

THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY

GREECE

ARTICLE 8, PARAGRAPH 5 UNCAC

ASSET AND INTEREST DISCLOSURE SYSTEMS

Article 8, paragraph 5

5. Each State Party shall endeavour, where appropriate and in accordance with the fundamental principles of its domestic law, to establish measures and systems requiring public officials to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their functions as public officials.

Part 1. Declarations of public servants with regard to outside activities, employment, investments

Chapter B of the Civil Servants' Code of Greece includes restrictions and incompatible works for civil servants:

- Civil servants may perform private work or employment for pay, upon permission, provided it is consistent with the duties associated with their posts and does not obstruct the smooth performance of their duties, Said permission is granted for a specific work or hiring, upon the consenting reasoned opinion of the service board, and is revocable in the same manner. Civil servants of the public sector are granted permission by the competent minister and civil servants working for legal persons of public law are granted permission by the supreme one-member administration body, or in the absence of such a body, by the chairman of the collective administration body (Article 31 of the Civil Servants' Code)
- Civil servants may not exercise commercial business professionally (Article 31 of the Civil Servants' Code)
- Civil servants are required to declare to their service any participation in legal persons of private law of any form whatsoever, with the exception of associations and charitable foundations (Article 32 of the Civil Servants' Code)
- Civil servants are prohibited from participating in any personal commercial company, limited liability company or joint venture and from setting up as managing director or special managing director in a corporation or administrator in any commercial company. Upon permission, civil servants may participate in the administration of a corporation or farming co-operative, subject to the reservation of the preceding section, Said permission is granted with the pre-requisites and procedure of Article 31 paragraphs 1 and 2 (Article 32 of the Civil Servants' Code)..
- Civil servants, their spouses and minor children are not allowed to acquire stock in corporations subject to their service's special official control. Any civil servants or their spouses or minor children holding stock in corporations which fall under the ban of the previous section at the time of the appointment thereof, or acquiring such stock during the period of their service as a result of inheritance, are required to submit a statement to that effect to their service and, within one year, either transfer said stock or request their own transfer to another authority in the same civil

service or reassignment to another civil service or legal person of public law. The transfer or reassignment is compulsory for his service. During the period lapsing until the transfer or the shares or the conclusion of the civil servants' reassignment, the latter come under the conflicting interests impediment of Article 36 of the Code (Article 32 of the Civil Servants' Code) ..

- Civil servants may participate under their official capacity in co-operatives, the administration of corporations or limited liability companies controlled by the State, legal persons of public law, local authorities and public enterprises, when special provisions provide for that participation (Article 32 of the Civil Servants' Code).
- Civil servants are not permitted to perform work incompatible, under the provisions in effect, with the office of an MP, subject to the provisions of Article 32 (5) of the Code (Article 33 of the Civil Servants' Code),
- The capacity of a civil servant is incompatible with the capacity of a lawyer, unless provided otherwise by special provisions (Article 42 of the Civil Servants' Code).
- Independently of the contractual relation, a civil servant may not be appointed to a second post: a) in civil service, b) in legal persons of public law, c) in local authorities including the associations thereof, d) in public enterprises and organizations, e) in legal persons under private law; belonging to the State or receiving regular subsidies, according to the provisions in effect, by state funds, up to no less than 50% of their annual budget, or controlled by the State, which holds no less than 51% of their share capital, and 0 in legal persons under private law, belonging to, or receiving regular subsidies from the legal persons of points (b), (c), (d) and (e), up to no less than 50% of their annual budget, according to the provisions in effect or their articles of association, or controlled by said legal persons, which hold no less than 51% of their share capital (Article 35 of the Civil Servants' Code). The Civil Servants' Code also includes impediments due to conflicting interests:

A civil servant may not undertake the settlement of an issue or participate in the issuing of acts, either in person or as member of a collective body, when either himself or his spouse or a relative by blood or affinity up to the third degree of kinship, or a person with whom the civil servant are close friends or enemies, has a manifest interest in the outcome of the case. The violation of the provision of the preceding paragraph constitutes grounds for the annulment of the relevant administrative act. Civil servants who are married between them or relatives by blood or affinity up to the third degree of kinship may not participate in the same collective body. The civil servant is obliged to request his exception from any action described above if he has an impediment (Article 36 of the Civil Servants' Code).

Similar provisions regarding impartiality and conflicting interests are included in Article 7 of the Administrative Procedure Code:

The administrative bodies, one-member or collective ones should provide guarantees of impartial judgement in the performance of their duties. The one-member bodies, as well as the members of the collective bodies, should refrain from any action or procedure constituting participation in decision making or expression of opinion or proposal if: a) the satisfaction of their personal interest is related to the course of the case or b) they are spouses or relatives by blood or affinity, unlimitedly in straight line and up to the fourth degree in oblique line, with one of the interested parties or c) they have a special bond or peculiar relation or animosity with the interested parties. If the body or member of collective body finds that there are grounds for their abstention, they should immediately state them to their superior authority or the chairman of the collective body respectively, and refrain from any action. In such cases, the superior authority or the collective body decides on the matter as soon as possible. An application for the exclusion of a one-member body or a member of a collective body may be submitted by the interested parties at any state of the procedure. The application is submitted to the superior authority or the chairman of the collective body or to the

deciding body, as the case may be. For all other matters, the provisions of the last sentence of the previous paragraph are also applicable in this case. The exclusion may also be order ex officio by the superior authority or the collective body.

The aforementioned restrictions and impediments are examined by the HR Units in every public service, where public officials regardless of their rank submit applications for permissions.

Violation of the aforementioned provisions may constitute a disciplinary offence such as breach of civil servants' duties, performance of work or of a project for pay without the service's prior permission and violation of the principle of impartiality and may lead to disciplinary proceedings.

Complaints regarding violations of the aforementioned breaches may be filed to the General Secretariat against Corruption, the General -Inspector for Public Administration, the Ombudsman and the other Inspection Bodies.

The Department of Disciplinary Action and Ethics of the General Directorate for Human Resources Management in the Public Sector (Ministry of Administrative Reconstruction) is responsible to draft and control implementation of the legislation for disciplinary procedures, for the rights and obligations of civil servants and the Guide for good administrative conduct and furthermore provide guidelines to all human resources' units across the public sector regarding the aforementioned matters.

- It shall also be added that similar declarations are obligatory for Members of the Parliament, according to the Code of Conduct for the Members of the Parliament (published in the Government Gazzete I - 94/2016).
- Moreover, according to art. 229 of L. 428112014, certain categories of civil servants and other officials in the public sphere are obliged to submit an electronic declaration of interests. The officials are the persons who are obliged to submit yearly declarations of assets according to L. 321312003 (please see part II of the answers to the particular article).

Part II Declaration of Assets

Law 3213/2003 established the legal framework for the "Declaration and audit of the assets of members of parliament, public officials and servants, mass media owners and other categories of individuals". The declaration constitutes a detailed report of all available assets domestic and abroad of the obligated natural persons as of 31 December of the previous year, as well as outside activities from which a conflict of interest could emerge with respect to their function relating to the public sector. The implementation of the provisions of the existing legal framework, with respect to most categories of the obligated natural persons, is under the responsibility of "The Source of Funds Investigation Unit (SFIU)^R of the ^UAnti-Money Laundering, Counter-Terrorist Financing and Source of Funds Investigation Authority".

However, for a certain amount of high level public officials (the most politically exposed persons), The Audit Committee of Art. 3A of Law 3213/2003 (which consists of 6 independent members and 3 members of the parliament) is responsible, as stated below, for the declarations of assets of the elected officials and some other politically exposed persons.

- 2, Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full
- compliance with this provision of the Convention.

By Law 3932/2011, which amended Law 3691/2008, the Anti-Money Laundering, Counter-Terrorist Financing Commission was renamed to "Anti-Money Laundering, Counter-

Terrorist Financing and Source of Funds Investigation Authority", so as to incorporate within its scope the provisions of Law 3213/2003 for the "Declaration and audit of the assets of members of parliament, public officials and servants, mass media owners and other categories of individuals",

The Authority has been restructured into three (3) individual units, where the third unit, "The Source of Funds Investigation Unit (SFIU)", being responsible for the implementation of Law 3213/2003. SFIU consists of the President who is a senior acting Public Prosecutor of the Supreme Court appointed by the Supreme Judicial Council, and four (4) Board Members of the Authority. The Board Members of the Authority are appointed by joint decision of the Minister of Justice, Transparency & Human Rights and the Minister of Finance, based on their scientific background, moral integrity, professional competence and experience in the field of banking, finance, law or business.

In the exercise of their duties, the President and the Members enjoy personal and operational independence and are only bound by the law and their conscience.

At the end of every year, the Unit submits an activities report to the Institutions and Transparency Committee of the Hellenic Parliament and the Ministers of Finance and Justice, Transparency & Human Rights. The other bodies responsible for Audits of Declarations of Assets have the same obligation.

On the other hand, Law 3213/2003 has been recently amended so as to allow for the electronic submission of declarations, for publication of certain declarations, for the enhancement of the independence of auditing bodies and to follow-up international standards provided by Evaluations of the Group of States against Corruption.

● Description of the objectives of the declaration system applicable to public officials (prevention of conflict of interest, illicit enrichment, or both [dual system]).

The established declaration system, requiring obligated natural persons to disclose the amount and origin of their income, assets and property, aims at preventing illicit enrichment which could occur from their public sector-related functions. Furthermore, the above-mentioned persons have to state their position(s) rendering them obligated, as well as file a "declaration of interests" for the prevention of conflict of interest with respect to all their (and their spouses') professional activities.

● Where such a declaration system is in place, you may wish to provide information on the following:

— Types (categories) of public officials required to make declarations and approximate total number of persons submitting declarations;

The Audit Committee of Art. 3A of Law 3213/2003 (which consists of 6 independent members and 3 members of the parliament) is responsible, as is stated below, is responsible for the audit of the declarations of assets of the following persons, as well as the assets of their spouses and underage children:

- a. The Prime Minister,
- b. The Leaders of political parties represented in the National or European Parliaments and those parties which receive state funding,
- c. Ministers, Deputy Ministers and replacing Ministers,
- d. Members of the National and European Parliaments,
- e. Heads of Regions, Mayors and persons administering the finances of political parties of case b'.

The types (categories) of public officials required to make declaration of their assets to the Audit Committee of art. 3 A of Law 3213/2003 are the following:

The types (categories) Source of Funds Investigation Unit of the Anti-Money Laundering, Counter-Terrorist Financing and Source of Funds Investigation Authority are (non-exclusively) the following:

- General and Special Secretaries of the Parliament and General Government and relevant consultants and non-permanent staff appointed by governmental bodies.
- The Head and Deputy Head of the National Intelligence Service and the Civil Aviation Authority.
- The Deputy Mayors, the Presidents and members of the municipal councils and committees, the Presidents, the managing directors and the Management Board of municipal public law entities and local government organizations.
- The Presidents, vice Presidents, Heads, Deputy Heads, Managing Directors and authorized members and consultants of public law entities and state-owned private entities or private entities financed from public resources at least by 50%.
- The Presidents and the members of all committees of public law entities and state-owned private entities or private entities financed from public resources at least by 50% awarding public supply contracts and public service contracts exceeding eur 150 th. per contract. as well as the General Director and other Directors of the Directorate General of Public Procurement and in general the key management personnel of numerous positions relating to public procurement.
- Judges, Prosecutors and members of the State Legal Council.
- The Governor, the Deputy Governors, the authorized consultants and the Directors of the Bank of Greece.
- The management of credit institutions, financial institutions and investments companies. • The President, the Management Board and the Directors of the Hellenic Exchanges, as well as, of the companies under the supervision of the Hellenic Exchanges.
- The President, the Management Board and the Directors of any other stock exchange body legally operating in Greece.
- The owners, the management, stakeholders and the journalists of television and radio stations, as well as of online information sites and printed journals and periodicals. • Doctors which hold managerial positions in public hospitals and military and university hospitals, clinics and laboratories.
- The management of all independent authorities, such the Hellenic Capital Market Commission and the Hellenic Competition Commission.
- The Heads and Deputy Heads of the Greek Security Forces.
- The Heads, Deputy Heads and Directors of the Hellenic National Defence General Staff and the Hellenic Armed Forces, the Judges of the Armed Forces and the General Director . and Deputy General Director of the Directorate General for Defense Equipment and Investments of the Ministry of Defense.
- The internal affair unit personnel of the Hellenic Police and Hellenic Coast Guard.
- The general directors of the Ministry of Finance, the managing directors of tax authorities services and in general all the employees of key state authorities, such as Hellenic Customs and Hellenic Public Real Estate services, entrusted with inspection and auditing duties.
- Key managerial and inspection personnel of the Special Secretariat for Financial and Economic Crime Unit (SDOE).
- Management and personnel of the building units of local government organizations. • The President and the management board of athletic unions including managing directors and shareholders owning more than 1% of share capital.
- The employees of the National Organization for Medicines, the Hellenic Food Authority, the National Tourism Organization and the Greek Payment Authority of Common

Agricultural Policy Aid Schemes that are entrusted with inspection duties or granting of authorizations.

- The management of private sector entities, where those entities have undertaken public works.
- Referees and driving license examiners.
- The management of non-governmental organizations financed by public resources.
- The management and key personnel from the Ministry of Infrastructure, Transport and Networks and other public and private law entities supervising the design and execution of public works.
- The owners, shareholders and management of greek enterprises when those enterprises conclude public contracts over eur 150 th., as well as any natural persons that are permanent greek residents and hold any of the above mentioned positions in a foreign company concluding public contracts also over eur 150 th..
- The members of advisory committees and inspection bodies, as well as committees relating to granting/disbursement of state aid and investment projects evaluation and the management of the bodies entrusted with the management, coordination and inspection of the co-financed measures of the programming period 2007-2013 and 2014-2020. • The heads of the regional directorates of foreigners and emigration.

The approximate number of public officials falling under the above categories in 2016 is estimated at 72, 145 officials (81 ,271 for 2017).

Moreover, the members of the Police, the Fire Brigade and the Port Authority submit their declarations of assets to the Public Prosecutor of Athens, who provides the declarations to the Internal Affairs Unit of the Police for the audit of the declarations, The General inspector of The Public Administration (GIPA) receives declarations of Assets of specialized auditors and investigators. GIPA maintains the right to access declarations of assets of public officials if an investigative matter arises.

- Information that must be declared (assets, outside activities and employments, positions in companies, other associations, gifts and other benefits, liabilities, etc);

The Declaration of Assets comprises in full detail all the assets the obligated natural persons possess as at 31st December of the previous year both domestically and abroad. The major categories of assets declared should include:

- Personal information and communication details
- Position and date of assumption of responsibilities rendering the natural person due for declaration
- Income from every source available
- Real estate property and proprietary rights
- Investment portfolio including shares of domestic and foreign companies, bonds, mutual funds, financial derivatives, trusts, funds etc
- All financial deposits at domestic or foreign credit institutions
- Insurance products of capital creation
- Lease of bank deposits
- Cash at hand above €15,000 and valuable items with current value exceeding €30,000 (cancelled by ruling of the Supreme Court as information that is opposed to the Greek constitution)
- Vehicles and all kinds of vessels
- Participation in any kind of enterprises
- Loans (optional for most categories, but compulsory for the members of the Padiament and other elected officials)

● Frequency of declarations required;

The declaration of assets is submitted by the obligated natural person within ninety (90) days from the official assumption of their relevant duties. This initial declaration constitutes a benchmark for the subsequent annual analysis of the obligated person's financial position. The consequent years, the declaration is submitted on an annual basis during the duration of the term of office, the exercise of the activity or the maintenance of the capacity of the persons liable and at the latest three (3) months after the deadline for submitting the income tax return.

● How declarations are submitted (in paper format, electronically, in person) and the entities to which they are submitted;

The declaration of assets, the first years of implementation was submitted in paper format, but since 1 January 2016, it is submitted solely electronically on a single platform exclusively supporting this purpose. Declarations are then subject to electronic processing by an independent, specific database, after which all assets and their value per asset class are clearly stated with the relevant date of acquisition.

● Availability of tools and advisory services that officials can use in order to comply with their disclosure-related obligations (guidelines for filling out forms, resources for learning about conflict of interest issues, resources for receiving tailored advice on specific conflict of interest situations, etc.);

Obligated officials have access to different sources of information and guidance with regards to completion and submission of their declaration of assets:

Firstly, when navigating the site-portal to the online platform for submitting a declaration, (www.pothen.gr) the user has access to a Manual providing analytical instructions for every step of the procedure, to Frequently Asked Questions and to a list of related laws and other useful files.

In addition, every information that needs to be filled during the submission of the declaration is visually enhanced with a tooltip. Furthermore, a dedicated Helpdesk is set up to provide assistance and handles questions submitted by e-mail, by an online filling form and directly at the calling center,

Finally, SFIU sends, under circumstances, informative e-mails and letters to obligated persons,

- Whether information is declared on assets of public officials' family members or members of public officials' households and under which circumstances such information is provided;

The persons liable to submitting the declaration of assets under the provisions of 1.3213/2003, are obliged to declare also the assets of their spouses and their children under the age of 18 years old. The consent of the spouses to the submitted of the declaration report is also required.

- What mechanisms are in place for ensuring compliance with the obligation to disclose;

By law, each February all public or private legal entities that are subject to the provisions of 3213/2003 have the obligation to provide the SFIU with the list/catalog of obligated natural persons that within their knowledge fulfill the requirements aforementioned regarding the liability for submitting the Declaration of Assets. It

must be noted that the submission of the said lists is implemented through a dedicated online platform. Once a natural person has been included in a catalog, the obligation to submit a declaration of assets has been established.

Following expiration of the deadline for the declarations of assets, a cross-check is realized between the list of obligated persons as declared by the obliged legal entities and the list of persons that have submitted a declaration.

The approximate number of public officials that, although included in a catalog, failed to meet their obligation to submit a declaration of assets is estimated at 10,364 for 2016 (13,997 for 2017).

- Any mechanism in place to carry out the verification/monitoring of the content of declarations;

•lifting bank and financial secrecy •cross-checks of the income and the real estate with the tax authority's database. •tools in place through platform reporting •cross-check mechanism for year-wide and industry-wide checks through risk criteria

Information on the verification mechanism, such as:

- How many disclosures are verified (all, a certain percentage, etc.);

N/A for past years, SFIU assumed again responsibility at 5/2016.

- What triggers verification (complaints, routine verification/ex-officio, notifications from other institutions, random selection, etc.);

After declarations have been submitted, the SFIU conducts targeted and sampling audits of obligated persons' statements.

More specifically, the existing legal framework provides for the compulsory verification of the declarations of assets submitted by specific categories of obligated public officials, estimated at 1,377 for 2016 (and 1,583 for 2017).

In addition, the SFIU may also trigger verification process for any obligated person, at its discretion. In this respect, there are numerous criteria for initiating audits for specific declarations, that do not fall under the previous category. Such criteria include risk management and risk attribution factors, intelligence regarding illicit profiting, as well as sampling taking into consideration quantitative and qualitative measures.

Finally, verification is also initiated, on an ad-hoc basis, following submission of a complaint or notifications from other institutions.

- What processes are involved in the verification/review process (checks for internal consistency, cross-checks with external databases, comparisons across years, identification of potential conflicts of interest, etc.);

The following checks are implemented during the verification of a declaration, non exclusively:

- Verification, through browsing the above mentioned catalogs/lists, that the obligated natural person holds the declared position - Information registry

- Cross check of the Income declared in the declaration of assets and in the relevant tax return statement (E1)

- Cross check of the Real estate property declared in the declaration of assets and in the relevant property declaration statement (E9)

- Use of information from the Financial Intelligence Unit (FIU) of the Anti-Money Laundering, Counter-Terrorist Financing and Source of Funds Investigation Authority for potentially common auditees
- Online research for possible relevant reports
- Cross check with the vehicle registry within Ministry of Finance
- Extract and audit of bank account statements of the obligated natural persons - Cross check with Tiresias Bank Information Systems S.A. (Tiresias specialises in the collection and supply of credit profile data on corporate entities and private individuals)

Potential conflict of interest can be identified through the information provided by the obligated natural persons in their declaration and the positions they declare to hold and that render them obligated.

- What information can be accessed during the verification/review process (from public officials or public and private sector entities);

By law the SFIU has access to any records of public authorities or organizations that process data, including Tiresias S.A.. During implementation of audits and investigations, SFIU may request cooperation and information from natural persons, judicial or investigating authorities, public services, legal persons in public or private law and organizations of any nature. During such investigations and audits no provision requiring banking, capital market, tax or professional secrecy is applicable vis-à-vis the SFIU.

- What happens once irregularities are identified (potential conflicts of interest, unjustified variations of wealth, inaccurate information, etc.);

The measures taken vary depending on the type of the identified irregularity. For late submission an administrative fine, ranging from eur 150 to eur 400, is foreseen. For non-submission or submission later than 30 days after expiration of the relevant deadline, the case is referred to State District Attorney and the obligated person faces imprisonment and a penalty payment up to eur 100 th.. The same measures are applicable in the case of incomplete or false declarations. Any obligated person that has intentionally submitted a false declaration in order to conceal assets acquired through illicit enrichment, is punished by a term of imprisonment of no less than two (2) years and a penalty payment ranging from eur 10 th. to eur 500 th. That been said, in case the value of the concealed assets exceeds eur 300 th., the above penalties rise up to up to ten (10) years of imprisonment and eur 20 th. to eur 1.000 th.

- Whether and to what extent the content of disclosures (in summary form or all information disclosed) or names of persons submitting declarations are made available to the public and other public sector entities and, moreover, how the information is made available (upon individual request, on-line, etc.);

Article 2 par. 3 of Law 3213/2003 requires that all the declarations submitted to the audit committee of art. 3A are published,

Article 61 of law 3852/2010 requires the mayor, the deputy mayor and the members of the economic commission and the commission for the quality of life to publicize their annual declaration of assets on the municipality's respective website, In case of referral of an obligated person to justice, the SFIU provides the declarations of assets to the relevant authorities,
For any other disclosure, an order issued by a public prosecutor is required.