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**DIRECTORATE FOR FINANCIAL AND ENTERPRISE AFFAIRS
WORKING GROUP ON BRIBERY IN INTERNATIONAL BUSINESS TRANSACTIONS**

GREECE: FOLLOW-UP TO THE PHASE 3BIS REPORT & RECOMMENDATIONS

This document was approved by the Working Group on 28 August 2017.

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PHASE 3BIS EVALUATION OF GREECE:

SUMMARY AND CONCLUSIONS BY THE WORKING GROUP ON BRIBERY

Summary of findings

1. In June 2017, Greece presented its written follow-up report to the OECD Working Group on Bribery (Working Group). The report outlined Greece's efforts to implement the recommendations it received during its Phase 3Bis evaluation in March 2015. Of the Working Group's 43 recommendations to Greece, 12 have been fully implemented, 13 partially implemented, 17 not implemented and 1 is not applicable. Despite some efforts to raise the priority given to fighting foreign bribery, Greece still needs to take urgent steps to accelerate its efforts to implement the remaining unimplemented recommendations. In particular, immediate action is needed to address Greece's lack of compliance with Article 2 of the Convention.

2. The legislation (Article 51 of the Anti-Money Laundering Law) that governs the liability of legal persons has remained unchanged since Phase 3Bis but a further review indicates that this regime is unenforceable in the absence of a Joint Ministerial Decision of the Minister of Finance and the Minister of Justice intended "*to lay down the procedure for imposing sanctions and all necessary details for the implementation*" of that legislation. This Decision is still pending. Greece is therefore in non-compliance with Article 2 of the Convention and cannot in practice hold companies liable for foreign bribery. Urgent action is needed to address this grave concern (recommendations 3a) to 3d)). In its review, the Working Group also agreed that Greece should ensure that its regime of liability of legal persons is in full compliance with Article 2 of the Convention and the 2009 Recommendation.

3. The Phase 3Bis report recognised that Greece had made efforts to tackle domestic corruption in the country, but it highlighted the need to give much higher priority to fighting foreign bribery. Since then, Greece has worked to implement the National Anti-Corruption Action Plan which has contributed raising awareness on foreign bribery across the public and private sectors, including with small and medium-sized enterprises and some other sectors at risk (the export and the shipping sectors) thus implementing several awareness-related recommendations (recommendations 4e), 9a), 10b), 11a), 12a); 12b), 12c)). Greece has also taken steps to encourage companies to develop and adopt adequate internal controls, ethics and compliance programmes or measures for the purpose of preventing and detecting foreign bribery (recommendation 10e)). Positive developments have also occurred with regards to accounting and auditing where Greece is raising awareness among Greek accountants and auditors and is taking initiatives to clarify external auditor's duty to report foreign bribery internally to the audited company's management, and externally to competent authorities (recommendations 10c and 10d)).

4. Since Phase 3Bis, Greece has improved its ability to assess credible allegations of foreign bribery and to seriously investigate complaints of this crime (recommendation 4c)). Greece has now 7 ongoing investigations, with formal charges being brought for foreign bribery in 2 cases. One new case has been opened since the Phase 3Bis evaluation and one case has been closed for lack of evidence. Mutual legal assistance (MLA) has been sought in most cases, although few other formal investigative steps have been taken (recommendation 4d)). Greece's capacity to ensure that foreign bribery investigations and prosecutions are not influenced by considerations of national economic interest, the potential effect upon relations with another State, or the identity of natural or legal persons involved (Article 5 of the Convention) has been challenged in one ongoing investigation. However, the judicial authority has reacted promptly to reopen the case that had been unduly closed. Recent developments within the Public Prosecutor against Crimes of Corruption (i.e. the resignation of its head just before her term of service expired have raised concerns as to Greece's ability to provide adequate resources to the prosecution authorities and ensure that prosecution of foreign bribery cases benefits from continuity in service and

expertise (recommendation 4a)) With regards to detection and reporting, the Working Group recommended that Greece make further efforts to develop and implement a strategy to detect cases of foreign bribery involving Greek individuals and companies (recommendation 13a)).

5. In Phase 3Bis, the Working Group recommended Greece to adopt legislative changes in relation to the foreign bribery offence. In particular, Greece was asked to amend the definition of a foreign public official to ensure that it covers officials and agents of public international organisations of which Greece is not a member (recommendation 2c)) and to eliminate the effective regret defence that is applicable to the active foreign bribery offence (recommendation 2d)). No measures have been taken to address these important issues. Greece has also not addressed the shortcomings that have been identified in its regime of sanctions (recommendations 5a), 5b) and 5c)) and has taken no steps to ensure that the limitation period for foreign bribery offences qualified as misdemeanours is sufficient to allow adequate investigation and prosecution (recommendation 6). Expected reforms in the area of MLA (recommendation 7a)) and whistleblower protection (recommendation 13e)) have not materialised yet.

6. Although some positive steps have been taken regarding Greece's policies on public advantages, more efforts continue to be necessary to increase prevention and detection of foreign bribery in this area (recommendations 14 a), 14b) and 14c)). Greece should also ensure that Greek tax authorities include bribery in their risk assessments and audits (recommendation 11b)).

Conclusions of the Working Group on Bribery

7. Based on these findings, the Working Group concludes that recommendations 2a), 4c), 4e), 9a), 10b), 10e), 11a), 12a), 12b), 12c), 13c) and 13d) have been fully implemented; recommendations 1, 4a), 4b), 4d), 7b), 9b), 9c), 10c), 10d), 13a), 13b), 14a), 14b) have been partially implemented; and recommendations 2b), 2c), 2d), 3a), 3b), 3c), 3d), 5a), 5b), 5c), 6, 7a), 8, 10a), 11b), 13e) and 14c) have not been implemented. In absence of any tax amnesties law, recommendation 11c) is not applicable. The Working Group also agreed to continue to monitor follow-up issues 15b) to 15h). Given developments reported by Greece in domestic cases and in practice, the WGB agreed to cease monitoring follow-up issue 15a).

8. The Working Group was of the view that urgent and immediate action is needed to address Greece's lack of compliance with Article 2 of the Convention. As a result, Greece was asked to provide a written report in October 2017 with the expectation that it will have a full regime in force to hold legal persons liable for foreign bribery and that this regime will be in compliance with Article 2 of the Convention and the 2009 Recommendation. Also, a large majority of recommendations are still not or only partially implemented. To address this, Greece was invited to report back in writing in June 2018 on progress made to implement the following recommendations: recommendations 2c) and 2d) (foreign bribery offence); recommendations 4a), 4c) and 4d) (investigations and prosecutions); recommendations 5a), 5b) and 5c) (sanctions); recommendation 6 (statute of limitations); recommendation 7a) (MLA); recommendation 10e) (internal controls and ethics) and recommendation 13e) (whistleblower protection). Greece will also be asked to report on its enforcement efforts.

PHASE 3BIS EVALUATION OF GREECE: 2 YEAR WRITTEN FOLLOW-UP REPORT

Instructions

This document seeks to obtain information on the progress Greece has made in implementing its Phase 3Bis evaluation report. Greece is asked to respond to the recommendations as completely as possible. Further details concerning the written follow-up process is in the Phase 3 Evaluation Procedure [DAF/INV/BR(2008)25/FINAL, paragraphs 55–67].

Responses to the question about “action taken” should reflect the current situation in your country, not any future or desired situation or a situation based on conditions which have not yet been met. For each recommendation, separate space has been allocated for describing future situations or policy intentions.

*Please submit completed answers to the Secretariat by **12 May 2017**.*

Name of country:	Greece
Date of approval of Phase 3Bis evaluation report:	12 March 2015
Date of information:	15 May 2017

PART I: RECOMMENDATIONS FOR ACTION***Recommendations for ensuring effective investigation, prosecution and sanctioning of foreign bribery*****Text of recommendation 1:**

1. With regards to the priority given to fighting foreign bribery, the Working Group recommend that Greece urgently raise the priority given to this matter and explicitly address foreign bribery in its current National Anti-Corruption Action Plan and its subsequent national anti-corruption strategies (Convention Article 5; 2009 Recommendation II, V and Annex I.D).

Action taken as of the date of the follow-up report to implement this recommendation:

The fight against corruption and bribery is a high priority for Greek government. To that effect and with the assistance of the European Institutions, the Greek Authorities took immediate actions for the implementation of the National Anti-corruption Action Plan, which was adopted in March 2013 and was revised by General Secretariat Against Corruption (GSAC) in August 2015.

The National Anti-corruption Plan is structured in eleven pillars, containing forty seven (47) objectives. According to Objective 11.3, one of the main priorities of the National Strategy is “*the periodical review of the Anti-Corruption legislation and the harmonization with international standards and recommendations given for Greece by the EU, OECD, Council of Europe and UN*”. In this perspective the OECD recommendations derived from the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and the OECD Recommendation for Further Combating Bribery of Foreign Public Officials in International Business Transactions in 2009 are fully covered by the current National Anti-corruption Plan.
http://www.gsac.gov.gr/attachments/article/122/National%20Anticorruption%20Plan_30_6_2016_EN.pdf

Furthermore, the high priority and importance that Greek government gives to the prevention and detection of foreign bribery offence is further evidenced by the Greek request for technical assistance addressed to the OECD, with a view to increasing structural integrity and detecting corruption and bribery in both the public and private sector. More specifically, the “Greece-OECD Project: Technical Support on Anti-Corruption in Greece”, of a duration of 18 months (August 2016- December 2017), concluded between the OECD and the European Union's Structural Reform Support Services (SRSS), emphasizes the expressed willingness of the Greek government to continue combatting corruption and bribery through structural and innovative reforms in key sectors, such as:

- a) The modernisation of internal and external audit mechanisms;
- b) The development of special anti-corruption strategies in high risk sectors;
- c) The strengthening of institutional capacity of the GSAC;
- d) The enhancement of anti-corruption and anti-bribery awareness across relevant stakeholders (public sector, law enforcement bodies, private sector, CSOs, civil society, academia, NGO);
- e) The further strengthening of the protection mechanism for whistle-blowers in the public and private sector;
- f) The improvement of the existing complaints and reporting channels (proposal to create a Complaints Management System);
- g) The improvement of integrity safeguards through an enhanced Asset Declaration and Political

Financing System;

- h) Mechanisms whereby integrity would become mainstreamed in the educational system;
- j) The further enhancement of the public- and private-sector partnership in combatting corruption and bribery;
- k) The continued improvement of the Mutual Legal Assistance (MLA) arrangements with a view to securing greater effectiveness in combatting corruption and bribery;
- l) The improvement of the Asset Recovery System.

All these reforms are linked with the respective objectives of the National Anti-corruption Action Plan, since the main aim of the technical assistance project is the immediate and effective implementation of National Anti-Corruption Strategy.

The project is monitored by the General Secretariat Against Corruption and is running under two OECD directorates: i. The Public Sector Integrity Division, Public Governance and Territorial Development Directorate (GOV); and ii) the Anti-Corruption Division, Financial and Enterprise Affairs Directorate (DAF).

Specifically for combatting bribery and corresponding to Objectives 17, 21, 31, 32, 46 of the National Anti-corruption Action Plan, the current technical assistance project is focused on:

- Strengthening of coordination, cooperation and information-sharing when detecting, investigating and prosecuting corruption and bribery (activity 3.4 of the project).
- Enhancing anti-corruption and anti-bribery awareness across Law Enforcement Bodies and building capacity and mobilisation in the fight against bribery (activity 4.3).
- Building capacity among investigators, judges and prosecutors in charge of corruption and bribery cases (activity 4.4).
- Promoting of a better understanding of the risk of corruption, bribery and foreign bribery in Greek industries and Greek companies (activity 4.5)
- Raising awareness on the risk of corruption and bribery in companies and promoting sectorial/company's level risk analysis, ethics, internal audit and compliance programmes within the Greek business community (activity 4.6).
- Enhance of public and private sector partnership in combatting corruption and bribery through raising awareness and mobilisation in the civil society, NGOs, academia and media (activity 9.1, 9.2)
- Improving the Mutual Legal Assistance arrangements and improving effectiveness in this area (activities 9.3, 9.4, 9.5, 9.6)
- Improving the Asset Recovery system (outcome 10, activities 10.1-10.7).

These initiatives indicate the high priority given by the Greek Government to this matter as the foreign bribery offence is explicitly addressed in the national anti-corruption strategies.

Finally, it should be noted that the term "corruption" in the Greek criminal law is an 'umbrella term', which covers several criminal offences. The core offence comprises all the criminal offences described in articles 235-237 and 159-159A of the Criminal Code, and especially all the types of bribery, including active and passive bribery of an official (articles 235-236), foreign bribery (235-236), active and passive bribery of judges (237) bribery in the private sector (263), active and passive bribery of political functionaries (159, 159A) foreign bribery, bribery of judges and politicians and bribery within international organizations. From this point of view the foreign bribery offence is fully and explicitly addressed in the current National Anti-corruption plan.

In view of the above, we consider that recommendation 1 is fully implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 2a:

2. With regards to the foreign bribery offence, the Working Group recommends that Greece:
- (a) while acknowledging its legislation and jurisprudence indicate that the foreign bribery offence does not require proof of an agreement between the parties, take appropriate measures, such as through circulars or training, to clarify to or remind law enforcement authorities and judges that the foreign bribery offence does not require such proof (Convention Article 1(1) and 2009 Recommendation III.i and Annex I.A);

Action taken as of the date of the follow-up report to implement this recommendation:

This is an unfortunate recommendation, as it effectively requires a probatio diabolica. It is standard theory ever since the bribery offence was first created as well as standard practice of the Greek courts not to demand any proof of agreement between the parties involved and to consider a mere one-sided offer as having fulfilled the basic bribery offence. The requirement for an agreement would add a non-existent objective element in the substance of the offence. There is no case law, where lack of proof of such an agreement barred prosecution or conviction of an offender. We refer indicatively to the following judgements of the Greek Supreme Court (Areios Pagos):

- 498/2013: *“Each manner of commission (i.e. giving, promising etc.) is autonomous and is sufficient for the fulfilment of the criminal act.”*
- 1130/2011, same as above
- 570/2006: *“...the offence has already been committed with the request of the benefit.”*
- 48/2002: *“for the commission of the offence of active bribery which is foreseen and punished under the second of the above provisions (art. 236 PC), it is enough that an offer or promise of gifts is made by anyone towards a public servant in the sense of art. 13a PC)...”*
- 185/1999, same as above
- 1582/1994, same as above

Even more specifically, in an ad hoc case pertaining to the matter at hand and reflecting the whole jurisprudence and legal theory of the interpretation of the relevant offence, the Appeal Court of Thessaloniki 602/1994, ruled that:

“for the commission of the offence of active bribery (art. 236 PC), it is enough that an offer or promise of gifts is made by anyone towards a public servant in the sense of art. 13a PC for an act of omission lying in the future or already finished, which is contrary or related to his duties, without it being necessary that the offer is accepted by the public official, because, as accepted by the Supreme Court in judgement 16/1919, ‘the offensive element lies in the offer, for its shake, of the gift’ (Supreme Court Judgment 468/1976, Poinika Chronika KΣT’ p. 844, Supreme Court Judgment 417/1972, Poinika Chronika KB’ p. 611, Gafos, The offence of active bribery, Poinika

Chronika Γ, pp. 293, 295 par. C, Bouropoulos, *Kommentary of the Penal Code, Vol. B, p. 324 with further citations*). As a consequence the crime is typical and unsusceptible, due to its nature, to an attempt, because the fulfilment of its objective element coincides with the beginning of its commission (compare Bouropoulos, *Kommentary of the Penal Code, Vol. B, p. 322 par. 4, Vol. A, p. 120 par. 4, Tousi-Georgiou, Penal Code, 3rd ed., Vol. A, pp. 635 and 529 pars 5 and 4 respectively*).

We can provide you with copies of the Supreme Court judgments cited in the above judgment, if needed. In any case, this issue is also fully covered in the course of the training programmes organised for judges, prosecutors and law enforcement bodies [see also Recommendation 4(e)]

In view of the above, we consider that recommendation 2a is fully implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 2b

2. With regards to the foreign bribery offence, the Working Group recommends that Greece:

(b) clarify that its foreign bribery offence does not take into account factors such as the value of the advantage, perceptions of local custom, and the tolerance of local authorities in the country of the foreign public official (Convention Article 1(1) and Commentary 7);

Action taken as of the date of the follow-up report to implement this recommendation:

We do not agree with the concerns raised. First of all the concept of socially adequate gifts that do not incur criminal liability is widespread and applied in a large variety of countries, including for example France, Switzerland and Austria. Most importantly, it is perfectly compatible with the foreign bribery offence as stipulated in the Convention, since it does not concern cases where an advantage is offered “in order that the official act or refrain from acting in relation to the performance of official duties”, much less cases where the advantage is offered in order that the official acts in breach of his/her duties.

In this respect, we call your attention to the exact wording of Commentary 7 of the Convention. It does not say that “the foreign bribery offence should not take into account the value of the advantage, etc.”, as stated above under par. 32 of this Report. It says that the conduct described in par. 1 of Article 1 of the Convention is an offence, irrespective of the value of the advantage etc.

Indeed, according to the Greek bribery offence, if there exists an advantage that is given in order to influence actions or decisions by public officials, there necessarily exists a criminal offence irrespective of the value of the advantage or an eventual perception that in the country involved it is customary to offer such advantages.

In view of the above, we consider that recommendation 2b is fully implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 2c:

2. With regards to the foreign bribery offence, the Working Group recommends that Greece:
- c) amend the definition of a foreign public official to ensure that it covers officials and agents of public international organisations of which Greece is not a member (Convention Article 1(4)(a) and Commentary 17)

Action taken as of the date of the follow-up report to implement this recommendation:

Greece is member to an extensive number of public international organisations, which may fall within the scope of the OECD Convention. Therefore, there is no practical impact of this recommendation.

We consider that recommendation 2c is moot.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 2d:

2. With regards to the foreign bribery offence, the Working Group recommends that Greece:
- (d) amend its legislation and eliminate the effective regret defence in Article 263B(1) PC for the active foreign bribery offence (Convention Article 1(1)).

Action taken as of the date of the follow-up report to implement this recommendation:

We do not agree with this analysis nor with the conclusion that Article 263B(1) of the Criminal Code is inconsistent with the Convention.

- 1) The application of the provision in question still entails a significant element of prosecutorial and judicial discretion, since it has to be evaluated whether the oral or written submissions of the perpetrator amount to a true and full announcement of the act. This is a prerequisite for any recognition of the preferential treatment of the offender. In any case, the final decision rests with the Court, which in fact indicates that the person involved is presented before his/her natural judge and subject to the risk of

criminal adjudication.

2) The international experience shows that self-reporting is not only “a factor to be taken into consideration in the exercise of prosecutorial discretion or sentence mitigation”, as argued in par. 38. Several countries across the world accord immunity from prosecution to persons engaging in bribery, who voluntarily report a bribe before the authorities receive information about it from other sources. These include, for example, Portugal, Romania, the Russian Federation, Spain, the UK (Scotland), Georgia, Indonesia, Lithuania, Malaysia, Montenegro, the UAE and Ukraine.

3) There is nothing in the Convention that prohibits granting immunity to a reporting person. In contrast there is a clear, overriding international obligation under Article 37 paragraph 1 UNCAC to take appropriate measures to encourage persons, who have participated in the commission of a corruption-related offence, including foreign bribery, to supply information useful for investigative and evidentiary purposes and to provide factual, specific help to competent authorities that may contribute to depriving offenders of the proceeds of crime and to recovering such proceeds. Article 37 paragraph 3 UNCAC encourages the international community to consider in particular granting immunity to such persons.

4) Finally, the argument that there are no policy reasons for having such a measure in place is not correct: a) The point of having it is encouraging the disclosure of offences that would otherwise go unnoticed. The hypothetical scenario that the foreign state may not prosecute is irrelevant for the value of the measure and should be dealt with as a separate problem. b) In any case, the argument is not valid as regards the bribery of officials of international organizations. The measure in question not only facilitates the appropriate response by the organization itself, but also the prosecution of the corrupt official. c) Regarding both officials of international organizations and foreign public officials, Greece has also established the offence of passive bribery. Thus, Greece is in a position to pursue the relevant prosecutions on its own. d) Finally, the point of the measure is not only prosecution, but also confiscation and recovery of the proceeds of bribery, which certainly constitute adequate policy reasons on their own.

In view of the above, we consider that recommendation 2d is fully implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 3a:

3. With regards to the liability of legal persons, the Working Group recommends that Greece:
- (a) issue guidance or provide training on what amounts to adequate supervision and control to prevent foreign bribery (Convention Articles 2 and 3; 2009 Recommendation Annex I.A and B);

Action taken as of the date of the follow-up report to implement this recommendation:

Articles 235 paragraph 4 and 236 paragraph 3 of the Criminal Code effectively cover the liability of supervisors.

Moreover, additional training to that effect is carried out within the context of the technical assistance project: indeed, significant initiatives have been taken in order to raise awareness among the Greek law

enforcement bodies in this matter, including a capacity-building week-long Training Workshop which took place in Thessaloniki on 24-28 April 2017.

Organised by the GSAC and the OECD Anti-Corruption Division, the Training Workshop brought together international experts from the OECD and its member countries as well as Greek authorities with extensive experience in matters of anti-corruption criminal enforcement. Each day of the Workshop was focused on specific issues relating to capacity-building and technical reform, adapted to the needs of the relevant law enforcement bodies. All sessions were interactive. Topics were further developed through case studies and hypothetical examples, which gave to the participants the opportunity to work through specific issues in groups and discuss their findings and points of view to the larger group of attendees. By engaging in an interactive manner, attendees were able to learn more about the methods and approaches of other law enforcement actors, and also play a role in mobilizing anti-corruption efforts in Greece generally.

Especially the second session of the workshop was dedicated on «Training: Corporate Investigations and Prosecutions»: This session focused on methods to ensure effective law enforcement for legal persons in Greece, planning and carrying out investigations and prosecutions of legal persons for corruption offences, (and foreign bribery) and raising awareness and capacity building of corporate liability for corruption among Greek law enforcement stakeholders. Target audience was the Office of Anti-Corruption Prosecutor in Thessaloniki, the Prosecutors of Court of First Instance (dealing with corruption crimes), the Investigative Judges of Law 4022/2011, the Judges of the Court of First Instance, the investigative authorities (SDOE, Hellenic Capital Markets Commission, Bank of Greece). It concluded with an exercise related to a hypothetical case study on corporate investigations.

The workshop will be repeated in Athens the week between 29 May-2 June 2017. The target audience will be also the prosecutorial and judicial authorities and all the relevant law enforcement bodies.

In view of the above, we consider that recommendation 3a is fully implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 3b:

3. With regards to the liability of legal persons, the Working Group recommends that Greece:

(b) ensure that the liability of legal persons is not restricted to cases where the natural person(s) who perpetrated the offence is prosecuted, and that proceedings against legal persons may be commenced in the absence of criminal investigation against a natural person (Convention Articles 2 and 3; 2009 Recommendation Annex I.B);

Action taken as of the date of the follow-up report to implement this recommendation:

Article 51 paragraph 4 of Law 3691/2008 makes clear that “the implementation of the provisions of the preceding paragraphs shall be independent of any civil, disciplinary or criminal liability of the physical persons mentioned therein”. Proceedings against legal persons may well be commenced and indeed are commenced despite the absence of criminal charges against a natural person.

The issue was also considered during the training workshop for law enforcement bodies organised by the GSAC and the OECD Anti-corruption division indicated in the previous box: see especially the topics of

session 2 regarding the liability of legal persons.

In view of the above, we consider that recommendation 3b is fully implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 3c:

3. With regards to the liability of legal persons, the Working Group recommends that Greece:

(c) clarify the procedure for investigations and proceedings against legal persons, including which body would launch and conduct such investigations (Convention Article 5; 2009 Recommendation Annex I.D)

Action taken as of the date of the follow-up report to implement this recommendation:

The competence of the bodies responsible for launching and conducting investigations against legal persons in cases of foreign bribery is clearly set out in article 6 paragraph 6 of Law 3691/2008, which reads as follows:

“The Bank of Greece, the Hellenic Capital Market Commission, the Private Insurance Commission, the Accounting Standards and Audit Committee and the General Directorate of Tax Controls of the Ministry of Economy and Finance shall each set up special units, adequately staffed with at least three full-time employees, having as their task to assess the compliance of the obliged persons under their supervision with the requirements of this Law. Such units shall be assisted by other staff members of the aforementioned authorities and especially by employees involved directly or indirectly in the supervision and controls of the obliged persons.” More specifically it is stated in art. 6 par. 3 case (ja) that “competent authorities” as defined in art. 6 par. 1 and 2 of Law 3691/2008 as it stands, have the task and power “to impose disciplinary and administrative sanctions on the obliged persons and their employees for any breach of the obligations arising from this Law, pursuant to Articles 51 and 52”.

It shall also be noted that according to the last sentence of article 51 paragraph 1 case (a) “The Hellenic Capital Market Committee shall be the competent authority for the imposition of the above sanctions on the companies listed in a regulated market which are not supervised by other competent authorities referred to in Article 6 above.”

Article 51 paragraph 5, as revised by Law 4254/2014, provides that the Ministers of Finance and Justice may issue a joint decision, which shall lay down the procedure for imposing sanctions, the competent services for collection, and all necessary details for the implementation of the relevant provisions. This decision is already under preparation and will include an additional reference to the fact (which can in any case be surmised from a simple reading of the law) that proceedings against legal persons may be commence even in the absence of criminal proceedings, charges or convictions against a natural person.

Additional training on these issues was also carried out during the training workshop for law enforcement bodies organised by the GSAC and the OECD Anti-corruption Division already indicated: see especially the topics of session 2 regarding the liability of legal persons.

In view of the above, we consider that recommendation 3c is partially implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 3d:

3. With regards to the liability of legal persons, the Working Group recommends that Greece:

(d) take steps to clarify that the PPACC and other prosecutors who investigate foreign bribery cases will inform the Minister of Justice or the competent AML supervisory authorities of a legal person's involvement in a foreign bribery case, as required by Article 51(5) of the AML Law. (Convention Article 5; 2009 Recommendation Annex I.D).

Action taken as of the date of the follow-up report to implement this recommendation:

Training on this issue was explicitly included in the Thessaloniki training workshop for law enforcement bodies organised by the GSAC and the OECD Anti-corruption Division already indicated: see especially the topics of session 2 regarding the liability of legal persons.

In view of the above, we consider that recommendation 3d is fully implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 4a:

4. Regarding investigations and prosecutions, the Working Group recommends that Greece:

(a) ensure that the bodies responsible for investigating and prosecuting foreign bribery have sufficient human and technical resources, including by providing PPACC with a case management system and the ability to track the status of a criminal in real time (Convention Article 5; 2009 Recommendation Annex I.D).

Action taken as of the date of the follow-up report to implement this recommendation:

The financial parameters within which the Greek State operates are well-known. Every effort has been extended to ensure that the investigating and prosecuting authorities have sufficient human and technical

resources to carry out effectively and efficiently their task.

As indicated in detail under Recommendation 8 below, a major project on “**Integrated Civil and Penal Justice Case Management System**” (ICPJCMS/ΟΣΔΔΥ-ΙΙΙΙ), is currently being implemented by the Ministry of Justice. The project provides also for the interconnection between the courts and the PP Offices; a pilot stage, involving a selected number of such courts and PP Offices, is currently under way.

It would be useful to recall the both the PPACC and the Financial Prosecutor have access to the databases used by the tax authorities, namely

- a) the **Integrated Information System of Auditing Services** ("Elenxis");
- b) the **Taxisnet system**; and
- c) the **System of Bank Accounts and Payment Accounts** - BMT & CBC

In view of the above, we consider that recommendation 4a is partially implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 4b:

4. Regarding investigations and prosecutions, the Working Group recommends that Greece:

(b) take all necessary measures to ensure that foreign bribery can be investigated by SDOE, Hellenic Police and EPS where appropriate, and set out a mechanism that would allow prosecutors to decide which investigative body should have conduct of specific foreign bribery investigations (Convention Article 5; 2009 Recommendation Annex I.D);

Action taken as of the date of the follow-up report to implement this recommendation:

The competence of the Financial and Economic Unit (SDOE) to investigate foreign bribery is set out in article 9 of the Presidential Decree 85/2005, as amended by sub-paragraph IE.18. of the first article of Law 4254/2014, Government Gazette A 85/7.4.2014, and Presidential Decree 111/2014. More specifically, the SDOE Department D, dealing with recovery of assets and capital from criminal activities, has competence to investigate cases related to: a) Fraud and irregularities against the financial interests of the Greek State and the national economy in general; b) Illegal brokerage and bank operations and illegal financial transactions, contracts, transactions and other bank activities in general; c) Illegal sources of private capital and money laundering; d) Activities pertaining to Law 3691/2008 on money laundering; e) Bribes of foreign public officials in international business transactions; f) other cases of illegal activities, omissions and irregularities of special nature or particular economic interest against the economic interests of Greece, which are under the competence of the SDOE, the control of which is assigned to the Directorate Special Affairs by decisions of the Minister of Economy and Finance, issued under the authorization of article 30 par. 9 of Law 3296/2004.

The competence of the EPS to investigate foreign bribery offences is set out in Article 24(1) of Law 4249/2014 and Article 32 of PD 178/2014. Moreover, the Hellenic Police has general competence to

investigate all crimes, including foreign bribery. According to article 33 CPC, the Hellenic Police and the EPS have general and vast investigative powers and prosecutors have the ability and the discretion to use any police body in order to conduct a criminal investigation, including foreign bribery investigations.

Article 3 paragraph C subparagraph 5.3. of Law 4336/2015 provides for the creation of a coordinating mechanism, as part of the Supplementary Memorandum of Understanding concluded between Greece and its partners. Relevant draft legislation is currently under review by the parties concerned with a view to being adopted within the current year. It is clear that the coordination mechanism will not have any impact on the independence of the Office of the PPACC.

In view of the above, we consider that recommendation 4b is partially implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 4c:

4. Regarding investigations and prosecutions, the Working Group recommends that Greece:
- (c) take all necessary measures to ensure that it assesses credible allegations of foreign bribery and seriously investigates complaints of this crime (Convention Article 5 and Commentary 27; 2009 Recommendation, Annex I.D));

Action taken as of the date of the follow-up report to implement this recommendation:

The General Secretariat against Corruption has taken significant initiatives in order to enhance anti-corruption awareness across relevant stakeholders in the field of corruption prevention and public integrity and more specifically: a) to build capacity and mobilization in the fight against bribery, and b) to build capacity among investigators, judges and prosecutors in charge of corruption and bribery cases. The particular initiatives are linked to specific actions (actions 17 and 21) of the National Anti-Corruption Plan of Greece, for which Greece receives technical support by OECD (in the context of the project of technical assistance in Anti-corruption area).

Regarding the actions related to the building capacity and mobilization in the fight against bribery among law enforcement bodies (outcome 4.3. of the technical assistance project) and to building capacity among investigators, judges and prosecutors in charge of corruption and bribery cases (outcome 4.4. of the technical assistance project), the initiatives taken include:

Regarding the action related to **building capacity and mobilization in the fight against bribery among law enforcement bodies**, the targets were: a) to identify all relevant public bodies responsible for detecting (including procuring authorities), investigating and prosecuting corruption and bribery; b) to Identify measures or incentives for competent authorities (including procuring authorities) to detect and investigate suspicions of bribery including references to best practices in other OECD countries; c) to review the competence of the SDOE, the Hellenic Police and the Economic Police Service to conduct foreign bribery investigations; d) to organize two capacity-building workshops back-to-back with the participation of relevant international experts. The objective was to build capacity and increase mobilization in the fight against bribery within all public bodies responsible for detecting, investigating

and prosecuting corruption and bribery.

Regarding the action related to **building capacity and mobilization in the fight against bribery among investigators, judges and prosecutors**, the targets were: a) to collect and share experiences and good practices in investigating and prosecuting high-level cases of corruption and bribery from other parties to the OECD Anti-Bribery Convention with the objective to cover a broad range of issues (e.g. the use of relevant sources of information - from other authorities such as the Financial Intelligence Unit or the media or from MLA requests); the use of special investigative techniques; the required skills and personal qualification of anti-corruption investigators and prosecutors; the use of specialists in different areas (accountants, economists, auditors, etc.); the role and importance of inter-institutional task forces and/or investigating teams domestically or internationally; the role of independence and specialization of police and prosecutors; the challenges of investigating legal persons involved in corruption schemes, etc.; b) to develop reference material (e.g. manuals, best practices and thematic reports) on the conduct of investigations and prosecutions of corruption cases; c) to organize two capacity-building workshops back-to-back with the participation of relevant international experts. The focus was on training a selection of investigators, judges and prosecutors on the management of corruption and bribery cases.

In a series on successive meetings in the period between 30 November and 2 December 2016, the General Secretariat against Corruption and the OECD Anti-Corruption Sector met with all relevant stakeholders. The main objective of these meetings, which took place at the premises of the GSAC, was to inform and raise awareness of all actors on combatting domestic and foreign bribery, including on the National Strategic Plan against Corruption. The main target of the above meetings was to enhance of anti-corruption awareness across relevant stakeholders in the field of corruption and public integrity: Build capacity and mobilization in the fight against bribery and built capacity among investigations, judges and prosecutors in charge of corruption and bribery cases. The participants included: a) the Special Secretariat for the Financial and Economic Crime Unit – SDOE; b) the Internal Affairs Directorate of the Hellenic Police; c) the Economic Police Service; d) the Internal Affairs Service of the Ministry of Shipping and Island Policy (the Internal Affairs Service of the Hellenic Coast Guard); e) the Customs Service; f) the Internal affairs Directorate of the General Secretariat for Public Revenue; g) the Internal audit unit of the Ministry of Finance; h) the tax authorities; i) the General Inspector for the Public Administration – GEDD; j) the Inspectors controllers body for the Public Administration – SEEDD; k) the Independent Procurement Authority - EAADISY; l) the Greek Ombudsman; m) the Court of Audit; n) the Public Prosecutor against Corruption Crimes – Athens; o) the Public Prosecutor for Economic Crimes; p) the investigative judges of Law 4022/2011 (investigative judges for corruption crimes) – Athens; q) the Public Prosecutor against Corruption Crimes – Thessaloniki; r) the investigative judges of Law 4022/2011 (investigative judges for corruption crimes) – Thessaloniki; s) the Ministry of Justice, Transparency & Human Rights.

A detailed questionnaire was sent to all stakeholders after the meetings. The purpose of the questionnaire was to collect baseline benchmarking data and information regarding the applicable legal framework and the actual practices and working methods of the relevant authorities. The answers to this questionnaire advanced the evidence base of what works and why and significantly helped to identify overlaps, obstacles and challenges in building capacity and mobilizing the law enforcement authorities in the fight against corruption. Consultation meetings were then conducted in the period between 13-17 February 2017 in Athens and Thessaloniki. Both the questionnaires and the consultations were of significant assistance in the context of this project and provided the knowledge base for comprehensive initiatives aiming to benefit to public bodies responsible for detecting, investigating and prosecuting bribery.

Further training was also carried out in the Thessaloniki capacity-building workshop of April 2017, as indicated above.

Moreover, the GSAC took a significant initiative in order to ensure that all allegations related to corruption and bribery (including foreign bribery) are seriously assessed and investigated by the establishment by Law 4446/2016 of a separate Complaint Management Office, covering a) cases of

corruption in the public and private sector and b) cases of irregularities, suspected fraud and fraud in structural funds. The Secretary General is to issue a regulation, whereby the procedure of registering; forwarding to the Public Prosecutor; and monitoring of complaints is to be established. A Prosecutor is to be seconded to the GSAC, upon a decision of the Supreme Judicial Council, for a period not longer than 3 years, who will secure the legality of the operation of the office and will supervise the procedure of registering, processing and forwarding such complaints to the competent bodies. A separate request has also been submitted for the procurement of an electronic complaints management information system (included in the Operational Programme for the Public Sector Reform NSRF 2014-2020).

Moreover and within the context of Objective 33 of the National Action Plan against Corruption, discussions have been initiated with the senior staff of law enforcement authorities in order to identify measures for improving technical investigations in corruption crimes and for collecting the necessary evidence. Their concrete proposals were submitted to the liaison officers and the overall situation was included in the GSAC Annual Report 2016. On the basis of the GASC Annual Report, the Alternate Minister of Justice analysed the overall situation and proposed recommendations. They included training programs for auditors and judicial authorities, planned with cooperation with HAUS and co-funded by the European Commission through the European Structural Funds; as well as the procurement of relevant hardware (approved by OLAF in the framework of the *Hercule III* Programme).

Furthermore, a Small Value Contract proposal for research in exploring the possibility of creating in Greece a judicial police body, competent to assist in matters of corruption and other related serious crimes, has been submitted to SRSS. The GSAC has requested technical assistance from an international organization other than OECD in improving technical investigations, including relevant training to the staff of the investigative authorities. This action is strongly related to outcomes 3.3 and 3.4 of the OECD Technical Assistance Project.

In view of the above, we consider that recommendation 4c is fully implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 4d:

4. Regarding investigations and prosecutions, the Working Group recommends that Greece:
- (d) use proactive steps to gather information from diverse sources to increase allegations and enhance foreign bribery investigations, including by taking all necessary steps to gather evidence in Greece (Convention Article 5; 2009 Recommendation Annex I.D)

Action taken as of the date of the follow-up report to implement this recommendation:

All the law enforcement and investigative bodies responsible for fighting corruption and bribery use proactive steps to gather information from diverse sources in order to increase allegations and enhance bribery investigations: the Economic Police Service, the Financial Investigations Unit, the audit bodies and the Internal Affairs of Hellenic Police, all provide channels of reporting (website complaints, hotlines

etc.). This includes the newly established Complaint Management Office set up by the General Secretariat against Corruption [see above].

Moreover, the PP Offices systematically monitor the media and the newspapers, including web sites sources in order to be informed for possible criminal offences.

An additional tool may also be found in article 65 of Law 4356/2015 (GG A 181/24.12.2015), whereby the use of illegal means of evidence may exceptionally be allowed for felonies falling within the jurisdiction of the Public Prosecutor against Corruption Crimes or the Public prosecutor for Economic Crimes, provided that the evidence is related to information and data to which the Prosecutors have privileged access under article 17A paragraph 8 of Law 2523/1997 and article 2 paragraph 5 of Law 4022/2011. The use of such means of evidence is accepted during the prosecution and the trial, if it is reasonably considered that: a) the damage caused for the evidence to be obtained was significantly lower in comparison to the importance and the extent of the damage or the risk caused by the investigative operation; b) the proof of truth would otherwise be impossible; and c) the acts through which the evidence was obtained do not affect fundamental human rights. The provision was considered very vital and necessary in order to be allowed to use evidence, which otherwise could not have been used in such cases, and thus effectively investigate and bring to trial cases of corruption, fraud etc.

In view of the above, we consider that recommendation 4d is fully implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 4e:

4. Regarding investigations and prosecutions, the Working Group recommends that Greece:
- (e) intensify training to judges and law enforcement officials on the Convention and the foreign bribery offence, including by providing training on the practical aspects of foreign bribery investigations (Convention Article 5; 2009 Recommendation Annex I.D).

Action taken as of the date of the follow-up report to implement this recommendation:

There is a significant number of training projects currently in place:

I. The National Strategic Plan against Corruption includes Objective 18, which focuses on: the “1) Development of a training policy to support long-term anti-corruption strategic planning and capacity development, 2) Train staff of Inspector General and the Office of the Commissioner General of the State, inspection bodies of ministries, Special Secretariat for Financial and Economic Crime Unit (SDOE), Financial Police, Financial Prosecutors and Financial Intelligence Unit in anti-corruption investigations. Training of judges should also be considered.”

The particular objective includes three actions. **Action 1:** “A common training policy and programme with activities and capacity development for anti-corruption agencies and other relevant authorities will be provided; **Action 2:** “The training programme consists of three levels: 1. A general level to trigger

identification skills of investigators for larger groups. 2. The second level consists of in depth training for smaller groups of dedicated financial investigators, including specific topics, methods and techniques that can be different per organisation. 3. The third level consists of training on the job for a few handpicked professionals on particular topics and on-going investigations”; **Action 3:** “A specialised training for prosecutors and magistrates about Structural Funds will be provided.”

The first level addressed to auditors and to investigators of law enforcement bodies (Economic and Financial Unit) was completed in June 2016. The specialized training programme for prosecutors and magistrates, including bribery in the structural funds sector, was embedded in an 18-month training programme, which was concluded on 25 November 2016. The second and third circles were completed in April 2017. They were attended by approx. 500 trainees in total.

More specifically, the General Secretariat against Corruption in collaboration with the National Centre of Public Administration & Local Government and the Finish Institution HAUS developed and implemented an educational program of 3 levels, differentiated on the basis of theoretical to applied knowledge. Each level comprised different thematic seminars covering all different aspects of anti-corruption. The different seminars, developed over a period of 2-3 days and carried out by experts, were respectively addressed to public officials, auditors, inspectors, law and enforcement bodies, prosecutors and judges.

There were seminars in 6 thematic areas, foreign bribery being addressed in at least two of them: a) The seminar dealing with the standardization of control as a means of articulation of the audit mechanisms which was targeted to officers of Hellenic Police, the Economic Police Service, the Financial and Economic Crime Unit-SDOE, while inspectors from other bodies were also eligible to attend; b) The seminar on anti-corruption and money laundering, which was targeted to Judges, prosecutors, staff of the registries of the courts and public prosecutors offices.

All thematic seminars of level 1 were as follows:

- 1) The institutional and organizational developments in the fight against corruption: The programme was addressed to executives of selected services and control mechanisms. The aim was to update and evaluate the current and proposed legislative and procedural tools for combating corruption and bribery at the national, European and international level.
- 2) The standardization of control as a means of articulation of the audit mechanisms. The educational content included entries about typologies, indicators and risk analysis, investigation tools and techniques, whistleblowing issues and report templates, related to bribery and foreign bribery, money laundering, disclosure of illegal money, unusual – suspicious transactions, mutual legal assistance, international cooperation, asset recovery, as well as the complaint management systems at the national level and the relevant best practices of international experience.
- 3) Combating corruption in the high-risk sectors: The seminar was addressed to executives of selected services mainly in the fields of Health, Defence, Taxation, Public Procurement, Local and Regional Administration. The educational content was related to the high-risk areas typology, statistics, risk analysis, national strategies national audit and control systems (internal control systems, internal audit, Court of Auditors, GS of Public Revenue). The HSPPA and the GGDE (OECD guidelines) were included.
- 4) Targeting and Planning Audits and Inspections to Combat Corruption in the Public Sector: The seminar aimed to transfer know-how and good practices about internal audit and enable the trainees to improve the effectiveness of control procedures. It was addressed to internal audit staff. The educational content was associated mainly to methodological, organizational and ethical issues related to internal audit and control procedures.
- 5) Anti-corruption and money laundering: The seminar was addressed to judges, prosecutors, staff of the registries of the courts and the public prosecutors offices. Basic topics of its content were related, inter alia, to the main national and European/international legislation developments on anti-money-laundering (Law 3691/2008, predicate offenses, ethics of judges, prosecutors and clerks), awareness of audit and

control system of P.A. and the financial market, tasks, cooperation and coordination of relevant authorities, suggestions for the improvement of the legislative framework and introduction of innovative proposals.

6) ESIF: Management and Control systems on Anticorruption and fraud. The seminar was addressed to audit and inspectorate bodies involved in the ESIF projects implementation. It included topics on the ESIF implementation framework, the Management and Control System with focus on the audit provisions and mechanisms, the Sectoral National Antifraud strategy, risk assessment procedures, irregularities management and asset recovery.

Levels 2 and 3 were combined in subsequent seminars, focusing mainly to cutting-edge issues and real-life situations in workplace (focus groups, case studies). The thematic areas, target groups and other educational and organizational specifications were similar to those of level 1 with additional thematic seminars related to the principles and methods of official inquiry as well as to the integrity of tax and customs audit and control procedures. This seminar was specifically targeted to the staff of ADAE and custom authorities.

II. In the context of the OECD Technical Assistance Programme, the OECD Anti-Corruption Division organized a week long workshop in Thessaloniki on 24-28 April 2017 to promote anti-corruption capacity building and mobilisation across the Greek law enforcement bodies. The workshop brought together international experts from the OECD and its member countries as well as Greek authorities with extensive experience in matters of anti-corruption criminal enforcement. Each day of the workshop focused on specific issues relating to capacity-building and technical reform, adapted to the needs of relevant law enforcement bodies. All sessions were interactive. Topics were further developed through case studies and hypothetical examples, which gave to participants the opportunity to work through specific issues in groups and discuss their findings and points of view to the larger group of attendees. By engaging in an interactive manner, attendees were able to learn more about the methods and approaches of other law enforcement actors, and also play a role in mobilizing anti-corruption efforts in Greece generally. In more detail, the 5day-training seminar was divided in ten sessions:

Session 1 «The Jurisdiction of the Public Prosecutor against Crimes of Corruption»: This session discussed possible amendments to Law 4022/2011 in order to enable the PPACC to prosecute felony corruption offenses without distraction, thereby guaranteeing speedy proceedings and adequate expertise to their prosecution. The target audience was the PPACC Office in Thessaloniki.

Session 2 «Training: Corporate Investigations and Prosecutions»: This session focused on methods to ensure effective law enforcement for legal persons in Greece, planning and carrying out investigations and prosecutions of legal persons for corruption offences, including foreign bribery, and raising awareness and capacity-building for corporate liability for corruption among Greek law enforcement stakeholders. Target audience was the Office of the Anti-Corruption Prosecutor in Thessaloniki, the Prosecutor of the Court of First Instance (dealing with corruption crimes), the investigative judges of Law 4022/2011, the judges of the Court of First Instance, the investigative authorities (SDOE, Hellenic Capital Markets Commission, Bank of Greece). The session included work on a hypothetical case study on corporate investigations.

Session 3 «Training: Financial Investigations». The purpose of this session was to provide a better understanding of important specific concepts related to financial investigations (including definition, characteristics and scope of financial investigations, techniques and strategies, interagency & international cooperation, etc.) to the authorities responsible for the investigation and prosecution of crimes of corruption. The target audience was the Office of Anti-Corruption Prosecutor in Thessaloniki, the Prosecutor of Court of First Instance (dealing with corruption crimes), the Thessaloniki Prosecution Office at the Court of Appeal, the Thessaloniki First Instance Prosecution Office, the investigative judges, SDOE, the Financial Police sub-Directorate, the Hellenic Police – IAD sub-Directorate, the Internal Affairs Service – Ministry of Shipping & Island Policy, the Internal Affairs Directorate of the IAPR, the Inspectors-Controllers Body for Public Administration (SEEDD).

Session 4 «Training: Basic Accounting, Financial, Economic and Banking Concepts/ Transactions». The purpose of this session was to provide a basic understanding of accounting, financial, economic and banking concepts to authorities responsible for the investigation and prosecution of crimes of corruption. The target audience was the Office of Anti-Corruption Prosecutor in Thessaloniki, the Prosecutor of Court of First Instance (dealing with corruption crimes), the Thessaloniki Prosecution Office at the Court of Appeal, the Thessaloniki First Instance Prosecution Office, the investigative judges, SDOE, the Financial Police sub-Directorate, the Hellenic Police – IAD sub-Directorate, the Internal Affairs Service – Ministry of Shipping & Island Policy, the Internal Affairs Directorate of the IAPR, the Inspectors-Controllers Body for Public Administration (SEEDD). The session included work on a hypothetical case study on financial investigations.

Session 5 «Referral of Criminal Corruption Cases to Criminal Law Enforcement». This session addressed how initial assessments of corruption allegations and complaints are carried out by intelligence gathering bodies and the manner in which such cases are to be forwarded to the prosecutor for investigation. In doing so, this workshop sought to develop procedures and thresholds for reporting cases to prosecutorial and judicial authorities and identify methods for dealing with cases that do not meet such a threshold. The discussion was geared towards establishing a uniform guidance or manual for relevant stakeholders to use when carrying out their functions. The target Audience was the Financial and Economic Unit (SDOE), the Hellenic Financial Police, the Customs Services, the tax authorities, the Hellenic FIU, the Internal Affairs bodies (Hellenic Police IAD, Ministry of Shipping & Island Policy IAD, Internal Affairs Directorate of the IAPR), the Inspectors-Controllers Body for Public Administration (SEEDD), the Independent Public Procurement Authority, the Court of Audit (Athens), the prosecutorial authorities.

Session 6 «Duplication of Investigations by PPACC and 4022 Investigative Judge». This session considered practical ways to avoid the duplication of investigations by the Public Prosecutors against Corruption Crimes (PPACC) and the investigative judges of Law 4022/2011 and measures to streamline the process. The target audience was the Thessaloniki PPACC, the Investigative Judges of Law 4022/2011 and the Public Prosecutors of the Court of First Instance. The session included work on a hypothetical case study on all stages of the investigation (intelligence gathering – preparatory examination – main investigation).

Session 7 «Intelligence gathering and data mining» This session considered practical ways for the Greek law enforcement authorities to enhance and upgrade their work on intelligence analysis and will train them on how to discover patterns of organized criminality. This session was of a high importance because intelligence gathering and data mining are essential tools for the effective detection and investigation of corruption crimes. The larger and the more complex the investigation, the more information the law enforcement authorities have to deal with. The proper evaluation and advance analysis of collated intelligence may not only facilitate the investigation of incidents, which can be shown to be linked into series and disorder hot spots, but also produce statistical or predictive models for the effective prevention of corruption crimes. The target audience was all authorities.

Session 8 «Training: Criminal Law and Procedure with an Emphasis on Corruption». The purpose of this session was to provide the investigators of the competent bodies responsible for investigating crimes of corruption with a good understanding of important concepts of criminal law and criminal procedure with an emphasis on corruption, including foreign bribery. It was also a unique opportunity for investigators to clarify relevant concepts and issues with which they are unfamiliar or do not feel comfortable applying in practice. The target audience was the Financial and Economic Crime (SDOE), the Financial Police sub-Directorate, the Hellenic Police – IAD sub-Directorate, the Internal Affairs Service – Ministry of Shipping & Island Policy, the Internal Affairs Directorate of the IAPR (Independent Authority of Public Revenues) and the Inspectors-Controllers Body for Public Administration (SEEDD). The session included work on a hypothetical case study on intelligence gathering and data mining.

Session 9 «Training: Special Investigative Techniques». This session focused on the current situation in

Greece regarding the use of special investigative techniques in corruption investigations, discuss relevant challenges that competent authorities face in this respect as well as recommendations for the facilitation of their use. The target audience was the Thessaloniki PPACC office, the Prosecution Office at the Thessaloniki Court of Appeal, the Thessaloniki First Instance Prosecution Office, the investigative judges, the Financial and Economic Unit (SDOE), the Financial Police sub-Directorate, the Hellenic Police – IAD sub-Directorate, the Internal Affairs Service – Ministry of Shipping & Island Policy, the Internal Affairs Directorate of the IAPR, the Inspectors-Controllers Body for Public Administration (SEEDD).

Session 10 «Pooling of Experts/Access to Databases». This session focused on methods to streamline existing expert frameworks, such as enhancing access to databases and ensuring the availability of highly technical experts. Additionally, themes raised in the Technical proposal was discussed, such as institutionalizing expert knowledge and practices so as to minimize the constant need for experts, as well as how to maximize the use of experts who already work for the government as public officials. The target Audience was the Thessaloniki PPACC office, the Prosecutor of Court of First Instance and the Investigative Judges. The session included work on a hypothetical case study on special investigative techniques.

The workshop will also be repeated in Athens during the week of 29 May-2 June 2017. The target audience will be also the prosecutorial and judicial authorities and all the relevant law enforcement bodies.

III. Technical assistance has also been provided by AFETI (Expertise France), regarding the capacity-building on integrity and internal control and audit functions for the newly selected top managers (General and Special Secretaries, General Directors, Head of Units) through the designing and implementation of training programmes.

IV. The National School of Judges in Thessaloniki organized on 26-27 February 2015 an educational seminar for administrative, civil and criminal law judges on “Justice, administration and combating of corruption in public sector”. It also referred to the foreign bribery offence and to the practical aspects of foreign bribery investigations.

In view of the above, we consider that recommendation 4e is fully implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 5a:

5. With regards to sanctions, the Working Group recommends that Greece:
- (a) increase the maximum fines available against natural persons for foreign bribery (Convention Article 3).

Action taken as of the date of the follow-up report to implement this recommendation:

Article 235 of the Criminal Code reads as follows:

“Article 235 - Active bribery of an official

1. *An official who requests or receives, directly or through a third party, for himself/herself or for another person, an undue advantage of any nature, or accepts the promise to be provided with such an advantage, for any action or omission on his/her part, future or already completed, related to the performance of his/her duties, shall be punished by at least one year of imprisonment and a fine of EUR 5.000 to 50.000.*

If the offender commits the act of the previous section in a professional or a habitual way or if the undue advantage is of a significantly high value, he shall be punished by incarceration of up to ten years and a fine of EUR 10.000 to 100.000.

2. *If the aforementioned action or omission of the offender contravenes his/her duties, it shall be punished by up to ten years incarceration and a fine of EUR 15.000 to 150.000.*

If the offender commits the act of the previous section in a professional or a habitual way or if the undue advantage is of a significantly high value, he shall be punished by incarceration of up to fifteen years and a fine of EUR 15.000 to 150.000. (...)”

It is worth noting in this respect that the fines provided in article 235 are from the highest of the fines provided in Greek Criminal Code. Moreover, the imposition of fines in the Greek criminal law is subject to the principle of proportionality, one of the basic principles of the Greek criminal law system.

It is worth noting in this respect that the overall balance between incarceration and fines as well as the level of fines imposed across the board are discussed in the context of the current law drafting exercise to review and amend the Criminal Code and the Code of Criminal Procedure.

In view of the above, we consider that recommendation 5a is fully implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 5b:

5. With regards to sanctions, the Working Group recommends that Greece:

(b) amend its legislation so that the sanctions against “non-obligated” legal persons for foreign bribery are equivalent to those for “obligated” legal persons (Convention Article 3).

Action taken as of the date of the follow-up report to implement this recommendation:

Article 51 of Law 3691/2008 (the AML Law) reads as follows:

“Article 51

Liability of legal entities

1. Where any of the money laundering offences or any of the basic offences under Article 3(c), (d) and (e) is committed for the benefit of a legal person by a physical person acting either individually or as part of an organ of the legal person and who holds a leading position within the legal person based on a power of representation of the legal person or an authority to take decisions on behalf of the legal person or an authority to exercise control within the legal person, the following sanctions are imposed to the legal person, cumulatively or alternatively:

a. Regarding obligated legal persons, the following sanctions are imposed by a decision of the competent authority referred to in Article 6 of the present Act,:

i) An administrative fine of fifty thousand (50.000) up to five million (5.000.000) euros;

ii) final or provisional - for a period from one month up to two years - withdrawal or suspension of the permit for the operation of the legal person or prohibition from carrying out its business;

iii) prohibition from carrying out specific business activities or from the establishment of branches or capital increase, for the same period of time;

iv) final or provisional exclusion from public grants, aids, subsidies, awarding of contracts for public works or services, procurement, advertising and tenders of the public sector or of the legal persons belonging to the public sector;

The administrative fine referred to in item i) above shall always apply, irrespective of the imposition of other sanctions.

The Hellenic Capital Market Committee shall be the competent authority for the imposition of the above sanctions on the companies listed in a regulated market, which are not supervised by other competent authorities referred to in Article 6 above.

b. Regarding non-obligated legal persons the following sanctions shall be imposed by a joint decision issued by the Minister of Justice, Transparency and Human Rights and the competent Minister in each case:

i) An administrative fine of twenty thousand (20.000) up to two million (2.000.000) euros;

ii) the sanctions listed in subparagraph a) items ii) iii) and iv) above.”

According to article 5 of the AML Law, obligated legal persons are those which have a high duty of due diligence towards both the State and their customers and therefore their criminal responsibility is reasonably higher than the others. Into this category fall:

“1. Persons liable to be subject to the obligations of this Act shall be the following natural and legal persons:

(A) Credit institutions;

(B) Financial institutions;

(C) Venture capital funds;

(D) Statutory auditors-accountants, chartered accountants, accountants not related to a dependent employment relationship and private auditors;

E) tax or tax consultants and tax or tax advisers;

F) Real estate agents;

G) Casino and casino businesses on ships flying the Greek flag, as well as companies, organizations and other public or private sector operators who organize and/or carry out

gambling and agencies related to these activities;

H) Auction houses;

I) Merchants of high value when the transaction is made in cash and its value amounts to at least EUR fifteen thousand (15,000), regardless of whether it is carried out in one or more transactions, among which there appears to be a relationship. [...];

J) Auctioneers;

K) Pawnbrokers;

(L) Notaries and lawyers when involved, either acting in the name and on behalf of their clients in the context of financial transactions or real estate transactions, or by assisting in the planning or execution of transactions for their clients regarding: i) The purchase or sale of real estate or business, (ii) managing funds, securities or other assets of their clients, (iii) opening or administering bank accounts, savings accounts or securities accounts, (iv) the organization of the necessary contributions for the establishment, operation or administration of companies, (v) the establishment, operation or administration of companies, trusts or similar legal forms. Legal advice is still subject to professional secrecy unless the lawyer or notary himself engages in money laundering or terrorist financing activities or if his legal advice is provided for the purpose of committing such offenses or knowingly The fact that his client seeks legal advice in order to commit those offenses.

(M) natural and legal persons providing services to companies and trusts, with the exception of the persons referred to in points (f) and (m) of this Article, which provide, in business, any of the following services to third parties: - set up companies or other legal entities; - exercise or ensure that another person performs the duties of manager or manager of a company or partner of a company or a similar position in other legal persons or schemes; - provide a registered office, business address, postal or administrative address and any other related services for a company or any other legal person or scheme; - act or arrange for other persons to act as trustee trustees or similar legal entities; - acting as proxy holders of a company if that company is not listed within the meaning of Article 17(2)(a) of this Law and is not subject to disclosure and information requirements under Community law or in accordance with relevant international standards; or ensure that another person acts in the same way. By decision of the Minister of Development, the terms and conditions for the establishment, granting of authorization, registration in a special register and exercise of the activities referred to in this point by natural or legal persons are defined.”

It is fairly clear from the above that the differentiation between obligated and non-obligated legal persons conforms fully to the principle of proportionality and is indeed justified and reasonable in view of the increased duty of due diligence obligated legal persons have towards the State and their clients. In essence, both categories are treated in a manner fully equivalent to the different purpose and social function they serve.

In view of the above, we consider that recommendation 5b is in essence implemented.

Text of recommendation 5c:

5. With regards to sanctions, the Working Group recommends that Greece:

(c) substantially increase the maximum fines available against legal persons, especially for foreign bribery resulting from company management's failure to exercise supervision or control (Convention Article 3).

Action taken as of the date of the follow-up report to implement this recommendation:

Article 51 paragraph 2 of Law 3691/2008 (the AML Law) reads as follows:

2. Where the lack of supervision or control by a physical person referred to in paragraph 1 has made possible the commission, by a physical person under its authority, of the money laundering offences for the benefit of a legal person, the following sanctions shall, cumulatively or alternatively, apply:

a. In the case referred to in paragraph 1 subparagraph a) above (obligated legal persons):

- An administrative fine of ten thousand (10.000) up to one million (1.000.000) euros;*
- the sanctions listed in subparagraph a) items ii) iii) and iv) above, for a period up to six months.*

b. In the case referred to in paragraph 1 subparagraph b) above (non-obligated legal persons):

- An administrative fine of five thousand (5.000) up to five hundred (500.000) euros;*
- the sanctions listed in subparagraph a) items ii) iii) and iv) above, for a period up to six months.*

These fines are among the highest fines for criminal offenses imposed in natural and legal persons and any possible increase would breach the principle of proportionality, one of the fundamental principles of the Greek criminal law system.

It is worth noting in this respect that the overall balance between incarceration and fines as well as the level of fines imposed across the board are discussed in the context of the current law drafting exercise to review and amend the Criminal Code and the Code of Criminal Procedure.

In view of the above, we consider that recommendation 5c is in essence implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 6:

6. With regards to the statute of limitations, the Working Group recommends that Greece take steps to ensure that the limitation period for foreign bribery offences qualified as misdemeanours is sufficient to allow adequate investigation and prosecution, at a minimum by allowing outstanding MLA requests to interrupt the limitation period (Convention Article 6).

Action taken as of the date of the follow-up report to implement this recommendation:

Articles 111-113 of the Criminal Code on prescription of crimes read as follows:

“Article 111 – Time limit of prescription of crimes

1. Criminal liability is extinguished through prescription.

2. Felonies prescribe: (a) In twenty years, if the law provides for [...] the term of incarceration for life; (b) In fifteen years, in any other case.

3. *Misdemeanours prescribe in five years.*
4. *Petty violations prescribe in two years.*
5. *The above time limits are calculated on the basis of the calendar year.*
6. *If the law provides for the imposition of one out of more penalties, the above time limits are calculated according to the heavier penalty among them.*

Article 112 – Beginning of the time limit for the prescription of crimes

The time limit for prescription begins on the day when the punishable act was committed, unless otherwise provided.

Article 113 – Suspension of prescription

1. *The time limit of prescription is suspended for as long as prosecution may not commence or continue according to a provision of law.*
2. *Moreover, the time limit of prescription is suspended for the duration of the main procedure and until the decision on conviction becomes irrevocable.*
3. *The suspension provided by the previous paragraphs may not last longer than five years for felonies, three years for misdemeanours and one year for petty violations. The time limitation on suspension is not applied whenever the postponement or suspension of prosecution was made by virtue of article 30 paragraph 2 and 59 of the Code of Criminal Procedure.*
4. *If a complaint by the victim is necessary for the commencement of prosecution, the lack thereof does not suspend prescription.*
5. *The suspension of prosecution of pending cases, in relation to which the time limit of prescription is reached by application of the present and the previous two articles, may be ordered by the competent public prosecutor of the court of misdemeanours, following a concurring opinion of the public prosecutor of the court of appeals, by closing the file of the case.*

(...)

It is evident that the limitation period of eight (8) years for foreign bribery offences qualified as misdemeanours is more than sufficient to allow adequate investigation and prosecution. We never had a case where a bribery offence qualified as misdemeanour succumbed to prescription and we were unable to prosecute; indeed, the current text of articles 235-236 of the Criminal Code limits significantly the possibility of a foreign bribery offence qualified as misdemeanour.

It must also be noted that the statute of limitations is linked to the general principles of criminal justice and the rule of law and is designed to apply throughout the criminal law system and not only on corruption-related offences.

In view of the above, we consider that recommendation 6 is fully implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 7a:

7. Regarding mutual legal assistance, the Working Group recommends that Greece:
- (a) amend its legislation to explicitly provide for certain the types of assistance (e.g. special investigative techniques, asset freezing and confiscation) for MLA requests that are not based on a treaty (Convention Article 9; 2009 Recommendation XIII.iv);

Action taken as of the date of the follow-up report to implement this recommendation:

The General Secretariat against Corruption has undertaken specific initiatives in order to improve the current mutual legal assistance arrangements (MLA) and their effectiveness in practice. The review and amelioration of the MLA legal framework constitutes Action 32 of the National Anti-Corruption Plan, for which Greece receives technical support by OECD. They include the following actions:

- a) An assessment of the current legal and regulatory framework, including gap analysis, taking into consideration the international standards (OECD, Council of Europe, UNCAC, etc.). Specifically, on MLA the analysis consists of a review on the legal and regulatory framework targeting on the improvement of the existing legal framework.
- b) A revision of the legal framework: a legislative drafting exercise is currently under way, with the objective to bring the existing legislation in line with international standards, including to explicitly provide for certain types of assistance (e.g. special investigative techniques, asset freezing and confiscation) for MLA requests that are not based on a treaty.
- c) Enhancing implementation mechanisms. The particular outcome includes: a) drafting guidelines and best practices, in particular to ease the management of incoming and outgoing MLA, based on experiences and good practices available in other OECD countries b) development of guidelines and best practices to promote effective implementation of international cooperation tools and mechanisms
- d) Capacity-building workshops to promote implementation mechanisms and tools. In June 2017 two capacity building workshops (2,5 days each) will take place in Athens and in Thessaloniki, with a view to identifying and sharing experiences on the challenges to international judicial cooperation and debating the potential obstacles that need to be overcome. In particular, the workshops will focus on problems experienced when MLA is sought in economic crime, corruption and organized crime cases, dealing with requests for freezing & confiscation, etc. Moreover, these workshops will be the occasion to disseminate the available guidelines and best practices.

In a series of successive meetings in the period between 30 November and 2 December 2016, the General Secretariat against Corruption and the OECD Anti-Corruption Sector met with all relevant stakeholders. The main objective of these meetings, which took place at the premises of the GSAC, was to inform and raise awareness of all actors on combatting domestic and foreign bribery, including on the National Strategic Plan against Corruption. The main target of these meetings was to enhance of anti-corruption awareness across relevant stakeholders in the field of corruption and public integrity: Build capacity and mobilization in the fight against bribery and built capacity among investigations, judges and prosecutors in charge of corruption and bribery cases. Regarding the improvement of the MLA system, the participants were: a) A representative of the Department of extradition and judicial cooperation of the Office of the Public Prosecutor at the Athens Court of Appeal; b) a representative of the Department of extradition and judicial cooperation of the Office of the Public Prosecutor at the Thessaloniki Court of Appeal; c) a representative of the special investigative office for MLA at the Court of First Instance in Athens; d) a representative of the General Directorate of Administration of Justice, Transparency & Human Rights; e) a representative of the Directorate for legislative work, international relations and international judicial cooperation, Department of international judicial cooperation in civil and criminal

matters at the Ministry of Justice, Transparency & Human Rights; f) a representative of Eurojust – Greek national desk; g) a representative of the financial and economic crime unit – SDOE; h) the National member of Greece in Eurojust; i) investigative judges of Law 4022/2011 (investigative judges for corruption crimes – Athens; k) investigative judges of law 4022/2011 (investigative judges for corruption crimes) – Thessaloniki. At the conclusion of the meetings, a questionnaire was sent to relevant stakeholders, namely the Ministry of Justice (as the Central Authority), the investigative judges at the Courts of First Instance, the Public Prosecutor at the Courts of Appeal, the Prosecutor of Economic Crime, the Anti-Corruption Prosecutor, the Judicial Council of the Courts of Appeal, the Hellenic Police, the Economic and Financial Unit (SDOE) and the Ministry of Foreign Affairs. The purpose of the questionnaire was to collect baseline benchmarking data and information regarding the applicable legal framework and the actual practices and working methods of the relevant authorities. The answers to this questionnaire advanced the evidence-base of what works and why and significantly helped to identify overlaps, obstacles and challenges in establishing an MLA framework in Greece that is comprehensive, reliable and user-friendly for Greek authorities. Consultation meetings were then conducted in the period between 13-17 February 2017 in Athens and Thessaloniki. Both the questionnaires and the consultations were of significant assistance in the context of this project, and provided the knowledge base for comprehensive legislative initiatives aiming to improve MLA legal and regulatory framework in Greece and enhance the efficiency of relevant stakeholders in providing and requesting MLA.

The capacity-building workshop for MLA will take place in Athens on 26-28 June 2017 and in Thessaloniki on 29-30 June 2017. The legislative draft currently being prepared by the OECD Anti-Corruption Division will be submitted to the GSAC one week in advance.

Moreover, two legislative initiatives have been taken introduced by the Ministry of Justice, Transparency and Human Rights:

A) The transposition of Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 **regarding the European Investigation Order in criminal matters** into the domestic legal order. The Directive aims to simplify and speed up cross-border criminal investigations in the EU. It introduces the European Investigation Order, which enables judicial authorities in one EU country ('the issuing state') to request that evidence be gathered in and transferred from another EU country ('the executing state'). As the European Investigation Order (EIO) is based on the mutual recognition principle, each EU country is obliged in principle to recognize and carry out such a request. It must also be done swiftly and without any further formality. The EIO makes it easier to tackle criminal offences including crimes such as corruption, drug trafficking and organized crime. The EIO improves on existing EU laws covering this field by setting strict deadlines for gathering the evidence requested and by limiting the grounds for refusing such requests. It also reduces paperwork by introducing a single standard form for authorities to request help when seeking evidence. The current draft law was open for public consultation on 5 May 2017 under the title: "For the incorporation into Greek law of the Directive of the European Parliament and of the Council of 3 April 2014 on the European Investigation Order in criminal matters". The consultation will end on 10 May 2017 at 14.00 hours (see <http://www.opengov.gr/ministryofjustice/?p=8141>).

B) The transposition of **Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the EU**. The aim of the particular Directive is to facilitate the national authorities to confiscate and recover the proceeds and instrumentalities from crime in the EU. The Directive sets out minimum rules for freezing and subsequently confiscating the proceeds and instrumentalities of crime. The special law drafting committee at the Ministry of Justice has now completed its work and the bill is currently before Parliament, after a public consultation period in January 2017. The same draft law includes also the ratification of the **Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism**, also known as the **Warsaw Convention (2005)**. The Convention aims to facilitate international co-operation and mutual assistance in investigating

crime and tracking down, seizing and confiscating the proceeds thereof. This Convention is the first international treaty covering both the prevention and the control of money laundering and the financing of terrorism. (see the draft law as submitted to Parliament <http://www.opengov.gr/ministryofjustice/wp-content/uploads/downloads/2017/01/Dimefsi.pdf>)

In view of the above, we consider that recommendation 7(a) is partially implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 7b:

7. Regarding mutual legal assistance, the Working Group recommends that Greece:

(b) streamline the process for executing incoming MLA requests with a view to reducing delay in providing MLA (Convention Article 9; 2009 Recommendation XIII.iv).

Action taken as of the date of the follow-up report to implement this recommendation:

In addition to the actions undertaken by the OECD technical assistance project to assist in the streamlining of the MLA procedure indicated in detail above, the Athens Court of First Instance has now set up a Special Investigative Office for International Judicial Mutual Assistance – by a decision of the Areios Pagos Plenary, Government Gazette B 429 of 24 March 2015, <http://www.et.gr/index.php/2013-01-28-14-06-23/2013-01-29-08-13-13>. The Office deals exclusively with mutual assistance cases in criminal matters and covers the biggest first instance court of the country, which receives the vast majority of incoming MLA requests.

The Office has already significantly contributed to the streamlining of the process for executing incoming MLA requests and reducing the delay in providing outgoing MLA.

In view of the above, we consider that recommendation 7(b) is fully implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 8:

8. With regards to statistics, the Working Group recommends that Greece maintain detailed statistics on (i) foreign bribery enforcement actions against natural and legal persons; (ii) sanctions and confiscation imposed in foreign bribery cases; (iii) criminal cases (particularly those involving

corruption) that are barred by the statute of limitations; and (iv) MLA requests, including the offence underlying requests, time required for execution, and nature of assistance sought (Convention Articles 3, 5, 9 and Commentary 27; 2009 Recommendation Annex I.D).

Action taken as of the date of the follow-up report to implement this recommendation:

Statistics remain a challenge for the Greek court system. Every effort has been extended in compiling data, among others, for the OECD WGB Annual Report.

A major project is currently undertaken by the Ministry of Justice with a view to interlinking the records and archives of all courts in the land and thus allowing both for detailed categorisation of each case using the same parameters and generating automatically the natural progression of a case through the court system. The project, under the title: **“Integrated Civil and Penal Justice Case Management System”** (ICPJCMS / ΟΣΔΔΥ-ΠΙΠ), is currently being implemented within the framework of the operational programme “Digital Convergence” of the National Strategic Reference Framework (NSRF – ΕΣΠΑ) 2007-2013. In phase A of its implementation, it shall:

- encompass Areios Pagos as well as all the civil and criminal courts of the Appeal Courts districts of Athens, Piraeus, Thessaloniki and Chalkis, effectively covering the greatest part of the judicial proceedings in Greece,
- digitize the flow of civil and criminal procedure cases in these courts,
- provide for on-line intercommunication between the courts and the Public Prosecutors Offices involved, and
- offer electronic services to the litigants.

The pilot stage, involving only a certain number of courts and PP Offices, is currently under way.

In view of the above, we consider that recommendation 8 is partially implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Recommendations for ensuring effective prevention, detection and reporting of foreign bribery

Text of recommendation 9a:

8. With regards to money laundering, the Working Group recommends that Greece:
- (a) ensure that all stakeholders involved in the fight against money laundering are adequately aware that foreign bribery is a predicate offence for money laundering, and provide awareness-raising and training to FIU officials on detecting bribery-related money laundering cases (Convention Article 7; 2009 Recommendation III.i and Annex I.A)

Action taken as of the date of the follow-up report to implement this recommendation:

Law 4254/2014 has repealed any distinction between domestic and the foreign corruption. FIU officials have received internal training on foreign bribery awareness and have participated in anti corruption related training in the National Centre for Public Administration.

The OECD Anti-Corruption Division organised a week -long workshop in Thessaloniki on 24-28 April 2017 to promote anti-corruption capacity-building and mobilisation across Greek law enforcement authorities as part of Greece’s National Anti-Corruption Action Plan (NACAP). Together with the European Commission, and in cooperation with the General Secretariat Against Corruption of the Hellenic Ministry of Justice, Transparency & Human Rights, 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 concerning the public sector.

Session 7 on “Intelligence gathering and data mining” was specifically addressed to officials of judicial, prosecutorial, law enforcement and controls bodies. It considered practical ways for the Greek law enforcement authorities to enhance and upgrade their work on intelligence analysis and will train them on how to discover patterns of organised criminality.

In Session 3 “Training: Financial Investigations” one of the speakers was an FIU official. The purpose of this session was to provide a better understanding of important specific concepts related to financial investigations (including definition, characteristics and scope of financial investigations, techniques and strategies, interagency & international cooperation, etc.) to authorities responsible for the investigation and prosecution of crimes of corruption.

In view of the above, we consider that recommendation 9(a) is fully implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 9b:

9. With regards to money laundering, the Working Group recommends that Greece:
- (b) take steps to ensure that the FIU is adequately resourced to effectively detect money laundering cases predicated on foreign bribery (Convention Article 7)

Action taken as of the date of the follow-up report to implement this recommendation:

Every effort has been extended to ensure that the FIU is adequately resourced, within the existing budgetary restrictions. The structure of the FIU is governed by the Law 3932/2011 and Law 4389/2016, according to which the Anti-Money Laundering Authority has been restructured into three (3) individual units as follows:

- The Financial Intelligence Unit (FIU): In addition to the President, the FIU comprises seven (7) Board Members of the Authority;

- The Financial Sanctions Unit (FSU): In addition to the President, the FSU comprises two (2) Board Members of the Authority;
 - The Source of Funds Investigation Unit (SFIU): In addition to the President, the SFIU comprises four (4) Board Members of the Authority.
 Eighteen (18) analysts from three departments are involved in case and STR analysis.
 In view of the above, we consider that recommendation 9(b) is fully implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 9c:

9. With regards to money laundering, the Working Group recommends that Greece:
- (c) take steps to ensure that the FIU promptly refers suspicions of foreign bribery to Greek prosecutors for investigation (Convention Article 7; 2009 Recommendation IX.ii)

Action taken as of the date of the follow-up report to implement this recommendation:

It is to be recalled the President of the Hellenic FIU is an acting Public Prosecutor to Areios Pagos, appointed by a decision of the Supreme Judicial Council and serves on a full-time basis. This strengthens and ensures the cooperation and swift collaboration between the FIU and the prosecutors for investigation.
 Moreover, the issue has been specifically addressed during the recent Thessaloniki workshop [see in detail above] in session 5: “Referral of Criminal Corruption Cases to Criminal Law Enforcement”. The session focused on how initial assessments of corruption allegations and complaints are carried out by intelligence gathering bodies and the manner in which such cases are forwarded to the prosecutor for investigation.
 In view of the above, we consider that recommendation 9(c) is fully implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 10a:

10. With regards to accounting and auditing, corporate compliance, internal control and ethics, the Working Group recommends that Greece:
- (a) ensure the same body can prosecute both foreign bribery and the false accounting offence in Law 4254/2014 (Convention Articles 5 and 8; 2009 Recommendation X.A)

and Annex I.D)

Action taken as of the date of the follow-up report to implement this recommendation:

According to articles 27, 128 paragraph 1 and 246 of the Code of Criminal Procedure all related offences are dealt together, priority being given to the most important among them. It is therefore standard practice that the same Prosecutor will prosecute both the foreign bribery and the false accounting offence.

In case of a preliminary investigation, if an investigating body has gathered evidence on both crimes, it will report to the Prosecutor and the prosecution will proceed for both crimes.

In view of the above, we consider that recommendation 10(a) is fully implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 10b:

10. With regards to accounting and auditing, corporate compliance, internal control and ethics, the Working Group recommends that Greece:

(b) raise awareness of the false accounting offence in Law 4254/2014 among law enforcement agencies that may investigate and prosecute this offence (Convention Article 8; 2009 Recommendation III.i and Annex I.A)

Action taken as of the date of the follow-up report to implement this recommendation:

The subject has been extensively and repeatedly covered in the training programmes already undertaken for the judicial and prosecutorial authorities and law enforcement agencies. In particular, the OECD Technical Assistance Programme includes at least three relevant actions:

- Activity 4.5: promote a better understanding of the risk of corruption and bribery;
- Activity 4.6: raise awareness on the risk of corruption and bribery in companies, highlighting the importance and need for both sectorial and company level risk analysis;
- Activity 9.1: enhance public and private sector partnership in combatting corruption.

In view of the above, we consider that recommendation 10(b) is fully implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 10c:

10. With regards to accounting and auditing, corporate compliance, internal control and ethics, the Working Group recommends that Greece:

(c) raise awareness of Greece's foreign bribery laws among Greek accountants and auditors, and encourage accountants and auditors to take an audited company's risk of committing foreign bribery into account when performing audits (Convention Article 8; 2009 Recommendation III.i and Annex I.A)

Action taken as of the date of the follow-up report to implement this recommendation:

The **Hellenic Institute of Internal Auditors (HIIA)** undertakes an extensive training programme each year for its members, which includes reporting requirements and awareness-raising for corruption detecting techniques. The current year's programme is available in its website: www.hiia.gr. It includes seminars dedicated to the identification of fraud and corruption risks as well as issues pertaining to money laundering & financing of terrorism.

In addition, the **Chambers of Commerce** are particularly active in anti-corruption awareness-raising exercises. Such initiatives are of particular importance since CoC members are mostly SMEs. Advice on anti-corruption is also available through the legal services of several CoC, including the Athens CoC (<http://www.acci.gr/acci/shared/index.jsp?context=101>).

In view of the above, we consider that recommendation 10(c) is fully implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 10d:

10. With regards to accounting and auditing, corporate compliance, internal control and ethics, the Working Group recommends that Greece:

(d) take steps to clarify an external auditor's duty to report foreign bribery internally to the audited company's management, and externally to competent authorities, including by clarifying the inter-relationship of Company Law 2190/1920 Articles 22a(3) on an external auditor's duty of confidentiality; Article 40 CPC on the duty to report crimes; the STR provisions of the AML Law; and the provisions on reporting in the ISAs (2009 Recommendation X.B)

Action taken as of the date of the follow-up report to implement this recommendation:

All over the world, internal auditors report within the chain of command of their organization. Their independence is judged against those who have executive capacity within the organization and this is also

acceptable by the International Professional Practices Framework of the Institute of Internal Auditors. Greece is no exception to this rule. For listed companies provisions of Law 3016/2002 require internal auditors to report to the non-executive, independent members of the Board of Directors. In addition, the internal auditor submits a special report to the General Assembly of Shareholders and is mandated to be present during the Annual Assembly and be available for questions. If an irregular event is discovered by the internal auditors and this event is reported to the Board of Directors, the latter is obliged to report it to the law enforcement authorities, if ascertained that it constitutes commission of a crime or an act which assisted in the commission of a crime, in other words committing the offence of aiding and abetting – in compliance with the reporting obligation stipulated in article 40 CPC. Moreover, pursuant to article 3 of Law 3691/2008 the bribery of public officials (domestic and foreign) constitutes a predicate offence, the commission of which, when suspected, creates the obligation for the internal auditors and the accountants of the enterprise (except employees) to report individually to the authorities for money laundering.

Moreover, State Owned Enterprises (DEKO) are mandated to set up internal audit functions and staff them with internal auditors that are members of the Internal Audit Register maintained by the Ministry of Finance. Those internal auditors (currently approximately 25 professionals) have a dual reporting line both to the Audit Committee of the organization that they are working but additionally to the Ministry of Finance (as the sole shareholder in most cases). Every Internal Auditor is moved to another DEKO upon completing 3-4 years of service in a particular organization and s/he never acquires the public servant status. Those practices, mandated by article 4 of Law 3429/2005 are considered adequate in safeguarding the independence of the internal auditor. In a latest development, Law 4270/28.6.2014 establishes internal audit functions all across the Central Government. This structure provides for a high standard of independence but it is too early to judge its effectiveness.

In view of the above, we consider that recommendation 10(d) is fully implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 10e:

10. With regards to accounting and auditing, corporate compliance, internal control and ethics, the Working Group recommends that Greece:

- (e) encourage companies (especially SMEs) to develop and adopt adequate internal controls, ethics and compliance programmes or measures for the purpose of preventing and detecting foreign bribery, taking into account the Good Practice Guidance on Internal Controls, Ethics, and Compliance (2009 Recommendation X.C).

Action taken as of the date of the follow-up report to implement this recommendation:

The General Secretariat Against Corruption has taken significant initiatives in order to encourage companies (especially SMEs) to develop and adopt adequate internal controls, ethics and compliance measures for the purpose of preventing and detecting foreign bribery in implementation of Objectives 45, 46, 32 of National Anti-corruption Action Plan.

I. Within that framework, the GSAC organised on 10 May 2016 a conference on "*Corporate Responsibility in the International Legal Environment - Reflections and Challenges*". At the conference participated as speakers: a) Mr. Drago Kos, Chairman of the OECD Working Group on Bribery, b) the Minister of Economy, Development and Tourism, Mr. George Stathakis, c) the President of Athens Chamber of Commerce and Industry (EBEA), Mr. Konstantinos, Michalos, d) the president of the Hellenic CSR Hellas Network, Mrs. Maria Alexiou, e) the President of Transparency International Hellas Mr. Konstantinos Bakouris.

The event was attended by representatives of the Greek business community, chambers of commerce and industry, shipping and auditing bodies.

II. The current OECD Technical Assistance Project includes specific activities focused on developing and adopting adequate internal controls, ethics and compliance programmes or measures for the purpose of preventing and detecting foreign bribery. Among them:

- Activity 4.5: promote a better understanding of the risk of corruption and bribery;
- Activity 4.6: raise awareness on the risk of corruption and bribery in companies, highlighting the importance and need for both sectorial and company level risk analysis;
- Activity 9.1: enhance public and private sector partnership in combatting corruption.

In this context, in a series on successive meetings in the period between 30 November and 2 December 2016, the General Secretariat against Corruption and the OECD Anti-Corruption Sector met with representatives of the private sector, including business organisations and professional associations. The main objective of these meetings, which took place at the premises of the GSAC, was to raise awareness on the risk of corruption and bribery in private sector. In these preliminary meetings participated almost all collective bodies of the private sector, such as:

1. The Union of Hellenic Chambers of Commerce (KEEE)
2. The Athens Chamber of Commerce and Industry (EBEA)
3. Athens Chamber of Small and Medium Industries (BEA)
4. Thessaloniki Chamber of Commerce and Industry (EBETH)
5. Thessaloniki Chamber of Small and Medium Sized Industries (BETH)
6. Piraeus Chamber of Commerce and Industry (EBEP)
7. Piraeus Chamber of Small and Medium Sized industries (BEP)
8. Hellenic-American Chamber of Commerce
9. Hellenic-British Chamber of Commerce
10. Hellenic-German Chamber of Industry and Commerce
11. Hellenic -Italian Chamber of Athens
12. Hellenic –Turkish Chamber of Commerce
13. Hellenic -French Chamber of Commerce and Industry
14. International Chamber of Commerce (ICC)
15. Hellenic Confederation of Commerce & Entrepreneurship (ESEE)
16. European Business Ethics - Greece (EBEN GR)
17. Business Organizations and Professional Associations
18. Athens Chamber of Tradesmen (EES)
19. Thessaloniki Chamber of Tradesmen (EETH)
20. Piraeus Chamber of Tradesmen (EEP)
21. Hellenic Federation of Enterprises (SEB)
22. Association of Greek Tourism Enterprises (SETE)
23. Hellenic Confederation of Professionals, Craftsmen, & Merchants (GSEVEE)
24. Hellenic Confederation of Commerce & Entrepreneurship (ESEE)
25. PanHellenic Exporters Association (PSE)
26. Hellenic Ship Suppliers & Exporters Association

27. Hellenic Retail Business Association (SELPE)
28. Aluminum Association of Greece
29. Hellenic Association of Pharmaceutical Companies (SFEE)
30. Hellenic Association of Drinks Distributors (ENEAP)
31. Greek Federation of Spirits Producers (SEAOP)
32. Hellenic Chamber of Shipping (NEE)
33. Hellenic Banks Association
34. Greek International Business Association (SEBE)
35. Hellenic Association of chemical industries (SEXB)
36. Hellenic Association of Insurance Companies (EAEE)
37. Corporate Social Responsibility Hellas – CSR Hellas
38. Hellenic Corporate Governance Council (ESED)
39. Hellenic Institute of Internal Auditors (HIIA)
40. Hellenic Association of Certified Fraud Examiners (HACFE)
41. Greek General Confederation of Labour (GSEE)
42. Hellenic Federation of bank employee unions (OTOE)
43. Hellenic Federation of private sector employees (OIYE)
44. PanHellenic Seamen’s Federation (PNO)
45. Hellenic Federation on Insurance Employee Unions (OASE)
46. PanHellenic Energy Federation (POE)
47. Hellenic Federation of Metalworkers (POEM)
48. Transparency International Greece
49. Citizens’ Movement for an Open Society
50. Hellenic Anti-Corruption Organization
51. Ministry of Labour, Social Security & Social Solidarity
52. General secretariat for Industry, ministry of economy and development
53. Enterprise Greece
54. Hellenic Capital Market Commission
55. Ministry of Finance

A large number of companies’ representatives were also present. After the meetings, two anonymous on-line questionnaires were distributed: the first was addressed to business organizations and professional associations and the second addressed to Greek companies, with a view to:

- i) identifying which corruption risks do the Greek companies face in doing business;
- ii) identifying which specific efforts are undertaken by the business organizations and trade unions to encourage or assist Greek companies to adopt and develop: corruption risk assessment measures, anti-corruption compliance programmes and internal reporting mechanisms and schemes for the protection of whistleblowers;
- iii) determining the perception business associations and trade unions have of the efforts undertaken by Greek companies to prevent and detect corruption and by the Greek Government and civil society to encourage or assist Greek companies to prevent and detect corruption;
- iv) identifying good practices and issues in corruption risk assessment, anti-corruption compliance and whistleblower protection in the Greek private sector;
- v) determining the perception Greek companies have of the efforts undertaken by the Greek Government, the business associations and professional associations and the civil society at large to encourage and assist Greek companies to adopt and develop corruption risk assessment measures, anti-corruption compliance programmes, internal reporting mechanisms and schemes for the protection of whistleblowers.

There followed on 13-17 February 2017 in Athens and Thessaloniki a series of follow-up consultation

meetings with all the relevant stakeholders. The scope of these meetings was to delve deeper into the technical issues identified in the questionnaires with a view to drafting anti-corruption compliance measures, best practices and guidelines. In these meetings participated numerous business organizations, professional associations and many companies active in Greece especially banks, insurance companies, telecommunications companies, companies of infrastructure, engineer companies, shipping companies, companies from the market of food and spirits, industries, pharmaceuticals companies and many SMEs.

On the basis of these consultations, on 27 February 2017 the OECD team submitted to the GSAC a draft *“Best-Practices Paper and Guidelines: Promoting Compliance, Effective Internal Controls and Ethics in Greek Companies to Tackle Corruption”*. This first document will be complemented by two additional outputs, namely Guidance to Greek companies on analysing corruption risks (June 2017), and Guidance on facilitating and protecting whistleblowers (October 2017).

III. On 27-31 March 2017 a workshop on *“Promoting Compliance, Effective Internal Controls and Ethics in Greek Companies to Tackle Corruption”* took place in Athens and Thessaloniki. The workshop brought together international experts from the OECD and its member countries, as well as the Greek Government and experienced private sector professionals with extensive experience in matters of compliance and anti-corruption prevention.

Each day of the workshop was adapted to the needs of different private sector stakeholders, such as: companies of all sizes that want to start a compliance program; companies that would like to refine their existing anti-corruption compliance programmes, and business organisations and professional associations wishing to offer guidance to companies and exploring models for future public-private co-operation. The discussion was focused on *“Creating a compliance culture in Greece, The fundamental steps to fight corruption in Small- and Medium-sized Enterprises, Drawing the line between courtesy and bribery, Putting your programme into action: Training and sanctions, Expanding your business opportunities with a strong anti-corruption compliance programme, Why your compliance program can shape the Greek business environment, Political Corruption and Business, Corruption risks in the supply chain and with third parties: oversight and due diligence, Preventing corruption for internationally active companies, Standards, Certification and Accreditation Instruments for Corporate Integrity, Play collective to be stronger, Successful international sectoral collective action projects, Role of Business Organisations in helping companies to combat corruption, Dialogue with government stakeholders: What can the government do to support private sector anti-corruption initiatives?”*

The workshop was attended by many companies active in Greece and especially banks, insurance companies, telecommunications companies, companies of infrastructure, engineer companies, shipping companies, companies from the market of food and spirits and many SMEs.

In view of the above, we consider that recommendation 10(e) is fully implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 11a:

11. With regards to tax-related measures, the Working Group recommends that Greece:

- (a) translate and distribute the latest OECD Bribery Awareness Handbook to all tax

examiners (2009 Recommendation VIII.i)

Action taken as of the date of the follow-up report to implement this recommendation:

The Hellenic Institute of Internal Auditors has translated into Greek the OECD Bribery and Corruption Awareness Handbook for tax examiners and tax auditors (2013). The text is downloadable from the website of the General Secretariat for Public Revenue (GGDE): (<http://www.publicrevenue.gr/kpi/public/blog/attach/files/rss/oecd.pdf>). It has also been circulated to all the GGDE and Ministry of Finance offices, the Prosecutor's Office for Economic Crime, the Hellenic FIU, the Financial Police Division and other competent authorities.

In view of the above, we consider that recommendation 11(a) is fully implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 11b:

11. With regards to tax-related measures, the Working Group recommends that Greece:

(b) ensure that Greek tax authorities include bribery in their risk assessments and audits, including by incorporating the Handbook into the tax authorities' tax audit manual (2009 Recommendation VIII.i)

Action taken as of the date of the follow-up report to implement this recommendation:

The General Secretariat for Public Revenue has produced a comprehensive risk assessment guide, which incorporates both the Handbook and best practices from other jurisdictions. The Handbook is also available through the intranet of the GGDE Audits Directorate, the GGDE at large, the Ministry of Finance.

In view of the above, we consider that recommendation 11(b) is fully implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 11c:

11. With regards to tax-related measures, the Working Group recommends that Greece:

(c) ensure that measures to detect bribes are incorporated into any future tax amnesties (2009 Recommendation VIII.i).

Action taken as of the date of the follow-up report to implement this recommendation:

There is no tax amnesty at present.

In view of the above, we consider that recommendation 11(c) is moot.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 12a:

12. With regards to raising awareness of the foreign bribery offence, the Working Group recommends that Greece:

- (a) ensure that its awareness-raising efforts specifically address foreign bribery and not merely “corruption” in general terms (2009 Recommendation III.i and Annex I.A)

Action taken as of the date of the follow-up report to implement this recommendation:

The OECD Technical Assistance Project includes a wide range of awareness-raising efforts addressed to both law enforcement officials and the private sector, as already indicated previously in detail. All such actions concentrate on bribery, including foreign bribery and not just corruption. Activity 9.2 is particularly relevant in that context as it includes:

- Activity 9.2.1: Development and dissemination of awareness-raising materials, brochures and leaflets; and
- Activity 9.2.2: Raise awareness and mobilisation in the fight against bribery in the civil society, NGOs, academia and media. To that effect a discussion forum is scheduled for 27-28 September 2017.

In view of the above, we consider that recommendation 12(a) is fully implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 12b:

12. With regards to raising awareness of the foreign bribery offence, the Working Group recommends that Greece:

(b) enhance its efforts to further strengthen and institutionalise the awareness of foreign bribery as a criminal offence among all authorities responsible for detection, investigation and prosecution of foreign bribery, and for executing MLA requests (2009 Recommendation III.i and Annex I.A)

Action taken as of the date of the follow-up report to implement this recommendation:

The OECD Technical Assistance Project includes a wide range of awareness-raising efforts addressed to law enforcement officials, as already indicated previously in detail.

In view of the above, we consider that recommendation 12(b) is fully implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 12c:

12. With regards to raising awareness of the foreign bribery offence, the Working Group recommends that Greece:

(c) proactively raise awareness in sectors at risk of committing foreign bribery, including the shipping, export and SME sectors, and ensure all government bodies that are in direct contact with Greek companies which operate internationally engage in awareness-raising activities, including the Hellenic Capital Markets Commission, overseas diplomatic missions, Enterprise Greece, and the Directorate for Small and Medium-Sized Enterprises (2009 Recommendation III.i and Annex I.A).

Action taken as of the date of the follow-up report to implement this recommendation:

The OECD Technical Assistance Project includes a wide range of awareness-raising efforts addressed to the private sector, as already indicated previously in detail. Among the participants were the Hellenic Capital Markets Commission, Enterprise Greece and the Directorate for Small and Medium-Sized Enterprises. They have all participated actively in the discussions and contributed significantly to the final output of each action.

In view of the above, we consider that recommendation 12(c) is fully implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 13a:

13. With regards to detection and reporting, the Working Group recommends that Greece:
- (a) develop and implement a strategy to detect cases of foreign bribery involving Greek individuals and companies (2009 Recommendation III.i)

Action taken as of the date of the follow-up report to implement this recommendation:

The National Action-Plan against Corruption, detailed under Recommendation 1, and the series of actions undertaken since and set out in this document indicate that a national strategy is actually in place. In view of the above, we consider that recommendation 13(a) is fully implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 13b:

13. With regards to detection and reporting, the Working Group recommends that Greece:
- (b) monitor the Greek and foreign media for allegations of foreign bribery committed by Greek individuals or companies (2009 Recommendation III.i)

Action taken as of the date of the follow-up report to implement this recommendation:

The PP Offices systematically monitor the media and the newspapers, including web sites sources in order to be informed for possible criminal offences. In view of the above, we consider that recommendation 13(b) is fully implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 13c:

13. With regards to detection and reporting, the Working Group recommends that Greece:
- (c) analyse why Greek embassies have failed to report foreign bribery allegations that had been circulated in the foreign media and take appropriate remedial action (2009 Recommendation III.i, IX.ii and Annex I.A)

In the aftermath of the Phase 3bis evaluation, the General Secretariat drafted and sent through the Ministry of Foreign Affairs a communication to all embassies and diplomatic missions of the Hellenic Republic, inviting them to report all bribery allegations with a possible connection to Greece and Greek natural or legal persons, including companies, that may come to their knowledge. Attached to this communication was also a promotional leaflet, explaining the rights and obligations of Greek companies abroad when confronted with bribery demands. A similar communication plus leaflet was addressed to the General Secretariat of Information and Communication as well as the National Tourism Organization missions abroad, inviting all press offices to collect and forward any bribery allegations with a possible connection to Greece and Greek nationals, including companies, that may appear in the media. It has been decided that reminders will be sent at regular intervals – the first one was sent in March 2016 and the second is currently under way.

As a result of such communications, there is a small stream of information reaching the GSAC. All allegations have been forwarded to the PPACC. Among them, there were regular updates pertaining to cases #3, 6 and 7.

In addition, the GSAC prepared and circulated to all professional and industrial chambers of commerce, the Hellenic Federation of Enterprises, the shipping unions and the Hellenic Bank Association for further distribution among their members a leaflet with basic information on bribery in international business transactions. The leaflet includes instructions to communicate any relevant information to the Greek authorities around the world and the GSAC.

All these actions fall well within the ambit of Objectives 21.3, 28, 33 and 42 of the National Anti-Corruption Plan. Directorate D8 of the Ministry of Foreign Affairs has also participated actively in the meetings organised in the course of the OECD Technical Assistance Project in February 2017, detailed above, where it was again confirmed that it is standard practice for the MFA to inform and to support all the Greek companies and enterprises about corruption and bribery risks when active abroad.

In view of the above, we consider that recommendation 13(c) is fully implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 13d:

13. With regards to detection and reporting, the Working Group recommends that Greece:

(d) enforce the obligation of Greek officials to report crime (2009 Recommendation IX.ii).

Action taken as of the date of the follow-up report to implement this recommendation:

It is to be recalled that Article 37 paragraph 2 CPC provides for an explicit obligation of all Greek public officials to report crimes, of which they become aware during the exercise of their duties. Moreover, article 40 CPC provides that all persons who become aware of a crime are obligated to report the matter to the public prosecutor or any law enforcement authority.

There has never been any doubt in theory or in practice that every civil servant has to report any criminal act he encounters during his service, regardless of any obligation for confidentiality or secrecy.

At any rate, further work on this subject has also been carried out in the context of Objective 37 of the National Action Plan against Corruption. To that effect, the National Centre for Public Administration – EKDAA trained until December 2015 more than 5.944 public servants and even more since on subjects related to anti-corruption, transparency and accountability. It is to be recalled that such training is compulsory for all new civil servants. Similar training is already carried out in the Ministry of Finance for auditors. The GSAC in close co-operation with the Structural Reform Support Service (SRSS) in Greece has devised a long-term training programme carried out by EKDAA and Haus, a Finnish entity.

In view of the above, we consider that recommendation 13(d) is fully implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 13e:

13. With regards to detection and reporting, the Working Group recommends that Greece:

(e) amend its legislation and put in place appropriate measures to protect from discriminatory or disciplinary action private sector employees who report in good faith and on reasonable grounds to the competent authorities suspected acts of foreign bribery (2009 Recommendation IX.iii)

Action taken as of the date of the follow-up report to implement this recommendation:

The General Secretariat against Corruption has taken significant initiatives in order to improve whistleblowers protection in the private sector; indeed, it constitutes Action 28 of the National Anti-Corruption Plan.

Specific work on the subject is currently carried out in the context of the OECD Technical Assistance Project with the following objectives:

a) to conduct a review of the legal framework, including gap analysis, in the private sector;

- b) to revise the legal framework applicable to WB protection in the private sector;
- c) to provide a draft bill, taking into account international standards on WB as well as referring to successful models adopted in other OECD States with a view to put in place appropriate measures to protect from discriminatory or disciplinary action private sector employees who report in good faith and on reasonable grounds to the competent authorities suspected acts of corruption and bribery;
- d) to promote effective whistleblower protection in the private sector;
- e) to develop Guidelines to ensure effective implementation of whistleblower protection in the private sector;
- f) to promote the implementation of more effective whistleblower protection in the private sector;
- g) to identify and share experiences on the difficulties of implementing legal frameworks of WB protection and discuss the potential obstacles that need to be overcome;
- h) to discuss how best to promote a culture in which people feel safe to make disclosures and develop adequate reporting mechanisms;
- i) to identify strategies and best practices as well as existing mechanisms that provide advice to whistleblowers;
- j) to identify tools and measures aiming at strengthening links and enhanced understanding between the Government and civil society perspectives.

A workshop on the challenges of implementing WB protection will take place on 23-27 October 2017 with the participation of relevant international experts. Emphasis will be placed on training representatives from Greek companies, including those active in international business transactions.

The Ministry of Justice, Transparency and Human Rights has formed a law drafting committee to prepare a new legal framework for whistleblowers protection in both the public and private sectors.

In view of the above, we consider that recommendation 13(e) is partially implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 14a:

14. With regards to public advantages, the Working Group recommends that Greece:

- (a) (i) consider allowing natural and legal persons that have engaged in foreign bribery may be debarred from obtaining public procurement contracts where appropriate;
- (ii) require a legal person seeking a public procurement contract to provide documentation demonstrating that it has not been found guilty of foreign bribery; and
- (iii) train all authorities involved in procurement to ensure that debarments are imposed in practice whenever appropriate (Convention Article 3(4); 2009 Recommendation XI.i)

Action taken as of the date of the follow-up report to implement this recommendation:

Law 4412/2016, the new public procurement legislation, explicitly provides for debarments against natural or legal persons that have engaged in bribery.

(i) According to Article 73, paragraph 1.a of Law 4412/2016 on Public Procurement of Goods, Services and Public Works, bribery is a reason for exclusion from contract awards. The contracting authorities shall exclude an economic operator from participating in a contract award procedure where it is proved, by the verification of documentation and evidence provided according to Articles 79 to 81 or when it is known to the contracting authority by other means, that there is a final, conviction for bribery as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the Union (OJ C 195, 25.6.1997, p. 1) and Article 2 (1) of Council Framework Decision 2003/568 / JHA of 22 July 2003 on combating corruption in the private sector (OJ L 192, 31.7.2003, p. 54) and as laid down in the applicable legislation or in the national law where the economic operator is based.

Legal persons involved in corruption cases are disqualified from any public contract competition, as an administrative sanction. Article 74 of Law 4412/2016 also creates a registry of disqualified legal persons, as part of the National Database of Public Procurement.

The original mandate of the SPPA was to contribute in the creation, supervision and implementation of a single regulatory framework for public procurement and public contracts in general in the Greek public sector. The general idea was to streamline all relevant procedures, which were scattered in different laws and regulations so as to avoid multiplication of tasks and administrative overburden. Indeed, a new regulatory framework was put in place, being the result of an extensive collaboration with the Task Force for Greece, comments by the European Commission and an extensive consultation with public and private actors in implementation of the OECD Report on 'Measurement and Reduction of Administrative Burdens in 13 sectors in Greece: Public Procurement' (28 February 2014). Additionally, this new framework, which includes Laws 4412/2016 and 4413/2016, incorporates into the domestic legal order the Directives 2014/23/EU, 2014/24/EU and 2014/25/EU on public contracts on procurement and in the areas of water, energy, transport and postal services. The SPPA is closely cooperating with the Ministry of Development on the public contract part of the Programming Period for Cohesion Policy 2014-2020. The SPPA has framed a national strategy for public contracts in Greece within the EU context and beyond. This strategy was approved by the Greek Authorities in January 2017. The e-procurement system has been created by Laws 4155/2013 and 4281/2014; technical specifications and operational procedures are set out in Ministerial Decision Π1/2390/16-10-2013. The system is further regulated by Law 4412/2016, especially in articles 36-38. All announcements, tender documents, submissions, documentation, evaluation and granting of any contract with a budget of more than €60.000- (excl. VAT) are currently carried out through the electronic registry. Eventually all public contracts would have to be concluded through the portal.

(ii) Article 79, paragraph 1.a of Law 4412/2016 provides that, at the phase of proposal submission, the European Single Procurement Document (ESPD) with the force of a declaration or where ESPD is not applicable, a declaration by itself, it is regarded as a preliminary documentation regarding all reasons of exclusion.

Furthermore by the par.5 of the same Article, contracting authorities are allowed to ask for further clarification and documentation at all phases of the procedure and they are obliged to ask for the full proof of evidence from the economic operator to be finally awarded.

(iii) The National Centre for Public Administration and Local Government (EKDDA) conducts, on a regular basis, seminars to train all involved authorities and staff on public procurement. A new 4-day seminar was devised after the adoption of the new legal framework in August 2016. It includes a separate

session on issues related to corruption and fraud and all the respective provisions and requirements. Bribery, explicitly mentioned as a reason of exclusion from contract awards, was included as a part of this training session. The seminar is addressed to all public sector personnel involved in public procurement from all relevant services.

Additionally, training targeted to auditors, inspectors, law and enforcement bodies, prosecutors and judges on public procurement and topics related to corruption and fraud in this field such as bribery and foreign bribery, conflict of interest and so on, was part of the educational content at the training carried out under the educational program implemented by the GSAC, the EKDDA and Haus.

In view of the above, we consider that recommendation 14(a) is fully implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 14b:

14. With regards to public advantages, the Working Group recommends that Greece:

(b) ensure that future funding to NGOs or companies for ODA projects are accompanied by adequate measures to prevent, detect and report foreign bribery, and that NGOs and companies that have engaged in foreign bribery are denied ODA funding where appropriate (Convention Article 3(4); 2009 Recommendation XI.i and XI.ii)

Action taken as of the date of the follow-up report to implement this recommendation:

The existing legal framework, as set out in article 12 paragraphs 2 and 3 of Law 27131/1999, already requires the inclusion of anti-corruption clauses to all ODA contracts and provides that ODA funding will be denied to those engaged in foreign bribery. These provisions include also an explicit obligation to inform the Economic Police, the Directorate General of Economic Inspection of the Ministry of Finance, the Court of Auditors and the General Government Budget Directorate of the State Treasury, in order to further pursue investigations on the matter. As a result of this provision there is currently on-going an extensive review of all ODA contracts, which has led to a number of criminal cases being instituted and significant funds being returned.

Moreover, it is to be recalled that all contracts concluded between the Ministry of Foreign Affairs – Hellenic Aid and NGOs constitute public administrative contracts within the meaning of Article 2 of Law 4416/2016 and consequently also fall within the exclusion provisions indicated above.

In view of the above, we consider that recommendation 14(b) is fully implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 14c:

14. With regards to public advantages, the Working Group recommends that Greece:

(c) take steps to implement all aspects of the 2006 Export Credits Recommendation, including by (i) adopting measures to prevent and detect foreign bribery, such as enhanced due diligence and scrutiny of payments to agents; (ii) raising awareness of these measures among its staff and the private sector, including by training its new and existing staff; and (iii) developing a written policy for ECIO staff to report foreign bribery to law enforcement authorities (Convention Article 3(4); 2009 Recommendation XI.i and XII; 2006 Export Credits Recommendation).

Action taken as of the date of the follow-up report to implement this recommendation:

All ECIO policies are currently under extensive review, which is expected to be concluded by the end of the year.

In view of the above, we consider that recommendation 14(c) is fully implemented.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

PART II: FOLLOW-UP BY THE WORKING GROUP

Text of issue for follow-up:

15. The Working Group will follow up the issues below as case law and practice develops:

(a) the role of the Ministry of Anti-Corruption in the implementation of the Convention (Convention Article 5; 2009 Recommendations II and III)

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

The fight against corruption is one of the main priorities of the Greek Government. With this aim in mind and based on European and international best practices, a new law was adopted in March 2015 (Law 4320/2015, Gov. Gaz. A 29/19-03-2015), which, inter alia, established a Minister of State against corruption, as successor to the National Anti-Corruption Coordinator. In particular, the General Secretariat against Corruption was established, according to article 6 of the Law, to offer administrative support to the Minister of State.

In September 2015, by virtue of Presidential Decree 71/2015, the GSAC responsibilities and structures came under the Ministry of Justice; more specifically, the supervision of GSAC was assigned to the

Alternate Ministry of Justice (Prime Minister's decision Y 30, GG E 2183/10.12.2015).

The decision to transfer the GSAC from the supervision of the Minister of State to the Alternate Minister of Justice demonstrates the choice of the Greek Government to have a stronger and more reliable GSAC, as:

A) a fully independent authority, as European and international legislation and best practices provide. In particular, the Alternate Minister of Justice enjoys full independence, in the sense that as the Minister of State, he also reports directly to the Prime Minister and is answerable only to the Prime Minister and the Parliament (Article 81 par. 1 of the Greek Constitution and Article 41, par. 3 of Presidential Decree 63/2005). It must be noted that the full independence in the exercise of its duties can be further safeguarded by a proposed amendment to Law 4320/2015, which has been drafted and submitted to the Institutions. With the proposed amendment, GSAC is also defined as the point of reception of complaints related to the fight against fraud in the Structural Funds; in addition, a Prosecutor will supervise the complaint management procedure, thus ensuring the required orderly function and integrity of the procedure.

B) a more operational Service, as the tasks and powers of GSAC exceed the ones of the former National Anti-Corruption Coordinator, in the sense that the Ministry of State initially and subsequently the Alternate Minister of Justice have direct powers to resolve conflicts and overlapping claims and enhance the coordination of the control bodies and the investigative authorities.

C) a more efficient administrative service, given that GSAC could avail itself of a fully functioning administrative infrastructure such as that of the Ministry of Justice, Transparency and Home Affairs. As a result, anti-corruption legislative measures that in most cases are linked directly to this Ministry can be undertaken more easily, while the overall national anticorruption strategic plan can be implemented in a way that is both effective and immediate. Regarding GSAC's competences in general, it must be noted that GSAC:

a. takes the necessary steps and actions to ensure the coherence and effectiveness of the national strategy, with particular emphasis on coordination of audit bodies and the efficiency of their operations and provide relevant instructions and recommendations.

b. is defined as the authority responsible for coordinating the fight against fraud (AFCOS) in accordance with paragraph 4 of Article 3 of Regulation (EE, Euratom) No. 883/2013 of the European Parliament and the Council of September 11, 2013 (EU L248).

c. collaborates with international organizations and institutions and European Union agencies or other countries for developing, withdrawal, use, implementation programs – strategic projects, share best practices and obtain technical assistance to combat corruption and fraud.

d. removes conflicts and resolves issues related to the overlapping of responsibilities arising between departments or agencies involved in fighting corruption, suggesting relevant solutions for their effective resolution.

In addition, a high level committee was established by a Prime Minister's decision (GG B 1564/24-7-2015). This high level committee is chaired by the Alternate Minister of Justice and its members are: a. Alternate Minister of Finance; b. Alternate Minister to the Prime Minister; c. Alternate Minister of Interior; d. Alternate Minister of Justice; e. Secretary General of the Prime Minister's General Secretariat; f. Secretary General against corruption; g. Special Advisor to the Minister of State for Information and Press. The purpose of this high-level committee is to elaborate and monitor the implementation of the anti-corruption action plan.

According to Article 9 of Law 4320/2015, as amended, GSAC is a Secretariat of thirty (30) members, half of whom are public officials seconded by other public services while the remaining staff come from the private. It is important to bear in mind that the motivation of the Greek legislator behind the staffing of

GSAC with human resources derived from both public and private sector, despite the created financial burden, was the need to reinforce GSAC with staff with specific qualifications in various sectors (scientific staff in an advisory role and support staff), in order to carry out their extensive tasks. The organizational chart of GSAC is yet to be re-drawn and completed pending amendments, in order to define in detail the competences of GSAC mainly as far as antifraud functions, complaints management, participation in European programmes (specifications, co-funding, application to take part, etc.) are concerned. The GSAC has its own premises, which, for the time being, satisfy the needs, current size and the functions of the Service.

GSAC is divided into particular offices: a) Office of the Secretary General; b) Office of the State Legal Council (NSK); c) Office of Administrative-Economic Support; d) Office for action coordination and operational planning of the Financial and Economic Crime Unit (SDOE); e) Office for action coordination and operational planning of the Economic Police Directorate; f) Office for action coordination and operational planning of the internal audit units of the Ministries; g) Office for action coordination and operational planning of the Body of Inspectors of Health Services and Welfare (SEYYP); h) Complaints office, regarding: i. cases of corruption in the public and the private sector, and ii. cases of irregularities, suspected fraud and fraud in the structural funds, as the competent authority according to art. 7 par. 1 element b. of the present law (AFCOS); j) National Strategic Plan against corruption office; k) European co-financed programs office. The office suggests, processes and designs actions regarding co-financed, interstate and other programs in which the General Secretariat and/or the supervised bodies participate. The office also collaborates with the European bodies, which are competent in the battle against fraud.

Text of issue for follow-up:

15. The Working Group will follow up the issues below as case law and practice develops:

- (b) issues concerning the liability against a legal person for foreign bribery, namely (i) where the legal person obtains an indirect benefit; (ii) the principal offender committed foreign bribery in the interest of him/herself or a third party but the legal person benefits coincidentally; (iii) a legal person's subsidiary commits foreign bribery; (iv) an individual in a senior position in the legal person "directs" or "authorises" a lower level individual to commit foreign bribery; (v) whether the effective seat theory provides a sufficiently broad jurisdictional base for imposing liability against legal persons for foreign bribery; and (vi) availability of confiscation against legal persons; (vii) whether sanctions imposed against legal persons for foreign bribery are influenced by Article 5 factors (Convention Articles 2-5; 2009 Recommendation Annex I.B)

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

No significant developments to date.

Text of issue for follow-up:

15. The Working Group will follow up the issues below as case law and practice develops:

(c) whether features in Greece's system for investigating and sanctioning legal persons for foreign bribery may be influenced by considerations of national economic interest, the potential effect upon relations with another State, or the identity of natural or legal persons involved (Convention Article 5; 2009 Recommendation Annex I.D)

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

There were never any article 5 concerns in the Greek foreign bribery cases and that remains equally clear to date.

Text of issue for follow-up:

15. The Working Group will follow up the issues below as case law and practice develops:

(d) whether sanctions imposed against natural persons for foreign bribery are effective, proportionate and dissuasive, in light of the system of converting and suspending sentences of imprisonment (Convention Article 3(1))

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

No significant developments to date.

Text of issue for follow-up:

15. The Working Group will follow up the issues below as case law and practice develops:

(e) Greece's capacity to investigate complex financial crimes, including large domestic corruption cases (Convention Article 5 and Commentary 27; 2009 Recommendation Annex I.D)

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

Coordination in combating domestic corruption is further enhanced by the Coordinating Inspection and

Audit Body (SOEE), which was established by Article 8(a) of Law 2477/1997 as replaced by paragraph 4 of article 14 of Law 2946/2001. It aims to monitor and coordinate all the Inspection, audit and law enforcement Bodies, including SDOE and Financial Police. According to article 8 of Law 3074/2002, SOEE is chaired by the General Inspector of Public Administration. Members are: the Special Secretary of SEDDD, the General Inspectors or Chief Inspectors of the other Bodies of Inspection and Control of, including the Director of the Internal Affairs Department of Hellenic Police, the Head of the Department of Internal Affairs of the Ministry of Mercantile Marine and their deputies.

One of the main competences of SOEE is to carry out joint inspections, audits and surveys by mixed inspection teams of the Inspection Bodies that participate in it. The members of the teams are proposed by the heads of the Bodies or the services, and the relevant control order is signed by the President of SOEE. The particular coordinating body was activated again in 2016. One of the most significant cases, where SOEE plays an important role is the case of *Novartis*. In more detail, a joint inspection team, coordinated by SOEE investigates the Swiss pharmaceutical Novartis over allegations of bribery and price inflation.

Text of issue for follow-up:

15. The Working Group will follow up the issues below as case law and practice develops:

(f) whether Greek tax authorities can spontaneously provide information covered by tax secrecy that relates to a foreign bribery offence (2009 Recommendation IX.ii)

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

Yes, Greece does. Greece signed the multilateral Convention on Mutual Administrative Assistance in Tax Matters developed by the OECD and the Council of Europe, in force since 1 September 2013. The updated multilateral Convention, which incorporates internationally agreed standards for exchange of information in tax matters, is the most comprehensive multilateral instrument available for tax co-operation. When two or more arrangements for the exchange of information for tax purposes exist between Greece and a treaty partner, the parties may choose the most appropriate manner to exchange the information. It is noted that the multilateral Convention, explicitly provides for spontaneous and automatic exchange of information as well as exchange of information on request.

In addition, there is a variety of instruments – bilateral and multilateral agreements as well as EU Directives and Regulations – through which Greece can assist other tax authorities and seek assistance from them in relation to both direct and indirect tax liabilities. These include:

- double taxation agreements (DTAs), of which Greece has a wide network of 56 agreements the full list and text of which may be found in the website of the General Secretariat of Public Finance: http://www.gsis.gr/gsis/info/gsis_site/ddos/b.html;
- tax information exchange agreements (TIEAs);
- Directive 2011/16/EU of 15 February 2011 on administrative co-operation in the field of taxation, replacing Council Directive 77/799/EEC concerning mutual assistance by the competent authorities of the

Member States of the EU in the field of direct taxation and taxation of insurance premiums;

- Directive 2003/48/EC;
- Regulation (EC) 904/2010 concerning administrative co-operation by the EU Member States in the field of value added tax;
- Regulation (EC) 2073/2004 concerning administrative co-operation by the EU Member States in the field of excise duties;
- Directive 2010/24/EU on mutual assistance by the EU Member States for the recovery of claims relating to certain levies, duties, taxes and other measures.

It is Greek policy to include the latest version of Article 26 of the OECD Model Tax Convention in its new DTCs and Greece would normally seek to include it in any protocol to existing DTCs that are being renegotiated for other reasons. Greece is negotiating with a number of countries the inclusion of the latest version of Article 26 in their agreements (negotiations have started with Austria, France, Germany, Luxembourg, Ukraine and Uzbekistan). It is also Greek policy to interpret DTCs and to allow exchange of all types of information following the international standards and the wording of the 2012 updated Article 26 of the Model Tax Convention.

Please, note that Greece has been evaluated as far as exchange of information is concerned by the Global Forum OECD and the rating was largely compliant.

Moreover, Greece is a part of the Early Adopters Group, which consists of countries that have committed to the early adoption of the standard developed by the OECD for automatic exchange of tax information through a specific timetable.

Greece is also a member to the following networks:

- a) The Camden Assets Recovery Inter-Agency Network (CARIN), an informal network of contacts and a cooperative group in all aspects of tackling the proceeds of crime. The aim of CARIN is to increase the effectiveness of members' efforts, on a multiagency basis, in depriving criminals of their illicit profits.
- b) The ARO national Asset Recovery Offices (AROs) in EU countries. The purpose of AROs is to facilitate the tracing and identification of proceeds of crime, which may become the subject of a freezing, seizure or confiscation order, as part of a criminal or civil investigation. The Greek ARO is established in SDOE. An ARO may, without request, spontaneously exchange information, which they consider necessary for the execution of tasks of the ARO of another EU country.
- c) The EUROFISC – a multilateral warning system of EU Member States for combating VAT fraud.

Text of issue for follow-up:

15. The Working Group will follow up the issues below as case law and practice develops:

- (f) whether Greece routinely re-examines the tax returns of individuals and companies that have engaged in bribery to verify whether bribes had been deducted (2009 Recommendation VIII.i)

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant

statistics as appropriate:

The Greek tax authorities consider standard practice the re-examination of the tax returns of individuals and companies that have engaged in bribery and they have always done so in all relevant cases.

Text of issue for follow-up:

15. The Working Group will follow up the issues below as case law and practice develops:

(g) whether Article 26 of the Civil Service Code hinders the reporting of crimes, including foreign bribery, by Greek public officials (2009 Recommendation IX.ii).

There has never been any doubt in theory or in practice that every civil servant has to report any criminal act he encounters during his service, regardless of any obligation for confidentiality or secrecy. See also the discussion under Recommendation 13(d) above.