAP), with particular emphasis on the co-ordination of the audit bodies and the effectiveness of their actions, and the provision of relevant guidance and recommendations;

(b) is designated as the competent national Anti-Fraud Co-ordination Service (AFCOS), in the sense of Article 3 (4) of the Regulation 883/2013 of the European Parliament and of the Council of 11 September 2013;

(c) cooperates with international organisations and bodies and agencies of the EU and other countries on the development, undertaking, use, implementation of programmes – strategic projects, exchange of best practices and obtain of technical assistance in the fight against corruption and fraud;

(d) resolves conflicts and issues of overlapping competencies between agencies or institutions involved in the fight against corruption and proposes relevant solutions for their effective resolution;

(e) receives complaints relating to corruption cases in the public and private sectors, and complaints for cases of irregularities, suspicion of fraud, and fraud in co-financed, transnational and other programmes as part of its AFCOS role.

* **Element (e) was introduced by article 53 of Law 4446/2016, Government Gazette A 240/22.12.2016.**

Article 10

The General Secretariat develops co-ordinated action programmes to combat corruption within the framework of the NACAP. These programmes are addressed to the competent administrative bodies, which in the course of their implementation have also the obligation to co-ordinate their actions in order to implement the above strategy.

Internal Affairs Directorate of the Independent Authority for Public Revenue (IARP)

Presidential Decree 111/2014

Law 3943/2011 *Combating tax evasion, staffing of audit services and other provisions of the Ministry of Finance*

Article 60 of P.D. 111/2014

(2) The Internal Affairs Directorate of the Independent Authority for Public Revenue has an operational objective:

(a) to detect and immediately and effectively investigate corruption cases, involving officials of the IARP, pertaining to criminal and disciplinary offences.

Article 5 of Law 3943/2011

(2) The Internal Affairs Directorate has the task of investigating and detecting criminal offences and disciplinary misconduct involving officials of the Ministry of Finance and its supervised legal entities dealing with corruption, bribery, in particular serious cases of bribery, which are referred to it by the Financial Inspection body. For the fulfilment of its mission: a) investigates, collects, evaluates and uses information and data concerning the operation of the above services and the actions of their employees; and b) takes the necessary actions for the disciplinary and criminal prosecution of the above employees.

* **Paragraph 2 was replaced as above by paragraph 2 article 12 of Law 4110/2013, Government Gazette A 17/23.1.2013.**

Internal Audit of the Hellenic Ministry of Finance

Presidential Decree 111/2014

Article 5 of P.D. 111/2014

(1) The Internal Audit of the Hellenic Ministry of Finance has an operational objective:

(b) to detect and immediately and effectively investigate corruption cases, involving officials of the Ministry of Finance and its supervised legal entities, excluding officials of the IARP.

(c) to support the political leadership for the internal audit of the services of the IARO and the effective fight against corruption of its employees by conducting extraordinary audits.

General Inspector of Public Administration

Law 3074/2002 General Inspector of Public Administration. Upgrade of the Inspectors Controllers body for Public Administration and of the Coordinating Body for Inspection and Control and other provisions

Article 1

(1) The General Inspector of Public Administration is established to ensure the smooth and efficient operation of the administration, to monitor and evaluate the work of the auditing bodies of the public administration and to identify the phenomena of corruption and maladministration.

(2) The General Inspector of Public Administration:

(a) may order, on its own, inspections, audits and investigations by the Inspectors Controllers body for Public Administration and by the special Bodies and Services of Inspection and Control of the ministries, the local and regional authorities of the first and second degree, their enterprises, legal persons governed by public law, state-owned legal persons governed by private law and public enterprise or enterprises the administration of which is directly or indirectly designated by the State by administrative act or as a shareholder.

Inspectors Controllers body for Public Administration

Law 3074/2002 General Inspector of Public Administration. Upgrade of the Inspectors Controllers body for Public Administration

Article 2

(1) The Inspectors Controllers body for Public Administration, established by Law 2477/1997 (Government Gazette 59 A), is responsible for carrying out inspections, urgent audits and investigations, collecting the evidence for the prosecution of, or disciplinary action, and for the control of declarations of the assets of the employees serving the bodies of the following paragraph in order to ensure the smooth and efficient functioning of the administration, in particular the detection of phenomena corruption, maladministration, inefficiency, low productivity and quality of services.

(3) The Inspectors Controllers body for Public Administration shall ensure the gathering of the necessary evidence to transmit to the competent Prosecutor's Office the relevant report of crimes committed by or involving officials of the bodies referred to in paragraph 2 of this Article and provided for in Articles 134 to 137 D, 216 to 222, 235 to 246, 252 to 263A, 372 to 399 and 402 to 406 of the Penal Code. [...]

Independent Authorities

Hellenic FIU

Law 3961/2008 Prevention and repression of money laundering and of financing of terrorism and other provisions

Article 7A

(1) A' Unit of Financial Intelligence Investigation

(c) The Unit staff gathers, investigates and evaluates the reports of suspicious or unusual transactions submitted to the Authority by the obligated persons, as well as information forwarded to the Authority by other public and private bodies or information gathered from the media, the Internet or any other source and related to business, professional or transactional activities that may be related to money laundering or terrorism financing. Similarly, it investigates and evaluates any such information transmitted to the Authority by foreign bodies with which it cooperates to provide any possible assistance.

Single Independent Public Procurement Authority (EAADISY)

Law 4013/2011 *Establishment of the Single Independent Public Procurement Authority*

Article 1

A Single Independent Public Procurement Authority is established to develop and promote the national strategy, policy and action in the field of public procurement, to ensure transparency, efficiency, coherence and harmonisation of the procedures for the award and execution of public contracts to national and European law, the continuous improvement of the legal framework for public procurement and the monitoring of compliance by public authorities and awarding authorities.

Article 2

(2) The Authority is endowed with the following competences:

(a) Supervise and co-ordinate the action of central government bodies in the field of public procurement and participate in collective governmental bodies competent in public procurement, recommended in accordance with Article 15 (2) (b) of the Presidential Decree 63/2005 (A'98). Also, with a view to unifying and uniformly developing and implementing procurement law, the Authority may convene co-ordination meetings with representatives of central governmental bodies and set up working groups involving representatives of all competent Ministries. The decision to set up the working groups determines the work of each group, the time and the way it works. The competent bodies of central, regional and local government plan their needs for the execution of projects, rental of services and supply of goods for the following year and transmit a relevant table to the Authority for information.

(b) Promote the national strategy in the field of public procurement and ensure that the rules and principles of European and national public procurement legislation are respected. In particular, it proposes arrangements to the competent national bodies for the appropriate harmonization of the national legal system with European law, simplification, supplementing, reforming, consolidating and unifying the relevant laws and regulations of national law, as well as rationalising administrative practices with a view to establishing procedures which are uniform, rapid and in the interest of the public interest, and ensuring that admission and execution procedures are respected.

Greek Ombudsman

Law 3938/2011 *Response Office for Incidents of Arbitrary Conduct*

Law 4443/2016 *Establishment of a National Investigation Mechanism on Incidents of Arbitrary Conduct for the security forces and prison personnel and other provisions*

Article 1 of Law 3938/2011

(1) A Response Office for Incidents of Arbitrary Conduct is established and operates in the Ministry of Citizen Protection, directly subject to the Minister. The Office is responsible for collecting, recording, evaluating and further referring for investigation to the competent services or authorities any complaints about acts of officers of the Hellenic Police, the Coast Guard - Greek Coast Guard and Fire Brigade, which

occurred **during the performance of their duties or the misuse of their status.**

* **Article 1 has been amended by article 56 Law 4443/2016, Government Gazette A 232/9.12.2016.**

Article 18 of Law 4443/2016

[...] The Ombudsman is designated as the National Investigation Mechanism on Incidents of Arbitrary Conduct for the security forces and prison personnel, in accordance with Article 1 Law 3938/2011.

